City of Ramsey
Agenda
Revised
Regular City Council
Tuesday, September 13, 2022
7:00 pm
Council Chambers, 7550 Sunwood Drive NW

Remote Attendance available at www.cityoframsey.com/meetings.
Those joining remotely and requesting to speak are asked to use a webcam when speaking.

1. Call to Order

2. Presentation

1. Presentation Proclaiming September 17 - 23, 2022 as Constitution Week

3. Citizen Input

4. Approve Agenda

5. Consent Agenda

1. Receive June 2022 Financial Reports - General Fund and Enterprise Funds

2. Receive July 2022 Financial Reports - General Fund and Enterprise Funds

3. Receive Cash & Investments for Period Ending August 31, 2022

4. Note the Following Boards, Commissions, and Committee Meeting Minutes:
   - Environmental Policy Board Dated July 18, 2022
   - Economic Development Authority Dated July 14, 2022
   - Parks and Recreation Commission July 14, 2022
   - Planning Commission Meeting Minutes Dated July 28, 2022
   - Public Works Committee Dated July 19, 2022

5. Approve the Following Meeting Minutes:

   1. City Council Work Session dated 08/23/2022
   2. City Council Regular Session dated 08/23/2022

6. Approve Rental Licenses

7. Approve Business Licenses

8. Authorize the Purchase of Police Body Worn Camera

9. Authorization to Hire a Communications Coordinator

10. Adopt Resolution #22-214 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of August 18, 2022 through September 7, 2022

11. Adopt Resolution #22-188 Proclaiming September 17 - 23, 2022 as Constitution Week

12. Adopt Resolution #22-189 Approving a Conditional Use Permit to Exceed Allowable Accessory Building Square Footage at 15410 Nutria Street (Project No. 22-131); Case of Brady Doble

13. Adopt Resolutions #22-190 and #22-191 approving a Conditional Use Permit and Site Plan for Blue Line Collision

14. Adopt Resolutions #22-194 and #22-195 Approving Site Plan and Conditional Use Permit for Lil Explorers at 14725 Ramsey Blvd NW

15. Adopt Resolution #22-210 Accepting Additional Drainage and Utility Easement Over a Portion of 15153 Vicuna St NW15153 Vicuna St NW (Project No. 21-112; Case of Preserve at Northfork LLC and Gregory and Judy Watke

16. Adopt Resolution #22-211 Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Assessment for Past-Due Charges on Municipal Utility Bills (which may include water, sewer, street lighting, recycling, storm water charges and penalties incurred) and Current Services Rendered.

17. ~~Adopt Resolution #22-213 Approving Lease Cancellation for 6701 Hwy 10 NW; Case of Potters Church~~ **Please Note: this item was removed from the Consent Agenda.**

18. Adopt Resolution #22-217 Supporting a Special 2022 Minnesota Legislative Session

6. Public Hearing

1. PUBLIC HEARING: Police Body Worn Cameras - public comment on policy.

2. PUBLIC HEARING: Consider Easement Vacation for Blue Line Collision at 6710 Highway 10 NW

7. Council Business

1. Adopt Resolution #22-215 to Authorize an Adjustment to the Pay Scales for Temporary Rink Attendants and Temporary Snow Plow Drivers

2. ~~Consider an Interim Use Permit (IUP) for 14700 Armstrong Blvd. NW.~~ **Please Note: this item was removed from the Agenda.**

3. Consider Resolution #22-212 Denying an Easement Encroachment Agreement for 7160 148th Ln NW (Project 22-137); Case of Demetrious and Christine Jones

4. Adopt Resolution #22-209 Approving the Development Agreement for PACT Charter School

8. Mayor/Council/Staff Input

9. Adjournment

CC Regular Session **2. 1.**

Meeting Date: 09/13/2022

Information

Title:

Presentation Proclaiming September 17 - 23, 2022 as Constitution Week

Purpose/Background:

Purpose: To proclaim September 17 - 23 as Constitution Week.

Background: For several years, upon the request of the Daughters of the American Revolution (DAR), the City Council has adopted a resolution proclaiming September 17 - 23 as Constitution Week. Staff has received such a request, and has placed a resolution on the Consent Agenda for this evening for Council to consider. Mayor Kuzma has been asked to read the proclamation aloud, as well as present a signed copy to Dawn Sieber, a representative of DAR. If a representative of DAR is not present, staff will mail the signed proclamation to them.

The proclamation is attached.

Attachments

Proclamation

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	08/18/2022 02:20 PM
Form Started By: Katie Schmidt		Started On: 08/12/2022 09:47 AM
Final Approval Date: 08/18/2022		

CITY OF RAMSEY RESOLUTION
PROCLAIMING
SEPTEMBER 17 – 23, 2022 AS CONSTITUTION WEEK

WHEREAS, September 17, 2022, marks the two hundred thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

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 Council of the City of Ramsey hereby proclaims the week of September 17 through 23, 2022, as **CONSTITUTION WEEK.**

2) That the City Council of the City of Ramsey asks its citizens to reaffirm the ideals of the Framers of the Constitution by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be gained.

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this, the 13th day of September, 2022.

_____
Mayor

ATTEST:

_____
City Clerk

CC Regular Session **5. 1.**

Meeting Date: 09/13/2022

By: Diana Lund, Finance

Information

Title

Receive June 2022 Financial Reports - General Fund and Enterprise Funds

Purpose/Background:

Purpose: Receive June monthly financial reports for the funds of: General, Water, Sewer, Street Lighting, Recycling and Storm Drainage.

Brief summary of actual revenues and expenditures-to-date in comparison to adopted budget for the respective funds.

Recommendation:

No action required. Informational only.

Action:

No action required. Informational ony.

Attachments

June 2022 General Fund Financial Report - Budget to Actual

June 2022 Enterprise Funds Financial Reports - Budget to Actual

June 2022 Summary of Adopted budgets/expenditures to date

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/07/2022 08:21 PM
Form Started By: Diana Lund		Started On: 08/30/2022 09:18 AM
Final Approval Date: 09/07/2022		

CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: June 30, 2022

GENERAL FUND EXPENDITURES
- BY DEPARTMENT -

Dept	2022 BUDGET	2022 YTD GENERAL LEDGER
Admin (inlcd elections, legal & newsletter)	1,137,411.00	558,157.89
Building Inspections	495,512.00	265,086.36
Council/Commissions (incld charter, council contingen	234,437.00	41,214.85
Data Processing	796,584.00	367,372.57
Engineering	487,638.00	337,255.26
Finance (incld assessing)	534,935.00	394,563.80
Fire (incld Civil Defense)	1,264,140.00	620,260.74
Gen Govt Buildings	652,216.00	221,832.45
Parks	1,483,825.00	525,013.45
Planning & Zoning	763,831.00	326,594.70
Police (incld animal control & comm orient)	4,802,808.00	2,101,631.38
Streets (incld traffic eng & snow/ice)	1,839,303.00	863,956.69
Grand Total	**14,492,640.00**	**6,622,940.14**

GENERAL FUND EXPENDITURES
- BY CATEGORY -

Category	2022 BUDGET	2022 YTD GENERAL LEDGER
Capital Outlay	588,800.00	177,608.37
Other Services & Charges	2,399,730.00	1,135,202.08
Personal Services	10,261,237.00	4,717,876.29
Supplies	1,136,500.00	592,253.40
Transfers out	106,373.00	-
Grand Total	**14,492,640.00**	**6,622,940.14**

GENERAL FUND REVENUES
- BY CATEGORY -

Category	2022 BUDGET	2022 YTD GENERAL LEDGER
Taxes	11,655,590.00	152.99
Charges for Services	589,300.00	403,433.54
Business Licenses/Permits	73,400.00	64,935.52
Fines and Forfeits	45,000.00	21,668.29
Federal Intergovernmental	9,000.00	-
State Intergovernmental	465,300.00	101,775.96
Interest	50,000.00	-
Miscellaneous	15,750.00	7,496.23
Non-Business Licenses/Permits	615,500.00	420,596.30
Transfers in	973,800.00	394,710.00
Grand Total	**14,492,640.00**	**1,414,768.83**

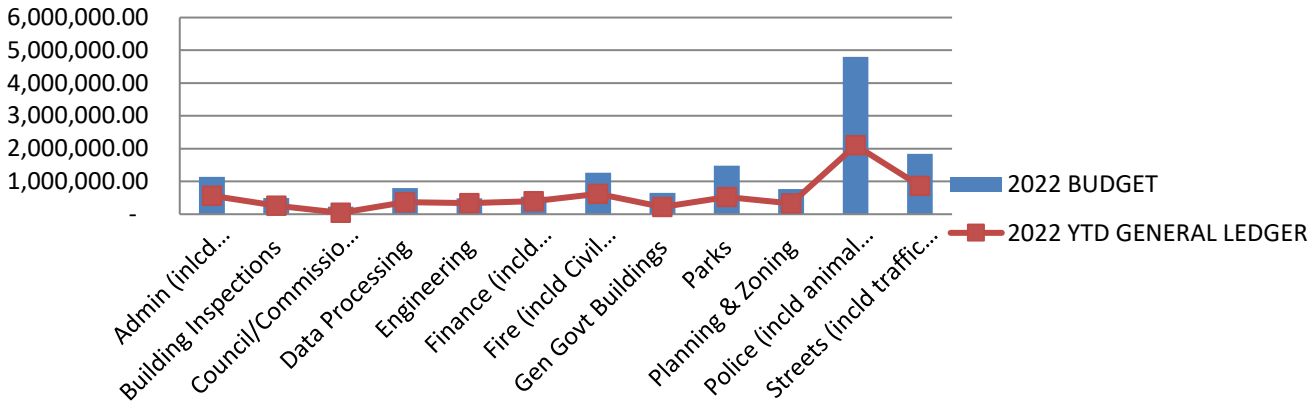
This report reflects year to date revenue and expenditures as compared to annual budget.
It does not reflect fund balance.

PREPARED BY: FINANCE DEPARTMENT

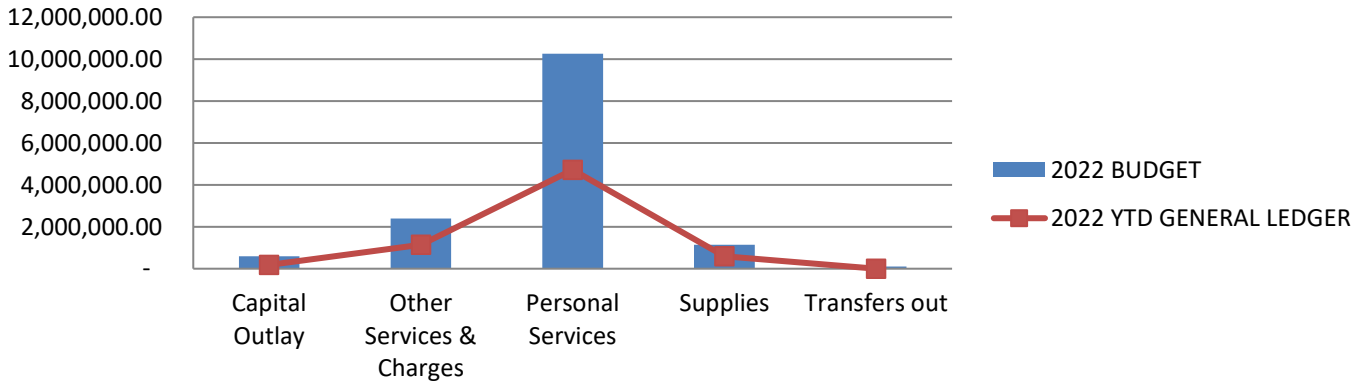
CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: June 30, 2022

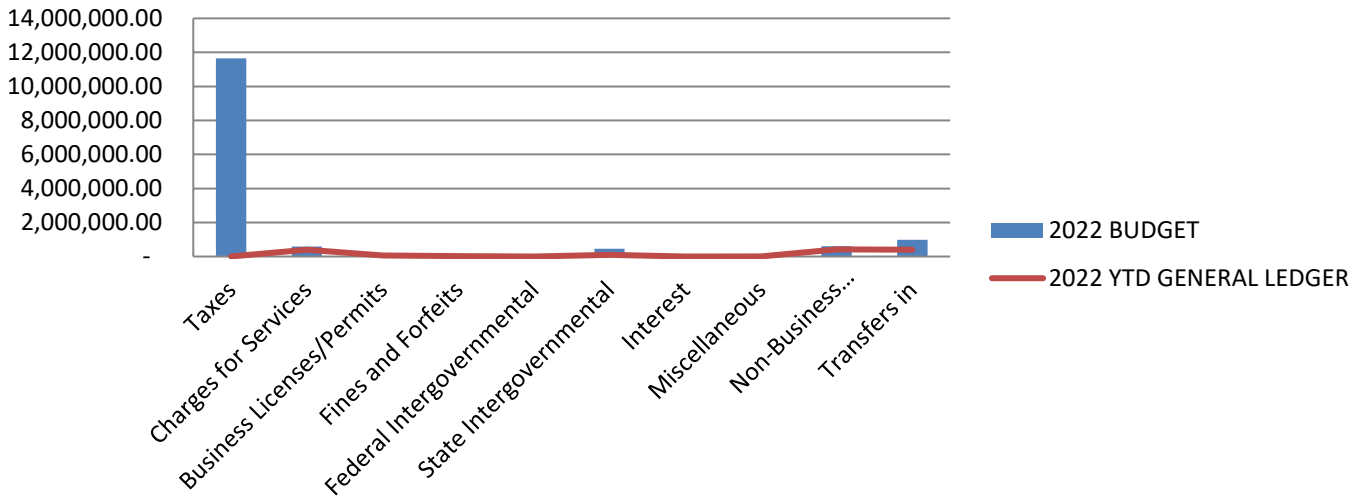
GENERAL FUND EXPENDITURES - BY DEPARTMENT



GENERAL FUND EXPENDITURES - BY CATEGORY



GENERAL FUND REVENUES



This report reflects year to date revenue and expenditures as compared to annual budget.
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PREPARED BY: FINANCE DEPARTMENT

CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: June 30, 2022

REVENUES

BUSINESS UNIT 9601 WATER UTILITY

GENERAL LEDGER ACCOUNT		2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
4140	CREDIT CARD PROCESSING FEES	(28,000.00)	(8,839.41)	31.57%
4609	OTHER MISCELLANEOUS REVENUES	12,000.00	1,011.08	8.43%
4652	WATER SALES - RESIDENTIAL	1,360,811.00	278,815.93	20.49%
4653	WATER SALES-COMMERCIAL	714,520.00	78,676.22	11.01%
4654	WATER PENALTIES	15,000.00	11,084.98	73.90%
4655	WATER METER INSTALLATION	20,000.00	8,820.00	44.10%
4656	WATER METERS	35,000.00	19,770.28	56.49%
4657	CONNECTION/RECONNECTION FEES	500.00	150.00	30.00%
4701	INTEREST ON INVESTMENTS	50,000.00	-	0.00%
4506	PREPAID INTEREST	73,498.00	-	0.00%
4606	DEVELOPER FEES (WAC)		463,995.00	0.00%
4601	MISCELLANEOUS REVENUE		760.26	0.00%
Grand Total		**2,253,329.00**	**854,244.34**	

EXPENSES

BUSINESS UNIT 9601 WATER UTILITY

GENERAL LEDGER ACCOUNT		2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
6102	F.T. REGULAR-WAGES & SALARIES	272,731.00	93,895.13	34.43%
6103	FULL TIME-REGULAR-OVERTIME	13,500.00	7,434.95	55.07%
6105	TEMPORARY-WAGES & SALARIES	19,167.00	1,232.00	6.43%
6121	PERA CONTRIBUTIONS	56,467.00	8,162.37	14.46%
6122	FICA/MEDICARE CONTRIBUTIONS	23,518.00	8,700.04	36.99%
6131	GROUP INSURANCE	44,502.00	15,479.35	34.78%
6133	WORKERS COMP INSURANCE PREMIUM	16,773.00	-	0.00%
6208	MISCELLANEOUS OFFICE SUPPLIES	400.00	171.78	42.95%
6223	GASOLINE	8,000.00	3,191.11	39.89%
6225	DIESEL FUEL	1,500.00	-	0.00%
6229	SHOP MATERIALS	600.00	877.72	146.29%
6231	UNIFORMS & TURN-OUT GEAR	2,900.00	2,317.41	79.91%
6249	MISCELLANEOUS OPERATING SUPPLY	20,000.00	5,914.72	29.57%
6257	OTHER VEHICLE PARTS	5,000.00	1,271.88	25.44%
6273	UTILITY SYSTEM MAINT SUPPLIES	105,000.00	32,228.79	30.69%
6281	SMALL TOOLS & MINOR EQUIPMENT	10,000.00	6,302.15	63.02%
6292	WATER METERS FOR RESALE	125,000.00	51,907.28	41.53%
6315	MISCELLANEOUS PROFESSIONAL SER	95,000.00	21,545.00	22.68%
6322	POSTAGE	2,000.00	192.63	9.63%
6323	CELLULAR PHONES	4,000.00	-	0.00%
6334	MILEAGE REIMBURSEMENT	400.00	56.16	14.04%
6335	TRAINING	4,500.00	950.00	21.11%
6352	GENERAL NOTICE & PUBLIC INFOR	700.00	-	0.00%
6361	GENERAL LIABILITY/PROPERTY INS	36,050.00	9,309.00	25.82%
6371	ELECTRIC UTILITIES	180,000.00	45,710.68	25.39%
6372	WATER/IRRIGATION	1,000.00	184.38	18.44%
6373	GAS	9,000.00	4,519.33	50.21%
6374	REFUSE/RECYCLING	1,500.00	804.60	53.64%
6381	BUILDING & STRUCTURE REPAIR	3,500.00	1,943.39	55.53%
6439	OTHER MISCELLANEOUS	67,000.00	276.88	0.41%
6451	MEMBERSHIP DUES	1,400.00	-	0.00%
6489	OTHER CONTRACTED SERVICES	76,000.00	14,475.24	19.05%
6722	DEPRECIATION	821,940.00	-	0.00%
6820	OPERATING TRANSFERS TO OTHER F	49,000.00	49,000.00	100.00%
6436	WATER EFFICIENCY REBATE PROG		11,440.63	0.00%
Grand Total		**2,078,048.00**	**399,494.60**	

This report reflects year to date revenue and expenditures as compared to annual budget.
It does not reflect fund balance.

CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: June 30, 2022

REVENUES

BUSINESS UNIT	9602	SEWER UTILITY		
GENERAL LEDGER ACCOUNT		2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
4140	CREDIT CARD PROCESSING FEES	(16,000.00)	(9,199.18)	57.49%
4356	SEWER AVAILABILITY CHARGE-ADM	73,498.00	2,634.10	3.58%
4609	OTHER MISCELLANEOUS REVENUES	5,000.00	-	0.00%
4661	RESIDENTIAL-SEWER CHARGES	1,378,650.00	357,725.42	25.95%
4662	COMMERCIAL-SEWER CHARGES	416,120.00	108,296.77	26.03%
4663	SEWER PENALTIES	15,000.00	15,620.89	104.14%
4701	INTEREST ON INVESTMENTS	75,000.00	-	0.00%
4606	DEVELOPER FEES (WAC)	-	203,736.00	0.00%
4601	MISCELLANEOUS REVENUE		760.28	0.00%
Grand Total		**1,947,268.00**	**679,574.28**	

EXPENSES

BUSINESS UNIT	9602	SEWER UTILITY		
GENERAL LEDGER ACCOUNT		2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
6102	F.T. REGULAR-WAGES & SALARIES	201,508.00	30,166.14	14.97%
6121	PERA CONTRIBUTIONS	33,113.00	2,364.23	7.14%
6122	FICA/MEDICARE CONTRIBUTIONS	15,490.00	2,460.89	15.89%
6131	GROUP INSURANCE	7,362.00	-	0.00%
6133	WORKERS COMP INSURANCE PREMIUM	10,362.00	-	0.00%
6223	GASOLINE	4,000.00	1,924.35	48.11%
6225	DIESEL FUEL	4,000.00	1,259.22	31.48%
6249	MISCELLANEOUS OPERATING SUPPLY	22,000.00	5,881.98	26.74%
6257	OTHER VEHICLE PARTS	4,000.00	1,596.66	39.92%
6275	OTHER EQUIPMENT PARTS	9,000.00	728.00	8.09%
6315	MISCELLANEOUS PROFESSIONAL SER	25,000.00	118.25	0.47%
6323	CELLULAR PHONES	600.00	225.72	37.62%
6334	MILEAGE REIMBURSEMENT	400.00	-	0.00%
6335	TRAINING	2,400.00	-	0.00%
6361	GENERAL LIABILITY/PROPERTY INS	22,660.00	1,883.00	8.31%
6371	ELECTRIC UTILITIES	25,000.00	7,548.65	30.19%
6372	WATER/IRRIGATION	1,000.00	184.38	18.44%
6373	GAS	5,000.00	3,932.79	78.66%
6374	REFUSE/RECYCLING	2,500.00	804.61	32.18%
6377	SEWER SERVICE CHARGE	989,491.00	577,203.13	58.33%
6489	OTHER CONTRACTED SERVICES	37,400.00	5,772.24	15.43%
6722	DEPRECIATION	568,112.00	-	0.00%
6820	OPERATING TRANSFERS TO OTHER F	43,000.00	43,000.00	100.00%
Grand Total		**2,033,398.00**	**687,054.24**	

Note: The Finance Department has highlighted line items that may be trending towards exceeding budget OR not may not have been included in the adopted budget.

CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: June 30, 2022

REVENUES

BUSINESS UNIT	9603	STREET LIGHT UTILITY	
GENERAL LEDGER ACCOUNT	2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
4140 CREDIT CARD PROCESSING FEES	(4,000.00)	(1,690.66)	42.27%
4681 CHARGES FOR STREET LIGHTS	166,000.00	43,196.22	26.02%
4683 STREET LIGHTING PENALTIES	2,000.00	2,268.66	113.43%
4701 INTEREST ON INVESTMENTS	10,000.00	-	0.00%
4684 PRIORITY STREET LIGHT	54,700.00	14,124.20	25.82%
Grand Total	**228,700.00**	**57,898.42**	

EXPENSES

BUSINESS UNIT	9603	STREET LIGHT UTILITY	
GENERAL LEDGER ACCOUNT	2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
6371 ELECTRIC UTILITIES	130,000.00	50,913.36	39.16%
6489 OTHER CONTRACTED SERVICES	15,000.00	8,775.21	58.50%
6722 DEPRECIATION	43,717.00	-	0.00%
6820 OPERATING TRANSFERS TO OTHER F	25,000.00	25,000.00	100.00%
Grand Total	**213,717.00**	**84,688.57**	

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CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: **June 30, 2022**

REVENUES

BUSINESS UNIT	9604	RECYCLING UTILITY	
GENERAL LEDGER ACCOUNT	2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
4140 CREDIT CARD PROCESSING FEES	(4,500.00)	(2,681.78)	59.60%
4287 OTHER LOCAL GOVERNMENT GRANTS	73,498.00	-	0.00%
4609 OTHER MISCELLANEOUS REVENUES	1,000.00	1,387.70	138.77%
4671 RECYCLING CHARGES	438,680.00	111,995.46	25.53%
4672 RECYCLING PENALTIES	7,000.00	4,529.88	64.71%
4701 INTEREST ON INVESTMENTS	2,500.00	-	0.00%
Grand Total	**518,178.00**	**115,231.26**	

EXPENSES

BUSINESS UNIT	9604	RECYCLING UTILITY	
GENERAL LEDGER ACCOUNT	2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
6102 F.T. REGULAR-WAGES & SALARIES	24,148.00	6,708.00	27.78%
6103 FULL TIME-REGULAR-OVERTIME	-	366.75	0.00%
6104 PART TIME-WAGES & SALARIES	-	209.36	0.00%
6121 PERA CONTRIBUTIONS	2,811.00	546.40	19.44%
6122 FICA/MEDICARE CONTRIBUTIONS	1,851.00	508.78	27.49%
6131 GROUP INSURANCE	3,514.00	-	0.00%
6133 WORKERS COMP INSURANCE PREMIUM	195.00	-	0.00%
6249 MISCELLANEOUS OPERATING SUPPLY	30,000.00	11,946.69	39.82%
6322 POSTAGE	300.00	-	0.00%
6489 OTHER CONTRACTED SERVICES	455,600.00	229,000.48	50.26%
Grand Total	**518,419.00**	**249,286.46**	

Note: The Finance Department has highlighted line items that may be trending towards exceeding budget OR not may not have been included in the adopted budget.

CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: **June 30, 2022**

REVENUES

BUSINESS UNIT	9605	STORM WATER UTILITY	
GENERAL LEDGER ACCOUNT	2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
4140 CREDIT CARD PROCESSING FEES	(7,500.00)	(4,416.15)	58.88%
4609 OTHER MISCELLANEOUS REVENUES	73,498.00	-	0.00%
4693 STORM WATER-RESIDENTIAL	580,000.00	149,359.11	25.75%
4694 STORM WATER-COMMERCIAL	605,000.00	154,734.42	25.58%
4695 STORM WATER-PENALTIES	10,000.00	8,585.95	85.86%
4701 INTEREST ON INVESTMENTS	10,000.00	-	0.00%
Grand Total	**1,270,998.00**	**308,263.33**	

EXPENSES

BUSINESS UNIT	9605	STORM WATER UTILITY	
GENERAL LEDGER ACCOUNT	2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
6102 F.T. REGULAR-WAGES & SALARIES	183,961.00	16,935.89	9.21%
6105 TEMPORARY-WAGES & SALARIES	-	116.00	0.00%
6121 PERA CONTRIBUTIONS	30,797.00	1,270.06	4.12%
6122 FICA/MEDICARE CONTRIBUTIONS	14,085.00	1,312.24	9.32%
6131 GROUP INSURANCE	25,328.00	-	0.00%
6133 WORKERS COMP INSURANCE PREMIUM	6,984.00	-	0.00%
6225 DIESEL FUEL	7,000.00	2,709.46	38.71%
6249 MISCELLANEOUS OPERATING SUPPLY	12,000.00	14,097.86	117.48%
6257 OTHER VEHICLE PARTS	7,500.00	411.94	5.49%
6315 MISCELLANEOUS PROFESSIONAL SER	100,000.00	-	0.00%
6361 GENERAL LIABILITY/PROPERTY INS	10,164.00	-	0.00%
6371 ELECTRIC UTILITIES	12,000.00	4,180.23	34.84%
6372 WATER/IRRIGATION	1,000.00	184.39	18.44%
6373 GAS	8,000.00	3,932.79	49.16%
6374 REFUSE/RECYCLING	2,400.00	804.63	33.53%
6388 OTHER VEHICLE REPAIR	-	1,040.75	0.00%
6451 MEMBERSHIP DUES	24,000.00	1,000.00	4.17%
6489 OTHER CONTRACTED SERVICES	50,000.00	6,279.24	12.56%
6722 DEPRECIATION	345,435.00	-	0.00%
6820 OPERATING TRANSFERS TO OTHER F	38,000.00	38,000.00	100.00%
Grand Total	**878,654.00**	**92,275.48**	

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CITY OF RAMSEY
YEAR-TO-DATE BY BUSINESS UNIT

JANUARY 1, 2022 THROUGH PERIOD ENDING: **June 30, 2022**

GENERAL FUND EXPENDITURES BY DEPARTMENT	2022 ADOPTED BUDGET	CURRENT YTD POSTED EXP	6/12 ADOPTED BUDGET (June)	% of Budget Used (50.00% is 6/12)	BUDGET AMOUNT REMAINING
Admin (inlcd elections, legal & newsletter)	1,137,411.00	558,157.89	568,705.50	49.07%	579,253.11
Building Inspections	495,512.00	265,086.36	247,756.00	53.50%	230,425.64
Council/Commissions (incld charter, council contingency)	234,437.00	41,214.85	117,218.50	17.58%	193,222.15
Data Processing	796,584.00	367,372.57	398,292.00	46.12%	429,211.43
Engineering (personnel costs allocated after year-end)	487,638.00	337,255.26	243,819.00	69.16%	150,382.74
Finance (incld assessing) (personnel costs allocated after year-end)	534,935.00	394,563.80	267,467.50	73.76%	140,371.20
Fire (incld Civil Defense)	1,264,140.00	620,260.74	632,070.00	49.07%	643,879.26
Gen Govt Buildings	652,216.00	221,832.45	326,108.00	34.01%	430,383.55
Parks	1,483,825.00	525,013.45	741,912.50	35.38%	958,811.55
Planning & Zoning	763,831.00	326,594.70	381,915.50	42.76%	437,236.30
Police (incld animal control & comm orient)	4,802,808.00	2,101,631.38	2,401,404.00	43.76%	2,701,176.62
Streets (incld traffic eng & snow/ice)	1,839,303.00	863,956.69	919,651.50	46.97%	975,346.31
TOTAL	*14,492,640.00*	*6,622,940.14*	*7,246,320.00*	*45.70%*	*7,869,699.86*

ENTERPRISE EXPENDITURES BY FUND	2022 ADOPTED BUDGET	CURRENT YTD POSTED EXP	6/12 ADOPTED BUDGET (APR)	% of Budget Used (50.00% is 6/12)	BUDGET AMOUNT REMAINING	*BUDGETED DEPRECIATION (part of "2022 BUDGET")
Water (budgeted depreciation not booked until after year-end)	2,078,048.00	399,494.60	1,039,024.00	19.22%	1,678,553.40	*$ 821,940.00*
Sewer (budgeted depreciation not booked until after year-end)	2,033,398.00	687,054.24	1,016,699.00	33.79%	1,346,343.76	*$ 568,112.00*
Street Light (budgeted depreciation not booked until after year-end)	213,717.00	84,688.57	106,858.50	39.63%	129,028.43	*$ 43,717.00*
Recycling	518,419.00	249,286.46	259,209.50	48.09%	269,132.54	*N/A*
Storm Water (budgeted depreciation not booked until after year-end)	878,654.00	92,275.48	439,327.00	10.50%	786,378.52	*$ 345,435.00*
TOTAL	*5,722,236.00*	*1,512,799.35*	*2,861,118.00*	*26.44%*	*4,209,436.65*	$ 1,779,204.00

EDA FUND EXPENDITURES	2022 ADOPTED BUDGET	CURRENT YTD POSTED EXP	6/12 ADOPTED BUDGET (APR)	% of Budget Used (50.00% is 6/12)	BUDGET AMOUNT REMAINING
Economic Development	85,360.00	29,183.46	42,680.00	34.19%	56,176.54

CC Regular Session **5. 2.**

Meeting Date: 09/13/2022

By: Diana Lund, Finance

Information

Title

Receive July 2022 Financial Reports - General Fund and Enterprise Funds

Purpose/Background:

Purpose: Receive July monthly financial reports for the funds of: General, Water, Sewer, Street Lighting, Recycling and Storm Drainage.

Brief summary of actual revenues and expenditures-to-date in comparison to adopted budget for the respective funds.

Recommendation:

No action required. Informational only.

Action:

No action required. Informational only.

Attachments

July 2022 General Fund Financial Report - Budget to Actual

July 2022 Enterprise Funds Financial Reports - Budget to Actual

July 2022 Summary of Adopted budgets/expenditures to date

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/07/2022 08:22 PM
Form Started By: Diana Lund		Started On: 08/30/2022 09:38 AM
Final Approval Date: 09/07/2022		

CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: July 31, 2022

GENERAL FUND EXPENDITURES
- BY DEPARTMENT -

Dept	2022 BUDGET	2022 YTD GENERAL LEDGER
Admin (inlcd elections, legal & newsletter)	1,137,411.00	659,114.73
Building Inspections	495,512.00	313,643.45
Council/Commissions (incld charter, council contingen	234,437.00	51,990.86
Data Processing	796,584.00	427,903.44
Engineering	487,638.00	429,647.18
Finance (incld assessing)	534,935.00	437,483.26
Fire (incld Civil Defense)	1,264,140.00	739,967.36
Gen Govt Buildings	652,216.00	274,039.71
Parks	1,483,825.00	701,492.24
Planning & Zoning	763,831.00	404,214.46
Police (incld animal control & comm orient)	4,802,808.00	2,572,469.37
Streets (incld traffic eng & snow/ice)	1,839,303.00	1,013,386.73
Grand Total	**14,492,640.00**	**8,025,352.79**

GENERAL FUND EXPENDITURES
- BY CATEGORY -

Category	2022 BUDGET	2022 YTD GENERAL LEDGER
Capital Outlay	588,800.00	177,608.37
Other Services & Charges	2,399,730.00	1,271,304.80
Personal Services	10,261,237.00	5,889,282.99
Supplies	1,136,500.00	687,156.63
Transfers out	106,373.00	-
Grand Total	**14,492,640.00**	**8,025,352.79**

GENERAL FUND REVENUES
- BY CATEGORY -

Category	2022 BUDGET	2022 YTD GENERAL LEDGER
Taxes	11,655,590.00	6,090,591.86
Charges for Services	589,300.00	448,112.14
Business Licenses/Permits	73,400.00	65,691.16
Fines and Forfeits	45,000.00	25,565.92
Federal Intergovernmental	9,000.00	-
State Intergovernmental	465,300.00	221,095.96
Interest	50,000.00	-
Miscellaneous	15,750.00	7,605.04
Non-Business Licenses/Permits	615,500.00	459,139.71
Transfers in	973,800.00	394,710.00
Grand Total	**14,492,640.00**	**7,712,511.79**

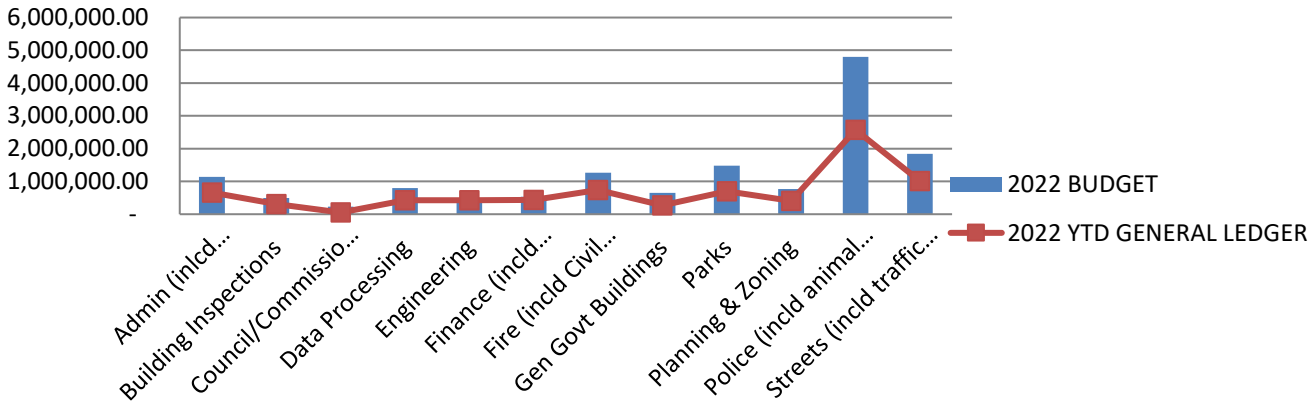
This report reflects year to date revenue and expenditures as compared to annual budget.
It does not reflect fund balance.

PREPARED BY: FINANCE DEPARTMENT

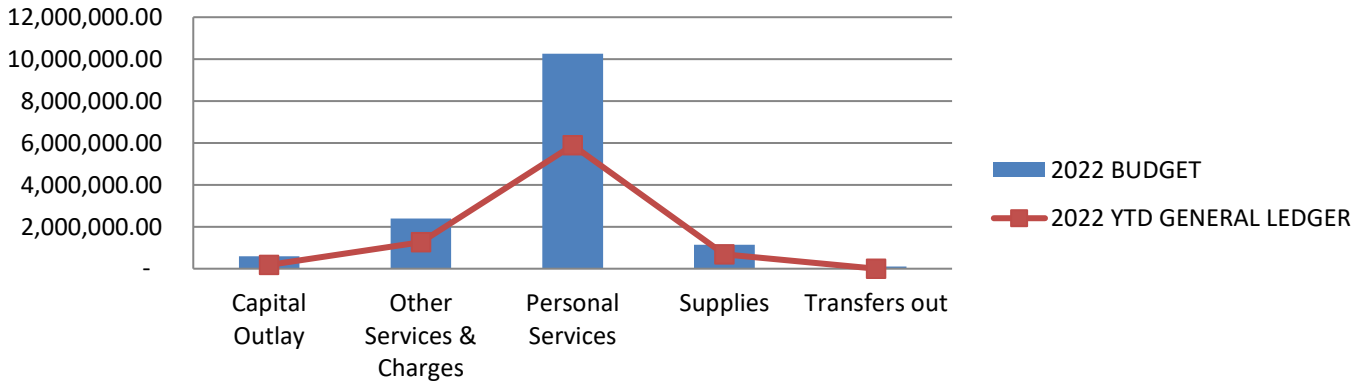
CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: **July 31, 2022**

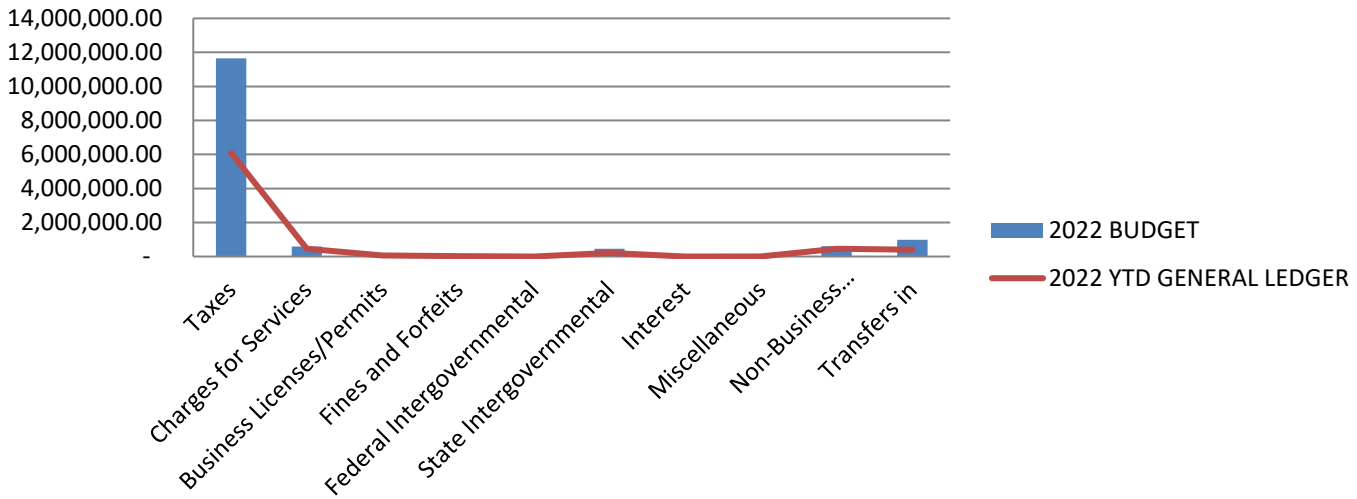
GENERAL FUND EXPENDITURES - BY DEPARTMENT



GENERAL FUND EXPENDITURES - BY CATEGORY



GENERAL FUND REVENUES



This report reflects year to date revenue and expenditures as compared to annual budget.
It does not reflect fund balance.

PREPARED BY: FINANCE DEPARTMENT

CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: July 31, 2022

REVENUES

BUSINESS UNIT 9601 WATER UTILITY

GENERAL LEDGER ACCOUNT		2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
4140	CREDIT CARD PROCESSING FEES	(28,000.00)	(9,274.17)	33.12%
4609	OTHER MISCELLANEOUS REVENUES	12,000.00	2,491.08	20.76%
4651	WATER REVENUE		150.00	0.00%
4652	WATER SALES - RESIDENTIAL	1,360,811.00	788,152.69	57.92%
4653	WATER SALES-COMMERCIAL	714,520.00	344,772.82	48.25%
4654	WATER PENALTIES	15,000.00	11,088.67	73.92%
4655	WATER METER INSTALLATION	20,000.00	9,520.00	47.60%
4656	WATER METERS	35,000.00	21,473.28	61.35%
4657	CONNECTION/RECONNECTION FEES	500.00	150.00	30.00%
4701	INTEREST ON INVESTMENTS	50,000.00	-	0.00%
4506	PREPAID INTEREST	73,498.00	-	0.00%
4606	DEVELOPER FEES (WAC)		468,297.00	0.00%
4601	MISCELLANEOUS REVENUE		1,076.50	0.00%
Grand Total		**2,253,329.00**	**1,637,897.87**	

EXPENSES

BUSINESS UNIT 9601 WATER UTILITY

GENERAL LEDGER ACCOUNT		2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
6102	F.T. REGULAR-WAGES & SALARIES	272,731.00	115,443.80	42.33%
6103	FULL TIME-REGULAR-OVERTIME	13,500.00	9,169.01	67.92%
6105	TEMPORARY-WAGES & SALARIES	19,167.00	4,673.08	24.38%
6121	PERA CONTRIBUTIONS	56,467.00	9,908.45	17.55%
6122	FICA/MEDICARE CONTRIBUTIONS	23,518.00	10,778.42	45.83%
6131	GROUP INSURANCE	44,502.00	19,587.79	44.02%
6133	WORKERS COMP INSURANCE PREMIUM	16,773.00	-	0.00%
6208	MISCELLANEOUS OFFICE SUPPLIES	400.00	171.78	42.95%
6223	GASOLINE	8,000.00	3,777.07	47.21%
6225	DIESEL FUEL	1,500.00	-	0.00%
6229	SHOP MATERIALS	600.00	887.79	147.97%
6231	UNIFORMS & TURN-OUT GEAR	2,900.00	2,317.41	79.91%
6249	MISCELLANEOUS OPERATING SUPPLY	20,000.00	6,767.03	33.84%
6257	OTHER VEHICLE PARTS	5,000.00	1,653.55	33.07%
6273	UTILITY SYSTEM MAINT SUPPLIES	105,000.00	50,250.97	47.86%
6281	SMALL TOOLS & MINOR EQUIPMENT	10,000.00	6,967.78	69.68%
6292	WATER METERS FOR RESALE	125,000.00	52,749.95	42.20%
6315	MISCELLANEOUS PROFESSIONAL SER	95,000.00	21,545.00	22.68%
6322	POSTAGE	2,000.00	273.57	13.68%
6323	CELLULAR PHONES	4,000.00	-	0.00%
6334	MILEAGE REIMBURSEMENT	400.00	56.16	14.04%
6335	TRAINING	4,500.00	950.00	21.11%
6352	GENERAL NOTICE & PUBLIC INFOR	700.00	-	0.00%
6361	GENERAL LIABILITY/PROPERTY INS	36,050.00	9,309.00	25.82%
6371	ELECTRIC UTILITIES	180,000.00	62,837.04	34.91%
6372	WATER/IRRIGATION	1,000.00	184.38	18.44%
6373	GAS	9,000.00	4,649.10	51.66%
6374	REFUSE/RECYCLING	1,500.00	885.78	59.05%
6381	BUILDING & STRUCTURE REPAIR	3,500.00	1,943.39	55.53%
6439	OTHER MISCELLANEOUS	67,000.00	296.88	0.44%
6451	MEMBERSHIP DUES	1,400.00	-	0.00%
6489	OTHER CONTRACTED SERVICES	76,000.00	22,617.79	29.76%
6722	DEPRECIATION	821,940.00	-	0.00%
6820	OPERATING TRANSFERS TO OTHER F	49,000.00	49,000.00	100.00%
6436	WATER EFFICIENCY REBATE PROG		13,986.60	0.00%
Grand Total		**2,078,048.00**	**483,638.57**	

This report reflects year to date revenue and expenditures as compared to annual budget.
It does not reflect fund balance.

CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: July 31, 2022

REVENUES

BUSINESS UNIT	9602	SEWER UTILITY		
GENERAL LEDGER ACCOUNT		2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
4140	CREDIT CARD PROCESSING FEES	(16,000.00)	(9,598.14)	59.99%
4356	SEWER AVAILABILITY CHARGE-ADM	73,498.00	2,783.20	3.79%
4609	OTHER MISCELLANEOUS REVENUES	5,000.00	-	0.00%
4661	RESIDENTIAL-SEWER CHARGES	1,378,650.00	711,598.55	51.62%
4662	COMMERCIAL-SEWER CHARGES	416,120.00	211,906.26	50.92%
4663	SEWER PENALTIES	15,000.00	15,632.85	104.22%
4701	INTEREST ON INVESTMENTS	75,000.00	-	0.00%
4606	DEVELOPER FEES (WAC)	-	203,736.00	0.00%
4601	MISCELLANEOUS REVENUE		1,076.52	0.00%
Grand Total		**1,947,268.00**	**1,137,135.24**	

EXPENSES

BUSINESS UNIT	9602	SEWER UTILITY		
GENERAL LEDGER ACCOUNT		2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
6102	F.T. REGULAR-WAGES & SALARIES	201,508.00	40,158.77	19.93%
6103	FULL TIME-REGULAR-OVERTIME	-	92.55	0.00%
6105	TEMPORARY-WAGES & SALARIES	-	156.09	0.00%
6121	PERA CONTRIBUTIONS	33,113.00	3,120.73	9.42%
6122	FICA/MEDICARE CONTRIBUTIONS	15,490.00	3,258.64	21.04%
6131	GROUP INSURANCE	7,362.00	-	0.00%
6133	WORKERS COMP INSURANCE PREMIUM	10,362.00	-	0.00%
6223	GASOLINE	4,000.00	2,233.45	55.84%
6225	DIESEL FUEL	4,000.00	1,454.73	36.37%
6249	MISCELLANEOUS OPERATING SUPPLY	22,000.00	6,027.78	27.40%
6257	OTHER VEHICLE PARTS	4,000.00	1,749.15	43.73%
6275	OTHER EQUIPMENT PARTS	9,000.00	728.00	8.09%
6315	MISCELLANEOUS PROFESSIONAL SER	25,000.00	118.25	0.47%
6322	POSTAGE		3.84	0.00%
6323	CELLULAR PHONES	600.00	270.76	45.13%
6334	MILEAGE REIMBURSEMENT	400.00	-	0.00%
6335	TRAINING	2,400.00	-	0.00%
6361	GENERAL LIABILITY/PROPERTY INS	22,660.00	1,883.00	8.31%
6371	ELECTRIC UTILITIES	25,000.00	9,195.86	36.78%
6372	WATER/IRRIGATION	1,000.00	184.38	18.44%
6373	GAS	5,000.00	3,980.01	79.60%
6374	REFUSE/RECYCLING	2,500.00	885.79	35.43%
6377	SEWER SERVICE CHARGE	989,491.00	659,660.72	66.67%
6489	OTHER CONTRACTED SERVICES	37,400.00	8,940.81	23.91%
6722	DEPRECIATION	568,112.00	-	0.00%
6820	OPERATING TRANSFERS TO OTHER F	43,000.00	43,000.00	100.00%
Grand Total		**2,033,398.00**	**787,103.31**	

Note: The Finance Department has highlighted line items that may be trending towards exceeding budget OR not may not have been included in the adopted budget.

CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: July 31, 2022

REVENUES

BUSINESS UNIT	9603	STREET LIGHT UTILITY		
GENERAL LEDGER ACCOUNT		2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
4140	CREDIT CARD PROCESSING FEES	(4,000.00)	(1,773.04)	44.33%
4681	CHARGES FOR STREET LIGHTS	166,000.00	85,972.12	51.79%
4683	STREET LIGHTING PENALTIES	2,000.00	2,270.49	113.52%
4701	INTEREST ON INVESTMENTS	10,000.00	-	0.00%
4684	PRIORITY STREET LIGHT	54,700.00	28,156.50	51.47%
Grand Total		**228,700.00**	**114,626.07**	

EXPENSES

BUSINESS UNIT	9603	STREET LIGHT UTILITY		
GENERAL LEDGER ACCOUNT		2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
6371	ELECTRIC UTILITIES	130,000.00	61,335.75	47.18%
6489	OTHER CONTRACTED SERVICES	15,000.00	8,888.78	59.26%
6722	DEPRECIATION	43,717.00	-	0.00%
6820	OPERATING TRANSFERS TO OTHER F	25,000.00	25,000.00	100.00%
Grand Total		**213,717.00**	**95,224.53**	

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CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: **July 31, 2022**

REVENUES

BUSINESS UNIT	9604	RECYCLING UTILITY		
GENERAL LEDGER ACCOUNT		2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
4140	CREDIT CARD PROCESSING FEES	(4,500.00)	(2,798.15)	62.18%
4287	OTHER LOCAL GOVERNMENT GRANTS	73,498.00	-	0.00%
4609	OTHER MISCELLANEOUS REVENUES	1,000.00	1,387.70	138.77%
4671	RECYCLING CHARGES	438,680.00	223,158.89	50.87%
4672	RECYCLING PENALTIES	7,000.00	4,531.43	64.73%
4701	INTEREST ON INVESTMENTS	2,500.00	-	0.00%
Grand Total		**518,178.00**	**226,279.87**	

EXPENSES

BUSINESS UNIT	9604	RECYCLING UTILITY		
GENERAL LEDGER ACCOUNT		2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
6102	F.T. REGULAR-WAGES & SALARIES	24,148.00	7,841.78	32.47%
6103	FULL TIME-REGULAR-OVERTIME	-	366.75	0.00%
6104	PART TIME-WAGES & SALARIES	-	255.88	0.00%
6121	PERA CONTRIBUTIONS	2,811.00	634.88	22.59%
6122	FICA/MEDICARE CONTRIBUTIONS	1,851.00	587.49	31.74%
6131	GROUP INSURANCE	3,514.00	-	0.00%
6133	WORKERS COMP INSURANCE PREMIUM	195.00	-	0.00%
6249	MISCELLANEOUS OPERATING SUPPLY	30,000.00	12,555.79	41.85%
6322	POSTAGE	300.00	-	0.00%
6489	OTHER CONTRACTED SERVICES	455,600.00	266,319.09	58.45%
Grand Total		**518,419.00**	**288,561.66**	

Note: The Finance Department has highlighted line items that may be trending towards exceeding budget OR not may not have been included in the adopted budget.

CITY OF RAMSEY
FINANCIAL STATEMENT

JANUARY 1, 2022 THROUGH PERIOD ENDING: **July 31, 2022**

REVENUES

BUSINESS UNIT	9605	STORM WATER UTILITY	
GENERAL LEDGER ACCOUNT	2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
4140 CREDIT CARD PROCESSING FEES	(7,500.00)	(4,575.99)	61.01%
4609 OTHER MISCELLANEOUS REVENUES	73,498.00	-	0.00%
4693 STORM WATER-RESIDENTIAL	580,000.00	298,384.51	51.45%
4694 STORM WATER-COMMERCIAL	605,000.00	303,059.31	50.09%
4695 STORM WATER-PENALTIES	10,000.00	8,734.73	87.35%
4701 INTEREST ON INVESTMENTS	10,000.00	-	0.00%
Grand Total	**1,270,998.00**	**605,602.56**	

EXPENSES

BUSINESS UNIT	9605	STORM WATER UTILITY	
GENERAL LEDGER ACCOUNT	2022 BUDGET	2022 YTD GENERAL LEDGER	-% of Budget-
6102 F.T. REGULAR-WAGES & SALARIES	183,961.00	19,023.29	10.34%
6105 TEMPORARY-WAGES & SALARIES	-	116.00	0.00%
6121 PERA CONTRIBUTIONS	30,797.00	1,426.63	4.63%
6122 FICA/MEDICARE CONTRIBUTIONS	14,085.00	1,473.16	10.46%
6131 GROUP INSURANCE	25,328.00	-	0.00%
6133 WORKERS COMP INSURANCE PREMIUM	6,984.00	-	0.00%
6225 DIESEL FUEL	7,000.00	2,816.36	40.23%
6249 MISCELLANEOUS OPERATING SUPPLY	12,000.00	14,767.61	123.06%
6257 OTHER VEHICLE PARTS	7,500.00	411.94	5.49%
6315 MISCELLANEOUS PROFESSIONAL SER	100,000.00	-	0.00%
6361 GENERAL LIABILITY/PROPERTY INS	10,164.00	-	0.00%
6371 ELECTRIC UTILITIES	12,000.00	5,111.27	42.59%
6372 WATER/IRRIGATION	1,000.00	184.39	18.44%
6373 GAS	8,000.00	3,980.01	49.75%
6374 REFUSE/RECYCLING	2,400.00	885.81	36.91%
6388 OTHER VEHICLE REPAIR	-	1,040.75	0.00%
6451 MEMBERSHIP DUES	24,000.00	1,000.00	4.17%
6489 OTHER CONTRACTED SERVICES	50,000.00	6,392.83	12.79%
6722 DEPRECIATION	345,435.00	-	0.00%
6820 OPERATING TRANSFERS TO OTHER F	38,000.00	38,000.00	100.00%
Grand Total	**878,654.00**	**96,630.05**	

Note: The Finance Department has highlighted line items that may be trending towards exceeding budget OR not may not have been included in the adopted budget.

CITY OF RAMSEY
YEAR-TO-DATE BY BUSINESS UNIT

JANUARY 1, 2022 THROUGH PERIOD ENDING: **July 31, 2022**

GENERAL FUND EXPENDITURES BY DEPARTMENT	2022 ADOPTED BUDGET	CURRENT YTD POSTED EXP	7/12 ADOPTED BUDGET (July)	% of Budget Used (58.33% is 7/12)	BUDGET AMOUNT REMAINING
Admin (inlcd elections, legal & newsletter)	1,137,411.00	659,114.73	663,489.75	57.95%	478,296.27
Building Inspections	495,512.00	313,643.45	289,048.67	63.30%	181,868.55
Council/Commissions (incld charter, council contingency)	234,437.00	51,990.86	136,754.92	22.18%	182,446.14
Data Processing	796,584.00	427,903.44	464,674.00	53.72%	368,680.56
Engineering (personnel costs allocated after year-end)	487,638.00	429,647.18	284,455.50	88.11%	57,990.82
Finance (incld assessing) (personnel costs allocated after year-end)	534,935.00	437,483.26	312,045.42	81.78%	97,451.74
Fire (incld Civil Defense)	1,264,140.00	739,967.36	737,415.00	58.54%	524,172.64
Gen Govt Buildings	652,216.00	274,039.71	380,459.33	42.02%	378,176.29
Parks	1,483,825.00	701,492.24	865,564.58	47.28%	782,332.76
Planning & Zoning	763,831.00	404,214.46	445,568.08	52.92%	359,616.54
Police (incld animal control & comm orient)	4,802,808.00	2,572,469.37	2,801,638.00	53.56%	2,230,338.63
Streets (incld traffic eng & snow/ice)	1,839,303.00	1,013,386.73	1,072,926.75	55.10%	825,916.27
TOTAL	*14,492,640.00*	*8,025,352.79*	*8,454,040.00*	*55.38%*	*6,467,287.21*

ENTERPRISE EXPENDITURES BY FUND	2022 ADOPTED BUDGET	CURRENT YTD POSTED EXP	7/12 ADOPTED BUDGET (APR)	% of Budget Used (58.33% is 7/12)	BUDGET AMOUNT REMAINING	*BUDGETED DEPRECIATION (part of "2022 BUDGET")
Water (budgeted depreciation not booked until after year-end)	2,078,048.00	483,638.57	1,212,194.67	23.27%	1,594,409.43	*$ 821,940.00*
Sewer (budgeted depreciation not booked until after year-end)	2,033,398.00	787,103.31	1,186,148.83	38.71%	1,246,294.69	*$ 568,112.00*
Street Light (budgeted depreciation not booked until after year-end)	213,717.00	95,224.53	124,668.25	44.56%	118,492.47	*$ 43,717.00*
Recycling	518,419.00	288,561.66	302,411.08	55.66%	229,857.34	*N/A*
Storm Water (budgeted depreciation not booked until after year-end)	878,654.00	96,630.05	512,548.17	11.00%	782,023.95	*$ 345,435.00*
TOTAL	*5,722,236.00*	*1,751,158.12*	*3,337,971.00*	*30.60%*	*3,971,077.88*	$ 1,779,204.00

EDA FUND EXPENDITURES	2022 ADOPTED BUDGET	CURRENT YTD POSTED EXP	7/12 ADOPTED BUDGET (APR)	% of Budget Used (58.33% is 7/12)	BUDGET AMOUNT REMAINING
Economic Development	85,360.00	32,957.78	42,680.00	38.61%	52,402.22

CC Regular Session **5. 3.**

Meeting Date: 09/13/2022

By: Diana Lund, Finance

Information

Title

Receive Cash & Investments for Period Ending August 31, 2022

Purpose/Background:

Purpose: Receive reports of the city's cash and investments for the period ending August 31, 2022.

Cash and investment report shows the monthly cash flow - receipts and expenditures through August 31, 2022 with the current listing of the city's investment portfolio.

Recommendation:

No action required. Informational only.

Action:

No action required. Informational only.

Attachments

Cash & Investments for Period Ending August 31, 2022

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/07/2022 08:24 PM
Form Started By: Diana Lund		Started On: 08/30/2022 09:58 AM
Final Approval Date: 09/07/2022		

CITY OF RAMSEY
REPORT OF POOLED CASH FLOWS
Period Ended August 31, 2022

	August-22 CURRENT MONTH	2022 YEAR-TO-DATE
CASH AND TEMPORARY INVESTMENTS		
BEGINNING BALANCE (Includes PW Bond Proceeds)	$ 90,919,773.65	$ 88,776,714.25
CASH INFLOWS:		
Daily Deposit	192,743.02	7,527,185.20
Tax Settlements	642,673.66	9,684,372.85
U/B Receipts	602,167.23	1,649,723.00
Credit Cards (Includes Utility Billing)	927,880.35	3,223,221.96
Interest Earnings [Net of Interest Paid on Investments]	100,124.62	742,704.88
Bond Proceeds-int	-	
TOTAL CASH INFLOW	$ 2,465,588.88	$ 22,827,207.89
TOTAL CASH AVAILABLE	$ 93,385,362.53	$ 111,603,922.14
CASH OUTFLOWS:		
Prepaid Checks	1,025,700.39	7,935,924.90
Bills Lists	599,504.86	5,420,525.51
Pay Estimates	215,209.08	3,206,890.76
Credit Cards	4,312.32	50,003.73
Payroll - Net	429,087.16	3,544,797.59
Flex Reimbursement	4,868.45	26,439.95
Void Checks/Dormant Checks Paid	(5,990.00)	(25,933.54)
Debt Service	72,595.00	401,858.06
Miscellaneous [Bank Charges; etc.]	194.20	3,534.11
TOTAL CASH OUTFLOW	$ 2,345,481.46	$ 20,564,041.07
POOLED CASH AND TEMPORARY INVESTMENTS ENDING BALANCE	**$ 91,039,881.07**	**$ 91,039,881.07**
MEMO - NET 2022 CASH INFLOW (OUTFLOW)	**120,107.42**	**2,263,166.82**
INVESTMENT PORTFOLIO SUMMARY		
BEGINNING BALANCE	**$ 69,371,138.39**	**71,817,760.66**
Purchases	20,556,046.88	28,296,715.23
Maturities/Sales	(300,001.80)	(10,487,292.42)
ENDING BALANCE	**$ 89,627,183.47**	**$ 89,627,183.47**

Prepared by the City of Ramsey Finance Department
9/2/2022

2022 CASH AND INVESTMENT ACTIVITY

CITY INVEST #	STATED MAT DATE	BROKER	SECURITY DESCRIP	FDIC #	CUSIP	PRIN BAL 1/1/2022	PURCH 2022	SOLD/ MATURE 2022	BV PRIN BAL 12/31/2022
191008C	12/1/2022	BAIRD	ROCK ISLAND IL TAX		7724872K9	270,000.00		0.00	270,000.00
									270,000.00
220809A	1/20/2023	4m	4M TERM SERIES				3,000,000.00	0.00	3,000,000.00
220809B	5/9/2023	4m	4M TERM SERIES				10,000,000.00	0.00	10,000,000.00
220809C	8/9/2023	4m	4M TERM SERIES				7,000,000.00	0.00	7,000,000.00
									20,000,000.00
180727A	7/27/2022	ICD SEC	CD-KANSAS STATE	19899	50116CBY4	245,000.00		245,000.00	0.00
191227A	12/27/2022	ICD SEC	CD-PROMISEONE B/	58657	74348HAB4	245,000.00		0.00	245,000.00
191230D	12/30/2022	ICD SEC	CD-FIRST NATIONA	03330	32112UDL2	245,000.00		0.00	245,000.00
									490,000.00
210401	12/1/2027	Northland	RUSH COUNTY KANSAS TAX		781834-D4-9	180,000.00		0.00	180,000.00
220322	2/15/2023	Northland	SPARTA TOWNSHIP NJ TAX		84677-KV-6		135,000.00	0.00	135,000.00
220808	2/15/2023	Northland	JOHNSON COUNTY TX TAX		478898-FH-7		190,000.00	0.00	190,000.00
220714	7/1/2023	Northland	MANCHESTER NH TAX		562333-QS-6		250,000.00	0.00	250,000.00
210615	8/1/2030	Northland	MN STATE TAX		60412A-VP-5	500,000.00		0.00	500,000.00
210625	7/15/2026	Northland	EAST LYME CONN TAX		273587-P3-3	200,000.00		0.00	200,000.00
200123	12/15/2022	Northland	LUVERNE MN TAX		550629-VE-6	330,000.00		0.00	330,000.00
201230	5/1/2025	Northland	FREEPORT NY TAX		356731-CA-5	300,000.00		0.00	300,000.00
200130D	3/1/2022	Northland	RICHLAND SCHOOL DISTRICT		764080-FN-2	130,000.00		130,000.00	0.00
200113	3/1/2027	Northland	RICHLAND SCHOOL DISTRICT		764080-FT-9	165,000.00		0.00	165,000.00
200326A	4/1/2023	Northland	TULSA COUNTY OK TAX		899525-TR-0	100,000.00		0.00	100,000.00
200625	3/1/2029	Northland	LAWRENCE MASS TAX		520228-6Q-5	180,000.00		0.00	180,000.00
200825A	8/1/2027	Northland	CENTINELA VALLEY CA HS		15239-RP-4	250,000.00		0.00	250,000.00
200825B	8/1/2029	Northland	CENTINELA VALLEY CA HS		15239-RR-0	270,000.00		0.00	270,000.00
200914	8/1/2028	Northland	BURLESON TX IDS ZERO CPN		121403-4E6	500,000.00		0.00	500,000.00
200923	7/15/2029	Northland	WILKINSBURGO BORO PA TAX		968529-JV-0	265,000.00		0.00	265,000.00
141104	2/1/2022	Northland	DULUTH MN TAXABLE		264438-G5-5	150,000.00		150,000.00	0.00
150430	2/1/2022	Northland	MINNETONKA ISD #276		604195-YG-6	270,000.00		270,000.00	0.00
190826	3/1/2022	Northland	OCONOMOWOC WIS TAX BOND		675635-KW-5	250,000.00		250,000.00	0.00
190703	4/1/2022	Northland	WEST ALLIS WIS TAX		951173-JA-2	180,000.00		180,000.00	0.00
190424	5/15/2022	Northland	TEXAS A&M TAX		88213AEH4	130,000.00		130,000.00	0.00
170109	6/1/2022	Northland	DESMOINES IA TAX		250097-J3-7	200,000.00		200,000.00	0.00
150109	10/1/2022	Northland	HUBBARD COUNTY TAX		443348-DE-4	135,000.00		0.00	135,000.00
190515	11/1/2022	Northland	MICHICAN STATE SCHOOL TAX		594612-CY-7	205,000.00		0.00	205,000.00
120308B	12/1/2022	Northland	SHOREWOOD WIS TAX		825230-KW-4	75,000.00		0.00	75,000.00
190628B	4/1/2023	Northland	WEST ALLIS WIS TAX		951173NP4	240,000.00		0.00	240,000.00
160812	5/1/2023	Northland	MONROE MI TAX		611101-MF-0	190,000.00		0.00	190,000.00
191107A	6/1/2023	Northland	NEWTON IOWA TAX		652810-YZ-9	190,000.00		70,000.00	120,000.00
190726B	6/1/2023	Northland	DESMOINES IA COMM COLLEGE TAX		250097L75	250,000.00		0.00	250,000.00
180913	7/31/2023	Northland	CD-BANK NEW ENGLAND SALEM		06426K-AN-8	245,000.00		0.00	245,000.00
121228B	9/1/2023	Northland	MIDDLETON WIS REFUND		596782-T6-7	300,000.00		0.00	300,000.00
190220B	11/1/2023	Northland	HAWAII ST GO BONDS		214471-PA-6	200,000.00		0.00	200,000.00
161114B	2/1/2024	Northland	ANDOVER MN TAX		034313-ZU-3	300,000.00		0.00	300,000.00
180730	10/1/2024	Northland	HUBBARD COUNTY TAX		443348-DG-9	100,000.00		0.00	100,000.00
120214B	9/1/2025	Northland	MIDDLETON WIS REFUND		596782-TJ-1	315,000.00		0.00	315,000.00
190227	12/1/2025	Northland	COOK COUNTY SCHOOL DISTRICT		032879-TC-2	500,000.00		0.00	500,000.00
190404	9/1/2026	Northland	TUSCOLA COUNTY MISC TAX		900764RL7	395,000.00		0.00	395,000.00
191003A	12/1/2026	Northland	SCOTT BLUFF CTY SCHOOL DIST		810164-CQ-4	385,000.00		0.00	385,000.00
120308C	12/1/2027	Northland	SHOREWOOD WIS TAX		825230-LB-9	225,000.00		0.00	225,000.00
190402	2/1/2028	Northland	CLOQUET MN TAX		189036-PS-9	150,000.00		0.00	150,000.00
191016B	4/1/2028	Northland	COLUMBUS OH TAX		199492E339	285,000.00		0.00	285,000.00
211020A	7/15/2028	Northland	MOUNT HILLS TOWNSHIP SCHOOL		6215S3-E6-7	430,000.00		0.00	430,000.00
120308D	12/1/2028	Northland	SHOREWOOD WIS TAX		825230-LC-7	465,000.00		0.00	465,000.00
									9,325,000.00
210107	6/1/2031	UBS	SAN JOSE CA FING AUTHO		798153NL2	1,000,000.00		0.00	1,000,000.00
220207A	7/1/2028	UBS	PHOENIX AZ CIVIC		71883RRS4		165,000.00	0.00	165,000.00
220207B	4/1/2029	UBS	BAY AREA CA TOLL AUTHORITY		072024XF4		250,000.00	0.00	250,000.00
220414A	1/15/2023	UBS	US TREASURY NOTE		912828Z29		1,245,000.00	0.00	1,245,000.00
220414B	2/15/2023	UBS	US TREASURY NOTE		912828UN8		1,240,000.00	0.00	1,240,000.00
220414C	3/15/2023	UBS	US TREASURY NOTE		912828ZD5		1,260,000.00	0.00	1,260,000.00
220414D	4/15/2023	UBS	US TREASURY NOTE		912828ZH6		1,265,000.00	0.00	1,265,000.00
220419	3/1/2025	UBS	MARYLAND STATE COMM DEV TAX		57419RC78		750,000.00	0.00	750,000.00
211206	5/1/2027	UBS	PIMA COUNTY AZ		72178JAF0	500,000.00		0.00	500,000.00
211209	9/15/2032	UBS	CAPE MAY COUNTY NJ TAX		139501SB7	470,000.00		0.00	470,000.00
211223	8/1/2025	UBS	HAWAII STATE		41972YQ3	500,000.00		0.00	500,000.00
211231	3/15/2029	UBS	NEW YORK STATE URBAN DEV		650036AX4	500,000.00		0.00	500,000.00
210107		UBS	UBS PRIME FUND			62,674.20		62,674.20	0.00
211109	8/1/2023	UBS	UPPER SANTA CLARA VY		916544ES4	200,000.00		0.00	200,000.00
211115	10/1/2031	UBS	INFRASTRUCTURE BANK		76223MAL6	580,000.00		0.00	580,000.00
211130		UBS	UBS PRIME FUND			219,604.08		219,604.08	0.00
211008	11/1/2023	UBS	SAN FRAN CA CITY & COUNTY UTIL		79771FAW7	140,000.00		0.00	140,000.00

2022 CASH AND INVESTMENT ACTIVITY

CITY INVEST #	STATED MAT DATE	BROKER	SECURITY DESCRIP	FDIC #	CUSIP	PRIN BAL 1/1/2022	PURCH 2022	SOLD/ MATURE 2022	BV PRIN BAL 12/31/2022
211020B	8/15/2031	UBS	ALABAMBA FEDERAL AID HWY		010268CT5	500,000.00		0.00	500,000.00
211014	5/1/2030	UBS	ST. JOHN'S PUBLIC SCHOOL		790450HN3	550,000.00		0.00	550,000.00
210909	7/1/2022	UBS	MAINE HEALTH		56042RH96	500,000.00		500,000.00	0.00
210910	9/1/2030	UBS	BROWNSVILLE TX UTIL		1164753D4	1,000,000.00		0.00	1,000,000.00
210930	8/1/2028	UBS	CHARTER OAKS CA		1612855D4	250,000.00		0.00	250,000.00
210825A	8/25/2028	UBS	CD-CELTIC BANK	57056	15118RWG8	245,000.00		0.00	245,000.00
210825B	8/15/2028	UBS	NEW HAMPSHIRE MUNI		64465QHA7	550,000.00		0.00	550,000.00
210824A	8/15/2023	UBS	US TREASURY NOTE		91282CAF8	2,500,000.00		0.00	2,500,000.00
210824B	10/15/2023	UBS	US TREASURY NOTE		91282CAP6	2,500,000.00		0.00	2,500,000.00
210824C	9/15/2023	UBS	US TREASURY NOTE		91282CAK7	2,500,000.00		0.00	2,500,000.00
210826		UBS	UBS PRIME FUND			35,408.43		35,408.43	0.00
220131		UBS	UBS PRIME FUND			0.00	253,882.73	253,882.73	0.00
220331		UBS	UBS PRIME FUND			0.00	576,785.62	569,650.42	7,135.20
220802		UBS	UBS PRIME FUND			0.00	366,046.88	0.00	366,046.88
220316	3/16/2026	UBS	CD-GOLDMAN SACHS			0.00	245,000.00	0.00	245,000.00
220519	3/15/2026	UBS	NEW YORK DEV		6500355P6	0.00	105,000.00	0.00	105,000.00
210713	2/1/2028	UBS	TEXAS PUB FIN AUTHORITY		882669BW3	325,000.00		0.00	325,000.00
210716	4/12/2022	UBS	CP-FIRST BOST NY		2254EBDC2	5,000,000.00		5,000,000.00	0.00
210604	7/1/1930	UBS	FLORIDA STATE BOARD TAX		341271AF1	1,000,000.00		0.00	1,000,000.00
210630	7/15/2026	UBS	MICHIGAN CITY IND SCHOOL		594381HJ7	500,000.00		0.00	500,000.00
210617A	7/1/2028	UBS	EL SEGUNDO CA PENSION		284035AG7	1,000,000.00		0.00	1,000,000.00
210617B	6/1/2029	UBS	ORANGE COUNTY TAX		684184TC8	110,000.00		0.00	110,000.00
210621	11/1/2026	UBS	REGIONAL TRANSPORTATION		759136VD3	500,000.00		0.00	500,000.00
210408A	7/1/2028	UBS	PHOENIX AZ CIVIC		71884AH44	500,000.00		0.00	500,000.00
210408B	1/15/2027	UBS	APACHE COUNTY ARIZ		03743TAF9	590,000.00		0.00	590,000.00
210430	6/1/2028	UBS	BEVERLY HILLS CA PUB		088006KC4	500,000.00		0.00	500,000.00
210111	6/1/2031	UBS	SAN JOSE CA FING AUTHO		798153NL2	320,000.00		0.00	320,000.00
210113	5/1/2029	UBS	NYC TRANSITIONAL		64971XSZ2	1,000,000.00		0.00	1,000,000.00
210114	12/1/2029	UBS	FRANKLIN COUNTY OH		353174JE6	1,000,000.00		0.00	1,000,000.00
210121	10/1/2027	UBS	MIAMI DADE COUNTY TAX		59333NV91	750,000.00		0.00	750,000.00
210219	9/1/2027	UBS	VIRGINIA COLLEGE BLDG			500,000.00		0.00	500,000.00
210224B	11/1/2028	UBS	WILL COUNTY ILL COMMUNITY		969078QN7	2,500,000.00		0.00	2,500,000.00
210301	8/1/2028	UBS	SAN JOSE CA FING AUTHO		79818186P30	1,000,000.00		0.00	1,000,000.00
210302	8/1/2027	UBS	VISTA CA UNI SCHOOL		928346P45	1,050,000.00		0.00	1,050,000.00
210308A	6/1/2029	UBS	RIO RANCHO NEW MEXICO TAX		767169ER2	500,000.00		0.00	500,000.00
210308B	6/1/2027	UBS	RIO RANCHO NEW MEXICO TAX		767169EP6	580,000.00		0.00	580,000.00
210309	6/1/2026	UBS	BEVERLY HILLS CA PUB		088006KA8	300,000.00		0.00	300,000.00
210311	1/1/2027	UBS	FORT LAUDERDALE FLA SPL		347622CW0	500,000.00		0.00	500,000.00
210326	9/1/2028	UBS	CHINO CALIF PUB FING		169548FP4	615,000.00		0.00	615,000.00
210514	10/1/2026	UBS	BOSSIER CITY LA UTIL		100216FZ8	500,000.00		0.00	500,000.00
160601	2/15/2022	UBS	MCALLEN TAX'		582018Ff5	200,000.00		200,000.00	0.00
151104	3/1/2022	UBS	NEW YORK TAXALBE		64966KQC0	500,000.00		500,000.00	0.00
190322	3/22/2022	UBS	CD-MEDALLION BA	57449	58404DDP3	245,000.00		245,000.00	0.00
160727	5/1/2022	UBS	NORTH BRANCH SCHOOL TAX		657740F50	500,000.00		500,000.00	0.00
190710	5/15/2022	UBS	CONVENTION CENTER AUTHORITY		32115AAG7	175,000.00		175,000.00	0.00
001127	7/25/2022	UBS	FNR G92-35		31358PHV2C	10.35		10.50	-0.15
160830C	8/1/2022	UBS	NEW YORK CITY TAXABLE		64966MED7	300,000.00		300,000.00	0.00
021004	8/25/2022	UBS	FNR 1992-125L		31358PS40C	33.70		33.73	-0.03
180108	10/1/2022	UBS	PALM BEACH COUNTY SOLID WASTE		696560LD1	450,000.00		0.00	450,000.00
020826	10/15/2022	UBS	FHR 1391D		312912LUO	29.90		28.33	1.57
201119B	12/1/2022	UBS	WARREN HEIGHTS OH BUILDING		936121JU7	165,000.00		0.00	165,000.00
191213	12/13/2022	UBS	CD-WELLS FARGO N	27389	949495AA3	245,000.00		0.00	245,000.00
161216B	12/16/2022	UBS	CD-MERCANTIL CO	22953	58733ADQ9	245,000.00		0.00	245,000.00
200116	1/17/2023	UBS	CD-MORGAN STANI	32992	6169OURY8	245,000.00		0.00	245,000.00
161208A	4/1/2023	UBS	NEW HOPE CULTURAL ED TAX		64542WAY6	250,000.00		0.00	250,000.00
150812	6/1/2023	UBS	CHARLOTTE TAXABLE		161037L61	300,000.00		0.00	300,000.00
010328	6/25/2023	UBS	FHG14A		312916PD5R	2,000.00		1,000.00	1,000.00
180628	6/28/2023	UBS	CD-COMENITY BAN	27499	981996UP3	200,000.00		0.00	200,000.00
191230B	6/30/2023	UBS	CD-RAYMOND JAMI	33893	75472RAR2	245,000.00		0.00	245,000.00
201119C	12/1/2023	UBS	WARREN HEIGHTS OH BUILDING		936121JV5	165,000.00		0.00	165,000.00
190118C	5/22/2024	UBS	CD-CAPITAL ONE	4297	14042RLP4	245,000.00		0.00	245,000.00
190118C	5/22/2024	UBS	CD-CAPITAL ONE U	33954	14042TAP2	245,000.00		0.00	245,000.00
190315	3/15/2024	UBS	CD-COMENITY CAP	57570	20033AS31	245,000.00		0.00	245,000.00
190325	3/25/2024	UBS	CD-BANK HAPOALI	33686	06251AW48	245,000.00		0.00	245,000.00
200325	4/1/2024	UBS	NEW YORK HOUSING		6498833S2	500,000.00		0.00	500,000.00
161018	7/1/2024	UBS	SELMA ALA TAX		816459QV6	500,000.00		0.00	500,000.00
161026	10/1/2024	UBS	HONOLULU TAX		4386705W7	300,000.00		0.00	300,000.00
151023	10/1/2024	UBS	MADISON TAXABLE		55844RKN3	640,000.00		0.00	640,000.00
161208B	11/1/2024	UBS	MICHIGAN FIN AUTH REV		59447TJX2	250,000.00		0.00	250,000.00
191127	11/27/2024	UBS	CD-STATE BANK IN	33682	856285RS2	245,000.00		0.00	245,000.00
201119D	12/1/2024	UBS	WARREN HEIGHTS OH BUILDING		93612JW3	165,000.00		0.00	165,000.00
191107B	12/1/2024	UBS	CORPUS CHRISTI TEX TRANS		220228BK5	400,000.00		0.00	400,000.00
190418	12/5/2024	UBS	CD-DELTA NATIONA	26633	2477RBD6	200,000.00		0.00	200,000.00
180629C	6/1/2025	UBS	MARYLAND STATE TAX		57420PGR1	300,000.00		300,000.00	0.00
161114A	7/1/2025	UBS	LEXINGTON FAYETTE AIRPORT		52909MCA0	300,000.00		0.00	300,000.00
191101	8/1/2025	UBS	MASSACHUSETTS ST WATER		576051VFO	400,000.00		0.00	400,000.00

2022 CASH AND INVESTMENT ACTIVITY

CITY INVEST #	STATED MAT DATE	BROKER	SECURITY DESCRIP	FDIC #	CUSIP	PRIN BAL 1/1/2022	PURCH 2022	SOLD/ MATURE 2022	BV PRIN BAL 12/31/2022
201119E	12/1/2025	UBS	WARREN HEIGHTS OH BUILDING		936121JX1	175,000.00		0.00	175,000.00
191122A	12/1/2025	UBS	WARRENSVILLE HEIGHTS OHIO		936121JM5	500,000.00		0.00	500,000.00
191105	3/1/2026	UBS	MARYLAND STATE COMM DEV		57419TDZ1	320,000.00		0.00	320,000.00
201105	4/1/2026	UBS	PARAMUS NJ SCHOOL		699347LF5	500,000.00		0.00	500,000.00
200113	4/15/2026	UBS	PHILADELPHIA AUTHORITY-ZERO COUP		71781LBU2	300,000.00		0.00	300,000.00
201204	4/15/2026	UBS	LONG BEACH CITY SCHOOL DIS		542535LY3	750,000.00		0.00	750,000.00
191115A	7/1/2026	UBS	LEXINGTON FAYETEE URBAN COUNTY		52909MDR2	470,000.00		0.00	470,000.00
200326B	8/1/2026	UBS	SAN BERNARDINO COMM		79672ONA47	500,000.00		0.00	500,000.00
191219B	11/1/2026	UBS	OPELIKA ALABAMA TAX		683489ZE1	400,000.00		0.00	400,000.00
191016A	12/1/2026	UBS	DENVER CITY & COUNTY HSG		24917NAG6	500,000.00		0.00	500,000.00
200925	4/1/2027	UBS	WESTERN WASHINGTON UNIV		959878RJO	500,000.00		0.00	500,000.00
191219A	6/1/2027	UBS	UNIVERSITY OF NORTHERN COLORADO		914733DY3	360,000.00		0.00	360,000.00
191022	10/1/2027	UBS	NEW YORK NY TAX		64966QEK2	500,000.00		0.00	500,000.00
160802	12/1/2027	UBS	TOOLE CITY UT TAX		89033RBU7	400,000.00		0.00	400,000.00
190725A	12/1/2027	UBS	WRIGHT COUNTY TAXABLE		982276BK2	630,000.00		0.00	630,000.00
201007	8/1/2028	UBS	SAN BERNARDINO CALIFORN UNIV TAX		796711H44	1,000,000.00		0.00	1,000,000.00
191108	8/1/2028	UBS	CORONA-NORCO CAL		219764SC2	405,000.00		0.00	405,000.00
200320	9/1/2028	UBS	PENNSYLVANIA UNIV TAX		709235P25	425,000.00		0.00	425,000.00
191212	10/1/2028	UBS	UNIVERSITY OF ALABAMA TAX		914745GG2	400,000.00		0.00	400,000.00
191024	2/1/2029	UBS	PULASKI COUNTY		745401EGO3	400,000.00		0.00	400,000.00
200630A	7/1/2029	UBS	NEW YORK STATE DORM AUTH		64990GS86	430,000.00		0.00	430,000.00
200611	11/1/2029	UBS	VENTURA COUNTY CA		923078CZ0	400,000.00		0.00	400,000.00
200324	3/1/2030	UBS	NEW YORK CITY TAXABLE		64966QJL5	500,000.00		0.00	500,000.00
200921	7/1/2030	UBS	FLORIDA STATE REV BOND		341271AF1	500,000.00		0.00	500,000.00
101013	12/1/2030	UBS	HIDALGO COUNTY TEX TAX		429343BT3	500,000.00		0.00	500,000.00
201102	12/1/2030	UBS	XENIA OH COMM SCHOOL		984071CC2	720,000.00		0.00	720,000.00
200417	9/1/2031	UBS	CITY OF NORFOLK VA TAX		655867G94	220,000.00		0.00	220,000.00
201221	10/01/26	UBS	LANCASTER OH SCHOOL DIST		514264FGO	1,675,000.00		0.00	1,675,000.00
201218	12/18/2024	UBS	CD-TEXAS EXCHANGE		88241TJQ4	248,000.00		0.00	248,000.00
						-			
									59,542,183.47
TOTAL INVESTMENTS						71,817,760.66	28,296,715.23	10,487,292.42	**89,627,183.47**
			Unamortized Premiums			1,751,676.99	7,798.04		1,759,475.03
			Unamortized Discounts			(4,291,366.40)	(43,499.30)		(4,334,865.70)
			BOW			9,361,050.93	28,127,631.19	35,470,460.41	2,018,221.71
			Money Market Accounts			15,909,640.01	7,060,226.55	21,000,000.00	1,969,866.56
			Net Cash and Investments			94,548,762.19	63,448,871.71	66,957,752.83	91,039,881.07

CC Regular Session **5. 4.**

Meeting Date: 09/13/2022

By: Brian McCann, Community Development

Information

Title

Note the Following Boards, Commissions, and Committee Meeting Minutes:

- Environmental Policy Board Dated July 18, 2022
- Economic Development Authority Dated July 14, 2022
- Parks and Recreation Commission July 14, 2022
- Planning Commission Meeting Minutes Dated July 28, 2022
- Public Works Committee Dated July 19, 2022

Purpose/Background:

N/A

Recommendation:

N/A

Action:

N/A

Attachments

July PC Minutes

July EPB Minutes

July EDA Minutes

July Park & Rec Minutes

July Public Works Minutes

Form Review

Inbox	Reviewed By	Date
Mary Jo Warner	MaryJo Warner	09/01/2022 02:27 PM
Brian Hagen	Brian Hagen	09/07/2022 08:17 PM
Form Started By: Brian McCann		Started On: 08/11/2022 03:55 PM
Final Approval Date: 09/07/2022		

PLANNING COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

The Ramsey Planning Commission conducted a regular meeting on Thursday, July 28, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:	Chairperson Randy Bauer Commissioner Bruce Anderson Commissioner Cheri Gengler Commissioner Tom Hunt Commissioner Eric Peters Commissioner Brian Walker
Members Absent:	Commissioner Gary VanScoy
Also Present:	City Planner Brian McCann Senior Planner Chris Anderson City Administrator Brian Hagen City Council Liaison Matt Woestehoff

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Peters, Gengler, Hunt, and Walker. Voting No: None. Absent: Commissioner VanScoy.

5. CONSENT AGENDA

5.01: Approve the June 23, 2022 Planning Commission Meeting Minutes

Chairperson Bauer noted that on the action item for PACT Charter School is shows that he and Commissioner VanScoy abstained but noted that they had recused themselves from the discussion and vote which is technically not an abstention.

Motion by Commissioner Peters, seconded by Commissioner Gengler, to approve the consent agenda with the noted change.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Peters, Gengler, Anderson, Hunt, and Walker. Voting No: None. Absent: Commissioner VanScoy.

6. PUBLIC HEARINGS/COMMISSION BUSINESS

6.01: Public Hearing: Consider a Home Occupation Permit and Conditional Use Permit for Your Computer Hero at 5435 180th Lane NW (Project 22-127)

Public Hearing

Chairperson Bauer called the public hearing to order at 7:02 p.m.

Presentation

City Planner McCann presented the staff report stating that staff recommends the Planning Commission recommend that the City Council adopt Resolutions #22-164 and #22-165 approving the Conditional Use Permit and Home Occupation Permit on the subject property. He noted that staff received one phone call from a resident without an opinion and to emails in objection to the request which have been provided to the Commission.

Citizen Input

Jenna MacLennan, the applicant, believed that the presentation was thorough. She noted that typically they do not provide service to residential and mainly focus on commercial users. She noted that this move would allow them to focus more on small and mid-sized commercial businesses rather than residential customers that might walk into the retail location.

Commissioner Walker asked if the business would be keeping the retail space near Coborn's.

Ms. MacLennan replied that they will be closing the retail location.

Commissioner Anderson stated that there was no mention of customers coming to the new home location and asked if customers would come to the home.

Ms. MacLennan replied that customers would not come to the home. She explained that they go to the location of the business clients for any meetings and installation services. She commented that they would not be doing PC repair and their home space would be used to prepare equipment prior to installation at the business location. She stated that much of their business is done virtually.

Commissioner Anderson referenced the proposed building and asked why it would be proposed at two stories.

Ms. MacLennan replied that they would have office space above and the additional space would be used to prepare the equipment they install at the business client's location. She noted that part of the space is also personal as it would be connected to their two-car garage.

Commissioner Anderson asked if there would be kitchen or restroom facilities.

Ms. MacLennan stated that she met with City staff, and they ensured the design would not support someone living in the space. She stated that there would be a small wet bar on the upper level to allow her to wash her hands or have a snack and the main level has a bathroom. She stated that the design would make it inconvenient for living and there is no shower.

Chairperson Bauer stated that Commissioner VanScoy expressed concern that the accessory structure could be easily modified from commercial to residential but noted that the structure would be too large to be considered an ADU. He stated that Commissioner VanScoy stated that he could support the request with the stipulation that the CUP states the structure cannot be used for residential purposes. He stated that the condition would prevent a future property owner from converting the structure into a residential use.

Ms. MacLennan stated that concern was shared with her from City staff.

City Planner McCann noted that condition five of the proposed CUP would prevent habitation.

Commissioner Gengler stated that the term conference room gives her pause when the applicant has stated there will be no customers coming and going and asked for details.

Ms. MacLennan stated that occasionally there would be a staff person or two coming to the site and that conference room could be used for those times. She noted that perhaps they would have a quarterly staff meeting as well.

Commissioner Gengler asked for details on the quarterly staff meeting.

Ms. MacLennan replied that typically those would be held around 10 a.m. on a weekday for about two hours. She estimated four people, two of those being outside staff members.

Commissioner Peters asked the type of vehicles that would be used.

Ms. MacLennan replied that they have personal vehicles that have their business logo that they have used for the past ten years. She stated that they would not be adding additional vehicles. She noted that they have a classic truck and a van her daughter drives that would be parked inside the proposed garage portion of the structure. She stated that if a staff member were to come to the site, they could park inside the garage part of the structure and that vehicle would not be logoed.

Chairperson Bauer referenced an email received that expressed concern with the traffic on the cul-de-sac. He stated that it appears the proposed structure would not have access from the cul-de-sac.

City Planner McCann confirmed that the structure would not access from the cul-de-sac.

Chairperson Bauer noted that the other email speaks of a park and asked where that is located.

City Planner McCann noted that he believed that the park of note is Ford Brook and identified that location.

Chairperson Bauer asked the path that employees would most likely take that may come to the site.

Ms. MacLennan described the path the employees would take. She commented that she will attempt to route delivery trucks into the right space. She noted that if the resident were sensitive to traffic, it would not be from employees but deliveries.

Chairperson Bauer asked if the deliveries would be from UPS/Amazon type trucks.

Ms. MacLennan confirmed they would be getting those types of deliveries about one per day. She noted that her neighbor gets about one similar delivery per day and does not have a home business. She confirmed that there would not be semitrucks making deliveries.

Commissioner Anderson asked if there would be signage.

Ms. MacLennan replied that they would not propose any signage as they would not have a need. She stated that in her discussions with staff it did not seem there was an option to add an additional address or suite for the structure but noted that they can put in the notes for delivery to deliver to the structure access and not the home driveway.

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Peters, Gengler, Hunt, Peters, and Walker. Voting No: None. Absent: Commissioner VanScoy.

Chairperson Bauer closed the public hearing closed at 7:20 p.m.

Commission Business

Commissioner Anderson stated that he previously understood that CUPs run with the property but Planning Manager Larson indicated that if these homeowners were to leave the property, the CUP would terminate.

Senior Planner Anderson replied that a CUP does run with the land and is recorded against the property as long as the conditions continue to be met. He stated that if the property were sold and the use were continued, the CUP would continue. He explained that a Home Occupation Permit is tied to the applicant and does not run with the property. He stated that in this case the CUP would remain for the accessory structure to remain, but the Home Occupation Permit would expire.

Chairperson Bauer asked if an additional condition could be added that specifies that the accessory structure cannot be used for residential purposes.

Senior Planner Anderson confirmed that condition five would prevent that activity.

Commissioner Walker commented that there is already something that would allow for a mother in-law suite in a garage. He asked if the property were to change hands, could the new owner apply for an ADU.

City Planner McCann stated that in this case, the structure would be too large based on the size of the property to allow it as an ADU.

Motion by Commissioner Peters, seconded by Commissioner Hunt, to recommend that City Council adopt Resolution #22-164 Approving a Conditional Use Permit to Allow a Two-Story Accessory Structure on the Subject Property.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Peters, Hunt, and Gengler. Voting No: Commissioners Anderson and Walker. Absent: Commissioner VanScoy.

Motion by Commissioner Peters, seconded by Commissioner Hunt, to recommend that City Council adopt Resolution #22-165 Approving a Home Occupation Permit to Allow a Computer Business on the Subject Property.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Peters, Hunt, and Gengler. Voting No: Commissioners Anderson and Walker. Absent: Commissioner VanScoy.

6.02: Public Hearing: Consider Request for a Sketch Plan, Conditional Use Permit, Zoning Map Amendment, Site Plan, Final Plat, and Comprehensive Plan Amendment Approval for Green Valley Greenhouse to Expand the Commercial Greenhouses on the Properties Generally Located South of Green Valley Road NW and East of Nowthen Boulevard NW

Public Hearing

Chairperson Bauer called the public hearing to order at 7:27 p.m.

Presentation

Senior Planner Anderson presented the staff report stating that staff recommends approval of the four-part application as proposed.

Chairperson Bauer noted the inclusion of a final plat and stated that typically the Commission only acts on preliminary plat.

Senior Planner Anderson confirmed that the City Council takes action on final plat, but it was listed in the action items for transparency and because the actions are being presented together. He noted that the Commission would not technically take action on the sketch plan or final plat items.

Commissioner Anderson stated that he has issue with R-1 in this instance and asked if there is an agricultural zoning district.

Senior Planner Anderson replied that the City does not have an agricultural zoning district and advised that use is allowed within R-1. He noted that if the Commission desired, they could consider creating an agricultural district in the future but advised that this request should be considered as presented.

Councilmember Woestehoff asked if staff would also consider adding greenhouses as a conditional use for R-2. He noted that could solve this problem without having to rezone or amend the Comprehensive Plan.

Senior Planner Anderson replied that Ramsey is already teetering on the density requirements, therefore it would seem appropriate to allow this use in R-1 and not impact the higher density districts.

Councilmember Woestehoff noted that almost all of parcel one could be rezoned as R-2 and some of those lots per acre could be regained.

Senior Planner Anderson commented that could be an option if that route is chosen.

Councilmember Woestehoff stated that he is not essentially suggesting it but noted that would be an option to help Ramsey teeter the other way.

Commissioner Anderson commented that his concern is that there are too many zoning districts and things should be simplified. He recognized that the best fit for this commercial operation would be R-1 but would be interested in other options that could make this work. He noted that there are other businesses within the R-1 district that could be reviewed in the future. He stated that he would be interested in reviewing this topic in the future.

Chairperson Bauer noted that could be included in the upcoming review of the zoning districts.

Commissioner Walker asked if staff has an estimate on how far the notices were sent and how many people were notified.

Senior Planner Anderson replied that the notice distance was from the property boundaries. He confirmed that no written or verbal comments had been received. He noted that about 45 property owners were made aware of the request.

Commissioner Walker commented that personally, this impacts two of the worst intersections in Ramsey. He stated that if the operations are expanded it would logically make traffic worse and he would find it hard to believe that there were no concerns from residents. He wanted to ensure that the people that have to deal with the traffic had the opportunity to voice an opinion.

Senior Planner Anderson commented that unfortunately the applicant's narrative was not included in the case, but their narrative does address traffic.

Citizen Input

Brad Wolf, owner of Green Valley Greenhouse, commented that they value being in Ramsey and would like to keep that relationship going as their business continues to expand. He stated that they currently grow a lot of products offsite which are then shipped to them. He stated that they feel like the amount of traffic will change because they will be able to grow more products onsite and ship more efficiently. He stated that they will not be expanding retail above what already exists. He commented that over the years they have become more efficient and do not plan to add more employees.

Commissioner Anderson asked if the applicant anticipates requesting access from CR 5 in the future.

Mr. Wolf replied that they do not plan to do that as they currently have three accesses off CR 63.

Chairperson Bauer stated that it does not appear there is property immediately on CR 5.

Senior Planner Anderson confirmed that the greenhouse operation would not have frontage on CR 5 as a result of the additional land acquisition. He stated that the Hunt family would be the owners of parcel two, which does have frontage along CR 5.

Commissioner Gengler asked if the applicant has reviewed the recommendations from the EPB related to landscaping and if they feel comfortable with that.

Mr. Wolf commented that he was made aware of that recommendation today and noted that they do have plans to provide landscaping along with the Hunt family and along Green Valley Road.

Commissioner Anderson asked if there has been consideration of buffering the noise from the greenhouse fans.

Mr. Wolf replied that they have now built greenhouses that are naturally ventilated which has eliminated that noise.

Commissioner Anderson referenced the north and west edges, where buffering was discussed, and asked for more details.

Mr. Wolf provided details on the proposed landscaping plan which would include a berm, trees, and plantings.

Anna Schmidt, 6245 172nd Lane NW, stated that her biggest concern was the potential noise level. She noted that most of the time that she has lived on the property she has not been impacted by the greenhouse but was impacted by the fan and machinery noise in the past few years. She stated that concern has been addressed by the applicant. She referenced the park preserve along Trott Brook and asked if this would impact the development of that park area.

Senior Planner Anderson replied that this project will not have merit on that. He noted that the City does have a goal to have a continuous corridor along Trott Brook and has been successful in obtaining fee title and/or trail easements along Trott Brook. He noted that the previous application from Green Valley Greenhouse included that easement. He was unsure of the plans to construct a trail along the corridor but noted that the City continues to review options for public benefit as projects continue to come forward in the corridor.

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Walker, Gengler, Hunt, and Peters. Voting No: None. Absent: Commissioner VanScoy.

Chairperson Bauer closed the public hearing closed at 7:55 p.m.

Commission Business

Chairperson Bauer noted that the first action would be related to sketch plan and final plat, both of which do not require formal action from the Commission and asked for input from the group.

Commissioner Gengler referenced the southernmost lot against Nowthen Boulevard. She stated that it is her understanding that is not part of the expansion plans but is property that is being used in the trade out of properties.

Senior Planner Anderson confirmed that is correct. He noted that parcel would be connected to the Hunt property that currently has a home on it.

Chairperson Bauer stated that the record can reflect that there were no concerns with the sketch plan and final plat. He moved to the action items before the Commission.

Commissioner Anderson recognized the position the City is in with the Metropolitan Council related to density and asked if this would create any additional issues.

Senior Planner Anderson replied that he did speak with a representative from the Metropolitan Council and because acreage is being swapped there would be no issue.

Motion by Commissioner Gengler, seconded by Commissioner Peters, to recommend that City Council approve a Comprehensive Plan Amendment Reguiding Lands between Low Density Residential and Medium Density Residential Southeast of Green Valley Road NW and Nowthen Boulevard NW.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Gengler, Peters, Anderson, and Hunt. Voting No: Commissioner Walker. Absent: Commissioner VanScoy.

Motion by Commissioner Hunt, seconded by Commissioner Gengler, to recommend that City Council approve of a Rezoning Ordinance Rezoning Lands between R-1 MUSA and R-2 Southeast of Green Valley Road NW and Nowthen Boulevard NW.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Hunt, Gengler, Anderson, and Peters. Voting No: Commissioner Walker. Absent: Commissioner VanScoy.

Motion by Commissioner Gengler, seconded by Commissioner Peters, to recommend that City Council approve of a Conditional Use Permit Amendment for the Expansion of a Commercial Greenhouse at 6530 Green Valley Road NW.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Gengler, Peters, Anderson, and Hunt. Voting No: Commissioner Walker. Absent: Commissioner VanScoy.

6.03: Public Hearing: Consider Site Plan for Water Treatment Plant (Project No. 22-104); Case of City of Ramsey

Public Hearing

Chairperson Bauer called the public hearing to order at 8:00 p.m.

Presentation

Senior Planner Anderson presented the staff report stating that staff recommends approval of the Site Plan, contingent upon compliance with Staff review comments, which includes the need for a plat.

Chairperson Bauer noted that there was a comment that the needed materials were not ready prior to the meeting and therefore asked if the item should be continued to the August meeting. He stated that sketch plan does not require formal action, final plat is not considered by the Commission and on a minor plat, preliminary plat can be approved by staff. He asked if the continuance would really be necessary.

Senior Planner Anderson stated that when he drafted the case it had not been settled whether the request would be three or four parcels. He noted that four parcels would require a preliminary plat, but it has been settled that it will only be three parcels which does not require a continuance.

Commissioner Anderson stated that he would want to ensure there is a road to the cemetery with space for parking of one or two vehicles.

Senior Planner Anderson commented that nothing proposed would impact the existing conditions for the cemetery. He stated that there are no plans for a paved driveway. He stated that there is a curb cut that would remain and vehicles can be parked.

Commissioner Anderson stated that currently it is basically a cattle trail, and he would want to see gravel access at a minimum to ensure public access.

Chairperson Bauer asked who owns the cemetery.

Senior Planner Anderson replied that the City owns the cemetery. He stated that if grant funds were to become available, the City could perhaps attempt to more formally identify additional gravesites that may exist.

Citizen Input

No comments.

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Peters, Gengler, Hunt, and Walker. Voting No: None. Absent: Commissioner VanScoy.

Chairperson Bauer closed the public hearing closed at 8:12 p.m.

Commission Business

Motion by Commissioner Anderson, seconded by Commissioner Gengler, to recommend that City Council approve the Site Plan, contingent upon compliance with Staff review comments with an additional condition related to a request for gravel access to the cemetery.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Gengler, Hunt, Peters, and Walker. Voting No: None. Absent: Commissioner VanScoy.

6.04: Public Hearing: An Ordinance Amending Section 117-57 (Nonconforming Structures and Land Use) to Establish Legal Nonconformities Resulting from a Public Action

Public Hearing

Chairperson Bauer called the public hearing to order at 8:13 p.m.

Presentation

City Administrator Hagen presented the staff report stating that staff recommends approval of the ordinance as presented.

Chairperson Bauer asked if this would only apply if the City obtained ownership of the property.

City Administrator Hagen replied that in this scenario it would only apply to ownership but would also apply to the County and State ownership of property in addition to the City.

Commissioner Anderson stated that he would like another example. He used the scenario of a business along Highway 10 that will be impacted by the project and asked if this would allow for the highway to be expanded with a partial taking of the property and whether the business would just become nonconforming.

City Administrator Hagen replied that if there were a 30-foot setback that the building currently meets and the City needs a portion of that for public improvement, such as five feet, that would make the property a legal nonconforming use as the reason the property became nonconforming is because of the need for the land for the public improvement.

Commissioner Anderson asked if the business were to change ownership, would the legal nonconforming designation continue.

City Administrator Hagen confirmed that if the business were to change ownership, it could continue to use the existing structures and parking. He stated that there would also be provisions that would allow expansion if it were to make sense as the land that was taken for the public improvement would qualify as the practical difficulty. He stated that Anoka County is reviewing the land necessary in each scenario on a case-by-case basis and whether the business could still operate under those conditions. He stated that if the business could no longer operate in the same manner, the County would do a full taking of the property.

Commissioner Walker stated that if a business along Highway 10 were damaged by tornado or fire and needed to be rebuilt, could it rebuild in the same position or if there was sufficient space to meet setbacks would then business then need to meet setbacks.

City Administrator Hagen replied that it would depend on the case. He stated that if there were a natural disaster and a permit were obtained within the allowed time, they could rebuild in that footprint.

Senior Planner Anderson replied that per State Statute, the business would have 180 days to apply for a building permit in order to rebuild in the exact same footprint because of the lawful nonconforming designation. He stated that the business could also expand as long as that expansion were not occurring in the reduced setback area.

Councilmember Woestehoff stated that these are solutions without a variance but noted that the variance option would still remain as well.

Citizen Input

No comments.

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Peters, Hunt, Anderson, Gengler, and Walker. Voting No: None. Absent: Commissioner VanScoy.

Chairperson Bauer closed the public hearing closed at 8:25 p.m.

Commission Business

Motion by Commissioner Anderson, seconded by Commissioner Hunt, to recommend that City Council adopt Ordinance #22-23 Amending Section 117-57 of the City Code Pertaining to Nonconforming Structures and Uses.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Hunt, Gengler, Peters, and Walker. Voting No: None. Absent: Commissioner VanScoy.

7. COMMISSION BUSINESS

None.

8. COMMISSION / STAFF INPUT

City Administrator Hagen provided an update on the solicitation for the Community Development Director position noting that the application period has been extended to August 5, 2022 in attempt to obtain additional applicants.

Commissioner Anderson noted that Night to Unite is scheduled for the following week and encouraged residents to participate in their neighborhood events.

Chairperson Bauer noted that he will be unable to attend the August meeting but will participate via Zoom. He recognized that it is difficult to run a meeting when not in attendance and therefore will open the meeting and then turn the Chair position over to the Vice Chair to run the remainder of the meeting.

9. ADJOURNMENT

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Peters, Gengler, Hunt, and Walker. Voting No: None. Absent: Commissioner VanScoy.

The regular meeting of the Planning Commission adjourned at 8:29 p.m.

Respectfully submitted,

Todd Larson
Planning Manager

ATTEST:

Nicole Laubach
Planning Administrative Assistant

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

ENVIRONMENTAL POLICY BOARD
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

On Monday, July 18, 2022, the Environmental Policy Board (EPB) met in the Council Chambers at the Ramsey Municipal Center, 7550 Sunwood Drive N.W., Ramsey, Minnesota.

Members Present: Chairperson Laura Moore
Board Member Todd Arts
Board Member Reid Bernard
Board Member Melissa Fetterley
Board Member Michael Hiatt
Board Member Jared Little

Members Absent: None

Also Present: Senior Planner Chris Anderson
City Council Liaison Chelsee Howell

1. CALL TO ORDER

Chairperson Moore called the meeting to order at 6:30 p.m.

2. CITIZEN INPUT

None.

3. APPROVE AGENDA

Motion by Board Member Little and seconded by Board Member Bernard to approve the agenda as submitted.

Motion carried. Voting Yes: Chairperson Moore, Board Member Little, Bernard, Arts, Fetterley, and Hiatt. Voting No: None. Absent: None.

4. APPROVE MINUTES

4.01: Approve Meeting Minutes Dated May 16, 2022

Motion by Board Member Hiatt and seconded by Board Member Fetterley to approve the regular meeting minutes dated May 16, 2022.

Motion carried. Voting Yes: Chairperson Moore, Board Member Hiatt, Fetterley, Arts, Bernard, and Little. Voting No: None. Absent: None.

5. POLICY BOARD BUSINESS

5.01: Consider Request for a Comprehensive Plan Amendment to Rearrange Areas Guided Low and Medium Density Residential (Project No. 22-126); Case of Green Valley Greenhouse

Senior Planner Anderson presented the staff report. He stated that the City has received a land use application from Green Valley Greenhouse for a Comprehensive Plan Amendment, Zoning Amendment, Plat, Site Plan, and Amended Conditional Use Permit related to their existing greenhouse operation. The request involves 6750 Green Valley Road and 17455 Nowthen Boulevard (together, the subject properties). Most of these actions are outside the purview of the Environmental Policy Board, with the exception of the requested Comprehensive Plan Amendment.

Chairperson Moore commented that she reviewed this case prior to the meeting and did not have any questions or concerns.

Senior Planner Anderson commented that at this time there are no residential development requests, noting that this is solely to support the expansion of the greenhouse while insuring there is not a net loss of land use designations. He noted that any future development requests would go through the typical review process.

Board Member Hiatt commented that the land proposed for purchase is open farmland and asked what type of landscaping would be done.

Senior Planner Anderson stated that there would be landscaping along the road frontage and to buffer between the residential properties. He stated that the groundcover would be typical to the existing greenhouse property.

Motion by Board Member Little and seconded by Board Member Hiatt to recommend approval of the requested Comprehensive Plan Amendment as there is no net loss of either land use designation, contingent upon a landscaping plan for the area adjacent to Green Valley Road and along the western boundary of the site.

Motion carried. Voting Yes: Chairperson Moore, Board Member Little Hiatt, Arts, Bernard, and Fetterley. Voting No: None. Absent: None.

5.02: Consider Natural Resources Aspects Related to the Proposed Water Treatment Facility (Project No. 22-104); Case of City of Ramsey

Senior Planner Anderson presented the staff report. He stated that the City is proposing the construction of a Water Treatment Facility that would be located directly north of the new Public Works Campus at 14199 Jaspar Street NW (the subject property). The Water Treatment Facility is designed to remove iron and manganese from the municipal drinking water system and will have the capacity to treat up to 10 million gallons per day. The Water Treatment Facility will not only remove iron and manganese from the drinking water, but it is estimated that approximately 6 millions gallons of water per year could be conserved as water main flushing will no longer need to be conducted in the spring and fall.

Board Member Litle commented that he supports removal of the Siberian elm.

Board Member Arts asked if the cemetery is private or maintained by the City.

Senior Planner Anderson replied that it is maintained by the City. He commented that it is a peaceful place with a long history.

Board Member Hiatt asked if any trees within the cemetery are planned for removal.

Senior Planner Anderson replied that there is fencing around the cemetery and none of this activity would encroach into the cemetery. He clarified the area that would have tree removal, outside the boundaries of the cemetery.

Motion by Board Member Little and seconded by Board Member Fetterley, to recommend approval of the natural resources elements of the plan set, contingent upon compliance with staff's review comments and to recommend removal of the invasive trees in the southwest corner of the project and/or seeding or replacement of trees.

Motion carried. Voting Yes: Chairperson Moore, Board Member Little, Fetterley, Arts, Bernard, and Hiatt. Voting No: None. Absent: None.

5.03: 2023 Recycling Activities

Senior Planner Anderson presented the staff report. He stated that the purpose of the case is to obtain feedback from the Board on potential recycling activities that could be offered in 2023. The City's recycling program is funded through the Select Committee on Recycling and the Environment (SCORE) program. Annually, the City must submit a funding request to Anoka County for SCORE funds for the upcoming year. Typically, each community is allocated base funding of $10,000, plus $5.00 per household. In 2023, Ramsey's base funding allocation is $57,955.00. There are additional grant funding categories including: permanent drop-off center improvements, general enhancement (includes parks recycling, special municipal event recycling, special curbside recycling pick-ups, multi-family recycling outreach, and promotions), and organics. Ramsey is not eligible for the first category as the City does not have a permanent drop-off center. However, Ramsey is eligible for an additional $9,591.00 for general enhancement activities and $9,591.00 for organics activities (these equate to an additional $1.00 per household).

Board Member Fetterley commented that there are residents posting on social media looking for junk haulers and therefore a curbside pickup offering may be popular.

Chairperson Moore agreed that it would be nice to have staff research that option if there is available time.

Board Member Hiatt asked for information on how this type of event would be marketed/organized.

Senior Planner Anderson commented that he spoke with a vendor the previous year and noted that there was flexibility in the options. He believed that the event would be one to two weeks.

Board Member Hiatt asked if the City would contribute funds towards the offering.

Senior Planner Anderson confirmed that the City would use SCORE funds but there would still be a cost to residents that chose to participate.

Board Member Hiatt commented that a reduced fee would be well received by residents, noting the high prices for typical junk haulers.

Senior Planner Anderson commented that they would be specific on the items that could be collected, therefore this would not be typical junk hauling. He commented that the materials would need to be recyclable.

Board Member Hiatt commented that he believed even the option for recycling appliances through curbside pickup would be well received by residents. He commented that he does support the pause on investigating the micro drop off center at this time but wanted to ensure that remains on the list for the future.

Chairperson Moore asked for details on the fix-it clinic.

Senior Planner Anderson replied that the County hosts fix it clinics monthly throughout the County at different locations. He stated that volunteers that like to tinker are available to attempt to fix items that may not be working properly. He stated that Ramsey will host one of these events in the coming year. He commented that it would be focused on reuse.

Chairperson Moore commented that is a great idea and she is curious to see the turnout for the event.

6. BOARD / STAFF INPUT

- **Summary of Rain Barrel/Compost Distribution Event**

Chairperson Moore commented on the distribution event, noting that there were some leftovers after the event. She asked if the City was able to sell those.

Senior Planner Anderson stated that he has received a few inquiries and one additional sale has occurred. He noted that he was out of the office for an extended amount of time after the event which may have caused delays. He stated that he will continue to work with the organization and interested residents. He noted that 20 to 25 compost bins remain, and the rain barrels have been sold. He provided a general update on the event.

Chairperson Moore noted the upcoming deadline of July 26th for a member of the Board to submit an article for the newsletter.

7. ADJOURNMENT

Motion by Board Member Little and seconded by Board Member Hiatt to adjourn the meeting.

The meeting adjourned at 7:14 p.m.

Respectfully submitted,

_____
Chris Anderson
Senior Planner

ATTEST:

_____
Nicole Laubach
Planning Administrative Assistant

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

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, July 14, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Michael Olson
Member Chelsee Howell
Member Rachal Johnson
Member William MacLennan (arrived at 7:32 a.m.)
Member Chris Riley
Member Shanna Stewart
Member Scott Wiyninger

Members Absent: None

Also Present: Sean Sullivan, Economic Development Manager
Brian Hagen, City Administrator

1. CALL TO ORDER

Chairperson Olson called the Economic Development Authority meeting to order at 7:30 a.m.

2. APPROVE AGENDA

Motion by Member Johnson, seconded by Member Wiyninger, to approve the agenda.

Motion carried. Voting Yes: Chairperson Olson, Members Johnson, Wiyninger, Howell, Riley, and Stewart. Voting No: None. Absent: Member MacLennan.

3. CONSENT AGENDA

3.01: Approve Meeting Minutes Dated June 9, 2022

Chairperson Olson stated that the last item on the agenda shows that Member MacLennan voted to adjourn but did not believe he was in attendance.

Motion by Member Riley, seconded by Member Johnson, to approve the June 9, 2022, minutes as amended.

Motion carried. Voting Yes: Chairperson Olson, Members Riley, Johnson, Howell, Stewart, and Wiyninger. Voting No: None. Absent: Member MacLennan.

Member MacLennan arrived.

4. EDA BUSINESS

4.01: Consider First Amendment to Purchase Agreement for Parcel 50; Case of Java Properties

Economic Development Manager Sullivan presented the staff report.

Mark Krogh, Java Properties, was present to answer questions. He noted that the biggest delay has been trying to determine the timing of construction for Ramsey Boulevard and related closures. He commented that they have been working diligently with Anoka County and within the last month have been able to find out an estimated timeline for Ramsey Boulevard closures and construction, which will be seven to ten months. He stated that they are now working with tenants and the bank on negotiations for rent impacts. He believed they would have that all figured out within the next six months.

Member Stewart asked if there are tenants for all the spaces.

Mr. Krogh stated that they have letters of intent from all potential tenants and will work forward with leases now that they know the details of the road closures.

Member Riley commented that it seems that the applicant and the City are doing what they can, and Anoka County has been cooperating, although at a slower pace. He asked if there is anything the City could do further to assist.

Mr. Krogh stated that it would be helpful if the City assists with the construction of Veterans Drive, as access will be important. He noted that they are still getting cost estimates now that they have found out more details from the County.

Member Wiyninger stated that he is excited to see this project move forward and asked the anticipated timelines for this project.

Mr. Krogh commented that they would have to close on the property by December and therefore construction would be planned for 2023.

Motion by Member Stewart, seconded by Member Johnson, to recommend to City Council to approve First Amendment to Purchase Agreement on Parcel 50 with Java Properties as presented, subject to City Attorney review.

Motion carried. Voting Yes: Chairperson Olson, Members Stewart, Johnson, Howell, MacLennan, Riley, and Wiyninger. Voting No: None. Absent: None.

4.02: Consider Application for Sign and Awning Program: Miss IZ Ice Cream LLC

Economic Development Manager Sullivan presented the staff report.

Jess Pratt, co-owner of Miss IZ Ice Cream and Soda Pop Shop, stated that they are excited to bring this new venture to Ramsey. She stated that she and her husband also own Ambi Wine Bar in Anoka. She stated that the space is in the Ramsey Town Square shopping center, in the space previously occupied by Papa Murphy's. She commented that the vision for the space will be retro inspired décor and they will have specialized ice cream treats. She confirmed that there will be 20 inside seats, as well as some outdoor sidewalk seating.

Member Howell commented that she is excited to see the business coming into this space.

Member Wiyninger echoed that this will be a great addition to Ramsey and asked when the business plans to open.

Ms. Pratt replied that they hope to be open within the next 90 days.

Chairperson Olson asked if the signs in the packet are accurate of what the business plans to use.

Ms. Pratt confirmed that they have a few bids out but plan to follow that design, although the colors may change.

Motion by Member Johnson, seconded by Member Wiyninger, to recommend to City Council to approve a $1,500 grant from the Sign and Awning Program for Miss IZ Ice Cream.

Motion carried. Voting Yes: Chairperson Olson, Members Johnson, Wiyninger, Howell, MacLennan, Riley, and Stewart. Voting No: None. Absent: None.

5. MEMBER / STAFF UPDATE

Economic Development Manager Sullivan provided an update on recent development activity and interest. He also noted the upcoming Business Appreciation Event in August.

City Administrator Brian Hagen provided an update on the recent Highway 10 open house meetings noting that positive feedback was received.

6. ADJOURNMENT

Motion by Member Wiyninger, seconded by Member Stewart, to adjourn the meeting.

Motion carried. Voting Yes: Chairperson Olson, Members Wiyninger, Stewart, Howell, Johnson, MacLennan, and Riley. Voting No: None. Absent: None.

The regular meeting of the Economic Development Authority adjourned at 7:50 a.m.

Respectfully submitted,



Sean Sullivan
Economic Development Manager

ATTEST:



Wendy Schlueter
Economic Development Administrative Assistant

Draft by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

PARK AND RECREATION COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

The Ramsey Park and Recreation Commission conducted a regular meeting on July 14, 2022, at The Draw park and amphitheater, 7401 Ramsey Parkway, Ramsey, Minnesota.

Commission Members Present:	Vice Chair Brandon Sis Commissioner Nathan Barten Commissioner Jennifer Leistico Commissioner Justin Loss
Commission Members Absent:	Chair Shane Bennett Commissioner Dean Olson Commissioner Brian Walker
Also Present:	City Council Liaison Debra Musgrove Parks & Assistant Public Works Director Mark Riverblood Recreation Specialist Marla Martinez-Flynn

1. CALL TO ORDER

Acting Chair Sis called the Park and Recreation Commission meeting to order at 6:36 p.m.

2. CITIZEN INPUT

None.

3. APPROVE AGENDA

Motion by Commissioner Barten, seconded by Commissioner Leistico to approve the Park and Recreation Commission meeting agenda as presented.

Motion carried. Voting Yes: Acting Chair Sis; Commissioners Barten, Leistico, Loss, and Olson. Voting No: None. Absent: Chair Bennett and Commissioner Walker.

4. APPROVE MINUTES

4.01: Approve Park and Recreation Commission Meeting Minutes

Motion by Commissioner Barten, seconded by Commissioner Loss, to approve the following Park and Recreation Commission Regular Meeting Minutes:

- Park and Recreation Commission Meeting Minutes dated May 12, 2022

Motion carried. Voting Yes: Acting Chair Sis; Commissioners Barten, Loss, Leistico, and Olson. Voting No: None. Absent: Chair Bennett and Commissioner Walker.

5. COMMISSION BUSINESS

5.01: Consider Proposal for a Remote-Controlled Car Track at Alpine Park

Parks & Assistant Public Works Director Riverblood stated that remote controlled cars are increasing in popularity and a goal of the parks and recreation system is to have a variety of offerings for all residents. He stated that presently the remote-controlled vehicles are being used in the grass areas and a proposal has been made for a car track. He stated that staff agrees that Alpine Park would be suitable for this use and provided details on the proposed area.

Kevin McLain provided a layout of the proposed track which would not take up that much space. He stated that they would like to get kids and families involved as many kids in the area have remote controlled cars and this would be a place for those kids to gather.

Acting Chair Sis asked if there would be grading needed or whether the track would be constructed with volunteers.

Mr. McLain replied that he would love to see volunteers used. He commented that they would need dirt/clay to be brought in as the soil is mostly sand in this area. He noted that there are tracks in other communities nearby as this is becoming a more popular activity.

Acting Chair Sis noted that it would be nice to have the track as an amenity especially as a local business sells the equipment. He asked for details on maintenance.

Mr. McLain replied that he would organize a group to complete monthly maintenance but would have some concern with kids attempting to use four wheelers on the track and the damage that could be done.

Acting Chair Sis asked what would prevent four-wheeler activity.

Mr. McLain commented that he and resident Duane Gerdes that live nearby could police that activity.

Parks & Assistant Public Works Director Riverblood commented that public works could make a sign stating RC cars only and no bicycles or other motorized vehicle use.

Commissioner Loss asked how many users could utilize the track at one time.

Mr. Gerdes replied that ten cars could race at once as proposed.

Commissioner Leistico asked if the courses mentioned in other communities are well used.

Mr. Gerdes confirmed that those tracks are well used.

Commissioner Barten asked if there is electrical available in the area and whether vehicles would need to be charged.

Mr. McLain replied that it would be nice to have access to power if available and water as well for wetting the track.

Parks & Assistant Public Works Director Riverblood replied that the cost for developing a water system to the site would be several thousand dollars.

Mr. McLain replied that he could bring water to the site when needed.

Parks & Assistant Public Works Director Riverblood commented that he could follow up with Connexus to determine if an electric outlet could be added for little to no cost.

Acting Chair Sis stated that he is in support of doing a course at one of the parks, but it would not necessarily have to be Alpine.

Commissioner Leistico stated that she likes the location at Alpine Park.

Parks & Assistant Public Works Director Riverblood commented that the Commission could make a motion to proceed with the development of a remote-control vehicle track and if there was a significant expenditure involved, it would need to come back to the Commission. He stated that it seems that there would be minimal cost, and this would not be a permanent improvement.

Acting Chair Sis commented that there are small parks like Titterude Park that would have utilities available and could perhaps create a nicer track amenity.

Councilmember Musgrove asked what would occur if the parking at Alpine needed to be expanded but recognized that there may be another park that could be more suited because of access to utilities.

Parks & Assistant Public Works Director commented that he does also believe Titterude could be a great location.

Commissioner Barten commented that Titterude would also eliminate the adjacent skate park concerns.

Motion by Commissioner Leistico, seconded by Commissioner Barten to move forward with siting and investigating options for a remote-controlled car track in Ramsey and direct staff to find the most feasible location, bringing that information back for consideration.

Motion carried. Voting Yes: Acting Chair Sis; Commissioners Leistico, Barten, Loss, and Olson. Voting No: None. Absent: Chair Bennett and Commissioner Walker.

5.02: Affirm and Update Policy Relating to Non-Programmed Activity as Part of the Summer Concert Series

Parks & Assistant Public Works Director Riverblood explained how things have evolved since the summer concert series began in 2010 related to sponsorship and outside sellers. He stated that in 2014, the City developed a policy in attempt to control the unsolicited vendors that show up. He stated that recently the City Council has been reviewing policies and this seems like a good opportunity to update the policy.

Acting Chair Sis welcomed any comments on the draft policy. It was noted there were minimal changes. He asked whether they wanted to leave the door open for potential sponsorship in the future.

Parks & Assistant Public Works Director Riverblood confirmed that the language would allow for one sponsorship at a time in The Draw and that advertising shall be limited to direct sponsors.

Motion by Commissioner Loss, seconded by Commissioner Leistico to approve the updated policy to Preserve Leisure and Quality of experience for Park Patrons.

Further discussion: Councilmember Musgrove asked for additional details on how the sponsorships would be determined. Acting Chair Sis clarified that City staff would handle that work. Parks & Assistant Public Works Director Riverblood commented that additional clarification may not be needed within the policy and provided details on how the bands and sponsors are selected and negotiated.

Motion carried. Voting Yes: Acting Chair Sis; Commissioners Loss, Leistico, Barten, and Olson. Voting No: None. Absent: Chair Bennett and Commissioner Walker.

6. COMMISSION/STAFF INPUT

Recreation Specialist Marla Martinez-Flynn provided an update and highlights of summer programming that has occurred thus far and those yet to come. She stated that next week, The Draw will feature Minnesota's largest inflatable water slide next week from 4 to 8 p.m.

Parks & Assistant Public Works Director Riverblood provided an update on playground replacement progress and resident involvement and contributions

Commissioner Loss noted a recent posting on social media where a resident that took the pickleball lessons is attempting to coordinate times for residents to play together.

Councilmember Musgrove congratulated Recreation Specialist Marla Martinez-Flynn noting that the Council recently approved an increase in her hours.

7. ADJOURNMENT

Motion by Commissioner Barten, seconded by Commissioner Leistico to adjourn the meeting.

Motion carried. Voting Yes: Acting Chair Sis; Commissioners Barten, Leistico, Loss, and Olson. Voting No: None. Absent: Chair Bennett and Commissioner Walker.

The Park and Recreation Commission meeting adjourned at 7:06 p.m.

Respectfully submitted,



_____

Mark Riverblood
Parks & Assistant Public Works Director

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

PUBLIC WORKS COMMITTEE
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

The Public Works Committee conducted a regular meeting on Tuesday, July 19, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Chris Riley
Councilmember Debra Musgrove
Councilmember Matt Woestehoff

Also Present: City Engineer Bruce Westby
Public Works Streets Supervisor Shane Turner

1. CALL TO ORDER

Chairperson Riley called the regular meeting of the Public Works Committee to order at 5:30 p.m.

2. CITIZEN INPUT

Jim Myslicki, 16811 Zirconium St., expressed concern with the condition of 167th Avenue NW between TH 47 and CR 5. He commented that people are often driving on the shoulder of the road to avoid potholes. He stated that he has not seen any activity from the patching crew on that road, although he has seen patching on other roads in the area. He commented that there is a lot of traffic on this section of roadway and wanted to know if there would be patching. He recognized that there is a resurfacing of the roadway potentially scheduled for 2023. He commented that something needs to be done before that time. He commented that there is not even a center line painted on the roadway, which is a concern. He stated that he has been a resident of Ramsey for 36 years and his taxes continue to increase but the road conditions continue to deteriorate.

Chairperson Riley confirmed that the segment of road is scheduled for reconstruction in 2023.

City Engineer Westby confirmed that the road will be completely reconstructed in 2023 and staff is also reviewing the potential pedestrian elements.

Chairperson Riley commented that while there are several steps for approval, the road will be reconstructed in 2023.

City Engineer Westby commented that staff is attempting to address deep potholes, even on roads scheduled for reconstruction in future years. He recognized that staff is behind on that activity.

Public Works Streets Supervisor Turner commented that he will review the condition and if he needs to get someone out there sooner than scheduled, he will do so. He confirmed that the road is in poor condition, and he does have a work order for patching.

Mr. Myslicki asked if the patch crew goes out every day or whether they operate on a complaint basis.

Public Works Streets Supervisor Turner explained that his patch crew is the same crew that handles other duties such as street sweeping, tree trimming, stormwater duties, and signs. He commented that the crew only has four employees, and they are spread thin between all the necessary duties.

Chairperson Riley asked how the work orders are prioritized.

Public Works Streets Supervisor Turner confirmed that the volume of complaints and traffic level of the road are taken into consideration.

City Engineer Westby stated that staff is currently conducting interviews to add two additional public works employees that would work on the streets. He commented that there is not a City policy on the center line and the City also does not have a paint sprayer.

Mr. Myslicki commented that there are yellow tabs used for temporary purposes and perhaps those could be used but noted that his priority would be for the patching to occur.

Dan Ridgeway, 15410 Argon Street NW, commented that he has been in contact with the Mayor since February or March of this year. He stated that they would like something done as his home has been flooded out twice. He noted that when they purchased their home they were not aware there were issues with flooding and provided details on the first flooding experience. He stated that he reached out early this year in attempt to remedy this before winter comes around again. He stated that he is unaware what the yard looked like before he moved to the property and prior to the septic system being replaced. He stated that his property is graded in a manner that causes water to flood in through the sliding door when the snow is melting.

Mrs. Ridgeway commented that there is a river that goes through their yard.

Mr. Ridgeway provided details on the path the drainage takes to reach the holding area/pond on a neighboring property. He commented that the neighbor behind their property has a holding tank that fills up and eventually drains on the other side through the culvert.

Chairperson Riley commented that the Ridgeway property is a low point in the area.

Mrs. Ridgeway commented that the sandbags the City provided is the only thing that has saved their house.

Mr. Ridgeway provided photographs of the flooding. He also provided photos of the culvert and expressed concern with the safety of children.

Mrs. Ridgeway stated that they also experience problems when there are heavy rain events.

Chairperson Riley asked what would happen if the culvert were removed.

City Engineer Westby replied that the culverts are needed to direct stormwater runoff under streets and driveways to the proper areas for drainage and storage, and to prevent flooding of properties.

Mr. Ridgeway commented that the culvert needs to be replaced. He stated that the water on his property needs to be channeled away from his home.

Councilmember Woestehoff asked if the Ridgeways replaced the septic system.

Mr. Ridgeway replied that the septic system was replaced prior to their purchase of the home.

Councilmember Woestehoff commented that typically a drain field cannot be in the same location as the last and therefore that would lead him to believe the septic was previously located in a different location.

Mr. Ridgeway noted that the previous owners apparently experienced flooding, but they had not been told that or they would not have purchased the home.

Chairperson Riley noted that would be a separate real estate issue. He commented that he can see that the property as a whole is at a lower elevation. He noted that staff will provide an update on this item later on the agenda.

City Engineer Westby stated that although staff often reviews the conditions of culverts under driveways, it would be the responsibility of the property owner to replace the culvert under a driveway if needed. He confirmed that he did speak with Mr. Ridgeway to provide an update on the discussion that occurred from the previous meeting.

Chairperson Riley asked what the Ridgeways would want.

Mr. Ridgeway stated that he would like fencing installed at the end of the culvert to ensure a child could not get sucked into that.

Councilmember Woestehoff stated that the harder question would be what else Mr. Ridgeway would want. He asked how that would be most effectively done.

Mr. Ridgeway stated that the idea of an easement was previously discussed, and they would agree with that option. He stated that they just do not want to be flooded again and would like something to happen before winter.

Councilmember Woestehoff stated that other than calling the police, he would wonder if there was a reason the residents reached out to the City.

Mrs. Ridgeway replied that they called 911 because they had been bailing water for more than an hour. She noted that they were unsure of what to do.

Councilmember Woestehoff commented that he does not disagree with anything that has been said but asked if there is an expectation that the City should assist with funding this, noting that this is a problem that is occurring on private property.

Mr. Ridgeway commented that he believes the City is responsible as a permit was provided for the new septic system that changed the contour of the yard. He stated that there would also be an inspection after the job was completed.

Councilmember Woestehoff asked if the Ridgeways would find liability with the previous property owners, as it was mentioned that they experienced flooding as well.

Mrs. Ridgeway stated that they have no idea why the new septic system was installed, and they never met the previous owners.

Chairperson Riley stated that perhaps older system was failing and noted that a home cannot be sold with a failing septic system.

Mr. Ridgeway commented that they are at the lowest elevation which causes their property to receive the most water. He stated that the water needs to be channeled in the yard, so it stays away from their home.

Chairperson Riley stated that the Committee could reconsider that on a future agenda.

City Engineer Westby stated that staff revisited the site after the June meeting. He noted that there are multiple issues that exist in that general area and staff does not want to grade a deeper swale with a larger culvert and push more water to create a problem for downstream property owners. He stated that they need to have a topographic survey of the properties along the drainage line in order to build a stormwater model to determine what would happen if a deeper swale were created. He noted that another property owner in the area has stated that water comes within six to eight feet of his home in the spring and therefore staff does not want to push this issue onto other properties and cause flooding of those homes in return. He noted that the survey work would have a cost of $2,000 to $3,500. He noted that staff would need that information in order to complete a good analysis.

Mr. Ridgeway commented that he had no idea the water reached that high on the other neighbor's property.

Chairperson Riley commented that perhaps a retaining wall would help to keep water from going into the sliding door. He noted that perhaps taking out the sliding door would also be an option.

Councilmember Musgrove stated that she appreciates looking at the big picture to ensure that solving this problem does not create additional problems. She asked if the survey would assist with any future road construction projects in that area as well.

City Engineer Westby confirmed that the City should find other value in the data as well.

Chairperson Riley asked if there is a policy related to culverts.

City Engineer Westby replied that the City mainly operates on a complaint basis. He asked if flared ends have been installed on other culverts.

Public Works Street Supervisor Turner replied that they have not.

Chairperson Riley commented that the culvert has been in place since the 1970s.

City Engineer Westby commented that there is some brick debris at the downstream end of the culvert, which sprays water around as it exits the culvert.

Chairperson Riley stated that perhaps staff can go visit the site to review the culvert. He thanked the residents for their input.

City Engineer Westby stated that if the Committee would like to provide direction, he has received a verbal quote that the survey work could be done in the next two to three weeks with a cost of $2,000 to $3,500.

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to authorize staff to move forward with a topographical study as discussed.

Motion carried. Voting Yes: Chairperson Riley, Councilmembers Musgrove and Woestehoff. Voting No: None.

3. APPROVE AGENDA

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to approve the agenda, as presented.

Motion carried. Voting Yes: Chairperson Riley, Councilmembers Musgrove and Woestehoff. Voting No: None.

4. APPROVE MINUTES

4.01: Approve June 21, 2022, Meeting Minutes

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to approve the following minutes:

Regular Meeting Minutes dated June 21, 2022

Motion carried. Voting Yes: Chairperson Riley, Councilmembers Musgrove and Woestehoff. Voting No: None.

5. COMMITTEE BUSINESS

5.01: Review Updated Costs to Construct Sedimentation Basin Improvements at Sunfish Lake

City Engineer Westby reviewed the staff report and recommendation from staff to leave the existing swale as is and not construct a sedimentation basin. Everything is working well as is and the private property owner has not contacted staff since the last Committee meeting when this was discussed. If the private property owner requested this work to be completed, staff would recommend that the property owner be required to pay for the requested work since it solely benefits the use of their property. However, the City could consider contributing an amount commensurate with the estimated long-term savings associated with maintaining a settling basin next to a public street versus maintaining a linear drainage swale along the rear of a private property with access only via drainage easements. Based on a 50-year maintenance schedule, this cost is estimated at $2,000 as the City would dredge and restore the turf in the swale every 25 years on average.

Chairperson Riley commented that this is not along the back property line, but through the backyard as the homeowner has property beyond the swale.

City Engineer Westby replied that there is a berm behind the swale that the property owners wanted access to.

Chairperson Riley commented that in dry years the property owner was able to mow the swale area and have use of it, but in wet years the back of the property was not accessible. He commented that this flows across their property. He asked for details on the wetland credits.

City Engineer Westby identified the area that is wetland, which comes up to the edge of the property. He commented that according to the aerial image, the property line is at the back of the swale and therefore if the property owner were using the upland area, that is not their private property.

Chairperson Riley commented that would change his opinion and explained that is not how the discussion was framed when this was previously discussed in the past.

Councilmember Woestehoff asked if the swale is fully inside of the easement.

City Engineer Westby confirmed that the swale is within the 20-foot easement.

Chairperson Riley commented that if anything of this nature were going to be approved, he would think the City would be allowing the activity and the grading and filling of the swale would be at the expense of the property owner. He commented that his previous understanding was not the same as what the map is showing. He believed that the property owner had additional land beyond the swale, which is why he felt that this needed to be discussed but if the map is correct, he does not feel the same.

Councilmember Woestehoff stated that he does not have an appetite for this type of improvement project.

Chairperson Riley commented that in dry years the swale can be mowed and used as yard, but in wet years, it would not be the same.

Councilmember Musgrove stated that sometimes when residents have concerns with property lines, a survey is required to show the exact lines. He asked if the City has the ability to obtain the survey from the County to know where the property line is.

City Engineer Westby replied that City staff would not have that information, a surveyor would need to perform that duty. He noted that typically there are pins at the corners of the property, but staff does not go out to perform that duty. He stated that it is pretty clear that the swale is at the property line.

Chairperson Riley asked if the property owner would agree that is where the property line is, as he did not recall that from the past discussions.

City Engineer Westby replied that he also recalls that the homeowner had stated that they used the upland area in the past but was unsure if the homeowner believed it to be their property. He stated that he could reach out to the property owner if desired.

Councilmember Musgrove stated that knowing where the property line is would help to guide her decision.

Chairperson Riley agreed that he would find that information helpful.

City Engineer Westby replied that he could reach out to the property owner to determine if they would be comfortable with staff going on the property in attempt to locate those property line pins.

Councilmember Musgrove asked if there would be potential grants the homeowner could attempt to obtain for the project if it were to move forward.

City Engineer Westby replied that the project would replace one sediment removal process with another and therefore was unsure that would improve water quality. He noted that he could reach out to the Anoka Conservation District (ACD) to ask if there would be any grant opportunities.

Councilmember Woestehoff stated that this seems like an instance where the homeowner is not aware of where the property line is. He noted that the homeowner could have assumed the upland past the swale was theirs when it does not appear to be their property and therefore may change their perspective.

City Engineer Westby commented that staff will follow up with the property owner to verify the location of the property line and then have a discussion with the property owner about whether they still want to pursue the sedimentation pond project.

5.02: Consider Recommendation to City Council to Temporarily Increase Funding for Pavement Management Program and Street Maintenance Budget

City Engineer Westby reviewed the staff report and recommendation of staff to temporarily increase annual PMP funding to mitigate unmet street reconstruction bubble needs, to minimize annual maintenance costs, and to minimize the term of the increased funding as much as practical to reduce impacts to the street maintenance budget including equipment and material costs, professional services, and staffing. However, as annual PMP funding amounts increase, so will impacts to engineering costs including engineering staff and professional services. Staff recommends increasing the street maintenance budget by $750,000 to allow an estimated 19 miles of streets to be spray patched while PMP projects in the 2022-2031 CIP are completed, and as streets constructed between 1975 and 1985 having PASER ratings of 4 or less that are not included in the 2022-2031 CIP can be reconstructed.

Chairperson Riley commented that the roads are in the worst shape they have been and in discussions with staff it seems that spray patching helps to delay the deterioration of the roads. He stated that all this work needs to be done as soon as possible and acknowledged that the budget is one issue as is staffing and equipment. He asked if there were a budget for it, could the spray patching be done in two years through contracted services. He also asked if it would be more economical to purchase the equipment necessary to do spray patching.

Public Works Streets Supervisor Turner replied that he could reach out to the contractor to determine if that would be feasible.

Councilmember Woestehoff asked the realistic extension of life that spray patching provides.

Public Works Streets Supervisor Turner replied that realistically the spray patching provides another five years, which is a band-aid to help the City through this bubble it is in.

Councilmember Woestehoff noted the mention of completing this in two years but stated that perhaps it is done over five years and then perhaps that helps to stagger the needed overlay improvements.

City Engineer Westby stated even if a street is spray patched, areas of the street that were not patched will continue to decay and require patching over time.

Councilmember Woestehoff asked the right amount of spray patching per year and whether a set amount should be budgeted each year for spray patching until it is no longer needed.

City Engineer Westby stated that staff could reach out to contractors to develop some options and recommendations that could come back next month. He noted that those discussions could also occur during the budget work sessions.

Chairperson Riley asked the type of work being done on Xkimo near Alpine.

Public Works Streets Supervisor Turner stated that staff is attempting to use some different applications on that segment and provided additional details. He stated that they are using the new asphalt float, beginning last week, and it helps to shorten the days and the physical burden on staff.

City Engineer Westby reviewed a recent complaint received and provided photos of the surface stripping that is occurring.

Public Works Supervisory Turner provided details on how the asphalt float works. He commented that there are so many calls from residents that it feels like they are not making progress.

Councilmember Musgrove asked if the recommended $750,000 over ten years would be on top of the annual street maintenance budget.

City Engineer Westby confirmed that would be in addition to those funds used for cracksealing and pavement rejuvenation improvements. He agreed that staff would also recommend increasing the annual budget for cracksealing and pavement rejuvenations.

Councilmember Musgrove asked and received confirmation that the $750,000 could be spread over five or ten years.

Chairperson Riley commented that there is a need right now and would encourage that occurring much faster. He asked and received confirmation from staff that after that initial need is addressed, the annual budget for cracksealing and spray patching should be one line item with a budget of $500,000.

Councilmember Musgrove agreed that she supports that concept and would also like to see the 19 miles, with the estimated cost of $750,000, addressed as soon as possible.

City Engineer Westby stated that staff can reach out to contractors to determine how much could feasibly be done in the next one to three years.

Chairperson Riley asked if something could be done this year.

City Engineer Westby stated that staff would ask that question.

Councilmember Woestehoff stated that if staff reaches out to three contractors that all state they could do a certain number of miles, perhaps all three contractors could be used.

Chairperson Riley commented that it seems everyone is in agreement that the streets are a priority and need a solution.

Public Works Streets Supervisor Turner provided a comparison of the street work that was done eight years ago when he started at Ramsey versus today. He stated they used to spend two weeks each spring patching streets, several weeks each summer as needed, then two weeks each fall patching before winter. Now they receive multiple complaints every day and could patch potholes all day, every day of the year, but can't due to other duties so roads are getting worse each year.

Councilmember Musgrove stated that perhaps the pavement management and street maintenance funds could stay in their accounts if not spent at the end of the year.

Chairperson Riley commented that he was fairly confident that the funds were being spent, and if they were not in any given year, they were spent the next year.

Councilmember Woestehoff agreed that it would be nice to have dedicated funds used for pavement management and street maintenance.

Chairperson Riley moved the discussion towards street reconstruction needs and funding.

City Engineer Westby stated that during the budget discussion, staff would need to hear that the available ARPA funds, above what is needed for police, would be used for the streets in order to move forward on development of plans for PMP projects not already programmed for 2022.

Chairperson Riley commented that it would seem the only question for police funding is related to the vehicle cameras and that decision should be made at the next budget worksession in order for staff to move forward on the road plans. He commented that the City clearly does not have enough money budgeted for what needs to be done. He asked the feasibility that staff would be able to complete more road projects if the funding were increased in future years.

City Engineer Westby commented on the additional work that would place on Engineering staff and the number of projects they could develop plans for and manage construction on in one year. He stated that potentially they might be able to complete all plan preparation in-house but could use consultants, if needed, depending on funds available.

Streets Supervisor Turner provided details on potential impacts to street maintenance work.

Chairperson Riley commented that he could see the benefit in bonding once in order to get ahead but would not want to consistently bond as it would seem better to just place it on the tax roll at that time.

Councilmember Woestehoff stated that he likes the idea of saying there is $5,000,000 to get done as many miles as they can, noting that he would not be opposed to using outside consultants if they could move forward and if the cost would not be that much higher. He stated that while he does not like bonding, it would be a tool to help them get outside of the bubble.

City Engineer Westby stated that in his opinion, if they are funding $4,000,000 or less per year, staff could most likely do that in house if those staff members can focus on just those tasks. He stated that anything above that would potentially require outside assistance.

Public Works Street Supervisor Turner stated that eight years ago he was using two employees per day and now he is using all available staff to address patching. He stated that he would ideally like to get back to using one or two staff for patching, which would mean accomplishing the reconstructs as quickly as possible.

Councilmember Woestehoff stated that there would be benefit in bringing in the Finance Director for guidance, noting that perhaps it would make sense to bond for $20,000,000 and do half the city in three years.

Chairperson Riley confirmed the consensus of the Committee to consult the Finance Director to gain input on whether bonding to frontload these improvements would be a possibility, recognizing that outside consultants would need to be utilized.

Councilmember Woestehoff stated that he would like to see franchise fees put on the ballot this year for residents to provide input. He recognized that may be the unpopular opinion but noted that there would be benefit in doing a short-term franchise fee to get through the bubble and recognize the growth of residential homes that are paying minimal property taxes.

Councilmember Musgrove commented that the need is a huge amount and therefore would prefer to use bonding.

City Engineer Westby confirmed that the Committee is suggesting an amount over and above what is currently allocated on an annual basis.

Chairperson Riley commented that people are right to complain about the condition of the roads.

City Engineer Westby stated that the intent is to follow up with discussions during the budget worksessions, rather than waiting another month to talk about this again.

Chairperson Riley referenced the reclaim light option and noted that if staff believes that is a suitable option for some roads, he would support that, but he would not want to choose that option if it is not the right fit for the road.

6. COMMITTEE / STAFF INPUT

6.01: Receive Update on Available Funding Assistance for Basement Waterproofing

City Engineer Westby provided an update to the Committee on available funding sources to assist property owners with wet basements to fund waterproofing projects. Staff is seeking direction on whether a webpage should be added to the City's website to make this and other associated information available to the public.

Councilmember Musgrove stated that if the information is placed on the website perhaps that would be helpful rather than having residents call into City staff.

Councilmember Woestehoff stated that his only concern would be an implied responsibility of the City. He stated that in most cases, a wet basement is not the responsibility of the City and therefore may prefer the route where staff provides the information if someone calls in.

Councilmember Musgrove stated that she has concern with providing the information in a list.

Councilmember Woestehoff stated that this would be a good task for a new communications staff member in order to craft the message in a manner that does not imply City responsibility.

Chairperson Riley commented that it is a great resource, and the information could be made available if residents call.

6.02: Receive Updates on Improvement Projects, Studies and Items of Interest

City Engineer Westby provided updates on improvement projects, studies and items of interest and the Committee provided input.

Councilmember Woestehoff stated that it seems there is no good solution for the Argon Street problem with water. He asked if there is enough space to place a retention pond in the yard.

Chairperson Riley encouraged staff to be creative. He stated that yard is a bowl, so that land would drain into the lower level of that home regardless. He stated that if the sandbags are helping, it would seem that a retaining wall could help, or perhaps that sliding door could be taken out.

Councilmember Woestehoff asked if an easement would require some type of purchase of property.

City Engineer Westby replied that whenever runoff from City streets is directed through yards the City generally wants an easement. He commented that there are many situations where water was directed through yards prior to incorporation of the City in 1974. He stated that staff will try to be creative in looking at options. He agreed that if the sandbags are working, perhaps they could mound up the ground in that area. He stated the City did not create the issue, it inherited it.

Chairperson Riley stated that if the septic system is the issue perhaps moving that would be the solution.

City Engineer Westby stated that staff will bring back a list of options.

Chairperson Riley asked if there are any culvert improvements the City needs to consider.

Public Works Streets Supervisor Turner replied that there are hundreds of other culverts of that nature in the community. It was noted that there would be more liability to the City in placing a barrier on one culvert and not the other 299. He commented that he has zero trash guards in stock that could be placed. He noted that there are safety issues with guards as well. He did not recommend installing guards, noting that if there is that much water moving through a guard it could pin the child and they could drown.

Councilmember Musgrove asked for an update on the TH 47 sound wall.

City Engineer Westby provided an update.

6.03: Review Future Topics Calendar

Councilmember Musgrove relayed a complaint she received from a resident regarding vehicle speeds on 151st Lane.

Public Works Streets Supervisor Turner replied that he would place the speed trailer on 151st.

Chairperson Riley noted a sign on the median at the tracks on Alpine that needs to be repaired.

7. ADJOURNMENT

Motion by Councilmember Woestehoff, seconded by Councilmember Musgrove, to adjourn the Public Works Committee meeting.

Motion carried.

The regular meeting of the Public Works Committee adjourned at 7:58 p.m.

Respectfully submitted,



_____

Bruce Westby
City Engineer / Interim Public Works Director

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

CC Regular Session **5. 5.**

Meeting Date: 09/13/2022

By: Katie Schmidt, Administrative Services

Information

Title

Approve the Following Meeting Minutes:

1. City Council Work Session dated 08/23/2022
2. City Council Regular Session dated 08/23/2022

Purpose/Background:

Purpose: The purpose of this case is for Council review and approval of meeting minutes.

Background: Attached are the meeting minutes referenced above.

Recommendation:

Approve the meeting minutes.

Action:

Motion to approve the following Council meeting minutes:

1. City Council Work Session dated 08/23/2022
2. City Council Regular Session dated 08/23/2022

Attachments

8-23-22 CCWS

8-23-22 Mtg

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/08/2022 10:09 AM
Form Started By: Katie Schmidt		Started On: 09/08/2022 09:36 AM
Final Approval Date: 09/08/2022		

CITY COUNCIL WORK SESSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

The Ramsey City Council conducted a City Council Work Session on Tuesday, August 23, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Mark Kuzma (attended remotely)
Councilmember Ryan Heineman (attended remotely)
Councilmember Chelsee Howell
Councilmember Debra Musgrove
Councilmember Chris Riley
Councilmember Dan Specht
Councilmember Matt Woestehoff

Also Present: City Administrator Brian Hagen
City Engineer/Interim Public Works Director Westby
Finance Director Diana Lund
Fire Chief Matt Kohner
Police Chief Jeff Katers
Interim Parks and Assistant Public Works Director Mark Riverblood
Administrative Services Director Colleen Lasher
Economic Development Manager Sean Sullivan
City Attorney Fritz Knaak

1. CALL TO ORDER

Acting Mayor Riley called the City Council Work Session to order at 5:30 p.m.

2. TOPICS FOR DISCUSSION

2.01: Community Development Director Recruitment Update

Administrative Services Director Lasher reviewed the report and updated the Council on the status of the applicants for the role. She shared that upon interviewing with the chosen panel, the interview panel was not able to strongly recommend any of the four candidates and they discussed speaking with the Council about reopening the recruitment, which is what the interview panel recommended.

City Administrator Brian Hagen added that the four candidates that they interviewed would be kept in mind as the panel goes through a second round of interviews to compare the first four interviewed to the new candidates.

Councilmember Specht asked if the panel would do anything differently, such as hire a search firm, for recruiting this second time.

Administrative Services Director Lasher mentioned that the idea of hiring a search firm was brought up; however, she and City Administrator Hagen believe that hiring can be handled in house. She added that Ramsey is not alone in this as she spoke with the City of Farmington today and Farmington is also hiring for a Community Development Director and the Farmington post has been up since August 3 and will be coming down in a few days. Farmington has only received seven candidates and two of the candidates might be worthy of interviewing. She noted that the City of Stillwater also went through a similar process and it took Stillwater three times through the process to hire anyone. She said that Ramsey is not alone and she believes that the City just needs to stay the course. She noted the pay is competitive and should not need adjusting. She mentioned that another option for doing something different for the recruiting process would be to add back the Deputy City Administrator portion of the title, but that is not Staff's recommendation. She added that she and City Administrator Hagen have discussed that they do not think there is a need for the Deputy City Administrator unless the Council feels otherwise.

Councilmember Specht asked if there was anything that could be done in the meantime to assist Staff by alleviating some extra work.

Administrative Services Director Lasher said that the recent staffing changes have helped her tremendously and things are going great.

Acting Mayor Riley asked if there is a plan to try again with the interview process right away or if a break should be given before relisting the job posting.

Administrative Services Director Lasher expressed that the panel should try again right away because there is currently only one competing listing, which is from the City of Farmington. She mentioned that the Staff and Community Development are managing but would probably like to have someone on board as soon as possible.

Mayor Kuzma added that he supports the recommendation to relist the job posting to get the right person on board, as well as keeping the hiring in house.

Acting Mayor Riley asked if the Council all felt good with this recommendation.

Councilmember Musgrove asked what day the posting would be back up and if the panel would get back to the Council on when the first round of information would be coming out.

Administrative Services Director Lasher mentioned that three positions were posted yesterday so based on that she would like to have it back up by Friday after making the posting look more exciting.

The consensus of the Council was to keep the hiring in house and relist the job posting right away.

2.02: Continued Discussion/Review of 2023 Budget/Levies

Finance Director Lund started the discussion on the net effects on taxpayers. She mentioned the request from the August 8, 2022 meeting to put the road levy portion onto the debt and what the effects of that would be on the taxes. Finance Director Lund used the 2022 Final Levy numbers to calculate the net tax effect to the taxpayer of having the additional $1,145,607.

Acting Mayor Riley explained that he looks at this as building blocks. The big decision has been made, so he looks at where that puts them. He asked if this meant an 8.5% increase.

Finance Director Lund directed Acting Mayor Riley to look at the median home which is around 9%.

Councilmember Musgrove asked if this was for the bonding onto the debt portion of the levy.

Finance Director Lund said yes that it is on the debt portion.

Acting Mayor Riley explained that they had weeded out some of the options and decided that this option, option three, was the best way forward.

Finance Director Lund next discussed the questions from the August 8, 2022 Work Session. She addressed the first question of how much would the Recreation Specialists be if it went from the current 29 hours to 30 hours or 40 hours. She explained that the major increase for 30 hours is for health insurance; however, the health insurance from 30 to 40 hours does not change. The health insurance is based off of a waiver that will go into effect in September for single coverage. She asked if the Council wanted her to go into detail about what the Recreation Specialist would do.

Acting Mayor Riley asked Finance Director Lund to focus on the numbers now and the position details could be revisited later.

Finance Director Lund moved on to the discussion of the non-discretionary ideas the Council had to work with, such as, the COLA that has been locked in, the positions that were not in the original 2022 budget but have since been authorized, such as, the HR Specialist, Fire Captain of Administration which is on for adoption this evening, and the DUI Officer. She discussed the union wages. Because health insurance is still negotiable within the contract, she believes it can still be requested, and this is the 9% single increase and the 4.5% family increase.

Councilmember Woestehoff asked Finance Director Lund if items two and three in this section were for the projected 2023 costs.

Finance Director Lund stated that under the Public Works Director she did the 2022 rate because the 2023 rate was never included in the budget; however, the rest of the numbers are for 2023.

Acting Mayor Riley asked if the Council has already approved these positions.

Finance Director Lund explained that with the exception of the Fire Captain of Administration, the Council has authorized to hire this position and she believed that the hire is on officially this evening. She added that she believes that the Street Maintenance Worker is going back out for

approval because it is being opened back up due to only hiring one candidate when there were two openings.

Administrative Services Director Lasher added that the Council has given the panel the go ahead to recruit for two Street Maintenance Workers; however, the panel has only been able to secure one.

Administrative Services Director Lasher stated that the net of the non-discretionary items is $715,000.

Acting Mayor Riley asked for clarification that these were decisions that had been made in the past that are being built into a future budget.

Finance Director Lund confirmed and mentioned that the only ones that the Council could go back on were the Fire Captain and the Street Maintenance Worker. She moved her discussion to the discretionary funds which are the personnel requests for reclassifications, additional hours, and new positions for a total of $244,346. She gave the total for capital equipment, the levy funded portion only, totaling $430,000. She stated that she kept the non-union as a separate component as it has not be authorized by Council in regard to the 3% and 9% health insurance; however, she wanted to give the Council the summary. She told the Council that she had given them a sheet which had a brief summary of some cities. She added the COLA that is coming is mostly 3% but there is also a 3.5% and a 4%. She noted that the general fund levy increase is currently at $1,619,000, or almost a 14% increase over last year. She directed the Council's attention to where she had broken out what a 5% to a 13% increase would represent over last year and what amount of a reduction would be needed from the current proposed levy.

Acting Mayor Riley asked if this section included the streets.

Finance Director Lund stated that the pavement levy is totally separate.

Acting Mayor Riley asked for confirmation that this is for all other expenses, not the streets.

Finance Director Lund explained that on one of the Council's sheets she broke all expenses into four components and that these go into the general fund levy only.

Acting Mayor Riley asked Council if they had any questions about the numbers thus far.

Mayor Kuzma stated that he did not have the sheet that Finance Director Lund was referencing; however it was his understanding that the tax capacity will go up 14% over last year and there would be a 9% decrease on the levy with the wages and the roads.

Finance Director Lund directed Mayor Kuzma to where he could find the sheet that she was referencing.

Councilmember Musgrove added that she had asked a question of Interim Parks and Assistant Public Works Director Mark Riverblood about the Recreation Specialist wages and the potential

of using the lawful gambling fund. She stated that she knows it is not much but it may be helpful if the wages could come out of there.

Finance Director Lund stated that the lawful gambling fund rules do not allow paying for salaries.

Councilmember Musgrove asked if there was another fund that portions of the salary could come out of that would qualify.

Finance Director Lund stated there were none that she was aware of as most of them are related to capital purchases, roads, and those sorts of items.

Councilmember Musgrove asked if there was a park dedication fund.

Finance Director Lund stated that the fund is for capital purchases. She stated there is also a capital maintenance fund but it is more for unbudgeted capital options, such as the resurfacing of tennis courts, things having to do with the parking ramp, these sorts of maintenance related items.

Interim Parks and Assistant Public Works Director Riverblood stated that the lawful gambling fund does specify that recreation is one of the uses that 75% of the annual funds should be spent on, and this could probably be a general fund transfer to take care of recreation related purchases that are now coming out of the general fund.

Finance Director Lund stated that it does not allow for operational expenditures outside of police spending and it was very restrictive of its uses.

Councilmember Specht added that this fund is currently being used for playground replacement.

Acting Mayor Riley stated that what it seems like is the discretionary is really $430,000 and he is considering the non-union increases because he believes that needs to be done to match everyone. He stated this does not give the budget much wiggle room, especially if the Council does not like a 13.8% tax increase then the budget needs to be reduced to get down to a better number.

Councilmember Woestehoff asked, from an end of the year standpoint, if the capital fund gets one-third of any excess.

Finance Director Lund stated that the capital maintenance fund gets 30%.

Councilmember Woestehoff asked if one of the saving destinations was the equipment fund.

Finance Director Lund stated that the equipment fund, the capital maintenance fund, and the PIR fund each receive 30% and the facility fund receives 10%.

Councilmember Woestehoff asked if Finance Director Lund feels confident that the equipment fund will be replenished since it will be depleted due to the capital requests.

Finance Director Lund stated that it is too early to tell because part of the fund balance is based on what is adopted as part of the budget.

Councilmember Musgrove asked Finance Director Lund if this seems to be a unique year due to the roads and if there was anticipation that next year would not be as much of a struggle and would be a better year with less needs.

Finance Director Lund mentioned that next year the road levy will be built in. She added there was a meeting with the County yesterday and other cities within Anoka County have comparable increases. Finance Director Lund added that White Bear Lake is at a 23% increase over last year due to the City taking on other big projects, such as funds for White Bear Lake fire stations and public facilities. She added that other cities are getting wages up for their Staff. She noted that Ramsey was at 20.67% and the highest was at 23.21% and the lowest was Eden Prairie at 4.5%. She added that most cities are also looking at big projects and that all increases are higher than the average 5%, and there are about 5 cities out of 14 that are above 20%.

Councilmember Musgrove asked if the city will have ARPA funds for 2022-2023 or for 2023-2024.

Finance Director Lund said that it will be $750,000 for 2023-2024, $375,000 being applied for the spray patching and the other $375,000 affecting the general fund, increasing the amount for spray patching to $575,000 for 2023-2024. She added that the other part of the ARPA fund is for body cameras, for around $200,000 and this was authorized in 2022, so this was subtracted off. She said that the remaining balance is what was then used to determine the net debt amount needed for the additional roads.

Councilmember Musgrove asked if some of the funds will have to be picked up in the 2025 budget since the funds are not available. She stated that she was just trying to look ahead because it does not seem like there is much that can be done with this year's budget but it will work itself out in the coming years and in 2025, more would have to be picked up again.

Finance Director Lund stated that she believes that Councilmember Musgrove was absent from the meeting where Council discussed the $750,000 that would go towards the spray patching and the catch up amount for the next two to three years. She stated that she was not sure if it would stay at a $575,000 amount for each year and it was currently at $200,000 and the $375,00 was added.

City Engineer/Interim Public Works Director Westby mentioned that the Public Works committee had discussed this and he would propose there be an increase of the $200,000 to closer to $500,000 range for spray patching.

Finance Director Lund stated that the $300,000 would be the additional amount that would be needed.

Acting Mayor Riley added that it would be in two years.

Councilmember Woestehoff discussed that one of the reason's the Council seems to be feeling the effects of the budget right now is due to two squad cars being requested by Police Chief Katers and those were not approved so the budget is catching up on those this year which is not a small expenditure. He added that it seems like the budget will be back on track next year if the squad cars are put on this year's budget. He asked Police Chief Katers if it is usually budgeted for two squad cars a year.

Police Chief Katers said it was three cars, two squad cars and one admin car.

Councilmember Woestehoff asked if from a future standpoint, that number will fall a bit.

Finance Director Lund expanded upon the capital budget stating that the squad cars are included on the 2023 capital list; however, the net result that is hitting the property tax levy this year is about $200,000 of the $1,200,000 and next year there is no internal funding meaning equipment certificates may be issued or the levy is hit fully with what is requested. She answered that she does not know a dollar amount for this.

Acting Mayor Riley stated that the City has done capital certificates before and asked if it should be considered selling this year to pick up the $200,000 and maybe the next year and spend that over two years. He asked if the City had done this before by selling certificates that covered two years and then pay for it over time, helping with the $200,000 this year and the unknown amount next year.

Finance Director Lund stated that the amount would have to be known and asked if Acting Mayor Riley meant that he would be looking at increasing the debts of the levy to cover the equipment certificates because it would be looking at issuing the certificates for the equipment for next year.

Acting Mayor Riley asked Finance Director Lund if this would or would not save the budget much.

Finance Director Lund stated that issuing equipment certificates is still debt that would have to be paid and asked when the debt service would come on. She added that the second year amount is not yet known so it is also unknown what would be levied.

Acting Mayor Riley asked if it would make more sense to only do this for one year or if it would be too expensive.

Finance Director Lund said that it would be too expensive to issue it for $200,000 because of the other fees involved and recommended that this be looked at for either two or three years since it is such a small amount. She added that it had not been discussed if the Council was in agreement with what was listed for the capital.

Acting Mayor Riley mentioned that only a small group was in attendance when this was discussed. He asked if this would be the next discussion that the Council would have to scrutinize that amount as a group.

Finance Director Lund stated that the discussion can shift to the capital section since there are additional requests. She moved the discussion to the capital section and noted there is approximately $186,000 that is property tax levy. She mentioned that squad video cameras were about a year and a half to two years out before the City would even be able to get them, so this could weigh into having the funding in place by that time. She asked Police Chief Katers for clarification that these squad cameras were at least a year and a half out.

Acting Mayor Riley added that Police Chief Katers had talked to the Council about the squad cameras and he knew there was a question about making sure that these cameras worked with the body cameras and now it seems like there would be a lag since these cameras would not be received for a while, he asked if that helped by giving the new cameras to the new cars immediately versus having to switch over the old ones to the new ones.

Police Chief Katers stated that the police department has had cameras in the squad cars since 2008 and there are 5 cameras with audio in the squad cars. These are the Panasonic arbitrator system and is a separate system than the body cameras which are Axon, which are two independent systems. He mentioned there is a new system that goes into the squad cars that integrates with the Axon system and a lot of agencies use this system, so replacing the existing squad car cameras with the Axon system, the body cameras syncs up with the squad car camera and there are a lot of automatic features that takes the manual manipulation out of the hands of the officers. He added that the major benefit is there would be one system for data retrieval rather than two separate systems which are maintained by two separate companies with two separate maintenance contracts. Ultimately, he expressed that this is where he would like to move towards for the future; however, to answer Finance Director Lund's question, the equipment is not readily available.

Acting Mayor Riley asked if the cost was similar to what has always been paid for these types of equipment.

Police Chief Katers stated that each camera system costs approximately $6,000 per squad car and added that he just paid approximately $6,000 for a police radio. He said that this equipment is very expensive but it is relied upon 24/7 and has to be reliable. He explained that the police department can get by running the two separate systems, but ideally would like to get to one system, but in the interim they can keep using the two it will just require more staff time.

Acting Mayor Riley stated that since the squad cars are replaced every three years it would be a fairly short turn over and the problem would fix itself rather quickly if the new system is put in the new cars.

Police Chief Katers expressed the IT needs for the laptops so the new cars will be getting everything new at once when the cars are rotated in.

Councilmember Musgrove asked if Police Chief Katers could discuss what it would look like only replacing the squad cars every three years and having two scenarios in which the department would be merging tape from the two video cameras versus getting the cameras replaced all at one time.

Police Chief Katers explained that if the department follows the squad car fleet replacement schedule it would take three to four years to replace them all since there are 11 squad cars. He explained that the department has replaced things all at once before with IT as far as laptops go; however, it is quite expensive to do it that way, around $250,000 to $300,000.

Mayor Kuzma stated that he is not in favor of replacing the cameras in different segments because it is a lot of extra work for the police department considering things need to be redacted and reviewed, the extra staff time would create more expense. He recommended that the body cameras need to get going as soon as possible and this should be budgeted and taken care of right away.

Councilmember Specht agreed with Mayor Kuzma's recommendation.

Councilmember Musgrove asked Police Chief Katers for clarification about if the department were to replace the body cameras, that is one portion of the transition that would already be taken care of, then the squad car video cameras would be a second portion, and if there would be an additional portion that would be waiting for another year or if these two portions encompass all of the needs and dollars that are necessary for funding.

Police Chief Katers stated that these two systems are all that is needed and there is nothing additional that would be required. He explained that both systems can run independently; however, there would be some staff time that is spent gathering data from two separate systems. He mentioned that the cameras that are currently in the squad cars have no capability of redaction but the body cameras will. He said that the legislature has stated that the department shall release some pertinent body camera footage to the public. He added that this is an all or nothing situation because the squad cars do not have this technology, because when the department originally got the squad car cameras it was a piece of evidence in a criminal case that was turned over to the court untouched.

Councilmember Howell asked if the department will be removing the unmanned aerial vehicle.

Acting Mayor Riley stated that the notes say it is being removed.

Finance Director Lund mentioned that she was looking for final confirmation on that which is why she did not remove it.

Acting Mayor Riley added that a small group of Council all wanted the aerial vehicle out and asked if the rest of Council agreed.

Councilmember Heineman asked if the aerial vehicle was for search and rescue purposes, and if so, can the City utilize the County for these efforts.

Police Chief Katers stated that this was mentioned at the last meeting. He added that right now, the department does utilize the County as the Sheriff's office has one as well as Emergency Management; however, it adds a minimum of a half an hour onto response time because the vehicles are coming from somewhere within the County. He said that the ask was that Ramsey purchase one for search and rescue for when time matters since there would always be a delay.

Councilmember Musgrove asked Police Chief Katers if he could talk more about other cities and if they have this equipment.

Police Chief Katers explained that he believes the Sheriff's office has unmanned aerial vehicles, the City of Coon Rapids has unmanned aerial vehicles, and Blaine may have some as well. He added that the department has requested use of these vehicles as well as emergency management for some non-priority searches. He mentioned there are multiple uses for this type of vehicle and if it is not in this year's budget he is fine with that, as long as the Council thinks about it for the future.

Councilmember Woestehoff asked Fire Chief Kohner to clarify that the fire rescue truck would take another 12 to 18 months to come in.

Fire Chief Kohner stated that it would be about 18 months.

Acting Mayor Riley asked Finance Director Lund about these bigger items that would take that long to come in if those help in the budgeting process or if that money should be accounted for this year.

Finance Director Lund stated that it becomes expended when it is actually purchased so it would not be included in this year's expenditure budget. She said that Council would just have to give the authorization to move forward with the purchasing while knowing that it will either be a part of the equipment certificate debt or will be invoiced in 2024 when it is received.

Acting Mayor Riley added that, from a next year's budget standpoint, that helps, it just comes down to a future budget that the Council has already stretched.

Finance Director Lund mentioned that she can take these two items off knowing that these can be purchased but these items will not be expended out until 2024 and would become debt and would remove the portion that is applicable to the tax levy and also put some money back into the other funds.

Acting Mayor Riley asked Police Chief Katers and Fire Chief Kohner if they were both comfortable with this being the timeline for these items.

Fire Chief Kohner stated that he would like to review the estimate again, as it was originally submitted in April, to insure that the lead time has not changed.

Police Chief Katers mentioned that he is comfortable with the timeline for squad car cameras since this quote is from July.

Acting Mayor Riley asked Council if they were comfortable with giving approval for the purchases; however, they will be funded in a future budget year.

Councilmember Musgrove asked if this was approval for the certificates.

Acting Mayor Riley stated that he believes that requires a further discussion. He said that his understanding was that if either of these were taken out of next year's budget then it no longer hits the general levy.

Finance Director Lund confirmed.

Acting Mayor Riley stated that this helps the Council's discussion now and moves the discussion for equipment certificates to next year. He asked the Council if they were comfortable with this idea.

Councilmember Specht asked about Fire Chief Kohner's request for additional fire equipment next year and if the 12 to 18 month timeline was the same for that.

Fire Chief Kohner said yes and explained that the tanker and equipment the fire department will be looking at in 2024 would have a long lead time and he cannot imagine it would be any less than 18 months.

Councilmember Specht asked if the current tanker would be operational long enough to accommodate this timeline or if it should be ordered now.

Fire Chief Kohner explained that the fire department is doing its best to manage the current tanker from a maintenance standpoint. He said that as of today the fire department is managing; however, when dealing with a truck that is 25 years old things could change in six months.

Councilmember Woestehoff asked if it is more likely that the rescue truck will last two years or if the tanker should be authorized this year to be paid in 2024 and have the rescue truck authorized after that.

Fire Chief Kohner noted that the lead times affect the decision on when to place the orders, so when looking at the replacement schedule it is based on lead times two years ago and earlier. He explained that as these dates are looked at further and pushed back it could put the fire department in a bind with the tanker. He added that he will take a look at this and consult with the vendor to get a better hold on the timeline and to see which unit will have a longer life.

Finance Director Lund asked for a final confirmation if Council would like to see the police video cameras and the unmanned aerial vehicle be removed.

Acting Mayor Riley asked the Council if they were comfortable with this. He added that the cameras are committed, it is just being removed from this year's budget.

The Council was comfortable with these decisions.

Acting Mayor Riley moved on to discussion of personnel requests.

Councilmember Specht stated that the Council went into great detail about each one at the last meeting.

Acting Mayor Riley agreed and stated that with the Council being a small group that evening it made it hard; however, the only thing there was a question on was the Recreation Specialist. He asked Mayor Kuzma, Councilmember Musgrove, and Councilmember Heineman if they had any questions concerning the personnel requests since they were absent from the last meeting.

Councilmember Musgrove stated that she reviewed the minutes from the last meeting and she wanted to add that she supports the Recreational Specialist. She stated that she had asked Interim Parks and Assistant Public Works Director Riverblood about the hours it went to and some of the funding sources; however, Finance Director Lund answered those questions earlier this evening. She noted that this person would also be helping with the Public Works administration assistant covering vacations, for example. She asked if there were any other areas if the hours were increased to 40 that this person could also be used to add value. She added that of all the Recreation Specialists that have held the position, the current one has added energy, commitment, creativity, is very willing to work, and has connected well with the community. She asked if Staff had other ways of potentially using the Recreation Specialist during those hours if her time is not completely taken up by recreational activities.

Interim Parks and Assistant Public Works Director Riverblood added that she is a professional and is flexing her time when the Public Works secretary or administrative assistant is out. He hoped that Council will be able to add the additional 10 hours to keep this individual in the role at the full time status as he is afraid that Staff will lose this individual if not. He stated that in the past three years, three different people had held the role of Recreation Specialist before the current one was secured and that the last two left for full time opportunities. He said there is a significant cost in recruiting and training and hopes that the Council can find the additional hours as the benefits are important. He explained that the current Recreation Specialist has a Master's Degree in Recreation, Park, and Tourism Sciences and in the last eight months she has made connections with the community which has added a lot more recreation programs. He asked if Council would be willing to view a presentation that illustrates what this individual has done.

Acting Mayor Riley said yes to seeing the presentation.

Interim Parks and Assistant Public Works Director Riverblood reviewed the presentation on the recreation programming and growth.

Acting Mayor Riley stated that it does not make sense to move this position to 30 hours, so the options are to keep it at 29 hours or move it to 40 hours.

Councilmember Heineman thanked Interim Parks and Assistant Public Works Director Riverblood for the presentation and shared that it is clear that the Recreation Specialist has already proved herself. He added that talent acquisition can be hard so retaining someone like this individual makes sense. He mentioned employee morale and sees that this could be used as an opportunity for a special recognition for a job well done and thinks that a recognition could be worked into the expansion of hours.

Mayor Kuzma stated that he could not agree more with Councilmember Heineman. He added that he has seen good people leave due to the hours and when someone special is in the position, like the current individual, it is important to keep her and the extra 10 hours is a great investment for the City.

Councilmember Specht mentioned that this case was the only one in the last meeting that the Council wanted more information on; however, he believes that a lot of people move to Ramsey for the parks and the City should keep it up and he supports moving to a 40 hour work week for the Recreation Specialist.

Councilmember Musgrove wanted to follow up on a question with Interim Parks and Assistant Public Works Director Riverblood, asking him if there was any way with nominal fees that the Council could help with the salary for this position.

Interim Parks and Assistant Public Works Director Riverblood stated that with the exception of some of the physical activity for older adults, most of the courses have fees or do not come with a cost as the instructors are volunteers, so there are not many fees to be collected with the exception of youth activities. He noted that he can get Council's recommendation on what activities could be charged more for. He added that sometimes participation goes down when programs have fees; however, sometimes there is more buy in and participants are more likely to show up. He mentioned there are also costs associated with processing; however, it has gotten easier now that Civil Recreation has been added to the website.

Acting Mayor Riley stated that this seems like a good idea and agreed that charging for certain programs creates a better buy in for attendance.

Councilmember Howell asked what fees are currently being paid for the line dancing instructor or the yoga instructor and if there was an opportunity to restructure this where instead of paying the instructors, the City could let the instructor use the space since renting space can be expensive. She added that this would be a way to offset the cost of adding the hours to the Recreation Specialist.

Interim Parks and Assistant Public Works Director Riverblood said that this can be looked at and gave an example of this by discussing the archery event at Elmcrest last week where the building rental fees were reduced predicated upon the individual providing archery class for the community and this event was filled up and there was a waiting list.

Councilmember Musgrove asked when this employee goes to Public Works, if that portion of the salary would be charged out under Public Works.

Interim Parks and Assistant Public Works Director Riverblood stated there are different line items in the general fund for parks, streets, and so forth, but they are all together just in different pockets.

Acting Mayor Riley asked if there were any further questions or discussion around the Recreation Specialist. Hearing none, Acting Mayor Riley asked Finance Director Lund to continue her discussion.

Finance Director Lund began discussing the updated general fund with the fiscal disparity distribution, which increased by approximately $40,000 which is not a huge effect on the tax capacity rate, noting that it went from 41.57% to 41.47%. She stated that option three is what is being used and if there is a 10% general fund levy increase which would have to reduce the budget by $448,000 and an 8% general fund increase would need a budget reduction of $682,000.

Acting Mayor Riley asked if even though the Council is discussing a very large increase, the tax capacity will go down because the property values are going up by a bigger number.

Finance Director Lund stated that this is correct and it would be reduced about $185,000 based off of the levy from the capital equipment that would be applied.

Councilmember Musgrove asked Finance Director Lund what the percentage is for the tax capacity in 2022.

Finance Director Lund directed Councilmember Musgrove to where in the packet she could find the number.

Acting Mayor Riley stated that the tax capacity was 42.438%.

Councilmember Specht mentioned that it looked like even if it was switched to 20 years versus 15 years it is a minor difference per year.

Acting Mayor Riley added that 15 years seemed to make the most sense, assuming that the money was needed for the roads. He explained that he does not like where this is ending up; however, he cannot complain about any specific thing going into it.

Councilmember Musgrove thanked Staff for the hard work that was done on this. She added that she thinks that the Council has not only been able to continue with the plans of the roads on the CIP, but also get the other items caught up. She mentioned that she hears from residents about the roads and what the needs are for them and she wanted to thank Staff for being able to work this out. She noted that it appears there will be a little bit more of a decrease with the earlier discussion and she is happy to see the tax capacity is coming in less.

Acting Mayor Riley mentioned that if the rescue squad vehicle is taken out it would just go back into the fund and sit there for next year's spending so it would no longer have a budgetary effect on this year, it is just a matter of when it is funded.

Finance Director Lund said that is correct and the only effect on the levy is the $185,000.

Acting Mayor Riley asked if the budget part of the question has been taken care of for this year.

Finance Director Lund confirmed and stated that the County is looking at about a 9% home value increase for next year versus the 24% increase for this year.

Acting Mayor Riley asked if the Council was in consensus or if there was any further discussion.

There was a consensus of the Council.

Councilmember Howell added that she would like to hear more about ways to collect fees and other efforts to offset the Recreation Specialist salary.

Councilmember Woestehoff stated that he is in favor of this and mentioned that every December or January the fees for the year are reviewed.

Finance Director Lund mentioned that it is up to Staff to update that schedule and it will come forward in a work session later.

Councilmember Woestehoff said that this is another way to make sure that they are in the correct market space and can bring in some more funds.

Acting Mayor Riley asked Interim Parks and Assistant Public Works Director Riverblood to come up with some ideas to bring in more funds.

Councilmember Musgrove asked if the policy in regard to the percentage of what goes to the roads needs to be changed. She mentioned there was a time when the Council discussed the allocation of the excess funds and keeping that money for roads.

Acting Mayor Riley added that the Council did discuss that the money stays in the pavement management fund if there is excess and asked if there is already a policy about this.

Finance Director Lund stated that what she believed was staying in the pavement management fund was any money that was remaining in the general fund that was applicable to the patching account that would get transferred over and that amount would be the $575,000. She added that when the transfer is made in regard to the four funds, it is at Council's discretion. She added that not knowing where it will end up this year in regard to the equipment fund, it is at a low balance until the Council gets to that point of knowing what that amount is.

Mayor Kuzma asked if there was a consensus on the budget.

Acting Mayor Riley confirmed there was a consensus by the Council concerning the budget.

Finance Director Lund asked if the Council was comfortable with bringing this budget forward as the preliminary or if the Council still wanted to see what the numbers represent based on the $185,000 reduction.

Acting Mayor Riley stated that he would personally like to see if there is anything found in reducing it and asked the Council if they needed to see this one more time before the preliminary on September 27, 2022.

Councilmember Musgrove stated that she would like to see the numbers with the change.

Acting Mayor Riley asked the Council if they would all like to see the numbers again before September 27, 2022, before it is approved.

The Council agreed.

3. TOPICS FOR FUTURE DISCUSSION

3.01: Review Future Topics/Calendar

Noted.

4. MAYOR / COUNCIL / STAFF INPUT

Councilmember Musgrove mentioned the Highway 10 portion between Ramsey and Elk River and stated that it is still out for public comment but she would like to see this on a future agenda for discussion.

City Administrator Hagen gave a summary of the advocacy planning session on Anoka doing their project and Ramsey being right behind. Anoka and Elk River are working through some final studies and the question is what does Ramsey need to do to be part of that conversation since they do have part of Alpine Drive which may be impacted someday by these projects and wants to make sure this stays on Council's radar.

5. ADJOURNMENT

The Work Session of the City Council was adjourned at 6:53 p.m.

Respectfully submitted,

_____
Brian S. Hagen
City Administrator

ATTEST:

_____
Katie M. Schmidt
Deputy City Clerk

Drafted by Ava Rokosz, *TimeSaver Off Site Secretarial, Inc.*

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CITY COUNCIL
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

The Ramsey City Council conducted a regular meeting on Tuesday, August 23, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Mark Kuzma (attended remotely) joined at 7:05 p.m.
Councilmember Ryan Heineman (attended remotely)
Councilmember Chelsee Howell
Councilmember Debra Musgrove
Councilmember Chris Riley
Councilmember Dan Specht
Councilmember Matt Woestehoff

Members Absent: None

Also Present: City Administrator Brian Hagen
City Engineer/Interim Public Works Director Westby
Planning Manager Todd Larson
Economic Development Manager Sean Sullivan
City Attorney Fritz Knaak

1. CALL TO ORDER

Acting Mayor Riley called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by Acting Mayor Riley.

2. PRESENTATION

None.

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to approve the agenda as presented.

A roll call vote was performed:

Councilmember Musgrove aye
Councilmember Specht aye

Councilmember Riley	aye
Councilmember Howell	aye
Councilmember Woestehoff	aye
Councilmember Heineman	aye
Mayor Kuzma	absent

Motion carried.

5. CONSENT AGENDA

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to approve the following items on the Consent Agenda as revised to remove Item 5.01:

~~5.01: Approve the Following Meeting Minutes:~~
~~1. City Council Work Session dated 08/08/2022~~
~~2. City Council Regular Session dated 08/08/2022~~
~~3. City Council Canvassing Board dated 08/12/2022~~

5.02: Approve Business Licenses

5.03: Approve Rental Licenses

5.04: Authorization to Hire a Captain of Fire Administration and Restructure the Fire Department

5.05: Adopt Resolution #22-203 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of August 4, 2022 through August 17, 2022

5.06: Adopt Resolution #22-177 Approving North Brook Meadows Preliminary Plat Extension (Project No.21-131): Case of Landform

5.07: Adopt Resolution #22-184 Granting Request for Release of Development Agreement for Park View East Apartments on Lot 1 Block 1 COR Parkview Addition

5.08: Adopt Resolution #22-186 Approving Purchase Agreement and Right of Re-Entry Agreement for Part of Outlot C, Affinity at the COR; Case of COR Trust Bank (Portions may be closed to the public)

5.09: Adopt Resolution #22-187 Approving Amendment to Right of Re-Entry Agreement and Authorizing Sale of Lots 1 and 3, Block 1, Riverside West Rearrangement; Case of Reliable Holdings LLC(Portions may be closed to the public)

5:10: Adopt Resolution #22-197 Authorizing Payment No. 1 To North Valley, Inc., Wood Pond Hills 2nd-5th Street Reconstructions, Improvement Project #22-06

5:11: Adopt Resolution #22-198 Authorizing Payment No. 1 to North Valley, Inc. for 2022 Neighborhood Pavement Overlay Improvements, Improvement Project #22-04.

5:12: Adopt Resolution #22-199 Authorizing Final Payment to Corrective Asphalt Materials, LLC. For Improvement Project #22-09, 2022 Pavement Rejuvenation Improvements.

5:13: Adopt Resolution #22-202 Accepting Survey Proposals for Barthel's Rum River Acres 2nd Street Reconstructions, Improvement Project #23-05

5:14: Adopt Resolution #22-204 Accepting Geotechnical Proposals for 2023 Pavement Management Program Projects

5:15: Adopt Resolution #22-205 Accepting Proposals and Awarding Contract for 2022 MSA Pavement Marking Improvements, Improvement Project #22-13

5:16: Resolution #22-206 Approving Riverstone South Partial Financial Security Reduction

A roll call vote was performed:

Councilmember Musgrove	aye
Councilmember Specht	aye
Councilmember Riley	aye
Councilmember Howell	aye
Councilmember Woestehoff	aye
Councilmember Heineman	aye
Mayor Kuzma	absent

Motion carried.

6. PUBLIC HEARING

6.01: Public Hearing - Vacating Portions of Drainage and Utility Easements in Hunt Addition, Davis Farms Addition, and Trott Brook Addition

Presentation

Planning Manager Larson reviewed the staff report.

Public Hearing

Acting Mayor Riley called the public hearing to order at 7:05 p.m.

Citizen Input

There was none.

Motion by Councilmember Woestehoff, seconded by Councilmember Musgrove, to close the public hearing.

A roll call vote was performed:

Councilmember Musgrove	aye
Councilmember Specht	aye
Councilmember Riley	aye
Councilmember Howell	aye
Councilmember Woestehoff	aye
Councilmember Heineman	aye
Mayor Kuzma	aye

Motion carried.

The public hearing was closed at 7:06 p.m.

Council Business

Motion by Councilmember Woestehoff, seconded by Councilmember Specht, to Adopt Resolution #22-182 Vacating Drainage and Utility Easements in Hunt Addition, Davis Farms Addition, and Trott Brook Addition.

A roll call vote was performed:

Councilmember Musgrove	aye
Councilmember Specht	aye
Councilmember Riley	aye
Councilmember Howell	aye
Councilmember Woestehoff	aye
Councilmember Heineman	aye
Mayor Kuzma	aye

Motion carried.

7. COUNCIL BUSINESS

7.01: Green Valley Greenhouse/Davis Farms 2nd Addition Plat and Rezoning

Planning Manager Larson reviewed the Staff report and recommendation to adopt the ordinance for rezoning and the plat resolution for approval. He mentioned that representatives of Green Valley Greenhouse are present and can answer any questions.

Councilmember Musgrove asked Planning Manager Larson to again show the Council the part of his presentation that showed what the area currently looked like and what it will look like with the changes.

Planning Manager Larson explained that there are currently three parcels, Green Valley is currently on the largest one and the two smaller parcels that are owned by the Hunt family. He noted that the yellow portion of the map is the R1 zoning district, and the orange is the R2 district. He explained that greenhouses are not an allowed use in the R2 district which is why the rezoning of moving the R2 district to what the Hunt family would retain and shifting the R1 district that the Hunt's currently own up so that after the rezoning, all of what Green Valley will own will be in the R1 district and the Hunt family will retain the portion that is unaffected with the zoning and newly zoned R2 area.

Councilmember Woestehoff asked Planning Manager Larson if it is common with the City that a single parcel be zoned to two different designations and if this is a case where a lot split would make more sense to better identify the zoning districts.

Planning Manager Larson stated that he can think of a few other situations where a parcel is split zoned in town, such as the Lord of Life Church. He added that it is unusual but there is nothing wrong with having a split zoned parcel.

Motion by Councilmember Musgrove, seconded by Councilmember Specht, to Adopt Ordinance #22-24 rezoning the land between R1 MUSA 80 and R2 southeast of Green Valley Road Northwest and Nowthen Boulevard Northwest and a motion to Adopt Resolution #22-183 approving the final plat of Davis Farms second edition.

A roll call vote was performed:

Councilmember Musgrove	aye
Councilmember Specht	aye
Councilmember Riley	aye
Councilmember Howell	aye
Councilmember Woestehoff	aye
Councilmember Heineman	aye
Mayor Kuzma	aye

Motion carried.

7.02: Resolution #22-208 Approving Purchase Agreement of a Portion of Outlot B, Elmcrest Sanctuary, Anoka County, Minnesota (this portion of the meeting may be closed to the public per MS 13D.05 Subd. 3 (c) (3))

City Administrator Hagen reviewed the staff report and recommendation to move this case to closed session.

Acting Mayor Riley asked if the Council is discussing negotiation items that would be appropriate for a closed session.

City Administrator Hagen stated at the last closed meeting on this topic, the Council agreed to general terms and directed City Attorney Knaak and himself to work with the underlying landowner to put together a purchase agreement. He added that at this time there is a signed purchase agreement, and the terms are largely unchanged.

City Attorney Knaak stated the agreement provides for a survey and the deed would have to reference a survey description, which is the only outstanding issue. He added that the details and terms of the agreement are locked in. He mentioned that until the agreement is agreed upon and signed it remains open, which is why the possibility of further discussion open. He stated that he does not recommend going into a closed session, but he wanted the Council to have the flexibility if they so choose.

Acting Mayor Riley stated it sounds like the terms have already been agreed to and does not see the need for a closed session.

Mayor Kuzma mentioned he does not feel the need to go into a closed session and wants to just move forward with a discussion.

City Administrator Hagen asked Council if they would like to see the purchase agreement or the exhibit on the screen or if they are comfortable just going over everything verbally.

Acting Mayor Riley said he is comfortable going over everything verbally since the Council has handouts in front of them.

Councilmember Howell asked if this was something that could be added later so the public could view it.

City Attorney Knaak stated that since the Council has the handout in front of them, the handout will go into the public record after the meeting.

Acting Mayor Riley asked if the map could be displayed somehow for the audience.

City Administrator Hagen said he would email Planning Manager Larson the exhibit so it can be displayed by screen sharing.

City Attorney Knaak stated this is not designed to be secretive, just that as the process has moved forward there has been some back and forth until it arrived at the document in front of Council.

City Administrator Hagen discussed the terms of the purchase. The purchase would be made by the City for 1.75 acres of existing outlot B of the Elmcrest Sanctuary, which would be 10 feet west of the existing Elmcrest Park entrance all the way to the east property line, with a purchase amount of $100,000. He added that the negotiating team negotiated additional provisions, one of which was to legally establish the boundary line. He mentioned that the cost of the surveying work and getting the lot line adjustment complete would be shared between the buyer and the seller. Other provisions of the purchase agreement were tree plantings, making the seller responsible for planting no less than nine trees and the seller would be allowed to construct a fence to keep cattle within the property. These trees would have a one year warranty period and would be approved by the City planning Staff. The existing owner would also retain a 33 foot wide access point on the north end to access his site and there would be no storage of equipment or materials that do not meet City code and no storage within a 30 foot no storage area at the westward property line.

Acting Mayor Riley asked if the City would be buying the road, the land to the east, while not buying the land in red on the map but putting a no storage restriction on it.

City Administrator Hagen said that is correct and those are all parts of the terms.

Councilmember Woestehoff stated City Administrator Hagen had mentioned fencing and that the seller may put up a fence and asked if the seller is allowed to do this or the seller must do this.

City Administrator Hagen stated that the sellers are allowed to construct a fence right on the property and in the agreement, it says the seller shall construct a fence of a type designed for

containing cattle or similar animals from encroaching on the western boundary of the right of way and the fence may be constructed on the property line with no setback.

Councilmember Woestehoff asked to clarify that the seller is required to build said fence.

City Attorney Knaak stated that is correct and the conversation is around where the fence has to be built.

Acting Mayor Riley stated he knows there has been lots of back and forth surrounding this and he appreciates the work. He mentioned that it seems that the City is buying something it should have owned all along since this is an entrance into a City park.

Councilmember Howell asked what the actual value of the portion of land that was being purchased versus what it was being purchased for.

City Attorney Knaak stated that it is worth what the Council says it is worth and this is an arm's length transaction where the Council has determined the value. He added that it went back and forth on relative values and would be appraised for and the actual value at the end of the negotiations is up to the parties involved and what it is worth to the City to have this issue resolved. To answer Councilmember Howell's question, he stated that the value is what the Council has reasonably determined the value to be, based on their judgment.

Acting Mayor Riley pointed out that this is an entrance into a City park, so park dedication fees are being used to buy this land and he feels this is an appropriate use for these funds.

Motion by Acting Mayor Riley, seconded by Councilmember Woestehoff, to Adopt Resolution #22-208 to direct the City Administrator to complete the buyer responsible provisions within the purchase agreement.

Further discussion:

Councilmember Musgrove asked City Administrator Hagen how the trees and the fence are both on the property and if the trees would be on the City's property. City Administrator Hagen suggested Councilmember Musgrove think of this as a boulevard. On the edge of the road there is about 10 feet before the sidewalk begins and it is not uncommon to see trees planted within the boulevard area. That is what this will look like, but rather than a sidewalk in his example the fence will be what is on the property line.

Councilmember Howell stated she is thankful for everyone who has worked on the negotiations and everyone who has been patient with the state of the property. She added that she will not be supporting it tonight because she feels the dollar amount being paid is excessive and she does not see the value.

A roll call vote was performed:

Councilmember Musgrove nay

Councilmember Specht	aye
Councilmember Riley	aye
Councilmember Howell	nay
Councilmember Woestehoff	aye
Councilmember Heineman	aye
Mayor Kuzma	aye

Motion carried.

7.03: Adopt Resolution #22-185 Approving Purchase Agreement and Sale of Outlot A, Gigi Addition; Case of Schiebout Family Limited Partnership

Economic Development Manager Sullivan reviewed the staff report and the EDA recommendation to move forward with the purchase agreement. He added some of the notable terms and contingencies of the purchase agreement include 180 day inspection period, right of reentry agreement requirement, land cost write down of $311,454, third party TIF analysis supporting the need for assistance and a C/o that is obtained 16 months after closing. He explained the land cost write down and stated that the developer will be asking for tax increment financing which is essentially up front financing for the project. He noted that the land value is $311,454 and the City will provide the land at no cost to the developer and once the project is built the TIF revenue generated by the project will come back to pay the City back for the land cost. He added that the next step in the process would be a formal submittal of the business assistance subsidy application by the developer. He stated that the developer is waiting to see if the Council is ready to move forward to a purchase agreement before taking the next step. With this, he said that there will be project costs, valuations, and job creation, then Staff will analyze these numbers as well as third party analysis, which will look through all of the provided information and make sure that it meets the but-for test which needs to be met before TIF can provide for the project. He stated that TIF calculations will follow this to see how quickly the funds will be paid back. Lastly, there will be a rate of return investment for the developer to insure that public dollars are being used properly. Once all of this is complete it will move forward to a public hearing and a TIF agreement that will outline the job creation goals, valuations, and site plan approvals. He added that the applicant was present for questions.

Councilmember Woestehoff asked about the previous case that Economic Development Manager Sullivan had mentioned from 202 concerning a hotel that had a design that included a restaurant and asked if that was part of this particular plan as well.

Economic Development Manager Sullivan said no and the discussion was had at EDA that as much as a restaurant would be great in this location the numbers are not showing well to do that now.

Councilmember Musgrove asked about the amounts of the earnest money and if it was a standard or if there was flexibility.

Economic Development Manager Sullivan explained this is a unique case because of the upfront financing, so for this case he took $5,000 to get a placeholder then within the letter of intent if it is moved to a purchase agreement that $5,000 would go to help pay for the TIF analysis and

agreements. Being that there is no cost for the land to the developer, the developer will pay $1 for the transaction because it needs to have consideration; however, there is no need for additional earnest money. If additional funds are needed to help with costs associated with the analysis, the group will put in more money to replenish the escrow. He answered that the amounts of the earnest money varies and are negotiated. He added that typically it is at least $10,000; however, it has been as high as $20,000 on others.

Councilmember Musgrove asked about the length of time there needs to be action on this or if this starts a new time clock.

Economic Development Manager Sullivan stated that this starts a new timeline. He explained once the Council decides to move forward with the purchase agreement that will set the 180 day window in play, which is the typical period for due diligence to get through the site plan process and the business subsidy application, then a notice to process, then 30 days to close. He added there is the ability to buy more time in the event that the site plan has not been gone through and that is outlined in the purchase agreement.

Councilmember Musgrove added that she is excited about this.

Emily Alegra, 12806 Nokasippi River Road, Brainerd, came forward and discussed her excitement for this project and presenting it to Council. She stated that this has been a process of going through some due diligence and the demand study has just been finished and will be passing along a copy to the City. She stated that her team is still working through the feasibility of the overall cost of the project, which is where they are currently with the timing. She opened up for questions from the Council.

Acting Mayor Riley asked Mrs. Alegra to explain why she was interested in looking at a hotel in Ramsey.

Mrs. Alegra explained that she is a part of the Schiebout family and they are the owners of Delta ModTech in Ramsey, which was developed just a few years ago. She stated that her family really sees the benefit of having a hotel as being members of the community. She added that she also sees it as a way to give back to Ramsey as well as building the community for employees and families coming into Ramsey. She stated that for her family it was an opportunity to expand and diversify into a different arena. She added that it is just her immediate family and they are not seeking outside investors and they really want to take this on as a family owned operation.

Acting Mayor Riley thanked Mrs. Alegra for coming forward.

Motion by Councilmember Specht, seconded by Councilmember Musgrove, to Adopt Resolution #22-185 approving purchase agreement and sale of outlot A, Gigi addition subject to City Attorney review.

A roll call vote was performed:

Councilmember Musgrove aye

Councilmember Specht	aye
Councilmember Riley	aye
Councilmember Howell	aye
Councilmember Woestehoff	aye
Councilmember Heineman	aye
Mayor Kuzma	aye

Motion carried.

7.04: Adopt Resolution #22-200 Ordering Plans and Specifications for Improvement Project #23-01, 161st Avenue Reconstruction

City Engineer/Interim Public Works Director Westby reviewed the staff report and recommendation to move the project from 2024 to 2023 due to the PACT Charter School project in order to not start a road reconstruction project the year after a high school opens for business. He stated that as the project moves forward, they will coordinate with PACT since their proposed schedule is to open fall of 2023 so the road should be reconstructed by spring of 2023. He added that the school will have construction equipment accessing their site and will try to keep their access to Variolite Street as the main route, since it is built for heavy traffic and can handle construction traffic. He mentioned that if there is a need from PACT for temporary access while the road is being built, that can be worked out. He stated the design process is just getting started and all of these items he discussed will be considered. He noted that it is proposed to build a 10 ton road which would be a State Aid road using 28 foot width that allows for two 12 foot drive lanes, two foot curb reactions, and concrete curb and gutters to replace the current bituminous curb being that it is a much more durable product. He mentioned that it is also proposed to put catch basins at the low points in the road since State Aid roads require vertical curvature to direct water to the low points to be directed out to the storm water pond easement areas. He then mentioned the trail that will be on the north side of 161st Avenue and explained that the survey data shows that the trail should be able to be put in while having minimal impacts to the existing tree line. He noted a few trees will need to be removed but will be minimal as the trail is put in. The trail will meet both State Aid requirements as well as ADA requirements. The water and sewer improvements are proposed to service the PACT site, which would be funded from water and sewer utilities; however, as part of PACT's development, they will be paying trunk fees which will help pay back portions of these costs. Utility services are also being added to serve the future St. Catherine Drexel site as they have active development plans in progress and propose to develop that site and they will have trunk fees that will help fund these improvements. No other service connections or extensions have been proposed. There are no plans for improvements to the Central Park that would require utilities nor would the properties to the south of 161st Avenue. He also wanted to bring the Central Park parking lot reconstruction to the Council. He stated this is a project that is in the CIP and it will be designed in tandem with the reconstruction of 161st Avenue. This parking lot project is proposed as a separate project; however, both projects could go out for bids at the same time by the same contractor, but the timelines will be different. ARAA rents the Central Park fields in the spring so the field should not be reconstructed during these heavy use times, whereas the reconstruction of 161st Avenue should be completed as soon as it can be open to traffic. He noted that the estimated cost is $1,026,000, which is in today's construction costs.

Councilmember Howell thanked City Engineer/Interim Public Works Director Westby for the detailed explanation of the case.

Councilmember Heineman pointed out that he is very happy with this presentation and wanted to thank the residents who attended all of the meetings regarding the PACT Charter School expansion and bringing up good points about the roads. He also wanted to thank City Staff for doing a great job of outlining how a lot of these concerns would be addressed. He added that City Engineer/Interim Public Works Director Westby did a great job of explaining how the roads would be suitable for carrying the weight, the funding for the roads, the minimal loss of trees, and the pedestrian route. He added that PACT had mentioned wanting to be a good neighbor and doing their part and outlining that PACT is not receiving subsidies but paying their way. He wanted to take this time to thank City Staff for incorporating a lot of the concerns that these projects have raised and he thinks this is a win for the area.

Councilmember Musgrove also wanted to thank the City Staff.

Motion by Councilmember Musgrove, seconded by Councilmember Specht, to Adopt Resolution #22-200 ordering plans and specifications for Improvement Project #23-01, 161st Avenue reconstruction.

Further discussion:

Jason Patrill, 16209 Sapphire Street NW, stated that he realizes the water concerns in adding the storm drains is a very good thing. He asked if there is a potential for the PACT property to be able to tie into the storm drain in any way or if this has been looked at or proposed to alleviate the concerns of the pollution going into the wetland. If so, he asked if the storm drain that was being put in could extend across Variolite and tie into the existing storm drain that would take the water into the federal floodplain that could handle it.

City Engineer/Interim Public Works Director Westby stated the current plan for PACT is to handle their own drainage on site and he has not had discussions with them concerning bringing any of their drainage across Variolite and using the existing drainage areas on the south side of 161st Avenue. He added that there is not a lot of elevation to work with those drain ways. He stated that this has not been looked at yet because the PACT site has provided drainage calculations and the number indicates that PACT is able to do all of their own storm water management on site.

Acting Mayor Riley asked if there are stormwater runoffs but there are not really any storm sewers.

City Engineer/Interim Public Works Director Westby stated there are some storm sewers and concrete curb and gutter catch basins at low points and this will be ran to the ponding areas, so there is a small storm sewer, which drains the right of way as well as a portion of Central Park on the west end of 161st Avenue.

Councilmember Woestehoff also thanked City Staff as someone drives this woad at least twice a day.

A roll call vote was performed:

Councilmember Musgrove	aye
Councilmember Specht	aye
Councilmember Riley	aye
Councilmember Howell	aye
Councilmember Woestehoff	aye
Councilmember Heineman	aye
Mayor Kuzma	aye

Motion carried.

7.05: Adopt Resolution #22-201 Ordering Plans and Specifications for 167th Avenue Reconstruction, Improvement Project #23-04

City Engineer/Interim Public Works Director Westby reviewed the staff report and recommendation to move this project, similarly to the last one, along quickly since these are big projects. He stated that the estimated project cost is at $1,850,000 for the project that is a little over a mile in length. He added that the estimated cost does not include increased bicycle and pedestrian facilities, so if it were to be an offroad regions trail connection that would increase the cost. He stated that this will be worked through during the final design process with Public Works.

Acting Mayor Riley mentioned that he receives more complaints about this road than any other and he knows this needs to be done.

Councilmember Woestehoff asked how many days in the past year have been spent on patching both 161st Avenue and 167th Avenue. He stated that he had heard that 161st Avenue took almost a week to have the potholes filled.

City Engineer/Interim Public Works Director Westby stated that several weeks have been spent patching these roads. With 167th Avenue in the queue for next year, not as much time has been spent fixing the roads since a reconstruction is coming, so the focus has been on only the larger, deeper potholes. He mentioned there was a major blowout a few weeks ago at one of the intersections that required a large patch. He added that as the project goes on there will be a large radius around the streets to get solid sections going into the neighborhoods.

Councilmember Howell thanked City Engineer/Interim Public Works Director Westby for his work on the presentation and mentioned that she believes the public will be very happy with this project.

Councilmember Heineman thanked City Engineer/Interim Public Works Director Westby for the presentation and stated that as a Ward 1 representative this is the biggest project that is being faced and to get this finalized is huge and he is excited for it.

Motion by Councilmember Heineman, seconded by Councilmember Specht, to Adopt Resolution #22-201 ordering plans and specifications for Improvement Project #23-04, 167th Avenue Reconstruction.

A roll call vote was performed:

Councilmember Musgrove	aye
Councilmember Specht	aye
Councilmember Riley	aye
Councilmember Howell	aye
Councilmember Woestehoff	aye
Councilmember Heineman	aye
Mayor Kuzma	aye

Motion carried.

7.06: Adopt Ordinance #22-23 Amending Section 117-57 - Nonconforming Structures and Land Use

Planning Manager Larson reviewed the staff report.

Councilmember Musgrove stated this is her first time hearing the case, but she loves that Anoka County had brought this to the Council's attention and Staff has acted on it. She thinks this is a better policy for the residents. She appreciated both the communication with Anoka County and the reception of the product from the City Staff.

Motion by Councilmember Musgrove, seconded by Councilmember Specht, to Adopt Ordinance #22-23 amending Section 117-57 of City Code.

A roll call vote was performed:

Councilmember Musgrove	aye
Councilmember Specht	aye
Councilmember Riley	aye
Councilmember Howell	aye
Councilmember Woestehoff	aye
Councilmember Heineman	aye
Mayor Kuzma	aye

Motion carried.

7.07: Approve the Following Meeting Minutes:

1. **City Council Work Session dated 08/08/2022**
2. **City Council Regular Session dated 08/08/2022**
3. **City Council Canvassing Board dated 08/12/2022**

City Administrator Hagen reviewed the staff report and recommendation to adopt the minutes for the dates noted. He mentioned that Councilmember Musgrove requested this be pulled from the Consent Agenda, noting that she was not present at these meetings, and suggested that the Council consider these meetings individually.

Councilmember Musgrove stated she believed that the attendance for the Work Session and Regular Session were the same so they can be approved in one motion separate from the Canvassing Board.

Motion by Councilmember Woestehoff, seconded by Councilmember Howell, to approve meeting minutes from City Council Work Session dated 08/08/2022 and City Council Regular Session dated 08/08/2022.

A roll call vote was performed:

Councilmember Musgrove	abstain
Councilmember Specht	aye
Councilmember Riley	aye
Councilmember Howell	aye
Councilmember Woestehoff	aye
Councilmember Heineman	abstain
Mayor Kuzma	abstain

Motion carried.

Motion by Councilmember Woestehoff, seconded by Councilmember Musgrove, to approve meeting minutes from City Council Canvassing Board dated 08/12/2022.

A roll call vote was performed:

Councilmember Musgrove	aye
Councilmember Specht	aye
Councilmember Riley	aye
Councilmember Howell	abstain
Councilmember Woestehoff	aye
Councilmember Heineman	abstain
Mayor Kuzma	abstain

Motion carried.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Hagen announced upcoming meetings and events. He mentioned that the last concert at the Draw is Thursday at 6:30 p.m. and there is a movie in the park at Elmcrest Park on Friday at 8:30 p.m. Lastly, he added that Happy Days will be on September 10, with a movie in the park on Friday evening and the 9/11 Memorial Golf Tournament on Sunday.

Councilmember Specht encouraged everyone to attend the 4th Annual Bags, News, and Pups fundraiser on September 1.

9. ADJOURNMENT

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to adjourn the meeting.

A roll call vote was performed:

Councilmember Musgrove	aye
Councilmember Specht	aye
Councilmember Riley	aye
Councilmember Howell	aye
Councilmember Woestehoff	aye
Councilmember Heineman	aye
Mayor Kuzma	aye

Motion carried.

The regular meeting of the City Council adjourned at 8:12 p.m.

Respectfully submitted,

_____
Brian S. Hagen
City Administrator

ATTEST:

_____
Katie M. Schmidt
Deputy City Clerk

Drafted by Ava Rokosz
TimeSaver Off Site Secretarial, Inc.

CC Regular Session **5. 6.**

Meeting Date: 09/13/2022

By: Nicole Laubach, Community Development

Information

Title

Approve Rental Licenses

Purpose/Background:

Purpose: The purpose of this case is to approve rental license requests for 2022.

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 Licenses

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/07/2022 08:27 PM
Form Started By: Nicole Laubach		Started On: 09/06/2022 10:37 AM
Final Approval Date: 09/07/2022		

Report Name: License Report - License Types
Council Dates: 9/13/2022 to 9/13/2022
Status: Active, Inactive
License Type(s): Rental, Multi-Family Rental

City of Ramsey
License Report - License Types

Printed: 9/6/2022

Company	Applicant	Location	Complex	Exp. Date	Council Date	Status
Multi-Family Rental						
Affinity Ramsey Manager, LLC	Darin Davidson	14529 Willemite St NW		9/9/2025	9/13/2022	A
				Multi-Family Rental License Count:		**1**
Rental						
Todd Bialon		7088 139th Ave NW		9/9/2025	9/13/2022	A
Wamhamers, LLC	Augustine Ngozi Wamuo	5840 141st La NW		9/9/2025	9/13/2022	A
SFR Acquisitions 3 LLC	SFR Acquisitions 3 LLC	7353 146th Xing NW		9/9/2025	9/13/2022	A
Darlene M. Cowling	Darlene M. Cowling	15506 Hematite St NW		9/9/2025	9/13/2022	A
SFR Acquisitions 3 LLC	SFR Acquisitions 3 LLC	14963 Rabbit St NW		9/9/2025	9/13/2022	A
Bury Properties LLC	Tom Bury	14190 Tungsten St NW		9/9/2025	9/13/2022	A
SFR Acquisitions 3 LLC	SFR Acquisitions 3 LLC	14554 Waco St NW		9/9/2025	9/13/2022	A
				Rental License Count:		**7**
				Total Licenses:		**8**

CC Regular Session **5. 7.**

Meeting Date: 09/13/2022

Submitted For: Sean Sullivan, Community Development

By: Wendy Schlueter, Community Development

Information

Title

Approve Business Licenses

Purpose/Background:

The purpose of this case is to obtain City Council approval of business license requests (not including Rental or BRC).

Background: Certain businesses in the City of Ramsey are required to apply for a business license in addition to the Business Registration Certificate (BRC). Other businesses that may require a license, but are not required to have a BRC, may also be included in this approval. Those new license requests and/or renewals are attached for City Council approval.

Recommendation:

Staff recommends approval of business license applications contingent upon completion and approval of background checks or review by required city departments.

Action:

Motion to approve the attached business license applications contingent upon completion and approval of background checks or review by required city departments.

Attachments

Business License Applications

Form Review

Inbox	Reviewed By	Date
Sean Sullivan	Sean Sullivan	09/08/2022 11:42 AM
Brian Hagen	Brian Hagen	09/08/2022 12:05 PM
Form Started By: Wendy Schlueter		Started On: 08/30/2022 11:37 AM
Final Approval Date: 09/08/2022		

Report Name: License Report - License Types
Council Dates: 9/13/2022 to 9/13/2022
Status: Active, Inactive
License Type(s): 3.2 Beer Off-Sale, 3.2 Beer On-Sale Temporary, Liquor 2 A.M. Closing, Liquor Off-Sale, Liquor On-Sale, Liquor On-Sale Sunday, Temporary Intoxicating, Wine On-Sale, Amusement Center, Amusement Devices/Billiard Tables, Business License-1st Year, Business License-Renewal, Garbage Haulers, Pawnbroker, Second Hand Goods Dealer, Special Events, Temporary Amusement/Carnival/Circus, Therapeutic Massage Establishment, Therapeutic Massage Therapist, Tobacco, Transient Merchant/Peddler/Solicitor

City of Ramsey
License Report - License Types

Company	Applicant	Location	Complex	Exp. Date	Council Date	Status
Temporary Intoxicating						
St Katharine Drexel Church		7101 143rd Ave NW		10/30/2022	9/13/2022	A
				Temporary Intoxicating License Count:		**1**
Transient Merchant/Peddler/Solicitor						
Bebus, Shaun	Bebus, Shaun James	16030 Kangaroo St NW	Jon Wagner Property	8/21/2022	9/13/2022	A
				Transient Merchant/Peddler/Solicitor License Count:		**1**
				Total Licenses:		**2**

CC Regular Session **5. 8.**

Meeting Date: 09/13/2022

Submitted For: Brad Bluml, Police **By:** Brad Bluml, Police

Information

Title

Authorize the Purchase of Police Body Worn Camera

Purpose/Background:

In 2006 the Police Department implemented its first squad car camera recording system from Panasonic. At this time the recording unit had a single camera that recorded out the front of the squad car windshield. It also had a wireless body microphone that the officer wore that recorded audio if the officer was near and in range of the squad car.

In 2014 the Police Department upgraded its current system to the Panasonic Arbitrator system it is still using today. This system has five cameras installed in the squad car; recording out of the front windshield, rear window, driver side window, passenger side window, and one camera recording the back seat prisoner area. It also has a wireless body microphone which the officer wears on their person.

To stay progressive with technology, due to the changing climate of law enforcement/citizen interactions, and with the growth in the City of Ramsey having several large apartment complexes where the current microphone packs don't reach, staff from the police department began researching a variety of Body Worn Camera vendors. In 2021 and 2022 staff received quotes and viewed demonstrations from Panasonic and from Axon for Body Worn Cameras and for the cloud storage of these videos, plus the redaction software needed to release these videos when needed/requested.

Staff believes switching away from Panasonic and to the Axon package will work best for the current needs of our department; also allowing the discontinuation of the iCrimeFighter annual subscription which allows officers to take statements and photos for their cases. It also will require less server storage by transitioning to unlimited cloud bases storage for this videos.

In accordance with Minnesota State Statute 626.8473, our draft Body Worn Camera policy has been on the police web page since July 29th, 2022, with a form available for public comments. Also in compliance with this Statute subd. 2, a separate council case tonight will allow for public comment on the draft Body Worn Camera policy.

Observations/Alternatives:

Due to the current camera body-worn microphone packs not having a range where they can stay connected to record the officers inside apartment buildings or larger businesses when they are a distance away from their squad car, staff recommends the time frame for purchasing the Body Worn Cameras be authorized for September of 2022.

Staff recommends the time frame for the Axon squad fleet camera upgrade be started in December of 2022 due to these cameras being back-ordered 10 to 12 months from the date of purchase, with a payment due to Axon in January of 2024.

Funding Source:

The Axon Body Camera quote is attached for $314,926.95, with minor variations possible.

Micro-grant from U.S. Department of Justice award for half of the physical camera purchase, which is estimated to be $11,743.
American Rescue Plan Act (ARPA) funds*.
$6,996 annual cost savings from police video server, plus under $900 savings from the server backups.
$7,488 annual cost savings from police iCrimeFighter subscription.

**Axon products and services can be purchased with ARP state and local fiscal recovery funds. The White House guidance on the use of stimulus funds explicitly allows for public safety purchases. There is nothing within the final rule that agencies can only pay for things they are given that year. Recipients must obligate all funds by December 31, 2024 and expend funds by December 31, 2026.*

Sections 602(c)(1)(C) and 603(c)(1)(C) of the Act provide recipients with broad latitude to use the Fiscal Recovery Funds for the provision of government services. Government services can include, but are not limited to, maintenance or pay-go funded building of infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services (see highlighted section on page 259 of the attached Final Rule).

Recommendation:

Staff recommends council authorize the use of ARPA funds to purchase the Body Worn Cameras in 2022.

Action:

Motion to council to approve purchase of Body Worn Cameras with funding from the American Rescue Plan Act (ARPA) Funds.

Attachments

BWC quote
Statute 626.8473
Statute 13.825
ARPA and Axon

Form Review

Inbox	Reviewed By	Date
Jeff Katers	Jeff Katers	09/06/2022 12:26 PM
Diana Lund	Diana Lund	09/07/2022 07:59 AM
Brian Hagen	Brian Hagen	09/08/2022 10:53 AM
Form Started By: Brad Bluml		Started On: 08/30/2022 03:25 PM
Final Approval Date: 09/08/2022		

Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-401693-44803.719TC

Issued: 08/30/2022

Quote Expiration: 08/31/2022

Estimated Contract Start Date: 11/01/2022

Account Number: 107332
Payment Terms: N30
Delivery Method:

SHIP TO	BILL TO
Business;Delivery;Invoice-7550 Sunwood Dr NW 7550 Sunwood Dr NW Anoka, MN 55303-5137 USA	Ramsey Police Dept. - MN 7550 Sunwood Dr NW Anoka, MN 55303-5137 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Tierney Conlon Phone: (480) 712-4910 Email: tconlon@axon.com Fax:	Brad Bluml Phone: 763-427-6812 Email: bbluml@ci.ramsey.mn.us Fax: (763) 427-2361

Quote Summary

Program Length	60 Months
TOTAL COST	$314,926.95
ESTIMATED TOTAL W/ TAX	$314,926.95

Discount Summary

Average Savings Per Year	$9,571.18
TOTAL SAVINGS	$47,855.89

Payment Summary

Date	Subtotal	Tax	Total
Nov 2022	$314,926.95	$0.00	$314,926.95
Total	**$314,926.95**	**$0.00**	**$314,926.95**

Quote Unbundled Price:	**$362,782.84**
Quote List Price:	**$328,048.84**
Quote Subtotal:	**$314,926.95**

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
BWCUwTAP	BWC Unlimited with TAP	35	60	$105.54	$89.00	$85.44	$179,424.00	$0.00	$179,424.00
A la Carte Hardware									
70116	SPPM, SIGNAL CONNECTED BATTERY PACK, X2/X26P	30			$121.76	$116.89	$3,506.70	$0.00	$3,506.70
11507	MOLLE MOUNT, SINGLE, AXON RAPIDLOCK	35			$31.30	$30.05	$1,051.75	$0.00	$1,051.75
75015	SIGNAL SIDEARM KIT	29			$249.00	$239.04	$6,932.16	$0.00	$6,932.16
AB3C	AB3 Camera Bundle	35			$699.00	$671.04	$23,486.40	$0.00	$23,486.40
AB3MBD	AB3 Multi Bay Dock Bundle	5			$1,538.90	$1,477.34	$7,386.70	$0.00	$7,386.70
A la Carte Software									
100342	INPUT-ACE PERPETUAL LICENSE MAINTENANCE	1	12		$82.92	$79.60	$955.24	$0.00	$955.24
100330	INPUT-ACE PERPETUAL LICENSE	1			$2,500.00	$2,400.00	$2,400.00	$0.00	$2,400.00
73682	AUTO TAGGING LICENSE	35	60		$9.00	$8.64	$18,144.00	$0.00	$18,144.00
73478	REDACTION ASSISTANT USER LICENSE	35	60		$9.00	$8.64	$18,144.00	$0.00	$18,144.00
73680	RESPOND DEVICE PLUS LICENSE	35	60		$19.00	$18.24	$38,304.00	$0.00	$38,304.00
ProLicense	Pro License Bundle	5	60		$39.00	$37.44	$11,232.00	$0.00	$11,232.00
A la Carte Services									
85144	AXON STARTER	1			$4,125.00	$3,960.00	$3,960.00	$0.00	$3,960.00
Total							**$314,926.95**	**$0.00**	**$314,926.95**

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
AB3 Camera Bundle	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	39	10/01/2022
AB3 Camera Bundle	71026	MAGNET MOUNT, FLEXIBLE REINFORCED, RAPIDLOCK	39	10/01/2022
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	35	10/01/2022
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	1	10/01/2022
AB3 Multi Bay Dock Bundle	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	5	10/01/2022
AB3 Multi Bay Dock Bundle	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	5	10/01/2022
AB3 Multi Bay Dock Bundle	74210	AXON BODY 3 - 8 BAY DOCK	5	10/01/2022
A la Carte	11507	MOLLE MOUNT, SINGLE, AXON RAPIDLOCK	35	10/01/2022
A la Carte	70116	SPPM, SIGNAL CONNECTED BATTERY PACK, X2/X26P	30	10/01/2022
A la Carte	75015	SIGNAL SIDEARM KIT	29	10/01/2022
BWC Unlimited with TAP	73309	AXON CAMERA REFRESH ONE	36	04/01/2025
BWC Unlimited with TAP	73689	MULTI-BAY BWC DOCK 1ST REFRESH	5	04/01/2025
BWC Unlimited with TAP	73310	AXON CAMERA REFRESH TWO	36	10/01/2027
BWC Unlimited with TAP	73688	MULTI-BAY BWC DOCK 2ND REFRESH	5	10/01/2027

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
BWC Unlimited with TAP	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	11/01/2022	10/31/2027
BWC Unlimited with TAP	73746	PROFESSIONAL EVIDENCE.COM LICENSE	35	11/01/2022	10/31/2027
Pro License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	15	11/01/2022	10/31/2027
Pro License Bundle	73746	PROFESSIONAL EVIDENCE.COM LICENSE	5	11/01/2022	10/31/2027
A la Carte	100330	INPUT-ACE PERPETUAL LICENSE	1	11/01/2022	10/31/2027
A la Carte	100342	INPUT-ACE PERPETUAL LICENSE MAINTENANCE	1	11/01/2022	10/31/2023
A la Carte	73478	REDACTION ASSISTANT USER LICENSE	35	11/01/2022	10/31/2027
A la Carte	73680	RESPOND DEVICE PLUS LICENSE	35	11/01/2022	10/31/2027
A la Carte	73682	AUTO TAGGING LICENSE	35	11/01/2022	10/31/2027

Services

Bundle	Item	Description	QTY
A la Carte	85144	AXON STARTER	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
BWC Unlimited with TAP	80464	EXT WARRANTY, CAMERA (TAP)	35	11/01/2022	10/31/2027
BWC Unlimited with TAP	80464	EXT WARRANTY, CAMERA (TAP)	1	11/01/2022	10/31/2027
BWC Unlimited with TAP	80465	EXT WARRANTY, MULTI-BAY DOCK (TAP)	5	11/01/2022	10/31/2027

Payment Details

Nov 2022						
Invoice Plan	**Item**	**Description**	**Qty**	**Subtotal**	**Tax**	**Total**
Year 1	100330	INPUT-ACE PERPETUAL LICENSE	1	$2,400.00	$0.00	$2,400.00
Year 1	100342	INPUT-ACE PERPETUAL LICENSE MAINTENANCE	1	$955.24	$0.00	$955.24
Year 1	11507	MOLLE MOUNT, SINGLE, AXON RAPIDLOCK	35	$1,051.75	$0.00	$1,051.75
Year 1	70116	SPPM, SIGNAL CONNECTED BATTERY PACK, X2/X26P	30	$3,506.70	$0.00	$3,506.70
Year 1	73478	REDACTION ASSISTANT USER LICENSE	35	$18,144.00	$0.00	$18,144.00
Year 1	73680	RESPOND DEVICE PLUS LICENSE	35	$38,304.00	$0.00	$38,304.00
Year 1	73682	AUTO TAGGING LICENSE	35	$18,144.00	$0.00	$18,144.00
Year 1	75015	SIGNAL SIDEARM KIT	29	$6,932.16	$0.00	$6,932.16
Year 1	85144	AXON STARTER	1	$3,960.00	$0.00	$3,960.00
Year 1	AB3C	AB3 Camera Bundle	35	$23,486.40	$0.00	$23,486.40
Year 1	AB3MBD	AB3 Multi Bay Dock Bundle	5	$7,386.70	$0.00	$7,386.70
Year 1	BWCUwTAP	BWC Unlimited with TAP	35	$179,424.00	$0.00	$179,424.00
Year 1	ProLicense	Pro License Bundle	5	$11,232.00	$0.00	$11,232.00
Total				**$314,926.95**	**$0.00**	**$314,926.95**

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

8/30/2022



626.8473 PORTABLE RECORDING SYSTEMS ADOPTION; WRITTEN POLICY REQUIRED.

Subdivision 1. **Definition.** As used in this section, "portable recording system" has the meaning provided in section 13.825, subdivision 1.

Subd. 2. **Public comment.** A local law enforcement agency must provide an opportunity for public comment before it purchases or implements a portable recording system. At a minimum, the agency must accept public comments submitted electronically or by mail, and the governing body with jurisdiction over the budget of the law enforcement agency must provide an opportunity for public comment at a regularly scheduled meeting.

Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state and local law enforcement agency that uses or proposes to use a portable recording system must establish and enforce a written policy governing its use. In developing and adopting the policy, the law enforcement agency must provide for public comment and input as provided in subdivision 2. Use of a portable recording system without adoption of a written policy meeting the requirements of this section is prohibited. The written policy must be posted on the agency's website, if the agency has a website.

(b) At a minimum, the written policy must incorporate the following:

(1) the requirements of section 13.825 and other data classifications, access procedures, retention policies, and data security safeguards that, at a minimum, meet the requirements of chapter 13 and other applicable law;

(2) procedures for testing the portable recording system to ensure adequate functioning;

(3) procedures to address a system malfunction or failure, including requirements for documentation by the officer using the system at the time of a malfunction or failure;

(4) circumstances under which recording is mandatory, prohibited, or at the discretion of the officer using the system;

(5) circumstances under which a data subject must be given notice of a recording;

(6) circumstances under which a recording may be ended while an investigation, response, or incident is ongoing;

(7) procedures for the secure storage of portable recording system data and the creation of backup copies of the data; and

(8) procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in section 13.09.

History: *2016 c 171 s 6*

13.825 PORTABLE RECORDING SYSTEMS.

Subdivision 1. **Application; definition.** (a) This section applies to law enforcement agencies that maintain a portable recording system for use in investigations, or in response to emergencies, incidents, and requests for service.

(b) As used in this section:

(1) "portable recording system" means a device worn by a peace officer that is capable of both video and audio recording of the officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation;

(2) "portable recording system data" means audio or video data collected by a portable recording system; and

(3) "redact" means to blur video or distort audio so that the identity of the subject in a recording is obscured sufficiently to render the subject unidentifiable.

Subd. 2. **Data classification; court-authorized disclosure.** (a) Data collected by a portable recording system are private data on individuals or nonpublic data, subject to the following:

(1) data that document the discharge of a firearm by a peace officer in the course of duty, if a notice is required under section 626.553, subdivision 2, or the use of force by a peace officer that results in substantial bodily harm, as defined in section 609.02, subdivision 7a, are public;

(2) data are public if a subject of the data requests it be made accessible to the public, except that, if practicable, (i) data on a subject who is not a peace officer and who does not consent to the release must be redacted, and (ii) data on a peace officer whose identity is protected under section 13.82, subdivision 17, clause (a), must be redacted;

(3) portable recording system data that are active criminal investigative data are governed by section 13.82, subdivision 7, and portable recording system data that are inactive criminal investigative data are governed by this section;

(4) portable recording system data that are public personnel data under section 13.43, subdivision 2, clause (5), are public; and

(5) data that are not public data under other provisions of this chapter retain that classification.

(b) A law enforcement agency may redact or withhold access to portions of data that are public under this subdivision if those portions of data are clearly offensive to common sensibilities.

(c) Section 13.04, subdivision 2, does not apply to collection of data classified by this subdivision.

(d) Any person may bring an action in the district court located in the county where portable recording system data are being maintained to authorize disclosure of data that are private or nonpublic under this section or to challenge a determination under paragraph (b) to redact or withhold access to portions of data because the data are clearly offensive to common sensibilities. The person bringing the action must give notice of the action to the law enforcement agency and subjects of the data, if known. The law enforcement agency must give notice to other subjects of the data, if known, who did not receive the notice from the person bringing the action. The court may order that all or part of the data be released to the public or to the person bringing the action. In making this determination, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency,

or to a subject of the data and, if the action is challenging a determination under paragraph (b), whether the data are clearly offensive to common sensibilities. The data in dispute must be examined by the court in camera. This paragraph does not affect the right of a defendant in a criminal proceeding to obtain access to portable recording system data under the Rules of Criminal Procedure.

Subd. 3. **Retention of data.** (a) Portable recording system data that are not active or inactive criminal investigative data and are not described in paragraph (b) must be maintained for at least 90 days and destroyed according to the agency's records retention schedule approved pursuant to section 138.17.

(b) Portable recording system data must be maintained for at least one year and destroyed according to the agency's records retention schedule approved pursuant to section 138.17 if:

(1) the data document (i) the discharge of a firearm by a peace officer in the course of duty if a notice is required under section 626.553, subdivision 2, or (ii) the use of force by a peace officer that results in substantial bodily harm; or

(2) a formal complaint is made against a peace officer related to the incident.

(c) If a subject of the data submits a written request to the law enforcement agency to retain the recording beyond the applicable retention period for possible evidentiary or exculpatory use related to the circumstances under which the data were collected, the law enforcement agency shall retain the recording for an additional time period requested by the subject of up to 180 days and notify the requester that the recording will then be destroyed unless a new request is made under this paragraph.

(d) Notwithstanding paragraph (b) or (c), a government entity may retain a recording for as long as reasonably necessary for possible evidentiary or exculpatory use related to the incident with respect to which the data were collected.

Subd. 4. **Access by data subjects.** (a) For purposes of this chapter, a portable recording system data subject includes the peace officer who collected the data, and any other individual or entity, including any other peace officer, regardless of whether the officer is or can be identified by the recording, whose image or voice is documented in the data.

(b) An individual who is the subject of portable recording system data has access to the data, including data on other individuals who are the subject of the recording. If the individual requests a copy of the recording, data on other individuals who do not consent to its release must be redacted from the copy. The identity and activities of an on-duty peace officer engaged in an investigation or response to an emergency, incident, or request for service may not be redacted, unless the officer's identity is subject to protection under section 13.82, subdivision 17, clause (a).

Subd. 5. **Inventory of portable recording system technology.** A law enforcement agency that uses a portable recording system must maintain the following information, which is public data:

(1) the total number of recording devices owned or maintained by the agency;

(2) a daily record of the total number of recording devices actually deployed and used by officers and, if applicable, the precincts in which they were used;

(3) the policies and procedures for use of portable recording systems required by section 626.8473; and

(4) the total amount of recorded audio and video data collected by the portable recording system and maintained by the agency, the agency's retention schedule for the data, and the agency's procedures for destruction of the data.

Subd. 6. **Use of agency-issued portable recording systems.** While on duty, a peace officer may only use a portable recording system issued and maintained by the officer's agency in documenting the officer's activities.

Subd. 7. **Authorization to access data.** (a) A law enforcement agency must comply with sections 13.05, subdivision 5, and 13.055 in the operation of portable recording systems and in maintaining portable recording system data.

(b) The responsible authority for a law enforcement agency must establish written procedures to ensure that law enforcement personnel have access to the portable recording system data that are not public only if authorized in writing by the chief of police, sheriff, or head of the law enforcement agency, or their designee, to obtain access to the data for a legitimate, specified law enforcement purpose.

Subd. 8. **Sharing among agencies.** (a) Portable recording system data that are not public may only be shared with or disseminated to another law enforcement agency, a government entity, or a federal agency upon meeting the standards for requesting access to data as provided in subdivision 7.

(b) If data collected by a portable recording system are shared with another state or local law enforcement agency under this subdivision, the agency that receives the data must comply with all data classification, destruction, and security requirements of this section.

(c) Portable recording system data may not be shared with, disseminated to, sold to, or traded with any other individual or entity unless explicitly authorized by this section or other applicable law.

Subd. 9. **Biennial audit.** (a) A law enforcement agency must maintain records showing the date and time portable recording system data were collected and the applicable classification of the data. The law enforcement agency shall arrange for an independent, biennial audit of the data to determine whether data are appropriately classified according to this section, how the data are used, and whether the data are destroyed as required under this section, and to verify compliance with subdivisions 7 and 8. If the governing body with jurisdiction over the budget of the agency determines that the agency is not complying with this section or other applicable law, the governing body may order additional independent audits. Data in the records required under this paragraph are classified as provided in subdivision 2.

(b) The results of the audit are public, except for data that are otherwise classified under law. The governing body with jurisdiction over the budget of the law enforcement agency shall review the results of the audit. If the governing body determines that there is a pattern of substantial noncompliance with this section, the governing body must order that operation of all portable recording systems be suspended until the governing body has authorized the agency to reinstate their use. An order of suspension under this paragraph may only be made following review of the results of the audit and review of the applicable provisions of this chapter, and after providing the agency and members of the public a reasonable opportunity to respond to the audit's findings in a public meeting.

(c) A report summarizing the results of each audit must be provided to the governing body with jurisdiction over the budget of the law enforcement agency, to the Legislative Commission on Data Practices and Personal Data Privacy, and to the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues no later than 60 days following completion of the audit.

Subd. 10. **Notification to BCA.** Within ten days of obtaining new surveillance technology that expands the type or scope of surveillance capability of a portable recording system device beyond video or audio recording, a law enforcement agency must notify the Bureau of Criminal Apprehension that it has obtained

the new surveillance technology. The notice must include a description of the technology and its surveillance capability and intended uses. The notices are accessible to the public and must be available on the bureau's website.

Subd. 11. **Portable recording system vendor.** (a) For purposes of this subdivision, "portable recording system vendor" means a person who is not a government entity and who provides services for the creation, collection, retention, maintenance, processing, or dissemination of portable recording system data for a law enforcement agency or other government entity. By providing these services to a government entity, a vendor is subject to all of the requirements of this chapter as if it were a government entity.

(b) A portable recording system vendor that stores portable recording system data in the cloud must protect the data in accordance with the security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy 5.4 or its successor version.

(c) Subject to paragraph (d), in an action against a vendor under section 13.08 for a violation of this chapter, the vendor is liable for presumed damages of $2,500 or actual damages, whichever is greater, and reasonable attorney fees.

(d) In an action against a vendor that improperly discloses data made not public by this chapter or any other statute classifying data as not public, the vendor is liable for presumed damages of $10,000 or actual damages, whichever is greater, and reasonable attorney fees.

Subd. 12. **Penalties for violation.** In addition to any other remedies provided by law, in the case of a willful violation of this section a law enforcement agency is subject to exemplary damages of not less than twice the minimum, nor more than twice the maximum allowable for exemplary damages under section 13.08, subdivision 1.

History: *2016 c 171 s 5; 1Sp2021 c 11 art 3 s 5*

This document has been submitted to the Office of the Federal Register (OFR) for publication and is currently pending placement on public display at the OFR and publication in the Federal Register. The document may vary slightly from the published document if minor editorial changes have been made during the OFR review process. Upon publication in the Federal Register, the regulation can be found at www.federalregister.gov, www.regulations.gov, and at www.treasury.gov. The document published in the Federal Register is the official document.

DEPARTMENT OF THE TREASURY

[31 CFR Part 35
RIN 1505-AC77]
Coronavirus State and Local Fiscal Recovery Funds
AGENCY: Department of the Treasury

ACTION: Final Rule

SUMMARY: The Secretary of the Treasury (Treasury) is adopting as final the interim final rule published on May 17, 2021, with amendments. This rule implements the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act.

DATES: *Effective date:* The provisions in this final rule are effective April 1, 2022.

FOR FURTHER INFORMATION CONTACT:

Katharine Richards, Senior Advisor, Office of Recovery Programs, Department of the Treasury, (844) 529– 9527

SUPPLEMENTARY INFORMATION:

I. INTRODUCTION

Overview

Since the first case of coronavirus disease 2019 (COVID-19) was discovered in the United States in January 2020, the pandemic has caused severe, intertwined public health and economic crises. In March 2021, as these crises continued, the American Rescue Plan Act of 2021 (ARPA)[1] established the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to provide state, local, and Tribal governments[2] with the resources needed to respond to the pandemic and its economic effects and to build a stronger, more equitable economy during the recovery. The U.S. Department of the Treasury (Treasury) issued an interim final rule implementing the SLFRF program on May 10, 2021[3] and has since disbursed over $240 billion to state, local, and Tribal governments and received over 1,500 public comments on the interim final rule. Treasury is now issuing this final rule which responds to public comments, implements the ARPA statutory provisions on eligible and ineligible uses of SLFRF funds, and makes several changes to the provisions of the interim final rule, summarized below in the section Executive Summary of Major Changes.

Since Treasury issued the interim final rule in May 2021, both the public health and economic situations facing the country have evolved. On the public health front, the United States has made tremendous progress in the fight against COVID-19, including a historic vaccination campaign that has reached over 80 percent of adults with at least one dose and is

[1] Pub. L. 117–2. https://www.congress.gov/117/plaws/publ2/PLAW-117publ2.pdf.
[2] Throughout this Supplementary Information, Treasury uses "state, local, and Tribal governments" or "recipients" to refer generally to governments receiving SLFRF funds; this includes states, territories, Tribal governments, counties, metropolitan cities, and nonentitlement units of local government.
[3] 86 Fed. Reg. 26786 (May 17, 2021).

reaching millions of children as well.[4] However, the disease continues to present an imminent threat to public health, especially among unvaccinated individuals. As the Delta variant spread across the country this summer and fall, the United States faced another severe wave of cases, deaths, and strain on the healthcare system, with the risk of hospitalization and mortality exponentially greater to unvaccinated Americans. COVID-19 has now infected over 50 million and killed over 800,000 Americans since January 2020; tens of thousands of Americans continue to be infected each day.[5] Even as the nation recovers, new and emerging COVID-19 variants may continue to pose threats to both public health and the economy. Moving forward, state, local, and Tribal governments will continue to play a major role in responding through vaccination campaigns, testing, and other services.

The economic recovery similarly has made tremendous progress but faces continued risks from the disease and the disruptions it has caused. In the early months of the pandemic, the United States experienced the sharpest economic downturn on record, with unemployment spiking to 14.8 percent in April 2020.[6] The economy has gradually added back jobs, with growth accelerating in the first half of 2021.[7] However, as the Delta variant spread, the intensified health risks and renewed disruptions slowed growth, demonstrating the continued risks from the virus. By fall 2021, the economy had exceeded its pre-pandemic size[8] and unemployment had fallen below 5 percent,[9] but despite this progress, too many Americans remain unemployed, out of the

[4] Centers for Disease Control and Prevention, COVID Data Tracker: COVID-19 Vaccinations in the United States, https://covid.cdc.gov/covid-data-tracker/#vaccinations (last visited December 31, 2021).
[5] Centers for Disease Control and Prevention, COVID Data Tracker, http://www.covid.cdc.gov/covid-data-tracker/#datatracker-home (last visited December 7, 2021).
[6] U.S. Bureau of Labor Statistics, Unemployment Rate [UNRATE], retrieved from FRED, Federal Reserve Bank of St. Louis; https://fred.stlouisfed.org/series/UNRATE (last visited December 7, 2021).
[7] *Id.*
[8] U.S. Bureau of Economic Analysis, Real Gross Domestic Product [GDPC1], retrieved from FRED, Federal Reserve Bank of St. Louis, https://fred.stlouisfed.org/series/GDPC1 (last visited December 7, 2021).
[9] U.S. Bureau of Labor Statistics, *supra* note 5.

labor force, or unable to pay their bills, with this pain particularly acute among lower-income Americans and communities of color. Again, moving forward, state, local, and Tribal governments will remain on the frontlines of the economic response and rebuilding a stronger economy in the aftermath of the pandemic.

However, as state, local, and Tribal governments continue to face substantial needs to respond to public health and economic conditions, they have also experienced severe impacts from the pandemic and resulting recession. State, local, and Tribal governments cut over 1.5 million jobs in the early months of the pandemic amid sharp declines in revenue and remain over 950,000 jobs below their pre-pandemic levels.[10] As the Great Recession demonstrated, austerity among state, local, and Tribal governments can hamper overall economic growth and severely curtail the ability of governments to serve their constituents.

Recognizing these imperatives, the SLFRF program provides vital resources for state, local, and Tribal governments to respond to the pandemic and its economic effects and to replace revenue lost due to the public health emergency, preventing cuts to government services. Specifically, the ARPA provides that SLFRF funds[11] may be used:

a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

[10] U.S. Bureau of Labor Statistics, All Employees, State Government [CES9092000001] and All Employees, Local Government [CES9093000001], retrieved from FRED, Federal Reserve Bank of St. Louis, https://fred.stlouisfed.org/series/CES9092000001 and https://fred.stlouisfed.org/series/CES9093000001 (last visited December 7, 2021).

[11] The ARPA adds section 602 of the Social Security Act, which creates the State Fiscal Recovery Fund, and section 603 of the Social Security Act, which creates the Local Fiscal Recovery Fund (together, SLFRF). Sections 602 and 603 contain substantially similar eligible uses; the primary difference between the two sections is that section 602 establishes a fund for states, territories, and Tribal governments and section 603 establishes a fund for metropolitan cities, nonentitlement units of local government, and counties.

b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;

c) For the provision of government services to the extent of the reduction in revenue due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and

d) To make necessary investments in water, sewer, or broadband infrastructure.

In addition, Congress specified two types of ineligible uses of funds: funds may not be used for deposit into any pension fund or, for states and territories only, to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation.

Issued May 10, 2021, Treasury's interim final rule provided further detail on eligible uses of funds within the four statutory categories, ineligible uses of funds, and administration of the program. The interim final rule provided state, local, and Tribal governments substantial flexibility to determine how best to use payments from the SLFRF program to meet the needs of their communities. The interim final rule aimed to facilitate swift and effective implementation by establishing a framework for determining the types of programs and services that are eligible under the ARPA along with examples of eligible uses of funds that state, local, and Tribal governments may consider.

State, local, and Tribal governments are already deploying SLFRF funds to make an impact in their communities. The SLFRF program ensures that state, local, and Tribal governments have the resources needed to fight the pandemic, sustain and strengthen the economic recovery, maintain vital public services, and make investments that support long-term growth, opportunity, and equity. Treasury looks forward to supporting and engaging with state,

local, and Tribal governments as they use these funds to make transformative investments in their communities. Finally, with so many pressing and effective ways to use SLFRF funds, there is no excuse for waste, fraud, or abuse of these funds.

Treasury received over 1,500 comments spanning nearly all aspects of the interim final rule. The final rule considers and responds to comments, provides clarification to many aspects of the interim final rule, and makes several changes to eligible uses under the program, summarized immediately below.

Executive Summary of Major Changes and Clarifications

The final rule provides broader flexibility and greater simplicity in the program, in response to public comments. Among other clarifications and changes, the final rule provides for the following:

- Public Health and Negative Economic Impacts: In addition to programs and services, the final rule clarifies that recipients may use funds for capital expenditures that support an eligible COVID-19 public health or economic response. For example, recipients may build certain affordable housing, childcare facilities, schools, hospitals, and other projects consistent with the requirements in this final rule and the Supplementary Information.

  In addition, the final rule presumes that an expanded set of households and communities are "impacted" or "disproportionately impacted" by the pandemic, thereby allowing recipients to provide responses to a broad set of households and entities without requiring additional analysis. Further, the final rule provides a broader set of enumerated eligible uses available for these communities as part of COVID-19 public health and economic response, including making affordable housing, childcare, and early learning

services eligible in all impacted communities and making certain community development and neighborhood revitalization activities eligible for disproportionately impacted communities.

Further, the final rule allows for a broader set of uses to restore and support government employment, including hiring above a recipient's pre-pandemic baseline, providing funds to employees that experienced pay cuts or furloughs, avoiding layoffs, and providing retention incentives.

- Premium Pay: The final rule offers more streamlined options to provide premium pay, by broadening the share of essential workers who can receive premium pay without a written justification while maintaining a focus on lower-income and frontline essential workers.
- Revenue Loss: The final rule offers a standard allowance for revenue loss of $10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation. Recipients that select the standard allowance may use that amount for government services.
- Water, Sewer, and Broadband Infrastructure: The final rule significantly broadens eligible broadband infrastructure investments to address challenges with broadband access, affordability, and reliability, and adds additional eligible water and sewer infrastructure investments, including a broad range of lead remediation and stormwater management projects.

Structure of the Supplementary Information

In addition to this Introduction, this Supplementary Information is organized into four sections: 1) Eligible Uses, 2) Restrictions on Use, 3) Program Administration Provisions, and 4) Regulatory Analyses.

The Eligible Uses section describes the standards to determine eligible uses of funds in each of the four eligible use categories:

1) Responding to the public health and negative economic impacts of the pandemic (which includes several sub-categories)
2) Providing premium pay to essential workers
3) Providing government services to the extent of revenue loss due to the pandemic, and
4) Making necessary investments in water, sewer, and broadband infrastructure.

Each eligible use category has separate and distinct standards for assessing whether a use of funds is eligible. Standards, restrictions, or other provisions in one eligible use category do not apply to the others. Therefore, recipients should first determine which eligible use category a potential use of funds fits within, then assess whether the potential use of funds meets the eligibility standard or criteria for that category. In the case of uses to respond to the public health and negative economic impacts of the pandemic, recipients should also determine which sub-category the eligible use fits within (i.e., public health, assistance to households, assistance to small businesses, assistance to nonprofits, aid to impacted industries, or public sector capacity and workforce), then assess whether the potential use of funds meets the eligibility standard for that sub-category. Treasury does not pre-approve uses of funds; recipients are advised to review the final rule and may pursue eligible projects under it.

In some sections of the rule, Treasury identifies specific uses of funds that are eligible, called "enumerated eligible uses"; for example, Treasury provides many enumerated eligible uses of funds to respond to the public health and negative economic impacts of the pandemic. Uses of funds that are not specifically named as eligible in this final rule may still be eligible in two ways. First, under the revenue loss eligible use category, recipients have broad latitude to use funds for government services up to their amount of revenue loss due to the pandemic. A potential use of funds that does not fit within the other three eligible use categories may be permissible as a government service, which recipients can fund up to their amount of revenue loss. For example, transportation infrastructure projects are generally ineligible as a response to the public health and negative economic impacts of the pandemic; however, a recipient could fund these projects as a government service up to its amount of revenue loss, provided that other restrictions on use do not apply. See sections Revenue Loss and Restrictions on Use for further information. Second, the eligible use category for responding to the public health and negative economic impacts of the pandemic provides a non-exhaustive list of enumerated eligible uses, which means that the listed eligible uses include some, but not all, of the uses of funds that could be eligible. The Eligible Uses section provides a standard for determining if other uses of funds, beyond those specifically enumerated, are eligible. If a recipient would like to pursue a use of funds that is not specifically enumerated, the recipient should use the standard and other guidance provided in the section Public Health and Negative Economic Impacts to assess whether the use of funds is eligible.

Next, the Restrictions on Use section describes limitations on how funds may be used. Treasury has divided the Restriction on Use section into (A) statutory restrictions under the ARPA, which include 1) offsetting a reduction in net tax revenue, and 2) deposits into pension

funds, and (B) other restrictions on use, which include 1) debt service and replenishing reserves, 2) settlements and judgments, and 3) general restrictions. These restrictions apply to all eligible use categories; however, some restrictions apply only to certain types of recipient governments, and recipients are advised to review the final rule to determine which restrictions apply to their type of government (e.g., state, territory, Tribal government, county, metropolitan city, or nonentitlement unit of government). To reiterate, for recipient governments covered by a specific restriction, that restriction applies to all eligible use categories and any use of funds under the SLFRF program. Specifically:

- For states and territories only, funds may not be used to offset directly or indirectly a reduction in net tax revenue resulting from a change in state or territory law.
- For all recipients except Tribal governments, funds may not be used for deposits into a pension fund.
- For all recipients, funds may not be used for debt service or replenishing financial reserves.
- All recipients must also comply with three general restrictions. First, a recipient may not use SLFRF funds for a program, service, or capital expenditure that conflicts with or contravenes the statutory purpose of ARPA, including a program, service, or capital expenditure that includes a term or condition that undermines efforts to stop the spread of COVID-19. Second, recipients may not use SLFRF funds in violation of the conflict-of-interest requirements contained in the Award Terms and Conditions, including any self-dealing or violation of ethics rules. Lastly, recipients should be aware that federal, state, and local laws and regulations, outside of SLFRF program requirements, also apply, including for example, environmental laws and federal civil rights and nondiscrimination

requirements, which include prohibitions on discrimination on the basis of race, color, national origin, sex (including sexual orientation and gender identity), religion, disability, age, or familial status (having children under the age of 18).

The Program Administration Provisions section describes the processes and requirements for administering the program on an ongoing basis, specifically as relates to the following: distribution of funds, timeline for using funds, transfer of funds from a recipient to different organizations, use of funds for program administration, reporting on use of funds, and remediation and recoupment of funds used for ineligible purposes. Of note, SLFRF funds may only be used for costs incurred within a specific time period, beginning March 3, 2021, with all funds obligated by December 31, 2024 and all funds spent by December 31, 2026. Recipients are advised to also consult Treasury's Reporting and Compliance Guidance for additional information on program administration processes and requirements, including applicability of the Uniform Guidance.

Finally, the section Regulatory Analyses provides Treasury's analysis of the impacts of this rulemaking, as required by several laws, regulations, and Executive Orders.

Throughout this Supplementary Information, statements using the terms "should" or "must" refer to requirements, except when used in summarizing opinions expressed in public comments. Statements using the term "encourage" refer to recommendations, not requirements.

II. ELIGIBLE USES

A. PUBLIC HEALTH AND NEGATIVE ECONOMIC IMPACTS

Background

Since the first case of COVID-19 was discovered in the United States in January 2020, the disease has infected over 50 million and killed over 800,000 Americans.[12] The disease – and necessary measures to respond – have had an immense public health and economic impact on millions of Americans across many areas of life, as detailed below in the respective sections on Public Health and Negative Economic Impacts. Since the release of the interim final rule in May 2021, the country has made major progress in fighting the disease and rebuilding the economy but faces continued risks, as illustrated by the spread of the Delta variant and the resulting slowdown in the economic recovery. The SLFRF program, and Treasury's interim final rule, provide substantial flexibility to recipients to respond to pandemic impacts in their local community; this flexibility is designed to help state, local, and Tribal governments adapt to the evolving public health emergency and tailor their response as needs evolve and to the particular local needs of their communities.

Indeed, state, local, and Tribal governments face continued needs to respond at scale to the public health emergency. This includes continued public health efforts to slow the spread of the disease, to increase vaccination rates and provide vaccinations to new populations as they become eligible, to protect individuals living in congregate facilities, and to address the broader impacts of the pandemic on public health. Similarly, while a strong economic recovery is underway, the economy remains 3.9 million jobs below its pre-pandemic level, pointing to the

[12] Centers for Disease Control and Prevention, COVID Data Tracker, http://www.covid.cdc.gov/covid-data-tracker/#datatracker-home (last visited December 31, 2021).

continued need for response efforts, with low-income workers and communities of color facing elevated rates of unemployment and economic hardship.[13] Long-standing disparities in health and economic outcomes in underserved[14] communities, that amplified and exacerbated the impacts of the pandemic, also present continued barriers to full and equitable recovery.

As state, local, and Tribal governments work to meet the public health and economic needs of their communities, these governments are also confronting the need to rebuild their own capacity. Facing severe budget challenges during the pandemic, many state, local, and Tribal governments have been forced to make cuts to services or their workforces, including cutting over 1.5 million jobs from February to May 2020, or delay critical investments. As of fall 2021, state, local, and Tribal government employment remained over 950,000 jobs below pre-pandemic levels.[15] In the recovery from the Great Recession, cuts to state, local, and Tribal governments became a meaningful drag on economic growth for several years, and the SLFRF program provides the resources needed to re-invest in vital public services and workers to avoid this outcome.[16]

[13] U.S. Bureau of Labor Statistics, All Employees, Total Nonfarm [PAYEMS] https://fred.stlouisfed.org/series/PAYEMS (last visited December 7, 2021).

[14] Treasury uses "underserved" to refer to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. In the interim final rule, Treasury generally used the term "disadvantaged" to refer to these same populations and communities.

[15] U.S. Bureau of Labor Statistics, All Employees, State Government [CES9092000001] and All Employees, Local Government [CES9093000001], retrieved from FRED, Federal Reserve Bank of St. Louis, https://fred.stlouisfed.org/series/CES9092000001 and https://fred.stlouisfed.org/series/CES9093000001 (last visited December 7, 2021).

[16] Tracy Gordon, State and Local Budgets and the Great Recession, Brookings Institution (Dec. 31, 2012), http://www.brookings.edu/articles/state-and-local-budgets-and-the-great-recession.

1. GENERAL PROVISIONS: STRUCTURE AND STANDARDS

Background: Sections 602(c)(1)(A) and 603(c)(1)(A) of the Social Security Act establish that recipients may use funds "to respond to the public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality." The interim final rule established three categories within this eligible use: 1) public health responses for those impacted by the pandemic, including the general public; 2) responses to the negative economic impacts that were experienced by those impacted as a result of the pandemic; and 3) additional services, either as a public health response or a response to the negative economic impacts of the pandemic, for disproportionately impacted communities.

The interim final rule established the method to determine which specific programs or services may be eligible to respond to the public health emergency or to respond to the negative economic impacts of the public health emergency within this framework. The interim final rule included multiple enumerated uses that are eligible within each of these categories when provided to eligible populations, including populations that the interim final rule presumed to have been *impacted* (in the case of public health responses and responses to negative economic impacts) or *disproportionately impacted* (in the case of disproportionately impacted communities). Finally, the interim final rule also allowed recipients to designate additional individuals or classes as impacted or disproportionately impacted. The standards for each of these criteria under the interim final rule are discussed below.

To assess whether a program or service would be eligible to respond to the public health emergency or its negative economic impacts, the interim final rule stated that, "the recipient [is required] to, first, identify a need or negative impact of the COVID–19 public health emergency

and, second, identify how the program, service, or other intervention addresses the identified need or impact [….] [E]ligible uses under this category must be in response to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID–19 public health emergency." The enumerated eligible uses were presumed to meet this criterion.

With respect to uses not specifically enumerated in the interim final rule as eligible public health responses, the interim final rule stated that, "[t]o assess whether additional uses would be eligible under this category, recipients should identify an effect of COVID–19 on public health, including either or both of immediate effects or effects that may manifest over months or years, and assess how the use would respond to or address the identified need."

With respect to uses not specifically enumerated in the interim final rule as eligible responses to a negative economic impact of the public health emergency, the interim final rule stated that "[e]ligible uses that respond to the negative economic impacts of the public health emergency must be designed to address an economic harm resulting from or exacerbated by the public health emergency. In considering whether a program or service would be eligible under this category, the recipient should assess whether, and the extent to which, there has been an economic harm, such as loss of earnings or revenue, that resulted from the COVID–19 public health emergency and whether, and the extent to which, the use would respond to or address this harm.[17] A recipient should first consider whether an economic harm exists and whether this harm was caused or made worse by the COVID–19 public health emergency." The interim final rule went on to say that: "In addition, the eligible use must 'respond to' the identified negative economic impact. Responses must be related and reasonably proportional to the extent and type

[17] In some cases, a use may be permissible under another eligible use category even if it falls outside the scope of section (c)(1)(A) of section 602 and 603 of the Social Security Act.

of harm experienced; uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses."

Throughout this final rule, Treasury refers to households, communities, small businesses, nonprofits, and industries that experienced public health or negative economic impacts of the pandemic as "impacted." The first section in the interim final rule under this eligible use category included public health responses for these impacted classes. The second category in the interim final rule under this eligible use category included responses to the negative economic impacts that were experienced by these impacted classes as a result of the pandemic.

The interim final rule further recognized that certain populations have experienced disproportionate health or negative economic impacts during the pandemic, as pre-existing disparities in these communities amplified the impacts of the pandemic. For example, the interim final rule recognized that the negative economic effects of the pandemic were particularly pronounced among lower-income families, who were more likely to experience income loss and more likely to have a job that required in-person work. The interim final rule recognized the role of pre-existing social vulnerabilities and disparities in driving the disparate health and economic outcomes and presumed that programs designed to address these health or economic disparities are responsive to the public health or negative economic impacts of the COVID-19 public health emergency, when provided in disproportionately impacted communities. In addition to identifying certain populations and communities presumed to be disproportionately impacted, it also empowered recipients to identify other disproportionately impacted households, populations, communities, or small businesses. The interim final rule provided that, in identifying these disproportionately impacted communities, recipients should be able to support

their determination that the pandemic resulted in disproportionate public health or economic outcomes to the specific populations, households, or geographic areas to be served.

Throughout this final rule, Treasury refers to those households, communities, small businesses, and nonprofits that experienced disproportionate public health or negative economic impacts of the pandemic as "disproportionately impacted." The third category in the interim final rule under this eligible use included public health responses and responses to the negative economic impacts for these disproportionately impacted classes.

The interim final rule provided significant flexibility for recipients to determine which households, populations, communities, or small businesses have been impacted and/or disproportionately impacted by the pandemic and to identify appropriate responses. The interim final rule included several provisions to provide simple methods for recipients to identify impacts and design programs to address those impacts. First, the interim final rule allowed recipients to demonstrate a negative economic impact on a population or class and provide assistance to households or small businesses that fall within that population or class. In such cases, the recipient need only demonstrate that an individual household or business is within the class that experienced a negative economic impact, rather than requiring a recipient to demonstrate that each individual household or small business experienced a negative economic impact, because the impact was already identified for the class.

Second, in the interim final rule, Treasury presumed that certain populations have been impacted or disproportionately impacted and are thus eligible for services that respond to these impacts or disproportionate impacts. Specifically, the interim final rule permitted recipients to presume that households that experienced unemployment, increased food or housing insecurity, or are low- or moderate-income experienced a negative economic impact from the pandemic.

The interim final rule also permitted recipients to presume that certain services provided in Qualified Census Tracts (QCTs), to individuals living in QCTs, or by Tribal governments are responsive to disproportionate impacts of the pandemic. In addition to the populations presumed to be impacted or disproportionately impacted, under the interim final rule, recipients could identify other impacted households or classes, as described above, as well as other populations, households, or geographic areas that are disproportionately impacted by the pandemic.

Third, as mentioned previously, the interim final rule included a non-exhaustive list of uses of funds that Treasury identified as responsive to the impacts or disproportionate impacts of the pandemic. Treasury refers to these as "enumerated eligible uses."

To summarize, the interim final rule identified certain populations that are presumed to be *impacted* by the pandemic (and specific enumerated uses of funds that are responsive to that impact) and populations that are presumed to be *disproportionately impacted* by the pandemic (and specific enumerated uses of funds that are responsive to those disproportionate impacts). In addition, the interim final rule provided standards for recipients to assess whether additional uses of funds, beyond the enumerated eligible uses, are eligible for impacted and disproportionately impacted populations and permitted recipients to identify other households or classes that experienced impacts of the pandemic or disproportionate impacts of the pandemic.

Rule Structure

Public Comment: Many commenters expressed concern regarding the structure of the eligible uses, indicating they found the structure of the public health and negative economic impacts section of the interim final rule to be confusing or difficult to navigate. Other commenters indicated that they understood the enumerated uses to be the only eligible uses

and/or the presumed eligible populations to be the only eligible populations. Several commenters expressed frustration about the number of eligible uses specifically enumerated in the interim final rule, which they considered too few, and commenters proposed a wide range of additional enumerated eligible uses (for further discussion, see the section Public Health and section Negative Economic Impacts). Commenters expressed concern with pursuing uses of funds not explicitly enumerated in the eligible use section or uncertainty regarding the broad flexibility provided under the interim final rule to pursue additional programs that respond to the public health or negative economic impacts of the pandemic or the process for doing so.

Treasury Response: Treasury recognizes that many commenters felt the structure of the interim final rule could be clarified. These comments are consistent with many of the questions that Treasury has received from recipients, which requested clarification regarding the category their desired response fits into. Treasury observes that these comments and questions generally fall into four categories: 1) how to identify the correct public health or negative economic impact category for a particular response, 2) how to identify whether a particular use is eligible, 3) how to identify an impacted or disproportionately impacted class, and 4) whether an enumerated use can be provided to a class other than those presumed impacted or disproportionately impacted. In response to comments, Treasury is adjusting the structure of the public health and negative economic impacts eligible use section of the final rule to improve clarity and make it easier for recipients to interpret and apply the final rule.

Specifically, Treasury is restructuring the rule to aid recipients in determining whether a particular response is eligible and how the particular response might be eligible under a particular category. This restructuring reinforces the fundamental criteria that a use of funds is eligible based on its responsiveness to a public health or negative economic impact experienced

by individuals, households, small businesses, nonprofits, or impacted industries (together "beneficiaries").[18] This restructuring is intended to make the rule easier to navigate and to implement, including any criteria or conditions on particular uses of funds.

The reorganization of the public health and negative economic impacts section of the final rule is also intended to clarify the enumerated eligible uses described in the interim final rule. The reorganization itself is not intended to change the scope of the enumerated uses that were included in the interim final rule or that were allowable under the interim final rule. In some cases, specific enumerated uses are being altered, and those changes are discussed as changes within the section on that enumerated use.

The final rule streamlines and aligns services and standards that are generally applicable or are provided for public health purposes. Under this approach, eligible uses to respond to the public health emergency are organized based on the type of public health problem: 1) COVID-19 mitigation and prevention, 2) medical expenses, 3) behavioral health care, and 4) preventing and responding to violence. Under this approach, eligible uses to respond to the negative economic impacts of the public health emergency are organized based on the type of beneficiary: 1) assistance to households, 2) assistance to small businesses, and 3) assistance to nonprofits, alongside a fourth standalone eligibility category for aid to travel, tourism, hospitality, and other impacted industries. The first three categories, assistance to households, small businesses, and nonprofits, include enumerated eligible uses for impacted and disproportionately impacted beneficiaries. This change in structure is intended to provide a framework that clearly identifies the intended beneficiaries of uses of funds and provides clarity about what types of assistance are "responsive to the pandemic or its negative economic impacts" for these beneficiaries.

[18] Note that small businesses, nonprofits, and industries may also function as subrecipients. For additional information on these distinctions see section Distinguishing Subrecipients versus Beneficiaries.

a. STANDARDS FOR IDENTIFYING A PUBLIC HEALTH OR NEGATIVE ECONOMIC IMPACT

Standards: Designating a Public Health Impact

Public Comment: Many commenters expressed uncertainty about how to determine whether a use of funds, beyond those specifically enumerated as eligible, might be an eligible public health response. For example, many commenters submitted questions asking whether specific uses of funds would be eligible. Others described what they considered to be impacts of the pandemic and argued that uses of funds to respond to these issues should be eligible. Some commenters requested that Treasury provide additional detail to guide their assessments of eligible uses of funds. For example, a commenter requested more clarification around exactly what and whose medical expenses can be covered. These comments ranged in their specificity and covered the full range of the enumerated eligible uses.

Treasury Response: Treasury is clarifying that when assessing whether a program or service is an eligible use to respond to the public health impacts of the COVID–19 public health emergency, the Department will consider the two eligibility requirements discussed below. These standards apply to all proposed public health uses.

First, there must be a negative public health impact or harm experienced by an individual or a class. For ease of administration, the interim final rule allowed, and the final rule maintains the ability for, recipients to identify a public health impact on a population or group of individuals, referred to as a "class," and to provide assistance to that class. In determining whether an individual is eligible for a program designed to address a harm experienced by a class, the recipient need only document that the individual is within the class that experienced a public health impact, see section Standards: Designating Other Impacted Classes. In the case of

some impacts, for example impacts of COVID-19 itself that are addressed by providing prevention and mitigation services, such a class could reasonably include the general public.

Second, the program, service, or other intervention must address or respond to the identified impact or harm. The final rule maintains the interim final rule requirement that eligible uses under this category must be in response to the disease itself or other public health harms that it caused.[19]

Responses must be reasonably designed to benefit the individual or class that experienced the public health impact or harm. Uses of funds should be assessed based on their responsiveness to their intended beneficiaries and the ability of the response to address the impact or harm experienced by those beneficiaries.

Responses must also be related and reasonably proportional to the extent and type of public health impact or harm experienced. Uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses. Reasonably proportional refers to the scale of the response compared to the scale of the harm. It also refers to the targeting of the response to beneficiaries compared to the amount of harm they experienced. In evaluating whether a use is reasonably proportional, recipients should consider relevant factors about the harm identified and the response. For example, recipients may consider the size of the population impacted and the severity, type, and duration of the impact. Recipients may also consider the efficacy, cost, cost-effectiveness, and time to delivery of the response.

[19] In designing an intervention to mitigate COVID-19, the recipient should consider guidance from public health authorities, particularly the Centers for Disease Control and Prevention (CDC), in assessing appropriate COVID-19 mitigation and prevention strategies (*see* Centers for Disease Control and Prevention, COVID-19, https://www.cdc.gov/coronavirus/2019-ncov/index.html). A program or service that imposes conditions on participation in or acceptance of the service that would undermine efforts to stop the spread of COVID-19 or discourage compliance with practices in line with CDC guidance for stopping the spread of COVID-19 is not a permissible use of funds.

If a recipient intends to fund capital expenditures in response to the public health impacts of the pandemic, recipients should refer to the section Capital Expenditures for details about the eligibility of capital expenditures.

Standards: Designating a Negative Economic Impact

Public Comment: Many commenters expressed uncertainty about how to determine whether uses of funds, beyond those specifically enumerated as eligible, might be eligible responses to negative economic impacts. For example, many commenters submitted questions asking whether specific uses of funds would be eligible. Others described what they considered to be impacts of the pandemic and argued that uses of funds to respond to these issues should be eligible. Some commenters requested that Treasury provide additional detail to guide their assessments of eligible uses of funds. These comments ranged in their specificity and covered the full range of eligible uses to respond to negative economic impacts. Several commenters asked for clarification about what types of food assistance would be considered eligible. Another commenter requested that the establishment of outdoor dining be eligible. Many commenters inquired about homeless shelters as an eligible use of SLFRF funds.

Commenters also expressed uncertainty about the ability to establish classes, including geographic areas, that experienced a negative economic impact or disagreed with the requirement that an individual entity be impacted by the pandemic in order to receive assistance. For example, a commenter argued that interventions should not be limited to individuals or businesses that experienced an economic impact and should instead be used broadly to support economic growth. These commenters argued that an expenditure that supports a more robust economy may help combat the pandemic's negative economic impacts, and it can do so even if

funding is provided to individuals or entities that did not themselves experience a negative economic impact during the pandemic.

Treasury Response: The final rule maintains the standard articulated in the interim final rule. For clarity, the final rule re-articulates that when assessing whether a program or service is an eligible use to respond to the negative economic impacts of the COVID–19 public health emergency, Treasury will consider the two eligibility requirements discussed below.

First, there must be a negative economic impact, or an economic harm, experienced by an individual or a class. The recipient should assess whether, and the extent to which, there has been an economic harm, such as loss of earnings or revenue, that resulted from the COVID–19 public health emergency. A recipient should first consider whether an economic harm exists and then whether this harm was caused or made worse by the COVID–19 public health emergency. This approach is consistent with the text of the statute, which provides that funds in this category must be used to "respond to the public health emergency with respect to… its negative economic impacts."

While economic impacts may either be immediate or delayed, individuals or classes that did not experience a negative economic impact from the public health emergency would not be eligible beneficiaries under this category. As noted above, the interim final rule permitted recipients to presume that households that experienced unemployment, increased food or housing insecurity, or are low- or moderate-income experienced a negative economic impact from the pandemic. For discussion of the final rule's approach to this presumption, see section Populations Presumed Eligible.

The final rule also maintains several provisions included in the interim final rule and subsequent guidance that are intended to ease administration of identifying that the beneficiary

experienced a negative economic impact or harm. For example, the interim final rule allowed, and the final rule maintains the ability for, recipients to demonstrate a negative economic impact on a population or group, referred to as a "class," and to provide assistance to households, small businesses, or nonprofits that fall within that class. In such cases, the recipient need only demonstrate that the household, small business, or nonprofit is within the class that experienced a negative economic impact, see section Standards: Designating Other Impacted Classes. This would allow, for example, an internet access assistance program for all households with children to support those households' ability to participate in healthcare, work, and educational activities like extending learning opportunities, among other critical activities. In that case, the recipient would only need to identify a negative economic impact to the class of "households with children" and would not need to document or otherwise demonstrate that each individual household served experienced a negative economic impact.

Second, the response must be designed to address the identified economic harm or impact resulting from or exacerbated by the public health emergency. In selecting responses, the recipient must assess whether, and the extent to which, the use would respond to or address this harm or impact. This approach is consistent with the text of the statute, which provides that funds may be used to "respond to" the "negative economic impacts" of the public health emergency "including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality." The list of potential responses ("assistance" or "aid") suggests that responses should address the "negative economic impacts" of particular types of beneficiaries (e.g., households or small businesses).

Responses must be reasonably designed to benefit the individual or class that experienced the negative economic impact or harm. Uses of funds should be assessed based on their

responsiveness to their intended beneficiary and the ability of the response to address the impact or harm experienced by that beneficiary.[20]

Responses must also be related and reasonably proportional to the extent and type of harm experienced; uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses.[21] Reasonably proportional refers to the scale of the response compared to the scale of the harm. It also refers to the targeting of the response to beneficiaries compared to the amount of harm they experienced; for example, it may not be reasonably proportional for a cash assistance program to provide assistance in a very small amount to a group that experienced severe harm and in a much larger amount to a group that experienced relatively little harm. In evaluating whether a use is reasonably proportional, recipients should consider relevant factors about the harm identified and the response. For example, recipients may consider the size of the population impacted and the severity, type, and duration of the impact. Recipients may also consider the efficacy, cost, cost-effectiveness, and time to delivery of the response.

Finally, recipients should be aware of the distinction between beneficiaries of funds and subrecipients; a recipient may provide services to beneficiaries through subrecipients that did not experience a negative economic impact, see section Distinguishing Subrecipients versus Beneficiaries. That is, a recipient may award SLFRF funds to an entity that did not experience a negative economic impact in order to implement a program or provide a service to beneficiaries on its behalf. Such transfers, when implementing a public health or negative economic impact

[20] For example, expenses such as excessive compensation to employees or expenses which have already been reimbursed through another federal program, are not reasonably designed to address a negative economic impact to a beneficiary.

[21] For example, a program or service that imposes conditions on participation in or acceptance of the service that would undermine efforts to stop the spread of COVID-19 or discourage compliance with practices in line with CDC guidance for stopping the spread of COVID-19 is not a permissible use of funds.

response, should be responsive to and designed to benefit individuals, households, small businesses, nonprofits, or impacted industries that did experience a public health or negative economic impact.

Determining the Appropriate Eligible Use Category

Public Comment: Some commenters expressed uncertainty about how to analyze negative economic impacts to different entities (e.g., households, small businesses, nonprofits). For example, commenters asked whether a nonprofit, which did not experience a negative economic impact itself, could be granted funds to provide services to individuals experiencing homelessness, who did experience negative economic impacts. Other commenters proposed providing assistance to support the expansion of small businesses, under the theory that this would create more job opportunities for unemployed workers who experienced negative economic impacts.

Treasury Response: In the final rule, Treasury is clarifying that recipients should assess a potential use of funds based on which beneficiary experienced the negative economic impact, in other words, the households, small businesses, nonprofits, or impacted industries that experienced the negative economic impact.

Treasury notes that recipients may award SLFRF funds to many different types of organizations to carry out eligible uses of funds and serve beneficiaries on behalf of a recipient. When a recipient provides funds to another entity to carry out eligible uses of funds and serve beneficiaries the entity becomes a subrecipient (see section Distinguishing a Subrecipient versus a Beneficiary). For example, a recipient may grant funds to a nonprofit organization to provide food assistance (an eligible use) to low-income households (the beneficiaries). Recipients only

need to assess whether the beneficiaries experienced a negative economic impact and whether the eligible use responds to that impact, consistent with the two-part framework described above; the organization carrying out the eligible use does not need to have experienced a negative economic impact if it is serving as the vehicle for reaching the beneficiaries. When making determinations about how to implement a program, recipients should consider whether that method of program implementation is an effective and efficient method to implement the program and do so in accordance with the Uniform Guidance provisions that govern procurements and sub-granting of federal funds, as applicable.

As noted above, recipients should analyze eligible uses based on the beneficiary of the assistance or the entity that experienced a negative economic impact. Assistance to a small business or to an impacted industry must respond to a negative economic impact experienced by that small business or industry. Recipients may not provide assistance to small businesses or impacted industries that did not experience a negative economic impact, although recipients can identify negative economic impacts for classes, rather than individual businesses, and may also presume that small businesses in certain areas experienced impacts; see section General Provisions: Structure and Standards and section Assistance to Small Businesses for details.

Several examples illustrate the application of these concepts. For example, a recipient could provide assistance to households via a contract with a business to create subsidized jobs for the long-term unemployed; in this case the business is a subrecipient and need not have experienced a negative economic impact, but the recipient would need to identify a specific connection between the assistance provided and addressing the negative economic impact experienced by the unemployed households. The recipient could, for instance, document the subsidized jobs created under the contract and their reservation for long-term unemployed

individuals. Similarly, a recipient might provide assistance to a small business that experienced a pandemic-related loss of revenue. This small business is a beneficiary and may use those funds in many ways, potentially including hiring or retaining staff. However, general assistance to a business that did not experience a negative economic impact under the theory that this assistance generally grows the economy and therefore enhances opportunities for unemployed workers would not be an eligible use, because such assistance is not reasonably designed to impact the individuals or classes that experienced a negative economic impact. In other words, there is not a reasonable connection between the assistance provided and an impact on the beneficiaries. Such an activity would be attenuated from and thus not reasonably designed to benefit the households that experienced the negative economic impact.

b. Populations Presumed Eligible

Presumed Eligibility: Impacted and Disproportionately Impacted Households and Communities

Background: As noted above, the interim final rule allowed recipients to presume that certain households were impacted or disproportionately impacted by the pandemic and thus eligible for responsive programs or services. Specifically, under the interim final rule, recipients could presume that a household or population that experienced unemployment, experienced increased food or housing insecurity, or is low- or moderate-income experienced negative economic impacts resulting from the pandemic, and recipients may provide services that respond to these impacts.

The interim final rule also recognized that pre-existing health, economic, and social disparities contributed to disproportionate pandemic impacts in certain communities and allowed for a broader list of enumerated eligible uses to respond to the pandemic in disproportionately

impacted communities. Under the interim final rule, recipients were allowed to presume that families residing in QCTs or receiving services provided by Tribal governments were disproportionately impacted by the pandemic.

Definition of Low- and Moderate-Income

Public Comment: As noted earlier, many commenters sought a definition for "low- and moderate-income" to provide recipients greater clarity on which specific households could be presumed to be impacted by the pandemic.

Treasury Response: The final rule maintains the presumptions identified in the interim final rule and defines low- and moderate-income for the purposes of determining which households and populations recipients may presume to have been impacted. To simplify the administration of this presumption, the final rule adopts a definition of low- and moderate-income based on thresholds established and used in other federal programs.

Definitions. The final rule defines a household as *low income* if it has (i) income at or below 185 percent of the Federal Poverty Guidelines (FPG) for the size of its household based on the most recently published poverty guidelines by the Department of Health and Human Services (HHS) or (ii) income at or below 40 percent of the Area Median Income (AMI) for its county and size of household based on the most recently published data by the Department of Housing and Urban Development (HUD).[22]

The final rule defines a household as *moderate income* if it has (i) income at or below 300 percent of the FPG for the size of its household based on the most recently published

[22] AMI is also often referred to as median family income for the area. Since AMI is synonymous with this term and used more generally, the final rule refers to AMI.

poverty guidelines by HHS or (ii) income at or below 65 percent of the AMI for its county and size of household based on the most recently published data by HUD.[23]

Recipients may determine whether to measure income levels for specific households or for a geographic area based on the type of service to be provided. For example, recipients developing a program that serves specific households (e.g., a subsidy for internet access, a childcare program) may measure income at the household level. Recipients providing a service that reaches a general geographic area (e.g., a park) may measure median income of that area.

Further, recipients should generally use the income threshold for the size of the household to be served (e.g., when providing childcare to a household of five, recipients should reference the income threshold for a household of five); however, recipients may use the income threshold for a default household size of three if providing services that reach a general geographic area or if doing so would simplify administration of the program to be provided (e.g., when developing a park, recipients should use the income threshold for a household size of three and compare it to median income of the geographic area to be served).

Note that recipients can also identify and serve other classes of households that experienced negative economic impacts or disproportionate impacts from the pandemic; recipients can identify these classes based on their income levels, including above the levels defined as low- and moderate-income in the final rule. For example, a recipient may identify that households in their community with incomes above the final rule threshold for low-income nevertheless experienced disproportionate impacts from the pandemic and provide responsive

[23] For the six New England states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, HUD provides AMI for towns rather than counties. Recipients in these states should use the AMI corresponding to their town when determining thresholds for both low and moderate income.

services. See section General Provisions: Standards for Identifying Other Eligible Populations for details on applicable standards.

Applicable levels. For reference, the FPG is commonly referred to as the federal poverty level (FPL) and is related to—although distinct from—the U.S. Census Bureau's poverty threshold. The final rule uses the FPG when referring specifically to the HHS guidelines, as these are the quantitative metrics used for determining low- and moderate-income households.

The FPG by household size for 2021 is included in the table below. Recipients should refer to HHS Poverty Guidelines for this information, which is updated annually and available on the HHS website.[24] For calculating the thresholds of 40 percent and 65 percent of AMI, recipients should refer to the annual HUD Section 8 50 percent income limits by county and household size published by HUD and available on the HUD website; in particular, recipients should calculate the 40 percent threshold as 0.8 times the 50 percent income limit, and recipients should calculate the 65 percent threshold as 1.3 times the 50 percent income limit.[25] Finally, for median income of Census Tracts and other geographic areas, recipients should refer to the most recent American Community Survey 5-year estimates available through the Census website.[26]

[24] U.S. Department of Health and Human Service, HHS Poverty Guidelines for 2021, *available at* https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines.
[25] U.S. Department of Housing and Urban Development, FY 2021 Section 8 Income Limits, *available at*https://www.huduser.gov/portal/datasets/il/il21/Section8-FY21.xlsx. Recipients may refer to the list of counties (and New England towns) identified by state and metropolitan area for identifying the appropriate area. U.S. Department of Housing and Urban Development, FY 2021 List of Counties (and New England Towns) Identified by State and Metropolitan Area, *available at* https://www.huduser.gov/portal/datasets/il/il21/area-definitions-FY21.pdf.
[26] The U.S. Census Bureau provides an interactive map: U.S. Census Bureau, Median Household Income State Selection Map, *available at* https://data.census.gov/cedsci/map?q=Median%20Household%20Income&g=0100000US%2404000%24001&tid=ACSST5Y2019.S1901&cid=S1901_C01_012E&vintage=2019. The U.S. Census Bureau also provides an interactive table: U.S. Census Bureau, Median Household Income In The Past 12 Months (In 2019 Inflation-Adjusted Dollars), *available at* https://data.census.gov/cedsci/table?q=b19013&tid=ACSDT5Y2019.B19013&hidePreview=true.

	2021 Federal Poverty Guidelines		
Household size	48 Contiguous States and the District of Columbia	Alaska	Hawaii
1	$12,880	$16,090	$14,820
2	$17,420	$21,770	$20,040
3	$21,960	$27,450	$25,260
4	$26,500	$33,130	$30,480
5	$31,040	$38,810	$35,700
6	$35,580	$44,490	$40.920
7	$40,120	$50,170	$46,140
8	$44,660	$55,850	$51,360
For families/households with more than 8 persons, add the following amounts for each additional person: 48 Contiguous States and the District of Columbia: $4,540 Alaska: $5,680 Hawaii: $5,220 Source: "HHS Poverty Guidelines for 2021," available at https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines.			

Rationale. In defining low income, the final rule uses both the FPG and AMI to account for national trends and regional differences. The metric of 185 percent of FPG aligns with some other programs; for instance, under the National School Lunch Program, students with household incomes under 185 percent of FPG qualify for free or reduced-price lunch, and schools often use eligibility for free or reduced-price lunch as an indicator of low-income status under Title 1-A of the Elementary and Secondary Education Act. Eligibility for other programs, such as the Federal Communications Commission's e-Rate program and the Special Supplemental Nutrition Program for Women, Infants and Children employ this metric as well. In addition, 185 percent of the FPG for a family of four is $49,025, which is approximately the wage earnings for a two-earner household in which both earners receive the median wage in occupations, such as waiters

and waitresses and hotel clerks, that were heavily impacted by COVID-19.[27] This measure is targeted toward those at the bottom of the income distribution and thus helps to promote use of SLFRF funds towards populations with the greatest needs. At the same time, with approximately one-quarter of Americans below 185 percent of the poverty threshold, this approach is broad enough to facilitate use of SLFRF funds across many jurisdictions.[28] Because regions have different cost and income levels, this definition also allows for upward adjustment based on AMI for those regions where 40 percent of AMI exceeds 185 percent of FPG. The metric of 40 percent of AMI is based on the midpoint of values often used to designate certain categories of low-income households; specifically, it is the midpoint of the 30 percent income limit and the 50 percent income limit used in programs such as the Community Development Block Grant (CDBG) Program.

In defining moderate income, the final rule uses both the FPG and AMI to account for national trends and regional differences. While there are different definitions of moderate income, 300 percent of FPG falls within the range commonly used by researchers.[29] Analysis of median wages among a sample of occupations likely impacted by the pandemic also suggests that an income cutoff of 300 percent of FPG would include many households with workers in such occupations.[30] Moreover, the metric of 300 percent of FPG covers households that, while

[27] *See* U.S. Bureau of Labor Statistics, Occupational Employment and Wage Estimates, https://www.bls.gov/oes/current/oes_nat.htm (last visited December 7, 2021).
[28] U.S. Census Bureau, Poverty Status by State, https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-pov/pov-46.html (last visited December 7, 2021).
[29] For instance, Melissa Kearney et al. (2013) cap the "struggling lower middle-income class" at 250 percent of the federal poverty level, while Isabel Sawhill and Edward Rodrigue (2015) define the "middle class" as those with incomes of at least 300 percent of the poverty line. Melissa Kearney et al., "A Dozen Facts about America's Struggling Lower-Middle Class," The Hamilton Project (December 2013), https://www.hamiltonproject.org/assets/legacy/files/downloads_and_links/THP_12LowIncomeFacts_Final.pdf; Isabel Sawhill and Edward Rodrigue, "An Agenda for Reducing Poverty and Improving Opportunity," Brookings Institution, https://www.brookings.edu/wp-content/uploads/2016/07/Sawhill_FINAL.pdf.
[30] Data on median annual wages from: U.S. Bureau of Labor and Statistics, Occupational Employment and Wage Statistics, *available at* https://www.bls.gov/oes/current/oes_nat.htm (last visited December 7, 2021).

above the poverty line, often lack economic security.[31] Treasury determined the AMI threshold for moderate income by maintaining the same ratio of FPG multiplier to AMI multiplier as in the definition of low income. This anchors the threshold to the existing definitions of moderate income from the literature while taking into account geographical variation in income and expenses in the same manner as the definition of low income.

Eligibility Presumptions

Public Comment: Many commenters believed that a broader range of groups should be considered presumptively impacted and disproportionately impacted, arguing that many households had been affected by the pandemic and that broader presumed eligibility would help recipients provide assistance quickly and effectively.

Treasury also received many comments on the presumption that families living in QCTs or receiving services from Tribal governments were disproportionately impacted by the pandemic. While many commenters supported the interim final rule's recognition of disproportionate impacts of the pandemic on low-income communities, many commenters disagreed with treating QCTs as the only presumed eligible group of disproportionately impacted households, apart from households served by Tribal governments. While acknowledging a potential increase in administrative burden, commenters recommended that Treasury presume other households or geographic areas, in addition to QCTs, were disproportionately impacted; suggestions included all low- and moderate-income households, geographic areas designated as

[31] For instance, households earning between 200 and 300 percent of the FPG have significantly higher rates of food and housing insecurity than those earning above 300 percent of the FPG. Table 1, Kyle J. Caswell and Stephen Zuckerman, Food Insecurity, Housing Hardship, and Medical Care Utilization, Urban Institute (June 2018), https://www.urban.org/sites/default/files/publication/98701/2001896_foodinsecurity_housinghardship_medicalcareutilization_finalized.pdf.

Opportunity Zones, Difficult Development Areas (DDAs), areas with a certain amount of Real Estate Advantage Program (REAP) recipients, or use of eligibility criteria from the Community Reinvestment Act. One commenter generally recommended that a clearer definition of "disproportionately impacted" should be provided and that any definition should include communities of color and people of limited means. Another recommended specific eligibility for people that had recently interacted with the criminal justice system. Many commenters representing Tribal governments and groups recommended a presumption of eligibility for all Tribal uses of funds, clarification that off reservation members remained eligible, and broad flexibility on use of funds.

Additionally, commenters noted that some areas are technically eligible to be QCTs but fall short because of the aggregate population of eligible tracts. One commenter noted that these areas should be considered the same as QCTs for the purpose of SLFRF funds. Some commenters argued that rural counties typically have few QCTs despite high levels of poverty and disruption caused by the COVID-19 pandemic. Other rural commenters recommended that the designation be by county rather than at a more granular level, arguing that the QCT designation is biased towards urban areas and understates the harm done to rural America. Many commenters representing Tribal governments supported the presumption that services provided by Tribal governments respond to disproportionate impacts.

Treasury Response:

Summary: While households residing in QCTs or served by Tribal governments were presumed to be disproportionately impacted, Treasury emphasizes that under the interim final rule recipients could also identify other households, populations, or geographic areas that were disproportionately impacted by the pandemic and provide services to respond.

The final rule maintains the presumptions identified in the interim final rule, as well as recipients' ability to identify other impacted or disproportionately impacted classes. The final rule also allows recipients to presume that low-income households were disproportionately impacted, and as discussed above, defines low- and moderate-income. Finally, under the final rule recipients may also presume that households residing in the U.S. territories or receiving services from territorial governments were disproportionately impacted.

Households presumed to be impacted: Impacted households are those that experienced a public health or negative economic impact from the pandemic.

With regard to public health impacts, recipients may presume that the general public experienced public health impacts from the pandemic for the purposes of providing services for COVID-19 mitigation and behavioral health. In other words, recipients may provide a wide range of enumerated eligible uses in these categories to the general public without further analysis. As discussed in the introduction, COVID-19 as a disease has directly affected the health of tens of millions of Americans, and efforts to prevent and mitigate the spread of the disease are needed and in use across the country. Further, the stress of the pandemic and resulting recession have affected nearly all Americans. Accordingly, the final rule presumes that the general public are impacted by and eligible for services to respond to COVID-19 mitigation and prevention needs, as well as behavioral health needs.

With regard to negative economic impacts, as with the interim final rule, under the final rule recipients may presume that a household or population that experienced unemployment, experienced increased food or housing insecurity, or is low- or moderate-income experienced negative economic impacts resulting from the pandemic. The final rule's definition of low- and

moderate-income, by providing standard metrics based on widely available data, is intended to simplify administration for recipients.

Households presumed to be disproportionately impacted: Disproportionately impacted households are those that experienced a disproportionate, or meaningfully more severe, impact from the pandemic. As discussed in the interim final rule, pre-existing disparities in health and economic outcomes magnified the impact of the COVID-19 public health emergency on certain households and communities. As with the interim final rule, under the final rule recipients may presume that households residing in QCTs or receiving services provided by Tribal governments were disproportionately impacted by the pandemic. In addition, under the final rule recipients may presume that low-income households were disproportionately impacted by the pandemic. Finally, under the final rule recipients may also presume that households residing in the U.S. territories or receiving services from territorial governments were disproportionately impacted.

Treasury notes that households presumed to be disproportionately impacted would also be presumptively impacted, as these households have not only experienced pandemic impacts but have experienced disproportionate pandemic impacts; as a result, these households are presumptively eligible for responsive services for both impacted and disproportionately impacted households.

Many different geographic, income-based, or poverty-based presumptions could be used to designate disproportionately impacted populations. The combination of permitting recipients to use QCTs, low-income households, and services provided by Tribal or territorial governments as presumptions balances these varying methods. Specifically, QCTs are a commonly used designation of geographic areas based on low incomes or high poverty rates of households in the community; for recipients providing geographically targeted services, QCTs may provide a

simple metric with readily available maps for use. However, Treasury recognizes that QCTs do not capture all underserved populations, including for reasons noted by commenters. By allowing recipients to also presume that low-income households were disproportionately impacted, the final rule provides greater flexibility to serve underserved households or communities. Data on household incomes is also readily available at varying levels of geographic granularity (e.g., Census Tracts, counties), again permitting flexibility to adapt to local circumstances and needs. Finally, Treasury notes that, as discussed further below, recipients may also identify other households, populations, and communities disproportionately impacted by the pandemic, in addition to those presumed to be disproportionately impacted.

Additionally, Tribal and territorial governments may face both disproportionate impacts of the pandemic and administrability challenges with operationalizing the income-based standard; therefore, Treasury has presumed that services provided by these governments respond to disproportionate pandemic impacts. Given a lack of regularly published data on household incomes in most territories,[32] as well as a lack of poverty guidelines developed for these jurisdictions,[33] it may be highly challenging to assess disproportionate impact in these communities according to an income- or poverty-based standard. Similarly, data on incomes in Tribal communities are not readily available.[34] Finally, as described in the sections on Public Health and Negative Economic Impacts, Tribal communities have faced particularly severe health and economic impacts of the pandemic. Similarly, available research suggests that

[32] For instance, the American Community Survey does not include all territories. U.S. Census Bureau, Areas Published, https://www.census.gov/programs-surveys/acs/geography-acs/areas-published.html (last visited November 9, 2021).
[33] U.S. Department of Health and Human Services, *supra* note 19.
[34] For instance, data from the American Community Survey is based on geographical location rather than Tribal membership. U.S. Census Bureau, My Tribal Area, https://www.census.gov/Tribal/Tribal_glossary.php.

preexisting health and economic disparities in the territories amplified the impact of the pandemic on these communities.[35]

Categorical Eligibility

Public Comment: Several commenters suggested that the final rule permit recipients to rely on a beneficiary's eligibility for other federal benefits programs as an easily administrable proxy for identifying a group or population that experienced a negative economic impact as a result of the COVID-19 public health emergency (i.e., categorical eligibility). In other words, a recipient would determine that individuals or households are eligible for an SLFRF-funded program based on the individual or household's eligibility in another program, typically another federal benefit program. Commenters noted that categorical eligibility is a common policy in program administration that can significantly ease administrative burden on both program administrators and beneficiaries.

Treasury Response: Treasury agrees that allowing recipients to identify impacted and disproportionately impacted beneficiaries based on their eligibility for other programs with similar income tests would ease administrative burden. To the extent that the other program's eligibility criteria align with a population or class that experienced a negative economic impact of the pandemic, this approach is also consistent with the process allowed under the final rule for recipients to determine that a class has experienced a negative economic impact, and then document that an individual receiving services is a member of the class. For these reasons, the final rule recognizes categorical eligibility for the following programs and populations:

[35] Lina Stoylar et. al., Challenges in the U.S. Territories: COVID-19 and the Medicaid Financing Cliff, Kaiser Family Foundation (May 18, 2021), https://www.kff.org/coronavirus-covid-19/issue-brief/challenges-in-the-u-s-territories-covid-19-and-the-medicaid-financing-cliff/.

- Impacted households. Treasury will recognize a household as impacted if it otherwise qualifies for any of the following programs:
    - Children's Health Insurance Program (CHIP)
    - Childcare Subsidies through the Child Care and Development Fund (CCDF) Program
    - Medicaid
    - National Housing Trust Fund (HTF), for affordable housing programs only
    - Home Investment Partnerships Program (HOME), for affordable housing programs only

- Disproportionately impacted households. Treasury will recognize a household as disproportionately impacted if it otherwise qualifies for any of the following programs:
    - Temporary Assistance for Needy Families (TANF)
    - Supplemental Nutrition Assistance Program (SNAP)
    - Free and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs
    - Medicare Part D Low-income Subsidies
    - Supplemental Security Income (SSI)
    - Head Start and/or Early Head Start
    - Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
    - Section 8 Vouchers
    - Low-Income Home Energy Assistance Program (LIHEAP)
    - Pell Grants

- For services to address educational disparities, Treasury will recognize Title I eligible schools[36] as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible

c. STANDARDS FOR IDENTIFYING OTHER ELIGIBLE POPULATIONS

Standards: Designating Other Impacted Classes

Public Comment: Treasury received multiple comments requesting additional clarification about how classes of impacted individuals may be designated, as well as questions asking whether recipients must demonstrate a specific public health or negative economic impact to each entity served (e.g., each household receiving assistance under a program). There were several comments requesting that specific geographic designations, like a county or Impact Zone, be eligible to use as a determining boundary.

Treasury Response: The interim final rule allowed, and the final rule maintains, the ability for recipients to demonstrate a public health or negative economic impact on a class and to provide assistance to beneficiaries that fall within that class. Consistent with the scope of beneficiaries included in sections 602(c)(1)(A) and 603(c)(1)(A) of the Social Security Act, Treasury is clarifying that a recipient may identify such impacts for a class of households, small businesses, or nonprofits. In such cases, the recipient need only demonstrate that the household, small business, or nonprofit is within the relevant class. For example, a recipient could determine that restaurants in the downtown area had generally experienced a negative economic impact and provide assistance to those small businesses to respond. When providing this assistance, the

[36] *Title I eligible schools* means schools eligible to receive services under section 1113 of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6313), including schools served under section 1113(b)(1)(C) of that Act.

recipient would only need to demonstrate that the small businesses receiving assistance were restaurants in the downtown area. The recipient would not need to demonstrate that each restaurant served experienced its own negative economic impact.

In identifying an impacted class and responsive program, service, or capital expenditure, recipients should consider the relationship between the definition of the class and proposed response. Larger and less-specific classes are less likely to have experienced similar harms and thus the responses are less likely to be responsive to the harms identified. That is, as the group of entities being served by a program has a wider set of fact patterns, or the type of entities, their circumstances, or their pandemic experiences differ more substantially, it may be more difficult to determine that the class has actually experienced the same or similar negative economic impact and that the response is appropriately tailored to address that impact.

Standard: Designating Other Disproportionately Impacted Classes

Summary of Interim Final Rule: As noted above, the interim final rule provided a broad set of enumerated eligible uses of funds in disproportionately impacted communities, including to address pre-existing disparities that contributed to more severe pandemic impacts in these communities. The interim final rule presumed that these services are eligible uses when provided in a QCT, to families and individuals living in QCTs, or when these services are provided by Tribal governments. Recipients may also provide these services to "other populations, households, or geographic areas disproportionately impacted by the pandemic" and, in identifying these disproportionately impacted communities, should be able to support their determination that the pandemic resulted in disproportionate public health or economic outcomes to the group identified.

Public Comment: A significant number of commenters expressed uncertainty regarding the process for determining eligibility for disproportionately impacted communities beyond QCTs. A commenter noted that a clearer definition of "disproportionately impacted" should be delineated and that any definition should include communities of color and people of limited means. Some commenters suggested a template or checklist to see if an area meets the standard for disproportionately impacted communities outside of QCTs. Some commenters stated that QCT and non-QCT beneficiaries should be treated the same.

Treasury Response: Under the interim final rule, presuming eligibility for services in QCTs, for populations living in QCTs, and for Tribal governments was intended to ease administrative burden, providing a simple path for recipients to offer services in underserved communities, and is not an exhaustive list of disproportionately impacted communities. To further clarify, the final rule codifies the interpretive framework discussed above, including presumptions of groups disproportionately impacted, as well as the ability to identify other disproportionately impacted populations, households, or geographies (referred to here as disproportionately impacted classes).

As discussed in the interim final rule, in identifying other disproportionately impacted classes, recipients should be able to support their determination that the pandemic resulted in disproportionate public health or economic outcomes to the specific populations, households, or geographic areas to be served. For example, the interim final rule considered data regarding the rate of COVID-19 infections and deaths in low-income and socially vulnerable communities, noting that these communities have experienced the most severe health impacts, compared to national averages. Similarly, the interim final rule considered the high concentration of low-income workers performing essential work, the reduced ability to socially distance, and other

pre-existing public health challenges, all of which correlate with more severe COVID-19 outcomes. The interim final rule also considered the disproportionate economic impacts of the pandemic, citing, for example, the rate of job losses among low-income persons as compared to the general population. The interim final rule then identified QCTs, a common, readily accessible, and geographically granular method of identifying communities with a large proportion of low-income residents, as presumed to be disproportionately impacted by the pandemic.

In other words, the interim final rule identified disproportionately impacted populations by assessing the impacts of the pandemic and finding that some populations experienced meaningfully more severe impacts than the general public. Similarly, to identify disproportionately impacted classes, recipients should compare the impacts experienced by that class to the typical or average impacts of the pandemic in their local area, state, or nationally.

Recipients may identify classes of households, communities, small businesses, nonprofits, or populations that have experienced a disproportionate impact based on academic research or government research publications, through analysis of their own data, or through analysis of other existing data sources. To augment their analysis, or when quantitative data is not readily available, recipients may also consider qualitative research and sources like resident interviews or feedback from relevant state and local agencies, such as public health departments or social services departments. In both cases, recipients should consider the quality of the research, data, and applicability of analysis to their determination.

In designing a program or service that responds to a disproportionately impacted class, a recipient must first identify the impact and then identify an appropriate response. To assess disproportionate impact, recipients should rely on data or research that measures the public

health or negative economic impact. An assessment of the effects of a response (e.g., survey data on levels of resident support for various potential responses) is not a substitute for an assessment of the impact experienced by a particular class. Data about the appropriateness or desirability of a response may be used to assess the reasonableness of a response, once an impact or disproportionate impact has been identified but should not be the basis for assessing impact.

2. PUBLIC HEALTH

Background

On January 21, 2020, the Centers for Disease Control and Prevention (CDC) identified the first case of novel coronavirus in the United States.[37] Since that time, and through present day, the United States has faced numerous waves of the virus that have brought acute strain on health care and public health systems. At various points in the pandemic, hospitals and emergency medical services have seen significant influxes of patients; response personnel have faced shortages of personal protective equipment; testing for the virus has been scarce; and congregate living facilities like nursing homes have seen rapid spread.

Since the initial wave of the COVID-19 pandemic, the United States has faced several additional major waves that continued to impact communities and stretch public health services. The summer 2020 wave impacted communities in the south and southwest. As the weather turned colder and people spent more time indoors, a wave throughout fall and winter 2020

[37] Press Release, Centers for Disease Control and Prevention, First Travel-related Case of 2019 Novel Coronavirus Detected in United States (Jan. 21, 2020), https://www.cdc.gov/media/releases/2020/p0121-novel-coronavirus-travel-case.html.

impacted communities in almost every region of the country as the virus reached a point of uncontrolled spread and over 3,000 people died per day due to COVID-19.[38]

In December 2020, the Food and Drug Administration (FDA) authorized COVID-19 vaccines for emergency use, and soon thereafter, mass vaccination in the United States began. At the time of the interim final rule publication in May 2021, the number of daily new infections was steeply declining as rapid vaccination campaigns progressed across the country. By summer 2021, COVID-19 cases had fallen to their lowest level since early months of the pandemic, when testing was scarce. However, throughout late summer and early fall, the Delta variant, a more infectious and transmittable variant of the SARS-CoV-2 virus, sparked yet another surge. From June to early September, the seven-day moving average of reported cases rose from 12,000 to 165,000.[39]

As of December 2021, COVID-19 in total has infected over 50 million and killed over 800,000 Americans.[40] Preventing and mitigating the spread of COVID-19 continues to require a major public health response from federal, state, local, and Tribal governments.

First, state, local, and Tribal governments across the country have mobilized to support the national vaccination campaign. As of December 2021, more than 80 percent of adults have received at least one dose, with more than 470 million total doses administered.[41] Additionally, more than 15 million children over the age of 12 have received at least one dose of the vaccine and over 47 million people have received a booster dose.[42] Vaccines for younger children, ages 5

[38] Centers for Disease Control and Prevention, COVID Data Tracker: Trends in Number of COVID-19 Cases and Deaths in the US Reported to CDC, by State/Territory, https://covid.cdc.gov/covid-data-tracker/#trends_dailytrendscases (last visited December 7, 2021).
[39] *Id.*
[40] Centers for Disease Control and Prevention, COVID Data Tracker, http://www.covid.cdc.gov/covid-data-tracker/#datatracker-home (last visited December 31, 2021).
[41] Centers for Disease Control and Prevention, COVID Data Tracker: COVID-19 Vaccinations in the United States, https://covid.cdc.gov/covid-data-tracker/#vaccinations (last visited December 7, 2021).
[42] *Id.*

through 11, have been approved and are reaching communities and families across the country. As new variants continue to emerge globally, the national effort to administer vaccinations and other COVID-19 mitigation strategies will be a critical component of the public health response.

In early reporting on uses of SLFRF funds, recipients have indicated that they plan to put funds to immediate use to support continued vaccination campaigns. For example, one recipient has indicated that it plans to use SLFRF funds to support a vaccine incentive program, providing $100 gift cards to residents at community vaccination clinics. The program aimed to target communities with high public health needs.[43] Another recipient reported that it is partnering with multiple agencies, organizations, and providers to distribute COVID-19 vaccinations to homebound residents in assisted living facilities.[44]

State, local, and Tribal governments have also continued to execute other aspects of a wide-ranging public health response, including increasing access to COVID-19 testing and rapid at-home tests, contact tracing, support for individuals in isolation or quarantine, enforcement of public health orders, new public communication efforts, public health surveillance (e.g., monitoring case trends and genomic sequencing for variants), enhancement to health care capacity through alternative care facilities, and enhancement of public health data systems to meet new demands or scaling needs.

State, local, and Tribal governments have also supported major efforts to prevent COVID-19 spread through safety measures at key settings like nursing homes, schools, congregate living settings, dense worksites, incarceration settings, and in other public facilities.

[43] Columbus, Ohio Recovery Plan, https://www.columbus.gov/recovery/.
[44] Luzerne County, Pennsylvania Recovery Plan, https://www.luzernecounty.org/DocumentCenter/View/26304/Final-Interim-Recovery-Plan-Performance-Report-83121.

This has included, for example, implementing infection prevention measures or making ventilation improvements.

In particular, state, local, and Tribal governments have mounted significant efforts to safely reopen schools. A key factor in school reopening is the ability to implement COVID-19 mitigation strategies such as providing masks and other hygiene resources, improving air-quality and ventilation, increasing outdoor learning and eating spaces, testing and contact tracing protocols, and a number of other measures.[45] For example, one recipient described plans to use SLFRF funds to further invest in school health resources that were critical components of school reopening and reducing the spread of COVID-19 in schools. Those investments include the increasing school nurses and social workers, improved ventilation systems, and other health and safety measures.

The need for public health measures to respond to COVID-19 will continue moving forward. This includes the continuation of vaccination campaigns for the general public, booster doses, and children. This also includes monitoring the spread of COVID-19 variants, understanding the impact of these variants, developing approaches to respond, and monitoring global COVID-19 trends. Finally, the long-term health impacts of COVID-19 will continue to require a public health response, including medical services for individuals with "long COVID," and research to understand how COVID-19 impacts future health needs and raises risks for the tens of millions of Americans who have been infected.

The COVID-19 pandemic also negatively impacted other areas of public health, particularly mental health and substance use. In January 2021, over 40 percent of American

[45] This includes implementing mitigation strategies consistent with the Centers for Disease Control and Prevention's (CDC) Guidance for COVID-19 Prevention in K-12 Schools (November 5, 2021), *available at* https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html.

adults reported symptoms of depression or anxiety, up from 11 percent in the first half of 2019.[46] The mental health impacts of the pandemic have been particularly acute for adults ages 18 to 24, racial and ethnic minorities, caregivers for adults, and essential workers, with all reporting significantly higher rates of considering suicide.[47] The proportion of children's emergency department visits related to mental health has also risen noticeably.[48] Similarly, rates of substance use and overdose deaths have spiked: preliminary data from the CDC show a nearly 30 percent increase in drug overdose mortality from April 2020 to April 2021, bringing the estimated overdose death toll for a 12-month period over 100,000 for the first time ever.[49] The CDC also found that 13 percent of adults started or increased substance use to cope with stress related to COVID-19 and 26 percent reported having symptoms of trauma- and stressor-related disorder (TRSD) related to the pandemic.[50]

Another public health challenge exacerbated by the pandemic was violent crime and gun violence, which increased during the pandemic and has disproportionately impacted low-income communities.[51] According to the Federal Bureau of Investigation (FBI), although the property crime rate fell 8 percent in 2020, the violent crime rate increased 6 percent in 2020 compared to

[46] Nirmita Panchal et al., The Implications of COVID–19 for Mental Health and Substance Abuse (Feb. 10, 2021), https://www.kff.org/coronaviruscovid-19/issue-brief/the-implications-of-covid-19- for-mental-health-and-substance-use/#:~:text= Older%20adults%20are%20also%20 more,prior%20to%20the%20current%20crisis; Mark É. Czeisler et al., Mental Health, Substance Abuse, and Suicidal Ideation During COVID-19 Pandemic– United States, June 24-30 2020, Morb. Mortal. Wkly. Rep. 69(32):1049-57 (Aug. 14, 2020), https://www.cdc.gov/mmwr/volumes/69/wr/mm6932a1.htm.

[47] *Id.*

[48] Rebecca T. Leeb et al., Mental Health-Related Emergency Department Visits Among Children Aged <18 Years During the COVID Pandemic—United States, January 1—October 17, 2020, Morb. Mortal. Wkly. Rep. 69(45):1675–80 (Nov. 13, 2020), https://www.cdc.gov/mmwr/volumes/69/wr/mm6945a3.htm.

[49] Centers for Disease Prevention and Control, National Center for Health Statistics, Provisional Drug Overdose Death Counts, https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm (last visited May 8December 6, 2021).

[50]Panchal, *supra* note 42; Mark É. Czeisler et al., *supra* note 42.

[51] The White House, FACT SHEET: More Details on the Biden-Harris Administration's Investments in Community Violence Interventions (April 7, 2021), https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/07/fact-sheet-more-details-on-the-biden-harris-administrations-investments-in-community-violence-interventions/.

2019 data.[52] In particular, the estimated number of aggravated assault offenses rose 12 percent, while murder and manslaughter increased 30 percent from 2019 to 2020.[53] The proportion of homicides committed with firearms rose from 73 percent in 2019 to 76 percent in 2020.[54] Exposure to violence can create serious short-term and long-term harmful effects to health and development, and repeated exposure to violence may be connected to negative health outcomes.[55] Addressing community violence as a public health issue may help prevent and even reduce additional harm to individuals, households, and communities.[56]

Many communities are using SLFRF funds to invest in holistic approaches in violence prevention that are rooted in targeted outreach and addressing root causes. For example, the City of St. Louis is planning to invest in expanding a "community responder" model designed to provide clinical help and to divert non-violent calls away from the police department. Additionally, the city will expand access to mental health services, allowing residents to seek support at city recreation centers, libraries, and other public spaces.[57] Similarly, Los Angeles County will further invest in its "Care First, Jails Last" program which seeks to replace "arrest and incarceration" responses with health interventions.[58]

While the pandemic affected communities across the country, it disproportionately impacted some demographic groups and exacerbated health inequities along racial, ethnic, and

[52] Federal Bureau of Investigation, FBI Releases 2020 Crime Statistics (September 27, 2021) https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2020-crime-statistics.
[53] *Id.*
[54] *Id.*
[55] The Educational Fund to Stop Gun Violence, Community Gun Violence, https://efsgv.org/learn/type-of-gun-violence/community-gun-violence/ (last visited November 9, 2021).
[56] Giffords Law Center, Healing Communities in Crisis: Lifesaving Solutions to the Urban Gun Violence Epidemic (March 2016), https://giffords.org/wp-content/uploads/2019/01/Healing-Communities-in-Crisis.pdf.
[57] St. Louis, MO Recovery Plan, https://www.stlouis-mo.gov/government/recovery/covid-19/arpa/plan/.
[58] Los Angeles County, CA Recovery Plan, http://file.lacounty.gov/SDSInter/bos/supdocs/160391.pdf.

socioeconomic lines.[59] The CDC has found that racial and ethnic minorities are at increased risk for infection, hospitalization, and death from COVID-19, with Hispanic or Latino and Native American or Alaska Native patients at highest risk.[60]

Similarly, low-income and socially vulnerable communities have seen the most severe health impacts. For example, counties with high poverty rates also have the highest rates of infections and deaths, with 308 deaths per 100,000 compared to the U.S. average of 238 deaths per 100,000, as of December 2021.[61] Counties with high social vulnerability, as measured by factors such as poverty and educational attainment, have also fared more poorly than the national average, with 325 deaths per 100,000 as of December 2021.[62] Over the course of the pandemic, Native Americans have experienced more than one and a half times the rate of COVID-19 infections, more than triple the rate of hospitalizations, and more than double the death rate compared to White Americans.[63] Low-income and minority communities also exhibit higher rates of pre-existing conditions that may contribute to an increased risk of COVID-19

[59] Office of the White House, National Strategy for the COVID-19 Response and Pandemic Preparedness (Jan. 21, 2021), https://www.whitehouse.gov/wp-content/uploads/2021/01/National-Strategy-for-the-COVID-19-Response-and-Pandemic-Preparedness.pdf.

[60] In a study of 13 states from October to December 2020, the CDC found that Hispanic or Latino and Native American or Alaska Native individuals were 1.7 times more likely to visit an emergency room for COVID-19 than White individuals, and Black individuals were 1.4 times more likely to do so than White individuals. *See* Sebastian D. Romano et al., Trends in Racial and Ethnic Disparities in COVID–19 Hospitalizations, by Region—United States, March– December 2020, MMWR Morb Mortal Wkly Rep 2021, 70:560–565 (Apr. 16, 2021), https:// www.cdc.gov/mmwr/volumes/70/wr/ mm7015e2.htm?s_cid=mm7015e2_w.

[61] Centers for Disease Control and Prevention, COVID Data Tracker: Trends in COVID-19 Cases and Deaths in the United States, by County-level Population Factors, https://covid.cdc.gov/covid-data-tracker/#pop-factors_totaldeaths (last visited December 7, 2021).

[62] The CDC's Social Vulnerability Index includes fifteen variables measuring social vulnerability, including unemployment, poverty, education levels, single-parent households, disability status, non-English speaking households, crowded housing, and transportation access.
Centers for Disease Control and Prevention, COVID Data Tracker: Trends in COVID-19 Cases and Deaths in the United States, by Social Vulnerability Index, https://covid.cdc.gov/covid-data-tracker/#pop-factors_totaldeaths (last visited December 7, 2021).

63 Centers for Disease Control and Prevention, Risk for COVID-19 Infection, Hospitalization, and Death By Race/Ethnicity, https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html (last visited December 7, 2021).

mortality.[64] In addition, individuals living in low-income communities may have had more limited ability to socially distance or to self-isolate when ill, resulting in faster spread of the virus, and were over-represented among essential workers, who face greater risk of exposure.[65]

Social distancing measures in response to the pandemic may have also exacerbated pre-existing public health challenges. For example, for children living in homes with lead paint, spending substantially more time at home raises the risk of developing elevated blood lead levels, while screenings for elevated blood lead levels declined during the pandemic.[66] The combination of these underlying social and health vulnerabilities may have contributed to more severe public health outcomes of the pandemic within these communities, resulting in an exacerbation of pre-existing disparities in health outcomes.[67]

Summary of the Interim Final Rule Approach to Public Health

Summary: As discussed above, the interim final rule provided flexibility for recipients to pursue a wide range of eligible uses to "respond to" the COVID-19 public health emergency. Uses of funds to "respond to" the public health emergency address the SARS-CoV-2 virus itself,

[64] *See, e.g.*, Centers for Disease Control and Prevention, Risk of Severe Illness or Death from COVID-19 (Dec. 10, 2020), https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/disparities-illness.html (last visited December 7, 2021).
[65] Milena Almagro et al., Racial Disparities in Frontline Workers and Housing Crowding During COVID-19: Evidence from Geolocation Data (Sept. 22, 2020), NYU Stern School of Business (forthcoming), *available at* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3695249; Grace McCormack et al., Economic Vulnerability of Households with Essential Workers, JAMA 324(4):388-90 (2020), *available at* https://jamanetwork.com/journals/jama/fullarticle/2767630.
[66] *See, e.g.*, Joseph G. Courtney et al., Decreases in Young Children Who Received Blood Lead Level Testing During COVID-19 – 34 Jurisdictions, January-May 2020, Morb. Mort. Wkly. Rep. 70(5):155-61 (Feb. 5, 2021), https://www.cdc.gov/mmwr/volumes/70/wr/mm7005a2.htm; Emily A. Benfer & Lindsay F. Wiley, Health Justice Strategies to Combat COVID-19: Protecting Vulnerable Communities During a Pandemic, Health Affairs Blog (Mar. 19, 2020), https://www.healthaffairs.org/do/10.1377/hblog20200319.757883/full/.
[67] *See, e.g.*, Centers for Disease Control and Prevention, *supra* note 58; Benfer & Wiley, *supra* note 62; Nathaniel M. Lewis et al., Disparities in COVID-19 Incidence, Hospitalizations, and Testing, by Area-Level Deprivation – Utah, March 3-July 9, 2020, Morb. Mortal. Wkly. Rep. 69(38):1369-73 (Sept. 25, 2020), https://www.cdc.gov/mmwr/volumes/69/wr/mm6938a4.htm.

support efforts to prevent or decrease spread of the virus, and address other impacts of the pandemic on public health. The interim final rule implemented these provisions by identifying a non-exhaustive list of programs or services that may be funded as responding to COVID-19 ("enumerated eligible uses"), along with considerations for evaluating other potential uses of funds not explicitly listed. Enumerated eligible uses are discussed below. For guidance on how to determine whether a particular use is allowable, beyond those enumerated, see section Standards: Identifying a Public Health Impact.

Enumerated eligible uses under this section built and expanded upon permissible expenditures under the Coronavirus Relief Fund; for clarity, the interim final rule expressly listed as eligible uses the uses permissible under the Coronavirus Relief Fund, with minor exceptions.[68] The interim final rule also recognized that the nature of the COVID-19 public health emergency, and responsive policy measures, programs, and services, had changed over time and is expected to continue evolving.

The interim final rule categorized enumerated eligible uses to respond to the public health emergency into several categories: 1) COVID-19 mitigation and prevention, 2) medical expenses, 3) behavioral health care, 4) public health and safety staff, 5) expenses to improve the design and execution of health and public health programs, and 6) eligible uses to address disparities in public health outcomes. For each category in turn, this section describes public comments received and Treasury's responses, as well as comments received proposing additional enumerated eligible uses.

[68] Generally, funding uses eligible under CRF as a response to the direct public health impacts of COVID-19 will continue to be eligible under the ARPA, including those not explicitly listed in the final rule, with the following two exceptions: 1) the standard for eligibility of public health and safety payrolls has been updated (see section Public Sector Capacity and Workforce in General Provisions: Other) and 2) expenses related to the issuance of tax-anticipation notes are no longer an eligible funding use (see section Restrictions on Use: Debt Service).

Reorganizations and Cross-References: In some cases, enumerated eligible uses included in the interim final rule under responding to the public health emergency have been re-categorized in the organization of the final rule to enhance clarity. For discussion of eligible uses for public health and safety staff and to improve the design and execution of public health programs, please see section Public Sector Capacity and Workforce in General Provisions: Other. For discussion of eligible uses to address disparities in public health outcomes, please see section Assistance to Households in Negative Economic Impacts.

Conversely, discussion of eligible assistance to small businesses and nonprofits to respond to public health impacts has been moved from Assistance to Small Businesses and Assistance to Nonprofits in Negative Economic Impacts to this section. This change is consistent with the interim final rule, which provides that appropriate responses to address the public health impacts of COVID-19 may be provided to any type of entity.

a. COVID-19 Mitigation and Prevention

COVID-19 public health response and mitigation tactics. Recognizing the broad range of services and programming needed to contain COVID-19, the interim final rule provided an extensive list of enumerated eligible uses to prevent and mitigate COVID-19 and made clear that the public health response to the virus is expected to continue to evolve over time, necessitating different uses of funds.

Enumerated eligible uses of funds in this category included: vaccination programs; medical care; testing; contact tracing; support for isolation or quarantine; supports for vulnerable populations to access medical or public health services; public health surveillance (e.g., monitoring case trends, genomic sequencing for variants); enforcement of public health orders;

public communication efforts; enhancement to health care capacity, including through alternative care facilities; purchases of personal protective equipment; support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings, homeless shelters, group living facilities) and other key settings like schools; ventilation improvements in congregate settings, health care settings, or other key locations; enhancement of public health data systems; other public health responses; and capital investments in public facilities to meet pandemic operational needs, such as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics. These enumerated uses are consistent with guidance from public health authorities, including the CDC.

Public Comment: Many commenters were supportive of expansive enumerated eligible uses for mitigating and preventing COVID-19, noting the wide range of activities that governments may undertake and the continued changing landscape of pandemic response. Some commenters requested that Treasury engage in ongoing consideration of and consultation on evolving public health needs and resulting eligible expenses. Some commenters noted that their jurisdiction does not have an official public health program, for example smaller jurisdictions or those that do not have a health department, and requested clarification on whether their public health expenses would still be eligible in compliance with program rules.

Treasury Response: In the final rule, Treasury is maintaining an expansive list of enumerated eligible uses to mitigate and prevent COVID-19, given the wide-ranging activities that governments may take to further these goals, including "other public health responses." Note that the final rule discusses several of these enumerated uses in more detail below.

Treasury is further clarifying that when providing COVID-19 prevention and mitigation services, recipients can identify the impacted population as the general public. Treasury presumes that all enumerated eligible uses for programs and services, including COVID-19 mitigation and prevention programs and services, are reasonably proportional responses to the harm identified unless a response is grossly disproportionate to the type or extent of harm experienced. Note that capital expenditures are not considered "programs and services" and are not presumed to be reasonably proportional responses to an identified harm except as provided in section Capital Expenditures in General Provisions: Other. In other words, recipients can provide any COVID-19 prevention or mitigation service to members of the general public without any further analysis of impacts of the pandemic on those individuals and whether the service is responsive.

This approach gives recipient governments an extensive set of eligible uses that can adapt to local needs, as well as evolving response needs and developments in understanding of transmission of COVID-19. Treasury emphasizes how the enumerated eligible uses can adapt to changing circumstances. For example, when the interim final rule was released, national daily COVID-19 cases were at relatively low levels and declining;[69] as the Delta variant spread and cases peaked in many areas of the country, particularly those with low vaccination rates, government response needs and tactics evolved, and the SLFRF funds provided the ability to quickly and nimbly adapt to new public health needs. Treasury also notes that funds may be used to support compliance with and implementation of COVID-19 safety requirements, including vaccination requirements, testing programs, or other required practices.

[69] *See* Centers for Disease Control and Prevention, COVID Data Tracker, https://covid.cdc.gov/covid-data-tracker/#trends_dailycases (last visited December 7, 2021).

Recipient governments do not need to have an official health or public health program in order to utilize these eligible uses; any recipient can pursue these eligible uses, though Treasury recommends consulting with health and public health professionals to support effective implementation.

The CDC has provided recommendations and guidelines to help mitigate and prevent COVID-19. The interim final rule and final rule help support recipients in stopping the spread of COVID-19 through these recommendations and guidelines.[70] The final rule reflects changing circumstances of COVID-19 and provides a broad range of permissible uses for mitigating and preventing the spread of the disease, in a manner consistent with CDC guidelines and recommendations.

The purpose of the SLFRF funds is to mitigate the fiscal effects stemming from the COVID-19 public health emergency, including by supporting efforts to stop the spread of the virus. The interim final rule and final rule implement this objective by, in part, providing that recipients may use SLFRF funds for COVID-19 mitigation and prevention.[71] A program or service that imposes conditions on participation in or acceptance of the service that would undermine efforts to stop the spread of COVID-19 or discourage compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19 is not a permissible use of funds. In other words, recipients may not use funds for a program that undermines practices included in the CDC's guidelines and recommendations for stopping the spread of COVID-19. This includes programs that impose a condition to discourage compliance with practices in line with CDC guidance (e.g., paying off fines to businesses incurred for

[70] *See* Centers for Disease Control and Prevention, COVID-19, https://www.cdc.gov/coronavirus/2019-ncov/index.html (last visited November 8, 2021).
[71] *See* 35.6(b); IFR discussion of CDC guidelines.

violation of COVID-19 vaccination or safety requirements), as well as programs that require households, businesses, nonprofits, or other entities not to use practices in line with CDC guidance as a condition of receiving funds (e.g., requiring that businesses abstain from requiring mask use or employee vaccination as a condition of receiving SLFRF funds).

Vaccination programs and vaccine incentives. At the time of the interim final rule release, many vaccination programs were using mass vaccination tactics to rapidly reach Americans en masse for first vaccine doses.[72] Since that time, the FDA has authorized booster vaccine doses for certain groups and certain vaccines and has also authorized vaccines for youths[73,74] The inclusion of "vaccination programs" as an eligible use allows for adaptation as the needs of programs change or new groups become eligible for different types of vaccinations.

Public Comment: Since the release of the interim final rule, many recipient governments have also requested clarification on whether vaccine incentives are a permissible use of funds.

Treasury Response: Treasury issued guidance clarifying that "[vaccine] programs that provide incentives reasonably expected to increase the number of people who choose to get vaccinated, or that motivate people to get vaccinated sooner than they otherwise would have, are an allowable use of funds so long as such costs are reasonably proportional to the expected public health benefit."[75] This use of funds remains permissible under the final rule.

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[72] Centers for Disease Control and Prevention, COVID Data Tracker: COVID-19 Vaccinations in the United States, https://covid.cdc.gov/covid-data-tracker/#vaccinations (last visited October 18, 2021).
[73] U.S. Food and Drug Administration, Coronavirus (COVID-19) Update: FDA Takes Additional Actions on the Use of a Booster Dose for COVID-19 Vaccines, https://www.fda.gov/news-events/press-announcements/fda-authorizes-pfizer-biontech-covid-19-vaccine-emergency-use-children-5-through-11-years-age (last visited November 8, 2021).
[74] U.S. Food and Drug Administration, FDA Authorizes Pfizer-BioNTech COVID-19 Vaccine for Emergency Use in Children 5 through 11 Years of Age, https://www.fda.gov/news-events/press-announcements/fda-authorizes-pfizer-biontech-covid-19-vaccine-emergency-use-children-5-through-11-years-age (last visited November 8, 2021)
[75] Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.

Capital expenditures.

Public Comment: Many commenters requested clarification around the types and scope of permissible capital investments in public facilities to meet pandemic operational needs; ventilation improvements in congregate settings, health care settings, or other key locations; and whether support for prevention and mitigation in congregate facilities could include facilities renovations, improvements, or construction of new facilities, or if the facilities must solely be used for COVID-19 response.

Treasury Response: For clarity, Treasury has addressed the eligibility standard for capital expenditures, or investments in property, facilities, or equipment, in one section of this Supplementary Information; see section Capital Expenditures in General Provisions: Other. In recognition of the importance of capital expenditures in the COVID-19 public health response, Treasury enumerates that the following projects are examples of eligible capital expenditures, as long as they meet the standards for capital expenditures in section Capital Expenditures in General Provisions: Other:

- Improvements or construction of COVID-19 testing sites and laboratories, and acquisition of related equipment;
- Improvements or construction of COVID-19 vaccination sites;
- Improvements or construction of medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., emergency rooms, intensive care units, telemedicine capabilities for COVID-19 related treatment);

Note that programs may provide incentives to individuals who have already received a vaccination if the incentive is reasonably expected to increase the number of people who choose to get vaccinated or motivate people to get vaccinated sooner and the costs are reasonably proportional to the expected public health benefit.

- Expenses of establishing temporary medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs;
- Acquisition of equipment for COVID-19 prevention and treatment, including ventilators, ambulances, and other medical or emergency services equipment;
- Improvements to or construction of emergency operations centers and acquisition of emergency response equipment (e.g., emergency response radio systems);
- Installation and improvements of ventilation systems;
- Costs of establishing public health data systems, including technology infrastructure;
- Adaptations to congregate living facilities, including skilled nursing facilities, other long-term care facilities, incarceration settings, homeless shelters, residential foster care facilities, residential behavioral health treatment, and other group living facilities, as well as public facilities and schools (excluding construction of new facilities for the purpose of mitigating spread of COVID-19 in the facility); and
- Mitigation measures in small businesses, nonprofits, and impacted industries (e.g., developing outdoor spaces).

Other clarifications on COVID-19 mitigation: medical care, supports for vulnerable populations, data systems, carceral settings. Based on public comments and questions received from recipients following the interim final rule, Treasury is making several further clarifications on enumerated eligible uses in this category.

Public Comment: Several commenters requested clarification on eligible uses of funds for medical care; Treasury addresses those comments in the section Medical Expenses below.

Public Comment: Recipients posed questions on the type and scope of activities eligible as "supports for vulnerable populations to access medical or public health services."

Treasury Response: Enumerated eligible uses should be considered in the context of the eligible use category or section where they appear; in this case, "supports for vulnerable populations to access medical or public health services" appears in the section COVID-19 Mitigation and Prevention. As such, these eligible uses should help vulnerable or high-risk populations access services that mitigate COVID-19, for example, transportation assistance to reach vaccination sites, mobile vaccination or testing programs, or on-site vaccination or testing services for homebound individuals, those in group homes, or similar settings.

Public Comment: Some commenters asked whether "enhancement of public health data systems" could include investments in software, databases, and other information technology resources that support responses to the COVID-19 public health emergency but also provide benefits for other use cases and long-term capacity of public health departments and systems.

Treasury Response: These are permissible uses of funds under the interim final rule and remain eligible under the final rule.

Assistance to businesses and nonprofits to implement COVID-19 mitigation strategies.

Background: As detailed above, Treasury received many public comments describing uncertainty about which eligible use category should be used to assess different potential uses of funds. As a result, Treasury has re-categorized some uses of funds in the final rule to provide greater clarity, consistent with the principle that uses of funds should be assessed based on their intended beneficiary. For example, COVID-19 mitigation and prevention serves the general public or specific populations within the public. However, in the interim final rule, assistance to small businesses, nonprofits, and impacted industries to implement COVID-19 mitigation and prevention strategies was categorized in the respective sections within Negative Economic

Impacts. The final rule consolidates all COVID-19 mitigation and prevention within Public Health.

Public Comment: Treasury has received multiple comments and questions about which eligible use permits the recipient to provide assistance to businesses and nonprofits to address the public health impacts of COVID-19.

Treasury Response: In the final rule, these services have been re-categorized under COVID-19 mitigation and prevention to reflect the fact that this assistance responds to public health impacts of the pandemic rather than the negative economic impacts to a small business, nonprofit, or impacted industry. When providing COVID-19 mitigation and prevention services, recipients can identify the impacted entity as small businesses, nonprofits, or businesses in impacted industries in general. As with all enumerated eligible uses, recipients may presume that all COVID-19 mitigation and prevention programs and services are reasonably proportional responses to the harm identified unless a response is grossly disproportionate to the type or extent of harm experienced. Note that capital expenditures are not considered "programs and services" and are not presumed to be reasonably proportional responses to an identified harm except as provided in section Capital Expenditures in General Provisions: Other. In other words, recipients can provide any COVID-19 prevention or mitigation service to small businesses, nonprofits, and businesses in impacted industries without any further analysis of impacts of the pandemic on those entities and whether the service is responsive.

In some cases, this means that an entity not otherwise eligible to receive assistance to respond to negative economic impacts of the pandemic, for example an entity that did not experience a negative economic impact, may still be eligible to receive assistance under this category for COVID-19 mitigation and prevention services.

Uses of funds can include loans, grants, or in-kind assistance to small businesses, nonprofits, or other entities to implement COVID-19 prevention or mitigation tactics, such as vaccination; testing; contact tracing programs; physical plant changes to enable greater use of outdoor spaces or ventilation improvements; enhanced cleaning efforts; and barriers or partitions. For example, this would include assistance to a restaurant to establish an outdoor patio, given evidence showing much lower risk of COVID-19 transmission outdoors.[76] Uses of funds can also include aid to travel, tourism, hospitality, and other impacted industries to implement COVID-19 mitigation and prevention measures to enable safe reopening, for example, vaccination or testing programs, improvements to ventilation, physical barriers or partitions, signage to facilitate social distancing, provision of masks or personal protective equipment, or consultation with infection prevention professionals to develop safe reopening plans.

Recipients providing assistance to small businesses, nonprofits, or impacted industries that includes capital expenditures (i.e., expenditures on property, facilities, or equipment) should also review the section Capital Expenditures in General Provisions: Other, which describes eligibility standards for these expenditures. Recipients providing assistances in the form of loans should review the section Treatment of Loans Made with SLFRF Funds in General Provisions: Other.

Recipients should also be aware of the difference between beneficiaries of assistance and subrecipients when working with small businesses, nonprofits, or impacted industries. As noted above, Treasury presumes that the general public, as well as small businesses, nonprofits, and impacted industries in general, has been impacted by the COVID-19 disease itself and is eligible

[76] *See* Centers for Disease Control and Prevention, Participate in Outdoor and Indoor Activities, https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/outdoor-activities.html (last visited November 8, 2021).

for services that mitigate or prevent COVID-19 spread. As such, a small business, nonprofit, or impacted industry receiving assistance to implement COVID-19 mitigation measures is a beneficiary of assistance (e.g., granting funds to a small business to develop an outdoor patio to reduce transmission). In contrast, if a recipient contracts with, or grants funds to, a small business, nonprofit, or impacted industry to carry out an eligible use for COVID-19 mitigation on behalf of the recipient, the entity is a subrecipient (e.g., contracting with a small business to operate COVID-19 vaccination sites). For further information on distinguishing between beneficiaries and subrecipients, as well as the impacts of the distinction on reporting and other requirements, see section Distinguishing Subrecipients versus Beneficiaries.

b. MEDICAL EXPENSES

Background: The interim final rule also included as an enumerated eligible use medical expenses, including medical care and services to address the near-term and potential longer-term impacts of the disease on individuals infected.

Public Comment: Some commenters sought clarification on the types of medical expenses eligible and for whom, including whether funds could be used under this category for expanding health insurance coverage (e.g., subsidies for premiums, expanding a group health plan), improvements to healthcare facilities or establishment of new medical facilities, direct costs of medical services, and costs to a self-funded health insurance plan (e.g., a county government health plan) for COVID-19 medical care.

Treasury Response: In the final rule, Treasury is maintaining this enumerated eligible use category and clarifying that it covers costs related to medical care provided directly to an individual due to COVID-19 infection (e.g., treatment) or a potential infection (e.g., testing).

This can include medical costs to uninsured individuals; deductibles, co-pays, or other costs not covered by insurance; costs for uncompensated care at a health provider; emergency medical response costs; and, for recipients with a self-funded health insurance plan, excess health insurance costs due to COVID-19 medical care. These are medical expenses due to COVID-19 and distinguish this category of eligible uses from other related eligible uses, like COVID-19 mitigation and prevention and health insurance expenses to households, to provide greater clarity for recipients in determining which category of eligible uses they should review to assess a potential use of funds. For discussion of eligibility for programs to expand health insurance coverage, see section Assistance to Households.

c. BEHAVIORAL HEALTH CARE

Background: Recognizing that the public health emergency, necessary mitigation measures like social distancing, and the economic downturn have exacerbated mental health and substance use challenges for many Americans, the interim final rule included an enumerated eligible use for mental health treatment, substance use treatment, and other behavioral health services, including a non-exhaustive list of specific services that would be eligible under this category.

Public Comment: Many commenters expressed support for the interim final rule's recognition of behavioral health impacts of the pandemic and eligible uses under this category. Several commenters requested clarification on the types of eligible services under this category, specifically whether both acute and chronic care are included as well as services that often do not directly accept insurance payments, like peer support groups. Some commenters highlighted the importance of cultural competence in providing effective behavioral health services. Some

commenters suggested that funding should be available broadly and quickly for this purpose, recommending that funding available for behavioral health not be tied to the amount of revenue loss experienced by the recipient.

Treasury Response: In the final rule, Treasury is maintaining this enumerated eligible use category and clarifying that it covers an expansive array of services for prevention, treatment, recovery, and harm reduction for mental health, substance use, and other behavioral health challenges caused or exacerbated by the public health emergency. The specific services listed in the interim final rule also remain eligible.[77]

Treasury is further clarifying that when providing behavioral health services, recipients can identify the impacted population as the general public and, as with all enumerated eligible uses, presume that all programs and services are reasonably proportional responses to the harm identified unless a response is grossly disproportionate to the type or extent of harm experienced. In contrast, capital expenditures are not considered "programs and services" and are not presumed to be reasonably proportional responses to an identified harm except as provided in section Capital Expenditures in General Provisions: Other.

In other words, recipients can provide behavioral health services to members of the general public without any further analysis of impacts of the pandemic on those individuals and whether the service is responsive. Recipients may also use this eligible use category to respond to increased rates of behavioral health challenges at a population level or, at an individual level, new behavioral health challenges or exacerbation of pre-existing challenges, including new barriers to accessing treatment.

[77] Hotlines or warmlines, crisis intervention, overdose prevention, infectious disease prevention, and services or outreach to promote access to physical or behavioral health primary care and preventative medicine.

Services that respond to these impacts of the public health emergency may include services across the continuum of care, including both acute and chronic care, such as prevention, outpatient treatment, inpatient treatment, crisis care, diversion programs (e.g., from emergency departments or criminal justice system involvement), outreach to individuals not yet engaged in treatment, harm reduction, and supports for long-term recovery (e.g., peer support or recovery coaching, housing, transportation, employment services).

Recipients may also provide services for special populations, for example, enhanced services in schools to address increased rates of behavioral health challenges for youths, mental health first responder or law enforcement-mental health co-responder programs to divert individuals experiencing mental illness from the criminal justice system, or services for pregnant women with substance use disorders or infants born with neonatal abstinence syndrome. Finally, recipients may use funds for programs or services to support equitable access to services and reduce racial, ethnic, or socioeconomic disparities in access to high-quality treatment.

Eligible uses of funds may include services typically billable to insurance[78] or services not typically billable to insurance, such as peer support groups, costs for residence in supportive housing or recovery housing, and the 988 National Suicide Prevention Lifeline or other hotline services. Recipients may also use funds in conjunction with other federal grants or programs (see section Program Administration Provisions), though eligible services under SLFRF are not limited to those eligible under existing federal programs.

Given the public health emergency's exacerbation of the ongoing opioid and overdose crisis, Treasury highlights several ways that funds may be used to respond to opioid use disorder

[78] However, SLFRF funds may not be used to reimburse a service that was also billed to insurance.

and prevent overdose mortality.[79] Specifically, eligible uses of funds include programs to expand access to evidence-based treatment like medications to treat opioid use disorder (e.g., direct costs or incentives for emergency departments, prisons, jails, and outpatient providers to offer medications and low-barrier treatment), naloxone distribution, syringe service programs, outreach to individuals in active use, post-overdose follow up programs, programs for diversion from the criminal justice system, and contingency management interventions.

Finally, for clarity, Treasury has addressed the eligibility standard for capital expenditures, or investments in property, facilities, or equipment, in one section of this Supplementary Information; see section Capital Expenditures in General Provisions: Other. Examples of capital expenditures related to behavioral health that Treasury recognizes as eligible include behavioral health facilities and equipment (e.g., inpatient or outpatient mental health or substance use treatment facilities, crisis centers, diversion centers), as long as they adhere to the standards detailed in the Capital Expenditures section.

d. PREVENTING AND RESPONDING TO VIOLENCE

Background: The interim final rule highlighted that some types of violence had increased during the pandemic and that the ability of victims to access services had decreased, noting as an example the challenges that individuals affected by domestic violence face in accessing services. Accordingly, the interim final rule enumerated as an eligible use, in disproportionately impacted communities, evidence-based community violence intervention programs. Following the release of the interim final rule, Treasury received several recipient questions regarding whether and

[79] In line with the Department of Health and Human Services, Overdose Prevention Strategy, https://www.hhs.gov/overdose-prevention/, and the Office of National Drug Control Policy, Administration's Statement on Drug Policy Priorities for Year One (April 1, 2021), https://www.whitehouse.gov/wp-content/uploads/2021/03/BidenHarris-Statement-of-Drug-Policy-Priorities-April-1.pdf.

how funds may be used to respond to an increase in crime, violence, or gun violence in some communities during the pandemic. Treasury released further guidance identifying how enumerated eligible uses and eligible use categories under the interim final rule could support violence reduction efforts, including rehiring public sector staff, behavioral health services, and services to address negative economic impacts of the pandemic that may aid victims of crime. The guidance also identified an expanded set of enumerated eligible uses to address increased gun violence.

Public Comment: Several commenters expressed support for this use of funds.

Treasury Response: In the final rule, Treasury is maintaining enumerated eligible uses in this area and clarifying how to apply eligibility standards. Throughout the final rule, enumerated eligible uses should respond to an identified impact of the COVID-19 public health emergency in a reasonably proportional manner to the extent and type of harm experienced. Many of the enumerated eligible uses – like behavioral health services, services to improve employment opportunities, and services to address educational disparities in disproportionately impacted communities – that respond to the public health and negative economic impacts of the pandemic may also have benefits for reducing crime or aiding victims of crime. For example, the pandemic exacerbated the impact of domestic violence, sexual assault, and human trafficking; enumerated eligible uses like emergency housing assistance, cash assistance, or assistance with food, childcare, and other needs could be used to support survivors of domestic violence, sexual assault, or human trafficking who experienced public health or economic impacts due to the pandemic.

Public Comment: Several commenters expressed support for community violence intervention programs or argued that traditional public safety approaches had negatively

impacted the social determinants of health in their communities. Several commenters recommended inclusion of approaches like mental health or substance use diversion programs.

Treasury Response: Treasury recognizes the importance of comprehensive approaches to challenges like violence. The final rule includes an enumerated eligible use for community violence intervention programs in all communities, not just the disproportionately impacted communities eligible under the interim final rule. Given the increased rate of violence during the pandemic, Treasury has determined that this enumerated eligible use is responsive to the impacts of the pandemic in all communities. The final rule incorporates guidance issued after the interim final rule on specifically types of services eligible, including:

- Evidence-based practices like focused deterrence, street outreach, violence interrupters, and hospital-based violence intervention models, complete with wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance; and
- Capacity-building efforts at community violence intervention programs like funding more intervention workers, increasing their pay, providing training and professional development for intervention workers, and hiring and training workers to administer the programs.

Public Comment: Some commenters sought further clarification on whether some of the enumerated eligible uses are considered responsive to all crime, violent crime, or gun violence.

Treasury Response: Enumerated eligible uses that respond to an increase in gun violence may be pursued in communities experiencing an increase in gun violence associated with the pandemic, specifically: 1) hiring law enforcement officials – even above pre-pandemic levels – or paying overtime where the funds are directly focused on advancing community policing

strategies for gun violence, 2) additional enforcement efforts to reduce gun violence exacerbated by the pandemic, including prosecuting gun traffickers, dealers, and other parties contributing to the supply of crime guns, as well as collaborative federal, state, and local efforts to identify and address gun trafficking channels, and 3) investing in technology and equipment to allow law enforcement to more efficiently and effectively respond to the rise in gun violence resulting from the pandemic, for example technology to assist in the identification of guns whose serial numbers have been damaged.

3. Negative Economic Impacts

a. Assistance to Households

Background

While the U.S. economy is now on the path to a strong recovery, the public health emergency, including the necessary measures taken to protect public health, resulted in significant economic and financial hardship for many Americans. As businesses closed, consumers stayed home, schools shifted to remote education, and travel declined precipitously, over 22 million jobs were lost in March and April 2020.[80] One year later, in April 2021, the economy still remained over 8 million jobs below its pre-pandemic peak,[81] and the unemployment rate hovered around 6 percent.[82]

In the months since Treasury issued the interim final rule in May 2021, the economy has made large strides in its recovery. The economy gained over 4 million jobs in the seven months

[80] U.S. Bureau of Labor Statistics, All Employees, Total Nonfarm [PAYEMS], retrieved from FRED, Federal Reserve Bank of St. Louis; https://fred.stlouisfed.org/series/PAYEMS (last visited December 7, 2021).
[81] *Id.*
[82] U.S. Bureau of Labor Statistics, Unemployment Rate [UNRATE], retrieved from FRED, Federal Reserve Bank of St. Louis; https://fred.stlouisfed.org/series/UNRATE (last visited December 7, 2021).

from May to November 2021;[83] the unemployment rate fell more than 1.5 percentage points to 4.2 percent, which is the lowest rate since February 2020;[84] and the size of the nation's economy surpassed the pre-pandemic peak in the second quarter of 2021.[85]

While the economy has made immense progress in its recovery since May 2021, the economy has also faced setbacks that illustrate the continued risks to the recovery. As the Delta variant spread across the country this summer and fall, the United States faced another severe wave of cases, deaths, and strain on the healthcare system, which contributed to a slowdown in the pace of recovery in the third quarter.[86] Supply chain disruptions have also demonstrated the difficulties of restarting a global economy.[87] Moreover, although many Americans have returned to work as of November 2021, the economy remains 3.9 million jobs below its pre-pandemic peak,[88] and 2.4 million workers have dropped out of the labor market altogether relative to February 2020.[89] Thus, despite much progress, there is a continued need to respond to the pandemic's economic effects to ensure a full, broad-based, and equitable recovery.

Indeed, the pandemic's economic impacts continue to affect some demographic groups more than others. Rates of unemployment remain particularly severe among workers of color and workers with lower levels of educational attainment; for example, the overall unemployment rate in the United States was 4.2 percent in November 2021, but certain groups saw much higher

[83] U.S. Bureau of Labor Statistics, *supra* note 79.
[84] U.S. Bureau of Labor Statistics, *supra* note 81.
[85] U.S. Bureau of Economic Analysis, Real Gross Domestic Product [GDPC1], retrieved from FRED, Federal Reserve Bank of St. Louis, https://fred.stlouisfed.org/series/GDPC1 (last visited December 7, 2021).
[86] U.S. Department of the Treasury, Economy Statement by Catherine Wolfram, Acting Assistant Secretary for Economy Policy, for the Treasury Borrowing Advisory Committee (November 1, 2021), available at https://home.treasury.gov/news/press-releases/jy0453.
[87] Yuka Hayashi, IMF Cuts Global Growth Forecast Amid Supply-Chain Disruptions, Pandemic Pressures, Wall Street Journal (October 12, 2021), available at https://www.wsj.com/articles/imf-cuts-global-growth-forecast-amid-supply-chain-disruptions-warns-of-inflation-risks-11634043601.
[88] U.S. Bureau of Labor Statistics, *supra* note 79.
[89] U.S. Bureau of Labor Statistics, Civilian Labor Force Level [CLF16OV], retrieved from FRED, Federal Reserve Bank of St. Louis, https://fred.stlouisfed.org/series/CLF16OV (last visited December 7, 2021).

rates: 6.7 percent for Black workers, 5.2 percent for Hispanic or Latino workers, and 5.7 percent for workers without a high school diploma.[90] Job losses have also been particularly steep among low-wage workers, with these workers remaining furthest from recovery as of the end of 2020.[91] A severe recession, and its concentrated impact among low-income workers, has amplified food and housing insecurity, with an estimated nearly 20 million adults living in households where there is sometimes or often not enough food to eat and an estimated 12 million adults living in households that were not current on rent.[92]

While economic effects have been seen across many communities, there are additional disparities by race and income. For example, approximately half of low-income, Black, and Hispanic parents reported difficulty covering costs related to food, housing, utility, or medical care.[93] Over the course of the pandemic, inequities also manifested along gender lines, as schools closed to in-person activities, leaving many working families without childcare during the day.[94]

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[90] U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Employment status of the civilian population by sex and age (December 6, 2021), https://www.bls.gov/news.release/empsit.t01.htm (last visited December 7, 2021); U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Employment status of the civilian noninstitutional population by race, Hispanic or Latino ethnicity, sex, and age (December 6, 2021), https://www.bls.gov/web/empsit/cpseea04.htm (last visited December 7, 2021); U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Employment status of the civilian noninstitutional population 25 years and over by educational attainment (December 6, 2021), https://www.bls.gov/web/empsit/cpseea05.htm (last visited December 7, 2021).

[91] Elise Gould & Jori Kandra, Wages grew in 2020 because the bottom fell out of the low-wage labor market, Economic Policy Institute (Feb. 24, 2021), https://files.epi.org/pdf/219418.pdf. *See also*, Michael Dalton et al., The K-Shaped Recovery: Examining the Diverging Fortunes of Workers in the Recovery from the COVID-19 Pandemic using Business and Household Survey Microdata¸ U.S. Bureau of Labor Statistics Working Paper Series (July 2021), https://www.bls.gov/osmr/research-papers/2021/pdf/ec210020.pdf.

[92] Center on Budget and Policy Priorities, Tracking the COVID–19 Recession's Effects on Food, Housing, and Employment Hardships, https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-economys-effects-on-food-housing-and (last visited December 17, 2021).

[93] Michael Karpman, Dulce Gonzalez, Genevieve M. Kenney, Parents Are Struggling to Provide for Their Families during the Pandemic, Urban Institute (May 2020), https://www.urban.org/research/publication/parents-are-struggling-provide-their-families-during-pandemic?utm_source=urban_researcher&utm_medium=email&utm_campaign=covid_parents&utm_term=lhp.

[94] Women have carried a larger share of childcare responsibilities than men during the COVID-19 crisis. *See, e.g.*, Gema Zamarro & María J. Prados, Gender differences in couples' division of childcare, work and mental health during COVID-19, Rev. Econ. Household 19:11-40 (2021), *available at* https://link.springer.com/article/10.1007/s11150-020-09534-7; Titan Alon et al., The Impact of COVID-19 on Gender Equality, National Bureau of Economic Research Working Paper 26947 (April 2020), *available at* https://www.nber.org/papers/w26947.

Women of color have been hit especially hard: the labor force participation rate for Black women has fallen by 3.6 percentage points[95] during the pandemic as compared to 1.3 percentage points for Black men[96] and 1.7 percentage points for White women.[97]

As the economy recovers, the effects of the pandemic-related recession may continue to impact households, including a risk of longer-term effects on earnings and economic potential. For example, unemployed workers, especially those who have experienced longer periods of unemployment, earn lower wages over the long term once rehired.[98] In addition to the labor market consequences for unemployed workers, recessions can also cause longer-term economic challenges through, among other factors, damaged consumer credit scores[99] and reduced familial and childhood wellbeing.[100] These potential long-term economic consequences underscore the continued need for robust policy support.

Low- and moderate-income households, those with income levels at or below 300 percent of the federal poverty level (FPL), face particular hardships and challenges. These households report much higher rates of food insecurity and housing hardships than households with higher incomes. For example, households with incomes at or below 300 percent FPL are several times

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[95] U.S. Bureau of Labor Statistics, Labor Force Participation Rate - 20 Yrs. & Over, Black or African American Women [LNS11300032], retrieved from FRED, Federal Reserve Bank of St. Louis; https://fred.stlouisfed.org/series/LNS11300032 (last visited December 7, 2021).
[96] U.S. Bureau of Labor Statistics, Labor Force Participation Rate - 20 Yrs. & Over, Black or African American Men [LNS11300031], retrieved from FRED, Federal Reserve Bank of St. Louis; https://fred.stlouisfed.org/series/LNS11300031 (last visited December 7, 2021).
[97] U.S. Bureau of Labor Statistics, Labor Force Participation Rate - 20 Yrs. & Over, White Women [LNS11300029], retrieved from FRED, Federal Reserve Bank of St. Louis; https://fred.stlouisfed.org/series/LNS11300029 (last visited December 7, 2021).
[98] *See*, *e.g.*, Michael Greenstone & Adam Looney, Unemployment and Earnings Losses: A Look at Long-Term Impacts of the Great Recession on American Workers, Brookings Institution (Nov. 4, 2011), https://www.brookings.edu/blog/jobs/2011/11/04/unemployment-and-earnings-losses-a-look-at-long-term-impacts-of-the-great-recession-on-american-workers/.
[99] Chi Chi Wu, Solving the Credit Conundrum: Helping Consumers' Credit Records Impaired by the Foreclosure Crisis and Great Recession, National Consumer Law Center (Dec. 2013), https://www.nclc.org/images/pdf/credit_reports/report-credit-conundrum-2013.pdf.
[100] Irwin Garfinkel, Sara McLanahan, Christopher Wimer, eds., Children of the Great Recession, Russell Sage Foundation (Aug. 2016), *available at* https://www.russellsage.org/publications/children-great-recession.

more likely to have reported struggling with food insecurity compared to households with income above 300 percent FPL.[101] Similarly, low- and moderate-income households reported being housing insecure[102] at rates more than twice as high as higher-income households, and low- and moderate-income households reported housing quality hardship[103] at rates statistically significantly greater than the rate for higher-income households.[104] The economic crisis caused by the pandemic worsened economic outcomes for workers in many low- and moderate-income households. Industries that employed low-wage workers experienced a disproportionate level of job loss. For example, from February 2020 to February 2021, the hospitality and leisure industry lost nearly 3.5 million jobs.[105] While the entire industry was impacted, 72 percent of the job losses occurred in the lowest wage service occupations compared to only a 6 percent rate of job loss in the highest wage management and finance jobs.[106] Similar trends exist in other heavily impacted industries. In public education, the lowest wage occupations, service and transportation jobs, saw a job loss rate of 20 and 26 percent, respectively.[107] During that same time period, the highest wage occupations in public education, management, actually saw jobs increase by 7 percent.[108]

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[101] Kyle J Casewell and Stephen Zuckerman, Food Insecurity, Housing Hardship, and Medical Care Utilization, Urban Institute (June 2018), available at https://www.urban.org/sites/default/files/publication/98701/2001896_foodinsecurity_housinghardship_medicalcareutilization_finalized.pdf

[102] Housing insecurity is defined as not paying the full amount of rent or mortgage and/or utility bills (gas, oil, or electricity) sometime in the previous 12 months.

[103] Housing quality hardship is defined as an affirmative response to one or more questions related to problems with a respondent's physical dwelling: pests and/or insects; leaking roof or ceiling; windows that are broken or cannot shut; exposed electrical wires; broken plumbing (toilet, hot water, other); holes in walls, ceiling, or floor; no appliances (refrigerator or stove); and no phone (of any kind).

[104] *Id.*

[105] Elise Gould and Melat Kassa. Low-wage, low-hours workers were hit hardest in the COVID-19 recession: The State of Working America 2020 employment report, Economic Policy Institute (May 2021), available at https://www.epi.org/publication/swa-2020-employment-report/.

[106] *Id.*

[107] *Id.*

[108] *Id.*

While many households suffered negative economic outcomes as a result of the COVID-19 pandemic and economic recession, households with low incomes were impacted in disproportionate and exceptional ways. From January 2020 to March 2021, low-wage workers experienced job loss at a rate five times higher than middle-wage workers, and high-wage workers actually experienced an increase in job opportunities.[109] Because workers in low-income households were more likely to lose their job or experience reductions in pay, those same households were also more likely to experience economic hardships like trouble paying utility bills, affording rent or mortgage payments, purchasing food, and paying for medical expenses.[110] The disproportionate negative impacts the pandemic has had on low-income families extend beyond financial insecurity. For example, low-income families have reported higher levels of social isolation, stress, and other negative mental health outcomes during the pandemic. While over half of all U.S. adults report that their mental health was negatively affected by the pandemic, adults with low incomes reported major negative mental health impacts at a rate nearly twice that of adults with high incomes.[111]

Summary of Interim Final Rule and Final Rule Structure

Summary: The interim final rule provided a non-exhaustive list of enumerated eligible uses to respond to the negative economic impacts of the pandemic through assistance to

[109] R. Chetty, J. Friedman, N. Hendren, M. Stepner, & Team, T. O. I., The Economic Impacts of COVID-19: Evidence from a New Public Database Built Using Private Sector Data (No. w27431; p. w27431) (2020), National Bureau of Economic Research. https://doi.org/10.3386/w27431.
[110] M. Despard, Michal Grinstein-Weiss, Yung Chun, and Stephen Roll, COVID-19 job and income loss leading to more hunger and financial hardship, Brookings Institute (July 13, 2020), https://www.brookings.edu/blog/upfront/2020/07/13/covid-19-job-and-income-loss-leading-to-more-hunger-and-financial-hardship/.
[111] N. Panchal, R. Kamal, C. Muñana, & P. Chidambaram, The Implications of COVID-19 for Mental Health and Substance Use, Kaiser Family Foundation (February 10, 2021), https://www.kff.org/coronavirus-covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/.

households, as well as a standard for assessing whether uses of funds beyond those enumerated are eligible.

The interim final rule described enumerated eligible uses for assistance to households in several categories: 1) assistance to unemployed workers, 2) state Unemployment Insurance Trust Funds, 3) assistance to households, and 4) expenses to improve the efficacy of economic relief. Note that the interim final rule posed several questions to the public on enumerated eligible uses for assistance to households; comments on these questions are addressed in the relevant subject matter section below.

In addition, in recognition that pre-existing health, economic, and social disparities contributed to disproportionate pandemic impacts in certain communities, the interim final rule also provided a broader list of enumerated eligible uses to respond to the pandemic in disproportionately impacted communities, specifically: 1) building stronger communities through investments in housing and neighborhoods, 2) addressing educational disparities, and 3) promoting healthy childhood environments. In the interim final rule, under the Public Health section, recipients could also provide services to address health disparities and increase access to health and social services; these eligible uses have been re-organized into the Assistance to Households section to consolidate responses in disproportionately impacted communities and enhance clarity.

This section addresses enumerated eligible uses in the final rule to respond to negative economic impacts to households. As a reminder, recipients may presume that a household or population that experienced unemployment, experienced increased food or housing insecurity, or is low or moderate income experienced negative economic impacts resulting from the pandemic,

and recipients may provide services to them that respond to these impacts, including these enumerated eligible uses.

For guidance on how to determine whether a particular use, beyond those enumerated, is eligible; further detail on which households and communities are presumed eligible for services; and how to identify eligible households and communities beyond those presumed eligible, see section General Provisions: Structure and Standards.

Reorganizations and Cross-References: The final rule reorganizes all enumerated eligible uses for impacted and disproportionately impacted households into the section Assistance to Households, with the exception that expenses to improve the efficacy of economic relief has been re-categorized into a different section of the final rule for increased clarity; for discussion of that use category, see section General Provisions: Other.

Note that in conducting this reorganization, and based on further analysis and in response to comments, Treasury has determined that several enumerated uses included in the interim final rule for disproportionately impacted communities are directly responsive to negative economic impacts experienced by impacted households. In the final rule, these uses have been moved from "disproportionately impacted" to "impacted" households accordingly, making these services available to both disproportionately impacted and impacted households. These uses include assistance applying for public benefits or services; programs or services that address or mitigate the impacts of the COVID-19 public health emergency on childhood health or welfare, including childcare, early learning services, programs to provide home visits, and services for families involved in the child welfare system and foster youth; programs to address the impacts of lost

instructional time for students;[112] and programs or services that address housing insecurity, lack of affordable housing, or homelessness.

The following activities remain enumerated eligible uses for disproportionately impacted households: remediation of lead paint or other lead hazards; housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity; and programs or services that address educational disparities, including assistance to high-poverty school districts to advance equitable funding across districts and geographies and evidence-based services to address the academic, social, emotional, and mental health needs of students.

Enumerated Eligible Uses for Impacted Households

The interim final rule included several enumerated eligible uses to provide assistance to households or populations facing negative economic impacts due to COVID-19. Enumerated eligible uses included: food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; cash assistance; or job training to address negative economic or public health impacts experienced due to a worker's occupation or level of training. It also posed a question as to what other types of services or costs Treasury should consider as eligible uses to respond to the negative economic impacts of COVID–19.

This section addresses each of these enumerated eligible uses in turn, with the exception of job training, which has been re-categorized for increased clarity to the eligible use for "assistance to unemployed and underemployed workers." In general, commenters supported

[112]For which recipients may presume that any student who did not have access to in-person instruction for a significant period of time was impacted by the pandemic.

inclusion of these enumerated eligible uses to address key economic needs among households due to the pandemic, and Treasury is maintaining these eligible uses in the final rule, in line with commenters' recommendations.

1. Food assistance. The interim final rule included an enumerated eligible use for food assistance. Some commenters expressed support for this eligible use and emphasized the importance of aid to address food insecurity. Some commenters raised questions as to whether food assistance funds could be used to augment services provided through organizations like food banks, churches, and other food delivery services, or generally be sub-awarded to these organizations.

Treasury Response: Treasury is maintaining this enumerated eligible use without change. Recipients may, as was the case under the interim final rule, administer programs through a wide range of entities, including nonprofit and for-profit entities, to carry out eligible uses on behalf of the recipient government (see section Distinguishing Subrecipients versus Beneficiaries). Further, Treasury is clarifying that capital expenditures related to food banks and other facilities primarily dedicated to addressing food insecurity are eligible; recipients seeking to use funds for capital expenditures should refer to the section Capital Expenditures in General Provisions: Other for additional eligibility standards that apply to uses of funds for capital expenditures.

2. Emergency housing assistance. The interim final rule included an enumerated eligible use for rent, mortgage, or utility assistance and counseling and legal aid to prevent eviction or homelessness.

Public Comment: Several commenters supported the inclusion of eviction prevention activities as an eligible use given the high number of households behind on rent and potentially at risk of eviction. Following release of the interim final rule, Treasury had also received requests for elaboration on the types of eligible services in this category. Some commenters also recommended including assistance to households for delinquent property taxes, for example to prevent tax foreclosures on homes, as an enumerated eligible use.

Treasury Response: In response to requests for elaboration on the types of eligible services for eviction prevention, Treasury has provided further guidance that these services include "housing stability services that enable eligible households to maintain or obtain housing, such as housing counseling, fair housing counseling, case management related to housing stability, outreach to households at risk of eviction or promotion of housing support programs, housing related services for survivors of domestic abuse or human trafficking, and specialized services for individuals with disabilities or seniors that support their ability to access or maintain housing," as well as "legal aid such as legal services or attorney's fees related to eviction proceedings and maintaining housing stability, court-based eviction prevention or eviction diversion programs, and other legal services that help households maintain or obtain housing."[113] Treasury also emphasized that recipients may work with court systems, nonprofits, and a wide range of other organizations to implement strategies to support housing stability and prevent evictions.

In the final rule, Treasury is maintaining these enumerated eligible uses, including those described in the interim final rule and later guidance, in line with commenters' recommendations. To enhance clarity, Treasury is also elaborating on some types of services

[113] *See FAQ 2.21*. Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.

included under this eligible use category; this remains a non-exhaustive list of eligible services. For example, eligible services under this use category include: rent, rental arrears, utility costs or arrears (e.g., electricity, gas, water and sewer, trash removal, and energy costs, such as fuel oil), reasonable accrued late fees (if not included in rental or utility arrears), mortgage payment assistance, financial assistance to allow a homeowner to reinstate a mortgage or to pay other housing-related costs related to a period of forbearance, delinquency, or default, mortgage principal reduction, facilitating mortgage interest rate reductions, counseling to prevent foreclosure or displacement, relocation expenses following eviction or foreclosure (e.g., rental security deposits, application or screening fees). Treasury is clarifying that assistance to households for delinquent property taxes, for example to prevent tax foreclosures on homes, was permissible under the interim final rule and continues to be so under the final rule. In addition, Treasury is also clarifying that recipients may administer utility assistance or address arrears on behalf of households through direct or bulk payments to utility providers to facilitate utility assistance to multiple consumers at once, so long as the payments offset customer balances and therefore provide assistance to households.

This eligible use category also includes emergency assistance for individuals experiencing homelessness, either individual-level assistance (e.g., rapid rehousing services) or assistance for groups of individuals (e.g., master leases of hotels, motels, or similar facilities to expand available shelter).

Further, Treasury is clarifying that transitional shelters (e.g., temporary residences for people experiencing homelessness) are eligible capital expenditures. Recipients seeking to use funds for capital expenditures should refer to the section Capital Expenditures in General

Provisions: Other for additional eligibility standards that apply to uses of funds for capital expenditures.

Note that this enumerated eligible use describes "emergency housing assistance," or assistance for responses to the immediate or near-term negative economic impacts of the pandemic. The final rule also clarifies and expands the ability of recipients to use SLFRF funds to address the general lack of affordable housing and housing challenges underscored by the pandemic. For discussion of affordable housing eligible uses, including services that primarily increase access to affordable, high-quality housing and support stable housing and homeownership over the long term, see the eligible use for "promoting long-term housing security: affordable housing and homelessness."

3. Emergency assistance for pressing needs: burials, home repairs, weatherization, or other needs. The interim final rule included an enumerated eligible use for emergency assistance for burials, home repairs, weatherization, and other needs; these types of programs may provide emergency assistance for pressing and unavoidable household needs. Treasury did not receive comments on this eligible use and is maintaining it in the final rule.

Background on Home Repairs and Weatherization: The economic downturn has meant fewer households had the resources needed to make necessary home repairs and improvements. In May 2021, 28 percent of landlords reported deferring maintenance and 27 percent of tenants reported maintenance requests going unanswered.[114] While small and cosmetic repairs can often

[114] Jung Hyun Choi, Laurie Goodman, and Daniel Pang, The Pandemic Is Making It Difficult for Mom-and-Pop Landlords to Maintain Their Properties, Urban Institute (July 23, 2021), https://www.urban.org/urban-wire/pandemic-making-it-difficult-mom-and-pop-landlords-maintain-their-properties.

wait, deferring major repairs, such as plumbing needs, can result in unsafe and unhealthy living environments and, eventually, the need for more expensive repairs and fixes.

In addition to repairs, many homes are in need of weatherization. Weatherization assistance helps low- and moderate-income Americans save energy, reduce their utility bills, and keeps them and their homes safe. One in three households is energy insecure,[115] meaning they do not have the ability to meet their energy needs.[116] Weatherization efforts are particularly important for low- and moderate-income households. Households of color, renters, and households with low or moderate incomes are all more likely to report energy insecurity.[117] These disparities are partially a result of economic hardship but are also caused by inequitable access to housing with proper insulation, up to date heating, cooling, and ventilation systems, and functioning and up to date lighting and appliances.[118] While programs that address the effects of energy hardships, like the Low-Income Home Energy Assistance Program (LIHEAP), are critical, weatherization attempts to address root causes by addressing issues that lead to energy insecurities.

4. Internet access or digital literacy assistance. The interim final rule included an enumerated eligible use for assistance to households for internet access or digital literacy assistance. This enumerated eligible use, which responds to the negative economic impacts of the

[115] U.S. Energy Information Administration, Residential Energy Consumption Survey (2017), Retrieved from https://www.eia.gov/consumption/residential/data/2015/hc/php/hc11.1.php.
D. Hernández, Understanding 'energy insecurity' and why it matters to health, Social Science & Medicine, 167, 1–10 (2016), https://doi.org/10.1016/j.socscimed.2016.08.029.
[116] Hernández, D. (2016). Understanding 'energy insecurity' and why it matters to health. Social Science & Medicine, 167, 1–10. https://doi.org/10.1016/j.socscimed.2016.08.029.
[117] U.S. Energy Information Administration, Residential Energy Consumption Survey (RECS) https://www.eia.gov/consumption/residential/data/2015/hc/php/hc11.1.php (last visited November 9, 2021)
[118] A. Drehobl, & L. Ross, Lifting the high energy burden in America's largest cities: how energy efficiency can improve low income and underserved communities, American Council for an Energy Efficient Economy (2016), https://www.aceee.org/sites/default/files/publications/researchreports/u1602.pdf.

pandemic on a household by providing assistance that helps them secure internet access or increase their ability to use computers and the internet, is separate from the eligible use category for investments in broadband infrastructure, under Sections 602(c)(1)(D) and 603(c)(1)(D), which is used to build new broadband networks through infrastructure construction or modernization. For discussion of broadband infrastructure investment in the final rule, see section Broadband Infrastructure in Infrastructure.

Background: The COVID-19 public health emergency has underscored the importance of universally available, high-speed, reliable, and affordable broadband coverage as millions of Americans rely on the internet to participate in, among other critical activities, school, healthcare, and work. Recognizing the need for such connectivity, SLFRF funds can be used to make necessary investments in broadband infrastructure that increase access over the long term, as well as the necessary supports to purchase internet access or gain digital literacy skills needed to complete activities of daily living during the pandemic.

The National Telecommunications and Information Administration (NTIA) highlighted the growing necessity of broadband in daily lives through its analysis of NTIA Internet Use Survey data, noting that Americans turn to broadband internet service for every facet of daily life including work, study, and healthcare.[119] With increased use of technology for daily activities and the movement by many businesses and schools to operating remotely during the pandemic,

[119] *See, e.g.,* Nation Telecommunications and Information Administration, More than Half of American Households Used the Internet for Health-Related Activities in 2019, NTIA Data Show (December 7, 2020), https://www.ntia.gov/blog/2020/more-half-american-households-used-internet-health-related-activities-2019-ntia-data-show; Nation Telecommunications and Information Administration, Nearly a Third of American Employees Worked Remotely in 2019, NTIA Data Show (September 3, 2020) https://www.ntia.gov/blog/2020/nearly-third-american-employees-worked-remotely-2019-ntia-data-show; and generally, Nation Telecommunications and Information Administration, Digital Nation Data Explorer (June 10, 2020), https://www.ntia.gov/data/digital-nation-data-explorer.

broadband has become even more critical for people across the country to carry out their daily lives.

However, even in areas where broadband infrastructure exists, broadband access may be out of reach for millions of Americans because it is unaffordable, as the United States has some of the highest broadband prices in the Organisation for Economic Co-operation and Development (OECD).[120] According to a 2021 Pew Research Center study, 20 percent of non-broadband users say that the monthly cost of home broadband is the primary reason they do not have broadband at home, and 40 percent say that cost is one reason for their lack of home broadband.[121] Further, according to another survey, 22 percent of parents with homebound schoolchildren during the COVID-19 pandemic say that it is very or somewhat likely that their children will have to rely on public wi-fi to finish their schoolwork because there is no reliable internet connection at home; this percentage nearly doubles for lower-income parents, 40 percent of whom noted that their children will have to rely on public wi-fi.[122] The same survey showed that 36 percent of lower-income parents with homebound children say their child will not be able to complete their schoolwork because they do not have access to a computer at home.[123]

Public Comment: Many commenters highlighted the importance of broadband access during the pandemic, including for remote work and education, and argued that affordability presents a major barrier to broadband adoption by households; in other words, many households live in areas that have broadband infrastructure and service available but are unable to purchase

[120] BroadbandSearch Blog Post, How Do U.S. Internet Costs Compare To The Rest Of The World?, *available at* https://www.broadbandsearch.net/blog/internet-costs-compared-worldwide.
[121] Pew Research Center, Mobile Technology and Home Broadband 2021 (June 3, 2021), https://www.pewresearch.org/internet/2021/06/03/mobile-technology-and-home-broadband-2021/.
[122] Pew Research Center, 53% of Americans Say the Internet Has Been Essential During the COVID-19 Outbreak (April 30, 2020), https://www.pewresearch.org/internet/2020/04/30/53-of-americans-say-the-internet-has-been-essential-during-the-covid-19-outbreak/.
[123] *Id.*

service for their household due to the high cost. These commenters argued that broadband must be affordable to be accessible.

Commenters proposed several potential responses to affordability concerns. Some commenters recommended that building "gap networks," or broadband networks built at low cost to provide affordable service in areas where it is lacking, be eligible as assistance to households to respond to the negative economic impacts of the pandemic, even if they do not meet the technical standards for eligibility under the eligible use category of broadband infrastructure investment, especially the required speed standards for new service. These commenters argued that the networks have shown promise as a timely means to expand access to affordable broadband internet during the pandemic, even if they may not provide service speeds needed for more intensive internet uses. Another commenter requested eligible uses include funding cellular towers to decrease costs. One commenter recommended that affordability should be addressed through other programs but not SLFRF given that affordability and availability may require nuanced solutions that would be complex to combine.

Treasury Response: The interpretive framework and enumerated eligible uses allow recipients flexibility to address identified pandemic impacts, including through solutions that take into account the particularized issues in their community. Given extensive commenter feedback on the importance of affordability to achieving broadband access, and the centrality of broadband to participating in work, education, healthcare, and other activities during the pandemic, affordability programs are an appropriate eligible use to respond to the negative economic impacts of the pandemic and Treasury is maintaining the enumerated eligible use for assistance to households for internet access and digital literacy programs in the final rule.

Building or constructing new broadband networks is an infrastructure investment and is governed by a separate clause in the statute. Treasury has addressed comments on "gap networks" that require infrastructure build-out in the section Broadband Infrastructure in Infrastructure.

Public Comment: Some commenters also use the term "gap networks" to refer to equipment installed as part of wi-fi systems, such as routers, repeaters, and access points; this equipment provides consumer access to an existing broadband network and does not require new network build-out or construction. These commenters recommended that Treasury permit, as assistance to households for internet access, investments in public wi-fi networks, free wi-fi in public housing communities, and other equipment that offers internet access to end users by utilizing existing broadband networks.

Other commenters recommended that eligible uses in this category include providing devices and equipment necessary to access the internet, like computers and routers, directly to low-income households.

Treasury Response: Treasury has determined that these services, which expand internet access without constructing new networks, are an appropriate enumerated eligible use as assistance to households to respond to a negative economic impact, and they are permitted under the final rule. Treasury is clarifying that eligible uses under this category can also include a wide range of programs and services to expand internet access and digital literacy, such as subsidies for the cost of internet service, other programs that support adoption of internet service where available, digital literacy programs, or programs that provide devices and equipment to access the internet (e.g., programs that provide equipment like tablets, computers, or routers) to households. Recipients seeking to use funds for equipment should refer to the section Capital

Expenditures in General Provisions: Other for additional eligibility standards that apply to uses of funds for capital expenditures (e.g., equipment, property, and facilities).

5. Cash assistance. The interim final rule included as an enumerated eligible use cash assistance and provided that cash transfers must be "reasonably proportional" to the negative economic impact they address and may not be "grossly in excess of the amount needed to address" the impact. In assessing whether a transfer is reasonably proportional, recipients may "consider and take guidance from the per person amounts previously provided by the Federal Government in response to the COVID-19 crisis," and transfers "grossly in excess of such amounts" are not eligible.

Public Comment: Several commenters expressed support for this eligible use, noting that this is a common policy tool for some governments to support the well-being of households and individuals in their communities. Some commenters requested that Treasury set a specific dollar amount for permissible cash transfers, and Treasury has also received recipient questions on whether specific types of transfers, such as those to a substantial share of the population in the jurisdiction, would be a permissible use of funds.

Treasury Response: Treasury is maintaining this enumerated eligible use in the final rule, in line with commenters' recommendations. Because the final rule is intended to provide flexibility to recipients to respond to the particularized pandemic impacts in their communities, which may vary in type and intensity, setting a specific dollar threshold for eligible cash transfers would fail to recognize the particularized needs of communities and limit recipients' flexibility to tailor their response to those needs.

To provide greater clarity, Treasury is elaborating on the analysis that recipients may undertake to assess the eligibility of specific cash assistance programs or transfers. Cash transfers, like all eligible uses in this category, must respond to the negative economic impacts of the pandemic on a household or class of households. For the reasons discussed above, recipients may presume that low- and moderate-income households (as defined in the final rule), as well as households that experienced unemployment, food insecurity, or housing insecurity, experienced a negative economic impact due to the pandemic.

Recipients may also identify other households or classes of households that experienced a negative economic impact of the pandemic and provide cash assistance that is reasonably proportional to, and not grossly in excess of, the amount needed to address the negative economic impact. For example, in the ARPA, Congress authorized Economic Impact Payments to households at certain income levels, identifying and responding to a negative economic impact of the pandemic on these households.

Finally, Treasury has reiterated in the final rule that responses to negative economic impacts should be reasonably proportional to the impact that they are intended to address. Uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses. Reasonably proportional refers to the scale of the response compared to the scale of the harm. It also refers to the targeting of the response to beneficiaries compared to the amount of harm they experienced; for example, it may not be reasonably proportional for a cash assistance program to provide assistance in a very small amount to a group that experienced severe harm and in a much larger amount to a group that experienced relatively little harm.

6. Survivor's benefits. The interim final rule included an enumerated eligible use for survivor's benefits to surviving family members of individuals who have died from COVID-19, including cash assistance to widows, widowers, or dependents.

Public Comment: Treasury did not receive any comments on the inclusion of survivor's benefits as an enumerated use for impacted households in the interim final rule.

Treasury Response: This use of funds remains eligible under the final rule. Consistent with the general reorganization noted above, the final rule organizes survivor's benefits under assistance to households to clarify that households are the intended beneficiaries of survivor's benefits.

7. Assistance accessing or applying for public benefits or services. Recognizing that eligible households often face barriers to accessing public benefits or services that improve health and economic outcomes, the interim final rule included as an enumerated eligible use in disproportionately impacted communities, public benefits navigators to assist community members with navigating and applying for available federal, state, and local public benefits or services. Treasury also clarified in subsequent guidance after the interim final rule that this eligible use category would include outreach efforts to increase uptake of the Child Tax Credit.

Background: The under-enrollment of eligible households in social assistance programs is a well-recognized and persistent challenge. There are many reasons why a household may not be receiving a particular benefit even though they are eligible. For many federal programs, enrollment processes vary from state-to-state. Sometimes, households are simply unaware that they are eligible for a particular benefit.[124] For example, despite having one of the highest rates

[124] Amy Finkelstein & Matthew J Notowidigdo, Take-Up and Targeting: Experimental Evidence from SNAP, The Quarterly Journal of Economics, vol 134(3), pages 1505-1556 (2019), https://www.nber.org/papers/w24652.

of participation of any benefits program, nearly 20 percent of eligible individuals do not participate in the Supplementary Nutritional Assistance Program (SNAP).[125] In other cases, policies like public charge and asset testing can discourage otherwise eligible households.[126] While the gap between households that need assistance and the number of households participating in public benefit programs has always existed, narrowing that gap and ensuring households receive the support they need is critical in mitigating the negative economic impacts of the pandemic.

Public Comment: Treasury has also received feedback from recipients and stakeholders noting the need to increase awareness and uptake of assistance programs, including gaps that remain in enrollment of eligible households in programs to address the negative economic impacts of the pandemic.[127]

Treasury Response: Treasury has determined that this impact of the pandemic is widely experienced across many jurisdictions and programs or services to increase awareness and uptake of assistance programs would respond to the pandemic's negative economic impact in all communities. As such, in the final rule, this use is eligible for any impacted household or class of households, not only in disproportionately impacted communities.

[125] United States Department of Agriculture, Trends in Supplemental Nutrition Assistance Program Participation Rates: Fiscal Year 2016 to Fiscal Year 2018 (May 2021), https://fns-prod.azureedge.net/sites/default/files/resource-files/Trends2016-2018.pdf.
[126] Jeremy Barofsky et al., Spreading Fear: The Announcement Of The Public Charge Rule Reduced Enrollment In Child Safety-Net Programs, Health Affairs (October 2020), https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2020.00763.
[127] *See, e.g.*, U.S. Department of the Treasury, By ZIP Code: Number of Children under Age 18 with a Social Security Number Who Are Not Found on a Tax Year 2019 or 2020 Tax Return but who Appear on a Tax Year 2019 Form 1095 and Associated Number of Policy Holders (June 2021), https://home.treasury.gov/system/files/131/Estimated-Counts-of-Children-Unclaimed-for-CTC-by-ZIP-Code-2019.pdf.

8. Promoting healthy childhood environments. The interim final rule included programs and services that promote healthy childhood environments as an enumerated eligible use for disproportionately impacted households. The interim final rule listed three programs or services included under this use: childcare; programs to provide home visits by health professionals, parent educators, and social service professionals to individuals with young children to provide education and assistance for economic support, health needs, or child development; and services for child welfare-involved families and foster youth to provide support and education on child development, positive parenting, coping skills, or recovery for mental health and substance use. The interim final rule also included an enumerated eligible use for early learning services in disproportionately impacted communities, to address disparities in education.

Public Comment: Childcare and Early Learning: Treasury received multiple comments that were supportive of the provision of childcare. Treasury has also received multiple comments and questions indicating that recipients have identified a need for childcare for a broader range of households and communities, for example those that may need childcare in order to return to work, in addition to households and communities disproportionately impacted by the pandemic. Several commenters expressed uncertainty about how childcare facilities should interact with the boundaries of a QCT. Finally, one commenter recommended that pre-K or early learning services encompass care for infants and toddlers, arguing that these types of care are often more expensive or challenging to access for families.

Background: Childcare and Early Learning: As daycares and schools closed in-person activities during the pandemic, many working families were left without childcare during the

day.[128] Although daycare centers and schools have since reopened in many communities, there remains a persistent childcare shortage as childcare employment levels have not fully rebounded since the sharp decline in childcare employment at the beginning of the pandemic.[129] As a result, working parents in communities across the country, and more specifically women, may face challenges entering or reentering the labor force.[130]

Low-income households are also more likely to lose access to quality childcare.[131] The widespread closure of childcare centers combined with a lack of access to paid family leave means parents in low-income households are more likely to experience a reduction of income or leave their jobs due to a lack of childcare options.[132]

Additionally, childcare providers serving primarily low-income families were less likely to remain open during the pandemic because of tighter profit margins and general community financial insecurity, compared to childcare providers serving primarily high-income families.[133,134]

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[128] Women have carried a larger share of childcare responsibilities than men during the COVID–19 crisis. See, e.g., Gema Zamarro & Marı´a J. Prados, Gender differences in couples' division of childcare, work and mental health during COVID– 19, Rev. Econ. Household 19:11–40 (2021), available at https://link.springer.com/article/ 10.1007/s11150-020-09534-7; Titan Alon et al., The Impact of COVID–19 on Gender Equality, National Bureau of Economic Research Working Paper 26947 (April 2020), available at https://www.nber.org/ papers/w26947.

[129] *See, e.g.*, Center For The Study Of Child Care Employment (CSCCE), Child Care Sector Jobs: BLS Analysis (November 8, 2021), https://cscce.berkeley.edu/child-care-sector-jobs-bls-analysis/; Emma K. Lee, and Zachary Parolin. The Care Burden during COVID-19: A National Database of Child Care Closures in the United States, Socius (January 2021), doi:10.1177/23780231211032028.

[130] Jason Furman, Melissa Schettini Kearney, and Wilson Powell, The Role of Childcare Challenges in the US Jobs Market Recovery During the COVID-19 Pandemic, NBER Working Paper No. 28934 (June 2021), https://www.nber.org/papers/w28934.

[131] U.S. Census Bureau, Phase 3.2 Household Pulse Survey: Table 2. Childcare Arrangements in the Last 4 Weeks for Children Under 5 Years Old, by Selected Characteristics, (Washington: 2021), available at https://www.census.gov/programs-surveys/household-pulse-survey/data.html.

[132] *Id*.

[133] N. Kalluri, C. Kelly, & A. Garg, Child Care During the COVID-19 Pandemic: A Bad Situation Made Worse. Pediatrics (2021), https://doi.org/10.1542/peds.2020-041525.

[134] National Association for the Education of Young Children, Am I Next? Sacrificing to Stay Open, Child Care Providers Face a Bleak Future Without Relief (December 2020), https://www.naeyc.org/sites/default/files/globally-shared/downloads/PDF.

In addition to disruptions to childcare, early learning services were also significantly impacted by the pandemic, and the disruption of these services had widespread ramifications for learning loss, parental support, and equity. Early learning centers have seen declined enrollment across the board, though there was a larger dip in enrollment for low-income households.[135] This lower enrollment coincides with a diminishing workforce, as similarly to childcare, early childhood educators have been leaving the profession due to long hours, low pay,[136] and health and safety concerns.[137] As a result, children's school readiness has suffered, leading to potential long-term impacts on life outcomes.[138] The impact also extended to parents. Parents, especially mothers, may face challenges reentering or remaining in the workforce if early learning services are unavailable.

Treasury Response: Childcare and Early Learning Services: Treasury agrees with commenters' analysis that challenges accessing or affording childcare have been widespread during the pandemic, affecting many jurisdictions and populations across the country. Disruptions to early care and learning services similarly have had broad impact and likely result in negative impacts for young children and their parents. As such, these enumerated eligible uses are generally responsive to the negative economic impacts of the pandemic in all communities, not just in disproportionately impacted communities. Under the final rule, childcare and early

[135] G. G. Weisenfeld, Impacts of Covid-19 on Preschool Enrollment and Spending, New Brunswick, NJ: National Institute for Early Education Research (2021), https://nieer.org/wp-content/uploads/2021/03/NIEER_Policy_Brief_Impacts-of-Covid-19 on_Preschool_Enrollment_and_Spending_3_16_21.pdf.
[136] Heather Long, 'The pay is absolute crap': Child-care workers are quitting rapidly, a red flag for the economy, Washington Post (September 19, 2021), https://www.washingtonpost.com/business/2021/09/19/childcare-workers-quit/.
[137] Monash University, The emotional toll of COVID-19 among early childhood educators (August 5, 2020) https://lens.monash.edu/@education/2020/08/05/1381001/the-emotional-toll-of-covid-19-among-early-childhood-educators.
[138] Daphna Bassok and Anna Shapiro, Understanding COVID-19-era enrollment drops among early-grade public school students, Brookings Institution (February 22, 2021), https://www.brookings.edu/blog/brown-center-chalkboard/2021/02/22/understanding-covid-19-era-enrollment-drops-among-early-grade-public-school-students/.

learning services are available to impacted households or classes of households, not just those disproportionately impacted. These eligible uses can include new or expanded services, increasing access to services, efforts to bolster, support, or preserve existing providers and services, and similar activities.

Further, Treasury is clarifying that improvements to or new construction of childcare, daycare, and early learning facilities are eligible capital expenditures. Recipients seeking to use funds for capital expenditures should refer to the section Capital Expenditures in General Provisions: Other for additional eligibility standards that apply to uses of funds for capital expenditures.

Public Comment: Home Visiting: Treasury has also received questions about whether the provision of home visiting services would be responsive to the health and mental health needs of impacted new mothers, citing the positive mental health impacts shown on the mother as well as improved outcomes for children.

Background: Home Visiting: Pregnant and recently pregnant individuals are at an increased risk for serious illness from COVID-19.[139] Furthermore, pregnant individuals with COVID-19 are more likely to experience preterm birth (delivering the baby earlier than 37 weeks).[140] In addition to heightened health risks from COVID-19, pregnant individuals may have experienced significant changes to their prenatal care during the pandemic[141] or may also have

[139] Centers for Disease Control and Prevention, Pregnant and Recently Pregnant People, https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/pregnant-people.html (last visited November 9, 2021).
[140] *Id*.
[141] Sarah Javaid, Sarah Barringer, Sarah D Compton, Elizabeth Kaselitz, Maria Muzik, Cheryl A. Moyer, The impact of COVID-19 on prenatal care in the United States: Qualitative analysis from a survey of 2519 pregnant women, Midwifery, Volume 98, 2021, 102991, ISSN 0266-6138, https://doi.org/10.1016/j.midw.2021.102991.

experienced increased mental health challenges, including high levels of depression, anxiety, loneliness, and post-traumatic stress during the pandemic.[142]

Home visiting services provided to families, particularly new mothers and newborns, feature regular home visits from trained nurses, social workers, and/or counselors who provide health care, mental health resources, positive parenting support, support in making personal health decisions, and awareness of other potentially helpful services. These functions have become even more essential at mitigating negative factors associated with the pandemic. Home visits give professionals a chance to flag potential domestic violence, which has risen worldwide over the course of the pandemic.[143] Racial health disparities can also be driven down by home visits. For example, Black women are more likely to avoid hospitals during the pandemic, and home visitors can help either assuage concerns around hospitals or give effective advice for alternative methods of childbirth.[144] Given the disproportionate effect of the pandemic on people of color, home visits are an essential equity tool that tackle major negative effects of the pandemic. These are just a few selections from the evidence that suggests many home visiting models can have a positive effect on maternal physical and mental health.[145]

Treasury Response: Home Visiting: Given the widespread impact of COVID-19 on pregnant and recently pregnant individuals, Treasury is re-categorizing home visiting services as an eligible use for impacted communities, not just disproportionately impacted communities.

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[142] A Basu, HH Kim, R Basaldua, KW Choi, L Charron, et al., A cross-national study of factors associated with women's perinatal mental health and wellbeing during the COVID-19 pandemic, PLOS ONE 16(4): e0249780, (2021), https://doi.org/10.1371/journal.pone.0249780.

[143] Amanda Taub, A New Covid-19 Crisis: Domestic Abuse Rises Worldwide, New York Times (April 6, 2020), https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html.

[144] Xenia Shih Bion, Efforts to Reduce Black Maternal Mortality Complicated by COVID-19, California Health Care Foundation (April 20, 2020), https://www.chcf.org/blog/efforts-reduce-black-maternal-mortality-complicated-covid-19/.

[145] U.S. Department of Health and Human Services, Home Visiting Evidence of Effectiveness, https://homvee.acf.hhs.gov/outcomes/maternal%20health/In%20Brief.

Under the final rule, these eligible uses are available to impacted households or classes of households.

Public Comment: Child Welfare: While the interim final rule noted that certain types of assistance, particularly around child development and parenting, were eligible for child welfare-involved families, Treasury has received some recipient questions asking whether financial, educational, housing, or other supports and services are eligible uses for foster youth, including those aging out of the system, and child welfare-involved families. Other commenters asked about whether funding for kinship care would be eligible.

Background: Child Welfare: The COVID-19 pandemic placed meaningful strain on the child welfare and foster care system. Court hearings were delayed,[146] essential mental health care was shifted to a virtual environment, and attendance and performance in school among foster children dropped sharply.[147] Additionally, there was a nationwide rise of new children entering the foster care system and many states placed temporary moratoria on children aging out of the foster care system.[148] As these temporary moratoria expire, additional support will be needed to assist children exiting the system.

Additionally, financial and material hardship are causal factors in the increase of new children entering the foster care system, whether through loss of a caregiver, domestic violence,[149] or other associated costs of the pandemic. Therefore, support to decrease these

[146] National Conference of State Legislatures, Criminal Justice System Responses to COVID-19 (November 16, 2020), https://www.ncsl.org/research/civil-and-criminal-justice/criminal-justice-and-covid-19.aspx.
[147] John Burton Advocates for Youth, The Cumulative Impact of the Pandemic on Youth Who Have Been in Foster Care or Homeless (May 2020) https://jbay.org/wp-content/uploads/2021/04/JBAY-COVID-19-Impact.pdf.
[148] John Kelly, Next Week, Thousands of Foster Youth Will Age Out on the Same Day (September 21, 2021), https://imprintnews.org/subscriber-content/thousands-of-foster-youth-will-age-out-on-the-same-day/59006.
[149] Conrad-Hiebner, Aislinn, and Elizabeth Byram, The Temporal Impact of Economic Insecurity on Child Maltreatment: A Systematic Review. Trauma, Violence, & Abuse, vol. 21, no. 1, Jan. 2020, pp. 157–178, doi:10.1177/1524838018756122.

hardships will support families and increase positive outcomes for youth and families that may otherwise become involved in the child welfare system.

Treasury Response: In the final rule, Treasury is clarifying that services to foster youth, including those aging out of the system, and child welfare-involved families may encompass a wide array of financial, educational, child development, or health supports, or other supports necessary, including supports for kinship care.

9. Addressing the impacts of lost instructional time.

Public Comment: The interim final rule included an enumerated eligible use to address educational disparities in disproportionately impacted communities, recognizing that underserved students have been more severely impacted by the pandemic and including responsive services for early learning, enhance funding to high-poverty districts, and providing evidence-based services to address the academic, social, emotional, and mental health needs of students. Some commenters expressed concerns that learning loss or the negative impacts of lost instructional time due to school closures or remote education during the pandemic had affected a significant share of students in grades kindergarten through twelve (K-12), including students who may not fall within a disproportionally impacted group.

Background: The COVID-19 pandemic resulted in the widespread closure of schools across the nation. While many schools and districts reopened to in-person instruction or implemented remote learning, the shift was not immediate or without consequence. Children who received virtual only or combined remote and in-person instruction were more likely to

report experiencing negative mental- and physical health outcomes than children who received in-person instruction.[150]

Treasury Response: Under the final rule, addressing the impact of lost instructional time and/or learning loss is an enumerated eligible use for impacted households. When providing services to address lost instructional time, recipients may presume that any K-12 student who lost access to in-person instruction for a significant period of time has been impacted by the pandemic and is thus eligible for responsive services.

Interventions or services that address the impact of lost instructional time may include offering high-quality tutoring and other extended learning opportunities, providing differentiated instruction, implementing activities to meet the comprehensive needs of students, expanding and improving language access for parents and families, providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment, improving student engagement in distance education, and administering and using high-quality assessments to assess students' academic progress, among others. In designing services under this eligible use, recipients may wish to reference guidance from the Department of Education on strategies for addressing lost instructional time.[151]

The final rule also maintains a separate enumerated eligible use for addressing educational disparities in disproportionately impacted communities. This eligible use includes services to address disparities in educational outcomes that predate the pandemic and amplified its impact on underserved students; these include, for example, enhanced funding to high-poverty

[150] Verlenden JV, Pampati S, Rasberry CN, et al. Association of Children's Mode of School Instruction with Child and Parent Experiences and Well-Being During the COVID-19 Pandemic — COVID Experiences Survey, United States, October 8–November 13, 2020. MMWR Morb Mortal Wkly Rep 2021;70:369–376. DOI: http://dx.doi.org/10.15585/mmwr.mm7011a1external icon.

[151] U.S. Department of Education, Strategies for Using American Rescue Plan Funding to Address the Impact of Lost Instructional Time, August 2021. Retrieved from https://www2.ed.gov/documents/coronavirus/lost-instructional-time.pdf.

districts and providing evidence-based services to address the academic, social, emotional, and mental health needs of students.

Finally, as described in the section Public Health, recipients can provide a broad range of behavioral health services, including services for children and youth in schools, to respond to the impacts of the pandemic on mental health and other behavioral health issues. When providing behavioral health services, recipients may presume that the general public was impacted by the pandemic and provide behavioral health services to members of the general public, including children and youth in schools, without any further analysis of impacts of the pandemic on those individuals and whether the service is responsive.

10. Promoting long-term housing security: affordable housing and homelessness. Under the interim final rule, recipients may use SLFRF funds to provide a set of housing services to communities that have been disproportionately impacted by the pandemic. Specifically, the interim final rule provided that programs or services that address housing insecurity, lack of affordable housing, or homelessness, were responsive to the negative economic impacts of the pandemic when provided to disproportionately impacted households and communities. The enumerated uses included supportive housing or other programs or services to improve access to stable, affordable housing among individuals who are homeless and development of affordable housing to increase supply of affordable and high-quality living units. Many recipients have already announced plans to use SLFRF funds for affordable housing interventions in all of these categories. Treasury received many comments asking for additional clarity or flexibility in these uses.

As detailed below, based on multiple public comments and questions and Treasury's subsequent analysis, Treasury has determined that supportive housing or other programs or services to improve access to stable, affordable housing among individuals who are homeless, and the development of affordable housing to increase supply of affordable and high-quality living units are responsive to the needs of impacted populations, not only disproportionately impacted populations. This final rule reflects this clarification and builds on the objectives stated in the interim final rule to improve access to stable, affordable housing, including through interventions that increase the supply of affordable and high-quality living units, improve housing security, and support durable and sustainable homeownership.

Finally, note that "emergency housing assistance," or assistance for responses to the immediate negative economic impacts of the pandemic through services like financial assistance for rental arrears or mortgage payments, is also an eligible use category for assistance to households under the final rule; see the eligible use for "emergency housing assistance" above. The provision of housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity remains an eligible use under assistance to disproportionately impacted households; for discussion, see the eligible use for "housing vouchers and assistance relocating" below.

Background: Affordable Housing: It is clear that the ongoing pandemic and resulting economic crisis are having a profound, long-term negative effect on the pre-existing affordable housing crisis facing low-income households.[152] The combination of a large number of higher-income households who have weathered the pandemic without significant income losses, low interest rates, and housing supply constraints exacerbated by the pandemic, have driven a sharp

[152] Consumer Financial Protection Bureau, Housing insecurity and the COVID-19 pandemic (March 2020), https://files.consumerfinance.gov/f/documents/cfpb_Housing_insecurity_and_the_COVID-19_pandemic.pdf.

increase in the sale price of homes.[153] Meanwhile, many low-income renters and homeowners are struggling with lost employment and income and are behind on their housing payments.[154]

Public Comment: Affordable Housing Outside of Low-Income Geographies: A major theme in comments was that affordable housing interventions, especially development of affordable housing, should be allowed outside of QCTs, as concentrating the supply of affordable housing in low-income geographies can have the effect of increasing both concentrated poverty and racial and economic segregation, while locking lower-income households in need of housing support out of high-opportunity neighborhoods with access to employment and amenities.

Treasury Response: Affordable Housing Outside Low-Income Geographies: As previously stated, affordable housing is not confined to low-income geographies under the interim final rule. As discussed elsewhere, the interim final rule presumed that QCTs, as well as communities served by Tribal governments, were disproportionately impacted for administrative convenience, but recipients may identify other populations, households, or geographic areas with disparate impacts of COVID-19 and provide affordable housing services to them. For example, under the interim final rule, a city could determine that its low-income residents faced disproportionate impacts of COVID-19 and develop affordable housing targeted to these households. Such a scenario could include, for example, affordable projects in higher-income neighborhoods that would allow residents to live closer to jobs and well-resourced schools.

[153] Joint Center For Housing Studies Of Harvard University, The State of the Nation's Housing (June 2021), https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_State_Nations_Housing_2021.pdf.
[154] Davin Reed and Eileen Divringi, Household Rental Debt During COVID-19: Update for 2021, Federal Reserve Bank of Philadelphia (2020), available at: https://www.philadelphiafed.org/community-development/housing-and-neighborhoods/household-rental-debt-during-covid-19-update-for-2021. Further, some research suggests that liquidity may be a more important predictor of default than other factors, including income or equity. *See* Trading Equity for Liquidity (June 2019), available at https://www.jpmorganchase.com/content/dam/jpmc/jpmorgan-chase-and-co/institute/pdf/institute-trading-equity-for-liquidity.pdf.

Additionally, as noted above, Treasury is finalizing the rule with some changes to the treatment of affordable housing development designed to clarify that permanent supportive housing or other programs or services to improve access to stable, affordable housing among individuals who are homeless, and the development of affordable housing to increase supply of affordable and high-quality living units, are responsive to individuals and households that were impacted by the pandemic in addition to those that were disproportionately impacted. This shift is in line with commenters' recommendations and consistent with the facts described above, which demonstrate that lack of supply of affordable housing units contributed to the pandemic's impact on housing insecurity and unsustainable housing cost burdens and that these impacts were experienced broadly across the country.

Public Comment: Eligible Activities: Many commenters asked for clarity on what types of activities (e.g., land acquisition, construction, pre-construction costs, operating costs, etc.) are eligible uses of SLFRF, and what affordability criteria must be applied to affordable housing development. Commenters encouraged Treasury to allow the full array of affordable housing activities, including particular requests for broad flexibility for Tribal communities, and to specify that "development" should include construction, preservation, rehabilitation, and operation. Other commenters requested clarification about permissible program administration approaches for affordable housing, such as contracting methods and distribution of funds.

Some commenters asked that Treasury require SLFRF funds to be focused on the lowest-income households, who suffer the most severe rent burdens and risks of housing instability, and whose housing situation has left them particularly vulnerable to COVID-19. For example, one commenter argued that SLFRF funds should only be used to support affordable housing for households making 50 percent of AMI or less and that recipients should be required to set aside

significant portions of any developments for renters making 30 percent of AMI or less and persons with physical and sensory disabilities. Other commenters requested a more flexible approach to affordable housing definitions.

Treasury Response: Eligible Activities: The final rule clarifies eligibility of affordable housing development for recipients; these uses were eligible under the interim final rule, but Treasury is providing further guidance to enhance clarity and respond to recipient and commenter questions.

As with all interventions to address the negative economic impacts of the pandemic, affordable housing projects must be responsive and proportional to the harm identified. This test may be met by affordable housing development projects – which may involve large expenditures and capital investments – if the developments increase the supply of long-term affordable housing for low-income households. While there may be less costly (or non-capital) alternatives to affordable housing development, a comprehensive response to the widespread housing challenges underscored by the pandemic will require the production of additional affordable homes, and targeted affordable housing development is a cost-effective and proportional response to this need.

For purposes of this test, Treasury will presume that any projects that would be eligible for funding under either the National Housing Trust Fund (HTF) or the Home Investment Partnerships Program (HOME) are eligible uses of SLFRF funds. Note that these programs use different income limits than the definition of low- and moderate-income adopted by Treasury. Given the severity of the affordable housing shortage, and the ways in which the pandemic has exacerbated the need for affordable, high-quality dwelling units, Treasury has determined that the households served by these federal housing programs have been impacted by the pandemic

and its negative economic impacts and that development of affordable housing consistent with these programs is a related and reasonably proportional response to those impacts. Additionally, affordable housing projects provided by a Tribal government are eligible uses of SLFRF if they would be eligible for funding under the Indian Housing Block Grant program, the Indian Community Development Block Grant program, or the Bureau of Indian Affairs Housing Improvement Program. Alignment with these programs, which define "affordable housing" in a manner consistent with a proportionate response to the affordable housing challenges faced by low- and moderate-income households as a result of the negative economic impacts of the pandemic, is intended to give recipients comfort and clarity as they design a wide variety of affordable housing interventions, including production, rehabilitation, and preservation of affordable rental housing and, in some cases, affordable homeownership units. These programs allow the financing of a wide range of affordable housing activities and set clear eligibility criteria that many recipients are already familiar with.

Finally, to further support sustainable and durable homeownership, recipients may consider offering down payment assistance, such as through contributions to a homeowner's equity at origination or that establish a post-closing, mortgage reserve account on behalf of the borrower that may be utilized to make a missed or partial mortgage payment at any point during the life of the loan (e.g., if the borrower faces financial stress). Homeownership assistance that would be eligible under the Community Development Block Grant (at 24 CFR 507.201(n)) is also an eligible use of SLFRF funds.

Public Comment: Permanent Supportive Housing: Treasury has received comments encouraging the use of SLFRF funds for permanent supportive housing. This is an eligible use under the interim final rule: both the development of affordable housing (including operating

subsidies) and wraparound services such as behavioral health services, employment services, and other supportive services, are eligible responses to the public health crisis or its negative economic impacts.

Treasury Response: The final rule maintains the eligibility of permanent supportive housing as an enumerated use. Treasury is also clarifying that other affordable housing developments targeted to specialized populations are also eligible, for example recovery housing for individuals in recovery from substance use.

Public Comment: Operating Expenses: Commenters specifically asked that Treasury allow the use of SLFRF funds for operating expenses of affordable housing units, as operating subsidies are typically required to reach extremely low-income households, whose affordable rents may be lower than the ongoing cost of operating their unit.

Treasury Response: Operating expenses for eligible affordable housing were an eligible use of funds under the interim final rule and the final rule maintains this treatment. This may include capitalized operating reserves.

Rehabilitation and repair of public housing will also be considered an eligible use of SLFRF funds.

Public Comment: Affordable Housing Loans and Revolving Loan Funds: Some commenters requested that loans with maturities beyond the period of performance or revolving loan funds that revolve beyond the period of performance be eligible uses of SLFRF funds if used for affordable housing. Some commenters pointed out that for-profit developers of low-income housing through the Low-Income Housing Tax Credit (LIHTC) may be deterred from accepting grants to bridge funding gaps in current LIHTC deals by the treatment of grants to for-profit entities in the calculation of eligible basis for the LIHTC.

Treasury Response: The final rule does not change the treatment of loans from the interim final rule. For more details see section Treatment of Loans in Program Administration Provisions. Similarly, the final rule does not change the treatment of grants to support affordable housing development, including developments supported by the LIHTC: such grants are an eligible use of funds.

Additional enumerated eligible uses for assistance to impacted households. As noted above, the interim final rule posed a question on what other types of services or costs Treasury should consider as eligible uses to respond to the negative economic impacts of COVID–19. In response, commenters proposed a wide variety of additional recommended enumerated eligible uses to assist households, ranging from general categories of services (e.g., legal and social services) to services that respond to needs widely experienced across the country (e.g., access to and affordability of health insurance) to services that are most applicable to the particularized needs of certain populations or geographic areas of the United States (e.g., senior citizens, SNAP recipients, immigrants, formerly-incarcerated individuals, responding to environmental issues in certain geographic regions). Other commenters generally requested a high degree of flexibility to respond to the particular needs of their communities.

Treasury Response: Given the large number and diversity of SLFRF recipients, Treasury's approach to assistance to households in the final rule aims to clarify additional enumerated eligible uses that respond to negative economic impacts of the pandemic experienced widely in many jurisdictions across the country, making it clear and simple for recipients to pursue these enumerated eligible uses under the final rule. In the final rule, Treasury is clarifying several additional uses, which generally respond to pandemic impacts experienced broadly

across jurisdictions and populations, are eligible under the interim final rule as assistance to households and continue to be so under the final rule, as outlined below.

11. Paid sick, medical, or family leave.

Public Comment: Some commenters argued that the pandemic increased the need for paid sick or medical leave, as staying home when ill is recommended by the CDC to prevent spread of the virus but lack of access to paid sick leave often prevents workers from staying home. Other commenters recommended paid family leave as an eligible use, arguing that shortages in access to childcare or home health assistance, as well as school closures, may increase the need for family members to serve as caretakers.

Background: The COVID-19 pandemic highlighted the importance of paid leave as well as the number of workers who do not have access to paid sick and/or family leave. When workers have access to paid leave, they are less likely to report to work sick, and therefore less likely to spread illnesses in the workplace: one study demonstrates that the emergency sick leave provision of the Families First Coronavirus Response Act (FFCRA) reduced the spread of COVID-19.[155]

The lack of paid leave exacerbates financial hardships experienced as a result of the public health emergency. A 2018 survey by the Department of Labor found that two-thirds of employees that took unpaid or partial-paid leave experienced financial hardship.[156] Furthermore, because the Family and Medical Leave Act (FMLA) excludes small employers, part-time

[155] Stefan Pichler, Katherine Wen, and Nicolas R. Ziebarth, COVID-19 Emergency Sick Leave Has Helped Flatten The Curve In The United States: Study examines the impact of emergency sick leave on the spread of COVID-19, Health Affairs 39, no. 12 (2020): 2197-2204, https://www.healthaffairs.org/doi/10.1377/hlthaff.2020.00863.
[156] Scott Brown et al., Employee and Worksite Perspectives of the Family and Medical Leave Act: Results from the 2018 Surveys, Abt Associates (July 2020), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHD_FMLA2018SurveyResults_FinalReport_Aug2020.pdf.

workers, and workers who have been with their employer for less than a year, 44 percent of workers do not have access to even unpaid leave.[157] Workers of color and workers with lower incomes are less likely to have access to paid leave.[158,159]

For workers that are also caregivers for children, seniors, or other family members, there may be a similar need for – and benefits of – paid family leave. For example, some workers may have struggled during the pandemic to balance caring for children, as schools and daycares closed, and working. For new parents, paid parental leave results in fewer infant hospitalizations, lowering parental stress, increasing parental involvement, and improving the overall health of parent and child.[160] COVID-19 has also increased the levels of "caregiving intensity"[161] and "caregiving burden"[162] for those providing care to seniors or older family members.[163,164] When surveyed, more than half of caregivers reported that COVID-19 increased both the amount of

[157] *Id.*
[158] Ann P. Bartel et al., Racial and ethnic disparities in access to and use of paid family and medical leave: evidence from four nationally representative datasets, U.S. Bureau of Labor Statistics (BLS) (January 2019), https://www.bls.gov/opub/mlr/2019/article/racial-and-ethnic-disparities-in-access-to-and-use-of-paid-family-andmedical-leave.htm.
[159] U.S. Bureau of Labor Statistics, Employee Benefits in the United States (March 2019), https://www.bls.gov/ncs/ebs/benefits/2019/ownership/civilian/table31a.pdf.
[160] Maya Rossin-Slater et al., Local exposure to school shootings and youth antidepressant use, Proceedings of the National Academy of Sciences, vol 117(38), pages 23484-23489 (2020), https://www.pnas.org/content/117/38/23484; Ariel Marek Pihl and Gaetano Basso, Did California Paid Family Leave Impact Infant Health?, Journal of Policy Analysis and Management, https://onlinelibrary.wiley.com/doi/abs/10.1002/pam.2210.
[161] J. C. Jacobs, A. Laporte, C. H. Van Houtven, P. C. Coyte, Caregiving intensity and retirement status in Canada. Social Science & Medicine, 102, 74–82 (2014), https://www.sciencedirect.com/science/article/abs/pii/S0277953613006631.
[162] E. Lightfoot, R. P. Moone, Caregiving in times of uncertainty: Helping adult children of aging parents find support during the COVID-19 outbreak, Journal of Gerontological Social Work, 63(6–7), 542–552 (2020), https://www.tandfonline.com/doi/abs/10.1080/01634372.2020.1769793.
[163] Note: "Caregiving intensity" is defined as the amount and type of care provided by informal caregivers; "Caregiving burden" is defined as the impacts on physical and mental health, and health-related quality of life of informal caregivers.
[164] SA Cohen, ZJ Kunicki, MM Drohan, ML Greaney, Exploring Changes in Caregiver Burden and Caregiving Intensity due to COVID-19, Gerontology and Geriatric Medicine (January 2021), doi:10.1177/2333721421999279.

caregiving responsibilities they had as well as the negative physical and mental impacts their caregiving responsibilities had on themselves.[165]

Treasury Response: Treasury agrees that these constitute impacts of the pandemic, and accordingly, under the final rule, creating, expanding, or financially supporting paid sick, medical, or family leave programs is an enumerated eligible use of funds to respond to the negative economic impacts of the pandemic.

12. Health insurance.

Public Comment: Several commenters recommended that uses of funds to expand access to health insurance be enumerated eligible uses; commenters believed that the heightened risk of illness or hospitalization due to COVID-19 had increased the negative economic impacts of lacking health insurance.

Background: In 2019, prior to the pandemic, it was estimated that 11 percent of nonelderly adults lacked health insurance.[166] By mid-2020, job loss had resulted in an estimated 3.3 million people losing their employer sponsored insurance, resulting in an additional 2 million uninsured adults.[167] Participation in Medicaid, the Children's Health Insurance Program (CHIP), and the Affordable Care Act (ACA) marketplace played an important role in minimizing the number of people who completely lost health insurance during the early phases of the pandemic;

[165] *Id*.
[166] Jennifer Tolbert et al., Key Facts about the Uninsured Population, Kaiser Family Foundation (November 6, 2020), https://www.kff.org/uninsured/issue-brief/key-facts-about-the-uninsured-population/.
[167] Joshua Aarons et. al., As the COVID-19 Recession Extended into the Summer of 2020, More Than 3 Million Adults Lost Employer-Sponsored Health Insurance Coverage and 2 Million Became Uninsured, Urban Institute (September 18, 2020), https://www.urban.org/research/publication/covid-19-recession-extended-summer-2020-more-3-million-adults-lost-employer-sponsored-health-insurance-coverage-and-2-million-became-uninsured.

Medicaid and CHIP enrollment increased by 9 percent from February to September 2020[168] and 8.3 million people enrolled in insurance through the ACA marketplace.[169]

Although the ACA, CHIP, and Medicaid have significantly reduced the number of uninsured Americans through the pandemic and the economic downturn, adequate coverage and affordability still remains an issue for many. In 2020, 21 percent of working-age adults were inadequately insured, meaning even if they had insurance, they incurred a significant amount of out-of-pocket costs.[170] Additionally, 37 percent of adults reported struggling with medical bills or medical debt and 71 percent of adults who did not purchase insurance cited affordability as the main factor.[171]

Treasury Response: Treasury agrees that loss of health insurance, increased financial risk from lacking health insurance, or excessive out-of-pocket healthcare costs constitute negative economic impacts of the pandemic. Under the final rule, programs or services to expand access to health insurance coverage are an enumerated eligible use as assistance to households, for example, subsidies for health insurance premiums or expansion of a recipient's health insurance plan to cover additional employees who currently lack coverage.

[168] Centers for Medicare and Medicaid Services, Medicaid and CHIP Enrollment Trends Snapshot through September 2020 (Washington: 2021), available at https://www.medicaid.gov/sites/default/files/2021-01/september-medicaid-chip-enrollment-trend-snapshot.pdf.
[169] Centers for Medicare and Medicaid Services, 2021 Federal Health Insurance Exchange Weekly Enrollment Snapshot: Final Snapshot (January 12, 2021) available at https://www.cms.gov/newsroom/fact-sheets/2021-federal-health-insurance-exchange-weekly-enrollment-snapshot-final-snapshot.
[170] Sara R. Collins, Munira Z. Gunja, and Gabriella N. Aboulafia, U.S. Health Insurance Coverage in 2020: A Looming Crisis in Affordability (New York: Commonwealth Fund, 2020), available at https://www.commonwealthfund.org/publications/issue-briefs/2020/aug/looming-crisis-health-coverage-2020-biennial.
[171] *Id.*

13. Services for the unbanked and underbanked.

Public Comment: One commenter expressed support for the inclusion of services to increase banking access as an allowable expense under SLFRF. The commenter recommended that states be encouraged to offer opportunities for consumers to open safe and affordable accounts capable of receiving direct payments. The commenter emphasized that allowing unbanked and underbanked households to receive funds securely through no-fee, direct deposit will help connect or reconnect consumers to the mainstream financial system.

Background: Banking inequities can make it difficult for unbanked or underbanked households to access housing, jobs, and other important economic opportunities. Being unbanked or underbanked can also make it challenging for households to apply for and receive financial assistance, including services like pandemic emergency housing assistance.

Safe, affordable, and accessible financial services play a critical role in assisting households in the United States in managing income volatility and cash flow shortages.[172] Currently, over 5 percent of families, or 7 million households are "unbanked," meaning they do not have a bank account.[173] Low-income households, non-white households, and households with individuals with disabilities were even more likely to be unbanked. In 2019, 16 percent of Native American households, 14 percent of Black households, and 12 percent of Hispanic households were unbanked, compared to 2.5 percent of white households. Additionally, underbanked households—those that have a bank account but rely on alternative financial services, such as money orders, payday loans, and check cashing services— account for 16

[172] Federal Deposit Insurance Corporation, FDIC National Survey of Unbanked and Underbanked Households (2015), https://www.fdic.gov/householdsurvey/2015/2015execsumm.pdf.
[173] Federal Deposit Insurance Corporation, How America Banks: Household Use of Banking and Financial Services 2019 FDIC Survey, https://www.fdic.gov/analysis/household-survey/2019report.pdf.

percent of all households in the United States.[174] As a result of the COVID-19 pandemic, new social distancing protocols have, in some instances, made it more difficult to perform financial transactions with paper instruments, like banknotes, coinage, paper checks, or money orders. Households constrained to these payment methods may face challenges receiving government assistance. Additionally, businesses have transitioned to cashless payments systems to promote contactless payments.[175] As a result, unbanked individuals may face additional challenges conducting financial transactions.

Treasury Response: Recognizing these challenges, Treasury is clarifying that recipients may use SLFRF funds to provide financial services that facilitate the delivery of federal, state, or local benefits (e.g., Child Tax Credit, Earned Income Tax Credit, tax refunds, or emergency housing or food assistance funds). The following includes a non-exhaustive list of uses to provide financial services to unbanked and underbanked households:

- Provide low or no cost financial services, including in conjunction with administration of benefits, such as pre-paid debit cards, e.g., via Economic Impact Payment or General Purpose Reloadable pre-paid cards or for the development of public banking infrastructure that can support benefit delivery.
- Provide transitional services to facilitate long-term access to banking and financial services.
- Provide financial literacy programs and conduct community outreach and deploy engagement resources to increase awareness about low-cost, no-overdraft fee accounts,

[174] Board of the Governors of the Federal Reserve System, Report on the Economic Well-Being of U.S. Households in 2018 - May 2019, https://www.federalreserve.gov/publications/2019-economic-well-being-of-us-households-in-2018-banking-and-credit.htm.
[175] Zaheer Allam, The Forceful Reevaluation of Cash-Based Transactions by COVID-19 and Its Opportunities to Transition to Cashless Systems in Digital Urban Networks. Surveying the Covid-19 Pandemic and its Implications (2020): 107–117. doi:10.1016/B978-0-12-824313-8.00008-5.

pilot new strategies and approaches that help overcome barriers to banking access and support the gathering and sharing of information in ways that improve equity, such as community meetings, partnerships with community-based organizations, online surveys, focus groups, human-centered design activities, and other community engagement activities.

Assistance to Unemployed and Underemployed Workers

The interim final rule included assistance to unemployed workers as an enumerated eligible use, including "services like job training to accelerate rehiring of unemployed workers." Treasury provided further guidance, based on recipient questions after the interim final rule, that eligible uses under this section also include "other efforts to accelerate rehiring and thus reduce unemployment, such as childcare assistance, assistance with transportation to and from a jobsite or interview, and incentives for newly employed workers[,]" as well as assistance to unemployed workers seeking to start small businesses. Finally, further guidance also provided that "public jobs programs, subsidized employment, combined education and on-the-job training programs, or job training to accelerate rehiring or address negative economic or public health impacts experienced due to a worker's occupation or level of training" are all enumerated eligible uses as assistance to unemployed or underemployed workers.

The interim final rule defined eligible beneficiaries of assistance as "individuals who want and are available for work, including those who have looked for work sometime in the past 12 months or who are employed part time but who want and are available for full-time work." This definition is based on definitions used by the Bureau of Labor Statistics to define individuals currently unemployed, as well as persons marginally attached to the labor force and

working part-time for economic reasons.[176] The latter two classifications are types of labor underutilization, or "underemployed" workers.[177] Finally, the interim final rule specified that assistance to unemployed workers included both workers who lost their job during the pandemic and resulting recession and workers unemployed when the pandemic began who saw further deterioration of their economic prospects due to the pandemic.

Public Comment: Commenters generally supported the inclusion of this enumerated eligible use. One commenter recommended including assistance for underemployed workers who took jobs due to the pandemic that did not fully utilize their skillset or did not provide the hours, wages, or job quality desired. Treasury has also received recipient questions on whether job fairs or grants to businesses to hire underserved workers are eligible uses under this category. Another commenter recommended flexibility in eligible workforce development programs, arguing that rural areas may face particular challenges.

Treasury Response: Treasury is maintaining this eligible use in the final rule, including the enumerated eligible services in the interim final rule and subsequent guidance. Treasury is also confirming that job fairs or grants to businesses to hire underserved workers are eligible uses under this section.

Treasury is also enumerating that job and workforce training centers are eligible capital expenditures, so long as they adhere to the standards and presumptions detailed in the section Capital Expenditures in General Provisions: Other.

The final rule maintains the definition of eligible beneficiaries, which is aligned with the Bureau of Labor Statistics' definitions of unemployed workers and other labor underutilization,

[176] Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Concepts and Definitions, https://www.bls.gov/cps/definitions.htm (last visited November 9, 2021).
[177] *Id.*

using a common, widely known definition that incorporates a broad group of individuals both unemployed or whose skills are otherwise underutilized in the labor market.

In addition, recognizing that the pandemic has generated broad workforce disruption, in the final rule, Treasury is making clear that recipients may provide job training or other enumerated types of assistance to individuals that are currently employed but are seeking to move to a job that provides better opportunities for economic advancement, such as higher wages or more opportunities for career advancement.

Recipient Unemployment Insurance Trust Funds and Related Expenses

Under the interim final rule, a recipient may use funds to make deposits into its account of the Unemployment Trust Fund established under section 904 of the Social Security Act (42 U.S.C. § 1104) up to the level needed to restore the pre-pandemic balance of such account as of January 27, 2020 or to pay back advances received under Title XII of the Social Security Act (42 U.S.C. § 1321) for the payment of benefits between January 27, 2020 and May 17, 2021. These costs support the solvency of the unemployment insurance system and, ultimately, unemployment insurance benefits provided to unemployed workers during the pandemic.[178] The interim final rule also posed the question of what, if any, conditions should be considered to ensure that funds used under this eligible use category repair economic impacts of the pandemic and strengthen unemployment insurance systems.

Public Comment: Inclusion as an Eligible Use and Conditions: Commenters expressed mixed perspectives on this eligible use category. Some commenters supported its inclusion,

[178] Note that, while the economic harm being addressed accrued before March 3, 2021, the cost incurred to address the harm occurs after March 3, 2021 and provides assistance to unemployed workers, an eligible use of SLFRF funds.

arguing that unemployment insurance systems have faced significant costs to support unemployed workers during the pandemic and that this constitutes a negative economic impact that SLFRF funds should be able to address. Other commenters opposed this eligible use category, arguing that funds used under this category may not ultimately support unemployed workers. Some commenters noted that unemployment insurance taxes on businesses automatically increase when trust fund balances are low and suggested that permitting the deposit of funds into unemployment insurance trust funds prevents a tax increase on businesses, some of which may not have faced negative economic impacts from the pandemic, rather than providing assistance to unemployed workers. Other comments suggested that deposits are better thought of as savings for future needs than assistance to unemployed workers in the near term.

Responding to the interim final rule's question, several commenters suggested that, if Treasury maintains this eligible use, the final rule should require detailed reporting on funds used under this category or place conditions on this category to increase the likelihood that funds ultimately support unemployed workers. For example, some commenters suggested that recipients that deposit SLFRF funds into their trust fund should be barred from cutting unemployment insurance benefits for workers during the period of performance or from erecting new barriers to accessing benefits (e.g., through the application process and ongoing requirements to receive benefits). One commenter, noting that unemployment insurance benefits often provide low rates of wage replacement and do not cover some types of unemployed workers, argued that recipients should not be permitted to deposit funds into the trust fund unless the recipient concurrently expands benefits. Finally, one commenter suggested a cap on the amount of funds that can be used for this purpose.

Treasury Response: Inclusion as an Eligible Use and Conditions: In the final rule, Treasury is maintaining the inclusion of this eligible use category. Because unemployment insurance trust funds directly fund benefits to unemployed workers, maintaining the solvency of the trust fund is critical to the continued provision of assistance to unemployed workers. Further, funds deposited into the trust fund must be used as assistance to unemployed workers, an eligible use of SLFRF funds. Finally, while, in the absence of the SLFRF, trust fund deposits would likely be funded through increases on employer payroll taxes, the eligibility of uses of SLFRF funds does not depend on how obligations would otherwise be satisfied if the SLFRF were not available for this use.

While deposits to unemployment insurance trust funds generally serve as assistance to unemployed workers, recipients that make deposits but also cut unemployment insurance benefits to workers substantially decrease the likelihood that the deposited funds will assist unemployed workers. In other words, SLFRF funds deposited into an unemployment insurance trust fund generally serve as assistance to unemployed workers, unless recipients take policy actions that substantially decrease the extent to which SLFRF funds would flow to unemployed workers. As such, through December 31, 2024, recipients that deposit SLFRF funds into an unemployment insurance trust fund or use SLFRF funds to repay principal on Title XII advances, may not take action to reduce benefits available to unemployed workers by changing the computation method governing regular unemployment compensation in a way that results in a reduction of average weekly benefit amounts or the number of weeks of benefits payable (i.e., the maximum benefit entitlement).

Finally, until the final rule becomes effective on April 1, 2022, the interim final rule remains binding and effective.[179] These requirements were not in effect under the interim final rule and do not apply to funds used (i.e., obligated or expended) under the interim final rule while it is in effect. In addition, recognizing that some recipients have taken significant steps toward making a trust fund deposit or repaying principal on Title XII advances under the interim final rule, such as the legislative appropriation of funds for this purpose, even if a formal obligation has not occurred, Treasury will exercise enforcement discretion to not pursue violations of this final rule provision (i.e., the requirement not to reduce benefits) for recipients that have appropriated funds for this purpose prior to the date of adoption of the final rule consistent with the laws and procedures in their jurisdiction. Recipients should refer to Treasury's Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule, which provides additional detail on these issues.

Public Comment and Treasury Response: Technical Corrections and Amendments: Following the interim final rule, Treasury received recipient questions on whether paying interest on advances received under Title XII of the Social Security Act (42 U.S.C. 1321) is an eligible use of SLFRF funds; Treasury is clarifying that such use is permissible, consistent with Treasury's treatment of the eligibility of interest on Title XII advances under the Coronavirus Relief Fund.

Treasury is further clarifying that recipients may only use SLFRF funds for contributions to unemployment insurance trust funds and repayment of the principal amount due on advances

[179] *See, e.g.,* U.S. Department of the Treasury, More Information on the Conclusion of the Public Comment Period and the Interim Final Rule on the Coronavirus State and Local Fiscal Recovery Funds, https://home.treasury.gov/system/files/136/IFR-Explainer.pdf.

received under Title XII of the Social Security Act up to an amount equal to (i) the difference between the balance in the recipient's unemployment insurance trust fund as of January 27, 2020 and the balance of such account as of May 17, 2021, plus (ii) the principal amount outstanding as of May 17, 2021 on any advances received under Title XII of the Social Security Act between January 27, 2020 and May 17, 2021. Further, recipients may use SLFRF funds for the payment of any interest due on such Title XII advances. In other words, excluding interest due on Title XII advances, the magnitude of the decrease of the balance in the unemployment insurance trust fund plus the principal outstanding on any Title XII borrowings made from the beginning of the public health emergency to the date of publication of the SLFRF interim final rule sets a cap on the amount of SLFRF funds a recipient may use for trust fund contributions and repayment of principal on Title XII advances. Further, a recipient that deposits SLFRF funds into its unemployment insurance trust fund to fully restore the pre-pandemic balance may not draw down that balance and deposit more SLFRF funds, back up to the pre-pandemic balance.

Enumerated Eligible Uses for Disproportionately Impacted Households

Background

The COVID-19 pandemic has had disproportionally negative impacts on many households and communities that were already experiencing inequality related to race, gender, age, or income before the pandemic. People of color, low-income workers, and women

disproportionately lost their jobs during the COVID-19 pandemic and experienced disproportionate rates of negative health outcomes.[180, 181]

These disproportionate negative impacts experienced by systemically underserved communities are not novel to the COVID-19 pandemic and the economic downturn. Research shows that historically underserved communities that are experiencing economic and social disparities typically experience disproportionate impacts of economic downturns and natural disasters.[182] This pattern held true for the effects of COVID-19 and the economic downturn: historically undeserved groups experienced amplified negative impacts, further widening inequality.[183]

Many communities facing systemic barriers had not yet recovered from the impact of the Great Recession before experiencing the impacts of COVID-19 and the economic downturn. For example, in 2009, at the end of the Great Recession, households without a high school diploma had an average annual income of $32,300 (measured in 2018 dollars). By 2018, nine years into the economic recovery, those same households saw their average income increase by $600. During that same time period, households with a bachelor's degree saw an increase in their average household income of $6,100 (measured in 2018 dollars).[184]

[180] U.S. Department of Health and Human Services, COVID-19 and Economic Opportunity: Inequities in the Employment Crisis, April 2021. Retrieved from https://aspe.hhs.gov/sites/default/files/migrated_legacy_files//199901/covid-economic-equity-brief.pdf.
[181] Adelle Simmons et al., Health disparities by race and ethnicity during the COVID-19 pandemic: Current evidence and policy approaches. U.S. Department of Health and Human Services https://aspe.hhs.gov/sites/default/files/migrated_legacy_files//199516/covid-equity-issue-brief.pdf.
[182] Perry, Brea L., Brian Aronson, and Bernice A. Pescosolido, Pandemic precarity: COVID-19 is exposing and exacerbating inequalities in the American heartland, National Academy of Sciences (Febuary 2021), https://www.pnas.org/content/118/8/e2020685118.
[183] *Id*.
[184] Jesse Bennet & Rakesh Kochhar, Two Recessions, Two Recoveries, Pew Research Center (December 13, 2019), https://www.pewresearch.org/social-trends/2019/12/13/two-recessions-two-recoveries-2/.

The impact pre-existing inequalities have on a household or community's ability to recover is intersectional. Research shows that pre-existing racial and gender disparities exacerbated the disproportionate economic and health impact COVID-19 and the economic downturn had on workers of color, and specifically, women of color.[185] Another study found that during the first six months of the pandemic counties that were both high-poverty and majority non-white experienced COVID-19 infection rates eight times higher than high-poverty, majority white counties.[186] Many residents in these communities are still coping with the negative health and economic impacts.

Summary of the Interim Final Rule and Final Rule Structure

As described previously, the interim final rule provided a broader list of enumerated eligible uses to respond to the pandemic in disproportionately impacted communities, in recognition that pre-existing health, economic, and social disparities contributed to disproportionate pandemic impacts in certain communities and that addressing the root causes of those disparities constitutes responding to the public health and negative economic impacts of the pandemic. The interim final rule described eligible uses in disproportionately impacted communities in four categories, spread across public health and negative economic impacts: 1) addressing disparities in public health outcomes, 2) building stronger communities through investments in housing and neighborhoods, 3) addressing educational disparities, and 4) promoting healthy childhood environments. As described above, Treasury has moved eligible uses related to community violence intervention, assistance accessing or applying to public

[185] Darrick Hamilton et al., Building an Equitable Recovery: The role of Race, Labor Markets, and Education, The New School's Institute on Race and Political Economy (February 2021).
[186] Adhikari S, Pantaleo NP, Feldman JM, Ogedegbe O, Thorpe L, Troxel AB. Assessment of Community-Level Disparities in Coronavirus Disease 2019 (COVID-19) Infections and Deaths in Large US Metropolitan Areas. JAMA Netw Open. 2020;3(7):e2016938. doi:10.1001/jamanetworkopen.2020.16938.

benefits and services, affordable housing development, healthy childhood environments, and addressing lost instructional time in K-12 schools into the category "assistance to impacted households," recognizing that these pandemic impacts were widely shared across the country.

This section discusses enumerated eligible uses to address health disparities, to build stronger communities through investments in neighborhoods, to address educational disparities, to provide rental assistance vouchers or assistance relocating to areas of greater economic opportunity, and additional eligible uses to respond to negative economic impacts in disproportionately impacted communities. While many of these services impact both health and economic outcomes, Treasury has consolidated them into a single section for simplicity and clarity and to reflect the intertwined nature of these issues.

As a reminder, recipients can presume these uses are eligible when provided in a QCT, to families and individuals living in QCTs, by Tribal or territorial governments, or to low-income households or communities. As provided in section Standards: Designating Other Disproportionately Impacted Classes, recipients can also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic. Recipients may also identify additional disproportionate impacts of the pandemic and design an appropriate response to address that harm. For details on eligibility standards and presumed eligible populations, see section General Provisions: Structure and Standards.

Enumerated Eligible Uses for Disproportionately Impacted Households

1. Addressing health disparities.

Public Comment: General: In general, commenters supported eligible uses to address health disparities and support health equity; several commenters highlighted the disparities faced

by communities of color and low-income populations, as well as the importance of community engagement in developing effective programs to serve disproportionately impacted communities. Many commenters recommended additional enumerated eligible uses to address health disparities; these are discussed further below in this section.

Treasury Response: In line with commenters' recommendations, the final rule maintains several enumerated eligible uses to address health disparities, specifically:

a. Community health workers. Treasury received few comments on community health workers, though one requested further clarification on their role.[187] Treasury is maintaining this eligible use in the final rule.

b. Remediation of lead paint or other lead hazards. The interim final rule included remediation of lead paint or other lead hazards as an enumerated eligible use to address health disparities.

Public Comment: Treasury received several comments asking for clarification on the eligibility of a particular use that would indirectly address lead pollution. For example, a commenter requested the ability to fund remedial actions, such as filtration and plumbing procedures to help address lead pollution. One commenter requested that private wells be eligible for funding to address contamination with substances such as lead. Other commenters requested that Treasury allow replacement of lead pipes as an eligible use of funds.

Treasury Response: Recipients may make a broad range of water infrastructure investments under section 602(c)(1)(d) and 603(c)(1)(d), which can include lead service

[187] *See, e.g.*, Centers for Disease Control and Prevention, Community Health Worker (CHW) Toolkit, https://www.cdc.gov/dhdsp/pubs/toolkits/chw-toolkit.htm (last visited November 9, 2021).

line replacement and other activities to identify and remediate lead in water. These uses are discussed in greater detail in section Water and Sewer Infrastructure of this Supplemental Information.

Treasury has further determined that several of the services identified by commenters are appropriate responses to address health disparities in disproportionately impacted households. These services were eligible under the interim final rule and continue to be so under the final rule. These services include remediation to address lead-based public health risk factors, outside of lead in water, including evaluation and remediation of lead paint, dust, or soil hazards; testing for blood lead levels; public outreach and education; and emergency protection measures, like bottled water and water filters, in areas with an action level exceedance for lead in water in accordance with the Environmental Protection Agency's Lead and Copper Rule.[188]

Further, Treasury had determined that certain capital expenditures, including improvements to existing facilities to remediate lead contaminants (e.g., removal of lead paint), are eligible responses, although this does not include construction of new facilities for the purpose of lead remediation. Recipients should make sure that all capital expenditures adhere to the standards and presumptions detailed in section Capital Expenditures in General Provisions: Other.

c. Medical facilities. Treasury received a few comments from recipients seeking to use SLFRF funds to build new medical facilities, such as hospitals or public health clinics, to serve disproportionately impacted communities. Given the central role of access to high-

[188] Environmental Protection Agency, 40 CFR 141.80(c)(1), https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-141/subpart-I/section-141.80.

quality medical care in reducing health disparities and addressing the root causes that led to disproportionate impact COVID-19 health impacts in certain communities, the final rule recognizes that medical equipment and facilities designed to address disparities in public health outcomes are eligible capital expenditures. This includes primary care clinics, hospitals, or integrations of health services into other settings. Recipients should make sure that all capital expenditures adhere to the standards and presumptions detailed in section Capital Expenditures in General Provisions: Other.

2. Housing vouchers and assistance relocating. In addition to other housing services, the interim final rule permitted a variety of rental assistance approaches to support low-income households in securing stable, long-term housing, including housing vouchers, residential counseling, or housing navigation assistance to facilitate household moves to neighborhoods with high levels of economic opportunity and mobility for low-income residents. Examples could include SLFRF-funded analogues to Section 8 Housing Choice vouchers; other kinds of rent subsidies, including shallow subsidies; and programs to help residents move to areas with higher levels of economic mobility.[189] Treasury did not receive public comments on these enumerated eligible uses.

Treasury Response: Treasury maintains the eligibility of vouchers and relocation assistance in the final rule.

3. Building strong, healthy communities through investments in neighborhoods. While the interim final rule included a category of enumerated eligible uses for "building stronger

[189] *See, e.g.*, Opportunity Insights, Creating Moves To Opportunity (August 2019), https://opportunityinsights.org/policy/cmto/.

communities through investments in housing and neighborhoods," the examples of services provided generally focused on housing uses. In response to questions following release of the interim final rule, Treasury issued further guidance clarifying that "investments in parks, public plazas, and other public outdoor recreation spaces may be responsive to the needs of disproportionately impacted communities by promoting healthier living environments."

Public Comment: General: A significant theme across many public comments was the importance of neighborhood environment to health and economic outcomes and the potential connections between residence in an underserved neighborhood and disproportionate impacts from the pandemic. Many commenters highlighted the connection between neighborhoods and health outcomes, including citing public health research linking neighborhood traits to health outcomes. For example, the CDC states that "neighborhoods people live in have a major impact on their health and well-being."[190] As such, CDC identifies "neighborhoods and built environment" as one of five key social determinants of health[191] and includes "creat[ing] neighborhoods and environments that promote health and safety" as one of the agency's goals for social determinants of health outcomes.

a. Neighborhood features that promote improved health and safety outcomes.

Public Comment: Commenters argued that neighborhoods impact physical health outcomes in several ways. First, some commenters reasoned that the physical environment and

[190] U.S. Department of Health and Human Services, Neighborhood and Built Environment, https://health.gov/healthypeople/objectives-and-data/browse-objectives/neighborhood-and-built-environment#cit1 (last visited November 9, 2021).
[191] Social determinants of health are "the conditions in the places where people live, learn, work, and play that affect a wide range of health risks and outcomes." Centers for Disease Control and Prevention, About Social Determinants of Health (SDOH), https://www.cdc.gov/socialdeterminants/about.html (last visited November 9, 2021).

amenities in a community[192] influence a person's level of physical activity, with features like parks, recreation facilities, and safe sidewalks promoting increased physical activity that improves health outcomes. Conversely, commenters argued that a lack of these features in a neighborhood could dampen physical activity and contribute to health conditions like obesity that are risk factors for more severe COVID-19 health outcomes.

Second, some commenters also suggested that access to healthy food in a neighborhood impacts health outcomes. These commenters reasoned that lacking adequate access to affordable, healthy food or living in a "food desert" may contribute to disparities in diet that influence health outcomes, including contributing to pre-existing conditions that increased risk for severe COVID-19 outcomes. These commenters cited public health research finding "clear evidence for disparities in food access in the United States by income and race."[193]

Some commenters also suggested that neighborhood environment is connected to other public health outcomes, like mental health and public safety. For example, some research suggests that living in neighborhoods with green space and tree cover correlates with improved mental health outcomes.[194] Finally, some commenters argued that activities like installing

[192] In public health, this is referred to as "built environment," or the man-made physical aspects of a community (e.g., homes, buildings, streets, open spaces, and infrastructure).
[193] J Beaulac, E Kristjansson, S Cummins, A systematic review of food deserts, 1966-2007, Prev Chronic Dis 2009;6(3):A105, http://www.cdc.gov/pcd/issues/2009/jul/08_0163.htm.
[194] *See, e.g.*, Yijun Zhang et al. The Association between Green Space and Adolescents' Mental Well-Being: A Systematic Review. International journal of environmental research and public health vol. 17,18 6640 (Sep. 11 2020), doi:10.3390/ijerph17186640; EC South, BC Hohl, MC Kondo, JM MacDonald, CC Branas, Effect of Greening Vacant Land on Mental Health of Community-Dwelling Adults: A Cluster Randomized Trial, JAMA Netw Open. 2018;1(3):e180298 (2018), available at: doi:10.1001/jamanetworkopen.2018.0298.

streetlights, greening or cleanup of public spaces or land, and other efforts to revitalize public spaces would support improved public safety.[195,196]

These commenters recommended that Treasury include as an enumerated eligible use in disproportionately impacted communities projects to develop neighborhood features that promote improved health and safety outcomes, such as parks, green spaces, recreational facilities, sidewalks, pedestrian safety features like crosswalks, projects that increase access to healthy foods, streetlights, neighborhood cleanup, and other projects to revitalize public spaces.

Background: Investments in neighborhood features, including parks, recreation facilities, sidewalks, and healthy food access, can work to improve physical and mental health outcomes. Allowing people access to nature, including parks, has been connected to decreased levels of mortality and illness and increased well-being.[197] Urban park use during the COVID-19 pandemic may have declined among lower-income individuals.[198] Encouraging physical activity can also play a role in health outcomes, as a sedentary lifestyle is a risk factor for chronic diseases and more severe COVID-19 outcomes.[199] Parks, recreation facilities, and sidewalks can promote healthier living environments by allowing for safe and socially distanced recreation during the COVID-19 pandemic.

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[195] *See, e.g.,* Yanqing Xu, Cong Fu, Eugene Kennedy, Shanhe Jiang, Samuel Owusu-Agyemang, The impact of street lights on spatial-temporal patterns of crime in Detroit, Michigan, Cities, Volume 79, Pages 45-52, ISSN 0264-2751 (2018), https://doi.org/10.1016/j.cities.2018.02.021.

[196] A. Chalfin, B. Hansen, J. Lerner et al., Reducing Crime Through Environmental Design: Evidence from a Randomized Experiment of Street Lighting in New York City, Journal of Quantitative Criminology (2021), https://doi.org/10.1007/s10940-020-09490-6.

[197] *See, e.g.,* American Public Health Association, Improving Health and Wellness through Access to Nature (November 5, 2013), https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/08/09/18/improving-health-and-wellness-through-access-to-nature.

[198] LR Larson et al., Urban Park Use During the COVID-19 Pandemic: Are Socially Vulnerable Communities Disproportionately Impacted?, Front. Sustain. Cities 3:710243 (2021), https://doi.org/10.3389/frsc.2021.710243.

[199] JP Després, Severe COVID-19 outcomes — the role of physical activity. Nat Rev Endocrinol 17, 451–452 (2021). https://doi.org/10.1038/s41574-021-00521-1.

Additionally, food insecurity rates, which are higher among lower-income households and households of color, doubled among all households and tripled among households with children during the onset of COVID-19 from February 2020 to May 2020.[200] Improving healthy food access supports public health, particularly among lower-income households and households of color that face disproportionate outcomes.

Treasury Response: Treasury recognizes the connection between neighborhood built environment and physical health outcomes as discussed in the research and analysis provided by commenters, including risk factors that may have contributed to disproportionate COVID-19 health impacts in low-income communities. The final rule also recognizes that the public health impacts of the pandemic are broader than just the COVID-19 disease itself and include substantial impacts on mental health and public safety challenges like rates of violent crime, which are correlated with a neighborhood's built environment and features. As such, neighborhood features that promote improved health and safety outcomes respond to the pre-existing disparities that contributed to COVID-19's disproportionate impacts on low-income communities.

The final rule includes enumerated eligible uses in disproportionately impacted communities for developing neighborhood features that promote improved health and safety outcomes, such as parks, green spaces, recreational facilities, sidewalks, pedestrian safety features like crosswalks,[201] projects that increase access to healthy foods, streetlights,

[200] Caroline George and Adie Tomer, Beyond 'food deserts': America needs a new approach to mapping food, Brookings Institution (August 17, 2021), https://www.brookings.edu/research/beyond-food-deserts-america-needs-a-new-approach-to-mapping-food-insecurity/.

[201] However, Treasury cautions recipients that general infrastructure development, including street or road construction, remains a generally ineligible use of funds under the final rule. Sidewalks and pedestrian safety should be the predominant component of uses of funds in this category. While projects may include ancillary construction needed to execute the predominant component, a project that predominantly involves street construction or repair to benefit vehicular traffic would be ineligible.

neighborhood cleanup, and other projects to revitalize public spaces. Recipients seeking to use funds for capital expenditures should refer to the section Capital Expenditures in General Provisions: Other, which describes additional eligibility standards that apply to uses of funds for capital expenditures.

b. Vacant or abandoned properties. As discussed above, the interim final rule included enumerated eligible uses for building stronger communities through investments in housing and neighborhoods in disproportionately impacted communities. The interim final rule also posed a question of whether other potential uses in this category, specifically "rehabilitation of blighted properties or demolition of abandoned or vacant properties," address the public health or economic impacts of the pandemic.

Public Comment: Several commenters argued that programs or services to address vacant or abandoned property would respond to the public health and negative economic impacts of the pandemic in disproportionately impacted communities. Some commenters cited research suggesting that living near such property is correlated with worse physical health and mental health outcomes, noted that such properties pose an environmental hazard, or argued that such properties present a barrier to economic recovery. These commenters suggested that renovation or demolition of vacant or abandoned property could benefit community health and raise property values. Other commenters recommended that Treasury include an enumerated eligible use for the operation of land banks that redevelop or renew vacant properties and land.

Treasury Response: As noted throughout the final rule, the pandemic underscored the importance of safe, affordable housing and healthy neighborhood environments to public health and economic outcomes. Treasury agrees with commenters that high rates of vacant or

abandoned properties in a neighborhood may exacerbate public health disparities, for example through environmental contaminants that contribute to poor health outcomes or by contributing to higher rates of crime. As such, certain services for vacant or abandoned properties are eligible to address the public health and negative economic impacts of the pandemic on disproportionately impacted households or communities. Eligible activities include:

- Rehabilitation, renovation, maintenance, or costs to secure vacant or abandoned properties to reduce their negative impact
- Costs associated with acquiring and securing legal title of vacant or abandoned properties and other costs to position the property for current or future productive use
- Removal and remediation of environmental contaminants or hazards from vacant or abandoned properties, when conducted in compliance with applicable environmental laws or regulations
- Demolition or deconstruction of vacant or abandoned buildings (including residential, commercial, or industrial buildings) paired with greening or other lot improvement as part of a strategy for neighborhood revitalization
- Greening or cleanup of vacant lots, as well as other efforts to make vacant lots safer for the surrounding community
- Conversion of vacant or abandoned properties to affordable housing
- Inspection fees and other administrative costs incurred to ensure compliance with applicable environmental laws and regulations for demolition, greening, or other remediation activities

Vacant or abandoned properties are generally those that have been unoccupied for an extended period of time or have no active owner.[202] Such properties may be in significant disrepair (e.g., major structural defects; lack of weather tight conditions; or lack of useable plumbing, kitchen facilities, electricity, or heating infrastructure (not to include utilities currently out of service or disconnected but able to be reconnected and used)), or may be declared unfit for inhabitants by a government authority.

As noted above, demolition and greening (or other structure or lot remediation) of vacant or abandoned properties, including residential, commercial, or industrial buildings, is an eligible use of funds. Treasury encourages recipients to undertake these activities as part of a strategy for neighborhood revitalization and to consider how the cleared property will be used to benefit the disproportionately impacted community. Activities under this eligible use should benefit current residents and businesses, who experienced the pandemic's impact on the community.

Treasury encourages recipients to be aware of potential impacts of demolition of vacant or abandoned residential properties. Demolition activities that exacerbate the pandemic's impact on housing insecurity or lack of affordable housing are not eligible uses of funds. This risk is

[202] A state or locality may use its existing classifications of what is considered vacant or abandoned property under state law and local ordinances, as well as any corresponding processes for demolition, for these eligible uses. A recipient without a definition of vacant or abandoned property may refer to definitions used in the Department of Housing and Urban Development's Neighborhood Stabilization Program (available at the citations below); however, recipients should be aware that other federal, state, or local requirements may apply such as compliance with the Uniform Relocation Act (*see* U.S. Department of Housing and Urban Development, Real Estate Acquisition and Relocation Overview in HUD Programs, https://www.hudexchange.info/programs/relocation/overview/#overview-of-the-ura (last visited November 9, 2021) and other state and local requirements like condemnation and code enforcement.

U.S. Department of Housing and Urban Development, What is the definition of vacant properties as referenced in NSP Eligible Use E - Redevelop Demolished or Vacant Properties? (October 2012), https://www.hudexchange.info/faqs/programs/neighborhood-stabilization-program-nsp/redevelopment/what-is-the-definition-of-vacant-properties-as-referenced-in-nsp-eligible/.

U.S. Department of Housing and Urban Development, What are the definitions of abandoned and foreclosed? (October 2012), https://www.hudexchange.info/faqs/programs/neighborhood-stabilization-program-nsp/program-requirements/eligible-activitiesuses/what-are-the-definitions-of-abandoned-and-foreclosed/.

generally more acute in jurisdictions with low or reasonable vacancy rates and less acute in jurisdictions with high or hyper-vacancy.[203]

Treasury presumes that demolition of vacant or abandoned residential properties that results in a net reduction in occupiable housing units for low- and moderate-income individuals in an area where the availability of such housing is lower than the need for such housing would exacerbate the impacts of the pandemic on disproportionately impacted communities and that use of SLFRF funds for such activities would therefore be ineligible. This includes activities that convert occupiable housing units for low- and moderate-income individuals into housing units unaffordable to current residents in the community. Recipients may assess whether units are "occupiable" and what the housing need is for a given area taking into account vacancy rates (as described above), local housing market conditions (including conditions for different types of housing like multi-family or single-family), and applicable law and housing codes as to what units are occupiable. Recipients should also take all reasonable steps to minimize the displacement of persons due to activities under this eligible use category, especially the displacement of low-income households or longtime residents.

Recipients engaging in these activities and other construction activities with SLFRF funds should be mindful of the provisions of the Uniform Relocation Assistance and Real

[203] For analysis of vacancy rates considered low or high, see, e.g., page 12 of Alan Mallach, The Empty House Next Door, Lincoln Institute (May 2018), https://www.lincolninst.edu/publications/policy-focus-reports/empty-house-next-door#:~:text=%E2%80%9CAlan%20Mallach%20is%20the%20sage,through%20data%20and%20model%20practices.

Recipients may determine the appropriate geographic unit for which to analyze vacancy rates (e.g., county, census tract) based on their circumstances. As needed, recipients may refer to the Current Population Survey/Housing Vacancy Survey data series on Housing Vacancies and Homeownership as one data source to assess vacancy rates. See https://www.census.gov/housing/hvs/index.html. Other data sources include the American Community Survey five-year estimates, for smaller geographic areas, or tabulations by the Department of Housing and Urban Development based on United States Postal Service Vacancy Data. See, respectively, https://data.census.gov/cedsci/table?q=DP04&tid=ACSDP5Y2019.DP04&hidePreview=true or https://www.huduser.gov/portal/datasets/usps.html.

Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601, and the Department of Transportation's implementing regulations, 49 CFR Part 24, that apply to projects funded with federal financial assistance, such as SLFRF funds. Recipients should also be aware of federal, state, and local laws and regulations, outside of SLFRF program requirements, that apply to this activity. Recipients must comply with the applicable requirements of the Uniform Guidance regarding procurement, contracting, and conflicts of interest and must follow the applicable laws and regulations in their jurisdictions. Recipients must also comply with all federal, state, and local public health and environmental laws or regulations that apply to activities under this eligible use category,[204] for example, requirements around the handling and disposal of asbestos-containing materials, lead paint, and other harmful materials may apply, as well as environmental standards for any backfill materials used at demolition sites. Treasury encourages recipients to consult and apply best practices from the Environmental Protection Agency as well.

Recipients must evaluate each subrecipient's risk of noncompliance with federal statutes, regulations, and the terms and conditions of the subaward related to safely and properly conducting activities under this eligible use. This may include checking for any past violations recorded by state or local environmental, workplace safety, licensing, and procurement agencies, as well as regular reviews for suspensions, debarments, or stop work orders. Recipients must establish rigorous oversight and internal controls processes to monitor compliance with any applicable requirements, including compliance by subrecipients.

4. Addressing educational disparities. The interim final rule included an enumerated eligible use for addressing educational disparities in disproportionately impacted communities

[204] *See* U.S. Environmental Protection Agency, Large-Scale Residential Demolition, https://www.epa.gov/large-scale-residential-demolition (last visited November 9, 2021) for a primer on requirements that may apply.

and outlined some enumerated eligible services under this use. These enumerated uses included early learning services, assistance to high-poverty school districts to advance equitable funding across districts and geographies, and educational and evidence-based services to address the academic, social, emotional, and mental health needs of students. Addressing the many dimensions of resource equity—including equitable and adequate school funding; access to a well-rounded education; well-prepared, effective, and diverse educators and staff; and integrated support services—can also begin to mitigate the impact of COVID-19 on schools and students and can close long-standing gaps in educational opportunity. As discussed above, in the final rule, early learning services and addressing the impacts of lost instructional time for K-12 students are enumerated eligible uses for impacted communities, not just disproportionately impacted communities.

Public Comment: Treasury received some comments in this category. Generally, commenters expressed agreement with the elements of the interim final rule regarding use of funds for addressing educational disparities. Some commenters had questions about whether a few specific uses of funds qualified under this category. For example, commenters inquired about whether the funds could be used for behavioral health in a school setting or cultural language classes.

Treasury Response: Treasury is maintaining these enumerated eligible uses in the final rule, which are now organized under the heading of "services to address educational disparities." Treasury reiterates that these uses include addressing educational disparities exacerbated by COVID-19, including but not limited to: increasing resources for high-poverty school districts, educational services like tutoring or afterschool programs, summer education and enrichment programs, and supports for students' social, emotional, and mental health needs. This also

includes responses aimed at addressing the many dimensions of resource equity—including equitable and adequate school funding; access to a well-rounded education; well-prepared, effective, and diverse educators and staff; and integrated support services—in order to close long-standing gaps in educational opportunity.

Further, Treasury is clarifying that improvements or new construction of schools and other educational facilities or equipment are eligible capital expenditures for disproportionately impacted communities. Recipients seeking to use funds for capital expenditures should refer to the section Capital Expenditures in General Provisions: Other for additional eligibility standards that apply to uses of funds for capital expenditures.

Treasury notes that services to promote healthy childhood environments, including childcare, early learning services, and home visiting programs that serve infants and toddlers, is a separate category of enumerated eligible uses for households impacted by the pandemic (see eligible uses for "promoting healthy childhood environments"). Similarly, education services to address the impact of lost instructional time during the pandemic are a separate eligible use category for households impacted by the pandemic; when providing these services, recipients may presume that any K-12 student who lost access to in-person instruction for a significant period of time has been impacted by the pandemic and is thus eligible for responsive services (see eligible uses for "addressing the impact of lost instructional time").

Proposed Additional Enumerated Eligible Uses Not Incorporated

The interim final rule posed a question on what other types of services or costs Treasury should consider as eligible uses to respond to the disproportionate public health or negative economic impacts of COVID–19 on low-income populations and communities.

In response, commenters proposed a wide variety of additional recommended enumerated eligible uses to assist disproportionately impacted households, ranging from general categories of services (e.g., long-term investments to remediate long-term disparities) to highly specific examples of services (e.g., a specific type of healthcare equipment). As discussed above, Treasury is including several additional categories of enumerated eligible uses in the final rule in response to public comments.

Given the large number and diversity of SLFRF recipients, Treasury's approach to assistance to households in disproportionately impacted communities in the final rule aims to provide enumerated eligible uses that respond to disproportionate impacts of the pandemic experienced widely in many jurisdictions across the country and are intended to simplify and clarify these enumerated eligible uses. At the same time, Treasury recognizes that the impacts of the pandemic vary over time, by jurisdiction, and by population; as such, the final rule provides flexibility for recipients to identify additional disproportionate impacts to additional households or classes of households and pursue programs and services that respond to those disproportionate impacts.

In the final rule, Treasury has not chosen to include as enumerated uses all uses proposed by commenters; given the significant range, and in some cases highly specific nature, of the proposed uses Treasury was not able to assess that the proposed uses would respond to disproportionate impacts experienced in many jurisdictions across the country, supporting an enumerated eligible use available to all recipients presumptively. However, the final rule continues to provide a framework to allow recipients to identify and respond to additional disproportionate impacts (for details, see section General Provisions: Structure and Standards).

Some types of proposed additional enumerated eligible uses for assistance to households in disproportionately impacted communities were recommended by several commenters:

- Capital expenditures. Many commenters recommended that capital expenditures on many different types of public and private facilities be enumerated eligible uses. For clarity, Treasury has addressed all comments on the eligibility of capital expenditures on property, facilities, or equipment in one section (see section Capital Expenditures in General Provisions: Other).
- Equity funds. Several commenters recommended that Treasury permit SLFRF funds to be deposited into an equity fund to support long-term racial and economic equity investments. The eligibility of such use would depend on the specific structure and uses of funds. Under the statute, SLFRF funds can only support costs incurred until December 31, 2024; see section Timeline for Use of SLFRF Funds in Program Administration Provisions. Further, recipients may calculate the cost incurred with respect to investments in revolving loan funds based on the methodology described in section Treatment of Loans in Program Administration Provisions. Projects funded by a revolving loan fund using SLFRF funds would also need to be eligible uses of SLFRF funds.
- Environmental quality and climate resilience. Several commenters recommended eligible uses to enhance environmental quality, remediate pollution, promote recycling or composting, or increase energy efficiency or electrical grid resilience. Whether these projects respond to the disproportionate impacts of the pandemic on certain communities would depend on the specific issue they address and its nexus to the public health and economic impacts of the pandemic.

b. ASSISTANCE TO SMALL BUSINESSES

Background

The pandemic has severely impacted many businesses, with small businesses hit especially hard. Small businesses make up nearly half of U.S. private-sector employment[205] and play a key role in supporting the overall economic recovery as they are responsible for two-thirds of net new jobs.[206] Since the beginning of the pandemic, however, 400,000 small businesses have closed, with many more at risk.[207] Sectors with a large share of small business employment have been among those with the most drastic drops in employment.[208] The negative outlook for small businesses has continued: as of November 2021, approximately 66 percent of small businesses reported that the pandemic has had a moderate or large negative effect on their business, and over a third expect that it will take over 6 months for their business to return to their normal level of operations.[209]

This negative outlook is likely the result of many small businesses having faced periods of closure and having seen declining revenues as customers stayed home.[210] In general, small

[205] Board of Governors of the Federal Reserve System, Monetary Policy Report (June 12, 2020), https://www.federalreserve.gov/monetarypolicy/ 2020-06-mpr-summary.htm.
[206] U.S. Small Business Administration, Office of Advocacy, Small Businesses Generate 44 Percent of U.S. Economic Activity (Jan. 30, 2019), https://advocacy.sba.gov/2019/01/30/small-businesses-generate-44-percent-of-u-s-economic-activity/.
[207] Joseph R. Biden, Remarks by President Biden on Helping Small Businesses (Feb. 22, 2021), https:// www.whitehouse.gov/briefing-room/speechesremarks/2021/02/22/remarks-by-president-bidenon-helping-small-businesses/.
[208] Daniel Wilmoth, U.S. Small Business Administration Office of Advocacy, The Effects of the COVID-19 Pandemic on Small Businesses, Issue Brief No. 16 (Mar. 2021), *available at* https://cdn.advocacy.sba.gov/wp-content/uploads/2021/03/02112318/COVID-19-Impact-On-Small-Business.pdf.
[209] U.S. Census Bureau, Small Business Pulse Survey, https://portal.census.gov/pulse/data/ (last visited December 7, 2021).
[210] Olivia S. Kim et al., Revenue Collapses and the Consumption of Small Business Owners in the Early Stages of the COVID-19 Pandemic (Nov. 2020), https://www.nber.org/papers/w28151.

businesses can face greater hurdles in accessing credit,[211] and many small businesses were already financially fragile at the outset of the pandemic.[212]

While businesses everywhere faced significant challenges during the pandemic, minority-owned and very small businesses have faced additional obstacles. Between February and April 2020, the number of actively self-employed Black business owners decreased by 41 percent.[213] During that same time period, Asian and Latino business owners decreased by 26 and 32 percent, respectively, compared to a 17 percent decrease in white business owners.[214] Female business owners also saw significant impacts, with businesses owned by women falling by 25 percent.[215]

Many of the disparities in how minority business owners experienced the pandemic are rooted in systemic issues present even before the pandemic. For example, before the economic downturn, only 12 percent of Black-owned businesses and 19 percent of Hispanic-owned businesses had annual earnings of over $1 million compared to 31 percent of white-owned businesses.[216] Minority-owned businesses were also overrepresented in industries hit hardest by the economic downturn (e.g., services, transportation and warehousing, healthcare and social assistance, administrative and support and waste management, and accommodation and food

[211] *See, e.g.,* Board of Governors of the Federal Reserve System, Report to Congress on the Availability of Credit to Small Businesses (Sept. 2017), *available at* https://www.federalreserve.gov/publications/2017-september-availability-of-credit-to-small-businesses.htm.
[212] Alexander W. Bartik et al., The Impact of COVID-19 on small business outcomes and expectations, PNAS 117(30): 17656-66 (July 28, 2020), *available at* https://www.pnas.org/content/117/30/17656.
[213] Robert Fairlie, The impact of COVID-19 on small business owners: Evidence from the first 3 months after widespread social-distancing restrictions, Journal of economics & management strategy (August 27, 2020), https://doi.org/10.1111/jems.12400.
[214] U.S. Small Business Administration, The Effects of the COVID-19 Pandemic on Small Businesses (March 2021), https://cdn.advocacy.sba.gov/wp-content/uploads/2021/03/02112318/COVID-19-Impact-On-Small-Business.pdf.
[215] Robert Fairlie, *supra* note 199.
[216] Federal Reserve Bank of Atlanta. 2019. Small Business Credit Survey 2019 Report on Minority-Owned Firms. December. fedsmallbusiness.org/survey/2019/report-on-minority-owned-firms

services).[217] Approximately 22 percent of all minority-owned business fell into the hardest hit industries compared to 13 percent of nonminority-owned businesses.[218]

Although disparities in annual revenue are not a direct indication of a business's ability to weather an economic downturn, they do highlight other disparities that make it more challenging for these businesses to survive the effects of the pandemic. Black-owned startups, for example, face larger challenges in raising capital, including securing business loans.[219]

Summary of the Interim Final Rule and Final Rule Structure

Summary of Interim Final Rule: As discussed above, small businesses faced significant challenges in covering payroll, mortgages or rent, and other operating costs as a result of the public health emergency and measures taken to contain the spread of the virus. Under Sections 602(c)(1)(A) and 603(c)(1)(A), recipients may "respond to the public health emergency or its negative economic impacts," by, among other things, providing "assistance to . . . small businesses." Accordingly, the interim final rule allowed recipients to provide assistance to small businesses to address the negative economic impacts faced by those businesses. A "small business" is defined as a business concern or other organization that:

(1) Has no more than 500 employees or, if applicable, the size standard in number of employees established by the Administrator of the Small Business Administration for the industry in which the business concern or organization operates; and

[217] Ding, Lei, and Alvaro Sanchez. 2020. What Small Businesses Will Be Impacted by COVID-19? Federal Reserve Bank of Philadelphia. philadelphiafed.org/covid-19/covid-19-equity-in-recovery/what-small-businesses-will-be-impacted.
[218] Lucas Misera, An Uphill Battle: COVID-19's Outsized Toll on Minority-Owned Firms, Federal Reserve Bank of Cleveland (October 8, 2020), https://www.clevelandfed.org/newsroom-and-events/publications/community-development-briefs/db-20201008-misera-report.aspx.
[219] Robert Fairlie, A Robb, D Robinson, Black and White: Access to Capital among Minority-Owned Startups, NBER Working Paper 28154 (November 2020), https://www.nber.org/papers/w28154.

(2) Is a small business concern as defined in section 3 of the Small Business Act (15 U.S.C. 632).

Specifically, the interim final rule provided that recipients may provide assistance to small businesses to adopt safer operating procedures, weather periods of closure, or mitigate financial hardship resulting from the COVID–19 public health emergency, including:

- Loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure;
- Loans, grants, or in-kind assistance to implement COVID–19 prevention or mitigation tactics; and
- Technical assistance, counseling, or other services to assist with business planning needs.

The interim final rule further provided that recipients may consider additional criteria to target assistance to businesses in need, including small businesses. Such criteria may include businesses facing financial insecurity, substantial declines in gross receipts (e.g., comparable to measures used to assess eligibility for the Paycheck Protection Program), or other economic harm due to the pandemic, as well as businesses with less capacity to weather financial hardship, such as the smallest businesses, those with less access to credit, or those serving underserved communities. The interim final rule also indicated that recipients should consider local economic conditions and business data when establishing such criteria. Finally, the interim final rule posed a question on whether there are other services or costs that Treasury should consider as eligible uses to respond to the disproportionate impacts of COVID–19 on low-income populations and communities.

Final Rule Structure: Consistent with the interim final rule approach, the final rule provides a non-exhaustive list of enumerated eligible uses for assistance to small businesses that

are impacted or disproportionately impacted by the pandemic. Further, within Assistance to Small Business, a recipient may also identify a negative economic impact experienced by small businesses and design and implement a response to that negative economic impact, beyond the uses specifically enumerated in the final rule, according to the standard described in the section Standards: Identifying a Negative Economic Impact. A recipient may also identify small businesses that have been disproportionately impacted by the public health emergency and design and implement a program that responds to the source of that disproportionate impact.

Consistent with other eligible use categories to respond to the public health and economic impacts of the pandemic, recipients may identify and serve small businesses that experienced a negative economic impact or disproportionate impact due to the pandemic, as described in the section Standards for Identifying Other Eligible Populations. For example, to identify impacted small businesses, a recipient may consider whether the small businesses faced challenges in covering payroll, mortgage or rent, or other operating costs as a result of the public health emergency and measures taken to contain the spread of the virus. In order to ease administrative burden, the final rule presumes that small businesses operating in QCTs, small businesses operated by Tribal governments or on Tribal Lands, and small businesses operating in the U.S. territories were disproportionately impacted by the pandemic.

Reorganizations and Cross-References: As detailed above, Treasury has re-categorized some uses of funds in the final rule to provide greater clarity. For discussion of assistance to small businesses and impacted industries to implement COVID-19 mitigation and prevention strategies, see section COVID-19 Mitigation and Prevention in Public Health.

Small Businesses Eligible for Assistance

Public Comment: Treasury received many comments about the general benefits or drawbacks of use of SLFRF funds to provide assistance to small businesses. Some commenters suggested that SLFRF funds should be available to assist all small businesses, rather than only businesses that experienced direct negative economic impacts due to the public health emergency. Other commenters argued that aid to small businesses should be narrowed in the final rule, asserting that SLFRF funds should instead focus on assistance to households or building public sector capacity.

Treasury also received comments requesting clarification of the types of small businesses eligible for assistance. For example, some commenters requested clarification about whether microbusinesses were included in the definition of small business. Comments also suggested that self-employed individuals and Tribal enterprises be classified as small businesses, respectively. Commenters argued that these types of small businesses are more common among low-income and minority businessowners and serve as important institutions in underserved communities.

Finally, some commenters suggested that Treasury permit broader enumerated eligible uses to assist small businesses in disproportionately impacted communities and generally strengthen economic growth in these communities. These commenters recommended that Treasury presume small businesses operating in QCTs are disproportionately impacted and eligible for broader enumerated uses.

Treasury Response: As discussed in the section Designating a Negative Economic Impact, in the final rule, recipients must identify an economic harm caused or exacerbated by the pandemic on a small business or class of small businesses to provide services that respond.

As discussed above, programs or services in this category must respond to a harm experienced by a small business or class of small businesses as a result of the public health emergency. To identify impacted small businesses and necessary response measures, recipients may consider impacts such as lost revenue or increased costs, challenges covering payroll, rent or mortgage, or other operating costs, the capacity of a small business to weather financial hardships, and general financial insecurity resulting from the public health emergency.

Recognizing the difficulties faced by small businesses in certain communities, the final rule presumes that small businesses operating in QCTs, small businesses operated by Tribal governments or on Tribal Lands, and small businesses operating in the U.S. territories were disproportionately impacted by the pandemic. This presumption parallels the final rule's approach to assistance to households, reflecting the more severe pandemic impacts in underserved communities and creating a parallel structure across different categories of eligible uses to make the structure simpler for recipients to understand and navigate.

Treasury notes that recipients may also designate a class of small businesses that experienced a negative economic impact or disproportionate negative economic impact (e.g., microbusinesses, small businesses in certain economic sectors), design an intervention to fit the impact, and document that the individual entity is a member of the class. Additional information about this framework is included in the section General Provisions: Structure and Standards.

Further, Treasury is maintaining the interim final rule definition of "small business," which used the Small Business Administration's (SBA) definition of fewer than 500 employees, or per the standard for that industry, as defined by SBA. This definition includes businesses with

very few employees, self-employed individuals, and Tribally owned businesses.[220] Finally, Treasury notes that recipients may award SLFRF funds to many different types of organizations, including small businesses, to function as a subrecipient in carrying out eligible uses of funds on behalf of a recipient government. In this case, a small business need not have experienced a negative economic impact in order to serve as a subrecipient. See section Distinguishing Subrecipients versus Beneficiaries for more detailed discussion of interactions with subrecipients, in contrast to beneficiaries of assistance.

Enumerated Eligible Uses for Assistance to Small Businesses

Public Comment: Treasury received comments requesting clarification of the types of assistance available to small businesses. For example, one commenter suggested that outdoor dining be an eligible use for SLFRF funds as assistance to small businesses. Other commenters asked for clarification about how SLFRF funds could be used to support new businesses and start-ups.

Several commenters requested clarification of whether and how recipients may provide services to business districts or downtown areas, particularly those that exist in whole or in part within a QCT, and requested reduced documentation of the specific negative economic impact for the businesses operating within those areas. These commenters argued in favor of allowing redevelopment or other support, including capital investments, in business districts that were negatively impacted by COVID-19. Several commenters also argued that funds should be

[220] In regard to counting employees, businesses owned and controlled by a Tribal government are not considered affiliates of the Tribal government and are not considered affiliates of other businesses owned by the Tribal government because of their common ownership by the Tribal government or common management, as described in 13 C.F.R. § 121.103(b)(2). This definition is consistent with the Small Business Administration (SBA) HUBZone definition of a "small business concern" relating to Tribal governments as well as how Tribal enterprises are defined for the State Small Business Credit Initiative (SSBCI).

available to support and grow microbusinesses, or businesses with five or fewer employees, which are more likely to be owned by women and people of color.

Treasury Response: In the final rule, Treasury is maintaining and clarifying the enumerated eligible uses of funds for assistance to small businesses that are impacted or disproportionately impacted by the pandemic.

Impacted small businesses. Specifically, Treasury is maintaining enumerated eligible uses from the interim final rule for assistance to impacted small businesses. These include but are not limited to:

- Loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs;
- Loans, grants, or in-kind assistance to implement COVID-19 prevention or mitigation tactics (see section Public Health for details on these eligible uses); and
- Technical assistance, counseling, or other services to assist with business planning needs.

Treasury acknowledges a range of potential circumstances in which assisting small businesses could be responsive to the negative economic impacts of COVID-19, including for small businesses startups and microbusinesses and individuals seeking to start small or microbusinesses. For example:

- As noted above, a recipient could assist small business startups or microbusinesses with additional costs associated with COVID-19 mitigation tactics; see section Public Health for details on these eligible uses.
- A recipient could identify and respond to a negative economic impact of COVID-19 on new small business startups or microbusinesses; for example, if small business startups or

microbusinesses in a locality faced greater difficulty accessing credit than prior to the pandemic or faced increased costs to starting the business due to the pandemic or if particular small businesses or microbusinesses had lost expected startup capital due to the pandemic.

- The interim final rule also discussed, and the final rule maintains, eligible uses that provide support for individuals who have experienced a negative economic impact from the COVID-19 public health emergency, including uses that provide job training for unemployed individuals. These initiatives also may support small business start-ups, microbusinesses, and individuals seeking to start small or microbusinesses.

Disproportionately impacted small businesses. Additionally, Treasury agrees with commenters that disproportionately impacted small businesses may benefit from additional assistance to address the sources of that disparate impact.

As such, the final rule provides a broader set of enumerated eligible uses for disproportionately impacted small businesses and/or small businesses in disproportionately impacted business districts. Recipients may use SLFRF funds to assist these businesses with certain capital investments, such as rehabilitation of commercial properties, storefront improvements, and façade improvements. Recipients may also provide disproportionately impacted microbusinesses additional support to operate the business, including financial, childcare, and transportation supports.

Recipients could also provide technical assistance, business incubators, and grants for start-ups or expansion costs for disproportionately impacted small businesses. Note that some of these types of assistance are similar to those eligible to respond to small businesses that experienced a negative economic impact ("impacted" small businesses). However, because the

final rule presumes that some small businesses were disproportionately impacted, these enumerated eligible uses can be provided to those businesses without any specific assessment of whether they individually experienced negative economic impacts or disproportionate impacts due to the pandemic.

Cross-References: Recipients providing assistance to small businesses for capital expenditures (i.e., expenditures on property, facilities, or equipment) should also review the section Capital Expenditures in General Provisions: Other, which describes eligibility standards that apply to capital expenditures. Recipients should also note that services to address vacant or abandoned commercial or industrial properties are addressed in section Vacant or Abandoned Properties in Assistance to Households.

Loans to Small Businesses

Public Comment: Treasury received many comments requesting clarification on using SLFRF funds to establish funds that provide loans to small businesses. For example, commenters sought clarification of how eligible use requirements and applicable dates for SLFRF funds would apply to third party organizations (like economic development organizations) who receive SLFRF funds in order to establish a loan fund. In addition, commenters requested clarification on what requirements apply to loan programs with available funds remaining after December 31, 2024.

Treasury Response: SLFRF funds may be used to make loans, including to small businesses, provided that the loan is an eligible use, and the cost of the loan is tracked and reported in accordance with Treasury's Compliance and Reporting Guidance. Funds that are

unobligated after December 31, 2024 must be returned to Treasury. See section Treatment of Loans for more information about using SLFRF funds for loan programs.

c. Assistance to Nonprofits

Background: Nonprofits have faced significant challenges because of the pandemic, including increased demand for services and changing operational needs.[221] Prior to the pandemic, the median U.S. nonprofit reported that it had six months of cash on hand.[222] This varied by sector, however, with some sectors like disaster relief organizations reporting a median of 17 months cash on hand, and others, like mental health and crisis intervention organizations reporting only three months.[223] Evidence suggests that the pandemic has damaged the financial health of nonprofits, with small nonprofits, which tend to rely more heavily on donations than large nonprofits, reporting relatively larger declines in donations — 42 percent versus 29 percent, respectively.[224] Among nonprofits that collect fees for services, the median revenue amount collected from such fees fell by 30 percent from 2019 to 2020, with arts organization experiencing a 50 percent decline.[225] Nonprofits also experienced significant job losses. While employment in the nonprofit sector has recovered from its low point in 2020, as of November

[221] *See, e.g.*, Federal Reserve Bank of San Francisco, Impacts of COVID–19 on Nonprofits in the Western United States (May 2020), https://www.frbsf.org/community-development/files/impact-of-covid.
[222] Philanthropy and COVID-19: Measuring one year of giving, Candid and the Center for Disaster Philanthropy. (2021), https://www.issuelab.org/resources/38039/38039.pdf.
[223] *Id.*
[224] Elizabeth T. Boris et al., Nonprofit Trends and Impacts 2021, Urban Institute (October 7, 2021), https://www.urban.org/research/publication/nonprofit-trends-and-impacts-2021/view/full_report.
[225] *Id*.

2021, the sector remained 485,000 jobs below its pre-pandemic level.[226] In addition, some nonprofits may have experienced declines in volunteer staffing during the pandemic.[227]

At the same time, nonprofits provide a host of services for their communities, including helping Americans weather the multitude of challenges presented by the pandemic. The ARPA and the interim final rule recognized this dichotomy—nonprofits as entities that have themselves been negatively impacted by the pandemic and as entities that provide services that respond to the public health and negative economic impacts of the pandemic on households and others —by creating two roles for nonprofits.

First, under Sections 602(c)(1)(A) and 603(c)(1)(A), recipients may "respond to the public health emergency or its negative economic impacts," by, among other activities, providing "assistance to . . . nonprofits." The interim final rule defined assistance to nonprofits to include "loans, grants, in-kind assistance, technical assistance or other services, that responds to the negative economic impacts of the COVID-19 public health emergency," and "nonprofit" to mean a tax-exempt organization under Section 501(c)(3) of the U.S. Internal Revenue Code.[228]

Second, as discussed above, ARPA and the interim final rule provided that nonprofit organizations may also receive funds as subrecipients of a recipient government (i.e., a government that received SLFRF funds); subrecipients carry out an eligible use of SLFRF funds on behalf of a recipient government (e.g., a recipient government that would like to provide food assistance to impacted households may grant funds to a nonprofit organization to carry out that eligible use). Recipients generally have wide latitude to award funds to many types of

[226] Chelsea Newhouse, COVID-19 JOBS UPDATE, NOVEMBER 2021: Nonprofits add just 5,000 jobs in November, Center for Civil Society Studies at Johns Hopkins University (December 10, 2021), http://ccss.jhu.edu/november-2021-jobs/
[227] Elizabeth T. Boris et al. *supra* note 209 at p. 38.
[228] § 35.3 Definitions.

organizations, including nonprofit or for-profit organizations, as subrecipients to carry out eligible uses of funds on their behalf. For further information on distinguishing between beneficiaries and subrecipients, as well as the impacts of the distinction on reporting and other requirements, see section Transfer Process.[229]

Reorganization and Cross-References: Under the interim final rule, assistance to disproportionately impacted communities was a separate, stand-alone category. The final rule reorganizes the disproportionate impact analysis within the sections Assistance to Households, Assistance to Small Business, and Assistance to Nonprofits to better articulate how recipients can serve disproportionately impacted beneficiaries in each of those categories.

As detailed above in the Public Health subsection, in response to public comments describing uncertainty on which eligible use category should be used to assess different potential uses of funds, Treasury has re-categorized some uses of funds in the final rule to provide greater clarity. For discussion of assistance to nonprofits to implement COVID-19 mitigation and prevention strategies, see section COVID-19 Mitigation and Prevention in Public Health.

Recipients providing assistance via nonprofits involving capital expenditures (i.e., expenditures on property, facilities, or equipment) should also review the section Capital Expenditures in General Provisions: Other, which describes eligibility standards for these expenditures. Recipients providing assistances in the form of loans should review the section Treatment of Loans.

[229] The ARPA also states under "Transfer Authority" that a Recipient "may transfer funds to a private nonprofit organization," including, but not limited to, nonprofits as that term is defined in paragraph (17) of section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11360(17). *See* 602 & 603 (c)(3) of the Social Security Act. Title 42, Section 11360(17) defines a "Private nonprofit organization" to mean an organization "(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; (B) that has a voluntary board; (C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and (D) that practices nondiscrimination in the provision of assistance." See section Transfers of Funds for additional information on other types of entities, including other forms of nonprofits, that may receive transfers.

Public Comment: Eligible Assistance to Impacted and Disproportionately Impacted Nonprofits: A few commenters asked Treasury to be more explicit in the final rule that recipients may use funds to provide relief directly to nonprofit organizations and to explain how nonprofits might qualify themselves for assistance and what expenses SLFRF funds may be used to cover.[230] Commenters requested that Treasury note that the pandemic is leading to a changing financial landscape for nonprofits.

Treasury Response: *Eligible Assistance to Impacted and Disproportionately Impacted Nonprofits:* The interim final rule provided for, and the final rule maintains, the ability for recipients to provide direct assistance to nonprofits that experienced public health or negative economic impacts of the pandemic. Specifically, recipients may provide direct assistance to nonprofits if the nonprofit has experienced a public health or negative economic impact as a result of the pandemic. For example, if a nonprofit organization experienced impacts like decreased revenues or increased costs (e.g., through reduced contributions or uncompensated increases in service need), and a recipient provides funds to address that impact, then it is providing direct assistance to the nonprofit as a beneficiary under Subsection (c)(1) of Sections 602 and 603. Direct assistance may take the form of loans, grants, in-kind assistance, technical assistance, or other services that respond to the negative economic impacts of the COVID-19 public health emergency.

A recipient may identify a negative economic impact experienced by a nonprofit, or class of nonprofits, and design and implement a response to that negative economic impact, see section Standards: Designating a Negative Economic Impact. The final rule provides a non-

[230] While not stated specifically in the interim final rule, the Department does not require or have a preference as to the payment structure for recipients that transfer funds to subrecipients (e.g., advance payments, reimbursement basis, etc.). Ultimately, recipients must comply with the eligible use requirements and any other applicable laws or requirements and are responsible for the actions of their subrecipients or beneficiaries.

exhaustive list of enumerated eligible uses for assistance to nonprofits that are impacted or disproportionately impacted by the pandemic.

A recipient may also identify a class of nonprofits that have been disproportionately impacted by the public health emergency and design and implement a program that responds to the source of that disproportionate impact. For example, a recipient may determine that nonprofits offering after-school programs within its jurisdiction were disproportionately impacted by the pandemic due to the previous in-person, indoors nature of the work and the nonprofits' reliance on fees received for services (e.g., attendance fees). The recipient might then design an intervention to assist those nonprofits in adapting their programming (e.g., to outdoor or online venues), their revenue structure (e.g., adapting the fee for service structure or developing expertise in digital donation campaigns), or both. Additional information about this framework is included in General Provisions: Structure and Standards. In order to ease administrative burden, the final rule presumes that nonprofits operating in QCTs, operated by Tribal governments or on Tribal Lands, or operating in the U.S. territories were disproportionately impacted by the pandemic.

To summarize, a recipient may determine that certain nonprofits were impacted by the pandemic or were disproportionately impacted by the pandemic and provide responsive services.

Public Comment: Beneficiaries and Subrecipients: As noted elsewhere in this final rule, Treasury received multiple comments expressing uncertainty on how to categorize a particular activity in the eligible use categories. For instance, some commenters requested that recipients be able to use SLFRF funds for certain expenses incurred by nonprofits (e.g., unemployment charges) as a response to a public health or negative economic impact to that nonprofit; others asked if nonprofits providing certain services (e.g., social services) made them eligible for direct

assistance. Commenters also requested that Treasury acknowledge that engagement directly with nonprofit organizations in low-income communities and communities of color may allow the recipient to better assess economic harms in these areas.

Treasury Response: Beneficiaries and Subrecipients: Treasury recognizes that many nonprofits play important roles in their communities, and some may have experienced public health or negative economic impacts during the pandemic. As such, under the interim final rule and the final rule, nonprofits may be impacted by the pandemic and receive assistance as a beneficiary, as described above, and/or be a subrecipient providing services on behalf of a recipient.[231]

Specifically, the interim final rule also allowed for, and the final rule maintains, the ability for the recipient to transfer, e.g., via grant or contract, funds to nonprofit entities to carry out an eligible use on behalf of the recipient. Treasury notes that recipients may award SLFRF funds to many different types of organizations to carry out eligible uses of funds and serve beneficiaries on behalf of a recipient government (e.g., assisting in a vaccination campaign, operating a job training program, developing affordable housing). When a recipient provides funds to an organization to carry out eligible uses of funds and serve beneficiaries, the organization becomes a subrecipient. In this case, a nonprofit need not have experienced a negative economic impact in order to serve as a subrecipient.

In the context of SLFRF, nonprofits of all types may be subrecipients. Treasury is not restricting the types of nonprofits that can operate as subrecipients, rather allowing recipients to decide what form best meets the needs of their community. Therefore, a "nonprofit" that is

[231] Note, this response is meant to clarify the difference between nonprofits as beneficiaries and nonprofits as subrecipients. It is not meant to limit the types of relationships that a recipient may enter into with a nonprofit as permitted under the Uniform Guidance.

acting as subrecipient could include, but is not limited to, a nonprofit as that term is defined in paragraph (17) of section 401 of the McKinney-Vento Homeless Assistance.[232] See section Distinguishing Subrecipients versus Beneficiaries for further information. Additional guidance on determining subrecipient status may be found in the Uniform Guidance.[233]

Recipients may transfer funds to subrecipients in several ways, including advance payments and on a reimbursement basis. Ultimately, recipients must comply with the eligible use requirements and any other applicable laws or requirements and are responsible for the actions of their subrecipients or beneficiaries.

As part of accepting the Award Terms and Conditions for SLFRF, each recipient agreed to maintain a conflict-of-interest policy consistent with 2 C.F.R. § 200.318(c) that is applicable to all activities funded with the SLFRF award. Pursuant to this requirement, decisions concerning SLFRF funds must be free of undisclosed personal or organizational conflicts of interest, both in fact and in appearance. Recipients may avoid conflicts of interest in providing assistance to nonprofits or making subrecipient awards by, *inter alia*, making aid available to nonprofits on generally applicable terms or utilizing a competitive grant process, respectively. A recipient may not use control over SLFRF funds for their own private gain. Furthermore, no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.

Public Comment: Definition of Nonprofit: Treasury also received several requests to expand the definition of nonprofits so that other tax-exempt entities (e.g., 501(c)(7)s, 501(c)(9)s,

[232] *See* sections 602(c)(3) and 603(c)(3) of the Social Security Act. Section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11360(17) defines a "private nonprofit organization" to mean an organization "(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; (B) that has a voluntary board; (C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and (D) that practices nondiscrimination in the provision of assistance."

501(c)(19)s, nonprofits with "historical significance") could be eligible for direct assistance as beneficiaries.

Treasury Response: Definition of Nonprofit: The final rule expands the definition of nonprofits to mean 501(c)(3) organizations and 501(c)(19) organizations.[234] The 501(c)(3) classification includes a wide range of organizations with varying charitable or public service-oriented goals (e.g., housing, food assistance, job training). As discussed above, these nonprofit organizations often experienced hardship due to increased needs for services combined with decreased donations and other sources of funding. In response to comments, Treasury has expanded the definition of nonprofit to include 501(c)(19) organizations, which includes veterans' organizations, to provide recipients more flexibility and in alignment with the definition of nonprofit adopted by the CARES Act, wherein 501(c)(3)s and 501(c)(19)s were eligible for assistance.[235]

Public Comment: Reporting Requirements: One commenter asked Treasury to clarify if nonprofits that receive direct assistance as beneficiaries are required to comply with guidelines and reporting requirements.

Treasury Response: Reporting Requirements: Nonprofits that receive direct assistance as beneficiaries are not subrecipients under SLFRF and are therefore not required to comply with SLFRF reporting requirements. However, the recipient must comply with SLFRF reporting requirements, which would require reporting obligations and expenditures for assistance to

[234] § 35.3 Definitions.

[235] Treasury considered expanding the definition of nonprofit to include 501(c)(6) organizations, as Congress later did in the Coronavirus Response and Consolidated Appropriations Act of 2021, but ultimately decided to retain the original CARES Act definition. To the extent impacted by the pandemic, 501(c)(6) organizations may be eligible to receive funds to support eligible uses that align with their overall purpose (e.g., tourism promotion in aid of an impacted industry).

nonprofits. The recipient may also choose to establish other forms of reporting or accountability as a part of the recipient's direct assistance program.

A nonprofit entity that receives a transfer from a recipient is a subrecipient. Per the Uniform Guidance, subrecipients must adhere to the same requirements as recipients. Therefore, a nonprofit subrecipient may only receive funds to carry out an eligible use of SLFRF funds and must comply with any reporting and compliance requirements. Note that recipients are ultimately responsible for reporting information to Treasury and must collect any necessary information from their subrecipients to complete required reporting.

d. Aid to Impacted Industries

The interim final rule allowed for "aid to tourism, travel, and hospitality, and other impacted industries" that responds to the negative economic impacts of the COVID-19 public health emergency. In designating other impacted industries, Treasury specified that recipients should consider the "extent of the economic impact as compared to tourism, travel, and hospitality" and "whether impacts were due to the COVID-19 pandemic, as opposed to longer-term economic or industrial trends unrelated to the pandemic."[236] Treasury identified declines in employment and revenue as possible metrics to compare the economic impact on a particular industry relative to the tourism, travel, and hospitality industries.

Treasury further provided that aid should be limited to businesses, attractions, business districts, and Tribal development districts[237] that were operating prior to the pandemic and affected by required closures and other efforts to contain the pandemic. Examples of eligible aid

[236] Coronavirus State and Local Fiscal Recovery Funds, 86 Fed. Reg. at 26795.
[237] For a definition of "Tribal development districts," please see FAQ 2.9 at the following: Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.

include assistance to implement COVID-19 mitigation and infection prevention measures, aid to support safe reopening of businesses in these industries, as well as aid for a planned expansion or upgrade of tourism, travel, and hospitality facilities delayed due to the pandemic. The interim final rule and Treasury's subsequent Compliance and Reporting Guidance also required governments to publicly report assistance provided to private-sector businesses under this eligible use and maintain records of their assessments to facilitate transparency and accountability.

Reorganization and Cross-References: As detailed above, Treasury has re-categorized some uses of funds in the final rule to provide greater clarity. In the interim final rule, aid to impacted industries to implement COVID-19 mitigation and prevention strategies was categorized under Aid to Impacted Industries; the final rule addresses these items under the section COVID-19 Mitigation and Prevention in Public Health. Recipients should also be aware of the difference between beneficiaries of assistance and subrecipients when working with impacted industries; for further information, see section Distinguishing Subrecipients versus Beneficiaries.

Designating an Impacted Industry

Public Comment: Many commenters requested greater clarity on how to designate "other impacted industries" within their jurisdiction. Commenters requested greater specificity as to the metrics used to measure impact, with some suggesting metrics such as the change in the size of an industry's workforce due to the pandemic, as well as consideration of whether and why employees are choosing to return to work at slower rates in certain industries. One commenter asked if this meant nearly every industry was "disproportionately impacted." Some commenters

encouraged Treasury to focus on industries most negatively impacted by the pandemic, including disallowing across-the-board business subsidies to businesses that were not negatively impacted by the pandemic and saw revenue or profit growth. Other commenters asked for flexibility for recipients to determine impacted industries based on their local knowledge of the economic landscape.

Treasury Response: The final rule maintains the interim final rule's approach of allowing recipients to designate impacted industries outside the travel, tourism, and hospitality industries, and, in response to comments, provides greater clarity as to how recipients may designate such impacted industries.

Sections 602(c)(1)(A) and 603(c)(1)(A) recognize that the tourism, travel, and hospitality industries are severely negatively impacted by the pandemic. Under the final rule, recipients may provide eligible aid (described in further detail herein) to the tourism, travel, and hospitality industries. Treasury considers Tribal development districts, which are commercial centers for Tribal hospitality, gaming, tourism, and entertainment and can include Tribal enterprises, as part of the tourism, travel, and hospitality industries that have been severely hit by the pandemic. Therefore, Treasury reaffirms that Tribal development districts are considered impacted industries and recipients may provide eligible aid to them.

To identify other industries comparably impacted to the tourism, travel, and hospitality industries, recipients should undertake a two-step process: identifying an industry and determining whether that industry is comparably impacted.

First, recipients should identify an industry to be assessed. In identifying this industry, the final rule provides recipients the flexibility to define its substantive or geographic scope.[238] Recipients may identify a broad sector that encompasses a number of sub-industries, or they may identify a specific sub-industry to be assessed. For example, a recipient may identify "personal care services" as an industry, or they may identify a more specific category within the "personal care services" industry (e.g., barber shops) as an industry. In defining the industry, Treasury encourages recipients to define narrow and discrete industries eligible for aid. Recipients are not required to follow, but may consider following, industry classifications under the North American Industry Classification System (NAICS). Treasury notes that the larger and more diverse the sector, the more difficult it may be to demonstrate that the larger and less specific sector is negatively impacted in the same way given the scale and diversity of businesses within it.

State or territory recipients may also define a constituent industry with greater geographic precision than state or territory-wide. For example, a state may identify a particular industry in a certain region of the state that was negatively impacted by the pandemic, even if the same industry in the rest of the state did not see a meaningful negative economic impact from the pandemic. State recipients oversee large and diverse industries, sometimes with differences in economic activity between geographic regions. Allowing greater geographic precision allows recipients to target aid to those that need it most, ensuring that state averages do not conceal hard-hit areas in their state.

[238] Once an industry is designated as impacted, aid should be generally broadly available to businesses in the industry that qualify. Recipients should document how they defined the scope of their industry and how they determined that the industry was impacted. For states and territories, this includes documenting their justification for defining a constituent industry with greater geographic precision than state or territory-wide.

Second, to determine whether the industry is "impacted," recipients should compare the negative economic impacts of the public health emergency on the identified industry to the impacts observed on the travel, tourism, and hospitality industries.

1. *Simplified test.* An industry is presumed to be impacted if the industry experienced employment loss of at least 8 percent.

   Specifically, a recipient should compare the percent change in the number of employees of the recipient's identified industry and the national Leisure & Hospitality sector in the three months before the pandemic's most severe impacts began (a straight three-month average of seasonally-adjusted employment data from December 2019, January 2020, and February 2020) with the latest data as of the final rule release (a straight three-month average of seasonally-adjusted employment data from September 2021, October 2021, and November 2021).[239] The national Leisure & Hospitality sector largely represents the national travel, tourism, and hospitality industries enumerated in the statute. According to the Bureau of Labor Statistics, employment has fallen by approximately 8 percent for the national Leisure & Hospitality sector when comparing the most recent three-month period available as of the date of adoption of the final rule to the three-month period immediately before the public health emergency. Therefore, if the identified industry has suffered an employment loss of at least 8 percent, the final rule presumes the industry to be an "impacted industry."

   For parity and simplicity, smaller recipients without employment data that measure industries in their specific jurisdiction may use data available for a broader unit

[239] National Leisure & Hospitality supersector employment data can be found on the U.S. Bureau of Labor Statistics website: U.S. Bureau of Labor Statistics, Leisure and Hospitality, https://www.bls.gov/iag/tgs/iag70.htm (last visited December 7, 2021).

of government for this calculation (e.g., a county may use data from the state in which it is located; a city may use data for the county, if available, or state in which it is located) solely for purposes of determining whether a particular industry is an impacted industry.

2. *If simplified test is not met.* If an industry does not satisfy the test above or data are unavailable, the recipient may still designate the industry as impacted by demonstrating the following:

    a. The recipient can show that the totality of relevant major economic indicators demonstrate that the industry is experiencing comparable or worse economic impacts as the national tourism, travel, and hospitality industries at the time of the publication of the final rule, and that the impacts were generally due to the COVID-19 public health emergency. Example economic indicators include gross output, GDP, net profits, employment levels, and projected time to restore employment back to pre-pandemic levels. Recipients may rely on available economic data, government research publications, research from academic sources, and other quantitative sources for this determination.

        If quantitative data is unavailable, the recipient can rely on qualitative data to show that the industry is experiencing comparable or worse economic impacts as the national tourism, travel, and hospitality industries, and the impacts were generally due to the COVID-19 public health emergency. Recipients may rely on sources like community interviews, surveys, and research from relevant state and local government agencies.

As the public health emergency and economic recovery evolves, recipients should assess how industry impacts shift over time. Impacted industries may recover in a short period of time

and no longer face a negative economic impact; in those circumstances, the recipient should ensure that the extent and length of aid is reasonably proportional to the negative economic impact that is experienced, as detailed further below and in section General Provisions: Structure and Standards. Recipients may add to their list of impacted industries by showing that the negative economic impacts to the industry at the time of the designation are comparable to the negative economic impacts to the national tourism, travel, and hospitality sectors as of the date of the final rule adoption, as detailed herein.

Eligible Aid

Public Comment: Commenters asked for further clarification as to the definition of eligible aid to an impacted industry, with many requesting that a broad range of aid be eligible. Examples of aid that recipients asked to be considered eligible include aid to businesses to cover COVID-19 mitigation costs and planned renovations or improvements to tourism, travel, and hospitality facilities, as well as marketing and in-kind incentives to attract visitors. Commenters also asked about the eligibility of aid to broadly cover losses incurred by facilities such as convention centers and hotels due to the pandemic's economic impact. Commenters also asked for further clarification about the requirements related to private-sector reporting. Further, some commenters asked for clarification about eligible aid to impacted industries owned and operated by Tribal governments, including for Tribal construction projects that have been delayed due to the pandemic's economic impacts, and for deference to Tribal determinations of negative economic impacts.

Treasury Response: In response to commenters' requests for clarification on eligible aid, the final rule requires that aid to impacted industries, including to Tribal development districts, be designed to address the harm experienced by the impacted industry.

First, recipients should identify a negative economic impact, i.e., an economic harm, that is experienced by businesses in the impacted industry. Second, recipients should select a response that is designed to address the identified economic harm resulting from or exacerbated by the public health emergency. Responses must also be related and reasonably proportional to the extent and type of harm experienced; uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses. Recipients should consider the further discussion of this standard provided in the sections Standards: Designating a Public Health Impact and Standards: Designating a Negative Economic Impact.

These responses may take the form of direct spending by recipients to promote an industry or support for businesses within an "impacted" industry that experienced a negative economic impact (e.g., through a grant program). Examples of eligible responses include:

- Aid to mitigate financial hardship due to declines in revenue or profits by supporting payroll costs and compensation of returning employees for lost pay and benefits during the COVID-19 pandemic, as well as support of operations and maintenance of existing equipment and facilities, such as rent, leases, and utilities;
- Aid for technical assistance, counseling, and other services to assist with business planning needs; and
- Aid to implement COVID-19 mitigation and infection prevention measures, such as vaccination or testing programs, is broadly eligible for many types of entities, including travel, tourism, hospitality, and other impacted industries. Recipients providing aid to

impacted industries for COVID-19 public health measures should review the section Assistance to Businesses to Implement COVID-19 Strategies in Public Health, which describes types of eligible uses of funds in this category.

To address the identified harms, responses (e.g., aid through a grant program) should be generally broadly available to all businesses within the impacted industry to avoid the risk of self-dealing, preferential treatment, and conflicts of interest.[240] Treasury encourages recipients to design aid programs such that funds are first used for operational expenses that are generally recognized as ordinary and necessary for the recipient's operation, such as payroll, before being used on other types of costs. As noted in the section General Standards: Structure and Standards, uses of funds that do not respond to the negative economic impacts of the pandemic, such as excessive compensation to employees, is ineligible.

The final rule maintains the interim final rule's requirement that aid may only be considered responsive to the negative economic impacts of the pandemic if it supports businesses, attractions, and Tribal development districts operating prior to the pandemic and affected by required closures and other efforts to contain the pandemic. Further, to facilitate transparency and accountability, the final rule maintains the interim final rule's requirement that recipients publicly report assistance provided to private-sector businesses under this eligible use, including tourism, travel, hospitality, and other impacted industries, and its connection to negative economic impacts of the public health emergency. Recipients also should maintain

[240] As part of accepting the Award Terms and Conditions for SLFRF, each recipient agreed to maintain a conflict-of-interest policy consistent with 2 C.F.R. § 200.318(c) that is applicable to all activities funded with the SLFRF award. Pursuant to this policy, decisions concerning SLFRF must be free of undisclosed personal or organizational conflicts of interest, both in fact and in appearance. Recipients may avoid conflicts of interest in awarding aid to impacted industries by, inter alia, making aid available to businesses in the industry on generally applicable terms or utilizing a competitive grant process. A recipient may not use control over SLFRF for their own private gain. Furthermore, no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.

records to support their assessment of how businesses receiving assistance were affected by the negative economic impacts of the public health emergency and how the aid provided responds to these impacts.

Recipients providing aid to impacted industries for capital expenditures (i.e., expenditures on property, facilities, or equipment), including Tribal governments providing aid to Tribal development districts, should also review the section Capital Expenditures in General Provisions: Other, which describes eligibility standards that are applicable to these expenditures, depending on the type of aid. Recipients providing assistance in the form of loans should review the section Treatment of Loans in Program Administration Provisions.

4. General Provisions: Other

As noted above, the final rule consolidates into a General Provisions section several types of uses of funds; in the interim final rule, the eligibility of these uses of funds was discussed within specific categories of eligible uses for public health and negative economic impacts. Treasury anticipates that this re-organization will enhance recipient clarity in assessing eligible uses of funds. These General Provisions apply across all uses of funds under public health and negative economic impacts.

Specifically, this section considers eligible uses for:

- Public Sector Capacity and Workforce, which includes several separate and non-mutually exclusive categories articulated in the interim final rule: public health and safety staff; rehiring state, local, and Tribal government staff; expenses for administering COVID-19 response programs; expenses to improve the efficacy of public health or economic relief programs; and administrative expenses caused or exacerbated by the pandemic. Treasury

recognizes that these are closely related and frequently overlapping categories. The final rule treats them as a single purpose, supporting public sector capacity, and provides coordinated guidance on the standards and presumptions that apply to them.

- Capital Expenditures, which was addressed only under Public Health in the interim final rule. The final rule moves this expense to General Provisions and provides more clarity on the eligibility of capital expenditures across all aspects of the public health and negative economic impacts eligible use category.
- Distinguishing Subrecipients versus Beneficiaries, which describes the differences between these two categories. Recipient governments responding to the public health and negative economic impacts of the pandemic may provide assistance to beneficiaries or execute an eligible use of funds through a subrecipient; some types of entities (e.g., nonprofits) could fit into either category depending on the specific purpose of the use of funds.
- Uses Outside the Scope of this Category, which addresses uses of funds that are ineligible or generally ineligible under this eligible use category in the interim final rule. These uses of funds remain ineligible under the final rule, but Treasury has re-categorized where they are addressed, as described below. This section also addresses enumerated eligible uses proposed by commenters that Treasury has not incorporated into the final rule.

Recipients should also note that the Office of Management and Budget's (OMB) *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (commonly called the "Uniform Guidance") generally applies to SLFRF.

a. PUBLIC SECTOR CAPACITY AND WORKFORCE

Public Safety, Public Health, and Human Services Staff

Summary of Interim Final Rule: Under the interim final rule, funds may be used for payroll and covered benefits[241] for *public safety, public health, health care, human services, and similar employees*[242] of a recipient government, for the portion of the employee's time that is spent responding to COVID-19. For administrative convenience, the recipient may consider *public health and safety* employees to be entirely devoted to responding to COVID-19, and therefore their full payroll and covered benefits eligible to be covered, if the employee, or his or her operating unit or division, is "primarily dedicated" to responding to COVID-19, meaning that more than half of the employee, unit, or division's time is dedicated to responding to COVID-19. Recipients may consider other presumptions for assessing the extent to which an employee, division, or operating unit is responding to COVID-19. Recipients must periodically reassess their determination and maintain records to support their assessment, such as payroll records, attestations from supervisors or staff, or regular work product or correspondence; recipients need not track staff hours. The interim final rule also posed a question on how long recipients should be able to use funds for staff responding to COVID-19 and what other measures or presumptions

[241] In general, if an employee's wages and salaries are an eligible use of SLFRF funds, recipients may treat the employee's covered benefits as an eligible use of SLFRF funds. For purposes of SLFRF funds, covered benefits include costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans (federal and state), workers compensation insurance, and Federal Insurance Contributions Act (FICA) taxes (which includes Social Security and Medicare taxes). As described further in the section Deposits into Pension Funds in Restrictions on Use, that limitation on use does not apply to pension contributions that are part of regular payroll contributions for employees whose wages and salaries are an eligible use of SLFRF funds.

[242] Note that the interim final rule adapted prior guidance issued for CRF that described these four categories of employees; however, when listing the specific occupations or types of employees in each of these categories, the guidance collapses health care and public health into one category titled "public health." Therefore, the presumption described around public health employees also covers health care employees.

might Treasury consider to assess the extent to which public sector staff are engaged in COVID-19 response in an easily administrable manner.

Treasury also provided further guidance on the types of employees covered by this category of eligible use, specifically: "Public safety employees would include police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel. Public health employees[243] would include employees involved in providing medical and other health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions, and other support services essential for patient care (e.g., laboratory technicians, medical examiner, or morgue staff) as well as employees of public health departments directly engaged in matters related to public health and related supervisory personnel. Human services staff include employees providing or administering social services; public benefits; child welfare services; and child, elder, or family care, as well as others."

Public Comment: Measuring Time Spent on COVID-19 Response: Treasury received public comments on several components of this eligible use category. Many commenters argued that it poses an administrative burden to identify the extent to which staff are responding to COVID-19 and to maintain records to support that assessment. Largely citing administrative burden in assessing eligibility, several commenters recommended revisions to the administrative convenience that the full payroll and covered benefits for public health and safety staff "primarily dedicated" to responding to COVID-19 may be paid with SLFRF funds. Some commenters recommended presuming that all public health and safety staff are primarily

[243] Note that this category encompasses both public health and health care employees; both are treated as public health employees for the purposes of this eligible use category.

dedicated to COVID-19 response, while others proposed that public health and safety workers who primarily serve QCTs or low- and moderate-income areas be presumed to be primarily dedicated to COVID-19 response, given the disproportionate impacts of the pandemic in those communities. Similarly, Tribal communities recommended that their public health staff be presumed eligible due to the disproportionate impact of the pandemic on their communities. Some commenters proposed that they be able to use the administrative convenience for staff outside of public health and safety that are responding to COVID-19 (i.e., to be able to pay the full payroll and covered benefits for any staff "primarily dedicated" to COVID-19 response).

Treasury Response: In the final rule, Treasury is maintaining the approach in the interim final rule, including elaborations issued in further guidance, but providing additional clarification on its application, including methods to apply the approach to minimize administrative burden. Treasury notes that recipients may assess the extent to which staff are dedicated to responding to COVID-19 through a variety of means, including establishing presumptions or assessing public health and safety staff at the division or operating unit level. For example, a recipient could consider the amount of time spent by employees in its public health department's epidemiology division in responding to COVID-19 and, if a majority of its employees are dedicated to responding to COVID-19, determine that the entire division is primarily dedicated to responding to COVID-19. Treasury also clarifies that recipients may use reasonable estimates to establish administrable presumptions; for example, a recipient could estimate, based on discussions with staff, the general share of time that employees in a specific role or type of position spend on COVID-19 related tasks and apply that share of time to all employees in that position.

Recipients are generally required to be able to support uses of SLFRF funds as eligible, including, in this instance, maintenance of records to support an assessment that public health

and safety staff are primarily dedicated to responding to COVID-19. As noted above, recipients may use reasonable estimates to implement this provision. Recipients should maintain records on how they developed these estimates and need not track staff hours. Treasury notes that records retained can include payroll records (e.g., the number and type of staff in various positions), attestations from supervisors or staff (e.g., self-attestation of share of time spent on COVID-19), or regular work product or correspondence (e.g., calendars, e-mail correspondence, documents, and other electronic records). Treasury anticipates that these types of records are generally retained in many government settings; recipients should also consult the Award Terms and Conditions for SLFRF funds for requirements on length of record retention. For example, a recipient could establish a reasonable presumption about the share of time that an employee, division, or operating unit is responding to COVID-19 and simply retain those employees' electronic records as a record to support their assessment.

Public Comment: Public Health and Safety Staff Primarily Dedicated to COVID-19 Response: Some commenters recommended expanding the administrative convenience for public health and safety staff primarily dedicated to COVID-19 response to further types of staff, to all public health and safety staff, or to public health and safety staff serving underserved areas.

Treasury Response: The interim final rule recognized that COVID-19 response continues to require substantial staff resources and provides an administrative convenience to make it relatively simpler to identify the eligibility of the types of workers – public health and safety workers – generally most involved in COVID-19 response. At the same time, many public health and safety workers perform roles unrelated to COVID-19; coverage of all roles would be overbroad compared to the workers responding to COVID-19 in actuality. For this reason, the final rule maintains the interim final rule's approach to permitting SLFRF funds to be used for

public health and safety staff primarily dedicated to responding to COVID-19. Finally, to the extent that a greater proportion of public health and safety staff time is needed to respond to COVID-19 in disproportionately impacted communities, the "primarily dedicated" approach recognizes this increased need.

Public Comment: Eligible Types of COVID-19 Response: Some public commenters also sought further clarification on how to identify eligible types of "COVID-19 response." For example, commenters requested clarification on delineating COVID-19 response from general public health response and defining COVID-19 response for public safety employees.

Treasury Response: Treasury is clarifying that "responding to" COVID-19 entails work needed to respond to the public health or negative economic impacts of the pandemic, apart from the typical pre-pandemic job duties or workload of an employee in a comparable role, if one existed. For example, responding to COVID-19 for a public safety worker may entail working in an emergency operations center to coordinate pandemic-related supply distribution, responding to an increased volume of 911 calls, or implementing COVID-19 prevention and mitigation protocols in a carceral setting.

Public Comment: Eligible Employees: Some commenters requested clarification on the types of eligible employees or expansion of eligible employees to include additional types of staff, including in behavioral health; administrative, management, or financial management positions; social services; morgue staff; and nonprofit staff supporting projects to undertake eligible uses of funds under SLFRF.

Treasury Response: Treasury provided further guidance on eligible types of employees following the interim final rule, which expressly included social services and morgue staff, and incorporates that guidance into the final rule. In addition, Treasury is clarifying that public health

"employees involved in providing medical and other health services to patients and supervisory personnel" includes behavioral health services as well as physical health services.

Treasury also is clarifying that this provision only addresses employees of the recipient government responding to COVID-19. For discussion of eligible expenses to administer SLFRF, including eligible costs for subrecipients performing eligible activities on behalf of a recipient government, see section Administrative Expenses in Program Administration Provisions.

Finally, Treasury is clarifying that indirect costs for administrative, management, and financial management personnel to support public health and safety staff responding to COVID-19 are not permissible under this provision, given the relatively greater challenge of differentiating the marginal increase in staff time and workload due to pandemic response for indirect versus direct costs.

Public Comment: Time Period: Finally, some commenters made recommendations on the time period during which this eligible use should be available. Some commenters recommended eligibility begin before March 3, 2021, the period when Treasury's interim final rule permitted recipients to begin to incur costs using SLFRF funds; for discussion of this topic, see section Timeline for Use of SLFRF Funds in Program Administration Provisions. As noted above, Treasury also posed a question in the interim final rule asking for how long Treasury should maintain the administrative convenience that SLFRF funds may be used for the full payroll and covered benefits of public health and safety staff primarily dedicated to COVID-19 response. Several commenters recommended that Treasury maintain this approach throughout the program or through December 31, 2024. Other commenters requested clarification on whether eligibility for this use of funds was tied to the length of the state of emergency or whether a jurisdiction has an active state of emergency.

Treasury Response: In the final rule, Treasury is clarifying that recipients will be permitted to fund the full payroll and covered benefits of public health and safety staff primarily dedicated to COVID-19 response throughout the period of performance for the SLFRF program, though recipients should periodically reassess their determination of primarily dedicated staff, including as the public health emergency and response evolves.

Government Employment and Rehiring Public Sector Staff

The interim final rule permitted use of funds for costs associated with rehiring state, local, and Tribal government staff in order to bolster the government's ability to effectively administer services. Specifically, recipients may pay for payroll, covered benefits, and other costs associated with the recipient increasing the number of its employees up to the pre-pandemic baseline, or the number of employees that the recipient government employed on January 27, 2020.

Public Comment: Many commenters requested greater flexibility and additional clarification on the provision's requirements, including the pre-pandemic baseline and re-hiring process. Some commenters requested that the final rule allow for hiring above the pre-pandemic baseline given historic underinvestment in the public sector workforce. Commenters suggested a number of adjustments to the pre-pandemic baseline, including adjusting based on population or revenue growth, while some recommended allowing recipients to set their own hiring levels. Others requested clarification on the definition of the baseline and the re-hiring process, including whether the pre-pandemic baseline referred to budgeted or filled positions and whether new hires had to fill the same roles as the previous hires. Commenters also asked whether recipients need to show if the reduction in number of employees was due to the pandemic in

order to qualify for funding and requested that workers dedicated to COVID-19 response be exempted from the calculation of number of employees.

Many commenters also requested an expanded set of eligible uses beyond restoring their workforce up to the pre-pandemic baseline. Commenters requested that funding be able to be used to avoid layoffs, provide back pay, retain employees through pay increases and other retention programs, or reimburse salaries and benefits already paid. Some commenters also requested clarification as to whether recipients can fund re-hired positions through the period of performance and on the definition of payroll and benefits. Other commenters requested preferential hiring for workers laid off, a strong commitment to equity, and a requirement that funds would not be used to pay for contract or temporary replacement workers during a labor dispute.

Treasury Response: The final rule allows for an expanded set of eligible uses to restore and support public sector employment. Eligible uses include hiring up to a pre-pandemic baseline that is adjusted for historic underinvestment in the public sector, providing additional funds for employees who experienced pay cuts or were furloughed, avoiding layoffs, providing worker retention incentives, and paying for ancillary administrative costs related to hiring.

Restoring pre-pandemic employment. In response to comments and recognizing underinvestment in public sector employment, the final rule expands the ability to use SLFRF funds to restore pre-pandemic employment. Treasury is also clarifying how, and the extent to which, recipients may use SLFRF funds to rehire public employees.

The final rule provides two options to restore pre-pandemic employment, depending on recipient's needs. Under the first and simpler option, recipients may use SLFRF funds to rehire staff for pre-pandemic positions that were unfilled or were eliminated due the pandemic without

undergoing further analysis. Under the second option, the final rule provides recipients an option to hire above the pre-pandemic baseline, by adjusting the pre-pandemic baseline for historical growth in public sector employment over time, as well as flexibility on roles for hire. Recipients may choose between these options but cannot use both.

To pursue the first option, recipients may use SLFRF funds to hire employees for the same positions that existed on January 27, 2020 but that were unfilled or eliminated as of March 3, 2021, without undergoing further analysis. For these employees, recipients may use SLFRF funds for payroll and covered benefit costs that are obligated by December 31, 2024 and expended by December 31, 2026, consistent with the Uniform Guidance's Cost Principles at 200 CFR Part 200 Subpart E. This option provides administrative simplicity for recipients that would simply like to restore pre-pandemic positions and would not like to hire above the pre-pandemic baseline.

To pursue the second option, recipients should undergo the analysis provided below. In short, this option allows recipients to pay for payroll and covered benefits associated with the recipient increasing its number of budgeted full-time equivalent employees (FTEs) up to 7.5 percent above its pre-pandemic employment baseline, which adjusts for the continued underinvestment in state and local governments since the Great Recession. State and local government employment as a share of population in 2019 remained considerably below its share prior to the Great Recession in 2007, which presented major risks to recipients mounting a response to the COVID-19 public health emergency. The *adjustment factor* of 7.5 percent results from estimating how much larger 2019 state and local government employment would have needed to be for the share of state and local government employment to population in 2019 to have been back at its 2007 level and is intended to correct for this gap.

Recipients should complete the steps described below. Recipients may choose whether to conduct this analysis on a government-wide basis or for an individual department, agency, or authority.

- *Step One:* Identify the recipient's budgeted FTE level on January 27, 2020. This includes all budgeted positions, filled and unfilled. This is called the *pre-pandemic baseline.*
- *Step Two:* Multiply the *pre-pandemic baseline* by 1.075 (that is, 1 + *adjustment factor*). This is called the *adjusted pre-pandemic baseline.*
- *Step Three:* Identify the recipient's budgeted FTE level on March 3, 2021, which is the beginning of the period of performance for SLFRF funds. Recipients may, but are not required to, exclude FTEs dedicated to responding to the COVID-19 public health emergency.[244] This is called the *actual number of FTEs.*
- *Step Four:* Subtract the *actual number of FTEs* from the *adjusted pre-pandemic baseline* to calculate the number of FTEs that can be hired and covered by SLFRF funds.

Recipients may use SLFRF funds to cover payroll and covered benefit costs obligated by December 31, 2024, and expended by December 31, 2026, up to the number of FTEs calculated in Step Four, consistent with the Uniform Guidance's Cost Principles at 2 CFR Part 200 Subpart E. Recipients may only use SLFRF funds for additional FTEs hired over the March 3, 2021 level of budgeted FTEs (i.e., the *actual number of FTEs*); note again that recipients may choose

[244] Recipients may determine that a portion of an FTE's time is dedicated to responding to the COVID-19 public health emergency. Further, for administrative convenience, the recipient may consider public health and safety FTEs to be entirely devoted to mitigating or responding to the COVID-19 public health emergency if the FTE, or his or her operating unit of division, is primarily dedicated to responding to the COVID-19 public health emergency. Recipients may also consider other presumptions for assessing the extent to which an FTE, division, or operating unit is engaged in activities that respond to the COVID-19 public health emergency, provided that the recipient reassesses periodically and maintains records to support its assessment, such as payroll records, attestations from supervisors or staff, or regular work product or correspondence demonstrating work on the COVID-19 response.

whether to conduct the analysis of FTEs that can be covered by SLFRF funds on a government-wide basis or for an individual department, agency, or authority.

These FTEs must have begun their employment on or after March 3, 2021, which is the beginning of the period of performance. For administrative convenience, recipients do not need to demonstrate that the reduction in number of FTEs was due to the COVID-19 pandemic, as Treasury assumes the vast majority of employment reductions during this time were due to pandemic fiscal pressures on state and local budgets. Recipients do not need to hire for the same roles that existed pre-pandemic.

For illustration, consider a hypothetical recipient with 1000 budgeted FTEs on January 27, 2020 (950 filled FTE positions and 50 unfilled FTE positions). The recipient's *pre-pandemic baseline* is 1000 FTEs; its *adjusted pre-pandemic baseline* is 1000 * 1.075 = 1075 FTEs. Now, assume that on March 3, 2021, the recipient had 800 budgeted FTEs in total (795 filled FTE positions and 5 unfilled FTE positions), with 50 FTEs primarily dedicated to responding to the COVID-19 public health emergency. The recipient would have the option of using either 800 FTEs or 750 FTEs as its *actual number of FTEs* for the calculation; assuming it chooses the lower number, it would be able to fund up to 325 FTEs with SLFRF funds (that is, 1075 – 750 = 325 FTEs). Specifically, the recipient would be able to use SLFRF to fund payroll and covered benefits for up to 325 FTEs that begin their employment on or after March 3, 2021, for costs obligated by December 31, 2024, and expended by December 31, 2026, consistent with the Uniform Guidance's Cost Principles, as long as SLFRF funds are used for additional FTEs hired over the recipient's 750 FTE level (which is its March 3, 2021 budgeted FTE level).

In hiring new employees, the final rule encourages recipients to ensure a diverse workforce. The final rule also prohibits recipients from using funds to temporarily fill positions

during a labor dispute, as this would not constitute responding to the public health or negative economic impacts of the pandemic. Further, recipients must ensure that its hiring practices do not violate conflict-of-interest policies.[245] Total compensation for a hired employee that is substantially in excess of typical compensation for employees of their experience and tenure within the recipient's government, without a corresponding business case, may indicate a potential conflict-of-interest in fact or appearance.

Providing additional funding for employees who experienced pay cuts and furloughs. In recognition of the economic hardship caused by pay cuts and furloughs, additional funds may be provided to employees who experienced pay cuts or were furloughed since the onset of the pandemic on January 27, 2020. Recipients must be able to substantiate that the pay cut or furlough was substantially due to the public health emergency or its negative economic impacts (e.g., fiscal pressures on state and local budgets) and should document their assessment. As a reminder, this additional funding must be reasonably proportional to the negative economic impact of the pay cut or furlough on the employee, which would include taking into account unemployment insurance (UI) benefits that a furloughed employee may have received during the furloughed period. Treasury presumes that additional funds beyond the difference in pay had the employee not received a pay cut or been furloughed would not be reasonably proportional.

Recipients may also provide premium pay to certain employees, as detailed further in section Premium Pay.

[245] As part of accepting the Award Terms and Conditions for SLFRF, each recipient agreed to maintain a conflict-of-interest policy consistent with 2 C.F.R. § 200.318(c)112 that is applicable to all activities funded with the SLFRF award. Pursuant to this policy, decisions concerning SLFRF must be free of undisclosed personal or organizational conflicts of interest, both in fact and in appearance. A recipient may not use control over SLFRF for their own private gain. Furthermore, no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.

Avoiding layoffs. Funds may be used to maintain current compensation levels, with adjustments for inflation, in order to prevent layoffs that would otherwise be necessary. Recipients must be able to substantiate that layoffs were likely in the absence of SLFRF funds and would be substantially due to the public health emergency or its negative economic impacts (e.g., fiscal pressures on state and local budgets) and should document their assessment.

Retaining workers. Funds may be used to provide worker retention incentives, which are designed to persuade employees to remain with the employer as compared to other employment options. Recipients must be able to substantiate that the employees were likely to leave employment in the absence of the retention incentive and should document their assessment. For example, a recipient may determine that a retention bonus is necessary based on the presence of an alternative employment offer for an employee.

All worker retention incentives must be narrowly tailored to need and should not exceed incentives traditionally offered by the recipient or compensation that alternative employers may offer to compete for the employees. Further, because retention incentives are intended to provide additional incentive to remain with the employer, they must be entirely additive to an employee's regular rate of wages and other remuneration and may not be used to reduce or substitute for an employee's normal earnings. Treasury will presume that retention incentives that are less than 25 percent of the rate of base pay for an individual employee or 10 percent for a group or category of employees are reasonably proportional to the need to retain employees, as long as the other requirements are met.

Ancillary administrative costs. Funds may be used to pay for ancillary administrative costs associated with administering SLFRF-funded hiring and retention programs detailed above, including costs to publish job postings, review applications, and onboard and train new hires. For

additional information on administrative expenses, see section Administrative Expenses in Program Administration Provisions.

Effective Service Delivery: Administrative Expenses

The interim final rule provided that funds could be used for: "Expenses to improve efficacy of public health or economic relief programs: Administrative costs associated with the recipient's COVID-19 public health emergency assistance programs, including services responding to the COVID-19 public health emergency or its negative economic impacts, that are not federally funded." In the final rule, Treasury is clarifying that there are several categories of eligible administrative expenses.

First, recipients may use funds for administrative costs to improve the efficacy of public health or economic relief programs through tools like program evaluation, data analysis, and targeted consumer outreach (see section Effective Service Delivery: Program Evaluation, Data, and Outreach).

Second, recipients may use funds for administrative costs associated with programs to respond to the public health emergency and its negative economic impacts, including programs that are not funded by SLFRF or not federally funded. In other words, Treasury recognizes that responding to the public health and economic impacts of the pandemic requires many programs and activities, some of which are not funded by SLFRF. Executing these programs effectively is a component of responding to the public health and negative economic impacts of the pandemic.

Finally, recipients may use funds for direct and indirect administrative costs for administering the SLFRF program and projects funded by the SLFRF program. See section

Administrative Expenses in Program Administration Provisions for details on this eligible use category.

Effective Service Delivery: Program Evaluation, Data, and Outreach

The Supplementary Information of the interim final rule provided that state, local and Tribal governments may use SLFRF funds to improve the design and execution of programs responding to the COVID-19 pandemic and to improve the efficacy of programs addressing negative economic impacts. The interim final rule included high-level guidance about how SLFRF funds could be used in this eligible use category, including the use of targeted consumer outreach, improvements to data or technology infrastructure, impact evaluations, and data analysis.

Since the publication of the interim final rule, Treasury has also released supplementary information on data analysis, evidence building, and program evaluation in the Compliance and Reporting Guidance.

Public Comment: Treasury received positive comments about the opportunity to invest in data and technology upgrades with SLFRF funds. For example, one commenter noted that investing in technology for better connectivity, coupled with software and hardware upgrades, will allow the workforce to be more productive. Treasury also received comments seeking clarification on using funds for investments in data and technology, including whether upgrading government websites to improve community outreach and investing in technologies that support social distancing were eligible uses.

Treasury Response: Governments with high capacity to use data and evidence to administer programs are more likely to be responsive to the needs of their community, more

transparent about their community impact, and more resilient to emergencies such as the pandemic and its economic impacts.[246] Treasury recognizes that collecting high-quality data and developing community-driven, evidence-based programs requires resources to hire and build the capacity of staff, adopt new processes and systems, and use new technology and tools in order to effectively develop, execute, and evaluate programs. As such, Treasury is clarifying that recipients may use SLFRF funds toward the following non-exhaustive list of uses to address the data, evidence, and program administration needs of recipients. Additional information may be provided in the Compliance and Reporting Guidance.

- Program evaluation and evidence resources to support building and using evidence to improve outcomes, including development of Learning Agendas[247] to support strategic evidence building, selection of evidence-based interventions, and program evaluations including impact evaluations (randomized control trials and quasi-experimental designs) as well as rapid-cycle evaluations, process or implementation evaluations, outcome evaluations, and cost-benefit analyses. Recipients are encouraged to undertake rigorous program evaluations when practicable, assess the impact of their programs by beneficiary demographics (including race, ethnicity, gender, income, and other relevant factors), and engage with community stakeholders (including intended beneficiaries) when developing Learning Agendas and designing evaluations to ensure that programmatic, cultural, linguistic, and historical nuances are accurately and respectfully addressed.

[246] Results for America, Invest in What Works State Standard of Excellence (August 2020), https://2020state.results4america.org/2020_State-Standard-of-Excellence.pdf.

[247] Learning Agendas are systematic plans to identify, prioritize, answer important questions about programs and policies using analytic techniques that are appropriate to the type of question asked. For more information on learning agendas, please see OMB Memorandum M-19-23, available at: https://www.whitehouse.gov/wp-content/uploads/2019/07/M-19-23.pdf and and OMB Memorandum M-21-27, available at: https://www.whitehouse.gov/wp-content/uploads/2021/06/M-21-27.pdf.

Recipients are also encouraged to use relevant evidence Clearinghouses,[248] among other sources, to assess the level of evidence for their interventions and identify evidence-based models that could be applied in their jurisdiction (meaning models with strong or moderate evidence; see Compliance and Reporting Guidance for details on these terms).

- Data analysis resources to gather, assess, and use data for effective policy-making and real-time tracking of program performance to support effective implementation of SLFRF-funded programs and programs that respond to the public health emergency and its negative economic impacts, or which households, small businesses, or impacted industries are accessing during the pandemic that are funded by other sources. These resources include but are not limited to data gathering, data cleaning, data analysis, data infrastructure, data management, data sharing, data transparency, performance management, outcomes-based budgeting, outcomes-based procurement, and other data needs. Treasury encourages the disaggregation of data to identify disparate program impacts and the use of cross-jurisdictional data sharing to better measure and implement government programs.
- Technology infrastructure resources to improve access to and the user-experience of government information technology systems, including upgrades to hardware and software as well as improvements to public-facing websites or to data management

[248] Evidence Clearinghouses are databases of research in particular program areas. Frequently these Clearinghouses identify evidence-based programs, the strength of the evidence for those programs, and provide contextual or supporting information in easy to understand formats. Many federal departments have developed rigorous and helpful Clearinghouses that cover a wide range of uses enumerated in this final rule as well as other programs that may be responsive to public health or negative economic impacts of the pandemic. For more information on Clearinghouses, please see the Compliance and Reporting Guidance: U.S. Department of the Treasury, Recipient Compliance and Reporting Responsibilities, as of November 5, 2021; https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds/recipient-compliance-and-reporting-responsibilities.

systems, to increase public access and improve public delivery of government programs and services (including in the judicial, legislative, or executive branches).

- Community outreach and engagement resources to support the gathering and sharing of information in ways that improve equity and effective implementation of SLFRF-funded programs and programs that respond to the public health emergency and its negative economic impacts, or which households, small businesses, or impacted industries are accessing during the pandemic that are funded by other sources. These methods include but are not limited to community meetings, online surveys, focus groups, human-centered design activities, behavioral science techniques, and other community engagement tools.
- Capacity building resources to support using data and evidence in designing, executing, and evaluating programs, including hiring public sector staff, contractors, academics, consultants, and others with expertise in evaluation, data, technology, and community engagement as well as technical assistance support for public sector staff, staff of subrecipients, and community partners to support effective implementation of SLFRF-funded programs and programs that respond to the public health emergency and its negative economic impacts, or which households, small businesses, or impacted industries are accessing during the pandemic that are funded by other sources.

Administrative Needs Caused or Exacerbated by the Pandemic

As described in guidance and the interim final rule, SLFRF funds may be used to address administrative needs of recipient governments that were caused or exacerbated by the pandemic. Guidance following the interim final rule included several examples of this, for example, uses of funds to address backlogs resulting from pandemic-related shutdowns (e.g., backlogs in court

systems).[249] This also includes using funds for increased repair or maintenance needs to respond to significantly greater use of public facilities during the pandemic (e.g., increased use of parks resulting in damage or increased need for maintenance). Some commenters expressed support for the ability to use funds for these purposes. Treasury is maintaining these enumerated eligible uses in the final rule and clarifying that capital expenditures such as technology infrastructure to adapt government operations to the pandemic (e.g., video-conferencing software, improvements to case management systems or data sharing resources), reduce government backlogs, or meet increased maintenance needs are eligible.

b. CAPITAL EXPENDITURES

The interim final rule expressly permitted use of funds for a limited number of capital expenditures that mostly pertained to COVID-19 prevention and mitigation. These included capital investments in public facilities to meet pandemic operational needs, such as physical plant improvements to public hospitals and health clinics; adaptations to public buildings to implement COVID-19 mitigation tactics; ventilation improvements in congregate settings, health care settings, or other key locations; assistance to small businesses and nonprofits and aid to impacted industries to implement COVID-19 prevention or mitigation tactics, such as physical plant changes to enable social distancing. For disproportionately impacted populations and communities, the interim final rule also expressly permitted development of affordable housing to increase the supply of affordable and high-quality living units.

[249] *See FAQ 2.19.* Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf. In the case of courts specifically, this includes "implementing COVID-19 safety measures to facilitate court operations, hiring additional court staff or attorneys to increase speed of case resolution, and other expenses to expedite case resolution are eligible uses."

Public Comment: Many commenters supported the interim final rule's allowance of capital expenditures in facilities to meet pandemic operational needs but requested that the final rule explicitly allow for a broader range of capital expenditures. Commenters expressed an interest in investing in equipment, real property, and facilities that they argued will yield lasting benefits beyond the SLFRF period of performance. Some commenters stated that the approach in the interim final rule limited the vast majority of capital expenditures to governments that experienced revenue loss under Sections 602(c)(1)(C) and 603(c)(1)(C) and that this approach may prevent some governments from fully meeting the needs of their residents. A few commenters argued that Treasury should limit use of funds on capital expenditures not related to addressing a direct pandemic harm, such as general economic development or workforce development, and some expressed support for generally limiting capital expenditures to those that address the needs of low-income communities and communities of color.

Many commenters requested that capital expenditures related to direct COVID-19 public health response be included as enumerated eligible uses. The requested types of expenditures include improvements and construction of hospitals and health clinics (including behavioral health clinics), as well as other health-related infrastructure improvements, such as improvements to medical equipment or public health information technology. These commenters stated that investments in health and public health systems are vital to ensuring critical infrastructure necessary to respond to continued impacts of COVID-19 or to address disparities in health, due to lack of access to health care, that contributed to disproportionate impacts of COVID-19 on some communities. Further, some commenters requested that construction or improvements of emergency management and public safety facilities be deemed eligible, citing

that some of these sites serve as remote vaccination sites or are otherwise crucial to the pandemic public health response.

Commenters also requested use of funds for capital expenditures that support community needs apart from health care, such as new construction or improvements to schools, affordable housing (beyond presumed disproportionately impacted communities), childcare facilities, and community centers; some suggested that all types of projects permissible under the Community Development Block Grant Program should be eligible both for policy and administrability reasons. Further, some commenters also asked for clarification as to whether parks and recreational facilities are eligible if built in certain disproportionately impacted areas, as well as public transportation infrastructure.

Finally, some commenters also requested use of funds for capital expenditures in government administration buildings, such as public courthouses, as well as technology infrastructure that would allow for remote delivery of public benefits. Others also asked about whether funds could be used to renovate vacant business district buildings or commercial spaces to spur economic recovery.

Treasury Response: Capital expenditures, in certain cases, can be appropriate responses to the public health and economic impacts of the pandemic, in addition to programs and services. Like other eligible uses of SLFRF funds in this category, capital expenditures should be a related and reasonably proportional response to a public health or negative economic impact of the pandemic. The final rule clarifies and expands how SLFRF funds may be used for certain capital expenditures, including criteria and documentation requirements specified in this section, as applicable.

Treasury provides presumptions and guidelines for capital expenditures that are enumerated earlier in sections Public Health, Negative Economic Impacts, and General Provisions: Other under the Public Health and Negative Economic Impact eligible use category ("enumerated projects"), along with capital expenditures beyond those enumerated by Treasury. In addition to satisfying the two-part framework in Standards: Designating a Public Health Impact and Standards: Designating a Negative Economic Impact for identifying and designing a response to a pandemic harm, Treasury will require projects with total expected capital expenditure costs of $1 million or greater to undergo additional analysis to justify their capital expenditure. Increased reporting requirements will be required for projects that are larger in size, as well as projects that are not enumerated as eligible by Treasury, with certain exceptions for Tribal governments discussed below. Smaller projects with total expected capital expenditures below $1 million will not be required to undergo additional analysis to justify their capital expenditure, as such projects will be presumed to be reasonably proportional, provided that they are responding to a harm caused or exacerbated by the public health emergency. These standards and documentation requirements are designed to minimize administrative burden while also ensuring that projects are reasonably proportional and supporting Treasury's risk-based approach to overall program management and monitoring.

This section provides (1) an overview of general standards governing capital expenditures; (2) presumptions on capital expenditures, which help guide recipients in determining whether the expenditure meets the standards and the associated documentation requirements; and (3) additional standards and requirements that may apply.

Overview of General Standards

In considering whether a capital expenditure would be eligible under the public health and negative economic impacts eligible use category, recipients must satisfy the requirements for all uses under the public health and negative economic impacts eligible use category, including identifying an impact or harm and designing a response that addresses or responds to the identified impact or harm. Responses must be reasonably designed to benefit the individual or class that experienced the impact or harm and must be related and reasonably proportional to the extent and type of impact or harm. Recipients should consult further details on this standard provided in the sections Standards: Designating a Public Health Impact and Standards: Designating a Negative Economic Impact under General Provisions: Structure and Standards.

In addition to the framework described above, for projects with total expected capital expenditures of $1 million or greater, recipients must complete and meet the substantive requirements of a Written Justification for their capital expenditure, except for Tribal governments as discussed below. This Written Justification helps clarify the application of this interpretive framework to capital expenditures, while recognizing that the needs of communities differ. In particular, this justification reflects the fact that the time required for a large construction project may make capital expenditures less responsive to pandemic-related needs relative to other types of responses. In addition, as discussed in section Timeline for Use of SLFRF Funds of this Supplemental Information, SLFRF funds must be obligated by December 31, 2024 and expended by December 31, 2026. Capital expenditures may involve long lead-times, and the Written Justification may support recipients in analyzing proposed capital expenditures to confirm that they conform to the obligation and expenditure timing requirements. Further, such large projects may be less likely to be reasonably proportional to the harm

identified. For example, construction of a new, larger public facility for the purpose of increasing the ability to socially distance generally would not be considered a reasonably proportional response compared to other less time- and resource-intensive options that may be available and would be equally or more effective. Other solutions, such as improvements in ventilation, could be made more quickly and are typically more cost effective than construction of a new, larger facility. The needs of communities differ, and recipients are responsible for identifying uses of SLFRF funds that best respond to these needs. The Written Justification recognizes this while also establishing consistent documentation and reporting to support monitoring and compliance with the ARPA and final rule. Finally, the Written Justification also reflects the fact that infrastructure projects are generally not within scope of this eligible use category. See section Uses Outside the Scope of this Category in General Provisions: Other.

As noted above, Tribal governments are not required to complete the Written Justification for projects with total capital expenditures of $1 million or greater. Tribal governments generally have limited administrative capacity due to their small size and corresponding limited ability to supplement staffing for short-term programs. In addition, Tribal governments are already subject to unique considerations that require additional administrative processes and administrative burden for Tribal government decision making, including capital expenditures. Tribal governments generally are subject to a jurisdictionally complex sets of rules and regulations in the case of improvements to land for which the title is held in trust by the United States for a Tribe (Tribal Trust Lands).[250] This includes the requirement in certain circumstances to seek the input or approval of one or more federal agencies such the Department of the Interior, which holds fee title of Tribal Trust Lands.

[250] See 25 U.S.C. 5108.

As a result of their limited administrative capacity and unique and complex rules and regulations applicable to Tribal governments operating on Tribal Trust Lands, Tribal governments would experience significant and redundant administrative burden by also being required to complete a Written Justification for applicable capital expenditures. While Tribal governments are not required to complete the Written Justification for applicable capital expenditures, the associated substantive requirements continue to apply, including the requirement that a capital expenditure must be reasonably designed to benefit the individual or class that experienced the identified impact or harm and must be related and reasonably proportional to the extent and type of impact or harm. Note that, as a general matter, Treasury may also request further information on SLFRF expenditures and projects, including capital expenditures, as part of the regular SLFRF reporting and compliance process, including to assess their eligibility under the final rule.

The Written Justification should (1) describe the harm or need to be addressed; (2) explain why a capital expenditure is appropriate to address the harm or need; and (3) compare the proposed capital expenditure against alternative capital expenditures that could be made. The information required for the Written Justification reflects the framework applicable to all uses under the public health and negative economic impacts eligible use category, providing justification for the reasonable design, relatedness, and reasonable proportionality of the capital expenditure in response to the harm or impact identified.

1. *Description of harm or need to be addressed:* Recipients should provide a description of the specific harm or need to be addressed, and why the harm was exacerbated or caused by the public health emergency. When appropriate, recipients may provide quantitative

information on the extent and type of the harm, such as the number of individuals or entities affected.

2. *Explanation of why a capital expenditure is appropriate:* Recipients should provide an independent assessment demonstrating why a capital expenditure is appropriate to address the specified harm or need. This should include an explanation of why existing capital equipment, property, or facilities would be inadequate to addressing the harm or need and why policy changes or additional funding to pertinent programs or services would be insufficient without the corresponding capital expenditures. Recipients are not required to demonstrate that the harm or need would be irremediable but for the additional capital expenditure; rather, they may show that other interventions would be inefficient, costly, or otherwise not reasonably designed to remedy the harm without additional capital expenditure.
3. *Comparison of the proposed capital expenditure against alternative capital expenditures:* Recipients should provide an objective comparison of the proposed capital expenditure against at least two alternative capital expenditures and demonstrate why their proposed capital expenditure is superior to alternative capital expenditures that could be made. Specifically, recipients should assess the proposed capital expenditure against at least two alternative types or sizes of capital expenditures that are potentially effective and reasonably feasible. Where relevant, recipients should compare the proposal against the alternative of improving existing capital assets already owned or leasing other capital assets. Recipients should use quantitative data when available, although they are encouraged to supplement with qualitative information and narrative description.

Recipients that complete analyses with minimal or no quantitative data should provide an explanation for doing so.

In determining whether their proposed capital expenditure is superior to alternative capital expenditures, recipients should consider the following factors against each selected alternative.

a. *A comparison of the effectiveness of the capital expenditures in addressing the harm identified.* Recipients should generally consider the effectiveness of the capital expenditures in addressing the harm over the useful life of the capital asset and may consider metrics such as the number of impacted or disproportionately impacted individuals or entities served, when such individuals or entities are estimated to be served, the relative time horizons of the project, and consideration of any uncertainties or risks involved with the capital expenditure.

b. *A comparison of the expected total cost of the capital expenditures.* Recipients should consider the expected total cost of the capital expenditure required to construct, purchase, install, or improve the capital assets intended to address the public health or negative economic impact of the public health emergency. Recipients should include pre-development costs in their calculation and may choose to include information on ongoing operational costs, although this information is not required.

Recipients should balance the effectiveness and costs of the proposed capital expenditure against alternatives and demonstrate that their proposed capital expenditure is superior. Further, recipients should choose the most cost-effective option unless it

substantively reduces the effectiveness of the capital investment in addressing the harm identified.

As an example, a recipient considering building a new diagnostic testing laboratory to enhance COVID-19 testing capacity may consider whether existing laboratories sufficiently meet demand for COVID-19 testing, considering the demand for test results (along with their turnaround time) as well as the impact of current testing availability on the spread of COVID-19. Recipients may also consider other public health impacts of the level of diagnostic testing capacity, for example if insufficient capacity has decreased testing for other health conditions. The recipient may consider alternatives such as expanding existing laboratories or building a laboratory of a different size. In comparing the effectiveness of the capital expenditures, examples of factors that the recipient may consider include when the facilities will become operational and for how long; the daily throughput of COVID-19 tests; and the effect on minimizing delays in test results on the populations that such tests will serve. In comparing costs, the recipient may compare the total expected cost of the new laboratory (including costs of acquisition of real property, construction of the laboratory, and purchase of any necessary equipment needed to operationalize the lab), against the expected costs of expanding existing laboratories (whether by replacing current equipment with higher throughout devices or physically expanding space to accommodate additional capacity) or building a new laboratory of a different size, including by leasing property. As a reminder, recipients should only consider alternatives that are potentially effective and reasonably feasible.

Because, in all cases, uses of SLFRF funds to respond to public health and negative economic impacts of the pandemic must be related and reasonably proportional to a harm caused or exacerbated by the pandemic, some capital expenditures may not eligible. For example,

constructing a new correctional facility would generally not be a proportional response to an increase in the rate of certain crimes or overall crime as most correctional facilities have historically accommodated fluctuations in occupancy.[251] In addition, construction of new congregate facilities, which would generally be expected to involve expenditures greater than $1 million, would generally not be a proportional response to mitigate or prevent COVID-19, because such construction is generally expected to be more costly than alternative approaches or capital expenditures that may be equally or more effective in decreasing spread of the disease.[252] These alternatives include personal protective equipment, ventilation improvements, utilizing excess capacity in other facilities or wings, or temporary facility capacity expansions.

Large capital expenditures intended for general economic development or to aid the travel, tourism, and hospitality industries – such as convention centers and stadiums – are, on balance, generally not reasonably proportional to addressing the negative economic impacts of the pandemic, as the efficacy of a large capital expenditure intended for general economic development in remedying pandemic harms may be very limited compared to its cost.[253]

[251] *See, e.g.,* "Economic Perspectives on Incarceration and the Criminal Justice System," Council of Economic Advisers (April 2016), pg. 36-43.

[252] For instance, the CDC has published detailed recommendations for nursing homes, long-term care facilities, and correctional and detention facilities, on infection prevention and control. Many of these recommendations are relatively low cost, such as proper use of PPE. In addition, increasing vaccination rates among nursing home staff is among the most important ways to decrease the spread of the disease. Centers for Disease Control and Prevention, Interim Infection Prevention and Control Recommendations to Prevent SARS-CoV-2 Spread in Nursing Homes (September 10, 2021), https://www.cdc.gov/coronavirus/2019-ncov/hcp/long-term-care.html#anchor_1631030153017.

[253] For instance, researchers have found no consistent positive relationship between building sports facilities and local economic development. As Siegfried and Zimbalist (2000, 103) write in a review of the literature, "independent work on the economic impact of stadiums and arenas has uniformly found that there is no statistically significant positive correlation between sports facility construction and economic development." John Siegfried and Andrew Zimbalist, The Economics of Sports Facilities and Their Communities, Journal of Economic Perspectives 14, no. 3 (Summer 2000): 95-114, https://www.aeaweb.org/articles?id=10.1257/jep.14.3.95.

Presumptions on Capital Expenditures

For administrative convenience, the final rule provides presumptions on whether a Written Justification is required – and required to be submitted to Treasury through reporting – based on the type and size of the capital expenditure, as detailed in the table below.

As discussed above, Tribal governments are not required to complete the Written Justification for applicable capital expenditures, but the associated substantive requirements continue to apply, including the requirement that a capital expenditure must be reasonably designed to benefit the individual or class that experienced the identified impact or harm and must be related and reasonably proportional to the extent and type of impact or harm.

<table>
<tr><th>If a project has total expected capital expenditures of</th><th>and the use is enumerated by Treasury as eligible, then[254]</th><th>and the use is beyond those enumerated by Treasury as eligible, then[255]</th></tr>
<tr><td>Less than $1 million</td><td>No Written Justification required</td><td>No Written Justification required</td></tr>
<tr><td>Greater than or equal to $1 million, but less than $10 million</td><td>Written Justification required but recipients are not required to submit as part of regular reporting to Treasury</td><td rowspan="2">Written Justification required and recipients must submit as part of regular reporting to Treasury</td></tr>
<tr><td>$10 million or more</td><td>Written Justification required and recipients must submit as part of regular reporting to Treasury</td></tr>
</table>

[254] Whether or not a Written Justification is required, recipients should still determine that the response is related and reasonably proportional to the public health emergency and its negative economic impacts. Treasury recognizes that enumerated eligible uses are "related" to the public health emergency and its negative economic impacts and presumed to be reasonably proportional, except recipients pursuing projects with expected total capital expenditures equal to or greater than $1 million should still independently determine that the expenditures are a reasonably proportional response. Enumerated projects with total expected capital expenditures under $1 million receive a safe harbor and deemed to meet the related and reasonably proportional standard.

[255] Whether or not a Written Justification is required, recipients should still determine that the response is related and reasonably proportional to the public health emergency and its negative economic impacts. Treasury presumes that projects with total expected capital expenditures under $1 million are reasonably proportional in size to responding to the public health emergency and its negative economic impacts; however, recipients should determine that the response otherwise meets the requirements of the standard, including that the response is related to the public health emergency and its negative economic impacts.

In selecting these thresholds, Treasury recognized that capital expenditures vary widely in size and therefore would benefit from tiered treatment to implement eligibility standards while minimizing administrative burden, especially for smaller projects. For example, Treasury selected $1 million as a threshold for whether a recipient needs to complete a Written Justification as well as a threshold under which capital expenditures would be presumed reasonably proportional. Treasury estimates that $1 million would encapsulate the costs of a significant portion of equipment or small renovations. These types of smaller projects are often a necessary and reasonably proportional part of a response to the public health emergency; therefore, the $1 million threshold provides a simplified pathway to complete smaller projects more likely to meet the eligibility standard. At the same time, Treasury selected $10 million as the threshold for more intensive reporting requirements, estimating that projects larger than $10 million would likely constitute significant improvements or construction of mid- or large-sized facilities. As discussed above, given their scale and longer time to completion, these types of larger projects may be less likely to be reasonably proportional responses. The $10 million threshold also generally aligns with thresholds in other parts of the SLFRF program, such as for enhanced reporting on labor practices.

Expenditures from closely related activities directed toward a common purpose are considered part of the scope of one project. These expenditures can include capital expenditures, as well as expenditures on related programs, services, or other interventions. A project includes expenditures that are interdependent (e.g., acquisition of land, construction of the school on the land, and purchase of school equipment), or are of the same or similar type and would be utilized for a common purpose (e.g., acquisition of a fleet of ambulances that would be used for COVID-19 emergency response). Recipients must not segment a larger project into smaller projects in

order to evade review. A recipient undertaking a set of identical or similar projects (e.g., development of a number of new affordable housing complexes across the recipient jurisdiction) may complete one Written Justification comprehensively addressing the entire set of projects.

Projects Enumerated as Eligible by Treasury

Under the public health and negative economic impacts eligible use category, the final rule provides a non-exclusive list of eligible uses of funding for projects that respond to the public health emergency or its negative economic impacts. Treasury has determined that these enumerated projects are related to the public health emergency and its negative economic impacts; however, recipients (other than Tribal governments) undertaking these projects with total expected capital expenditures of $1 million or greater must still complete and meet the substantive requirements of a Written Justification as part of their demonstration that the project is a related and reasonably proportional response to the harm identified.

- *Projects with total expected capital expenditures of under $1 million*: Treasury provides a safe harbor for projects with total expected capital expenditures of less than $1 million and will not require recipients to complete, submit, or meet the substantive requirements of a Written Justification for the capital expenditure. In essence, recipients may pursue an enumerated project with total expected capital expenditures of under $1 million without having to undergo additional assessments to meet SLFRF requirements.
- *Projects with total expected capital expenditures of at least $1 million but under $10 million*: Recipients should complete a Written Justification for the capital expenditure and make an independent assessment of whether their proposed capital expenditure meets the substantive requirements of the Written Justification. Recipients will not be required

to submit the Written Justification as part of regular reporting to Treasury but should keep documentation for their records.

- *Projects with total expected capital expenditures of at least $10 million*: Similar to the above, recipients should complete a Written Justification of the capital expenditure and make an independent assessment of whether their proposed capital expenditure meets the substantive requirements of the Written Justification. Further, recipients will be asked to submit the Written Justification as part of regular reporting to Treasury. Similar to other parts of the SLFRF program, such as on reporting on labor practices, Treasury recognizes that projects with expected total capital expenditures of at least $10 million may be less likely to meet eligibility requirements and therefore requires recipients to provide an enhanced level of information to Treasury.

Projects Beyond Those Enumerated as Eligible by Treasury

As with all uses, recipients that undertake capital expenditures beyond those enumerated as eligible by Treasury must meet the two-part framework under Standards: Designating a Public Health Impact and Standards: Designating a Negative Economic Impact under General Provisions: Structure and Standards, including the requirement that responses are related and reasonably proportional to the harm or impact identified. As part of that assessment, these recipients may also be asked to complete a Written Justification. Recipients (other than Tribal governments) are subject to the following presumptions for the Written Justification of the capital expenditure, based on the total expected capital expenditures of the project:

- *Projects with total expected capital expenditures of under $1 million*: Treasury provides a safe harbor for unenumerated projects with total expected capital expenditures of under

$1 million and will not require recipients to complete, submit, or meet the substantive requirements of a Written Justification of the capital expenditure. Recipients should still make a determination as to whether the capital expenditure is part of a response that is related and reasonably proportional to the public health emergency or its negative economic impacts.

- *Projects with total expected capital expenditures of $1 million or over*: Recipients should complete a Written Justification of the capital expenditure and make an independent assessment that their proposed capital expenditure meets the substantive requirements of the Written Justification. Further, recipients will be asked to submit the Written Justification as part of regular reporting to Treasury.

Treasury employs a risk-based approach to overall program management and monitoring, which may result in heightened scrutiny on larger projects. Accordingly, recipients pursuing projects with larger capital expenditures should complete more detailed analyses for their Written Justification, commensurate with the scale of the project.

Additional Provisions, Standards, and Definitions

Strong Labor Standards in Construction

Treasury encourages recipients to carry out projects in ways that produce high-quality work, avert disruptive and costly delays, and promote efficiency. Treasury encourages recipients to use strong labor standards, including project labor agreements (PLAs) and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also recommends that recipients prioritize in their procurement decisions employers who can demonstrate that their workforce meets high safety and training standards (e.g.,

professional certification, licensure, and/or robust in-house training), that hire local workers and/or workers from historically underserved communities, and who directly employ their workforce or have policies and practices in place to ensure contractors and subcontractors meet high labor standards. Treasury further encourages recipients to prioritize employers (including contractors and subcontractors) without recent violations of federal and state labor and employment laws.

Treasury believes that such practices will promote effective and efficient delivery of high-quality projects and support the economic recovery through strong employment opportunities for workers. Such practices will reduce likelihood of potential project challenges like work stoppages or safety accidents, while ensuring a reliable supply of skilled labor and minimizing disruptions, such as those associated with labor disputes or workplace injuries. That will, in turn, promote on-time and on-budget delivery.

Furthermore, among other requirements contained in 2 CFR 200, Appendix II, all contracts made by a recipient or subrecipient in excess of $100,000 with respect to a capital expenditure that involve employment of mechanics or laborers must include a provision for compliance with certain provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5).

Treasury will seek information from recipients on their workforce plans and practices related to capital expenditures undertaken under the public health and negative economic impacts eligible use category with SLFRF funds. This reporting will support transparency and competition by enhancing available information on the services being provided.

Environmental, Uniform Guidance, and Other Generally Applicable Requirements

Treasury cautions that, as is the case with all projects using SLFRF funds, all projects must comply with applicable federal, state, and local law. In the case of capital expenditures in particular, this includes environmental and permitting laws and regulations. Likewise, as with all capital expenditure projects using the SLFRF funds, projects must be completed in a manner that is technically sound, meaning that it must meet design and construction methods and use materials that are approved, codified, recognized, fall under standard or acceptable levels of practice, or otherwise are determined to be generally acceptable by the design and construction industry.

Further, as with all other uses of funds under the SLFRF program, the Uniform Guidance at 2 C.F.R. 200 applies to capital expenditures unless stated otherwise. Importantly, this includes 2 C.F.R. 200 Subpart D on post-federal award requirements, including property standards pertaining to insurance coverage, real property, and equipment; procurement standards; sub-recipient monitoring and management; and record retention and access.

Definitions

Treasury adopts several definitions from the Uniform Guidance at 2 C.F.R. 200.1 under this section, including for capital expenditures, capital assets, equipment, and supplies.

Per the Uniform Guidance, the term "capital expenditures" means "expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life." The term "capital assets" means "tangible or

intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with [Generally Accepted Accounting Principles]."

Capital assets include lands, facilities, equipment, and intellectual property. Equipment means "tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $5,000." Supplies, which means all tangible personal property other than those included as "equipment," are not considered capital expenditures.

Recipients may also use SLFRF funds for pre-project development costs that are tied to or reasonably expected to lead to an eligible capital expenditure. For example, pre-project costs associated with planning and engineering for an eligible project are considered an eligible use of funds.

c. DISTINGUISHING SUBRECIPIENTS VERSUS BENEFICIARIES

Under the interim final rule, state, local, and Tribal governments that receive a federal award directly from a federal awarding agency, such as Treasury, are designated as "recipients," and state, local, and Tribal governments are authorized to transfer funds to other entities, including private entities like nonprofits. The interim final rule stated that, "[a] transferee receiving a transfer from a recipient under sections 602(c)(3) and 603(c)(3) will be a subrecipient. Subrecipients are entities that receive a subaward from a recipient to carry out a program or project on behalf of the recipient with the recipient's Federal award funding."

For funds transferred to a subrecipient, the interim final rule noted that "[r]ecipients continue to be responsible for monitoring and overseeing the subrecipient's use of SLFRF funds

and other activities related to the award to ensure that the subrecipient complies with the statutory and regulatory requirements and the terms and conditions of the award. Recipients also remain responsible for reporting to Treasury on their subrecipients' use of payments from the SLFRF funds for the duration of the award."

Public Comment: Treasury received many comments requesting clarification about which entities qualify as subrecipients and are, in turn, subject to subrecipient monitoring and reporting requirements. For example, commenters sought clarification about whether a nonprofit that received a grant to provide services under a program to carry out an enumerated eligible use would qualify as a subrecipient and be subject to subrecipient monitoring and reporting requirements. Similarly, commenters also wondered if a nonprofit that received a grant in recognition of experiencing a negative economic impact of the public health emergency would also be a subrecipient and subject to subrecipient reporting requirements.

Treasury Response: Treasury is clarifying the distinction between a subrecipient and beneficiary in the final rule. The Uniform Guidance definitions for subaward and subrecipient inform Treasury's distinction between subrecipients and beneficiaries.

First, per 2 CFR 200.1 of Uniform Guidance "[s]ubaward means an award provided by a pass-through entity[256] to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract."

[256] In this context, a pass-through entity means a recipient of SLFRF funds.

Further, 2 CFR 200.1 of the Uniform Guidance defines a subrecipient, in that "[s]ubrecipient means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency." Treasury is aligning the definition of subrecipient in the final rule with the definition of subrecipient in the Uniform Guidance.

Treasury is maintaining the monitoring and subrecipient reporting requirements outlined in the final rule. Per 2 CFR 200.101 (b)(2) of the Uniform Guidance, the terms and conditions of federal awards flow down to subawards to subrecipients. Therefore, non-federal entities, as defined in the Uniform Guidance, must comply with the applicable requirements in the Uniform Guidance regardless of whether the non-federal entity is a recipient or subrecipient of a federal award. This includes requirements such as the treatment of eligible uses of funds, procurement, and reporting requirements.

The Uniform Guidance definitions for both subaward and subrecipient specify that payments to individuals or entities that are direct beneficiaries of a federal award are not considered subrecipients. The final rule adopts this definition of a beneficiary and outlines that households, communities, small businesses, nonprofits, and impacted industries are all potential beneficiaries of projects carried out with SLFRF funds. Beneficiaries are not subject to the requirements placed on subrecipients in the Uniform Guidance, including audit pursuant to the Single Audit Act and 2 CFR Part 200, Subpart F or subrecipient reporting requirements.

The distinction between a subrecipient and a beneficiary, therefore, is contingent upon the rationale for why a recipient is providing funds to the individual or entity. If the recipient is providing funds to the individual or entity for the purpose of carrying out a SLFRF program or

project on behalf of the recipient, the individual or entity is acting as a subrecipient. Acting as a subrecipient, the individual or entity is subject to subrecipient monitoring and reporting requirements. Conversely, if the recipient is providing funds to the individual or entity for the purpose of directly benefitting the individual or entity as a result of experiencing a public health impact or negative economic impact of the pandemic, the individual or entity is acting as a beneficiary. Acting as a beneficiary, the individual or entity is not subject to subrecipient monitoring and reporting requirements.

d. Uses Outside the Scope of this Category

Summary of the Interim Final Rule and Final Rule Structure

In the interim final rule, Treasury noted that certain uses of funds are not permissible under the eligible use category of responding to the public health and negative economic impacts of the pandemic. In the final rule, these uses remain impermissible, but Treasury has re-categorized where they are addressed to increase clarity.

Specifically, the interim final rule provided that the following uses of funds are not eligible under this eligible use category: contributions to rainy day funds, financial reserves, or similar funds; payment of interest or principal on outstanding debt instruments; fees or issuance costs associated with the issuance of new debt; and satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding, except to the extent the judgment or settlement requires the provision of services that would respond to the COVID-19 public health emergency. These uses of funds remain ineligible under the final rule; Treasury has re-categorized these issues to the section Restrictions on Use, which describes restrictions that

apply to all eligible use categories, to clarify that these uses are not eligible under any eligible use category of SLFRF. Treasury responds to public comments on this issue in the section Restrictions on Use.

As noted above, the interim final rule also posed several questions on what other types of services or costs Treasury should consider as eligible uses to respond to the public health and negative economic impacts of COVID–19, including in disproportionately impacted communities. In this section, Treasury addresses proposed uses of funds suggested by commenters that Treasury has not included as enumerated eligible uses of funds in this eligible use category.

General Eligible Uses

Public Comment: Commenters proposed a wide variety of additional recommended enumerated eligible uses in all sections of the public health and negative economic impacts eligible use category, including in impacted and disproportionately impacted communities. The proposed additional uses included general categories of services (e.g., legal and social services, long-term investments to remediate long-term disparities, response to natural disasters). Other suggested uses of funds respond to needs widely experienced across the country (e.g., access to and affordability of health insurance). Finally, other suggested uses of funds were highly specific (e.g., healthcare equipment for a specific health condition, fire hydrants, weather alert systems) or most applicable to the particularized needs to certain populations or geographic areas of the United States (e.g., senior citizens, immigrants, formerly incarcerated individuals, responding to environmental issues in certain geographic regions). Other commenters generally requested a high degree of flexibility to respond to the particular needs of their communities.

Treasury Response: Given the large number and diversity of SLFRF recipients, Treasury has aimed to include as enumerated eligible uses programs, services, and capital expenditures that respond to public health and negative economic impacts of the pandemic experienced widely in many jurisdictions across the country, making it clear and simple for recipients to pursue these enumerated eligible uses under the final rule. This provides enumerated eligible uses that many recipients may want to pursue, while including uses that are responsive to the pandemic's impacts across the diverse range of SLFRF recipients. In the final rule, Treasury has clarified several additional uses that generally respond to pandemic impacts experienced broadly across jurisdictions and populations.

Treasury has not chosen to include as enumerated uses all uses proposed by commenters; given the significant range, and in some cases highly specific nature, of the proposed uses Treasury was not able to assess that the proposed uses would respond to negative economic impacts experienced generally across the country, supporting an enumerated eligible use available to all recipients presumptively.

However, Treasury emphasizes that the enumerated eligible uses are non-exhaustive and that other uses, beyond those enumerated, are eligible. Treasury recognizes that the impacts of the pandemic vary over time, by jurisdiction, and by population; as such, the final rule provides flexibility for recipients to identify other public health or negative economic impacts to additional households, small businesses, or nonprofits, including classes of these entities, and pursue programs and services that respond to those impacts. Treasury also notes that some populations are presumed to be impacted or disproportionately impacted by the pandemic, and thus eligible for responsive services; these presumed eligible populations may encompass many

individuals in the specific populations for whom commenters recommended services. For details on these issues, see section General Provisions: Structure and Standards.

Infrastructure, Community Development, and General Economic Development

Some potential additions to enumerated eligible uses were also recommended by several commenters each but are not included as enumerated eligible uses in the final rule.

Public Comment: Infrastructure: In the interim final rule, Treasury noted that a "general infrastructure project, for example, typically would not be included [in this eligible use category] unless the project responded to a specific pandemic public health need."

Numerous commenters requested that Treasury permit investments in infrastructure as a response to the public health and negative economic impacts of the pandemic. While these comments most commonly recommended that constructing and maintaining roads and surface transportation infrastructure be eligible, the proposed uses for infrastructure ranged widely and included parking lots, bridges, traffic management infrastructure, solid waste disposal facilities, and utility infrastructure (outside of water, sewer, and broadband).

Many commenters argued that infrastructure development and maintenance is a pressing need in their communities and that their communities had less need for water, sewer, and broadband infrastructure or other eligible uses to respond to the public health and negative economic impacts of the pandemic. Other commenters argued that these uses would stimulate the economy, attract businesses, or allow for tourist movement; these commenters argued that, by generally supporting a stronger economy or facilitating conditions that are more conducive to business activity and tourism, these uses respond to the negative economic impacts of the pandemic.

Treasury Response: In the final rule, Treasury is maintaining the approach under the interim final rule that general infrastructure projects, including roads, streets, and surface transportation infrastructure, would generally not be eligible, unless the project responded to a specific pandemic public health need or a specific negative economic impact.

The ARPA expressly includes infrastructure if it is "necessary" and in water, sewer, or broadband, suggesting that the statute contemplates only those types of infrastructure. Further, responding to the public health and negative economic impacts of the pandemic requires identifying whether, and the extent to which, there has been a harm that resulted from the COVID-19 public health emergency and whether, and the extent to which, the use would respond or address this harm. Uses of funds intended to generally grow the economy and therefore enhance opportunities for workers and businesses would not be an eligible use, because such assistance is not reasonably designed to impact individuals or classes that have been identified as having experienced a negative economic impact. In other words, there is not a reasonable connection between the assistance provided and an impact on the beneficiaries. Such an activity would be attenuated from and thus not reasonably designed to benefit the households that experienced the negative economic impact.

Note, however, that Treasury has clarified that capital expenditures that are related and reasonably proportional to responding to the public health and economic impacts of the pandemic are eligible uses of funds, in addition to programs and services; for details on eligibility criteria for capital expenditures, see section Capital Expenditures in General Provisions: Other.

Public Comment: Community Development Block Grant: Several commenters recommended that Treasury enumerate as eligible uses those eligible under the Department of

Housing and Urban Development's Community Development Block Grant (CDBG) or the Housing and Community Development Act of 1974, which established the CDBG program. Commenters requested that these uses be eligible either to respond to the negative economic impacts of the pandemic, or in the alternate the disproportionate negative economic impacts of the pandemic in certain communities. Under the CDBG program, recipient governments may undertake a wide range of community and economic development services and projects. Commenters reasoned that many state and local governments are familiar with this program, and that aligning to its eligible uses may help recipients easily understand and pursue eligible projects. Commenters also noted that Treasury had chosen to align with existing federal programs in other eligible use categories, namely water infrastructure, in the interim final rule.

Treasury Response: In the final rule, Treasury is not including all categories of projects permissible under CDBG as enumerated eligible uses to respond to the public health and negative economic impacts of the pandemic. Because CDBG permits such a broad range of activities, including services to individual households, communities, small businesses, general economic development activities, and capital expenditures, Treasury determined that it was more appropriate to assess the underlying types of projects eligible within CDBG and whether each type of project responds to the negative economic impacts of the pandemic. In other words, Treasury considered whether various types of community and economic development projects respond to the impacts of the pandemic in different communities and circumstances. In the final rule, Treasury addresses the eligibility of these various types of projects in each relevant eligible use category within public health and negative economic impacts under SLFRF, including assistance for impacted households, disproportionately impacted households, disproportionately impacted small businesses, and capital expenditures.

Public Comment: General Economic Development: Treasury provided guidance following the interim final rule that general economic development or workforce development would generally not be eligible as it does not respond to a negative economic impact of the COVID-19 public health emergency.

Some commenters recommended that Treasury expand enumerated eligible uses to include general economic development activities, beyond those that respond to negative economic impacts of the pandemic, such as creating an economic development strategy for the jurisdiction's overall economic growth, creating a general workforce development strategy, or providing funds to businesses that did not experience negative economic impacts to carry out economic development activities or to incentivize the addition or retention of jobs. Commenters supportive of assistance to businesses for general economic development activities argued that subsidies to businesses increase job growth and that, in some cases, assistance to companies that excelled during the public health emergency would help create more job opportunities for workers or expand the jurisdiction's tax base and produce funds to support government services. In contrast, other commenters argued that academic research consistently finds that economic development subsidies have a negligible, or even negative, economic effect, citing research findings to this effect.[257]

[257] See, e.g., Matthew D. Mitchell et al., The Economics of a Targeted Economic Development Subsidy (Arlington, VA: Mercatus Center at George Mason University, 2019), 5, available at https://www.mercatus.org/publications/government-spending/economics-targeted-economic-development-subsidy; Timothy J. Bartik, Who Benefits from Economic Development Incentives? How Incentive Effects on Local Incomes and the Income Distribution Vary with Different Assumptions about Incentive Policy and the Local Economy (Upjohn Institute Technical Report No. 13-034, W.E. Upjohn Institute for Employment Research, March 1, 2018), available at: https://research.upjohn.org/up_technicalreports/34/; Cailin Slattery and Owen Zidar, Evaluating State and Local Business Tax Incentives, Journal of Economic Perspectives 34, no. 2 (2020): 90–118, available at: https://www.aeaweb.org/articles?id=10.1257/jep.34.2.90; Kenneth Thomas, The State of State and Local Subsidies to Business (Mercatus Policy Brief, Mercatus Center at George Mason University, Arlington, VA, October 2019), available at: https://www.mercatus.org/system/files/thomas_-_policy_brief_-_the_state_of_state_and_local_subsidies_to_business_-_v1.pdf; Dennis Coates, Growth Effects of Sports Franchises, Stadiums, and Arenas: 15 Years Later (Mercatus Working Paper, Mercatus Center at George Mason

Treasury Response: In the final rule, Treasury maintains the interim final rule's approach that general economic development or workforce development, meaning activities that do not respond to negative economic impacts of the pandemic and rather seek to more generally enhance the jurisdiction's business climate, would generally not be eligible under this eligible use category. As noted above, to identify an eligible use of funds under this category, a recipient must identify a beneficiary or class of beneficiaries that experienced a harm or impact due to the pandemic, and eligible uses of funds must be reasonably designed to respond to the harm, benefit the beneficiaries that experienced it, and be related and reasonably proportional to that harm or impact.

As noted above, recipients should analyze eligible uses based on the beneficiary of the assistance, and recipients may not provide assistance to small businesses or impacted industries that did not experience a negative economic impact. Provision of assistance to a business that did not experience a negative economic impact, under the theory that such assistance would generally grow the economy and therefore enhance opportunities for workers, would not be an eligible use, because such assistance is not reasonably designed to impact individuals or classes that have been identified as having experienced a negative economic impact. In other words, there is not a reasonable connection between the assistance provided and an impact on the beneficiaries. Such an activity would be attenuated from and thus not reasonably designed to benefit the households that experienced the negative economic impact. Research cited by some

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University, Arlington, VA, September 2015), available at: https://www.mercatus.org/system/files/Coates-Sports-Franchises.pdf; Dennis Coates and Brad R. Humphreys, Do Economists Reach a Conclusion on Subsidies for Sports Franchises, Stadiums, and Mega-Events?, Econ Journal Watch 5, no. 3 (2008): 294–315, available at: https://econjwatch.org/articles/do-economists-reach-a-conclusion-on-subsidies-for-sports-franchises-stadiums-and-mega-events; Matthew D. Mitchell, Daniel Sutter, and Scott Eastman, The Political Economy of Targeted Economic Development Incentives, Review of Regional Studies 48, no. 1 (2018): 1–9, available at: https://www.mercatus.org/publications/corporate-welfare/political-economy-targeted-economic-development-incentives.

commenters finding that business subsidies have limited or negative economic impact also suggests that such a response may not be reasonably designed to benefit households and other entities impacted by the pandemic. Similarly, planning activities for an economic development or workforce strategy regarding general future economic growth do not provide a program, service, or capital expenditure that responds to negative economic impacts of the pandemic.

However, Treasury notes that the final rule includes as enumerated eligible uses many types of assistance that respond to negative economic impacts of the pandemic and may produce economic development benefits. For example, see sections Assistance to Unemployed Workers, Assistance to Small Businesses, and Capital Expenditures.

B. PREMIUM PAY

Background and Summary of the Interim Final Rule

Sections 602(c)(1)(B) and 603(c)(1)(B) of the Social Security Act, as added by the ARPA, provide that SLFRF funds may be used "to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the . . . government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work."

Premium pay is designed to compensate workers that, by virtue of their employment, were forced to take on additional burdens and make great personal sacrifices as a result of the COVID-19 pandemic. Premium pay can be thought of as hazard pay by another name.[258]

[258] *See* U.S. Department of Labor, *Hazard Pay*, https://www.dol.gov/general/topic/wages/hazardpay (last visited October 18, 2021).

During the public health emergency, employers' policies on COVID-19-related premium pay or hazard pay have varied widely, with many essential workers not yet compensated for the heightened risks they have faced and continue to face.[259] Many of these workers earn lower wages on average and live in socioeconomically underserved communities as compared to the general population.[260] A recent study found that 25 percent of essential workers were estimated to have low household income, with 13 percent in high-risk households.[261] The low pay of many essential workers makes them less able to cope with the financial consequences of the pandemic or their work-related health risks. As Americans return to work and governments relax certain rules, essential workers will continue to bear the brunt of the risk of maintaining the ongoing operation of vital facilities and services. The added health risk to essential workers is one prominent way in which the pandemic has amplified pre-existing socioeconomic inequities. Premium pay is designed to address the disparity between the critical services provided by and the risks taken by essential workers and the relatively low compensation they tend to receive.

The interim final rule established a three-part framework for recipients seeking to use SLFRF funds for premium pay. First, to receive premium pay one must be an eligible worker. Second, an eligible worker must also perform essential work. Finally, premium pay must respond to workers performing essential work during the COVID-19 public health emergency. Most of the comments received by Treasury pertaining to premium pay related to these three requirements. Comments also addressed the definition of premium pay generally and posed questions regarding premium pay program structuring. This section responds to the comments by

[259] Economic Policy Institute, Only 30% of those working outside their home are receiving hazard pay (June 16, 2020), https://www.epi.org/press/only-30-of-those-working-outside-their-home-are-receiving-hazard-pay-black-and-hispanic-workers-are-most-concerned-about-bringing-the-coronavirus-home/.
[260] McCormack, *supra* note 61.
[261] *Id*.

addressing the three requirements in turn, then the overall definition of premium pay and, finally, program structure.

Eligible Workers

The ARPA defines "eligible workers" as "those workers needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as each . . . [government] may designate as critical to protect the health and wellbeing of [its] residents." The interim final rule supplemented this definition by identifying a list of "essential critical infrastructure sectors" whose workers are eligible workers, based on the list of sectors in the HEROES Act, a bill introduced in the House of Representatives in 2020 that would have provided premium pay to essential workers.[262] In addition to the critical infrastructure sectors defined in the interim final rule, the chief executive (or equivalent) of a recipient government may designate additional non-public[263] sectors as critical so long as doing so is necessary to protecting the health and wellbeing of the residents of such jurisdiction.

Public Comment: Treasury received multiple comments on the definition of "eligible worker" included in the interim final rule. Many commenters agreed with the definition of eligible worker adopted by Treasury. Other commenters sought clarification about or changes to the definition of eligible worker, including the definition of eligible sectors, the inclusion of government workers in the definition of eligible workers, and the process for designating additional non-public sectors as eligible.

[262] *See* H.R. 6800, 116th Cong. (2020).
[263] Note that the sectors defined in the interim final rule already include all state, local, and Tribal government employees.

Some commenters asked Treasury to change how it identifies eligible sectors, including suggestions to add to or subtract from the list of eligible sectors. For example, some commenters asked Treasury to consider using Bureau of Labor Statistics (BLS)-Standard Occupational Classifications to identify specific sectors or occupations, in contrast to the approach taken in the interim final rule, which included a mixture of economic sectors, industries, and occupations. Many commenters asked Treasury to explicitly clarify that a particular industry or occupation is covered by the definition of "essential critical infrastructure sector." Some of these commenters represented public employees, e.g., employees of facilities and public works; public utilities; courthouse employees; police, fire, and emergency medical services; and waste and wastewater services. Others were a mixture of public and private sector employees, e.g., coroners and medical examiners; transportation infrastructure (specifically electric vehicle infrastructure and supply equipment); electric utilities, natural gas, and steam supply; and grocery employees. Other commenters requested that Treasury prohibit certain occupations currently included in the eligible workers definition (e.g., police and corrections officers) from receiving premium pay for performance of regular duties.

Commenters also asked Treasury to clarify which government workers are included in the definition of eligible workers. The interim final rule included as an essential critical infrastructure sector, “any work performed by an employee of a State, local, or Tribal government.” Some commenters requested that Treasury adopt a definition of eligible worker that includes all employees of the recipient government; however, all public employees of state, local, and Tribal governments are already included in the interim final rule definition of “eligible worker.” Commenters asked whether this includes governments that did not receive SLFRF funds (i.e., “non recipient governments”). Many commenters from Tribal governments requested

that the definition of eligible worker, which includes "any work performed by an employee of a . . . Tribal government," also include an employee of a "Tribal enterprise" to remove uncertainty regarding which employees are included.

Finally, commenters made suggestions for the process by which the chief executive (or equivalent) of a recipient government may designate additional non-public sectors as critical. Commenters asked that Treasury adopt a requirement that Treasury must approve or deny any additional non-public sector identified by the chief executive of a recipient government prior to implementation of the recipient's program.

Some commenters asked Treasury to clarify whether their chief executive (or equivalent) could designate particular, and in some cases *all*, employees of the recipient government as eligible for premium pay.

Treasury Response: In the final rule, Treasury will preserve the definition of "eligible worker" as it was defined in the interim final rule with minor modifications to clarify that all public employees of recipient governments are already included in the interim final rule definition of "eligible worker." A more specific eligibility system (e.g., linking eligibility to specific occupational or industry codes) would have provided more certainty but would have been much more rigid. In contrast, the current definition is flexible enough to give recipients the ability to tailor their premium pay programs to meet their needs while ensuring that programs focus on sectors where workers were forced to shoulder substantial risk as a result of the COVID-19 pandemic. Furthermore, the critical infrastructure sectors defined in the interim final rule already include many of the occupations that commenters requested be added. For example, Treasury received many comments from public workers asking to be included in the definition of "eligible worker" even though these workers already fall within the scope of "any work

performed by an employee of a State, local, or Tribal government." Treasury has clarified in the final rule that the chief executive's discretion to designate additional sectors as critical relates only to "non-public" sectors, since all public employees of recipient governments are already included in the definition of "eligible worker." While all such public employees are "eligible workers" and the chief executive (or equivalent) of a recipient government may designate additional non-public sectors as critical, in order to receive premium pay, these workers must still meet the other premium pay requirements (e.g., performing essential work).

Treasury recognizes that the list of "essential critical infrastructure sectors" includes both occupations and sectors. Recipients, if uncertain which occupations are included in a critical infrastructure sector, may consult government occupational classifications if helpful but are not required to do so.[264] Furthermore, a recipient government does not need to submit to Treasury for approval its designation of a sector as essential critical infrastructure; rather, Treasury will defer to the reasonable interpretation of the recipient government and the discretion of the recipient's chief executive in making such designations. If a recipient is unsure if a non-public sector is covered by the definition in the final rule,[265] the chief executive (or equivalent) of a recipient government may also identify the non-public sector as critical so long as the chief executive deems the non-public sector necessary to protecting the health and wellbeing of residents. Treasury has, where possible, clarified the definition of "essential critical infrastructure sectors." For instance, Treasury has clarified in the final rule that work performed by an employee of a Tribal government includes an employee of a Tribal enterprise and discussed in this

[264] *See, e.g.,* sources such as Bureau of Labor Statistics, Occupational Outlook Handbook, which provide information on which professions or occupations are typically included in interpretations of a sector, https://www.bls.gov/ooh/.
[265] Public sector workers are "eligible workers" under the interim final rule and final rule.

Supplementary Information how a recipient may qualify other non-public sectors as essential critical infrastructure.

Essential Work

The interim final rule defined "essential work" as work that (1) is not performed while teleworking from a residence and (2) involves either (i) regular, in-person interactions with patients, the public, or coworkers of the individual that is performing the work or (ii) regular physical handling of items that were handled by, or are to be handled by, patients, the public, or coworkers of the individual that is performing the work. Treasury adopted this definition of essential work to ensure that premium pay is targeted to workers that faced or face heightened risks due to the character of their work during a pandemic.

Public Comment: Some commenters found the definition unclear and asked Treasury to clarify what constitutes "essential work." Others disagreed with the essential work test altogether, arguing that it forces recipients to distinguish between essential and non-essential employees, which may be difficult to do. Accordingly, these commenters asked Treasury to allow recipients to determine which workers qualify as essential. Treasury also received several requests that specific occupations be explicitly deemed essential, including all public employees, veterinarians, election administrators, detention staff and sheriff's deputies, and employees of utilities, such as electric power, natural gas, steam supply, water supply, and sewage removal.

Several commenters requested that Treasury not distinguish between remote and in-person work or amend the standard so that employees providing essential services would still be eligible even if they worked remotely. Finally, a few commenters requested clarification as to the

definition of "regular" in-person interactions and whether Treasury could clarify which job functions merit more (or less) premium pay.

Treasury Response: Treasury is maintaining the definition of "essential work" in the final rule without modification. The test adopted in the interim final rule was designed to compensate workers facing disproportionate risk due to the pandemic. COVID-19 is transmitted through person-to-person interactions, and therefore, workers with regular in-person interactions are the primary group facing increased health risks. Although COVID-19 is not transmitted primarily by people handling items, such work may present increased risk in certain cases, and the final rule maintains the interim final rule's inclusion of such work in order to give recipient governments the flexibility to include workers performing such work as they determine appropriate. Changing the test as some commenters suggested, e.g., by eliminating the in-person work requirement or allowing recipients to designate which employees are essential, even if not working in person, would no longer focus the program on workers taking on additional health risks and instead allow premium pay to be awarded to individuals who experienced relatively little risk of exposure to COVID-19. To maintain flexibility, Treasury is not defining the term "regular" with regard to in-person interactions, allowing recipients to develop programs based on the specific workforce to be served and local circumstances. Generally speaking, however, recipients are encouraged to consider an eligible worker's risk of exposure in designing premium pay programs.

Respond To

As required by the ARPA, the interim final rule required that premium pay programs "respond to" eligible workers performing essential work during the COVID-19 public health

emergency. Premium pay responds to eligible workers performing essential work if it prioritizes low- and moderate-income persons, given the significant share of essential workers that are low- and moderate-income and may be least able to bear added costs associated with illness. The level of the award limit—up to $13 per hour not to exceed $25,000 in aggregate—in the ARPA supports this reasoning.

Accordingly, the interim final rule required written justification for how premium pay to certain higher-income workers responds to eligible workers performing essential work: if a recipient (or grantee) uses SLFRF funds to provide premium pay to an employee and the pay or grant would increase a worker's total pay above 150 percent of their residing state or county's average annual wage for all occupations, as defined by the BLS Occupational Employment and Wage Statistics, whichever is higher, on an annual basis, then the recipient must provide, whether for themselves or on behalf of a grantee, written justification to Treasury detailing how the award responds to eligible workers performing essential work.

Public Comment: Treasury received numerous comments on the wage threshold and the written justification requirement. Several commenters supported the threshold as a way to encourage recipients to target premium pay to lower-income, eligible workers. Some commenters even asked Treasury to make the wage threshold a firm restriction, above which an eligible worker could not receive premium pay. Others agreed with the threshold but also requested flexibility to use existing worker classifications as an administratively simple way to identify workers for whom premium pay would be responsive. For instance, a few commenters asked Treasury to allow recipients or grantees to presume that premium pay "responds to" eligible workers performing essential work when it is provided to employees who are not exempt

from the Fair Labor Standards Act (FLSA) overtime provisions — a test that employers are routinely required to apply.[266]

In contrast, several commenters disagreed with the threshold and the requirement for written justification. A few commenters thought the threshold was too low to capture employees in certain critical infrastructure sectors (e.g., public safety, waste collection) and that it did not sufficiently account for the variance in economic need across different geographic areas and family structures. Some smaller communities argued that the threshold was difficult to calculate and apply.

Other commenters proposed revisions for how the threshold is calculated. For instance, a few commenters asked Treasury to consider using alternative earnings measures such as median income. Similarly, another commenter asked Treasury to consider the incomes of workers with different levels of seniority in developing any income thresholds for permitting or reporting on premium pay.

Finally, there was also some uncertainty as to the threshold and the requirement for written justification. Some commenters interpreted the threshold as a hard cap on who was eligible for premium pay, which is not the case. Relatedly, some commenters also requested further guidance on what recipients should include in the written justification submitted to the Secretary.

Treasury Response: The final rule makes some modifications to the determination of when premium pay "responds to" eligible workers performing essential work during the public health emergency. Under the interim final rule, premium pay was responsive if either the workers' pay was below a wage threshold or, if the pay was above a wage threshold, the

[266] *See generally* 29 U.S.C. 207(a); U.S. Department of Labor, Overtime Pay Requirements of the FLSA (Fact Sheet No. 23), https://www.dol.gov/agencies/whd/fact-sheets/23-flsa-overtime-pay.

recipient submitted written justification to Treasury explaining how the premium pay was responsive. The final rule retains these two means of establishing premium pay in response to workers performing essential work and adds an additional means of demonstrating that premium pay is responsive. Under the final rule, a recipient may also show that premium pay is responsive by demonstrating that the eligible worker receiving premium pay is not exempt from the FLSA overtime provisions.[267] This change will expand the number of workers eligible to receive premium pay[268] and does not require recipients to provide written justification to Treasury regarding the workers who are not exempt from the FLSA overtime provisions, making the program easier to administer for recipients. Incorporating this change further simplifies application of the final rule for recipients because Treasury understands that most employers, public and private, are familiar with and are routinely required to apply the FLSA.

With this addition, the final rule provides that premium pay is responsive to eligible workers performing essential work during the public health emergency if each eligible worker who receives premium pay falls into one of three categories: (1) the worker's pay is below the wage threshold, (2) the worker is not exempt from the FLSA overtime provisions, or (3) the recipient has submitted a written justification to Treasury.

[267] Department of Labor, Overtime Pay, https://www.dol.gov/agencies/whd/overtime; *see also* 29 U.S.C. § 207.
[268] Among workers that report working overtime, roughly 41-44 percent of workers earn above $50,000 per year, which is slightly less than the national average annual wage for all employees according to the Bureau of Labor Statistics' Occupational Employment and Wage Statistics, available at https://www.bls.gov/oes/. See also U.S. Census Bureau, Basic Monthly CPS, January 2019 through December 2019, available at https://www.census.gov/data/datasets/time-series/demo/cps/cps-basic.html. Notes: Annual earnings reflect weekly wages multiplied by 52. Usual weekly earnings are computed by BLS to include earnings from work such as tips, overtime, regular wages, etc., but not non-labor sources of income such as government transfers and capital gains. Pre-overtime earnings are computed by taking the difference of usual weekly earnings and earnings from overtime last week and multiplying by 52. Note, some sources multiply weekly earnings by 50 instead of 52 to account for unpaid time off and holidays, so these figures may be slightly larger than those reported elsewhere. Either assumption may overestimate earnings if workers do not work year-round.

The final rule makes it clear that written justification to Treasury is not necessary with respect to eligible workers whose pay is less than the wage threshold. Nor is written justification necessary with respect to eligible workers who are not exempt from the FLSA overtime provisions. The written justification is only necessary if the worker's pay (with or without the premium) exceeds the threshold, *and* the worker is exempt from the FLSA overtime provisions. The final rule also clarifies that a worker's pay exceeds the threshold if either the premium pay increases the worker's total pay above the wage threshold or the worker's total pay was already above the threshold, before receiving premium pay.

Treasury has also updated the final rule to clarify that written justification means a brief, written narrative justification of how the premium pay or grant is responsive to workers performing essential work during the public health emergency. This could include a description of the essential workers' duties, health or financial risks faced due to COVID-19, and why the recipient determined that the premium pay was responsive despite the workers' higher income.

Recipients should refer to SLFRF program reporting guidance, user guides, and other documentation for further guidance on the form and content of the written justification. Treasury anticipates that recipients will easily be able to satisfy the justification requirement for front-line workers, like nurses and hospital staff.

Definition of Premium Pay

The statute defines premium pay as "an amount of up to $13 per hour . . . , in addition to wages or remuneration the eligible worker otherwise receives, for all work performed by the eligible worker during the COVID–19 public health emergency. Such amount may not exceed $25,000 with respect to any single eligible worker." The interim final rule incorporated this

definition and emphasized that premium pay should be in addition to compensation typically received.

Public Comment: Several submitted comments related to the definition of "premium pay." Several commenters asked Treasury to clarify certain aspects of the interim final rule and statutory definition of premium pay. For instance, a few commenters asked whether the $25,000 limit applies to the annual amount of premium pay received or the aggregate amount of premium pay received over the period of performance. A few commenters requested flexibility as to how premium pay may be awarded, including flexibility to make monthly or quarterly payments or lump sum payments. Finally, commenters requested additional clarification as to how premium pay should be calculated. For instance, a commenter asked how to calculate the amount of and account for overtime pay and other incentive pay.[269]

Treasury Response: Treasury has clarified some of these issues in the final rule. For example, Treasury has clarified in the final rule that the $25,000 per employee limit is for the entire period of performance, not an annual cap. Further, recipients have discretion with respect to the way in which premium pay is awarded to eligible workers (e.g., monthly, quarterly, lump sum), provided that the total premium pay awarded to any eligible worker does not exceed $13 per hour or $25,000 over the period of performance. Finally, a recipient may award premium pay to an eligible worker in addition to the overtime pay already earned by the eligible worker but in no instance may the portion of the compensation funded with SLFRF funds exceed $13 per hour, even if strict time-and-a-half calculation requires more.[270] To the extent that an employer is

[269] *See* 29 U.S.C. 207(a) ("[A]t a rate not less than one and one-half times the regular rate at which he is employed.").

[270] All recipients are required to comply with otherwise applicable laws, including any wage and hour requirements in the Fair Labor Standards Act. *See generally*, Department of Labor, *Wages and the Fair Labor Standards Act*, https://www.dol.gov/agencies/whd/flsa.

required under the FLSA to make payments to an eligible worker in excess of $13 per hour or $25,000 in the aggregate over the period of performance, the employer must use a source of funding other than the SLFRF funds to satisfy those obligations.

Program Structure

Public Comment: Several commenters also requested elaboration on eligible types of employees and permissible structures for awarding premium pay. A few commenters asked if premium pay could be awarded to volunteers or those in irregular and non-hourly or salaried employment positions. Similarly, various commenters asked if part-time workers were eligible for premium pay.

Some commenters asked Treasury to provide more detail on when premium pay may be paid retroactively or if a government could reimburse its general fund for hazard pay already paid before the start of the period of performance.

Treasury Response: Treasury has also made clear in the final rule that a recipient may award premium pay to non-hourly or salaried workers as well as part-time workers. Premium pay may not, however, be awarded to volunteers. If a recipient is interested in compensating volunteers with SLFRF funds, then it must do so consistent with the requirements set forth in other eligible use categories; for example, see section Public Sector Capacity and Workforce in Public Health and Negative Economic Impacts.

Under the final rule, recipients may award premium pay retroactively; however, SLFRF funds may not be used to reimburse a recipient or eligible employer grantee for premium pay or hazard pay already received by the employee. To make retroactive premium payments funded with SLFRF funds, a recipient or eligible employer grantee must make a new cash outlay for the

premium payments and the payments must be in addition to any wages or remuneration the eligible worker already received, subject to the other requirements and limitations set forth in the ARPA and this final rule.

Finally, as part of accepting the Award Terms and Conditions for SLFRF, each recipient agreed to maintain a conflict-of-interest policy consistent with 2 C.F.R. § 200.318(c) that is applicable to all activities funded with the SLFRF award. This award term requires recipients and subrecipients to report to Treasury or the pass-through agency, as appropriate, any potential conflict of interest related to the award funds per 2 C.F.R. § 200.112. Pursuant to this policy, decisions concerning SLFRF funds must be free of undisclosed personal or organizational conflicts of interest, both in fact and in appearance. Consistent with this policy, elected officials are prohibited from using their official position and control over SLFRF funds for their own private gain. This policy also prohibits, among other things, elected officials from steering funds to projects in which they have a financial interest or using funds to pay themselves premium pay.

C. Revenue Loss

Background

Sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act provide that SLFRF funds may be used "for the provision of government services to the extent of the reduction in revenue of such . . . government due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the . . . government prior to the emergency." This provision allows recipients experiencing budget shortfalls to use payments from the SLFRF funds to avoid cuts to government services and, thus, enables state, local, and

Tribal governments to continue to provide valuable services and ensures that fiscal austerity measures do not hamper the broader economic recovery.

State and local government budgets experienced stress in fiscal year 2020 as delayed tax filings and pandemic-related business closures caused revenues to decline sharply.[271] Twenty-two state governments took actions to close budget gaps in fiscal year 2020[272] and nearly 80 percent of cities reported being less able to meet the fiscal needs of their communities relative to fiscal year 2019.[273] Surveys of Tribal governments and Tribal enterprises conducted in 2020 found majorities of respondents reporting substantial cost increases and revenue decreases, with Tribal governments reporting reductions in health care, housing, social services, and economic development activities as a result of reduced revenues.[274]

The economic recovery, aided by the broad distribution of COVID-19 vaccines and the deployment of federal stimulus, has led to a strong rebound in total state and local government revenue and is contributing to a brighter fiscal outlook for most jurisdictions as compared to the earlier months of the public health emergency. For the fiscal year ending June 30, 2021, total state and local government tax revenues increased 21 percent relative to the same period in 2020, reflecting the combined impact of the modified tax filing deadline in 2020 and an improving economy.[275] However, despite a stable budget situation overall, many governments face

[271] In the second quarter of 2020, quarterly state and local tax revenues as reported by the U.S. Census Bureau fell 19 percent compared to the second quarter of 2019; U.S. Census Bureau, Quarterly Summary of State and Local Tax Revenue, https://www.census.gov/programs-surveys/qtax.html.
[272] National Association of State Budget Officers, Fiscal Survey of the States (Fall 2020), *available at* https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/Fiscal%20Survey/NASBO_Fall_2020_Fiscal_Survey_of_States_S.pdf
[273] National League of Cities, City Fiscal Conditions (2020), available at https://www.nlc.org/wp-content/uploads/2020/08/City_Fiscal_Conditions_2020_FINAL.pdf
[274] Surveys conducted by the Center for Indian Country Development at the Federal Reserve Bank of Minneapolis in March, April, and September 2020. Elijah Moreno & Heather Sobrepena, Tribal entities remain resilient as COVID–19 batters their finances, Federal Reserve Bank of Minneapolis (Nov. 10, 2020), https://www.minneapolisfed.org/article/2020/tribal-entities-remain-resilient-as-covid-19-batters-their-finances.
[275] Analysis of Quarterly Summary of State and Local Tax Revenue, U.S. Census Bureau, supra note 255

uncertainty as the COVID-19 pandemic continues to impact commuting patterns, hospitality and tourism, and other drivers of jurisdictions' economies. Thirty-five percent of cities still report being less able to meet financial needs than in fiscal year 2020,[276] and over half of surveyed Tribal governments and Tribal enterprises reported losing at least 40 percent of their revenue since the start of the pandemic.[277] Budget challenges persist as governments work to mitigate and contain COVID-19 and help citizens weather the economic downturn.

State, local, and Tribal government budgets affect the broader economic recovery. During the period following the 2007-2009 recession, state and local government budget pressures led to fiscal austerity that was a significant drag on the overall economic recovery.[278] Inflation-adjusted state and local government revenue did not return to the previous peak until 2013,[279] while employment in the sector returned to the previous peak in August 2019, nearly a decade later.[280] Just months after recouping losses from the previous downturn, the COVID-19 pandemic caused state and local government employment to contract again, but this time more sharply: by May 2020, state and local government payrolls fell 7.7 percent compared to February 2020. Despite

[276] National League of Cities, City Fiscal Conditions (2021), *available at* https://www.nlc.org/wp-content/uploads/2021/10/2021-City-Fiscal-Conditions-Report-2021.pdf

[277] Center for Indian Country Development and Federal Reserve Bank of Minneapolis, One Year Into COVID-19, Pandemic's Negative Effects Persist in Indian Country (May 2021), *available at* https://www.minneapolisfed.org/article/2021/one-year-into-covid-19-pandemics-negative-effects-persist-in-indian-country

[278] *See, e.g.*, Nora Fitzpatrick et al., Fiscal Drag from the State and Local Sector?, Liberty Street Economics Blog, Federal Reserve Bank of New York (June 27, 2012), https:// libertystreeteconomics.newyorkfed.org/2012/06/fiscal-drag-from-the-state-and-local-sector.html; Jiri Jonas, Great Recession and Fiscal Squeeze at U.S. Subnational Government Level, IMF Working Paper 12/184, (July 2012), available at https://www.imf.org/external/pubs/ft/wp/2012/wp12184.pdf; Gordon, supra note 13.

[279] State and local government general revenue from own sources, adjusted for inflation using the Bureau of Economic Analysis' implicit price deflator for GDP. U.S. Census Bureau, Annual Survey of State Government Finances and U.S. Bureau of Economic Analysis, National Income and Product Accounts, https://www.census.gov/programs-surveys/gov-finances.html.

[280] U.S. Bureau of Labor Statistics, All Employees, State Government [CES9092000001] and All Employees, Local Government [CES9093000001], retrieved from FRED, Federal Reserve Bank of St. Louis, https://fred.stlouisfed.org/series/CES9092000001 and https://fred.stlouisfed.org/series/CES9093000001.

improvement, non-federal public sector job growth continues to lag behind the rest of the U.S. labor market recovery.[281]

Summary of Interim Final Rule

As stated above, the Social Security Act provides that SLFRF funds may be used "for the provision of government services to the extent of the reduction in revenue of such . . . government due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the . . . government prior to the emergency." The interim final rule provided a formula for calculating revenue loss through a four-step process:

- Step 1: Identify revenues collected in the most recent full fiscal year prior to the public health emergency (i.e., last full fiscal year before January 27, 2020), called the *base year revenue.*
- Step 2: Estimate *counterfactual revenue*, which is the amount of revenue the recipient would have expected in the absence of the downturn caused by the pandemic. The counterfactual revenue is equal to *base year revenue* * [(1 + *growth adjustment*) ^ (*n*/12)], where *n* is the number of months elapsed since the end of the base year to the calculation date, and *growth adjustment* is the greater of the average annual growth rate across all State and Local Government "General Revenue from Own Sources" in the most recent three years prior to the emergency, 5.2 percent, or the recipient's average annual revenue growth in the three full fiscal years prior to the COVID-19 public health

[281] Pew Research, State and Local Government Job Growth Lags as Economy Recovers (September 2021), *available at* https://www.pewtrusts.org/en/research-and-analysis/articles/2021/09/14/state-and-local-government-job-growth-lags-as-economy-recovers.

emergency.[282] This approach to the growth rate provides recipients with the option to use a standardized growth adjustment when calculating the counterfactual revenue trend and thus minimizes administrative burden, while not disadvantaging recipients with revenue growth that exceeded the national average prior to the COVID-19 public health emergency by permitting these recipients to use their own revenue growth rate over the preceding three years.

- Step 3: Identify *actual revenue*,[283] which equals revenues collected over the twelve months immediately preceding the calculation date.
- Step 4: The extent of the reduction in revenue is equal to *counterfactual revenue* less *actual revenue*. If *actual revenue* exceeds *counterfactual revenue*, the extent of the reduction in revenue is set to zero for that calculation date.

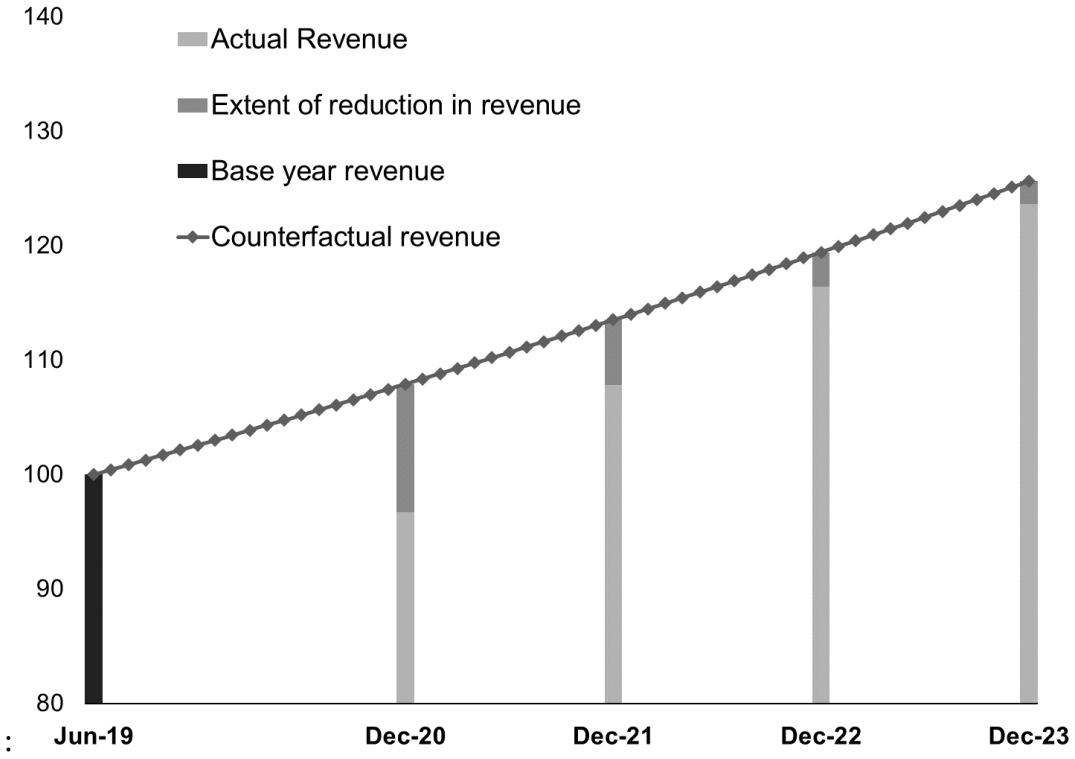
For illustration, consider a hypothetical recipient with *base year revenue* equal to 100 (Step 1) that ends on June 30, 2019. In Step 2, the hypothetical recipient finds that the average annual growth across all state and local government "General Revenue from Own Sources" in the most recent three years of available data, 5.2 percent, is greater than the recipient's average annual revenue growth in the three full fiscal years prior to the public health emergency. In this illustration, *n* (months elapsed) and *counterfactual revenue* would be equal to:

As of:	12/31/2020	12/31/2021	12/31/2022	12/31/2023
n (months elapsed)	18	30	42	54
Counterfactual revenue:	107.9	113.5	119.4	125.6

[282] At the time the interim final rule was published, the average annual growth across all state and local government "General Revenue from Own Sources" in the most recent three years of available data (2015-2018) was 4.1%, which was presented as one option for the growth adjustment. Since the interim final rule was published, 2019 data has been made available, which increases this rate to 5.2%. The final rule updates the percentage to 5.2%, as shown in Step 2.

[283] As explained below, in the final rule, recipients must adjust actual revenue amounts based on certain tax policy changes.

The figure below illustrates the reduction in revenue for the hypothetical recipient calculated in accordance with the methodology.



Finally, as explained in greater detail below, the clear meaning of the statutory phrase "due to the COVID-19 public health emergency" is that it is referring to revenue reductions caused by the public health emergency. As such, it does not include revenue reduced for reasons other than the public health emergency. Treasury in the interim final rule presumed that any reduction in revenue relative to the counterfactual estimate would be considered revenue lost due to the pandemic and thereby relieved recipients of the administrative burden of determining the extent to which reduction in revenue was due to the public health emergency. The calculation methodology in the interim final rule implicitly assumed that recipients did not suffer a loss in revenue due to the public health emergency if they did not experience a reduction in aggregate

revenue compared to the counterfactual estimate. The interim final rule invited comments on whether Treasury should revise its presumption to "take into account other factors, including actions taken by the recipient as well as the expiration of the COVID-19 public health emergency, in determining whether to presume that revenue losses are 'due to' the COVID-19 public health emergency."

Treasury received a substantial number of comments on the revenue loss provisions set forth in the interim final rule. These comments largely pertained to the following topics: the overall methodology for calculating revenue loss; the definition of "revenue"; whether revenue should be aggregated or calculated on some alternative basis (e.g., source-by-source or fund-by-fund); the appropriate calculation dates (i.e., fiscal year or calendar year); the presumption that all revenue loss is due to the pandemic; the base year; and the definition of "government services."

Overall Methodology for Calculating Revenue Loss

As noted above, the interim final rule provided a formula for recipients to calculate revenue loss by comparing actual revenues received during a given time-period with a counterfactual amount of revenue based on revenues in the base year and an adjustment for expected growth in revenue each year.

Public Comment: Treasury received many public comments on the overall methodology for calculating revenue loss. Some recipients, including smaller governments, have expressed concern regarding the burden associated with the calculation of revenue loss, particularly the burden involved in calculating the amount of general revenue, given that the definition of general revenue in the interim final rule does not always align with the definition of revenue already

calculated by recipients for other purposes, and requested clarifications regarding a number of components, including the definition of revenue. Commenters also asked for clarification on the relationship between revenue loss calculations across different calculation dates. Other commenters argued that the revenue loss formula does not precisely capture the nuances of local revenues or their particular situation. For example, some commenters stated that requiring that revenues be aggregated fails to capture decreases in revenue sources that cannot easily be made up for with other revenue sources.

Treasury Response: In the final rule, Treasury is largely maintaining the revenue loss formula as set forth in the interim final rule. To address comments that the formula for calculating revenue loss was difficult to apply, Treasury is including an option for recipients to use a standard allowance for revenue loss. Specifically, in the final rule, recipients will be permitted to elect a fixed amount of loss that can then be used to fund government services. This fixed amount, referred to as the "standard allowance," is set at $10 million total for the entire period of performance. Although Treasury anticipates that this standard allowance will be most helpful to smaller local governments and Tribal governments, any recipient can use this standard allowance instead of calculating revenue loss pursuant to the formula above, so long as recipients employ a consistent methodology across the period of performance (i.e., choose either the standard allowance or the regular formula). Treasury intends to amend its reporting forms to provide a mechanism for recipients to make a one-time, irrevocable election to utilize either the revenue loss formula or the standard allowance.

The $10 million level is based on average revenue loss across state and local governments, taking into consideration potential variation in revenue types and losses and continued uncertainty faced by many recipients regarding revenue shortfalls. To calculate this

estimate, Treasury applied a variation of the final rule's revenue loss calculation on available aggregate state and local government tax revenue data as reported by the Census Bureau for the first calculation date of December 31, 2020. This estimate accounts for expected variation across recipient experiences and reflects the fact that the final rule revenue loss calculation provides recipients several options for specific aspects (e.g., calendar year or fiscal year basis; use of average state and local revenue growth rate or specific local rate). Treasury compared actual calendar year 2020 tax revenues, in aggregate for all state and local governments, to several counterfactual trends that vary based on the end date of the fiscal base year.[284] Treasury also assessed counterfactual trends using different revenue growth rates (e.g., the three-year average growth rates of total state and local government general revenue for both fiscal years ending in 2016-2018 and fiscal years ending in 2017-2019; the three-year average growth rates of total state and local government tax revenues for fiscal years ending in 2017-2019; and the one-year growth rate for total state and local government tax revenue in the last full fiscal year before the public health emergency). To account for the fact that the initial estimate, based on tax revenue, only includes a subset of recipient aggregate general revenue, Treasury applied a scaling factor to recognize that tax revenues generally make up just over half of general revenue collected by state and local governments (i.e., Treasury scaled up its estimate based on tax revenue to produce an estimate for total general revenue).[285] The resulting calculation was then extrapolated over the four-year period of performance and divided by a population of interest to arrive at an average loss estimate.

[284] Because the Census Bureau's state and local government tax revenue data is reported on a quarterly frequency, fiscal base year end dates of March 31, June 30, September 30, and December 31 were used in this assessment.
[285] Annual Survey of State and Local Government Finances (2019).

As noted above, Treasury estimated a range of scenarios to account for different values of the variables that would impact average losses. For example, the end date of the fiscal base year and growth rate of counterfactual revenue impact the overall estimate of revenue loss. In addition, this estimate takes into consideration the limitations in the available data. The governments covered by the Census Bureau's survey do not entirely align with SLFRF recipients. The Census Bureau's figures are based on 50 state governments, all local government property tax collectors and local government non-property tax imposers, representing at a minimum the more than 38,000 "General Purpose Governments" defined by Census. However, there are only roughly 32,000 recipients of SLFRF funds. Thus, Treasury considered the difference between the number and type of entities in the Census Bureau data and the SLFRF recipients.

Based on this methodology, Treasury estimates that average revenue loss (determined by comparing the counterfactual revenue to actual revenue) may range from $0 to $11.7 million per recipient over the period of performance.[286] Treasury settled on a point estimate toward the upper end of the range of potential averages, in part, to account for significant variation in the experiences of recipient governments: some recipients likely experienced losses at the upper end of this range of potential averages. A point estimate toward the upper end of the range errs toward ensuring more recipients' experiences are covered and increases the utility of the standard allowance for SLFRF recipients. Specifically, the program includes a very large number of recipients with relatively smaller awards; these recipients have tended to describe having greater difficulty completing the regular revenue loss calculation. Thus, selecting a point estimate toward the higher end of the expected range not only increases the likelihood that the

[286] This is the range of averages that Treasury calculated by varying the aforementioned assumptions.

standard allowance will reflect the experience of a larger number of SLFRF recipients but is more responsive to the comments of those with smaller awards. In addition, using a point estimate toward the upper end of the range accounts for the difficulty and uncertainty in predicting revenue losses years into the future, throughout the period of performance.[287]

Finally, Treasury selected a single allowance level, as opposed to varying levels, to further the goals of simplicity, flexibility, and administrability. Furthermore, data limitations make it difficult to distinguish between types of local governments.[288]

General Revenue

The interim final rule adopted a definition of "general revenue" based largely on the components reported under "General Revenue from Own Sources" in the Census Bureau's Annual Survey of State and Local Government Finances. Under the interim final rule, general revenue included revenue collected by a recipient and generated from its underlying economy, and it would capture a range of different types of tax revenues, as well as other types of revenue that are available to support government services.[289] Specifically, revenue under the interim final rule included money that is received from tax revenue, current charges, and miscellaneous general revenues and excluded refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, agency or private trust transactions, revenue from utilities,

[287] See, e.g., Government Accountability Office, State and Local Governments: Fiscal Conditions During the COVID-19 Pandemic in Selected States (July 2021) (noting that "[s]tate and local government revenues partly depend on the overall economy, and actions to stem the spread of the virus drastically reduced economic activity."); Board of Governors of the Federal Reserve System, Monetary Policy Report (July 9, 2021) (noting that the pandemic "pushed down state and local government tax collections" and that while some of the drag is "abating" state and local "government payrolls . . . have only edged up from their lows at the onset of the pandemic").
[288] Local government tax revenue data in the Census Bureau's Quarterly Summary of State and Local Tax Revenue, *supra* note 255, is provided on an aggregated basis.
[289] The Department also released guidance clarifying how a recipient may determine whether a particular entity is "part of the recipient's government." *See FAQ 3.14*. Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.

social insurance trust revenues, and intergovernmental transfers from the federal government, including transfers made pursuant to section 9901 of the ARPA.[290] In the case of Tribal governments, it also included revenue from Tribal business enterprises.

Public Comment: Many commenters asked Treasury to include certain items in the definition of "general revenue." For instance, several commenters that operate their own utilities asked that revenue from utilities be included, arguing that declines in utility revenue directly affect contributions to their general funds. Many of these commenters noted that moratoriums on utility shutoffs and a decline in collections have resulted in significant budgetary pressures.

Some commenters also asked for the exclusion of certain intergovernmental transfers in the definition of general revenue, including transfers of shared revenue from the state.[291] Other commenters asked for the inclusion of certain transfers from the federal government, including fees paid for services and grants that are, in effect, paid for the provision of services.

Treasury also received multiple requests to include revenue from Tribal enterprises in the definition of "general revenue" and that "Tribal enterprise" be defined broadly. Others asked for the ability to choose whether to include revenue from Tribal enterprises.

Finally, some commenters requested that the definition of general revenue exclude certain sources of revenue, such as revenue sources that do not support a general fund (i.e.,

[290] The interim final rule stated that "general revenue" and "tax revenue" excludes refunds and other correcting transactions. Instead of "excluding" refunds and other correcting transactions, the Census Bureau methodology upon which those definitions are based provides that general revenue and tax revenue are determined "net of" refunds and other correcting transactions. The use of "excluding" in the interim final rule is substantively the same as the Census Bureau methodology. However, to be consistent with the terminology used by the Census Bureau, the final rule uses "net of" instead of "excluding." Current charges are defined as "charges imposed for providing current services or for the sale of products in connection with general government activities." It includes revenues such as public education institution, public hospital, and toll revenues. Miscellaneous general revenue comprises of all other general revenue of governments from their own sources (i.e., other than utility and insurance trust revenue), including rents, royalties, lottery proceeds, and fines.

[291] The interim final rule excluded governmental transfers from the Federal Government, but it did not exclude intergovernmental transfers from other governmental units for purposes of the revenue loss provisions.

revenue sources that are restricted in use). Commenters also asked that general revenue exclude revenue from special assessments, settlements that make the recipient whole for past expenditures, and one-time revenues such as revenue from the sale of property.

Treasury Response: In the final rule, Treasury has maintained the definition of "general revenue" from the interim final rule with two exceptions.

Treasury has adjusted the definition to allow recipients that operate utilities that are part of their own government to choose whether to include revenue from these utilities in their revenue loss calculation. This change responds to comments from recipients indicating that revenue from utilities is used to fund other government services and that utility revenues have declined on aggregate.[292] This approach is consistent with other eligible uses, which recognize decreased ability of many households to make utility payments; see section Assistance to Households, which identifies utility assistance as an enumerated eligible use of funds, including through direct or bulk payments to utilities for consumer assistance. Furthermore, for utilities or other entities (e.g., certain service districts) that are not part of the recipient government, a transfer from the utility to the recipient constitutes an intergovernmental transfer and therefore is included in the definition of "general revenue."[293]

Treasury has also added liquor store revenue to the definition of general revenue. The Supplemental Information to the interim final rule stated that the definition of tax revenue would include liquor store revenue, but the text of the rule did not include it. Accordingly, in the final rule, Treasury is clarifying that revenue includes liquor store revenue. However, Treasury

[292] U.S. Energy Information Administration, Annual Electric Utility Data (October 2021), *available at https://www.eia.gov/electricity/sales_revenue_price/*.
[293] FAQ 3.14 provides further guidance on how to determine what entities constitute a government for purposes of calculating revenue loss. *See* Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.

believes revenue from government-owned liquor stores is better classified as general revenue than it is as tax revenue, so the final rule includes it as part of general revenue.

In response to requests that the definition of general revenue exclude revenue from special assessments, settlements that make the recipient whole for past expenditures, and one-time revenues such as revenue from the sale of property, Treasury is maintaining its position in the final rule that such revenue is included in general revenue. While such revenues may be less predictable than other sources of revenue (e.g., property taxes), these are not uncommon sources of revenue for recipients, and their inclusion provides a more complete view of the financial health of a recipient government and is consistent with the Census Bureau methodology. Treasury is also maintaining the exclusion of all payments from the federal government (including payments for services) from general revenue in order to avoid substantial dilution of the definition of revenue, particularly in light of extraordinary fiscal support provided during the pandemic. Treasury is maintaining the inclusion of intergovernmental transfers other than from the federal government for the reasons provided in the Supplemental Information to the interim final rule; to do otherwise would be to significantly distort the revenue calculations for local governments that regularly receive revenue sharing payments, for example, from their state governments. Treasury is also maintaining the approach that "general revenue" includes revenue from Tribal enterprises. This approach recognizes that these enterprises often form the revenue base for Tribal governments' budgets.

To ease the burden on recipients and account for anomalous variations in revenue, as mentioned above, Treasury has incorporated a "standard allowance" option into the final rule. A recipient may choose to use the standard allowance, which under the final rule is set at $10 million, as an alternative to calculating revenue loss according to the formula described above.

This addition will promote administrative efficiency and simplify the revenue loss calculation for the vast majority of recipients. Treasury intends to amend its reporting forms to provide a mechanism for recipients to elect to utilize either the revenue loss formula or the standard allowance, in addition to other changes made as part of the final rule.

Aggregate Revenue Loss Calculation

Under the interim final rule, revenue loss was calculated based on aggregate revenues and therefore loss in one type of revenue could be offset by gains in another. The amount of SLFRF funds available to provide government services was based on overall net revenue loss. In the Supplementary Information to the interim final rule, Treasury asked commenters to discuss the advantages and disadvantages of, and any potential concerns with, this approach, including circumstances in which it could be necessary or appropriate to calculate the reduction in revenue by source.

Public Comment: Treasury received many comments stating that revenue loss should be calculated on a source-by-source basis. Some commenters argued that a source-by-source approach would be administratively simpler. Other commenters argued that calculating revenue loss source-by-source would better reflect the impact of the COVID-19 pandemic on their ability to fund government services because revenue gains in one source cannot always be used to make up for losses in another. For similar reasons, other commenters asked that revenue loss be calculated on a fund basis.

Treasury Response: Treasury considered alternative methods (e.g., source-by-source, fund-by-fund) but ultimately determined to maintain the calculation of revenue loss in the aggregate. The pandemic has had different effects on recipients (and their revenues), and

Treasury recognized that one particular type of revenue or one particular source may have experienced a greater amount of loss for some recipients. However, the statute refers only to "*the* reduction in revenue of such State, local government, or Tribal government." The statute is thus clear that Treasury is to refer to the aggregate revenue reduction of the recipient due to the public health emergency. Further, this provision is designed to address declines in the recipients' overall ability to pay for governmental services, and calculating revenue loss on an aggregate basis provides a more accurate representation of the effect of the pandemic on overall revenues and the fiscal health of the recipient. In many circumstances, recipient governments have flexibility to use revenues from an array of sources and offset declines in some sources with gains in others. While the details and configuration of this flexibility vary widely across recipient governments, calculating revenue loss on a source-by-source or fund-by-fund basis would not capture how recipient governments balance their budgets in the regular course of business. Accordingly, the final rule maintains the requirement that revenue loss is to be calculated on an aggregate basis.

Calculation Dates

Public Comment: Under the interim final rule, recipients calculate revenue loss as of the end of the calendar year. Treasury received many comments requesting that recipients be permitted to calculate revenue loss as of the end of their fiscal year. Commenters argued that doing so would be simpler and less burdensome on recipients and that financial data as of the end of the fiscal year is audited and therefore more reliable. Commenters also argued that recipients' fiscal years are structured around the timing of major revenue sources, and that the Census Bureau uses fiscal years in its Annual Survey.

Treasury also received comments about the use of multiple calculation dates. Several Tribal governments stated that they would not see ongoing revenue losses due to the COVID-19 public health emergency and asked to be able to determine revenue loss as of the first calculation date. Several commenters asked whether revenue loss is determined independently for each year, so that a gain in one year does not offset a loss in another, or whether revenue loss is cumulative from the beginning of the pandemic.

Treasury Response: In the final rule, Treasury has made adjustments to give recipients more flexibility with respect to calculation dates and to clarify certain elements. Specifically, the final rule provides recipients the option to choose whether to calculate revenue loss on a fiscal year or calendar year basis, though they must choose a consistent basis for loss calculations throughout the period of performance. Treasury has also clarified in the final rule that revenue loss is calculated separately for each year such that the calculation of revenue lost in one year does not affect the calculation of revenue lost in prior or future years.

Presumption that Revenue Loss is Due to the Pandemic

As stated above, sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act provide that SLFRF funds may be used "for the provision of government services to the extent of the reduction in revenue of such . . . government due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the . . . government prior to the emergency." As discussed in the interim final rule, although revenue may decline for reasons unrelated to COVID–19, in order to minimize the administrative burden on recipients in calculating revenue loss and take into consideration the devastating effects of the COVID–19

public health emergency, any reduction in revenue relative to the counterfactual estimate was presumed in the interim final rule to be considered revenue lost due to the pandemic.

Treasury stated in the Supplementary Information to the interim final rule that it was considering when, if ever, during the period of performance it would be appropriate to reevaluate the presumption that all losses are attributable to the public health emergency. Treasury also sought comment on whether to take into account other factors, including actions taken by the recipient as well as the expiration of the COVID–19 public health emergency, in determining whether to presume that revenue losses are "due to" the COVID–19 public health emergency.

Public Comment: Treasury received many comments in support of the presumption, as well as some opposed. Some commenters argued that the presumption eases the administrative burden on recipients because, without it, it would be difficult to identify which losses are attributable to the COVID-19 public health emergency. Many commenters also argued that Treasury should maintain the presumption because recipients are likely to experience losses due to the public health emergency even after the end of the public health emergency. Treasury also received comments asking that it adjust any revenue loss calculation to account for tax changes enacted by the recipient. In particular, some commenters noted that some recipients had increased taxes in order to meet additional demands for government services or to address declines in revenue due to the pandemic. These tax increases have in some cases offset some or all of the actual revenue loss attributable to the public health emergency. Because the interim final rule calculates revenue loss by reference to actual revenue collected, commenters argued that the calculation of revenue loss "due to" the public health emergency needs to take into consideration the effects of tax increases by deducting the effect of these tax increases from actual revenue collected.

Treasury Response: In the final rule, Treasury has maintained the presumption that a reduction in a recipient's revenue is due to the public health emergency with certain adjustments to respond to comments and to better account for revenue loss "due to the COVID-19 public health emergency." The final rule makes adjustments to the presumption to take into account certain government actions to change tax policy. In particular, Treasury is adjusting the presumption to account for changes to tax policy by providing that changes in revenue that are caused by tax increases or decreases adopted after the issuance of the final rule will not be treated as due to the public health emergency.

Presumption of Revenue Loss "Due To" the Pandemic

In enacting sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act, Congress provided that a state, local government, or Tribal government could use funds to "cover costs . . . for the provision of government services," but only "to the extent of the reduction in revenue . . . due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year . . . prior to the emergency." In doing so, Congress recognized that the pandemic was causing significant disruption to economic activity and sought to minimize the impact of associated revenue losses on the ability of the recipient to provide government services when such services were needed most.[294] The text of the statute itself reinforces this important context: The law specifically limits funds to cover revenue losses that both are "due to the COVID-19 public health emergency" and could impact "the provision of government services."

[294] *See also* sections 602(a)(1) and 603(a) of the Social Security Act (appropriating the funds for payment to recipients in order to "mitigate the fiscal effects stemming from the public health emergency").

Courts have recognized that the phrase "due to" can refer to various causal standards.[295] Here, in the context of Congress's addressing economic disruptions caused by the COVID-19 pandemic that could impact both revenues and government services, the key consideration is whether a revenue loss experienced by the recipient resulted from the exogenous impacts of the public health emergency (and were thus "due to" the pandemic) or instead from the recipient's own discretionary actions (and, in this context, were not "due to" the pandemic). Reductions in revenue due to the public health emergency does not cover revenue reductions that resulted from a recipient's own discretionary actions.

In the interim final rule, Treasury included a presumption that all revenue loss is due to the pandemic in order to minimize the administrative burden on recipients discussed above and take into consideration the devastating effects of the COVID–19 public health emergency. Based on comments, Treasury believes that the reasons for the presumption continue to be valid and has determined to maintain the presumption in the final rule with certain modifications. In particular, at this point in the course of the pandemic, with the fiscal pressure on state and local governments having been significantly reduced, it is appropriate for Treasury to reassess aspects of this presumption. As discussed below, the final rule requires recipients to exclude the value of tax policy changes adopted after January 6, 2022.

Recipients of the SLFRF range from states to the smallest local governments. At the time that the interim final rule was adopted, it was important for recipients to be able to calculate with ease and certainty their amount of revenue loss so that they could begin deploying these funds to continue to maintain essential government services. To this end, the presumption in the interim final rule provided a relatively simple formula for all recipients to use, but the exigent need for

[295] *U.S. Postal Service v. Postal Regulatory Comm'n*, 640 F.3d 1263 (D.C. Cir. 2011); *see Kimber v. Thiokol Corp.*, 196 F.3d 1092, 1100 (10th Cir. 1999); *Adams v. Director, OWCP*, 886 F.2d 818, 821 (6th Cir. 1989).

recipients to immediately deploy funds for the provision of government services has decreased and the benefit of the presumption in reducing administrative burden is less relevant for those governments that are not likely to avail themselves of the standard allowance described above.

Consistent with these considerations, the final rule requires recipients to exclude revenue loss due to tax changes adopted after January 6, 2022. Eliminating revenue loss due to tax changes from the presumption is appropriate given the significance of tax revenue as a portion of all revenue for state and local governments, the direct impact of tax policy decisions on revenue collected, and the relative ease with which recipients can isolate the estimated effect of a tax change on revenue.[296] Most state budgeting processes require a "budget score," often developed through a consensus process with executive and legislative branch experts,[297] and Treasury expects that larger localities, those most likely to utilize the revenue loss formula rather than the standard allowance, also regularly use revenue or budget estimates when considering changes to tax policies. As such, in many cases, recipients already prepare estimates of the impact of tax changes on revenue, and as discussed below, Treasury will generally permit recipients to rely on such estimates in adjusting their revenue loss calculations.

Reductions in revenue that are not attributable to tax changes would continue to be subject to the presumption. A requirement that recipients evaluate the revenue effect of changes in discretionary policy actions other than tax changes would be more difficult for recipients than evaluating the changes attributable to tax changes given that state and local governments do not generally prepare estimates of the revenue effects of other actions. Finally, as noted above, taxes

[296] Treasury considered whether to also eliminate the presumption with respect to losses resulting from other changes in policy, such as decreases in user fees or fines. However, the effects of these changes are more minor overall and would be more challenging to accurately identify and quantify, so the administrability benefit of the presumption for recipients outweighs whatever distortion there might be as a result of not reflecting such changes.
[297] *See generally*, National Association of State Budget Officers, Budget Processes in the States, (2021), available at https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/Budget%20Processess/NASBO_2021_Budget_Processes_in_the_States_S.pdf

are the single largest source of revenue for state and local government recipients in the aggregate.

Revisions to Presumption to Address Tax Reductions

For these reasons, Treasury is providing in the final rule that changes in general revenue that are caused by tax cuts adopted after the date of adoption of the final rule (January 6, 2022) will not be treated as due to the public health emergency, and the estimated fiscal impact of such tax cuts must be added to the calculation of "actual revenue" for purposes of calculation dates that occur on or after April 1, 2022. Tax cuts include final legislative or regulatory action or a new or changed administrative interpretation that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase and that the recipient assesses has had the effect of reducing tax revenue relative to current law. This includes the phase-in or taking effect of any statute or rule if the phase-in or taking effect was not prescribed prior to the issuance of the final rule.

In assessing whether a tax change has had the effect of reducing tax revenue, recipients may either calculate the actual effect on revenue or rely on estimates prepared at the time the tax change was adopted. More specifically, recipients may rely on information typically prepared in the course of developing the budget (e.g., expected revenues) and/or considering tax changes (e.g., budget scores, revenue notes) to determine the amount of revenue that would have been collected in the absence of the tax cut, as long as those estimates are based on reasonable assumptions and do not use dynamic methodologies that incorporate the projected effects of macroeconomic growth, given that macroeconomic growth is accounted for in the counterfactual growth assumptions. Recipients that choose to calculate the actual effect of a tax change on

revenue must similarly base their calculations on reasonable estimates that do not use dynamic methodologies. Recipients should apply this adjustment in determining their actual revenue totals at Step 3 in the revenue loss calculation described above.

Revisions to Presumption to Address Tax Increases

As noted above, the calculation methodology in the interim final rule implicitly assumed that recipients did not experience a reduction in revenue due to the public health emergency if they did not experience a reduction in aggregate revenue relative to the counterfactual estimate. Treasury recognizes that some recipients may have experienced a reduction in revenue due to the public health emergency that was offset by other revenue, particularly in the case of increases to tax revenue resulting from a tax increase. The final rule requires recipients that increased taxes to deduct the amount of increases to revenue attributable to such tax increase. This change is also consistent with the incorporation in the interim final rule and final rule of a counterfactual growth rate, which effectively permits recipients to count revenue losses due to the public health emergency that are offset by increased tax revenue resulting from organic growth.

For these reasons, Treasury is providing in the final rule that recipients must subtract from their calculation of actual revenue the effect of tax increases adopted after the date of adoption of this final rule (January 6, 2022) for purposes of calculation dates that occur on or after April 1, 2022. This change and the change to the final rule described above treat tax changes in a consistent manner: in the case of reduction in revenue resulting from a tax cut, a recipient must add the amount of that reduction to its calculation of actual revenue, and in the case of an increase in revenue resulting from a tax increase, a recipient must subtract the amount

of additional revenue collected as a result of the tax increase from its calculation of actual revenue.[298]

As is the case with tax cuts, discussed above, tax increases that must be reflected in the calculation of revenue include final legislative or regulatory action or a new or changed administrative interpretation that increases any tax and that the recipient assesses has had the effect of increasing tax revenue relative to current law. In assessing whether a tax change has had the effect of increasing tax revenue, recipients may either calculate the actual effect on revenue or rely on estimates prepared at the time the tax change was adopted. Recipients may rely on information typically prepared in the course of developing the budget (e.g., expected revenues) and/or considering tax changes (e.g., budget scores, revenue notes) to determine the amount of revenue that was collected as a result of the tax increase as long as those estimates are based on reasonable assumptions and do not use dynamic methodologies that incorporate the projected effects of macroeconomic growth, given that macroeconomic growth is accounted for in the counterfactual growth assumptions. Recipients that choose to calculate the actual effect of a tax change on revenue must similarly base their calculations on reasonable estimates that do not use dynamic methodologies. Recipients should apply this adjustment in determining their actual revenue totals at Step 3 in the revenue loss calculation described above.

[298] The final rule does not permit recipients to reflect the effects of other changes in policy, such as increases in fees adopted after adoption of the final rule. Treasury understands that the main beneficiaries of such a change would be those recipients that will benefit from the standard allowance provided for in the final rule and that for other recipients the administrative burden on recipients needed to calculate these adjustments would outweigh the benefit of having a somewhat larger amount of funds available for government services.

Previously Adopted Tax Changes

As discussed above, the final rule will not require recipients to reflect the revenue effects of tax increases or decreases adopted prior to the adoption of the final rule. Recipients that adopted a tax change in a previous period will not be required to recalculate the amount of revenue loss as of prior calculation dates or to reflect the fiscal impacts of such tax changes in calculation dates after the effective date of the final rule. However, the final rule will permit recipients to elect to reflect the revenue effects of their tax changes adopted between the beginning of the public health emergency and the adoption of the final rule.[299] If a recipient elects to do so, it must do so with respect to all of its tax changes adopted between the beginning of the public health emergency and the adoption of the final rule. Treasury intends to revise its reporting requirements to permit recipients to amend their previously reported calculation periods to reflect such changes.

Determination of the Base Year

Under the ARPA and interim final rule, SLFRF funds may be used "for the provision of government services to the extent of the reduction in revenue . . . relative to revenues collected in the most recent full fiscal year" of the recipient. Therefore, the base year for the revenue loss calculation is the most recent full fiscal year prior to the COVID–19 public health emergency.

Public Comment: Treasury received multiple comments asking for flexibility in determining base year revenues. For instance, some commenters asked to use a different base year than the "most recent full fiscal year" prior to the pandemic for calculating revenue loss;

[299] The final rule also addresses the possibility that some recipients may have fiscal years ending during the period between January 6, 2022 and April 1, 2022; such recipients' election to reflect tax changes from prior periods would also apply to changes during this period with respect to the calculation date in this period.

others asked to be able to average prior years. Commenters stated that, for various reasons, revenue was artificially low in the last full fiscal year prior to the public health emergency, and, therefore, using revenue in that year as the base year did not accurately reflect expected revenue in a normal year. For example, several Tribes stated that unforeseeable weather events resulted in forced closure of casinos which, in turn, artificially deflated revenues in the base year. Other commenters indicated that one-time anomalies in the timing of tax collection in that year artificially pushed revenue into the following fiscal year. Similarly, a few commenters noted that tax changes that took effect in the middle of the base year may artificially skew the size of the revenue loss experienced by the recipient government.

Treasury Response: Treasury understands that recipients may have experienced events in the base year that led to lower or higher revenues than what they otherwise would have collected. The ARPA provides that revenue loss is to be determined with respect to revenue in the most recent full fiscal year prior to the pandemic, and therefore the final rule maintains its incorporation of the statutory definition.

In calculating revenue loss, recipients may use data on a cash, accrual, or modified accrual basis, provided that recipients are consistent in their choice of methodology throughout the covered period, which might help recipients adjust to certain delays in revenue receipt. Both the standard allowance and elements of the formula (e.g., counterfactual growth rate) incorporate generous assumptions to give recipients flexibility and to account for variation among recipients' experiences during the pandemic.

Government Services

The Supplemental Information to the interim final rule provided a non-exhaustive list of examples of services that are government services. The interim final rule also discussed why neither payment of debt service nor replenishing financial reserves constitutes government services, as these expenditures do not provide services but relate to the financing of such services. Similarly, government services under the interim final rule did not include satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding, unless the judgment or settlement required the provision of government services.

Public Comment: Treasury received several comments requesting further clarification regarding the scope of government services, including asking for either a specific definition of government services or that a specific use be expressly deemed to be a government service. Some commenters disagreed with the exclusions from government services in the interim final rule. For instance, many of the comments Treasury received suggested that replenishing reserve funds and at least certain types of debt service should be treated as providing governmental services. Some commenters also suggested that a recipient should be able to use funds for costs incurred before March 3, 2021. Other commenters asked Treasury to maintain the prohibition on using the funds to pay debt service.

Treasury Response: Treasury continues to believe that the lists of activities that either are or are not providing government services are accurate but is clarifying here that, generally speaking, services provided by the recipient governments are "government services" under the interim final rule and final rule, unless Treasury has stated otherwise. Government services

include, but are not limited to, maintenance or pay-go funded building[300] of infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.

The aforementioned list of government services is not exclusive. However, recipients should be mindful that other restrictions may apply, including those articulated in the section Restrictions on Use. In the final rule, Treasury is maintaining the limitations on government services included in the interim final rule and has addressed and responded to public commenters on these issues in the section Restrictions on Use.

D. Investments in Water, Sewer, and Broadband Infrastructure

Summary of Interim Final Rule

Under the ARPA, recipients may use funds to make necessary investments in water, sewer, and broadband infrastructure. The interim final rule provided recipients with the ability to use funds for a broad array of uses within these categories.

The interim final rule discussed two general provisions that apply across all water, sewer, and broadband infrastructure investments. First, the interim final rule addressed the meaning of "necessary" investments as meaning those designed to provide an adequate minimum level of service and unlikely to be made using private sources of funds. Second, the interim final rule encouraged recipients to use strong labor standards in water, sewer, and broadband projects, as discussed below.

[300] Pay-go infrastructure funding refers to the practice of funding capital projects with cash-on-hand from taxes, fees, grants, and other sources, rather than with borrowed sums.

Necessary Investments

The statute limits investments to those that are necessary. As discussed in more detail below, Treasury determined that the types of water and sewer projects that were authorized under the interim final rule by reference to existing Environmental Protection Agency (EPA) programs would in all cases be necessary investments given the conditions applicable to such EPA programs. Similarly, the interim final rule's definition of eligible broadband projects as those designed to provide a certain standard of service to those households and businesses with limited existing service was based on the statutory requirement that investments in water, sewer, and broadband must be "necessary."

As discussed further below, Treasury has expanded the scope of what is an eligible water and sewer infrastructure project to include additional uses. In particular, the final rule permits use of SLFRF funds for certain dam and reservoir restoration projects and certain drinking water projects to support population growth. The nature of these additional uses is such that additional factors must be considered in determining whether one of these additional uses is a necessary project. In addition, Treasury recognizes that there may be a need for improvements to broadband beyond those households and businesses with limited existing service as defined in the interim final rule. Treasury has replaced this specific requirement based on an understanding that broadband investments may be necessary for a broader set of reasons.

Given this expansion of what is considered in scope as a water, sewer, or broadband infrastructure project, the final rule provides a further elaboration of Treasury's understanding of the conditions under which an infrastructure project will be considered to be a necessary investment. Treasury considers a necessary investment in infrastructure to be one that is (1) responsive to an identified need to achieve or maintain an adequate minimum level of service,

which may include a reasonable projection of increased need, whether due to population growth or otherwise and (2) a cost-effective means for meeting that need, taking into account available alternatives. In addition, given that drinking water is a resource that is subject to depletion, in the case of investments in infrastructure that supply drinking water in order to meet projected population growth, the project must be projected to be sustainable over its estimated useful life.

Not included in the list of criteria above is the requirement in the interim final rule that the project be unlikely to be made using private sources of funds. Given that it may be difficult to assess in a particular case what the probability of private investment in a project would be, Treasury has eliminated this standard from the meaning of necessary but still encourages recipients to prioritize projects that would provide the greatest public benefit in their respective jurisdictions.

Strong Labor Standards in Water, Sewer, and Broadband Construction

As stated in the Supplementary Information to the interim final rule, Treasury encourages recipients to carry out investments in water, sewer, or broadband infrastructure in ways that produce high-quality infrastructure, avert disruptive and costly delays, and promote efficiency.[301] Treasury encourages recipients to use strong labor standards, including project labor agreements (PLAs) and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also recommends that recipients prioritize in their

[301] Treasury received several comments related to its encouragement of certain wage and labor standards in the Supplementary Information to the interim final rule. Some commenters opposed this encouragement, arguing that even encouragement and reference to PLAs and prevailing wage laws could lead to confusion or make it more likely that recipients would apply labor standards in ways that would discourage competition and raise project costs. Conversely, some commenters supported the encouragement of the use of certain standards, including giving preference to employers that meet certain employment standards (e.g., those that maintain high safety and training standards) because it would support the goal of completing water, sewer, and broadband projects efficiently and safely. As in the interim final rule, this encouragement does not impose a legally binding restriction on recipients.

procurement decisions employers who can demonstrate that their workforce meets high safety and training standards (e.g., professional certification, licensure, and/or robust in-house training), that hire local workers and/or workers from historically underserved communities, and who directly employ their workforce or have policies and practices in place to ensure contractors and subcontractors meet high labor standards. Treasury further encourages recipients to prioritize employers (including contractors and subcontractors) without recent violations of federal and state labor and employment laws.

Treasury believes that such practices will promote effective and efficient delivery of high-quality infrastructure projects and support the economic recovery through strong employment opportunities for workers. Such practices will also reduce the likelihood of potential project challenges like work stoppages or safety accidents, while ensuring a reliable supply of skilled labor and minimizing disruptions, such as those associated with labor disputes or workplace injuries. That will, in turn, promote on-time and on-budget delivery.

Furthermore, among other requirements contained in 2 CFR 200, Appendix II, all contracts made by a recipient or subrecipient in excess of $100,000 with respect to water, sewer, or broadband infrastructure project that involve employment of mechanics or laborers must include a provision for compliance with certain provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5).

Treasury will continue to seek information from recipients on their workforce plans and water, sewer, and broadband projects undertaken with SLFRF funds. This reporting will support transparency and competition by enhancing available information on the services being provided.

Since publication of the interim final rule, Treasury has provided recipients with additional guidance and instructions on the reporting requirements.[302]

Environmental and Other Generally Applicable Requirements

Treasury cautions that, as is the case with all projects engaged in using the SLFRF funds, all projects must comply with applicable federal, state, and local law. In the case of infrastructure projects in particular, this includes environmental and permitting laws and regulations. Likewise, as with all capital expenditure projects using SLFRF funds, projects must be undertaken and completed in a manner that is technically sound, meaning that they must meet design and construction methods and use materials that are approved, codified, recognized, fall under standard or acceptable levels of practice, or otherwise are determined to be generally acceptable by the design and construction industry.

1. WATER AND SEWER INFRASTRUCTURE

Sections 602(c)(1)(D) and Section 603(c)(1)(D) of the Social Security Act provide that recipients may use the SLFRF funds "to make necessary investments in water [and] sewer… infrastructure." The interim final rule permitted a broad range of necessary investments in projects that improve access to clean drinking water and improve wastewater and stormwater infrastructure systems. As discussed below, after review of comments received on the interim final rule, Treasury has made changes in the final rule to expand the scope of eligible water and sewer projects.

[302] *See* U.S. Department of the Treasury, *Compliance and Reporting Guidance*, 21 (June 24, 2021), https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf.

Summary of Interim Final Rule and Final Rule Structure

Background: In the interim final rule, Treasury aligned eligible uses of the SLFRF with the wide range of types or categories of projects that would be eligible to receive financial assistance through the Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF) administered by the Environmental Protection Agency (EPA). By referring to these existing programs, with which many recipients are already familiar, Treasury intended to provide flexibility to recipients to respond to the needs of their communities while facilitating recipients' identification of eligible projects. Furthermore, by aligning SLFRF eligible uses with these existing programs, Treasury could ensure that projects using the SLFRF are limited to "necessary investments."

Public Comment: Treasury received many comments responding to the water and sewer infrastructure provisions of the interim final rule from state, local, and Tribal governments, industry trade associations, public interest groups, private individuals, and other interested parties. Commenters requested that Treasury provide a wider set of eligible uses for water and sewer infrastructure beyond those uses articulated by the DWSRF and CWSRF, suggesting that Treasury expand the definition of necessary water and sewer infrastructure.

Treasury Response: In response to commenters, Treasury is expanding the eligible use categories for water and sewer infrastructure, discussed in further detail below. Because the interim final rule aligned the definition of necessary water and sewer infrastructure with the eligible uses included in the DWSRF and CWSRF, Treasury is reflecting in the final rule a revised standard for determining a necessary water and sewer infrastructure investment for eligible water and sewer uses beyond those uses that are eligible under the DWSRF and CWSRF.

Interpretation of Necessary Investments and Water and Sewer Infrastructure

Necessary Investments: As discussed above, Treasury considers an investment in infrastructure to be necessary if it is (1) responsive to an identified need to achieve or maintain an adequate minimum level of service, which for some eligible project categories may include a reasonable projection of increased need, whether due to population growth or otherwise and (2) a cost-effective means for meeting that need, taking into account available alternatives. In addition, in the case of investments in drinking water service infrastructure to supply drinking water to satisfy a projected increase in population, the project must also be projected to be sustainable over its estimated useful life. As detailed further below, DWSRF and CWSRF eligible projects continue to be presumed to be necessary investments under the final rule, with the exception of projects for the rehabilitation of dams and reservoirs, which the EPA has permitted in certain circumstances under the DWSRF and, as discussed below, are addressed separately in the final rule.

In evaluating whether a project would respond to a need to achieve or maintain an adequate minimum level of service, a recipient should consider whether it would meet the needs of the population to be served and would satisfy applicable standards. For example, a drinking water project must be sized such that it provides an adequate volume of water to households and other customers and must meet applicable standards for drinking water quality under the Safe Drinking Water Act (SDWA). Similarly, a centralized wastewater treatment project should be designed to manage updated estimated flow rates and comply with Clean Water Act requirements. These requirements are already reflected in the eligibility criteria of the DWSRF and CWSRF, respectively.

In evaluating whether a project is a cost-effective means of providing the water or sewer service, the recipient should consider the need for the project, the costs and benefits of the project compared to alternatives, and the effectiveness of the project in meeting the identified need. Recipients are not required to conduct a full cost-benefit analysis; however, they should consider and analyze relevant factors. For example, a recipient may not use funds to pursue a costly dam rehabilitation to provide drinking water to a community if it could provide the same service with a significantly smaller investment by drawing water from another available reservoir, assuming that doing so would meet the other requirements of the final rule. As detailed further below, recipients are only required to assess cost-effectiveness of projects for the creation of new drinking water systems, dam and reservoir rehabilitation projects, or projects for the extension of drinking water service to meet population growth needs.

Certain DWSRF eligibilities are already subject to a cost-effectiveness test. Specifically, projects that create new drinking water systems must be a cost-effective solution to addressing the identified problem.[303] The EPA also imposes a cost-effectiveness condition on dam and reservoir rehabilitation projects undertaken pursuant to its class deviation from the DWSRF rule. These projects are particularly expensive and, unlike in the case of other types of eligible projects, there are often available alternatives to conducting these projects. Projects for the extension of drinking water service to meet population growth needs are also often particularly expensive, and there are often different ways to meet the needs of expanding populations. Treasury will accordingly require that recipients engage in a cost-effectiveness analysis when engaging in projects for the creation of new drinking water systems, dam and reservoir rehabilitation projects, or projects for the extension of drinking water service to meet population

[303] *See* 40 CFR 35.3520(b)(2)(vi).

growth needs. Other types of eligible water or sewer projects will not be subject to this cost-effectiveness test, including lead line replacement and lead remediation.[304]

In the case of projects that expand drinking water service infrastructure to satisfy a projected increase in population, the project must also be sustainable, meaning that the project can continue providing the adequate minimum level of service for its estimated useful life, taking into account projected impacts of changes to the climate and other expected demands on the source of water. For example, a reservoir rehabilitation project may not be pursued if the reservoir will no longer be able to provide an adequate source of drinking water before the end of the estimated useful life of the improvements to the reservoir. In areas currently impacted by drought or where drought conditions are expected to be more frequent or more severe in the future, sources of drinking water may be diminished more quickly than in prior periods. In considering how much of a source of water will be available in the future for the drinking water project, a recipient must consider that a source of water may be drawn upon or otherwise used for other current and expected uses, including use by fish and other wildlife.

The final rule applies this sustainability condition to projects that expand drinking water service infrastructure to satisfy a projected increase in population but not to other drinking water projects. When a new source of water is required to remedy an existing threat to public health, as in the case of source projects eligible under the DWSRF, sustainability should be a consideration, but in some cases, the need to replace a contaminated source may mean that a less sustainable choice may be made. When faced with such an issue, such as in the case of a contaminated well system, a project to replace the contaminated source can be said to be

[304] In such cases, either the projects are presumptively cost-effective (e.g., lead projects would always be considered cost-effective given the costs imposed by lead poisoning) or a cost-effectiveness test is less relevant given the lack of available alternatives or the relatively low cost of the project.

"necessary" even if the replaced source is not sustainable over the long term. Expediency may dictate that a shorter-term solution is pursued if it is cost-effective and will prevent health issues while a longer-term solution can be found. In contrast, an expansion to accommodate population growth cannot be said to be necessary if it is not sustainable over its estimated useful life.

Not included in the list of criteria above is the requirement in the interim final rule that the project be unlikely to be made using private sources of funds. Given that it may be difficult to assess in a particular case what the probability of private investment in a project would be, Treasury has eliminated this standard from the meaning of necessary but nevertheless encourages recipients to apply funds to projects that would provide the greatest public benefit.

Water and Sewer Infrastructure: As stated above, Congress provided that SLFRF funds are available for "necessary water, sewer, and broadband infrastructure." Treasury interprets the reference to water and sewer uses consistent with the inclusion of broadband uses. Water, sewer, and broadband infrastructure all involve the provision of essential services to residents, businesses, and other consumers. As the pandemic has made clear, access to broadband has itself become essential for individuals and businesses to participate in education, commerce, work, and civic matters and to receive health care and social services.

Water and sewer services provided broadly to the public as essential services include the provision of drinking water and the removal, management, and treatment of wastewater and stormwater.[305] Although governments are engaged in other infrastructure related to water, including irrigation projects, transportation projects, and recreation projects, such projects go

[305] In many jurisdictions, stormwater flows into the sewer system rather than into a separate stormwater system. The separate inclusion of "water" and "sewer" infrastructure also makes clear that "water" in this context cannot refer to all uses relevant to water. Given that sewer systems carry wastewater (and often stormwater), if water infrastructure were to refer to all water-related infrastructure in this context, it would make the inclusion of sewer infrastructure redundant.

beyond the scope of what is provided to all residents as an essential service. Provision of drinking water and removal, management, and treatment of wastewater and stormwater are the typical responsibilities of "water and sewer" authorities throughout the country, and there is a tremendous need for improvements to the ability of state, local, and Tribal governments to provide such services, including to address the consequences of deferred maintenance and additional resiliency needed to adapt to changes to the climate.[306]

Although the meaning of water and sewer infrastructure for purposes of sections 602(c)(1)(D) and 603(c)(1)(D) of the Social Security Act does not include all water-related uses, Treasury has made clear in this final rule that investments to infrastructure include a wide variety of projects. Treasury interprets the word "infrastructure" in this context broadly to mean the underlying framework or system for achieving the given public purpose, whether it be provision of drinking water or management of wastewater or stormwater.[307] As discussed below, this can include not just storm drains and culverts for the management of stormwater, for example, but also bioretention basins and rain barrels implemented across a watershed, including on both

[306] In addition, Treasury interprets the eligible uses of SLFRF funds against the background of the Coronavirus Relief Fund (CRF), for which the SLFRF funds are, in part, a successor. CRF recipients expressed great interest in using the CRF to pursue water infrastructure projects, including provision of drinking water and internal plumbing on Tribal lands and in Alaskan villages, and broadband projects throughout the country; Treasury permitted these projects given the connection to the public health emergency (see Coronavirus Relief Fund for States, Tribal Governments, and Certain Eligible Local Governments, 86 FR 4182, 4190, 4192 (Jan. 15, 2021), but the short deadline for use of funds made it difficult to use CRF funds in this way. Congress' inclusion of the water, sewer, and broadband clause in the ARPA, along with the SLFRF funds' longer eligible use date, is responsive to this unmet need.

As discussed below, Congress in the Infrastructure Investment and Jobs Act amended sections 602(c) and 603(c) of the Social Security Act to add a new paragraph as sections 602(c)(4) and 603(c)(5), respectively, providing that SLFRF funds may be used to meet non-federal matching requirements of any authorized Bureau of Reclamation project. This authority was added as a separately enumerated eligible use regardless of whether the underlying project would be an eligible use of SLFRF funds under the water and sewer infrastructure eligible use category.

[307] *See, e.g.,* section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362), defining "green infrastructure" as "the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters."

public and private property, that together reduce the amount of runoff that needs to be managed by traditional infrastructure.

Further, Treasury understands that investments in infrastructure include improvements that increase the capacity of existing infrastructure and extend the useful life of existing infrastructure. Accordingly, water and sewer infrastructure investment projects include those that conserve water, thereby reducing pressure on infrastructure for the provision of drinking water, and that recycle wastewater and stormwater, thereby reducing pressure on the infrastructure for treating and managing wastewater and stormwater.

As with other infrastructure projects and capital expenditure projects that are permitted as responses to the public health emergency and its negative economic impacts, costs for planning and design and associated pre-project costs are eligible uses of SLFRF funds. Costs for the acquisition of land are also eligible, but only if needed for the purposes of locating eligible project components. Recipients should ensure that they have the technical, financial, and managerial capability to ensure compliance with the requirements of the SDWA, or that the assistance will ensure compliance and the owners or operators of the systems will undertake feasible and appropriate changes in operations to ensure compliance over the long-term.

Drinking Water State Revolving Fund and Clean Water State Revolving Fund

Background: As stated above, in the interim final rule, Treasury included eligible uses of the DWSRF and the CWSRF as eligible uses of the SLFRF in the water and sewer infrastructure category. By providing that projects eligible under the DWSRF and the CWSRF are also eligible uses of SLFRF funds, the interim final rule permitted a broad range of projects that improve drinking water infrastructure, such as building or upgrading facilities and transmission,

distribution, and storage systems, including replacement of lead service lines. With respect to clean water and wastewater infrastructure, the interim final rule provided that recipients may use SLFRF funds to construct publicly owned treatment infrastructure, manage and treat stormwater or subsurface drainage water, and facilitate water reuse, among other uses. Consistent with the DWSRF and the CWSRF, the interim final rule provided that SLFRF funds may be used for cybersecurity needs to protect water or sewer infrastructure, such as developing effective cybersecurity practices and measures at drinking water systems and publicly owned treatment works.

Use of DWSRF and CWSRF to Support Climate Change Adaptations. Many of the types of projects eligible under either the DWSRF or CWSRF also support efforts to address climate change. For example, by taking steps to manage potential sources of pollution and preventing these sources from reaching sources of drinking water, projects eligible under the DWSRF and CWSRF may reduce energy required to treat drinking water. Similarly, projects eligible under the DWSRF and CWSRF include measures to conserve and reuse water, for example through projects to reuse or recycle wastewater, stormwater, or subsurface drainage water. Treasury encourages recipients to consider green infrastructure investments and projects to improve resilience to the effects of climate change. For example, more frequent and extreme precipitation events combined with construction and development trends have led to increased instances of stormwater runoff, water pollution, and flooding. Green infrastructure projects that support stormwater system resiliency could include bioretention basins that provide water storage and filtration benefits, and green streets, where vegetation, soil, and engineered systems are combined to direct and filter rainwater from impervious surfaces. In cases of a natural disaster,

recipients may also use SLFRF funds for water infrastructure to provide relief, such as interconnecting water systems or rehabilitating existing wells during an extended drought.

Public Comment: Many commenters expressed support for the interim final rule's alignment of the use of funds for water and sewer infrastructure under the SLFRF with the project categories provided through the EPA's DWSRF and CWSRF programs.

Many commenters also provided recommendations about the specific types of water infrastructure projects that should be eligible under the final rule. In many of these cases, commenters recommended that Treasury include project types that are already eligible under the DWSRF and CWSRF and thus eligible under the interim final rule and final rule. For example, several commenters requested that aquifer recharge projects, or other groundwater protection and restoration projects, be included as eligible uses of SLFRF when certain aquifer recharge projects that 1) implement a nonpoint source pollution management program[308] or 2) constitute reuse of wastewater, stormwater, or subsurface drainage water are in fact eligible uses under the CWSRF. Furthermore, under the DWSRF, eligible projects include certain aquifer storage and recovery systems for water storage.

Treasury Response: Eligible projects articulated in the DWSRF and CWSRF continue to be eligible uses of SLFRF funds under the final rule. Recognizing that recipients have faced challenges interpreting eligible use categories under the interim final rule or cross-referencing EPA program materials to interpret eligible project types, Treasury is including in this Supplementary Information additional information on the types of projects eligible under the

[308] Specifically, this would include desalination projects that decrease the burden on aquifers where there is causal relationship between aquifer withdrawals and saltwater intrusion if the projects implement a nonpoint source pollution management program under section 319 of the Clean Water Act. This could include projects in which desalinated seawater is injected into the aquifer to mitigate or prevent salt water intrusion, as well as projects in which brackish water is removed from an aquifer, desalinated, and returned to the aquifer.

DWSRF and CWSRF. Treasury emphasizes that this further clarification does not represent a change in eligibility. Treasury encourages recipients to reference EPA handbooks for the DWSRF and CWSRF, which provide further information and detail about the types of projects eligible under those programs and thus under the final rule.

Eligible projects under the DWSRF. Eligibilities under the DWSRF, the interim final rule, and the final rule include projects that address present or prevent future violations of health-based drinking water standards. These include projects needed to maintain compliance with existing national primary drinking water regulations for contaminants with acute and chronic health effects. Projects to replace aging infrastructure are also eligible uses if they are needed to maintain compliance or further the public health protection objectives of section 1452 of the SDWA.[309] The following project categories are eligible under the DWSRF, were eligible under the interim final rule, and continue to be eligible under the final rule:

(i) *Treatment projects,* including installation or upgrade of facilities to improve the quality of drinking water to comply with primary or secondary standards and point of entry or central treatment under section 1401(4)(B)(i)(III) of the SDWA.

(ii) *Transmission and distribution projects,* including installation or replacement of transmission and distribution pipes to improve water pressure to safe levels or to prevent contamination caused by leaks or breaks in the pipes.

(iii) *Source projects,* including rehabilitation of wells or development of eligible sources to replace contaminated sources.

[309] *See* 42 U.S.C. 300j-12(a)(2)(B) (limiting financial assistance used by a public water system to expenditures (including expenditures for planning, design, siting, and associated preconstruction activities, or for replacing or rehabilitating aging treatment, storage, or distribution facilities of public water systems, but not including monitoring, operation, and maintenance expenditures of a type or category which the Administrator of the EPA has determined, through guidance, will facilitate compliance with national primary drinking water regulations applicable to the system under 42 U.S.C. 300g–1 or otherwise significantly further the health protection objectives of the SWDA); *See also* 40 CFR 35.3520(b).

(iv) *Storage projects*, including installation or upgrade of eligible storage facilities, including finished water reservoirs, to prevent microbiological contaminants from entering a public water system.

(v) *Consolidation projects*, including projects needed to consolidate water supplies where, for example, a supply has become contaminated or a system is unable to maintain compliance for technical, financial, or managerial reasons.

(vi) *Creation of new systems*, including those that, upon completion, will create a community water system to address existing public health problems with serious risks caused by unsafe drinking water provided by individual wells or surface water sources. Eligible projects are also those that create a new regional community water system by consolidating existing systems that have technical, financial, or managerial difficulties. Projects to address existing public health problems associated with individual wells or surface water sources must be limited in scope to the specific geographic area affected by contamination. Projects that create new regional community water systems by consolidating existing systems must be limited in scope to the service area of the systems being consolidated.

Ineligible projects under the DWSRF. Federally-owned public water systems and for-profit noncommunity water systems are not eligible to receive DWSRF funds and therefore SLFRF funds.[310] The acquisition of water rights, laboratory fees for routine compliance monitoring, and operation and maintenance expenses are not costs associated with investments in infrastructure and thus would not be eligible under the final rule. [311] Projects needed primarily to serve future population growth are also ineligible under the DWSRF; the treatment of such

[310] *See* 40 CFR 35.3520(d)(1).
[311] *See id at* § 35.3520(e)(2)-(4).

projects under the final rule is discussed separately below under "Expansion of Drinking Water Service." Projects eligible under the DWSRF must be sized only to accommodate a reasonable amount of population growth expected to occur over the useful life of the project.

Eligible projects under the CWSRF. The final rule continues to allow the use of SLFRF funds for projects eligible under the CWSRF, consistent with the interim final rule. Under the CWSRF, a project must meet the criteria of one of the following CWSRF eligibilities to be eligible for assistance. Section 603(c) of the Clean Water Act (CWA)[312] provides that the CWSRF can provide assistance:

> (i) to any municipality, intermunicipal, interstate, or state agency for construction of publicly owned treatment works (as defined in section 212 of the CWA);[313]
>
> (ii) for the implementation of a management program established under section 319 of the CWA;[314]
>
> (iii) for the development and implementation of a conservation and management plan under section 320 of the CWA;[315]
>
> (iv) for the construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage. Eligible projects include, but are not limited to, the construction of new decentralized systems (e.g., individual onsite systems and cluster systems), as well as the upgrade, repair, or replacement of existing systems.
>
> (v) for measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water. Publicly and privately owned, permitted and unpermitted projects that manage,

[312] 33 U.S.C. 1383(c).
[313] *Id.* § 1292.
[314] *Id.* § 1329.
[315] *Id.*. § 1330.

reduce, treat, or recapture stormwater or subsurface drainage water are eligible. For example, projects that are specifically required by a Municipal Separate Storm Sewer System (MS4) permit are eligible, regardless of ownership. Projects may include, but are not limited to green roofs, bioretention basins, roadside plantings, porous pavement, and rainwater harvesting.

(vi) to any municipality, intermunicipal, interstate, or state agency for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse. Eligible projects include, but are not limited to, the installation, replacement, or upgrade of water meters; plumbing fixture retrofits or replacement; and gray water recycling. Water audits and water conservation plans are also eligible. Equipment to reuse effluent (e.g., gray water, condensate, and wastewater effluent reuse systems) is eligible.

(vii) for the development and implementation of watershed projects meeting the criteria set forth in section 122 of the CWA.[316] Projects that develop or implement a watershed pilot project related to at least one of the six areas identified in section 122 of the CWA are eligible: watershed management of wet weather discharges, stormwater best management practices, watershed partnerships, integrated water resource planning, municipality-wide stormwater management planning, or increased resilience of treatment works.

(viii) to any municipality, intermunicipal, interstate, or state agency for measures to reduce the energy consumption needs for publicly owned treatment works. Projects may include, but are not limited to, the installation of energy efficient lighting, HVAC,

[316] *Id.* § 1274.

process equipment, and electronic equipment and systems at publicly owned treatment works. Planning activities, such as energy audits and optimization studies are also eligible.

(ix) for reusing or recycling wastewater, stormwater, or subsurface drainage water. Projects involving the reuse or recycling of wastewater, stormwater, or subsurface drainage water are eligible. This includes, as part of a reuse project, the purchase and installation of treatment equipment sufficient to meet reuse standards. Other eligible projects include, but are not limited to, distribution systems to support effluent reuse, including piping the effluent on the property of a private consumer, recharge transmission lines, injection wells, and equipment to reuse effluent (e.g., gray water, condensate, and wastewater effluent reuse systems).

(x) for measures to increase the security of publicly owned treatment works. Security measures for publicly owned treatment works might include, but are not limited to, vulnerability assessments, contingency/emergency response plans, fencing, security cameras/lighting, motion detectors, redundancy (systems and power), secure chemical and fuel storage, laboratory equipment, securing large sanitary sewers, and tamper-proof manholes. The CWSRF cannot fund operations and maintenance activities. Therefore, maintaining a human presence (i.e., security guards) and monitoring activities are not eligible.

Other clarifications of DSWRF and CWSRF eligible project categories.

Public Comment: Several commenters requested that Treasury provide clarification of the requirements associated with use of SLFRF funds for necessary investments in water and sewer infrastructure.

Treasury Response: After release of the interim final rule, Treasury clarified in further guidance that, while recipients must ensure that water and sewer infrastructure projects pursued are eligible under the final rule, recipients are not required to obtain project pre-approval from Treasury or any other federal agency when using SLFRF funds for necessary water and sewer infrastructure projects unless otherwise required by federal law. For projects that are being pursued under the eligibility categories provided through the DWSRF or CWSRF programs, project eligibilities are based on federal project categories and definitions for the programs and not on each state's eligibility or definitions. While reference in the final rule to the DWSRF, CWSRF, or other federal water programs is provided to assist recipients in understanding the types of water and sewer infrastructure projects eligible to be funded with SLFRF, recipients do not need to apply for funding from the applicable state programs or through any federal water program. Similarly, besides eligible project categories, the final rule does not incorporate other program requirements or guidance that attach to the DWSRF, CWSRF, or other federal water programs. However, as noted above, recipients should be aware of other federal or state laws or regulations that may apply to construction projects or water and sewer projects, independent of SLFRF funding conditions, and that may require pre-approval from another federal or state agency.

Expanded Eligible Uses for Water and Sewer Infrastructure

Summary

Public Comment: Many commenters requested broader flexibility in the use of SLFRF funds for water and sewer infrastructure projects that are not eligible under the DWSRF and CWSRF. These commenters argued that localities are best situated to identify the highest-need

water and sewer projects in their communities. Several Tribal government commenters noted that Tribes have different water and sewer infrastructure needs than states and localities and that additional flexibility in the use of funds would lift current barriers to improving infrastructure on Tribal lands.

To achieve additional flexibility, commenters suggested a range of options for broadening the eligible use of SLFRF funds for necessary water and sewer infrastructure. For example, several commenters suggested Treasury broaden the eligibilities provided under the interim final rule to include project types eligible under other federal water and sewer programs.

Treasury Response: Treasury agrees that additional flexibility for use of SLFRF funds is warranted and is providing expanded eligibilities as described below, several of which address specific areas of need outlined by Tribal and rural communities.

As discussed below, Treasury has incorporated into the final rule projects that are eligible under certain programs established by the EPA under the Water Infrastructure Improvements for the Nation Act (WIIN Act). Other water-related grant programs cited by commenters include projects that are otherwise already covered by the final rule, for example because they are covered as eligible under the DWSRF or the CWSRF, or projects that are ineligible under the final rule because they are beyond the scope of the meaning of water and sewer projects for purposes of ARPA. To minimize the need for recipients of SLFRF funds to cross reference eligibilities across multiple federal programs, which may exacerbate current challenges to understanding eligibility under SLFRF, Treasury is providing detailed information related to expanded eligibilities within the text of this Supplementary Information for the final rule.

Stormwater Infrastructure

Public Comment: Several commenters requested that additional stormwater infrastructure projects be included as eligible uses of SLFRF funds under the final rule. Commenters suggested that culvert repair and resizing and replacement of storm sewers is necessary to address increased rainfall brought about by a changing climate. Other commenters noted that rural communities that do not manage their own sewer systems may rely on this type of water infrastructure.

Treasury Response: The CWSRF includes a broad range of stormwater infrastructure projects, and as such these projects were eligible under the interim final rule and continue to be eligible under the final rule. These projects include gray infrastructure projects, such as traditional pipe, storage, and treatment systems. Projects that manage, reduce, treat, or recapture stormwater or subsurface drainage water are also eligible, including real-time control systems for combined sewer overflow management, and sediment control. Culvert infrastructure projects are eligible under the CWSRF if they 1) implement a nonpoint source management plan, 2) implement National Estuary Program Comprehensive Conservation and Management Plan, or 3) implement a stormwater management plan with the goal of providing a water quality benefit. Stormwater projects under the CWSRF also encompass a number of eligible green infrastructure categories, such as green roofs, green streets, and green walls, rainwater harvesting collection, storage, management, and distribution systems, real-time control systems for harvested rainwater, infiltration basins, constructed wetlands, including surface flow and subsurface flow (e.g., gravel) wetlands, bioretention/bioswales (e.g., bioretention basins, tree boxes), permeable pavement, wetland, riparian, or shoreline creation, protection, and restoration, establishment or restoration of urban tree canopy, and replacement of gray infrastructure with green infrastructure including purchase and demolition costs.

In addition to the eligible uses under the CWSRF, Treasury is expanding the eligible uses under the final rule to include stormwater system infrastructure projects regardless of whether there is an expected water quality benefit from the project. Treasury anticipates that this eligible use will allow recipients to manage increased volumes of stormwater as a result of changes to the climate. For example, the final rule now permits the use of SLFRF funds for the repair, replacement, or removal of culverts or other road-stream crossing infrastructure to the extent the purpose of the project is to manage stormwater. In addition, Treasury understands that the repair, replacement, or removal of culverts may necessitate the repair or upgrade of roads. As noted in guidance issued after the interim final rule, recipients may use SLFRF funds for road repairs and upgrades that interact directly with an eligible stormwater infrastructure project. All stormwater infrastructure projects undertaken should incorporate updated design features and current best practices.

Private Wells and Septic Systems

Public Comment: Several commenters requested that the scope of eligible projects be expanded to allow for the expenditure of SLFRF funds on private wells or septic systems. Commenters noted that wells may be contaminated with dangerous substances, including arsenic, lead, radon, and PFAS (per- and polyfluoroalkyl). Commenters also suggested that, because rural and underserved communities are often reliant on these infrastructure types for their drinking water or wastewater needs, lack of appropriate funding to maintain these systems could present health and safety issues that disproportionately affect certain communities.

Treasury Response: Consistent with the CWSRF, the installation, repair, or replacement of private septic units continues to be an eligible use of SLFRF funds under the final rule. For

example, eligible projects include those that address groundwater contamination resulting from faulty septic units and those that would connect failing septic systems to centralized wastewater treatment. Consistent with the DWSRF, connecting homes served by a private well to a public water system is an eligible use of SLFRF funds.

In addition, Treasury has provided in the final rule that recipients may use SLFRF funds for an expanded set of infrastructure projects that improve access to and provision of safe drinking water for individuals served by residential wells. Eligible projects under this category include rehabilitation of private wells, testing initiatives to identify contaminants in wells, and treatment activities and remediation strategies that address contamination.

Remediating Lead in Water

Public Comment: Several commenters emphasized the need to fully remediate lead contamination, especially in structures that serve the public or populations like children that are particularly vulnerable to the effects of lead exposure, such as schools and daycares. Many American households and an estimated 400,000 schools and childcare centers currently lack safe drinking water.[317]

Treasury Response: The replacement of lead service lines, up to premise plumbing, is an eligible use under the DWSRF and continues to be an eligible use of SLFRF funds. Such projects are eligible regardless of the pipe material of the replacement lines and ownership of the property on which the service line is located. Lead service line replacement projects can serve households, schools, or any other entities. Given the lifelong impacts of lead exposure for children and the

[317] The White House, Updated Fact Sheet: Bipartisan Infrastructure Investment and Jobs Act (August 2, 2021), https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/02/updated-fact-sheet-bipartisan-infrastructure-investment-and-jobs-act/.

widespread prevalence of lead service lines, Treasury encourages recipients to consider projects to replace lead service lines.

In addition, Treasury is providing in the final rule that for lead service line replacement projects, recipients must replace the full length of the service line, and not just a partial portion of the service line. Some water utilities, when replacing service lines, will only replace the "public portion" of the service line and physically slice through the lead service line at the public/private line. This action can result in elevated drinking water lead levels for some period of time after replacement, suggesting the potential for harm, rather than benefit during that time period.[318] Requiring replacement of the full length of the service line is also consistent with the requirements of the EPA's Lead and Copper Rule Revisions for water systems that have an action level exceedance for lead[319] and certain other water systems.[320]

Treasury is expanding eligible uses of SLFRF funds to include infrastructure projects eligible under EPA grant programs authorized by the WIIN Act.[321] Eligible projects under these programs include the installation or re-optimization of corrosion control treatment, replacing lead service lines, replacing galvanized pipes downstream of a lead service line (other than lead pipes within a home as discussed below), and maintaining an inventory of the drinking water system's service lines. Water quality testing, compliance monitoring, and remediation activities in schools and other childcare facilities, as well as activities necessary to respond to a contaminant, are

[318] *See* EPA Science Advisory Board, Evaluation of the Effectiveness of Partial Lead Service Line Replacements, (September 2011), https://www.epa.gov/sdwa/science-advisory-board-evaluation-effectiveness-partial-lead-service-line-replacements (advising against partial lead service line replacement).
[319] Environmental Protection Agency, *supra* note 191.
[320] Environmental Protection Agency, National Primary Drinking Water Regulations: Lead and Copper Rule Revisions, 86 FR 4198. 40 CFR 141.84, and preamble *at* 4215, January 15, 2021, https://www.federalregister.gov/d/2020-28691; scheduled to become effective December 16, 2021, Environmental Protection Agency, 86 FR 31939, https://www.federalregister.gov/d/2021-12600.
[321] Eligible uses of funds include those eligible under the Small, Underserved, and Disadvantaged Communities Grant (Section 2104), Reduction in Lead Exposure via Drinking Water Grant Program (Section 2105) and Lead Testing in School and Child Care Program Drinking Water Grant Program (Section 2107).

eligible uses of SLFRF funds.[322] Remediation activities such as replacement of faucets, internal plumbing, and fixtures in schools and childcare facilities are also an eligible use of SLFRF funds.

Consistent with the EPA programs, replacement of lead pipes within a home is not eligible under the final rule because the vast majority of lead contamination cases can be solved by replacing lead service lines (including on public and private property) and faucets and fixtures themselves. As such, replacement of lead pipes within a home would not be considered a cost-effective means for achieving the desired level of service and thus would not be a "necessary" investment. The provision of bottled water is also not an eligible use of SLFRF funds under this eligible use category, as it is not an investment in infrastructure. However, bottled water in areas with an action level exceedance for lead in water may be an eligible use of SLFRF funds under a separate eligible use category for "remediation of lead paint and other lead hazards;" see Assistance to Households in Public Health and Negative Economic Impacts.

Water filtration systems are eligible under the EPA grant programs and the final rule as long as they are installed as a permanent part of a facility's system and not intended for temporary use. Conducting remediation, follow-up monitoring, and conducting public education and outreach about the availability of infrastructure programs, such as water testing and fixture replacement programs funded with SLFRF funds or otherwise, are also eligible projects. Finally, recipients should note that "remediation of lead paint and other lead hazards" is a separate eligible use category and a broader range of programs and services may be eligible under that section, including investments that are not infrastructure; see the eligible use for "remediation of

[322] Such testing and remediation programs would be an eligible use of SLFRF funds given that they would help a recipient determine whether an infrastructure project, such as a lead line replacement, is necessary. In contrast, as mentioned above, the costs of continual testing that is part of a drinking water or wastewater facilities' operating costs would not be considered part of an infrastructure project.

lead paint and other lead hazards" in section Assistance to Households in Public Health and Negative Economic Impacts.

Dams and Reservoirs

Public Comment: Many commenters requested that Treasury broaden eligibilities to include dams and reservoirs, infrastructure that commenters noted may in its current state be unsafe and could put surrounding communities at risk. Some commenters argued that dams and reservoirs play an important role in providing municipal water supply and water to irrigate farmland, including in areas impacted by recent droughts. Other commenters noted that a large number of dams are currently classified as high-hazard structures, the failure of which would have severe consequences for public safety and the local environment. With respect to reservoirs, commenters articulated that changing climate conditions have necessitated upgrades to reservoir infrastructure to ensure existing facilities can meet the local water needs of a community. Commenters noted that communities facing drought may also need to adjust or enhance reservoirs to maintain adequate water supply.

In contrast, several commenters suggested that infrastructure projects related to dams and reservoirs should not be considered eligible uses of SLFRF funds. These commenters noted that alternate sources of funding exist for dam and reservoir projects and that dams and reservoir infrastructure could result in negative impacts to Tribal communities and negative environmental impacts, including harm to wildlife habitats.

Treasury Response: Treasury understands that many dams and reservoirs in need of rehabilitation are dams and reservoirs whose primary purpose is to provide drinking water. As discussed above, SLFRF funds are available for projects related to the provision of drinking

water. Moreover, since issuance of the interim final rule, the EPA has adopted a class deviation from the DWSRF regulations that permits such dam and reservoir rehabilitation projects in certain circumstances.[323] In approving this class deviation, the EPA recognized that many dams used for drinking water are aging and deteriorating and pose a public health risk to communities; that current dam conditions do not meet state safety standards; and that reservoir capacity has diminished and requires dredging to meet drinking water needs of the existing population.

Treasury's final rule provides that funds may be used for rehabilitation of dams and reservoirs if the primary purpose of the dam or reservoir is for drinking water supply and the rehabilitation project is necessary for continued provision of drinking water supply. In considering whether a dam or reservoir project is necessary for the provision of drinking water supply, a recipient may take into consideration future population growth in certain circumstances, as discussed under "Expansion of Drinking Water Service Infrastructure" below, but the project must in any case be designed to support no more than a reasonable level of projected increased need. The recipient must also determine that the project is cost-effective, i.e., that there are not significantly superior alternatives that are available, taking into consideration the relative costs and benefits of the project as compared to those alternatives.

This change to the final rule would permit a wide variety of projects.[324] The limitation in the final rule to rehabilitation of existing dams and reservoirs reflects the scope of the EPA class deviation referenced above and Treasury's understanding of the significant need for investments

[323] *See* EPA, Approval of Class Exception from the Regulatory Prohibitions on the Use of Drinking Water State Revolving Fund for Rehabilitation of Dams and Reservoirs (July 14, 2021), available at https://www.epa.gov/system/files/documents/2021-07/dwsrf-class-deviation-dam-reservoir-rehab-2021_0.pdf.
[324] As noted in the EPA's class deviation, examples of dam rehabilitation projects include spillway reconstruction or repair; dam resurfacing, patching, or other structural repairs, including minimal height increases if needed to maintain the structural integrity of the dam; grouting for seepage control or liquefaction remediation (e.g., epoxy resin, asphalt, or rock); repair or replacement of drainage systems; and seismic stability efforts (e.g., anchors). Examples of reservoir rehabilitation projects include sedimentation dredging and reservoir lining.

in rehabilitation to address deterioration of dams and the diminished capacity of reservoirs. Further, Treasury expects that in many cases it would be considerably more difficult to demonstrate that construction of a new dam or reservoir would be necessary for the purpose of the provision of drinking water than is the case for rehabilitation of dams and reservoirs already serving that purpose for a particular population, particularly given opportunities to meet drinking water needs through water reuse and conversation efforts. For these reasons, and given that the relatively short period of availability of the funds makes new dam and reservoir construction with these funds less likely, Treasury has limited the scope of the final rule to dam and reservoir rehabilitation projects.

As discussed above, Treasury has determined that ARPA does not authorize the use of SLFRF funds for uses other than the provision of drinking water and the management of wastewater and storm water. As such, the final rule does not include infrastructure projects related to dams and reservoirs as eligible uses of SLFRF funds unless they meet the conditions discussed above.

Public Comment: Several commenters requested that the removal of dams and associated habitat restoration should be eligible uses of SLFRF funds, noting that in some cases, dam removal will improve water quality while removing long-term operational expenses for the recipient.

Treasury Response: Dam removal projects and associated stream and habitat restoration projects are eligible uses of the CWSRF and continue to be eligible under the final rule when the removal implements either a nonpoint source management program plan or a National Estuary Program Comprehensive Conservation and Management Plan or when the removal will provide

a water quality benefit. Habitat restoration projects more generally may also be eligible under the CWSRF and the final rule if they constitute a form of stormwater infrastructure.

Expansion of Drinking Water Service Infrastructure

Public Comment: Commenters asked for the ability to use funds for drinking water projects for the purpose of meeting needs arising from future growth, which, given the restrictions applicable to the DWSRF, was not permitted under the interim final rule.

Treasury Response: As provided for in the SDWA, the DWSRF is meant to serve the public health needs of the existing population. The EPA regulation implementing the DWSRF program provides that projects needed primarily to serve future population growth are not eligible uses of the DWSRF. A project that is intended primarily to address public health or regulatory compliance issues for the existing service population may be sized for a "reasonable" amount of population growth over the useful life of the project.[325]

ARPA does not include the same limitation as the SDWA. Accordingly, the final rule provides that recipients may use SLFRF funds for projects that are needed to support increased population in certain cases. ARPA limits projects to those investments that are "necessary." As discussed above, Treasury interprets this to mean that the investments must be (1) responsive to an identified need to achieve or maintain an adequate minimum level of service, which for some eligible project categories may include a reasonable projection of increased need, whether due to population growth or otherwise and (2) a cost-effective means for meeting that need, taking into account available alternatives. For this eligible use category, expansion of drinking water service infrastructure, the project must also be projected to be sustainable over its estimated useful life.

[325] *See* 40 CFR 35.3520(e)(5).

Investments must be determined to be necessary when they are initiated. Accordingly, Treasury is clarifying in the final rule that the need identified for a water or sewer project may include a need arising from reasonable expectations of future population growth, provided that it is necessary at the time the investment is initiated for the recipient to make the investment to meet this growth. For example, a recipient expecting increased population during the period of performance may install a drinking water treatment plant to meet that growth. In addition, a recipient expecting increased population growth outside the period of performance may install the treatment plant if the planning and construction timeline for the project would require work to begin during the performance period in order to meet the expected population growth. A recipient may install transmission lines as part of the development of new housing occurring during the period of performance. In this case, the housing development must be in progress; a recipient may not use the SLFRF funds to install a water main, for example, to an undeveloped tract in the expectation that in the future that tract will be developed with housing, because there would be no need for that investment to be made at the time it is initiated.

For the reasons discussed above, if a project is undertaken to address expected growth in population, the project must also be sustainable, meaning that the project can continue providing the adequate minimum level of service for its estimated useful life, taking into account projected impacts of changes to the climate and other expected demands on the source of water. In considering how much of a source of water will be available in the future for the drinking water project, a recipient must consider that a source of water may be drawn upon or otherwise used for other current and expected uses, including use by fish and other wildlife. A drinking water project that is designed to address a growing population cannot be considered a necessary investment if the source of drinking water will cease to be available to meet the population's

needs before the end of the estimated useful life of the project. In such a case, a recipient should consider alternative sources or drinking water. See "Interpretation of Necessary Investments and Water and Sewer Infrastructure" above for more information.

Non-Federal Matching Requirements for Authorized Bureau of Reclamation Projects

The Infrastructure Investment and Jobs Act amends sections 602(c) and 603(c) of the Social Security Act to add an additional eligible use of SLFRF funds, providing that SLFRF funds "may be used for purposes of satisfying any non-Federal matching requirement required for [an authorized Bureau of Reclamation project]."[326]

This amendment permits the use of SLFRF funds to meet non-federal matching requirements of any authorized Bureau of Reclamation project, regardless of whether the underlying project would be an eligible use of SLFRF funds under the water and sewer infrastructure eligible use category. These amendments are effective as of March 11, 2021, as if included in the ARPA at the time of its enactment.[327] Treasury will provide further guidance to recipients on the scope of Bureau of Reclamation water projects and expenses covered by this provision.

Floodplain Management and Flood Mitigation Projects

Public Comment: Several commenters requested that projects to address floodwater, including floodplain management and flood mitigation projects, be included as an eligible use of SLFRF funds. Within this category of floodplain management and flood mitigation infrastructure, several commenters requested that the installation of levees, flood walls, sea

[326] *See* Pub. L. No. 117-58, § 40909(a)—(b) (Nov. 15, 2021).
[327] *See id.* § 40909(c).

walls, elevation projects, dredging, or nature-based flood mitigation projects be included as eligible projects.

Treasury Response: Treasury notes that some floodplain management and flood mitigation infrastructure projects, including green infrastructure designed to protect treatment works from flood waters and flood impact are currently eligible under the CWSRF and therefore continue to be eligible under the final rule.

Treasury has not included floodplain management and flood mitigation projects more generally as eligible under the final rule. Although floodplain management and flood mitigation are functions of many state and local governments, they are not the sort of generally-provided essential services included within the meaning of water and sewer projects under the ARPA, as discussed above.

Irrigation

Public Comment: Some commenters requested that irrigation projects be an eligible use because they consider such projects to be critical infrastructure. Several commenters supported this request by noting that irrigation systems may be used to replenish aquifers and recharge wells, in addition to delivering water for irrigation. One commenter also noted that the national irrigation system is antiquated and in need of repair.

Treasury Response: Some irrigation projects were eligible under the interim final rule and continue to be eligible under the final rule as a result of their inclusion as eligible projects under the CWSRF. For example, water efficient irrigation equipment that reduces the runoff of nutrients and implements a management program established under section 319 of the CWA and/or a conservation and management plan under section 320 of the CWA are eligible uses

under the CWSRF and therefore continue to be an eligible use of SLFRF funds under the final rule. Likewise, projects to receive and distribute reclaimed water for irrigation systems or other agricultural use are eligible under the CWSRF and therefore continue to be an eligible use under the final rule. Unlike projects for the improvement of irrigation systems generally, these reclaimed water projects are related to wastewater treatment and stormwater management, which are within the scope of the meaning of water and sewer infrastructure for purposes of ARPA.

Treasury considered commenter requests for inclusion of additional irrigation infrastructure and determined that irrigation projects more generally are not permitted under the final rule. Although these types of projects may be water-related infrastructure, they are not the sort of generally-provided essential services included within the meaning of water and sewer projects under ARPA, as discussed above.

Consumer Incentive Programs

Public Comment: One commenter requested that consumer incentive programs in the areas of water use efficiency, conservation, green infrastructure, reuse, and other distributed solutions be an allowable use of SLFRF.

Treasury Response: The DWSRF and CWSRF eligibilities include the development and implementation of incentive and educational programs that address and promote water conservation, source water protection, and efficiency related to infrastructure improvements, e.g., incentives such as rebates to install green infrastructure such as rain barrels or promote other water conservation activities. Treasury clarifies that such project types were eligible under the interim final rule and continue to be eligible under the final rule.

2. BROADBAND INFRASTRUCTURE

Under the ARPA, recipient governments may use SLFRF funds to make "necessary investments in…broadband infrastructure." In the Supplementary Information to the interim final rule, Treasury interpreted necessary investments in infrastructure as investments "designed to provide an adequate minimum level of service and [that] are unlikely to be made using private sources of funds." Treasury explained that, with respect to broadband specifically, such necessary investments include projects that "establish [] or improve [] broadband service to underserved populations to reach an adequate level to permit a household to work or attend school, and that are unlikely to be met with private sources of funds."

Summary of Interim Final Rule, Public Comments, and Treasury Response

Summary of Interim Final Rule: In implementing the ARPA, the interim final rule provided that eligible broadband infrastructure investments are limited to those that are designed to provide service to unserved or underserved households or businesses, defined as those that lack access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload. The interim final rule also provided that eligible projects under the SLFRF are limited to those that are designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical upload and download speeds of 100 Mbps. In instances where it would not be practicable for a project to deliver such service speeds because of the geography, topography, or excessive costs associated with such a project, the interim final rule provided that the project would be required to be designed to deliver, upon project completion, service that reliably meets or exceeds 100 Mbps download speed and between at

least 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds.

In addition, Treasury, in the Supplementary Information to the interim final rule, encouraged recipients to pursue a number of other objectives. First, Treasury encouraged recipients to prioritize investments in fiber-optic infrastructure wherever feasible and focus on projects that deliver a physical broadband connection by prioritizing projects that achieve last-mile connections. Second, Treasury encouraged recipients to integrate affordability options into their program design. Third, Treasury encouraged recipients to prioritize support for local networks owned, operated, or affiliated with local governments, nonprofits, and cooperatives. Fourth, Treasury encouraged recipients to avoid investing in locations with existing agreements to build reliable wireline service with minimum speeds of 100 Mbps download and 20 Mbps upload by December 31, 2024, in order to avoid duplication of efforts and resources. Finally, following release of the interim final rule, Treasury provided further guidance clarifying some aspects of broadband infrastructure eligibility, specifically on flexibility for recipients to determine eligible areas to be served,[328] middle-mile projects,[329] pre-project development costs,[330] broadband connections to schools or libraries,[331] and the applicability of the National Environmental Policy Act (NEPA) and the Davis-Bacon Act.[332]

Summary of Public Comments: Treasury received several comments on the interim final rule's requirements regarding eligible areas for investment and build-to speed standards, as well as Treasury's encouragements in the Supplementary Information of the interim final rule. Many

[328] *See FAQ 6.8, 6.9, 6.11.* Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.
[329] *See FAQ 6.10. Id.*
[330] *See FAQ 6.12. Id.*
[331] *See FAQ 6.16. Id.*
[332] *See FAQ 6.4, 6.17. Id.*

commenters found the interim final rule's requirement to limit projects to those designed to provide service to unserved or underserved households or businesses to be appropriately focused on hard-to-reach areas. In contrast, other commenters argued that this requirement was too restrictive and that it would limit the ability for some recipients, particularly local governments, to invest in broadband infrastructure.

Separately, some commenters supported the interim final rule's requirement that eligible projects be built to reliable speeds of 100 Mbps symmetrical, with an exception for areas where it was impracticable, and encouragement that projects be built with fiber-optic infrastructure, while a few others argued that the interim final rule should remain technology-neutral and that lower speed standards would be more appropriate for today's usage needs.

Summary of Treasury Response: In response to the comments, the final rule expands eligible areas for investment by requiring recipients to invest in projects designed to provide service to households and businesses with an identified need for additional broadband infrastructure investment, which would include but not be limited to a lack of broadband service reliably delivering certain speeds. In addition, as discussed further below, the final rule further supports the expansion of affordable access to broadband service for households by requiring that recipients use a provider that participates in a qualifying affordability plan. Treasury encourages recipients to prioritize projects that are designed to provide service to locations not currently served by a wireline connection that reliably delivers at least 100 Mbps of download speed and 20 Mbps of upload speed.

The final rule maintains the interim final rule's requirement that eligible projects be designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds. As was the case under the interim final rule, in cases where it is not practicable,

because of the excessive cost of the project or geography or topography of the area to be served by the project, eligible projects may be designed to reliably meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed. Treasury continues to encourage recipients to prioritize investments in fiber-optic infrastructure wherever feasible and to focus on projects that will achieve last-mile connections, whether by focusing directly on funding last-mile projects or by ensuring that funded middle-mile projects have commitments in place to support new and/or improved last-mile service.

The final rule requires recipients to address the affordability needs of low-income consumers in accessing broadband networks funded by SLFRF, given that such a project cannot be considered a necessary investment in broadband infrastructure if it is not affordable to the population the project would serve. Recipients must require the service provider for a completed broadband infrastructure investment project that provides service to households to either participate in the Federal Communications Commission's (FCC) Affordable Connectivity Program (ACP), or otherwise provide access to a broad-based affordability program to low-income consumers in the proposed service area of the broadband infrastructure that provides benefits to households commensurate with those provided under the ACP.

Treasury also recognizes the importance of affordable broadband access for all consumers beyond those that are low-income. As part of their project selection process, recipients are encouraged to consult with the community on the general affordability needs of the target markets in the proposed service area. Additionally, recipients are encouraged to require that services provided by a broadband infrastructure project include at least one low-cost option offered without data usage caps and at speeds that are sufficient for a household with multiple

users to simultaneously telework and engage in remote learning. Recipients will be required to report speed, pricing, and any data allowance information as part of mandatory reporting to Treasury.

The final rule also clarifies that subsidies to households and communities impacted by the pandemic to access the internet, broadband adoption programs, digital literacy programs, and device programs are eligible programs to respond to the public health and negative economic impacts of the pandemic under sections 602(c)(1)(A) and 603(c)(1)(A). See section Assistance to Households in Negative Economic Impacts.

Treasury continues to encourage recipients to prioritize support for broadband networks owned, operated by, or affiliated with local governments, nonprofits, and cooperatives. In addition, to the extent recipients are considering deploying broadband to locations where there are existing enforceable federal or state funding commitments for reliable service at speeds of at least 100 Mbps download speed and 20 Mbps upload speed, recipients must ensure that SLFRF funds are designed to address an identified need for additional broadband investment that is not met by existing federal or state funding commitments. Recipients must also ensure that SLFRF funds will not be used for costs that will be reimbursed by the other federal or state funding streams. Further, Treasury highlights that recipients are subject to the prohibition on use of grant funds to procure or obtain certain telecommunications and video surveillance services or equipment as outlined in 2 C.F.R. 200.216 and 2 C.F.R. 200.471 and clarifies that modernization of cybersecurity for existing and new broadband networks are eligible uses of funds under sections 602(c)(1)(D) and 603(c)(1)(D).

Finally, the final rule incorporates guidance issued by Treasury following the interim final rule on middle-mile projects,[333] pre-project development costs,[334] broadband connections to schools or libraries,[335] and applicability of the National Environmental Policy Act (NEPA) and Davis-Bacon Act.[336]

The remainder of this section provides additional details on the final rule. Specifically, these sections address: (1) eligible areas for investment; (2) build-to speed standards; (3) affordability; (4) public networks; (5) duplication of efforts and resources; (6) cybersecurity; and (7) use of funds to meet non-federal match under the Infrastructure Investment and Jobs Act.

Eligible Areas for Investment

The interim final rule limited eligible broadband investments to projects focused on delivering service to unserved or underserved locations, defined as households or businesses that lack access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload. This targeted approach was generally consistent with certain speed thresholds used in other federal programs to identify eligible areas for federal investment in broadband infrastructure, such as the FCC's Rural Digital Opportunity Fund (RDOF) program and the National Telecommunication and Information Administration's (NTIA's) Broadband Infrastructure Program, and generally aligns with the FCC's benchmark for an "advanced telecommunications capability" for wireline broadband services.

[333] *See FAQ 6.10*. Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.
[334] *See FAQ 6.12*. *Id.*
[335] *See FAQ 6.16*. *Id.*
[336] *See FAQ 6.4, 6.17*. *Id.*

Public Comment: Many commenters discussed the disadvantages of such an approach. Some commenters, including several local government recipients, argued that limiting investments to locations without access to reliable wireline 25/3 Mbps[337] was too restrictive because some urban jurisdictions are already mostly or entirely covered by a network with at least 25/3 Mbps speeds yet lack widespread broadband adoption for various reasons. Commenters suggested that recipients would benefit from greater flexibility to provide necessary investments in broadband access in areas that are nominally covered by speeds of at least 25/3 Mbps, such as to provide affordable broadband access in low-income areas or to address service quality and reliability issues. Further, commenters argued that Treasury's requirement that new projects meet minimum reliable speeds of 100 Mbps symmetrical was inconsistent with the requirement that broadband infrastructure projects focus on those with access to significantly lower speeds, and further noted that several states have already expanded the focus of their broadband programs beyond those without reliable access to speeds of 25/3 Mbps. Commenters argued that if the limitation to unserved and underserved households and businesses were maintained, the definition of unserved and underserved households and businesses should be revised to include households and businesses currently served by higher standards. Commenters proposed a number of alternative cutoff speeds, including 25/25 Mbps, 50/10 Mbps, and 100 Mbps symmetrical. Others expressed support for providing flexibility for recipients to make their own determination on eligible areas for investment. These commenters referenced studies indicating that 25/3 Mbps is inadequate for today's modern household or business needs.

[337] In the remainder of this Supplementary Information, "25/3 Mbps" refers to broadband infrastructure that is designed to reliably meet or exceed at least 25 Mbps download speeds and 3 Mbps upload speeds. "100 Mbps" symmetrical refers to broadband infrastructure that is designed to reliably meet or exceed at least 100 Mbps download speeds and 100 Mbps upload speeds.

Some commenters advocated for unserved and underserved areas to be prioritized while providing flexibility for recipients to serve areas beyond those designated as unserved or underserved. Reflecting the perceived restrictiveness of the interim final rule approach, some commenters asked for assurance that projects conducted under other categories of SLFRF eligible uses, specifically to respond to the public health and negative economic impacts of the pandemic under sections 602(c)(1)(A)-(C) and 603(c)(1)(A)-(C), were not barred by the presence of 25/3 Mbps service, including "gap networks," which are networks designed to offer low-cost or no-cost internet access for lower-income households with low broadband adoption rates.

Commenters suggested additional factors to be incorporated in the consideration of locations that are eligible to be served. Many commenters suggested that affordability should be considered a key factor when determining whether a community has access to broadband, as the presence of 25/3 Mbps service does not necessarily mean the service is financially accessible to the area's residents. Commenters noted that surveys indicate that affordability, not lack of coverage, is the most significant barrier for most Americans who do not have robust broadband service in their households. Some advocated that the final rule allow for investments in areas with existing reliable wireline access at or above 25/3 Mbps as long as existing broadband service has been unaffordable for a certain segment of the population; others advocated that Treasury presume eligibility when investments are made in certain areas, such as Qualified Census Tracts or neighborhoods with persistent poverty, or are made by Tribal governments. Separately, some commenters noted that Treasury should provide more clarification on what constitutes a "reliabl[e]" connection, including providing details as to latency, jitter, and other technical specifications that would meet that standard, and what it means for certain

technologies, such as copper and other outdated technologies, to be deemed presumptively unreliable.

Other commenters supported the interim final rule's approach on eligible areas for investment or suggested tightening eligibility even further. They argued that higher speed thresholds beyond 25/3 Mbps would likely lead to investments in or building of new broadband infrastructure in areas already served by broadband at speeds these commenters considered sufficient; these areas, commenters suggested, are less in need of federal assistance and permitting investments here could divert funding away from rural areas to more densely populated areas.

Treasury Response: The final rule expands eligible areas for investment by requiring recipients to invest in projects designed to provide service to households and businesses with an identified need for additional broadband infrastructure investment. Recipients have flexibility to identify a need for additional broadband infrastructure investment: examples of need include lack of access to a connection that reliably meets or exceeds symmetrical 100 Mbps download and upload speeds, lack of affordable access to broadband service, or lack of reliable broadband service. Recipients are encouraged to prioritize projects that are designed to provide service to locations not currently served by a wireline connection that reliably delivers at least 100 Mbps of download speed and 20 Mbps of upload speed, as many commenters indicated that those without such service constitute hard-to-reach areas in need of subsidized broadband deployment.

Households and businesses with an identified need for additional broadband infrastructure investment do not have to be the only ones in the service area served by an eligible broadband infrastructure project. Indeed, serving these households and businesses may require a

holistic approach that provides service to a wider area, for example, in order to make ongoing service of certain households or businesses within the service area economical.

Consistent with further guidance issued by Treasury,[338] in determining areas for investment, recipients may choose to consider any available data, including but not limited to documentation of existing broadband internet service performance, federal and/or state collected broadband data, user speed test results, interviews with community members and business owners, reports from community organizations, and any other information they deem relevant.

In evaluating such data, recipients may take into account a variety of factors, including whether users actually receive internet service at or above the speed thresholds at all hours of the day, whether factors other than speed such as latency, jitter, or deterioration of the existing connections make their user experience unreliable, and whether the existing service is being delivered by legacy technologies, such as copper telephone lines (typically using Digital Subscriber Line technology) or early versions of cable system technology (DOCSIS 2.0 or earlier),[339] and other factors related to the services to be provided by the project. In addition, recipients may consider the actual experience of current broadband customers when making their determinations; whether there is a provider serving the area that advertises or otherwise claims to

[338] *See FAQ 6.11*. Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.

[339] Legacy technologies such as copper telephone lines (typically using Digital Subscriber Line technology) and early versions of cable system technology (DOCSIS 2.0 or earlier) typically lag on speeds, latency, and other factors, as compared to more modern technologies like fiber-optic. *See, e.g.*, https://www.fcc.gov/sites/default/files/tech_transitions_network_upgrades_that_may_affect_your_service.pdf (comparing copper to fiber and noting that copper wire networks have "limited speeds," are "susceptible to signal interference/loss," and have a "relatively short life"); https://data.fcc.gov/download/measuring-broadband-america/2020/2020-Fixed-Measuring-Broadband-America-Report.pdf (comparing fiber with DSL and cable technologies on a number of dimensions); https://www.eff.org/wp/case-fiber-home-today-why-fiber-superior-medium-21st-century-broadband (providing a technical background comparing fiber technology to other legacy technologies).

offer broadband at a given speed is not dispositive.

Build-to Speed Standards

The interim final rule provided that a recipient may use funds to make investments in broadband infrastructure that is designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds. In cases where it is not practicable, because of the excessive cost of the project or the geography or topography of the area to be served by the project, eligible projects may be designed to reliably meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed, so long as it is scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed. Relatedly, Treasury in the Supplementary Information to the interim final rule encouraged recipients to prioritize investments in fiber-optic infrastructure wherever feasible and to prioritize projects that achieve last-mile connections.

Public Comment: Many commenters discussed the advantages of setting minimum symmetrical download and upload speeds of reliable 100 Mbps as the speed threshold for new projects. Some commenters indicated support for the interim final rule's standard as it takes into account growing demands on internet use resulting from pandemic broadband usage and suggested that such a standard will help to ensure that networks built with SLFRF funds remain valuable for years to come, even as demands continue to accelerate, particularly on upload speeds. Some also indicated that the interim final rule standard has the effect of prioritizing the use of fiber-optic infrastructure to deliver such speeds, which some noted was a “gold standard” future-proof technology, although some commenters noted that other technologies like fixed wireless have been shown to deliver such speeds in certain circumstances.

Other commenters suggested that 100 Mbps symmetrical speeds were unnecessary given current broadband usage needs and that such high standards may have the potential to slow down expansion to unserved or underserved rural areas. Some argued that setting this symmetrical threshold may limit the type of technologies that can be used, thereby decreasing competition and limiting flexibility to recipients whose communities might be better served by technologies such as wireless solutions or inexpensive gap networks. Commenters suggested alternate minimum speeds, ranging from 25/3 Mbps (which some argued best balances reaching all communities and maximizing the impact of federal funds) to 100/20 Mbps (which some argued best serves the typical broadband usage patterns of households and businesses, including new pandemic-driven needs). A few commenters suggested a higher minimum speed, such as gigabit speeds, advocating that such speeds were necessary for a network to last at least a decade.

Many commenters supported the interim final rule's lower speed standards for projects where it is impracticable to meet minimum reliable speeds of 100 Mbps symmetrical, as it provides flexibility for recipients to invest in hard-to-reach areas, such as those in mountainous regions. A few commenters indicated that Treasury should more clearly define the characteristics of a location eligible for this exception. Some indicated that the minimum standard for all new projects should be 100 Mbps symmetrical. In contrast, others argued that scalability to 100 Mbps symmetrical should not be a requirement to meet today’s demands, particularly in hard-to-reach areas.

Some commenters requested that Treasury clarify eligibility for middle-mile projects as these projects potentially provide connectivity to far-reaching areas, while other commenters suggested that last-mile projects generally require more capital investment and are therefore most in need of government support.

Treasury Response: The final rule maintains the interim final rule's requirement that eligible projects be designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds, with the interim final rule's exception for projects where it is impracticable to build to such speeds due to excessive cost, geography, or topography of the area to be served by the project. Given the build time associated with broadband infrastructure projects, these standards will enable SLFRF funds to fund lasting infrastructure that will be able to accommodate increased network demand once the network is complete,[340] while providing flexibility for certain locations to meet lower speed standards where 100 Mbps symmetrical speeds are impracticable.

To illustrate the accelerating need for higher upload speeds, by one measure, mean upload speeds as of October 2021 increased to 75.21 Mbps as compared to 62.11 Mbps a year earlier.[341] Jurisdictions are increasingly responding to the growing demands of their communities for high speeds; for example, Illinois requires 100 Mbps symmetrical service as the construction standard for their state broadband grant programs. The 100 Mbps symmetrical standard accounts for increased pandemic internet usage and provides adequate upload speeds for individuals and businesses to accommodate interactive applications such as virtual learning and videoconferencing, while also helping ensure that funding is responsibly used to provide a true and lasting benefit for years to come. Treasury continues to encourage recipients to prioritize investments in fiber-optic infrastructure wherever feasible, as such advanced technology enables the next generation of application solutions for all communities and is capable of delivering

[340] Using the Federal Communications Commission (FCC) Broadband Speed Guide, a household with two telecommuters and two to three remote learners today are estimated to need 100 Mbps download to work simultaneously. *See* Federal Communications Commission, Broadband Speed Guide, available at https://www.fcc.gov/consumers/guides/broadband-speed-guide (last visited October 28, 2021).
[341] United States' Mobile and Broadband Internet Speeds—Speedtest Global Index, available at https://www.speedtest.net/global-index/united-states#fixed.

superior, reliable performance and is generally most efficiently scalable to meet future needs.[342] In designing these projects, recipients should ensure that the broadband infrastructure provides "reliable" service at required speeds and are not required to rely on providers' advertised speeds in their assessments.

Consistent with further guidance issued by Treasury,[343] while recipients are permitted to make investments in "middle-mile" connections that otherwise satisfy the requirements of the final rule, Treasury continues to encourage recipients to focus on projects that will achieve last-mile connections—whether by focusing directly on funding last-mile projects or by ensuring that funded middle-mile projects have commitments in place to support new and/or improved last-mile service.

Affordability

The interim final rule encouraged recipients to consider ways to integrate affordability options into their program design but did not require recipients to take particular actions. The interim final rule also provided that assisting households with internet access and digital literacy is an eligible use of SLFRF funds under sections 602(c)(1)(A) and 603(c)(1)(A) to respond to the negative economic impacts of COVID-19.

Public Comment: Many commenters suggested that Treasury provide recipients with a broader set of tools to tackle what the commenters characterized as an affordability crisis in the broadband sector. As noted above, some commenters proposed that Treasury consider

[342] Bennett Cyphers, The Case for Fiber to the Home, Today: Why Fiber is a Superior Medium for 21st Century Broadband, Electronic Frontier Foundation (October 16, 2019), https://www.eff.org/wp/case-fiber-home-today-why-fiber-superior-medium-21st-century-broadband.
[343] *See FAQ 6.10*, Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.

affordability when determining whether an area is unserved or underserved by broadband. Some commenters indicated that the final rule should allow for the construction of broadband networks in low-income neighborhoods including low-cost or no-cost gap networks, even in areas with existing service at the speeds required under the interim final rule. Other commenters voiced support for direct subsidies to low-income communities to afford broadband service, which would provide additional incentives for providers to serve these communities.

Treasury Response: In response to many commenters that highlighted the importance of affordability in providing meaningful access to necessary broadband infrastructure, the final rule provides additional requirements to address the affordability needs of low-income consumers in accessing broadband networks funded by SLFRF. Recipients must require the service provider for a completed broadband infrastructure investment project that provides service to households to:

- Participate in the Federal Communications Commission's (FCC) Affordable Connectivity Program (ACP); or
- Otherwise provide access to a broad-based affordability program to low-income consumers in the proposed service area of the broadband infrastructure that provides benefits to households commensurate with those provided under the ACP.

Recipients must require providers to participate in or provide access to these programs through the life of the ACP. This requirement will no longer apply once the SLFRF-funded broadband infrastructure is no longer in use.

Furthermore, Treasury also recognizes the importance of affordable broadband access for all consumers beyond those that are low income. As part of their project selection process, recipients are encouraged to consult with the community on the general affordability needs of the

target markets in the proposed service area. Additionally, recipients are encouraged to require that services provided by a broadband infrastructure project include at least one low-cost option offered without data usage caps at speeds that are sufficient for a household with multiple users to simultaneously telework and engage in remote learning. Treasury will require recipients to report speed, pricing, and any data allowance information as part of their mandatory reporting to Treasury.

Further, Treasury is clarifying that, as a response to the public health and negative economic impacts of the pandemic, recipients may provide households and communities impacted by the pandemic with subsidies to help pay for internet service, digital literacy programs, broadband adoption programs, and device programs that provide discounted or no-cost devices for low-income households to access the internet. For further discussion of this eligible use category, see the section Internet Assistance in Assistance to Households in Public Health and Negative Economic Impacts.

Public Networks

The interim final rule encouraged recipients to prioritize support for local networks owned, operated, or affiliated with local governments, nonprofits, and cooperatives.

Public Comment: Many commenters voiced their support for Treasury's encouragement that recipients work with governmental or community entities to establish local networks, arguing that they have been shown to effectively provide broadband access to areas that would otherwise be left with unaffordable or insufficient service. These commenters suggested that, since these entities are less driven by financial returns to investment than private providers, in

some circumstances they may be able to provide robust service at a lower price as compared to private providers, along with potentially increasing local competition in a service area.

Other commenters argued against Treasury's encouragement, remarking that private businesses have a robust track record of serving hard-to-reach customers. These commenters argued that commercial providers have greater technical and operational expertise in deploying and operating broadband networks and may be able to construct broadband networks with greater efficiency. Additionally, some commenters argued that providing what they considered an unfair competitive advantage for government- or community-owned or operated networks may hurt consumers over time.

Treasury Response: The final rule maintains the interim final rule's encouragement for recipients to prioritize support for broadband networks owned, operated by, or affiliated with local governments, nonprofits, and cooperatives, given that these networks have less pressure to generate profits and a commitment to serve entire communities.[344] This encouragement provides flexibility for recipients to select providers that best fit their needs, while noting the critical role that networks owned, operated, or affiliated with local governments and community organizations can play in providing sufficient coverage, affordable access, or increased competition in the broadband sector.

Duplication of Efforts and Resources

Public Comment: Some commenters raised concerns that Treasury's encouragement in the interim final rule that recipients avoid funding projects in locations with an existing

[344] The Executive Office of the President, Community-Based Broadband Solutions (January 2015), https://obamawhitehouse.archives.gov/sites/default/files/docs/community-based_broadband_report_by_executive_office_of_the_president.pdf

agreement to provide service that reliably delivers 100/20 Mbps by December 31, 2024 was too restrictive. Commenters noted that many plans do not always lead to a successful and complete deployment, as issues may arise that prevent such infrastructure from deploying on time or at all, and that several existing federal grants were designed and awarded before the onset of the COVID-19 pandemic and do not meet the critical broadband needs highlighted by the pandemic. Other commenters argued that Treasury's encouragement to avoid duplication of resources should be strengthened, as investing in areas with existing agreements would be an inefficient duplication of efforts.

Treasury Response: Given the final rule's revised requirements on eligible areas for investment, the final rule also modifies the interim final rule's requirements around duplication of resources. Since recipients must ensure that the objective of the broadband projects is to serve locations with an identified need for additional broadband investment, the final rule provides that, to the extent recipients are considering deploying broadband to locations where there are existing enforceable federal or state funding commitments for reliable service at speeds of at least 100 Mbps download speed and 20 Mbps upload speed, recipients must ensure that SLFRF funds are designed to address an identified need for additional broadband investment that is not met by existing federal or state funding commitments. Recipients must also ensure that SLFRF funds will not be used for costs that will be reimbursed by the other federal or state funding streams.

Cybersecurity

Public Comment: Several commenters expressed concern about the cybersecurity of new broadband projects funded with SLFRF funds and urged Treasury to prohibit recipients from

utilizing SLFRF funds to procure equipment from certain providers from the People's Republic of China that may pose a national security risk. These commenters pointed out that the 2019 National Defense Authorization Act (NDAA) and the FCC's Universal Service Fund have similar prohibitions. Further, several commenters requested that Treasury explicitly include cybersecurity costs as an eligible use for broadband infrastructure investment given the growing threat of cyber-attacks and cyber-intrusions into the nation's infrastructure.

Treasury Response: Treasury highlights that investments in broadband infrastructure must be carried out in ways that comply with applicable federal laws, including the 2019 NDAA. Among other requirements contained in 2 C.F.R. Part 200, 2 C.F.R. 200.216 implements certain provisions of the NDAA and contains prohibitions on the use of federal financial assistance to procure or obtain certain telecommunications and video surveillance services or equipment provided or produced by designated entities, including certain entities owned or controlled by the People's Republic of China. In addition, 2 C.F.R. 200.471 provides that certain telecommunications and video surveillance costs associated with 2 C.F.R. 200.216 are unallowable.

Further, the final rule allows for modernization of cybersecurity for existing and new broadband infrastructure as an eligible use under sections 602(c)(1)(D) and 603(c)(1)(D) as such investments are necessary for the reliability and resiliency of broadband infrastructure.[345] Recipients may provide necessary investments in cybersecurity, including modernization of hardware and software, for existing and new broadband infrastructure regardless of their speed delivery standards. The final rule maintains the interim final rule's provision that allows for

[345] For more on the importance of cybersecurity to the reliability and resiliency of broadband networks, see: Federal Communications Commission, https://docs.fcc.gov/public/attachments/FCC-10-63A1.doc; Brookings Institute, Protecting the Cybersecurity of America's Networks (February 11, 2021), https://www.brookings.edu/blog/techtank/2021/02/11/protecting-the-cybersecurity-of-americas-networks/.

broader modernization of cybersecurity, including hardware, software, and protection of critical infrastructure as an eligible provision of government services, to the extent of revenue loss due to the pandemic, under sections 602(c)(1)(C) and 603(c)(1)(C).

Use of Funds to Meet Non-federal Match under the Infrastructure Investment and Jobs Act

The Infrastructure Investment and Jobs Act specifies that, except as otherwise provided, an entity using funding under section 60102 of the law for broadband deployment "shall provide, or require a subgrantee to provide, a contribution, derived from non-Federal funds (or funds from a Federal regional commission or authority) . . . of not less than 25 percent of project costs."[346] It further states that the matching contribution may include funds provided to an eligible entity or subgrantee under the American Rescue Plan Act for the purpose of deployment of broadband service, which includes funds provided under the SLFRF program.

SLFRF and the program established under section 60102 of the Infrastructure Investment and Jobs Act are separate programs with separate requirements. While section 60102 allows states and other eligible entities to use SLFRF funds as the source of matching funds for broadband deployment, the requirements of the SLFRF program still apply. As such, recipients that use SLFRF funds to meet the section 60102 matching requirement will continue to be subject to the requirements of the SLFRF program.

[346] *See* Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (2021).

III. RESTRICTIONS ON USE

While recipients have considerable flexibility to use funds to address the diverse needs of their communities, some restrictions on use of funds apply. The ARPA includes two statutory provisions that further define the boundaries of the statute's eligible uses. First, section 602(c)(2)(A) of the Social Security Act provides that states and territories may not "use the funds … to either directly or indirectly offset a reduction in … net tax revenue … resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax … or delays the imposition of any tax or tax increase." Second, sections 602(c)(2)(B) and 603(c)(2) prohibit all recipients, except Tribal governments, from using funds for deposit into any pension fund. These restrictions support use of funds only for the congressionally permitted purposes described in the Eligible Uses section by providing a backstop against the use of funds for purposes outside of the eligible use categories provided for in the statute.

In addition to the restrictions on use of funds provided for in the ARPA statute, the interim final rule noted that several uses of funds would be ineligible under any eligible use category, including as a response to the public health and negative economic impacts of the pandemic or as a "government service" under the revenue loss eligible use category. Specifically, use of funds for debt service, to replenish financial reserves, or to satisfy an obligation arising from a judicial settlement or judgment were ineligible uses of funds under the eligible use categories for public health and negative economic impacts and revenue loss. These restrictions apply to all recipients.

Recipients should note that restrictions on use of funds for debt service, to replenish financial reserves, or to satisfy an obligation arising from a judicial settlement or judgment apply

to all eligible use categories, not just the eligible use categories in which they were discussed in the interim final rule.

Recipients are also subject to other restrictions on use of funds in the ARPA, the Award Terms and Conditions, and other federal laws. As discussed further below, uses of funds may not conflict with the overall statutory purpose of the ARPA to reduce the spread of COVID-19. Per the Award Terms and Conditions, recipients must adopt and abide by policies to prevent conflicts of interest. Finally, recipients are reminded that other federal laws also apply to uses of funds, including environmental and civil rights laws.

To enhance clarity, this Supplementary Information for the final rule consolidates these restrictions on use of funds into one section and makes clear that they apply to all eligible use categories and any use of funds under the program by recipients to whom each specific restriction applies.

This section discusses the aforementioned restrictions, public comments received, and Treasury's response to these comments. For clarity, Treasury has divided the following discussion into (A) statutory restrictions under the ARPA, which include 1) offsetting a reduction in net tax revenue, and 2) deposits into pension funds, and (B) other restrictions on use, which include 1) debt service and replenishing reserves, 2) settlements and judgments, and 3) general restrictions.

A. Ineligible Uses of Funds Under the ARPA Statute

1. Offset a Reduction in Net Tax Revenue

For states and territories (recipient governments[347]), section 602(c)(2)(A)—the offset provision—prohibits the use of SLFRF funds to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation[348] during the covered period. If a state or territory uses SLFRF funds to offset a reduction in net tax revenue resulting from a change in law, regulation, or interpretation, the ARPA provides that the state or territory must repay to Treasury an amount equal to the lesser of (i) the amount of the applicable reduction attributable to the impermissible offset and (ii) the amount of SLFRF funds received by the state or territory. A state or territory that uses SLFRF funds to offset a reduction in net tax revenue does not forfeit its entire allocation of SLFRF funds (unless it misused the full allocation to offset a reduction in net tax revenue) or any non-SLFRF funding.

The interim final rule implements these conditions by establishing a framework for states and territories to determine the cost of changes in law, regulation, or interpretation that reduce tax revenue and to identify and value the sources of funds that will offset—i.e., cover the cost of—any reduction in net tax revenue resulting from such changes. The interim final rule recognizes three sources of funds that may offset a reduction in net tax revenue other than SLFRF funds: organic revenue growth, increases in revenue due to policy changes (e.g., an increase in a tax rate), and certain cuts in spending.

[347] In this sub-section, "recipient governments" refers only to states and territories. In other sections, "recipient governments" refers more broadly to eligible governments receiving funding from the SLFRF.
[348] For brevity, this phrase is referred to as "changes in law, regulation, or interpretation" for the remainder of this Supplementary Information.

Specifically, the interim final rule establishes a step-by-step process for determining whether, and the extent to which, SLFRF funds have been used to offset a reduction in net tax revenue, based on information reported by the recipient government:

- First, each year, each recipient government will identify and value the changes in law, regulation, or interpretation that would result in a reduction in net tax revenue, as it would in the ordinary course of its budgeting process. The sum of these values in the year for which the government is reporting is the amount it needs to "pay for" with sources other than SLFRF funds (total value of revenue reducing changes).
- Second, the interim final rule recognizes that it may be difficult to predict how a change would affect net tax revenue in future years and, accordingly, provides that if the total value of the changes in the year for which the recipient government is reporting is below a de minimis level, as discussed below, the recipient government need not identify any sources of funding to pay for revenue reducing changes and will not be subject to recoupment.
- Third, a recipient government will consider the amount of actual tax revenue recorded in the year for which it is reporting. If the recipient government's actual tax revenue is greater than the amount of tax revenue received by the recipient for the fiscal year ending 2019, adjusted annually for inflation, the recipient government will not be considered to have violated the offset provision because there will not have been a reduction in net tax revenue.
- Fourth, if the recipient government's actual tax revenue is less than the amount of tax revenue received by the recipient government for the fiscal year ending 2019, adjusted annually for inflation, in the reporting year the recipient government will identify any

sources of funds that have been used to permissibly offset the total value of covered tax changes other than SLFRF funds. These are:

  - State or territory tax changes that would increase any source of general fund revenue, such as a change that would increase a tax rate; and
  - Spending cuts in areas not being replaced by SLFRF funds.

The recipient government will calculate the value of revenue reduction remaining after applying these sources of offsetting funding to the total value of revenue reducing changes—that is, how much of the tax change has not been paid for. The recipient government will then compare that value to the difference between the baseline and actual tax revenue. A recipient government will not be required to repay to Treasury an amount that is greater than the recipient government's actual tax revenue shortfall relative to the baseline (i.e., fiscal year 2019 tax revenue adjusted for inflation). This "revenue reduction cap," together with Step 3, ensures that recipient governments can use organic revenue growth to offset the cost of revenue reductions.

- Finally, if there are any amounts that could be subject to recoupment, Treasury will provide notice to the recipient government of such amounts along with an explanation of such amounts. This process is discussed in greater detail in section Remediation and Recoupment of this Supplementary Information.

Together, these steps allow Treasury to identify the amount of reduction in net tax revenue that both is attributable to covered changes and has been directly or indirectly offset with SLFRF funds.

Overview of Comments: Many commenters supported the framework established under the interim final rule. These commenters argued that the offset provision, and the interim final

rule's implementation of the offset provision, was essential to ensuring SLFRF funds are used in a manner consistent with the statute's defined eligible uses and, in particular, to support the use of SLFRF funds to build public sector capacity. Several commenters argued that the framework should be made more restrictive; for example, some comments advocated that the offset provision be applied to local governments.

Other commenters argued that the offset provision and the interim final rule's implementation of the offset provision is too restrictive, with some asserting that the offset provision prohibits states from making changes to reduce taxes. Many of these commenters argued that the offset provision presents constitutional concerns. These commenters asserted that the offset provision is ambiguous and the restriction is unrelated to the purpose of the ARPA. These commenters also argued that the generous amount of SLFRF funds provided to those governments gave recipient governments little choice as to whether to accept the SLFRF funds and, as a result, the offset provision is coercive. In describing these concerns and arguments, several of these commenters referenced litigation regarding the offset provision.[349] Many of these commenters also expressed concern regarding the interim final rule's implementation of the offset provision. Some of these commenters argued that Treasury lacked the authority to implement the provision, asserting that the significance of the provision required Congress to make an explicit delegation of rulemaking authority and provide clearer principles by which Treasury should implement the provision. Finally, one commenter argued that the offset provision should only apply if the recipient expressly and intentionally uses SLFRF funds to offset a reduction in revenue, arguing that the term "offset" implies a deliberate use SLFRF funds to "pay for" a tax cut.

[349] *See*, *e.g.*, State of West Virginia v. U.S. Department of the Treasury, No. 7:21-cv-00465-LSC, 2021 WL 2952863 (N.D. Ala. Jul. 14, 2021); State of Ohio v. Yellen, No. 1:21-cv-181, 2021 WL 2712220 (S.D. Ohio Jul. 1, 2021).

As discussed in the interim final rule, the offset provision does not prevent a recipient government from enacting a broad variety of tax changes. Rather, the offset provision prevents a recipient government from using SLFRF funds to offset a revenue reduction resulting from a tax cut. A recipient government would only be considered to have used SLFRF funds to offset a reduction in net tax revenue resulting from changes in law, regulation, or interpretation if, and to the extent that, the recipient government could not identify sufficient funds from sources other than SLFRF funds to offset the reduction in net tax revenue. Only if sufficient funds from other sources cannot be identified to cover the full cost of the reduction in net tax revenue resulting from changes in law, regulation, or interpretation, will the remaining amount not covered by these sources be considered to have been offset by SLFRF funds, in contravention of the offset provision. Consistent with the statutory text, the approach taken in the interim final rule recognizes that, because money is fungible, even if SLFRF funds are not explicitly or directly used to cover the costs of changes that reduce net tax revenue, those funds may be used in a manner inconsistent with the statute by indirectly being used to substitute for the state's or territory's funds that would otherwise have been needed to cover the costs of the reduction. As discussed below, the scope of changes in law, regulation, or interpretation is further limited to those that the recipient government voluntarily enacted during the covered period.

Congress has the authority under the Spending Clause in Article I, section 8 of the Constitution to specify the permissible and impermissible uses of federal grants. The Supreme Court has repeatedly "upheld Congress's authority to condition the receipt of funds on the States' complying with restrictions on the use of those funds, because that is the means by which

Congress ensures that the funds are spent according to its view of the 'general Welfare.'"[350] "The power to keep a watchful eye on expenditures … is bound up with congressional authority to spend in the first place."[351] Assertions that the amount of SLFRF funds are sufficiently large to be coercive are inconsistent with the Supreme Court's reasoning in *NFIB*, which distinguished between conditions placed on new federal funds and conditions placed on existing federal funds and not based on the size of funds.[352] Further, the conditions placed on the use of SLFRF funds under the ARPA – both the eligible uses and additional limitations on deposits into pension funds and the offset provision – were well known to recipient governments prior to recipient governments requesting to receive SLFRF funds. Finally, the ARPA provides Treasury with the express authority "to issue such regulations as may be necessary or appropriate to carry out" section 602, which includes the offset provision.

A number of commenters expressed concern regarding the burden associated with complying with the offset provision and the interim final rule. Similarly, other commenters argued that the framework provided in the interim final rule complicated implementation of the offset provision. Treasury took several steps to minimize burden for recipient governments in the interim final rule. For example, the interim final rule incorporates the types of information and modeling already used by states and territories in their own fiscal and budgeting processes. By incorporating existing budgeting processes and capabilities, states and territories will be able to assess and evaluate the relationship of tax and budget decisions to uses of SLFRF funds based on

[350] National Fed'n of Indep. Bus. v. Sebelius (NFIB), 567 U.S. 519, 580 (2012) (plurality opinion); see, e.g., South Dakota v. Dole, 483 U.S. 203, 206-208 (1987); Gruver v. Louisiana Bd. of Supervisors for Louisiana State Univ. Agric. & Mech. Coll., 959 F.3d 178, 183 (5th Cir.), cert. denied, 141 S. Ct. 901 (2020). For additional discussion of these issues, *see, e.g.*, Brief Reply for Appellants, Ohio v. Yellen, No. 21-3787 (6th Cir. Oct. 26, 2021).
[351] *Sabri v. United States*, 541 U.S. 600, 608 (2004).
[352] The new federal funds offered by the Affordable Care Act totaled $100 billion per year. Even the dissenting Justices agreed that "Congress could have made just the new funding provided under the ACA contingent on acceptance of the terms of the Medicaid Expansion," although they disagreed with the majority about whether that funding condition was severable. NFIB at 687-688 (joint dissent).

information they likely have or can readily obtain. This approach ensures that recipient governments have the information they need to understand the implications of their decisions regarding the use of SLFRF funds—and, in particular, whether they are using the funds to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or interpretation, making the funds potentially subject to recoupment. To further reduce burden, Treasury is considering whether the scope of reporting requirements can be further tailored.

As described in greater detail below, Treasury is finalizing its implementation of the offset provision largely without change. This approach is consistent with the text of the ARPA. The remainder of this section discusses and responds to comments on specific aspects of the framework.

1. *Definitions*

Covered change. The offset provision is triggered by a reduction in net tax revenue resulting from "a change in law, regulation, or administrative interpretation." Consistent with this language, the interim final rule defines a "covered change" to include any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute or rule where the phase-in or taking effect was not prescribed prior to the start of the covered period. Thus, the offset provision applies only to actions for which the change in policy occurs during the covered period; it excludes regulations or other actions that implement a change or law substantively enacted prior to March 3, 2021. For example, covered changes do not include a change in rate that is triggered automatically and based on statutory or

regulatory criteria in effect prior to the covered period.[353] Changed administrative interpretations would not include corrections to replace prior inaccurate interpretations; such corrections would instead be treated as changes implementing legislation enacted or regulations issued prior to the covered period. The operative change in those circumstances is the underlying legislation or regulation that occurred prior to the covered period. Moreover, only changes within the control of the state or territory are considered covered changes. Finally, covered changes do not include changes that simply conform with recent changes in federal law (including those to conform to recent changes in federal taxation of unemployment insurance benefits and taxation of loan forgiveness under the Paycheck Protection Program).

Scope of covered changes.

Public Comment: Several commenters argued that the definition of covered change, and thus the limitations of the offset provision, should apply to subsidies for businesses. Similarly, other commenters requested that Treasury clarify that the offset provision applies to tax abatements and reductions in corporate taxes, even if administered by a sub-unit of the recipient government. Citing to empirical research and other evidence, these commenters argued that these types of economic development policies were poorly administered, reduced public sector capacity, and were ineffective at achieving stated objectives of creating jobs, increasing income, and increasing economic growth. On the other hand, some commenters argued that, because subsidies were economically similar to some tax cuts, neither action should be considered a covered change and subject to the offset provision. Finally, other commenters requested that

[353] For example, a state law that sets its earned income tax credit (EITC) at a fixed percentage of the federal EITC will see its EITC payments automatically increase—and thus its tax revenue reduced—because of the federal government's expansion of the EITC in the ARPA *See, e.g.*, Tax Policy Center, How do state earned income tax credits work?, https://www.taxpolicycenter.org/briefing-book/how-do-state-earned-income-tax-credits-work/ (last visited May 9, 2021).

Treasury clarify whether covered changes must be broad-based policies or whether administrative decisions applicable to individuals would be considered covered changes.

Treasury Response: Section 602(c)(2)(A) applies to any change that "reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise or delays the imposition of any tax or tax increase." Accordingly, and consistent with this statutory text, the final rule applies to covered changes that reduce any tax, which can include tax abatements, but does not apply to loans, grants, or other types of interventions that do not reduce tax revenue.[354] In addition, by including changes in regulation or administrative interpretation, in addition to changes in law, within the scope of the offset provision, the ARPA recognizes that a recipient government may make a covered change through its legislature or may delegate the authority to make a covered change including, but not limited to, to a sub-unit of government. Treasury has revised the definition of "covered change" in the final rule using the statutory language above to make clear that the offset provision only applies to such changes in law, regulation, or administrative interpretation. With respect to the question of whether covered changes could include administrative decisions applicable to individuals, as discussed above, a covered change includes a change in law, regulation, or administrative interpretation that reduces any tax. Such changes may apply to one or more individuals or entities, provided that – consistent with the statutory text – they result from a change in law, regulation, or administrative interpretation.

Prior enactment and phase-in.

Public Comment: A number of commenters expressed concern, or requested clarification, regarding changes that were enacted prior to the covered period but take effect or phase-in during the covered period. Several commenters argued that the definition of covered change

[354] Assistance must be consistent with eligible uses of SLFRF funds. *See* section Eligible Uses of this Supplementary Information.

should include changes that were made prior to the covered period but that phase-in during the covered period.

Treasury Response: As discussed above, the offset provision is triggered by a reduction in net tax revenue resulting from "a change in law, regulation, or administrative interpretation" made during the covered period. Consistent with the statutory text, "covered change" is defined to include any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute or rule where the phase-in or taking effect was not prescribed prior to the start of the covered period.

Conformity.

Public Comment: A number of commenters requested clarification on the scope of covered changes. Specifically, several commenters requested clarification on the scope of changes that would be considered as conforming to recent changes in federal law. These commenters requested that Treasury clarify whether actions to selectively conform with federal law would be considered covered changes and requested clarification regarding the extent to which changes would be considered "recent." For example, these commenters requested clarification regarding conformance with the Global Intangible Low-Taxed Income provision of the 2017 Tax Cuts and Jobs Act. Some commenters further argued that changes that selectively conform or decouple from the Internal Revenue Code should be included within scope of covered changes and thus subject to the offset provision.

Treasury Response: The final rule maintains the treatment of changes that simply conform with recent changes in federal law, such as those to conform to recent changes in federal taxation of unemployment insurance benefits and taxation of loan forgiveness under the

Paycheck Protection Program[355] and including other changes over the past several years. Regardless of the particular method of conformity and the effect on net tax revenue, Treasury views such changes as permissible under the offset provision.

Accordingly, and for the reasons discussed above, Treasury is maintaining the definition of covered change without change.

Tax revenue. The interim final rule's definition of "tax revenue" is based on the Census Bureau's definition of taxes, used for its Annual Survey of State Government Finances.[356] It provides a consistent, well-established definition with which states and territories will be familiar and is consistent with the approach taken in section Revenue Loss of this Supplementary Information describing the implementation of sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act regarding revenue loss. A number of commenters expressed concern and requested clarification regarding the definition of "tax revenue." These comments and responses are discussed in section Revenue Loss of this Supplemental Information and, for the reasons discussed above, Treasury is finalizing the definition of tax revenue without change and maintaining a consistent definition of "tax revenue."[357]

Baseline. For purposes of measuring a reduction in net tax revenue, the interim final rule measures actual changes in tax revenue relative to a revenue baseline (baseline). The baseline is calculated as fiscal year 2019 (FY 2019) tax revenue indexed for inflation in each year of the

[355] *See* Statement on State Fiscal Recovery Funds and Tax Conformity, April 7, 2021, available at https://home.treasury.gov/news/press-releases/jy0113.
[356] U.S. Census Bureau, Annual Survey of State and Local Government Finances Glossary, https://www.census.gov/programs-surveys/state/about/glossary.html (last visited Apr. 30, 2021).
[357] As discussed in section Revenue Loss of this Supplementary Information, for purposes of measuring revenue lost due to the pandemic under sections 602(c)(1)(C) and 603(c)(1)(C), recipients must adjust the amount of revenue lost to reflect changes that resulted from a tax increase or decrease. These adjustments do not apply to or affect the definition of tax revenue.

covered period, with inflation calculated using the Bureau of Economic Analysis's Implicit Price Deflator.[358]

Public Comment: Some commenters expressed concern regarding the choice of FY 2019 as the baseline, arguing that the choice lacked justification and would make the offset provision more restrictive as applied to recipient governments that experienced a decline in revenue independent of making any covered changes.

Treasury Response: Measuring a "reduction" in net tax revenue requires identification of a baseline. In other words, a "reduction" can be assessed only by comparing two amounts. The Act defines "covered period" to begin on March 3, 2021, and thus the baseline year must end prior to March 3, 2021. As discussed in the interim final rule, FY 2019 is the last full fiscal year prior to the COVID-19 public health emergency, and thus is consistent with the statutory definition and does not include the extraordinary effects of the pandemic that began in 2020. Further, as discussed above, the interim final rule recognizes three potential ways that a recipient government may offset or "pay for" a reduction in net tax revenue due to a covered change: increases in taxes, decreases in spending, and organic revenue growth. U.S. gross domestic product rebounded to exceed its pre-pandemic level in 2021,[359] suggesting that an FY 2019 pre-pandemic baseline is a reasonable comparator for future revenue levels and provides recipients with flexibility to identify organic growth as a permissible offset. Finally, this baseline year is consistent with the approach directed by sections 602(c)(1)(C) and 603(c)(1)(C), which identify

[358] U.S. Department of Commerce, Bureau of Economic Analysis, GDP Price Deflator, https://www.bea.gov/data/prices-inflation/gdp-price-deflator (last visited Apr. 30, 2021). The FY 2019 baseline revenue is adjusted annually for inflation to allow for direct comparison of actual tax revenue in each year (reported in nominal terms) to baseline revenue in common units of measurement; without inflation adjustment, each dollar of reported actual tax revenue would be worth less than each dollar of baseline revenue expressed in 2019 terms.

[359] Economy Statement by Catherine Wolfram, Acting Assistant Secretary for Economy Policy, for the Treasury Borrowing Advisory Committee November 1, 2021 (Nov. 1, 2021), *available at* https://home.treasury.gov/news/press-releases/jy0453.

the "most recent full fiscal year of the [state, territory, or Tribal government] prior to the emergency" as the comparator for measuring revenue loss. For these reasons, Treasury is finalizing the definition of "baseline" without change.

The interim final rule includes several other definitions that are applicable to the implementation of the offset provision, such as the term "reporting year."[360] Commenters did not express concern regarding other definitions in the interim final rule.

2. *Framework*

The interim final rule provides a step-by-step framework, to be used in each reporting year, to determine whether a state or territory used SLFRF funds to offset a reduction in net tax revenue. Consistent with section 602(c)(2) and the interim final rule, the final rule applies to states and territories:

(1) *Covered changes that reduce tax revenue.* Under the interim final rule, a recipient government identifies and values covered changes that the recipient government predicts will have the effect of reducing tax revenue in a given reporting year, similar to the way it would in the ordinary course of its budgeting process. The interim final rule states that the value of these covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient government's existing approach for measuring the effects of fiscal policies, and that measures these effects relative to a current law baseline. If the recipient would prefer, the covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the covered change(s), relative to the current law baseline prior to the

[360] One commenter requested clarification that references to fiscal year refer to the fiscal year of the recipient. "Reporting year" is defined in the interim final rule and final rule to mean "a single year or partial year within the covered period, aligned to the current fiscal year of the State or Territory during the covered period."

change(s).[361] Further, estimation approaches may not use dynamic methodologies that incorporate the projected effects of macroeconomic growth because macroeconomic growth is accounted for separately in the framework.

Estimation.

Public Comment: A number of commenters expressed concern that estimating the value of covered changes required a number of assumptions and that the actual effects of covered changes on tax revenue would be difficult to predict. Several commenters expressed support for the interim final rule's approach to dynamic scoring methodologies, and one commenter argued that the final rule should prohibit the use of prior cash balances in calculations of permissible tax cuts.

Treasury Response: Treasury recognizes that estimating the effects of covered changes requires assumptions and that many other factors influence the amount of tax revenue received. The interim final rule addresses these concerns in several ways. First, in general and where possible, reporting should be produced by the agency of the recipient government responsible for estimating the costs and effects of fiscal policy changes. This approach offers recipient governments the flexibility to determine their reporting methodology based on their existing budget scoring practices and capabilities. In addition, by relying on scoring methodologies that do not incorporate projected effects of macroeconomic growth, the estimation of the value of covered changes relies on fewer assumptions and thus provide greater consistency among states and territories. Finally, as discussed below, the interim final rule includes a de minimis threshold, below which the sum of covered changes will be deemed not to have any revenue-reducing effects.

[361] By permitting recipient governments to use actual or estimated values, the interim final rule and final rule provide flexibility to recipients and thus minimizes burden.

Timing of the impact of covered changes.

Public Comment: Several commenters expressed concern that recipient governments, to evade the offset provision, may backload the costs of certain covered changes outside of the covered period, and advocated that covered changes be instead evaluated as the net present value in the year that the covered change is enacted. These commenters argued that some tax cuts could have effects on tax revenue for many decades or could be structured to take effect after the end of the covered period.

Treasury Response: As discussed in section Timeline for Use of SLFRF Funds, SLFRF funds must be used to cover costs incurred prior to December 31, 2024. Accordingly, SLFRF funds generally would not be able to offset a reduction in net tax revenue occurring after December 31, 2024.

For these reasons, Treasury is maintaining this element of the interim final rule without change.

(2) *In excess of the de minimis*. Under the framework established in the interim final rule, after establishing that a covered change occurred, the recipient government next calculates the total value of all covered changes in the reporting year resulting in revenue reductions, identified in Step 1. If the total value of the revenue reductions resulting from these changes is below the de minimis level, the recipient government is deemed not to have any revenue-reducing changes for the purpose of determining the recognized net reduction. If the total is above the de minimis level, the recipient government must identify sources of in-year revenue to cover the full costs of changes that reduce tax revenue. Under the interim final rule, the de minimis level is calculated as 1 percent of the reporting year's baseline.

Public Comment: Many commenters supported the inclusion of the de minimis, noting that the de minimis protects recipients from penalty resulting from minor or incidental changes, minimizes administrative burden, and enhances predictability of the application of the offset provision. Some commenters expressed concern that the fixed threshold could result in cliff effects.

Treasury Response: A clear de minimis threshold supports recipient governments' compliance with the offset provision. A de minimis level recognizes the inherent challenges and uncertainties that recipient governments face, and thus allows relatively small reductions in tax revenue without consequence. In other words, states and territories may make many small changes to alter the composition of their tax revenues or implement other policies with marginal effects on tax revenues. They may also make changes based on projected revenue effects that turn out to differ from actual effects, unintentionally resulting in minor revenue changes that are not fairly described as "resulting from" tax law changes. However, a de minimis does not automatically result in consequences under the offset provision, since a recipient government could demonstrate that other, non-SLFRF funds to offset a net reduction in tax revenue. Accordingly, any cliff effects associated with a clear de minimis threshold are mitigated by other aspects of the framework.

Public Comment: Commenters expressed a range of views regarding the amount of the de minimis. Some commenters argued that the de minimis was too generous, noting that the choice of 1 percent could, in some cases, permit reductions in net tax revenue of hundreds of millions of dollars. These commenters advocated that the de minimis be lowered (e.g., to 25 basis points) or be tied to a fixed amount. Other commenters argued that the choice of de minimis was not well

supported by the statute, advocated for a larger de minimis and suggested that the amount be tied to the recipient government's total expenditures in the prior fiscal year.

Treasury Response: Treasury adopted a de minimis threshold as an administrative accommodation for the reasons discussed above. As discussed in the interim final rule, Treasury determined that the 1 percent de minimis level reflects the historical reductions in revenue due to minor changes in state fiscal policies and was determined by assessing the historical effects of state-level tax policy changes in state EITCs implemented to effect policy goals other than reducing net tax revenues.[362]

For these reasons, Treasury is adopting the 1 percent de minimis without change.

(3) *Safe harbor.* Next, under the interim final rule, if the revenue reduction caused by the covered changes exceeds the 1 percent de minimis threshold, the recipient government compares the reporting year's actual tax revenue to the baseline. If actual tax revenue is greater than the baseline, Treasury will deem the recipient government not to have any recognized net reduction for the reporting year, and therefore to be in a safe harbor and outside the ambit of the offset provision. This approach is consistent with the ARPA, which contemplates recoupment of SLFRF funds only in the event that such funds are used to offset a reduction in net tax revenue. If net tax revenue has not been reduced, the offset provision does not apply. In the event that actual tax revenue is above the baseline, the organic revenue growth that has occurred, plus any other revenue-raising changes, by definition must have been enough to offset the in-year costs of any covered changes. One commenter argued that the offset for organic growth be adjusted to reflect population growth. To minimize administrative burden, and for the reasons discussed

[362] Data provided by the Urban-Brookings Tax Policy Center for state-level EITC changes for 2004-2017.

above, Treasury is maintaining the measurement of actual tax revenue without adjustment for population growth.

(4) *Consideration of other sources of funding.* The recipient government will then identify and calculate the total value of changes that could pay for revenue reduction due to covered changes and sum these items. This amount can be used to pay for up to the total value of revenue-reducing changes in the reporting year. These changes consist of two categories:

(a) *Tax and other increases in revenue.* The recipient government must identify and consider covered changes in policy that the recipient government predicts will have the effect of increasing general revenue in a given reporting year. Recipient governments should use the same approach to identify and value covered changes that increase tax revenue as applied to covered changes that reduce tax revenue. For the reasons discussed above, Treasury is adopting these aspects of identifying and valuing covered changes without change.

(b) *Covered spending cuts.* A recipient government also may cut spending in certain areas to pay for covered changes that reduce tax revenue, up to the amount of the recipient government's net reduction in total spending as described below. These changes must be reductions in government outlays in an area where the recipient government has not spent SLFRF funds. To better align with existing reporting and accounting, the interim final rule considers the department, agency, or authority from which spending has been cut and whether the recipient government has spent SLFRF funds on that same department, agency, or authority. If the recipient government has not spent SLFRF funds in a department, agency, or authority, the full amount of the reduction in spending counts as a covered spending cut, up to the recipient government's net reduction in total spending. If they have spent SLFRF funds in such department, agency, or authority, the SLFRF funds generally would be deemed to have replaced

the amount of spending cut and only reductions in spending above the amount of SLFRF funds spent on the department, agency, or authority would count. This approach—allowing only spending reductions in areas where the recipient government has not spent SLFRF funds to be used as an offset for a reduction in net tax revenue—aims to prevent recipient governments from using SLFRF funds to supplant state or territory funding in the eligible use areas, and then using those state or territory funds to offset tax cuts. Such an approach helps ensure that SLFRF funds are not used to "indirectly" offset revenue reductions due to covered changes.

Department, agency, or authority.

Public Comment: Several commenters supported the interim final rule's approach to considering spending cuts at the department, agency, or authority level, on the basis that this approach is supported by the statutory language prohibiting SLFRF funds from being used to "directly or indirectly" offset a reduction in net tax revenue. On the other hand, some commenters argued that the methodology for identifying offsetting spending cuts was too restrictive; specifically, that measurement at the agency or department-level may not adequately account for the size and various programs that could occur in one agency or department. One commenter argued that recipient governments should instead be permitted to consider spending cuts on a more granular sub-unit of a department but noted that this additional flexibility would come at the cost of transparency and clarity.

Treasury Comment: Treasury recognizes that some recipients may vary in their budgeting processes, with some budgeting on a department level and others budgeting at more or less granular sub-units of government. Relying on spending at a department, agency, or authority level allows recipient governments to report how SLFRF funds have been spent using reporting units already incorporated into their budgeting process.

Spending cuts baseline.

Under the interim final rule, to calculate the amount of spending cuts that are available to offset a reduction in tax revenue, the recipient government must first consider whether there has been a reduction in total net spending, excluding SLFRF funds (net reduction in total spending). This approach ensures that reported spending cuts actually create fiscal space, rather than simply offset other spending increases. A net reduction in total spending is measured as the difference between total spending in each reporting year, excluding SLFRF funds spent, relative to total spending for the recipient's fiscal year ending in 2019, adjusted for inflation. Measuring reductions in spending relative to 2019 reflects the fact that the fiscal space created by a spending cut persists so long as spending remains below its original level, even if it does not decline further, relative to the same amount of revenue.

Public Comment: Several commenters expressed concern regarding the measurement of spending cuts relative to the recipient's FY 2019, for example arguing that the choice did not take into account increases in spending in 2020. As one commenter noted, the fiscal year 2020 required extraordinary intervention by recipient governments and the ongoing public health emergency continues to require extraordinary intervention.

Treasury Response: FY 2019 provides a reasonable and relatively generous baseline for considering spending because it is the last full fiscal year prior to the COVID-19 public health emergency and governments' extraordinary efforts to address the impact of the pandemic. This approach also aligns with the FY 2019 baseline for measuring revenue loss. Measuring spending cuts from year to year would, by contrast, not recognize any available funds to offset revenue reductions unless spending continued to decline, failing to reflect the actual availability of funds created by a persistent change and limiting the discretion of states and territories.

For the reasons discussed above, Treasury is adopting the approach taken in the interim final rule without change.

(5) *Identification of amounts subject to recoupment.* If a recipient government (i) reports covered changes that reduce tax revenue (Step 1); (ii) to a degree greater than the de minimis (Step 2); (iii) has experienced a reduction in net tax revenue (Step 3); and (iv) lacks sufficient revenue from other, permissible sources to pay for the entirety of the reduction (Step 4), then the recipient government will be considered to have used SLFRF funds to offset a reduction in net tax revenue, up to the amount that revenue has actually declined. That is, the maximum value of the reduction revenue due to covered changes that a recipient government must cover is capped at the difference between the baseline and actual tax revenue.[363] In the event that the baseline is above actual tax revenue but the difference between them is less than the sum of revenue reducing changes that are not paid for with other, permissible sources, organic revenue growth has implicitly offset a portion of the reduction. The revenue reduction cap implements this approach for permitting organic revenue growth to cover the cost of tax cuts.

Finally, a recipient government may request reconsideration of any amounts identified in a notice from Treasury as subject to recoupment under this framework. Comments and responses to the recoupment process are discussed in section Remediation and Recoupment of this Supplemental Information.

3. *Reporting*

To facilitate the implementation of the framework above, and in addition to reporting required on eligible uses, recipient governments are required to report certain information. The interim final rule indicated that Treasury would provide additional guidance at a later date and

[363] This cap is applied in section 35.8(c) of the final rule, calculating the amount of funds used in violation of the tax offset provision.

that, on an annual basis, it expected each recipient government would be required to provide the following information:

- Actual net tax revenue for the reporting year;
- Each revenue-reducing change made to date during the covered period and the in-year value of each change;
- Each revenue-raising change made to date during the covered period and the in-year value of each change; and
- Each covered spending cut made to date during the covered period, the in-year value of each cut, and documentation demonstrating that each spending cut is covered as prescribed under the interim final rule.

Since the adoption of the interim final rule, Treasury has provided guidance on reporting regarding eligible uses and has required recipient governments to indicate whether they have made covered changes and the value of such changes.[364]

Reporting burden.

Public Comment: Some commenters argued that the framework for identifying and reporting impermissible offsets was burdensome and that the burdens should be accounted for under Executive Order 13132 (Federalism, August 4, 1999).

Treasury Response: Taking into consideration comments received regarding burden, Treasury is considering a tiered approach to reporting on the offset provision. Specifically, under this approach, a recipient would only be required to report information to the extent needed to determine whether SLFRF funds had been used to offset a reduction in net tax revenue. For example, a recipient government would be required to report information regarding permissible

[364] *See* Reporting Guidance, Section C.11, available at https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf.

offsets only if it had also reported covered changes that were in excess of the de minimis and had reported a net reduction in tax revenue. Treasury will provide additional guidance and instructions on the reporting requirements at a later date.

As discussed in section Regulatory Analyses of this Supplemental Information, Treasury maintains that the final rule does not have federalism implications within the meaning of Executive Order 13132 (Federalism, August 4, 1999). In the ARPA, Congress requires states and territories to repay the Secretary for amounts used in violation of the prohibition on using SLFRF funds to offset reductions in net tax revenue, and it authorizes the Secretary to issue regulations to carry out this limitation and other requirements of the statute. Section 6(b) of Executive Order 13132 contemplates that certain regulations will be required by statute, as is the case with the interim final rule and the final rule, in which case section 6(b)(2)(B)'s requirement to include a federalism summary impact statement in the Supplementary Information to the regulation does not apply. Notwithstanding the above, Treasury has engaged in efforts to consult and work cooperatively with affected state, local, and Tribal government officials and associations in the process of developing the interim final rule.

Reporting transparency.

Public Comment: Several commenters argued that information supporting the net tax offset calculation should be publicly available. Some of these commenters requested that reporting be made available in a machine-readable format, and others advocated that recipient governments disclose this information on their local budget agency's website. These commenters argued that making information regarding tax changes publicly available would increase transparency and accountability. Further, several commenters suggested that Treasury provide a mechanism for citizens to register their concerns about particular tax actions.

Treasury Response: As discussed in other sections, reporting requirements promote transparency and accountability for the general public and constituents of recipient governments to understand how state, local, and Tribal governments have used SLFRF funds. Since the publication of the interim final rule, Treasury issued supplementary reporting guidance in the Compliance and Reporting Guidance and in the User Guide: Treasury's Portal for Recipient Reporting (User Guide), which addresses the particular content and form of required reporting. Treasury will continue to issue updated guidance prior to each reporting period clarifying any modifications to requested report content and will continue to consider how reporting can best support transparency and accountability while minimizing recipient administrative burden. Further, as discussed in the section Remediation and Recoupment, Treasury may address potential violations of this final rule based on both information submitted from recipients, either through quarterly reports or self-reporting, and from other sources of information (e.g., information submitted from the public).

2. DEPOSIT INTO PENSION FUNDS

Background: Subsection 602(c)(2)(B) of the Social Security Act provides that "[n]o State or territory may use funds made available under this section for deposit into any pension fund." Similarly, subsection 603(c)(2) of the Social Security Act provides that "[n]o metropolitan city, nonentitlement unit of local government, or county may use funds made available under this section for deposit into any pension fund."

For purposes of this restriction on pension deposits, the interim final rule defined deposit to mean "an extraordinary payment of an accrued, unfunded liability." The interim final rule also specified that a deposit does not include routine contributions made as part of a payroll

obligation, such as the normal cost component of a pension contribution or the component that consists of amortization of unfunded liabilities calculated by reference to the employer's payroll costs. The interim final rule applied the restriction on pension deposits to all recipients.

Public Comment: Several commenters observed that the statutory restriction on deposits into pension funds does not apply to Tribal governments.

Treasury Response: In response, Treasury is clarifying in the final rule that the pension restriction does not apply to Tribal governments.

Public Comment: Treasury also received a comment expressing concern that the interim final rule permitted recipients to make a larger than usual pension contribution, so long as the timing of that contribution aligns with the historical timing of contributions.

Treasury Response: The interim final rule prohibited the use of SLFRF funds from the ARPA to make extraordinary payments, and the Supplementary Information to the interim final rule said that a payment would be an extraordinary payment if it reduces a liability incurred prior to the start of the COVID-19 public health emergency and occurs outside the recipient's regular timing for making the payment. At the same time, however, as suggested by the comment Treasury received, a payment made at the regular time for pension contributions may very well be an extraordinary payment, for example, if it is larger than a regular payment would have been. Such a payment would be a restricted use.

Public Comment: Other commenters asked which pension contributions are permitted.

Treasury Response: To be an eligible use of SLFRF funds, a use must 1) be eligible under one of the eligible use categories and 2) not contravene any of the applicable restrictions on uses of funds. Some pension contributions may be eligible because they both fit within an eligible use category and do not contravene the restriction on deposits into pension funds (i.e.,

they are not an extraordinary payment of an accrued, unfunded liability). For example, payroll and covered benefits for public health and safety staff responding to COVID-19 are an eligible use of funds to respond to the public health and negative economic impacts of the pandemic; routine pension contributions as part of an employee's regular covered benefits are permissible under that eligible use category.

B. Other Restrictions on Use of Funds

1. Debt Service and Replenishing Financial Reserves

The Supplementary Information to the interim final rule provided that debt service is not an eligible use of funds either to respond to the public health emergency or its negative economic impacts or as a provision of government services to the extent of revenue loss.[365] The interim final rule also provided that replenishing financial reserves (e.g., rainy day funds) is not an eligible use of funds either to respond to the public health emergency or its negative economic impacts or as a provision of government services to the extent of revenue loss.[366]

As explained in greater detail below, Treasury, in the final rule, has retained these restrictions and is clarifying that these restrictions on the use of SLFRF funds apply to all eligible use categories.

[365] "[G]overnment services would not include interest or principal on any outstanding debt instrument, including, for example, short-term revenue or tax anticipation notes, or fees or issuance costs associated with the issuance of new debt. For the same reasons, government services would not include satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding, except if the judgment or settlement required the provision of government services." 86 Fed. Reg. 26796-97 (May 17, 2021).

[366] "In addition, replenishing financial reserves (e.g., rainy day or other reserve funds) would not be considered provision of a government service, since such expenses do not directly relate to the provision of government services."

Public Comments

Several commenters suggested that debt service and reserve replenishment should qualify as the provision of a government service and be an eligible use of funds, up to the amount of revenue loss due to the pandemic. Many commenters indicated that they had been forced to borrow money or dip into reserve funds to continue providing government services during the public health emergency and that using SLFRF funds for resulting debt service or reserve replenishment costs should therefore be considered a government service.

Many comments from Tribal governments noted that their governments depend on revenue from Tribal enterprises to pay government debts and provide services. The comments suggest that it should be an eligible use of SLFRF to replace lost revenue from these enterprises that would typically be used to pay debt service costs. Other commenters argued that paying the interest or principal on debt should in some cases be considered provision of government services and an eligible use of funds as such expenditures facilitate the provision of government services.

Some commenters argued that debt costs or reserve drawdowns during the public health emergency constitute a negative economic impact to recipient governments, and thus debt service or reserve replenishment should be an eligible use to respond to that negative economic impact. For example, several commenters suggested that there should be a specific carve-out allowing the use of SLFRF funds for debt service on debt incurred for government services after January 27, 2020, the start of the public health emergency, or short-term debt incurred for this purpose. Others suggested that recipient governments should be able to service debt, up to the amount of debt incurred in direct response to the pandemic. These commenters generally

reasoned that the cost of responding to the public health emergency and its negative economic impacts prior to APRA's passage constitutes a negative economic impact of the pandemic.

Some commenters argued that the specific impacts of the pandemic on the travel, tourism, and hospitality sector had affected their ability to meet debt service costs. For example, some commenters explained that specific tax streams (e.g., hotel room taxes) or revenue sources (e.g., hospitality generally) are tied to specific debt instruments and that these revenue sources had declined during the public health emergency; commenters argued that this constitutes a negative economic impact that SLFRF funds should be permitted to address.

Finally, some commenters questioned why servicing debt incurred after March 3, 2021 for an otherwise eligible project (e.g., a broadband infrastructure project) would not be an eligible use of funds.

On the other hand, many commenters expressed support for the interim final rule's prohibition on use of funds for debt service and reserve replenishment. These commenters largely argued that SLFRF funds should be used to provide current services to communities in response to the public health emergency and that use of funds for debt service or reserve replenishment represented, respectively, payment for past costs or savings for potential future costs. In addition to the prohibition on debt service and reserve replenishment, some commentors suggested that the final rule should also prevent funds from being used for state UI trust fund replenishment or for paying off debt owed through UI trust funds. One commenter argued that Treasury should further restrict recipient governments, for example by preventing recipients from making cuts to an allowable budget item, filling the budget gap with SLFRF funds, and then using the savings from the initial cut for debt service or reserve replenishment.

Treasury Response

The final rule maintains the restriction on the use of funds for debt service or reserve replenishment for the reasons described below and clarifies that this restriction applies to all eligible use categories.

First, debt service and reserve replenishment costs do not constitute the provision of services to constituents. As noted in the interim final rule, financing expenses – such as issuance of debt or payment of debt service – do not provide services or aid to citizens. Similarly, contributions to rainy day funds and similar financial reserves constitute savings for future spending needs. As such, these expenses do not respond to the current and ongoing public health and negative economic impacts of the pandemic, nor do they provide a government service.

Second, payments from the SLFRF are intended to be used prospectively (see section Timeline for Use of SLFRF Funds). The interim final rule provided that funds may be used for costs incurred beginning on March 3, 2021, which Treasury has maintained in the final rule. Use of funds for debt service on indebtedness issued prior to March 3, 2021 necessarily entails using funds for costs incurred during prior time periods, rather than the present response to the public health emergency and its negative economic impacts or to provide government services.

Third, SLFRF funds provide recipients with substantial latitude to use funds to support the diverse needs in their communities. With SLFRF resources available, recipients have less need to incur debt for otherwise-eligible SLFRF uses.

Finally, given the strong performance of overall revenues and low municipal bond yields, state and local governments generally do not face high levels of fiscal stress. Limits on debt service or replenishment of reserves would not have a substantial impact on recipients' ability to provide services. The ratio of state and local debt-to-GDP, which spiked briefly during the

pandemic, has recovered to its pre-pandemic level and remains well below levels seen during the Great Recession.[367]

2. Settlements and Judgments

The interim final rule also provided that satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding would not be an eligible use of funds to respond to the public health and negative economic impacts of the pandemic or as a government service provided under the revenue loss eligible use category. However, if the judgment or settlement requires the recipient to provide services that are otherwise eligible under an SLFRF eligible use category, specifically if the settlement or judgment requires the recipient to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then those costs are eligible uses of SLFRF funds. In other words, satisfaction of a settlement or judgment itself is not itself an eligible use of funds, unless the settlement requires the recipient to provide services or incur other costs that are eligible uses of SLFRF funds.

In the final rule, Treasury is maintaining the interim final rule approach and clarifying that it applies to all eligible use categories and any use of funds under the SLFRF program.

3. General Restrictions

In addition to the above restrictions, there are three general restrictions that apply to SLFRF funds. These restrictions, which reflect existing laws and regulations, the Award Terms

[367] Table Z.1 of the Financial Accounts of the United States, Board of Governors of the Federal Reserve System, and Table 1.1.5 of National Income and Product Accounts, Bureau of Economic Analysis.

and Conditions, and application of the ARPA statute, applied under the interim final rule, and they continue to apply under the final rule.

A primary purpose of the SLFRF in the ARPA is to support efforts to stop the spread of COVID-19.[368] As discussed above, recipients of SLFRF funds are required to comply with the Award Terms and Conditions established for the use of such funds. The interim final rule and final rule implement this objective by, in part, providing that recipients may use SLFRF funds for COVID-19 mitigation and prevention.[369] See section Public Health in Public Health and Negative Economic Impacts.

The CDC has provided recommendations and guidelines to help mitigate and prevent COVID-19 and has identified vaccines and masks as two of the best tools to prevent the spread of COVID-19. The interim final rule and final rule help support recipients in stopping the spread of COVID-19 through these recommendations and guidelines. Consistent with the purpose of the ARPA and as implemented through the interim final rule and final rule, a recipient may not use SLFRF funds for a program, service, or capital expenditure that includes a term or condition that undermines efforts to stop the spread of COVID-19. A program or service that imposes conditions on participation or acceptance of the service that would undermine efforts to stop the spread of COVID-19 or discourage compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19 is not a permissible use of SLFRF funds.

In other words, recipients may not use funds for a program that undermines practices included in the CDC's guidelines and recommendations for stopping the spread of COVID-19. This includes programs that impose a condition to discourage compliance with practices in line with CDC guidance (e.g., paying off fines to businesses incurred for violation of COVID-19

[368] *See* Sec. 602(a)(1); 603(a)(1); 602(c)(1); 603(c)(1).
[369] *See* 35.6(b); IFR discussion of CDC guidelines.

vaccination or safety requirements), as well as programs that require households, businesses, nonprofits, or other entities not to use practices in line with CDC guidance as a condition of receiving funds (e.g., requiring that businesses abstain from requiring mask use or employee vaccination as a condition of receiving SLFRF funds).

Second, a recipient may not use SLFRF funds in violation of the conflict of interest requirements contained in the Award Terms and Conditions or the Office of Management and Budget's Uniform Guidance, including any self-dealing or violation of ethics rules. Recipients are required to establish policies and procedures to manage potential conflicts of interest.[370] Treasury may provide further guidance on the types of activities or conflicts that the recipient's policies and procedures must cover.

Lastly, recipients should also be cognizant that federal, state, and local laws and regulations, outside of SLFRF program requirements, may apply. Recipients may not use revenue loss funds, for instance, to violate other background laws that limit the scope of activities that may be conducted as "government services," including other state and federal laws. State and local procurement, contracting, and conflicts-of-interest laws and regulations may include applicable requirements, including, for example, required procurement processes for contractor selection or competitive price setting. Furthermore, recipients are also required to comply with other federal, state, and local background laws, including environmental laws[371] and federal civil rights and nondiscrimination requirements, which include prohibitions on

[370] Specifically, the Award Terms and Conditions provide that "Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c), and that such conflict-of-interest policy is applicable to each activity funded under this award. Recipients and subrecipients must disclose in writing to Treasury or the pass-through agency, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112."

[371] *See* United States Environmental Protection Agency, Large-Scale Residential Demolition, https://www.epa.gov/large-scale-residential-demolition (last visited November 9, 2021) for a primer on requirements that may apply.

discrimination on the basis of race, color, national origin, sex, (including sexual orientation and gender identity), religion, disability, or age, or familial status (having children under the age of 18).[372]

IV. PROGRAM ADMINISTRATION PROVISIONS

The interim final rule included several sections that described the processes and requirements for administering the program on an ongoing basis, specifically: distribution of funds, transfer of funds, use of funds for program administration, reporting on the use of funds, and remediation and recoupment of funds used for ineligible purposes.

To enhance clarity, this Supplementary Information for the final rule organizes these issues into one section on Program Administration Provisions. Recipients should also consult Treasury's Compliance and Reporting Guidance for additional information on program administration processes and requirements, including the applicability of the Uniform Guidance.

A. PAYMENTS IN TRANCHES TO LOCAL GOVERNMENTS AND CERTAIN STATES

Section 602(b)(6)(A)(ii) of the Social Security Act authorizes the Secretary to withhold payment of up to 50 percent of the amount allocated to each state and territory for a period of up to 12 months from the date on which the state or territory provides its statutorily-required

[372] An exception is statutes that do not apply unless explicitly stated, including, e.g., the National Environmental Policy Act and the Davis-Bacon Act.

certification to the Secretary. The Social Security Act requires any such withholding be based on the unemployment rate in the state or territory as of the date of the certification.

Under the interim final rule, Treasury provided that it would withhold 50 percent of the amount allocated from any state that had an unemployment rate less than two percentage points above its unemployment rate in February 2020 as of the date the state submitted its initial certification for payment of funds pursuant to section 602(d)(1) of the Social Security Act. Based on data available at the time of the issuance of the interim final rule, this threshold was expected to result in a majority of states being paid in two tranches. Treasury did not split the payments of any territories.

Public Comment: One commenter asked Treasury to allow a state to request release of the portion of the state's second tranche payment after the state could demonstrate that it had allocated the entirety of the first tranche, a need to continue ongoing programs, and a desire to avoid borrowing costs. Another commenter asked Treasury to clarify whether states that received half their funding in the first payment would receive their second half payment within 12 months. Similarly, some recipients requested clarification on whether they could obligate second tranche funds before receipt or use second tranche funds for costs incurred prior to receipt.

Treasury Response: The final rule maintains the approach in the interim final rule with two modifications. As described in the interim final rule, splitting payments for most states provides consistency with payments to local governments and encourages states to adapt their use of funds to developments that arise in the course of the economic recovery. Moreover, SLFRF funds may be used for costs incurred during the period of performance. Recipients may use their jurisdiction's budgeting and procurement practices and laws to determine how and when second tranche funds may be obligated.

The final rule makes two adjustments for operational purposes. First, the final rule provides that Treasury expects to make all second tranche payments to states available beginning 12 months from the date that funding was first made available by Treasury (May 10, 2021) regardless of when each individual state submitted its initial certification. This should increase clarity and consistency on the timing of second tranche payments for both states and Treasury. Second, also to ease recipient states' administrative burden, the final rule strikes a requirement from the interim final rule that states must certify for their second tranche payments and file all required reports at least 30 days prior to the date on which their second payment is made available. The final rule simply requires that states certify for their second tranche payment and file all required reports before receiving their second tranche payment, with no 30 day wait period required.

B. Payments to Nonentitlement Units of Local Government (NEUs) and Units of Local Government (UGLGs) within Non-UGLG Counties

The interim final rule established requirements related to distributions of SLFRF funds by states and territories to NEUs and UGLGs within non-UGLG counties. Specifically, the interim final rule provided that the total distribution to an NEU cannot exceed 75 percent of the most recent budget for the NEU (the 75 percent budget cap); a requirement set forth in section 603(b)(2)(C)(iii) of the Social Security Act. The interim final rule Supplementary Information defined the NEU's budget for purposes of calculating the 75 percent budget cap as the NEU's "most recent annual total operating budget, including its general fund and other funds, as of January 27, 2020." The interim final rule further provided that states and territories must permit

NEUs without formal budgets as of January 27, 2020 to self-certify their most recent annual expenditures as of January 27, 2020 for the purpose of calculating the 75 percent budget cap. Further, the interim final rule prohibited states and territories from placing additional conditions or requirements on distributions to NEUs beyond those required by the statute, the interim final rule, or Treasury's guidance and from offsetting any debt owed by such NEUs against such distributions.

Commenters predominantly focused on the definition of an NEU's budget for purposes of calculating the 75 percent budget cap, NEU allocations and eligibility, and the prohibition on states and territories imposing additional conditions or requirements in the NEU distribution process.

Definition of NEU Budget

Public Comment: Commenters suggested that Treasury provide greater clarification on the definition of an NEU's "most recent budget" for purposes of the 75 percent budget cap calculation. Treasury provided updated guidance on its interpretation of the 75 percent budget cap on June 30, 2021, and a commenter suggested that Treasury incorporate such updated interpretation into the Supplementary Information of the final rule.

Treasury Response: Consistent with the Update on Interpretation for the 75 Percent Budget Cap Calculation published on June 30, 2021,[373] the Supplementary Information of the final rule defines an NEU's budget for purposes of calculating the 75 percent budget cap as its total annual budget, including both operating and capital expenditure budgets, in effect as of January 27, 2020. The guidance also gives states and territories flexibility to provide further

[373] Treasury's Update on Interpretation for the 75 Percent Budget Cap Calculation can be found at: https://home.treasury.gov/system/files/136/NEU-Update-75-Percent-Budget-Cap.pdf.

guidance to their NEUs to operationalize the 75 percent budget cap. Given the variance in local financial accounting, this updated definition will better facilitate states' and territories' distribution of SLFRF funds to NEUs.

Allocations and Eligibility

Public Comment: Many commenters provided feedback on specific allocation calculations and eligibility of local governments for NEU funding. Commenters addressed how a locality was classified as an NEU or metropolitan city, deviations between Treasury's allocation calculations and earlier estimates from other sources, treatment of unincorporated areas, sources for population data, and Treasury's allocation of NEU funding to states and territories based on the population of a state and territory outside of its metropolitan cities. Two commenters proposed that Treasury provide an appeal process for localities that were not identified on the List of Local Governments used by states and territories as part of the process in which a state or territory determines the eligibility of an NEU in accordance with Treasury guidance, or for Minor Civil Divisions (MCDs) that were denied funding as part of a facts-and-circumstances test undertaken by a weak-MCD state.

Treasury Response: Neither the interim final rule nor the final rule addresses eligibility or allocations issues, and comments on these topics are outside the scope of this rulemaking. These questions are addressed in other Treasury guidance, including the Guidance on Distribution of Funds to Non-entitlement Units of Local Government and Non-entitlement Unit of Local Government Definitional and Data Methodology guidance documents available on Treasury's

website.[374] Because Treasury interpreted the definition of an NEU[375] in accordance with the statute and established an NEU distribution process in May 2021, the final rule does not incorporate an appeals process regarding the definitions or the facts-and-circumstances test used for eligibility determinations.

Prohibition on Additional Conditions or Requirements in the NEU Distribution Process

Public Comment: One commenter expressed support for Treasury's prohibition on states and territories placing additional conditions or requirements on distributions to NEUs. This prohibition restricts states and territories from imposing limitations on NEUs' use of SLFRF funds based on an NEU's proposed spending plan or other policies, offsetting any debt owed by an NEU against the NEU's distribution, or providing funding on a reimbursement model. In particular, the commenter noted that a reimbursement model would lead to inequities in accessing SLFRF funds.

Treasury Response: The final rule maintains and finalizes the prohibition on states and territories placing additional conditions or requirements on distributions to NEUs as well as to any UGLGs within counties that are non-UGLGs. Such conditions or requirements may contravene the statutory requirement that states and territories make distributions based on population and within the statutorily defined timeframe.

[374] The Guidance on Distribution of Funds to Nonentitlement Units of Local Government can be found at this link: https://home.treasury.gov/system/files/136/NEU_Guidance.pdf. The Nonentitlement Unit of Local Government Definitional and Data Methodology can be found at this link: https://home.treasury.gov/system/files/136/NEU_Methodology.pdf.

[375] Treasury has interpreted NEU to generally include both incorporated places and MCDs with active functioning governments, subject to the state determining, in the case of weak-MCD States, that a weak MCD has the legal and operational capacity to accept SLFRF funds and provides a broad range of services that would constitute eligible uses under ARPA. More details can be found in the Nonentitlement Unit of Local Government Definitional and Data Methodology, available at https://home.treasury.gov/system/files/136/NEU_Methodology.pdf.

Other Provisions

Treasury did not receive substantive comments on the requirement that states and territories permit NEUs without formal budgets as of January 27, 2020 to self-certify their most recent annual expenditures as of January 27, 2020 for the purpose of calculating the 75 percent budget cap, or Treasury's interpretation of the 75 percent budget cap applying only to a consolidated government's NEU allocation under section 603(b)(2) but not to a consolidated government's county allocation under section 603(b)(3). Further, Treasury did not receive substantive comments on the interim final rule's allowance that states and territories be able to use SLFRF funds under section 602(c)(1)(A) to fund expenses related to administering payments to NEUs and units of general local government. As such, the final rule maintains these provisions as written in the interim final rule without modification.

Treasury received some comments that are not addressed because they are beyond the scope of the NEU provision of the interim final rule or not authorized by the statute, including comments related to state accounting practices, re-allocations of NEU allocations that exceed the 75 percent budget cap, and concerns around eligible uses under SLFRF that small local governments may find particularly salient.

C. Timeline for Use of SLFRF Funds

The interim final rule provided that "[a] recipient may only use funds to cover costs incurred during the period beginning March 3, 2021 and ending December 31, 2024." The interim final rule also provides that the period of performance will run until December 31, 2026,

which will provide recipients an additional two years during which they may expend funds for costs incurred (i.e., obligated).

As explained in more detail below, in the final rule Treasury is maintaining these time periods. Treasury will retain March 3, 2021 as the first date when costs may be incurred, to provide for forward-looking or prospective use of funds and to align with the start date of the "covered period" as such term is used in section 602(c)(2)(A). The deadline for costs to be incurred – which the final rule clarifies means obligated – December 31, 2024, is specified in the ARPA statute, and Treasury will retain December 31, 2026 as the end of the period of performance to provide a reasonable amount of time for recipients to liquidate obligations incurred by the statutory deadline.

Public Comments. Some commenters expressed concerns about costs incurred before March 3, 2021 not being covered and recommended the "start date" be changed to January 2020 to coincide with the declaration of the public health emergency. These commenters argued that recipient governments began incurring costs to respond to COVID-19 and its economic impacts in January 2020 and that prior federal fiscal relief, such as relief provided in the Coronavirus Aid, Relief, and Economic Security Act, did not fully compensate recipient governments for these costs. These commenters recommended that costs incurred before March 3, 2021 that otherwise fit within eligible use categories for SLFRF should be permissible uses of funds.

Some commenters asked Treasury to clarify whether local governments are subject to the same covered period as states and territories beginning March 3, 2021. Commenters noted that section 603(g) of the Social Security Act does not contain the same definition of "covered period" as section 602(g)(1) of the Social Security Act, which references a statutory provision that only applies to states and territories.

Many commenters requested that the deadline for costs to be incurred and the period of performance be extended due to the longer timeline for completing water and sewer projects. One commenter requested that recipients be able to split projects into different phases so that funds could be expended on larger, longer term projects (e.g., by obligating funds on one portion of the project by the statutory deadline). One commenter recommended that the period of performance be extended for at least two additional years beyond the expenditure deadline set forth in the interim final rule, i.e., until December 31, 2028. One commenter wrote that the final rule should allow for extended projects (e.g., over a time horizon of more than ten years) for recipients working to develop long-term water supplies to prepare for extreme drought.

Treasury Response. In the final rule, Treasury is maintaining March 3, 2021 as the date when recipients may begin to incur costs using SLFRF funds. As described in the interim final rule, use of SLFRF funds is forward looking and the eligible use categories provided by statute are all prospective in nature. While recipients may identify and respond to negative economic impacts that occurred during 2020, the costs incurred to respond to these impacts remain prospective. Further, Treasury considers the beginning of the covered period for purposes of determining compliance with section 602(c)(2)(A) to be a relevant reference point for this purpose that provides some flexibility for recipients that began incurring costs in the anticipation of enactment of the ARPA or in advance of the issuance of the interim final rule and receipt of payment.

Finally, establishing an earlier start date would permit governments to use funds received in 2021 to satisfy obligations incurred in 2020. This use raises a substantial risk of SLFRF funds being used to supplant other recipient funds previously used to pay for such 2020 obligations, freeing funds for recipients to use for any purpose rather than eligible uses of SLFRF funds

under the ARPA. Permitting such usage would undermine the provisions setting forth permissible and impermissible uses in the statute. Therefore, a reading of the statute permitting use of funds prior to March 3, 2021 would be inconsistent with the statutory structure.

In the final rule, Treasury is also maintaining the deadlines by which funds must be obligated (i.e., December 31, 2024) and by which such obligations must be liquidated (i.e., December 31, 2026). The December 31, 2024 deadline by which eligible costs must be incurred is established by statute. Treasury is finalizing its interpretation of "incurred" to be equivalent to the definition of "obligation," based on the definition used for purposes of the Uniform Guidance. Treasury is also maintaining the period of performance, which will run through December 31, 2026, and provides the deadline by which recipients must expend obligated funds. Most recipients received SLFRF funds in the spring and summer of 2021, meaning that they have over three years to obligate and over five years to expend funds. This provides a sufficient amount of time for recipients to plan and execute projects.

D. TRANSFERS OF FUNDS

Under section 602(c)(3) of the Social Security Act, a state, territory, or Tribal government may transfer SLFRF funds to a "private nonprofit organization . . . a Tribal organization . . . a public benefit corporation involved in the transportation of passengers or cargo, or a special-purpose unit of state or local government." Similarly, section 603(c)(3) authorizes a local government to transfer SLFRF funds to the same entities (other than Tribal organizations). Separately, section 603(c)(4) authorizes a local government to transfer SLFRF

funds to the state in which it is located.

Entities Eligible for a Transfer under Sections 602(c)(3) and 603(c)(3)

Regarding transfers permitted under sections 602(c)(3) and 603(c)(3) of the Act, the interim final rule Supplementary Information clarified that the lists of transferees in these sections are not exclusive and that state, local, territorial, and Tribal governments may transfer funds to other constituent units of government or private entities beyond those specified in the statute.

Public Comment: Several commenters supported Treasury's interpretation of eligible transferees in sections 602(c)(3) and 603(c)(3) as nonexclusive. However, many commenters asked for greater clarity as to whether specific entities not listed in Treasury's examples of eligible subrecipients, such as nonprofits and Tribal governments, were eligible transferees. One commenter also asked whether a recipient may transfer SLFRF funds to a higher level of government, such as a locality to the county in which it is located.

Treasury Response: The final rule clarifies that, in addition to the entities enumerated in sections 602(c)(3) and 603(c)(3), recipients may transfer SLFRF funds to any entity to carry out as a subrecipient an eligible use of funds by the transferor, as long as they comply with the Award Terms and Conditions and other applicable requirements, including the Uniform Guidance at 2 C.F.R. §§ 200.331-200.333. Eligible subrecipients include, but are not limited to, other units of government (including Tribal governments), nonprofits and other civil society organizations, and private entities. Further, the final rule clarifies that transfers may be made to both constituent or non-constituent units of government. For example, county A may transfer SLFRF funds to county B as long as county B abides by the use restrictions applicable to county

A and the transfer would constitute an eligible use of the funds by county A. County A must receive a benefit proportionate to the amount transferred.

As detailed in the interim final rule Supplementary Information, once transfers are received, the transferee must abide by the restrictions on use applicable to the transferor under the ARPA and other applicable law, regulations, and program guidance. Further, the transferor remains responsible for monitoring and overseeing the subrecipient's use of SLFRF funds and other activities related to the award to ensure that the subrecipient complies with the statutory and regulatory requirements and the Award Terms and Conditions. Recipients also remain responsible for reporting to Treasury on their subrecipients' use of payments from the SLFRF for the duration of the award.

Pooling Funds

Public Comment: Several commenters asked for clarification about whether they may pool SLFRF funds for a project with other recipients, including when doing so involves a transfer to another entity, such as a regional organization or government that undertakes projects on behalf of a number of local governments. Commenters also asked for clarification on the oversight and reporting obligations that would result from such transfers.

Treasury Response: Consistent with guidance issued following the interim final rule,[376] the final rule clarifies that recipients may pool SLFRF funds for projects, provided that the project is itself an eligible use of SLFRF funds for each recipient that is contributing to the pool of funds and that recipients are able to track the use of funds in line with the reporting and compliance requirements of the SLFRF. In general, when pooling funds for regional projects,

[376] Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.

recipients may expend funds directly on the project or transfer funds to another government or other entity that is undertaking the project on behalf of multiple recipients. To the extent recipients undertake regional projects via transfer to another organization or government, recipients would need to comply with the rules on transfers specified in the final rule Supplementary Information. A recipient may transfer funds to a government outside its boundaries (e.g., county transfers to a neighboring county), provided that the transferor can document that the transfer constitutes an eligible expense of the transferor government and that its jurisdiction receives a benefit proportionate to the amount transferred.

Blending and Braiding of Funds

Treasury is clarifying in the final rule that, consistent with further guidance issued by Treasury following the interim final rule,[377] recipients may fund a project with both SLFRF funds and other sources of funding, provided that the costs are eligible costs under each source program and are compliant with all other related statutory and regulatory requirements and policies. The recipient must comply with applicable reporting requirements for all sources of funds supporting the SLFRF projects and with any requirements and restrictions on the use of funds from the supplemental funding sources and the SLFRF program. Specifically,

- All funds provided under the SLFRF program must be used for projects, investments, or services that are eligible under the SLFRF program. SLFRF funds may not be used to fund an activity that is not, in its entirety, an eligible use under the SLFRF program. For example:

[377] *See FAQ 4.10. Id.*

- SLFRF funds may be used in conjunction with other sources of funds to make an investment in water infrastructure that is eligible under section 602 or 603 of the Social Security Act and the final rule.
- SLFRF funds could *not* be used to fund the entirety of a water infrastructure project that was partially, although not entirely, an eligible use under Treasury's final rule. However, the recipient could use SLFRF funds only for a smaller component project that does constitute an eligible use, while using other funds for the remaining portions of the larger planned water infrastructure project that do not constitute an eligible use. In this case, the "project" for SLFRF purposes under this program would be only the eligible use component of the larger project.

- In addition, because SLFRF funds must be obligated by December 31, 2024, and recipients must expend all funds under the award no later than December 31, 2026, recipients must be able to, at a minimum, determine and report to Treasury on the amount of SLFRF funds obligated and expended and when such funds were obligated and expended.

Scope of a 603(c)(4) Transfer

Unlike in the case of a transfer under sections 602(c)(3) or 603(c)(3), the interim final rule Supplementary Information specified that transfers from a local government to the state under section 603(c)(4) will result in a cancellation or termination of the award on the part of the transferor local government and a modification of the award to the transferee state.

Public Comment: Two commenters suggested that Treasury expand section 603(c)(4) beyond transfers from localities to the state to include transfers from counties to their constituent

local governments, which would incentivize counties to augment funds to address the needs of local governments. These commenters noted that counties are disincentivized to make transfers under section 603(c)(3), as is currently allowed, as such transfers would require that counties provide oversight and monitoring over its subrecipients.

Treasury Response: Section 603(c)(4), by its terms, applies only to transfers from local governments to states. Accordingly, the final rule must maintain the interim final rule's limitation of section 603(c)(4) transfers as applicable only to transfers from local governments to states. Expansions of section 603(c)(4) transfer authority beyond transfers from local governments to states were not explicitly authorized by Congress. As such, transfers under section 603(c)(4) may only be made by local governments to the state in which they are located.

Congress enumerated two separate transfer provisions for local governments – section 603(c)(3) and section 603(c)(4) – that use different language and were intended to operate differently. Section 603(c)(4) contains prefatory language ("Notwithstanding paragraph (1)" – a reference to the eligible SLFRF uses) that section 603(c)(3) does not. In other words, section 603(c)(4) transfers are not required to constitute an eligible use of the funds from the perspective of the transferor local government, but section 603(c)(3) transfers are required to constitute an eligible use. A transfer to accomplish an eligible use fits within the recipient-subrecipient framework.

Further, treating section 603(c)(3) transfers as leading to a cancellation of the award for the transferor local government would result in scenarios that are inconsistent with the statutory language. An award cancellation pursuant to a section 603(c)(3) transfer would result in either (1) non-governmental entities becoming award recipients under the program, which would contravene the purpose of SLFRF or (2) transfers to governmental and non-governmental entities

being treated in a distinct and inconsistent manner. That is, section 603(c)(3) transfers to governmental entities would lead to award cancellation but section 603(c)(3) transfers to non-governmental entities would lead to a recipient-subrecipient relationship. Therefore, in the final rule, Treasury maintains its distinct treatment of a section 603(c)(3) transfer and section 603(c)(4) transfer.

The final rule clarifies that a transfer under section 603(c)(4) will result in a modification, termination, or cancellation of the award on the part of the transferor local government and a modification of the award to the transferee state or territory. As detailed in the Supplementary Information to the interim final rule, the transferor must provide notice of the transfer to Treasury in a format specified by Treasury. Until the local government provides such notice and Treasury provides confirmation of its acceptance of the notice, the local government will remain responsible for ensuring that the SLFRF award is being used in accordance with the Award Terms and Conditions, section 602 or 603 of the Social Security Act, the final rule, and program guidance including reporting on such uses of the award funds to Treasury.

A state that receives a transfer from a local government under section 603(c)(4) will be bound, by statute, by all of the use restrictions set forth in section 602(c) with respect to the use of those SLFRF funds, including the prohibitions on use of such SLFRF funds to offset certain reductions in taxes or to make deposits into pension funds. The state will be responsible as the prime recipient for the use and reporting on any funds transferred under section 603(c)(4) by the local government. Such transferred funds will be subject to the Award Terms and Conditions previously accepted by the state in connection with its SLFRF award.

Subrecipient Transfers

Public Comment: Commenters sought clarification as to how funds may be transferred from a recipient to another entity. For instance, one commenter requested that recipients be able to advance funds to subrecipients as opposed to reimbursing subrecipients for expenses incurred.

Treasury Response: Treasury did not specify in the interim final rule whether recipients may advance funds to subrecipients. This omission was not intended to prevent recipients from advancing funds to subrecipients, consistent with the various methods permitted under the Uniform Guidance. Given the broad flexibility that recipients have in selecting eligible uses and the broad variety of potential subrecipients, Treasury believes that specifying a single method of advancement or reimbursement would add unnecessary administrative difficulty to program administration. Recipients may determine the optimal payment structure for the transfer of funds (e.g., advance payments, reimbursement basis, etc.) from recipients to subrecipients. Ultimately, recipients must comply with the eligible use requirements and any other applicable laws or requirements and are responsible for the actions of their subrecipients.

E. ADMINISTRATIVE EXPENSES

The interim final rule permitted, under the heading "[e]xpenses to improve efficacy of public health or economic relief programs," use of funds for "[a]dministrative costs associated with the recipient's COVID-19 public health emergency assistance programs, including services responding to the COVID-19 public health emergency or its negative economic impacts, that are not federally funded."

Following release of the interim final rule, Treasury issued Compliance and Reporting Guidance that provided that "recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the SLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the SLFRF program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are [sic] allocable to the SLFRF award such as the cost of facilities or administrative functions like a director's office."[378] Several commenters requested clarity on which administrative expenses are permissible uses of funds and how recipients should structure administrative costs.

In the final rule, Treasury is clarifying that direct and indirect administrative expenses are permissible uses of SLFRF funds and are a separate eligible use category from "[e]xpenses to improve efficacy of public health or economic relief programs," which refers to efforts to improve the effectiveness of public health and economic programs through use of data, evidence, and targeted consumer outreach. For details on permissible direct and indirect administrative costs, recipients should refer to Treasury's Compliance and Reporting Guidance.[379] Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs.

[378] U.S. Department of the Treasury, Recipient Compliance and Reporting Responsibilities, as of November 5, 2021; https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds/recipient-compliance-and-reporting-responsibilities.
[379] *Id*.

F. Treatment of Loans

The interim final rule allowed recipients to use SLFRF funds to make loans for uses that are otherwise eligible (for example, for small business assistance). Subsequent guidance clarified how recipients must track and dispose of program income from loans, consistent with the statutory requirements for the timing of SLFRF expenditures.

SLFRF funds must be used to cover "costs incurred" by the recipient between March 3, 2021 and December 31, 2024. The interim final rule provided that SLFRF funds must be obligated by December 31, 2024 and expended by December 31, 2026. In using SLFRF funds to make loans, recipients must be able to determine the amount of funds used to make a loan and must comply with restrictions on the timing of the use of funds and with restrictions in the Uniform Guidance.

When SLFRF funds are used as the principal for loans, there is an expectation that a significant share of the loaned funds will be repaid. Thus, recipients may not simply consider the full amount of loaned funds to be permanently expended and must appropriately account for the return of loaned funds.

For loans that mature or are forgiven on or before December 31, 2026, the recipient must account for the use of funds on a cash flow basis, consistent with Treasury's guidance regarding loans made by recipients using payments from the Coronavirus Relief Fund.[380] Recipients may use SLFRF funds to fund the principal of the loan and in that case must track repayment of principal and interest (i.e., "program income," as defined under 2 CFR 200). When the loan is made, recipients must report the principal of the loan as an expense.

[380] Coronavirus Relief Fund for States, Tribal Governments, and Certain Eligible Local Governments, 86 FR at 4192.

Repayment of principal may be re-used only for eligible uses and is subject to restrictions on the timing of the use of funds. Interest payments received prior to the end of the period of performance will be considered an addition to the total award and may be used for any purpose that is an eligible use of funds under the statute and final rule. Recipients are not subject to restrictions under 2 CFR 200.307(e)(1) with respect to such payments.

For loans with maturities longer than December 31, 2026, the recipient must estimate the cost to the recipient of extending the loan over the life of the loan. In other words, at origination, the recipient must measure the projected cost of the loan and may use SLFRF funds for the projected cost of the loan. Recipients have two options for estimating this amount: they may estimate the subsidy cost (i.e., net present value of estimated cash flows) or the discounted cash flow under current expected credit losses (i.e., CECL method). See further guidance issued by Treasury for further explanation.[381]

Public Comment: Many commenters asked for further clarification on the treatment of loans and the calculation of "costs incurred." Some commenters requested that grants made for eligible activities prior to December 31, 2024 to a revolving loan fund, an economic development corporation, a land bank, or a similar facility should be considered obligated and expended at the time of the grant. This would allow funds to be expended by the grantee beyond the covered period and for funds returned to the grantee to be re-invested in further uses outside of the covered period.

Treasury Response: The final rule maintains the treatment of loans from the interim final rule and subsequent guidance, as discussed above. This approach is consistent with the statutory

[381] *See FAQ 4.11*. Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.

requirement that funds be used for costs incurred for eligible purposes by December 31, 2024 and is consistent with standard accounting practices and the Uniform Guidance.

G. Use of Funds for Match or Cost-Share Requirements

As a general matter and as referenced in the Supplementary Information to the interim final rule, funds provided under one federal program may not be used by a recipient to meet the non-federal match or cost-share requirements of another federal program.

However, Treasury has since determined that, consistent with this general principle and the requirements of the Uniform Guidance at 2 CFR 200.306(b)(5), the funds available under sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act for the provision of government services, up to the amount of the recipient's reduction in revenue due to the public health emergency, generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. Federal funds that constitute revenue sharing to state and local governments may generally be used to meet non-federal match requirements.[382] The broad eligible uses of the SLFRF funds available under sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act, combined with the purpose of these provisions (which is to provide general fiscal assistance to governments facing revenue losses due to the public health emergency), demonstrate that these funds are revenue sharing. They thus should generally be permitted to be used to meet the non-federal match and cost-share requirements of other federal programs. As such, the SLFRF funds available for the provision of government services, up to the amount of the recipient's reduction in revenue due to the public health emergency, may be used to meet the

[382] See U.S. Government Accountability Office, *Principles of Federal Appropriations Law, Third Edition, Volume II*, p. 10-99, GAO-06-382SP (February 2006), https://www.gao.gov/assets/gao-06-382sp.pdf

non-federal match requirements of the Drinking Water State Revolving Fund and Clean Water State Revolving Fund programs administered by the EPA, for example.

Pursuant to 2 CFR 200.306(b) of the Uniform Guidance, if funds are legally available to meet the match or cost-share requirements of an agency's federal program, such awarding agency is required to accept such funds for the purpose of that program's match or cost-share requirements except in the circumstances enumerated in that section. The Office of Management and Budget has authority under 2 CFR 200.102 of the Uniform Guidance to issue waivers of this requirement on request of the relevant awarding agency. Analogous requirements and waiver authorities may be present in other regulations. If a recipient seeks to use SLFRF funds to satisfy match or cost-share requirements for a federal grant program, it should first confirm with the relevant awarding agency that no waiver has been granted for that program, that no other circumstances enumerated under 2 CFR 200.306(b) would limit the use of SLFRF funds to meet the match or cost-share requirement, and that there is no other statutory or regulatory impediment to using the SLFRF funds for the match or cost-share requirement. Note that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the Office of Management and Budget has approved a waiver as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations.

SLFRF funds beyond those that are available under sections 602(c)(1)(C) or 603(c)(1)(C) of the Social Security Act for the provision of government services may not be used to meet the non-federal match or cost-share requirements of other federal programs other than as specifically provided for by statute. For example, as discussed in other sections of this final rule, section 40909 of the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to

meet the non-federal match requirements of any authorized Bureau of Reclamation project, and section 60102 of the Infrastructure Investment and Jobs Act provides that the SLFRF may be used to meet the non-federal match requirements of the broadband infrastructure program authorized under that section (see sections Water and Sewer Infrastructure and Broadband Infrastructure).

H. REPORTING

The interim final rule established Treasury's authority to collect information from recipients through requested reports and any additional requests for information. The interim final rule also provided Treasury flexibility to extend or accelerate reporting deadlines and to modify requested content for the Interim Report, Project and Expenditure reports, and Recovery Plan Performance reports.

The Supplementary Information of the interim final rule provided initial guidance on the reporting requirements for the SLFRF funds. States (defined to include the District of Columbia), territories, metropolitan cities, counties, and Tribal governments were required to submit one interim report and quarterly Project and Expenditure reports thereafter. Non-entitlement units of local government were not required to submit an interim report. States, territories, and metropolitan cities and counties with a population greater than 250,000 residents were also required to submit an annual Recovery Plan Performance report to Treasury. The Supplementary Information of the interim final rule provided guidance on the deadlines and content required for each type of report.

Public Comment: Treasury received many comments on the content and specific data elements required of program reporting. Some commenters expressed enthusiasm for including particular details in reporting to promote transparency. Other commenters requested that Treasury streamline reporting requirements to avoid imposing undue administrative burdens and compliance costs. Many commenters requested further clarification on or amendments to particular elements of reporting content. Some commenters requested that reports and specific reporting elements be public, including a request for a public website with a number of programmatic data metrics about the use of SLFRF funds. Some commenters sought clarification and guidance for using the reporting portal, which allows recipients to upload the required information, or requested user modifications to the portal. Finally, some commenters requested that Treasury provide example materials and reporting metrics to aid recipient understanding.

Treasury Response: Since the publication of the interim final rule, Treasury issued supplementary reporting guidance in the Compliance and Reporting Guidance and in the User Guide: Treasury's Portal for Recipient Reporting (User Guide).[383] Treasury has addressed many of these comments in the Compliance and Reporting Guidance and User Guide and will continue to issue updated guidance prior to each reporting period clarifying any modifications to requested report content. Treasury notes that the interim final rule did not address the specific content and data elements required in reporting, the reporting portal or submission process, and the specific form of reporting (e.g., example templates, machine readability); comments on these topics are outside the scope of the final rule and, as noted, are addressed instead in Compliance and Reporting Guidance.

[383] U.S. Department of the Treasury, Recipient Compliance and Reporting Responsibilities, as of November 5, 2021; https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds/recipient-compliance-and-reporting-responsibilities.

Reporting Deadlines

Public Comment: Treasury received comments requesting various changes to reporting deadlines to ease compliance burdens. For example, Treasury received several comments requesting that Treasury delay early reporting deadlines for various reasons, including to align with the timeline for issuing a final rule and to allow for more time for recipients to determine SLFRF allocations. Commenters also requested changes to the immediacy of reporting, for example requesting that Treasury allow expenses to be reported with a lag instead of the quarter in which they were accrued or that reports be due 90 days after period close instead of 30 days after the close of a reporting period. Some commenters requested changes to the reporting frequency, for example to report biannually rather than quarterly.

Treasury Response: Treasury has clarified reporting deadlines in the Compliance and Reporting guidance.[384] Treasury is retaining the reporting deadline of 30 days after the close of the reporting period to ensure timely accounting of the use of SLFRF funds; this timeline also aligns with practices in many other federal programs. The final rule maintains Treasury's discretion to extend or delay reporting deadlines.

Administrative Costs for Reporting and Compliance

Public Comment: Many commenters sought clarification about whether various administrative costs related to reporting and compliance were eligible uses of funds and asked for clarification on the limits of such use.

[384] *Id.*

Treasury Response: Treasury notes that administrative costs are generally allowable uses of SLFRF funds, including for reporting. For additional information on administrative expenses, please see section Administrative Expenses under Program Administration Provisions.

Uniform Guidance

Public Comment: The Supplementary Information of the interim final rule clarified that SLFRF funds were generally subject to the provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200) (the Uniform Guidance), including the cost principles and restrictions on general provisions for selected items of cost. Treasury received many comments requesting clarification about or modifications to the applicability of the Uniform Guidance on various issues.

For example, one commenter requested that Treasury remove requirements that expenditures of funds be made in conformance with the Uniform Guidance, particularly in case of expenditures made during period from March 3, 2021 to the release of the interim final rule, while other comments requested that Treasury raise the single-audit threshold from $750,000 to $5 million. Commenters sought clarification on items such as: the applicability of the Uniform Guidance for funds that are used for the provision of government services, the applicability of particular sections of the cost principles provided in subpart E of the Uniform Guidance, the applicability of the procurement provisions of the Uniform Guidance, and requirements for subrecipient reporting.

Treasury Response: Recipients of SLFRF funds are subject to the provisions of the Uniform Guidance (2 CFR Part 200) from the date of award to the end of the period of performance on December 31, 2026 unless otherwise specified in this rule or program-specific

guidance. Costs must follow the requirements in 2 CFR 200 Subpart E, Cost Principles, including procurement standards. Recipients that receive an aggregate amount of federal financial assistance in a given fiscal year that exceeds the Single Audit threshold are subject to the requirements in 2 CFR 200 Subpart F, Audit Requirements, unless otherwise specified in program-specific guidance.

SLFRF funds transferred to subrecipients are also subject to reporting and Uniform Guidance requirements. Additional information about the definition of subrecipients is available in the section Distinguishing Subrecipients versus Beneficiaries.

Recipients should refer to the Assistance Listing for details on the specific provisions of the Uniform Guidance that do not apply to this program. The Assistance Listing is available on SAM.gov. Additional changes to compliance and reporting guidelines, including any clarifications on Uniform Guidance requirements, will be addressed in Compliance and Reporting Guidance and the User Guide.[385]

I. REMEDIATION AND RECOUPMENT

Sections 602(e) and 603(e) of the Social Security Act provide the Secretary with the power to recoup "funds used in violation" of the Social Security Act. The interim final rule implemented these provisions by establishing a process for recoupment. Treasury may identify funds used in violation of the Social Security Act based on information submitted by recipients, including as part of reporting requirements, as well as information from other sources.[386] If a potential violation is identified, Treasury will provide the recipient an initial written notice of the

[385] *Id.*
[386] Treasury will also consider the tax offset provision on an annual basis.

amount subject to recoupment along with an explanation of such amounts. A recipient then has 60 calendar days following receipt of a recoupment notice to submit a request for reconsideration containing any information it believes supports its use of funds. Within 60 calendar days of receipt of the request for reconsideration, the interim final rule provided that a recipient will receive a final notice of the Secretary's decision to affirm, withdraw, or modify the recoupment notice. If the recipient did not submit a request for reconsideration, the initial notice of recoupment would be deemed a final notice. A recipient would then be required to repay any amounts subject to recoupment within 120 calendar days of either the initial recoupment notice, if the recipient does not request reconsideration, or the final recoupment notice, if the recipient does request reconsideration.

Public Comments

Treasury received several comments on the process for recoupment. For instance, some commenters, including many Tribal governments, requested additional time to file a request for reconsideration and submit repayment to ensure that small entities have the time necessary to carry out any logistical steps and consult with counsel. Treasury was also asked to align its recoupment process with that of the Office of the Inspector General and other departmental administrative processes to resolve findings, agency decisions, and related timelines. One commenter asked if the 120-calendar-day time limit for repayment was based on the initial notice, rather than a final decision issued by the Secretary. Several commenters expressed concern regarding the recoupment process, arguing that consideration of "all relevant facts and circumstances" provided Treasury with too much authority and created ambiguity. Other commenters urged Treasury to establish a robust enforcement and compliance program and

process and advocated for the creation of a whistleblower mechanism or public complaint process to allow public and private entities to report suspected misuses of funds. Finally, some commenters requested clarification regarding the process after a violation is identified and becomes final. One commenter also asked to allow recipients to amend reports deemed to contain ineligible expenses and inform recipients how the agency intends to resolve instances where a use was later deemed unacceptable. Another commenter asked if recouped funds could be released back to the recipient.

Commenters also expressed concern about Treasury's authority to recoup funds used in violation of the tax offset provision. Some commenters requested additional clarity around when tax cuts would trigger Treasury's recoupment authority and the duration of Treasury's authority to seek recoupment of such funds.

Treasury Response

The final rule largely preserves the process established in the interim final rule but includes several adjustments to clarify certain elements.

Like the interim final rule, the final rule provides that, after an initial determination is made that a recipient has used SLFRF funds in violation of the law, a recipient may submit a request for reconsideration concerning any amounts identified in a notice provided by Treasury. If a recipient chooses to seek reconsideration of the initial notice, the recipient must submit a request for reconsideration as provided under the final rule. If a recipient does not request reconsideration, the initial notice that the recipient received will be deemed the final notice.[387] Treasury has clarified that a recipient must invoke and exhaust the procedures available under

[387] Funds subject to recoupment cannot later be returned.

section 35.10 of the final rule prior to seeking judicial review of a recoupment decision. Consistent with Section 602(b)(6)(A)(ii)(III) of the Social Security Act, if a state or territory is required to repay funds pursuant to the Secretary's recoupment authority, the Secretary may reduce the amount payable to the state or territory in a second tranche payment by the amount that the state or territory would be required to repay as recoupment.

In the final rule, Treasury has clarified that, if it identifies a potential violation,[388] it may request additional information from a recipient before initiating the recoupment process and, where necessary, provide written notice to the recipient along with an explanation of such amounts potentially subject to recoupment. Furthermore, Treasury has also made clear that it retains the ability to expedite or extend timelines in any adjudication or pre-adjudication process pursuant to section 35.4(b) of the final rule, although the general timelines set forth in the interim final rule are maintained in the final rule.

This process is intended to provide the recipient with an adequate opportunity to present additional information regarding its uses of funds and provides flexibility for recipients to determine the information relevant to the particular facts and circumstances. It is also flexible enough to align with other adjudication procedures in other ARPA recovery programs administered by the Office of Recovery Programs at Treasury. As discussed above, the initial notice will provide recipients with an explanation of the identified potential violation in order to provide recipients with a meaningful opportunity to respond. Such initial notice will generally include information regarding the specific use of SLFRF funds and the source of such information.[389] This process also will allow the Secretary to take into consideration the

[389] Treasury may address potential violations based on information submitted from recipients, either through quarterly reports or self-reported information, and from other sources of information as Treasury deems necessary and appropriate (e.g., press, information submitted from the public).

information provided by recipients, along with other relevant information, to ensure SLFRF funds are used in a manner consistent with the Social Security Act.

Finally, Treasury expects to work with recipients to support the use of SLFRF funds consistent with the law. For example, Treasury may request additional information from a recipient before initiating the recoupment process. In addition, Treasury may pursue other forms of remediation and monitoring in conjunction with, or as an alternative to, recoupment.[390] These efforts may include working with recipients to identify and substitute permissible uses of SLFRF funds or amending uses of SLFRF funds to comply with applicable restrictions.

In response to comments regarding the amount of time provided to respond to an initial notice, the final rule clarifies that Treasury retains the ability to expedite or extend timelines in any adjudication or pre-adjudication process pursuant to section 35.4(b) of the final rule, although the general timelines set forth in the interim final rule are maintained in the final rule.

V. REGULATORY ANALYSES

Executive Orders 12866 and 13563

Regulatory Impact Assessment

This final rule is a "significant regulatory action" under section 3(f) of Executive Order 12866 for the purposes of Executive Orders 12866 and 13563 because it is likely to have an annual effect on the economy of $100 million or more.

[390] Treasury intends to work with recipients to support the use of SLFRF funds consistent with the law.

As explained below, this regulation meets a substantial need: ensuring that recipients—states, territories, Tribal governments, and local governments—of SLFRF funds fully understand the requirements and parameters of the program as set forth in the statute and deploy funds in a manner that best reflects Congress' intent to provide necessary relief to recipient governments adversely impacted by the COVID–19 public health emergency. Furthermore, as required by Executive Orders 12866 and 13563, Treasury has weighed the costs and benefits of this final rule and varying alternatives and has reasonably determined that the benefits of the final rule to recipients and their communities far outweigh any costs.

The rule has been reviewed by the Office of Management and Budget (OMB) in accordance with Executive Order 12866.

Executive Orders 12866 and 13563

Under Executive Order 12866, OMB must determine whether this regulatory action is ''significant,'' and therefore, subject to the requirements of the Executive Order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a significant regulatory action as an action likely to result in a rule that may, among other things, have an annual effect on the economy of $100 million or more. This rule is likely to have an annual effect on the economy of $100 million or more, and therefore, it is subject to review by OMB under section 3(f) of Executive Order 12866.

Treasury has also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, section 1(b) of Executive Order 13563 requires that an agency: (1) propose or adopt regulations only

upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or providing information that enables the public to make choices. Executive Order 13563 also requires an agency ‘‘to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.’’ OMB’s Office of Information and Regulatory Affairs (OIRA) has emphasized that these techniques may include ‘‘identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.’’

Based on the analysis that follows and the reasons stated elsewhere in this document, Treasury believes that this final rule is consistent with the principles set forth in Executive Orders 12866 and13563. This Regulatory Impact Analysis discusses the need for regulatory action, the potential benefits, and the potential costs. Treasury has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action, and is issuing this final rule only on a reasoned determination that the benefits exceed the costs. In choosing among alternative regulatory approaches, Treasury selected those approaches that would maximize net benefits.

Need for Regulatory Action

This final rule implements the $350 billion SLFRF program of the ARPA, which Congress passed to help states, territories, Tribal governments, and localities respond to the ongoing COVID–19 public health emergency and its economic impacts. As the agency charged with execution of these programs, Treasury has concluded that this final rule is needed to ensure that recipients of SLFRF funds fully understand the requirements and parameters of the program as set forth in the statute and deploy funds in a manner that best reflects Congress' mandate for targeted fiscal relief. This final rule governs the use of $350 billion in grant funds from the federal government to states, territories, Tribal governments, and localities, generating a significant macroeconomic effect on the U.S. economy. Treasury has sought to implement the program in ways that maximize its potential benefits while minimizing its costs. It has done so by: aiming to target relief in key areas according to the congressional mandate; offering clarity to states, territories, Tribal governments, and localities while maintaining their flexibility to respond to local needs; and limiting administrative burdens.

Analysis of Benefits

Relative to a pre-statutory baseline, the SLFRF funds provide a combined $350 billion to state, local, and Tribal governments for fiscal relief and support for costs incurred responding to the COVID–19 pandemic. Treasury believes that this transfer will generate substantial additional economic activity, although given the flexibility accorded to recipients in the use of funds, it is not possible to precisely estimate the extent to which this will occur and the timing with which it will occur. Economic research has demonstrated that state fiscal relief is an efficient and

effective way to mitigate declines in jobs and output during an economic downturn.[391] Absent such fiscal relief, fiscal austerity among state, local, and Tribal governments could exert a prolonged drag on the overall economic recovery, as occurred following the 2007–2009 recession.[392]

This final rule provides benefits across several areas by implementing the four eligible use categories, as defined in statute: strengthening the response to the COVID–19 public health emergency and its negative economic impacts; replacing lost revenue to ease fiscal pressure on state, local, and Tribal governments that might otherwise lead to harmful cutbacks in employment or government services; providing premium pay to essential workers; and making necessary investments in water, sewer, and broadband infrastructure.

These benefits are achieved in the final rule through a broadly flexible approach that sets clear guidelines on eligible uses of SLFRF funds and provides state, local, and Tribal government officials discretion within those eligible uses to direct SLFRF funds to areas of greatest need within their jurisdiction. While preserving recipients' overall flexibility, the final rule includes several provisions that implement statutory requirements and will help support use of SLFRF funds to achieve the intended benefits. Preserving flexibility for recipients not only serves an important public policy goal by allowing them to meet particularized and diverse needs of their local communities but also enhances the economic benefits of the final rule by allowing recipients to choose eligible uses of funds that provide the highest utility in their jurisdictions.

In implementing the ARPA, Treasury has also prioritized supporting underserved communities that have been disproportionately impacted by the pandemic. The SLFRF program

[391] *See, e.g.,* Gabriel Chodorow-Reich et al., *Does state Fiscal Relief During Recessions Increase Employment? Evidence from the American Recovery and Reinvestment Act*, 4 American Economic Journal 118-145 (2012) http://dx.doi.org/10.1257/pol.4.3.118.
[392] See, e.g., Fitzpatrick, *supra* note 262.

as implemented by the final rule provides even greater flexibility to recipients for uses of funds in underserved communities, recognizing that pre-existing health and economic disparities in these communities amplified the impact of the pandemic there. In general, investments in improving health outcomes and economic opportunities provide high economic returns, so this approach is likely to achieve substantial near-term economic and public health benefits, in addition to the longer-term benefits arising from the allowable investments in water, sewer, and broadband infrastructure.

The remainder of this section clarifies how Treasury's approach to key provisions in the final rule will contribute to greater realization of benefits from the program.

Public Health and Negative Economic Impacts

The eligible use category for responding to the public health and negative economic impacts of the pandemic covers a wide range of eligible uses of funds. Treasury addresses several key uses of funds in this analysis, as well as ways that Treasury has structured this eligible use to minimize recipient administrative burden while also maintaining targeting of the funding to entities that experienced negative impacts from the pandemic.

Government Employment: In order to bolster the government's ability to effectively administer services, the final rule allows for a broader set of eligible uses to restore and support public sector employment relative to the interim final rule. In particular, eligible uses include hiring up to a pre-pandemic baseline that is adjusted for historic underinvestment in the public sector by allowing funds to be used to pay for payroll and covered benefits associated with the recipient increasing its number of employees up to 7.5 percent above its pre-pandemic baseline. Eligible uses also include providing additional funds for employees who experienced pay cuts or

were furloughed, avoiding layoffs, providing worker retention incentives, and paying for ancillary administrative costs related to hiring.

Treasury believes this expanded approach, relative to the interim final rule, provides useful flexibility to recipients, which may increase a state or local government's ability to effectively deliver services to its residents. While the interim final rule already explicitly permitted using funds to restore recipients' workforces up to pre-pandemic levels, the final rule's inclusion of an upward adjustment factor recognizes that, as the population or economy of a jurisdiction grows over time, more workers are generally needed to effectively meet responsibilities. It also provides recipients greater room to employ funds toward building back the public sector workforce after years of chronic underinvestment since the Great Recession. Treasury arrived at the 7.5 percent adjustment factor through an analysis of data from the Bureau of Labor Statistics on state and local government employment and data from the Census Bureau on population to estimate the extent of underinvestment in the public sector since the onset of the Great Recession. While Treasury considered a range of methodologies and point estimates to set the adjustment factor, a 7.5 percent factor errs on the side of recipient flexibility. Treasury believes this adjustment enhances recipients' ability to identify and meet the particularized needs of their communities. Treasury also believes that the additional enumerated eligible uses for supporting the workforce provide recipients several means to help retain current workers, decreasing turnover costs.

Identifying Eligible Populations

Treasury has provided several methods for recipients to identify households, populations, and communities eligible for services that respond to the public health and negative economic

impacts of the pandemic. In general, these methods seek to provide recipients options to identify eligible populations with minimal administrative burden, while also maintaining targeting of the funds to entities impacted by the pandemic. Recipients also retain flexibility to identify and serve other populations and entities that experienced pandemic impacts, ensuring that recipients can meet the particularized needs of their local communities.

Defining Low and Moderate Income: To streamline the provision of funds relating to negative economic impacts resulting from the pandemic, Treasury has created an eligibility standard making it easier for recipients to provide assistance to low- and moderate-income populations without needing to identify and document a specific negative economic impact. Populations falling under the definition of low income are presumed to have been disproportionately impacted by the pandemic, while those falling under the definition of moderate income are presumed to have been impacted by the pandemic. In addition, the final rule recognizes categorical eligibility for certain enumerated programs and populations if a recipient chooses to implement categorical eligibility when identifying impacted and disproportionately impacted populations. Treasury considered several options for eligibility standards that would reduce administrative burdens for recipients when determining who qualifies as low and moderate income.

One option involved defining a household as low income or moderate income based only on FPG thresholds and could use levels lower than those selected. This option involved setting uniform thresholds throughout the country.

A second option took a broader approach, defining a household as low income if it has (i) income at or below 185 percent of the FPG for the size of its household or (ii) income at or below 40 percent of the AMI for its county and size of household. The option defined a

household as moderate income if it has (i) income at or below 300 percent of the FPG for the size of its household or (ii) income at or below 65 percent of the AMI for its county and size of household. The combination of an FPG floor with AMI allows for a regional adjustment in areas with substantially higher costs and incomes. Finally, Treasury also considered a range of FPG and AMI thresholds above and below these levels.

Treasury chose the second option. Treasury believes that the higher FPG floor will ease administrative burdens by making more households presumptively eligible for funds meant to address negative economic impacts in a targeted manner. With respect to the low-income cutoff, 185 percent of the FPG for a family of four is $49,025, which is approximately the wage earnings for a two-earner household where both earners receive the median wage in occupations, such as waiters and waitresses and hotel clerks, that were heavily impacted by COVID-19. As such, this cutoff is likely to include more workers in industries heavily impacted by COVID-19, who may be most likely to face disproportionate impacts of the pandemic, than a lower threshold.[393] With respect to the moderate-income cutoff, many households with incomes between 200 percent and 300 percent of the FPG struggle with a lack of economic security, suggesting that 300 percent of the FPG was an appropriate cutoff for moderate income.

Treasury also considered relatively higher thresholds for both an FPG and AMI approach; however, increasing income thresholds for presumed eligibility increases the likelihood that higher-income workers, who generally experienced fewer economic impacts from the pandemic, would become presumed eligible for responsive services. Providing services to households that did not experience a negative economic impact, or experienced a relatively minimal impact,

[393] *See* U.S. Bureau of Labor Statistics, Occupational Employment and Wage Estimates, https://www.bls.gov/oes/current/oes_nat.htm (last visited November 9, 2021).

would provide much less benefit than serving households that experienced more severe impacts, diluting the benefits of the SLFRF funds.

In all, Treasury anticipates that these selected thresholds, combined with the regional adjustment, will allow resources to be targeted toward individuals and households with the greatest need while also reducing administrative burdens on recipients.

Disproportionately Impacted Populations: In the interim final rule, Treasury enumerated a broader set of eligible uses for disproportionately impacted communities, in recognition of the pre-existing health, economic, and social disparities that contributed to disproportionate pandemic impacts in certain communities and that addressing root causes of those disparities constitutes responding to the public health and negative economic impacts of the pandemic. To identify these communities and reduce administrative burden, Treasury allowed recipients to presume that certain populations—those in QCTs and those being served by Tribal governments—were disproportionately impacted. In the final rule, to further decrease administrative burden and enhance recipient flexibility, Treasury is allowing recipients to also presume that low-income households were disproportionately impacted. Treasury anticipates that adding low-income households as a presumed eligible population will maintain targeting of funds to populations and communities most likely to have experienced severe pandemic impacts, while providing a more flexible approach for recipients.

Identifying Impacted Classes: In the final rule, Treasury reiterated its stance in the interim final rule allowing recipients to designate a class of households or other entities as impacted or disproportionately impacted and provide responsive services. After designating a class, recipients can serve a household or entity by simply identifying that the household or entity is a member of the class. Relative to restricting services to only presumed eligible

populations identified by Treasury, this decision provides vital administrative flexibility for recipients that may identify particular impacted classes in the context of their jurisdiction. Treasury anticipates that SLFRF funds will be targeted to impacted or disproportionately impacted communities, as recipients must demonstrate that the designated class experienced negative economic impacts or meaningfully more severe negative economic impacts. This approach maintains the requirement that entities served have to have experienced a negative economic impact, while simultaneously minimizing any administrative costs associated with meeting this requirement.

Additional Enumerated Uses

The interim final rule enumerated eligible uses of SLFRF funds to serve both impacted and disproportionately impacted communities. For example, enumerated eligible uses to serve impacted communities included food assistance; rent, mortgage, or utility assistance; and counselling and legal aid to prevent eviction or homelessness. Examples of enumerated eligible uses to serve disproportionately impacted communities included remediation of lead paint or other lead hazards and housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity. In the final rule, Treasury had the option to retain, expand, or reduce enumerated eligible uses, or shift use eligibility between disproportionately impacted and impacted communities. Many public comments suggested potential expansions of uses, including shifting enumerated eligible uses for disproportionately impacted communities to serve a broader population of impacted communities. Taking these comments into account, Treasury generally took this approach, in anticipation that the benefits of the program will increase while recipient administrative costs in identifying and justifying non-enumerated uses of funds will decrease.

Specifically, Treasury added enumerated eligible uses for impacted populations including paid sick, medical, or family leave; health insurance subsidies; and services for the unbanked and underbanked, on the basis that impacts of the pandemic that were broadly experienced by many communities would be addressed by these uses. Treasury also shifted some eligible uses, formerly restricted only to disproportionately impacted communities, to impacted communities. These uses included community violence intervention, assistance accessing or applying to public benefits and services, affordable housing development, and services to promote healthy childhood environments like childcare and early learning. These uses were shifted on the basis that the associated impacts of the pandemic were experienced by a broader population, and responses are, accordingly, eligible to benefit a broader population.

Additionally, the final rule clarified that investments in parks and other public outdoor recreation spaces are enumerated eligible uses for disproportionately impacted communities. In including these uses, Treasury took into account evidence on the social determinants of health, or the ways that social context, like the neighborhood built environment, impacts health outcomes. By taking a more holistic approach to public health, the final rule allows recipients to respond more broadly to factors that contributed to the pandemic's health impacts and more fully mitigate those health impacts.

To balance administrative flexibility with a maintenance of focus on impacts of the pandemic, Treasury considered, but did not include, other proposed enumerated uses that did not respond to the impacts of the pandemic or responded to impacts that were not experienced generally across the country by many jurisdictions and populations. For example, Treasury did not include pollution remediation broadly, a proposed enumerated eligible use for disproportionately impacted communities, on the basis that associated projects would only

respond to disproportionate impacts of the pandemic depending on the specific issue addressed. In sum, Treasury expanded enumerated eligible uses while retaining a focus on broadly experienced impacts of the pandemic. Treasury anticipates that this will give recipients further flexibility to presume eligibility and respond to pandemic impacts without increasing administrative burden.

Capital Expenditures: In the interim final rule, Treasury permitted funds to be used for a limited number of capital expenditures mostly related to the COVID-19 public health response. This decision granted recipients some discretion to use SLFRF funds to address COVID-19 prevention and mitigation through certain investments in equipment, real property, and facilities, which Treasury recognized as critical components of the public health response. In the final rule, Treasury considered maintaining the provisions in the interim final rule or expanding allowable capital expenditures to provide recipients greater flexibility to pursue other capital investments that are responsive to the public health emergency and its negative economic impacts. While expanding allowable capital expenditures may increase the risk that recipients will undertake large expenditures that do not sufficiently address intended harms, or address harms in a less cost-efficient manner than an alternative investment (e.g., a program or service), expanding allowable capital expenditures would likely help fill critical gaps in recipients' response to the pandemic and provide equipment and facilities that generate benefits beyond SLFRF's period of performance. To preserve flexibility while mitigating risks, the final rule allows recipients to undertake an expanded set of capital expenditures while requiring additional written justifications for projects with an expected total cost at or over $1 million. Treasury believes this approach balances the implementation of appropriate risk-based compliance requirements and the provision of administrative convenience for smaller capital expenditures, while generally

allowing recipients the flexibility to undertake a greater variety of responsive capital expenditures.

Revenue Loss

Revenue Loss Formula: In this final rule, Treasury's approach to revenue loss allows recipients to compute the extent of reduction in revenue by comparing actual revenue to a counterfactual trend representing what could have plausibly been expected to occur in the absence of the pandemic. The counterfactual trend begins with the last full fiscal year prior to the public health emergency (as required by statute) and projects forward with an annualized growth adjustment. Treasury has made several adjustments in the final rule to decrease administrative burden, reducing costs for recipients, while still accurately capturing reductions in revenue due to the pandemic.

Under the interim final rule, Treasury specified that recipients calculate revenue loss on a calendar year basis. In this final rule, Treasury is providing recipients the option to calculate revenue loss on a calendar year or fiscal year basis, which will allow recipients the administrative flexibility to minimize administrative burdens based on the data available to them.

Treasury's decision to incorporate a growth adjustment into the calculation of revenue loss ensures that the formula more fully captures revenue shortfalls relative to recipients' pre-pandemic expectations. Recipients will have the opportunity to calculate revenue loss at several points throughout the program, recognizing that some recipients may experience revenue effects with a lag. This option to re-calculate revenue loss on an ongoing basis is intended to result in more support for recipients to avoid harmful cutbacks in future years. In calculating revenue loss, recipients will look at general revenue in the aggregate, rather than on a source-by-source basis,

given that recipients may have experienced offsetting changes in revenues across sources. The final rule also provides for removing the impact of tax increasing or decreasing changes, which affect the amount of revenue collected but are not "due to" the pandemic, from the calculation of revenue loss due to the public health emergency. Both of these components of Treasury's approach provide a more accurate representation of the effect of the pandemic on overall revenues.

Revenue Loss Standard Allowance: In addition to largely preserving the formula to calculate revenue loss from the interim final rule, Treasury also added an alternative "standard allowance" option for the revenue loss calculation to this final rule. Treasury's decision to elect to allow a fixed amount of loss that can be used to fund "government services" allows recipients the flexibility to use minimal administrative capacity on the calculation if desired. The decision also benefits recipients by allowing them to avoid expending administrative resources to determine how unique variations in revenue interact with the revenue loss formula.

Premium Pay

Per the ARPA statute, recipients have broad latitude to designate critical infrastructure sectors and make grants to third-party employers for the purpose of providing premium pay. While the final rule provides significant flexibility to implement the statutory requirement that premium pay respond to essential workers, it requires recipients give written justification in the case that premium pay would increase a worker's annual pay above a certain threshold or is awarded to an individual whose annual pay is already above that threshold. To set this threshold, Treasury analyzed data from the Bureau of Labor Statistics to determine a level that would not require further justification for premium pay to the vast majority of essential workers, while

requiring higher scrutiny for provision of premium pay to higher earners who, even without premium pay, would likely have greater personal financial resources to cope with the effects of the pandemic. Alternatively, a recipient need not submit written justification to Treasury if the worker receiving premium pay is eligible for overtime under the FLSA. Treasury believes this alternative, which is an addition to the final rule, will give recipients more flexibility and will simplify application of the final rule as employers, public and private, are already legally required to determine whether an employee is eligible for overtime pay under the FLSA. Treasury believes the threshold and overtime eligibility provision in the final rule strike the appropriate balance between preserving flexibility and helping encourage use of these resources to help those in greatest need. The final rule also requires that workers eligible for premium pay have regular in-person interactions or regular physical handling of items that were also handled by others. This requirement will help encourage use of financial resources for those who have endured the heightened risk of performing essential work.

Water and Sewer Infrastructure

In the interim final rule, Treasury aligned eligible uses of funds for water and sewer infrastructure to those projects eligible to receive financial assistance through the DWSRF and CWSRF administered by the EPA.

The benefits of this approach included giving recipients an existing list that would provide them clarity as well as flexibility in identifying eligible projects, particularly given the broad range of projects eligible under the CWSRF and DWSRF. The approach also ensured that projects would conform to vetted project types from a widely used program. Treasury received

comments from recipients requesting additional project categories to be considered eligible, indicating a potential cost to maintaining alignment with the CWSRF and DWSRF.

For the final rule, Treasury has expanded eligibility to include several additional project types beyond those covered by the CWSRF and DWSRF.

Treasury believes that expanded eligibility will benefit recipients by allowing them additional flexibility to pursue beneficial projects, including project categories that support the provision of drinking water and the removal, management, and treatment of wastewater and stormwater: additional stormwater management projects, private well infrastructure, additional projects that address lead in water, and certain dam and reservoir rehabilitation projects undertaken to address the provision of drinking water. A potential cost of this approach is that uses beyond the CSWRF and DWSRF may have less public guidance available to understand project eligibilities. However, Treasury anticipates that this eligibility expansion will provide a net benefit to recipients by allowing them to pursue projects relevant to their goals that were ineligible under the interim final rule.

The expansion to allow private well infrastructure may also affect the distributional impact of SLFRF. Private wells disproportionately serve rural Americans, including low-income households, and expanding eligibility to include this use may allow SLFRF funds to benefit such households. While distributional impacts are uncertain, Treasury believes that the potential for benefits to accrue to rural and low-income households makes it important to clarify that these types of projects are eligible.

Broadband Infrastructure

In the final rule, Treasury expands eligible areas for broadband investment by requiring that recipients invest in projects designed to provide service to households and businesses with an identified need for additional broadband investment, including increasing access to high-speed broadband, increasing the affordability of broadband services, and improving the reliability of broadband service.[394] Treasury considered multiple alternatives when selecting this standard. The threshold for the interim final rule allowed benefits to accrue in a more targeted manner to the approximately 9 percent of the country with access to speeds under the 25/3 Mbps threshold.[395] However, since SLFRF funds are distributed to tens of thousands of governments across the country with a variety of broadband needs, Treasury believes that allowing recipients greater flexibility to determine locations to serve in their jurisdictions – including considering affordability and competition barriers – will lead to greater long-term public benefit. Further, given that many federal broadband grant programs are focused solely on unserved and underserved areas, Treasury believes that the final rule's flexibility enables these funds to fill an important role in the overall federal broadband landscape.

In the final rule, Treasury also requires that broadband projects must meet a standard of reliably delivering at least 100 Mbps download speeds and upload speeds, or in cases where it is not practicable to do so, reliably delivering at least 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed while being scalable to 100 Mbps upload and

[394] Further, the final rule encourages, but does not require, that recipients pursue broadband infrastructure projects in locations not currently served by a wireline connection that reliably delivers at least 100 Mbps of download speed and 20 Mbps of upload speed.

[395] Data from the Federal Communications Commission shows that as of June 2020, 9.07 percent of the U.S. population had no available cable or fiber broadband providers providing greater than 25 Mbps download speeds and 3 Mbps upload speeds. Federal Communications Commission, Fixed Broadband Deployment, https://broadbandmap.fcc.gov/#/ (last visited May 9, 2021).

download speeds. Treasury expects that this threshold will yield long-term benefits and allow networks to meet both pandemic-related and future needs. The Federal Communications Commission (FCC) estimates that currently a household with two to three remote learners using the internet simultaneously needs a connection supporting 100 Mbps download speeds.[396] While a lower threshold may have resulted in lower near-term costs to build, it would have potentially constrained future utility from the infrastructure by producing infrastructure that would more quickly – potentially in the near-term – become obsolete and no longer meet household needs, potentially requiring sooner replacement and generally decreasing the return on investment. As such, projects meeting a lower threshold could not be considered "necessary" investments in broadband infrastructure, so Treasury has retained the threshold from the interim final rule.

Further, the final rule adds a requirement that recipients address the affordability needs of low-income consumers in accessing broadband networks funded by SLFRF, either by requiring service providers that provide service to households to either participate in the FCC's Affordable Connectivity Program (ACP), or a broad-based affordability program with commensurate benefits. Treasury believes that this requirement will increase the number of customers that are able to take advantage of broadband infrastructure funded by SLFRF, increasing the effectiveness of funds in connecting households and businesses to high-speed internet that is critical to work, health, and education. There is a potential that this requirement may marginally increase project costs for recipients and providers, but this impact is uncertain, given the varying business models and pricing structures of broadband projects and providers.

[396] *See* Federal Communications Commission, Broadband Speed Guide, available at https://www.fcc.gov/consumers/guides/broadband-speed-guide (last visited October 28, 2021).

Labor Standards

In this Supplementary Information for the final rule, Treasury encourages recipients to ensure that capital expenditures to respond to the public health and negative economic impacts of the pandemic and water, sewer, and broadband projects use strong labor standards, including, for example, project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury believes that its encouragement of labor standards carries benefits because it will ensure that workers have access to strong employment opportunities associated with infrastructure projects, which will in turn aid the economic recovery. Treasury believes that infrastructure projects may also benefit from stronger labor standards due to the potential of these standards to ensure a stronger skilled labor supply and minimize labor disputes and workplace injuries, which can result in costly disruptions to projects. Treasury assesses that these benefits will increase the economy and efficiency of infrastructure projects undertaken through SLFRF and will outweigh the potential for a marginal increase in labor costs.

Splitting Payments to Recipients

Treasury is required by statute to deliver funds to local governments in two payments separated by at least twelve months, and the interim final rule provided for split payments to a majority of states as well. As discussed above, splitting payments ensures that recipients can adapt spending plans to evolving economic conditions and that at least some of the economic benefits will be realized in 2022 or later. However, consistent with authorities granted to Treasury in the statute, Treasury recognizes that a subset of states with significant remaining elevation in the unemployment rate could face heightened additional near term needs to aid

unemployed workers and stimulate the recovery. Therefore, for a subset of state governments, Treasury has provided funds in one payment. Treasury believes that this approach strikes an appropriate balance between the general reasons to provide funds in two payments and the heightened additional near-term needs in specific states. As discussed above, Treasury set a threshold based on historical analysis of unemployment rates in recessions.

Reaching Underserved Communities

Finally, the final rule aims to promote and streamline the provision of assistance to individuals and communities in greatest need, particularly communities that have been historically underserved and have experienced disproportionate impacts of the COVID–19 crisis. Targeting relief is in line with Executive Order 13985, ‘‘Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,’’ which laid out an Administration-wide priority to support ‘‘equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.’’ To this end, the final rule enumerates a list of services that may be provided using SLFRF funds in disproportionately impacted communities, including low-income areas, to address the more severe impacts of the pandemic in these communities; establishes the characteristics of essential workers eligible for premium pay and encouragement to serve workers based on financial need; provides that recipients may use SLFRF funds to restore state and local workforces, where women and people of color are disproportionately represented; and requires that broadband infrastructure projects participate in programs to support affordability of broadband service. Collectively, these provisions will promote use of resources to facilitate the provision of assistance to individuals and communities with the greatest need.

Analysis of Costs

This regulatory action will generate administrative costs relative to a pre-statutory baseline. This includes, chiefly, costs required to administer SLFRF funds, oversee subrecipients and beneficiaries, and file periodic reports with Treasury. It also requires states to allocate SLFRF funds to nonentitlement units, which are smaller units of local government that are statutorily required to receive their funds through states. Treasury expects that the administrative burden associated with this program will be moderate for a grant program of its size. Treasury expects that many recipients receive direct or indirect funding from federal government programs and that many have familiarity with how to administer and report on federal funds or grant funding provided by other entities. In particular, states, territories, and large localities will have received funds from the Coronavirus Relief Fund (CRF) and Treasury expects them to rely heavily on established processes developed through that program or other prior grant funding, mitigating burden on these governments. Treasury has enhanced the level of recipient reporting as compared to the CRF, incorporating feedback from the Government Accountability Office and others that additions would improve the oversight of recipients' use of funds. To balance the oversight benefits with the costs of added reporting burdens, Treasury has incorporated other mechanisms to mitigate burden. For example, Treasury is "tiering" reporting requirements so that recipients that receive relatively lesser amounts of SLFRF funds are required to submit less frequent reports than recipients receiving greater amounts of funds. Treasury is noting administrative costs as a generally allowable use of SLFRF funds, which defrays administrative expenses to recipients that may be needed to comply with reporting requirements. Treasury has also provided options for recipients to use eligibility thresholds they are already familiar with during administration of SLFRF funds, which will enable recipients to avoid the costs of setting

up new programs and reporting mechanisms to meet reporting and compliance requirements. For example, Treasury has permitted recipients to use "categorical eligibility" when delivering assistance to particular groups, such as impacted or disproportionately impacted households.

In making implementation choices, Treasury has hosted numerous consultations with a diverse range of direct recipients— states, cities, counties, and Tribal governments—along with various communities across the United States, including those that are underserved. Furthermore, Treasury has made clear in guidance that SLFRF funds may be used to cover certain expenses related to administering programs established using SLFRF funds.[397]

Executive Order 13132

Executive Order 13132 (entitled Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on state, local, and Tribal governments, and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This final rule does not have federalism implications within the meaning of the Executive Order and does not impose substantial, direct compliance costs on state, local, and Tribal governments or preempt state law within the meaning of the Executive Order. The compliance costs are imposed on state, local, and Tribal governments by sections 602 and 603 of the Social Security Act, as enacted by the ARPA. Notwithstanding the above, Treasury has engaged in efforts to consult and work cooperatively with affected state, local, and Tribal government officials and associations in the process of developing the interim final rule and this

[397] *See* Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, 10.2, as of July 19, 2021; https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.

final rule. Pursuant to the requirements set forth in section 8(a) of Executive Order 13132, Treasury certifies that it has complied with the requirements of Executive Order 13132.

Administrative Procedure Act

The Administrative Procedure Act (APA), 5 U.S.C. 551 et seq., generally requires public notice and an opportunity for comment before a rule becomes effective. However, the APA provides that the requirements of 5 U.S.C. 553 do not apply "to the extent that there is involved . . . a matter relating to agency . . . grants." The APA also provides an exception to ordinary notice-and-comment procedures "when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." 5 U.S.C. 553(b)(B). The interim final rule was issued without prior notice and comment procedures because it implemented statutory conditions on the eligible uses of SLFRF funds, and addressed the payment of those funds, the reporting on uses of funds, and potential consequences of ineligible uses to help address the economic and public health emergency. See the "Supplementary Information" section of the May 17, 2021 interim final rule for the applicability of the requirements of 5 U.S.C. 553. In addition, under the exception discussed in that section for matters relating to agency grants, the requirements of 5 U.S.C. 553 also do not apply to this final rule. After careful consideration of the comments received, this final rule adopts the May 17, 2021 interim final rule with the revisions discussed in this Supplementary Information.

Congressional Review Act

The Administrator of OIRA has determined that this is a major rule for purposes of Subtitle E of the Small Business Regulatory Enforcement and Fairness Act of 1996 (also known as the Congressional Review Act or CRA) (5 U.S.C. 804(2) et seq.). Under the CRA, a major rule generally may take effect no earlier than 60 days after the rule is published in the Federal Register. 5 U.S.C. 801(a)(3).

Paperwork Reduction Act

The information collections associated with the SLFRF program have been reviewed and approved by OMB pursuant to the Paperwork Reduction Act (44 U.S.C. Chapter 35) (PRA) and assigned control number 1505-0271. Under the PRA, an agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a valid OMB control number.

Estimates of hourly burden under this program are set forth in the table below.

Reporting	**# Respondents**	**# Responses Per Respondent**	**Total Responses**	**Hours per Response**	**Total Burden in Hours**	**Cost to Respondents ($48.80 per hour*)**
Recipient Payment Form	5,050	1	5,050	.25 (15 minutes)	1,262.5	$61,610
Acceptance of Award Terms	5,050	1	5,050	.25 (15 minutes)	1,262.5	$61,610
Title VI Assurances	5,050	1	5,050	.50 (30 minutes)	2,525	$123,220
Tribal Employment Information Form	584	1	584	.75 (45 minutes)	438	$21,374

Request for Extension Form	96	1	96	1	96	$4,685
Annual Recovery Plan Performance Report	430	1	430	100	43,000	$2,098,400
NEU Distribution Template	55	2	110	10	1,100	$53,680
Non-UGLG Distribution Template	55	2	110	5	550	$26,840
Transfer Forms	1,500	1	1,500	1	1,500	$73,200
Project and Expenditure Report	37,000	1	37,000	5	185,000	$9,028,000
Total	**54,870**		**54,980**		**236,735**	**$11,552,619**

* Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook, Accountants and Auditors, on the Internet at https://www.bls.gov/ooh/business-and-financial/accountants-and-auditors.htm (visited March 28, 2020). Base wage of $33.89/hour increased by 44 percent to account for fully loaded employer cost of employee compensation (benefits, etc.) for a fully loaded wage rate of $48.80.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act (RFA) generally requires that when an agency issues a proposed rule, or a final rule pursuant to section 553(b) of the Administrative Procedure Act or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the Federal Register. 5 U.S.C. 603, 604.

Rules that are exempt from notice and comment under the APA or any other law are also exempt from the RFA requirements, including the requirement to conduct a regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. Because this rule is

exempt from the notice and comment requirements of the APA, Treasury is not required to conduct a regulatory flexibility analysis.

RULE TEXT

List of Subjects in 31 CFR Part 35
Executive compensation, State and Local Governments, Tribal Governments, Public health emergency.

For the reasons stated in the preamble, the United States Department of the Treasury amends 31 CFR part 35 as follows:

Part 35 - PANDEMIC RELIEF PROGRAMS

1. Amend Subpart A to read as follows:

Subpart A— CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Sec.
35.1 Purpose.
35.2 Applicability.
35.3 Definitions.
35.4 Reservation of authority, reporting.
35.5 Use of funds.
35.6 Eligible uses.
35.7 Pensions.
35.8 Tax.
35.9. Compliance with applicable laws.
35.10. Recoupment.
35.11 Payments to States.
35.12. Distributions to nonentitlement units of local government and units of general local government.

Authority: 42 U.S.C. 802(f); 42 U.S.C. 803(f)

§ 35.1 Purpose.

This part implements section 9901 of the American Rescue Plan Act (Subtitle M of Title IX of Public Law 117-2), which amends Title VI of the Social Security Act (42 U.S.C. 801 *et seq*.) by adding sections 602 and 603 to establish the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund.

§ 35.2 Applicability.

This part applies to states, territories, Tribal governments, metropolitan cities, nonentitlement units of local government, counties, and units of general local government that accept a payment or transfer of funds made under section 602 or 603 of the Social Security Act.

§ 35.3 Definitions.

Baseline means tax revenue of the recipient for its fiscal year ending in 2019, adjusted for inflation in each reporting year using the Bureau of Economic Analysis's Implicit Price Deflator for the gross domestic product of the United States.

Capital expenditures has the same meaning given in 2 CFR 200.1.

County means a county, parish, or other equivalent county division (as defined by the Census Bureau).

Covered benefits include, but are not limited to, the costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans (Federal and State), workers' compensation insurance, and Federal Insurance Contributions Act taxes (which includes Social Security and Medicare taxes).

Covered change means a change in law, regulation, or administrative interpretation that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase. A change in law includes any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute or rule if the phase-in or taking effect was not prescribed prior to the start of the covered period.

Covered period means, with respect to a state or territory, the period that:

(1) Begins on March 3, 2021; and

(2) Ends on the last day of the fiscal year of such State or territory in which all funds received by the State or territory from a payment made under section 602 or 603 of the Social Security Act have been expended or returned to, or recovered by, the Secretary.

COVID-19 means the Coronavirus Disease 2019.

COVID-19 public health emergency means the period beginning on January 27, 2020 and lasting until the termination of the national emergency concerning the COVID-19 outbreak declared pursuant to the National Emergencies Act (50 U.S.C. 1601 *et seq*.).

Deposit means an extraordinary payment of an accrued, unfunded liability. The term deposit does not refer to routine contributions made by an employer to pension funds as part of the employer's obligations related to payroll, such as either a pension contribution consisting of a normal cost component related to current employees or a component addressing the amortization of unfunded liabilities calculated by reference to the employer's payroll costs.

Eligible employer means an employer of an eligible worker who performs essential work.

Eligible workers means workers needed to maintain continuity of operations of essential critical infrastructure sectors, including health care; emergency response; sanitation, disinfection,

and cleaning work; maintenance work; grocery stores, restaurants, food production, and food delivery; pharmacy; biomedical research; behavioral health work; medical testing and diagnostics; home- and community-based health care or assistance with activities of daily living; family or childcare; social services work; public health work; vital services to Tribes; any work performed by an employee of a State, local, or Tribal government; educational work, school nutrition work, and other work required to operate a school facility; laundry work; elections work; solid waste or hazardous materials management, response, and cleanup work; work requiring physical interaction with patients; dental care work; transportation and warehousing; work at hotel and commercial lodging facilities that are used for COVID-19 mitigation and containment; work in a mortuary; and work in critical clinical research, development, and testing necessary for COVID-19 response.

(1) With respect to a recipient that is a metropolitan city, nonentitlement unit of local government, or county, workers in any additional non-public sectors as each chief executive officer of such recipient may designate as critical to protect the health and well-being of the residents of their metropolitan city, nonentitlement unit of local government, or county; or

(2) With respect to a State, territory, or Tribal government, workers in any additional non-public sectors as each Governor of a State or territory, or each Tribal government, may designate as critical to protect the health and well-being of the residents of their State, territory, or Tribal government.

Essential work means work that:

(1) Is not performed while teleworking from a residence; and

(2) Involves:

(i) Regular in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or

(ii) Regular physical handling of items that were handled by, or are to be handled by patients, the public, or coworkers of the individual that is performing the work.

Funds means, with respect to a recipient, amounts provided to the recipient pursuant to a payment made under section 602(b) or 603(b) of the Social Security Act or transferred to the recipient pursuant to section 603(c)(4) of the Social Security Act.

General revenue means money that is received from tax revenue, current charges, and miscellaneous general revenue, excluding refunds and other correcting transactions and proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and intergovernmental transfers from the Federal Government, including transfers made pursuant to section 9901 of the American Rescue Plan Act. General revenue also includes revenue from liquor stores that are owned and operated by state and local governments. General revenue does not include revenues from utilities, except recipients may choose to include revenue from utilities that are part of their own government as general revenue provided the recipient does so consistently over the remainder of the period of performance. Revenue from Tribal business enterprises must be included in general revenue.

Intergovernmental transfers means money received from other governments, including grants and shared taxes.

Low-income household means a household with:

(1) Income at or below 185 percent of the Federal Poverty Guidelines for the size of its household based on the poverty guidelines published most recently by the Department of Health and Human Services; or

(2) Income at or below 40 percent of the Area Median Income for its county and size of household based on data published most recently by the Department of Housing and Urban Development.

Micro-business means a small business that has five or fewer employees, one or more of whom owns the small business.

Moderate-income household means a household with:

(1) Income at or below 300 percent of the Federal Poverty Guidelines for the size of its household based on poverty guidelines published most recently by the Department of Health and Human Services; or

(2) Income at or below 65 percent of the Area Median Income for its county and size of household based on data published most recently by the Department of Housing and Urban Development.

Metropolitan city has the meaning given that term in section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)) and includes cities that relinquish or defer their status as a metropolitan city for purposes of receiving allocations under section 106 of such Act (42 U.S.C. 5306) for fiscal year 2021.

Net reduction in total spending is measured as the State or territory's total spending for a given reporting year excluding its spending of funds, subtracted from its total spending for its fiscal year ending in 2019, adjusted for inflation using the Bureau of Economic Analysis's Implicit Price Deflator for the gross domestic product of the United States for that reporting year.

Nonentitlement unit of local government means a "city," as that term is defined in section 102(a)(5) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(5)), that is not a metropolitan city.

Nonprofit means a nonprofit organization that is exempt from Federal income taxation and that is described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code.

Obligation means an order placed for property and services and entering into contracts, subawards, and similar transactions that require payment.

Pension fund means a defined benefit plan and does not include a defined contribution plan.

Period of performance means the time period described in § 35.5 during which a recipient may obligate and expend funds in accordance with sections 602(c)(1) and 603(c)(1) of the Social Security Act and this subpart.

Premium pay means an amount of up to $13 per hour that is paid to an eligible worker, in addition to wages or remuneration the eligible worker otherwise receives, for all work performed by the eligible worker during the COVID-19 public health emergency. Such amount may not exceed $25,000 in total over the period of performance with respect to any single eligible worker. Premium pay may be awarded to non-hourly and part-time eligible workers performing essential work. Premium pay will be considered to be in addition to wages or remuneration the eligible worker otherwise receives if, as measured on an hourly rate, the premium pay is:

(1) With regard to work that the eligible worker previously performed, pay and remuneration equal to the sum of all wages and remuneration previously received plus up to $13 per hour with no reduction, substitution, offset, or other diminishment of the eligible worker's previous, current, or prospective wages or remuneration; or

(2) With regard to work that the eligible worker continues to perform, pay of up to $13 per hour that is in addition to the eligible worker's regular rate of wages or remuneration, with no

reduction, substitution, offset, or other diminishment of the worker's current and prospective wages or remuneration.

Qualified census tract has the same meaning given in 26 U.S.C. 42(d)(5)(B)(ii)(I).

Recipient means a State, territory, Tribal government, metropolitan city, nonentitlement unit of local government, county, or unit of general local government that receives a payment made under section 602(b) or 603(b) of the Social Security Act or transfer pursuant to section 603(c)(4) of the Social Security Act.

Reporting year means a single year or partial year within the covered period, aligned to the current fiscal year of the State or territory during the covered period.

Secretary means the Secretary of the Treasury.

State means each of the 50 States and the District of Columbia.

Small business means a business concern or other organization that:

(1) Has no more than 500 employees or, if applicable, the size standard in number of employees established by the Administrator of the Small Business Administration for the industry in which the business concern or organization operates, and

(2) Is a small business concern as defined in section 3 of the Small Business Act (15 U.S.C. 632).

Tax revenue means revenue received from a compulsory contribution that is exacted by a government for public purposes excluding refunds and corrections and, for purposes of § 35.8, intergovernmental transfers. Tax revenue does not include payments for a special privilege granted or service rendered, employee or employer assessments and contributions to finance retirement and social insurance trust systems, or special assessments to pay for capital improvements.

Territory means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa.

Title I eligible schools means schools eligible to receive services under section 1113 of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6313), including schools served under section 1113(b)(1)(C) of that Act.

Tribal enterprise means a business concern:

(1) That is wholly owned by one or more Tribal governments, or by a corporation that is wholly owned by one or more Tribal governments; or

(2) That is owned in part by one or more Tribal governments, or by a corporation that is wholly owned by one or more Tribal governments, if all other owners are either United States citizens or small business concerns, as these terms are used and consistent with the definitions in 15 U.S.C. 657a(b)(2)(D).

Tribal government means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published on January 29, 2021, pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

Unemployment rate means the U-3 unemployment rate provided by the Bureau of Labor Statistics as part of the Local Area Unemployment Statistics program, measured as total unemployment as a percentage of the civilian labor force.

Unemployment trust fund means an unemployment trust fund established under section 904 of the Social Security Act (42 U.S.C. 1104).

Unit of general local government has the meaning given to that term in section 102(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(1)).

§ 35.4 Reservation of authority, reporting.

(a) *Reservation of authority.* Nothing in this part shall limit the authority of the Secretary to take action to enforce conditions or violations of law, including actions necessary to prevent evasions of this subpart.

(b) *Extensions or accelerations of timing*. The Secretary may extend or accelerate any deadline or compliance date of this part, including reporting requirements that implement this subpart, if the Secretary determines that such extension or acceleration is appropriate. In determining whether an extension or acceleration is appropriate, the Secretary will consider the period of time that would be extended or accelerated and how the modified timeline would facilitate compliance with this subpart.

(c) *Reporting and requests for other information.* During the period of performance, recipients shall provide to the Secretary periodic reports providing detailed accounting of the uses of funds, modifications to a State or Territory's tax revenue sources, and such other information as the Secretary may require for the administration of this section. In addition to regular reporting requirements, the Secretary may request other additional information as may be necessary or appropriate, including as may be necessary to prevent evasions of the requirements of this subpart. False statements or claims made to the Secretary may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in Federal awards or contracts, and/or any other remedy available by law.

§ 35.5 Use of funds.

(a) *In general*. A recipient may only use funds to cover costs incurred during the period beginning March 3, 2021, and ending December 31, 2024, for one or more of the purposes enumerated in sections 602(c)(1) and 603(c)(1) of the Social Security Act, as applicable, including those enumerated in § 35.6, subject to the restrictions set forth in sections 602(c)(2) and 603(c)(2) of the Social Security Act, as applicable.

(b) *Costs incurred.* A cost shall be considered to have been incurred for purposes of paragraph (a) of this section if the recipient has incurred an obligation with respect to such cost by December 31, 2024.

(c) *Return of funds.* A recipient must return any funds not obligated by December 31, 2024. A recipient must also return funds obligated by December 31, 2024 but not expended by December 31, 2026.

§ 35.6 Eligible uses.

(a) *In general*. Subject to §§ 35.7 and 35.8, a recipient may use funds for one or more of the purposes described in paragraphs (b) through (f) of this section.

(b) *Responding to the public health emergency or its negative economic impacts.* A recipient may use funds to respond to the public health emergency or its negative economic impacts if the use meets the criteria provided in subparagraph (b)(1) or is enumerated in subparagraph (b)(3); provided that, in the case of a use of funds for a capital expenditure under subparagraph (b)(1) or (b)(3), the use of funds must also meet the criteria provided in subparagraph (b)(4). Treasury may also articulate additional eligible programs, services, or

capital expenditures from time to time that satisfy the eligibility criteria of this paragraph (b), which shall be eligible under this paragraph (b).

(1) *Identifying eligible responses to the public health emergency or its negative economic impacts.*

(i) A program, service, or capital expenditure is eligible under this subparagraph (1) if a recipient identifies a harm or impact to a beneficiary or class of beneficiaries caused or exacerbated by the public health emergency or its negative economic impacts and the program, service, or capital expenditure responds to such harm.

(ii) A program, service, or capital expenditure responds to a harm or impact experienced by an identified beneficiary or class of beneficiaries if it is reasonably designed to benefit the beneficiary or class of beneficiaries that experienced the harm or impact and is related and reasonably proportional to the extent and type of harm or impact experienced.

(2) *Identified harms: presumptions of impacted and disproportionately impacted beneficiaries*. A recipient may rely on the following presumptions to identify beneficiaries presumptively impacted or disproportionately impacted by the public health emergency or its negative economic impacts for the purpose of providing a response under subparagraph (b)(1) or (b)(3):

(i) Households or populations that experienced unemployment; experienced increased food or housing insecurity; qualify for the Children's Health Insurance Program (42 U.S.C. 1397aa *et seq.*), Childcare Subsidies through the Child Care and Development Fund Program (42 U.S.C. 9857 *et seq*. and 42 U.S.C. 618), or Medicaid (42 U.S.C. 1396 *et seq.*); if funds are to be used for affordable housing programs, qualify for the National Housing Trust Fund (12 U.S.C. 4568) or the Home Investment Partnerships Program (42 U.S.C. 12721 *et seq.*); if funds are to be

used to address impacts of lost instructional time for students in kindergarten through twelfth grade, any student who did not have access to in-person instruction for a significant period of time; and low- and moderate-income households and populations are presumed to be impacted by the public health emergency or its negative economic impacts;

(ii) The general public is presumed to be impacted by the public health emergency for the purposes of providing the uses set forth in subparagraphs (b)(3)(i)(A) and (b)(3)(i)(C); and

(iii) The following households, communities, small businesses, and nonprofit organizations are presumed to be disproportionately impacted by the public health emergency or its negative economic impacts:

(A) Households and populations residing in a qualified census tract; households and populations receiving services provided by Tribal governments; households and populations residing in the territories; households and populations receiving services provided by territorial governments; low-income households and populations; households that qualify for Temporary Assistance for Needy Families (42 U.S.C. 601 *et seq.*), the Supplemental Nutrition Assistance Program (7 U.S.C. 2011 *et seq.*), Free and Reduced Price School Lunch and/or Breakfast programs (42 U.S.C. 1751 *et seq.* and 42 U.S.C. 1773), Medicare Part D Low-income Subsidies (42 U.S.C. 1395w-114), Supplemental Security Income (42 U.S.C. 1381 *et seq.*), Head Start (42 U.S.C. 9831 *et seq.*), Early Head Start (42 U.S.C. 9831 *et seq.*), the Special Supplemental Nutrition Program for Women, Infants, and Children (42 U.S.C. 1786), Section 8 Vouchers (42 U.S.C. 1437f), the Low-Income Home Energy Assistance Program (42 U.S.C. 8621 *et seq.*), Pell Grants (20 U.S.C. 1070a), and, if SLFRF funds are to be used for services to address educational disparities, Title I eligible schools;

(B) Small businesses operating in a qualified census tract, operated by Tribal governments or on Tribal lands, or operating in the territories; and

(C) Nonprofit organizations operating in a qualified census tract, operated by Tribal governments or on Tribal lands, or operating in the territories.

(3) *Enumerated eligible uses: responses presumed reasonably proportional.* A recipient may use funds to respond to the public health emergency or its negative economic impacts on a beneficiary or class of beneficiaries for one or more of the following purposes unless such use is grossly disproportionate to the harm caused or exacerbated by the public health emergency or its negative economic impacts:

(i) Responding to the public health impacts of the public health emergency for purposes including:

(A) COVID-19 mitigation and prevention in a manner that is consistent with recommendations and guidance from the Centers for Disease Control and Prevention, including vaccination programs and incentives; testing programs; contact tracing; isolation and quarantine; mitigation and prevention practices in congregate settings; acquisition and distribution of medical equipment for prevention and treatment of COVID-19, including personal protective equipment; COVID-19 prevention and treatment expenses for public hospitals or health care facilities, including temporary medical facilities; establishing or enhancing public health data systems; installation and improvement of ventilation systems in congregate settings, health facilities, or other public facilities; and assistance to small businesses, nonprofits, or impacted industries to implement mitigation measures;

(B) Medical expenses related to testing and treating COVID-19 that are provided in a manner consistent with recommendations and guidance from the Centers for Disease Control and

Prevention, including emergency medical response expenses, treatment of long-term symptoms or effects of COVID-19, and costs to medical providers or to individuals for testing or treating COVID-19;

(C) Behavioral health care, including prevention, treatment, emergency or first-responder programs, harm reduction, supports for long-term recovery, and behavioral health facilities and equipment; and

(D) Preventing and responding to increased violence resulting from the public health emergency, including community violence intervention programs, or responding to increased gun violence resulting from the public health emergency, including payroll and covered benefits associated with community policing strategies; enforcement efforts to reduce gun violence; and investing in technology and equipment;

(ii) Responding to the negative economic impacts of the public health emergency for purposes including:

(A) Assistance to households and individuals, including:

(1) Assistance for food; emergency housing needs; burials, home repairs, or weatherization; internet access or digital literacy; cash assistance; and assistance accessing public benefits;

(2) Paid sick, medical, or family leave programs, or assistance to expand access to health insurance;

(3) Childcare, early learning services, home visiting, or assistance for child welfare-involved families or foster youth;

(4) Programs to address the impacts of lost instructional time for students in kindergarten through twelfth grade;

(5) Development, repair, and operation of affordable housing and services or programs to increase long-term housing security;

(6) Financial services that facilitate the delivery of Federal, State, or local benefits for unbanked and underbanked individuals;

(7) Benefits for the surviving family members of individuals who have died from COVID-19, including cash assistance to surviving spouses or dependents of individuals who died of COVID-19;

(8) Assistance for individuals who want and are available for work, including those who are unemployed, have looked for work sometime in the past 12 months, who are employed part time but who want and are available for full-time work, or who are employed but seeking a position with greater opportunities for economic advancement;

(9) Facilities and equipment related to the provision of services to households provided in subparagraphs (b)(3)(ii)(A)(1)-(8);

(10) The following expenses related to Unemployment Trust Funds:

(i) Contributions to a recipient Unemployment Trust Fund and repayment of principal amounts due on advances received under Title XII of the Social Security Act (42 U.S.C. § 1321) up to an amount equal to (a) the difference between the balance in the recipient's Unemployment Trust Fund as of January 27, 2020 and the balance of such account as of May 17, 2021 plus (b) the principal amount outstanding as of May 17, 2021 on any advances received under Title XII of the Social Security Act between January 27, 2020 and May 17, 2021; provided that if a recipient repays principal on Title XII advances or makes a contribution to an Unemployment Trust Fund after [INSERT

EFFECTIVE DATE], such recipient shall not reduce average weekly benefit amounts or maximum benefit entitlements prior to December 31, 2024; and

(ii) any interest due on such advances received under Title XII of the Social Security Act (42 U.S.C. § 1321); and

(11) A program, service, capital expenditure, or other assistance that is provided to a disproportionately impacted household, population, or community, including:

(i) Services to address health disparities of the disproportionately impacted household, population, or community;

(ii) Housing vouchers and relocation assistance;

(iii) Investments in communities to promote improved health outcomes and public safety such as parks, recreation facilities, and programs that increase access to healthy foods;

(iv) Capital expenditures and other services to address vacant or abandoned properties;

(v) Services to address educational disparities; and

(vi) Facilities and equipment related to the provision of these services to the disproportionately impacted household, population, or community.

(B) Assistance to small businesses, including:

(1) Programs, services, or capital expenditures that respond to the negative economic impacts of the COVID-19 public health emergency, including loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, or providing technical assistance; and

(2) A program, service, capital expenditure, or other assistance that responds to disproportionately impacted small businesses, including rehabilitation of commercial properties; storefront and façade improvements; technical assistance, business incubators, and grants for

start-ups or expansion costs for small businesses; and programs or services to support micro-businesses;

(C) Assistance to nonprofit organizations including programs, services, or capital expenditures, including loans or grants to mitigate financial hardship such as declines in revenues or increased costs, or technical assistance;

(D) Assistance to tourism, travel, hospitality, and other impacted industries for programs, services, or capital expenditures, including support for payroll costs and covered benefits for employees, compensating returning employees, support for operations and maintenance of existing equipment and facilities, and technical assistance; and

(E) Expenses to support public sector capacity and workforce, including:

(1) Payroll and covered benefit expenses for public safety, public health, health care, human services, and similar employees to the extent that the employee's time is spent mitigating or responding to the COVID-19 public health emergency;

(2) Payroll, covered benefit, and other costs associated with programs or services to support the public sector workforce and with the recipient:

(i) Hiring or rehiring staff to fill budgeted full-time equivalent positions that existed on January 27, 2020 but that were unfilled or eliminated as of March 3, 2021; or

(ii) Increasing the number of its budgeted full-time equivalent employees by up to the difference between the number of its budgeted full-time equivalent employees on January 27, 2020, multiplied by 1.075, and the number of its budgeted full-time equivalent employees on March 3, 2021, provided that funds shall only be used for additional budgeted full-time equivalent employees above the recipient's number of budgeted full-time equivalent employees as of March 3, 2021;

(3) Costs to improve the design and execution of programs responding to the COVID-19 pandemic and to administer or improve the efficacy of programs addressing the public health emergency or its negative economic impacts; and

(4) Costs associated with addressing administrative needs of recipient governments that were caused or exacerbated by the pandemic.

(4) *Capital expenditures.* A recipient, other than a Tribal government, must prepare a written justification for certain capital expenditures according to Table [ ]. Such written justification must include the following elements:

(i) Describe the harm or need to be addressed;

(ii) Explain why a capital expenditure is appropriate; and

(iii) Compare the proposed capital expenditure to at least two alternative capital expenditures and demonstrate why the proposed capital expenditure is superior.

Table [ ]

If a project has total expected capital expenditures of	**and the use is enumerated in (b)(3), then**	**and the use is not enumerated in (b)(3), then**
Less than $1 million	No Written Justification required	No Written Justification required
Greater than or equal to $1 million, but less than $10 million	Written Justification required but recipients are not required to submit as part of regular reporting to Treasury	Written Justification required and recipients must submit as part of regular reporting to Treasury
$10 million or more	Written Justification required and recipients must submit as part of regular reporting to Treasury	

(c) *Providing premium pay to eligible workers*. A recipient may use funds to provide premium pay to eligible workers of the recipient who perform essential work or to provide grants to eligible employers that have eligible workers who perform essential work, provided that any premium pay or grants provided under this paragraph (c) must respond to eligible workers performing essential work during the COVID-19 public health emergency. A recipient uses premium pay or grants provided under this paragraph (c) to respond to eligible workers performing essential work during the COVID-19 public health emergency if:

(1) The eligible worker's total wages and remuneration, including the premium pay, is less than or equal to 150 percent of the greater of such eligible worker's residing State's or county's average annual wage for all occupations as defined by the Bureau of Labor Statistics' Occupational Employment and Wage Statistics;

(2) The eligible worker is not exempt from the Fair Labor Standards Act overtime provisions (29 U.S.C. 207); or

(3) The recipient has submitted to the Secretary a written justification that explains how providing premium pay to the eligible worker is responsive to the eligible worker performing essential work during the COVID-19 public health emergency (such as a description of the eligible workers' duties, health, or financial risks faced due to COVID-19, and why the recipient determined that the premium pay was responsive despite the worker's higher income).

(d) *Providing government services*. A recipient may use funds for the provision of government services to the extent of the reduction in the recipient's general revenue due to the public health emergency, calculated according to this paragraph (d). A recipient must make a one-time election to calculate the amount of the reduction in the recipient's general revenue due to the public health emergency according to either paragraph (d)(1) or (d)(2) of this section:

(1) *Standard allowance*. The reduction in the recipient's general revenue due to the public health emergency over the period of performance will be deemed to be ten million dollars; or

(2) *Formula*. The reduction in the recipient's general revenue due to the public health emergency over the period of performance equals the sum of the reduction in revenue, calculated as of each date identified in paragraph (d)(2)(i) of this section and according to the formula in paragraph (d)(2)(ii) of this section:

(i) A recipient must make a one-time election to calculate the reduction in its general revenue using information as of either:

(A) December 31, 2020, December 31, 2021, December 31, 2022, and December 31, 2023; or

(B) The last day of each of the recipient's fiscal years ending in 2020, 2021, 2022, and 2023.

(ii) A reduction in a recipient's general revenue for each date identified in paragraph (d)(2)(i) equals:

*Max {[Base Year Revenue** (1 + *Growth Adjustment)^(n_t/12)] - Actual General Revenue; 0}*

Where:

(A) Base Year Revenue is the recipient's general revenue for the most recent full fiscal year prior to the COVID–19 public health emergency;

(B) Growth Adjustment is equal to the greater of 5.2 percent (or 0.052) and the recipient's average annual revenue growth over the three full fiscal years prior to the COVID–19 public health emergency;

(C) n equals the number of months elapsed from the end of the base year to the calculation date;

(D) Subscript t denotes the specific calculation date; and

(E) Actual General Revenue is a recipient's actual general revenue collected during the 12-month period ending on each calculation date identified in paragraph (d)(2)(i), except:

(1) For purposes of all calculation dates on or after [INSERT EFFECTIVE DATE], in the case of any change made after January 6, 2022 to any law, regulation, or administrative interpretation that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase and that the recipient assesses has had the effect of decreasing the amount of tax revenue collected during the 12-month period ending on the calculation date relative to the amount of tax revenue that would have been collected in the absence of such change, the recipient must add to actual general revenue the amount of such decrease in tax revenue;

(2) For purposes of any calculation date on or after [INSERT EFFECTIVE DATE], in the case of any change made after January 6, 2022 to any law, regulation, or administrative interpretation that increases any tax (by providing for an increase in a rate, the reduction of a rebate, a deduction, or a credit, or otherwise) or accelerates the imposition of any tax or tax increase and that the recipient assesses has had the effect of increasing the amount of tax revenue collected during the 12-month period ending on the calculation date relative to the amount of tax revenue that would have been collected in the absence of such change, the recipient must subtract from actual general revenue the amount of such increase in tax revenue; and

(3) If the recipient makes a one-time election to adjust general revenue to reflect tax changes made during the period beginning on January 27, 2020 and ending on January 6, 2022, for purposes of each calculation date identified in paragraph (d)(2)(i) of this section:

(i) In the case of any change made during such prior period to any law, regulation, or administrative interpretation that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase and that the recipient assesses has had the effect of decreasing the amount of tax revenue collected during the 12-month period ending on the calculation date relative to the amount of tax revenue that would have been collected in the absence of such change, the recipient must add to actual general revenue the amount of such decrease in tax revenue; and

(ii) In the case of any change made during such prior period to any law, regulation, or administrative interpretation that increases any tax (by providing for an increase in a rate, the reduction of a rebate, a deduction, or a credit, or otherwise) or accelerates the imposition of any tax or tax increase and that the recipient assesses has had the effect of increasing the amount of tax revenue collected during the 12-month period ending on the calculation date relative to the amount of tax revenue that would have been collected in the absence of such change, the recipient must subtract from actual general revenue the amount of such increase in tax revenue; and

(4) With respect to any calculation date during the period beginning on January 6, 2022 and ending on March 31, 2022, if the recipient makes the election in paragraph (3), the recipient must also make the adjustments referenced in paragraph (3) with respect to any such changes in law, regulation, or administrative interpretation during the period beginning on January 6, 2022 and ending on such calculation date.

(e) *Making necessary investments in water, sewer, and broadband infrastructure*. A recipient may use funds to make the following investments in water, sewer, and broadband infrastructure.

(1) *Water and sewer investments.*

(i) *Clean Water State Revolving Fund projects.* Projects or activities of the type that meet the eligibility requirements of section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c));

(ii) *Additional stormwater projects.* Projects to manage, reduce, treat, or recapture stormwater or subsurface drainage water regardless of whether such projects would improve water quality if such projects would otherwise meet the eligibility requirements of section 603(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)(5));

(iii) *Drinking Water State Revolving Fund projects.* Projects or activities of the type that meet the eligibility requirements of section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) as implemented by the regulations adopted by the Environmental Protection Agency (EPA) under 40 CFR § 35.3520, provided that:

(A) The recipient is not required to comply with the limitation under 40 CFR § 35.3520(c)(2) to acquisitions of land from willing sellers or the prohibition under 40 CFR § 35.3520(e)(6) on uses of funds for certain Tribal projects; and

(B) In the case of lead service line replacement projects, the recipient must replace the full length of the service line and may not replace only a partial portion of the service line.

(iv) *Additional lead remediation and household water quality testing.* Projects or activities to address lead in drinking water or provide household water quality testing that are within the scope of the programs the EPA is authorized to establish under sections 1459A(b)(2),

1459B(b)(1), 1464(d)(2), and 1465 of the Safe Drinking Water Act (42 U.S.C. 300j-19a(b)(2), 300j-19b(b)(1), 300j-24(d)(2), and 300j-25), provided that:

(A) In the case of lead service line replacement projects, the recipient must replace the full length of the service line and may not replace only a partial portion of the service line; and

(B) In the case of projects within the scope of the program the EPA is authorized to establish under section 1459B(b)(1) of the Safe Drinking Water Act, the recipient may determine the income eligibility of homeowners served by lead service line replacement projects in its discretion.

(v) *Drinking water projects to support increased population.* Projects of the type that meet the eligibility requirements of 40 CFR § 35.3520 other than the requirement of subparagraph (b)(1) of such regulation to address present or prevent future violations of health-based drinking water standards, if the following conditions are met:

(A) The project is needed to support increased population, with need assessed as of the time the project is undertaken;

(B) The project is designed to support no more than a reasonable level of projected increased need, whether due to population growth or otherwise;

(C) The project is a cost-effective means for achieving the desired level of service; and

(D) The project is projected to continue to provide an adequate level of drinking water over its estimated useful life.

(vi) *Dams and reservoirs.* Rehabilitation of dams and reservoirs if the following conditions are met:

(A) The project meets the requirements of 40 CFR § 35.3520 other than the following requirements:

(1) The prohibition on the rehabilitation of dams and reservoirs in subparagraphs (e)(1) and (e)(3) of 40 CFR § 35.3520; and

(2) The requirement in subparagraph (b)(1) of 40 CFR § 35.3520 that the project is needed to address present or prevent future violations of health-based drinking water standards, provided that if the dam or reservoir project does not meet this requirement, the project must be needed to support increased population, with need assessed as of the time the project is undertaken, and the project must be projected to continue to provide an adequate level of drinking water over its estimated useful life;

(B) The primary purpose of the dam or reservoir is for drinking water supply;

(C) The project is needed for the provision of drinking water supply, with need assessed as of the time the project is initiated;

(D) The project is designed to support no more than a reasonable level of projected increased need, whether due to population growth or otherwise; and

(E) The project is a cost-effective means for achieving the desired level of service.

(vii) *Private wells.* Rehabilitation of private wells, testing initiatives to identify contaminants in private wells, and treatment activities and remediation projects that address contamination in private wells, if the project meets the requirements of 40 CFR § 35.3520 other than the limitation to certain eligible systems under paragraph (a) of 40 CFR § 35.3520.

(2) *Broadband investments.*

(i) *General.* Broadband infrastructure if the following conditions are met:

(A) The broadband infrastructure is designed to provide service to households and businesses with an identified need, as determined by the recipient, for such infrastructure;

(B) The broadband infrastructure is designed to, upon completion:

(*1*) Reliably meet or exceed symmetrical 100 Mbps download speed and upload speeds; or

(*2*) In cases where it is not practicable, because of the excessive cost of the project or geography or topography of the area to be served by the project, to provide service reliably meeting or exceeding symmetrical 100 Mbps download speed and upload speeds:

(i) Reliably meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed; and

(ii) Be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed; and

(C) The service provider for a completed broadband infrastructure investment project that provides service to households is required, for as long as the SLFRF-funded broadband infrastructure is in use, by the recipient to:

(*1*) Participate in the Federal Communications Commission's Affordable Connectivity Program (ACP) through the lifetime of the ACP; or

(*2*) Otherwise provide access to a broad-based affordability program to low-income consumers in the proposed service area of the broadband infrastructure that provides benefits to households commensurate with those provided under the ACP through the lifetime of the ACP.

(ii) *Cybersecurity infrastructure investments.* Cybersecurity infrastructure investments that are designed to improve the reliability and resiliency of new and existing broadband infrastructure. Such investments may include the addition or modernization of network security hardware and software tools designed to strengthen cybersecurity for the end-users of these networks.

(f) *Meeting the non-federal matching requirements for Bureau of Reclamation projects*. A recipient may use funds to meet the non-federal matching requirements of any authorized Bureau of Reclamation project.

§ 35.7 Pensions.

A recipient (other than a Tribal government) may not use funds for deposit into any pension fund.

§ 35.8 Tax.

(a) *Restriction.* A State or Territory shall not use funds to either directly or indirectly offset a reduction in the net tax revenue of the State or Territory resulting from a covered change during the covered period.

(b) *Violation*. Treasury will consider a State or Territory to have used funds to offset a reduction in net tax revenue if, during a reporting year:

(1) *Covered change.* The State or Territory has made a covered change that, either based on a reasonable statistical methodology to isolate the impact of the covered change in actual revenue or based on projections that use reasonable assumptions and do not incorporate the effects of macroeconomic growth to reduce or increase the projected impact of the covered change, the State or Territory assesses has had or predicts to have the effect of reducing tax revenue relative to current law;

(2) *Exceeds the de minimis threshold*. The aggregate amount of the measured or predicted reductions in tax revenue caused by covered changes identified under paragraph (b)(1) of this section, in the aggregate, exceeds 1 percent of the State's or Territory's baseline;

(3) *Reduction in net tax revenue.* The State or Territory reports a reduction in net tax revenue, measured as the difference between actual tax revenue and the State's or Territory's baseline, each measured as of the end of the reporting year; and

(4) *Consideration of other changes.* The aggregate amount of measured or predicted reductions in tax revenue caused by covered changes is greater than the sum of the following, in each case, as calculated for the reporting year:

(i) The aggregate amount of the expected increases in tax revenue caused by one or more covered changes that, either based on a reasonable statistical methodology to isolate the impact of the covered change in actual revenue or based on projections that use reasonable assumptions and do not incorporate the effects of macroeconomic growth to reduce or increase the projected impact of the covered change, the State or Territory assesses has had or predicts to have the effect of increasing tax revenue; and

(ii) Reductions in spending, up to the amount of the State's or Territory's net reduction in total spending, that are in:

(A) Departments, agencies, or authorities in which the State or Territory is not using funds; and

(B) Departments, agencies, or authorities in which the State or Territory is using funds, in an amount equal to the value of the spending cuts in those departments, agencies, or authorities, minus funds used.

(c) *Amount and revenue reduction cap.* If a State or Territory is considered to be in violation pursuant to paragraph (b) of this section, the amount used in violation of paragraph (a) of this section is equal to the lesser of:

(1) The reduction in net tax revenue of the State or Territory for the reporting year, measured as the difference between the State's or Territory's baseline and its actual tax revenue, each measured as of the end of the reporting year; and,

(2) The aggregate amount of the reductions in tax revenues caused by covered changes identified in paragraph (b)(1) of this section, minus the sum of the amounts in identified in paragraphs (b)(4)(i) and (ii).

§ 35.9. Compliance with applicable laws.

A recipient must comply with all other applicable Federal statutes, regulations, and executive orders, and a recipient shall provide for compliance with the American Rescue Plan Act, this subpart, and any interpretive guidance by other parties in any agreements it enters into with other parties relating to these funds.

§ 35.10. Recoupment.

(a) *Identification of violations* – (1) *In general.* Any amount used in violation of § 35.5, § 35.6, or § 35.7 may be identified at any time prior to December 31, 2026.

(2) *Annual reporting of amounts of violations*. On an annual basis, a recipient that is a State or territory must calculate and report any amounts used in violation of § 35.8.

(b) *Calculation of amounts subject to recoupment* – (1) *In general.* Except as provided in paragraph (b)(2) of this section, the Secretary will calculate any amounts subject to recoupment resulting from a violation of §35.5, § 35.6 or § 35.7 as the amounts used in violation of such restrictions.

(2) *Violations of § 35.8.* The Secretary will calculate any amounts subject to recoupment resulting from a violation of § 35.8, equal to the lesser of:

(i) The amount set forth in § 35.8(c); and,

(ii) The amount of funds received by such recipient.

(c) *Initial notice*. If the Secretary calculates an amount subject to recoupment under paragraph (b) of this section, Treasury will provide the recipient an initial written notice of the amount subject to recoupment along with an explanation of such amounts.

(d) *Request for reconsideration.* Unless the Secretary extends or accelerates the time period, within 60 calendar days of receipt of an initial notice of recoupment provided under paragraph (c) of this section, a recipient may submit a written request to the Secretary requesting reconsideration of any amounts subject to recoupment under paragraph (b) of this section. To request reconsideration of any amounts subject to recoupment, a recipient must submit to the Secretary a written request that includes:

(1) An explanation of why the recipient believes all or some of the amount should not be subject to recoupment; and

(2) A discussion of supporting reasons, along with any additional information.

(e) *Final amount subject to recoupment*. Unless the Secretary extends or accelerates the time period, within 60 calendar days of receipt of the recipient's request for reconsideration provided pursuant to paragraph (d) of this section or the expiration of the period for requesting reconsideration provided under paragraph (d), the recipient will be notified of the Secretary's decision to affirm, withdraw, or modify the notice of recoupment. Such notification will include an explanation of the decision, including responses to the recipient's supporting reasons and consideration of additional information provided. A recipient must invoke and exhaust the procedures available under this subpart prior to seeking judicial review of a decision under §35.10.

(f) *Repayment of funds.* Unless the Secretary extends or accelerates the time period, a recipient shall repay to the Secretary any amounts subject to recoupment in accordance with instructions provided by the Secretary:

(1) Within 120 calendar days of receipt of the notice of recoupment provided under paragraph (c) of this section, in the case of a recipient that does not submit a request for reconsideration in accordance with the requirements of paragraph (d) of this section; or

(2) Within 120 calendar days of receipt of the Secretary's decision under paragraph (e) of this section, in the case of a recipient that submits a request for reconsideration in accordance with the requirements of paragraph (d) of this section.

(g) *Other remedial actions.* Prior to seeking recoupment or taking other appropriate action pursuant to paragraph (c), (d), (e), or (f) of this section, the Secretary may notify the recipient of potential violations and provide the recipient an opportunity for informal consultation and remediation.

§ 35.11 Payments to States.

(a) *In general.* With respect to any State or Territory that has an unemployment rate as of the date that it submits an initial certification for payment of funds pursuant to section 602(d)(1) of the Social Security Act that is less than two percentage points above its unemployment rate in February 2020, the Secretary will withhold 50 percent of the amount of funds allocated under section 602(b) of the Social Security Act to such State or territory until at least May 10, 2022 and not more than twelve months from the date such initial certification is provided to the Secretary.

(b) *Payment of withheld amount.* In order to receive the amount withheld under paragraph (a) of this section, the State or Territory must submit to the Secretary the following information:

(1) A certification, in the form provided by the Secretary, that such State or Territory requires the payment to carry out the activities specified in section 602(c) of the Social Security Act and will use the payment in compliance with section 602(c) of the Social Security Act; and

(2) Any reports required to be filed by that date pursuant to this part that have not yet been filed.

§ 35.12. Distributions to nonentitlement units of local government and units of general local government.

(a) *Nonentitlement units of local government*. Each State or Territory that receives a payment from the Secretary pursuant to section 603(b)(2)(B) of the Social Security Act shall distribute the amount of the payment to nonentitlement units of local government in such State or Territory in accordance with the requirements set forth in section 603(b)(2)(C) of the Social Security Act and without offsetting any debt owed by such nonentitlement units of local governments against such payments.

(b) *Budget cap*. A State or Territory may not make a payment to a nonentitlement unit of local government pursuant to section 603(b)(2)(C) of the Social Security Act and paragraph (a) of this section in excess of the amount equal to 75 percent of the most recent budget for the nonentitlement unit of local government as of January 27, 2020. For purposes of this section 35.12, a nonentitlement unit of local government's most recent budget shall mean the nonentitlement unit of local government's total annual budget, including both operating and capital expenditure budgets, in effect as of January 27, 2020. A State or Territory shall permit a nonentitlement unit of local government without a formal budget as of January 27, 2020, to provide a certification from an authorized officer of the nonentitlement unit of local government

of its most recent annual expenditures as of January 27, 2020, and a State or Territory may rely on such certification for purposes of complying with this section 35.12.

(c) *Units of general local government.* Each State or Territory that receives a payment from the Secretary pursuant to section 603(b)(3)(B)(ii) of the Social Security Act, in the case of an amount to be paid to a county that is not a unit of general local government, shall distribute the amount of the payment to units of general local government within such county in accordance with the requirements set forth in section 603(b)(3)(B)(ii) of the Social Security Act and without offsetting any debt owed by such units of general local government against such payments.

(d) *Additional conditions*. A State or Territory may not place additional conditions or requirements on distributions to nonentitlement units of local government or units of general local government beyond those required by section 603 of the Social Security Act or this subpart.

Dated:

_____

Jacob Leibenluft,
Chief Recovery Officer.

CC Regular Session **5. 9.**

Meeting Date: 09/13/2022

By: Colleen Lasher, Administrative Services

Information

Title

Authorization to Hire a Communications Coordinator

Purpose/Background:

The purpose of this case is to authorize hiring a Communications Coordinator.

As the City Council is aware, the previous Communications and Events Coordinator submitted a letter of resignation. Her last day with the City was June 3, 2022. Staff discussed the Communications role with the City Council. It was discussed that separating the two roles (communications and events) would be a benefit to the City. By consensus, the City Council authorized removing event duties from the position. In addition, the City Council authorized increasing the pay scale to a starting hourly wage of $30.167 per hour rather than $25.859. Based on step 6 of the pay scale (the top of the pay scale) this is a change from $67,228 to $78,433, annually. This increased pay scale is necessary to be competitive in the market and in-line with pay equity.

Staff conducted an internal and external recruitment process and interviewed several candidates. Ms. Pat Johnson was selected for the position and passed the City's pre-employment testing. The City extended a contingent job offer which is pending City Council approval. If hired, Ms. Johnson will be subject to a 6-month probationary period, the Personnel Policy and the AFSCME labor agreement.

The Communications Coordinator position will promote transparency, build the city brand and increase engagement by maximizing messaging across multiple communication platforms including but not limited to the City’s website, Facebook pages, press releases, the Ramsey Resident and other approved methods.

Funding Source:

The funding for this position is already included in the 2022 budget; the 2023 funding would be included in the annual budget.

Recommendation:

To hire Ms. Pat Johnson as a fulltime Communications Coordinator effective on or near October 24, 2022, at $30.167 per hour, which is step 1 of the 2022 pay scale.

Action:

Motion to hire Ms. Pat Johnson as a fulltime Communications Coordinator effective on or near October 24, 2022, at $30.167 per hour, which is step 1 of the 2022 pay scale.

Attachments

No file(s) attached.

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/07/2022 08:30 PM

Form Started By: Colleen Lasher Started On: 09/07/2022 12:03 PM
Final Approval Date: 09/07/2022

CC Regular Session **5. 10.**

Meeting Date: 09/13/2022

By: Tammy Oakes, Finance

Information

Title

Adopt Resolution #22-214 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of August 18, 2022 through September 7, 2022

Purpose/Background:

Adopt Resolution #22-214 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of August 18, 2022 through September 7, 2022

Recommendation:

Staff Recommends to Adopt Resolution #22-214 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of August 18, 2022 through September 7, 2022

Action:

Motion to Adopt Resolution #22-214 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of August 18, 2022 through September 7, 2022

Attachments

Bills List 9/13/2022

Resolution 22-214

Form Review

Inbox	Reviewed By	Date
Diana Lund	Diana Lund	09/08/2022 07:12 AM
Brian Hagen	Brian Hagen	09/08/2022 10:10 AM
Form Started By: Tammy Oakes		Started On: 09/07/2022 04:12 PM
Final Approval Date: 09/08/2022		

RAMSEY CITY COUNCIL MEETING

9.13.2022

BILLS LIST

DISBURSEMENTS TO BE APPROVED THIS MEETING:

DISBURSEMENT TYPE:	SUBMITTED FOR APPROVAL
Purchase Journal:	
Prepaids 8.18.2022 - 9.7.2022	$ 712,168.27
Accounts Payable 8.18.2022 - 9.7.2022	240,447.91
Payroll 8.19.2022 - 9.2.2022	428,390.47
Debt Service	
Pay Estimates- Projects	155,810.45
TOTAL SUBMITTED FOR APPROVAL THIS MEETING (Invoices Available for Reviewal)	**$ 1,536,817.10**

DISBURSEMENTS PREVIOUSLY APPROVED AND PAID:

	APPROVED PREVIOUS MTG	2022 Y.T.D.
PREPAIDS	$ 451,940.09	$ 7,362,073.23
PREPAID ADJUSTMENTS		
ACCOUNTS PAYABLE INVOICING	340,214.51	5,420,525.51
ACCT PAYABLE INVOICING ADJUSTMENTS		
NET PAYROLL TOTAL	199,632.61	3,315,343.04
CORRECTION TO PAYROLL		
DEBT SERVICE	72,595.00	401,858.06
CORRECTION TO DEBT SERVICE		
PAY ESTIMATE(S) - PROJECTS	215,209.08	3,206,890.76
TOTAL CASH DISBURSEMENTS PREVIOUSLY APPROVED	**$ 1,279,591.29**	**$ 19,706,690.60**

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Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
115459	**8/18/2022**		**100948 ANOKA COUNTY LICENSE CENTER**						
		368.10	REG 2022 LIBERTY TILT TRLR- PW		114750	08182022	0311.6281		SMALL TOOLS & MINOR I
		368.10							
115460	**8/18/2022**		**111377 ANOKA MUNICIPAL UTILITY**						
		78.80	STREET LIGHTING		114763	22-990005-01 JUL 2022	9603.6371		ELECTRIC UTILITIES
		79.76	TRAFFIC SIGNALS		114764	22-613120-01 JUL 2022	0260.6371		ELECTRIC UTILITIES
		53.08	TRAFFIC SIGNALS		114765	22-612000-01 JUL 2022	0260.6371		ELECTRIC UTILITIES
		37.05	STREET LIGHTING		114766	22-610280-00 JUL 2022	9603.6371		ELECTRIC UTILITIES
		248.69							
115461	**8/18/2022**		**100297 CENTERPOINT ENERGY**						
		30.61	7/8-8/8-22 GAS USAGE		114758	6011580-5 JUL 2022	9410.6373	00041012	GAS
		63.28	NATURAL GAS AT PH#3		114768	8782239-1 JUL 2022	9601.6373		GAS
		93.89							
115462	**8/18/2022**		**110734 CITY OF RAMSEY**						
		82.00	CASH UB PMT ACCT 56444661		114751	08182022	9601.4651		WATER REVENUE
		82.00							
115463	**8/18/2022**		**112194 CLASS C COMPONENTS**						
		3,629.60	SEWER BILLING ERROR REFUND		114759	08012022	9602.4662		COMMERCIAL-SEWER CI
		3,629.60							
115464	**8/18/2022**		**100167 CORNERSTONE FORD**						
		11.81-	EARLY PAY DISCOUNT		114756	15384941	0311.6257		OTHER VEHICLE PARTS
		118.08	#680 WIRE ASY-IGNITION		114756	15384941	0311.6257		OTHER VEHICLE PARTS
		106.27							
115465	**8/18/2022**		**119570 HANSEN, CHARLES**						
		139.88	REFUND ESCROW BALANCE		114760	A119270	9804.6433		REFUNDS
		139.88							
115466	**8/18/2022**		**119569 KUBISZEWSKI, BRETT**						
		100.00	FACILITY USE DEPOSIT REFUND		114761	081622	9101.2201		DEPOSITS PAYABLE
		100.00							
115510	**8/25/2022**		**119568 ALLISON GRIFFITH/ALLISON'S PETITE PASTRI**						
		1,500.00	REST SIGN PROGRAM REIMBURSE		114821	08152022	9230.6246		MARKETING & PROMOTI
		1,500.00							
115511	**8/25/2022**		**100297 CENTERPOINT ENERGY**						
		23.52	GAS UTILITIES ST 1		114810	5914352-9 JUL 2022	0220.6373		GAS
		101.67	GAS UTILITIES ST 2		114811	5961540-1 JUL 2022	0220.6373		GAS
		125.19							
115512	**8/25/2022**		**117280 CENTRA HOMES**						
		7,000.00	7293 146TH A LNDSCP/DW REF		114833	08252022	9252.1155.1		MANUAL-ACCOUNTS RE

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
115512	8/25/2022		117280 CENTRA HOMES						Continued.
		7,000.00	7291 146TH A LNDSC/DW REF		114833	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	7289 146TH A LNDSC/DW REF		114833	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	7297 146TH A LNDSC/DW REF		114833	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	7295 146TH A LNDSC/DW REF		114833	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	7296 BUNKER REF LANDSCAPE		114833	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		1,500.00	7293 146TH A EROS REF		114833	08252022	9804.6433	00118793	REFUNDS
		1,500.00	7291 146TH A EROS REF		114833	08252022	9804.6433	00118794	REFUNDS
		1,500.00	7289 146TH A EROS REF		114833	08252022	9804.6433	00118795	REFUNDS
		1,500.00	7297 146TH A EROS REF		114833	08252022	9804.6433	00118679	REFUNDS
		1,500.00	7295 146TH A EROS REF		114833	08252022	9804.6433	00118650	REFUNDS
		1,500.00	7296 BUNKER REF EROS		114833	08252022	9804.6433	00118627	REFUNDS
		1,500.00	7283 146TH A EROS REF		114833	08252022	9804.6433	00118868	REFUNDS
		1,500.00	7279 146TH A EROS REF		114833	08252022	9804.6433	00118869	REFUNDS
		1,500.00	14829 WILLEMITE ST EROS REF		114834	08242022	9804.6433	00118719	REFUNDS
		53,500.00							
115513	8/25/2022		119134 CINTAS (FIRST AID VENDOR)						
		53.33	FIRST AID SUPPLIES		114824	5112840398	0452.6231		UNIFORMS & TURN-OUT
		53.32	FIRST AID SUPPLIES		114824	5112840398	0311.6231		UNIFORMS & TURN-OUT
		53.32	FIRST AID SUPPLIES		114824	5112840398	9601.6231		UNIFORMS & TURN-OUT
		58.56	FIRST AID SUPPLIES		114825	5120097980	0452.6231		UNIFORMS & TURN-OUT
		58.56	FIRST AID SUPPLIES		114825	5120097980	0311.6231		UNIFORMS & TURN-OUT
		58.55	FIRST AID SUPPLIES		114825	5120097980	9601.6231		UNIFORMS & TURN-OUT
		53.60	FIRST AID SUPPLIES		114829	5116434948	0311.6231		UNIFORMS & TURN-OUT
		53.59	FIRST AID SUPPLIES		114829	5116434948	0452.6231		UNIFORMS & TURN-OUT
		53.60	FIRST AID SUPPLIES		114829	5116434948	9601.6231		UNIFORMS & TURN-OUT
		496.43							
115514	8/25/2022		110734 CITY OF RAMSEY						
		160.00	ACCT 729064 5645 154TH LANE		114836	08252022	9601.4651		WATER REVENUE
		159.79	ACCT 718889 14882 OLIVINE ST		114836	08252022	9601.4651		WATER REVENUE
		200.00	ACCT 723039 6012 146TH AVE		114836	08252022	9601.4651		WATER REVENUE
		195.49	ACCT 721051 5350 140TH AVE		114836	08252022	9601.4651		WATER REVENUE
		715.28							
115515	8/25/2022		100116 CONNEXUS ENERGY						
		1,056.33	ELMCREST PARK ELECTRIC		114815	444931-267449 JUL 2022	0452.6371		ELECTRIC UTILITIES
		1,056.33							
115516	8/25/2022		100167 CORNERSTONE FORD						
		99.21	POLICE #384-SENSOR		114823	15386292	0311.6257		OTHER VEHICLE PARTS
		99.21							
115517	8/25/2022		100176 FEDEX						
		69.17	DELIVERY CHARGE UB SCANNER		114819	7-853-78664	9601.6489		OTHER CONTRACTED SI
		69.17							
115518	8/25/2022		117451 INKY ELF LLC						
		72.50	HOLE SPONSOR BANNER		114820	10386	9230.6246	00923002	MARKETING & PROMOTI
		72.50							
115519	8/25/2022		106324 INSPECTRON INC						
		10,375.00	INSPECTIONS		114828	2022-366 REVISED	0240.6315		MISCELLANEOUS PROFE

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
115519	8/25/2022		106324 INSPECTRON INC						Continued.
		10,375.00							
115520	8/25/2022		117814 LEWIS CUSTOM HOMES INC						
		1,500.00	15171 VICUNA ESC REFUND		114822	08252022	9804.6433	00119328	REFUNDS
		1,500.00	15185 VICUNA ESC REFUND		114822	08252022	9804.6433	00119313	REFUNDS
		1,500.00	15198 VICUNA ESC REFUND		114822	08252022	9804.6433	00119312	REFUNDS
		1,500.00	15165 VICUNA ESC REFUND		114822	08252022	9804.6433	00119314	REFUNDS
		6,000.00							
115521	8/25/2022		119578 NESS, CASEY						
		100.00	FACILITY USE DEPOSIT REFUND		114830	082322	9101.2201		DEPOSITS PAYABLE
		100.00							
115522	8/25/2022		100391 POSTMASTER						
		2,083.55	POSTMASTER 08/25/22 RR POSTAGE		114814	08182022	0195.6322		POSTAGE
		2,083.55							
115523	8/25/2022		115803 POWER LODGE- TWIN CITIES						
		44.99	BOAT PARTS		114816	639644	0220.6281		SMALL TOOLS & MINOR I
		19.49	BOAT PARTS		114817	641283	0220.6281		SMALL TOOLS & MINOR I
		64.48							
115524	8/25/2022		117544 QUADIENT FINANCE USA INC						
		2,000.00	REFILL POSTAGE METER		114837	08252022	9101.1551		POSTAGE METER DEPOS
		2,000.00							
115525	8/25/2022		115972 ROBINSON, SCOTT						
		1,160.50	S ROBINSON 08/18/22 RR AD SALE		114813	08182022	9101.4609		OTHER MISCELLANEOUS
		1,160.50							
115526	9/1/2022		100306 BUREAU OF CRIMINAL APPREHENSION						
		75.00	PIPENHAGEN DMT TRAINING		114931	25003	0211.6335		TRAINING
		75.00							
115527	9/1/2022		117280 CENTRA HOMES						
		1,500.00	REF ERO 7271 146TH AVE NW		114933	08312022	9804.6433	00118870	REFUNDS
		5,000.00	REF ESCR 7298 BUNKER LAKE BLVD		114934	08312022B	9252.1155.1		MANUAL-ACCOUNTS RE
		1,500.00	REF ESCR 7298 BUNKER LAKE BLVD		114934	08312022B	9804.6433	00118649	REFUNDS
		1,500.00	REF ESC 14811 WILLEMITE ST		114935	08312022C	9804.6433	00118720	REFUNDS
		9,500.00							
115528	9/1/2022		110734 CITY OF RAMSEY						
		360.00	ACCT 610929376		114940	09012022	9601.4651		WATER REVENUE
		140.00	ACCT 733639		114940	09012022	9601.4651		WATER REVENUE
		500.00							
115529	9/1/2022		100116 CONNEXUS ENERGY						
		10,448.00	7/19-8/18/22 ELECTRIC USAGE		114936	759126-303101 AUG 2022	9603.6371		ELECTRIC UTILITIES
		1,371.26	7/19-8/18/22 ELECTRIC USAGE		114937	759126-303107 AUG 2022	0220.6371		ELECTRIC UTILITIES
		15,957.80	7/19-8/18/22 ELECTRIC USAGE		114937	759126-303107 AUG 2022	0194.6371		ELECTRIC UTILITIES
		75.67	7/19-8/18/22 ELECTRIC USAGE		114937	759126-303107 AUG 2022	9230.6249		MISCELLANEOUS OPER/

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
115529	9/1/2022		100116 CONNEXUS ENERGY						Continued.
		3,334.90	7/19-8/18/22 ELECTRIC USAGE		114937	759126-303107 AUG 2022	9240.6371		ELECTRIC UTILITIES
		654.20	7/19-8/18/22 ELECTRIC USAGE		114937	759126-303107 AUG 2022	9410.6371	00041012	ELECTRIC UTILITIES
		28.94	7/19-8/18/22 ELECTRIC USAGE		114937	759126-303107 AUG 2022	9410.6371	00041018	ELECTRIC UTILITIES
		31,870.77							
115530	9/1/2022		100167 CORNERSTONE FORD						
		4.94-	EARLY PAY DISCOUNT		114918	15385653	0311.6257		OTHER VEHICLE PARTS
		49.41	POLICE #372- WINDSHIELD HOSE		114918	15385653	0311.6257		OTHER VEHICLE PARTS
		3.83-	EARLY PAY DISCOUNT		114919	15385638	0311.6257		OTHER VEHICLE PARTS
		38.31	POLICE #372-WDSHLD, KIT-JET		114919	15385638	0311.6257		OTHER VEHICLE PARTS
		5.13-	EARLY PAY DISCOUNT		114920	15385851	0311.6257		OTHER VEHICLE PARTS
		51.29	POLICE #383		114920	15385851	0311.6257		OTHER VEHICLE PARTS
		11.02-	EARLY PAY DISCOUNT		114921	15385969	0311.6257		OTHER VEHICLE PARTS
		110.23	POLICE #383-SENSOR		114921	15385969	0311.6257		OTHER VEHICLE PARTS
		224.32							
115531	9/1/2022		106583 DELTA DENTAL PLAN OF MINNESOTA						
		4,154.35	DENTAL SEPT 2022		114925	RIS0004382669	9101.2170		DENTAL/DISABILITY/LIFE
		4,154.35							
115532	9/1/2022		115574 HEALTHPARTNERS						
		69,219.00	SEPT MEDICAL PREMIUMS		114924	114756962	9101.2176		LIFE/HEALTH-EMPLOYEE
		69,219.00							
115533	9/1/2022		119576 LISA MARIE FURTH/DIVAS ENTERTAINMENT						
		1,000.00	HD CHILDREN ENTERTAINMENT		114917	36008	0296.6249		MISCELLANEOUS OPER/
		1,000.00							
115534	9/1/2022		118840 MAGIC BOUNCE						
		900.00	HAPPY DAYS MOVIE IN THE PARK		114929	083022	0452.6249		MISCELLANEOUS OPER/
		900.00							
115535	9/1/2022		100328 MN DEPT OF HEALTH WATER						
		32.00	MG WATER OPER LICENSE/EXAM FEE		114941	09012022	9601.6335		TRAINING
		32.00							
115536	9/1/2022		102950 MN RURAL WATER ASSOCIATION						
		255.00	MATT GRAFF MRWA CERT REFR/EXAM		114942	09012022	9601.6335		TRAINING
		255.00							
115537	9/1/2022		100351 NCPERS GROUP LIFE INS						
		320.00	SEPTEMBER PERALIFE PREM		114932	704800922	9101.2170		DENTAL/DISABILITY/LIFE
		320.00							
115538	9/1/2022		100950 PEARSON, AL						
		1.00	ROW EASEMT AGREEMT #20-05		114943	09012022	9402.6530	00202005	IMPROVEMENTS OTHER
		1.00							
115539	9/1/2022		100678 PETTY CASH						
		500.00	HD PETTY CASH		114930	08302022	0296.6249		MISCELLANEOUS OPER/
		500.00							

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115540	9/1/2022		118820 RED BARN LEARNING FARM						Continued.
		810.00	HD PETTING ZOO		114928	06222022	0296.6249		MISCELLANEOUS OPER/
		810.00							
1004110	8/19/2022		116845 CADY BUSINESS TECHNOLOGIES INC						
		429.77	REPLACEMENT PHONE		114754	53253	0192.6281		SMALL TOOLS & MINOR I
		429.77							
1004111	8/19/2022		116846 MC TOOL AND SAFETY SALES						
		.64-	EARLY PAY DISCOUNT		114755	014111	0311.6231		UNIFORMS & TURN-OUT
		63.95	GLOVES/ WELDING GEAR		114755	014111	0311.6231		UNIFORMS & TURN-OUT
		1.05-	EARLY PAY DISCOUNT		114757	014225	0311.6231		UNIFORMS & TURN-OUT
		94.32	SAFETY GLASSES/ GLOVES		114757	014225	0311.6231		UNIFORMS & TURN-OUT
		10.32	SAFETY GLASSES/ GLOVES		114757	014225	0452.6231		UNIFORMS & TURN-OUT
		1.44-	EARLY PAY DISCOUNT		114762	14082A	0452.6249		MISCELLANEOUS OPER/
		144.00	EAR MUFFS		114762	14082A	0452.6249		MISCELLANEOUS OPER/
		.38-	EARLY PAY DISCOUNT		114767	014213	0452.6249		MISCELLANEOUS OPER/
		38.34	GLOVES		114767	014213	0452.6249		MISCELLANEOUS OPER/
		347.42							
1004112	8/19/2022		100291 MET COUNCIL SAC						
		7,455.00	SAC REMITTANCE		114770	08182022	9602.2083		SAC CHARGES
		74.55-	SAC REMITTANCE-DISCOUNT		114770	08182022	9602.4356		SEWER AVAILABILITY CH
		7,380.45							
1004113	8/19/2022		100510 VERIZON WIRELESS						
		45.06	DATA FOR LIFT STATION		114752	9912420125	9602.6323		CELLULAR PHONES
		1,444.47	VERIZON-STAFF PHONES-AUG		114753	9912454039	0192.6323		CELLULAR PHONES
		522.29	VERIZON-SQUADS-AUG		114753	9912454039	0211.6415		OTHER EQUIPMENT REN
		2,601.72	CITY STAFF CELL PHONES		114769	9913056357	0192.6323		CELLULAR PHONES
		4,613.54							
1004114	8/23/2022		100257 LAW ENFORCEMENT LABOR SRV INC						
		877.50			114485	080422643532	9101.2177		UNION DUES
		877.50			114742	0817221215152	9101.2177		UNION DUES
		1,755.00							
1004115	8/23/2022		100298 MN AFSCME COUNCIL 5						
		510.72			114486	080422643533	9101.2177		UNION DUES
		456.96			114743	0817221215153	9101.2177		UNION DUES
		967.68							
1004162	8/26/2022		112663 CAPSTONE HOMES INC						
		5,000.00	15213 TIGER ST LNDSP REF		114831	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15185 TIGER ST LNDSP REF		114831	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15179 TIGER ST LNDSP REF		114831	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15170 TIGER ST LNDSP REF		114831	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15167 TIGER ST LNDSP REF		114831	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15151 TIGER ST LNDSP REF		114831	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15150 TIGER ST LNDSP REF		114831	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15146 TIGER ST LNDSP REF		114831	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	8865 152ND L DW/LNDSP REF		114831	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	8755 152ND L LNDSP REF		114831	08252022	9252.1155.1		MANUAL-ACCOUNTS RE
		1,500.00	15213 TIGER ST REF EROS		114831	08252022	9804.6433	00118716	REFUNDS
		1,500.00	15185 TIGER ST REF EROS		114831	08252022	9804.6433	00118677	REFUNDS
		1,500.00	15179 TIGER ST REF EROS		114831	08252022	9804.6433	00118740	REFUNDS

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1004162	8/26/2022		112663 CAPSTONE HOMES INC						Continued
		1,500.00	15170 TIGER ST REF EROS		114831	08252022	9804.6433	00118798	REFUNDS
		1,500.00	15167 TIGER ST REF EROS		114831	08252022	9804.6433	00118819	REFUNDS
		1,500.00	15151 TIGER ST REF EROS		114831	08252022	9804.6433	00118721	REFUNDS
		1,500.00	15150 TIGER ST REF EROS		114831	08252022	9804.6433	00118645	REFUNDS
		1,500.00	15146 TIGER ST REF EROS		114831	08252022	9804.6433	00118808	REFUNDS
		1,500.00	15222 WOLVERINE REF EROS		114831	08252022	9804.6433	00119044	REFUNDS
		1,500.00	8843 152ND LA REF EROSION		114831	08252022	9804.6433	00119329	REFUNDS
		1,500.00	8849 152ND LA REF EROSION		114831	08252022	9804.6433	00119308	REFUNDS
		1,500.00	8857 152ND LA REF EROSION		114831	08252022	9804.6433	00119309	REFUNDS
		1,500.00	8865 152ND LA REF EROSION		114831	08252022	9804.6433	00119005	REFUNDS
		1,500.00	8904 152ND LA REF EROSION		114831	08252022	9804.6433	00119311	REFUNDS
		1,500.00	8980 152ND LA REF EROSION		114831	08252022	9804.6433	00119045	REFUNDS
		1,500.00	8755 152ND LA REF EROSION		114831	08252022	9804.6433	00118647	REFUNDS
		5,000.00	15235 QUINTANA CT LNDSP REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15256 QUINTANA CT LNDSP REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15264 QUINTANA CT LNDSP REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15268 QUINTANA CT LNDSP REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15275 QUINTANA CT LNDSP REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15289 QUINTANA CT LNDSP REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15276 QUINTANA CT LNDSP REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15282 QUINTANA CT LNDSP REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15286 QUINTANA CT LNDSP REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	15241 QUINTANA CT LNDSP/DW REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	15249 QUINTANA CT LNDSP/DW REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	15251 QUINTANA CT LNDSP/DW REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	15257 QUINTANA CT LNDSP/DW REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	15261 QUINTANA CT LNDSP/DW REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	15269 QUINTANA CT LNDSP/DW REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15273 QUINTANA CT LNDSCP REF		114832	08222022	9252.1155.1		MANUAL-ACCOUNTS RE
		1,500.00	15235 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118818	REFUNDS
		1,500.00	15256 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118791	REFUNDS
		1,500.00	15264 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118722	REFUNDS
		1,500.00	15268 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118725	REFUNDS
		1,500.00	15275 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118787	REFUNDS
		1,500.00	15289 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118788	REFUNDS
		1,500.00	15276 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118717	REFUNDS
		1,500.00	15282 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118715	REFUNDS
		1,500.00	15286 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118724	REFUNDS
		1,500.00	15241 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118809	REFUNDS
		1,500.00	15249 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118810	REFUNDS
		1,500.00	15251 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118801	REFUNDS
		1,500.00	15257 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118800	REFUNDS
		1,500.00	15261 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118802	REFUNDS
		1,500.00	15269 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118803	REFUNDS
		1,500.00	15273 QUINTANA CT EROS REFUND		114832	08222022	9804.6433	00118790	REFUNDS
		7,000.00	8879 152ND LA LNDSCP/DW REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15233 TIGER ST LNDSCP REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15234 SNOWY OWL LNDSCP REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	15240 SNOWY OWL LNDSCP REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	8771 152ND LA LNDSCP REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	8763 152ND LA LNDSCP REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	8743 152ND LA LNDSCP/DW REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	8688 152ND AV LNDSCP REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE
		5,000.00	8701 152ND AV LNDSCP REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE

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1004162	8/26/2022		112663 CAPSTONE HOMES INC						Continued
		5,000.00	8693 152ND AV LNDSCP REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	8871 152ND LA LNDSCP/DW REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	8887 152ND LA LNDSCP/DW REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	8895 152ND LA LNDSCP/DW REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE
		7,000.00	8907 152ND LA LNDSCP/DW REF		114835	08232022	9252.1155.1		MANUAL-ACCOUNTS RE
		1,500.00	8879 152ND LA ERO REF		114835	08232022	9804.6433	00118970	REFUNDS
		1,500.00	15233 TIGER ST ERO REF		114835	08232022	9804.6433	00118863	REFUNDS
		1,500.00	15234 SNOWY OWL ERO REF		114835	08232022	9804.6433	00118713	REFUNDS
		1,500.00	15240 SNOWY OWL ERO REF		114835	08232022	9804.6433	00118680	REFUNDS
		1,500.00	8771 152ND LA AV EROS REFUND		114835	08232022	9804.6433	00118678	REFUNDS
		1,500.00	8763 152ND LA AV EROS REFUND		114835	08232022	9804.6433	00118714	REFUNDS
		1,500.00	8743 152ND LA AV EROS REFUND		114835	08232022	9804.6433	00118915	REFUNDS
		1,500.00	8788 151ST AV EROS REFUND		114835	08232022	9804.6433	00118917	REFUNDS
		1,500.00	8764 151ST AV EROS REFUND		114835	08232022	9804.6433	00118566	REFUNDS
		1,500.00	8688 152ND AV EROS REFUND		114835	08232022	9804.6433	00118739	REFUNDS
		1,500.00	8701 152ND AV EROS REFUND		114835	08232022	9804.6433	00118741	REFUNDS
		1,500.00	8693 152ND AV EROS REFUND		114835	08232022	9804.6433	00118742	REFUNDS
		1,500.00	8871 152ND LA EROS REFUND		114835	08232022	9804.6433	00119006	REFUNDS
		1,500.00	8887 152ND LA EROS REFUND		114835	08232022	9804.6433	00118971	REFUNDS
		1,500.00	8895 152ND LA EROS REFUND		114835	08232022	9804.6433	00118949	REFUNDS
		1,500.00	8907 152ND LA EROS REFUND		114835	08232022	9804.6433	00118950	REFUNDS
		298,000.00							
1004163	8/26/2022		100283 MENARDS COON RAPIDS						
		29.96	TRUCK TOOL		114812	75953	0220.6281		SMALL TOOLS & MINOR I
		29.96							
1004164	8/26/2022		100284 MENARDS ELK RIVER						
		36.57	PLUMBING SUPPLIES		114818	58014	9601.6249		MISCELLANEOUS OPER/
		36.57							
1004165	8/26/2022		100459 STANDARD INSURANCE COMPANY						
		2,105.95	AUG LIFE PREMIUMS		114827	772596 0001 AUG 2022	9101.2176		LIFE/HEALTH-EMPLOYEE
		2,105.95							
1004166	8/26/2022		114486 SUN LIFE ASSURANCE COMPANY OF CANADA						
		391.58	NON- VOL AUG LTD PREMS		114826	237724 AUG 2022	9101.2170		DENTAL/DISABILITY/LIFE
		458.06	VOL AUG LTD PREMS		114826	237724 AUG 2022	9101.2170		DENTAL/DISABILITY/LIFE
		849.64							
1004167	9/2/2022		116114 AVESIS THIRD PARTY ADMINISTRATORS						
		228.82	SEPT VISION PREM		114923	2896250	9101.2170		DENTAL/DISABILITY/LIFE
		228.82							
1004168	9/2/2022		112663 CAPSTONE HOMES INC						
		5,000.00	REF LNDSCP 8671 152ND AVE		114938	08312022	9252.1155.1		MANUAL-ACCOUNTS RE
		2,000.00	REF DRIVEWAY 8671 152ND AVE		114938	08312022	9252.1155.1		MANUAL-ACCOUNTS RE
		1,500.00	REF ESCR 8671 152ND AVE		114938	08312022	9804.6433	00118914	REFUNDS
		5,000.00	REF LNDSCP 15166 TIGER S		114939	08312022B	9252.1155.1		MANUAL-ACCOUNTS RE
		1,500.00	REF ESCR 15166 TIGER S		114939	08312022B	9804.6433	00118646	REFUNDS
		1,500.00	REF ERO ESCR 15210 TIGER S		114939	08312022B	9804.6433	00119082	REFUNDS
		16,500.00							
1004169	9/2/2022		100283 MENARDS COON RAPIDS						

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
1004169	9/2/2022		100283 MENARDS COON RAPIDS						Continued.
		1,247.04	IRON HOLD TRASH BAGS		114922	76565	0452.6249		MISCELLANEOUS OPER/
		395.67	ROUND UP WEED PREVENTION		114922	76565	0452.6269		LANDSCAPE MATERIALS
		1,642.71							
1004170	9/2/2022		115381 RUMRIVER ART CENTER						
		450.00	2 ART IN THE PARK CLASSES JUL		114926	1217434	0452.6489		OTHER CONTRACTED SI
		225.00	AUGUST ART IN THE PARK CLASS		114927	1217435	0452.6489		OTHER CONTRACTED SI
		675.00							
98081922	8/19/2022		115568 ALERUS FINANCIAL NA						
		5,586.98			114741	08172212151513	9101.2176		LIFE/HEALTH-EMPLOYEE
		5,586.98							
99080465	8/19/2022		114790 GREAT WEST LIFE AND ANNUITY INS CO						
		11,076.13			114739	08172212151511	9101.2175		DEFERRED COMPENSAT
		11,076.13							
99081401	8/19/2022		114790 GREAT WEST LIFE AND ANNUITY INS CO						
		3,897.77			114740	08172212151512	9101.2176		LIFE/HEALTH-EMPLOYEE
		3,897.77							
99081522	8/15/2022		108768 COMDATA NETWORK INC						
		51.50	AMAZON-IPMC BOOK		114773	JUL 2022 LARSON	0191.6249		MISCELLANEOUS OPER/
		75.00	2022 FALL MAHCO TRAINING		114773	JUL 2022 LARSON	0191.6335		TRAINING
		112.41	GRUBHUB ACAPULCO 07_26_22 CC M		114774	JUL 2022 SCHMITZ	0111.6249		MISCELLANEOUS OPER/
		14.99	AMAZON 07_27_22 ELECTION SUPPL		114774	JUL 2022 SCHMITZ	0141.6249		MISCELLANEOUS OPER/
		455.00	NEWEGG 07/25/22 ENG PLOT INK		114774	JUL 2022 SCHMITZ	0301.6208		MISCELLANEOUS OFFICI
		37.40	AMAZON 07/27/22 ELECTION SUPPL		114774	JUL 2022 SCHMITZ	0141.6249		MISCELLANEOUS OPER/
		7.99	COBORNS 07/12/22 CC MEALS		114774	JUL 2022 SCHMITZ	0111.6249		MISCELLANEOUS OPER/
		66.00	MAMA DELUCA 07/12/22 CC MEALS		114774	JUL 2022 SCHMITZ	0111.6249		MISCELLANEOUS OPER/
		238.62	DTF SQUAD GAS		114775	JUL 2022 PD FUEL	0211.6223		GASOLINE
		199.99	O'REILLY-BATTERY		114776	JUL 2022 SCHIFERLI	0220.6257		OTHER VEHICLE PARTS
		487.11	HOME DEPOT-TOOLS/SUPPL-UTILITI		114777	JUL 2022 NELSON	9601.6281		SMALL TOOLS & MINOR I
		178.52	HOME DEPOT-TOOLS/SUPPL-UTILITI		114777	JUL 2022 NELSON	9601.6281		SMALL TOOLS & MINOR I
		191.89	WALMART- ELECTION SUPPLIES		114778	JUL 2022 BRAY	0141.6249		MISCELLANEOUS OPER/
		34.26	CARIBOU- COFFEE SUPPLIES		114779	JUL 2022 BERGE	0452.6249		MISCELLANEOUS OPER/
		25.85	COBORNS- WATER/SUPPLIES		114779	JUL 2022 BERGE	0452.6249		MISCELLANEOUS OPER/
		58.99	COBORNS- SUPPLIES		114779	JUL 2022 BERGE	0452.6249		MISCELLANEOUS OPER/
		257.48	HIRSHFIELDS PAINT		114779	JUL 2022 BERGE	0452.6249		MISCELLANEOUS OPER/
		25.00	APA MN - CDD ADV.		114780	JUL 2022 LASHER	0130.6306		PERSONNEL TESTING &
		295.00	APA NAT. - CDD ADV.		114780	JUL 2022 LASHER	0130.6306		PERSONNEL TESTING &
		150.00	ANOKA COUNTY ROW PERMIT		114781	JUL 2022 WESTBY	9435.6530	00202204	IMPROVEMENTS OTHER
		247.26	GASOLINE FUEL		114782	JUL 2022 FIRE FUEL	0220.6223		GASOLINE
		75.00	TLO TRANS- ONLINE INVEST TOOL		114783	JUL 2022 FRANKFURTH	0211.6315		MISCELLANEOUS PROFE
		43.29	COBORNS- GARAGE ICE/WATER		114783	JUL 2022	0211.6249		MISCELLANEOUS OPER/

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
99081522	8/15/2022		108768 COMDATA NETWORK INC						Continued.
						FRANKFURTH			
		65.59	ANOKA COUNTY-VEHICLE TITLING		114783	JUL 2022	0243.6249		MISCELLANEOUS OPER/
						FRANKFURTH			
		24.90	POLICE GARAGE ICE		114784	JUL 2022 BLUML	0211.6249		MISCELLANEOUS OPER/
		18.98	MRAP LRAD CONTROL MAGNETS		114784	JUL 2022 BLUML	0243.6281		SMALL TOOLS & MINOR I
		99.98	AMAZON - BIZ APP DOOR PRIZE		114785	JUL 2022	9230.6249	00923002	MISCELLANEOUS OPER/
						SULLIVAN			
		100.00	COBORNS - BIZ APP DOOR PRIZE		114785	JUL 2022	9230.6249	00923002	MISCELLANEOUS OPER/
						SULLIVAN			
		49.96	WALMART - BIZ APP DOOR PRIZE		114785	JUL 2022	9230.6249	00923002	MISCELLANEOUS OPER/
						SULLIVAN			
		52.99	WALMART - BIZ APP DOOR PRIZE		114785	JUL 2022	9230.6249	00923002	MISCELLANEOUS OPER/
						SULLIVAN			
		273.71	WALMART - BIZ APP DOOR PRIZE		114785	JUL 2022	9230.6249	00923002	MISCELLANEOUS OPER/
						SULLIVAN			
		5.19	ECM - SUBSCRIPTION - HEARLD		114785	JUL 2022	9230.6451		MEMBERSHIP DUES
						SULLIVAN			
		5.95	LEHMANS- PRIMER BULB		114786	JUL 2022 RIEMER	0452.6257		OTHER VEHICLE PARTS
		119.95	AMAZON-1" DR DEEP SKT SET		114786	JUL 2022 RIEMER	0311.6281		SMALL TOOLS & MINOR I
		93.68	DOMINO'S-STRCTR FIRE FOOD		114787	JUL 2022 KOHNER	0220.6249		MISCELLANEOUS OPER/
		95.49	AMAZON- FUEL TANK		114787	JUL 2022 KOHNER	0220.6281		SMALL TOOLS & MINOR I
		1,417.98	TRACTOR SUPPLY- TRAILER		114787	JUL 2022 KOHNER	0220.6281		SMALL TOOLS & MINOR I
		63.00	KITCHEN TABLE-STRCTR FIRE FOOD		114787	JUL 2022 KOHNER	0220.6249		MISCELLANEOUS OPER/
		5,815.90							
99081922	8/19/2022		107962 TOTAL ADMINISTRATIVE SERVICE CORP						
		1,147.00			114738	08172212151510	9101.2176		LIFE/HEALTH-EMPLOYEE
		1,147.00							
99082222	8/22/2022		100629 MN DEPT OF REV SALES TX						
		114.03	July Rental Fees/Sales Tax		114900	99082022	9101.4305		RENTAL FEES
		2.96	July Accident reports/Sales Tx		114900	99082022	9101.4328		ACCIDENT REPORTS
		.31-	July Sales Tax rounding		114900	99082022	9101.4609		OTHER MISCELLANEOUS
		121.33	July Water Meter/Sales Use Tax		114900	99082022	9601.2082		SALES/USE TAX PAYABLE
		8,376.29	July UB Sales Tax		114900	99082022	9601.2082		SALES/USE TAX PAYABLE
		309.70	July UB Transit Tax		114900	99082022	9601.2085		ANOKA COUNTY TRANSI
		8,924.00							
99082422	8/24/2022		107885 DEPARTMENT OF LABOR AND INDUSTRY						
		1,131.65	JULY SURCHARGE REMITTANCE		114772	08232022	9101.2081		SURCHARGES-PERMITS
		25.00-	JULY SURCHARGE RETENTION		114772	08232022	9101.4604		SURCHARGES
		3.00	JULY SURCHARGE ADJUSTMENT		114772	08232022	9101.4604		SURCHARGES
		1,109.65							
99082922	8/29/2022		100219 HOME DEPOT COMMERCIAL ACCT PROGRAM						
		103.98	STUDS/CEDAR PCKT		114901	08112022	0220.6249		MISCELLANEOUS OPER/
		2.08-	EARLY PAY DISCOUNT		114901	08112022	0220.6249		MISCELLANEOUS OPER/
		45.16	DOOR PULL/RATCHET STRAP		114902	08162022	0220.6249		MISCELLANEOUS OPER/
		.90-	EARLY PAY DISCOUNT		114902	08162022	0220.6249		MISCELLANEOUS OPER/
		72.58	CLEANING, MISC SUPPLIES		114903	08182022	0194.6259		BUILDING MAINT/REPAIR
		1.45-	EARLY PAY DISCOUNT		114903	08182022	0194.6259		BUILDING MAINT/REPAIR
		217.29							
99128736	8/19/2022		100601 MN DEPT OF REV WH						
		192.79			114653	0815221544532	9101.2172		STATE WITHHOLDING

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
99128736	**8/19/2022**		**100601 MN DEPT OF REV WH**						**Continued**
		50.00			114659	0816221159463	9101.2172		STATE WITHHOLDING
		12,517.32			114746	0817221215156	9101.2172		STATE WITHHOLDING
		12,760.11							
99220066	**8/19/2022**		**100301 MN CHILD SUPPORT PAYMENT CNTR**						
		278.34			114652	0815221544531	9101.2185		GARNISHMENTS/SUPPO
		278.34							
99554432	**8/19/2022**		**101306 IRS**						
		207.57			114654	0815221544533	9101.2171		FEDERAL WITHHOLDING
		1,452.79			114655	0815221544534	9101.2173		FICA & MEDICARE-EMPL
		1,452.79			114656	0815221544535	9101.2182		FICA & MEDICARE-EMPL
		375.00			114660	0816221159464	9101.2171		FEDERAL WITHHOLDING
		264.81			114661	0816221159465	9101.2173		FICA & MEDICARE-EMPL
		264.81			114662	0816221159466	9101.2182		FICA & MEDICARE-EMPL
		25,953.99			114747	0817221215157	9101.2171		FEDERAL WITHHOLDING
		15,446.59			114748	0817221215158	9101.2173		FICA & MEDICARE-EMPL
		15,446.59			114749	0817221215159	9101.2182		FICA & MEDICARE-EMPL
		60,864.94							
99665385	**8/19/2022**		**100398 PUBLIC EMPLOYEES RETIREMENT ASSN**						
		108.33			114657	0816221159461	9101.2174		PERA-EMPLOYEE
		108.33			114658	0816221159462	9101.2183		PERA-EMPLOYER
		25,352.69			114744	0817221215154	9101.2174		PERA-EMPLOYEE
		34,142.79			114745	0817221215155	9101.2183		PERA-EMPLOYER
		59,712.14							
99801845	**8/19/2022**		**100223 ICMA RETIREMENT TRUST 457**						
		1,668.00			114737	0817221215151	9101.2175		DEFERRED COMPENSAT
		1,668.00							
		712,168.27	Grand Total						

Payment Instrument Totals

Checks	203,547.51
EFT Payments	173,058.25
A/P ACH Payment	335,562.51
Total Payments	712,168.27

Payment Group Control Number	3468		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	TOAKES		
Payment Instrument	Check Payment		
Pay Through Date	12/31/2022		

Payee Number	Name / Mailing Address	Stub Message	Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
107776	ALERT ALL CORP		PV	114793	001	00999	8/10/2022	W30496	140.00
	ALERT ALL CORP 164 ORLAN ROAD NEW HOLLAND PA 17557			Summary Total					140.00
				Payment Amount					140.00
118878	ANDON BALLOONS AND SIGNS, INC	9/10/22 HAPPY DAYS ARCH	PV	114867	001	00999	5/18/2022	254278	460.00
	ANDON BALLOONS AND SIGNS, INC PO BOX 48425 COON RAPIDS MN 55448			Summary Total					460.00
				Payment Amount					460.00
100063	ASPEN MILLS	55303RPD	PV	114796	001	00999	8/13/2022	298716	79.65
	ASPEN MILLS			Summary Total					79.65
	8201 C CENTRAL AVE NE	55303RPD	PV	114797	001	00999	8/15/2022	298764	321.85
	SPRING LAKE PARK MN 55432			Summary Total					321.85
		55303RFD	PV	114952	001	00999	8/25/2022	299351	283.20
				Summary Total					283.20
		55303RPD	PV	114963	001	00999	8/23/2022	299172	438.00
				Summary Total					438.00
		55303RPD	PV	114965	001	00999	8/24/2022	299251	54.45
				Summary Total					54.45
		55303RPD	PV	114979	001	00999	8/24/2022	299267	268.83
				Summary Total					268.83
		55303RPD	PV	114983	001	00999	8/30/2022	299582	219.00
				Summary Total					219.00
		55303RPD	PV	114995	001	00999	8/31/2022	299688	49.95
				Summary Total					49.95
		55303RFD	PV	114998	001	00999	8/22/2022	299137	163.85
				Summary Total					163.85
		55303RPD	PV	115033	001	00999	9/1/2022	299764	219.00
				Summary Total					219.00
				Payment Amount					2,097.78
117516	BEST OUTDOOR SERVICES		PV	114991	001	00999	8/30/2022	#2389	3,128.91
	BEST OUTDOOR SERVICES 3098 162ND LANE NW			Summary Total					3,128.91
			PV	114992	001	00999	8/30/2022	#2388	915.20

Payment Group Control Number	3468		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	TOAKES		
Payment Instrument	Check Payment		
Pay Through Date	12/31/2022		

Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	ANDOVER MN 55304						Summary Total		915.20
							Payment Amount		4,044.11
108513	BLAINE LOCK AND SAFE INC		PV	114858	001	00999	8/22/2022	28049	563.50
	BLAINE LOCK AND SAFE INC 10136 SUNSET AVENUE BLAINE MN 55014						Summary Total		563.50
							Payment Amount		563.50
114529	BRUCE JACOBSON LANDSCAPE ARCHITECT		PV	114969	001	00999	6/30/2022	#1	800.00
	BRUCE JACOBSON LANDSCAPE ARCHITECT 4204 PILLSBURY AVENUE S						Summary Total		800.00
			PV	114970	001	00999	8/29/2022	#2	2,800.00
	MINNEAPOLIS MN 55409						Summary Total		2,800.00
							Payment Amount		3,600.00
100297	CENTERPOINT ENERGY	ACCT 8000014064-2	PV	115008	001	00999	8/18/2022	8000014064-2 JUL 2022	296.60
	CENTERPOINT ENERGY P O BOX 4671 HOUSTON TX 77210-4671						Summary Total		296.60
							Payment Amount		296.60
119581	CITY OF HAM LAKE	CUSTOMER 00287	PV	115026	001	00999	8/29/2022	INV00582	690.00
	CITY OF HAM LAKE 15544 CENTRAL AVENUE NE HAM LAKE MN 55304						Summary Total		690.00
							Payment Amount		690.00
100111	COMMERCIAL ASPHALT COMPANY	ACCT RA767	PV	114881	001	00999	8/15/2022	220815	1,607.48
	COMMERCIAL ASPHALT COMPANY P O BOX 1480						Summary Total		1,607.48
			PV	115027	001	00999	8/31/2022	220831	5,009.27
	MAPLE GROVE MN 55311-6480						Summary Total		5,009.27
							Payment Amount		6,616.75
117759	CORRECTIVE ASPHALT MATERIALS LLC	22-09 1ST/FINAL APP PAVEMT REJ	PV	115022	001	09101	7/29/2022	22056S	155,810.45

Payment Group Control Number	3468		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	TOAKES		
Payment Instrument	Check Payment		
Pay Through Date	12/31/2022		

Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	CORRECTIVE ASPHALT MATERIALS LLC 300 DANIEL BOONE TRAIL SOUTH ROXANA IL 62087			Summary Total					155,810.45
				Payment Amount					155,810.45
104267	ELITE SANITATION		PV	114978	001	00999	8/23/2022	29017	676.96
	ELITE SANITATION PO BOX 526 ELK RIVER MN 55330			Summary Total					676.96
				Payment Amount					676.96
100169	EMERGENCY APPARATUS MAINTENANCE INC		PV	114792	001	00999	8/18/2022	124467	1,496.10
	EMERGENCY APPARATUS MAINTENANCE INC			Summary Total					1,496.10
	7512 4TH AVENUE		PV	114950	001	00999	8/24/2022	124292	1,460.68
	LINO LAKES MN 55014			Summary Total					1,460.68
				Payment Amount					2,956.78
100143	FERGUSON WATERWORKS # 2518	CUST 24740	PV	114840	001	00999	8/17/2022	0499904	149.17
	FERGUSON WATERWORKS 2516			Summary Total					149.17
	P O BOX 802817	CUST 24741	PV	114996	001	00999	8/31/2022	0500743	1,541.33
	CHICAGO IL 60680-2817			Summary Total					1,541.33
				Payment Amount					1,690.50
113711	FOSTER TRUCKING AND EXCAVATING		PV	114808	001	00999	8/3/2022	5580	2,700.00
	FOSTER TRUCKING AND EXCAVATING 1561 BUNKER LAKE BLVD NE HAM LAKE MN 55304			Summary Total					2,700.00
				Payment Amount					2,700.00
119577	GJERTSEN, AMY	WATER REBATE PROGRAM 2024	PV	114868	001	00999	8/22/2022	08.22.22	199.99
	AMY GJERTSEN 8937 151ST LANE NW RAMSEY MN 55303			Summary Total					199.99
				Payment Amount					199.99

CITY OF RAMSEY
Create Payment Control Groups

Payment Group Control Number	3468		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	TOAKES		
Payment Instrument	Check Payment		
Pay Through Date	12/31/2022		

Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
117332	HEARTLAND TIRE INC		PV	114800	001	00999	8/15/2022	9029015	251.75
	HEARTLAND TIRE INC			Summary Total					251.75
	7151 RIVERDALE DRIVE NW		PV	114884	001	00999	8/16/2022	9029026	89.75
	RAMSEY MN 55303			Summary Total					89.75
				Payment Amount					341.50
112160	HOLIDAY COMPANIES		PV	115029	001	00999	9/1/2022	046801092200	165.75
	HOLIDAY COMPANIES			Summary Total					165.75
	4567 AMERICAN BLVD W								
	BLOOMINGTON MN 55437								
				Payment Amount					165.75
100228	INTOXIMETERS		PV	114854	001	00999	8/19/2022	714417	427.50
	INTOXIMETERS			Summary Total					427.50
	P O BOX 870836								
	KANSAS CITY MO 64187-0836								
				Payment Amount					427.50
100256	LANO EQUIPMENT INC		PV	114886	001	00999	8/19/2022	02-934220	318.00
	LANO EQUIPMENT INC			Summary Total					318.00
	6140 HIGHWAY 10 NW		PV	114893	001	00999	8/23/2022	02-935007	4.58
	ANOKA MN 55303			Summary Total					4.58
				Payment Amount					322.58
100259	LEAGUE OF MN CITIES INS TRUST	CLAIM 471460, AGREEMT 1001389	PV	115012	001	00999	7/1/2022	19223	13.69
	LEAGUE OF MN CITIES INS TRUST			Summary Total					13.69
	C/O BERKLEY RISK SERVICES INC								
	P O BOX 581517								
	MINNEAPOLIS MN 55458-1517								
				Payment Amount					13.69
100265	LINKS AT NORTHFORK	2022 Biz App Day Food	PV	115037	001	00999	8/16/2022	1848426	7,449.19
	LINKS AT NORTHFORK			Summary Total					7,449.19
	9333 - ALPINE DRIVE NW	City of Ramsey Golf appr day	PV	115038	001	00999	8/16/2022	1848425	8,640.10
	RAMSEY MN 55303			Summary Total					8,640.10
		City of Ramsey Gift	PV	115039	001	00999	8/16/2022	1848192	200.00

Payment Group Control Number	3468		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	TOAKES		
Payment Instrument	Check Payment		
Pay Through Date	12/31/2022		

Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
		Cards							
				Summary Total					200.00
				Payment Amount					16,289.29
117918	MACQUEEN EMERGENCY		PV	114997	001	00999	8/30/2022	P03261	490.59
	MACQUEEN EMERGENCY 1125 7TH STREET E ST PAUL MN 55106			Summary Total					490.59
				Payment Amount					490.59
117588	MEDART INC		PV	115018	001	00999	8/29/2022	08397267	128.35
	MEDART INC 124 MANUFACTURERS DRIVE ARNOLD MO 63010-4727			Summary Total					128.35
				Payment Amount					128.35
108208	METRO PRODUCTS INC		PV	114873	001	00999	8/10/2022	168553	61.77
	METRO PRODUCTS INC			Summary Total					61.77
	7401 CENTRAL AVENUE NE		PV	114894	001	00999	8/18/2022	168697	216.00
	FRIDLEY MN 55432			Summary Total					216.00
			PV	114977	001	00999	8/25/2022	168810	239.60
				Summary Total					239.60
			PV	115011	001	00999	8/24/2022	168800	54.26
				Summary Total					54.26
				Payment Amount					571.63
106754	MID AMERICA METER INC		PV	114982	001	00999	8/26/2022	022-4673	550.00
	MID AMERICA METER INC P O BOX 860427 SHAWNEE KS 66286-0427			Summary Total					550.00
				Payment Amount					550.00
119397	MIDWEST GROUNDCOVER		PV	114967	001	00999	8/12/2022	22105	2,240.00
	MIDWEST GROUNDCOVER PO BOX 120 ORONO MN 55355			Summary Total					2,240.00
				Payment Amount					2,240.00

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Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
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Payment Instrument	Check Payment		
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Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
101164	MILLER CHEVROLET		PV	114799	001	00999	8/16/2022	CTCS687092	490.86
	MILLER CHEVROLET P O BOX 130 21150 JOHN MILLESS DRIVE ROGERS MN 55374			Summary Total					490.86
			PV	114964	001	00999	8/18/2022	688554	1,371.67
				Summary Total					1,371.67
				Payment Amount					1,862.53
104920	MINNESOTA HIGHWAY SAFETY RESEARCH CNTR	CLASS ID 50524	PV	114851	001	00999	8/19/2022	337900-9513	635.00
	MINNESOTA HIGHWAY SAFETY RESEARCH CNTR 720 FOURTH AVENUE SOUTH ST CLOUD MN 56301-4498			Summary Total					635.00
				Payment Amount					635.00
118388	MITCHELL 1		PV	115010	001	00999	8/22/2022	IB28023059	80.00
	MITCHELL 1 25029 NETWORK PLACE CHICAGO IL 60673-1250			Summary Total					80.00
				Payment Amount					80.00
100328	MN DEPT OF HEALTH WATER	SYSTEM 1020035 RAMSEY	PV	114994	001	00999	8/19/2022	08312022	12,289.00
	MN DEPT OF HEALTH DRINKING WATER PROTECTION SECTION P O BOX 64494 ST PAUL MN 55164-0494			Summary Total					12,289.00
				Payment Amount					12,289.00
107333	MN DEPT OF LABOR AND INDUSTRY	CUST 0000112187, BOILER	PV	115024	001	00999	8/27/2022	ABR0287768X	10.00
	MN DEPT OF LABOR AND INDUSTRY FINANCIAL SERVICES OFFICE 443 LAFAYETTE ROAD ST PAUL MN 55155			Summary Total					10.00
				Payment Amount					10.00
100345	NAPA AUTO PARTS ELK RIVER		PV	114898	001	00999	8/24/2022	174750	63.78

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Payment Instrument	Check Payment		
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Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	NAPA AUTO PARTS ELK RIVER			Summary Total					63.78
	17137 YALE STREET NW		PV	115019	001	00999	8/31/2022	175543	61.74
	P O BOX 1041			Summary Total					61.74
	ELK RIVER MN 55330			Payment Amount					125.52
113192	NORTHERN HEATING AND AIR CONDITIONING	14660 COBALT #12 CANCEL PERMIT	PV	115028	001	00999	9/1/2022	09012022	26.00
	NORTHERN HEATING AND AIR CONDITIONING			Summary Total					26.00
	9431 ALPINE DRIVE								
	RAMSEY MN 55303			Payment Amount					26.00
100393	PRAIRIE RESTORATIONS INC		PV	114804	001	00999	8/18/2022	#34332	1,310.00
	PRAIRIE RESTORATIONS INC			Summary Total					1,310.00
	31646 128TH STREET		PV	114806	001	00999	8/12/2022	#34260	775.00
	PRINCETON MN 55371			Summary Total					775.00
				Payment Amount					2,085.00
112959	PREMIUM WATERS INC	ACCT 621331	PV	114788	001	00999	7/31/2022	621331-07-22	61.79
	PREMIUM WATERS INC			Summary Total					61.79
	P O BOX 9128	ACCT 621332	PV	114789	001	00999	7/31/2022	621332-07-22	25.09
	MINNEAPOLIS MN 55480-9128			Summary Total					25.09
				Payment Amount					86.88
107870	RECYCLING ASSOCIATION OF MINNESOTA		PV	114805	001	00999	8/16/2022	511596	300.00
	RECYCLING ASSOCIATION OF MINNESOTA			Summary Total					300.00
	2250 WABASH AVENUE								
	ST PAUL MN 55114			Payment Amount					300.00
109867	RES SPECIALTY PYROTECHNICS INC/RES PYRO	9/10 FIREWORKS AT HAPPY DAYS	PV	114871	001	00999	8/3/2022	08032022	8,000.00
	RES PYRO			Summary Total					8,000.00
	21595 286TH STREET								

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Version	LOGIS004V		
Originator	TOAKES		
Payment Instrument	Check Payment		
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Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	BELLE PLAIN MN 56011								
				Payment Amount					8,000.00
100920	SHERWIN WILLIAMS	ACCT 6714-5326-4	PV	114841	001	00999	8/16/2022	5909-3	230.22
	SHERWIN WILLIAMS			Summary Total					230.22
	3564 MAIN STREET NW	ACCT 6714-5326-4	PV	114842	001	00999	8/16/2022	3402-2	55.74
	COON RAPIDS MN 55448-1002			Summary Total					55.74
				Payment Amount					285.96
118921	SHRED RIGHT		PV	114973	001	00999	8/18/2022	581835	17.73
	SHRED RIGHT			Summary Total					17.73
	6301 W OLD SHAKOPEE ROAD SUITE A								
	BLOOMINGTON MN 55438								
				Payment Amount					17.73
114151	TASC (FEES)		PV	114975	001	00999	8/25/2022	IN2485073	135.50
	TASC			Summary Total					135.50
	CLIENT INVOICES	TASC ID 4106-0579-1547	PV	114976	001	00999	8/24/2022	IN2484253	235.25
	P O BOX 88278			Summary Total					235.25
	MILWAUKEE WI 53288-0001								
				Payment Amount					370.75
107059	TJ ASSOCIATES PRINTING INC		PV	114946	001	00999	8/3/2022	238882	144.00
	T J ASSOCIATES PRINTING INC			Summary Total					144.00
	6441 140TH COURT N.W.								
	RAMSEY MN 55303								
				Payment Amount					144.00
112760	TORNADO ALLEY SPORTSWEAR		PV	114962	001	00999	8/13/2022	08132022	2,201.00
	TORNADO ALLEY SPORTSWEAR			Summary Total					2,201.00
	13949 ST FRANCIS BLVD NW								
	RAMSEY MN 55303								
				Payment Amount					2,201.00
100495	TWIN CITIES FLAG SOURCE		PV	114988	001	00999	8/30/2022	36811	367.00

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Payment Instrument	Check Payment		
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Payee Number	Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	TWIN CITIES FLAG SOURCE 3240 - 199TH AVENUE NW ANOKA MN 55303			Summary Total					367.00
				Payment Amount					367.00
112001	ULTIMATE EVENTS	RES# 100621 CUST AR-29945	PV	115036	001	00999	9/1/2022	100621	5,444.23
	ULTIMATE EVENTS 13405 15TH AVENUE N PLYMOUTH MN 55441			Summary Total					5,444.23
				Payment Amount					5,444.23
110456	W S DARLEY AND CO	CUST 1141573	PV	114968	001	00999	6/17/2022	17467798	648.15
	W S DARLEY AND CO PO BOX 95186 CHICAGO IL 60694-5186			Summary Total					648.15
				Payment Amount					648.15
112615	W S AND D PERMIT SERVICE	16930 WILLEMITE REF-JOB CANCEL	PV	115004	001	00999	8/31/2022	083122	76.00
	W S AND D PERMIT SERVICE P O BOX 250 SCANDIA MN 55073-0250			Summary Total					76.00
				Payment Amount					76.00
100529	WENDELL'S INC		PV	114860	001	00999	8/18/2022	2724726	15.23
	WENDELL'S INC 6601 BUNKER LAKE BLVD			Summary Total					15.23
			PV	114944	001	00999	8/25/2022	2727337	15.68
	PO BOX 458 RAMSEY MN 55303-0458			Summary Total					15.68
				Payment Amount					30.91
107228	WILEY, ROGER	WATER EFFICIENCY PROGRAM 2024	PV	114794	001	00999	8/17/2022	08.17.22	189.00
	ROGER WILEY 4935 155TH LANE NW RAMSEY MN 55303			Summary Total					189.00
				Payment Amount					189.00

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Payment Instrument	Check Payment		
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Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Document Number	Document Itm	Document Co	Due Date	Invoice Number	Payment Amount
								Total Amount to be Processed	239,358.96
								Total Number of Payments to be Processed	48

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Version	LOGIS004V		
Originator	TOAKES		
Payment Instrument	T	A/P ACH Payment	
Pay Through Date	12/31/2022		

Payee Number	Name / Mailing Address	Stub Message	Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
117343	AMAZON CAPITAL SERVICES INC	ACCT A3VYUQ4FSATYMN	PV	114855	001	00999	8/22/2022	1PNY-JRN3-3GC6	613.53
	AMAZON CAPITAL SERVICES INC			Summary Total					613.53
	PO BOX 035184	ACCT A3VYUQ4FSATYMN	PV	114856	001	00999	8/22/2022	1WMJ-LXGR-3W3W	428.47
	SEATTLE WA 98124-5184			Summary Total					428.47
		ACCT A3VYUQ4FSATYMN	PV	114859	001	00999	8/22/2022	161N-LMGG-31WL	1,515.38
				Summary Total					1,515.38
		ACCT A3VYUQ4FSATYMN	PV	114870	001	00999	8/22/2022	13XH-TCFK-1VCD	390.41
				Summary Total					390.41
				Payment Amount					2,947.79
109256	AMERICAN ENGINEERING TESTING INC		PV	114981	001	00999	8/24/2022	INV-087055	3,785.00
	AMERICAN ENGINEERING TESTING INC			Summary Total					3,785.00
	PO BOX 860678		PV	115040	001	00999	8/25/2022	INV-088549	1,925.00
	MINNEAPOLIS MN 55486			Summary Total					1,925.00
			PV	115041	001	00999	8/26/2022	INV-088276	2,534.00
				Summary Total					2,534.00
				Payment Amount					8,244.00
107587	ANOKA COUNTY TREASURY DEPARTMENT	CUST/DIV CODE BRBD-CUST 130878	PV	114795	001	00999	8/12/2022	B220811M	492.00
	ANOKA COUNTY TREASURY DEPARTMENT			Summary Total					492.00
	2100 THIRD AVENUE	CUST/DIV CODE CCOM-CUST 130878	PV	114850	001	00999	8/19/2022	AR020087	6,071.36
	ANOKA MN 55303			Summary Total					6,071.36
		CUST/DIV CODE HWY, CUST 130878	PV	114882	001	00999	8/16/2022	HWYSQ22022	3,414.95
				Summary Total					3,414.95
				Payment Amount					9,978.31
101084	BATTERIES PLUS BULBS		PV	114989	001	00999	8/31/2022	P54591101	13.15
	BATTERIES PLUS BULBS 138 SOUTH DALE MABRY HWY TAMPA FL 33609			Summary Total					13.15
				Payment Amount					13.15
100647	BOLTON AND MENK INC	PROJECT 0R1.127950	PV	114848	001	00999	8/16/2022	0295147	3,616.00
	BOLTON AND MENK INC			Summary Total					3,616.00

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Originator	TOAKES		
Payment Instrument	T	A/P ACH Payment	
Pay Through Date	12/31/2022		

Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	1960 PREMIER DRIVE	PROJECT 0R1.124986	PV	114849	001	00999	8/16/2022	0295148	451.00
	MANKATO MN 56001-5900			Summary Total					451.00
		0R.125908	PV	114878	001	00999	8/16/2022	0295154	5,179.50
				Summary Total					5,179.50
		0R1.127958	PV	114879	001	00999	8/16/2022	0295158	290.00
				Summary Total					290.00
		0R1.125907	PV	114880	001	00999	8/16/2022	0295156	1,097.53
				Summary Total					1,097.53
			PV	114885	001	00999	8/16/2022	0295157	1,035.00
				Summary Total					1,035.00
		0R1.127005	PV	114980	001	00999	8/16/2022	0295155	3,112.50
				Summary Total					3,112.50
		0R1.124017	PV	115005	001	00999	8/16/2022	0295146	1,008.00
				Summary Total					1,008.00
				Payment Amount					15,789.53
103641	BOYER TRUCKS		PV	114890	001	00999	8/23/2022	003P25918	441.15
	BOYER TRUCKS			Summary Total					441.15
	P O BOX 512		PV	115007	001	00999	8/25/2022	003P26086	73.74
	ST MICHAEL MN 55376			Summary Total					73.74
			PV	115015	001	00999	8/26/2022	003P26093	222.05
				Summary Total					222.05
			PV	115020	001	00999	8/29/2022	003P26145	26.04
				Summary Total					26.04
			PV	115021	001	00999	8/30/2022	003P25995	491.12
				Summary Total					491.12
			PV	115023	001	00999	8/29/2022	003P26206	20.35
				Summary Total					20.35
				Payment Amount					1,274.45
103975	BROZAK, LUANN	CITY ENVELOPE	PV	114865	001	00999	8/25/2022	1023	789.00
	LUANN BROZAK			Summary Total					789.00
	18790 GARNET STREET NW	CITY ENVELOPE	PV	114866	001	00999	8/25/2022	1024	150.00
	ANOKA MN 55303			Summary Total					150.00
		LBrozak 08/30/22 Sep/Oct RR	PV	115035	001	00999	8/30/2022	1025	6,288.00
				Summary Total					6,288.00
				Payment Amount					7,227.00

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Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
116197	CINTAS CORPORATION	PAYER# 12455017	PV	114889	001	00999	8/19/2022	4128847000	42.21
	CINTAS CORPORATION			Summary Total					42.21
	CINTAS LOC #4K		PV	114951	001	00999	8/26/2022	4129520162	16.92
	P O BOX 650838			Summary Total					16.92
	DALLAS TX 75265-0838	PAYER# 12455483	PV	115000	001	00999	9/1/2022	4130066393	13.46
				Summary Total					13.46
		PAYER# 12455017	PV	115016	001	00999	8/26/2022	4129520145	31.00
				Summary Total					31.00
				Payment Amount					103.59
100134	CUTTER SALES INC		PV	114883	001	00999	8/16/2022	159458	93.70
	CUTTER SALES INC			Summary Total					93.70
	8844 ZEALAND AVENUE NORTH								
	BROOKLYN PARK MN 55445								
				Payment Amount					93.70
113306	DEFINITIVE TECHNOLOGY SOLUTIONS INC		PV	114974	001	00999	8/22/2022	INV241185	370.25
	DEFINITIVE TECHNOLOGY SOLUTIONS INC			Summary Total					370.25
	9401 JAMES AVENUE SOUTH SUITE 162								
	BLOOMINGTON MN 55431-2549								
				Payment Amount					370.25
100144	DEHN OIL COMPANY		PV	114876	001	00999	8/18/2022	89478	4,755.00
	DEHN OIL COMPANY			Summary Total					4,755.00
	6735 141ST AVENUE NW		PV	114877	001	00999	8/18/2022	89477	3,495.00
	RAMSEY MN 55303			Summary Total					3,495.00
			PV	115006	001	00999	8/24/2022	25196944	197.50
				Summary Total					197.50
			PV	115017	001	00999	8/25/2022	89537	3,325.00
				Summary Total					3,325.00
				Payment Amount					11,772.50
116175	ECKBERG LAMMERS ATTORNEYS AT LAW	FILE 32637 36776	PV	115032	001	00999	8/31/2022	30906	1,185.00
	ECKBERG LAMMERS ATTORNEYS AT LAW			Summary Total					1,185.00

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Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	1809 NORTHWESTERN AVENUE STILLWATER MN 55082								
				Payment Amount					1,185.00
100158	ECM PUBLISHERS INC	SUBSCRIPTION/ACUBK11 6/DIST 454	PV	114790	001	00999	7/31/2022	29656	18.75
	ECM PUBLISHERS INC			Summary Total					18.75
	4095 COON RAPIDS BLVD	ACCT 370702	PV	114801	001	00999	8/12/2022	906404	91.38
	COON RAPIDS MN 55433			Summary Total					91.38
		ACCT 370702	PV	114803	001	00999	8/12/2022	906407	86.00
				Summary Total					86.00
		ACCT 370702	PV	114807	001	00999	8/12/2022	906406	86.00
				Summary Total					86.00
		ACCT 370702	PV	114845	001	00999	8/12/2022	906408	86.00
				Summary Total					86.00
		ACCT 370702	PV	114846	001	00999	8/12/2022	906405	86.00
				Summary Total					86.00
		ACCT 370702	PV	114847	001	00999	8/12/2022	906409	96.75
				Summary Total					96.75
		ACCT 370702	PV	114945	001	00999	8/19/2022	907240	59.13
				Summary Total					59.13
				Payment Amount					610.01
108737	EMERGENCY AUTOMOTIVE TECHNOLOGY INC		PV	114852	001	00999	8/19/2022	DL08052220C	104.40
	EMERGENCY AUTOMOTIVE TECHNOLOGY INC			Summary Total					104.40
	2755 GENEVA AVE N		PV	114853	001	00999	8/19/2022	DL08052221D	95.70
	OAKDALE MN 55128			Summary Total					95.70
			PV	114954	001	00999	8/22/2022	DL08052221E	212.28
				Summary Total					212.28
			PV	114955	001	00999	8/22/2022	DL08052220D	732.04
				Summary Total					732.04
			PV	114956	001	00999	8/23/2022	DL08052220E	104.40
				Summary Total					104.40
			PV	114957	001	00999	8/24/2022	DL08052221G	138.62
				Summary Total					138.62
			PV	114984	001	00999	8/30/2022	DL08052221H	184.44
				Summary Total					184.44
			PV	114985	001	00999	8/30/2022	DL08052220F	184.44

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				Summary Total					184.44
			PV	115030	001	00999	9/1/2022	DL08052220H	337.56
				Summary Total					337.56
			PV	115031	001	00999	9/1/2022	DL08052220G	679.84
				Summary Total					679.84
				Payment Amount					2,773.72
113321	FACTORY MOTOR PARTS CO		PV	114895	001	00999	8/23/2022	6-1628149	39.96
	FACTORY MOTOR PARTS CO BIN 139107 P O BOX 9107 MINNEAPOLIS MN 55480-9107			Summary Total					39.96
				Payment Amount					39.96
107099	FASTENAL		PV	114874	001	00999	8/17/2022	MNTC8204057	59.44
	FASTENAL COMPANY P O BOX 1286 WINONA MN 55987			Summary Total					59.44
			PV	114875	001	00999	8/18/2022	MNTC8204081	6.93
				Summary Total					6.93
				Payment Amount					66.37
106428	FORCE AMERICA INC		PV	115009	001	00999	8/25/2022	001-1663078	4,220.12
	FORCE AMERICA INC 501 EAST CLIFF ROAD SUITE 100 BURNSVILLE MN 55337			Summary Total					4,220.12
				Payment Amount					4,220.12
100186	FRANKENSIGNS INC		PV	114791	001	00999	8/5/2022	279158	35.00
	FRANKENSIGNS 9991 GOODHUE STREET NE P O BOX 490301 BLAINE MN 55449			Summary Total					35.00
				Payment Amount					35.00
100209	HAKANSON ANDERSON ASSOC INC		PV	114896	001	00999	8/19/2022	49118	3,494.50
	HAKANSON ANDERSON ASSOC INC 3601 THURSTON AVENUE ANOKA MN 55303-1063			Summary Total					3,494.50

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Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
				Payment Amount					3,494.50
100211	HAWKINS INC		PV	114838	001	00999	8/15/2022	6263644	10.00
	HAWKINS INC			Summary Total					10.00
	P O BOX 860263		PV	114993	001	00999	8/29/2022	6279344	9,021.84
	MINNEAPOLIS MN 55486-0263			Summary Total					9,021.84
				Payment Amount					9,031.84
119037	HOLSTAD & KNAAK, PLC	0822	PV	114986	001	00999	8/30/2022	08/25/2022	4,050.00
	HKB LAW			Summary Total					4,050.00
	4501 ALLENDALE DRIVE								
	WHITE BEAR LAKE MN 55127								
				Payment Amount					4,050.00
112475	INNOVATIVE OFFICE SOLUTIONS	S27569	PV	114861	001	00999	8/17/2022	IN3903212	816.81
	INNOVATIVE OFFICE SOLUTIONS			Summary Total					816.81
	LOCKBOX 131434	S27569	PV	114864	001	00999	8/23/2022	IN3908876	341.21
	P O BOX 1414			Summary Total					341.21
	MINNEAPOLIS MN 55480-1414	S27569	PV	115034	001	00999	9/1/2022	IN3921981	735.32
				Summary Total					735.32
				Payment Amount					1,893.34
107763	JEFFERSON FIRE AND SAFETY INC		PV	114999	001	00999	9/1/2022	IN143977	660.05
	JEFFERSON FIRE AND SAFETY INC			Summary Total					660.05
	7620 DONNA DRIVE								
	MIDDLETON WI 53562								
				Payment Amount					660.05
100266	LOGIS		PV	115001	001	00999	8/31/2022	52715	934.36
	LOCAL GOVERNMENT INFORMATION SYSTEMS ASS			Summary Total					934.36
	5750 DULUTH STREET		PV	115002	001	00999	8/31/2022	52658	1,885.00
	GOLDEN VALLEY MN 55422-4036			Summary Total					1,885.00
			PV	115003	001	00999	9/1/2022	52588	19,974.00
				Summary Total					19,974.00
				Payment Amount					22,793.36

Payment Group Control Number	3469		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	TOAKES		
Payment Instrument	T	A/P ACH Payment	
Pay Through Date	12/31/2022		

Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
100283	MENARDS COON RAPIDS	ACCT 30280262	PV	114857	001	00999	8/19/2022	78372	53.55
	MENARDS COON RAPIDS			Summary Total					53.55
	3045 MAIN STREET	ACCT 30280262	PV	114899	001	00999	8/23/2022	78586	147.96
	COON RAPIDS MN 55433			Summary Total					147.96
		ACCT 30280262	PV	114953	001	00999	8/26/2022	78795	137.17
				Summary Total					137.17
				Payment Amount					338.68
100284	MENARDS ELK RIVER	acct 31250289	PV	114966	001	00999	8/16/2022	58498	118.74
	MENARDS ELK RIVER			Summary Total					118.74
	19521 EVANS STREET NW								
	ELK RIVER MN 55330-1077								
				Payment Amount					118.74
100313	MN RECREATION AND PARK ASSN		PV	115025	001	00999	8/26/2022	10534	125.00
	MN RECREATION AND PARK ASSN			Summary Total					125.00
	200 CHARLES STREET NE								
	FRIDLEY MN 55432								
				Payment Amount					125.00
115167	NET TRANSCRIPTS INC		PV	114843	001	00999	8/15/2022	#NT12147	160.08
	NET TRANSCRIPTS INC			Summary Total					160.08
	PO BOX 95777								
	CHICAGO IL 60694-5777								
				Payment Amount					160.08
100363	NORTHERN SANITARY SUPPLY CO		PV	114771	001	00999	8/15/2022	205033	324.73
	NORTHERN SANITARY SUPPLY CO			Summary Total					324.73
	341 COON RAPIDS BLVD		PV	114869	001	00999	8/24/2022	205094	421.65
	MINNEAPOLIS MN 55433			Summary Total					421.65
			PV	114971	001	00999	8/30/2022	205130	302.58
				Summary Total					302.58
				Payment Amount					1,048.96
115071	NORTHLAND OCCUPATIONAL		PV	114809	001	00999	8/17/2022	15688	100.00

Payment Group Control Number	3469		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	TOAKES		
Payment Instrument	T	A/P ACH Payment	
Pay Through Date	12/31/2022		

Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	HEALTH								
	NORTHLAND OCCUPATIONAL HEALTH			Summary Total					100.00
	7533 SUNWOOD DRIVE NW		PV	114863	001	00999	8/17/2022	15656	200.00
	SUITE 212								
	RAMSEY MN 55303			Summary Total					200.00
			PV	114972	001	00999	8/29/2022	15757	50.00
				Summary Total					50.00
				Payment Amount					350.00
110480	OPUS 21 MANAGEMENT SOLUTIONS	Inv #220749	PV	114802	001	00999	8/19/2022	220749CORRECTED	13,624.40
	OPUS 21 MANAGEMENT SOLUTIONS			Summary Total					13,624.40
	680 COMMERCE DRIVE SUITE 160								
	WOODBURY MN 55125			Payment Amount					13,624.40
112824	PARKPLACE STUDIO		PV	114844	001	00999	8/18/2022	08182022	899.00
	PARKPLACE STUDIO			Summary Total					899.00
	6093 146TH LANE NW	Headshots	PV	114862	001	00999	8/18/2022	08182022B	300.00
	RAMSEY MN 55303			Summary Total					300.00
				Payment Amount					1,199.00
114134	PHASOR ELECTRIC COMPANY		PV	114887	001	00999	8/19/2022	049128	422.00
	PHASOR ELECTRIC COMPANY			Summary Total					422.00
	2160 108TH LANE NE								
	BLAINE MN 55449			Payment Amount					422.00
113444	PRECISE		PV	114888	001	00999	8/19/2022	200-1038324	875.00
	PRECISE			Summary Total					875.00
	501 EAST CLIFF ROAD SUITE 100								
	BURNSVILLE MN 55337			Payment Amount					875.00
110330	RESHETAR SYSTEM INC		PV	115013	001	00999	8/17/2022	22-32211	4,560.00
	RESHETAR SYSTEM INC			Summary Total					4,560.00
	730 BUNKER LAKE BLVD NW		PV	115014	001	00999	8/17/2022	22-32151	8,728.00

Payment Group Control Number	3469		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	TOAKES		
Payment Instrument	T	A/P ACH Payment	
Pay Through Date	12/31/2022		

Payee Number	Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	ANOKA MN 55303								
				Summary Total					8,728.00
				Payment Amount					13,288.00
116092	ROADKILL ANIMAL CONTROL		PV	114872	001	00999	7/31/2022	07312022	93.00
	ROADKILL ANIMAL CONTROL 520 HAROLD DRIVE BURNSVILLE MN 55337								
				Summary Total					93.00
				Payment Amount					93.00
107711	SCHINDLER ELEVATOR	BILLING ID 500143702	PV	114987	001	00999	8/31/2022	8106036458	1,628.55
	SCHINDLER ELEVATOR P O BOX 93050 CHICAGO IL 60673-3050								
				Summary Total					1,628.55
				Payment Amount					1,628.55
100440	SHORT ELLIOT HENDRICKSON INC		PV	114839	001	00999	8/16/2022	431634	424.09
	SHORT ELLIOT HENDRICKSON INC P O BOX 64780 ST PAUL MN 55164-0780								
				Summary Total					424.09
				Payment Amount					424.09
100469	STREICHER'S POLICE EQUIPMENT		PV	114798	001	00999	8/14/2022	I1584420	1,486.62
	STREICHER'S POLICE EQUIPMENT 10911 WEST HWY 55 MINNEAPOLIS MN 55441								
				Summary Total					1,486.62
				Payment Amount					1,486.62
117483	TAFT STETTINIUS AND HOLLISTER LLP	FILE #M12952/00075	PV	114947	001	00999	8/23/2022	4026660	4,400.00
	TAFT STETTINIUS AND HOLLISTER LLP								
				Summary Total					4,400.00
	P O BOX 64591	FILE #M12952/00077	PV	114948	001	00999	8/23/2022	4026662	3,700.00
	ST PAUL MN 55164-0591								
				Summary Total					3,700.00
		FILE #M12952/00048	PV	114949	001	00999	8/23/2022	4026661	1,000.00
				Summary Total					1,000.00
				Payment Amount					9,100.00

R04570

CITY OF RAMSEY

Create Payment Control Groups

Payment Group Control Number	3469		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	TOAKES		
Payment Instrument	T	A/P ACH Payment	
Pay Through Date	12/31/2022		

Payee Number	Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
100485	TIMESAVER OFF SITE SECRETARIAL INC		PV	114990	001	00999	8/30/2022	M27584	1,015.13
	TIMESAVER OFF SITE SECRETARIAL INC 21021 KAROLINE COURT N FOREST LAKE MN 55025							Summary Total	1,015.13
								Payment Amount	1,015.13
112688	TITAN MACHINERY		PV	114891	001	00999	8/23/2022	17401543 GP	272.62
	TITAN MACHINERY							Summary Total	272.62
	14375 JAMES ROAD		PV	114892	001	00999	8/22/2022	17393418 GP	471.49
	ROGERS MN 55374							Summary Total	471.49
								Payment Amount	744.11
100238	TRUENORTH STEEL		PV	114897	001	00999	8/19/2022	BL0000015160	1,658.63
	TRUENORTH STEEL P O BOX 336 WEST FARGO ND 58078							Summary Total	1,658.63
								Payment Amount	1,658.63
106990	USA BLUE BOOK	CUSTOMER 955135	PV	114958	001	00999	8/26/2022	092125	71.55
	USA BLUE BOOK							Summary Total	71.55
	PO BOX 9004	CUSTOMER 955135	PV	114959	001	00999	8/26/2022	092126	45.32
	GURNEE IL 60031-9004							Summary Total	45.32
		CUSTOMER 955135	PV	114960	001	00999	8/26/2022	092161	47.70
								Summary Total	47.70
		CUSTOMER 955135	PV	114961	001	00999	8/26/2022	092281	367.30
								Summary Total	367.30
								Payment Amount	531.87
								Total Amount to be Processed	156,899.40
								Total Number of Payments to be Processed	44

Regular AP $240,447.91
Pay Application 155,810.45
$396,258.36

Res 22-199

Accounts Payable
Checks $239,358.96
ACH 156,899.40
$396,258.36

Councilmember introduced the following resolution and moved for its adoption:

RESOLUTION #22-214

RESOLUTION APPROVING CASH DISBURSEMENTS MADE AND AUTHORIZING PAYMENT OF ACCOUNTS PAYABLE INVOICING RECEIVED DURING THE PERIOD OF AUGUST 18, 2022, THROUGH SEPTEMBER 7, 2022

WHEREAS, the City of Ramsey Finance Department has made cash disbursements and received accounts payable invoicing during the period of August 18, 2022, through September 7, 2022, in the amount of $1,536,817.10 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 August 18, 2022, through September 7, 2022, in the amount of $1,536,817.10.

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:

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 13th day of September, 2022.

Mayor

ATTEST:

City Clerk

CC Regular Session **5. 11.**

Meeting Date: 09/13/2022

By: Katie Schmidt, Administrative Services

Information

Title

Adopt Resolution #22-188 Proclaiming September 17 - 23, 2022 as Constitution Week

Purpose/Background:

Purpose: To consider adoption of a resolution proclaiming September 17 - 23, 2022 as Constitution Week.

Background: As per a request by the Daughters of the American Revolution, the City Council is asked to consider adopting the attached resolution proclaiming September 17 - 23, 2022 as Constitution Week.

Funding Source:

Not applicable.

Recommendation:

Staff recommends adoption of the resolution proclaiming Constitution Week as has been done for the past several years by the Ramsey City Council.

Action:

Motion to adopt Resolution #22-188 Proclaiming September 17 - 23, 2022 as Constitution Week.

Attachments

Resolution #22-188

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	08/18/2022 02:20 PM
Form Started By: Katie Schmidt		Started On: 08/12/2022 10:07 AM
Final Approval Date: 08/18/2022		

Councilmember introduced the following resolution and moved for its adoption:

RESOLUTION #22-188

RESOLUTION PROCLAIMING SEPTEMBER 17 – 23, 2022 AS CONSTITUTION WEEK

WHEREAS, September 17, 2022, marks the two hundred thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

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 Council of the City of Ramsey hereby proclaims the week of September 17 through 23, 2022, as **CONSTITUTION WEEK.**

2) That the City Council of the City of Ramsey asks its citizens to reaffirm the ideals of the Framers of the Constitution by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be gained.

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 13th day of September, 2022.

Mayor

ATTEST:

City Clerk

CC Regular Session **5. 12.**

Meeting Date: 09/13/2022

By: Chris Anderson, Community Development

Information

Title

Adopt Resolution #22-189 Approving a Conditional Use Permit to Exceed Allowable Accessory Building Square Footage at 15410 Nutria Street (Project No. 22-131); Case of Brady Doble

Purpose/Background:

The City has received an application from Brady Doble (the "Applicant") for a Conditional Use Permit to exceed allowable square footage for detached accessory buildings on the property located at 15410 Nutria Street NW (the "Subject Property").

Notification:

Staff attempted to notify all property owners within 350 feet of the Subject Property, as reflected in the Anoka County Property Records, of the request for a Conditional Use Permit via standard U.S. mail and published the Notice of Public Hearing in the Anoka County UnionHerald.

Observations/Alternatives:

The Applicant is proposing to construct a thirty foot by forty foot (30' x 40') detached accessory building on the Subject Property. The Applicant has stated that the accessory building would be used to store personal equipment, such as a thirty-six foot (36') long camper, a boat, and other recreational vehicles/equipment indoors rather than outside or at a storage facility. The Site Plan indicates that there are two (2) existing detached accessory buildings on the Subject Property, including a detached garage (576 square feet), which serves as the primary garage (there is no attached garage), and a small shed (168 square feet).

There is actually a third detached accessory building (10' x 10' or 100 square feet) south of the detached garage, which was not included on the Site Plan. It has a wooden floor and is 'moveable'. Thus, the Applicant did not think it counted towards the square footage or number of buildings on site. Therefore, there is currently 844 square feet of detached accessory building space and three (3) detached accessory buildings on the Subject Property. It should be noted that the smallest shed appears to be slightly encroaching onto the neighboring property, does not meet the minimum required side yard setback (10 feet), and is partially within a drainage and utility easement.

The Subject Property is approximately 0.93 acres in size, is in the R-1 Residential (Rural Developing) District, and is guided as Rural Developing in the Comprehensive Plan. The surrounding properties range in size from about 0.80 acres to 1.20 acres and are also zoned and guided the same as the Subject Property. City Code Section 117-349 allows up to 1,800 square feet and a maximum of three (3) detached accessory buildings, on properties between 0.50 acres and 1 acre. The proposed detached accessory building would result in a total of four (4) detached accessory buildings on the Subject Property totaling 2,044 square feet.

The proposed detached accessory building would exceed all minimum required setbacks. It would be in the rear yard and access would be from 154th Lane NW (Zoning Permit was issued in 2021 for a driveway; presently, a class V apron exists). The height would not exceed twenty-two feet (22'), which is the maximum allowed per City Code. The Applicant has stated that the exterior finish would consist of metal panelling that is color compatible with the gray finish of the home.

The Planning Commission conducted a Public Hearing on August 25, 2022 and there were no written or verbal comments received. The Planning Commission explored options that would meet the Applicant's goals but would

also limit the number of detached accessory buildings to no more than three (3). Ultimately, the Planning Commission suggested that some flexibility be incorporated into the Conditional Use Permit to allow the Applicant to construct up to a 1,500 square foot building (300 square feet more than the original proposal), contingent upon the 100 square foot existing shed being removed upon completion of the new building.

Alternatives

Alternative 1: Motion to approve the Conditional Use Permit allowing up to a 1,500 square feet detached accessory building, contingent upon removal of the 10 x 10 shed within (30) days of approval of the final building inspection for the new accessory building as recommended by the Planning Commission. Staff supports this alternative.

Alternative 2: Motion to deny the Conditional Use Permit based on certain findings. The proposed building is a typical size for the Rural Developing district. It would comply with the architectural standards in City Code as well as the required setbacks and would be harmonious with the intended character of the neighborhood. Furthermore, the Applicant has agreed to remove one existing shed and thus, there would only be three (3) total detached accessory buildings on the Subject Property, per City Code. Staff does not support this alternative.

Funding Source:

The Applicant is responsible for costs associated with this request.

Recommendation:

The Planning Commission recommends approving the Conditional Use Permit for up to a 1,500 square foot accessory building, contingent upon removal of the existing, 10' x 10' shed within thirty (30) days of approval of the final inspection for the new accessory building.

Action:

Motion to adopt Resolution #22-189 approving a Conditional Use Permit for additional accessory structure space on the Subject Property.

Attachments

Site Location Map
Land Use Application
Applicant Narrative
Site Plan
Photos of Driveway 'Apron' and Home
Aerial with Proposed and Existing Accessory Building Locations
Draft Planning Commission Meeting Minutes Dated August 25, 2022
Resolution #22-189: Conditional Use Permit

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/08/2022 09:10 AM
Form Started By: Chris Anderson		Started On: 08/26/2022 08:05 AM
Final Approval Date: 09/08/2022		

20-32-25-24-0014

Brady Doble

15410 Nutria St NW

Conditional Use Permit



08/02/2022

0 0.004 0.009 0.018 0.027 0.036
mi

Land Use Application

☐ Plat – Sketch Plan	☐ Plat – Preliminary Plat	☐ Plat – Final Plat
☐ Administrative Plat	☐ Site Plan Review	☐ Easement/ROW Vacation
☒ Conditional Use Permit	☐ Interim Use Permit	☐ Comprehensive Plan Amendment
☐ Zoning Amendment	☐ Home Occupation Permit	☐ Variance
☐ Dwelling Moving Permit	☐ Environmental Permit	☐ Registered Land Survey
☐ Non-Traditional Animal License	☐ Beekeeping License	☐ Private Kennel License

Applicant Contact Information

Please note: All official communication will be routed through this contact.

Name:	BRADY DOBLE		
Street Address:	15410 NUTRIA ST NW		
City, State, ZIP:	RAMSEY 55303		
Home Phone:	320-360-4654	Work Phone:	
Email:	doble_3180@MSN.COM	Fax Number:	
Name of Business (if applicable):			
Business Address (if applicable)			
Business City, State, ZIP			
Business Phone:		Business Fax:	

Subject Property Information

(Location of Application)

Address	15410 NUTRIA ST NW
PIN	
Legal Description	
Zoning District	

Contact the Planning Division at 763-433-9824 or planning@cityoframsey.com to request a Zoning Verification

Property Owner Information

(If different than Applicant)

Name:	BRADY DOBLE		
Street Address:	15410 NUTRIA ST NW		
City, State, ZIP:	RAMSEY 55303		
Home Phone:	320-360-4654	Work Phone:	
Email:	doble_3186@MSN.COM	Fax Number:	

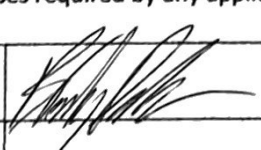
Please provide a detailed description of your request and attached a copy of a scaled site plan

I AM REQUESTING TO BUILD AN ACCESSORY BUILDING THAT IS 30x40 (1200 Sq.ft.) IN THE REAR OF MY PROPERTY AT 15410 NUTRIA ST NW RAMSEY. PLEASE SEE ATTACHED NARRATIVE & SCALED SITE PLAN.

A "Land Use Sign" will be placed on the Subject Property to allow Ramsey Residents the opportunity to obtain information about your request.

Applicant Signature		Co-Applicant Signature	
Printed Name	BRADY DOBLE	Printed Name	
Title	MR	Title	
Date	07/25/2022	Date	

I understand that the application fee is non-refundable. All costs associated with the processing of this application are the responsibility of the applicant whether this application is approved or denied. Any excess of escrow account deposits over expenditures will be refunded at the time of account closure. I also understand that as the applicant, it is my responsibility to obtain all other permits or licenses required by any applicable regulatory agencies for this Land Use Application.

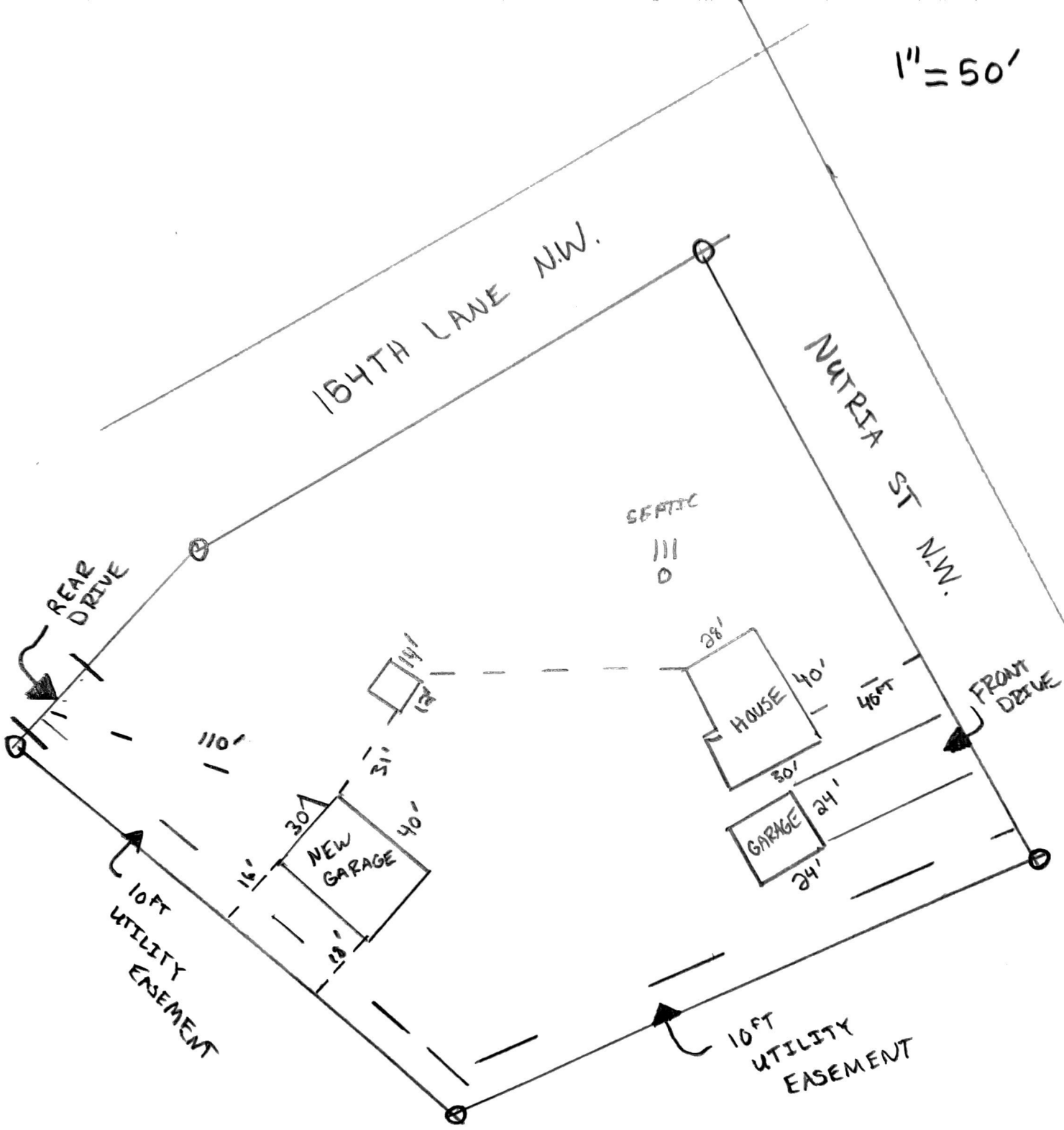
Property Owner Signature		Property Owner Signature	
Printed Name	BRADY DOBLE	Printed Name	
Title	MR	Title	
Date	07/25/2022	Date	

I hereby certify that I am the fee title owner/contract for deed vendee of record for the above-mentioned property. Failure to prove ownership may void any agreements entered into the City and I will be held liable for any and all costs incurred by the City.

To whom it may concern,

I am applying for a conditional use permit for my property at 15410 Nutria St NW Ramsey, MN 55303. The permit request is to be able to build a 30x40 (1200sq.ft) accessory building in the rear of my property. The purpose of this building size is so I will be able to store my 36ft camper, boat, and the rest of my recreational vehicles. Being able to store everything inside would also help keep the neighborhood and my yard looking presentable. This building would also save me the cost of the storage facility that I am currently paying to store these items. The reason I'm going the route of the conditional use permit is because my property is .93 acres therefore, I am allowed 1800sq.ft of accessory buildings. My current square footage used is 744sq.ft. The house garage that is 24x24 is where I run into the problem. It is detached and takes away 576 sq ft of my allotted 1800 leaving me with 1056sq.ft of buildable structure. I have contacted the city of Ramsey Building Department and talked with Bill Barber, the building division inspector. The space between the house and the existing garage is about 8ft. We talked about the possible option of building a breezeway or some other alternative to connect the 24x24 detached garage with the house that would give me the square footage I am looking for. Unfortunately due to the state codes the option of connecting the two is not going to be possible because the existing garage does not have the correct footings needed to support a structure of that nature. If the conditional use permit is approved, it would give me the extra 144sq ft of space that I'm looking for to be able to store my items. If you take a drive around the neighborhood, you will see multiple accessory buildings the same size and bigger with around the same size property. So, I hope that my request is not asking too much. Thank you for taking my request into consideration. I hope that I can continue to be a happy Ramsey citizen within the community.

Thank you,
Brady Doble

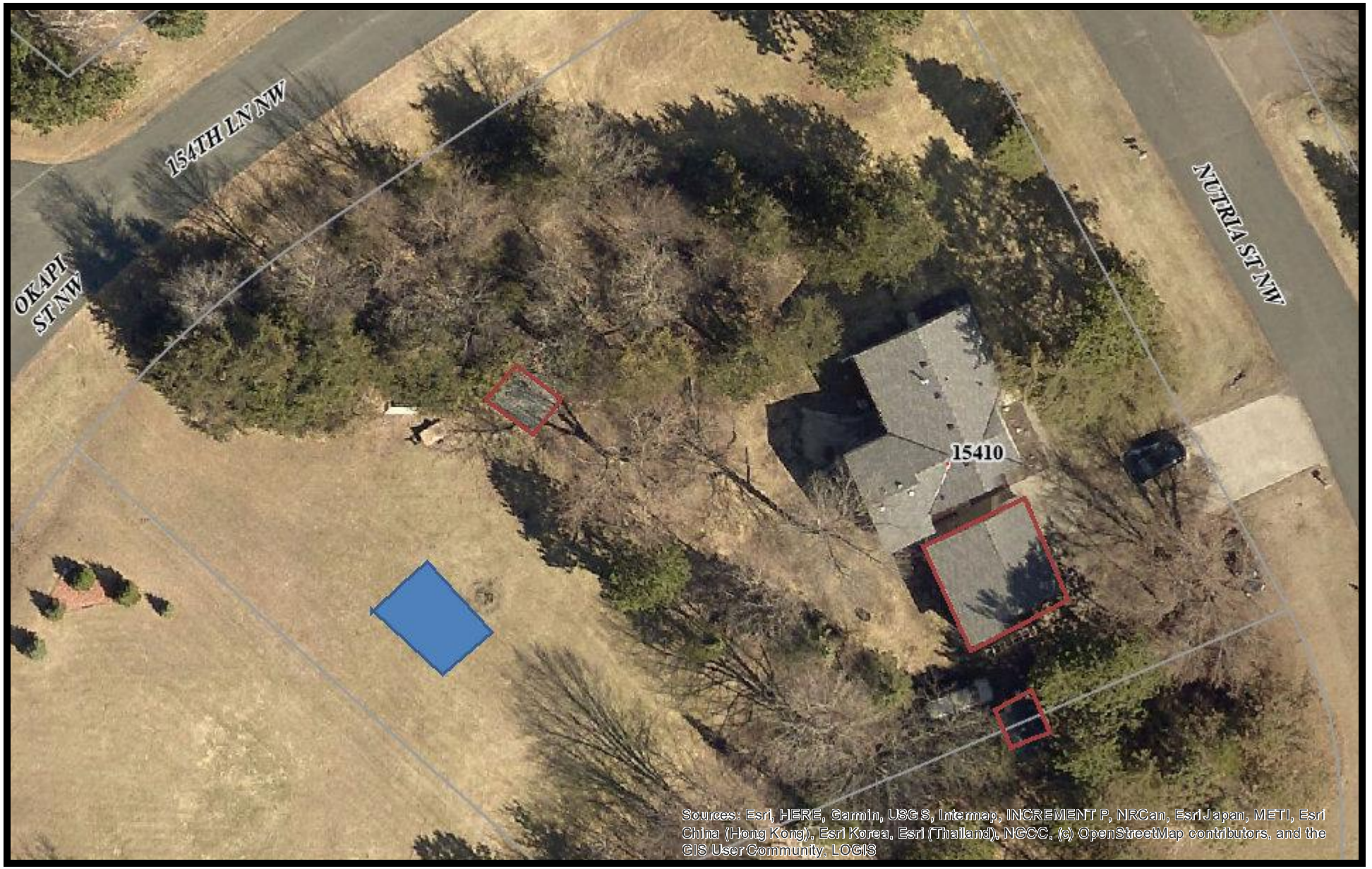

1"=50'
164TH LANE N.W.
NUTRIA ST N.W.
SEPTIC
REAR DRIVE
FRONT DRIVE
HOUSE
40'
46FT
38'
30'
GARAGE
24'
24'
NEW GARAGE
30'
40'
16'
110'
10FT UTILITY EASEMENT
10FT UTILITY EASEMENT





Existing Accessory Buildings

Proposed Accessory Building



Print Date: August 17, 2022

0 0.0022 0.0045 0.009 0.0135 0.018
mi

6.01: Public Hearing: Consider Request for a Conditional Use Permit to Exceed Allowable Square Footage for Detached Accessory Buildings at 15410 Nutria Street (Project No. 22-131); Case of Brady Doble

Public Hearing

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

Presentation

Senior Planner Anderson presented the staff report stating that staff recommends approval of the Conditional Use Permit contingent upon removal of one of the existing detached accessory buildings within 30 days of approval of the final building permit inspection for the new accessory building.

Citizen Input

Brady Doble, applicant, stated that he agrees with the presentation of staff and is available to address any questions.

Commissioner Walker noted that the staff report mentioned that the applicant plans to store his 36-foot camper inside the building, which would leave four additional feet in length. He asked if there was a reason the applicant chose 40 foot instead of 45 feet for length of the building.

Mr. Doble replied that it was the standard building size and would allow for him to also store his boat and other items inside.

Commissioner Walker asked if the applicant would support him requesting an additional five feet in length.

Mr. Doble replied that he would not have a problem with that.

Commissioner Anderson asked what is stored in the 10 by 10 shed.

Mr. Doble replied that a snowmobile and lawnmower are stored in that shed.

Commissioner Anderson asked if the 10 by 10 shed were required for removal, would the applicant be able to fit everything in the new building.

Mr. Doble was unsure noting that he has not staked out parking for the items he planned to park in the new building. He also provided details of what is stored in the 12 by 14 building. He commented that the existing accessory buildings are full of equipment and storage. He noted that he prefers inside storage rather than storing items outdoors.

Commissioner Anderson asked how the square footage would fall within code if the proposed building were allowed to increase in size, suggesting a 30 by 50 building.

DRAFT

Senior Planner Anderson provided those calculations, noting about 550 square feet over what would be allowed. He noted that would include the 10 by 10 shed.

Commissioner Anderson asked if the Commission were to approve a building of 30 by 40 feet, but the applicant discovered he actually needed a building 30 by 50, would the applicant then need to go through the entire process again.

Senior Planner Anderson confirmed that the entire process would begin again including notice for the public hearing.

Commissioner Hunt acknowledged that if the property were slightly larger, additional square footage would be allowed, and asked if the number of accessory structures allowed would also increase.

Senior Planner Anderson replied that the number of allowed accessory structures would not increase. He stated that the applicant did investigate the option of attaching a building, but the cost was prohibitive because of the frost footings that would be required. He stated that staff worked with the applicant in attempt to avoid how this CUP process could have been avoided.

Commissioner Walker commented that adding additional space to an accessory building at a later date would be cost prohibitive and that is why he would advocate for increasing the size of the building to 30 by 50 feet, with elimination of the 10 by 10 shed in return.

Commissioner VanScoy stated that the Commission is discussing options that would add cost to the project and asked the applicant for input. He noted that it seems the Commission would support a slightly larger structure but believed the applicant should provide input on whether that would be affordable or something he would be interested in.

Mr. Doble replied that he would have to price out that but agreed that it would be nice to store everything in the one accessory building. He stated that he would support that option.

Senior Planner Anderson commented that the CUP could be reworded to allow up to a certain square footage which would provide the flexibility for the applicant to increase the size of the building. He asked if the shed would need to be removed if the size of the building were increased and whether the shed could remain if the building is kept at the proposed size.

Mr. Doble confirmed that he would like that flexibility.

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

A roll call vote was performed:

Commissioner Hunt	aye
Commissioner Anderson	aye

DRAFT

Commissioner VanScoy	aye
Commissioner Walker	aye
Commissioner Bauer	aye
Acting Chairperson Gengler	aye

Motion Carried.

Acting Chairperson Gengler closed the public hearing closed at 7:21 p.m.

Commission Business

Motion by Commissioner Walker, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #22-189 Approving a Conditional Use Permit to Exceed the Square Footage for Detached Accessory Buildings on the Property Generally Known as 15410 Nutria Street NW, contingent upon the removal of the 10 by 10 detached building within 30 days upon completion of the new structure with the new structure allowed to be up to 1,500 square feet.

A roll call vote was performed:

Commissioner Bauer	aye
Commissioner Walker	aye
Commissioner VanScoy	aye
Commissioner Anderson	aye
Commissioner Hunt	aye
Acting Chairperson Gengler	aye

Motion Carried.

DRAFT

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

RESOLUTION #22-189

A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO EXCEED THE ALLOWABLE SQUARE FOOTAGE FOR DETACHED ACCESSORY BUILDINGS ON THE PROPERTY GENERALLY KNOWN 15410 NUTRIA ST NW

RECITALS

1. Brady Doble, hereinafter referred to as the "Permittee", has properly applied for a Conditional Use Permit to exceed the allowable square for detached accessory buildings on the property generally known as 15410 Nutria Street NW and legally described as follows:

   Lot 4, Block 6 Whispering Pines Estates

   (the "Subject Property")

2. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-51 (Conditional Use Permits) of the Ramsey City Code on August 25, 2022, and that said public hearing was properly advertised and that the minutes of said public hearing are available.

3. That the Subject Property is approximately 0.93 acres in size,

4. That the surrounding parcels are of similar size, ranging from approximately 0.80 acres to 1.20 acres.

5. That the Subject Property is zoned R-1 Residential (Rural Developing) and is guided as Rural Developing in the Comprehensive Plan.

6. That the surrounding properties are zoned R-1 Residential (Rural Developing) and are also guided Rural Developing in the Comprehensive Plan.

7. That the Permittee currently has three (3) detached accessory buildings on the Subject Property; a detached garage (576 square feet), which serves as the primary garage, and two sheds (168 and 100 square feet).

8. That the smallest shed appears to be partially encroaching onto the adjacent property, within the required side yard setback (10 feet), and within a drainage and utility easement.

9. That the combined square footage of the three (3) existing detached accessory buildings is 844 square feet.

10. That per City Code Section 117-349 (Accessory Uses and Buildings), properties between 0.5 acres and 1 acre are eligible for 1,800 square feet of detached accessory building space and a maximum of three (3) detached accessory buildings.

11. That the Permittee is proposing to construct a fourth detached accessory building that would be 1,200 square feet in size (30' x 40').

12. That the proposed total square footage for the Subject Property is 2,044 square feet, which is 244 square feet more than City Code allows.

13. That the Permittee desires to retain all three (3) of the existing detached accessory buildings in addition to the proposed 1,200 square foot detached accessory building.

14. That the exterior finish of the proposed detached accessory building will consist of metal panels that are color compatible with the home, which is gray, on the Subject Property.

15. That the new detached accessory building would be accessed from 154th Lane NW (a Zoning Permit for a driveway was issued in 2021).

16. That the mean gable height of the proposed building would not exceed twenty-two feet (22').

FINDINGS OF FACT

1. That the overall square footage of detached accessory buildings will not be unduly dangerous or detrimental to persons residing or working in the vicinity of the use, or to the public welfare.

2. That the overall square footage of detached accessory buildings will not substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.

3. That the overall square footage of detached accessory buildings will be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.

4. That the overall square footage of detached accessory buildings will not be hazardous to existing or future neighboring uses.

5. That the overall square footage of detached accessory buildings will not impact essential public facilities and services, such as highways, streets, police and fire protection.

6. That the overall square footage of detached accessory buildings will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

7. That the overall square footage of detached accessory buildings will not involve uses, activities and equipment that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

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

That the Ramsey City Council hereby grants approval of a Conditional Use Permit (the "**Permit**") to construct up to a 1,500 square foot detached accessory building (the "**Accessory Building**") on the **Subject Property** that exceeds the cumulative maximum square footage allowed, contingent upon the following conditions:

CONDITIONS

1. That this **Permit** allows for the construction of an **Accessory Building** up to 1,500 square feet in size on the **Subject Property**.

2. That there shall be no other accessory buildings constructed on the **Subject Property**, unless in accordance with City Code.

3. That the **Permittee** agrees to maintain all detached accessory buildings on the **Subject Property** in compliance with the International Property Maintenance Code and City Code.

4. That the **Permittee** agrees to remove the ten foot by ten foot (10' x 10') shed from the **Subject Property** within thirty (30) days of close out of all permits related to the **Accessory Building**.

5. That the **Permittee** agrees to contact the **City** no later than thirty (30) days after the close out of all permits related to the **Accessory Building** to request an inspection to verify the ten foot by ten foot (10' x 10') shed has been removed.

6. That the **Accessory Building** shall comply with the height restrictions outlined in City Code Section 117-349 (Accessory Uses and Buildings).

7. That the **Permittee** agrees that no part of the **Accessory Building** shall be used for a home occupation unless in compliance with City Code Section 117-351 (Home Occupations).

8. That the **Permittee** shall comply with all applicable local, state, and federal regulations and shall obtain all applicable licenses and permits prior to construction of the **Accessory Building**.

9. That the **Permittee** agrees the exterior finish of the **Accessory Building** will be the same general design and materials as the home or consist of metal panels that are color compatible with the home (this means, at a minimum, a shade of gray, which is the primary color of the home).

10. That the **Permittee** agrees that no part of the **Accessory Building** shall be used as an accessory dwelling.

11. That the **Permittee** agrees that any future building modifications will be subject to review by the City of Ramsey, either via a Building Permit or Zoning Permit Application.

12. That the **Permittee** shall obtain all necessary permits prior to commencing any construction of the **Accessory Building**, including a building permit and electrical permit.

13. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.

14. That the **Permittee** shall be responsible for all **City** costs incurred in administering and enforcing this **Permit**.

15. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request.

16. That this **Permit** shall automatically expire if the use is not initiated by September 13, 2023, and issuance of the building permit shall constitute initiation.

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 13th day of September, 2022.

CITY OF RAMSEY

By:_____ By:_____
Mayor City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this _____ day of _____, ____, before me a Notary Public personally appeared Mark E. Kuzma and Katie Schmidt, to me personally known, who, being each by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Ramsey, the Municipal Corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said Municipal corporation, and the said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council, and said Mark E. Kuzma and Katie Schmidt acknowledge said instrument to be the free act and deed of said Municipal Corporation.

_____
Notary Public

This document drafted by:
City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

CC Regular Session **5. 13.**

Meeting Date: 09/13/2022

By: Brian McCann, Community Development

Information

Title

Adopt Resolutions #22-190 and #22-191 approving a Conditional Use Permit and Site Plan for Blue Line Collision

Purpose/Background:

The City has received an application for a Site Plan and Conditional Use Permit for Blue Line Collision to construct a new facility at 6710 Highway 10 NW (the "Subject Property"). Blue Line Collision currently operates at 6260 Highway 10 NW. However, that parcel is being acquired by Anoka County as a result of planned Highway 10 improvements.

Notification:

Staff attempted to notify property owners within 350 feet of the Subject Property, as reflected in the Anoka County Property Records, of the request for Site Plan and Conditional Use Permit consideration and the Public Hearing to be held by the Planning Commission on August 25, 2022. A notice of the Public Hearing was also published in the Anoka County UnionHerald, the City's official newspaper. A copy of the public hearing notice is attached to this case.

Observations/Alternatives:

Summary

In 2021, the City removed the segment of Dolomite Street between Riverdale Drive and Highway 10, eliminating the access point onto Highway 10 as part of the preparatory work for the Highway 10 improvements. Earlier this year, the City vacated that segment of right-of-way. Concurrent with the easement vacation, the City completed a plat to 'square off' the Subject Property and the property to the east, creating a more developable parcel.

Blue Line Collision is now proposing to construct a new, 12,100 square foot building, along with forty-four (44) parking stalls, on the Subject Property. A stormwater basin is also proposed along the western boundary of the parcel. The building will include eleven (11) bays, two spray booths, parts storage, and office and reception areas.

The Subject Property is approximately 1.5 acres in size, is zoned B-2 Highway Business District, and is guided as Commercial. "Motor vehicle, implement, and recreation equipment sales and service" is a Conditional Use in the B-2 Highway Business District.

Conditional Use Permit

Blue Line Collision is requesting a Conditional Use Permit (CUP) for automotive repair, as it is listed as a conditional use in the B-2 Highway Business District. The business is transferring locations due to impacts related to the Highway 10 improvement project, and is interested in constructing a new facility on the Subject Property.

The conditions proposed within the resolution are standard for automotive repair operations, but Staff is open to additional conditions that theCity Council may desire to incorporate. Conditions include:

1. The fenced area houses only customer and employee vehicles;
2. The abutting road cannot be used for operations;
3. All repairs must be conducted within the building;
4. No outdoor storage;
5. Compliance with applicable City code sections; and
6. Separate sign and building permits are required.

A copy of Resolution #22-190 approving the CUP is attached to this case.

Site Plan

A Site Plan review is required for all new commercial or industrial developments in the City of Ramsey. Since the Applicant is proposing to construct a new commercial facility on the Subject Property, a Site Plan review is required with a recommendation from the Planning Commission and final approval from the City Council. If approved, the City Council will have to review and approve a Development Agreement at a future meeting.

Staff comments address minor revisions or suggestions to the Site Plan, and we are currently on the second round of review. The plan set for the proposed Site Plan, Staff comments on the plans, and Resolution #22-191 approving the Site Plan are attached for review.

Easement Vacation

There is a 10-foot wide drainage and utility easement curving through the eastern boundary of the Subject Property. The easement will have to be vacated for the proposed ponding and parking lot. The City has contacted the local utility companies, and there does appear to be a cable line in the easement that will have to be relocated prior to construction. A copy of their response can be found in the case attachments. A case for the public hearing, and a resolution adopting an easement vacation,are part of the public hearings for the September 13, 2022 regular City Council agenda.

Planning Commission - August 25, 2022

The Planning Commission reviewed and recommended approval of the Site Plan and Conditional Use Permit for Blue Line Collision on the Subject Property. There was additional conversation regarding screening from Highway 10, and Staff have discussed screening methods with the Applicant, and they have agreed to maintenance-free vinyl and additional vegetation on the north side of the Subject Property. The Planning Commission did not provide a recommendation on the Easement Vacation request, as it is not required by City Code.

City Code Sections

Section 117-51. - Conditional use permits
Section 117-54. - Site Plan review
Section 117-56. - Easement vacation
Section 117-115. - B-2 Highway Business District

Alternatives

Alternative 1: Approve the Site Plan and Conditional Use Permit as proposed. Automotive repair is a conditional use in the B-2 Highway Business District and the proposed Site Plan appears to meet the bulk standards of this zoning district. The Applicant is proposing improvements that would appropriately screen and improve the existing vacant lot. Additionally, the impact of the Highway 10 improvement project necessitated the relocation of this existing Ramsey business. Staff supports this alternative.

Alternative 2: Approve the Site Plan and Conditional Use Permit with additional changes. This action would be based on City Council discussion.

Alternative 3: Deny the Site Plan and Conditional Use Permit based on certain findings. The request appears to meet City Code standards for the B-2 Highway Business District and it is a reasonable use of the Subject Property based on the zoning district and the City's Comprehensive Plan. Staff does not support this alternative.

Funding Source:

All costs associated with this request are the Applicant's responsibility.

Recommendation:

The Planning Commission recommends adopting Resolutions #22-190 and #22-191 approving the Conditional Use Permit and Site Plan on the Subject Property, respectively, with increased screening from Highway 10 consisting of maintenance free vinyl and vegetation as proposed by Staff and accepted by the Applicant.

Action:

Adopt Resolution #22-190 approving a Conditional Use Permit to Blue Line Collision for automotive repair on the Subject Property.

-and-

Adopt Resolution #22-191 approving the Site Plan for Blue Line Collision on the Subject Property.

Attachments

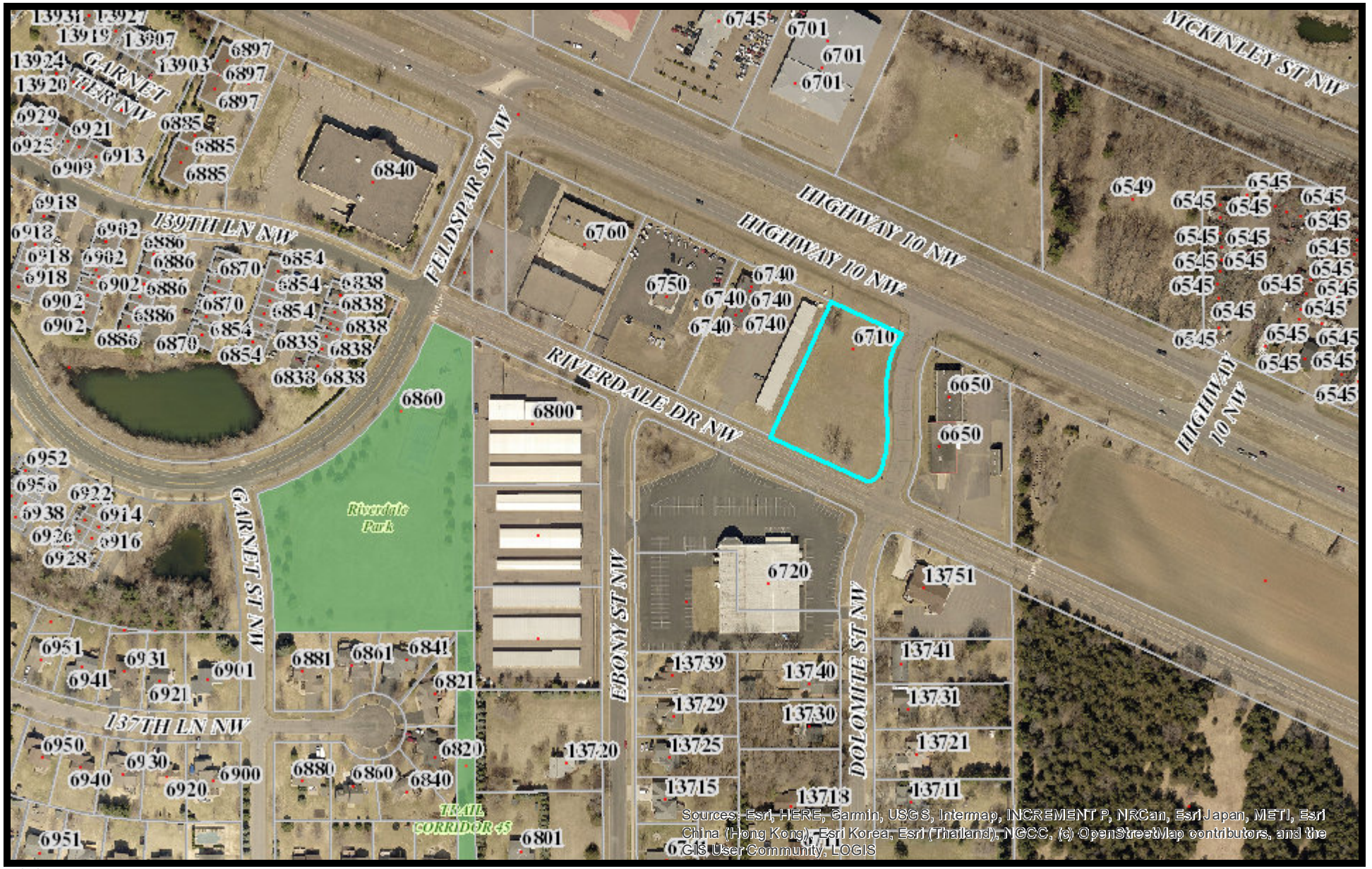
Site Location Map
Public Hearing Notice - August PC
Land Use Application
Mailing Map - 350 Feet
Plan Set
Riverside West Recorded Plat
Resolution #22-190 Conditional Use Permit
Resolution #22-191 Site Plan
Staff Review Comments

Form Review

Inbox	Reviewed By	Date
Brian McCann (Originator)	Brian McCann	09/01/2022 02:15 PM
Brian Hagen	Brian Hagen	09/08/2022 10:09 AM
Form Started By: Brian McCann		Started On: 09/01/2022 01:33 PM
Final Approval Date: 09/08/2022		

Site Location Map

6710 Highway 10 NW



2/1/2022 8:11:07 AM

0 0.0175 0.035 0.07 0.105 0.14 mi

7550 Sunwood Drive NW • Ramsey, MN 55303
City Hall: 763.427.1410 • Fax: 763.427.5543
www.cityoframsey.com

NOTICE OF PUBLIC HEARING
PROJECT 22-106: BLUE LINE COLLISION

CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Planning Commission of the City of Ramsey will hold a public hearing on Thursday, August 25, 2022 at 7:00 p.m. at Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, MN 55303. All interested persons are invited to attend and comment on the proposed requests.

The purpose of the hearing is to consider a request for a Site Plan and Conditional Use Permit for Blue Line Collision to move locations and continue automotive repair operations, and an Easement Vacation to vacate a portion of a drainage and utility easement on the property generally known as 6710 Highway 10 NW and legally described as follows:

> Lots 1 & 3, Riverside West Rearrangement (subject to easement as shown on plat), Anoka County, Minnesota

The City of Ramsey complies with the Americans with Disabilities Act and upon advance request, information will be provided in an alternative form and interpreters will be available. Any person with such a request should contact Brian McCann at 763-433-9860 by noon on Wednesday, August 17, 2022.

All interested persons are invited to join remotely from a PC, Mac, Linus, IOS, or Android at www.cityoframsey.com/meetings.

Comments are welcome and shall be sent to planning@cityoframsey.com or addressed to the Ramsey Planning Commission, at 7550 Sunwood Drive NW, Ramsey, MN 55303. Any comments must be received at the above email or address prior to 4:00 p.m. on August 25, 2022. For any other inquiries relating to this project contact Brian McCann at 763-433-9860 or bmccann@cityoframsey.com.

Brian McCann
City Planner

Date: August 10, 2022

Land Use Application

☐ Plat – Sketch Plan	☐ Plat – Preliminary Plat	☐ Plat – Final Plat
☐ Administrative Plat	☐ Site Plan Review	☐ Easement/ROW Vacation
☐ Conditional Use Permit	☐ Interim Use Permit	☐ Comprehensive Plan Amendment
☐ Zoning Amendment	☐ Home Occupation Permit	☐ Variance
☐ Dwelling Moving Permit	☐ Environmental Permit	☐ Registered Land Survey
☐ Non-Traditional Animal License	☐ Beekeeping License	☐ Private Kennel License

Applicant Contact Information

Please note: All official communication will be routed through this contact.

Name:			
Street Address:			
City, State, ZIP:			
Home Phone:		Work Phone:	
Email:		Fax Number:	
Name of Business (if applicable):			
Business Address (if applicable)			
Business City, State, ZIP			
Business Phone:		Business Fax:	

Subject Property Information

(Location of Application)

Address	
PIN	
Legal Description	
Zoning District	

Contact the Planning Division at 763-433-9824 or planning@cityoframsey.com to request a Zoning Verification

Property Owner Information

(If different than Applicant)

Name:			
Street Address:			
City, State, ZIP:			
Home Phone:		Work Phone:	
Email:		Fax Number:	

Please provide a detailed description of your request and attached a copy of a scaled site plan

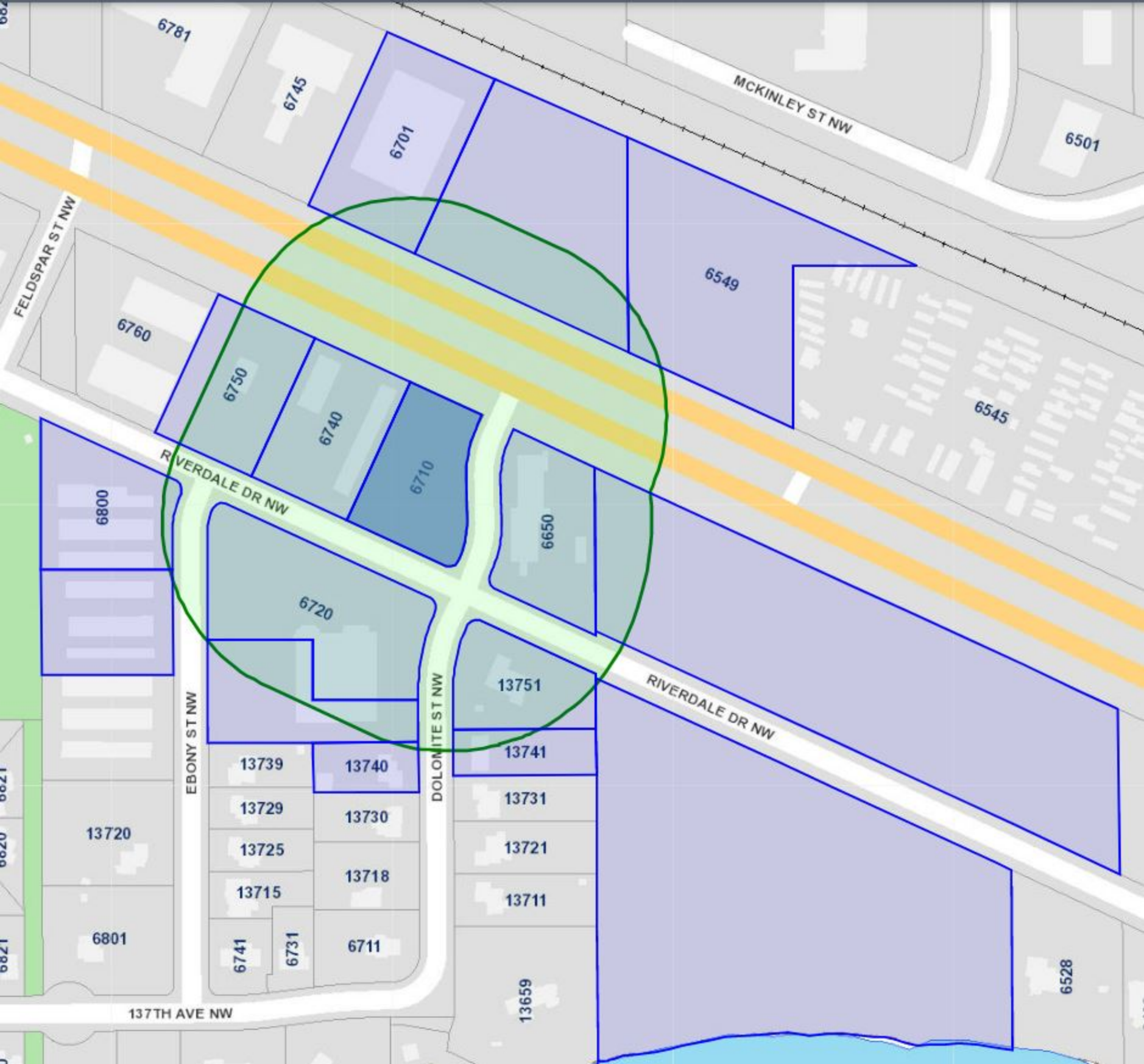
A "Land Use Sign" will be placed on the Subject Property to allow Ramsey Residents the opportunity to obtain information about your request.

Applicant Signature		Co-Applicant Signature	
Printed Name		Printed Name	
Title		Title	
Date		Date	

I understand that the application fee is non-refundable. All costs associated with the processing of this application are the responsibility of the applicant whether this application is approved or denied. Any excess of escrow account deposits over expenditures will be refunded at the time of account closure. I also understand that as the applicant, it is my responsibility to obtain all other permits or licenses required by any applicable regulatory agencies for this Land Use Application.

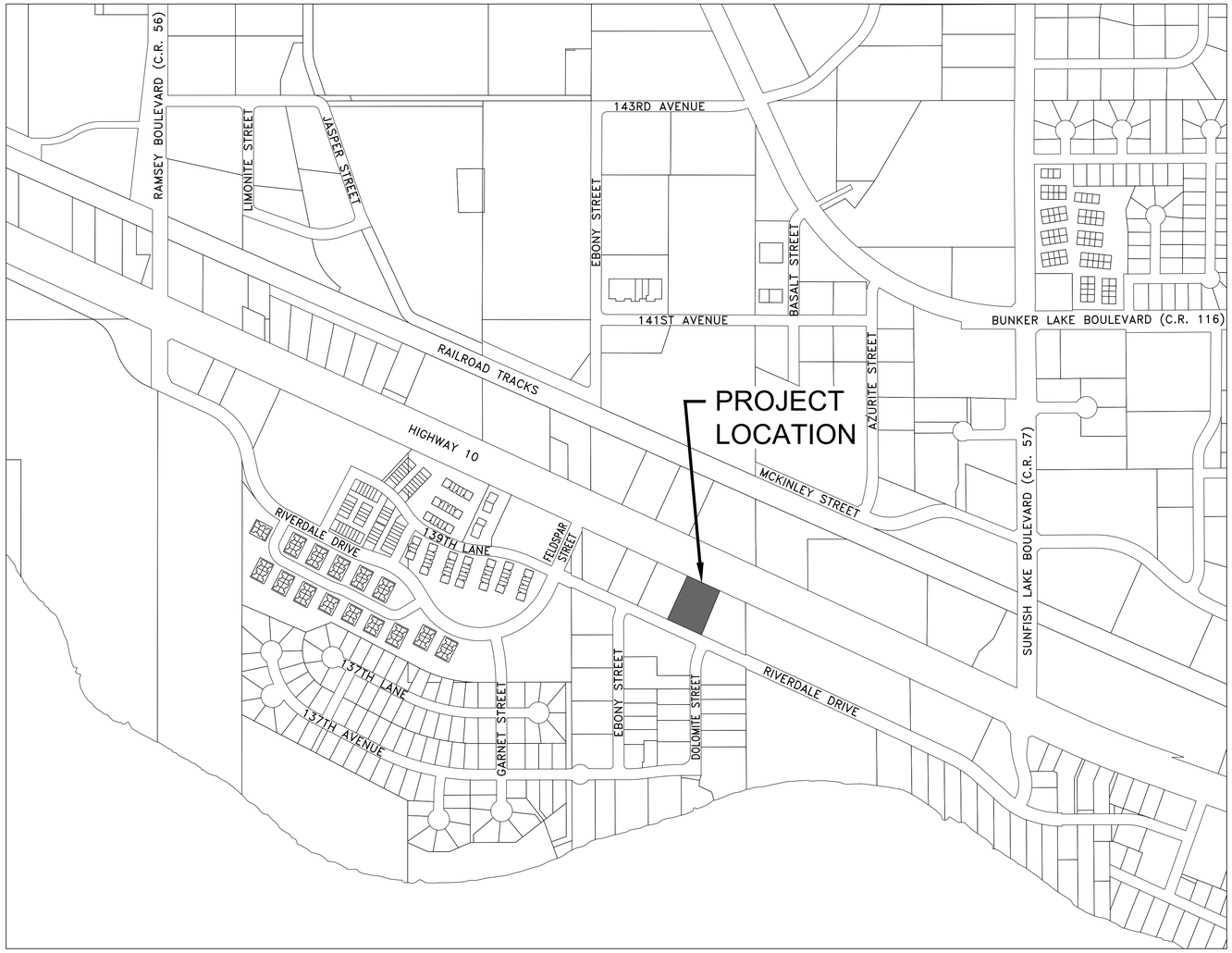
Property Owner Signature		Property Owner Signature	
Printed Name		Printed Name	
Title		Title	
Date		Date	

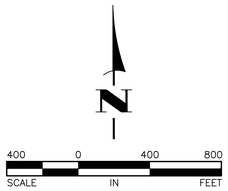
I hereby certify that I am the fee title owner/contract for deed vendee of record for the above-mentioned property. Failure to prove ownership may void any agreements entered into the City and I will be held liable for any and all costs incurred by the City.

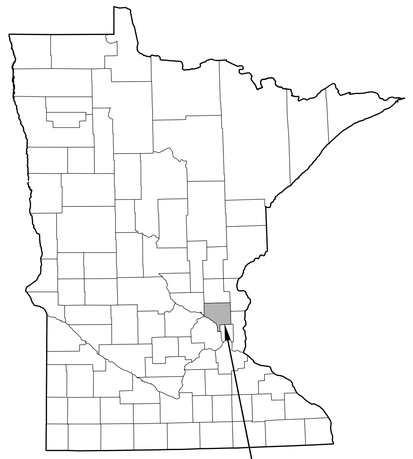

6781
6745
6701
MCKINLEY ST NW
6501
FELDSPAR ST NW
6760
6549
6750
6740
6710
6545
RIVERDALE DR NW
6800
6650
6720
13751
RIVERDALE DR NW
EBONY ST NW
DOLOMITE ST NW
13739
13740
13741
13729
13730
13731
13720
13725
13721
13718
13715
13711
6801
6741
6731
6711
13659
6528
137TH AVE NW

BLUE LINE COLLISION CENTER

SITE DEVELOPMENT PLANS
FOR KINGHORN CONSTRUCTION
IN THE CITY OF RAMSEY







CITY OF RAMSEY,
ANOKA COUNTY,
MINNESOTA

GOVERNING SPECIFICATIONS

THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN FOR STORM SEWER AND PARKING LOT WORK.

THE 2018 EDITION OF THE CITY ENGINEER'S ASSOCIATION OF MINNESOTA "STANDARD SPECIFICATIONS" SHALL GOVERN FOR SANITARY SEWER AND WATERMAIN WORK.

ALL FEDERAL, STATE AND LOCAL LAWS, REGULATIONS, AND ORDINANCES SHALL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

SHEET INDEX

THIS PLAN CONTAINS 12 SHEETS

SHEET NO.	DESCRIPTION
C1	TITLE SHEET
C2	CONSTRUCTION NOTES AND DETAILS
C3–C5	DETAILS
C6	EXISTING TOPOGRAPHY AND REMOVALS PLAN
C7	GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN
C8	STAKING PLAN
C9	UTILITY PLAN
C10	PAVING AND RESTORATION PLAN
L1	LANDSCAPE PLAN
L2	PLANTING DETAILS & LANDSCAPE SPECS.

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.

TIMOTHY A. EGGERICHS, P.E.
HAKANSON ANDERSON
DESIGN ENGINEER

43362 LIC. NO.

DATE 7/13/22

DATE	REVISION

SHEET C1 OF C10 SHEETS

Hakanson Anderson
Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763-427-5860 FAX 763-427-0520

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

BENCHMARK:

1. TOP NUT OF HYDRANT LOCATED IN THE NORTHWEST CORNER OF RIVERDALE DRIVE AND DOLOMITE STREET. ELEVATION=863.84 (NAVD 88)
2. TOP NUT OF HYDRANT LOCATED IN THE SOUTHEAST CORNER OF RIVERDALE DRIVE AND EBONY STREET. ELEVATION=861.25 (NAVD 88)

Aug 17, 2022 - 2:27pm
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3395.15

GENERAL CONSTRUCTION AND SOILS NOTES:

1. STRIP ALL INPLACE TOPSOIL IN AREAS TO BE DISTURBED BY CONSTRUCTION AND REUSE AS SLOPE DRESSING. IN AREAS OF PARKING LOT AND BUILDING CONSTRUCTION, THE EXPOSED SAND SHALL BE SURFACE COMPACTED TO AT LEAST 100% OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY, ASTM D698, IN AT LEAST THE UPPER 3 FEET.
2. UNLESS OTHERWISE RECOMMENDED IN THESE PLANS, THE GRADING SUBGRADE SHALL BE CONSTRUCTED OF SUITABLE GRADING MATERIAL. THE FILL SHALL BE PLACED IN 8'' TO 10'' LOOSE LIFTS, AND COMPACTED TO 100% OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY.
3. SUITABLE GRADING MATERIAL FOR THIS PROJECT SHALL CONSIST OF ALL SOILS ENCOUNTERED WITH THE EXCEPTION OF TOPSOIL, SILT, DEBRIS, ORGANIC MATERIAL AND OTHER UNSTABLE MATERIAL.
4. CONTRACTOR SHALL REVIEW THE REPORT OF GEOTECHNICAL EXPLORATION, PREPARED BY AMERICAN ENGINEERING TESTING AND DATED APRIL 21, 2022, FOR ADDITIONAL SITE PREPARATION REQUIREMENTS.
5. PROVIDE A SAW CUT WHEN PLACING NEW PAVEMENT ADJACENT TO INPLACE PAVEMENT AND AT TERMINI OF CONSTRUCTION TO ENSURE A UNIFORM JOINT.
6. BITUMINOUS AND CONCRETE ITEMS DISTURBED BY CONSTRUCTION SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF IN ACCORDANCE WITH MN/DOT SPEC. 2104.
7. USE TACK COAT BETWEEN ALL BITUMINOUS MIXTURES. THE BITUMINOUS TACK COAT MATERIAL SHALL BE APPLIED AT A UNIFORM RATE OF 0.04 GAL/SY TO 0.06 GAL/SY BETWEEN BITUMINOUS LAYERS. THE APPLICATION RATES ARE FOR UNDILUTED EMULSIONS.
8. THE BITUMINOUS MIXTURES SHALL MEET THE REQUIREMENTS OF SPECIFICATIONS 2360 AND 3139.
9. CONTRACTOR SHALL APPLY FOR A DEPARTMENT OF LABOR AND INDUSTRY PERMIT PRIOR TO CONSTRUCTING ANY UNDERGROUND UTILITIES SHOWN ON THESE PLANS. CONTRACTOR SHALL ADDRESS ALL THE COMMENTS FROM THE DEPARTMENT OF LABOR AND INDUSTRY AS PART OF THE PERMIT APPLICATION PROCESS.

GENERAL EROSION CONTROL NOTES:

1. EROSION CONTROL SHALL CONFORM TO THE MN/DOT EROSION CONTROL HANDBOOK.
2. PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL ACQUIRE THE MPCA NPDES CONSTRUCTION STORMWATER GENERAL PERMIT. A COPY OF THE PERMIT SHALL BE SUBMITTED TO THE CITY PRIOR TO THE PRECONSTRUCTION MEETING.
3. THE CONTRACTOR SHALL INSTALL EROSION AND SEDIMENT CONTROL FACILITIES (BMP'S) PRIOR TO GRADING AND REMOVAL ACTIVITIES. BMP'S SHALL BE MAINTAINED FOR THE DURATION OF CONSTRUCTION ACTIVITIES AND POTENTIAL FOR EROSION HAS PASSED.
4. THE CONTRACTOR SHALL SCHEDULE HIS OPERATION TO MINIMIZE THE AMOUNT OF DISTURBED AREA AT ANY GIVEN TIME.
5. BMP'S SHALL BE INSPECTED DAILY BY THE CONTRACTOR. OBSERVATIONS SHALL BE RECORDED IN AN INSPECTION LOG. WEEKLY INSPECTION LOGS AND INSPECTION LOGS AFTER EVERY 1/2" RAIN EVENT SHALL BE SUBMITTED TO THE CITY INSPECTOR.
6. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PROPERLY DISPOSED OF WITHIN THIRTY (30) DAYS AFTER FINAL SITE STABILIZATION.
7. THE CONTRACTOR SHALL FILE A NOTICE OF TERMINATION WITH THE MPCA AFTER FINAL STABILIZATION HAS BEEN APPROVED. THE CITY SHALL REVIEW AND APPROVE THE NOTICE OF TERMINATION PRIOR TO SUBMITTAL TO THE MPCA.

REFERENCE NOTES:

① SEE CITY PLATE NO. STR-26 FOR MODIFIED CLASS 5 AGGREGATE BASE SPECIFICATIONS.

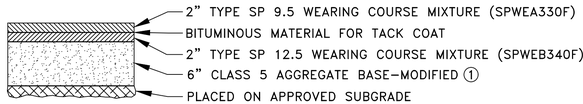
② INLET PROTECTION SHALL BE INSTALLED ON ALL CASTINGS RECEIVING RUNOFF FROM THE PROJECT AREA. INLET PROTECTION SHALL BE INSTALLED ON EXISTING, OFF SITE CASTINGS PRIOR TO THE START OF CONSTRUCTION. WIMCO MODELS CG 3067 AND RD 27 ARE SHOWN.

③ CONTRACTOR SHALL PROTECT THE INFILTRATION BASIN WITH 48" HIGH ORANGE SAFETY FENCE PRIOR TO THE START OF CONSTRUCTION.

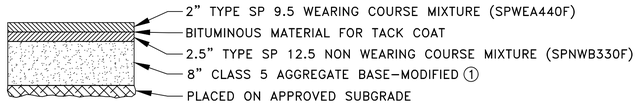
④ CONSTRUCTION EQUIPMENT SHALL BE MINIMIZED OVER THE FOOTPRINT OF THE BASIN. ONLY LOW PRESSURE, WIDE TRACKED EQUIPMENT SHALL BE USED FOR CONSTRUCTION.

⑤ INFILTRATION BASINS SHALL NOT BE GRADED TO WITHIN THREE FEET OF THE FINAL GRADES UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN CONSTRUCTED AND FULLY STABILIZED OR RIGOROUS EROSION PREVENTION AND SEDIMENT CONTROLS, SUCH AS DIVERSION BERMS, TO KEEP SEDIMENT AND RUNOFF COMPLETELY AWAY FROM THE INFILTRATION AREAS HAVE BEEN PROVIDED.

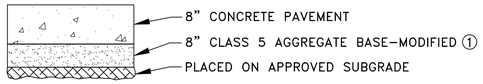
⑥ THE INFILTRATION RATE FOR THE SOILS IN THE BOTTOM OF THE INFILTRATION BASIN SHALL BE LESS THAN OR EQUAL TO 8.3 INCHES PER HOUR. THE CONTRACTOR MAY HAVE TO AMEND THE SOILS TO MEET THIS REQUIREMENT.



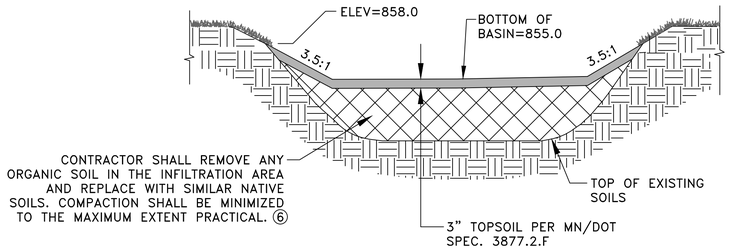
1 C2 LIGHT DUTY BITUMINOUS PAVEMENT SECTION
NO SCALE



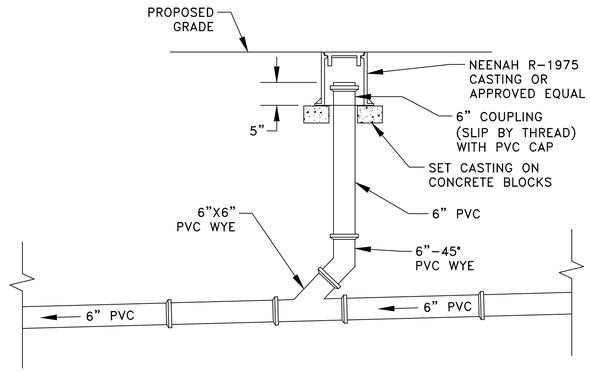
2 C2 HEAVY DUTY BITUMINOUS PAVEMENT SECTION
NO SCALE



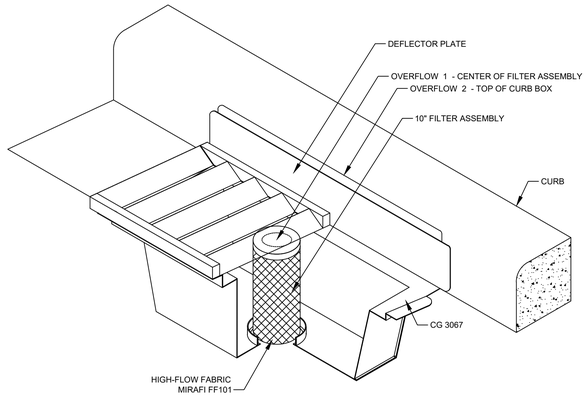
3 C2 CONCRETE PAVEMENT SECTION
NO SCALE



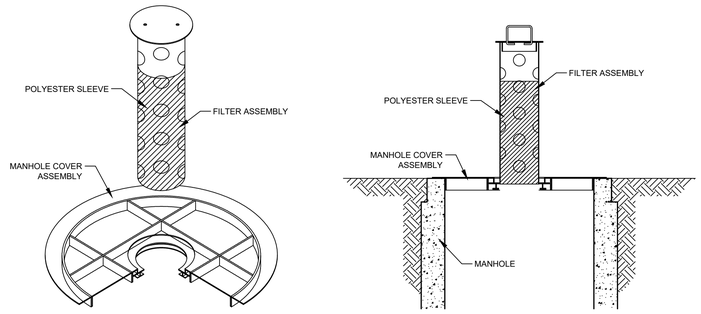
4 C2 INFILTRATION BASIN ③④⑤
NO SCALE



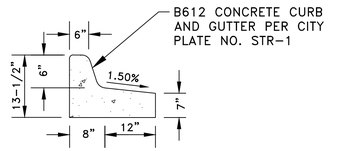
5 C2 SANITARY SEWER CLEANOUT
NO SCALE



6 C2 STORM DRAIN INLET PROTECTION ②



7 C2 STORM DRAIN INLET PROTECTION ②



8 C2 TIPOUT CURB DETAIL
NO SCALE

DATE	REVISION
8/17/22	PLAN REVISIONS PER CITY REVIEW

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.
TIMOTHY A. EGGENBERG, P.E.
Date 7/13/22 Lic. No. 43362

DESIGNED BY: TAE
DRAWN BY: TAE
CHECKED BY: CJJ

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Civil Engineers and Land Surveyors
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www.hakanson-anderson.com

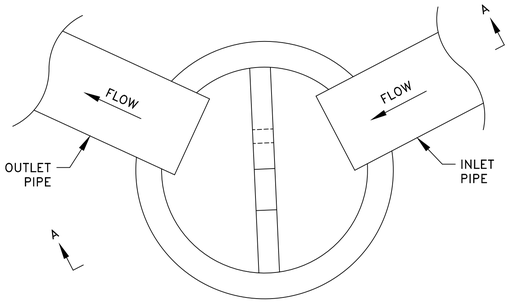
BLUE LINE COLLISION CENTER

CONSTRUCTION NOTES AND DETAILS
CITY OF RAMSEY, MINNESOTA

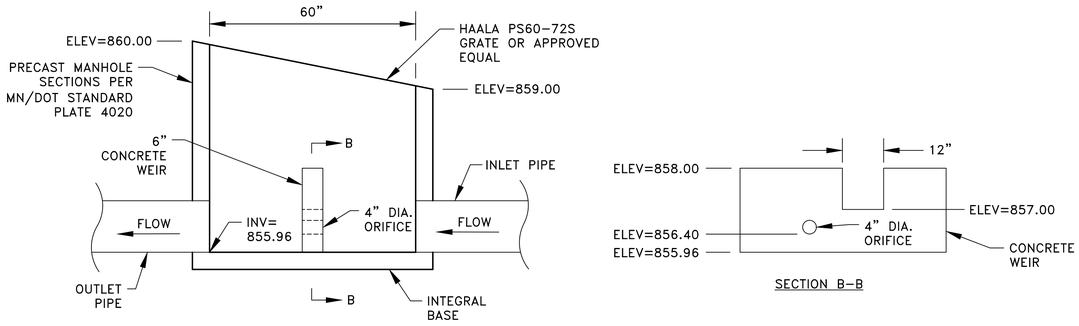
SHEET C2 OF C10 SHEETS

3395.15

Aug 17, 2022 - 2:29pm
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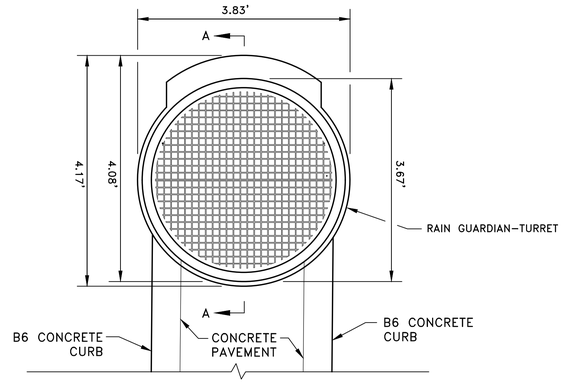
PLAN VIEW



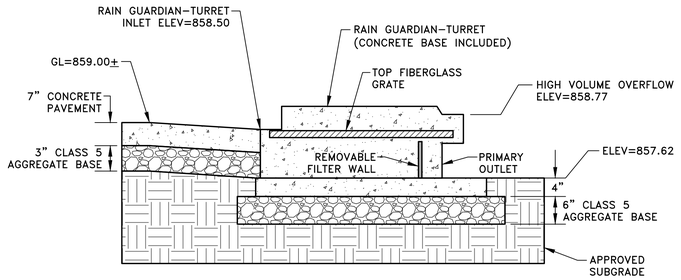
SECTION A–A

SECTION B–B

1 / C3 POND OUTLET STRUCTURE
NO SCALE



PLAN VIEW



SECTION A–A

2 / C3 RAIN GUARDIAN–TURRET DETAILS ①
NO SCALE

REFERENCE NOTES:
① SEE THE WEBSITE www.rainguardian.biz FOR ADDITIONAL CONSTRUCTION NOTES AND DETAILS FOR THE RAIN GUARDIAN–TURRET DESIGN.

DATE	REVISION

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.
TIMOTHY A. EGGENHOFER, P.E.
Date 7/13/22 Lic. No. 43362

DESIGNED BY: TAE
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BLUE LINE COLLISION CENTER

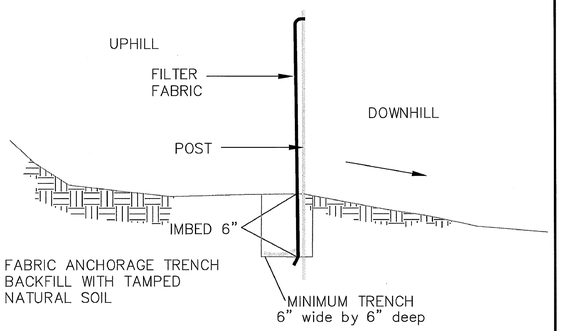
DETAILS

CITY OF RAMSEY, MINNESOTA

SHEET C3 OF C10 SHEETS

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Aug 17, 2022 – 2:29pm
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INSTALL AS PER FILTER FABRIC MANUFACTURER'S RECOMMENDATIONS

SILT FENCE DETAIL

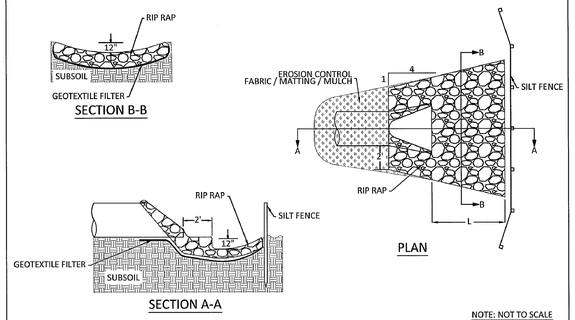
NO SCALE

APPROVED: 1 – 2016

City of RAMSEY

STANDARD DETAILS: SILT FENCE

CITY PLATE No. ERO–1



NOTE: NOT TO SCALE

NOTES:

1. ON SLOPES 4:1 OR GREATER, ANCHOR OR STRAIGHT DISKED STRAW MULCH, SEEDED NETTING, GABRIC, OR MATTING SUCH AS EXCELSIOR SHALL BE USED TO STABILIZE DISTURBED SOILS. THESE EXPOSED SOILS MUST BE STABILIZED IMMEDIATELY AFTER GRADING OF SOIL IS COMPLETE.
2. A SKIRTING OF EROSION CONTROL FABRIC OR MULCH MUST BE USED TO PROTECT OUTLETS AS ILLUSTRATED REGARDLESS OF SLOPE.
3. RIP RAP IS CLASS III PLACED 18" THICK.
4. FOR PIPE GREATER THAN 48" DIAMETER OR 58" SPAN, QUANTITY OF GEOTEXTILE FABRIC AND RIP RAP WILL BE HANDLED IN A CASE BY CASE MANNER.
5. GEOTEXTILE FABRIC SHALL COVER THE BOTTOM AND SIDES OF THE AREA EXCAVATED FOR THE RIP RAP MATERIAL.

RIP RAP AT RCP OUTLETS			
DIA. OF PIPE (IN.)	L (FT.)	GEOTEXTILE FABRIC (SY)	18" DEPTH RIP RAP (CU. YD)
12	8	19.6	4.4
15	8	20.8	4.8
18	10	25.6	6.4
21	10	27.4	7.1
24	12	33.4	9.2
27	12	35.2	9.9
30	14	41.6	12.3
36	16	50.5	15.8
42	18	57.8	18.7
48	20	66.5	22.2

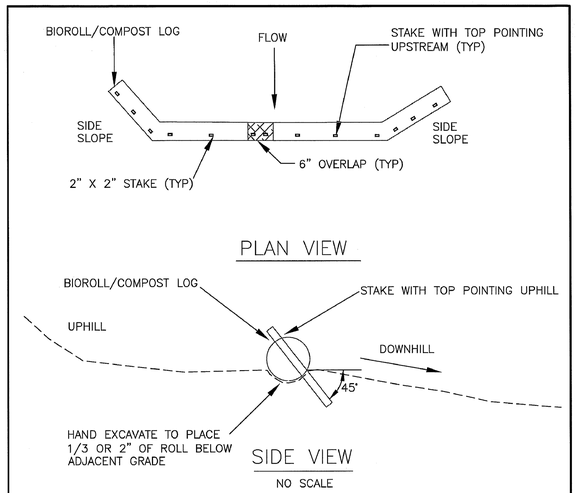
RIP RAP AT RCP-A OUTLETS			
SPAN OF PIPE (IN.)	L (FT.)	GEOTEXTILE FABRIC (SY)	18" DEPTH RIP RAP (CU. YD)
22	10	25.6	6.1
28	12	33.2	8.5
36	14	41.5	11.2
43	16	50.5	14.3
51	18	57.5	16.9
58	20	65.2	19.8

APPROVED: 9 – 2016

City of RAMSEY

STANDARD DETAILS: RIP–RAP

CITY PLATE No. ERO–3



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

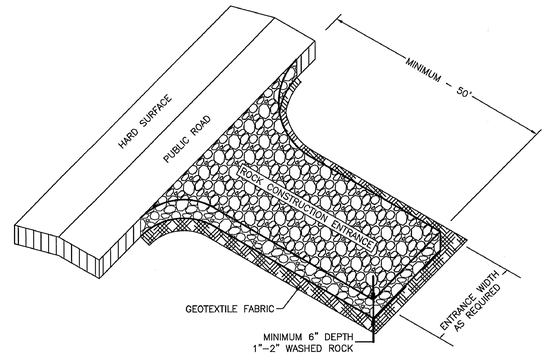
WOOD STAKES ARE DRIVEN THROUGH BACK HALF OF BIOROLL OR COMPOST LOG AT 45° ANGLE WITH TOP OF STAKE POINTING UPHILL

APPROVED: 3 – 2016

City of RAMSEY

STANDARD DETAILS: BIO ROLL (COMPOST LOG)

CITY PLATE No. ERO–4



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.

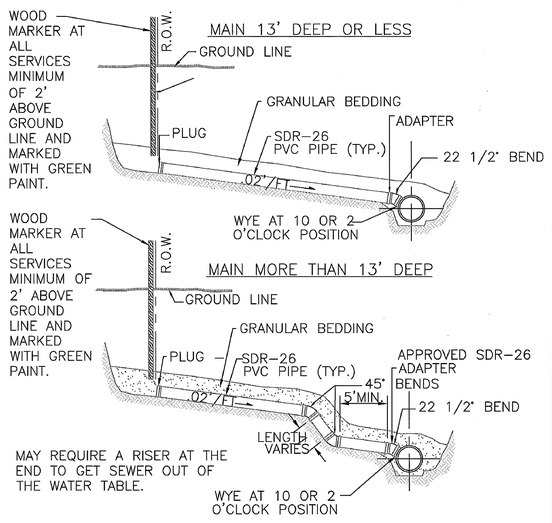
NOT TO SCALE

APPROVED: 1 – 2016

City of RAMSEY

STANDARD DETAILS: ROCK CONSTRUCTION ENTRANCE

CITY PLATE No. ERO–5



NOTES:

1. 10 GAGE SOLID COPPER TRACER WIRE IS REQUIRED WITH ALL SEWER LINES
2. CONDUCTIVITY IS REQUIRED ON ALL TRACER WIRE.
3. TRACER WIRE ARE TO END IN STRUCTURES, AT FINISHED GRADE ON ALL SERVICES AND STUBS.

APPROVED: 4 – 2016

City of RAMSEY

STANDARD DETAILS: SANITARY SEWER SERVICE

CITY PLATE No. SEW–3

DATE	REVISION

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.

TIMOTHY A. EGGENHOFER, P.E.

Date 7/13/22 Lic. No. 43362

DESIGNED BY: TAE
DRAWN BY: TAE
CHECKED BY: CJJ

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BLUE LINE COLLISION CENTER

DETAILS

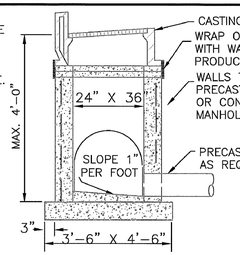
CITY OF RAMSEY, MINNESOTA

SHEET C4 OF C10 SHEETS

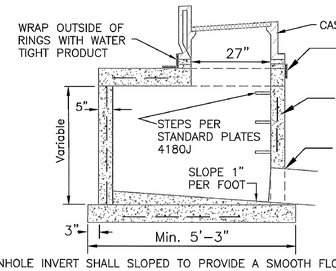
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Aug 17, 2022 – 2:30pm
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A 5 FT. GREEN CARSONITE MARKER SHALL BE INSTALLED NEXT TO ALL STRUCTURES NOT IN A PAVED OR HARD SURFACE.



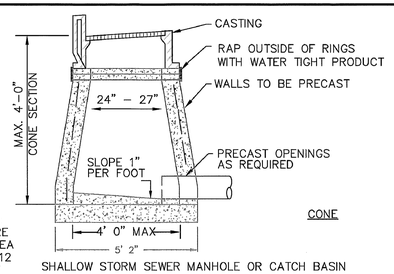
RECTANGULAR



CIRCULAR

NOTES:
1. MANHOLE INVERT SHALL SLOPED TO PROVIDE A SMOOTH FLOW FROM INLET TO OUTLET
2. CONCRETE BASE SHALL BE 6" POURED IN PLACE OR 5" PRECAST SLAB.
3. CONCRETE ADJUSTING RINGS TO BE INSTALLED MAX.7–2" RINGS, MIN 2–2" RINGS
4. GROUT BETWEEN RINGS,SHIMS SHALL BE METAL, CONCRETE OR PLASTIC
5. INSPECTION OF MANHOLE REQUIRED BEFORE BACKFILLING
6. A 10 GAUGE SOLID COPPER TRACER WIRE IS REQUIRED WITH ALL STORM LINES.
7. CONDUCTIVITY IS REQUIRED ON ALL TRACER WIRE
8. STEPS ARE REQUIRED IF STRUCTURE FROM THE CASTING TO THE INVERT IS GREATER THAN 4 FEET
9. TRACER WIRES ARE TO END IN STRUCTURES, AT FINISHED GRADE ON ALL SERVICES AND STUBS

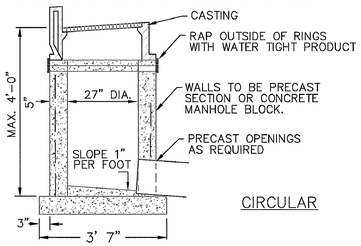
APPROVED:		STANDARD DETAILS:
4 – 2007	City of RAMSEY	CATCH BASIN
		CITY PLATE No. STO–1



CONE

PRECAST REINFORCING: SINGLE LINE STEEL WIRE FABRIC HAVING AN AREA OF NOT LESS THAN 0.12 SQ INCH PER FOOT OF HEIGHT.

SHALLOW STORM SEWER MANHOLE OR CATCH BASIN



CIRCULAR

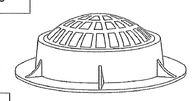
SHALLOW STORM SEWER MANHOLE OR CATCH BASIN

NOTES:
1. MANHOLE INVERT SHALL BE SLOPED TO PROVIDE A SMOOTH FLOW FROM INLET TO OUTLET.
2. CONCRETE BASE SHALL BE 6" POURED IN PLACE OR 5" PRECAST SLAB.
3. CONCRETE ADJUSTING RINGS TO BE INSTALLED MAX 7–2" RINGS, MIN 2–2" RINGS.
4. GROUT BETWEEN RINGS
5. SHIMS USED FOR LEVELING SHALL BE METAL OR CONCRETE.
6. A 10 GAGE SOLID COPPER TRACER WIRE IS REQUIRED WITH ALL SEWER LINES.
7. CONDUCTIVITY IS REQUIRED ON ALL TRACER WIRE
8. TRACER WIRED ARE TO END IN STRUCTURES, AT FINIHED GRADE ON ALL SERVICES AND STUBS.

APPROVED:		STANDARD DETAILS:
6 – 2008	City of RAMSEY	STORM AREA INLET
		CITY PLATE No. STO–2

R–2560 Series
Beehive Grates with Frames

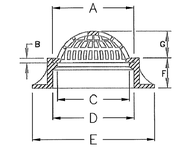
SUITABLE FOR DRAINAGE ON CIRCUMSTANCES WHERE CLOGGING OF A FLAT GRATING IS A PROBLEM. EXCELLENT FOR ROADSIDE OR EARTH DITCH CATCH BASINS.



Illustrating R–2560–E

Catalog No.	Dimensions in Inches A	B	C	D	E	F	G	Wt. LBS
R–2560–A	12	1	11	12 1/2	19	4	4	80
R–2560–B	15 1/2	1 1/4	15	15	21	5	3	120
R–2560–C	18	1 1/4	18 1/2	20 1/2	30	8	4	190
R–2560–C1	22	1 1/2	20	23	28	4	4 1/2	195
R–2560–C2	22	1 1/2	20 1/2	24	28 1/4	6	4 1/2	270
R–2560–D	22	1 1/2	20	24 1/2	35	9	4 1/2	315
R–2560–D1	22	1 1/2	20	23	28 1/4	4	7	210
R–2560–D2	22	1 1/2	20 1/2	24	35	6	7	285
R–2560–D3	22	1 1/2	20	24 1/2	36	9	7	345
R–2560–E	23	1 1/2	21	25 1/2	35 1/2	9	7	340
R–2560–EA	25 3/4	7/8	24 1/8	26 1/2	35 1/2	4	8	235
R–2560–EB	25 3/4	7/8	24 1/8	26 1/2	35 1/2	4	9	255
R–2560–E1	25 3/4	7/8	24 1/8	26 1/2	35 1/2	7	6	285
R–2560–E2	25 3/4	7/8	24 1/8	26 1/2	35 1/2	7	9	300
R–2560–E5	25 3/4	7/8	24 1/8	26 1/2	35 1/2	8	6	345
R–2560–E6	25 3/4	7/8	24 1/8	26 1/2	35 1/2	8	9	365
R–2560–E7	25 3/4	7/8	24 1/8	26 1/2	35 1/2	9	6	350
R–2560–E8	25 3/4	7/8	24 1/8	26 1/2	35 1/2	9	9	365
R–2560–E9	25 3/4	7/8	24 1/8	26 1/2	35 1/2	10	6	360
R–2560–E10	25 3/4	7/8	24 1/8	28 1/2	35 1/2	10	9	385
R–2560–G	32	1 1/2	30	36	46	7	4	535

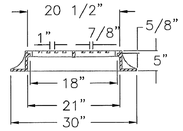
Furnished standard with ground bearing surfaces.



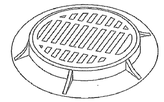
R–2570 Catch Basin Frame, Grate

Light Duty

Total Weight 170 Pounds



Furnished standard with ground bearing surfaces.

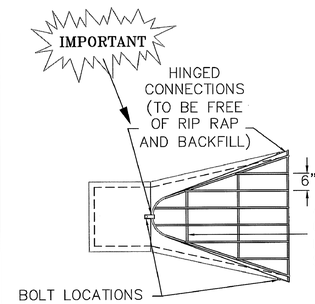


STORM CASTINGS FOR NON–TRAFFIC AREAS

NTS

APPROVED:		STANDARD DETAILS:
9 – 2011	City of RAMSEY	STORM CASTING – NON TRAFFIC AREAS
		CITY PLATE No. STO–6

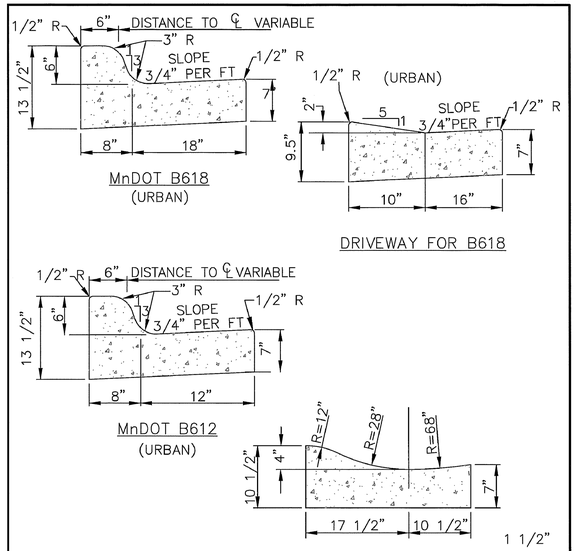
NOTE:
GUARDS MUST BE INCORPORATED ON ALL INSTALLATIONS EXCEPT WHERE SPECIFICALLY ALLOWED OTHERWISE BY THE CITY ENGINEER.



ARCH ROUND PIPE SIZE	BOLT DIA.	BAR SIZE
12"–24"	5/8"	5/8"
27"–48"	3/4"	3/4"
54"–90"	1"	1"
22"–29"	5/8"	5/8"
36"–59"	3/4"	3/4"
65"–88"	1"	1"

NOTE: COATINGS ARE AS SPECIFED ELSEWHERE

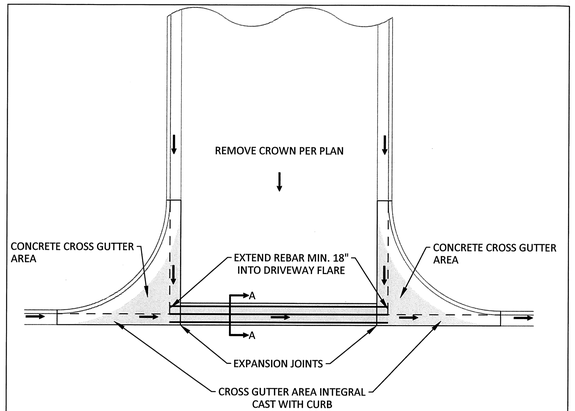
APPROVED:		STANDARD DETAILS:
2 – 2006	City of RAMSEY	TRASH GUARD
		CITY PLATE No. STO–8



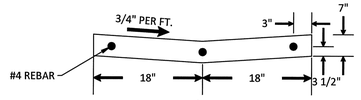
NOTES:

1. ON WEAR COURSE MILL THE EXISTING BITUMINOUS 1.5" BY 24" IN FRONT OF THE REPLACEMENT CURB.
2. ON BASE COURSE SAW CUT AND REMOVE EXISTING BITUMINOUS 18" IN FRONT OF THE REPLACEMENT CURB.

APPROVED:		STANDARD DETAILS:
1 – 2016	City of RAMSEY	CURB AND GUTTER
		CITY PLATE No. STR–1



PLAN



SECTION A-A

NOTE: NOT TO SCALE

NOTES:
1. WITH REMOVAL OF EXISTING CURB AT A STREET, MILL BITUMINOUS TO A DEPTH OF 1.5" AND A WIDTH OF 18" IN EXISTING STREET.
2. TO BE USED WHENEVER CROSS DRAINAGE IS < 2%.
3. CONCRETE CURB AND GUTTER SHALL BE CAST INTEGRAL WITH CONCRETE CROSS GUTTER AREA.
4. CONCRETE CURB AND GUTTER SHALL BE PAID SEPARATELY FROM CONCRETE CROSS GUTTER AREA.

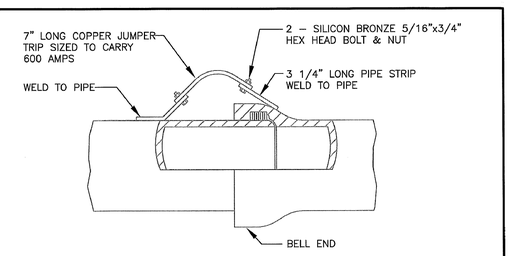
APPROVED:		STANDARD DETAILS:
3 – 2017	City of RAMSEY	CROSS GUTTER
		CITY PLATE No. STR–2

TABLE A
MODIFIED CLASS 5 SPECIFICATIONS
% PASSING

1"	100
3/4"	90 – 100
3/8"	50 – 80
No.4	35 – 70
No.10	20 – 60
No.40	10 – 35
No.200	5 – 10

NOTES:
1. THE AGGREGATE BASE CONSTRUCTION WILL BE ACCEPTED FOR PAYMENT IN ACCORDANCE WITH THE PROVISIONS IN TABLE A.
2. IF THE AGGREGATE BASE FAILS TO MEET THE REQUIREMENTS OF TABLE A THE MATERIAL CAN BE CORRECTED IN PLACE OR REMOVED AND REPLACED WITH MATERIAL THAT MEET THE REQUIREMENTS OF TABLE A.
3. IN THE EVENT THAT RECYCLED MATERIAL IS USE IT MUST MEET MNDOT REQUIREMENTS FOR RECYCLED BASE.

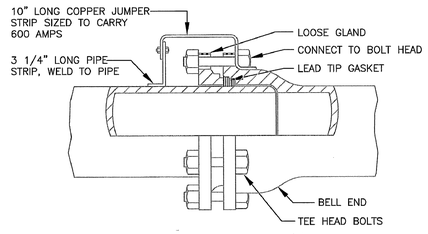
APPROVED:		STANDARD DETAILS:
2 – 2003	City of RAMSEY	MODIFIED CLASS 5 SPECIFICATIONS
		CITY PLATE No. STR–26



PUSH ON JOINT

NOTE: DO NOT PASS CURRENT THROUGH PIPE UNLESS PIPE IS FULL OF WATER.

ALTERNATE METHOD BY AMERICAN CAST –IRON USING 4 COPPER CONTACT STRIPS IS AN APPROVED EQUAL TO ABOVE



MECHANICAL JOINT

APPROVED:		STANDARD DETAILS:
1 – 2016	City of RAMSEY	JOINT CONNECTION
		CITY PLATE No. WAT–4

DATE	REVISION
8/17/22	PLAN REVISIONS PER CITY REVIEW

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Date 7/13/22 Lic. No. 43362

DESIGNED BY: TAE
DRAWN BY: TAE
CHECKED BY: CJJ

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BLUE LINE COLLISION CENTER

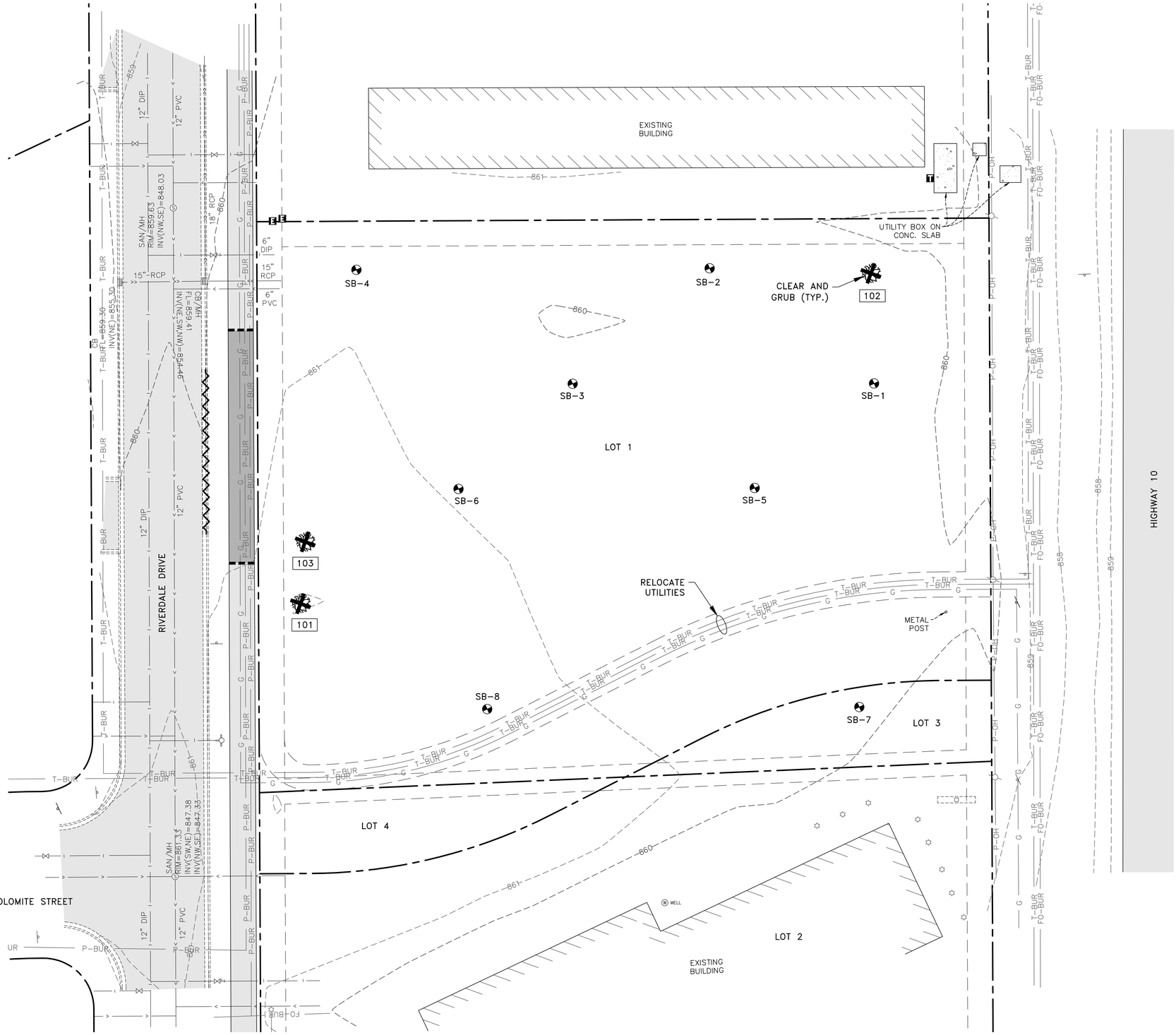
DETAILS

CITY OF RAMSEY, MINNESOTA

SHEET C5 OF C10 SHEETS

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GENERAL NOTES:

1. SILT FENCE FENCE SHALL BE IN PLACE PRIOR TO THE START OF ANY REMOVAL ACTIVITIES. SEE THE GRADING, DRAINAGE AND EROSION CONTROL PLAN FOR SILT FENCE LOCATIONS.
2. CLEARING OF ANY OAK TREES SHALL NOT OCCUR PRIOR TO JULY 15TH. IF OAK TREE CLEARING IS NECESSARY PRIOR TO JULY 15TH, AN OAK WILT MANAGEMENT PLAN MUST BE PREPARED AND SUBMITTED TO THE CITY FOR REVIEW TO ENSURE ADEQUATE MEASURES ARE IMPLEMENTED TO PROTECT FROM THE INTRODUCTION OF OAK WILT.
3. CLEAR AND GRUB BRUSH, SHRUBS AND SMALL TREES WITHIN THE CONSTRUCTION LIMITS (NOT SHOWN).
4. CONTRACTOR SHALL PREPARE A TRAFFIC CONTROL PLAN FOR THE WORK IN RIVERDALE DRIVE. PLAN SHALL BE SUBMITTED TO THE CITY OF RAMSEY A MINIMUM OF 7 DAYS PRIOR TO CONSTRUCTION.

REFERENCE NOTES:

① ONLY THE SIGNIFICANT TREES, AS DEFINED BY THE CITY OF RAMSEY, ARE NUMBERED.

LEGEND

- PROPERTY LINE
- EASEMENT LINE
- XXX EXISTING CONTOUR
- EXISTING CONCRETE CURB
- G GAS MAIN
- P-BUR BURIED ELECTRIC LINE
- T-BUR BURIED TELEPHONE LINE
- P-OH OVERHEAD ELECTRIC LINE
- FO-BUR BURIED FIBER OPTIC LINE
- I EXISTING WATERMAIN
- > EXISTING SANITARY SEWER
- >> EXISTING STORM SEWER
- T E UTILITY PEDESTALS
- Ⓢ EXISTING SANITARY SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING WATERMAIN VALVE
- EXISTING HYDRANT
- LIGHT POLE
- SIGN
- DECIDUOUS AND CONIFEROUS TREES
- EXISTING BITUMINOUS PAVEMENT
- REMOVE BITUMINOUS PAVEMENT
- REMOVE CONCRETE CURB
- SAWCUT BITUMINOUS PAVEMENT
- XXX TREE NUMBER ①
- SB-X SOIL BORING LOCATION

SIGNIFICANT TREE INVENTORY TABULATION

Tree Number	Common Name	Scientific Name	Diameter (inches)	Action
101	Siberian Elm *	*Ulmus pumila*	18	Clear & Grub - Parking Lot
102	Green Ash	*Fraxinus pennsylvanica*	15	Clear & Grub - Building
103	Cottonwood	*Populus deltoides*	30	Clear & Grub - Parking Lot

* Invasive Species

N

20 0 20 40
SCALE IN FEET

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Tim Eggenhofer

TIMOTHY A. EGGENHOFER, P.E.

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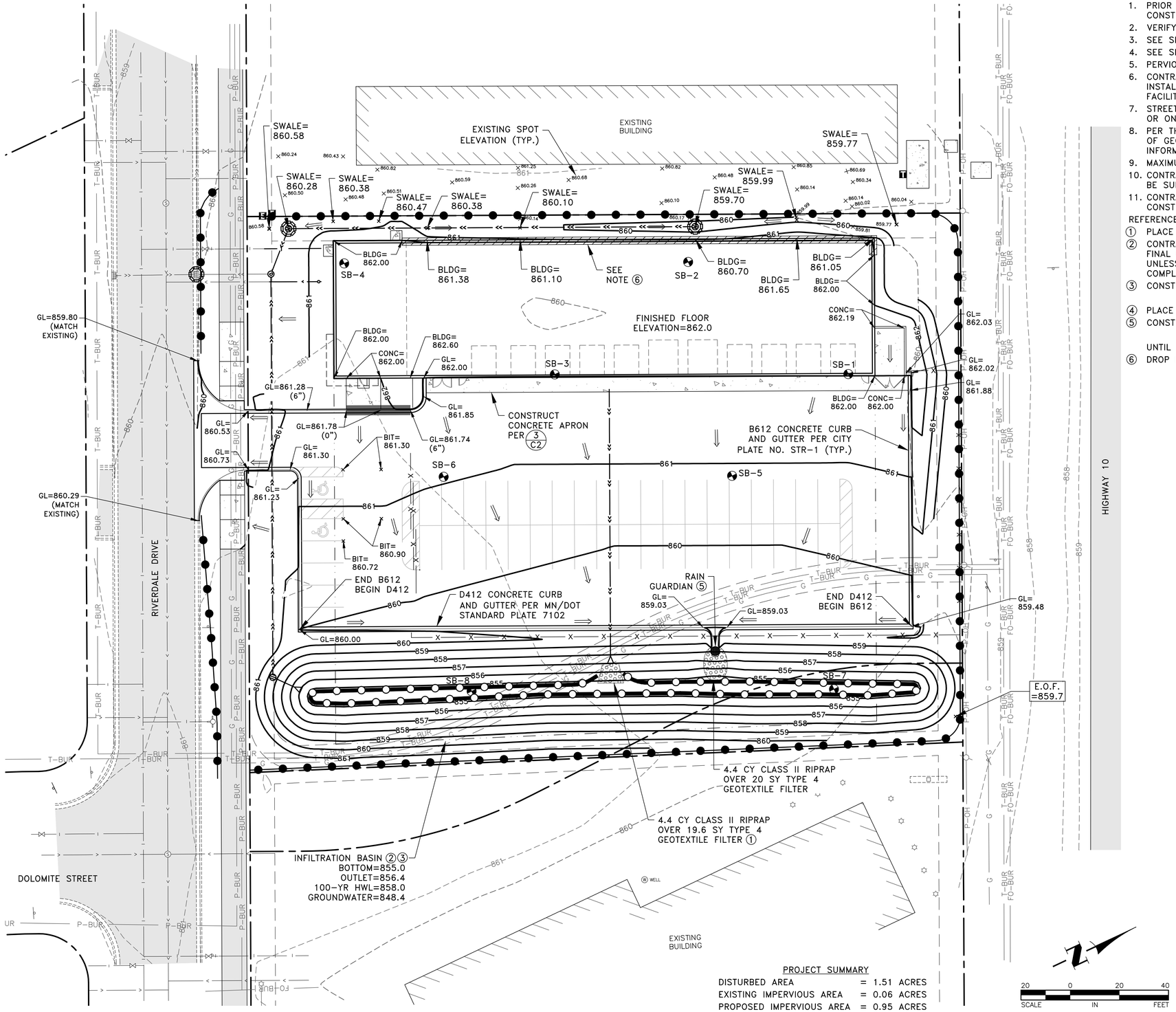
EXISTING TOPOGRAPHY AND REMOVALS PLAN

CITY OF RAMSEY, MINNESOTA

SHEET C6 OF C10 SHEETS

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GENERAL NOTES:

1. PRIOR TO IMPORTING OR EXPORTING MATERIAL FROM THE SITE, CONTRACTOR SHALL CONSTRUCT A ROCK CONSTRUCTION ENTRANCE PER CITY PLATE NO. ERO-5.
2. VERIFY BUILDING DIMENSIONS WITH ARCHITECTURAL PLANS.
3. SEE SHEET C8 FOR THE STAKING PLAN.
4. SEE SHEET C9 FOR THE UTILITY PLAN.
5. PERVIOUS AREAS SHALL BE STABILIZED WITHIN 7 DAYS OF ROUGH GRADING.
6. CONTRACTOR SHALL DETERMINE A LOCATION FOR CONCRETE AND OTHER WASHOUT WASTE. A SIGN SHALL BE INSTALLED ADJACENT TO EACH WASHOUT FACILITY THAT REQUIRES SITE PERSONNEL TO UTILIZE THE PROPER FACILITIES FOR DISPOSAL OF CONCRETE AND OTHER WASTES.
7. STREET SWEEPING MUST BE PERFORMED DAILY IF SEDIMENT IS TRACKED OUTSIDE THE CONSTRUCTION LIMITS OR ONTO ANY CITY STREETS.
8. PER THE ANOKA COUNTY SOIL SURVEY, THE SITE CONSISTS OF HUBBARD LOAMY SANDS. SEE THE REPORT OF GEOTECHNICAL EXPLORATION PREPARED BY AMERICAN ENGINEERING TESTING, INC. FOR ADDITIONAL INFORMATION.
9. MAXIMUM FINISHED GRADES SLOPES SHALL BE 3.5:1.
10. CONTRACTOR SHALL PREPARE A TRAFFIC CONTROL PLAN FOR THE WORK IN RIVERDALE DRIVE. PLAN SHALL BE SUBMITTED TO THE CITY OF RAMSEY A MINIMUM OF 7 DAYS PRIOR TO CONSTRUCTION.
11. CONTRACTOR SHALL PROVIDE A TEMPORARY PEDESTRIAN ACCESS ROUTE FOR THE TRAIL DURING CONSTRUCTION.

REFERENCE NOTES:

① PLACE RIPRAP PER CITY PLATE NO. ERO-3.
② CONTRACTOR SHALL NOT EXCAVATE THE INFILTRATION BASIN TO FINAL GRADE, OR WITHIN THREE FEET OF FINAL GRADE, UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN CONSTRUCTED AND FULLY STABILIZED UNLESS RIGOROUS EROSION PREVENTION AND SEDIMENT CONTROLS TO KEEP SEDIMENT AND RUNOFF COMPLETELY AWAY FROM THE INFILTRATION BASIN ARE PROVIDED.
③ CONSTRUCT INFILTRATION BASIN PER 4/C2.
④ PLACE SEDIMENT CONTROL LOG AFTER COMPLETION OF GRADING.
⑤ CONSTRUCT RAIN GUARDIAN PER 2/C3. PLACE SEDIMENT CONTROL LOG UPSTREAM OF THE RAIN GUARDIAN UNTIL FINAL STABILIZATION IS ACHIEVED.
⑥ DROP FOOTING BASED ON PROPOSED GRADES.

LEGEND

- PROPERTY LINE
- EASEMENT LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING CONCRETE CURB
- GAS MAIN
- BURIED ELECTRIC LINE
- BURIED TELEPHONE LINE
- OVERHEAD ELECTRIC LINE
- BURIED FIBER OPTIC LINE
- EXISTING WATERMAIN
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- UTILITY PEDESTALS
- EXISTING SANITARY SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING WATERMAIN VALVE
- EXISTING HYDRANT
- LIGHT POLE
- SIGN
- DECIDUOUS AND CONIFEROUS TREES
- EXISTING BITUMINOUS PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- PROPOSED RIPRAP
- PROPOSED CONCRETE CURB AND GUTTER
- PROPOSED WATERMAIN
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER
- PROPOSED FENCE
- PROPOSED STORM MANHOLE
- PROPOSED POND OUTLET STRUCTURE
- PROPOSED STORM SEWER APRON
- SILT FENCE PER CITY PLATE NO. ERO-1
- SEDIMENT CONTROL LOG PER CITY PLATE NO. ERO-4 ④
- PROPOSED TIPOUT CURB PER 8/C2
- STORM DRAIN INLET PROTECTION DEVICE PER 6/C2 AND 7/C2
- DRAINAGE ARROW

GL= XXX.XX — PROPOSED GUTTER LINE ELEVATION
BIT= XXX.XX — PROPOSED SPOT ELEVATION (BITUMINOUS)
CONC= XXX.XX — PROPOSED SPOT ELEVATION (CONCRETE)
BLDG= XXX.XX — PROPOSED GROUND ELEVATION AT BUILDING
SWALE= XXX.XX — PROPOSED SWALE ELEVATION
X/X — DETAIL NUMBER / SHEET NUMBER

PROJECT SUMMARY

DISTURBED AREA	= 1.51 ACRES
EXISTING IMPERVIOUS AREA	= 0.06 ACRES
PROPOSED IMPERVIOUS AREA	= 0.95 ACRES

DATE	REVISION
8/17/22	PLAN REVISIONS PER CITY REVIEW

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TIMOTHY A. EGGENBERG, P.E.
Date 7/13/22 Lic. No. 43362

DESIGNED BY: TAE
DRAWN BY: TAE
CHECKED BY: CJJ

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GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN

CITY OF RAMSEY, MINNESOTA

SHEET C7 OF C10 SHEETS

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LEGEND

PROPOSED TIPOUT CURB PER (8/C2)

DRAINAGE ARROW

GL= XXX.XX — PROPOSED GUTTER LINE ELEVATION

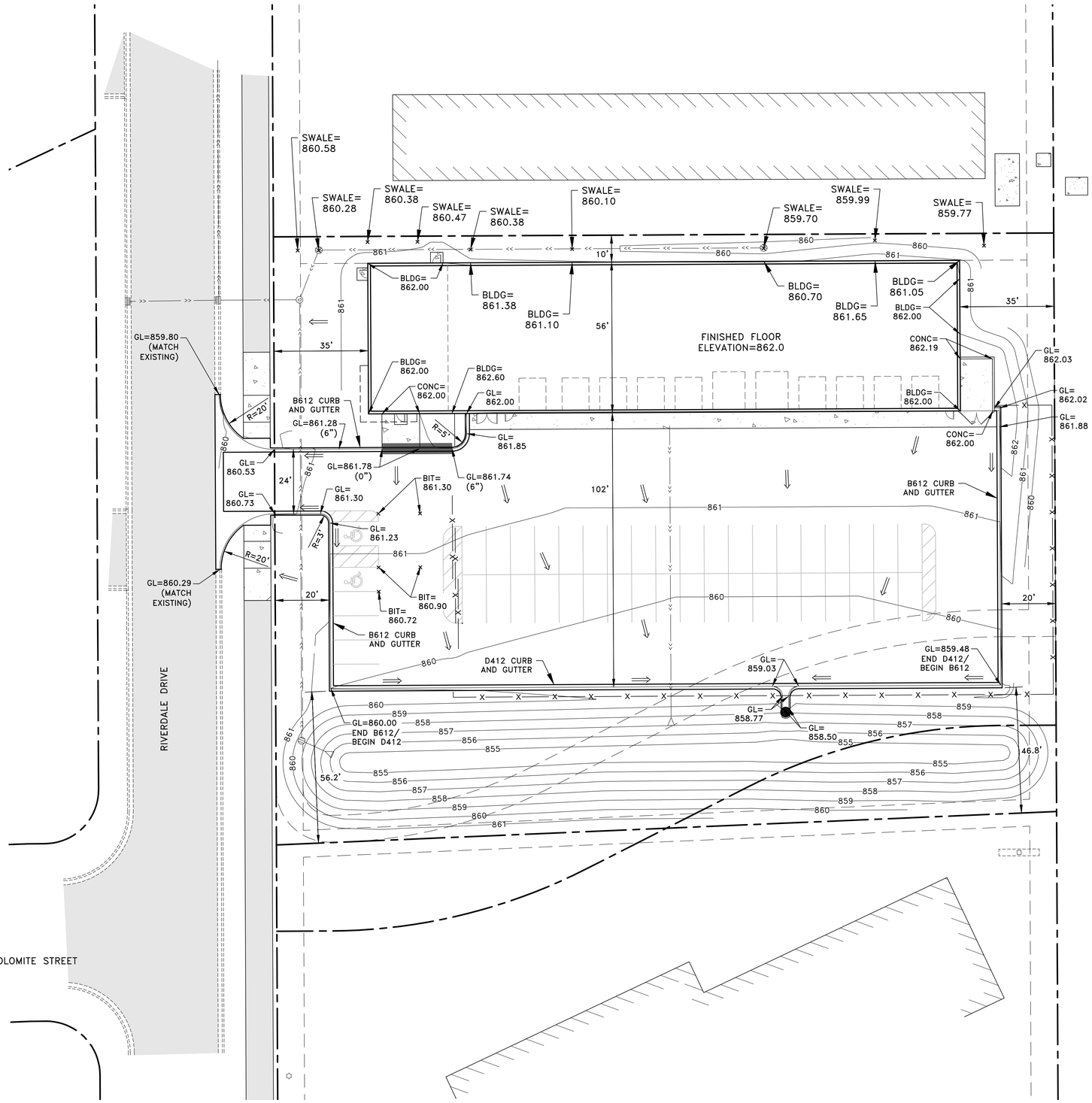
BIT= XXX.XX — PROPOSED SPOT ELEVATION (BITUMINOUS)

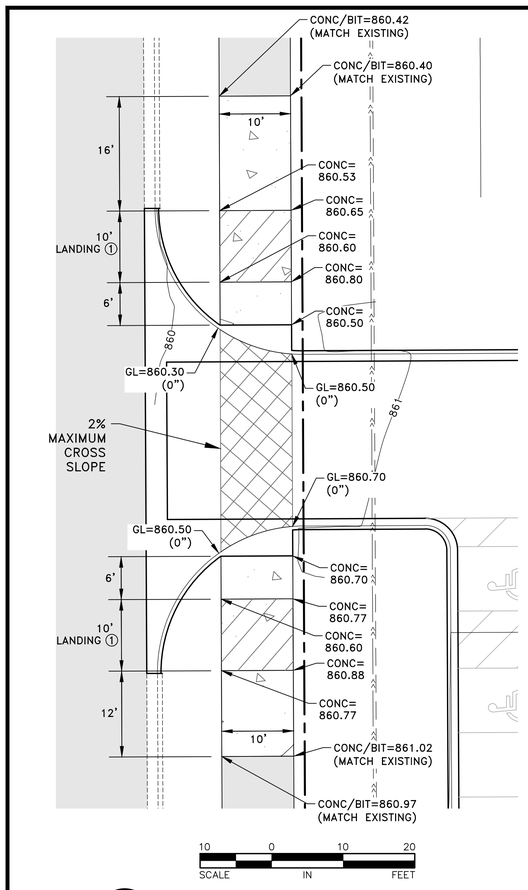
CONC= XXX.XX — PROPOSED SPOT ELEVATION (CONCRETE)

BLDG= XXX.XX — PROPOSED GROUND ELEVATION AT BUILDING

SWALE= XXX.XX — PROPOSED SWALE ELEVATION

REFERENCE NOTES:
(1) LANDING SHALL HAVE A MAXIMUM SLOPE OF 2.00% IN ALL DIRECTIONS.





SCALE IN FEET: 20 0 20 40

SCALE IN FEET: 10 0 10 20

1/C8 PEDESTRIAN RAMP DETAILS

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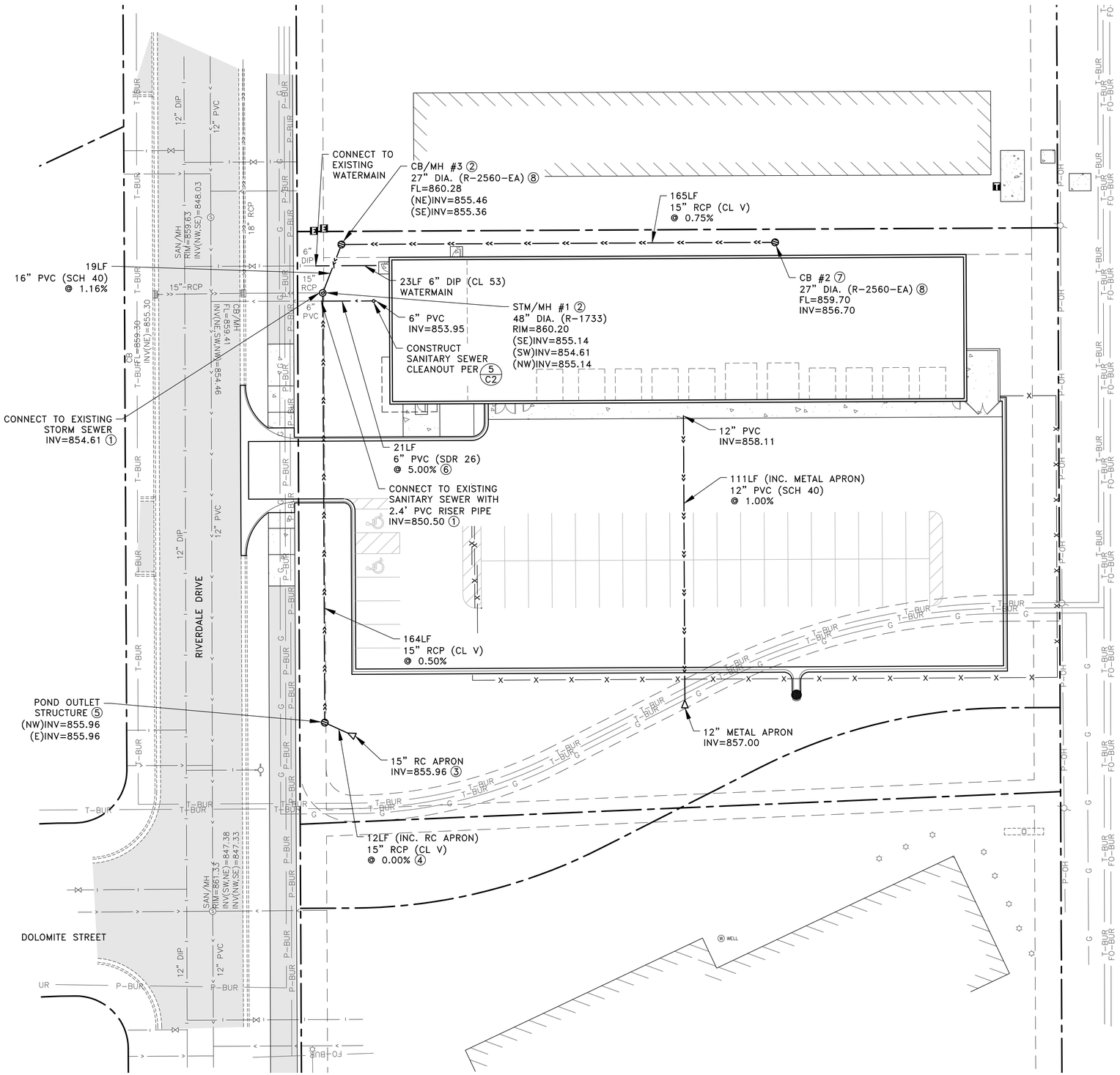
STAKING PLAN

CITY OF RAMSEY, MINNESOTA

SHEET C8 OF C10 SHEETS

3395.15

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GENERAL NOTES:

1. CONTRACTOR SHALL APPLY FOR A DEPARTMENT OF LABOR AND INDUSTRY PERMIT PRIOR TO CONSTRUCTING ANY UNDERGROUND UTILITIES SHOWN ON THESE PLANS. CONTRACTOR SHALL ADDRESS ALL THE COMMENTS FROM THE DEPARTMENT OF LABOR AND INDUSTRY AS PART OF THE PERMIT APPLICATION PROCESS.
2. MAINTAIN A MINIMUM OF 7.5' OF COVER OVER WATERMAIN.
3. WATERMAIN JOINT CONSTRUCTION SHALL BE PER CITY PLATE NO. WAT-4.
4. THE PROPOSED SEWER AND WATER SERVICES SHALL INCLUDE TRACER WIRE.

REFERENCE NOTES:

① LOCATION AND INVERT OF EXISTING SANITARY SEWER AND STORM SEWER STUBS SHALL BE VERIFIED PRIOR TO CONSTRUCTION.
② CONSTRUCT STRUCTURE PER CITY PLATE NO. STO-1.
③ CONCRETE APRON SHALL INCLUDE A TRASH GUARD PER CITY PLATE NO. STO-8.
④ TIE ALL PIPE JOINTS.
⑤ CONSTRUCT STRUCTURE PER 1/C3.
⑥ CONSTRUCT SEWER SERVICE PER CITY PLATE NO. SEW-3.
⑦ CONSTRUCT STRUCTURE PER CITY PLATE NO. STO-2.
⑧ CASTING SHALL BE PER CITY PLATE NO. STO-6.

SCALE IN FEET: 20 0 20 40

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8/17/22	PLAN REVISIONS PER CITY REVIEW

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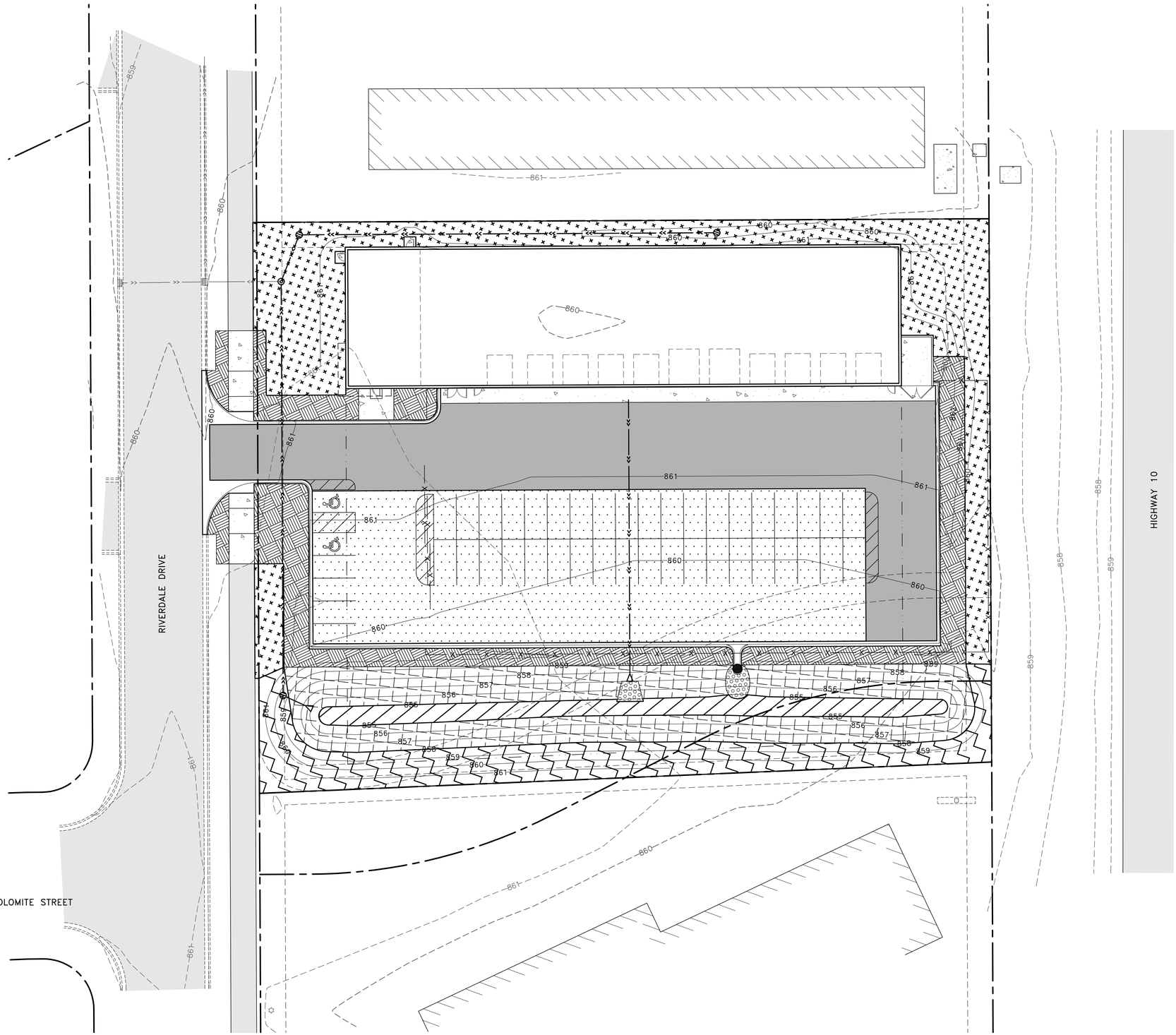
BLUE LINE COLLISION CENTER

UTILITY PLAN
CITY OF RAMSEY, MINNESOTA

SHEET C9 OF C10 SHEETS

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LEGEND

- PROPOSED LIGHT DUTY BITUMINOUS PAVEMENT PER (1/C2)
- PROPOSED HEAVY DUTY BITUMINOUS PAVEMENT PER (2/C2)
- SEED MIX 25-131 (220 POUNDS/ACRE)
  ROLLED EROSION PREVENTION CATEGORY 20
  TYPE 1 FERTILIZER (300 POUNDS/ACRE)
- SEED MIX 25-131 (220 POUNDS/ACRE)
  HYDRAULIC MULCH MATRIX (2500 POUNDS/ACRE)
  TYPE 1 FERTILIZER (300 POUNDS/ACRE)
- SEED MIX 33-261 (35 POUNDS/ACRE)
  ROLLED EROSION PREVENTION CATEGORY 20
  TYPE 1 FERTILIZER (300 POUNDS/ACRE)
- SEED MIX 33-261 (35 POUNDS/ACRE)
  HYDRAULIC MULCH MATRIX (2500 POUNDS/ACRE)
  TYPE 1 FERTILIZER (300 POUNDS/ACRE)
- SOD
  TYPE 1 FERTILIZER (300 POUNDS/ACRE)

GENERAL NOTES:

1. PLACE A MINIMUM OF 4" OF TOPSOIL OVER ALL DISTURBED AREAS OUTSIDE THE PROPOSED PARKING LOT AND INFILTRATION AREA. TOPSOIL SHALL NOT CONTAIN MORE THAN 35% SAND CONTENT. SEE (4/C2) FOR INFILTRATION BASIN TOPSOIL REQUIREMENTS.

SCALE: 20 0 20 40 IN FEET

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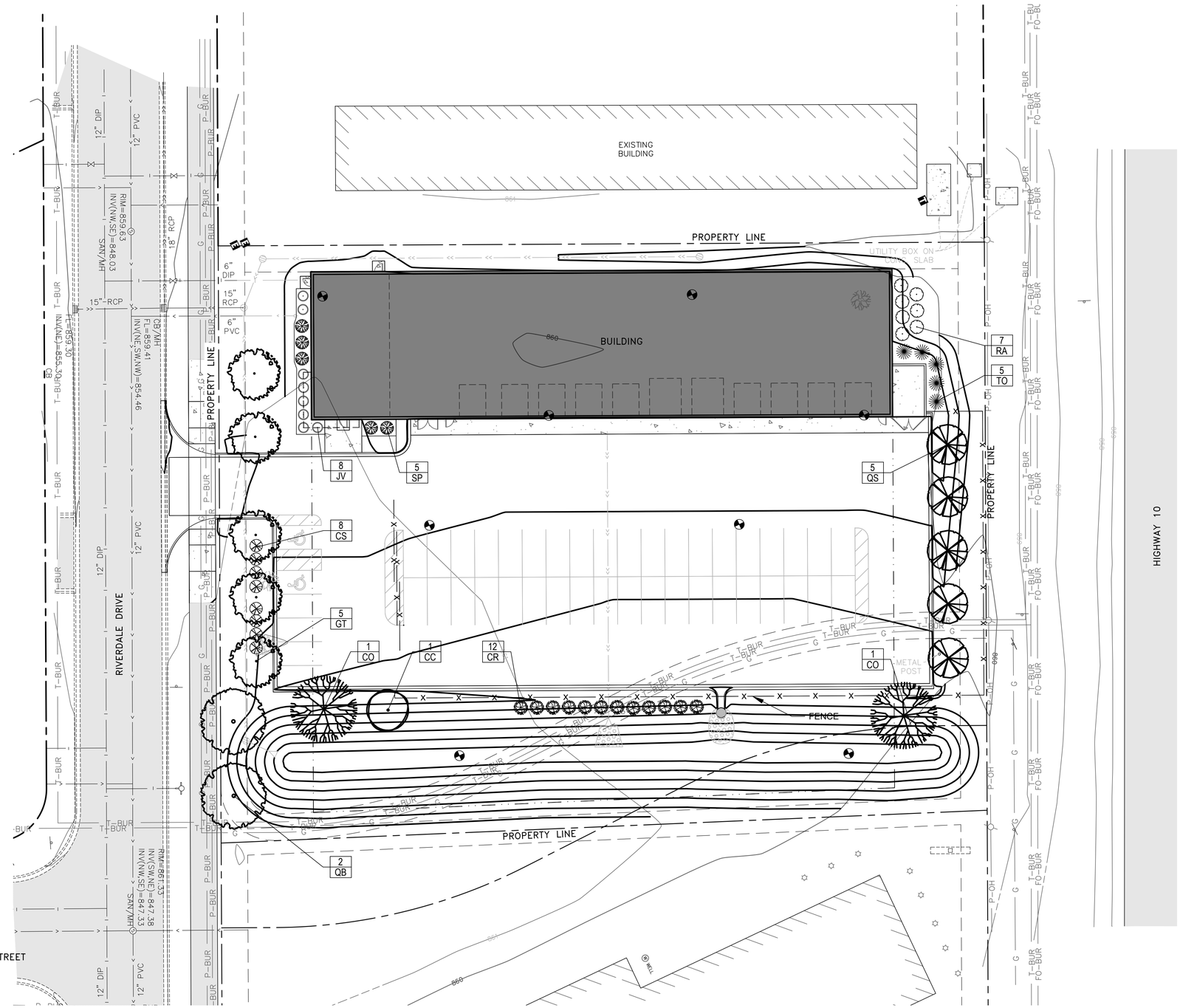
PAVING AND RESTORATION PLAN

CITY OF RAMSEY, MINNESOTA

SHEET C10 OF C10 SHEETS

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Aug 17, 2022 - 2:35pm
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PLANT SCHEDULE

QTY	CODE	SCIENTIFIC NAME/COMMON NAME	SIZE	ROOT	REMARKS
		OVERSTORY TREES			
2	CO	Celtis occidentalis	2.5" cal.	BB	see plan for spacing
		Hackberry			straight trunk, single leader
5	GT	Gleditsia triacanthos 'Draves'	2.5" cal.	BB	space 24' o.c.
		Street Keeper honeylocust			straight trunk, single leader
2	QB	Quercus bicolor	2.5" cal.	BB	space 28' o.c.
		Swamp white oak			straight trunk, single leader
5	QS	Quercus x bimundorum 'JFS-KW1QX'	2.5" cal.	BB	space 20' o.c.
		Streetspire oak			straight trunk, single leader
		ORNAMENTAL TREES			
1	CC	**Crataegus crus-galli var. inermis**	1.75" cal	BB	see plan for spacing
		Thornless hawthorn			straight trunk, single leader
		EVERGREEN TREES			
5	TO	Thuja occidentalis 'Techny'	6' ht.	BB	space 7' o.c.
		Techny arborvitae			straight trunk, single leader
		SHRUBS (24" MIN. SHRUB SIZE AT TIME OF INSTALLATION)			
12	CR	Cornus racemosa	#5	cont.	space 6' o.c.
		Grey dogwood			
8	CS	Cornus sericea 'Alleman's'	#5	cont.	space 5' o.c.
		Alleman's compact redtwig dogwood			
8	JV	Juniperus virginiana 'Grey Owl'	#5	cont.	space 5' o.c.
		Grey Owl juniper			
5	SP	Syringa patula 'Miss Kim'	#5	cont.	space 6' o.c.
		Miss Kim lilac			
7	RA	Rhus aromatica	#5	cont.	space 6' o.c.
		Fragrant sumac			

NOTES:
1. SEE SHEET L2 FOR PLANTING DETAILS & LANDSCAPE SPECIFICATIONS.
2. ALL LANDSCAPE AREAS TO RECEIVE 4" OF TOPSOIL. TOPSOIL SHALL NOT CONTAIN MORE THAN 35% SAND CONTENT. SEE CIVIL SHEET C2 FOR INFILTRATION BASIN TOPSOIL REQUIREMENTS.
3. SEE CIVIL SHEET C10 FOR TURF AND TALLGRASS RESTORATION PLAN AND SPECS.
4. ALL TREES, SHRUBS, AND TURF AREAS TO BE IRRIGATED. SEE IRRIGATION SPECS. SHEET L2.

LANDSCAPE REQUIREMENTS

DETERMINING NUMBER OF PLANTS

LOT PERIMETER: 1,022 LF/50 LF = 20 TREES

BUILDING FOOTPRINT: 12100 SF/1,000 SF = 12 TREES

B-2 BUSINESS DISTRICT

PLANTS BASED ON 1,022 LF OF LOT PERIMETER	**REQUIRED**	**ON THIS PLAN**
DECIDUOUS/CONIFEROUS TREES PER 50 LF	20	20
SHRUBS PER 300 SF	40	40
TREE DISTRIBUTION	**REQUIRED**	
DECIDUOUS OVERSTORY TREES ≥ 25%	≥ 5	14
CONIFEROUS TREES ≥ 25%	≥ 5	5
DECIDUOUS UNDERSTORY TREES ≤ 25%	≤ 5	1
OVERSTORY TREES ADJACENT TO PUBLIC R.O.W.	**REQUIRED**	
PUBLIC R.OW. 442LF/35 LF	13	13
PARKING LOT LANDSCAPING - 44 STALLS	**REQUIRED**	
1 TREE PER 10 STALLS	5	11

N

SCALE: 20 0 20 40 IN FEET

DATE	REVISION
08.17.2022	PLAN REVISIONS PER CITY REVIEW

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 Landscape Architect under the laws of the State of Minnesota. Name: Carmen Simonet

Signature: Carmen Simonet

License # 24236 Date 07.13.2022

LANDSCAPE ARCHITECT:
Carmen Simonet Design LLC
354 Stonebridge Blvd., St. Paul, MN 55105
(651) 695-0273 carmen@simonetdesign.com
www.simonetdesign.com

Hakanson Anderson
Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763-427-5860 FAX 763-427-0520
www.hakanson-anderson.com

BLUE LINE COLLISION CENTER

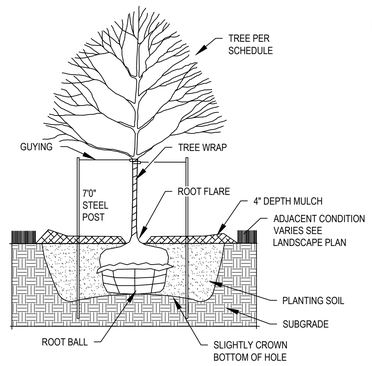
LANDSCAPE PLAN

CITY OF RAMSEY, MINNESOTA

SHEET L1 OF L2 SHEETS

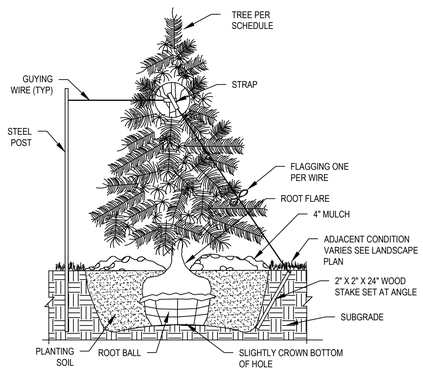
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PLANTING DETAILS



NOTES:
1. Remove dead or damaged branches. Retain the natural form of the tree. Do not cut the leader.
2. Width of planting hole: 18" min. larger than root ball, on all sides.
3. Depth of hole: root flare to sit at or up to 2" above the top of the finished soil elevation. Leave soil undisturbed beneath the root ball.
4. Scarify bottom and sides of hole prior to planting.
5. Set plant on undisturbed soil or thoroughly compacted planting soil.
6. Remove top 1/3 of the basket or the top two horizontal rings whichever is greater. Remove all burlap from top 1/3 of root ball. Remove all twine.
7. Remove or correct stem girdling roots or reject plant.
8. Slit remaining burlap at 6" intervals.
9. Plumb & backfill with planting soil. Thoroughly water in tree within 2 hours to settle plants and fill voids.
10. Backfill voids and water a second time.
11. Place double shredded hardwood mulch within 48 hours of the second watering. No mulch to be in contact w/ trunk.
12. Contractor is responsible for maintaining trees in a plumb position throughout the guarantee period. Stake trees if site conditions, such as soil and wind, prevent the trees from staying plumb. Use 16" x 1.5" polypropylene or polyethylene straps, attach to post with 10 gauge wire. Remove within one year.
13. Wrap trunk in fall, remove wrap in spring.
14. Refer to plan and specs. for additional information.

1 L2 TREE PLANTING DETAIL
NOT TO SCALE



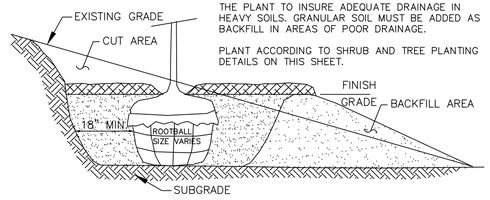
NOTES:
1. Width of planting hole: 18" min. larger than root ball, on all sides.
2. Depth of hole: root flare to sit at or up to 2" above the top of the finished soil elevation. Leave soil undisturbed beneath the root ball.
3. Scarify bottom and sides of hole prior to planting.
4. Set plant on undisturbed soil or thoroughly compacted planting soil.
6. Remove top 1/3 of the basket or the top two horizontal rings whichever is greater. Remove all burlap from top 1/3 of root ball. Remove all twine.
7. Remove or correct stem girdling roots or reject plant.
8. Slit remaining burlap at 6" intervals.
9. Plumb & backfill with planting soil. Thoroughly water in tree within 2 hours to settle plant and fill voids.
10. Backfill voids and water a second time.
11. Place double shredded hardwood mulch within 48 hours of the second watering. No mulch to be in contact w/ trunk or branches.
12. Two alternate methods of staking trees are illustrated in detail.
13. Contractor is responsible for maintaining trees in a plumb position throughout the guarantee period. Stake trees if site conditions, such as soil and wind, prevent the trees from staying plumb. Use 16" x 1.5" polypropylene or polyethylene straps, attach to post or stake with 10 gauge wire. Remove within one year.
14. Refer to plan and specs. for additional information.

2 L2 EVERGREEN TREE PLANTING DETAIL
NOT TO SCALE

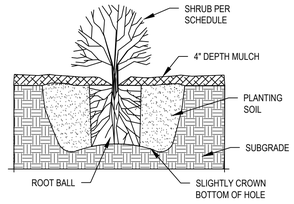
NOTES:

EXTEND EXCAVATION AND BACKFILL SOIL TO A POINT DOWNSLOPE EQUAL TO OR LOWER IN ELEVATION THAN THE BOTTOM OF THE HOLE DIRECTLY BENEATH THE PLANT TO INSURE ADEQUATE DRAINAGE IN HEAVY SOILS. GRANULAR SOIL MUST BE ADDED AS BACKFILL IN AREAS OF POOR DRAINAGE.

PLANT ACCORDING TO SHRUB AND TREE PLANTING DETAILS ON THIS SHEET.

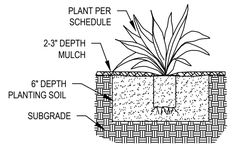


3 L2 PLANTING ON A SLOPE DETAIL
NOT TO SCALE



NOTES:
1. Dig shrub hole 12" min. larger than container size, all sides.
2. Scarify bottom and sides of hole prior to planting.
3. Remove dead or damaged branches. Retain the natural form of the shrub.
4. Hand loosen roots of containerized material. Score outside of soil mass to redirect circling fibrous roots.
5. Set shrub on undisturbed soil or on thoroughly compacted planting soil. Install plant so the top of the root flare is at or up to 2" above the finished grade.
6. Plumb and backfill with planting soil. Thoroughly water in shrub prior to placing mulch.
7. Place double shredded hardwood mulch. Do not place any mulch on vegetation or in contact with trunk/stems.
8. Refer to plan and specs. for additional information.

4 L2 SHRUB PLANTING DETAIL
NOT TO SCALE



NOTES:
1. Plant into prepared planting bed.
2. Plant at same depth as in container.
3. Place double shredded hardwood mulch over perennial bed. Do not place any mulch on vegetation.
4. Thoroughly water in plants.
5. Refer to plan and specs. for additional information.

5 L2 PERENNIAL PLANTING DETAIL
NOT TO SCALE

LANDSCAPE SPECIFICATIONS

TREES, SHRUBS, AND PERENNIALS

1. REFERENCES
- A. Mn/DOT - Minnesota Department of Transportation, Standard Specifications for Construction, 2020 Edition.
- B. American Standard for Nursery Stock, ANSI Z60.1-2014.
- C. ASTM, American Society for Testing and Materials.

2. QUALITY ASSURANCE
- A. Work shall be performed by a landscape contractor with extensive horticulture knowledge, and a min. of 3 years experience.
- B. Handle plants in such a way as to protect from damage either physical or by exposure to sun and wind. Mishandled plants are subject to rejection by Landscape Architect.
- C. Plants used on this project shall meet the grading standards recommended by the ANSI Z60.1-2014.

3. PRODUCTS
- A. Plants: Provide as specified on Plant Schedule. All shrubs shall be a minimum of 24" height or width at time of installation.
- B. Edging: Heavy duty poly edger: 5" depth w/ v-lip to prevent frost heave, and steel stakes, black color, Sure-loc Elite-Edge or equal.
- C. Mulch: Double shredded hardwood mulch.
- D. Water: Contractor to provide.
- E. Planting Soil: rich friable, loam topsoil, free of debris and seeds, conforming to Mn/DOT 3877.2 B loam topsoil borrow, and amended as follows: no more than 35% sand.
- F. Compost: Conforming to Mn/DOT 3890.2, Grade 2.
- G. Tree Wrap: Two-ply weather resistant paper product.

4. PLANTING DATES: Spring Planting: Apr. 1 - June 15. These dates may be extended if daytime temps. remain below 80 degrees. Fall: Sept. 30 - Oct. 30th. Daytime temps. need to drop below 80 degrees before planting begins, and may continue until freeze up. Coniferous trees Aug. 15 - Oct. 1st. Plant under favorable weather conditions, do not plant during days of extreme heat.

5. EXECUTION
- A. Prior to digging, Contractor to have utilities located.
- B. Contractor to notify Landscape Architect 3 days in advance of when planting work will occur.
- C. Plant into prepared planting beds.
- D. Install trees, shrubs, and perennials per planting details, adjust location if in conflict with utilities. Verify new location with Landscape Architect prior to planting.
- E. Separate all shrub and perennial beds from turf areas with edger, unless otherwise noted.
- F. Clean-up entire site following planting operations.

6. ACCEPTANCE OF PLANTING WORK
- A. Contractor to notify Owner when planting work is complete for review and punch list.
- B. Contractor to water and maintain the trees, shrubs and perennials until Owner Acceptance.
- C. Owner will give Acceptance of Work following satisfactory correction of punch list items.
- D. Watering and regular landscape maintenance of trees, shrubs and perennials will be Owners responsibility following owner acceptance of work.

7. GUARANTEE PERIOD
- A. Contractor to warranty trees, shrubs and perennials for **two years** following acceptance of Work by Owner.
- B. Contractor to maintain the trees in a plumb position throughout the guarantee period.
- C. Contractor to remove all staking/wiring/ straps and plant tags from trees at the end of the guarantee period.
- D. Replacements: At the end of the guarantee period, all plants which are unhealthy, dead, not having a normal density, size, shape or color shall be shall be replaced. Replacements shall match caliper and/or height of the other plants at time of replacement. Selection of replacement material and installation practices shall follow the requirements of the Drawings and Specifications.

IRRIGATION

1. DESCRIPTION
- A. Work includes: design, furnish, and install complete, fully automatic and programmable underground irrigation system, capable of alternate date watering for all trees, shrubs, and turf areas. The system shall provide full coverage with uniform levels of total precipitation throughout all irrigated areas.
- B. The system is to include water efficient technologies including: a WaterSense labeled controller, a flow meter, soil moisture and/or evapotranspiration (ET) sensors, a rain sensor, and be calibrated to meet all applicable City Codes.
- C. Dripline to be used in beds adjacent to building and in parking lot islands.
- D. The system is to meet state department of health standards and have a backflow preventer.
- E. Materials, equipment, and methods of design and installation shall comply with, but not be limited to, the following codes and standards:
  - All local and state laws and ordinances, and with all the established codes applicable thereto.
  - National Electrical Code.
  - American Society for Testing and Materials (ASTM).
  - National Sanitation Foundation (NSF).
  - The best management practices developed by the Irrigation Association.
- F. The designer shall provide balanced pressure and flow and optimum operating efficiency.
- G. The contractor is responsible for obtaining all permits and licenses required for installation of irrigation system.

2. QUALITY ASSURANCE
- A. The irrigation system shall be designed and installed by a contractor specializing in irrigation work, and will have a minimum of 5 years of experience designing and installing systems of similar scope and size.
- B. The contractor shall maintain a skilled foreman on site during the installation of all work and the foreman will have a Minnesota Power Limited Technician License.

3. SUBMITTALS
- A. Shop Drawings: submit irrigation plan, product schedule, and specifications for review and acceptance.
- B. Operation and Maintenance Manual: following completion of work, provide the Owner with an operation and maintenance manual of the complete system in a digital pdf file format and one hard copy.
- C. As-Built Plan: following completion of work, contractor to furnish Owner a scaled as-built irrigation map, with dimensions as needed, on durable paper or laminated to be mounted on wall with the main control panel and a digital file in pdf format. The map shall indicate the zones, location of all controls, piping and depths, heads (including type), drip-lines, valves, connection to water service, and other related components.

4. PRODUCTS
- A. Select products suitable to the landscape areas.
- B. All products and materials used in the system shall be new and professional grade.
- C. Provide sprinkler heads, driplines, electric valves, and automatic controller from one manufacturer: Toro, Rainbird, Hunter Industries, or equal.

5. EXECUTION
- A. Prior to digging, contractor to have utilities located.
- B. Water Coverage: Provide uniform water coverage over turf areas and planting beds.
- C. Turf: Turf areas to be irrigated with spray heads. Locate heads to avoid overspray onto sidewalks, parking areas, signs and buildings.
- D. Planting Beds: All continuous shrubs, trees, perennial beds to be irrigated with a drip system and spray heads where drip lines are impractical.
- E. Winterization: System to accommodate winterization by blowing system dry with compressed air.
- F. Install the irrigation system per contractor's plan and specifications.
- G. Instructions: Contractor to instruct the Owner in proper operation and maintenance of the system.
- H. Cleanup: Replace landscaping disturbed by operations. Cleanup all debris and restore site to original condition.

6. REVIEW AND ACCEPTANCE
- A. Contractor to test system to a hydrostatic pressure of not less than 100 psi. Remove and replace any components that do not pass test.
- B. Contractor to contact Owner and perform operational test after system is fully in place and demonstrate to the Owner that the irrigation system meets coverage requirements and that automatic controls function properly. Any corrective work identified shall be completed within two weeks of receipt of comments.
- C. Owner to accept work following: satisfactory completion of any corrective work, receiving hands-on instructions for operation, and receiving as-built plan and operation and maintenance manual submittals.

7. MAINTENANCE
- A. Contractor to drain and winterize irrigation system in the fall, following first year of operation, and shall put the system back in service the following spring as part of the work of this contract at no additional cost to the Owner.

8. GUARANTEE
- A. Warranty irrigation system materials and labor for **one year** following acceptance of work by Owner. Contractor to promptly furnish and install, at no cost to Owner, any parts that prove defective in material or workmanship.

N

20 0 20 40
SCALE IN FEET

DATE	REVISION

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 Landscape Architect under the laws of the State of Minnesota. Name: Carmen Simonet
Signature: Carmen Simonet
License # 24236 Date 07.13.2022

LANDSCAPE ARCHITECT:
Carmen Simonet Design LLC
354 Stonebridge Blvd., St. Paul, MN 55105
(651) 695-0273 carmen@simonetdesign.com
www.simonetdesign.com

Hakanson Anderson
Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763-427-5860 FAX 763-427-0520
www.hakanson-anderson.com

BLUE LINE COLLISION CENTER

PLANTING DETAILS & LANDSCAPE SPECS.
CITY OF RAMSEY, MINNESOTA

SHEET L2 OF L2 SHEETS

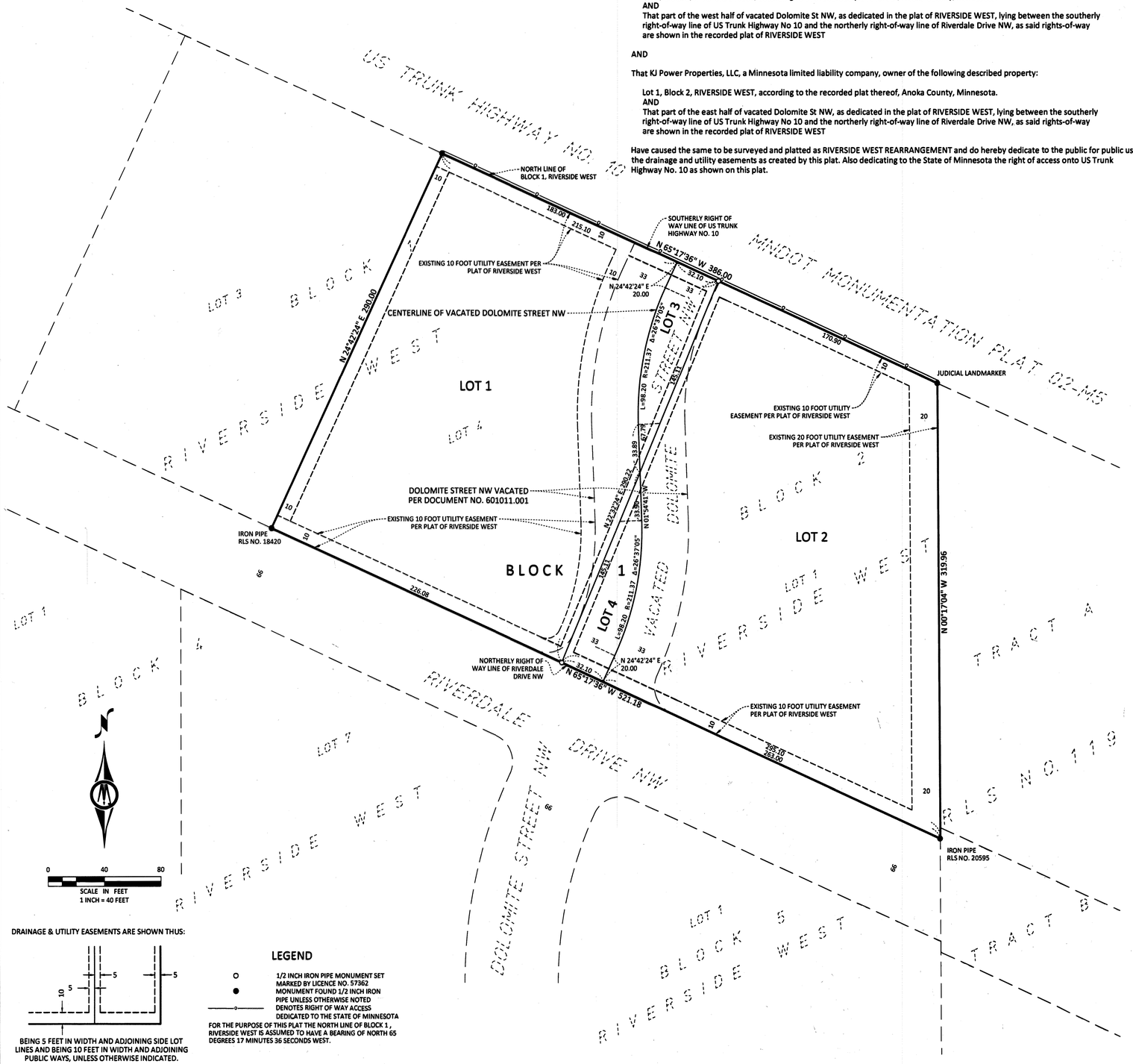
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OFFICIAL PLAT

6025449.004

RIVERSIDE WEST REARRANGEMENT

CITY OF RAMSEY
COUNTY OF ANOKA
SEC. 34, TWP. 32 N, RGE. 25 W



DRAINAGE & UTILITY EASEMENTS ARE SHOWN THUS:

BEING 5 FEET IN WIDTH AND ADJOINING SIDE LOT LINES AND BEING 10 FEET IN WIDTH AND ADJOINING PUBLIC WAYS, UNLESS OTHERWISE INDICATED.

LEGEND

- ○ 1/2 INCH IRON PIPE MONUMENT SET MARKED BY LICENCE NO. 57362
- ● MONUMENT FOUND 1/2 INCH IRON PIPE UNLESS OTHERWISE NOTED
- —o— DENOTES RIGHT OF WAY ACCESS DEDICATED TO THE STATE OF MINNESOTA

FOR THE PURPOSE OF THIS PLAT THE NORTH LINE OF BLOCK 1, RIVERSIDE WEST IS ASSUMED TO HAVE A BEARING OF NORTH 65 DEGREES 17 MINUTES 36 SECONDS WEST.

INSTRUMENT OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That City of Ramsey, a municipal corporation under the laws of the State of Minnesota, owner of the following described property:

Lot 4, Block 1, RIVERSIDE WEST, according to the recorded plat thereof, Anoka County, Minnesota.
AND
That part of the west half of vacated Dolomite St NW, as dedicated in the plat of RIVERSIDE WEST, lying between the southerly right-of-way line of US Trunk Highway No 10 and the northerly right-of-way line of Riverdale Drive NW, as said rights-of-way are shown in the recorded plat of RIVERSIDE WEST

AND

That KJ Power Properties, LLC, a Minnesota limited liability company, owner of the following described property:

Lot 1, Block 2, RIVERSIDE WEST, according to the recorded plat thereof, Anoka County, Minnesota.
AND
That part of the east half of vacated Dolomite St NW, as dedicated in the plat of RIVERSIDE WEST, lying between the southerly right-of-way line of US Trunk Highway No 10 and the northerly right-of-way line of Riverdale Drive NW, as said rights-of-way are shown in the recorded plat of RIVERSIDE WEST

Have caused the same to be surveyed and platted as RIVERSIDE WEST REARRANGEMENT and do hereby dedicate to the public for public use the drainage and utility easements as created by this plat. Also dedicating to the State of Minnesota the right of access onto US Trunk Highway No. 10 as shown on this plat.

In witness whereof said City of Ramsey, a municipal corporation under the laws of the State of Minnesota, has caused these presents to be signed by its proper officers this 24th day of June, 2022.

CITY OF RAMSEY

Mark E. Kuzma, Mayor

Brian Hagen, City Administrator

STATE OF MINNESOTA
COUNTY OF ANOKA

This instrument was acknowledged before me this 24th day of June, 2022 by Mark E. Kuzma, Mayor and Brian Hagen, City Administrator of the City of Ramsey, a municipal corporation under the laws of the State of Minnesota, on behalf of the corporation.

Sean M. Sullivan (Signature)
Sean M. Sullivan (Printed Name)

Notary Public, Anoka County, Minnesota
My Commission Expires January 31, 2025

In witness whereof said KJ Power Properties, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this 28th day of June, 2022

KJ Power Properties, LLC

Kelly Power, Chief Manager

STATE OF MINNESOTA
COUNTY OF Anoka

This instrument was acknowledged before me this 28th day of June, 2022 by Kelly Power, Chief Manager of KJ Power Properties, LLC, a Minnesota limited liability company.

Sean M. Sullivan (Signature)
Sean M. Sullivan (Printed Name)

Notary Public, Anoka County, Minnesota
My Commission Expires January 31, 2025

SURVEYORS CERTIFICATION

I Andrew L. Hill do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this 22 day of June, 2022.

Andrew L. Hill, Licensed Land Surveyor
Minnesota License No. 57632

STATE OF MINNESOTA
COUNTY OF Anoka

This instrument was acknowledged before me this 22 day of June, 2022 by Andrew L. Hill.

(Signature)
Jodi E. Ogren (Printed Name)

Notary Public, Anoka County, Minnesota
My Commission Expires Jan. 31, 2026

CITY COUNCIL, CITY OF RAMSEY, MINNESOTA

This plat of RIVERSIDE WEST REARRANGEMENT was approved and accepted by the City Council of the City of Ramsey, Minnesota at a regular meeting thereof held this 14th day of June, 2022, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Ramsey, Minnesota

By Mark E. Kuzma, Mayor

By Colleen Lasher, Clerk

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this 28th day of June, 2022.

David M. Zieglmeier, Anoka County Surveyor

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 2022 on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this 29th day of June, 2022

Pamela J. LeBlanc
Property Tax Administrator

By, Deputy

COUNTY RECORDER/REGISTRAR OF TITLES

County of Anoka, State of Minnesota

I hereby certify that this plat of RIVERSIDE WEST REARRANGEMENT was filed in the office of the County Recorder/Registrar of Titles for public record on this 29th day of June, 2022, at 3:08 o'clock P.M. and was duly recorded as Document Number 6025449.004.

Pamela J. LeBlanc
County Recorder/Registrar of Titles

By, Deputy

This Plat Prepared By:
BOLTON & MENK

$56.00

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

RESOLUTION #22-190

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AUTOMOTIVE SERVICE AT 6710 HIGHWAY 10 NW AND DECLARING TERMS OF PERMIT

RECITALS

1. Kinghorn Construction, hereinafter referred to as the "**Permittee**", has properly applied for a Site Plan and Conditional Use Permit for an automotive service on the property generally known as 6710 Highway 10 NW and legally described as follows:

   Lots 1 & 3, Riverside West Rearrangement (subject to easement as shown on plat), Anoka County, Minnesota

   (the "**Subject Property**")

2. That the **Subject Property** is zoned B-2 Highway Business District, which is a commercial zoning designation and guided as such in the 2040 Comprehensive Plan.

3. That motor vehicle, implement, and recreation equipment sales and service are a conditional use in the B-2 Highway Business District.

4. That the **Permittee** appeared before the Planning Commission for a public hearing on August 25, 2022 that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.

5. That the Planning Commission reviewed and recommended approval of the request on August 25th, 2022.

6. That the City Council reviewed and approved/denied the request on September 13th, 2022.

FINDINGS OF FACT

1. That the proposed use **will not** adversely impact traffic in the area.

2. That the proposed use **will not** substantially or adversely impair the use, enjoyment or market value of surrounding properties.

3. That the proposed use **will be** constructed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will not change the essential character of the area.

4. That the proposed use **will not** create additional requirements at public cost for public facilities and services.

5. That the proposed use **will not** be detrimental to the economic welfare of the community.

6. That the proposed use **will not** be disturbing or hazardous to existing or future neighboring uses.

7. That the proposed use **will not** involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.

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

1. That the Ramsey City Council hereby grants approval of the Conditional Use Permit for automotive service (the "**Permit**") on the **Subject Property** contingent upon the following:

CONDITIONS:

1. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.

2. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this Permit.

3. That the **Permittee** shall obtain all necessary permits prior to commencing any site modifications or construction of the Building, including a Building Permit.

4. That the **Permittee** shall receive an approved Easement Vacation for the ten foot (10') drainage and utility easement that runs through the proposed ponding and parking lot on the **Subject Property**. The **Permittee** shall be responsible for relocating utilities and recording the Easement Vacation resolution with Anoka County.

5. That this **Permit** shall be contingent upon final review and approval by the Building Official, Fire Marshal, and a Certificate of Occupancy (CO).

6. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request.

7. That the screening for the **Subject Property** along Highway 10 shall consist of maintenance free fencing with additional vegetation. The remainder of the fencing for the site can consist of black vinyl chain-link fencing as proposed by the **Permittee**.

8. That the area behind the fencing is for customer and employee vehicles only. All vehicles must be properly licensed, and the vehicles cannot be used for salvage or impounded

9. That all repair operations must be done inside the building.

10. That outdoor storage is not permitted, including vehicle parts. All scrap or waste must be stored in dumpsters within the waste enclosure, or inside the building.

11. That a location must be designated for after-hours drop-off of vehicles.

12. That parking of repair vehicles, car carriers, or tow drop-off and pick-up is prohibited on abutting streets.

13. That the **Permittee** shall maintain the **Subject Property** in compliance with City Code Section 117-356 (Commercial and Industrial Development Off-Street Parking), Section 117-115 (B-2 Highway Business District) and Chapter 30 (Nuisances) at all times.

14. That this **Permit** shall automatically expire if the use is not initiated by September 13, 2023 and issuance of the building permit constitutes initiation.

15. That the **Permittee** shall apply for a Sign Permit for any new sign and this **Permit** does not provide any approval on proposed signage.

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 13th of September, 2022.

_____
Mayor

ATTEST:

_____

City Clerk

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

RESOLUTION #22-191

A RESOLUTION APPROVING SITE PLAN FOR BLUE LINE COLLISION

RECITALS

1. Kinghorn Construction, hereinafter referred to as the "**Applicant**" has properly applied for a Site Plan, Conditional Use Permit, and Easement Vacation for Blue Line Collision on the property legally described as follows:

   Lots 1 & 3, Riverside West Rearrangement (subject to easement as shown on plat), Anoka County, Minnesota

   ("**Subject Property**")

2. That the **Subject Property** is zoned B-2 Highway Business District, which is a commercial zoning designation and guided as such in the 2040 Comprehensive Plan.

3. That the City Code allows this type of conditional use in the B-2 Highway Business District.

4. That the **Applicant** appeared before the Planning Commission for a public hearing on August 25, 2022 that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.

5. That the Planning Commission reviewed and recommended approval of the request on August 25th, 2022.

6. That the City Council reviewed and approved/denied the request on September 13th, 2022.

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

That the Ramsey City Council hereby grants approval of the Site Plan for Blue Line Collision on the **Subject Property** contingent upon the following conditions:

CONDITIONS

1. That the **Applicant** enter into a Development Agreement with the City.

2. Final legal form approved by the City Attorney.

3. Compliance with Staff comments as noted in ProjectDox.

4. Staff approval of the architectural plans, including the architectural plans for the trash enclosure and fencing details.

5. That a separate building permit and sign permits are required.

6. That Site Plan approval is contingent upon approval, subsequent utility relocation, and recording of an Easement Vacation for the ten foot (10') drainage and utility easement through the proposed ponding and parking lot on the **Subject Property**.

7. That the Applicant shall maintain the Subject Property in compliance with City Code Sections 117-356 (Commercial and Industrial Development Off-Street Parking), Chapter 117 (Zoning and Subdivisions), Article II (Zoning) Division 8 (Signs), and Chapter 30 (Nuisances) at all times.

8. That the **Applicant** shall be responsible for all City costs incurred in administering and enforcing this Resolution.

9. That the City Administrator, or his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.

10. That this Resolution shall automatically expire if the use is not initiated by September 13th, 2023.

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 13th day of September, 2022.

_____
Mayor

ATTEST:

_____
City Clerk

ProjectDox

Changemarks Report

Project Name: 22-106 Blue Line Collision

Workflow Started: 07/19/2022 3:46 PM

Report Generated: 09/01/2022 02:40 PM

Grouping	Cycle	Ref #	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
Main Workflow	1	16	False	Unresolved	Environmental Review		A1.pdf	CA	Lighting Plan	Please provide an external lighting plan as well as cut sheets for the lighting fixtures.	08/03/2022 12:24 PM	Chris Anderson	
		15	False	Unresolved	Environmental Review		L1 LANDSCPAE PLAN.pdf	CA	Shrub Requirements	Shrub Requirements are based on either 1 shrub per 30 linear feet of site perimeter or 1 shrub per 300 sq. ft. of building footprint, whichever is greater. 12,100 / 300 = 40.33. Project requires a minimum of 40 shrubs.	08/03/2022 9:04 AM	Chris Anderson	
		17	False	Unresolved	Engineering Tech		C10 PAVING AND RESTORATION PLAN.pdf	LC	Patch Bituminous Pavement	We prefer the existing pavement in Riverdale Dr to remain in place and be used for the form of the valley gutter.	08/01/2022 8:45 AM	Logan Czech	
		12	False	Unresolved	Civil Engineer II		C9 UTILITY PLAN.pdf	JF	watermain class	watermain 6" or less shall be class 53, 8" or greater class 52.	07/29/2022 2:14 PM	Joe Feriancek	

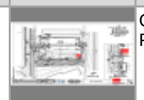
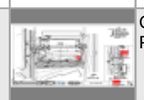
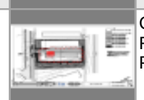
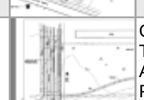
ProjectDox

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	13	False	Unresolved	Civil Engineer II		C8 STAKING PLAN.pdf	JF	Structures within D&U Easement	The City does not typically allow retaining wall or structures/patios, etc. within D&U Easements. This does include any building overhangs. In this case I don't think it should be an issue, but we'll need to confirm that it doesn't affect necessary grading for drainage or potential utilities.	07/29/2022 2:19 PM	Joe Feriancek	
		11	False	Unresolved	Civil Engineer II		C6 EXISTING TOPOGRAPHY AND REMOVALS PLAN.pdf	JF	Existing D&U Easement	this exisitng easement across the lot should be vacated.	07/29/2022 1:53 PM	Joe Feriancek	
		9	False	Unresolved	Civil Engineer II		C7 GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN.pdf	JF	Match into existing to the west	Do you have any spot elevations that can be provided to see how the grading is tying into the existing elevations along the west lot line?	07/29/2022 1:45 PM	Joe Feriancek	
		10	False	Unresolved	Civil Engineer II		C7 GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN.pdf	JF	Storm Water Runoff	This looks like we're forcing water onto the adjacent property to the west. Is this the case? or is it going that way existing?	07/29/2022 1:45 PM	Joe Feriancek	
		8	False	Unresolved	Civil Engineer IV		STORMWATER MANAGEMENT PLAN.pdf	LL	Pond INF	Pond meets the City and LRRWMO requirements.	07/29/2022 8:57 AM	Len Linton	
		5	False	Unresolved	Civil Engineer IV		C8 STAKING PLAN.pdf	LL	Spot Elevations	Spot Elevations must also be shown on the grading plan.	07/29/2022 8:50 AM	Len Linton	

ProjectDox

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	6	False	Unresolved	Civil Engineer IV		C8 STAKING PLAN.pdf	LL	Sheet name	This sheet does not have horizontal dimensions to guide layout of the site. Horizontal dimensions are required on a sheet in this plan set.	07/29/2022 8:50 AM	Len Linton	
		7	False	Unresolved	Civil Engineer IV		C8 STAKING PLAN.pdf	LL	Ped Ramps	Pedestrian ramps require horizontal dimensions along with the elevations.	07/29/2022 8:50 AM	Len Linton	
		4	False	Unresolved	Civil Engineer IV		C10 PAVING AND RESTORATION PLAN.pdf	LL	Pavement Types	Consider making the northern drive, or the area outside of the internal parking stalls Heavy Duty pavement. The proposed heavy duty pavement is not wide enough to allow garbage trucks to access the dumpster with out driving on light duty pavement.	07/29/2022 8:44 AM	Len Linton	
		3	False	Unresolved	Civil Engineer IV		C7 GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN.pdf	LL	Need spot elevatioins	Need spot elevations at parking corners, curb cut to pond and street emtrance.	07/26/2022 4:14 PM	Len Linton	
		1	True	Resolved	City Planner		A1.pdf	BM	Fence	Provide fence details including material and height.	07/20/2022 3:52 PM	Brian McCann	
		2	True	Resolved	City Planner		A1.pdf	BM	Patio Location	Consider relocating the patio area to the south entrance of the building, outside of easements.	07/20/2022 3:52 PM	Brian McCann	
		14	False	Unresolved	Lead Engineering Tech		C6 EXISTING TOPOGRAPHY AND REMOVALS PLAN.pdf	Aaron	curb removal	Leave bit in street, use bit as a form for concrete valley gutter	07/19/2022 4:27 PM	Aaron Madsen	

ProjectDox

Changemarks Report

Grouping	Cycle	Ref #	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
Main Workflow	2	22	False	Unresolved	City Planner		A1.pdf	BM (2)	Screening along Highway 10	The Planning Commission recommended additional screening along Highway 10. Staff have proposed maintenance free vinyl and vegetation.	09/01/2022 2:39 PM	Brian McCann	
		21	False	Unresolved	Engineering Tech		C7 GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN.pdf	LC	Riprap	Use class III riprap per detail	09/01/2022 10:08 AM	Logan Czech	
		19	False	Unresolved	City Planner		A1.pdf	BM	Easement Vacation	Easement will need to be vacated at the City Council meeting on September 13th. Email sent to John Kinghorn regarding existing utilities in easement from a local utility provider.	08/25/2022 9:38 AM	Brian McCann	
		20	False	Unresolved	City Planner		A1.pdf	BM	Trash Enclosure Details	Provide details for the trash enclosure (materials, dimensions, fence height, etc.).	08/25/2022 9:38 AM	Brian McCann	
		18	False	Unresolved	City Planner		C9 UTILITY PLAN.pdf	BM	D&U Easement	This easement will need to be vacated, and will go to the City Council on September 13th. Local utilities have confirmed existing utilities in this easement.	08/25/2022 9:37 AM	Brian McCann	

CC Regular Session **5. 14.**

Meeting Date: 09/13/2022

By: Brian McCann, Community Development

Information

Title:

Adopt Resolutions #22-194 and #22-195 Approving Site Plan and Conditional Use Permit for Lil Explorers at 14725 Ramsey Blvd NW

Purpose/Background:

The City has received an application for a Site Plan and Conditional Use Permit from Lil Explorers (the "Applicant") to construct a day care facility at 14725 Ramsey Blvd NW (the "Subject Property").

Notification:

Staff attempted to notify property owners within 350 feet of the Subject Property, as reflected in the Anoka County Property Records, of the request for Site Plan and Conditional Use Permit consideration and the Public Hearing to be held by the Planning Commission on August 25, 2022. A notice of the Public Hearing was published in the Anoka County UnionHerald, the City's official newspaper. A proposed development sign was placed on the property.

Observations/Alternatives:

Subject Property

The Subject Property is located at the northeast corner of Bunker Lake Boulevard and Ramsey Boulevard and is approximately 1.75 acres in size. It is zoned B-1 General Business District and is guided as commercial. Daycare centers are a Conditional Use in this zoning district. The Subject Property abuts residentially zoned properties to the east, employment zoned property to the north, and is across Bunker Lake Boulevard from employment zoned property, and across Ramsey Boulevard from residentially zoned property.

Site Plan

The project proposes construction of a 16,000 square foot daycare center with portions up to thirty (30) feet in height (the majority of the building is approximately sixteen [16] feet in height). There would be a right-in-right-out access onto Bunker Lake Boulevard and an access to Ramsey Boulevard via a shared access with the adjacent Ramsey Storage Center property (this will require a Cross Access Agreement). Anoka County has reviewed the proposed "right-in, right out" and their comments are attached to the case; they are requesting an extension of the right turn lane going westbound on Bunker Lake Blvd NW.

A Site Plan review is required for all new commercial or industrial developments in the City of Ramsey. Since the Applicants are proposing to construct a new commercial facility on the Subject Property, a Site Plan review is required with a recommendation from the Planning Commission and final approval from the City Council. If approved, the City Council will have to review and approve a Development Agreement at a future meeting.

The plan set and Staff review comments at the time of writing this case, along with Resolution #22-195 (Site Plan) are attached for review.

Conditional Use Permit

The Applicant is requesting a Conditional Use Permit (CUP) for the day care center, in accordance with the B-1 General Business District standards. This would be a new daycare facility, which would require the Site Plan as well as the CUP. Staff are open to additional conditions that the City Council may desire to incorporate. A copy of Resolution #22-194 approving the CUP is attached to this case.

Planning Commission - August 25, 2022

The Planning Commission recommended approval of the Site Plan and Conditional Use Permit for Lil Explorers in a public hearing held during their regular meeting on August 25, 2022.

Staff Comments

At the time of the case writing, the first round of review from City Staff has been completed, and the Applicant is preparing for a second round of review. Comments include suggested revisions to the lighting plan to incorporate building-mounted systems, and reduce the pole height to limit light distribution to neighboring properties. A few minor details need to be included such as parking stall dimensions to verify compliance with City Code, and details for the trash enclosure. Staff review comments are attached to this case.

Public Correspondence

The Applicant met with adjacent neighbors to the east to discuss the proposed day care center, and submitted additional mailings to the neighboring residents. Early concerns from the neighbors included previous concerns about the project to the north, noise, privacy, lighting, and fencing. A copy of the email from the Applicant summarizing these comments is attached to the case. Staff, nor the Applicant, have received any comments from the public at the time of writing this case for the City Council regular meeting.

City Code Sections

Section 117-51. - Conditional use permits
Section 117-54. - Site Plan review
Section 117-114. - B-1 General Business District

Alternatives

Alternative 1: Adopt the Site Plan and Conditional Use Permit as recommended by the Planning Commission. Day care centers are a conditional use in the B-1 General Business District and the proposed Site Plan appears to meet the bulk standards of this district. The request is a reasonable commercial use of the Subject Property. Staff supports this alternative.

Alternative 2: Adopt the Site Plan and Conditional Use Permit with additional changes . The Planning Commission did not have additional conditions proposed, but the City Council can add them if desired.

Alternative 3: Deny the Site Plan and Conditional Use Permit based on certain findings. The request appears to meet City Code standards for the B-1 General Business District and is a reasonable use of the Subject Property based on the zoning and the City's 2040 Comprehensive Plan. Staff does not support this alternative.

Funding Source:

All costs associated with this request are the Applicant's responsibility.

Recommendation:

At its meeting on August 25, the Planning Commission recommended adopting Resolutions #22-194 and #22-195, approving the Conditional Use Permit and Site Plan on the Subject Property, respectively.

Action:

Motion to adopt Resolution #22-194 approving the Conditional Use Permit on the Subject Property.

-and-

Motion to adopt Resolution #22-195 approving the Site Plan on the Subject Property.

Attachments

Site Location Map

Public Hearing Notice
Mailing Map - 350 Feet
Neighbor Concerns
Plan Set
Staff Review Comments
Anoka County - Right-In, Right-Out
Resolution #22-194 Conditional Use Permit
Resolution #22-195 Site Plan

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/08/2022 09:59 AM
Form Started By: Brian McCann		Started On: 08/26/2022 09:45 AM
Final Approval Date: 09/08/2022		

Lil Explorers Daycare

PID #: 27-32-25-22-0085

14725 Ramsey Blvd NW



Print Date: July 29, 2022

0 0.0075 0.015 0.03 0.045 0.06 mi

City of RAMSEY

7550 Sunwood Drive NW • Ramsey, MN 55303
City Hall: 763.427.1410 • Fax: 763.427.5543
www.cityoframsey.com

NOTICE OF PUBLIC HEARING
PROJECT 22-132: LIL EXPLORERS DAYCARE

CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Planning Commission of the City of Ramsey will hold a public hearing on Thursday, August 25, 2022 at 7:00 p.m. at Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, MN 55303. All interested persons are invited to attend and comment on the proposed requests.

The purpose of the hearing is to consider a request for a Site Plan and Conditional Use Permit for a daycare facility on the property generally known as 14725 Ramsey Blvd NW and legally described as follows:

Lot 2 Block 1 Ramsey Storage Center, Anoka County, Minnesota

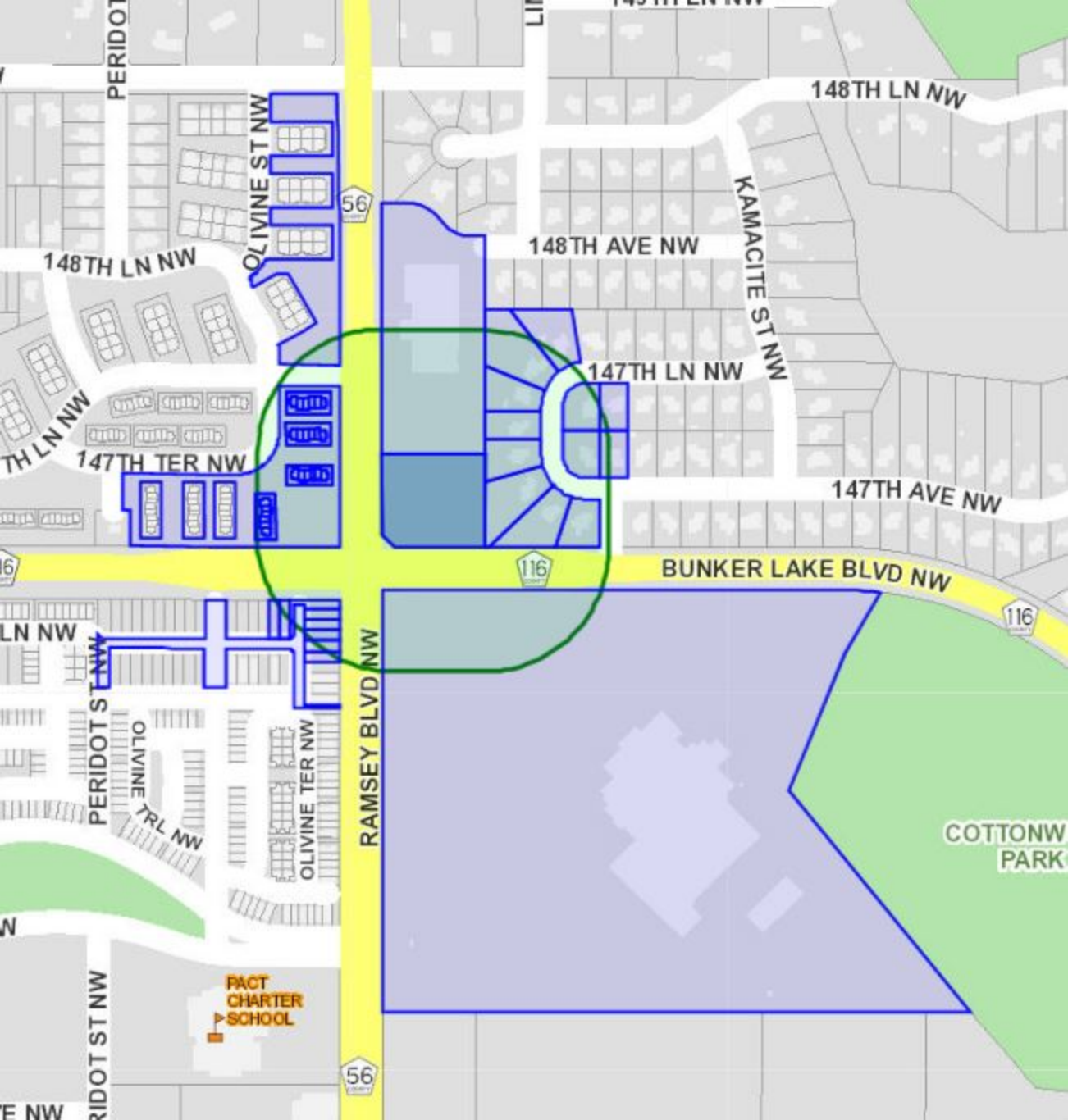
The City of Ramsey complies with the Americans with Disabilities Act and upon advance request, information will be provided in an alternative form and interpreters will be available. Any person with such a request should contact Brian McCann at 763-433-9860 by noon on Wednesday, August 17, 2022.

All interested persons are invited to join remotely from a PC, Mac, Linus, IOS, or Android at www.cityoframsey.com/meetings.

Comments are welcome and shall be sent to planning@cityoframsey.com or addressed to the Ramsey Planning Commission, at 7550 Sunwood Drive NW, Ramsey, MN 55303. Any comments must be received at the above email or address prior to 4:00 p.m. on August 25, 2022. For any other inquiries relating to this project contact Brian McCann at 763-433-9860 or bmccann@cityoframsey.com.

Brian McCann
City Planner

Date: August 10, 2022


148TH LN NW
OLIVINE ST NW
56
148TH AVE NW
KAMACITE ST NW
147TH LN NW
147TH TER NW
147TH AVE NW
116
BUNKER LAKE BLVD NW
RAMSEY BLVD NW
PERIDOT ST NW
OLIVINE TRL NW
OLIVINE TER NW
PACT CHARTER SCHOOL

From: Todd Larson
To: "Jeremy Spaude"
Cc: Brian McCann
Subject: RE: Site Neighbors
Date: Wednesday, July 27, 2022 2:04:54 PM

Thanks to her for meeting with them! In your plan submittal, please include a photometrics plan. You'll want to limit the freestanding pole height to around 15'. City Code says lighting needs to be positioned so that the source isn't seen off-site. With that proximity, it'll likely need to be short.

Going forward, Brian McCann will be the planner assigned to work with you through the process. If there's anything you need, fell free to let me know.

Thanks,
Todd

From: Jeremy Spaude <jeremy_nslc@yahoo.com>
Sent: Wednesday, July 27, 2022 1:48 PM
To: Todd Larson <tlarson@ci.ramsey.mn.us>
Subject: Site Neighbors

Todd,

I wanted to give you some info from the meeting with the neighbors. Jen was able to meet with two of them today.

Concerns -

1. There seems to be a lot of concern from when the storage building went in and some perceived promises weren't delivered on which I feel like is a driver in the feeling towards any project going into this site.
2. They were concerned about lighting from our building hitting their house similar to issues with the the storage building. We assured them that we use goose neck lighting on our building that only lights the stoops and won't travel to their houses.
3. Fencing - They asked about fencing and we told them that we use a quality commercial fence that is not chain link and is an aluminum bar and rail set up. They seemed fine with that.
4. Privacy was discussed --- We are working to save as many trees as possible with likely 3-4 on their property line as well as we are trying to transplant trees along that line from the existing pines. We are just having a company go out to look at the trees to see which ones will be best at transplanting. We will also do a row of arborvites under the tree line to further shield us and them. They seemed ok with this direction.
5. The biggest concern they had was kids playing outside and the noise of the kids. Jen discussed with them that our hours of operation are only until 6 and closed on weekends with only specific times during the day when they are outside. For example - Kids aren't outside

until after 9 and in by 1130 and inside from that time until 300. After that kids are typically outside from 3-5/530. We pushed the building over and will have buffer with trees as much as we can but sound is going to travel so we really can't perfectly cure that issue but I do think what we are doing between us and them will help with the sound.

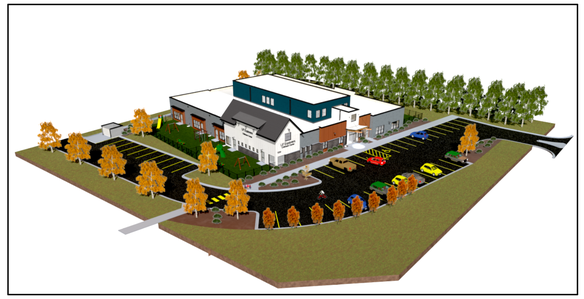
I do see them being very vocal about the project which is definitely ok, but I want to make sure I'm sharing with you what we have discussed. Jen is getting their contact and I will forward specifics to them as well as have more conversations between now and the planning commission meeting.



4 Northeast Aerial View



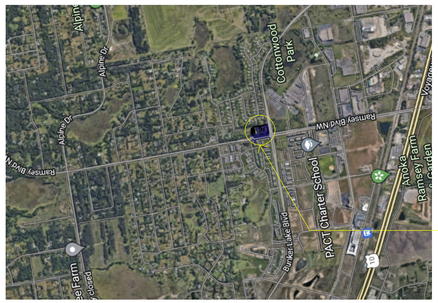
5 Southeast Eye Level View



2 Southwest Aerial View



3 Southeast Aerial View



6 Vacinity Map

NOT TO SCALE

N PLAN NORTH

N TRUE NORTH

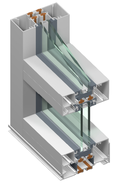


FIBERGLASS SHINGLES
GAF Timberline HD Shingles
Color : "Charcoal"



Matte Black

PREFINISHED METAL
Firestone Metal Products
Kynar finish
"Matt Black"
Roof fascias, soffits, drip caps, and misc. break metal locations.



ALUMINUM ENTRY DOORS
Clear Anodized Finish

SW 7004
Snowbound
Interior / Exterior
Location Number: 256-C2

Painted LP Siding
6" Lap Siding &
Cedarmill Panel with 3 1/2" Battens/ Trim

SW 9142
Moscow Midnight
Interior / Exterior
Location Number: 237-C7

Painted LP Siding
Mezzanine Level Lap Siding
(2) rows of 10" + (1) row 4"

SW 7664
Steely Gray
Interior / Exterior
Location Number: 233-C4

Painted LP Siding
Main Lap Siding
(2) rows of 10" + (1) row 4"

SW 7703
Earthen Jug
Interior / Exterior
Location Number: 132-C7

Painted LP Siding
Cedarmill Panel with Random Vertical 1 1/2" Battens



1 Southwest Eye Level View



Manufactured Stone Veneer
Boulder Creek
Montana "Jasper" S4655-14



Fiberglass Windows
Anderson 100 Series Fibrex
Color: Black

PROJECT TEAM

ARCHITECT
Michael J. Thomas Architect, LLC
4918 S. Tri Oak Circle NE
East Bethel, MN 55092
651-245-2346
mjtallc2520@gmail.com
www.michaeljthomasarchitect.com

OWNER
Lil Explorers Properties Carver
Jeremy Spaude
612-501-1493

PRE-SELECTED GENERAL CONTRACTOR
GDS Design & Build Inc.
Gail Schuette
222 W. Main Street
Waconia, MN 55387
612-616-2616
gail@gdsdesignbuild.com

SCALE INDICATED BASED UPON PRINTED 24" X 36" (ARCHITECTURAL D) SHEET

PRELIMINARY DO NOT USE FOR CONSTRUCTION - Preliminary City Submittal

MICHAEL J THOMAS ARCHITECT

4918 S. Tri Oak Circle NE
East Bethel, MN 55092

Phone 651-245-2346
www.michaeljthomasarchitect.com

Project No:
22011

Date Last Revised:
07-08-22, 07-11-22, 07-11-22, 07-14-22, 07-22-22, 07-22-22 v2, 07-28-22

File Name:
22011 Lil X Ramsey 07-28-22 Cty Sub.pln

Drawn By:
MJT

Minnesota License No.:
23592

Date Signed:
00-00-22

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 Architect under the laws of the State of Minnesota.

Signature

Copyright Michael J. Thomas Architect, LLC. All rights reserved.

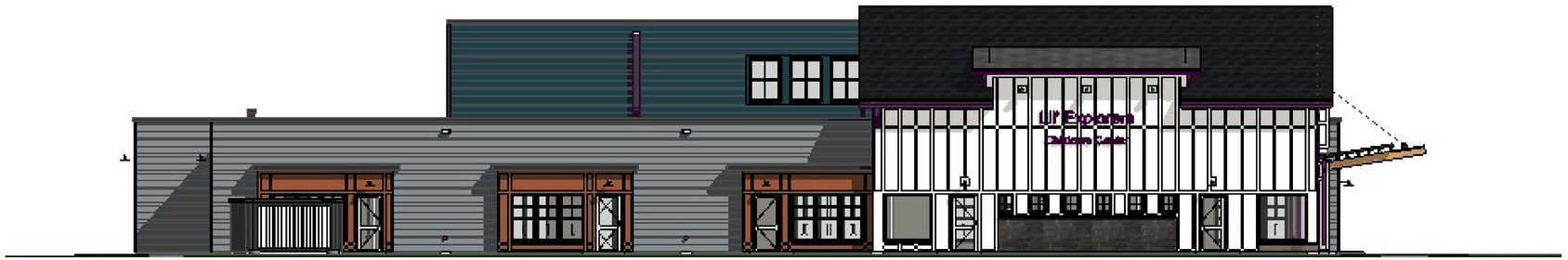
The architectural works depicted herein are the sole property of Michael J. Thomas Architect, LLC and may not be constructed or used without its expressed written permission. No permission to modify or reproduce any of these architectural works, including without limitation the construction of any building, is expressed or should be implied from delivery of preliminary drawings or unsealed construction drawings. Permission to construct the buildings(s) depicted in sealed construction drawings is expressly conditioned on the full and timely payment of all fees otherwise due to Michael J. Thomas Architect, LLC and, in absence of any written agreement to the contrary, is limited to a one-time use on the site indicated on these plans.

Lil' Explorers Childcare Center
New Building
14725 Ramsey Boulevard NW
Ramsey, MN

A0.0



4 East Exterior Elevation - Colors & Materials



3 West Exterior Elevation - Colors & Materials



2 North Exterior Elevation - Color & Materials



1 South Exterior Elevation - Color Selection

SW 9142
Moscow Midnight
Interior / Exterior
Location Number: 221-C7

SW 7004
Snowbound
Interior / Exterior
Location Number: 256-C2

SW 7664
Steely Gray
Interior / Exterior
Location Number: 233-C4

SW 7703
Earthen Jug
Interior / Exterior
Location Number: 122-C7

SCALE INDICATED BASED UPON PRINTED 24" X 36" (ARCHITECTURAL D) SHEET

MICHAEL J THOMAS ARCHITECT

4918 S. Tri Oak Circle NE
East Bethel, MN 55092

Phone 651-245-2346
www.michaeljthomasarchitect.com

Project No:
22011

Date Last Revised:
07-08-22, 07-11-22, 07-11-22,
07-14-22, 07-22-22,
07-22-22 v2, 07-28-22

File Name:
22011 Lil X Ramsey 07-28-22 Cty Sub.pln

Drawn By:
MJT

Minnesota License No.:
23592

Date Signed:
00-00-22

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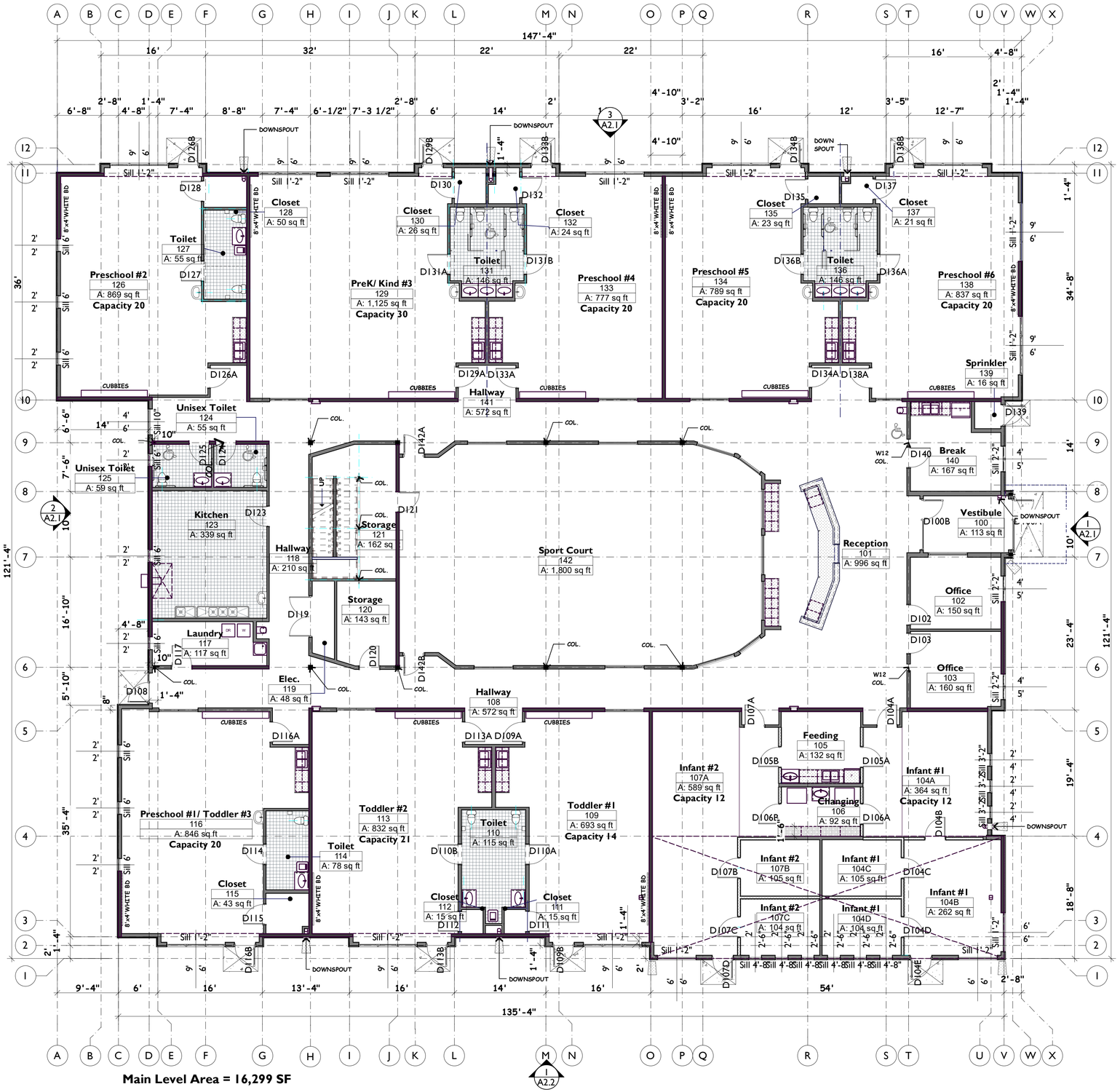
Preliminary City Submittal

PRELIMINARY DO NOT USE FOR CONSTRUCTION -

Lil' Explorers Childcare Center
New Building

14725 Ramsey Boulevard NW
Ramsey, MN

A0.1



1 Main Level Floor Plan

SCALE: 1/8" = 1'-0"

SCALE INDICATED BASED UPON PRINTED 24" X 36" (ARCHITECTURAL D) SHEET

PLAN NORTH

TRUE NORTH

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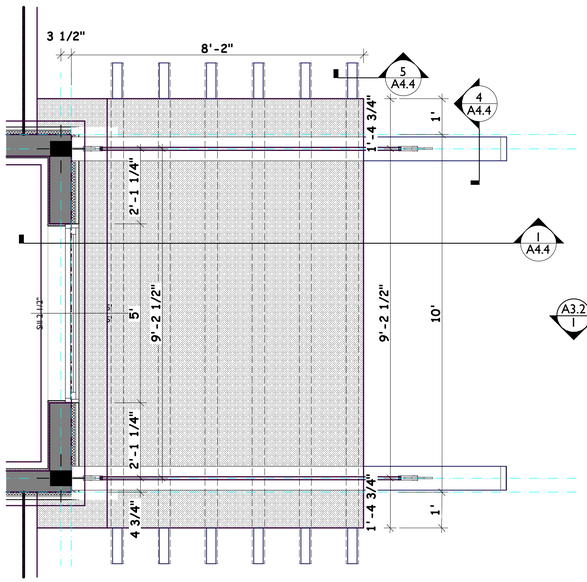
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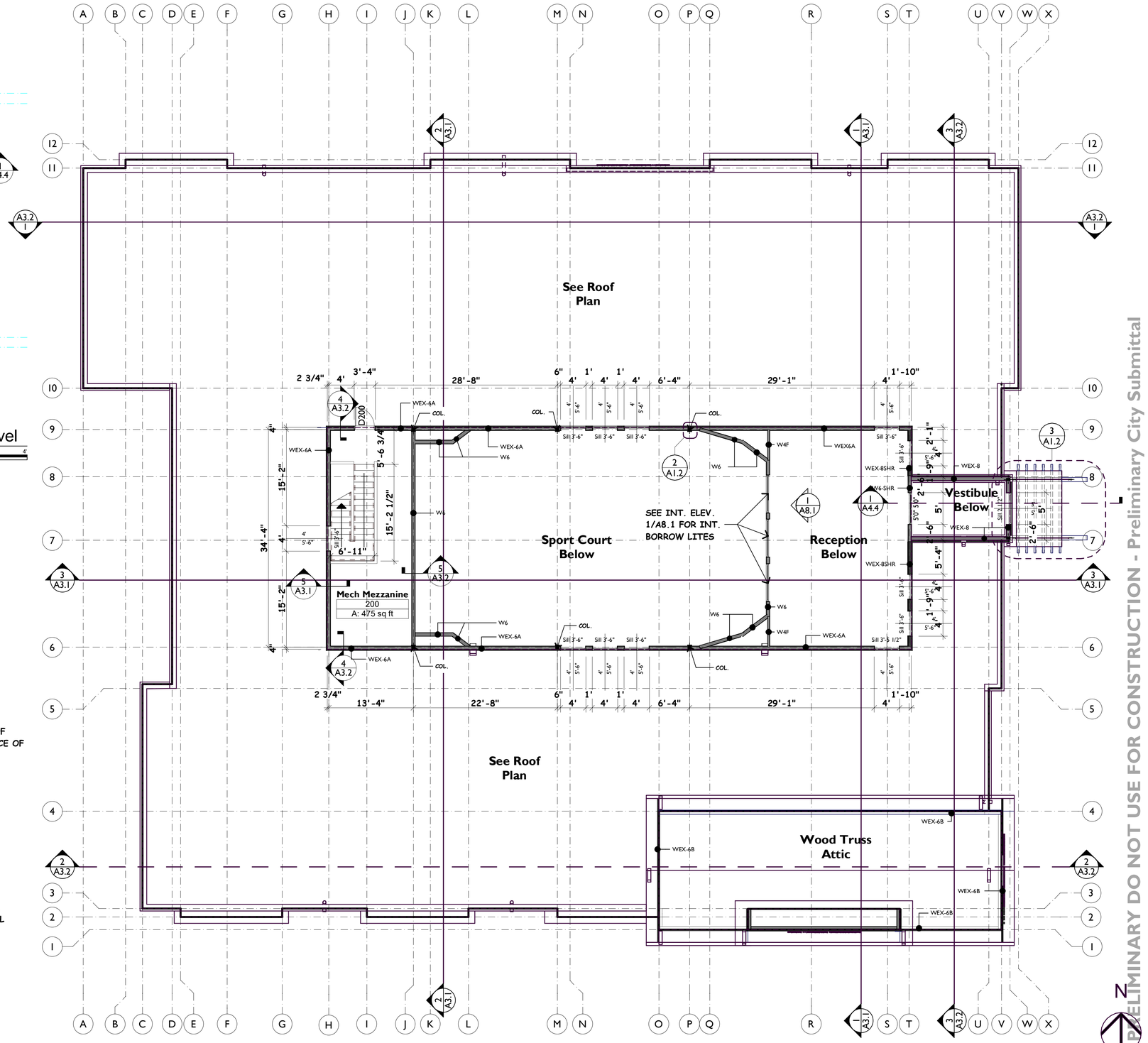
14725 Ramsey Boulevard NW
Ramsey, MN

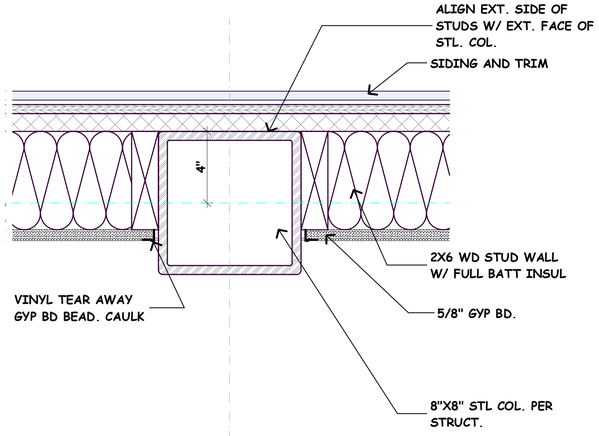
A1.1



3 Enlarged Plan - Main Canopy - Mezzanine Level

SCALE: 1/2" = 1'-0"





2 Typ Col - Plan View @ Mezz

SCALE: 3" = 1'-0"

1 Mezzanine Level Floor Plan

SCALE: 1/8" = 1'-0"

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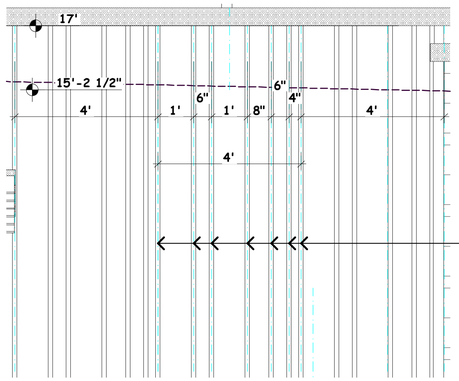
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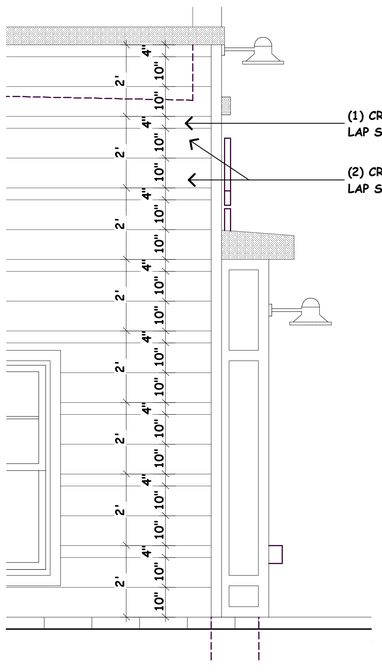
14725 Ramsey Boulevard NW
Ramsey, MN

A1.2



1 1/2" X 1" BATTENS. REPEAT 12", 6", 12", 8, 6", & 4" PATTERN EVERY 4' AS SHOWN. ALIGN W/ VERTICLE 4' WIDE CEDAR MILL PANEL JOINTS

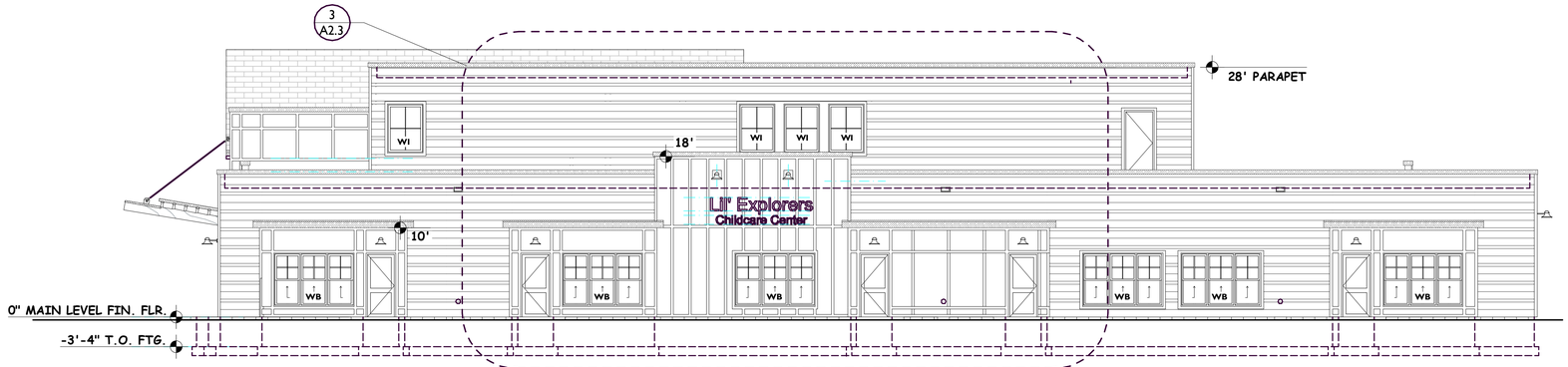
4 Typ Board & Batten Siding
SCALE: 1/2" = 1'-0"



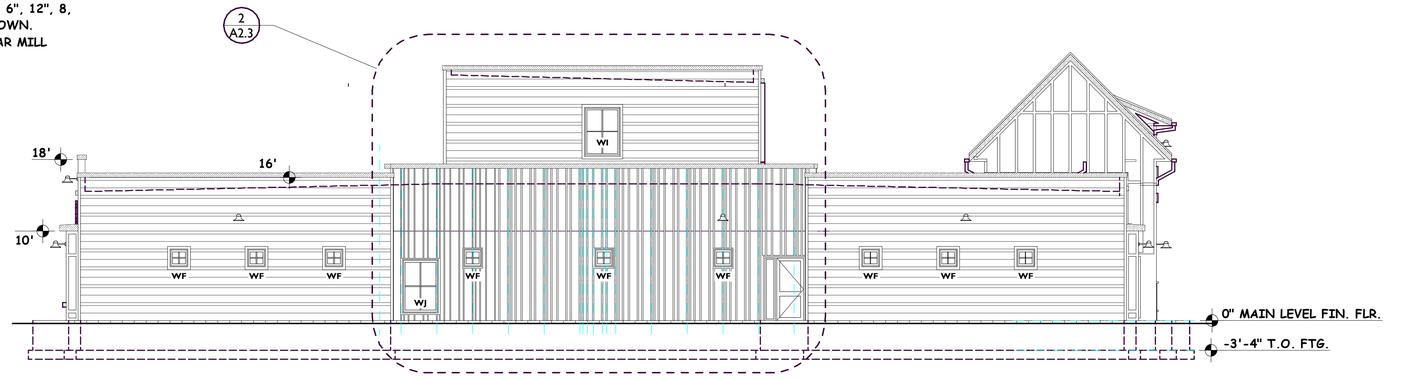
(1) CRS 4" EXPOSURE LAP SIDING

(2) CRS 10" EXPOSURE LAP SIDING

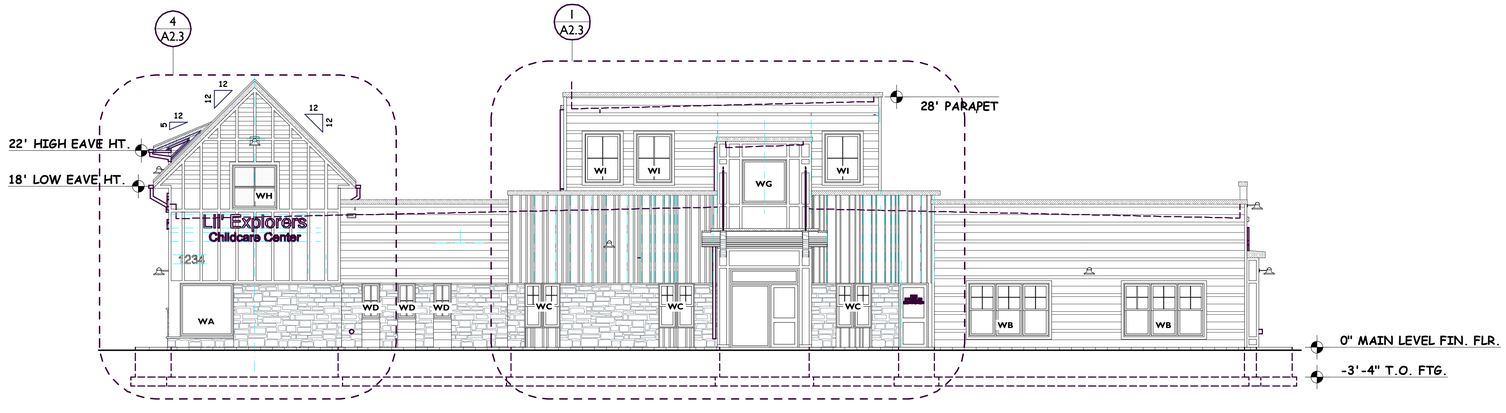
5 Typ Lap Siding
SCALE: 1/2" = 1'-0"



3 East Exterior Elevation
SCALE: 1/8" = 1'-0"



2 North Exterior Elevation
SCALE: 1/8" = 1'-0"



1 South Exterior Elevation
SCALE: 1/8" = 1'-0"

0 4' 8' 16'

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Lil' Explorers Childcare Center
New Building

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Ramsey, MN

A2.1

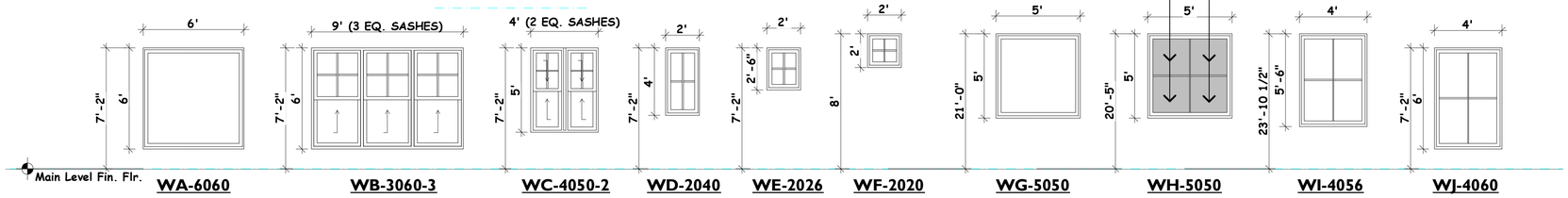
WINDOWS SHOWN ARE BASED ON: ANDERSON 100 SERIES FIBREX, SINGLE HUNG AND STTIONARY WINDOWS

PROVIDE SIMULATED DIVIDED LITES AS SHOWN BETWEEN THE DUAL PANE GLASS. CENTER IN SASH AS SHOWN

SIZES SHOWN ARE ROUGH OPENING DIMENSIONS

PROVIDED TEMPERED GLASS AT ALL EXTERIOR WINDOWS

SINGLE PANE, FROSTED/ ETCHED GLASS @ WH



3 External Window Types

SCALE: 1/4" = 1'-0"

PENDANT MOUNTED LIGHT FIXTURE - PROVIDE 11 1/4" X 11 1/4" X 1" PLYNTH TRIM W/ PREFIN MTL DRIP CAP FLASH- TYP.

PREFIN STNANDING SEAM MTL ROOF, FASCIA, AND SOFFITS AT CLASSROOM BUMP-OUTS

CEDARMILL PANEL W/ 3 1/2" X 1" TRIM AS SHOWN

TOP OF MAIN ROOF PROFILE SHOWN DASHED

DOWNSPOUT FROM HIGER EAVE TO SPILL ON TOP OF LOWER ROOF

22' HIGH WD TRUSS EAVE

SURFACE MOUNTED SIGNAGE BY OWNER/ TENANT

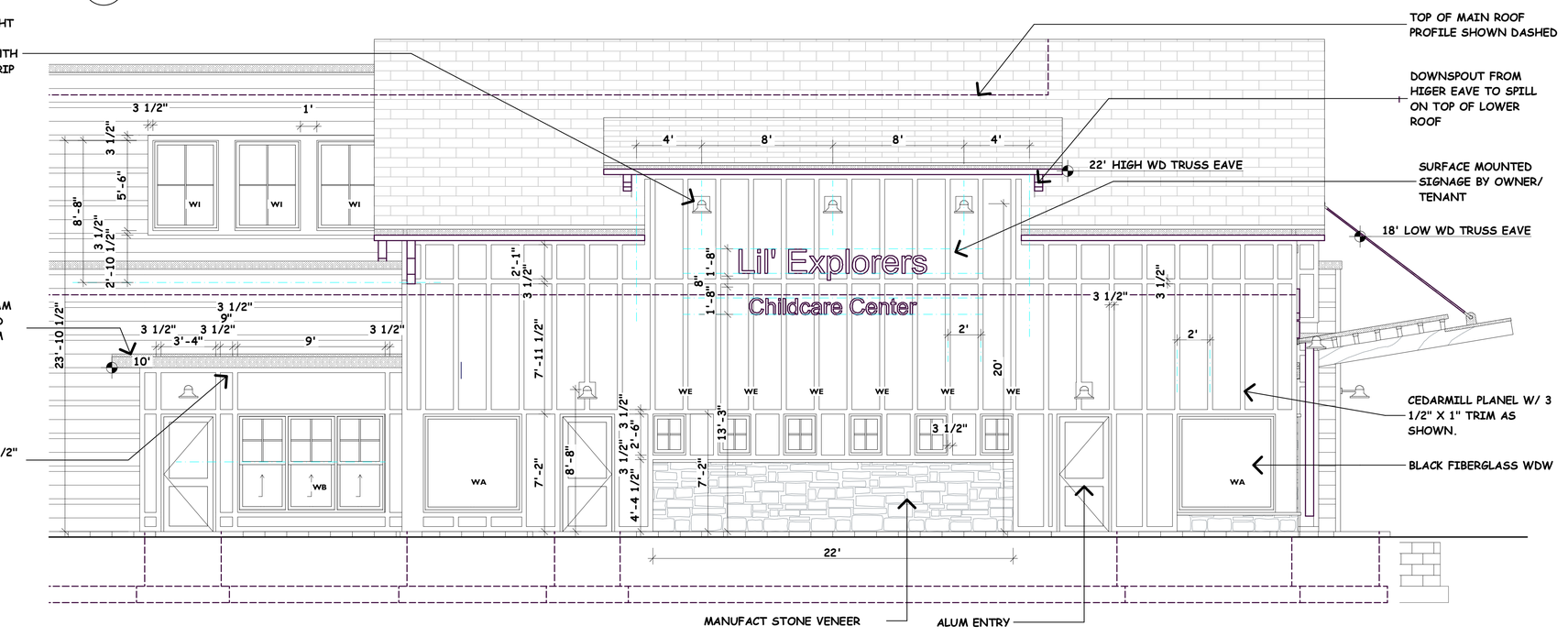
18' LOW WD TRUSS EAVE

CEDARMILL PLANEL W/ 3 1/2" X 1" TRIM AS SHOWN.

BLACK FIBERGLASS WDW

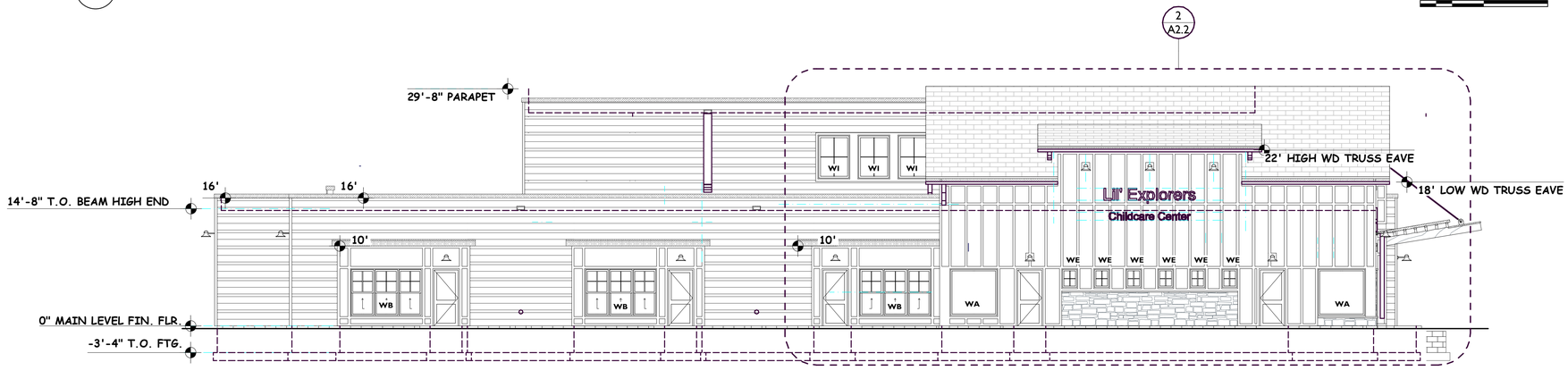
MANUFACT STONE VENEER

ALUM ENTRY



2 Partial Enlarged South Elevation

SCALE: 1/4" = 1'-0"



1 West Exterior Elevation

SCALE: 1/8" = 1'-0"

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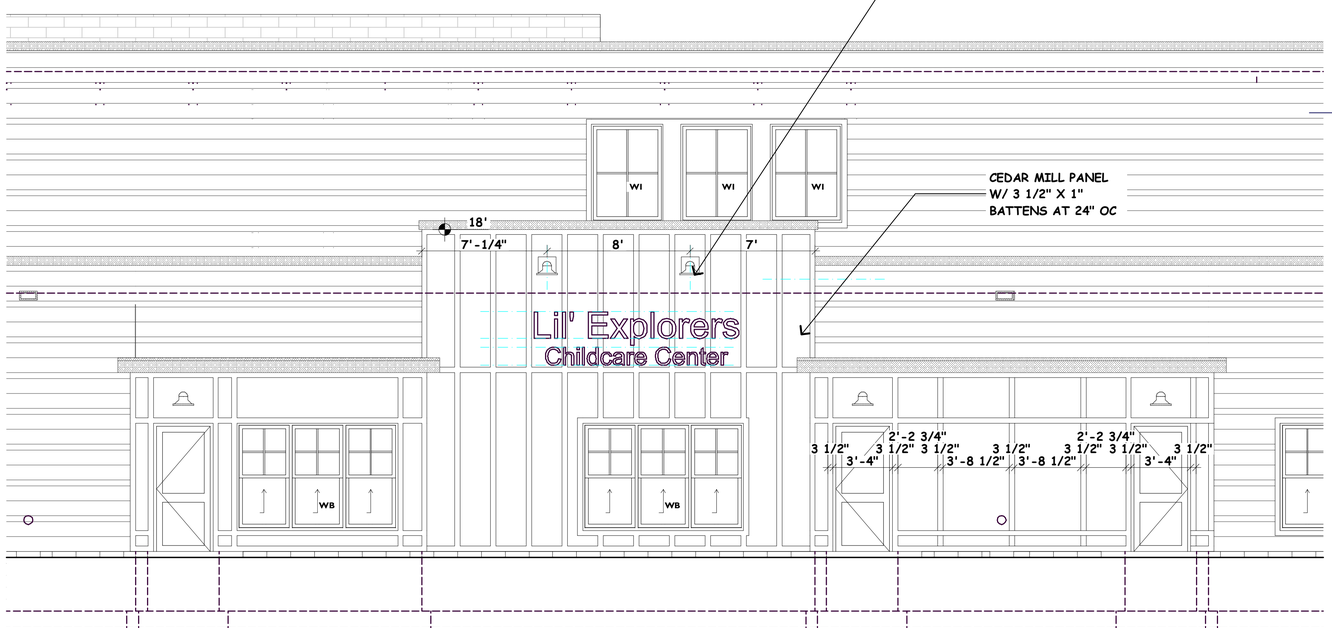
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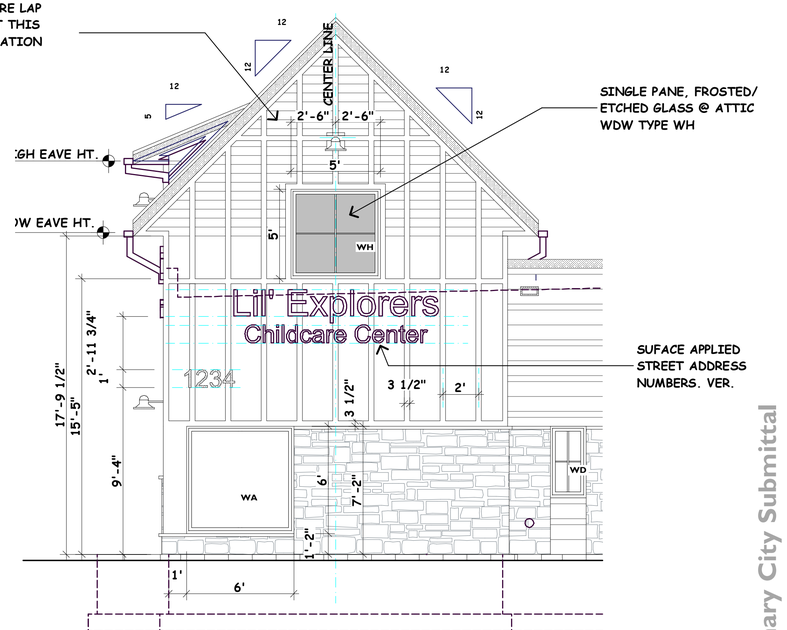
A2.2



PENDANT MOUNTED LIGHT FIXTURES W/ 11 1/4" X 11 1/4" X 1" PLYNTH TRIM W/ PREFIN MTL DRIP - TYP

6" EXPOSURE LAP SIDING AT THIS GABLE LOCATION ONLY.

CEDAR MILL PANEL W/ 3 1/2" X 1" BATTENS AT 24" OC

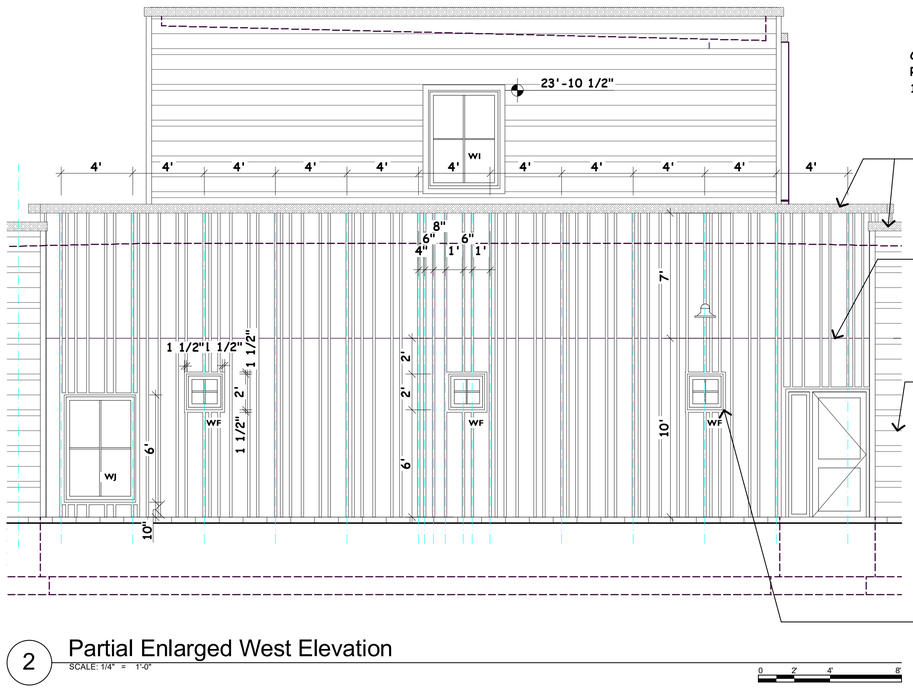


SINGLE PANE, FROSTED/ ETCHED GLASS @ ATTIC WDW TYPE WH

SUFACE APPLIED STREET ADDRESS NUMBERS. VER.

3 Partial Enlarged North Elevation
SCALE: 1/4" = 1'-0"

4 Partial Enlarlged East Elevation
SCALE: 1/4" = 1'-0"



CANOPY STRUCTURE STL ROD SUPPORTS

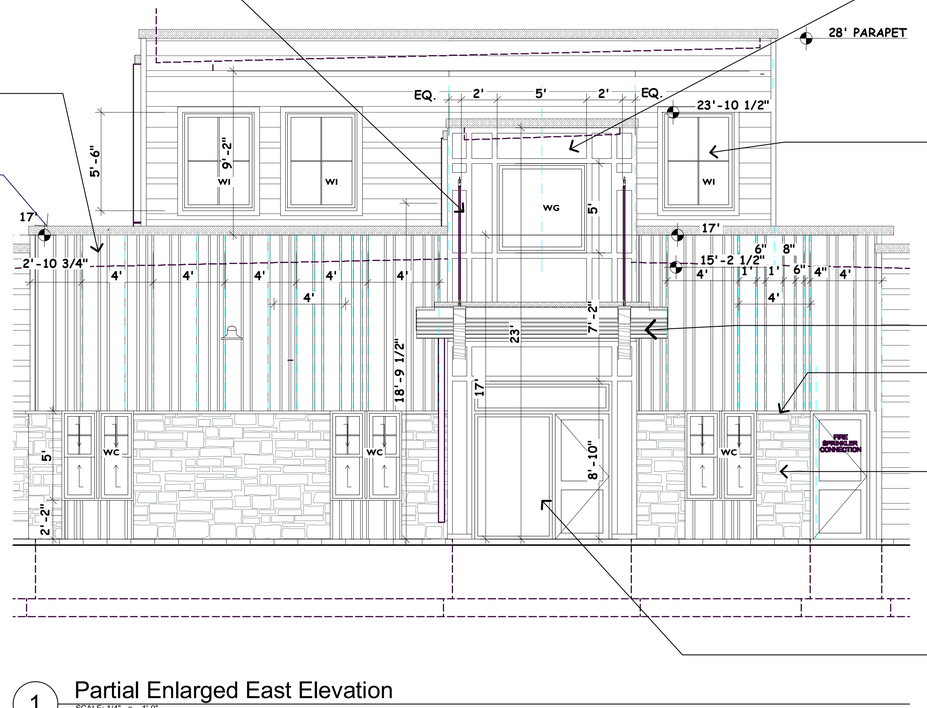
CEDARMILL PANEL W/ RANDOM SPACED 1 1/2" X 1" BATTENS AS SHOWN.

PREFIN MTL PARAPET COPING FLASH - TYP

HORIZ PANEL SPLICE @ 10' PANEL HT.

TYP HORZ SIDING - (2) ROWS OF 10" EXPOSURE LAP SIDING + (1) ROW OF 4" EXPOSURE LAP SIDING.

WDW & DR TRIM AT BATTEN LOCATIONS TO BE 1 1/2" X 1" ALL AROUND - TYP.



CEDARMILL PANEL W/ 3 1/2" X 1" TRIM AS SHOWN.

TYP BLACK FIBERGLASS WINDOWS. 3 1/2" X 1" TRIM AT HD, JAMB, & SILL - TYP.

ROUGH-SAWN CEDAR CANOPY ASSEMBLY.

2" MANUFACT STONE CAP - TYP

MANUFACT STONE

ALUM ENTRY

2 Partial Enlarged West Elevation
SCALE: 1/4" = 1'-0"

1 Partial Enlarged East Elevation
SCALE: 1/4" = 1'-0"

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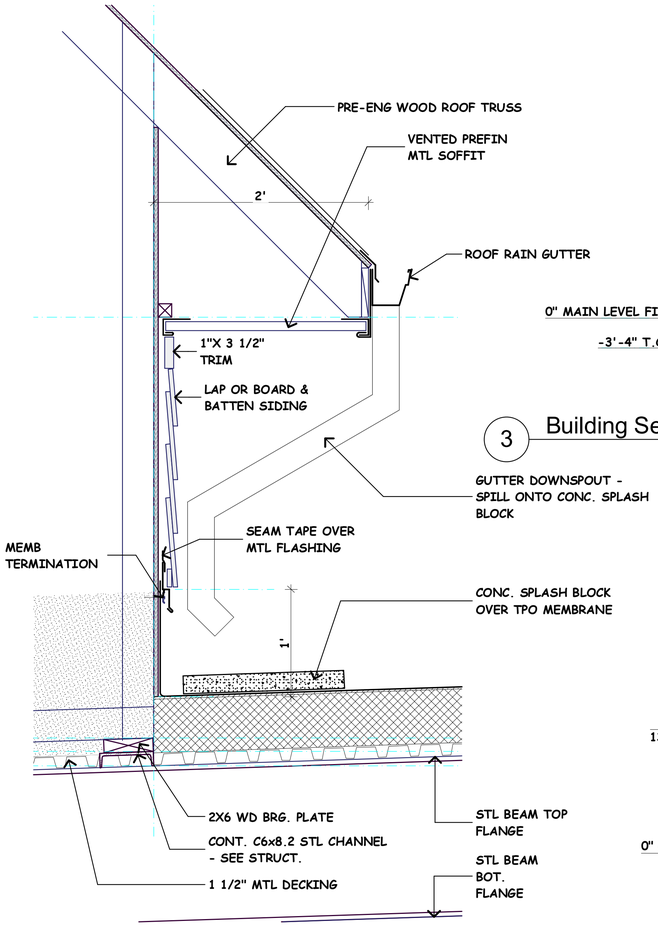
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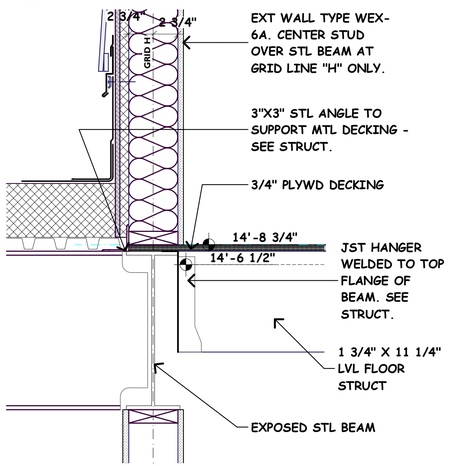
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A2.3



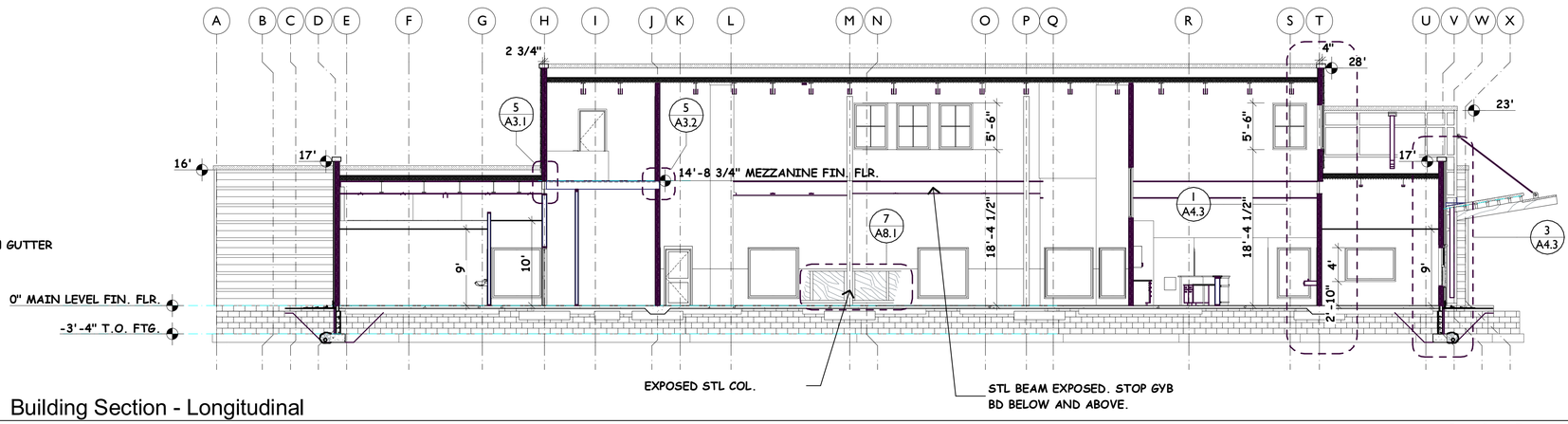
4 Wd Truss Brg Detail

SCALE: 1 1/2"= 1'-0"



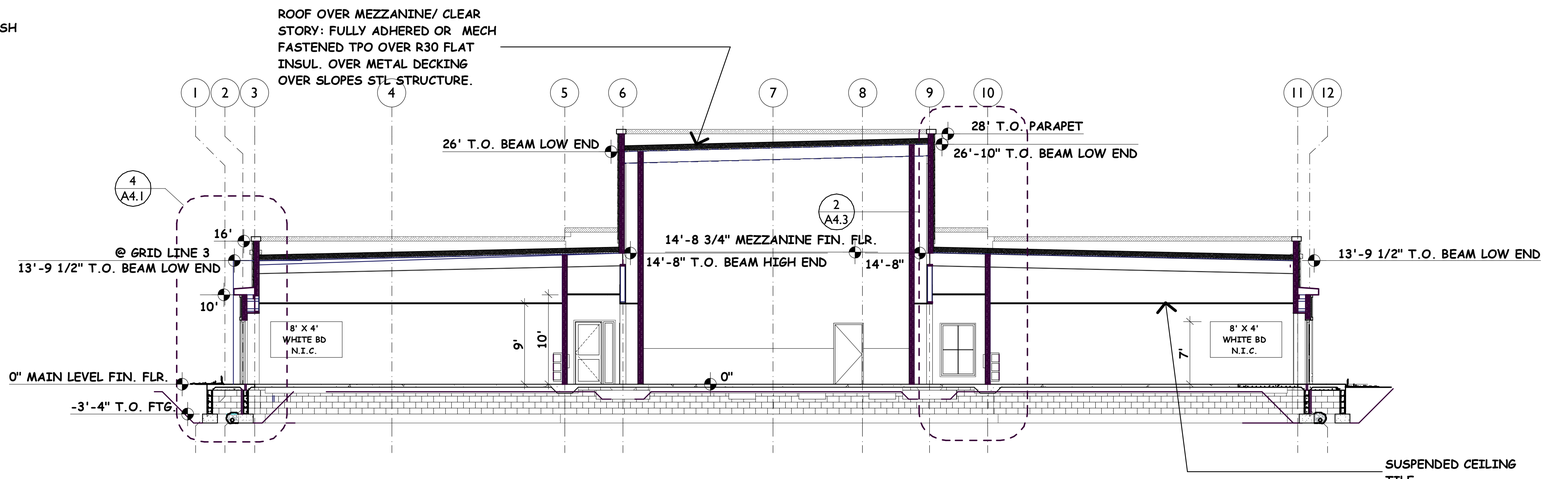
5 Detail Roof/ Wall @ Mezz.

SCALE: 1 1/2"= 1'-0"



3 Building Section - Longitudinal

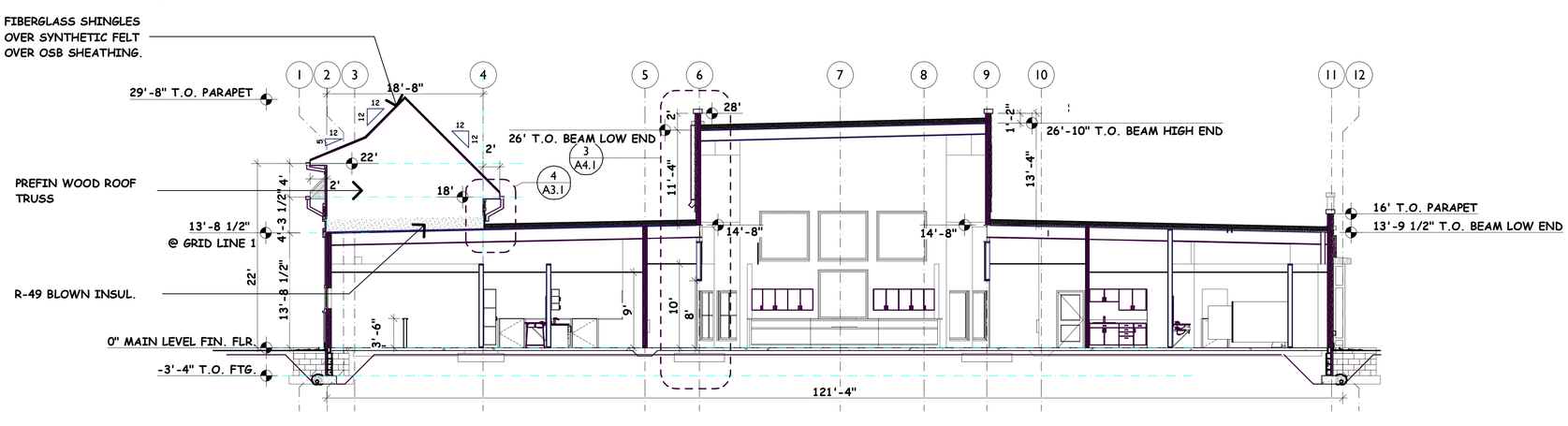
0 4' 8' 16'



2 Building Section - Sport Court

SCALE: 1/8" = 1'-0"

0 4' 8' 16'



1 Building Section - Lobby

0 4' 8' 16'

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Lil' Explorers Childcare Center
New Building

14725 Ramsey Boulevard NW
Ramsey, MN

A3.1

PROPOSED PROPERTY DESCRIPTION

Lot 2, Block 1, RAMSEY STORAGE CENTER, Anoka County, Minnesota.

PROPERTY OWNER

Ramsey Storage Center LLC
86 Diamond Dr.
Henniker, NH 03242

LIL X DEVELOPER

Jeremy Spaude
21830 S. Diamond Lake Dr.
Rogers, MN 55374
612-501-1493

ENGINEER/SURVEYOR

Sisu Land Surveying LLC
2580 Christian Dr.
Chaska, MN 55318
Contact: Curt Kallio, PE, LS
612-418-6828

LOT INFORMATION

PID 27-32-25-22-0085
Existing Zoning: B2 - Business District
Address: 14725 Ramsey Blvd. NW
Area = 1.74 acres
Watershed District = Lower Rum River WMO
School District 11

STORMWATER

All stormwater runoff will drain to the existing stormwater pond north of the site. No additional treatment is proposed. The total proposed new impervious surface is 0.85 acres.

TREE PRESERVATION

Existing tree survey, inventory, preservation, and mitigation is shown on Sheets C3 to C5.

LIGHTING PLAN

Potential parking lot lights are shown. A lighting plan will be designed by others and may vary from what is shown.

LANDSCAPING PLAN

A landscaping plan will be prepared by others.

UTILITIES

Water and sewer services will be provided from existing stubs at the NW corner of the site. Connections are shown on Sheet C7.

WETLANDS

No wetland delineation has been performed. There are no anticipated wetlands on site.

FLOODPLAIN

This property is not located in a floodplain

SOILS

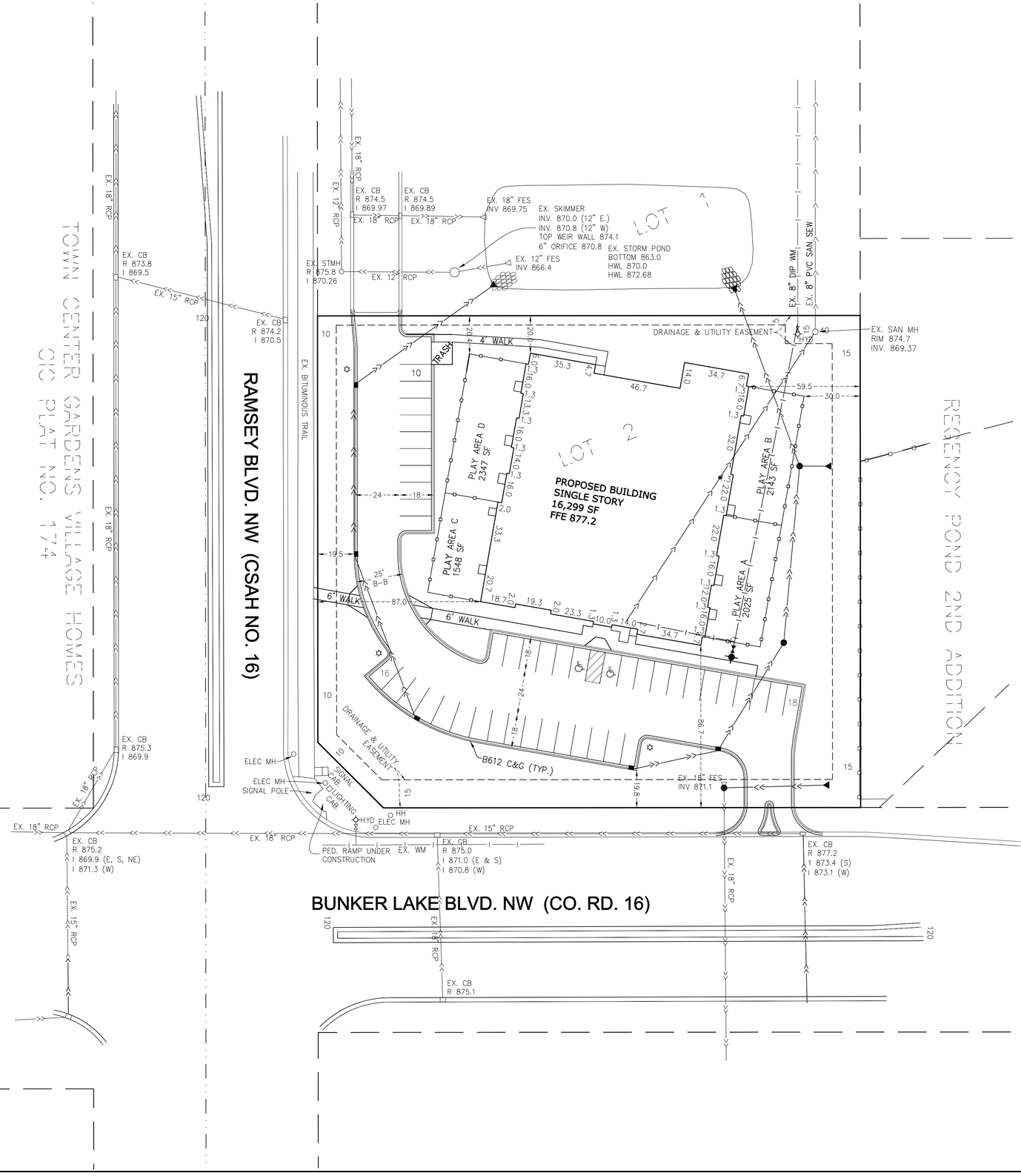
Existing soils are mapped as Hubbard loamy sands. No soil boring data is available.

SHEET INDEX

C1	SITE PLAN
C2	CERTIFICATE OF SURVEY/EXISTING CONDITIONS
C3	TREE SURVEY
C4	TREE INVENTORY
C5	TREE PRESERVATION
C6	GRADING, DRAINAGE, AND EROSION CONTROL PLAN
C7	UTILITY AND STORM SEWER PLANS
C8	TURF ESTABLISHMENT PLAN

LEGEND

PROPERTY LINE
PARCEL LINES
EASEMENT
EX. CONTOUR
PROP. CONTOUR
DRAINAGE ARROW
PROPOSED LIGHTING
EX. CATCH BASIN
EX. STORM SEWER
EX. EX. STORM MH
EX. FES
EX. SAN. SEWER
EX. SAN. SEWER MH
EX. WATERMAIN
EX. HYDRANT



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LAND SURVEYING & ENGINEERING
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

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NOT FOR CONSTRUCTION 7/28/2022
Curtiss J. Kallio, Lic. No. 26909 Date

DATE	REVISION	BY

PREPARED FOR:
Jeremy Spaude
21830 S. Diamond Lake Dr.
Rogers, MN 55374
612-501-1493

SHEET TITLE & PROJECT:
Site Plan
Lil Explorers Childcare Center
Ramsey, MN

PROJECT NO:
202253

SHEET
C1

PROPOSED PROPERTY DESCRIPTION

Lot 2, Block 1, RAMSEY STORAGE CENTER, Anoka County, Minnesota.

LOT INFORMATION

PID 27-32-25-22-0085
Existing Zoning: B2 – Business District
Address: 14725 Ramsey Blvd. NW
Area = 1.74 acres
Watershed District = Lower Rum River WMO
School District 11

PROPERTY OWNER

Ramsey Storage Center LLC
86 Diamond Dr.
Henniker, NH 03242

LIL X DEVELOPER

Jeremy Spaude
21830 S. Diamond Lake Dr.
Rogers, MN 55374
612-501-1493

ENGINEER

Sisu Land Surveying LLC
2580 Christian Dr.
Chaska, MN 55318
Contact: Curt Kallio, PE, LS
612-418-6828

TREE SURVEY

Existing tree inventory is shown on Sheet C3 and C4.

WETLANDS

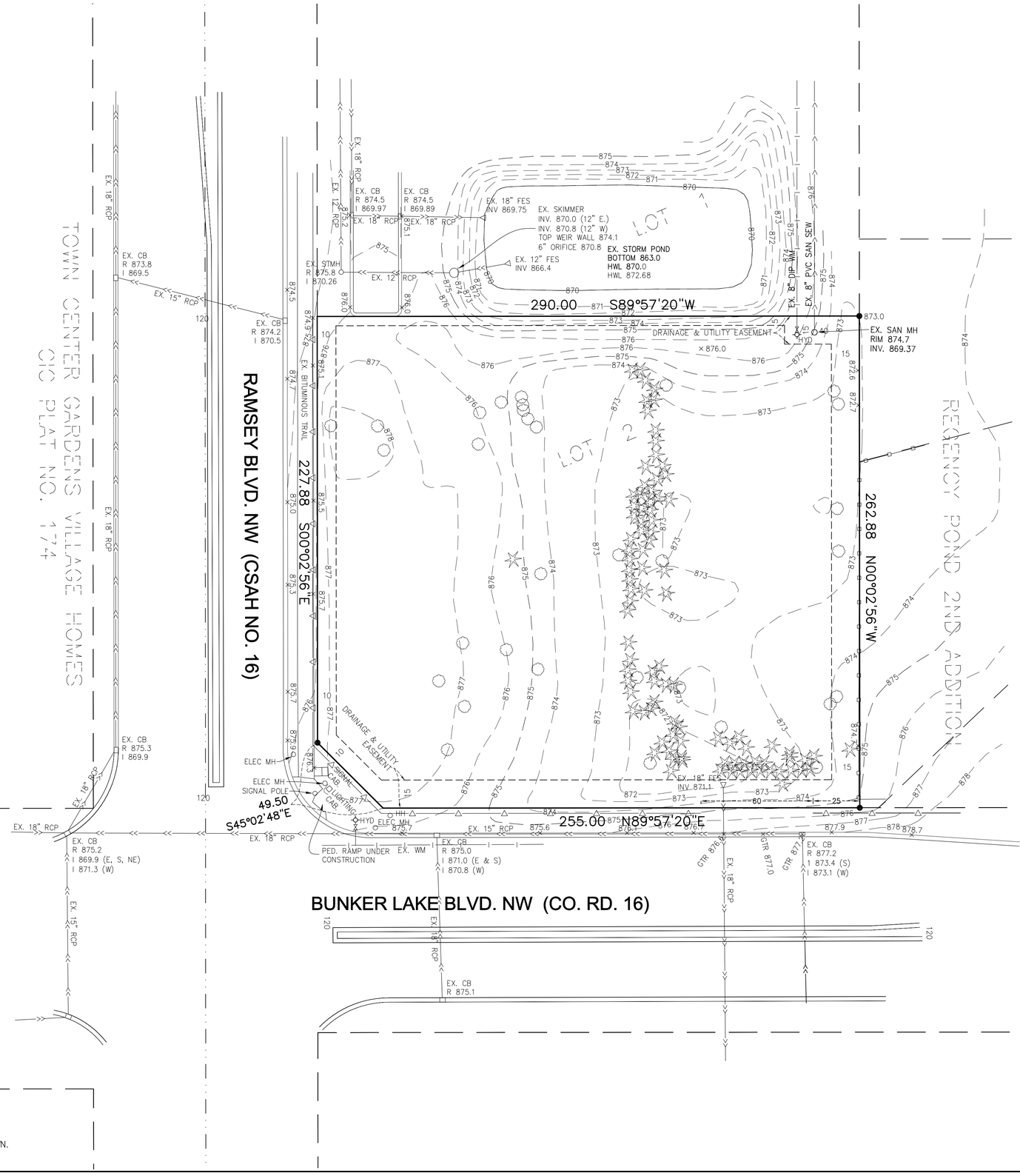
No wetland delineation has been performed. There are no anticipated wetlands on site.

FLOODPLAIN

This property is not located in a floodplain

SOILS

Existing soils are mapped as Hubbard loamy sands. No soil boring data is available.



LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY
- SETBACK
- EASEMENT
- EX. CONTOUR — 900 —
- PROP. CONTOUR — 900 —
- DRAINAGE ARROW
- EX. CATCH BASIN
- EX. STORM SEWER
- EX. EX. STORM MH
- EX. FES
- EX. SAN. SEWER
- EX. SAN. SEWER MH
- EX. WATERMAIN
- EX. HYDRANT
- EX. GATE VALVE
- POWER POLE
- LIGHT POLE
- ACCESS CONTROL

0 30 60
SCALE IN FEET

● DENOTES IRON MONUMENT FOUND

○ DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26909, UNLESS OTHERWISE SHOWN.

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Curtiss J. Kallio, Lic. No. 26909 — 7/28/2022 Date

DATE	REVISION	BY

PREPARED FOR:
Jeremy Spaude
21830 S. Diamond Lake Dr.
Rogers, MN 55374
612-501-1493

SHEET TITLE & PROJECT:
Certificate of Survey and Existing Conditions
Lil Explorers Childcare Center
Ramsey, MN

PROJECT NO:
202253

SHEET
C2

LEGEND

- TF — TREE FENCE, ORANGE SNOW FENCE OR SILT FENCE
- 329 — EXISTING DECIDUOUS TREE & TAG NUMBER
- 329 — EXISTING CONIFEROUS TREE & TAG NUMBER
- X — TREE REMOVAL INDIVIDUAL
- TREE RELOCATE/REMOVAL GROUP
- CONSTRUCTION LIMITS

RAMSEY BLVD. NW (CSAH NO. 16)

EX. BITUMINOUS TRAIL

RELOCATE SELECT TREES
REMOVE ALL OTHER TREES

RELOCATE SELECT TREES
REMOVE ALL OTHER TREES

ELEC MH
ELEC MH
SIGNAL POLE
SIGNAL CAB.
LIGHTING CAB.
HYD
ELEC MH
HH
PED. RAMP UNDER CONSTRUCTION

GTR 876
GTR 877.0
GTR 877

BUNKER LAKE BLVD. NW (CO. RD. 16)

0 20 40
SCALE IN FEET

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NOT FOR CONSTRUCTION
Curtiss J. Kallio, Lic. No. 26909
7/28/2022
Date

DATE	REVISION	BY

PREPARED FOR:
Jeremy Spaude
21830 S. Diamond Lake Dr.
Rogers, MN 55374
612-501-1493

SHEET TITLE & PROJECT:
Tree Survey
Lil Explorers Childcare Center
Ramsey, MN

PROJECT NO:
202253

SHEET
C3

TAG	IDENTIFICATION	DBH	CONDITION	STATUS	TAG	IDENTIFICATION	DBH	CONDITION	STATUS	TAG	IDENTIFICATION	DBH	CONDITION	STATUS
160	5 red pine	5	good	Remove	363	4 red pine	4	good	Remove	416	7 red pine	7	good	Remove
312	7 red pine	7	good	Remove	364	8 9 14 16 box elder	37	good	Remove	417	5 red pine	5	good	Remove
313	6 red pine	6	good	Remove	365	6 red pine	6	good	Remove	418	5 red pine	5	good	Remove
314	6 red pine	6	good	Remove	366	9 red pine	9	good	Remove	419	4 red pine	4	good	Remove
316	7 red pine	7	good	Remove	367	9 red pine	9	good	Remove	420	6 red pine	6	good	Remove
317	8 red pine	8	good	Remove	368	8 red pine	8	good	Remove	421	6 red pine	6	good	Remove
318	8 red pine	8	good	Remove	369	9 red pine	9	good	Remove	422	6 red pine	6	good	Remove
319	9 red pine	9	good	Remove	371	19 siberian elm	19	good	Remove	423	7 red pine	7	good	Remove
320	8 red pine	8	good	Remove	372	9 red pine	9	good	Remove	424	6 red pine	6	good	Remove
321	9 red pine	9	good	Remove	373	10 red pine	10	good	Remove	425	6 red pine	6	good	Remove
322	8 red pine	8	good	Remove	377	3 10 16 siberian eln	34	good	Remove	426	7 red pine	7	good	Remove
323	7 red pine	7	good	Remove	379	8 siberian elm	8	good	Remove	427	7 red pine	7	good	Remove
324	4 red pine	4	good	Remove	380	9 14 siberian elm	23	good	Remove	428	7 red pine	7	good	Remove
325	9 red pine	9	good	Remove	381	10 red pine	10	good	Remove	429	7 red pine	7	good	Remove
326	10 aspen dying	0	dying	Remove	382	10 red pine	10	good	Remove	430	7 red pine	7	good	Remove
327	9 aspen	9	good	Remove	383	7 red pine	7	good	Remove	431	5 red pine	5	good	Remove
328	9 aspen	9	good	Remove	384	7 red pine	7	good	Remove	432	6 red pine	6	good	Remove
329	12 16 ash	28	good	Remove	385	8 11 elm	19	good	Remove	433	6 red pine	6	good	Remove
331	10 aspen	10	good	Remove	386	7 red pine	7	good	Remove	434	7 red pine	7	good	Remove
332	14 cottonwood	14	good	Remove	387	4 red pine	4	good	Remove	435	6 red pine	6	good	Remove
333	8 8 ash	16	good	Remove	388	7 red pine	7	good	Remove	436	16 cottonwood	16	good	Remove
334	8 red pine	8	good	Remove	389	7 red pine	7	good	Remove	437	6 red pine	6	good	Remove
338	10 aspen	10	good	Remove	390	15 ash dead	0	dead	Remove	439	7 red pine	7	good	Save
339	6 red pine	6	good	Remove	392	5 red pine	5	good	Remove	440	7 8 siberian elm	15	good	Save
340	8 red pine	8	good	Remove	393	5 red pine	5	good	Remove	450	7 elm	7	good	Save
341	5 red pine	5	good	Remove	394	9 red pine	9	good	Remove	451	11 elm	11	good	Save
343	5 red pine	5	good	Remove	395	8 red pine	8	good	Remove	1078	7 red pine	7	good	Remove
344	6 red pine	6	good	Remove	396	5 red pine	5	good	Remove	1091	12 red pine	12	good	Remove
345	7 red pine	7	good	Remove	399	8 elm	8	good	Remove	NT1	9 siberian elm	9	good	Remove
346	7 red pine	7	good	Remove	400	7 red pine	7	good	Remove	NT10	9 siberian elm	9	good	Save
348	7 red pine	7	good	Remove	401	10 red pine	10	good	Remove	NT11	8 box elder	8	good	Save
349	4 red pine	4	good	Remove	403	6 red pine	6	good	Remove	NT12	8 elm	8	good	Save
350	8 red pine	8	good	Remove	404	6 red pine	6	good	Remove	NT2	22 elm	22	good	Remove
351	8 red pine	8	good	Remove	405	5 red pine	5	good	Remove	NT3	8 aspen	8	good	Remove
352	7 red pine	7	good	Remove	406	6 red pine	6	good	Remove	NT4	8 aspen	8	good	Remove
354	6 red pine	6	good	Remove	407	7 red pine	7	good	Remove	NT5	12 cedar	12	good	Remove
355	7 red pine	7	good	Remove	408	6 red pine	6	good	Remove	NT6	4 red pine	4	good	Remove
356	5 red pine	5	good	Remove	409	7 red pine	7	good	Remove	NT7	12 ash dead	0	dead	Remove
357	8 red pine	8	good	Remove	410	5 red pine	5	good	Remove	NT8	7 8 siberian elm	15	good	Remove
358	6 red pine	6	good	Remove	411	6 red pine	6	good	Remove	NT9	8 siberian elm	8	good	Remove
359	6 red pine	6	good	Remove	412	8 8 10 box elder	26	good	Remove					
360	10 box elder	10	good	Remove	413	5 red pine	5	good	Remove					
361	8 red pine	8	good	Remove	414	10 red pine	10	good	Remove					
362	9 red pine	9	good	Remove	415	5 red pine	5	good	Remove					

TREE REMOVAL/PRESERVATION SUMMARY

TOTAL DBH	1083
30% OF TOTAL DBH	325
DBH SAVED	65
ANTICIPATED DBH RELOCATED	200
ANTICIPATED DBH PLANTED	60
ANTICIPATED REMAINING RESTITUTION	0

NOTE: FINAL TOTALS FOR RELOCATION AND PLANTINGS
PER LANDSCAPING PLANS PREPARED BY OTHERS

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Chaska, MN 55318
612-418-6828

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NOT FOR CONSTRUCTION 7/28/2022
Curtiss J. Kallio, Lic. No. 26909 Date

DATE	REVISION	BY

PREPARED FOR:
Jeremy Spaude
21830 S. Diamond Lake Dr.
Rogers, MN 55374
612-501-1493

SHEET TITLE & PROJECT:
Tree Inventory
Lil Explorers Childcare Center
Ramsey, MN

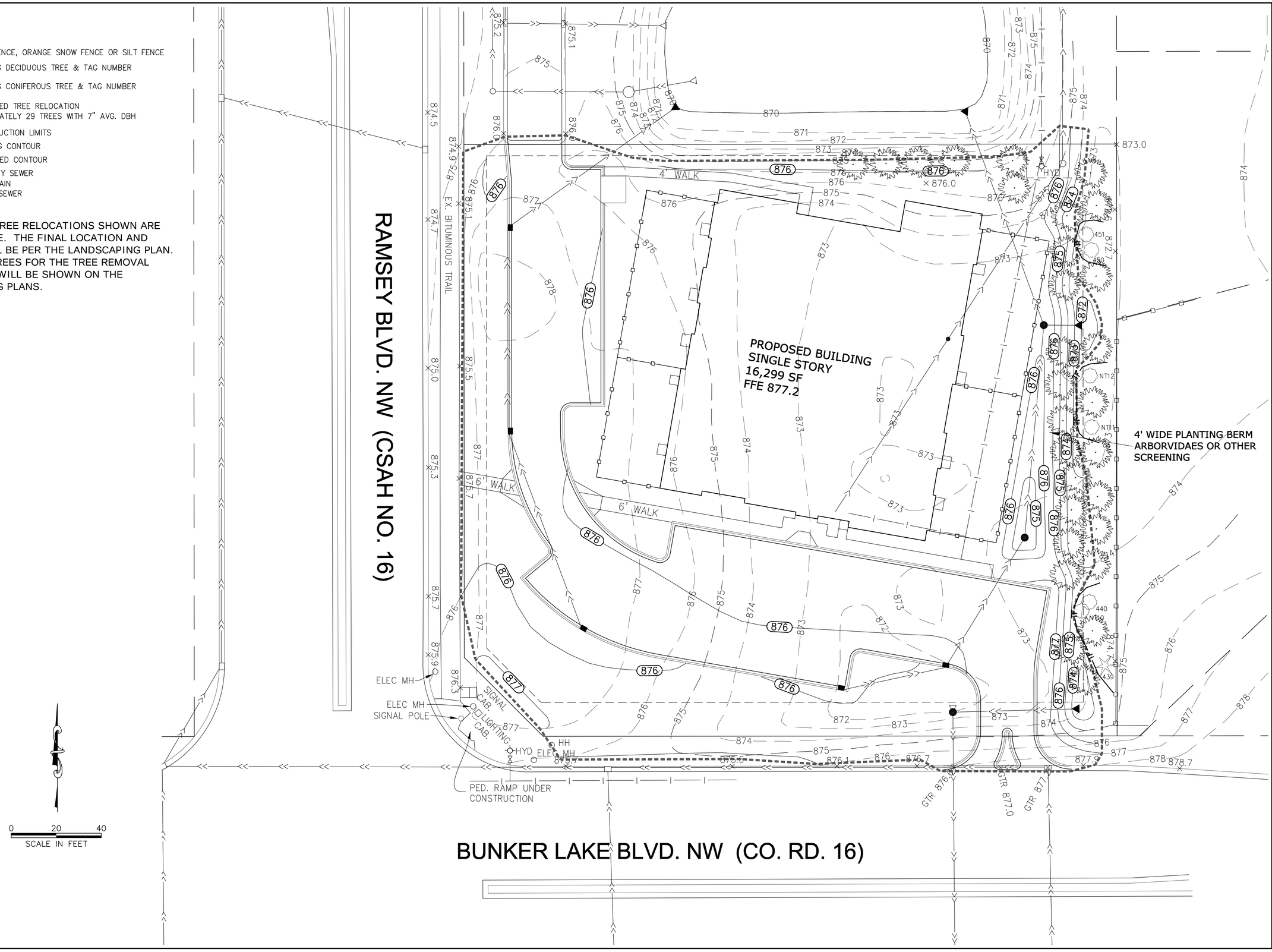
PROJECT NO:
202253

SHEET
C4

LEGEND

- TF — TREE FENCE, ORANGE SNOW FENCE OR SILT FENCE
- 329 — EXISTING DECIDUOUS TREE & TAG NUMBER
- 329 — EXISTING CONIFEROUS TREE & TAG NUMBER
- PROPOSED TREE RELOCATION APPROXATELY 29 TREES WITH 7" AVG. DBH
- CONSTRUCTION LIMITS
- 900 — EXISTING CONTOUR
- 864 — PROPOSED CONTOUR
- SANITARY SEWER
- WATERMAIN
- STORM SEWER

NOTE: THE TREE RELOCATIONS SHOWN ARE APPROXIMATE. THE FINAL LOCATION AND NUMBER WILL BE PER THE LANDSCAPING PLAN. PROPOSED TREES FOR THE TREE REMOVAL MITIGATION WILL BE SHOWN ON THE LANDSCAPING PLANS.



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DATE	REVISION	BY

PREPARED FOR:
Jeremy Spaude
21830 S. Diamond Lake Dr.
Rogers, MN 55374
612-501-1493

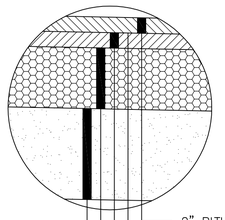
SHEET TITLE & PROJECT:
Tree Preservation and Mitigation
Lil Explorers Childcare Center
Ramsey, MN

PROJECT NO:
202253

SHEET
C5

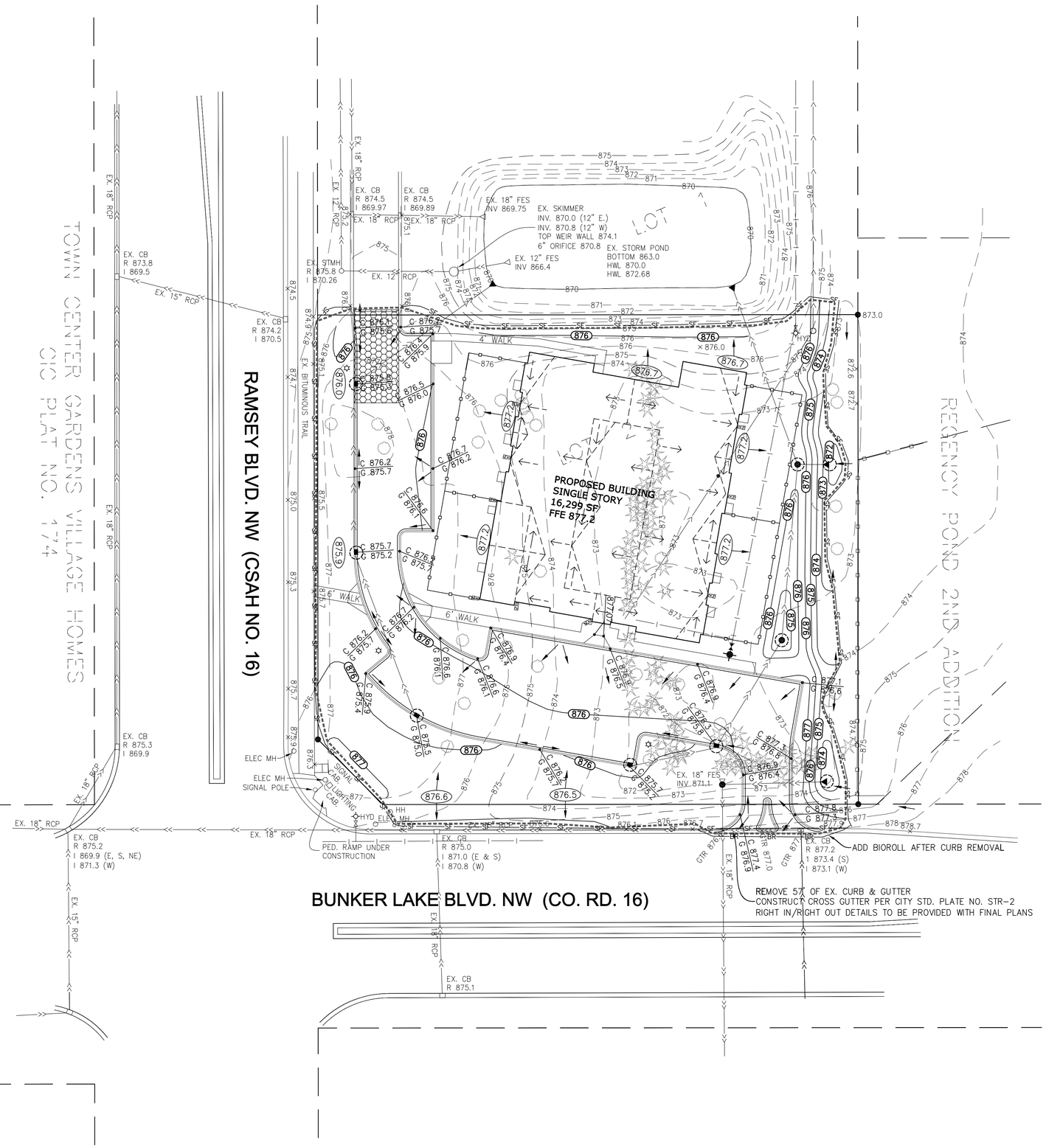
GRADING NOTES

1. The grading contractor shall verify locations and elevations of all underground utilities with the respective utility companies prior to construction.
2. 6" minimum topsoil to placed on all areas to have turf established.
3. The estimated disturbed area is 1.8 acres. An NPDES Permit is required. The SWPPP will be prepared as a separate document with the final construction plans.
4. The new impervious area is 0.85 acres.
5. The estimated excavation is 6,000 CY.
6. A rock construction exit or other approved method is required at all access points to and from the site.



PRELIMINARY PAVEMENT SECTION

FINAL PAVEMENT DESIGN BY OTHERS.



LEGEND

900	EXISTING CONTOUR
864	PROPOSED CONTOUR
	CONSTRUCTION LIMITS
SF	SILT FENCE, MACHINE SLICED
BR	BIOROLL, TYPE COMPOST LOG
	INLET PROTECTION
952.0	PROPOSED FINISHED GRADE ELEVATION
C 927.7 / G 927.2	PROPOSED CURB ELEV. / PROPOSED GUTTER ELEV.
	ROOF DRAINAGE DIRECTION
	DRAINAGE ARROW
	SANITARY SEWER
	WATERMAIN
	STORM SEWER
X 976.5	EXISTING SPOT ELEVATION
	CONSTRUCTION EXIT

0 30 60
SCALE IN FEET

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2580 Christian Dr.
Chaska, MN 55318
612-418-6828

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NOT FOR CONSTRUCTION 7/28/2022
Curtiss J. Kallio, Lic. No. 26909 Date

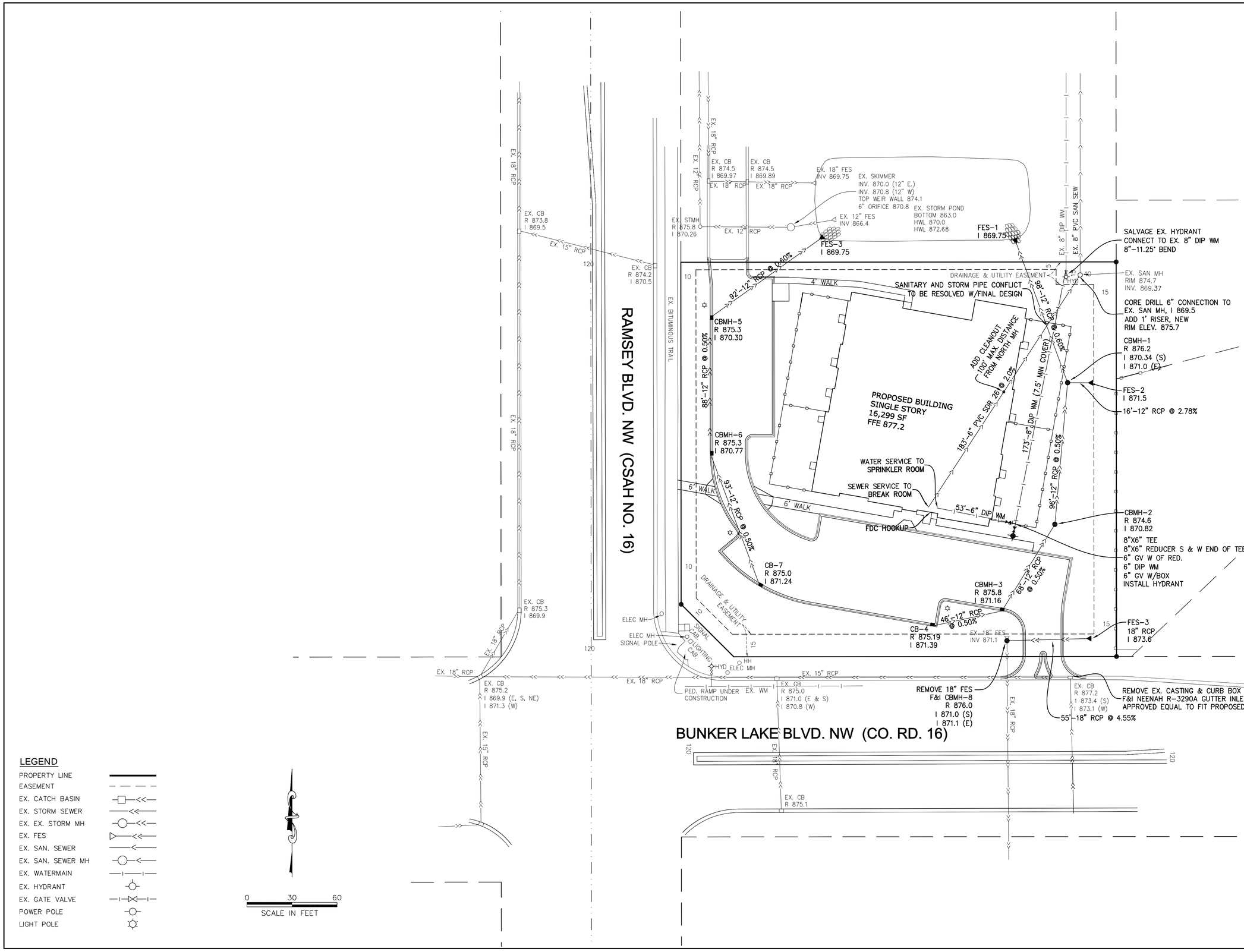
DATE	REVISION	BY

PREPARED FOR:
Jeremy Spaude
21830 S. Diamond Lake Dr.
Rogers, MN 55374
612-501-1493

SHEET TITLE & PROJECT:
Grading, Drainage, and Erosion Control Plan
Lil Explorers Childcare Center
Ramsey, MN

PROJECT NO:
202253

SHEET
C6



LEGEND

- PROPERTY LINE
- EASEMENT
- EX. CATCH BASIN
- EX. STORM SEWER
- EX. EX. STORM MH
- EX. FES
- EX. SAN. SEWER
- EX. SAN. SEWER MH
- EX. WATERMAIN
- EX. HYDRANT
- EX. GATE VALVE
- POWER POLE
- LIGHT POLE

0 30 60
SCALE IN FEET

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NOT FOR CONSTRUCTION 7/28/2022
Curtiss J. Kallio, Lic. No. 26909 Date

BY	REVISION	DATE

PREPARED FOR:
Jeremy Spaude
21830 S. Diamond Lake Dr.
Rogers, MN 55374
612-501-1493

SHEET TITLE & PROJECT:
Utility and Storm Sewer Plan
Lil Explorers Childcare Center
Ramsey, MN

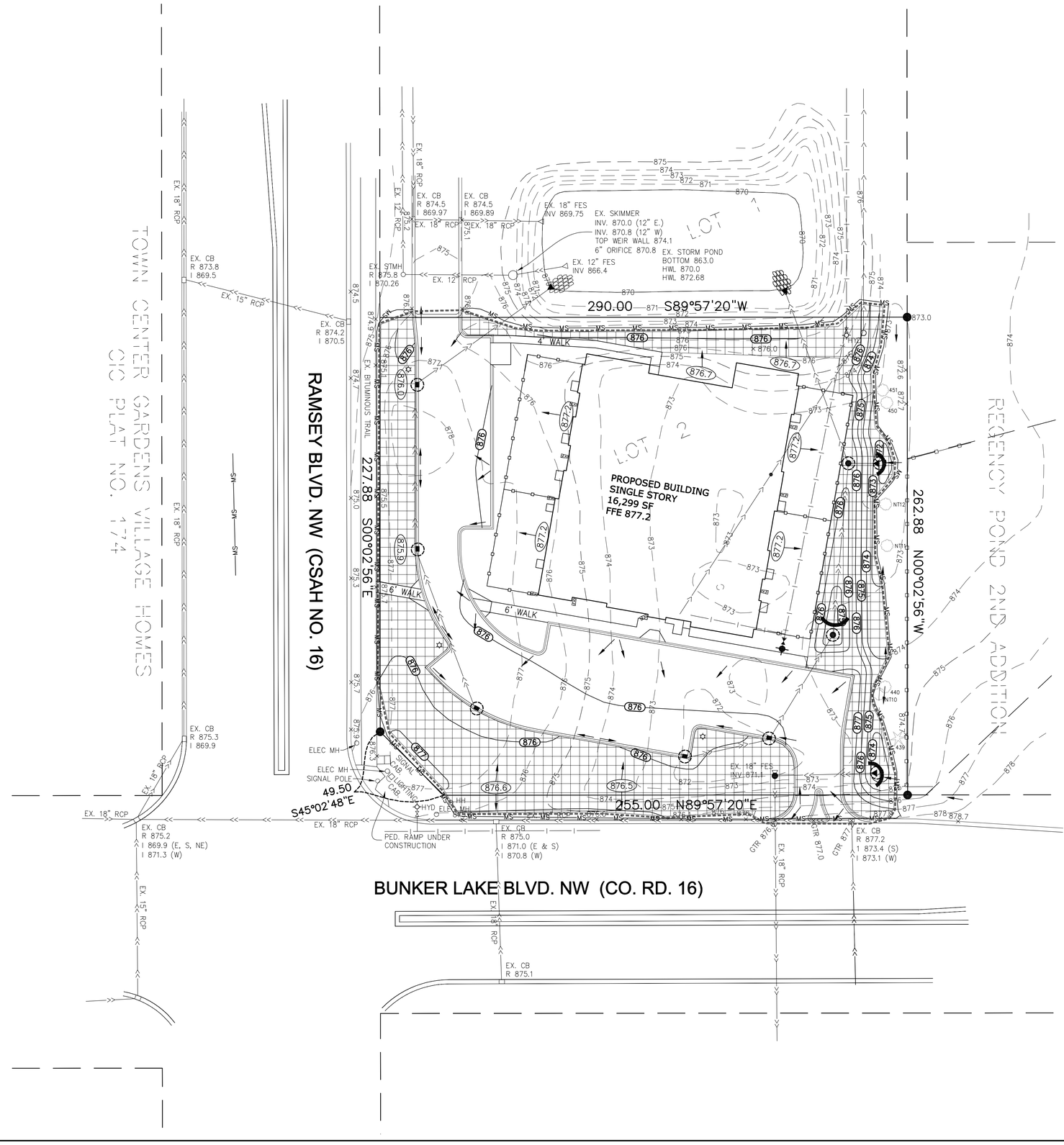
PROJECT NO:
202253

SHEET
C7

TURF ESTABLISHMENT NOTES

1. 6" minimum topsoil to placed on all areas to have turf established.
2. Unless shown otherwise, all disturbed areas shall be seeded as follows:
   - Areas to be left natural – MnDOT Seed Mixture 25–141
   - Areas below pond HWL – MnDOT Seed Mixture 33–261
3. Stabilized seeded areas a shown with Erosion Control Blanket category 3.
4. Locations adjacent to the building that will be regularly mowed will be sodded.
5. Modify final stabilization as necessary to match landscaping plans.

EROSION CONTROL BLANKET
CATEGORY 3



LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- CONSTRUCTION LIMITS
- SILT FENCE, MACHINE SLICED
- INLET PROTECTION
- PROPOSED FINISHED GRADE ELEVATION
- PROPOSED CURB ELEV. / PROPOSED GUTTER ELEV.
- ROOF DRAINAGE DIRECTION
- DRAINAGE ARROW
- SANITARY SEWER
- WATERMAIN
- STORM SEWER
- EXISTING SPOT ELEVATION
- CONSTRUCTION EXIT
- COMPOST LOG

0 30 60
SCALE IN FEET

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612-418-6828

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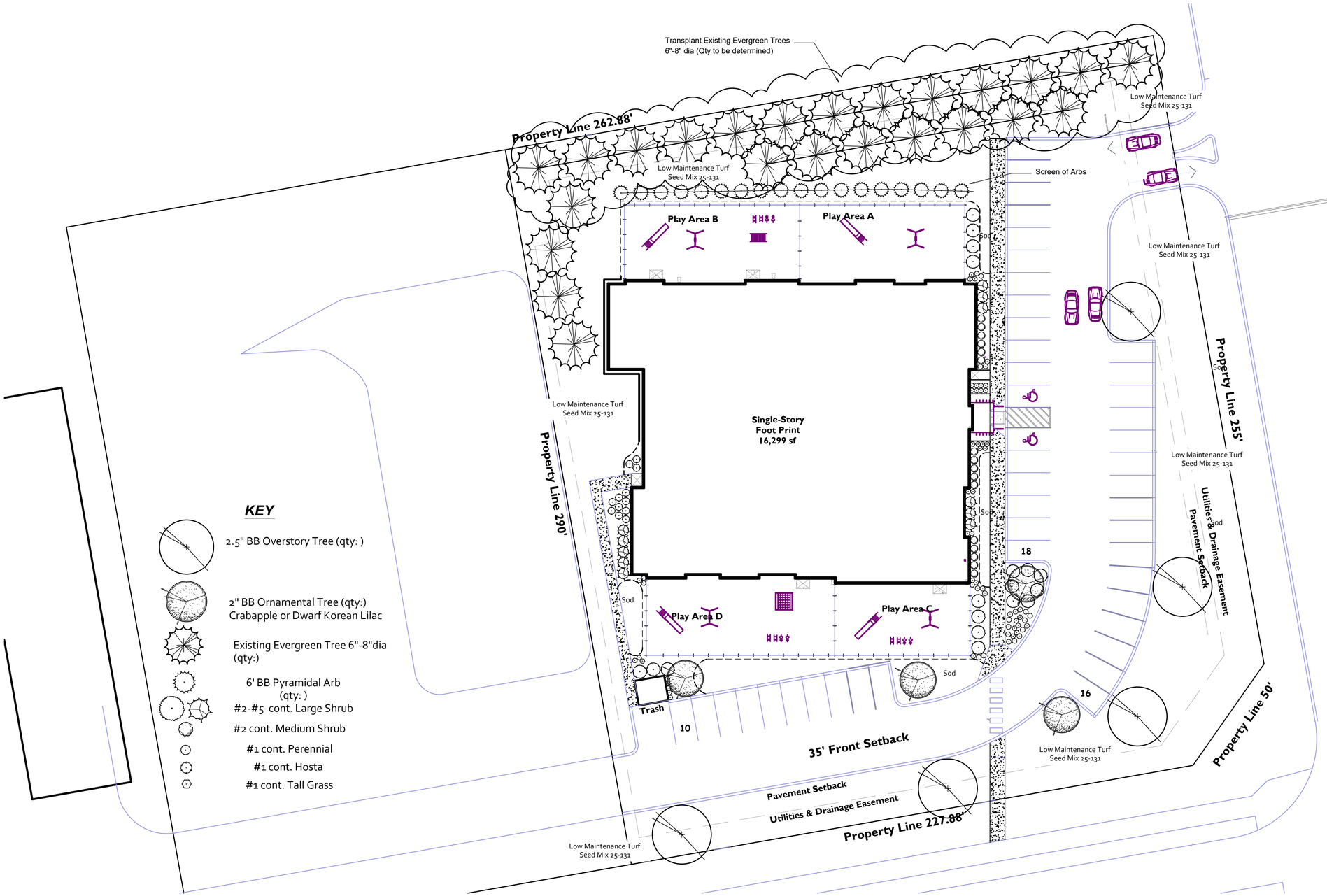
BY	REVISION	DATE

PREPARED FOR:
Jeremy Spaude
21830 S. Diamond Lake Dr.
Rogers, MN 55374
612-501-1493

SHEET TITLE & PROJECT:
Turf Establishment Plan
Lil Explorers Childcare Center
Carver, MN

PROJECT NO:
202195

SHEET
C8



KEY

2.5" BB Overstory Tree (qty:)

2" BB Ornamental Tree (qty:)
Crabapple or Dwarf Korean Lilac

Existing Evergreen Tree 6"-8"dia
(qty:)

6' BB Pyramidal Arb
(qty:)

#2-#5 cont. Large Shrub

#2 cont. Medium Shrub

#1 cont. Perennial

#1 cont. Hosta

#1 cont. Tall Grass

NOTES:
-All plant beds to receive **Hardwood Mulch** w/out weed barrier at 3" depth.
-**Vinyl Edger** to be installed where plant beds abut turf or rock beds.
- **Irrigation system design by others**.
- All planting beds and sod shall be irrigated with adequate water coverage.

-Provide **4' diameter Hardwood Mulch Tree Ring** at all trees located in turf areas.

Landscape Plan

0 10 20 40

Scale 1" = 20'-0"

NORTH

PRELIMINARY PLAN - NOT FOR CONSTRUCTION

MIDWEST LANDSCAPES
Est. 1970

6221 Oakwood Avenue NE
Otsego, MN 55330
763-241-1320
www.midwestlandscapes.com

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Project Title/Location:

PRELIMINARY LANDSCAPE PLAN
Lil Explorers Childcare Center
14725 Ramsey Blvd., Ramsey, MN

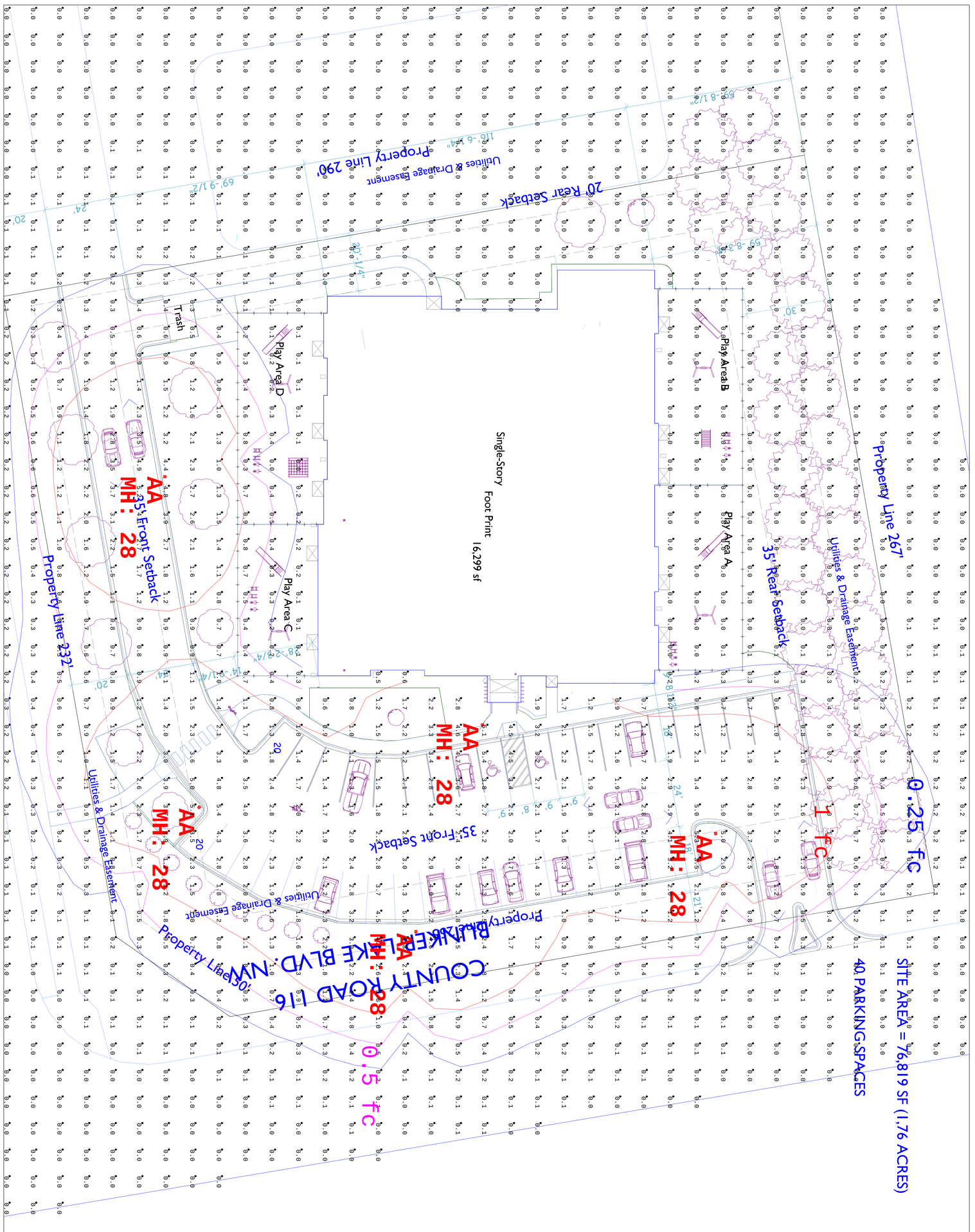
Prepared For:

Jeremy Spaude
21830 S. Diamoind Lake Dr.
Rogers, MN 55374

Designer Contact Info:

Aaron Hanson
612.470.9387
ahanson@midwestlandscapes.com

Designed By:	*Sheet Number:*
A.H	***L1***
Checked By:	*1 OF 1*
Date: 7/272022	



Calculation Summary

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Ground_Planar	Illuminanc	Fc	0.41	5.6	0.0	N.A.	N.A.

Luminaire Schedule

Symbol	Qty	Label	Arrangement	LLF	Description	Lum. Watts
	5	AA	SINGLE	0.910	A17XFU150-150W_5K 0_ CCT Setting	150.63

Page M of 1

Lil X Ramsey

Drawn By: Daniel Budke
Checked By:
Date:7/25/2022
Scale:

Revisions	#	Date	Comments

VIKING electric
A Sonepar Company



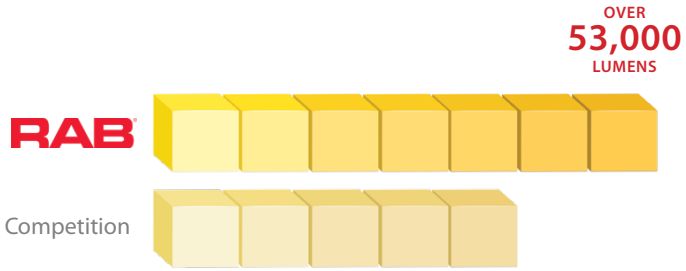
Ultra-economy area lighting.

The options you want at the price you need.

Available from 70W through 375W models, and with four IES distributions and numerous control options, the A17 gives you the right light for the right application, all without breaking the budget.

7 Lumen Packages

The A17 is available in everything from 10,000 lumens to up to 53,700 lumens, while leading competitors only offer up to 5 lumen packages.



Consistently High Efficacy

Not only does the A17 offer an ultra-high efficacy of up to 153 lm/W, but it delivers high efficacy throughout its entire portfolio.



Mounting Flexibility

With several mounting options available, the A17 can be used throughout various areas for one unified look: parking lots, building façades, adjacent walkways, etc.



Comes standard with Universal Pole Mount

OPTIONAL MOUNTING ACCESSORIES



Wall Mount
A17-WM



Slipfitter
A17-SF-KIT



Adjustable Universal Pole Mount
A17-ADJ-KIT

100,000 HOUR LED LIFESPAN

IP65 RATING

0-10V DIMMING

FIELD ADJUSTABLE

DLC PREMIUM

UL CERTIFIED

5-YEAR, LIMITED WARRANTY

RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty

3-WAY ADJUSTABLE (XFU)

Color Adjustable ✓

Power Adjustable ✓

Selectable Photocell ✓

Control Accessories

All A17 models are available with various control options and accessories to help qualify for additional utility rebates.

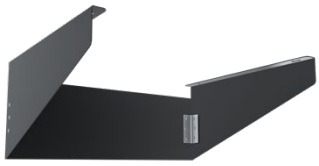
** Remote control required for managing settings of the microwave sensor (A17 with MVS sensor only).*



Twistlock Photocell
RPCT *(120-277V)*
RPCT-480 *(480V)*

Remote for Microwave Sensor*
A17-REMOTE

Reversible House Side Shields



A17-RHS1
(up to 150W)



A17-RHS2
(200W and up)

Ordering Matrices

STANDARD A17

Family	Distribution*	Wattage	Mounting**	Color Temp	Driver	Control Options
A17 —						
	3T Type III **4T** Type IV **5T** Type V	**70** 70W/10,000LM **100** 100W/15,000LM **150** 150W/22,500LM **200** 200W/30,000LM **240** 240W/36,000LM **300** 300W/45,000LM **375** 375W/51,800LM	**Blank** Universal Pole Mount **SF** Slipfitter (150W only)	**Blank** 5000K (Cool) **N** 4000K (Neutral)	**Blank** 120-277V, 0-10V Dimming **/480** 480V***, 0-10VDimming	**Blank** No Sensor **/3PRS** 3-Pin Receptacle & Shorting Cap **/7PRS** 7-Pin Receptacle & Shorting Cap **/MVS** Microwave Motion Sensor **/LC** Lightcloud® Controller****

** Type II distribution available as special order.*
***Wall mount and adjustable universal pole mount available as optional field-installed accessories.*
**** 480V driver available standard on 150W and 300W and by special order on 100, 240 and 375W. Not available on 70W or 200W models..*
***** Lightcloud® Controller available only in 120-277V.*

3-WAY ADJUSTABLE A17

Family	Wattage	Control Options
A17XFU	150	
	150 70W/100W/150W	**Blank** No Sensor **/LC** Lightcloud® Controller

Note: The A17XFU comes standard with an Adjustable Universal Pole Mount.

ProjectDox

Changemarks Report

Project Name: 22-132 Lil Explorers Daycare

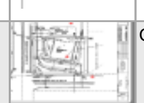
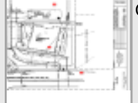
Workflow Started: 08/03/2022 1:57 PM

Report Generated: 09/01/2022 11:54 AM

Grouping	Cycle	Ref #	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
Main Workflow	1	37	False	Unresolved	Civil Engineer II		C8.pdf	JF	Restoration Boulevard Area	Boulevard area is required to be sodding type lawn as opposed to erosion control blanket.	08/19/2022 3:55 PM	Joe Feriancek	
		38	False	Unresolved	Civil Engineer II		C8.pdf	JF	Proposed Grading	Need more spot elevations to confirm grading slopes. Add curb line spots at minimum high and low points, add inlet elevations.	08/19/2022 3:55 PM	Joe Feriancek	
		39	False	Unresolved	Civil Engineer II		C8.pdf	JF	COnstruction Exit?	Construction exit is not being shown in the plans, please add the hatch to identify the proposed location.	08/19/2022 3:55 PM	Joe Feriancek	
		40	False	Unresolved	Civil Engineer II		C8.pdf	JF	Inlet Protection - Existing structures	Make sure to add the proper inlet protection to the existing storm inlets.	08/19/2022 3:55 PM	Joe Feriancek	
		41	False	Unresolved	Civil Engineer II		C8.pdf	JF	Silt Fence Line Type	Match the silt fence line type called out in the legend or vise versa.	08/19/2022 3:55 PM	Joe Feriancek	
		42	False	Unresolved	Civil Engineer II		C8.pdf	JF	Rip Rap	Call out rip rap class and quantity. Add City Detail for Rip Rap.	08/19/2022 3:55 PM	Joe Feriancek	
		43	False	Unresolved	Civil Engineer II		C8.pdf	JF	Hydrant Detail	Add City detail for hydrant.	08/19/2022 3:55 PM	Joe Feriancek	

ProjectDox

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	44	False	Unresolved	Civil Engineer II		C8.pdf	JF	Erosion Control Blanket	Make sure calling out natural blanket (no plastic netting)	08/19/2022 3:55 PM	Joe Feriancek	
		45	False	Unresolved	Civil Engineer II		C8.pdf	JF	Topsoil	If 6" is desired that's okay..Ramsey only requires 4" of topsoil. Add City Standard Detail for Topsoil.	08/19/2022 3:55 PM	Joe Feriancek	
		34	False	Unresolved	Civil Engineer II		C1.pdf	JF	Turn Lane Extension?	Verification from Anoka County that existing turn lane will be adequate...not much queing space available for this turn currently.	08/19/2022 3:27 PM	Joe Feriancek	
		35	False	Unresolved	Civil Engineer II		C1.pdf	JF	Adjacent D&U Easements	Show the drainage & utility easements on the adjacent property; proof that proposed utilities are within easements.	08/19/2022 3:27 PM	Joe Feriancek	
		36	False	Unresolved	Civil Engineer II		C1.pdf	JF	Sanitary Line?	Is the sanitary service truly proposed to run through the building as shown? No rules against it, just would assume preference to run outside of building as much as practical.	08/19/2022 3:27 PM	Joe Feriancek	
		29	False	Unresolved	Civil Engineer IV		C7.pdf	LL	Sanitary Sewer Line Route	Verify route of Sanitary Sewer line. Generally sewer lines do not run diagonally under buildings.	08/17/2022 10:33 AM	Len Linton	
		30	False	Unresolved	Civil Engineer IV		C7.pdf	LL	FES Separation	Provide more horizontal separation between EX. 12" FES and FES-3.	08/17/2022 10:33 AM	Len Linton	

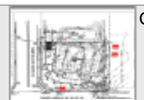
ProjectDox

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	31	False	Unresolved	Civil Engineer IV		C7.pdf	LL	Invert Elevations	Add North invert elevation.	08/17/2022 10:33 AM	Len Linton	
		32	False	Unresolved	Civil Engineer IV		C7.pdf	LL	Pipe Crossings	Verify minimum 1.5 foot vertical separation between stoirm sewer line and watermain. This separation is also required between the storm sewer and sanitary sewer line. Provide rigid foam insulation if this separation cannot be achieved.	08/17/2022 10:33 AM	Len Linton	
		33	False	Unresolved	Civil Engineer IV		C7.pdf	LL	Anoka County Permit required	An Anoka County ROW permit is required for all work in ROW.	08/17/2022 10:33 AM	Len Linton	
		25	False	Unresolved	Civil Engineer IV		C6.pdf	LL	County Permit	Anoka County Highway Department permit will be required to woirk in County ROW.	08/17/2022 10:19 AM	Len Linton	
		26	False	Unresolved	Civil Engineer IV		C6.pdf	LL	Stormwater Management Plan	A stormwater Management plan is required. The plan must address the Lower Rum River Watershed Manangement Organization requirements and the City of Ramsey stormwater requirements.	08/17/2022 10:19 AM	Len Linton	

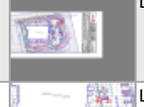
ProjectDox

Changemarks Report

Main Workflow	1	27	False	Unresolved	Civil Engineer IV		C6.pdf	LL	Lower Rum River Watershed Managment Organization	A Lower Rum River Watershed Management Organization (LRRWMO) permit is required. The application materials are available at lrrwmo.org. The applikcation materials must be submitted to the City by the second Thursday of the month to allow time for review. The City will turn in the materials to the City of Anoka on the third Thursday of the month. THe permit application will be reviewed by the LRRWMO board at the following month's board meeting. The LRRWMO requires rate control for the 2, 10 and 100 year events. They also require Volume control for the first 1" of runoff from new impervious surfaces. This site is in a Drnking Water Supply Managment Area (DWSMA) where infiltration is not permitted. The adjacent site had proposed a rainwater capture and reuse system to meet the volume reduction requirement. This site must provide meausures to meet the volume reduction requirements.	08/17/2022 10:19 AM	Len Linton	

ProjectDox

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	28	False	Unresolved	Civil Engineer IV		C6.pdf	LL	FES Location	Revise FES location to provide more separation between pond inlet and outlet. Pond outlet is EX 12" RCP shown on plan.	08/17/2022 10:19 AM	Len Linton	
		9	False	Unresolved	Engineering Tech		C7.pdf	LC	San Cleanout	Add cleanout outside building to sanitary line	08/12/2022 9:41 AM	Logan Czech	
		10	False	Unresolved	Engineering Tech		C7.pdf	LC	FES-3	There are two FES with the same name	08/12/2022 9:41 AM	Logan Czech	
		7	False	Unresolved	City Planner		Lighting Plan.pdf	BM	Pole Height	Reduce pole heights from 28' to 20' and update lighting distribution	08/10/2022 2:07 PM	Brian McCann	
		8	False	Unresolved	City Planner		Lighting Plan.pdf	BM	Building-Mounted Lighting	Incorporate building-mounted lighting systems into the plan and update the lighting distribution.	08/10/2022 2:07 PM	Brian McCann	
		16	False	Unresolved	Environmental Review		L1.pdf	CA	Planting Schedule	A planting schedule is required that includes species name (scientific and common), size, planting stock (e.g. B & B), and quantity.	08/04/2022 9:29 AM	Chris Anderson	
		17	False	Unresolved	Environmental Review		L1.pdf	CA	Planting Detail	A planting detail(s) is required specifying proper planting standards. It must note that the root flare (1st set of primary roots) shall be at finished grade.	08/04/2022 9:29 AM	Chris Anderson	

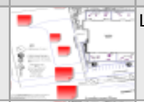
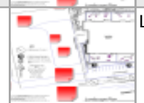
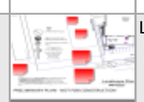
ProjectDox

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	18	False	Unresolved	Environmental Review		L1.pdf	CA	Topsoil	4 inches of topsoil, consisting of not more than 35% sand content, is required over all disturbed areas not otherwise improved with impervious surfacing. A topsoil inspection is required BEFORE establishing permanent vegetation.	08/04/2022 9:29 AM	Chris Anderson	
		19	False	Unresolved	Environmental Review		L1.pdf	CA	Landscape Requirements	Base landscape requirements include 1 tree per each 1,000 square feet of building footprint or 1 tree per 50 linear feet of site perimeter, whichever is greater; 1 shrub per each 300 sq. ft. of building footprint or 1 shrub per 30 linear feet of site perimeter, whichever is greater; 1 tree for each 10 parking stalls. Of this required landscaping, there should be trees planted just inside the property boundary along road frontages, at 35 feet on center. Additionally, a bufferyard is required along the eastern boundary (abuts existing residential). Bufferyard is to be 40 feet wide and requires an additional 30% plantings (both trees and shrubs).	08/04/2022 9:29 AM	Chris Anderson	

ProjectDox

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	20	False	Unresolved	Environmental Review		L1.pdf	CA	Planting Type	There shall be no less than 25% deciduous trees or 25% confirous trees planted.	08/04/2022 9:29 AM	Chris Anderson	
		21	False	Unresolved	Environmental Review		L1.pdf	CA	Minimum Planting Size	Overstory trees shall be a minimum of 2.5 inch caliper; ornamental trees shall be a minimum of 1.5 inch caliper; evergreen trees shall be a minimum of 6 feet in height; shrubs shall be a minimum of 24 inches in height (or width, if applicable). Minimum plant size shall be included in the planting schedule.	08/04/2022 9:29 AM	Chris Anderson	
		22	False	Unresolved	Environmental Review		L1.pdf	CA	Irrigation System	Irrigation system must include a rain sensor as well as water efficient technology such as a smart controller and/or soil moisture sensors.	08/04/2022 9:29 AM	Chris Anderson	
		23	False	Unresolved	Environmental Review		L1.pdf	CA	Relocated Trees	Relocating evergreens of this size will require A LOT of special attentinon and care to ensure they establish. Provide documentation outlining steps and timeframes for what maintenance activities will be implemented.	08/04/2022 9:29 AM	Chris Anderson	
		24	False	Unresolved	Environmental Review		L1.pdf	CA	Road Frontage Plantings	Of the required trees, some should be planted just inside the property boundary along the two road frontages, at a spacing of 35 feet on center.	08/04/2022 9:29 AM	Chris Anderson	

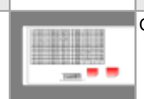
ProjectDox

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	2	False	Unresolved	City Planner		C1.pdf	BM	Play Areas	Consider having all four play areas on the western side, and shifting the building further east to mitigate neighbor concerns of noise.	08/04/2022 8:48 AM	Brian McCann	
		3	False	Unresolved	City Planner		C1.pdf	BM	Parking Stall Widths	Add parking stall widths	08/04/2022 8:48 AM	Brian McCann	
		4	False	Unresolved	City Planner		C1.pdf	BM	Trash Enclosure Details	Provide details for the trash enclosure on a separate sheet.	08/04/2022 8:48 AM	Brian McCann	
		1	False	Unresolved	City Planner		A2.2.pdf	BM	Sign Permit	Separate sign permanent will be required for any proposed permanent ground or building signange.	08/04/2022 8:39 AM	Brian McCann	
		12	False	Unresolved	Environmental Review		C3.pdf	CA	Additional Information	Relocating existing trees is supported; however, more detailed information is required to determine whether the tree preservation standards, as well as the lansdscaping standards, are being satisified. Will need an updated plan sheet(s) that shows how many trees are being relocated, where they are being moved to, etc.	08/04/2022 8:15 AM	Chris Anderson	
		13	False	Unresolved	Environmental Review		C3.pdf	CA	Invasive Species	No invasive species (Siberian Elm) should be relocated and if they are, no credit will be given for those trees.	08/04/2022 8:15 AM	Chris Anderson	

ProjectDox

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	11	False	Unresolved	Environmental Review		C1.pdf	CA	Cross Access Easement	A Cross Access Easement with the property to the north is required. This document must be recorded against both properties and a copy of said agreement shall be provided to the city.	08/04/2022 8:06 AM	Chris Anderson	
		14	False	Unresolved	Environmental Review		C4.pdf	CA	Update Totals	Please update summary table to specify how many DBH inches of Invasive Species (e.g. Siberian Elm) are being removed. These are exempt from the removal calculation.	08/04/2022 9:19 AM	Chris Anderson	
		15	False	Unresolved	Environmental Review		C4.pdf	CA	Relocated Trees	More information will be needed to determine whether the tree preservation standards are being met (an actual DBH for each relocated tree, not just a generalize range). Staff supports relocating trees, but more specifics are needed.	08/04/2022 9:19 AM	Chris Anderson	

From: Logan J. Keehr
To: Brian McCann
Subject: RE: Lil Explorers - Ramsey/Bunker
Date: Thursday, August 4, 2022 1:19:29 PM
Attachments: image001.png

Hi Brian,

We are fine with the RI/RO on CSAH 116, but we would like the WB CSAH 116 right turn lane extended as much as is feasible with Limonite St just to the east.

Let me know if you need anything else from us.

Logan Keehr, E.I.T.
Traffic Engineering Technician
Anoka County Highway Department
1440 Bunker Lake Boulevard NW
Andover, MN 55304
Direct: 763.324.3183
Logan.Keehr@co.anoka.mn.us

From: Brian McCann <BMcCann@ci.ramsey.mn.us>
Sent: Thursday, August 4, 2022 8:30 AM
To: Jane Rose <Jane.Rose@co.anoka.mn.us>; Logan J. Keehr <Logan.Keehr@co.anoka.mn.us>
Subject: Lil Explorers - Ramsey/Bunker

EXTERNAL EMAIL ALERT: This message originated from outside the Anoka County email system.
Use Caution when clicking hyperlinks, downloading pictures or opening attachments.

Good morning,

The City has received an application for a site plan for a new daycare facility at the northeast corner of the intersection at Ramsey Blvd NW and Bunker Lake Blvd NW. Could you please review and send any comments you may have regarding the attached site plan? Please let me know if you have any additional questions or need anything else from us, and we look forward to receiving your comments.

Sincerely,

Brian McCann



Click here to report this email as spam.

NOTICE: Unless restricted by law, email correspondence to and from Anoka County government offices may be public data subject to the Minnesota Data Practices Act and/or may be disclosed to third parties.

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

RESOLUTION #22-194

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A DAY CARE CENTER AT 14725 RAMSEY BLVD NW AND DECLARING TERMS OF PERMIT

RECITALS

1. Lil Explorers, hereinafter referred to as the "**Permittee**" has properly applied for a Site Plan and a Conditional Use Permit for a day care center on the property legally described as follows:

   Lot 2 Block 1 Ramsey Storage Center, Anoka County, Minnesota

   (the "**Subject Property**")

2. That the **Subject Property** is zoned B-1 General Business District, which is a commercial zoning designation and guided as such in the 2040 Comprehensive Plan.

3. That day care centers are a conditional use in the B-1 General Business District.

4. That the **Permittee** appeared before the Planning Commission for a public hearing on August 25, 2022 that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.

5. That the Planning Commission reviewed and recommended approval of the request on August 25th, 2022.

6. That the City Council reviewed and approved/denied the request on September 13th, 2022.

FINDINGS OF FACT

1. That the proposed use **will not** adversely impact traffic in the area.

2. That the proposed use **will not** substantially or adversely impair the use, enjoyment or market value of surrounding properties.

3. That the proposed use **will be** constructed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will not change the essential character of the area.

4. That the proposed use **will not** create additional requirements at public cost for public facilities and services.

5. That the proposed use **will not** be detrimental to the economic welfare of the community.

6. That the proposed use **will not** be disturbing or hazardous to existing or future neighboring uses.

7. That the proposed use **will not** involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.

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

1. That the Ramsey City Council (the "**City**") hereby grants approval of the Conditional Use Permit (the "**Permit**") for a day care center on the **Subject Property** contingent upon the following:

CONDITIONS:

1. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.

2. That this **Permit** authorizes the **Permittee** to operate a child day care center on the **Subject Property**.

3. The **Permittee** shall provide the **City** with copies of all applicable government permits and permit renewals, along with all applicable licenses and license renewals, as they are granted.

4. The **Permittee** shall also copy the **City** on all notices of violations, fines or permit revocations received relating to these permits.

5. The **Permittee** is responsible for obtaining all applicable and necessary permits, including but not limited to, building, plumbing, mechanical, and fire, prior to commencement of any building improvements or modifications.

6. The **Permittee** agrees that all required improvements and/or modifications, as outlined by the Fire Marshall and Building Inspector, shall be completed and approved by City Staff prior to the occupancy and operation of the preschool.

7. The **Permittee** shall adhere to all applicable local, county, state and federal regulations, including Minnesota State Building Code and Fire Code.

8. That this **Permit** shall be contingent upon final review and approval by the Building Official, Fire Marshal, and a Certificate of Occupancy (CO).

9. That the **Permittee** shall be responsible for all **City** costs incurred in administering and enforcing this **Permit**.

10. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request.

11. That the **Permittee** shall maintain the **Subject Property** in compliance with City Code Section 117-356 (Commercial and Industrial Development Off-Street Parking) and Chapter 30 (Nuisances) at all times.

12. That all applicable **City** ordinances not specifically covered herein shall become a part of this Permit.

13. That if any provision of this **Permit** shall be declared void or unenforceable, the other provisions shall not be affected and shall remain in full force and effect.

14. That this **Permit** shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the City and the Permittee.

15. That this **Permit** shall automatically expire if the use is not initiated by September 13, 2023 and issuance of a building permit for the day care center shall constitute initiation.

16. That the **Permittee** shall apply for a Sign Permit for any new sign and this **Permit** does not provide any approval on proposed signage.

17. That if the **Permittee** or its successors or assigns violates any material term or condition imposed by this **Permit**, it may be revoked and terminated consistent with applicable law. Without limiting the foregoing, the violation of any statute, regulation, ordinance or **Permit** condition imposed by lawful governmental authority and governing operations on the **Subject Property** is grounds for revocation and termination of this **Permit**, consistent with applicable law. The change, alteration or amendment of any such statute, regulation, ordinance or **Permit** condition by any governmental authority other than the **City**, shall not excuse the **Permittee** from compliance with statutes, regulations, ordinances or Permit conditions in effect on the date of the original issuance of this **Permit** unless compliance is waived or excused by the **City**.

18. That the failure of the **City** at any time to require a performance by the **Permittee** of any provisions herein shall in no way affect the right of the **City** thereafter to enforce the same. Nor shall waiver by the **City** of any breach of any of the provisions hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.

19. That the **Permittee** agrees that this **Permit** shall be recorded in the office of the Anoka County Recorder.

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 13th of September, 2022.

_____
Mayor

ATTEST:

_____
City Clerk

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

RESOLUTION #22-195

A RESOLUTION APPROVING SITE PLAN FOR LIL EXPLORERS

RECITALS

1. Lil Explorers, hereinafter referred to as the "**Permittee**" has properly applied for a Site Plan and a Conditional Use Permit for a day care center on the property legally described as follows:

   Lot 2 Block 1 Ramsey Storage Center, Anoka County, Minnesota

   ("**Subject Property**")

2. That the **Subject Property** is zoned B-1 General Business District, which is a commercial zoning designation and guided as such in the 2040 Comprehensive Plan.

3. That the City Code allows this type of conditional use in the B-1 General Business District.

4. That the **Permittee** appeared before the Planning Commission for a public hearing on August 25, 2022 that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.

5. That the Planning Commission reviewed and recommended approval of the request on August 25th, 2022.

6. That the City Council reviewed and approved/denied the request on September 13th, 2022.

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

That the Ramsey City Council hereby grants approval of the Site Plan for Lil Explorers on the **Subject Property** contingent upon the following conditions:

CONDITIONS

1. That the Applicant enter into a Development Agreement with the City.

2. Final legal form approved by the City Attorney.

3. A Cross Access Agreement on the **Subject Property** be recorded with Anoka County to allow access through the parcel to the north.

4. Compliance with Anoka County regarding a right turn lane extension entering the site from westbound Bunker Lake Blvd NW.

5. Compliance with Staff comments as noted in ProjectDox.

6. Staff approval of the architectural plans, including the architectural plans for the trash enclosure.

7. That a separate building permit and sign permits are required.

8. That the Applicant shall maintain the Subject Property in compliance with City Code Sections 117-356 (Commercial and Industrial Development Off-Street Parking), Chapter 117 (Zoning and Subdivisions), Article II (Zoning) Division 8 (Signs), and Chapter 30 (Nuisances) at all times.

9. That the Permittee shall be responsible for all City costs incurred in administering and enforcing this Permit.

10. That the City Administrator, or his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.

11. That this Permit shall automatically expire if the use is not initiated by September 13th, 2023.

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 13th day of September, 2022.

_____
Mayor

ATTEST:

_____
City Clerk

CC Regular Session **5. 15.**

Meeting Date: 09/13/2022

By: Chris Anderson, Community Development

Information

Title

Adopt Resolution #22-210 Accepting Additional Drainage and Utility Easement Over a Portion of 15153 Vicuna St NW15153 Vicuna St NW (Project No. 21-112; Case of Preserve at Northfork LLC and Gregory and Judy Watke

Purpose/Background:

Earlier this year, during review of a Building Permit Application for a new home at 15153 Vicuna Street NW (the "Subject Property"), it was discovered that there was a watermain line at the edge of a standard four (4) foot drainage and utility easement. If there's ever a need to conduct maintenance, the excavation to access the pipe would need to extend beyond this standard easement. Thus, a larger drainage and utility easement is necessary. Preserve at Northfork LLC (the "Developer") previously worked with the City to prepare an exhibit to grant the City a fifteen (15) foot wide drainage and utility easement (the "Easement") along the southern lot line of the Subject Property.

In March of 2022, the City Council adopted Resolution #22-069 accepting this Easement. However, by the time the documentation was sent to Anoka County for recording, ownership of the Subject Property had changed. Thus, the county rejected the recordation since the Developer no longer had an interest in the Subject Property. The Developer has assisted with working with the current property owners, Gregory and Judy Watke (the "Property Owner"), to get their approval to grant this Easement. Staff has drafted a new resolution, accompanied by an Easement Agreement, with updated ownership information, for consideration.

It is worth noting that the property to the south, abutting the Subject Property, already has an existing 17-foot drainage and utility easement along their shared property line, which will accommodate maintenance of both the watermain and sanitary sewer lines.

Funding Source:

This case is being handled as part of Staff's regular duties. The City will be responsible for the cost of recording the additional drainage and utility easement.

Recommendation:

Staff recommends adopting Resolution #22-210 accepting a fifteen (15) foot wide drainage and utility easement on the Subject Property.

Action:

Motion to adopt Resolution #22-210 accepting a fifteen (15) foot wide drainage and utility easement on the Subject Property.

Attachments

Site Location Map

Easement Exhibit

Originally Approved Resolution: #22-069

Easement Agreement

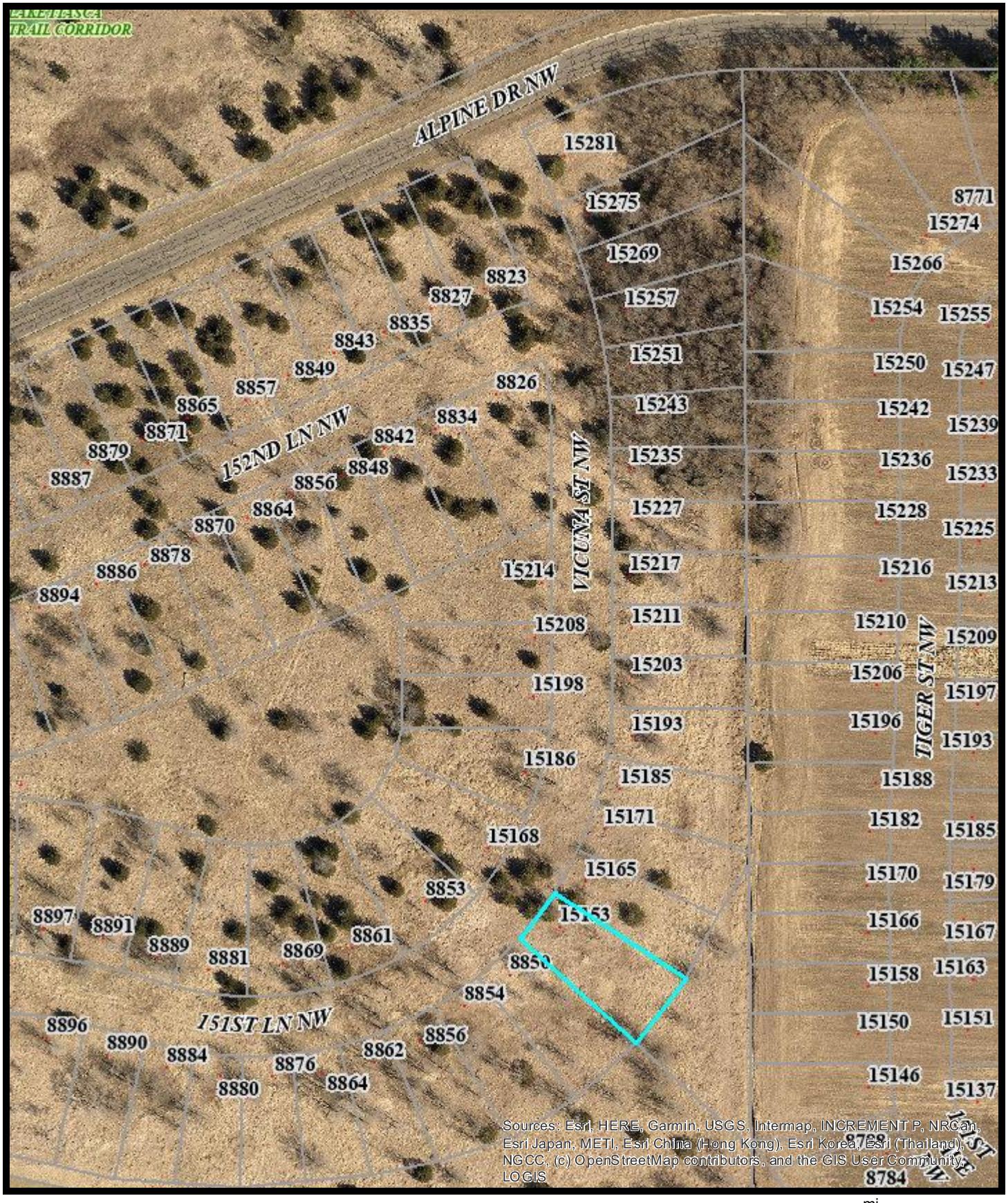
Resolution #22-210: Accepting Drainage and Utility Easement

Form Review

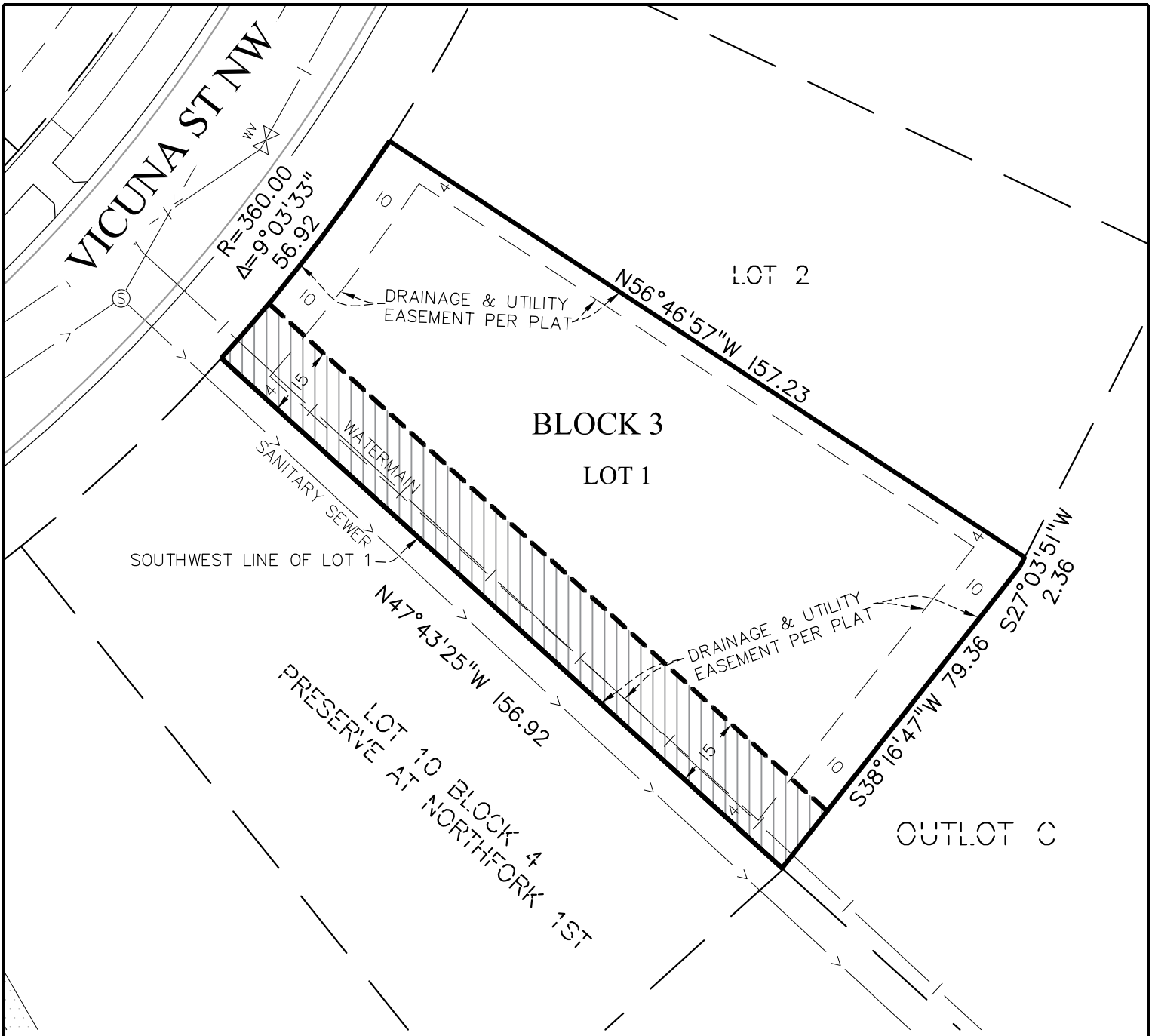
Inbox	Reviewed By	Date
Bruce Westby	Bruce Westby	09/08/2022 11:36 AM
Brian Hagen	Brian Hagen	09/08/2022 12:04 PM
Form Started By: Chris Anderson		Started On: 08/23/2022 03:43 PM
Final Approval Date: 09/08/2022		

Site Location Map

15153 Vicuna Street



Print Date: March 14, 2022



EASEMENT DESCRIPTION

A drainage and utility easement over, under, and across the southwesterly 15.00 feet of Lot 1, Block 3, PRESERVE AT NORTHFORK SECOND ADDITION, according to recorded plat thereof, Anoka County, as measured at right angles to the southwest line of said Lot 1.

Proposed Easement Area

NORTH

30 15 0 15 30 60

SCALE IN FEET

Easement Area: 2,351 s.f.

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.

Dated this 3rd day of March, 2022.

SATHRE-BERGQUIST, INC.

Daniel L. Schmidt, PLS Minnesota License No. 26147
schmidt@sathre.com

SATHRE-BERGQUIST, INC.
14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
WWW.SATHRE.COM

Easement Exhibit
Prepared For
City of Ramsey

Date: 3-3-22	Revision Date:
Prepared By: EMW	Check By: DLS
Layout Sheet: EE SAN	1
Project Number:	1

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

RESOLUTION #22-069

RESOLUTION ACCEPTING A DRAINAGE AND UTILTY EASEMENT OVER A PORTION OF THE PROPERTY LOCATED AT 15153 VICUNA STREET NW

WHEREAS, there is a watermain line about four (4) feet north of the southern lot line of the property generally known as 15153 Vicuna Street NW, Ramsey, Minnesota, and legally described as:

Lot 1, Block 3, Preserve at Northfork Second Addition, Anoka County, Minnesota (the

'Subject Property'); and

WHEREAS, Preserve at Northfork, LLC, the owner of the Subject Property and hereinafter referred to as "Developer", has prepared an Easement Exhibit to grant the City a drainage and utility easement (the "Easement") that is fifteen (15) feet wide along the southern lot line of the Subject Property.

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 accepts the Easement from the Developer as shown in the attached Exhibit.

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

Mayor Kuzma
Councilmember Riley
Councilmember Howell
Councilmember Heineman
Councilmember Musgrove
Councilmember Specht
Councilmember Woestehoff

and the following voted against the same:

None

and the following abstained:

None

and the following were absent:

None

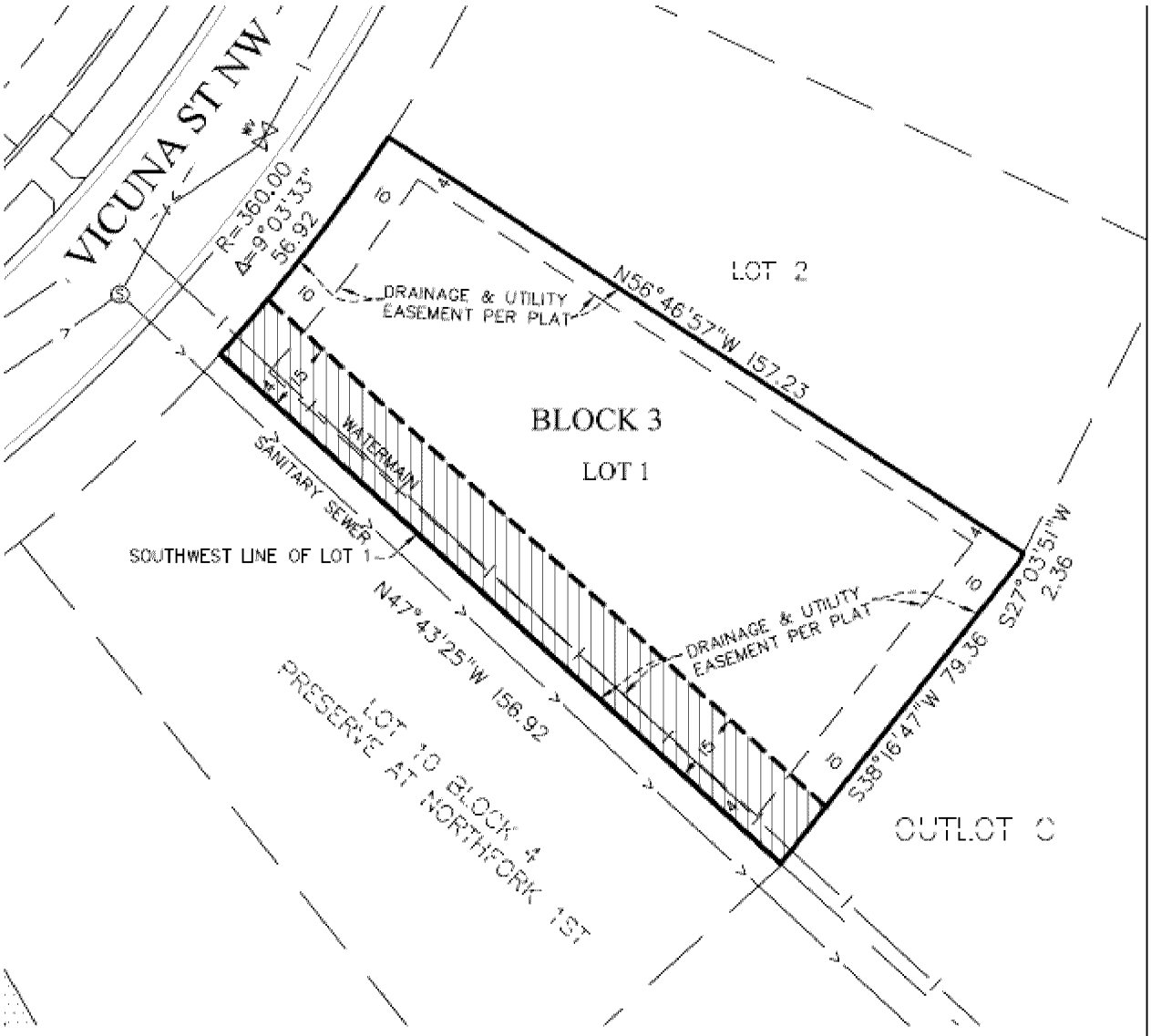
Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 22nd day of March, 2022.

Mayor

ATTEST:

City Clerk

EXHIBIT



EASEMENT DESCRIPTION

A drainage and utility easement over, under, and across the southwesterly 15.00 feet of Lot 1, Block 3, PRESERVE AT NORTHFORK SECOND ADDITION, according to recorded plat thereof, Anoka County, as measured at right angles to the southwest line of said Lot 1.

Proposed Easement Area

Easement Area: 2,351 s.f.

NORTH

30 15 0 15 30 60

SCALE IN FEET

GRANT OF PERMANENT EASEMENT

THIS AGREEMENT, made this _____ day of _____, 2022, by and between Gregory G. Watke and Judy M. Watke, spouses married to each other, Grantor, and the City of Ramsey, a municipal corporation under the laws of the State of Minnesota, Grantee;

WITNESSETH, that the said Grantor, in consideration of One and No/100 ($1.00) Dollar to them in hand paid by said Grantee, and for other good and valuable consideration, the receipt of which is hereby acknowledged, hereby grant(s) and warrant(s) to said Grantee, its successors and assigns, a permanent easement for drainage and utility purposes, and for ingress and egress at any and all times with all machinery, equipment and materials necessary for the aforesaid purpose, in, over, and upon the following described property owned by Grantor and situated in Anoka County, Minnesota:

A perpetual easement for public drainage and utility purposes over, under and across that part of property depicted on Exhibit A of this easement Agreement.

TO HAVE AND HOLD said Easement unto said Grantee and its assigns. The Grantor(s) hereby warrant(s) the title to the Easement property and will defend such title against the lawful claims of all persons.

IN WITNESS WHEREOF, said Grantor(s) has hereunto set his hand the day and year first above written.

GRANTOR:

Gregory G. Watke

Judy M. Watke

STATE OF MINNESOTA)
)ss.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2022, by Gregory G. Watke and Judy M. Watke, spouses married to each other.

_____
Notary Public

GRANTEE

CITY OF RAMSEY, MINNESOTA,
a Minnesota municipal corporation

By:_____
Its: Mayor

By: _____
Its: City Administrator

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Mark E. Kuzma and Brian Hagen, the Mayor and City Administrator, respectively, of the City of Ramsey, Minnesota, a Minnesota municipal corporation, on behalf of the municipal corporation.

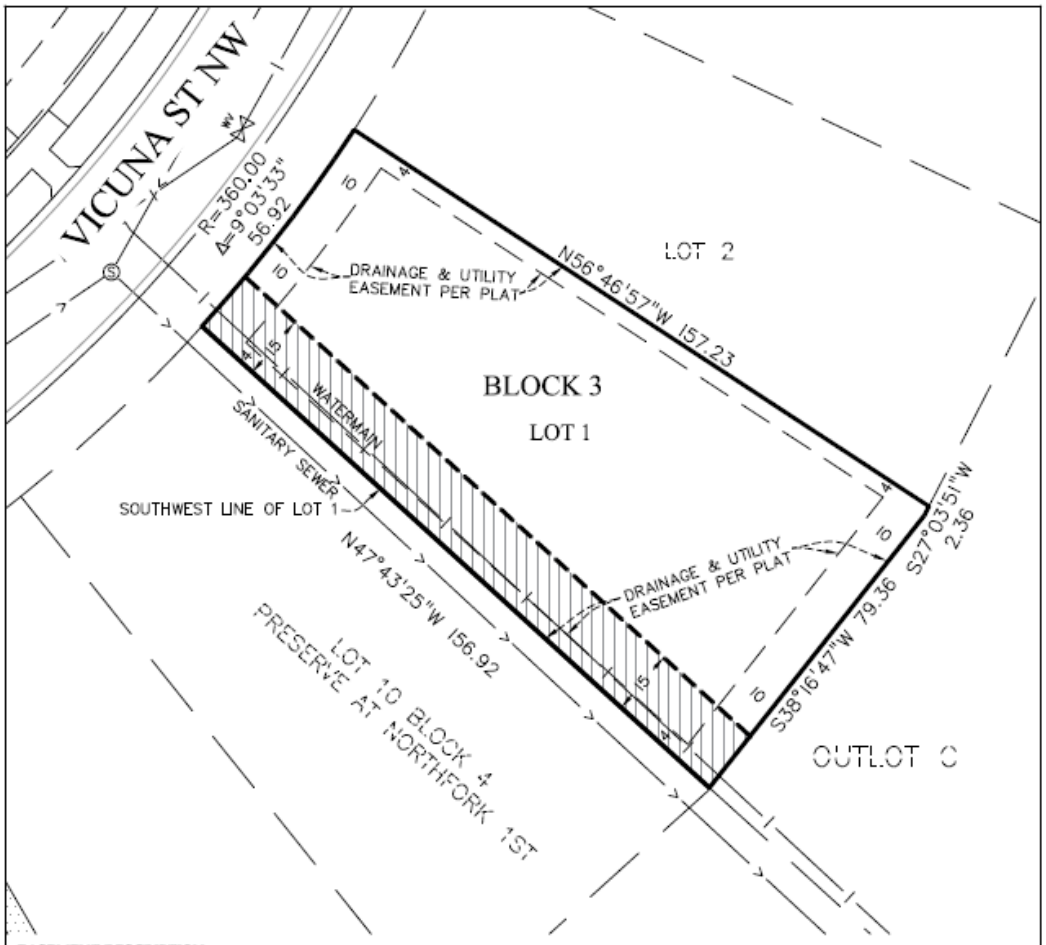
_____
Notary Public

This Easement is hereby accepted
by the City of Ramsey

By:_____

(SEAL)

Exhibit A



EASEMENT DESCRIPTION

A drainage and utility easement over, under, and across the southwesterly 15.00 feet of Lot 1, Block 3, PRESERVE AT NORTHFORK SECOND ADDITION, according to recorded plat thereof, Anoka County, as measured at right angles to the southwest line of said Lot 1.

Proposed Easement Area

NORTH

30 15 0 15 30 60

SCALE IN FEET

Easement Area: 2,351 s.f.

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.

Dated this 3rd day of March, 2022.

SATHRE-BERGQUIST, INC.

Daniel L. Schmidt, PLS Minnesota License No. 26147
schmidt@sathre.com

SATHRE-BERGQUIST, INC.
14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
WWW.SATHRE.COM

Easement Exhibit
Prepared For
City of Ramsey

Date: 3-3-22	Revision Date:
Prepared By: EMW	Check By: DLS
Layout Sheet: EE SAN	1
Project Number:	1

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

RESOLUTION #22-210

RESOLUTION ACCEPTING A DRAINAGE AND UTILTY EASEMENT OVER A PORTION OF THE PROPERTY LOCATED AT 15153 VICUNA STREET NW

WHEREAS, there is a watermain line about four (4) feet north of the southern lot line of the property generally known as 15153 Vicuna Street NW, Ramsey, Minnesota, and legally described as:

Lot 1, Block 3, Preserve at Northfork Second Addition, Anoka County, Minnesota

(the 'Subject Property'); and

WHEREAS, the prior owner of the Subject Property, Preserve at Northfork, LLC, had prepared an exhibit of the easement and did grant to the City a certain unrecorded easement to the Subject Property. The purpose of this document is to provide a recorded easement from the current owner as evidence to the conveyance.

WHEREAS, the current owners, Gregory G. Watke and Judy M. Watke, spouses married to each other (the "Owners"), have agreed to grant the City a drainage and utility easement (the "Easement") that is fifteen (15) feet wide along the southern lot line of the Subject Property.

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 accepts the Easement from the Owners as shown in the attached Exhibit.

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:

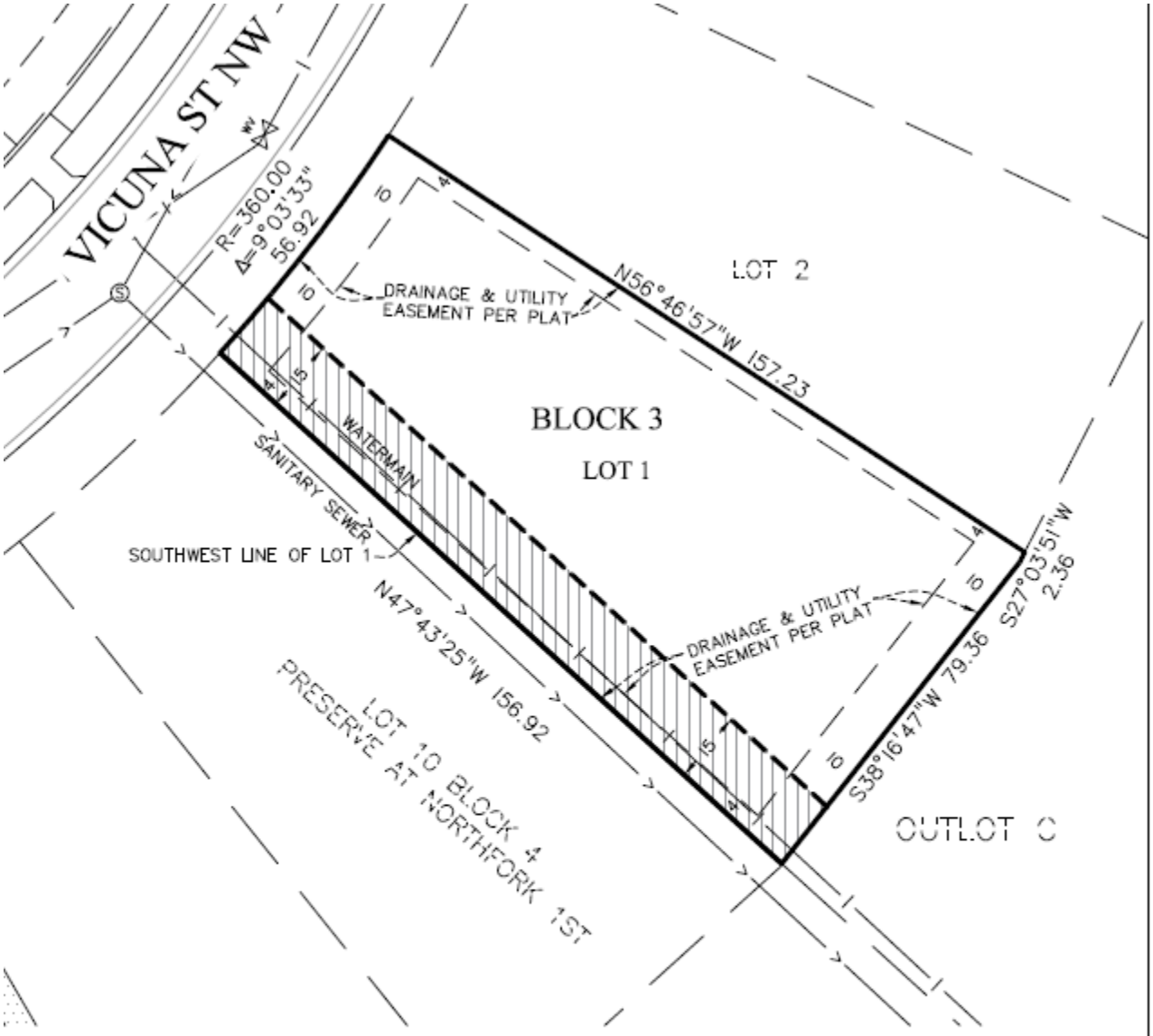
whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this 13th day of September, 2022.

_____
Mayor

ATTEST:

_____
City Clerk

EXHIBIT



EASEMENT DESCRIPTION

A drainage and utility easement over, under, and across the southwesterly 15.00 feet of Lot 1, Block 3, PRESERVE AT NORTHFORK SECOND ADDITION, according to recorded plat thereof, Anoka County, as measured at right angles to the southwest line of said Lot 1.

Proposed Easement Area

Easement Area: 2,351 s.f.

CC Regular Session **5. 16.**

Meeting Date: 09/13/2022

By: Diana Lund, Finance

Information

Title

Adopt Resolution #22-211 Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Assessment for Past-Due Charges on Municipal Utility Bills (which may include water, sewer, street lighting, recycling, storm water charges and penalties incurred) and Current Services Rendered.

Purpose/Background:

Annually, the city certifies to the following year's property tax, any accounts receivable (either utility or invoiced) that are more than sixty days delinquent as of September 1 and not paid by November of that same year.

The number of accounts that will be receiving a delinquent notice with possible certification to property taxes totaled 1,080. There were 972 notices sent out in 2021.

The proposed amount to be certified for 2022 is $409,991.84 ($331,226.91 in 2021).

Municipal utility bills stay with a property when it is sold and do not follow the homeowner like gas and electric bills do.

Notification:

Utility bills are sent quarterly to all residents and commercial businesses within the city. If an account is more than 30 days past due, a follow-up collection notice stating delinquency is sent. In September, the city follows up with a letter to respective delinquent properties (more than 60 days past due on September 1) outlining the process to cure the delinquent account and to avoid certification to the following years property tax. This letter was sent on September 2.

Recommendation:

Staff recommends calling for the public hearing on September 27, 2022.

Action:

Motion to Adopt Resolution #22-211 Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Assessment for Past-Due Charges on Municipal Utility Bills (which may include water, sewer, street lighting, recycling, storm water charges and penalties incurred) and Current Services Rendered.

Attachments

Certification List 9-13-22

Certification Summary 9-13-22

Resolution #22-211

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/07/2022 08:27 PM
Form Started By: Diana Lund		Started On: 08/30/2022 12:22 PM

Final Approval Date: 09/07/2022

City of Ramsey, Minnesota

Delinquent City Services
- As of August 31, 2022 -

Prepared By: Finance Dept.

Account No.	Account Name	Description	Property Address	Delinquent Amount	Admin Fee	Interest (5.50%)	Total Subject to Certification
722458	Property Owner	City Services	7710 156th Ave Nw	20.47	30.00	1.42	51.89
733685	Property Owner	City Services	17920 Uranium St Nw	21.17	30.00	1.47	52.64
726763	Property Owner	City Services	5557 154th Ln Nw	21.75	30.00	1.51	53.26
733641	Property Owner	City Services	7830 156th Ave Nw	23.28	30.00	1.61	54.89
437813939	Property Owner	City Services	6139 157th Ln Nw	24.31	30.00	1.69	56.00
684046047	Property Owner	City Services	15783 Neon St Nw	26.43	30.00	1.83	58.26
731147	Property Owner	City Services	15840 Juniper Ridge Dr Nw	29.26	30.00	2.03	61.29
61275144	Property Owner	City Services	14341 Uranium St Nw	29.26	30.00	2.03	61.29
733640	Property Owner	City Services	7258 147th Ln Nw	30.45	30.00	2.11	62.56
733776	Property Owner	City Services	8502 164th Cir Nw	30.69	30.00	2.13	62.82
697183298	Property Owner	City Services	16020 St. Andrews Ln	31.51	30.00	2.18	63.69
663582845	Property Owner	City Services	16411 Nowthen Blvd Nw	31.71	30.00	2.20	63.91
718442	Property Owner	City Services	16361 Ferret St Nw	32.19	30.00	2.23	64.42
720057	Property Owner	City Services	15220 Waco St Nw	32.19	30.00	2.23	64.42
721315	Property Owner	City Services	14540 Bowers Dr Nw	32.19	30.00	2.23	64.42
722318	Property Owner	City Services	15621 Barium St Nw	32.19	30.00	2.23	64.42
722797	Property Owner	City Services	6611 155th Ave Nw	32.19	30.00	2.23	64.42
722841	Property Owner	City Services	16735 Nowthen Blvd Nw	32.19	30.00	2.23	64.42
723745	Property Owner	City Services	7650 168th Ave Nw	32.19	30.00	2.23	64.42
723777	Property Owner	City Services	6035 168th Ln Nw	32.19	30.00	2.23	64.42
723816	Property Owner	City Services	14920 Chameleon St Nw	32.19	30.00	2.23	64.42
724251	Property Owner	City Services	7561 152nd Ln Nw	32.19	30.00	2.23	64.42
724692	Property Owner	City Services	15000 Hematite St Nw	32.19	30.00	2.23	64.42
724809	Property Owner	City Services	5551 179th Ln Nw	32.19	30.00	2.23	64.42
724826	Property Owner	City Services	15151 Iguana St Nw	32.19	30.00	2.23	64.42
724945	Property Owner	City Services	17631 Chameleon St Nw	32.19	30.00	2.23	64.42
725113	Property Owner	City Services	7261 151st Ave Nw	32.19	30.00	2.23	64.42
725264	Property Owner	City Services	16825 Nutria St	32.19	30.00	2.23	64.42
725464	Property Owner	City Services	17845 Fluorine St Nw	32.19	30.00	2.23	64.42
725821	Property Owner	City Services	16651 Kangaroo Cir Nw	32.19	30.00	2.23	64.42
726339	Property Owner	City Services	5936 177th Ln Nw	32.19	30.00	2.23	64.42
726752	Property Owner	City Services	17705 Nowthen Blvd Nw	32.19	30.00	2.23	64.42
727111	Property Owner	City Services	8435 167TH LN NW	32.19	30.00	2.23	64.42
727418	Property Owner	City Services	5206 150th Ln Nw	32.19	30.00	2.23	64.42
727650	Property Owner	City Services	15952 Dolomite St Nw	32.19	30.00	2.23	64.42
727996	Property Owner	City Services	16341 Jarvis St Nw	32.19	30.00	2.23	64.42
728542	Property Owner	City Services	16380 Hedgehog St Nw	32.19	30.00	2.23	64.42
728620	Property Owner	City Services	9140 167th Ave Nw	32.19	30.00	2.23	64.42
729727	Property Owner	City Services	8620 174th Ln Nw	32.19	30.00	2.23	64.42

 “Delinquent Amount” is due 11/15/2022. If unpaid by deadline, "Total Subject to Certification" will be assessed to 2023 property taxes.

Account No.	Account Name	Description	Property Address	Delinquent Amount	Admin Fee	Interest (5.50%)	Total Subject to Certification
729747	Property Owner	City Services	15130 Kangaroo St Nw	32.19	30.00	2.23	64.42
730078	Property Owner	City Services	15621 Nutria St Nw	32.19	30.00	2.23	64.42
730449	Property Owner	City Services	14504 ST FRANCIS BLVD NW	32.19	30.00	2.23	64.42
730545	Property Owner	City Services	16465 Fortmann Cir Nw	32.19	30.00	2.23	64.42
730576	Property Owner	City Services	5600 142ND AVE NW	32.19	30.00	2.23	64.42
730605	Property Owner	City Services	6431 170th Ln Nw	32.19	30.00	2.23	64.42
730651	Property Owner	City Services	16863 Sodium St Nw	32.19	30.00	2.23	64.42
730891	Property Owner	City Services	6109 174th Ave Nw	32.19	30.00	2.23	64.42
730964	Property Owner	City Services	7921 163rd Ln Nw	32.19	30.00	2.23	64.42
731249	Property Owner	City Services	16431 Dysprosium St Nw	32.19	30.00	2.23	64.42
731399	Property Owner	City Services	15221 Iguana St Nw	32.19	30.00	2.23	64.42
731642	Property Owner	City Services	7000 149th Ln Nw	32.19	30.00	2.23	64.42
731677	Property Owner	City Services	4851 Salish Cir Nw	32.19	30.00	2.23	64.42
732058	Property Owner	City Services	17151 Willemite St Nw	32.19	30.00	2.23	64.42
732404	Property Owner	City Services	6334 153rd Ln Nw	32.19	30.00	2.23	64.42
733341	Property Owner	City Services	15780 Andrie St Nw	32.19	30.00	2.23	64.42
733350	Property Owner	City Services	15551 Andrie St Nw	32.19	30.00	2.23	64.42
32252269	Property Owner	City Services	5520 140TH LN NW	32.19	30.00	2.23	64.42
39012918	Property Owner	City Services	16801 Tiger St Nw	32.19	30.00	2.23	64.42
39242941	Property Owner	City Services	16861 Tiger St Nw	32.19	30.00	2.23	64.42
39322949	Property Owner	City Services	9001 167th Ln Nw	32.19	30.00	2.23	64.42
40233040	Property Owner	City Services	8723 167th Ln Nw	32.19	30.00	2.23	64.42
44563473	Property Owner	City Services	15710 St Francis Blvd Nw	32.19	30.00	2.23	64.42
44663483	Property Owner	City Services	6300 160th Ln Nw	32.19	30.00	2.23	64.42
53024283	Property Owner	City Services	15151 Hedgehog St Nw	32.19	30.00	2.23	64.42
53174334	Property Owner	City Services	15231 Kangaroo St Nw	32.19	30.00	2.23	64.42
55204537	Property Owner	City Services	7440 152nd Ave Nw	32.19	30.00	2.23	64.42
58274845	Property Owner	City Services	15523 Ramsey Blvd Nw	32.19	30.00	2.23	64.42
66695680	Property Owner	City Services	6241 170th Ave Nw	32.19	30.00	2.23	64.42
67255737	Property Owner	City Services	8141 153rd Ln Nw	32.19	30.00	2.23	64.42
67265738	Property Owner	City Services	15201 Hedgehog St Nw	32.19	30.00	2.23	64.42
69805991	Property Owner	City Services	17835 Erkium St Nw	32.19	30.00	2.23	64.42
221779716	Property Owner	City Services	7010 151st Ave Nw	32.19	30.00	2.23	64.42
221891871	Property Owner	City Services	7831 168th Ln Nw	32.19	30.00	2.23	64.42
465143572	Property Owner	City Services	6541 154th Ln Nw	32.19	30.00	2.23	64.42
481740520	Property Owner	City Services	7470 152nd Ave Nw	32.19	30.00	2.23	64.42
483827547	Property Owner	City Services	7501 151st Ave Nw	32.19	30.00	2.23	64.42
485158339	Property Owner	City Services	15611 Marmoset St Nw	32.19	30.00	2.23	64.42
486698255	Property Owner	City Services	16551 Variolite St Nw	32.19	30.00	2.23	64.42

 “Delinquent Amount” is due 11/15/2022. If unpaid by deadline, "Total Subject to Certification" will be assessed to 2023 property taxes.

Account No.	Account Name	Description	Property Address	Delinquent Amount	Admin Fee	Interest (5.50%)	Total Subject to Certification
494444008	Property Owner	City Services	16911 Tiger St Nw	32.19	30.00	2.23	64.42
495497520	Property Owner	City Services	5951 160th Ln Nw	32.19	30.00	2.23	64.42
612820367	Property Owner	City Services	15321 Jackel St Nw	32.19	30.00	2.23	64.42
616373073	Property Owner	City Services	6601 167TH AVE NW	32.19	30.00	2.23	64.42
621083060	Property Owner	City Services	5850 169th Ave Nw	32.19	30.00	2.23	64.42
625212920	Property Owner	City Services	6354 153rd Ln Nw	32.19	30.00	2.23	64.42
634053276	Property Owner	City Services	14553 Bowers Dr Nw	32.19	30.00	2.23	64.42
640805671	Property Owner	City Services	16551 Dolomite St Nw	32.19	30.00	2.23	64.42
646605385	Property Owner	City Services	16756 Sodium St Nw	32.19	30.00	2.23	64.42
648535759	Property Owner	City Services	8910 176th Ave Nw	32.19	30.00	2.23	64.42
656020476	Property Owner	City Services	16300 Wolfram St Nw	32.19	30.00	2.23	64.42
679905160	Property Owner	City Services	15880 St Andrews Ln Nw	32.19	30.00	2.23	64.42
689697996	Property Owner	City Services	17646 St Francis Blvd Nw	32.19	30.00	2.23	64.42
699827037	Property Owner	City Services	8500 173rd Ave Nw	32.19	30.00	2.23	64.42
704575831	Property Owner	City Services	16355 Nowthen Blvd Nw	32.19	30.00	2.23	64.42
708679640	Property Owner	City Services	17511 Chameleon St Nw	32.19	30.00	2.23	64.42
721416	Property Owner	City Services	6918 139th Ln Nw	33.41	30.00	2.32	65.73
733603	Property Owner	City Services	6934 Riverdale Dr Nw	33.69	30.00	2.34	66.03
684702692	Property Owner	City Services	15521 Coquina St Nw	34.41	30.00	2.39	66.80
721088	Property Owner	City Services	7005 151st Ave Nw	35.12	30.00	2.43	67.55
725004	Property Owner	City Services	6284 144TH AVE NW	35.12	30.00	2.43	67.55
725477	Property Owner	City Services	16641 Coquina St Nw	35.12	30.00	2.43	67.55
727480	Property Owner	City Services	7941 165th Ave Nw	35.12	30.00	2.43	67.55
730948	Property Owner	City Services	7471 152nd Ave Nw	35.12	30.00	2.43	67.55
731208	Property Owner	City Services	16313 Okapi St Nw	35.12	30.00	2.43	67.55
733005	Property Owner	City Services	15620 Armstrong Blvd Nw	35.12	30.00	2.43	67.55
34572474	Property Owner	City Services	5143 179th Ln Nw	35.12	30.00	2.43	67.55
34932510	Property Owner	City Services	17916 Junkite St Nw	35.12	30.00	2.43	67.55
42193236	Property Owner	City Services	6461 166th Ln Nw	35.12	30.00	2.43	67.55
42713288	Property Owner	City Services	16921 Sodium St Nw	35.12	30.00	2.43	67.55
49713988	Property Owner	City Services	16021 Xenolith St Nw	35.12	30.00	2.43	67.55
64965507	Property Owner	City Services	16300 Yolite St Nw	35.12	30.00	2.43	67.55
65465557	Property Owner	City Services	15131 Chameleon St Nw	35.12	30.00	2.43	67.55
646732503	Property Owner	City Services	5910 159th Ln Nw	35.12	30.00	2.43	67.55
690949632	Property Owner	City Services	7850 149th Ln Nw	35.12	30.00	2.43	67.55
693761911	Property Owner	City Services	15551 Potassium St Nw	35.12	30.00	2.43	67.55
733703	Property Owner	City Services	7513 161ST AVE NW	36.62	30.00	2.54	69.16
724045	Property Owner	City Services	6840 164th Ln Nw	36.83	30.00	2.55	69.38
723153	Property Owner	City Services	15422 Krypton St Nw	36.94	30.00	2.56	69.50

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659575899	Property Owner	City Services	5651 154TH AVE NW	37.14	30.00	2.57	69.71
640519724	Property Owner	City Services	15651 Ramsey Blvd Nw	38.12	30.00	2.64	70.76
733625	Property Owner	City Services	15000 Chameleon St Nw	40.21	30.00	2.79	73.00
660608352	Property Owner	City Services	15421 Nutria St Nw	40.28	30.00	2.79	73.07
732771	Property Owner	City Services	14565 Olivine Way Nw	42.08	30.00	2.92	75.00
718481	Property Owner	City Services	7450 BUNKER LAKE BLVD	42.10	30.00	2.92	75.02
725741	Property Owner	City Services	14759 Peridot St	42.10	30.00	2.92	75.02
727099	Property Owner	City Services	14761 Cobalt St Nw	42.10	30.00	2.92	75.02
728195	Property Owner	City Services	7306 Bunker Lake Blvd	42.10	30.00	2.92	75.02
729246	Property Owner	City Services	7268 147th Ter Nw	42.10	30.00	2.92	75.02
729458	Property Owner	City Services	7037 139th Ave Nw	42.10	30.00	2.92	75.02
729877	Property Owner	City Services	7372 Bunker Lake Blvd Nw	42.10	30.00	2.92	75.02
730405	Property Owner	City Services	7369 147th Ln Nw	42.10	30.00	2.92	75.02
730557	Property Owner	City Services	14648 Sapphire Ln	42.10	30.00	2.92	75.02
730863	Property Owner	City Services	7291 147TH LN NW	42.10	30.00	2.92	75.02
684384770	Property Owner	City Services	7343 147th Ter Nw	42.10	30.00	2.92	75.02
732282	Property Owner	City Services	6886 139th Ln Nw	45.93	30.00	3.18	79.11
655014095	Property Owner	City Services	15641 Juniper Ridge Dr Nw	46.06	30.00	3.19	79.25
727170	Property Owner	City Services	13927 Garnet Ter Nw	46.30	30.00	3.21	79.51
726319	Property Owner	City Services	9020 168th Ave Nw	48.74	30.00	3.38	82.12
728389	Property Owner	City Services	5440 144TH WAY NW	48.98	30.00	3.40	82.38
733534	Property Owner	City Services	15804 Radium St Nw	49.47	30.00	3.43	82.90
731507	Property Owner	City Services	15201 BARIUM ST NW	49.56	30.00	3.44	83.00
679938193	Property Owner	City Services	5751 145th Ct Nw	49.56	30.00	3.44	83.00
731296	Property Owner	City Services	15821 Hedgehog St Nw	49.73	30.00	3.45	83.18
730464	Property Owner	City Services	14688 SODIUM ST NW	50.77	30.00	3.52	84.29
724358	Property Owner	City Services	15111 Waco St Nw	52.52	30.00	3.64	86.16
733875	Property Owner	City Services	15142 Zuni St Nw	58.52	30.00	4.06	92.58
660354583	Property Owner	City Services	7310 Alpine Dr Nw	58.52	30.00	4.06	92.58
616222995	Property Owner	City Services	14681 POTASSIUM ST NW	60.45	30.00	4.19	94.64
47683785	Property Owner	City Services	16340 Azurite St Nw	60.71	30.00	4.21	94.92
731127	Property Owner	City Services	18025 Waco Dr Nw	61.45	30.00	4.26	95.71
48973914	Property Owner	City Services	7250 163rd Ln Nw	61.45	30.00	4.26	95.71
68555867	Property Owner	City Services	14723 Bowers Dr Nw	61.45	30.00	4.26	95.71
610574308	Property Owner	City Services	17021 Helium St Nw	61.45	30.00	4.26	95.71
394377	Property Owner	City Services	5950 143RD CIR NW	61.54	30.00	4.27	95.81
733293	Property Owner	City Services	15110 Garnet St Nw	62.18	30.00	4.31	96.49
733867	Property Owner	City Services	14639 QUARTZ TER	63.78	30.00	4.42	98.20
729914	Property Owner	City Services	14210 VANADIUM ST NW	63.91	30.00	4.43	98.34

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718423	Property Owner	City Services	8742 168th Ave Nw	64.38	30.00	4.46	98.84
719031	Property Owner	City Services	14032 KRYPTON ST NW	64.38	30.00	4.46	98.84
719528	Property Owner	City Services	7853 159th Ln Nw	64.38	30.00	4.46	98.84
719598	Property Owner	City Services	7100 166th Ave Nw	64.38	30.00	4.46	98.84
720244	Property Owner	City Services	16230 Jaspar St Nw	64.38	30.00	4.46	98.84
720463	Property Owner	City Services	15181 Salish St Nw	64.38	30.00	4.46	98.84
722043	Property Owner	City Services	16370 Zirconium St Nw	64.38	30.00	4.46	98.84
722594	Property Owner	City Services	7530 152nd Ln Nw	64.38	30.00	4.46	98.84
723367	Property Owner	City Services	16041 Kangaroo St Nw	64.38	30.00	4.46	98.84
723466	Property Owner	City Services	18032 Barium St Nw	64.38	30.00	4.46	98.84
724441	Property Owner	City Services	17521 Chameleon St Nw	64.38	30.00	4.46	98.84
724886	Property Owner	City Services	15041 Juniper Ridge Dr Nw	64.38	30.00	4.46	98.84
725619	Property Owner	City Services	9405 164th Ln Nw	64.38	30.00	4.46	98.84
726049	Property Owner	City Services	16150 Royal Rd Nw	64.38	30.00	4.46	98.84
726504	Property Owner	City Services	6209 167th Ave Nw	64.38	30.00	4.46	98.84
726583	Property Owner	City Services	8568 171ST AVE NW	64.38	30.00	4.46	98.84
726890	Property Owner	City Services	17431 St Francis Blvd Nw	64.38	30.00	4.46	98.84
727328	Property Owner	City Services	17295 Variolite St Nw	64.38	30.00	4.46	98.84
727499	Property Owner	City Services	15330 Marmoset St Nw	64.38	30.00	4.46	98.84
728460	Property Owner	City Services	17200 Germanium St Nw	64.38	30.00	4.46	98.84
728813	Property Owner	City Services	15340 Zirconium St Nw	64.38	30.00	4.46	98.84
729595	Property Owner	City Services	7735 156th Ave Nw	64.38	30.00	4.46	98.84
729651	Property Owner	City Services	15540 Marmoset St Nw	64.38	30.00	4.46	98.84
729811	Property Owner	City Services	6230 167th Ave Nw	64.38	30.00	4.46	98.84
730620	Property Owner	City Services	16931 Helium St Nw	64.38	30.00	4.46	98.84
731019	Property Owner	City Services	15040 Willemite St Nw	64.38	30.00	4.46	98.84
731125	Property Owner	City Services	18031 Uranium St Nw	64.38	30.00	4.46	98.84
731136	Property Owner	City Services	17540 Nowthen Blvd Nw	64.38	30.00	4.46	98.84
731432	Property Owner	City Services	15150 Jackel St Nw	64.38	30.00	4.46	98.84
731583	Property Owner	City Services	5160 157th Ln Nw	64.38	30.00	4.46	98.84
732373	Property Owner	City Services	6501 Green Valley Rd Nw	64.38	30.00	4.46	98.84
732643	Property Owner	City Services	7261 151st Ln Nw	64.38	30.00	4.46	98.84
733035	Property Owner	City Services	14120 IODINE ST NW	64.38	30.00	4.46	98.84
733311	Property Owner	City Services	15341 Okapi St Nw	64.38	30.00	4.46	98.84
733517	Property Owner	City Services	14339 BOWERS DR NW	64.38	30.00	4.46	98.84
733519	Property Owner	City Services	17930 VANADIUM ST NW	64.38	30.00	4.46	98.84
37822799	Property Owner	City Services	9221 173rd Ave Nw	64.38	30.00	4.46	98.84
38472864	Property Owner	City Services	17403 Wolverine St Nw	64.38	30.00	4.46	98.84
39142931	Property Owner	City Services	17115 Driscoll St Nw	64.38	30.00	4.46	98.84

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42953312	Property Owner	City Services	16836 Sodium St Nw	64.38	30.00	4.46	98.84
50584075	Property Owner	City Services	8111 158th Ln Nw	64.38	30.00	4.46	98.84
50894106	Property Owner	City Services	16050 Iguana St Nw	64.38	30.00	4.46	98.84
52344251	Property Owner	City Services	15621 Andrie St Nw	64.38	30.00	4.46	98.84
52694286	Property Owner	City Services	15051 Iguana St Nw	64.38	30.00	4.46	98.84
53144331	Property Owner	City Services	15230 Jackel St Nw	64.38	30.00	4.46	98.84
53334350	Property Owner	City Services	15330 Jackel St Nw	64.38	30.00	4.46	98.84
54314448	Property Owner	City Services	7746 157th Ave Nw	64.38	30.00	4.46	98.84
56064623	Property Owner	City Services	15101 Willemite St Nw	64.38	30.00	4.46	98.84
56274644	Property Owner	City Services	7240 150th Ln Nw	64.38	30.00	4.46	98.84
56774694	Property Owner	City Services	15321 Hematite St Nw	64.38	30.00	4.46	98.84
62505261	Property Owner	City Services	14760 Bowers Dr Nw	64.38	30.00	4.46	98.84
63205331	Property Owner	City Services	7611 178th Ln Nw	64.38	30.00	4.46	98.84
66935704	Property Owner	City Services	16462 Jasper St Nw	64.38	30.00	4.46	98.84
68415853	Property Owner	City Services	14905 Willemite St Nw	64.38	30.00	4.46	98.84
407381265	Property Owner	City Services	14750 Bowers Dr Nw	64.38	30.00	4.46	98.84
431112246	Property Owner	City Services	9124 Collins Dr Nw	64.38	30.00	4.46	98.84
614188377	Property Owner	City Services	17615 Argon St Nw	64.38	30.00	4.46	98.84
617872142	Property Owner	City Services	5829 177th Ave Nw	64.38	30.00	4.46	98.84
629901986	Property Owner	City Services	15427 Argon St Nw	64.38	30.00	4.46	98.84
631467865	Property Owner	City Services	15220 Nowthen Blvd Nw	64.38	30.00	4.46	98.84
635837589	Property Owner	City Services	16214 Germanium St Nw	64.38	30.00	4.46	98.84
648832858	Property Owner	City Services	6812 154th Ln Nw	64.38	30.00	4.46	98.84
661664849	Property Owner	City Services	15739 Ramsey Blvd Nw	64.38	30.00	4.46	98.84
686559758	Property Owner	City Services	9340 176th Ave Nw	64.38	30.00	4.46	98.84
702358051	Property Owner	City Services	15620 Cobalt St Nw	64.38	30.00	4.46	98.84
702404821	Property Owner	City Services	7251 166th Ave Nw	64.38	30.00	4.46	98.84
711708649	Property Owner	City Services	7201 152nd Ave Nw	64.38	30.00	4.46	98.84
713941266	Property Owner	City Services	16698 Jasper St Nw	64.38	30.00	4.46	98.84
700054169	Property Owner	City Services	6259 144th Ln Nw	64.50	30.00	4.47	98.97
721799	Property Owner	City Services	17319 Quicksilver St	67.31	30.00	4.67	101.98
619871484	Property Owner	City Services	7805 156th Ave Nw	67.31	30.00	4.67	101.98
684533122	Property Owner	City Services	14220 Fluorine St Nw	67.31	30.00	4.67	101.98
729096	Property Owner	City Services	7035 139th Ave Nw	68.40	30.00	4.74	103.14
733661	Property Owner	City Services	5575 153rd Ct Nw	69.33	30.00	4.81	104.14
729322	Property Owner	City Services	8682 149TH CURVE NW	72.00	30.00	4.99	106.99
389897226	Property Owner	City Services	9160 Muirfield Cir Nw	73.82	30.00	5.12	108.94
733196	Property Owner	City Services	16445 Halas Cir	75.67	30.00	5.25	110.92
722221	Property Owner	City Services	6480 153RD WAY NW	77.34	30.00	5.36	112.70

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723918	Property Owner	City Services	17056 GARNET ST NW	79.03	30.00	5.48	114.51
724634	Property Owner	City Services	15570 YAKIMA CT NW	79.84	30.00	5.53	115.37
733079	Property Owner	City Services	14059 Magnesium St Nw	80.97	30.00	5.61	116.58
720866	Property Owner	City Services	14791 Cobalt St Nw	84.20	30.00	5.84	120.04
730498	Property Owner	City Services	7337 147th Ter Nw	84.20	30.00	5.84	120.04
733052	Property Owner	City Services	15208 SNOWY OWL STREET NW	84.63	30.00	5.87	120.50
56304647	Property Owner	City Services	7411 151st Ln Nw	89.74	30.00	6.22	125.96
722376	Property Owner	City Services	16225 Azurite St Nw	90.73	30.00	6.29	127.02
725265	Property Owner	City Services	15564 IODINE ST NW	91.14	30.00	6.32	127.46
719685	Property Owner	City Services	15311 Okapi St Nw	91.80	30.00	6.36	128.16
718544	Property Owner	City Services	5729-A 160TH LN	93.09	30.00	6.45	129.54
695575983	Property Owner	City Services	6324 RIVERDALE DR NW	93.64	30.00	6.49	130.13
716187025	Property Owner	City Services	16855 St Francis Blvd Nw	93.95	30.00	6.51	130.46
718641	Property Owner	City Services	15721 Hedgehog St Nw	96.57	30.00	6.69	133.26
720282	Property Owner	City Services	6060 170th Ave Nw	96.57	30.00	6.69	133.26
720394	Property Owner	City Services	17740 Vanadium St Nw	96.57	30.00	6.69	133.26
720626	Property Owner	City Services	16840 Radium St Nw	96.57	30.00	6.69	133.26
722236	Property Owner	City Services	15505 Ramsey Blvd Nw	96.57	30.00	6.69	133.26
723726	Property Owner	City Services	7920 157th Ave Nw	96.57	30.00	6.69	133.26
724127	Property Owner	City Services	5759 BUNKER LAKE BLVD NW	96.57	30.00	6.69	133.26
725050	Property Owner	City Services	16610 Zirconium St Nw	96.57	30.00	6.69	133.26
725221	Property Owner	City Services	15581 ANDRIE ST NW	96.57	30.00	6.69	133.26
726048	Property Owner	City Services	17201 Tungsten St Nw	96.57	30.00	6.69	133.26
726179	Property Owner	City Services	7650 163rd Ln Nw	96.57	30.00	6.69	133.26
726787	Property Owner	City Services	9560 181st Ave Nw	96.57	30.00	6.69	133.26
726997	Property Owner	City Services	14450 Bowers Dr Nw	96.57	30.00	6.69	133.26
727465	Property Owner	City Services	7651 178th Ln Nw	96.57	30.00	6.69	133.26
727479	Property Owner	City Services	5590 156th Ln Nw	96.57	30.00	6.69	133.26
727669	Property Owner	City Services	5021 179th Ave Nw	96.57	30.00	6.69	133.26
727985	Property Owner	City Services	9495 164th Ln Nw	96.57	30.00	6.69	133.26
728903	Property Owner	City Services	6981 180TH AVE NW	96.57	30.00	6.69	133.26
729493	Property Owner	City Services	8910 178th Ave Nw	96.57	30.00	6.69	133.26
729939	Property Owner	City Services	8351 160th Ave Nw	96.57	30.00	6.69	133.26
730076	Property Owner	City Services	16405 Quartz St Nw	96.57	30.00	6.69	133.26
730138	Property Owner	City Services	5360 180th Ave Nw	96.57	30.00	6.69	133.26
730503	Property Owner	City Services	17230 Germanium St	96.57	30.00	6.69	133.26
730766	Property Owner	City Services	15241 Iguana St Nw	96.57	30.00	6.69	133.26
730957	Property Owner	City Services	16325 Okapi St Nw	96.57	30.00	6.69	133.26
731434	Property Owner	City Services	14341 BOWERS DR NW	96.57	30.00	6.69	133.26

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731633	Property Owner	City Services	15650 Juniper Ridge Dr Nw	96.57	30.00	6.69	133.26
732008	Property Owner	City Services	8733 175th Ln Nw	96.57	30.00	6.69	133.26
732107	Property Owner	City Services	7959 177th Ave Nw	96.57	30.00	6.69	133.26
732346	Property Owner	City Services	16431 Wolfram St Nw	96.57	30.00	6.69	133.26
732372	Property Owner	City Services	15443 Ramsey Blvd Nw	96.57	30.00	6.69	133.26
732863	Property Owner	City Services	15060 Armstrong Blvd Nw	96.57	30.00	6.69	133.26
44243441	Property Owner	City Services	5519 161st Ln Nw	96.57	30.00	6.69	133.26
52674284	Property Owner	City Services	15151 Jackel St Nw	96.57	30.00	6.69	133.26
56114628	Property Owner	City Services	15001 Bison St Nw	96.57	30.00	6.69	133.26
57914809	Property Owner	City Services	7141 156th Ave Nw	96.57	30.00	6.69	133.26
58054823	Property Owner	City Services	7030 151st Ave Nw	96.57	30.00	6.69	133.26
59184936	Property Owner	City Services	15551 Waco St Nw	96.57	30.00	6.69	133.26
60725089	Property Owner	City Services	15540 Salish St Nw	96.57	30.00	6.69	133.26
66665677	Property Owner	City Services	17229 Tungsten St Nw	96.57	30.00	6.69	133.26
68035815	Property Owner	City Services	17711 Vicuna St Nw	96.57	30.00	6.69	133.26
69015913	Property Owner	City Services	16391 Yttrium St Nw	96.57	30.00	6.69	133.26
383670962	Property Owner	City Services	16170 Olivine St Nw	96.57	30.00	6.69	133.26
479313920	Property Owner	City Services	7950 163rd Ln Nw	96.57	30.00	6.69	133.26
494013046	Property Owner	City Services	16823 Iodine St Nw	96.57	30.00	6.69	133.26
644254497	Property Owner	City Services	15811 Sodium St Nw	96.57	30.00	6.69	133.26
660951883	Property Owner	City Services	7240 162nd Ln Nw	96.57	30.00	6.69	133.26
661503825	Property Owner	City Services	9410 180th Ave Nw	96.57	30.00	6.69	133.26
676015703	Property Owner	City Services	15107 Ramsey Blvd Nw	96.57	30.00	6.69	133.26
677454508	Property Owner	City Services	6250 160th Ln Nw	96.57	30.00	6.69	133.26
704405679	Property Owner	City Services	7130 156th Ave Nw	96.57	30.00	6.69	133.26
711809644	Property Owner	City Services	7123 159th Ln Nw	96.57	30.00	6.69	133.26
720501	Property Owner	City Services	5254 180th Ave Nw	98.76	30.00	6.85	135.61
725519	Property Owner	City Services	15140 Uranimite St Nw	99.19	30.00	6.88	136.07
732881	Property Owner	City Services	15355 Eland St Nw	99.46	30.00	6.89	136.35
731201	Property Owner	City Services	18055 Ute St Nw	99.50	30.00	6.90	136.40
731715	Property Owner	City Services	6520 162nd Ave Nw	99.50	30.00	6.90	136.40
648269718	Property Owner	City Services	8550 176th Ave Nw	99.50	30.00	6.90	136.40
733607	Property Owner	City Services	5839 141ST LN NW	102.09	30.00	7.08	139.17
733126	Property Owner	City Services	14643 Rhinestone Way	102.65	30.00	7.12	139.77
728319	Property Owner	City Services	7720 168th Ave Nw	102.91	30.00	7.13	140.04
725452	Property Owner	City Services	14591 Olivine Ter Nw	103.00	30.00	7.14	140.14
721372	Property Owner	City Services	6322 Riverdale Dr Nw	104.59	30.00	7.25	141.84
732865	Property Owner	City Services	17921 Vanadium St Nw	105.40	30.00	7.31	142.71
733070	Property Owner	City Services	6230 141ST LN NW	108.44	30.00	7.52	145.96

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733092	Property Owner	City Services	7075 139th Ave	109.11	30.00	7.56	146.67
729521	Property Owner	City Services	14180 URANIUM ST NW	109.27	30.00	7.57	146.84
730047	Property Owner	City Services	14714 HELIUM ST NW	110.29	30.00	7.64	147.93
728603	Property Owner	City Services	7320 146TH AVE NW	110.32	30.00	7.65	147.97
731576	Property Owner	City Services	15395 Armstrong Blvd Nw	111.66	30.00	7.74	149.40
728838	Property Owner	City Services	7017 RIVERDALE DR	115.23	30.00	7.99	153.22
732759	Property Owner	City Services	15830 Hedgehog St Nw	117.03	30.00	8.11	155.14
686401827	Property Owner	City Services	14690 Sodium St Nw	117.93	30.00	8.17	156.10
733586	Property Owner	City Services	15233 TIGER STREET NW	121.36	30.00	8.41	159.77
732744	Property Owner	City Services	6841 173rd Ave Nw	121.97	30.00	8.45	160.42
725510	Property Owner	City Services	5578 153rd Ct Nw	124.50	30.00	8.63	163.13
720408	Property Owner	City Services	7368 147th Ln Nw	126.30	30.00	8.75	165.05
727400	Property Owner	City Services	7261 147th Ter Nw	126.30	30.00	8.75	165.05
729258	Property Owner	City Services	14765 Peridot St	126.30	30.00	8.75	165.05
731755	Property Owner	City Services	6922 Riverdale Dr Nw	126.30	30.00	8.75	165.05
732739	Property Owner	City Services	7265 147th Ter Nw	126.30	30.00	8.75	165.05
733220	Property Owner	City Services	14661 COBALT ST NW	126.30	30.00	8.75	165.05
724623	Property Owner	City Services	15959 Ironstone St Nw	126.53	30.00	8.77	165.30
718468	Property Owner	City Services	5108 151st Ave Nw	128.76	30.00	8.93	167.69
718759	Property Owner	City Services	16331 Yttrium St Nw	128.76	30.00	8.93	167.69
718800	Property Owner	City Services	15511 Coquina St Nw	128.76	30.00	8.93	167.69
719113	Property Owner	City Services	15431 Iguana St Nw	128.76	30.00	8.93	167.69
719220	Property Owner	City Services	15310 Zirconium St Nw	128.76	30.00	8.93	167.69
719366	Property Owner	City Services	14021 MAGNESIUM ST NW	128.76	30.00	8.93	167.69
719502	Property Owner	City Services	7840 152nd Ln Nw	128.76	30.00	8.93	167.69
719681	Property Owner	City Services	16650 Dolomite St Nw	128.76	30.00	8.93	167.69
719956	Property Owner	City Services	8021 176th Ln Nw	128.76	30.00	8.93	167.69
720125	Property Owner	City Services	8421 154th Ln Nw	128.76	30.00	8.93	167.69
720352	Property Owner	City Services	16101 RAMSEY BLVD NW	128.76	30.00	8.93	167.69
720726	Property Owner	City Services	6820 158th Ln Nw	128.76	30.00	8.93	167.69
720751	Property Owner	City Services	16326 Dysprosium St Nw	128.76	30.00	8.93	167.69
720875	Property Owner	City Services	9001 159TH LN NW	128.76	30.00	8.93	167.69
721043	Property Owner	City Services	15010 Kamacite St Nw	128.76	30.00	8.93	167.69
721279	Property Owner	City Services	8350 158th Ln Nw	128.76	30.00	8.93	167.69
721563	Property Owner	City Services	7660 150TH LN NW	128.76	30.00	8.93	167.69
721604	Property Owner	City Services	7087 159th Ln Nw	128.76	30.00	8.93	167.69
721672	Property Owner	City Services	7111 175th Ave Nw	128.76	30.00	8.93	167.69
721694	Property Owner	City Services	5515 BUNKER LAKE BLVD NW	128.76	30.00	8.93	167.69
721790	Property Owner	City Services	17410 Wolverine St Nw	128.76	30.00	8.93	167.69

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Account No.	Account Name	Description	Property Address	Delinquent Amount	Admin Fee	Interest (5.50%)	Total Subject to Certification
721849	Property Owner	City Services	15410 Kangaroo St Nw	128.76	30.00	8.93	167.69
722238	Property Owner	City Services	5301 156th Ln Nw	128.76	30.00	8.93	167.69
722247	Property Owner	City Services	15040 Uranimite St Nw	128.76	30.00	8.93	167.69
722322	Property Owner	City Services	15959 Ebony St Nw	128.76	30.00	8.93	167.69
722362	Property Owner	City Services	15000 Garnet St Nw	128.76	30.00	8.93	167.69
722372	Property Owner	City Services	5431 164th Ln Nw	128.76	30.00	8.93	167.69
722482	Property Owner	City Services	6720 158th Ln Nw	128.76	30.00	8.93	167.69
722495	Property Owner	City Services	8151 154th Ln Nw	128.76	30.00	8.93	167.69
722543	Property Owner	City Services	6819 164th Ln Nw	128.76	30.00	8.93	167.69
722667	Property Owner	City Services	14051 Fluorine St Nw	128.76	30.00	8.93	167.69
722900	Property Owner	City Services	5810 164th Ln Nw	128.76	30.00	8.93	167.69
723762	Property Owner	City Services	7631 172nd Ln Nw	128.76	30.00	8.93	167.69
723800	Property Owner	City Services	15801 Andrie St Nw	128.76	30.00	8.93	167.69
723927	Property Owner	City Services	16231 Jarvis St Nw	128.76	30.00	8.93	167.69
723928	Property Owner	City Services	5821 160th Ln Nw	128.76	30.00	8.93	167.69
724396	Property Owner	City Services	8261 159th Ln Nw	128.76	30.00	8.93	167.69
724457	Property Owner	City Services	15160 Yakima St Nw	128.76	30.00	8.93	167.69
724490	Property Owner	City Services	8059 154th Ave Nw	128.76	30.00	8.93	167.69
724680	Property Owner	City Services	14120 JUNKITE ST NW	128.76	30.00	8.93	167.69
724831	Property Owner	City Services	16771 Andrie St Nw	128.76	30.00	8.93	167.69
724899	Property Owner	City Services	15211 JACKEL ST NW	128.76	30.00	8.93	167.69
724910	Property Owner	City Services	17525 Nowthen Blvd Nw	128.76	30.00	8.93	167.69
724938	Property Owner	City Services	15730 Kangaroo St Nw	128.76	30.00	8.93	167.69
724974	Property Owner	City Services	8055 142nd Ave Nw	128.76	30.00	8.93	167.69
725006	Property Owner	City Services	16920 Zeolite St Nw	128.76	30.00	8.93	167.69
725027	Property Owner	City Services	17359 Puma St	128.76	30.00	8.93	167.69
725168	Property Owner	City Services	15137 Yakima St Nw	128.76	30.00	8.93	167.69
725266	Property Owner	City Services	7820 151st Ln Nw	128.76	30.00	8.93	167.69
725337	Property Owner	City Services	6417 GREEN VALLEY RD NW	128.76	30.00	8.93	167.69
725566	Property Owner	City Services	15200 Willemite St Nw	128.76	30.00	8.93	167.69
725657	Property Owner	City Services	8120 154th Ln Nw	128.76	30.00	8.93	167.69
725854	Property Owner	City Services	18014 IODINE ST NW	128.76	30.00	8.93	167.69
726086	Property Owner	City Services	17800 Yakima St Nw	128.76	30.00	8.93	167.69
726111	Property Owner	City Services	8150 151ST LN NW	128.76	30.00	8.93	167.69
726128	Property Owner	City Services	7740 171st Ave Nw	128.76	30.00	8.93	167.69
726151	Property Owner	City Services	15220 Alpaca St Nw	128.76	30.00	8.93	167.69
726338	Property Owner	City Services	15340 Jackel St Nw	128.76	30.00	8.93	167.69
726434	Property Owner	City Services	8221 159th Ln Nw	128.76	30.00	8.93	167.69
726714	Property Owner	City Services	17059 Nowthen Blvd Nw	128.76	30.00	8.93	167.69

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Account No.	Account Name	Description	Property Address	Delinquent Amount	Admin Fee	Interest (5.50%)	Total Subject to Certification
726938	Property Owner	City Services	9501 Ermine Blvd Nw	128.76	30.00	8.93	167.69
727169	Property Owner	City Services	8005 142nd Ave Nw	128.76	30.00	8.93	167.69
727293	Property Owner	City Services	17820 Fluorine St Nw	128.76	30.00	8.93	167.69
727352	Property Owner	City Services	9131 178th Ave Nw	128.76	30.00	8.93	167.69
727360	Property Owner	City Services	15421 Kangaroo St Nw	128.76	30.00	8.93	167.69
727447	Property Owner	City Services	6920 150th Ave Nw	128.76	30.00	8.93	167.69
727551	Property Owner	City Services	7100 160TH LN NW	128.76	30.00	8.93	167.69
727592	Property Owner	City Services	7341 154th Ln Nw	128.76	30.00	8.93	167.69
727608	Property Owner	City Services	16640 Yttrium St Nw	128.76	30.00	8.93	167.69
728094	Property Owner	City Services	8100 151st Ln Nw	128.76	30.00	8.93	167.69
728095	Property Owner	City Services	7346 149th Ave Nw	128.76	30.00	8.93	167.69
728379	Property Owner	City Services	8416 158th Ln Nw	128.76	30.00	8.93	167.69
728592	Property Owner	City Services	8204 159th Ln Nw	128.76	30.00	8.93	167.69
728707	Property Owner	City Services	17225 BISON ST NW	128.76	30.00	8.93	167.69
728773	Property Owner	City Services	15741 Ferret St Nw	128.76	30.00	8.93	167.69
728866	Property Owner	City Services	8643 174th Ln Nw	128.76	30.00	8.93	167.69
729039	Property Owner	City Services	16600 Coquina St Nw	128.76	30.00	8.93	167.69
729147	Property Owner	City Services	16324 Coquina St Nw	128.76	30.00	8.93	167.69
729456	Property Owner	City Services	8130 153rd Ln Nw	128.76	30.00	8.93	167.69
729610	Property Owner	City Services	16300 Ramsey Blvd Nw	128.76	30.00	8.93	167.69
729770	Property Owner	City Services	6044 174th Ave Nw	128.76	30.00	8.93	167.69
729903	Property Owner	City Services	6337 143rd Ln Nw	128.76	30.00	8.93	167.69
730508	Property Owner	City Services	7290 149th Ln Nw	128.76	30.00	8.93	167.69
730556	Property Owner	City Services	7831 151st Ln Nw	128.76	30.00	8.93	167.69
730615	Property Owner	City Services	7730 149th Ln Nw	128.76	30.00	8.93	167.69
730676	Property Owner	City Services	6728 153rd Ln Nw	128.76	30.00	8.93	167.69
730736	Property Owner	City Services	17725 FLUORINE ST NW	128.76	30.00	8.93	167.69
730795	Property Owner	City Services	14590 Bowers Dr Nw	128.76	30.00	8.93	167.69
730837	Property Owner	City Services	6706 159th Ave Nw	128.76	30.00	8.93	167.69
730865	Property Owner	City Services	15059 Limonite St Nw	128.76	30.00	8.93	167.69
730970	Property Owner	City Services	7551 149th Ave Nw	128.76	30.00	8.93	167.69
730973	Property Owner	City Services	16031 Neon St Nw	128.76	30.00	8.93	167.69
731087	Property Owner	City Services	6640 153rd Ln Nw	128.76	30.00	8.93	167.69
731130	Property Owner	City Services	7321 152nd Ln Nw	128.76	30.00	8.93	167.69
731153	Property Owner	City Services	6825 151st Ave Nw	128.76	30.00	8.93	167.69
731354	Property Owner	City Services	6241 180th Ln Nw	128.76	30.00	8.93	167.69
731362	Property Owner	City Services	5030 179th Ln Nw	128.76	30.00	8.93	167.69
731470	Property Owner	City Services	9141 Inverness Cir Nw	128.76	30.00	8.93	167.69
731506	Property Owner	City Services	5915 177th Ave Nw	128.76	30.00	8.93	167.69

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731667	Property Owner	City Services	7321 151st Ln Nw	128.76	30.00	8.93	167.69
731694	Property Owner	City Services	15030 Willemite St Nw	128.76	30.00	8.93	167.69
731712	Property Owner	City Services	6460 153rd Ln Nw	128.76	30.00	8.93	167.69
731762	Property Owner	City Services	9041 169TH AVENUE NW	128.76	30.00	8.93	167.69
731768	Property Owner	City Services	15040 Yakima St Nw	128.76	30.00	8.93	167.69
732076	Property Owner	City Services	7041 156th Ave Nw	128.76	30.00	8.93	167.69
732097	Property Owner	City Services	5650 170th Ln Nw	128.76	30.00	8.93	167.69
732319	Property Owner	City Services	15385 Armstrong Blvd Nw	128.76	30.00	8.93	167.69
14871175	Property Owner	City Services	6319 143RD LN NW	128.76	30.00	8.93	167.69
33622379	Property Owner	City Services	5434 180th Ln Nw	128.76	30.00	8.93	167.69
33882405	Property Owner	City Services	4941 179th Ave Nw	128.76	30.00	8.93	167.69
34003380	Property Owner	City Services	16800 Iodine St Nw	128.76	30.00	8.93	167.69
34222439	Property Owner	City Services	17700 Cobalt St Nw	128.76	30.00	8.93	167.69
36132630	Property Owner	City Services	17410 Chameleon St Nw	128.76	30.00	8.93	167.69
37102727	Property Owner	City Services	8031 176th Ln Nw	128.76	30.00	8.93	167.69
42223239	Property Owner	City Services	6700 165th Ln Nw	128.76	30.00	8.93	167.69
42443261	Property Owner	City Services	17020 Azurite St Nw	128.76	30.00	8.93	167.69
42683285	Property Owner	City Services	16865 Sodium St Nw	128.76	30.00	8.93	167.69
43623379	Property Owner	City Services	6221 169th Ln Nw	128.76	30.00	8.93	167.69
43793396	Property Owner	City Services	16839 St Francis Blvd Nw	128.76	30.00	8.93	167.69
44873504	Property Owner	City Services	5720 164th Ave Nw	128.76	30.00	8.93	167.69
45753592	Property Owner	City Services	6015 Radium Cir Nw	128.76	30.00	8.93	167.69
47013718	Property Owner	City Services	16331 Jasper St Nw	128.76	30.00	8.93	167.69
47543771	Property Owner	City Services	6767 158th Ln Nw	128.76	30.00	8.93	167.69
47713788	Property Owner	City Services	6841 158th Ln Nw	128.76	30.00	8.93	167.69
48603877	Property Owner	City Services	7619 157th Ave Nw	128.76	30.00	8.93	167.69
48843901	Property Owner	City Services	16156 Olivine St Nw	128.76	30.00	8.93	167.69
49113928	Property Owner	City Services	16350 Yolite St Nw	128.76	30.00	8.93	167.69
49663983	Property Owner	City Services	7904 159th Ln Nw	128.76	30.00	8.93	167.69
49994016	Property Owner	City Services	8200 163rd Ave Nw	128.76	30.00	8.93	167.69
50164033	Property Owner	City Services	8250 157th Ln Nw	128.76	30.00	8.93	167.69
53634380	Property Owner	City Services	8331 151st Ln Nw	128.76	30.00	8.93	167.69
53934410	Property Owner	City Services	8121 154th Ave Nw	128.76	30.00	8.93	167.69
54734490	Property Owner	City Services	7930 156th Ave Nw	128.76	30.00	8.93	167.69
55154532	Property Owner	City Services	7381 152nd Ave Nw	128.76	30.00	8.93	167.69
56044621	Property Owner	City Services	15061 Willemite St Nw	128.76	30.00	8.93	167.69
56364653	Property Owner	City Services	7220 151st Ave Nw	128.76	30.00	8.93	167.69
57144732	Property Owner	City Services	7140 152nd Ave Nw	128.76	30.00	8.93	167.69
58104828	Property Owner	City Services	15540 Zirconium St Nw	128.76	30.00	8.93	167.69

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58134831	Property Owner	City Services	15611 Dolomite St Nw	128.76	30.00	8.93	167.69
58734891	Property Owner	City Services	15133 Nowthen Blvd Nw	128.76	30.00	8.93	167.69
60075024	Property Owner	City Services	5207 150th Ln Nw	128.76	30.00	8.93	167.69
60135030	Property Owner	City Services	5561 156th Ln Nw	128.76	30.00	8.93	167.69
63625372	Property Owner	City Services	17958 Fluorine St Nw	128.76	30.00	8.93	167.69
65115522	Property Owner	City Services	8030 152nd Ln Nw	128.76	30.00	8.93	167.69
68975909	Property Owner	City Services	16727 Radium St Nw	128.76	30.00	8.93	167.69
69275939	Property Owner	City Services	15120 Kangaroo St Nw	128.76	30.00	8.93	167.69
71356146	Property Owner	City Services	6384 143rd Ln Nw	128.76	30.00	8.93	167.69
117620878	Property Owner	City Services	6310 153rd Ln Nw	128.76	30.00	8.93	167.69
221774498	Property Owner	City Services	16361 Nowthen Blvd Nw	128.76	30.00	8.93	167.69
221860690	Property Owner	City Services	5941 160th Ln Nw	128.76	30.00	8.93	167.69
389850754	Property Owner	City Services	15861 Dolomite St Nw	128.76	30.00	8.93	167.69
408799324	Property Owner	City Services	6341 167th Ave Nw	128.76	30.00	8.93	167.69
431614638	Property Owner	City Services	9111 ANDRIE CT NW	128.76	30.00	8.93	167.69
433218650	Property Owner	City Services	7240 181st Ave Nw	128.76	30.00	8.93	167.69
440400586	Property Owner	City Services	7731 149th Ln Nw	128.76	30.00	8.93	167.69
447450668	Property Owner	City Services	7261 149th Ave Nw	128.76	30.00	8.93	167.69
448022880	Property Owner	City Services	7605 173rd Ave Nw	128.76	30.00	8.93	167.69
461530292	Property Owner	City Services	14100 GERMANIUM ST	128.76	30.00	8.93	167.69
479364743	Property Owner	City Services	17511 Unicorn St Nw	128.76	30.00	8.93	167.69
479839440	Property Owner	City Services	14950 PERIDOT ST NW	128.76	30.00	8.93	167.69
480887974	Property Owner	City Services	7920 159th Ln Nw	128.76	30.00	8.93	167.69
482232058	Property Owner	City Services	15122 Zuni St Nw	128.76	30.00	8.93	167.69
483273736	Property Owner	City Services	8376 156th Ln Nw	128.76	30.00	8.93	167.69
490421416	Property Owner	City Services	9320 169th Ave Nw	128.76	30.00	8.93	167.69
495535769	Property Owner	City Services	14900 Kamacite St Nw	128.76	30.00	8.93	167.69
615049714	Property Owner	City Services	16207 Azurite St Nw	128.76	30.00	8.93	167.69
616359552	Property Owner	City Services	17917 Junkite St Nw	128.76	30.00	8.93	167.69
616419298	Property Owner	City Services	5706 140TH LN NW	128.76	30.00	8.93	167.69
619763801	Property Owner	City Services	16400 Zirconium St Nw	128.76	30.00	8.93	167.69
622567660	Property Owner	City Services	16300 Coquina St Nw	128.76	30.00	8.93	167.69
628555082	Property Owner	City Services	5455 152nd Ave Nw	128.76	30.00	8.93	167.69
631140083	Property Owner	City Services	7600 166th Ave Nw	128.76	30.00	8.93	167.69
633391698	Property Owner	City Services	7720 150th Ln Nw	128.76	30.00	8.93	167.69
638872650	Property Owner	City Services	7320 151st Ln Nw	128.76	30.00	8.93	167.69
640373530	Property Owner	City Services	7291 152nd Ave Nw	128.76	30.00	8.93	167.69
642923030	Property Owner	City Services	16444 St Francis Blvd Nw	128.76	30.00	8.93	167.69
645477066	Property Owner	City Services	15230 Uranimite St Nw	128.76	30.00	8.93	167.69

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Account No.	Account Name	Description	Property Address	Delinquent Amount	Admin Fee	Interest (5.50%)	Total Subject to Certification
645928746	Property Owner	City Services	6940 152nd Ave Nw	128.76	30.00	8.93	167.69
648784012	Property Owner	City Services	15119 Zuni St Nw	128.76	30.00	8.93	167.69
649876142	Property Owner	City Services	6218 144th Ln Nw	128.76	30.00	8.93	167.69
650529890	Property Owner	City Services	7646 158th Ave Nw	128.76	30.00	8.93	167.69
651110116	Property Owner	City Services	17071 Zeolite St Nw	128.76	30.00	8.93	167.69
654348277	Property Owner	City Services	8330 151st Ln Nw	128.76	30.00	8.93	167.69
655992344	Property Owner	City Services	5710 170th Ln Nw	128.76	30.00	8.93	167.69
659704939	Property Owner	City Services	16411 Olivine St Nw	128.76	30.00	8.93	167.69
659732792	Property Owner	City Services	17352 Unicorn St Nw	128.76	30.00	8.93	167.69
664105424	Property Owner	City Services	8610 171st Ave Nw	128.76	30.00	8.93	167.69
667012776	Property Owner	City Services	17320 Driscoll St Nw	128.76	30.00	8.93	167.69
669678276	Property Owner	City Services	15599 Hedgehog St Nw	128.76	30.00	8.93	167.69
670417910	Property Owner	City Services	5803 Alpine Dr Nw	128.76	30.00	8.93	167.69
672343397	Property Owner	City Services	14713 Bowers Dr Nw	128.76	30.00	8.93	167.69
678110935	Property Owner	City Services	7210 163rd Ave Nw	128.76	30.00	8.93	167.69
681251915	Property Owner	City Services	16427 Chameleon St Nw	128.76	30.00	8.93	167.69
689195575	Property Owner	City Services	5605 180th Ave Nw	128.76	30.00	8.93	167.69
694738093	Property Owner	City Services	7700 169th Ln Nw	128.76	30.00	8.93	167.69
699422168	Property Owner	City Services	6219 144th Ln Nw	128.76	30.00	8.93	167.69
700951707	Property Owner	City Services	7090 159th Ln Nw	128.76	30.00	8.93	167.69
701988698	Property Owner	City Services	15781 Azurite Ct Nw	128.76	30.00	8.93	167.69
702200619	Property Owner	City Services	7711 178th Ln Nw	128.76	30.00	8.93	167.69
703333526	Property Owner	City Services	7440 152nd Ln Nw	128.76	30.00	8.93	167.69
711415058	Property Owner	City Services	6631 155th Ave Nw	128.76	30.00	8.93	167.69
715474311	Property Owner	City Services	8121 153rd Ln Nw	128.76	30.00	8.93	167.69
716520651	Property Owner	City Services	16337 Coquina St Nw	128.76	30.00	8.93	167.69
495235608	Property Owner	City Services	14221 WACO ST NW	130.88	30.00	9.07	169.95
631749798	Property Owner	City Services	5790 157TH LN NW	131.73	30.00	9.13	170.86
733371	Property Owner	City Services	14088 DYSPROSIUM ST NW	132.75	30.00	9.20	171.95
732493	Property Owner	City Services	8230 154th Ln Nw	136.78	30.00	9.48	176.26
732244	Property Owner	City Services	15985 SAPPHIRE ST NW	138.43	30.00	9.60	178.03
732835	Property Owner	City Services	6974 139th Ave Nw	143.37	30.00	9.94	183.31
718594	Property Owner	City Services	5653 154TH LN NW	144.22	30.00	10.00	184.22
733574	Property Owner	City Services	15179 TIGER STREET NW	146.37	30.00	10.15	186.52
730846	Property Owner	City Services	15120 COBALT ST NW	146.77	30.00	10.17	186.94
711643864	Property Owner	City Services	16892 FELDSPAR ST NW	146.94	30.00	10.19	187.13
726189	Property Owner	City Services	15191 UTE ST NW	149.22	30.00	10.34	189.56
729984	Property Owner	City Services	7289 168TH CIRCLE NW	149.56	30.00	10.37	189.93
732728	Property Owner	City Services	14701 Cobalt St Nw	151.68	30.00	10.51	192.19

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732546	Property Owner	City Services	14951 SNOWY OWL STREET NW	154.49	30.00	10.71	195.20
722640	Property Owner	City Services	7367 147th Ln Nw	156.16	30.00	10.82	196.98
718332	Property Owner	City Services	5420 144TH WAY NW	157.13	30.00	10.89	198.02
732094	Property Owner	City Services	15220 BARIUM ST NW	158.48	30.00	10.99	199.47
733508	Property Owner	City Services	15481 YAKIMA CT	160.09	30.00	11.10	201.19
733532	Property Owner	City Services	14629 PERIDOT ST NW	163.73	30.00	11.35	205.08
706220224	Property Owner	City Services	14101 ST FRANCIS BLVD NW	165.01	30.00	11.44	206.45
725615	Property Owner	City Services	6910 147TH AVE NW	165.21	30.00	11.45	206.66
719067	Property Owner	City Services	5340 141ST AVE NW	165.86	30.00	11.50	207.36
721445	Property Owner	City Services	6225 Rivlyn Ave Nw	165.86	30.00	11.50	207.36
726750	Property Owner	City Services	14667 WACO ST NW	165.86	30.00	11.50	207.36
726850	Property Owner	City Services	14834 YAKIMA ST NW	165.86	30.00	11.50	207.36
728523	Property Owner	City Services	14044 DYSPROSIUM ST NW	165.86	30.00	11.50	207.36
729795	Property Owner	City Services	14173 ARGON ST NW	165.86	30.00	11.50	207.36
731298	Property Owner	City Services	14175 BARIUM ST NW	165.86	30.00	11.50	207.36
731799	Property Owner	City Services	14058 Cobalt St Nw	165.86	30.00	11.50	207.36
731878	Property Owner	City Services	6237 RIVLYN AVE NW	165.86	30.00	11.50	207.36
611121026	Property Owner	City Services	15280 UTE ST NW	165.86	30.00	11.50	207.36
727842	Property Owner	City Services	6130 145TH LN NW	167.47	30.00	11.61	209.08
720058	Property Owner	City Services	7342 Bunker Lake Blvd	168.40	30.00	11.67	210.07
720857	Property Owner	City Services	7418 Bunker Lake Blvd	168.40	30.00	11.67	210.07
722054	Property Owner	City Services	6962 139th Ave	168.40	30.00	11.67	210.07
722400	Property Owner	City Services	7076 139th Ave	168.40	30.00	11.67	210.07
722421	Property Owner	City Services	14761 Cobalt St Nw	168.40	30.00	11.67	210.07
722696	Property Owner	City Services	7410 147th Ln Nw	168.40	30.00	11.67	210.07
724419	Property Owner	City Services	6933 139th Ln	168.40	30.00	11.67	210.07
725598	Property Owner	City Services	6985 139th Ave Nw	168.40	30.00	11.67	210.07
726413	Property Owner	City Services	14761 Cobalt St Nw	168.40	30.00	11.67	210.07
726766	Property Owner	City Services	7023 139th Ave Nw	168.40	30.00	11.67	210.07
727095	Property Owner	City Services	6952 139th Ave Nw	168.40	30.00	11.67	210.07
727218	Property Owner	City Services	14660 Cobalt St Nw	168.40	30.00	11.67	210.07
727847	Property Owner	City Services	7085 139th Ave	168.40	30.00	11.67	210.07
728526	Property Owner	City Services	7298 147th Ln Nw	168.40	30.00	11.67	210.07
729100	Property Owner	City Services	7067 139th Ave	168.40	30.00	11.67	210.07
729597	Property Owner	City Services	14700 Cobalt St Nw	168.40	30.00	11.67	210.07
730334	Property Owner	City Services	14644 RHINESTONE ST NW	168.40	30.00	11.67	210.07
730729	Property Owner	City Services	14596 OLIVINE TER NW	168.40	30.00	11.67	210.07
730813	Property Owner	City Services	7326 147th Ln Nw	168.40	30.00	11.67	210.07
731022	Property Owner	City Services	6925 139th Ln Nw	168.40	30.00	11.67	210.07

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Account No.	Account Name	Description	Property Address	Delinquent Amount	Admin Fee	Interest (5.50%)	Total Subject to Certification
732013	Property Owner	City Services	7305 147th Ter Nw	168.40	30.00	11.67	210.07
732155	Property Owner	City Services	6870 139th Ln Nw	168.40	30.00	11.67	210.07
732181	Property Owner	City Services	7321 147th Ter Nw	168.40	30.00	11.67	210.07
732385	Property Owner	City Services	7366 BUNKER LAKE BLVD	168.40	30.00	11.67	210.07
681590395	Property Owner	City Services	7404 147th Ln Nw	168.40	30.00	11.67	210.07
688670261	Property Owner	City Services	7292 147th Ter Nw	168.40	30.00	11.67	210.07
696276819	Property Owner	City Services	14561 Olivine Way Nw	168.40	30.00	11.67	210.07
719947	Property Owner	City Services	5185 146TH CIR NW	172.38	30.00	11.95	214.33
682035500	Property Owner	City Services	14119 BARIUM ST NW	172.38	30.00	11.95	214.33
724437	Property Owner	City Services	13869 IRONSTONE TRL NW	172.70	30.00	11.97	214.67
731050	Property Owner	City Services	14263 ARGON ST NW	175.08	30.00	12.14	217.22
725161	Property Owner	City Services	14191 Xenon St Nw	175.14	30.00	12.14	217.28
718271	Property Owner	City Services	14836 Olivine St Nw	175.77	30.00	12.18	217.95
718559	Property Owner	City Services	5971 144TH LN NW	175.77	30.00	12.18	217.95
719259	Property Owner	City Services	6078 146TH LN NW	175.77	30.00	12.18	217.95
720734	Property Owner	City Services	5679 154th Ave Nw	175.77	30.00	12.18	217.95
720808	Property Owner	City Services	5617 154th Ln Nw	175.77	30.00	12.18	217.95
720924	Property Owner	City Services	15310 XKIMO ST NW	175.77	30.00	12.18	217.95
720978	Property Owner	City Services	6319 154TH CT NW	175.77	30.00	12.18	217.95
721855	Property Owner	City Services	7707 147TH TER NW	175.77	30.00	12.18	217.95
722778	Property Owner	City Services	15231 Germanium Cir Nw	175.77	30.00	12.18	217.95
723280	Property Owner	City Services	14220 Xenon St Nw	175.77	30.00	12.18	217.95
723532	Property Owner	City Services	7795 148TH LN NW	175.77	30.00	12.18	217.95
726211	Property Owner	City Services	5692 154th Ave Nw	175.77	30.00	12.18	217.95
726847	Property Owner	City Services	7085 148th Ln Nw	175.77	30.00	12.18	217.95
726989	Property Owner	City Services	6468 RIVERDALE DR NW	175.77	30.00	12.18	217.95
727378	Property Owner	City Services	7629 147TH LN NW	175.77	30.00	12.18	217.95
727425	Property Owner	City Services	15251 Fluorine St Nw	175.77	30.00	12.18	217.95
728181	Property Owner	City Services	6881 137TH AVE NW	175.77	30.00	12.18	217.95
728457	Property Owner	City Services	7096 167TH LN NW	175.77	30.00	12.18	217.95
728720	Property Owner	City Services	5810 151ST LN NW	175.77	30.00	12.18	217.95
728770	Property Owner	City Services	13942 Ironstone Ter Nw	175.77	30.00	12.18	217.95
729353	Property Owner	City Services	6701 153RD CT NW	175.77	30.00	12.18	217.95
729831	Property Owner	City Services	14180 VANADIUM ST NW	175.77	30.00	12.18	217.95
730107	Property Owner	City Services	15478 TUNGSTEN ST NW	175.77	30.00	12.18	217.95
730781	Property Owner	City Services	14994 SNOWY OWL STREET NW	175.77	30.00	12.18	217.95
730991	Property Owner	City Services	7381 168TH CIRCLE NW	175.77	30.00	12.18	217.95
731184	Property Owner	City Services	14595 Olivine St Nw	175.77	30.00	12.18	217.95
731340	Property Owner	City Services	14797 OLIVINE ST NW	175.77	30.00	12.18	217.95

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731496	Property Owner	City Services	15408 GERMANIUM ST NW	175.77	30.00	12.18	217.95
731544	Property Owner	City Services	15982 URANIMITE ST NW	175.77	30.00	12.18	217.95
731582	Property Owner	City Services	14230 URANIUM ST NW	175.77	30.00	12.18	217.95
731690	Property Owner	City Services	15513 SODIUM ST	175.77	30.00	12.18	217.95
731909	Property Owner	City Services	6880 147TH AVE NW	175.77	30.00	12.18	217.95
732399	Property Owner	City Services	15189 QUINTANA COURT NW	175.77	30.00	12.18	217.95
732600	Property Owner	City Services	15535 SODIUM WAY NW	175.77	30.00	12.18	217.95
732715	Property Owner	City Services	15362 IODINE ST NW	175.77	30.00	12.18	217.95
733025	Property Owner	City Services	15240 HELIUM ST NW	175.77	30.00	12.18	217.95
733103	Property Owner	City Services	14401 QUICKSILVER ST NW	175.77	30.00	12.18	217.95
733372	Property Owner	City Services	15248 SNOWY OWL STREET NW	175.77	30.00	12.18	217.95
733453	Property Owner	City Services	8698 149TH CURVE NW	175.77	30.00	12.18	217.95
733541	Property Owner	City Services	6119 RIVLYN AVE NW	175.77	30.00	12.18	217.95
1776781	Property Owner	City Services	5222 148TH AVE NW	175.77	30.00	12.18	217.95
422474669	Property Owner	City Services	16851 Garnet St Nw	175.77	30.00	12.18	217.95
489045343	Property Owner	City Services	5150 149TH LN NW	175.77	30.00	12.18	217.95
673289656	Property Owner	City Services	5911 157TH LN NW	175.77	30.00	12.18	217.95
673885509	Property Owner	City Services	5610 156th Ln	175.77	30.00	12.18	217.95
682849014	Property Owner	City Services	5780 155TH LN NW	175.77	30.00	12.18	217.95
731915	Property Owner	City Services	14817 WACO ST NW	178.89	30.00	12.40	221.29
730836	Property Owner	City Services	15972 URANIMITE ST NW	179.03	30.00	12.41	221.44
731923	Property Owner	City Services	5716 162ND CROSSING NW	179.03	30.00	12.41	221.44
732348	Property Owner	City Services	15150 SNOWY OWL STREET NW	179.03	30.00	12.41	221.44
732585	Property Owner	City Services	6092 146TH LN NW	179.03	30.00	12.41	221.44
732943	Property Owner	City Services	15131 HELIUM ST NW	181.35	30.00	12.57	223.92
725363	Property Owner	City Services	14601 Krypton St Nw	182.29	30.00	12.64	224.93
728209	Property Owner	City Services	15565 XKIMO CT NW	182.29	30.00	12.64	224.93
728999	Property Owner	City Services	15605 Krypton St Nw	182.29	30.00	12.64	224.93
733281	Property Owner	City Services	7328 146TH AVE NW	182.29	30.00	12.64	224.93
74806299	Property Owner	City Services	14574 Krypton St Nw	182.29	30.00	12.64	224.93
640120939	Property Owner	City Services	5811 158th Ln Nw	182.29	30.00	12.64	224.93
733496	Property Owner	City Services	15398 RADIUM ST NW	183.39	30.00	12.71	226.10
731877	Property Owner	City Services	14546 KRYPTON ST NW	185.54	30.00	12.86	228.40
733389	Property Owner	City Services	15137 TIGER STREET NW	185.54	30.00	12.86	228.40
724181	Property Owner	City Services	16771 MARBLE ST NW	185.77	30.00	12.88	228.65
721739	Property Owner	City Services	15121 UTE ST NW	185.96	30.00	12.89	228.85
723757	Property Owner	City Services	15469 RADIUM ST NW	186.52	30.00	12.93	229.45
732703	Property Owner	City Services	15158 SNOWY OWL STREET NW	188.49	30.00	13.07	231.56
729128	Property Owner	City Services	15290 SODIUM ST NW	188.80	30.00	13.09	231.89

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730921	Property Owner	City Services	5450 144TH WAY NW	188.80	30.00	13.09	231.89
722638	Property Owner	City Services	6850 147TH AVE NW	191.57	30.00	13.28	234.85
732007	Property Owner	City Services	14585 Olivine Ter Nw	191.57	30.00	13.28	234.85
708720979	Property Owner	City Services	5673 154th Ave Nw	191.57	30.00	13.28	234.85
723277	Property Owner	City Services	7046 170TH TRL NW	192.05	30.00	13.31	235.36
727028	Property Owner	City Services	7051 147TH LN NW	193.01	30.00	13.38	236.39
686625214	Property Owner	City Services	15386 VANADIUM ST NW	193.59	30.00	13.42	237.01
731118	Property Owner	City Services	14878 OLIVINE ST NW	195.07	30.00	13.52	238.59
675430728	Property Owner	City Services	5305 140th Ave Nw	195.98	30.00	13.58	239.56
721662	Property Owner	City Services	14860 OLIVINE ST NW	197.14	30.00	13.66	240.80
731820	Property Owner	City Services	13915 Ironstone Ter Nw	198.28	30.00	13.74	242.02
728805	Property Owner	City Services	14451 Fluorine Ct Nw	198.57	30.00	13.76	242.33
730212	Property Owner	City Services	15466 IODINE TERRACE NW	198.57	30.00	13.76	242.33
623649272	Property Owner	City Services	15270 URANIUM ST NW	200.00	30.00	13.86	243.86
732224	Property Owner	City Services	5400 144TH WAY NW	200.84	30.00	13.92	244.76
732987	Property Owner	City Services	14651 Fluorine St Nw	203.07	30.00	14.08	247.15
720030	Property Owner	City Services	16251 LITHIUM CT NW	203.50	30.00	14.11	247.61
724754	Property Owner	City Services	6126 146TH LN NW	205.08	30.00	14.22	249.30
727245	Property Owner	City Services	14571 Olivine St	205.08	30.00	14.22	249.30
732632	Property Owner	City Services	5800 158th Ln Nw	205.08	30.00	14.22	249.30
726011	Property Owner	City Services	14240 URANIUM ST NW	205.59	30.00	14.25	249.84
725890	Property Owner	City Services	15769 Potassium St Nw	205.81	30.00	14.27	250.08
725260	Property Owner	City Services	15353 IODINE ST NW	208.33	30.00	14.44	252.77
733002	Property Owner	City Services	14582 WACO ST NW	211.84	30.00	14.68	256.52
730119	Property Owner	City Services	14961 SNOWY OWL STREET NW	215.98	30.00	14.97	260.95
733010	Property Owner	City Services	6854 139TH LN	216.37	30.00	15.00	261.37
730537	Property Owner	City Services	6941 147TH AVE NW	217.00	30.00	15.04	262.04
726031	Property Owner	City Services	15564 WACO ST NW	220.85	30.00	15.31	266.16
733478	Property Owner	City Services	15267 Fluorine St Nw	225.28	30.00	15.62	270.90
728958	Property Owner	City Services	6097 146TH AVE NW	228.40	30.00	15.83	274.23
728480	Property Owner	City Services	14230 Xenon St Nw	231.16	30.00	16.02	277.18
730905	Property Owner	City Services	14983 SNOWY OWL STREET NW	231.72	30.00	16.06	277.78
725727	Property Owner	City Services	5720 160TH LN NW	231.82	30.00	16.07	277.89
732992	Property Owner	City Services	5449 180th Ave Nw	233.60	30.00	16.19	279.79
687358480	Property Owner	City Services	5283 143RD AVE NW	243.62	30.00	16.89	290.51
732729	Property Owner	City Services	7238 BUNKER LAKE BLVD	245.24	30.00	17.00	292.24
733411	Property Owner	City Services	5420 144TH WAY NW	248.96	30.00	17.26	296.22
726070	Property Owner	City Services	6903 170TH TRL NW	251.01	30.00	17.40	298.41
663531326	Property Owner	City Services	6341 167th Ave Nw	255.31	30.00	17.70	303.01

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730026	Property Owner	City Services	7080 137TH AVE NW	260.44	30.00	18.05	308.49
732449	Property Owner	City Services	6978 168TH LANE NW	270.08	30.00	18.72	318.80
732425	Property Owner	City Services	15492 IODINE STREET NW	273.00	30.00	18.92	321.92
718888	Property Owner	City Services	14842 OLIVINE ST NW	282.86	30.00	19.61	332.47
719178	Property Owner	City Services	14888 PERIDOT ST NW	290.00	30.00	20.10	340.10
727220	Property Owner	City Services	13903 IRONSTONE TRL NW	291.64	30.00	20.22	341.86
727920	Property Owner	City Services	14760 ARGON ST NW	297.14	30.00	20.60	347.74
718617	Property Owner	City Services	7141 148th Ln Nw	299.08	30.00	20.73	349.81
483574031	Property Owner	City Services	15360 Krypton St Nw	301.17	30.00	20.88	352.05
729235	Property Owner	City Services	14561 Helium Ct Nw	301.87	30.00	20.92	352.79
721957	Property Owner	City Services	5698 152ND WAY NW	303.49	30.00	21.04	354.53
733313	Property Owner	City Services	7282 BUNKER LAKE BLVD NW	307.19	30.00	21.29	358.48
733424	Property Owner	City Services	8719 152ND AVE NW	307.19	30.00	21.29	358.48
726499	Property Owner	City Services	5623 157TH AVE NW	309.82	30.00	21.48	361.30
731288	Property Owner	City Services	5871 Sunwood Dr Nw	315.98	30.00	21.90	367.88
731815	Property Owner	City Services	7503 159TH AVENUE NW	317.01	30.00	21.97	368.98
732667	Property Owner	City Services	15780 LITHIUM ST NW	317.77	30.00	22.03	369.80
721923	Property Owner	City Services	14781 Potassium St Nw	319.79	30.00	22.17	371.96
730558	Property Owner	City Services	5440 144TH WAY NW	319.84	30.00	22.17	372.01
731225	Property Owner	City Services	7360 159TH AVENUE NW	323.78	30.00	22.44	376.22
723870	Property Owner	City Services	15404 GERMANIUM ST NW	325.56	30.00	22.57	378.13
727357	Property Owner	City Services	6150 145TH LN NW	328.87	30.00	22.80	381.67
720522	Property Owner	City Services	14057 DYSPROSIUM ST NW	329.74	30.00	22.86	382.60
723598	Property Owner	City Services	6266 RIVLYN AVE NW	329.74	30.00	22.86	382.60
726673	Property Owner	City Services	14211 Xenon St Nw	329.74	30.00	22.86	382.60
728593	Property Owner	City Services	14304 WACO ST NW	329.74	30.00	22.86	382.60
730927	Property Owner	City Services	13730 DOLOMITE ST NW	329.74	30.00	22.86	382.60
731067	Property Owner	City Services	15210 ST FRANCIS BLVD NW	329.74	30.00	22.86	382.60
612064330	Property Owner	City Services	14271 ARGON ST NW	329.74	30.00	22.86	382.60
624030290	Property Owner	City Services	6481 153RD WAY NW	333.76	30.00	23.13	386.89
668342642	Property Owner	City Services	6890 147TH AVE NW	338.93	30.00	23.49	392.42
728272	Property Owner	City Services	15492 TUNGSTEN ST NW	340.21	30.00	23.58	393.79
731246	Property Owner	City Services	7021 RIVERDALE DR	341.57	30.00	23.68	395.25
732717	Property Owner	City Services	14835 Peridot St Nw	345.45	30.00	23.94	399.39
719621	Property Owner	City Services	6841 147TH AVE NW	349.56	30.00	24.23	403.79
722809	Property Owner	City Services	13650 GARNET ST NW	349.56	30.00	24.23	403.79
723637	Property Owner	City Services	15245 GERMANIUM CIR NW	349.56	30.00	24.23	403.79
724540	Property Owner	City Services	16829 OLIVINE ST NW	349.56	30.00	24.23	403.79
726063	Property Owner	City Services	16919 KAMACITE ST NW	349.56	30.00	24.23	403.79

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729646	Property Owner	City Services	15035 RABBIT ST NW	349.56	30.00	24.23	403.79
732068	Property Owner	City Services	15005 TIGER STREET NW	349.56	30.00	24.23	403.79
732518	Property Owner	City Services	15419 RADIUM ST NW	349.56	30.00	24.23	403.79
488325558	Property Owner	City Services	6861 146TH CIR NW	349.56	30.00	24.23	403.79
563275330	Property Owner	City Services	4980 155TH LN NW	349.56	30.00	24.23	403.79
624588913	Property Owner	City Services	16250 IODINE ST	349.56	30.00	24.23	403.79
661268122	Property Owner	City Services	5844 151ST LN	349.56	30.00	24.23	403.79
691167119	Property Owner	City Services	14672 Iodine Ct Nw	349.56	30.00	24.23	403.79
725699	Property Owner	City Services	16904 Feldspar St Nw	349.62	30.00	24.23	403.85
731778	Property Owner	City Services	15472 TUNGSTEN ST NW	352.82	30.00	24.46	407.28
732654	Property Owner	City Services	5842 158TH AVE NW	353.20	30.00	24.48	407.68
733859	Property Owner	City Services	6650 HWY 10 NW	354.03	30.00	24.54	408.57
654451299	Property Owner	City Services	6460 153RD WAY NW	355.92	30.00	24.67	410.59
619942281	Property Owner	City Services	5021 143RD LN NW	361.55	30.00	25.06	416.61
732637	Property Owner	City Services	6828 170TH TRL NW	362.27	30.00	25.11	417.38
732242	Property Owner	City Services	15525 SODIUM WAY NW	365.36	30.00	25.32	420.68
726259	Property Owner	City Services	5346 140th Ave Nw	365.66	30.00	25.35	421.01
729525	Property Owner	City Services	6200 142ND LN NW	366.41	30.00	25.40	421.81
733205	Property Owner	City Services	14231 Uranium St Nw	366.71	30.00	25.42	422.13
1001898	Property Owner	City Services	5581 148TH LN NW	371.04	30.00	25.72	426.76
730791	Property Owner	City Services	14631 Fluorine St Nw	372.04	30.00	25.79	427.83
725372	Property Owner	City Services	15390 Germanium St Nw	372.14	30.00	25.79	427.93
75126357	Property Owner	City Services	15121 BARIUM ST NW	373.35	30.00	25.88	429.23
723889	Property Owner	City Services	14620 NEON ST NW	375.30	30.00	26.01	431.31
732547	Property Owner	City Services	7396 159TH AVE NW	378.24	30.00	26.22	434.46
732581	Property Owner	City Services	6360 SUNFISH LAKE CT NW	380.00	30.00	26.34	436.34
730256	Property Owner	City Services	14610 WACO ST NW	381.00	30.00	26.41	437.41
730494	Property Owner	City Services	5425 144th Way Nw	387.93	30.00	26.89	444.82
630126799	Property Owner	City Services	5780 157TH LN NW	389.82	30.00	27.02	446.84
726428	Property Owner	City Services	5660 148TH LN NW	391.57	30.00	27.14	448.71
674644633	Property Owner	City Services	5425 152ND AVE NW	397.14	30.00	27.53	454.67
726677	Property Owner	City Services	5698 154TH CROSSING NW	402.84	30.00	27.92	460.76
728185	Property Owner	City Services	15320 WACO CT NW	410.66	30.00	28.46	469.12
733097	Property Owner	City Services	6168 146th Ave Nw	414.06	30.00	28.70	472.76
730647	Property Owner	City Services	13899 Ironstone Trl Nw	429.80	30.00	29.79	489.59
615416800	Property Owner	City Services	14767 Kamacite St Nw	430.28	30.00	29.82	490.10
720275	Property Owner	City Services	14069 DYSPROSIUM ST NW	433.81	30.00	30.07	493.88
728359	Property Owner	City Services	5419 145th Ave Nw	436.32	30.00	30.24	496.56
732513	Property Owner	City Services	14940 XKIMO ST NW	442.94	30.00	30.70	503.64

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Account No.	Account Name	Description	Property Address	Delinquent Amount	Admin Fee	Interest (5.50%)	Total Subject to Certification
730043	Property Owner	City Services	7359 146TH CROSSING NW	447.14	30.00	30.99	508.13
727568	Property Owner	City Services	5860 141ST LN NW	449.56	30.00	31.16	510.72
495635343	Property Owner	City Services	14168 ARGON ST NW	457.50	30.00	31.71	519.21
732972	Property Owner	City Services	7266 BUNKER LAKE BLVD NW	458.14	30.00	31.76	519.90
723526	Property Owner	City Services	6891 170TH AVE NW	458.85	30.00	31.81	520.66
730353	Property Owner	City Services	5662 154TH CT NW	459.57	30.00	31.86	521.43
723635	Property Owner	City Services	14720 GERMANIUM ST NW	459.75	30.00	31.87	521.62
728041	Property Owner	City Services	14177 NEON ST NW	461.51	30.00	31.99	523.50
221762292	Property Owner	City Services	6326 RIVERDALE DR NW	478.72	30.00	33.18	541.90
730505	Property Owner	City Services	14280 DYSPROSIUM ST NW	484.29	30.00	33.57	547.86
730975	Property Owner	City Services	14649 Iodine Ct Nw	486.57	30.00	33.73	550.30
732364	Property Owner	City Services	14183 ARGON ST NW	491.94	30.00	34.10	556.04
624617034	Property Owner	City Services	6261 142nd Ln Nw	492.05	30.00	34.11	556.16
676319625	Property Owner	City Services	14183 BARIUM ST NW	492.90	30.00	34.17	557.07
726497	Property Owner	City Services	5293 143RD AVE NW	493.62	30.00	34.22	557.84
728800	Property Owner	City Services	5840 141ST LN NW	502.31	30.00	34.82	567.13
732871	Property Owner	City Services	15484 TUNGSTEN ST NW	507.67	30.00	35.19	572.86
728547	Property Owner	City Services	15210 SODIUM ST NW	509.92	30.00	35.35	575.27
729512	Property Owner	City Services	13927 Ironstone Ter Nw	518.10	30.00	35.91	584.01
732277	Property Owner	City Services	5295 142ND LN NW	519.05	30.00	35.98	585.03
718951	Property Owner	City Services	7081 147TH LN NW	523.35	30.00	36.28	589.63
726010	Property Owner	City Services	7897 148TH LN NW	523.35	30.00	36.28	589.63
726114	Property Owner	City Services	15463 Iodine St Nw	523.35	30.00	36.28	589.63
729149	Property Owner	City Services	14523 ARGON ST NW	523.35	30.00	36.28	589.63
730250	Property Owner	City Services	14604 OLIVINE ST NW	523.35	30.00	36.28	589.63
730574	Property Owner	City Services	15495 SODIUM ST NW	523.35	30.00	36.28	589.63
732300	Property Owner	City Services	15452 SODIUM ST	523.35	30.00	36.28	589.63
635542758	Property Owner	City Services	7100 148th Ave Nw	523.35	30.00	36.28	589.63
727766	Property Owner	City Services	7463 159TH AVE NW	524.24	30.00	36.34	590.58
732221	Property Owner	City Services	15175 QUINTANA COURT NW	526.53	30.00	36.50	593.03
730625	Property Owner	City Services	14420 RADIUM ST NW	529.71	30.00	36.72	596.43
725293	Property Owner	City Services	14264 WACO ST NW	533.75	30.00	37.00	600.75
718932	Property Owner	City Services	14689 SODIUM ST NW	536.06	30.00	37.16	603.22
732207	Property Owner	City Services	15111 SODIUM ST NW	538.26	30.00	37.31	605.57
730982	Property Owner	City Services	7962 SUNWOOD DR NW	542.06	30.00	37.57	609.63
730485	Property Owner	City Services	14200 WACO ST NW	561.47	30.00	38.92	630.39
731542	Property Owner	City Services	7335 146TH CROSSING NW	562.01	30.00	38.96	630.97
729208	Property Owner	City Services	15582 XKIMO CT NW	564.99	30.00	39.16	634.15
732400	Property Owner	City Services	15183 QUINTANA COURT NW	568.93	30.00	39.44	638.37

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728280	Property Owner	City Services	15376 VANADIUM ST NW	571.53	30.00	39.62	641.15
655183808	Property Owner	City Services	15776 Osmium St Nw	574.54	30.00	39.82	644.36
616388828	Property Owner	City Services	14420 FLUORINE CT NW	579.95	30.00	40.20	650.15
725736	Property Owner	City Services	14750 POTASSIUM ST NW	588.20	30.00	40.77	658.97
723066	Property Owner	City Services	16206 SAPPHIRE ST NW	590.71	30.00	40.95	661.66
726861	Property Owner	City Services	6921 137th Ln Nw	601.03	30.00	41.66	672.69
727921	Property Owner	City Services	5061 143RD LN NW	605.85	30.00	41.99	677.84
725247	Property Owner	City Services	6981 169TH LN NW	611.33	30.00	42.37	683.70
701128448	Property Owner	City Services	15290 URANIUM ST NW	618.54	30.00	42.87	691.41
728605	Property Owner	City Services	14361 Tungsten Way Nw	623.61	30.00	43.23	696.84
642717915	Property Owner	City Services	5970 144TH LN NW	628.48	30.00	43.56	702.04
724502	Property Owner	City Services	6122 146TH LN NW	633.57	30.00	43.92	707.49
725036	Property Owner	City Services	14838 GERMANIUM ST NW	635.48	30.00	44.05	709.53
733043	Property Owner	City Services	14210 XENON ST NW	639.60	30.00	44.33	713.93
732026	Property Owner	City Services	16714 LIMONITE ST NW	641.38	30.00	44.46	715.84
731481	Property Owner	City Services	15354 Iodine St Nw	645.26	30.00	44.73	719.99
383361	Property Owner	City Services	14715 HELIUM ST NW	651.57	30.00	45.16	726.73
730683	Property Owner	City Services	15435 Iodine St Nw	653.66	30.00	45.31	728.97
731082	Property Owner	City Services	14964 SNOWY OWL STREET NW	656.94	30.00	45.54	732.48
720731	Property Owner	City Services	14220 DYSPROSIUM ST NW	657.50	30.00	45.57	733.07
727604	Property Owner	City Services	5344 142ND CIR NW	657.50	30.00	45.57	733.07
730456	Property Owner	City Services	14210 XENON ST NW	657.50	30.00	45.57	733.07
730677	Property Owner	City Services	5489 BUNKER LAKE BLVD NW	657.50	30.00	45.57	733.07
731245	Property Owner	City Services	14157 COBALT CIR NW	657.50	30.00	45.57	733.07
624365442	Property Owner	City Services	5342 142ND LN NW	657.50	30.00	45.57	733.07
681415286	Property Owner	City Services	15200 UTE ST NW	657.50	30.00	45.57	733.07
730292	Property Owner	City Services	15025 RABBIT ST NW	659.74	30.00	45.73	735.47
730083	Property Owner	City Services	7354 146TH AVE NW	662.19	30.00	45.90	738.09
728657	Property Owner	City Services	7224 170TH TRL NW	671.31	30.00	46.53	747.84
728004	Property Owner	City Services	7112 148TH LN NW	673.01	30.00	46.65	749.66
726780	Property Owner	City Services	14024 DYSPROSIUM ST NW	676.57	30.00	46.90	753.47
732532	Property Owner	City Services	14800 WILLEMITE ST NW	681.46	30.00	47.24	758.70
682682655	Property Owner	City Services	5901 157TH LN NW	685.61	30.00	47.52	763.13
708036839	Property Owner	City Services	6093 146TH LN NW	687.20	30.00	47.63	764.83
729689	Property Owner	City Services	5304 143RD AVE NW	692.70	30.00	48.01	770.71
732148	Property Owner	City Services	5356 142ND CIR NW	695.81	30.00	48.23	774.04
732670	Property Owner	City Services	5787 152ND WAY NW	696.96	30.00	48.31	775.27
718590	Property Owner	City Services	5410 144TH WAY NW	697.14	30.00	48.32	775.46
718944	Property Owner	City Services	13881 IRONSTONE TRL NW	697.14	30.00	48.32	775.46

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722311	Property Owner	City Services	5870 142ND AVE NW	697.14	30.00	48.32	775.46
722409	Property Owner	City Services	15517 SODIUM ST	697.14	30.00	48.32	775.46
726447	Property Owner	City Services	13895 Ironstone Trl Nw	697.14	30.00	48.32	775.46
727314	Property Owner	City Services	5535 149TH LN NW	697.14	30.00	48.32	775.46
727353	Property Owner	City Services	15143 HELIUM ST NW	697.14	30.00	48.32	775.46
727427	Property Owner	City Services	5441 145TH AVE NW	697.14	30.00	48.32	775.46
728253	Property Owner	City Services	13946 Ironstone Ter Nw	697.14	30.00	48.32	775.46
728530	Property Owner	City Services	6930 137TH LN NW	697.14	30.00	48.32	775.46
728784	Property Owner	City Services	7340 146TH AVE NW	697.14	30.00	48.32	775.46
728789	Property Owner	City Services	7040 137TH LN NW	697.14	30.00	48.32	775.46
730952	Property Owner	City Services	14881 OLIVINE ST NW	697.14	30.00	48.32	775.46
731205	Property Owner	City Services	14656 ARGON ST NW	697.14	30.00	48.32	775.46
731350	Property Owner	City Services	7235 E RAMSEY PKWY	697.14	30.00	48.32	775.46
640142287	Property Owner	City Services	14217 XKIMO ST NW	697.14	30.00	48.32	775.46
686995691	Property Owner	City Services	15437 SODIUM ST	697.14	30.00	48.32	775.46
687280690	Property Owner	City Services	15441 SODIUM ST	697.14	30.00	48.32	775.46
688986875	Property Owner	City Services	15430 RADIUM ST NW	697.14	30.00	48.32	775.46
704292051	Property Owner	City Services	14617 Olivine St Nw	697.14	30.00	48.32	775.46
714419068	Property Owner	City Services	14221 Xenon St Nw	697.14	30.00	48.32	775.46
717676997	Property Owner	City Services	7293 E RAMSEY PKWY	697.14	30.00	48.32	775.46
726269	Property Owner	City Services	7801 148TH LN NW	697.55	30.00	48.35	775.90
731180	Property Owner	City Services	14640 HEMATITE ST NW	700.03	30.00	48.52	778.55
731699	Property Owner	City Services	14700 HELIUM ST NW	700.32	30.00	48.54	778.86
723479	Property Owner	City Services	7010 170TH TRL NW	706.85	30.00	49.00	785.85
724240	Property Owner	City Services	4881 142ND LN NW	707.20	30.00	49.02	786.22
718505	Property Owner	City Services	5041 143RD LN NW	709.85	30.00	49.20	789.05
721099	Property Owner	City Services	15210 Germanium St Nw	709.85	30.00	49.20	789.05
725327	Property Owner	City Services	15473 RADIUM ST NW	710.02	30.00	49.22	789.24
718276	Property Owner	City Services	4965 155TH LN NW	710.45	30.00	49.24	789.69
729283	Property Owner	City Services	7303 E RAMSEY PKWY	713.20	30.00	49.44	792.64
731843	Property Owner	City Services	14931 WACO ST NW	716.11	30.00	49.64	795.75
720871	Property Owner	City Services	7809 148TH LN NW	716.21	30.00	49.64	795.85
718887	Property Owner	City Services	7263 148TH LN NW	719.39	30.00	49.86	799.25
15601245	Property Owner	City Services	14330 TUNGSTEN ST NW	719.39	30.00	49.86	799.25
726171	Property Owner	City Services	13923 Ironstone Ter Nw	722.57	30.00	50.08	802.65
664650189	Property Owner	City Services	14281 XKIMO ST NW	725.75	30.00	50.31	806.06
727071	Property Owner	City Services	14150 MAGNESIUM ST NW	726.81	30.00	50.38	807.19
674477357	Property Owner	City Services	15600 XKIMO CT NW	728.36	30.00	50.49	808.85
728714	Property Owner	City Services	14643 HELIUM ST NW	728.93	30.00	50.53	809.46

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730580	Property Owner	City Services	13671 Garnet St Nw	732.21	30.00	50.75	812.96
703434209	Property Owner	City Services	14681 Hematite St Nw	732.42	30.00	50.77	813.19
483753338	Property Owner	City Services	14950 ZUNI ST NW	738.76	30.00	51.21	819.97
724013	Property Owner	City Services	14058 DYSPROSIUM ST NW	740.67	30.00	51.34	822.01
12661013	Property Owner	City Services	14340 TUNGSTEN ST NW	741.95	30.00	51.43	823.38
483466061	Property Owner	City Services	14411 RADIUM ST NW	742.04	30.00	51.43	823.47
724349	Property Owner	City Services	14361 POTASSIUM ST NW	743.06	30.00	51.51	824.57
614755957	Property Owner	City Services	7600 163RD LANE NW	744.82	30.00	51.63	826.45
729296	Property Owner	City Services	15220 TONTO ST NW	748.60	30.00	51.89	830.49
723112	Property Owner	City Services	5775 152ND WAY NW	751.47	30.00	52.09	833.56
422874913	Property Owner	City Services	15111 TONTO ST NW	751.68	30.00	52.10	833.78
655531873	Property Owner	City Services	14292 TUNGSTEN WAY NW	751.78	30.00	52.11	833.89
644258397	Property Owner	City Services	14150 DYSPROSIUM ST NW	752.72	30.00	52.17	834.89
671156957	Property Owner	City Services	14671 ARGON ST NW	755.15	30.00	52.34	837.49
725134	Property Owner	City Services	14671 HELIUM ST NW	758.72	30.00	52.59	841.31
616598	Property Owner	City Services	14143 ARGON ST NW	760.07	30.00	52.68	842.75
725448	Property Owner	City Services	4991 150TH LN NW	760.61	30.00	52.72	843.33
458263652	Property Owner	City Services	14532 Krypton St Nw	760.63	30.00	52.72	843.35
492588120	Property Owner	City Services	15211 URANIUM ST NW	761.71	30.00	52.80	844.51
719427	Property Owner	City Services	5324 142ND LN NW	763.55	30.00	52.93	846.48
724385	Property Owner	City Services	15429 Iodine St Nw	767.34	30.00	53.19	850.53
731537	Property Owner	City Services	15759 Neon St Nw	770.65	30.00	53.42	854.07
731795	Property Owner	City Services	13885 IRONSTONE TRL NW	771.40	30.00	53.47	854.87
714596885	Property Owner	City Services	14200 XENON ST	773.98	30.00	53.65	857.63
729284	Property Owner	City Services	14270 URANIUM ST NW	774.82	30.00	53.71	858.53
722974	Property Owner	City Services	7850 149TH AVE NW	777.50	30.00	53.89	861.39
718302	Property Owner	City Services	15396 VANADIUM ST NW	779.45	30.00	54.03	863.48
725523	Property Owner	City Services	6991 137TH LN NW	779.64	30.00	54.04	863.68
719145	Property Owner	City Services	15603 Iodone St Nw	783.78	30.00	54.33	868.11
724911	Property Owner	City Services	5388 141ST AVE NW	783.95	30.00	54.34	868.29
400257680	Property Owner	City Services	6001 144TH LN NW	790.25	30.00	54.78	875.03
279369	Property Owner	City Services	14844 WACO ST NW	797.62	30.00	55.29	882.91
719797	Property Owner	City Services	6981 137TH LN NW	799.25	30.00	55.40	884.65
406276984	Property Owner	City Services	7029 HWY 10 NW	800.04	30.00	55.45	885.49
728809	Property Owner	City Services	7675 147TH TER NW	803.33	30.00	55.68	889.01
728580	Property Owner	City Services	5815 158TH AVE NW	806.71	30.00	55.92	892.63
730610	Property Owner	City Services	6190 144TH LN NW	806.93	30.00	55.93	892.86
714055984	Property Owner	City Services	5420 144TH WAY NW	811.46	30.00	56.25	897.71
613511633	Property Owner	City Services	14751 XKIMO ST NW	813.56	30.00	56.39	899.95

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719238	Property Owner	City Services	7266 149TH AVE NW	813.67	30.00	56.40	900.07
731681	Property Owner	City Services	14960 XKIMO ST NW	813.67	30.00	56.40	900.07
722933	Property Owner	City Services	14568 WACO ST NW	817.56	30.00	56.67	904.23
723120	Property Owner	City Services	5251 149TH LN NW	833.30	30.00	57.76	921.06
727101	Property Owner	City Services	14433 Iodine St Nw	837.08	30.00	58.02	925.10
726727	Property Owner	City Services	6951 147th Ave Nw	837.90	30.00	58.08	925.98
383621341	Property Owner	City Services	6160 144TH LN NW	844.28	30.00	58.52	932.80
718886	Property Owner	City Services	7271 148TH LN NW	848.34	30.00	58.80	937.14
719231	Property Owner	City Services	5981 144TH LN NW	849.22	30.00	58.86	938.08
727159	Property Owner	City Services	5145 149TH LN NW	853.25	30.00	59.14	942.39
620856544	Property Owner	City Services	5231 148TH AVE NW	865.05	30.00	59.96	955.01
724786	Property Owner	City Services	14700 Fluorine St Nw	867.03	30.00	60.10	957.13
724180	Property Owner	City Services	15423 IODINE ST NW	867.67	30.00	60.14	957.81
728207	Property Owner	City Services	15795 OSMIUM ST NW	877.18	30.00	60.80	967.98
668134792	Property Owner	City Services	14412 IODINE ST NW	882.69	30.00	61.18	973.87
732908	Property Owner	City Services	6841 137th Ln Nw	887.03	30.00	61.48	978.51
728947	Property Owner	City Services	14183 NEON ST NW	889.61	30.00	61.66	981.27
720009	Property Owner	City Services	16212 LITHIUM CT NW	890.63	30.00	61.73	982.36
720602	Property Owner	City Services	5941 143RD LN NW	890.64	30.00	61.73	982.37
704226711	Property Owner	City Services	5991 146TH AVE NW	908.18	30.00	62.95	1,001.13
718795	Property Owner	City Services	16718 LIMONITE ST NW	924.50	30.00	64.08	1,018.58
674018518	Property Owner	City Services	15539 Iodine Ct Nw	927.35	30.00	64.28	1,021.63
725284	Property Owner	City Services	5720 145TH CT NW	928.19	30.00	64.34	1,022.53
731256	Property Owner	City Services	14190 VANADIUM ST NW	934.86	30.00	64.80	1,029.66
636283628	Property Owner	City Services	15331 WACO CT NW	943.27	30.00	65.38	1,038.65
703426665	Property Owner	City Services	15291 URANIUM ST NW	943.28	30.00	65.38	1,038.66
719881	Property Owner	City Services	14866 OLIVINE ST NW	944.64	30.00	65.48	1,040.12
729894	Property Owner	City Services	14233 XKIMO ST NW	944.64	30.00	65.48	1,040.12
925859	Property Owner	City Services	14771 FLUORINE ST NW	944.64	30.00	65.48	1,040.12
729294	Property Owner	City Services	15240 Germanium St Nw	952.47	30.00	66.02	1,048.49
720416	Property Owner	City Services	5821 Sunwood Dr Nw	964.32	30.00	66.84	1,061.16
730366	Property Owner	City Services	14884 WACO ST NW	977.06	30.00	67.72	1,074.78
727415	Property Owner	City Services	14729 Krypton St Nw	989.86	30.00	68.61	1,088.47
722893	Property Owner	City Services	5739 152 WAY NW	992.28	30.00	68.78	1,091.06
719939	Property Owner	City Services	5710 158TH CT	1,010.71	30.00	70.06	1,110.77
731477	Property Owner	City Services	9525 156TH AVE NW	1,026.52	30.00	71.15	1,127.67
722353	Property Owner	City Services	14705 QUICKSILVER ST	1,027.14	30.00	71.20	1,128.34
660192154	Property Owner	City Services	5260 149TH LN NW	1,027.14	30.00	71.20	1,128.34
729282	Property Owner	City Services	14774 ZEOLITE ST NW	1,041.23	30.00	72.17	1,143.40

"Delinquent Amount" is due 11/15/2022. If unpaid by deadline, "Total Subject to Certification" will be assessed to 2023 property taxes.

Account No.	Account Name	Description	Property Address	Delinquent Amount	Admin Fee	Interest (5.50%)	Total Subject to Certification
453404808	Property Owner	City Services	5811 157TH LN NW	1,043.43	30.00	72.33	1,145.76
723875	Property Owner	City Services	7221 167TH TER NW	1,055.68	30.00	73.17	1,158.85
496329287	Property Owner	City Services	15200 Germanium St Nw	1,056.65	30.00	73.24	1,159.89
721499	Property Owner	City Services	6200 145TH LN NW	1,060.17	30.00	73.49	1,163.66
727902	Property Owner	City Services	5713 160TH LN NW	1,063.16	30.00	73.69	1,166.85
718401	Property Owner	City Services	7070 148th Ave Nw	1,074.44	30.00	74.47	1,178.91
731650	Property Owner	City Services	6193 147th Ave Nw	1,079.80	30.00	74.85	1,184.65
414754675	Property Owner	City Services	5601 146TH AVE NW	1,094.40	30.00	75.86	1,200.26
705353699	Property Owner	City Services	14211 VANADIUM ST NW	1,108.19	30.00	76.81	1,215.00
633699046	Property Owner	City Services	15774 Neon St Nw	1,115.70	30.00	77.33	1,223.03
665908786	Property Owner	City Services	14400 Iodine St Nw	1,127.86	30.00	78.18	1,236.04
730550	Property Owner	City Services	5970 142ND AVE NW	1,129.17	30.00	78.27	1,237.44
718685	Property Owner	City Services	16710 LIMONITE ST NW	1,129.56	30.00	78.30	1,237.86
728202	Property Owner	City Services	14645 ARGON ST NW	1,130.84	30.00	78.38	1,239.22
723220	Property Owner	City Services	16041 IODINE ST	1,130.94	30.00	78.39	1,239.33
634668003	Property Owner	City Services	15460 YAKIMA ST NW	1,133.52	30.00	78.57	1,242.09
718562	Property Owner	City Services	6174 146th Ave Nw	1,133.71	30.00	78.58	1,242.29
731426	Property Owner	City Services	15031 SNOWY OWL STREET NW	1,134.45	30.00	78.63	1,243.08
719818	Property Owner	City Services	5770 162ND LN NW	1,137.78	30.00	78.87	1,246.65
1321918	Property Owner	City Services	14880 ZUNI ST NW	1,148.96	30.00	79.64	1,258.60
729338	Property Owner	City Services	7674 147TH LN NW	1,160.71	30.00	80.45	1,271.16
724436	Property Owner	City Services	15770 KRYPTON CT NW	1,184.44	30.00	82.10	1,296.54
727260	Property Owner	City Services	14834 PERIDOT ST NW	1,186.96	30.00	82.27	1,299.23
386213765	Property Owner	City Services	7435 HWY 10 NW	1,198.68	30.00	83.09	1,311.77
492505827	Property Owner	City Services	5521 144TH AVENUE NW	1,215.91	30.00	84.28	1,330.19
732053	Property Owner	City Services	6940 169th Ln Nw	1,218.73	30.00	84.48	1,333.21
718377	Property Owner	City Services	14777 XKIMO ST NW	1,232.46	30.00	85.43	1,347.89
425486525	Property Owner	City Services	7051 137th Ave Nw	1,233.95	30.00	85.53	1,349.48
730624	Property Owner	City Services	7518 160TH AVENUE NW	1,245.85	30.00	86.36	1,362.21
720353	Property Owner	City Services	5960 144TH CIR NW	1,289.61	30.00	89.39	1,409.00
705131998	Property Owner	City Services	15491 YAKIMA CT S	1,294.25	30.00	89.71	1,413.96
732672	Property Owner	City Services	6021 HWY 10 NW	1,296.53	30.00	89.87	1,416.40
726033	Property Owner	City Services	14550 IODINE ST NW	1,303.98	30.00	90.39	1,424.37
675624428	Property Owner	City Services	6855 148TH LN NW	1,316.73	30.00	91.27	1,438.00
732569	Property Owner	City Services	14128 ARGON ST NW	1,322.43	30.00	91.66	1,444.09
731805	Property Owner	City Services	6985 168TH LANE NW	1,330.21	30.00	92.20	1,452.41
383470283	Property Owner	City Services	14991 WACO ST NW	1,337.54	30.00	92.71	1,460.25
728648	Property Owner	City Services	16071 SAPPHIRE ST NW	1,351.36	30.00	93.67	1,475.03
728633	Property Owner	City Services	14690 HEMATITE ST NW	1,353.46	30.00	93.82	1,477.28

"Delinquent Amount" is due 11/15/2022. If unpaid by deadline, "Total Subject to Certification" will be assessed to 2023 property taxes.

Account No.	Account Name	Description	Property Address	Delinquent Amount	Admin Fee	Interest (5.50%)	Total Subject to Certification
724305	Property Owner	City Services	15490 XKIMO ST	1,375.18	30.00	95.32	1,500.50
733483	Property Owner	City Services	14191 EBONY ST NW	1,398.53	30.00	96.94	1,525.47
674033735	Property Owner	City Services	6220 152ND AVE NW	1,404.26	30.00	97.34	1,531.60
722700	Property Owner	City Services	15840 Osmium St Nw	1,422.45	30.00	98.60	1,551.05
727270	Property Owner	City Services	15340 XKIMO ST NW	1,457.44	30.00	101.02	1,588.46
719752	Property Owner	City Services	14721 Potassium St Nw	1,471.52	30.00	102.00	1,603.52
729102	Property Owner	City Services	15236 Germanium Cir Nw	1,490.68	30.00	103.33	1,624.01
718613	Property Owner	City Services	14635 SODIUM ST NW	1,496.13	30.00	103.70	1,629.83
713598964	Property Owner	City Services	15326 ZUNI CT	1,518.96	30.00	105.29	1,654.25
724274	Property Owner	City Services	5962 151ST LN NW	1,522.14	30.00	105.51	1,657.65
721259	Property Owner	City Services	7050 137th Ave Nw	1,525.63	30.00	105.75	1,661.38
422439531	Property Owner	City Services	7031 147TH LN NW	1,541.85	30.00	106.87	1,678.72
727457	Property Owner	City Services	13640 HEMATITE CIR NW	1,557.76	30.00	107.98	1,695.74
668488991	Property Owner	City Services	5443 145TH AVE NW	1,562.54	30.00	108.31	1,700.85
732563	Property Owner	City Services	5695 160TH LN NW	1,630.99	30.00	113.05	1,774.04
722177	Property Owner	City Services	5641 146th Ave Nw	1,674.75	30.00	116.09	1,820.84
729975	Property Owner	City Services	16054 SAPPHIRE ST NW	1,692.97	30.00	117.35	1,840.32
729216	Property Owner	City Services	6750 HWY 10 NW	1,707.06	30.00	118.32	1,855.38
650528156	Property Owner	City Services	14760 Potassium St Nw	1,735.50	30.00	120.30	1,885.80
726326	Property Owner	City Services	9619 Hwy 10 Nw	1,737.64	30.00	120.44	1,888.08
722418	Property Owner	City Services	6821 147th Ave Nw	1,932.81	30.00	133.97	2,096.78
673670027	Property Owner	City Services	15386 KRYPTON ST NW	2,021.07	30.00	140.09	2,191.16
494614209	Property Owner	City Services	6501 MCKINLEY AVE NW	2,201.98	30.00	152.63	2,384.61
730422	Property Owner	City Services	14670 SODIUM ST NW	2,840.05	30.00	196.86	3,066.91
732170	Property Owner	City Services	6135-A RIVLYN AVE NW	3,649.22	30.00	252.95	3,932.17
730042	Property Owner	City Services	7257 147th Ter Nw	20.77	30.00	1.44	52.21
733582	Property Owner	City Services	7850 SUNWOOD DR NW	24.25	30.00	1.68	55.93
732712	Property Owner	City Services	14180 Xenon St Nw	26.66	30.00	1.85	58.51
53644381	Property Owner	City Services	8301 151st Ln Nw	30.11	30.00	2.09	62.20
726246	Property Owner	City Services	7055 139TH AVE NW	31.95	30.00	2.21	64.16
732855	Property Owner	City Services	6640 153RD CT NW	36.22	30.00	2.51	68.73
726423	Property Owner	City Services	16381 Ferret St Nw	38.56	30.00	2.67	71.23
731137	Property Owner	City Services	15140 Chameleon St Nw	38.62	30.00	2.68	71.30
726057	Property Owner	City Services	5361 156th Ln Nw	39.61	30.00	2.75	72.36
654015179	Property Owner	City Services	15243 Nowthen Blvd Nw	44.15	30.00	3.06	77.21
729906	Property Owner	City Services	7108 159th Ln Nw	46.55	30.00	3.23	79.78
733849	Property Owner	City Services	7431 151st Ave Nw	52.04	30.00	3.61	85.65
731181	Property Owner	City Services	14639 QUARTZ TER	60.92	30.00	4.22	95.14
733811	Property Owner	City Services	7289 146TH AVE NW	61.96	30.00	4.29	96.25

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Account No.	Account Name	Description	Property Address	Delinquent Amount	Admin Fee	Interest (5.50%)	Total Subject to Certification
733440	Property Owner	City Services	15481 YAKIMA CT	71.26	30.00	4.94	106.20
730619	Property Owner	City Services	8502 164th Cir Nw	83.55	30.00	5.79	119.34
729630	Property Owner	City Services	7204 147th Ter Nw	84.20	30.00	5.84	120.04
730915	Property Owner	City Services	14210 XENON ST NW	85.73	30.00	5.94	121.67
729816	Property Owner	City Services	14641 RHINESTONE ST NW	89.70	30.00	6.22	125.92
693891391	Property Owner	City Services	7309 147th Ter Nw	94.38	30.00	6.54	130.92
731011	Property Owner	City Services	15362 IODINE ST NW	98.70	30.00	6.84	135.54
719020	Property Owner	City Services	14600 HELIUM ST NW	104.76	30.00	7.26	142.02
730723	Property Owner	City Services	17350 St Francis Blvd Nw	114.91	30.00	7.96	152.87
733315	Property Owner	City Services	16258 LITHIUM CT NW	118.08	30.00	8.18	156.26
726452	Property Owner	City Services	16220 Dysprosium St Nw	119.01	30.00	8.25	157.26
732365	Property Owner	City Services	8050 147th Ave Nw	130.70	30.00	9.06	169.76
730943	Property Owner	City Services	8062 154th Ave Nw	152.40	30.00	10.56	192.96
733214	Property Owner	City Services	5515 149TH LN NW	165.99	30.00	11.51	207.50
729750	Property Owner	City Services	6936 Riverdale Dr Nw	170.49	30.00	11.82	212.31
728577	Property Owner	City Services	15398 RADIUM ST NW	204.27	30.00	14.16	248.43
729383	Property Owner	City Services	15302 RADIUM WAY NW	258.62	30.00	17.93	306.55
721820	Property Owner	City Services	7675 147TH TER NW	287.33	30.00	19.92	337.25
731835	Property Owner	City Services	15344 Iodine St Nw	337.36	30.00	23.38	390.74
732164	Property Owner	City Services	14586 OLIVINE ST NW	382.79	30.00	26.53	439.32
732538	Property Owner	City Services	5501 146th Ave Nw	385.39	30.00	26.71	442.10
731781	Property Owner	City Services	15481 YAKIMA CT	489.93	30.00	33.96	553.89
729814	Property Owner	City Services	9539 Hwy 10 Nw	782.61	30.00	54.25	866.86
726316	Property Owner	City Services	14781 GERMANIUM ST NW	792.56	30.00	54.94	877.50
730213	Property Owner	City Services	14971 RABBIT ST NW	804.23	30.00	55.75	889.98
15131203	Property Owner	City Services	14320 TUNGSTEN ST NW	1,235.21	30.00	85.62	1,350.83
			Utility Billing Total:	**$ 340,166.02**	**$ 32,370.00**	**$ 23,579.05**	**$ 396,115.07**

29597	Property Owner	Citation 0119	6230 167th Ave NW	75.00	30.00	5.20	110.20
29018	Property Owner	Citation 0074	5431 164th Lane NW	75.00	30.00	5.20	110.20
29915	Property Owner	Citation 0091	5431 164th Lane NW	250.00		17.33	267.33
30011	Property Owner	Citation 0095	5431 164th Lane NW	500.00		34.66	534.66
29772	Property Owner	Citation 0083	15759 Neon St NW	75.00	30.00	5.20	110.20
29841	Property Owner	Citation 0085	15759 Neon St NW	250.00		17.33	267.33

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Account No.	Account Name	Description	Property Address	Delinquent Amount	Admin Fee	Interest (5.50%)	Total Subject to Certification
29022	Property Owner	Citation 0072	15959 Ebony St NW	250.00	30.00	17.33	297.33
29598	Property Owner	Citation 0080	15230 Uranimite St.	75.00	30.00	5.20	110.20
29721	Property Owner	Citation 0081	15230 Uranimite St.	250.00		17.33	267.33
29017	Property Owner	Citation 0067	14950 Peridot St NW	250.00	30.00	17.33	297.33
29910	Property Owner	Citation 0087	15443 Ramsey Blvd NW	75.00	30.00	5.20	110.20
29917	Property Owner	Citation 0090	15443 Ramsey Blvd NW	250.00		17.33	267.33
30018	Property Owner	Citation 0097	15331 Krypton St NW	250.00	30.00	17.33	297.33
29572	Property Owner	Citation 0116	15386 Krypton St NW	75.00	30.00	5.20	110.20
29588	Property Owner	Citation 0120	15386 Krypton St NW	250.00		17.33	267.33
29579	Property Owner	Citations 0118	5650 149th Lane NW	75.00	30.00	5.20	110.20
29600	Property Owner	Citations 0121	5650 149th Lane NW	250.00		17.33	267.33
29766	Property Owner	Abatement	5650 149th Lane NW	3,731.25		258.63	3,989.88
29842	Property Owner	Abatement	5650 149th Lane NW	3,631.25		251.70	3,882.95
29914	Property Owner	Citations 0088	5650 149th Lane NW	75.00		5.20	80.20
29997	Property Owner	Citations 0092	5650 149th Lane NW	250.00		17.33	267.33
30017	Property Owner	Citations 0098	5650 149th Lane NW	500.00		34.66	534.66
29186	Property Owner	Citation 0078	7809 148th Lane NW	250.00	30.00	17.33	297.33
29361	Property Owner	Citation 0079	7809 148th Lane NW	250.00		17.33	267.33
29183	Property Owner	Citation 0077	14760 Bowers Dr NW	250.00	30.00	17.33	297.33
30008	Property Owner	Citation 0099	14760 Bowers Dr NW	75.00	-	5.20	80.20
30116	Property Owner	Citation 0127	14760 Bowers Dr NW	250.00	-	17.33	267.33
29019	Property Owner	Citation 0104	14021 Magnesium St NW	75.00	30.00	5.20	110.20
			Accounts Receivable Total:	**$ 12,612.50**	**$ 390.00**	**$ 874.27**	**$ 13,876.77**
			Total Accounts Subject to Property Tax Certification:	**$ 352,778.52**	**$ 32,760.00**	**$ 24,453.32**	**$ 409,991.84**

"Delinquent Amount" is due 11/15/2022. If unpaid by deadline, "Total Subject to Certification" will be assessed to 2023 property taxes.

City of Ramsey, Minnesota

Delinquent City Services
- As of August 31, 2022-

Prepared By: Finance Dept.

2022 CERTIFICATION

Original Letters Sent 9/2/22

Number of UB Accts: 1080
Number of Accounts Increased from 2021: 108
Percentage of Accounts Increased from 2021: 10.00%

	Amount Delinquent	Admin Fee ($30/acct)	Interest (5.50%)	Total Subject to Certification
Utility Accounts	340,166.02	32,370.00	23,579.05	396,115.07
Accounts Receivable	12,612.50	390.00	874.27	13,876.77
Total	**352,778.52**	**32,760.00**	**24,453.32**	**409,991.84**

Public Hearing Update 9/27/22

Number of UB Accts:
Number of UB Accounts Brought Current Since Letters: 1080
Percentage of UB Accounts Brought Current Since Letters: 100.00%

	Amount Delinquent	Admin Fee ($30/acct)	Interest (5.50%)	Total Subject to Certification
Utility Accounts	-	-	-	-
Accounts Receivable	-	-	-	-
Total	**-**	**-**	**-**	**-**

Final Certification - Post 11/15/22

Number of UB Accts:
Number of UB Accounts Brought Current Since Letters: 1080
Percentage of UB Accounts Brought Current Since Letters: 100.00%

	Amount Delinquent	Admin Fee ($30/acct)	Interest (5.50%)	Total Subject to Certification
Utility Accounts	-	-	-	-
Accounts Receivable	-	-	-	-
Total	**-**	**-**	**-**	**-**
Increase/(decrease) from prior year	*(164,668.89)*	*(15,000.00)*	*(11,414.03)*	*(191,082.92)*

2021 CERTIFICATION

Original Letters Sent 9/3/21

Number of UB Accts: 972
Number of Accounts Increased from 2020: (10)
Percentage of Accounts Increased from 2020: -1.03%

	Amount Delinquent	Admin Fee ($30/acct)	Interest (5.50%)	Total Subject to Certification
Utility Accounts	270,446.92	29,160.00	18,746.17	318,353.09
Accounts Receivable	11,758.75	300.00	815.07	12,873.82
Total	**282,205.67**	**29,460.00**	**19,561.24**	**331,226.91**

Public Hearing Update 9/28/21

Number of UB Accts: 747
Number of UB Accounts Brought Current Since Letters: 225
Percentage of UB Accounts Brought Current Since Letters: 23.15%

	Amount Delinquent	Admin Fee ($30/acct)	Interest (5.50%)	Total Subject to Certification
Utility Accounts	230,883.27	22,410.00	16,003.66	269,296.93
Accounts Receivable	10,858.75	300.00	752.68	11,911.43
Total	**241,742.02**	**22,710.00**	**16,756.34**	**281,208.36**

Final Certification - Post 11/15/21

Number of UB Accts: 493
Number of UB Accounts Brought Current Since Letters: 479
Percentage of UB Accounts Brought Current Since Letters: 49.28%

	Amount Delinquent	Admin Fee ($30/acct)	Interest (5.50%)	Total Subject to Certification
Utility Accounts	153,810.14	14,790.00	10,661.35	179,261.49
Accounts Receivable	10,858.75	210.00	752.68	11,821.43
Total	**164,668.89**	**15,000.00**	**11,414.03**	**191,082.92**
Increase/(decrease) from prior year	*2,127.94*	*30.00*	*24.64*	*2,182.58*

2020 CERTIFICATION

Original Letters Sent 9/3/20

Number of UB Accts: 982
Number of Accounts Increased from 2019: (84)
Percentage of Accounts Increased from 2019: -8.55%

	Amount Delinquent	Admin Fee ($30/acct)	Interest (5.50%)	Total Subject to Certification
Utility Accounts	291,951.27	29,460.00	20,456.94	341,868.21
Accounts Receivable	1,362.50	60.00	95.47	1,517.97
Total	**293,313.77**	**29,520.00**	**20,552.41**	**343,386.18**

Public Hearing Update 9/22/20

Number of UB Accts: 824
Number of UB Accounts Brought Current Since Letters: 158
Percentage of UB Accounts Brought Current Since Letters: 16.09%

	Amount Delinquent	Admin Fee ($30/acct)	Interest (5.50%)	Total Subject to Certification
Utility Accounts	261,754.81	24,720.00	18,341.20	304,816.01
Accounts Receivable	1,362.50	60.00	95.47	1,517.97
Total	**263,117.31**	**24,780.00**	**18,436.67**	**306,333.98**

Final Certification - Post 11/13/20

Number of UB Accts: 499
Number of UB Accounts Brought Current Since Letters: 483
Percentage of UB Accounts Brought Current Since Letters: 49.19%

	Amount Delinquent	Admin Fee ($30/acct)	Interest (5.50%)	Total Subject to Certification
Utility Accounts	161,178.45	14,910.00	11,293.92	187,382.37
Accounts Receivable	1,362.50	60.00	95.47	1,517.97
Total	**162,540.95**	**14,970.00**	**11,389.39**	**188,900.34**
Increase/(decrease) from prior year	*(31,900.90)*	*(1,650.00)*	*(2,205.02)*	*(35,755.92)*

Note: Deadline to pay “Delinquent Amount” is 11/15/2022. If unpaid by deadline, "Total Subject to Certification" will be assessed to 2023 property taxes.

Councilmember introduced the following resolution and moved for its adoption:

RESOLUTION #22-211

RESOLUTION DECLARING COST TO BE ASSESSED AND CALLING FOR A PUBLIC HEARING ON PROPOSED ASSESSMENT FOR PAST-DUE CHARGES ON MUNICIPAL UTILITY BILLS (WHICH MAY INCLUDE WATER, SEWER, STREET LIGHTING, RECYCLING, STORM WATER CHARGES AND PENALTIES INCURRED) AND CURRENT SERVICES RENDERED

WHEREAS, the City of Ramsey provides varying services that are billed directly to residents through the municipal utility bill and through invoices; and

WHEREAS, the Finance Department has calculated the proper amount to be specially assessed against every assessable lot, without regard to cash valuation, as provided by law, and has on file in the city offices a copy of such proposed assessment for public inspection.

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

1) That the amount to be assessed against property owners is declared to be $409,991.84 (includes administrative charges and interest from September 27, 2022 - December 31, 2023).

2) That the principal of the assessments shall be for one (1) year, payable with property taxes payable in 2023 and shall bear an administrative charge of $30.00 for each delinquent bill and shall bear interest at the rate of 5.50 percent per annum from the date of the adoption of the assessment resolution.

3) That a public hearing shall be held on Tuesday, September 27, 2022 at 7:00 p.m. at Ramsey Municipal Center, to pass upon such proposed assessment and at such time and place all persons owing delinquent payments will be given an opportunity to be heard with reference to such assessments.

4) That the City Administrator is hereby directed to cause notice of the public hearing on the proposed assessment to be published in the official newspaper at least two weeks prior to the hearing. He shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.

5) That the owner of any property so assessed may, from the adoption of the assessment and by November 15, 2022, pay the whole assessment without interest charges accrued. Payments received after November 15, 2022 will be refused and the assessment will be certified to the County Auditor for the specified period of one year.

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 13th day of September, 2022.

_____
Mayor

ATTEST:

_____
City Clerk

CC Regular Session **5. 17.**

Meeting Date: 09/13/2022

By: Sean Sullivan, Community Development

Information

Title:

~~Adopt Resolution #22-213 Approving Lease Cancellation for 6701 Hwy 10 NW; Case of Potters Church~~ **Please Note: this item was removed from the Consent Agenda.**

Purpose/Background:

The purpose of this case is to consider adoption or Resolution #22-213 Approving Lease Cancellation for 6701 Hwy 10 NW. The City entered into a lease with Potter's House Christian Community Church, Inc. on November 24th, 2020. The term of the lease is 5 years ending on November 30, 2025. The Lease has clauses for early termination by either the Landlord (City) or Tenant (Potter's Church). 6701 Hwy 10 was purchased through the RALF program. All rent received by the tenants pay for the expenses to maintain and pay taxes for the property. The City does not receive any direct revenue from the leases.

Over the past 10 months the Tenant has had trouble staying current with the rent, utilities and snowplowing for the Premises. On On August 24, 2022 the City sent a Notice of Default via Certified Mail to Potters House Christian Church, Inc. The City received proof of delivery of Certified Mail on August 31, 2022. The amount past due at the time of the Notice of Default was $12,305.43. On three separate occasions partial payment plans were offered to allow the Church to get current with the rent. The City has shown a willingness to work with the Tenant to catch up due to hardships shared by the Tenant with the City. However, this pattern has continued and now the Tenant is $14,441.34 in arrears which includes the September 2022 prorated rent amount to September 15th. Staff and the Property Manager believe this amount due has reached a level that warrants specific action that includes removal of the tenant and execution of an agreement that will allow the City to collect the outstanding rents, utilities and snow plow charges.

Rather than be evicted, the Tenant has asked the City to consider a Lease Cancellation. Staff has work with Premier Commercial Properties (Property Manager) and the City Attorney to draft an agreement that will cancel the lease and provide for a payment plan for Tenant to pay all arrearages. The agreement give the Tenant 1 and a half months to pay the outstanding balance of $14,441.34 and to vacate the Premises on or before September 15, 2022. The agreement is binding and ensures that in the event that the rent is not paid by the Tenant according to the terms a judgment in favor of the City will be obtained.

Staff is asking the City Council to consider the request by the Tenant.

Notification:

No public notification is required. The City has provided written notice of the Notice of Default via certified mail to the Tenant on August 24, 2022 and the Tenant has received that notice on August 31, 2022.

Time Frame/Observations/Alternatives:

As of the date this case was written the tenant is $14,441.34 behind in rent, utilities and snowplowing. The Tenant has been properly noticed and has requested to proceed with the cancelation rather than be evicted. The Cancellation of Lease has not been signed by the Tenant but the Property Manager is in the process of obtaining the necessary signature on September 13, 2022. Based on the inconsistency of the payment of rent and the amount in arrears the Property Manager and Staff believe it is time to move on from this tenant and to try to lease the space to another tenant. There are several alternatives to bring resolution to this matter, they include the following:

1) Adopt Resolution #22-213 Approving Lease Cancellation for 6701 Hwy 10 NW; subject to City Attorney review (Staff Recommendation)
2) Adopt Resolution #22-213 Approving Lease Cancellation for 6701 Hwy 10 NW (with modifications) ; Subject to City Attorney review
3) Adopt Resolution #22-213 Authorizing Eviction of Potter's House Christian Community Church
4) Take no formal action on the Tenant and direct Staff and Property Manager work with Tenant to cure the rent default.
5) Something Else

Funding Source:

Right Of Way Acquisition Loan Fund (RALF). City costs incurred by this action will be funded through rent received from 6701 Hwy 10 NW

Recommendation:

Both Staff and the Property Manager recommend a motion to Adopt Resolution #22-213 Approving Lease Cancellation for 6701 Hwy 10 NW; subject to City Attorney review

Outcome/Action:

Motion to Adopt Resolution #22-213 Approving Lease Cancellation for 6701 Hwy 10 NW; subject to City Attorney review (Staff Recommendation)

Attachments

ACTION - Resolution #22-213
ACTION - Lease Cancellation
Reference - Notice of Default 8.24.22
Reference - Notice of Default 2.16.22

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/08/2022 12:06 PM
Form Started By: Sean Sullivan		Started On: 09/06/2022 12:58 PM
Final Approval Date: 09/08/2022		

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

RESOLUTION #22-213

RESOLUTION APPROVING LEASE CANCELLATION FOR POTTER'S HOUSE CHRISTIAN COMMUNITY CHURCH, INC. AT 6701 HWY 10 NW

WHEREAS, the City of Ramsey (the "Landlord"), entered into a Lease Agreement with Potter's House Christian Community Church, Inc. (the "Tenant") on November 24, 2020 (the "Lease"); and

WHEREAS, the Tenant will be $14,441.34 in arrearages for Rent, utilities and snowplowing as of September 15, 2022; and

WHEREAS, the Landlord has provided the Tenant a Notice of Default via certified mail dated August 24, 2022 and received by the Tenant on August 31, 2022 requesting the default be cured; and

WHEREAS, the Tenant has requested the Landlord defer unlawful detainer action and agree to a voluntary cancellation of the Lease under mutually agreeable terms.

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

1) That the City Council approve a voluntary Lease Cancellation agreement for Potter's House Christian Community Church, Inc. at 6701 Hwy 10 NW, Ramsey, MN 55303 and authorize the Mayor and City Administrator to execute necessary documents to end the lease.

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 13th day of September, 2022.

Mayor

ATTEST:

City Clerk

CANCELLATION OF LEASE
DATE: _____, 2022

PROPERTY ADDRESS

6701 Highway 10 west side - Ramsey, Minnesota 55303

WHEREAS, **City of Ramsey** a Minnesota municipal corporation (Landlord) and **Potter's House Christian Community Church, Inc.** a non-profit corporation organized under the laws of the State of Minnesota (Tenant) have entered into a Lease Agreement dated **November 24th, 2020** ("Lease"):

WHEREAS, The Tenant has been given formal notice that they are in default of the terms of their Lease (A true and correct copy of which is attached hereto and incorporated herein as Exhibit A) by both email and Certified Mail delivered August 31st, 2022 at 11:51am to 10890 133rd Circle North Champlin, Minnesota 55316. A true and correct copy of the statement given to Tenant summarizing amounts of all arrearages due is attached hereto and incorporated herein as Exhibit B.

WHEREAS, Tenant has requested Landlord defer unlawful detainer action and agree to a voluntary cancellation of the Lease under mutually agreeable terms.

NOW THEREFORE: For good and valuable consideration the Landlord and Tenant agree to the following:

1) Tenant admits that they are in default of the lease in the amount of **$14,441.34** through September 15, 2022, to include rent, utilities and snow plowing charges.
2) Tenant shall cease operations and remove all of their possessions by September 15th, 2022, at which time the Landlord will have the full right of possession to the Premises.
3) Tenant shall make payments to the Landlord beginning September 15th, 2022, and every week thereafter until the full amount of the default is paid and which the total default shall be repaid in full no later than October 31st, 2022.
4) Should the Tenant fail to cure the default in full by October 31st, 2022, the parties agree that this Agreement shall constitute a Confession of Judgement and that the Landlord may enter default judgement against the Tenant and pursue any and all legal remedies available for the recovery of the balance due.

Landlord:
City of Ramsey

By:_____
Its: City Administrator
Date:_____

Landlord:
City of Ramsey

By:_____
Its: Mayor
Date:_____

Tenant: Potters House Christian Community Church, Inc.

By:_____
Its: _____
Date: _____

EXHIBIT A

LEASE AGREEMENT

THIS LEASE AGREEMENT (hereinafter "Lease") made as of this 24TH day of NOVEMBER, 2020, is entered into by and between the **City of Ramsey**, a Minnesota municipal corporation, 7550 Sunwood Drive, Ramsey, Minnesota 55303 ("Landlord") and **Potter's House Christian Community Church, Inc.**, a non-profit corporation organized under the laws of the State of Minnesota, 4000 Winnetka Ave N, New Hope, NN 55427, Minnesota ("Tenant"). The Landlord and the Tenant are hereinafter collectively referred to as "the parties" and individually as a "party."

IN CONSIDERATION OF the mutual agreements expressed herein, the parties agree as follows:

1. **Purpose.** Landlord is the fee owner of the Premises described in Paragraph 2 of this Agreement. Tenant desires to rent the Premises from Landlord for Tenant's use as a place of worship and related uses. Landlord is willing to lease the Premises to Tenant pursuant to the terms and conditions of this Lease.

2. **Premises.** The "Premises" consists of the Westerly 4,820 square feet of the office area located in the building located at 6701 Highway 10 Northwest, in Ramsey, Minnesota and which building ("Building") is located on the following legally described property:

Lot 3, Block 1, DEAL INDUSTRIAL PARK, Anoka County, Minnesota.

The Premises also include the nonexclusive use of the paved parking areas adjacent to the Building, excluding the fenced in area. The Tenant's employees and invitees shall not be permitted to the use of those parking areas which interfere with the reasonable use of other tenants located within the Building.

The Premises is depicted on the attached Exhibit A hereto, and is labeled "4,820 sf Office Space" and "Parking." Exhibit A is incorporated herein as if fully set forth in this Lease.

3. **Term.** The term of this Lease is for a period of five years, commencing on December 1, 2020 (the "Commencement Date") and ending at midnight on November 30, 2025, unless extended by written agreement of both parties or sooner terminated as provided herein ("Lease Term"). If Tenant desires to end this Lease after a period of one year, Tenant may do so by providing Landlord with 90 days prior written notice. However, in no event may Tenant terminate this Lease earlier than November 30, 2021. Notwithstanding the Lease Term, Landlord may terminate this Lease at any time at Landlord's sole option upon 90 days prior written notice to Tenant.

4. **Use.** The Premises shall be used by Tenant as a commercial use for worship, educational and outreach purpose programs as directed by Connections Church. Tenant will not make or suffer any unlawful or offensive use of the Premises or any use or occupancy thereof contrary to any federal law, state law or ordinance of the City of Ramsey now or subsequently hereto made. Tenant will not conduct or permit to be conducted any activity, or place any equipment in or about the Premises, which will in any way increase the rate of fire insurance or other insurance on the Premises; and if any increase in the in the rate of fire insurance or other insurance is stated by any insurance company or by the applicable Insurance Rating Bureau to be due to activity or equipment of Tenant in or about the Premises, such statement shall be conclusive evidence that such increase in such rate is due to such activity or equipment and, as a result thereof, Tenant shall be liable for such increase and shall reimburse Landlord therefore and further, shall discontinue or cause the discontinuance of such conduct or shall remove such equipment upon Landlord's demand made at any time thereafter.

5. **Rent.** Tenant covenants and agrees to pay to Landlord at the Landlord's office without demand, monthly rent in the following amounts:

Year 1 (12/1/20 through 11/30/21): $3,500.00
Year 2 (12/1/21 through 11/30/22): $3,587.00
Year 3 (12/1/22 through 11/30/23): $3,677.00
Year 4 (12/1/23 through 11/30/24): $3,769.00
Year 5 (12/1/24 through 11/30/25): $3,863.00

All Rent shall be payable on the first day of each month during the Lease Term. If Landlord does not receive the Rent by the fifth day of the month, Tenant must pay a late fee equal to five percent of the overdue rent payment as an additional rent. Rent is "paid" when Landlord receives it, not when mailed or sent by Tenant.

Tenant contemporaneously with the execution of this Lease shall deposit with Landlord the sum of Three Thousand Five Hundred and 00/100 Dollars ($3,500.00) as first month's gross rent, receipt which is hereby acknowledged by the Landlord.

6. **Additional Rent.** In addition to the Rent set forth in Paragraph 5 of this Lease, Tenant covenants and agrees to pay as additional rent all monies required to be paid by Tenant as set forth in the balance of this Lease. Specifically, but not by way of limitation, the reasonable value of any action taken or materials used by Landlord to correct or mitigate any violations of this Lease by the Tenant shall be deemed additional rent and charged to Tenant payable with the Rent as set forth in Paragraph 5.

7. **Utilities and Trash Removal.** Tenant is solely responsible for paying for all utilities servicing the Premises, including but not limited to, water, natural gas and

electricity. Tenant is also responsible for paying for the removal of all trash and recycling materials generated as a result of Tenant's use of the Premises. Landlord is not responsible for any interruption in such services beyond the reasonable control of Landlord.

8. **Real Estate Taxes and Special Assessments.** Landlord is responsible for the payment of all real estate taxes and special assessments pertaining to the Premises during the Lease Term.

9. **Repair and Maintenance.** Tenant shall keep in good order and repair all glass, including plate glass, and the interior of the Premises, and heating, sprinkler, water and electric fixtures in and upon the Premises, ordinary wear and tear excepted. Tenant shall protect such systems against freezing and damage due to neglect of Tenant, and Tenant shall keep the abutting sidewalks and parking areas free of ice and snow. Tenant shall pay all costs and expenses necessary to maintain the plumbing, heating, air conditioning and electrical systems in and upon the Premises in good order and repair. Landlord shall have the plumbing, heating, air conditioning, and electrical systems in working order on the Commencement Date. Tenant shall be responsible to keep sidewalks adjacent to the Premises neat and clean and in sanitary condition, free from ice and snow, waste or debris and shall neither commit or permit and waste or nuisance thereon. Tenant shall arrange for all necessary maintenance of the Premises, including but not limited to snow removal, except that Landlord shall be responsible for all lawn (grass) maintenance on the grassy areas around the Building. Tenant shall also be responsible for any flower, shrubbery plantings, and or tree pruning it may choose on the front and east side of the Building. Except for lawn (grass) maintenance above referenced, Tenant shall pay 100% of all costs and expenses for such maintenance of any plantings it chooses and/or tree pruning. Tenant shall be solely and exclusively responsible for any and all costs and expenses of any nature or kind whatsoever attributable to the Premises except as herein otherwise provided. Tenant agrees to and shall maintain and keep the interior and exterior areas of the Premises in the same high degree of maintenance and upkeep as when the Tenant takes possession. Provided, however, that Landlord shall be responsible for repair of the foundation, the exterior walls excluding glass and doors, the roof and any defect that is pre-existing as of the date hereof.

10. **Tenant's Improvements, Alterations and Remodeling.** Tenant shall be permitted to perform improvements, alterations or remodeling on or to the Premises consistent with its intended use thereof; provided however, that such improvements shall be done at the sole expense of Tenant and provided that any single improvement reasonably expected to exceed $2,500.00 in cost may be done only with Landlord's prior written consent. Notwithstanding the above, Tenant shall not make any alterations to the

structure, plumbing, electrical, or HVAC systems of the Building without the prior written consent of Landlord.

11. **Signage.** Tenant is permitted signage above the Premises. Costs for signage to be at that expense of the Tenant and must be compliant with sign code and obtain required City approvals.

12. **Assignment or Subletting.** Tenant may not assign, transfer, mortgage or encumber this Lease, and may not sublet, rent or permit occupancy or use of the Premises, or any part thereof, by any third party; no assignment or transfer of this Lease shall be effectuated voluntarily, by operation of law, or otherwise. Any of the foregoing will hereinafter be referred to as an "Assignment" for purposes of this Lease.

13. **Destruction of Premises.** If the Premises are totally destroyed (or so substantially damaged as to be wholly untenable) by storm, fire, earthquake or other casualty, this Lease shall terminate as of the date of such destruction or damage, and Rent shall be accounted for between Landlord and Tenant as of that date. If the Premises are damaged but not rendered wholly untenable and the damage can be fully repaired within 90 days from the date of the damage, Rent shall abate in proportion as the Premises have been damaged, and Landlord shall restore within said 90 day time limit, whereupon payment of full Rent shall re-commence. In the event Landlord fails or refuses to fully repair the Premises within said 90 days, Tenant may terminate this Lease.

14. **Removal of Fixtures.** Unless otherwise approved by Landlord, Tenant must, prior to the termination of this Lease, remove all fixtures and equipment which Tenant has placed in the Premises. Tenant must repair all damage caused by removal of fixtures or equipment.

15. **Entry by Landlord.** Landlord or its agents or representatives may enter the Premises at all reasonable hours to inspect the same, clean, make repairs, alterations and additions thereto or exhibit the Premises to prospective tenants, purchasers or others, or for other reasonable purposes as Landlord may deem necessary or desirable, and Tenant shall not be entitled to any abatement or reduction of Rent, or any other sums due. Tenant waives any claim for damages or for any injury or inconvenience or for interference with Tenant's business, and any other loss occasioned thereby.

16. **Default.** If Tenant defaults for 10 days after written notice from Landlord in paying any Rent, including additional rent, or if Tenant shall be declared bankrupt or insolvent according to law or if Tenant shall make an assignment for the benefit of its creditors or if Tenant shall violate or default in any other covenants, agreements, stipulations or conditions herein and such violation or default shall continue for ten 10 days after written notice from Landlord of such violation or default, then and in such case

Landlord lawfully may immediately, or at any time thereafter, and without notice or demand, enter into and upon the Premises, or any part thereof, in the name of the whole, and repossess the same and expel Tenant and those claiming under it and remove their effects, forcibly if necessary, without being taken or deemed to be guilty of any manner of trespass, and prejudice, and Landlord shall have all remedies and recourse which might otherwise be used by Landlord for arrears of Rent or any breach of covenants contained in this Lease.

17. **Quiet Enjoyment.** Landlord covenants and agrees to allow Tenant to peacefully have, hold and enjoy the Premises during the Lease Term, provided that Tenant pays the Rent set forth herein and performs all of Tenant's other agreements and obligations set forth herein.

18. **Nuisance.** Tenant shall conduct its business and control its agents, employees, invitees and visitors in such a manner as not to create waste, odors, nuisance, or interfere with, annoy or disturb any other tenant of Landlord in its operation of the Building or the Premises.

19. **Hold Harmless and Liability Insurance.** Except in the case of the negligence of Landlord, its agents or its employees, Tenant agrees to indemnify, save, hold harmless and defend Landlord against all claims, losses or liabilities for injury or death to any person or for damage to or loss of use of any property arising or resulting from the occupancy or use by Tenant of the Premises. Landlord shall not be liable to Tenant, its agents, employees, representatives, customers or invitees for any personal injury, death or damage to property caused by theft, burglary, water, gas, electricity, fire or for any other cause occurring on or about the Premises. All property kept, stored or maintained in the Premises shall be so kept, stored or maintained at the sole risk of the Tenant. Tenant further agrees to indemnify, defend and hold harmless Landlord from and against any and all claims arising from any breach or default in the performance of any obligation on Tenant's part to be performed under the terms of this Lease. Further, in no event shall Landlord be liable for damages caused by Tenant or Tenant's employees or agents. The provisions of this Paragraph shall survive the expiration or termination of this Lease with respect to any damage, injury, death, breach or default occurring prior to such expiration or termination.

During the Lease Term and any extension thereof, Tenant shall at all times have in full force and effect a policy of general public liability insurance in the amount of the greater of $2,000,000.00 or the maximum liability for tort liability pursuant to Minnesota Statutes Section 466.04 and any amendments thereto, which insurance shall insure Landlord and Tenant against liability for acts of Landlord and Tenant.

20. **Hazard Insurance.** It shall be the responsibility of Landlord to keep the Premises and its interest therein covered by hazard insurance against loss or damage by fire and other perils. Landlord shall provide to Tenant copies of such insurance policies upon reasonable request of Tenant.

21. **Time of the Essence.** Time is of the essence with regard to this Lease and the terms therein.

22. **Relationship of Parties.** This Lease shall create the relationship of Landlord and Tenant between the parties and none other.

23. **Holding Over.** If Tenant remains in possession of the Premises, or any part thereof, after the expiration or termination of the Lease Term with the express written consent of Landlord, Tenant shall be deemed to be occupying the Premises as a Tenant at will, subject to all the conditions, provisions and obligation of this Lease insofar as the same can be applicable to a tenant at will; provided, however, that the Rent required to be paid by Tenant during any holdover period shall be a minimum of 1.5 times the monthly Rent which Tenant was obligated to pay for the month immediately preceding the end of the Lease Term, for each month or any part thereof, of any such holdover period. In the event of holding over by Tenant after expiration or termination of this Lease without the written consent of Landlord, Tenant shall be in breach of this Lease and Landlord shall be entitled to all of its rights and remedies under this Lease, in law, or in equity. No holding over by Tenant after the Lease Term shall operate to extend the Lease Term or renew this Lease. In the event of any unauthorized holding over, Tenant shall indemnify Landlord against all claims for damages by any other tenant to whom Landlord may have leased all or any part of the Premises covered hereby effective upon the expiration or termination of the Lease.

24. **Surrender of Premises.** At the termination of this Lease, Tenant shall surrender the Premises and all keys thereof to Landlord.

25. **Eminent Domain.** If the entire Premises are taken by any public authority under the power or threat of eminent domain, then the term of this Lease shall cease as of the day possession shall be taken by such public authority, and the Landlord shall make a pro rata refund of any Rent that has been paid in advance by Tenant for a period beyond the date of the taking. In the event that less than the entire Premises is so taken and provided the Premises are not rendered untenable thereby, then this Lease shall terminate only at the option of the Landlord. In the event that only a part of the Premises is so taken and that this Lease does not so terminate, there shall be a pro rata reduction in Rent to the extent that such taking interferes in any way with Tenant's use of the Premises, and all other terms and provisions of this Lease shall remain in full force and effect. All

damages awarded for such taking shall belong to and be the property of the Landlord, irrespective of the basis on which they were awarded.

26. **Subordination.** Tenant agrees that, at the Landlord's election, this Lease shall be subordinate to any land Lease or mortgage now on or to be placed in the future on the Premises or Building and to any and all advances to be made thereunder and to the interest thereon and to all renewals, replacements and extensions thereof, provided that such subordination shall not materially affect either party's obligations under this Lease. Tenant hereby appoints Landlord as its attorney-in-fact to execute such documents as may be required to accomplish such subordination.

27. **No Waiver.** No reference to any specific right or remedy shall preclude Landlord from exercising any other right or from having any other remedy or from maintaining any action to which it may otherwise be entitled ether at law or in equity. Landlord's failure to insist upon a strict performance of any covenant of this Lease or to exercise any option or right herein contained shall not be a waiver or relinquishment for the future of such covenant, right or option; but the same shall remain in full force and effect.

28. **Captions.** The captions and headings herein are for convenience and reference only.

29. **Brokers.** Each of the parties represents and warrants to the other that there are no claims for brokerage commission or finder's fees in connection with the execution of this Lease, and agrees to indemnify the other against, and hold it harmless from, all liabilities arising from any such claim including, without limitation, reasonable attorney's fees in connection therewith.

30. **No Partnership.** This Lease does not create a joint venture or partnership relation between the parties hereto.

31. **Notices.** All communications, demands, notices or objections permitted or required to be given or served under this Lease shall be in writing and shall be deemed to have been duly given or served if delivered in person to the other party or its duly authorized agent or if deposited in the United States mail, postage prepaid, for mailing by certified or registered mail, return receipt requested, and addressed to the other party to this Lease at the addresses set forth below for each party, or if to a person not a party to this Lease, to the address designated by a party to this Lease in the foregoing manner.

Landlord: City Administrator
City of Ramsey
7550 Sunwood Drive

Ramsey, Minnesota 55303

Tenant: Adolphus D.W. Summerville
Potter's House Christian Community Church, Inc.
7841 Kentucky Ave N
Brooklyn Park, MN 55428
Greaterglory90@yahoo.com

Either party may, by written notice to the other party, designate a different address to which notices must be sent. Such written notice designating a different address must state the party's newly designated address, and must be provided by following the above notice requirements. Commencing on the 10th day after a party gives notice designating a new address to which notices must be sent, the newly designated address shall be the party's address for the purpose of all communication, demands, notices or objections permitted or required to be given or served under this Lease.

32. **Force Majeure.** The time within which any of the parties hereto shall be required to perform any act or acts under this Lease, except for the payment of monies, shall be extended to the extent that the performance of such act or acts shall be delayed by acts of God, fire, windstorm, flood, explosion, collapse or structures, riot, war, labor and/or legal disputes, delays or restrictions by government bodies, inability to obtain or use necessary materials or any cause beyond the reasonable control of such party, provided however that the party entitled to such extension hereunder shall give prompt notice to the other party of the occurrence causing such delay.

33. **Minnesota Law.** This Lease shall be construed and enforced in accordance with the laws of the State of Minnesota. The parties agree that the Minnesota state courts will have exclusive jurisdiction over any dispute arising out of this Lease.

34. **Entire Agreement.** This Lease constitutes the entire agreement between the parties relating to the subject matter described herein. The terms of this Lease are contractual and are intended to be legally binding. This Lease supersedes any and all prior agreements between the parties relating to the subject matter described herein. No party has relied upon any statements, representations, or promises that are not set forth in this Lease. No changes to this Lease will be valid or enforceable unless they are in writing and signed by all of the parties.

35. **Equal Drafting.** In the event any party asserts a provision of this Lease is ambiguous, this Lease must be construed to have been drafted equally by the parties.

36. **Savings Clause.** Each provision of this Lease is separate and distinct and individually enforceable. In the event any provision hereof or the application of any such provision under any circumstance is declared to be unlawful or invalid, the enforceability of all the other provisions shall not be affected.

37. **Counterparts.** This Lease may be executed in multiple counterparts, each of which shall be an original, but all of which together shall constitute a single agreement.

38. **Security And Damage Deposit.** Tenant contemporaneously with the execution of this Lease, has deposited with Landlord the sum of Three Thousand Five Hundred and 00/100 Dollars ($3,500.00), receipt of which is hereby acknowledged by Landlord, which deposit is to be held by Landlord, as a security and damage deposit for the faithful performance by Tenant during the term hereof or any extension hereof. Prior to the time when Tenant shall be entitled to the return of this security deposit, Landlord may commingle such deposit with Landlord's own funds and to use such security deposit for such purpose as Landlord may determine. In the event of the failure of Tenant to keep and perform any of the terms, covenants and conditions of this Lease to be kept and performed by Tenant during the term hereof or any extension hereof, then Landlord, either with or without terminating this Lease may (but shall not be required to) apply such portion of said deposit as may be necessary to compensate or repay Landlord for all losses or damages sustained or to be sustained by Landlord due to such breach on the part of Tenant, including, but not limited to overdue and unpaid rent, any other sum payable by Tenant to Landlord pursuant to the provisions of this Lease, damages or deficiencies in the reletting of the Leased Property, and reasonable attorney's fees incurred by Landlord. Should the entire deposit or any portion thereof, be appropriated and applied by Landlord, in accordance with the provisions of this paragraph, Tenant upon written demand by landlord, shall remit forthwith to Landlord a sufficient amount of cash to restore said security deposit to the original sum deposited, and tenant's failure to do so within five (5) days after receipt of such demand shall constitute a breach of this Lease. Said security deposit shall be returned to Tenant, less any depletion thereof as the result of the provisions of this paragraph, at the termination of this Lease. Tenant shall have no right to anticipate return of said deposit by withholding any amount required to be paid pursuant to the provision of this Lease or otherwise.

IN WITNESS WHEREOF, the parties hereto have executed this Lease the date and year first above written.

Landlord's Address:

City Administrator
7550 Sunwood Drive
Ramsey, Minnesota 55303

CITY OF RAMSEY

By: _____
Its: Mayor

ATTEST:

By: _____
Its: City Administrator (ACTING)

Tenant's Address:
4000 Winnetka Ave N
New Hope, MN 55427

Potter's House Christian Community Church, a Minnesota Non-Profit Corporation

By: _____
Its: President

STATE OF MINNESOTA)
)ss.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this 1st day of December, 2020, by John Letourneau, the Mayor, and ~~Kurtis G. Ulrich~~ TIM GLADHILL, the ACTING City Administrator, of the City of Ramsey, a Minnesota Municipal Corporation, under the laws of the State of Minnesota on behalf of the Corporation.

_____
Notary Public

STATE OF MINNESOTA)
)ss.
COUNTY OF ANOKA)

WENDY K SCHLUETER
Notary Public
Minnesota
My Commission Expires January 31, 2024

The foregoing instrument was acknowledged before me this 24th day of November, 2020, by Adolphus D.W. Summerville, the President of the Potter's House Christian Community Church, a Minnesota Non-Profit Corporation, under the laws of the State of Minnesota on behalf of the Corporation.

_____
Notary Public

ROBIN L LEE
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/25

EXHIBIT A



Exhibit B

Potter's House Ledger		118198					utility open		rent open
Date	Invoice/Check	Description	Invoice/Rent	Payment	Balance				
		Snow Plowing owed to Natural Endeavors	655.42		14,441.34				
9/8/2022		Connexus (meter read 8/15/22)	327.10		13,785.92	7/14/2022	191.95	6/1/2022	3,506.89
9/8/2022		Centerpoint (meter read 8/8/22)	15.31		13,458.82	7/14/2022	92.09	7/1/2022	3,587.00
9/1/2022		September rent (to 9/15)	1,793.50		13,443.51	8/23/2022	15.65	7/6/2022	179.35
8/23/2022	30307	City of Ramsey water/sewer	61.68		11,650.01	8/23/2022	249.05	8/1/2022	3,587.00
8/23/2022	30307	Connexus	249.05		11,588.33	8/23/2022	61.68	8/6/2022	179.35
8/23/2022	30307	Centerpoint	15.65		11,339.28	9/8/2022	15.31	9/1/2022	1,793.50
8/6/2022		late fee August	179.35		11,323.63	9/8/2022	327.10		
8/1/2022		August rent	3,587.00		11,144.28	utility	952.83	rent	12,833.09
7/14/2022	30120	Connexus	191.95		7,557.28				
7/14/2022	30120	Centerpoint	92.09		7,365.33	snow plow	655.42		
7/6/2022		late fee July	179.35		7,273.24				
7/1/2022		July rent	3,587.00		7,093.89				
7/1/2022	Moneygram	Moneygram		500.00	3,506.89	total open balance		14,441.34	
7/1/2022	Moneygram	Moneygram		500.00	4,006.89				
6/17/2022	1312	Check		3,792.00	4,506.89				
6/9/2022	30015	Centerpoint	143.00		8,298.89				
6/9/2022	30015	Connexus	172.26		8,155.89				
6/6/2022	Moneygram	Moneygram		420.00	7,983.63				
6/6/2022		late fee June	179.35		8,403.63				
6/6/2022	1311	NSF fee	35.00		8,224.28				
6/6/2022	1311	rent-$3792.00 NSF			8,189.28				
6/1/2022		June rent	3,587.00		8,189.28				
5/12/2022	29916	City of Ramsey water/sewer	60.95		4,602.28				
5/12/2022	29916	Connexus	188.49		4,541.33				
5/12/2022	29916	Centerpoint	140.10		4,352.84				
5/6/2022		late fee May	179.35		4,212.74				
5/1/2022		May rent	3,587.00		4,033.39				
4/29/2022	1308	Check		3,596.00	446.39				
4/29/2022	1307	Check		173.00	4,042.39				
4/21/2022	29840	Connexus	174.46		4,215.39				
4/21/2022	29840	Centerpoint	271.40		4,040.93				
4/6/2022		late fee April	179.35		3,769.53				
4/1/2022		April rent	3,587.00		3,590.18				
4/1/2022	1251	Check		7,800.00	3.18				
3/23/2022	Moneygram	Moneygram		500.00	7,803.18				
3/23/2022	Moneygram	Moneygram		500.00	8,303.18				
3/23/2022	Moneygram	Moneygram		150.00	8,803.18				
3/23/2022	Moneygram	Moneygram		450.00	8,953.18				
3/23/2022	Moneygram	Moneygram		500.00	9,403.18				
3/10/2022	29764	Connexus	209.03		9,903.18				
3/10/2022	29764	Centerpoint	341.68		9,694.15				
3/6/2022		late fee March	179.35		9,352.47				
3/4/2022	1245	Check		3,000.00	9,173.12				
3/1/2022		March rent	3,587.00		12,173.12				
2/16/2022	Moneygram	Moneygram		390.00	8,586.12				
2/16/2022	Moneygram	Moneygram		460.00	8,976.12				
2/10/2022	29671	Centerpoint	279.02		9,436.12				
2/10/2022	29671	Connexus	195.88		9,157.10				
2/10/2022	29671	City of Ramsey water/sewer	141.18		8,961.22				
2/7/2022		late fee February	179.35		8,820.04				
2/1/2022		February rent	3,587.00		8,640.69				
1/13/2022	29581	Centerpoint	240.61		5,053.69				
1/13/2022	29581	Connexus	291.21		4,813.08				
1/11/2022	1302	Check		11,669.59	4,521.87				
1/6/2022		late fee 5% of $3587.00	179.35		16,191.46				
1/1/2022		January rent	3,587.00		16,012.11				
12/10/2021	29371	Centerpoint	23.09		12,425.11				
12/10/2021	29371	Connexus	261.80		12,402.02				
12/1/2021		December rent	3,587.00		12,140.22				
11/24/2021	29364	Centerpoint	91.87		8,553.22				
11/24/2021	29364	Connexus	209.62		8,461.35				
11/24/2021	29364	City of Ramsey water/sewer	82.14		8,251.73				
11/17/2021	Cash	Cash		5,231.00	8,169.59				
11/1/2021		November rent	3,500.00		13,400.59				
10/14/2021	29189	Centerpoint	22.35		9,900.59				
10/14/2021	29189	Connexus	262.62		9,878.24				

10/1/2021		October rent	3,500.00		9,615.62				
9/1/2021		September rent	3,500.00		6,115.62				
8/27/2021	29010	Centerpoint	22.21		2,615.62				
8/27/2021	29010	Connexus	279.16		2,593.41				
8/24/2021		NSF fee	35.00		2,314.25				
8/13/2021	28997	Centerpoint	3.85		2,279.25				
8/13/2021	28997	Connexus	317.64		2,275.40				
8/13/2021	28997	City of Ramsey water/sewer	356.70		1,957.76				
7/13/2021	28772	Centerpoint	27.74		1,601.06				
7/13/2021	28772	Connexus	260.55		1,573.32				
6/10/2021	28674	Centerpoint	94.42		1,312.77				
6/10/2021	28674	Connexus	199.43		1,218.35				
5/13/2021	28581	Centerpoint	107.35		1,018.92				
5/13/2021	28581	Connexus	308.68		911.57				
5/13/2021	28581	City of Ramsey water/sewer	59.89		602.89				
4/8/2021	28422	Centerpoint	248.86		543.00				
4/8/2021	28422	Connexus	290.56		294.14				
3/11/2021	28406	leftover utility balance	3.58		3.58				

PREMIER
COMMERCIAL
PROPERTIES

A Real Estate Services Company
299 Coon Rapids Boulevard
Suite 200
Coon Rapids, MN 55433
763.862.2005 Office
763.862.1925 Fax

August 24th, 2022

Adolphus D.W. Summerville
Potter's House Christian Community Church, Inc.
10890 133rd Circle North
Champlin, Minnesota 55316
Sent: Certified Mail on August 24th

Dear Mr. Summerville;

Please note that you are in default of your Lease Agreement with the City of Ramsey pertaining to 6701 Highway 10 Ramsey, Minnesota. The reason for default is the failure to address pay the rent per your Lease, failure to keep up with payment of the heat and electric utilities and failure to pay for 2021 snow plowing.

You have been given several notices by email dating back to July 26th, 2022 which provided you notice of the past due payments and provided you time to catch up on these payments.

Per Sections 5 and 7 of your lease agreement, You are behind in the following manner as of August 23rd, 2022:

- Rent totaling **$11,039.59** (see attached ledger of account)
- Snow plowing **$655.42** (dating back to 2021, see recent invoice)
- Heat, electric, sewer/water **$284.04**
- And a new utility bill just came in **$326.38** (July Utilities

The total and past due payments equal **$12,305.43.**

The Landlord has indicated in previous emails and through this notice that this default must be cured by August 31st, 2022. If the default is not cured by this time, August 31st, 2022 at 5pm

Central Standard Time, by sending "certified funds" to the Landlord's property manager, the Landlord will begin a formal eviction process to remove you from the Property.
You also have the option to without going through the eviction process by signing a Cancelation of your Lease and peaceably removing all personal property from the Premises by September 15th, 2022.

Sincerely;

Marty Fisher
Premier Commercial Properties, LLC.
Broker / Owner
299 Coon Rapids Blvd, Suite 200
Coon Rapids, MN 55433

NATURAL ENDEAVORS
LANDSCAPING, INC.

INVOICE

Mailiing Address: 2662 South Coon Creek Drive Nw, Andover, MN 55304

TO Potter's House Christian Church
7481 Kentucky Ave N
Brooklyn Park, MN 55428

INVOICE NO. 1901
INVOICE DATE 8/10/2022
PROJECT NAME: 2021-2022 Plow year

UNIT	DESCRIPTION		QUANITY	UNIT PRICE	LINE TOTAL
PROPERTY:	6701 Hwy 10, Ramsey MN.				
	DECEMBER INVOICE IS PAST DUE		1	$604.17	$604.17
	JANUARY PAST DUE		1	$320.00	$320.00
	FEBRUARY INVOICE PAST DUE		1	$185.00	$185.00
PAYMENTS	Payment made: Check #1248 3-9-2022		1	-$200.00	-$200.00
	NEW CHARGES				
March 6th	Plow lot and sidewalk	3.5"	1	$80.00	$80.00
March 6th	Salt lot to remove ice 250lbs total (half is 125lbs)		1.25	$45.00	$56.25
March 14th	Plow lot and sidewak	5"	1	$110.00	$110.00
	Payment Made Check #1314 7-25-2022		1	-$500.00	-$500.00
	Payment is due 15 days from invoice date				
	1"-4" of snow $160: split 1/2 to City and Potter's house 4"-8" of snow $220 8"+ multiple clearings will be needed				
				TOTAL DUE	$655.42

Unpaid Charges
Tenant= Potter's House Christian Community Church
Page Orientation= Landscape

Property	Tenant	Date Occurred	Charge Description	Current Owed	Notes
City Of Ramsey	Potter's House Christian Community Church	06/01/2022	COMMERCIAL RENT	3,506.89	Commercial Rent (06/2022)
City Of Ramsey	Potter's House Christian Community Church	07/01/2022	COMMERCIAL RENT	3,587.00	Commercial Rent (07/2022)
City Of Ramsey	Potter's House Christian Community Church	07/06/2022	LATE FEES	179.35	Late Fees, 5% of $3587.00
City Of Ramsey	Potter's House Christian Community Church	07/15/2022	UTILITIES	92.09	centerpoint - gas
City Of Ramsey	Potter's House Christian Community Church	07/15/2022	UTILITIES	191.95	connexus - electric
City Of Ramsey	Potter's House Christian Community Church	08/01/2022	COMMERCIAL RENT	3,587.00	Commercial Rent (08/2022)
City Of Ramsey	Potter's House Christian Community Church	08/06/2022	LATE FEES	179.35	Late Fees, 5% of $3587.00
City Of Ramsey	Potter's House Christian Community Church	08/23/2022	UTILITIES	15.65	CenterPoint Gas
City Of Ramsey	Potter's House Christian Community Church	08/23/2022	UTILITIES	249.05	Connexus Electric
City Of Ramsey	Potter's House Christian Community Church	08/23/2022	UTILITIES	61.68	Ramsey Water
City Of Ramsey	Potter's House Christian Community Church	09/01/2022	COMMERCIAL RENT	3,587.00	Commercial Rent (09/2022)
Total:				15,237.01	
Less Current Amt				3913.38	
Total Past Due:				11,323.63	

Current Utilities: $326.38
September Rent: $ 3,587.00
Total Amount Current: $3,913.38

;

PREMIER
COMMERCIAL
PROPERTIES

A Real Estate Services Company
299 Coon Rapids Boulevard
Suite 200
Coon Rapids, MN 55433
763.862.2005 Office
763.862.1925 Fax

February 16, 2022

Adolphus D.W. Summerville
Potter's House Christian Community Church, Inc.
6701 Highway 10 NW, West unit
Ramsey, Minnesota 55303

Sent: Certified Mail on February 16, 2022 to:

Bishop Summerville
7481 Kentucky Avenue North
Brooklyn Park, MN 55428

Grace and Peace Bishop Summerville.

I regret to inform you that your church is in default of it's Lease Agreement with the City of Ramsey pertaining to 6701 Highway 10 Ramsey, Minnesota. The reason for default is the failure to pay the rent per the Lease, failure to keep up with payments for heat and electric utilities and failure to keep current with City water and sewer charges.

You have been provided previous notice via emails giving that the church is behind in rent and utilities. We also previously worked out an agreement with you and the church to catch up by December 31st, 2021.

Per Sections 5 and 7 of your Lease Agreement, as of February 16th, 2022, the church is behind in rent and utilities as follows:

- Unpaid December rent $87.00
- Unpaid January and February rent ($3,587.00 x 2)
- Unpaid heat and electric from November, December, January and February.
- City water, of which I personally ran over to the building to fix a running toilet

The total past due payments are more fully detailed on the attached Tenant Ledger along with copies of the specific invoices for the utilities. These past due payments total $8,406.27 which accounts for the $390.00 in money orders just received on February 15th, 2022.

The Landlord is providing you through February 28th, 2022 to cure 100% of the default as described herein including any additional costs that may be incurred between the time of this notice and February 28th, 2022. If the default is not cured by this time, February 28th, 2022 at 5pm Central Standard Time, by sending "certified funds" to the Landlord's property manager, the Landlord will begin a formal eviction process to remove you from the Property.

You also have the option, without going through the eviction process, to sign a Cancelation of your Lease and peaceably remove all personal property from the Premises by February 21st, 2022. Please note, you should contact an attorney for any legal advice.

Sincerely;

Marty Fisher
Property Manager for the City of Ramsey
Premier Commercial Properties, LLC.
299 Coon Rapids Blvd, Suite 200
Coon Rapids, MN 55433

TENANT LEDGER

Premier Commercial Properties
299 Coon Rapids Blvd NW Ste 200
Coon Rapids, MN 55433-5870
(763) 486-8247

Prepared For

Potter's House Christian Community Church
6701 Hwy 10 NW, Unit WEST-FRO
Ramsey, MN 55303

Tenant Status	Current
Tenant Since	12/01/2020
Current Lease	12/01/2020
Balance Due	8,406.27

Date	Description	Charges	Payments	Balance
02/15/2022		0.00	390.00	8,406.27
02/11/2022	connexus	195.88	0.00	8,796.27
02/11/2022	city of ramsey water	141.18	0.00	8,600.39
02/11/2022	centerpoint	279.02	0.00	8,459.21
02/10/2022	Chk# 9453 - money order	0.00	460.50	8,180.19
02/01/2022	Commercial Rent (02/2022)	3,587.00	0.00	8,640.69
01/14/2022	Centerpoint Energy	240.61	0.00	5,053.69
01/14/2022	Connexus	291.21	0.00	4,813.08
01/06/2022	Late Fees, 5% of $3587.00	179.35	0.00	4,521.87
01/03/2022	Chk# 1302	0.00	11,669.59	4,342.52
01/01/2022	Commercial Rent (01/2022)	3,587.00	0.00	16,012.11
12/13/2021	utilities from city brought over from QB	284.89	0.00	12,425.11
12/02/2021	utilities from 12/2/21 brought from QB	383.63	0.00	12,140.22
12/01/2021	unpaid December 2021 rent	3,587.00	0.00	11,756.59
11/24/2021		0.00	3,500.00	8,169.59
11/24/2021	Deposit	3,500.00	0.00	11,669.59
11/01/2021	unpaid November 2021 rent	3,500.00	0.00	8,169.59
10/01/2021	un paid October Rent	3,500.00	0.00	4,669.59
09/01/2021	leftover Sept Rent from 2021	1,169.59	0.00	1,169.59

City of RAMSEY

7550 Sunwood Drive NW • Ramsey, MN 55303
City Hall: 763.427.1410 • Fax: 763.427.5543
www.cityoframsey.com

INVOICE

29671

Billing Address: 118198

POTTERS HOUSE CHRISTIAN COM CHURCH
ATTEN: BISHOP ADOLPHUS SUMMERVILLE
7481 KENTUCKY AVENUE NORTH
BROOKLYN PARK MN 55428

Invoice Date 2/10/2022
Due Date 3/12/2022
Page: 1

Item	Remark	Amount
001	CENTERPOINT 1/10/22	279.02
002	CONNEXUS 1/21/22	195.88
003	CITY OF RAMSEY 1/25/22	141.18
	Total Amount Invoiced	616.08
	Tax Amount	
	Balance Due	616.08

Remit To:
CITY OF RAMSEY
7550 SUNWOOD DRIVE NW
RAMSEY MN 55303
Phone: 763-427-1410

Make sure to include the invoice number on the remittance.
To pay by credit card, please call (763) 427-1410 and provide both the billing address number and the invoice number to the cashier.

Potter's Christian Com Church - 6701 Highway 10
Utilities Billing

Utility	Bill Date	Full Bill	Potter's House Portion
CenterPoint Energy	1/10/2022	558.03	279.02
Connexus Energy	1/21/2022	391.76	195.88
City of Ramsey	1/25/2022	211.78	141.18
Total Billing			616.08

CenterPoint. Energy

CenterPointEnergy.com

CUSTOMER
CITY OF RAMSEY

SERVICE ADDRESS
6701 Highway 10 Nw, An

INVOICE

ACCOUNT NUMBER
6011580-5

BILLING DATE
Jan 10, 2022

DATE DUE **Feb 07, 2022**

AMOUNT DUE **$ 558.03**

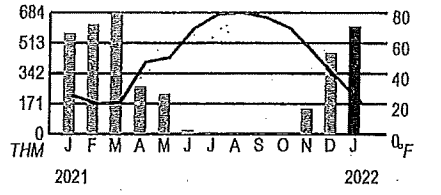
Gas leak or emergency
Leave immediately, then call
800-296-9815, 24 hours a day

Customer service
612-321-4939 or 800-245-2377
Monday - Friday, 7 am - 7 pm

Call before you dig
Call 811
24 hours a day

Comments
PO Box 1144
Minneapolis, MN 55440-1144

Your usage in a glance



Previous usage | Usage this month | Average daily temperature

	1 year ago	Last month	This month
Total Therms used	568	459	606
Average daily gas use (Therms)	18.3	14.3	20.2
Average daily temperature	24	35	20
Days in billing period	31	32	30

To better understand your home energy usage and learn energy savings tips, visit CenterPointEnergy.com/myenergyanalyzer

Rate case filed in November 2021. Interim Rates begin Jan 1 2022. Public hearings to be scheduled. Watch for information and hearing date schedule.

The PUC has approved a Conservation Cost Recovery Adjustment (CCRA) factor of $0.0791 per dekatherm. This charge will be used to fund energy conservation activities and has been added to your delivery charge. For more information, please call or visit our website.

Pay your next bill without lifting a finger. To enroll in AutoPay, just sign and date the back of your bill stub and return to us with a check for your payment amount. It's that easy!

ACCOUNT SUMMARY

Previous gas amount due		$ 481.21
Payment Jan 7, 2022	*Thank you!*	- 481.21
Current gas charges **(Details on page 2)**		+ 558.03
Total amount due		**$ 558.03**

Your account is ready to view now. Register for free online account access. View balance, usage history, make an online payment, view recommendations for saving energy and money with My Energy Analyzer, and much more. Register at CenterPointEnergy.com/myaccount.

9410.6373

W41012

DEC 2021

Diana

How to pay your bill

Online
Visit: *CenterPointEnergy.com/paybill* Pay immediately, schedule a payment or set up automatic monthly payments.

Phone
Call 612-321-4939 and make a payment using your checking or savings account, or by debit or credit card.

In person
To find a payment location, visit: *CenterPointEnergy.com/paybill* or call 612-321-4939.

Mail
Return the payment stub below, with your check or money order, using the return envelope.

Please keep this portion for your records

CUSTOMER
CITY OF RAMSEY

ACCOUNT NUMBER
6011580-5

DATE DUE **Feb 07, 2022**

BILLING DATE
Jan 10, 2022

AMOUNT DUE **$ 558.03**

SERVICE ADDRESS
6701 Highway 10 Nw, Anoka, MN 55303-4548

DEFINITIONS

Basic Charge is a flat amount each month, regardless of the amount of gas used, to cover a portion of costs incurred even if the customer does not use gas during the billing period.

Cost of Gas is the cost CenterPoint Energy pays for the gas it delivers to its customers.

Delivery Charge is based on the amount of gas delivered, to cover the costs of delivering gas not covered by the Basic Charge.

City Franchise Fee is a fee charged by a city to utility companies that provide natural gas, electricity or cable service. Utilities will collect the fee from individual customers and pay it to the city. Utilities receive no revenue from this fee.

Gas Affordability Program (GAP) covers costs to offer a low-income customer co-pay program to reduce natural gas service disconnections. This charge is billed to all non-interruptible customers.

Purchased Gas Adjustment reflects the difference between the base cost of gas established at the time of our most recent rate case and the price paid to purchase and transport the gas you used during this billing period.

Therm is the heating value of gas. Your meter measures CCF (hundreds of cubic feet) which we multiply by the therm factor to determine the heating capacity of the gas you used.

For a more detailed description of each of the terms used on your bill, please visit CenterPointEnergy.com/definitions or call Customer Support at 612-321-4939.

Current gas charges

Rate: Com/Ind Firm Rate

Meter Number	Day Billing Period	Current read date	Next scheduled read date	Next billing date
M19961093836	30	Jan 6, 2022	Feb 8, 2022	Feb 9, 2022

Billing Period	Current Reading	-	Previous Reading	= Total	x	Therm factor	=	Adjusted Usage
12/07/21 - 01/06/22	9830		9318	512		1.18278		606 Therms

Basic charge		$ 21.00
Delivery charge	606 therms x $ 0.20580	124.71
Decoupling adjustment	606 therms x -$ 0.00424	- 2.57
Gas Affordability PRG	606 therms x $ 0.00264	1.60
Feb 2021 Weather Event	606 therms x $ 0.04610	27.94
Cost of gas*	606 therms x $ 0.62558	379.10
Interim rate adjustment		6.25
Total current charges		**$ 558.03**

*includes a purchased gas adjustment of $0.25666

Your account, managed your way

Sign up at *CenterPointEnergy.com/myaccount*

- **24/7 online account access.** View and/or pay your bill, view usage history, sign up for account services and much more.
- **Go paperless.** Receive an email when your bill is ready to view and pay. Get convenience, get rid of clutter.
- **Pay automatically.** Set up AutoPay by signing and returning the form below with your check payment. It's that easy!
- **Even out the highs and lows of your monthly bills.** Enroll in Average Monthly Billing and spread your natural gas costs throughout the year.
- **Get bill reminders.** Choose text or email, up to five days before your bill is due.
- **Other services.** Report a payment made at a payment location, set up a payment extension and much more. View options from your online account or visit *CenterPointEnergy.com/selfservice* if you'd prefer not to register.
- **Moving?** Please call us at 612-321-4939 at least two weeks before you move, or complete the forms at *CenterPointEnergy.com/selfservice*

Register any inquiry or complaint at CenterPoint Energy, 505 Nicollet Mall, PO Box 59038, Minneapolis, MN 55459-0038

Mail payments to CenterPoint Energy, PO Box 4671, Houston, TX 77210-4671

CONNEXUS® ENERGY
Your Community Energy Partner

Account Number:
444931-239841
RAMSEY CITY OF *

Service Address
6701 HWY 10 NW
RAMSEY MN

Total Amount Due	Due Date
$423.87	February 17, 2022

Billing Summary

Billing Date: Jan 21, 2022

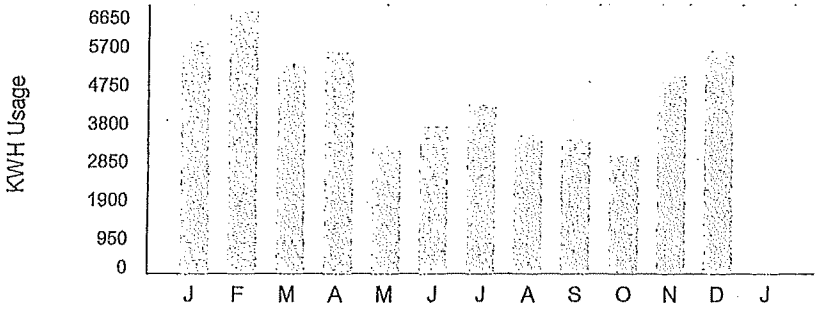
New Charges	$423.87
Total Amount Due	**$423.87**

Payment must be received on or before February 17, 2022

+ 32.11
391.72

Energy Comparison

Previous Months' Usage Current Month's Usage



How to contact us

Member Services / Moving - 763-323-2650
Outages and Emergencies - 763-323-2660
Hearing/Speech Impaired Call - 711 or 800-627-3529
Email: info@connexusenergy.com
www.connexusenergy.com
Gopher State One Call - 811
14601 Ramsey Boulevard, Ramsey, MN 55303

Message Center

DO NOT Forward For Payment

This is a supporting detail for a Master Summary Bill.

Payments made on this account are included in the Master Summary Bill.

Please enclose only the payment stub from the page titled Master Summary Bill when sending your payment.

Electric Service

Billing Date: Jan 21, 2022 **Days of Service:** 29 **Read Dates:** Dec 15, 2021 - Jan 13, 2022

Meter	Current Read	Last Read	Mult	Usage
Electric kWh	355	260	40	3800
Demand kW	0.354	0.453	40	14.160

Cost of Basic Service		$30.00
Energy Charge	3,800 KWH @ $0.0646	245.48
Demand Charge	14.160 KW @ $10.30	145.85
Power Cost Adjustment		2.54
Total Cost for Electric Service (Actual Charges)		**$423.87**

All past due amounts over $10 will be subject to a 1.5% late payment charge or $1.00, whichever is greater. A $20 charge will be assessed for all returned checks. An electric deposit may be applied to past due accounts or accounts not in good standing.

City of RAMSEY

For Service To:
6701 HWY 10 NW

Utility Services

Account Number 719019
Bill Date 01/25/2022
Due Date 02/20/2022
Total Amount Due ..... $ 2060.36

If you have any questions, please call, fax or write before the due date
Customer Service / Moving: 763-576-4343
Toll Free: 888-228-2136
Fax: 888-905-0440

$211.78 adjusted Diana 4th qtr 2021 0410.6372 W 41012

Usage Data

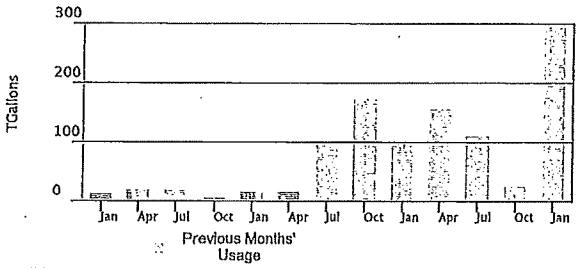
Billing Period

From	To	Days	Prev. Rdg.	Curr. Rdg.	Usage	Units
10/12/2021	01/06/2022	86	0 Actual	295 Actual	295	TGallons

Billing Detail

Amount Owed From Last Bill	$ 164.27
Adjustments	$ 0.00
Total Payments Received	$ 164.27
Late Charges	$ 0.00
Prior Balance	$ 0.00
New Charges	
Base Charge	$ 42.15
Water 10 @ 2.890000	$ 28.90
Water 15 @ 2.980000	$ 44.70
Water 20 @ 3.190000	$ 63.80
Water 39 @ 3.410000	$ 132.99
Water 102 @ 3.780000	$ 385.56
Water 94 @ 4.510000	$ 423.94
Total Water 295 GAL Charges	$ 1122.04
Base Charge	$ 75.14
Sewer 275 @ 3.130000	$ 860.75
Total Sewer Charges	$ 935.89
Base Charge	$ 2.43
Total MN Test Fee Charges	$ 2.43
Total Current Charges	$2,060.36
Total Amount Due 02/20/2022	**$ 2060.36**

Water Use History



Message Center

1. BILLING PERIOD: This billing covers approximately Oct-Dec services and is pro-rated for new move ins/outs.
2. RATES: New rates for water and sewer will go into effect on the next billing. An updated rate sheet will be included with that billing.
3. DID YOU KNOW?: Customers can pre-pay any amount at any time to their accounts and any credits would be applied to the next billing. Some have found this helpful for monthly budgeting, rather than waiting to pay in full when the bill comes out quarterly.
4. PAYMENT OPTIONS: Call (844) 428-5626 for automated online payments or pay online from the city's website. No fees!

Please detach along perforation and return this portion with your payment. Keep top portion for your records.

000719019 0206036

CITY OF RAMSEY
Billing & Payment Processing Center
P.O. Box 251100
St. Paul, MN 55125

☐ Check this box for address correction or message. Please print on reverse side.
Acct#: 719019

Amount Due by 02/20/2022	**$ 2060.36**
Amount Enclosed: $	

CITY OF RAMSEY
RE: OLD NAU
7550 SUNWOOD RD
RAMSEY MN 55303

CITY OF RAMSEY
PO BOX 251100
ST PAUL, MN 55125-6100

CC Regular Session **5. 18.**

Meeting Date: 09/13/2022

By: Brian Hagen, Administrative Services

Information

Title

Adopt Resolution #22-217 Supporting a Special 2022 Minnesota Legislative Session

Purpose/Background:

The purpose of this resolution is to encourage a special legislative session to address items not completed in the 2022 regular session that adjourned on May 23, 2022.

Specifically, the City of Ramsey has interest in HF 4732 related to the Water Treatment Plant. If approved, the City would receive a $10 million grant towards the construction of the new facility.

Recommendation:

Adopt Resolution #22-217 supporting a special session in 2022.

Action:

Motion to adopt resolution #22-217.

Attachments

ACTION Resolution #22-217

HF 4732

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/08/2022 02:26 PM
Form Started By: Brian Hagen		Started On: 09/07/2022 12:47 PM
Final Approval Date: 09/08/2022		

Councilmember introduced the following resolution and moved for its adoption:

RESOLUTION #22-217

RESOLUTION SUPPORTING A SPECIAL 2022 MINNESOTA LEGISLATIVE SESSION

WHEREAS, the people of Minnesota, including the City of Ramsey, have pressing needs; and

WHEREAS, critical infrastructure needs are one of many examples; and

WHEREAS, The City of Ramsey identifies a new Water Treatment Plant, roads and bridges as high priority projects; and

WHEREAS, without additional funding through a bonding bill, cities will have to raise utility rates and taxes on residents and business to pay for infrastructure projects; and

WHEREAS, the Minnesota Legislature failed to successfully pass a bonding bill in the 2022 Legislative Session; and

WHEREAS, the City of Ramsey has requested $10 million State grant for our needed Water Treatment Plant to eliminate high levels of manganese in our drinking water; and

WHEREAS, many other Minnesota cities are in similar situations needing support from the State.

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

1) Supports Governor Walz to declare a special session for the legislature to work in a bipartisan way to pass a bonding bill, and address HF 4732 for the City of Ramsey.
2) That this Resolution be transmitted to our current Representatives John Heinrich and Peggy Scott, Senator Jim Abler, Speaker of the House Melissa Hortman, Senate Majority Leader Jeremy Miller, House Minority Leader Kurt Daudt, Senat Minority Leader Melissa Lopez Franzen and Governor Tim Walz.

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:

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 13th day of September, 2022.

_____
Mayor

ATTEST:

_____
City Clerk

This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4732

03/31/2022 Authored by Heinrich
The bill was read for the first time and referred to the Committee on Capital Investment

A bill for an act

relating to capital investment; appropriating money for a water treatment plant in the city of Ramsey; authorizing the sale and issuance of state bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **RAMSEY; WATER TREATMENT PLANT.**

Subdivision 1. **Appropriation.** $10,000,000 is appropriated from the bond proceeds fund to the Public Facilities Authority for a grant to the city of Ramsey to construct a new water treatment plant to remove manganese and iron from the city's water supply.

Subd. 2. **Bond sale.** To provide the money appropriated in this section from the bond proceeds fund, the commissioner of management and budget shall sell and issue bonds of the state in an amount up to $10,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

EFFECTIVE DATE. This section is effective the day following final enactment.

CC Regular Session **6. 1.**

Meeting Date: 09/13/2022

Submitted For: Brad Bluml, Police **By:** Brad Bluml, Police

Information

Title:

PUBLIC HEARING: Police Body Worn Cameras - public comment on policy.

Purpose/Background:

In 2006 the Police Department implemented its first squad car camera recording system from Panasonic. At this time the recording unit had a single camera that recorded out the front of the squad car windshield. It also had a wireless body microphone that the officer wore that recorded audio if the officer was near and in range of the squad car.

In 2014 the Police Department upgraded its current system to the Panasonic Arbitrator system it is still using today. This system has five cameras installed in the squad car; recording out of the front windshield, rear window, driver side window, passenger side window, and one camera recording the back seat prisoner area. It also has a wireless body microphone which the officer wears on their person.

To stay progressive with technology, due to the changing climate of law enforcement/citizen interactions, and with the growth in the City of Ramsey having several large apartment complexes where the current microphone packs don't reach, staff from the police department began researching a variety of Body Worn Camera vendors which will be purchased and added in 2022.

In accordance with Minnesota State Statute 626.8473, our draft Body Worn Camera policy has been on the police web page since July 29th, 2022, with a form available for public comments. Also in compliance with this Statute, specifically subd. 2, this case will allow for public comment on the draft Body Worn Camera policy at this regularly scheduled meeting.

Time Frame/Observations/Alternatives:

Due to the current camera body-worn microphone packs not having a range where they can stay connected to record the officers inside apartment buildings or larger businesses when they are a distance away from their squad car, staff recommends the time frame for purchasing the Body Worn Cameras be for 2022.

Recommendation:

Staff requests council allow citizens to comment on the policy at this time.

Outcome/Action:

The Chief of Police, Jeff Katers, will review these comments, along with those received via the web and sent via mail, and use them to finalize the draft policy.

Attachments

626.8473

Draft Policy

Form Review

Inbox	Reviewed By	Date

Jeff Katers	Jeff Katers	09/06/2022 12:26 PM
Diana Lund	Diana Lund	09/07/2022 07:59 AM
Brian Hagen	Brian Hagen	09/08/2022 10:53 AM
Form Started By: Brad Bluml		Started On: 08/24/2022 02:56 PM
Final Approval Date: 09/08/2022		

626.8473 PORTABLE RECORDING SYSTEMS ADOPTION; WRITTEN POLICY REQUIRED.

Subdivision 1. **Definition.** As used in this section, "portable recording system" has the meaning provided in section 13.825, subdivision 1.

Subd. 2. **Public comment.** A local law enforcement agency must provide an opportunity for public comment before it purchases or implements a portable recording system. At a minimum, the agency must accept public comments submitted electronically or by mail, and the governing body with jurisdiction over the budget of the law enforcement agency must provide an opportunity for public comment at a regularly scheduled meeting.

Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state and local law enforcement agency that uses or proposes to use a portable recording system must establish and enforce a written policy governing its use. In developing and adopting the policy, the law enforcement agency must provide for public comment and input as provided in subdivision 2. Use of a portable recording system without adoption of a written policy meeting the requirements of this section is prohibited. The written policy must be posted on the agency's website, if the agency has a website.

(b) At a minimum, the written policy must incorporate the following:

(1) the requirements of section 13.825 and other data classifications, access procedures, retention policies, and data security safeguards that, at a minimum, meet the requirements of chapter 13 and other applicable law;

(2) procedures for testing the portable recording system to ensure adequate functioning;

(3) procedures to address a system malfunction or failure, including requirements for documentation by the officer using the system at the time of a malfunction or failure;

(4) circumstances under which recording is mandatory, prohibited, or at the discretion of the officer using the system;

(5) circumstances under which a data subject must be given notice of a recording;

(6) circumstances under which a recording may be ended while an investigation, response, or incident is ongoing;

(7) procedures for the secure storage of portable recording system data and the creation of backup copies of the data; and

(8) procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in section 13.09.

History: *2016 c 171 s 6*

411	RAMSEY POLICE POLICY **BODY-WORN CAMERA**	
Adoption Date:		Revised Date:

411.01 POLICY

To establish guidelines for the use, management, storage, retrieval, and duplication of video and audio media recorded by the Body-Worn Camera (BWC). The Ramsey Police Department may provide members with access to a BWC for use during the performance of their duties. The use of a BWC is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public. For the purposes of this policy, the term “camera” will reference BWCs. Digital evidence captured by the cameras are not all inclusive. The systems capture a less broad and less detailed image than the totality of the human senses.

411.02 SCOPE

This policy governs the use of cameras in the course of official duties. It does not apply to the use of surreptitious recording devices in undercover operations. The Chief or Chief’s designee may supersede this policy by providing specific instructions for the use of cameras to individual officers, or providing specific instructions for the use of cameras pertaining to certain events or classes of events, including but not limited to protests and demonstrations.

411.03 DEFINITIONS

Body-Worn Camera (BWC): A device worn by a peace officer that is capable of both video and audio recording of the officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation.

BWC data: Audio or video data collected by a BWC.

Redact: Blur video or distort audio so that the identity of the subject in a recording is obscured sufficiently to render the subject unidentifiable.

General citizen contact: An informal encounter with a citizen that is not and does not become law enforcement-related or adversarial, and a recording of the event would not yield information relevant to an ongoing investigation.

Evidentiary value: Information that may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.

Adversarial: An encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own for the purposes of this policy only may be considered adversarial.

411.04 USE AND DOCUMENTATION

Officers may only use department-issued cameras in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this Department.

All Officers who are issued a BWC must receive training in the use of the BWC by an authorized representative. Only those officers that have been issued a BWC and have received the department-authorized training may operate a BWC. All Ramsey Police Department employees who use the BWC systems shall receive training on these systems and this policy.

All officers issued a BWC are required to wear and use their camera while working in any uniformed assignment. This applies to overtime assignments and uniformed off-duty employment in the City of Ramsey. This would not apply to officers or administrators who predominately do office work. Officers should wear their BWC in the manner specified in training.

Officers noting a malfunction at any time shall report the malfunction to a supervisor, and a replacement BWC should be used. If no replacement BWC is available, the officer should notify a supervisor as soon as possible.

Officers must document their use and non-use of the department-issued cameras as follows:

- Whenever an officer makes a recording of evidentiary value or relating to a call for service for which a report is written, the existence of the recording shall be documented in the incident report.
- If there is a failure to record an activity that is required to be recorded under this policy, or only captures a part of the activity, the officer must document in the incident report or CAD comments the circumstances and reasons for not recording.

The department will maintain the following records and documents relating to BWC use, which are classified as public data through product software, and will include:

- The total number of BWCs owned or maintained by the agency;
- A daily record of the total number of BWCs actually deployed and used by officers;
- The total amount of recorded BWC data collected and maintained;
- This policy, together with the Records Retention Schedule.

By department policy: no department employee will take any actions intended to damage or render any part of a camera inoperable, overwrite recorded data, or defeat the intended use of the cameras.

Any member assigned to the Anoka-Hennepin Narcotics and Violent Crimes Task Force shall follow the section of the Task Force Operating Procedures and Guidelines Manual relating to Portable Audio/Video Recording Devices while assigned to the Task Force and working in that capacity.

411.05 GENERAL GUIDELINES FOR RECORDING

At no time is an officer expected to jeopardize his or her safety in order to activate the camera. Officers need not activate their cameras when it would be unsafe, impossible, or impractical to do so; however, the cameras should be activated as soon as practical. In such instances of not recording when otherwise required, it must be documented as specified in the Use and Documentation guidelines (section 411.04).

Officers shall activate their camera when responding to all calls for service and during all law enforcement-related encounters and activities, including but not limited to pursuits, Terry stops of motorists and pedestrians, traffic stops, arrests, searches, suspect interviews and interrogations, transport of subject, and during any police/citizen contacts that becomes adversarial.

Officers should not record in hospitals, detox, mental health care facilities, juvenile detention centers, a court of law, and jails unless the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident.

Except as otherwise directed, officers have the discretion to record or not record incidental general citizen contacts that do not become law enforcement-related or adversarial, and when a recording of the event would not yield information relevant to an ongoing investigation.

Officers have no affirmative duty to inform people that a camera is being operated or that the individuals are being recorded.

Once activated, the camera should continue recording until the conclusion of the incident or until it becomes readily apparent that additional recording is unlikely to capture information having any evidentiary value. The officer having charge of a scene can likewise direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. Prior to deactivation, officers should state on camera

that the recording is being stopped. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value.

Officers may cease recording under the following situations:

- To protect the identity of an officer in an undercover capacity.
- To protect the identity of an informant.
- If a request is made for a camera to be turned off by a party being contacted, the officer should consider the overall circumstances and what is most beneficial to all involved, before deciding to honor the request. For example, an officer may choose to turn off the camera if its operation is inhibiting a victim or witness from giving a statement. Factors to consider may include the type of call and the vulnerability of the victim, such as the victim of a sexual assault.
- Recording may be temporarily ceased to exchange information with other officers. The reason to cease and resume recording will be noted by the officer verbally on the camera or in a written report.
- When a supervisor has determined in advance that the video or audio data could result in the disclosure of operational or tactical information that would compromise the effectiveness of future actions or jeopardize officer safety.
- When it reasonably appears to the officer that an individual's privacy outweighs any legitimate law enforcement interest in recording. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.
- Officers shall not intentionally block the camera audio or visual recording functionality to defeat the purposes of this policy.
- Notwithstanding any other provision in this policy, officers should avoid recording in police department locker rooms or restrooms.
- Camera systems shall be configured to record minimally for 30 seconds prior to activations but will not be configured to record audio data during this time.
- This policy is not intended to describe every possible situation in which a camera should be used. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.
- This policy also recognizes that officers encounter tense, uncertain, and rapidly evolving situations regardless of location. Given this fact, officers may unintentionally create a prohibited recording. Officers who are aware they may have created a prohibited recording must report that recording to their supervisor. The video management personnel will manage data recorded in violation of policy.

411.06 DOWNLOADING AND LABELING DATA

Each officer using a BWC is responsible for ensuring their BWC is docked correctly in the designated location by the end of their shift. If the officer becomes aware of an issue in transferring BWC data, a supervisor should be notified.

If an officer is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or investigator shall take custody of the officer's camera and assume responsibility for transferring the data from it. If an investigating agency requests to take control of the camera, the data must first be transferred to the department's servers and the Chief of Police or designee must authorize the transfer of the camera to the outside agency.

To ensure proper retention periods, it is important officers shall label and classify the camera data files at the time of video capture or transfer to storage. See Appendix A for the classifications and definitions.

411.07 DATA CLASSIFICATION

The consideration of the data subjects should be as follows:

- Any person or entity whose image or voice is documented in the data.
- The officer who collected the data.
- Any other officer whose voice or image is documented in the data.

Under Minnesota Law, Body Warn Camera data is presumptively private or non-public data.

Some recordings may be classified as confidential:

- If the Body Warn Camera data is collected or created as a part of an active investigation, it may be classified as confidential. This confidential classification takes precedence over the private or public classifications.

The Body Warn Camera data that is public is as follows:

- Data documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous.
- Data that documents the use of force by a peace officer that results in substantial bodily harm.
- Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any subject (other than a peace officer) who has not consented to the public release must be redacted if practicable. Any data on undercover officers must be redacted.
- Data that documents the final disposition of a disciplinary action against a public employee.

The above section only applies to public data if no other classification exists per Minnesota Law that would offer protections for the data and subjects of the data.

411.08 ACCESS TO AND USE OF CAMERA DATA BY DEPARTMENT EMPLOYEES

Supervisors and assigned personnel may access and view body warn camera video only when there is a legitimate law enforcement purpose or business need for doing so.

Once per month, supervisors may randomly review body warn camera usage by each officer to ensure compliance with this policy and to identify any performance areas in which additional training or guidance is required. Nothing in this policy limits or prohibits the use of Body Warn Camera data as evidence of misconduct or as a basis for discipline.

Officers may access and view stored camera data of incidents in which they have been directly involved. Officers can view saved data to:

- Refresh memories of events and statements prior to completing reports, making statements, or providing testimony.
- Ensure the system is operating property,
- Self-critique and/or,
- Including the need to review and defend against an allegation of misconduct or substandard performance.

Officers may display portions of the camera footage to witnesses for purposes of investigation as allowed by Minn. State 13.82, subd 15. Officers should generally limit these displays in order to protect against the incidental disclosure of individuals whose identities are not public.

Camera data may be shared with other law enforcement agencies only for legitimate law enforcement purposes. It shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

Agency personnel are prohibited from accessing camera data for non-business reasons and from sharing the data for non-law enforcement-related purposes, including uploading camera data recorded or maintained by this agency to public and social media websites.

Employees seeking access to camera data for non-business reasons may make a request for it in the same manner as any member of the public.

Personally owned devices, including but not limited to computers and mobile devices, shall not be programmed or used to access, view, or record agency camera data.

Officers shall not intentionally edit, alter or erase any camera recording unless otherwise expressly authorized by the Chief or the Chief's designee.

411.09 ACCESS TO DATA BY NON-EMPLOYEES

Requests for copies of or access to the Body Warn Camera data by the media or members of the public should be directed to the Office Supervisor or their designee, who shall process the request in accordance with the Data Practices Act and other governing laws. In particular:

- An individual shall be allowed to review recorded Body Warn Camera data about themselves and other data subjects in the recording. However, access shall not be granted if:
    - The data was collected or created as a part of an active investigation.
    - Portions of the data the agency would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by the Data Practices Act.
- Unless the data is part of an active investigation, an individual data subject, upon request, shall be provided with a copy of the recording. The recording is subject to the following guidelines on redaction:
    - Data on other individuals in the recording who do not consent to the release must be redacted. Consent is not assumed and must be provided by each data subject.
    - Data that would identify undercover officers must be redacted.
    - Data on other officers who are not undercover, that are not on duty and/or engaged in the performance of official duties, may not be redacted.

411.10 DATA RETENTION

All Body Warn Camera data shall be retained in accordance with this policy. When a recording is subject to multiple sections of the following, it must be maintained for the longest applicable period. The department will post this policy and the records retention schedule on its website and maintain an inventory of Body Warn Camera recordings having evidentiary value.

The following data shall be kept in accordance with this policy defined as:

- All recordings that are not subject to the below may be classified as non-evidentiary, or is not maintained for training, shall be retained for a minimum period of 90 days. There are no exceptions for non-evidentiary or erroneously recorded data.
- Upon written request by a body warn camera subject, the agency shall retain a recording pertaining to that subject for additional time up to 180 days. The agency will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received.

- Data documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or killing of an animal that is sick, injured, or dangerous must be maintained for a minimum period of one year.
- Data that documents use of force of a sufficient type or causing substantial bodily harm shall be kept for a minimum of seven years.
- Data that documents circumstances related to a formal complaint made against an officer shall be kept for seven years.
- Other data having evidentiary value shall be retained for the period specified in the Records Retention Schedule.
- After each period, the data may be purged from the system in accordance with the above retention policy and Appendix A.

411.11 COMPLIANCE

Officers failing to adhere to this policy or applicable laws regarding the use of department-issued cameras and any associated data, including but not limited to restrictions regarding accessing such data, are subject to discipline, up to and including termination.

Supervisors shall monitor for compliance with this policy. The unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. § 13.09.

It is the responsibility of this agency to ensure that camera equipment is properly installed and configured.

Appendix A

Default Minimum	90 Days	Interview (no charges)	Per Records Retention
Test	90 Days	Non-Felony Arrest	Per Records Retention
Training	90 Days	Formal Complaint	7 Years
Data Subject Request	180 Days	Felony Offense (non-arrest)	7 Years
Use of Force	7 Years	Felony Arrest	Forever
General Contact	Per Records Retention	Criminal Sexual Conduct	Forever
Agency Assist	Per Records Retention	Death	Forever

CC Regular Session **6. 2.**

Meeting Date: 09/13/2022

By: Brian McCann, Community Development

Information

Title:

PUBLIC HEARING: Consider Easement Vacation for Blue Line Collision at 6710 Highway 10 NW

Purpose/Background:

The City has received an application for a Site Plan and Conditional Use Permit for Blue Line Collision to construct a new facility at 6710 Highway 10 NW (the "Subject Property"). Blue Line Collision currently operates at 6260 Highway 10 NW. However, that parcel is being acquired by Anoka County as a result of planned Highway 10 improvements. When the property was replanted earlier this year, the original drainage and utility easements were left in place. With the development of the new auto repair facility, the proposed storm water basin is in conflict with the easement and the private utilities located within it. An Easement Vacation is required for approval, which is the purpose for an additional public hearing on the September 13, 2022 regular City Council meeting agenda.

Notification:

Staff attempted to notify property owners within 350 feet of the Subject Property, as reflected in the Anoka County Property Records, and to the private utility companies directly of the request for Easement Vacation consideration and the Public Hearing to be held by the City Council on September 13, 2022. A notice of the Public Hearing was also published in the Anoka County UnionHerald, the City's official newspaper. A copy of the public hearing notice is attached to this case.

Time Frame/Observations/Alternatives:

Summary

In 2021, the City removed the segment of Dolomite Street between Riverdale Drive and Highway 10 (eliminating the access point onto Highway 10 as part of the preparatory work for the Highway 10 improvements). Earlier this year, the City vacated that segment of right-of-way. Concurrent with the easement vacation, the City completed a plat to 'square off' the Subject Property and the property to the east, creating a more developable parcel.

Blue Line Collision is now proposing to construct a new facility on the Subject Property with a stormwater basin along the eastern boundary of the parcel.

Easement Vacation

There is a 10-foot wide drainage and utility easement curving through the eastern boundary of the Subject Property. The easement will have to be vacated for the proposed ponding and parking lot. The City has contacted the local utility companies, and there does appear to be a cable line in the easement that will have to be relocated prior to construction. A copy of their response can be found in the case attachments. A resolution approving the Easement Vacation is attached to this case, and approval of the project Site Plan and Conditional Use Permit are contingent upon approval of the Easement Vacation.

City Code Sections

Section 117-56. - Easement vacation
Section 117-115. - B-2 Highway Business District

Alternatives

Alternative 1: Approve the Easement Vacation as proposed. Staff supports this alternative.

Alternative 2: Approve the Easement Vacation with additional changes. This action would be based on City Council discussion.

Alternative 3: Deny the Easement Vacation based on certain findings. Staff does not support this alternative.

Funding Source:

All costs associated with this request are the Applicant's responsibility.

Recommendation:

Staff recommends adopting Resolution #22-192 approving an Easement Vacation for the Subject Property.

Outcome/Action:

Adopt Resolution #22-192 approving the Easement Vacation for Blue Line Collision on the Subject Property.

Attachments

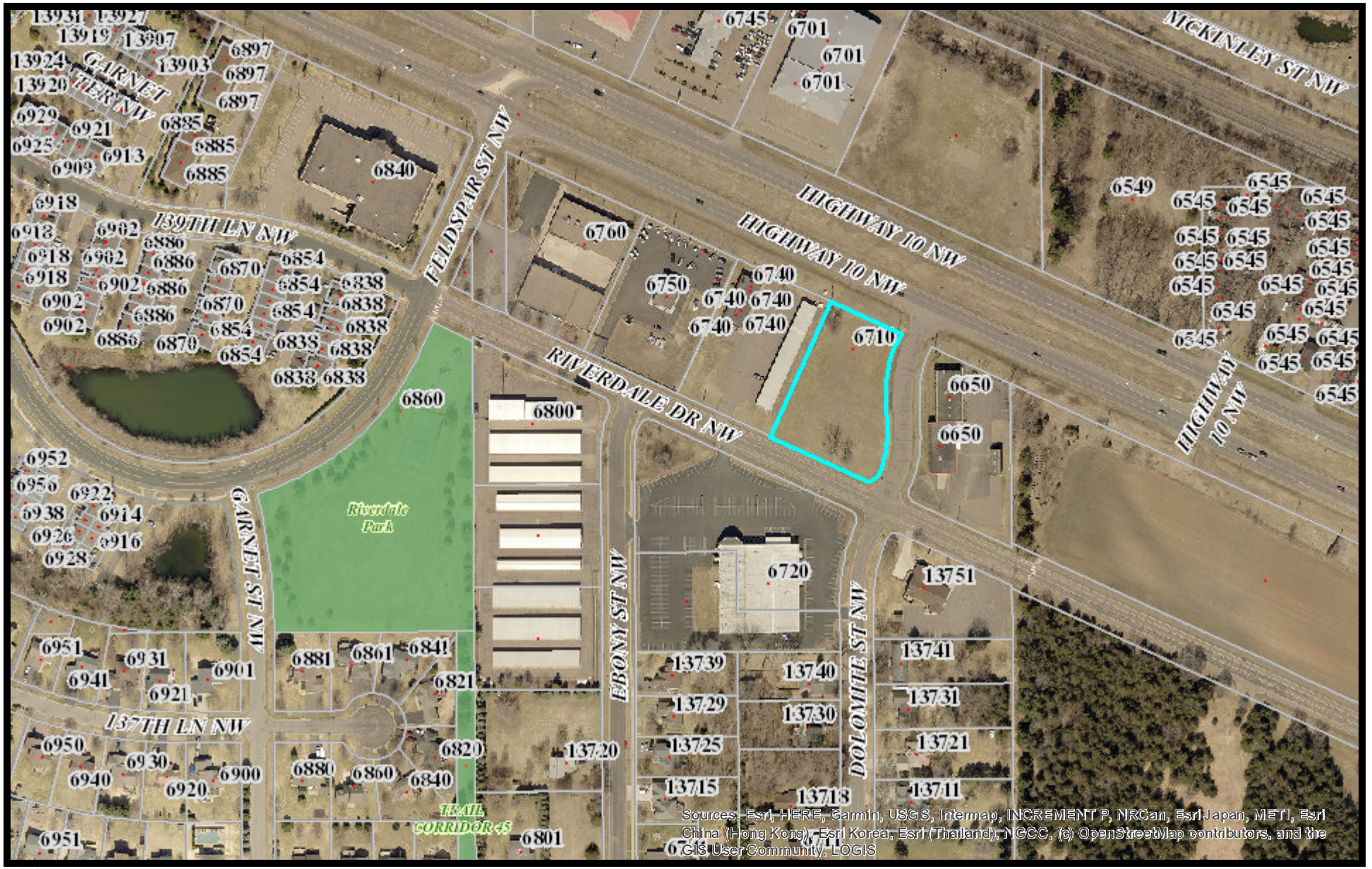
Site Location Map
Public Hearing Notice - September CC
Mailing Map - 350 Feet
Plan Set
Riverside West Recorded Plat
Lumen - Easement Vacation
Resolution #22-192 Easement Vacation
Staff Review Comments

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/08/2022 10:10 AM
Form Started By: Brian McCann		Started On: 09/01/2022 02:26 PM
Final Approval Date: 09/08/2022		

Site Location Map

6710 Highway 10 NW



2/1/2022 8:11:07 AM

0 0.0175 0.035 0.07 0.105 0.14 mi

7550 Sunwood Drive NW • Ramsey, MN 55303
City Hall: 763.427.1410 • Fax: 763.427.5543
www.cityoframsey.com

NOTICE OF PUBLIC HEARING
PROJECT 22-106: BLUE LINE COLLISION
EASEMENT VACATION

CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of the City of Ramsey will hold a public hearing on Tuesday, September 13, 2022 at 7:00 p.m. at Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, MN 55303.

The purpose of the hearing is to consider a request for an Easement Vacation related to a Site Plan and Conditional Use Permit request for Blue Line Collision to vacate a portion of a drainage and utility easement on the property generally known as 6710 Highway 10 NW and legally described as follows:

> Lots 1 & 3, Riverside West Rearrangement (subject to easement as shown on plat), Anoka County, Minnesota

The easement to be vacated is legally described as follows:

> The eastern 10 feet, except the northern 10 feet and southern 10 feet, Lot 4, Block 1, Riverside West, Anoka County, Minnesota

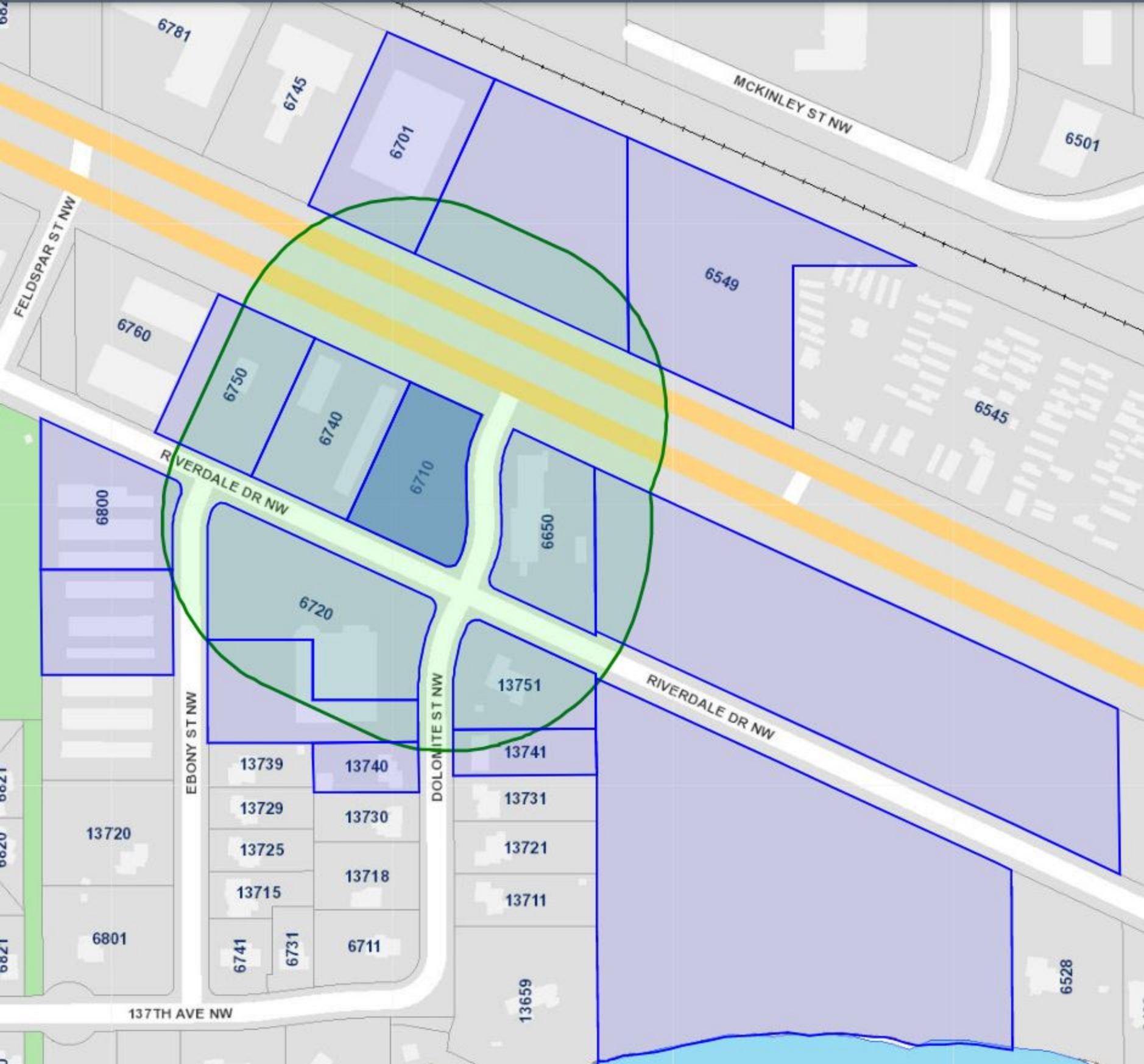
The City of Ramsey complies with the Americans with Disabilities Act and upon advance request, information will be provided in an alternative form and interpreters will be available. Any person with such a request should contact Brian McCann at 763-433-9860 by noon on Wednesday, September 7, 2022.

All interested persons are invited to join remotely from a PC, Mac, Linus, IOS, or Android at www.cityoframsey.com/meetings.

Comments are welcome and shall be sent to planning@cityoframsey.com or addressed to the Ramsey City Council, at 7550 Sunwood Drive NW, Ramsey, MN 55303. Any comments must be received at the above email or address prior to 4:00 p.m. on September 13, 2022. For any other inquiries relating to this project contact Brian McCann at 763-433-9860 or bmccann@cityoframsey.com.

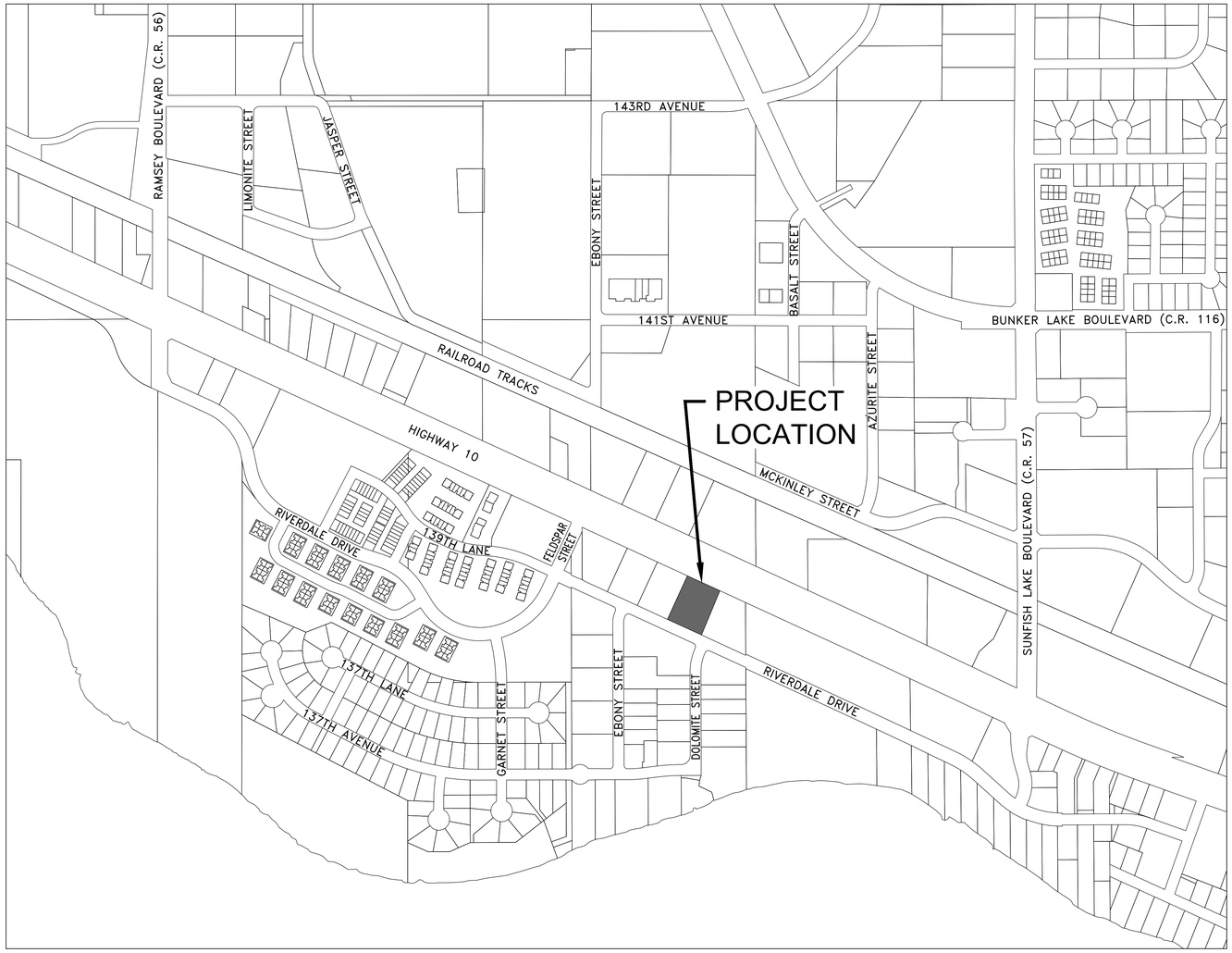
Brian McCann
City Planner

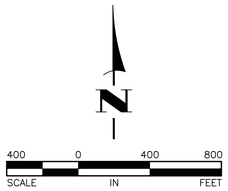
Date: August 30, 2022

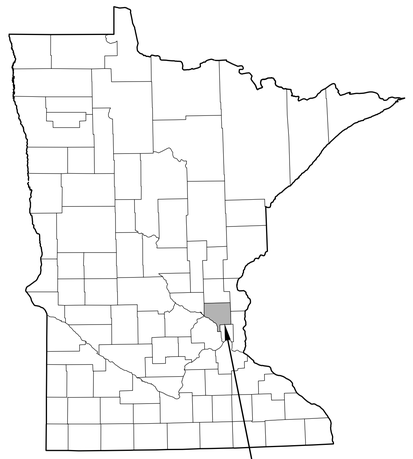

6781
6745
6701
MCKINLEY ST NW
6501
FELDSPAR ST NW
6760
6549
6750
6740
6710
6545
RIVERDALE DR NW
6800
6650
6720
13751
RIVERDALE DR NW
EBONY ST NW
DOLOMITE ST NW
13739
13740
13741
13729
13730
13731
13720
13725
13721
13718
13715
13711
6801
6741
6731
6711
13659
6528
137TH AVE NW

BLUE LINE COLLISION CENTER

SITE DEVELOPMENT PLANS
FOR KINGHORN CONSTRUCTION
IN THE CITY OF RAMSEY







CITY OF RAMSEY,
ANOKA COUNTY,
MINNESOTA

GOVERNING SPECIFICATIONS

THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN FOR STORM SEWER AND PARKING LOT WORK.

THE 2018 EDITION OF THE CITY ENGINEER'S ASSOCIATION OF MINNESOTA "STANDARD SPECIFICATIONS" SHALL GOVERN FOR SANITARY SEWER AND WATERMAIN WORK.

ALL FEDERAL, STATE AND LOCAL LAWS, REGULATIONS, AND ORDINANCES SHALL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

SHEET INDEX

THIS PLAN CONTAINS 12 SHEETS

SHEET NO.	DESCRIPTION
C1	TITLE SHEET
C2	CONSTRUCTION NOTES AND DETAILS
C3–C5	DETAILS
C6	EXISTING TOPOGRAPHY AND REMOVALS PLAN
C7	GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN
C8	STAKING PLAN
C9	UTILITY PLAN
C10	PAVING AND RESTORATION PLAN
L1	LANDSCAPE PLAN
L2	PLANTING DETAILS & LANDSCAPE SPECS.

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.

TIMOTHY A. EGGERICHS, P.E.
HAKANSON ANDERSON
DESIGN ENGINEER

43362 LIC. NO.

DATE 7/13/22

DATE	REVISION

SHEET C1 OF C10 SHEETS

Hakanson Anderson
Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763-427-5860 FAX 763-427-0520

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

BENCHMARK:

1. TOP NUT OF HYDRANT LOCATED IN THE NORTHWEST CORNER OF RIVERDALE DRIVE AND DOLOMITE STREET. ELEVATION=863.84 (NAVD 88)
2. TOP NUT OF HYDRANT LOCATED IN THE SOUTHEAST CORNER OF RIVERDALE DRIVE AND EBONY STREET. ELEVATION=861.25 (NAVD 88)

Aug 17, 2022 - 2:27pm
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3395.15

GENERAL CONSTRUCTION AND SOILS NOTES:

1. STRIP ALL INPLACE TOPSOIL IN AREAS TO BE DISTURBED BY CONSTRUCTION AND REUSE AS SLOPE DRESSING. IN AREAS OF PARKING LOT AND BUILDING CONSTRUCTION, THE EXPOSED SAND SHALL BE SURFACE COMPACTED TO AT LEAST 100% OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY, ASTM D698, IN AT LEAST THE UPPER 3 FEET.
2. UNLESS OTHERWISE RECOMMENDED IN THESE PLANS, THE GRADING SUBGRADE SHALL BE CONSTRUCTED OF SUITABLE GRADING MATERIAL. THE FILL SHALL BE PLACED IN 8'' TO 10'' LOOSE LIFTS, AND COMPACTED TO 100% OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY.
3. SUITABLE GRADING MATERIAL FOR THIS PROJECT SHALL CONSIST OF ALL SOILS ENCOUNTERED WITH THE EXCEPTION OF TOPSOIL, SILT, DEBRIS, ORGANIC MATERIAL AND OTHER UNSTABLE MATERIAL.
4. CONTRACTOR SHALL REVIEW THE REPORT OF GEOTECHNICAL EXPLORATION, PREPARED BY AMERICAN ENGINEERING TESTING AND DATED APRIL 21, 2022, FOR ADDITIONAL SITE PREPARATION REQUIREMENTS.
5. PROVIDE A SAW CUT WHEN PLACING NEW PAVEMENT ADJACENT TO INPLACE PAVEMENT AND AT TERMINI OF CONSTRUCTION TO ENSURE A UNIFORM JOINT.
6. BITUMINOUS AND CONCRETE ITEMS DISTURBED BY CONSTRUCTION SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF IN ACCORDANCE WITH MN/DOT SPEC. 2104.
7. USE TACK COAT BETWEEN ALL BITUMINOUS MIXTURES. THE BITUMINOUS TACK COAT MATERIAL SHALL BE APPLIED AT A UNIFORM RATE OF 0.04 GAL/SY TO 0.06 GAL/SY BETWEEN BITUMINOUS LAYERS. THE APPLICATION RATES ARE FOR UNDILUTED EMULSIONS.
8. THE BITUMINOUS MIXTURES SHALL MEET THE REQUIREMENTS OF SPECIFICATIONS 2360 AND 3139.
9. CONTRACTOR SHALL APPLY FOR A DEPARTMENT OF LABOR AND INDUSTRY PERMIT PRIOR TO CONSTRUCTING ANY UNDERGROUND UTILITIES SHOWN ON THESE PLANS. CONTRACTOR SHALL ADDRESS ALL THE COMMENTS FROM THE DEPARTMENT OF LABOR AND INDUSTRY AS PART OF THE PERMIT APPLICATION PROCESS.

GENERAL EROSION CONTROL NOTES:

1. EROSION CONTROL SHALL CONFORM TO THE MN/DOT EROSION CONTROL HANDBOOK.
2. PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL ACQUIRE THE MPCA NPDES CONSTRUCTION STORMWATER GENERAL PERMIT. A COPY OF THE PERMIT SHALL BE SUBMITTED TO THE CITY PRIOR TO THE PRECONSTRUCTION MEETING.
3. THE CONTRACTOR SHALL INSTALL EROSION AND SEDIMENT CONTROL FACILITIES (BMP'S) PRIOR TO GRADING AND REMOVAL ACTIVITIES. BMP'S SHALL BE MAINTAINED FOR THE DURATION OF CONSTRUCTION ACTIVITIES AND POTENTIAL FOR EROSION HAS PASSED.
4. THE CONTRACTOR SHALL SCHEDULE HIS OPERATION TO MINIMIZE THE AMOUNT OF DISTURBED AREA AT ANY GIVEN TIME.
5. BMP'S SHALL BE INSPECTED DAILY BY THE CONTRACTOR. OBSERVATIONS SHALL BE RECORDED IN AN INSPECTION LOG. WEEKLY INSPECTION LOGS AND INSPECTION LOGS AFTER EVERY 1/2" RAIN EVENT SHALL BE SUBMITTED TO THE CITY INSPECTOR.
6. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PROPERLY DISPOSED OF WITHIN THIRTY (30) DAYS AFTER FINAL SITE STABILIZATION.
7. THE CONTRACTOR SHALL FILE A NOTICE OF TERMINATION WITH THE MPCA AFTER FINAL STABILIZATION HAS BEEN APPROVED. THE CITY SHALL REVIEW AND APPROVE THE NOTICE OF TERMINATION PRIOR TO SUBMITTAL TO THE MPCA.

REFERENCE NOTES:

① SEE CITY PLATE NO. STR-26 FOR MODIFIED CLASS 5 AGGREGATE BASE SPECIFICATIONS.

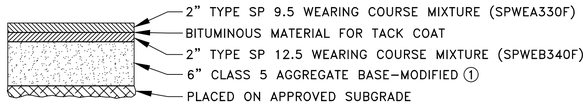
② INLET PROTECTION SHALL BE INSTALLED ON ALL CASTINGS RECEIVING RUNOFF FROM THE PROJECT AREA. INLET PROTECTION SHALL BE INSTALLED ON EXISTING, OFF SITE CASTINGS PRIOR TO THE START OF CONSTRUCTION. WIMCO MODELS CG 3067 AND RD 27 ARE SHOWN.

③ CONTRACTOR SHALL PROTECT THE INFILTRATION BASIN WITH 48" HIGH ORANGE SAFETY FENCE PRIOR TO THE START OF CONSTRUCTION.

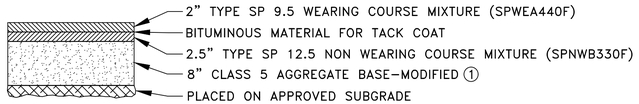
④ CONSTRUCTION EQUIPMENT SHALL BE MINIMIZED OVER THE FOOTPRINT OF THE BASIN. ONLY LOW PRESSURE, WIDE TRACKED EQUIPMENT SHALL BE USED FOR CONSTRUCTION.

⑤ INFILTRATION BASINS SHALL NOT BE GRADED TO WITHIN THREE FEET OF THE FINAL GRADES UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN CONSTRUCTED AND FULLY STABILIZED OR RIGOROUS EROSION PREVENTION AND SEDIMENT CONTROLS, SUCH AS DIVERSION BERMS, TO KEEP SEDIMENT AND RUNOFF COMPLETELY AWAY FROM THE INFILTRATION AREAS HAVE BEEN PROVIDED.

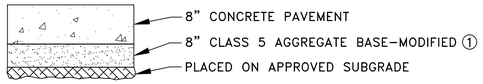
⑥ THE INFILTRATION RATE FOR THE SOILS IN THE BOTTOM OF THE INFILTRATION BASIN SHALL BE LESS THAN OR EQUAL TO 8.3 INCHES PER HOUR. THE CONTRACTOR MAY HAVE TO AMEND THE SOILS TO MEET THIS REQUIREMENT.



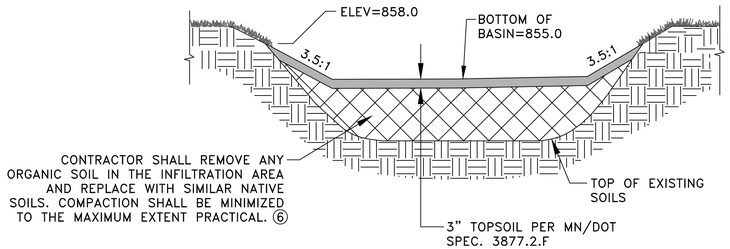
1 C2 LIGHT DUTY BITUMINOUS PAVEMENT SECTION
NO SCALE



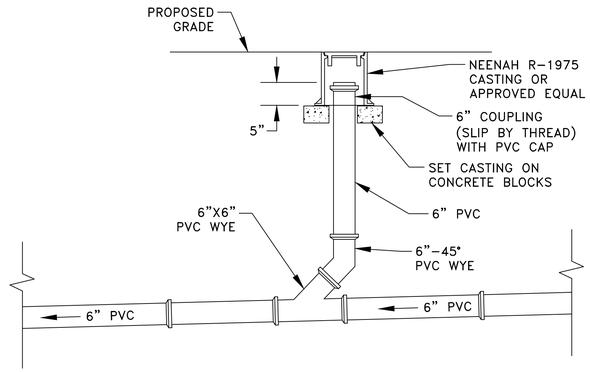
2 C2 HEAVY DUTY BITUMINOUS PAVEMENT SECTION
NO SCALE



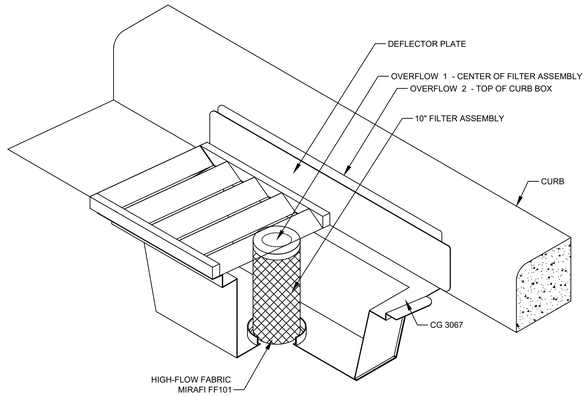
3 C2 CONCRETE PAVEMENT SECTION
NO SCALE



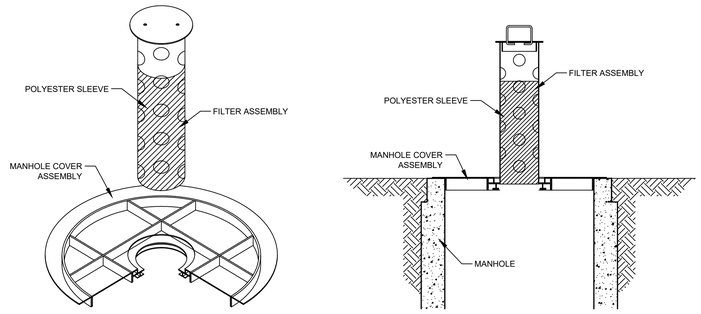
4 C2 INFILTRATION BASIN ③④⑤
NO SCALE



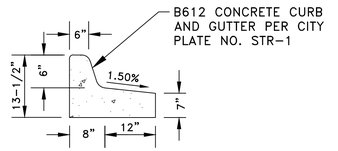
5 C2 SANITARY SEWER CLEANOUT
NO SCALE



6 C2 STORM DRAIN INLET PROTECTION ②



7 C2 STORM DRAIN INLET PROTECTION ②



8 C2 TIPOUT CURB DETAIL
NO SCALE

DATE	REVISION
8/17/22	PLAN REVISIONS PER CITY REVIEW

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.
TIMOTHY A. EGGENBERG, P.E.
Date 7/13/22 Lic. No. 43362

DESIGNED BY: TAE
DRAWN BY: TAE
CHECKED BY: CJJ

Hakanson Anderson
Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763-427-5860 FAX 763-427-0520
www.hakanson-anderson.com

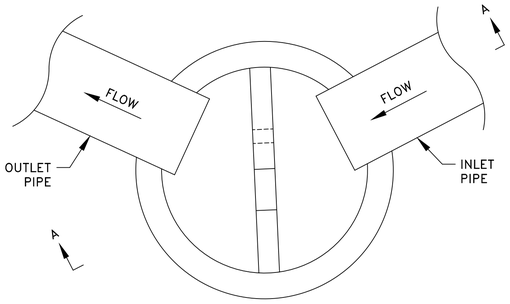
BLUE LINE COLLISION CENTER

CONSTRUCTION NOTES AND DETAILS
CITY OF RAMSEY, MINNESOTA

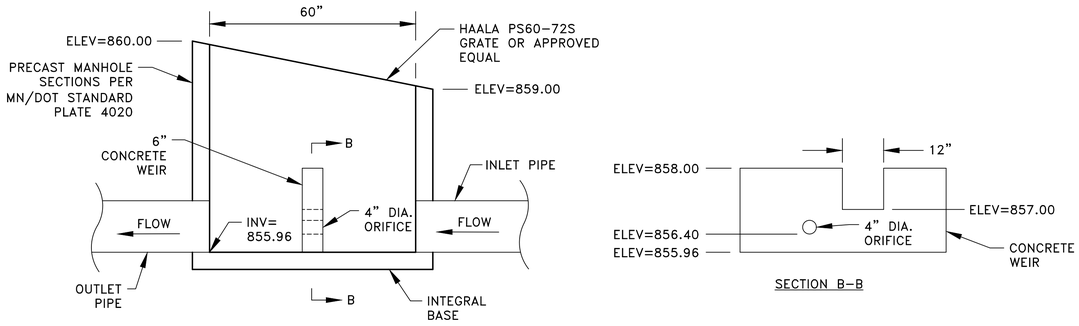
SHEET C2 OF C10 SHEETS

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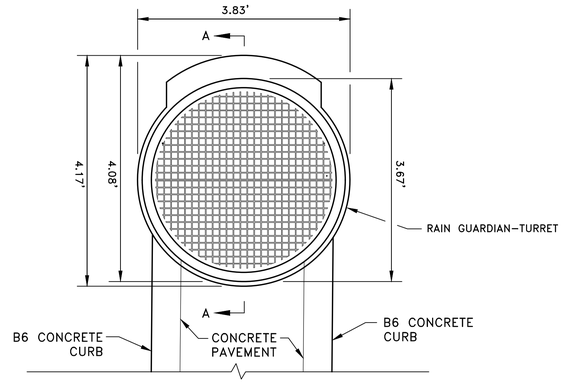
PLAN VIEW



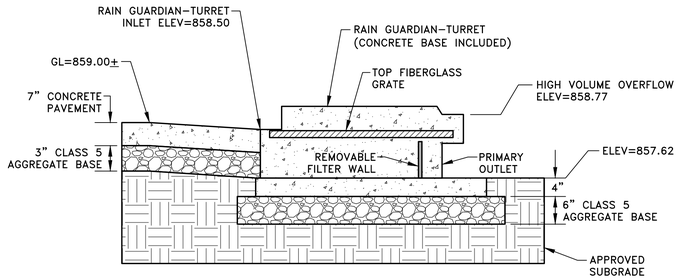
SECTION A–A

SECTION B–B

1 / C3 POND OUTLET STRUCTURE
NO SCALE



PLAN VIEW



SECTION A–A

2 / C3 RAIN GUARDIAN–TURRET DETAILS ①
NO SCALE

REFERENCE NOTES:
① SEE THE WEBSITE www.rainguardian.biz FOR ADDITIONAL CONSTRUCTION NOTES AND DETAILS FOR THE RAIN GUARDIAN–TURRET DESIGN.

DATE	REVISION

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.
TIMOTHY A. EGGENHOFER, P.E.
Date 7/13/22 Lic. No. 43362

DESIGNED BY: TAE
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BLUE LINE COLLISION CENTER

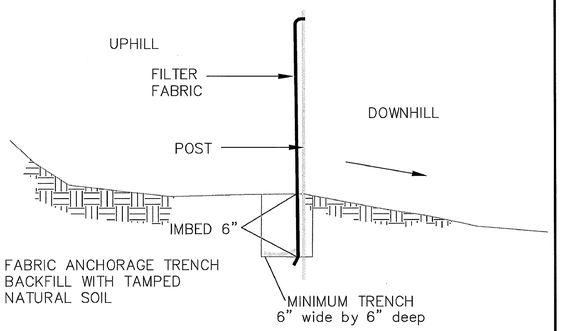
DETAILS

CITY OF RAMSEY, MINNESOTA

SHEET C3 OF C10 SHEETS

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Aug 17, 2022 – 2:29pm
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INSTALL AS PER FILTER FABRIC MANUFACTURER'S RECOMMENDATIONS

SILT FENCE DETAIL

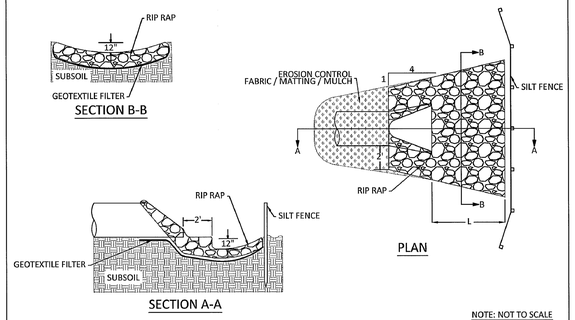
NO SCALE

APPROVED: 1 – 2016

City of RAMSEY

STANDARD DETAILS: SILT FENCE

CITY PLATE No. ERO–1



NOTE: NOT TO SCALE

NOTES:

1. ON SLOPES 4:1 OR GREATER, ANCHOR OR STRAIGHT DISKED STRAW MULCH, SEEDED NETTING, GABRIC, OR MATTING SUCH AS EXCELSIOR SHALL BE USED TO STABILIZE DISTURBED SOILS. THESE EXPOSED SOILS MUST BE STABILIZED IMMEDIATELY AFTER GRADING OF SOIL IS COMPLETE.
2. A SKIRTING OF EROSION CONTROL FABRIC OR MULCH MUST BE USED TO PROTECT OUTLETS AS ILLUSTRATED REGARDLESS OF SLOPE.
3. RIP RAP IS CLASS III PLACED 18" THICK.
4. FOR PIPE GREATER THAN 48" DIAMETER OR 58" SPAN, QUANTITY OF GEOTEXTILE FABRIC AND RIP RAP WILL BE HANDLED IN A CASE BY CASE MANNER.
5. GEOTEXTILE FABRIC SHALL COVER THE BOTTOM AND SIDES OF THE AREA EXCAVATED FOR THE RIP RAP MATERIAL.

RIP RAP AT RCP OUTLETS			
DIA. OF PIPE (IN.)	L (FT.)	GEOTEXTILE FABRIC (SY)	18" DEPTH RIP RAP (CU. YD)
12	8	19.6	4.4
15	8	20.8	4.8
18	10	25.6	6.4
21	10	27.4	7.1
24	12	33.4	9.2
27	12	35.2	9.9
30	14	41.6	12.3
36	16	50.5	15.8
42	18	57.8	18.7
48	20	66.5	22.2

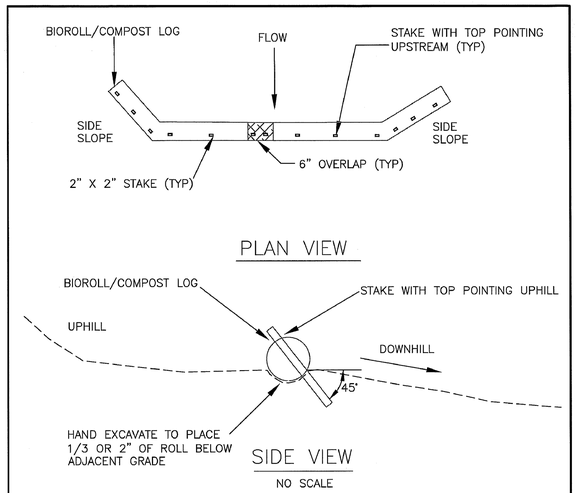
RIP RAP AT RCP-A OUTLETS			
SPAN OF PIPE (IN.)	L (FT.)	GEOTEXTILE FABRIC (SY)	18" DEPTH RIP RAP (CU. YD)
22	10	25.6	6.1
28	12	33.2	8.5
36	14	41.5	11.2
43	16	50.5	14.3
51	18	57.5	16.9
58	20	65.2	19.8

APPROVED: 9 – 2016

City of RAMSEY

STANDARD DETAILS: RIP–RAP

CITY PLATE No. ERO–3



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

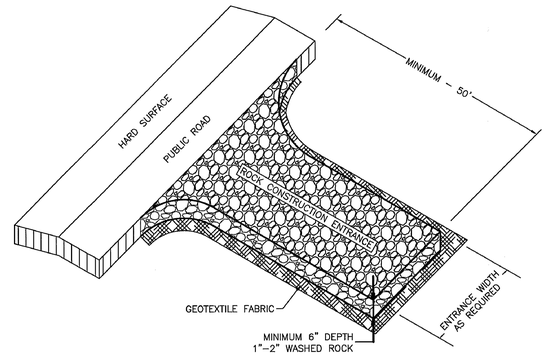
WOOD STAKES ARE DRIVEN THROUGH BACK HALF OF BIOROLL OR COMPOST LOG AT 45° ANGLE WITH TOP OF STAKE POINTING UPHILL

APPROVED: 3 – 2016

City of RAMSEY

STANDARD DETAILS: BIO ROLL (COMPOST LOG)

CITY PLATE No. ERO–4



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.

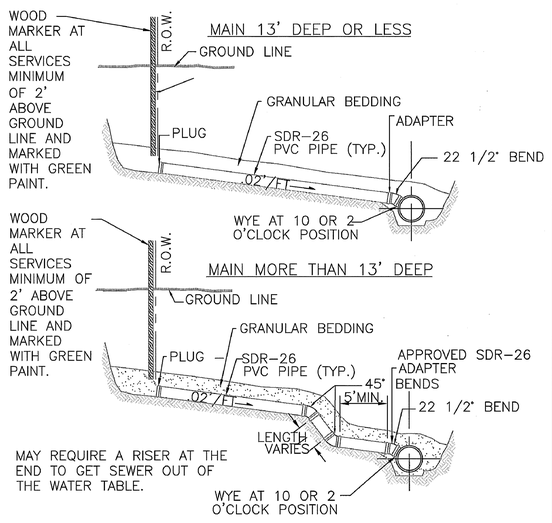
NOT TO SCALE

APPROVED: 1 – 2016

City of RAMSEY

STANDARD DETAILS: ROCK CONSTRUCTION ENTRANCE

CITY PLATE No. ERO–5



NOTES:

1. 10 GAGE SOLID COPPER TRACER WIRE IS REQUIRED WITH ALL SEWER LINES
2. CONDUCTIVITY IS REQUIRED ON ALL TRACER WIRE.
3. TRACER WIRE ARE TO END IN STRUCTURES, AT FINISHED GRADE ON ALL SERVICES AND STUBS.

APPROVED: 4 – 2016

City of RAMSEY

STANDARD DETAILS: SANITARY SEWER SERVICE

CITY PLATE No. SEW–3

DATE	REVISION

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.

TIMOTHY A. EGGENHOFER, P.E.

Date 7/13/22 Lic. No. 43362

DESIGNED BY: TAE
DRAWN BY: TAE
CHECKED BY: CJJ

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www.hakanson–anderson.com

BLUE LINE COLLISION CENTER

DETAILS

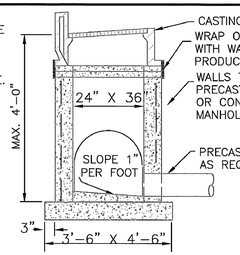
CITY OF RAMSEY, MINNESOTA

SHEET C4 OF C10 SHEETS

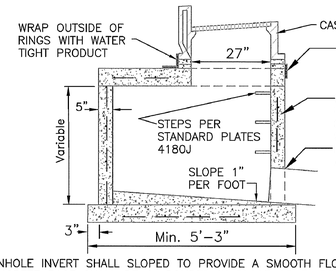
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Aug 17, 2022 – 2:30pm
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A 5 FT. GREEN CARSONITE MARKER SHALL BE INSTALLED NEXT TO ALL STRUCTURES NOT IN A PAVED OR HARD SURFACE.



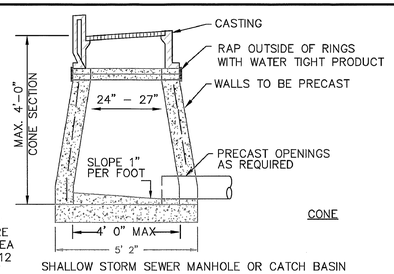
RECTANGULAR



CIRCULAR

NOTES:
1. MANHOLE INVERT SHALL SLOPED TO PROVIDE A SMOOTH FLOW FROM INLET TO OUTLET
2. CONCRETE BASE SHALL BE 6" POURED IN PLACE OR 5" PRECAST SLAB.
3. CONCRETE ADJUSTING RINGS TO BE INSTALLED MAX.7–2" RINGS, MIN 2–2" RINGS
4. GROUT BETWEEN RINGS,SHIMS SHALL BE METAL, CONCRETE OR PLASTIC
5. INSPECTION OF MANHOLE REQUIRED BEFORE BACKFILLING
6. A 10 GAUGE SOLID COPPER TRACER WIRE IS REQUIRED WITH ALL STORM LINES.
7. CONDUCTIVITY IS REQUIRED ON ALL TRACER WIRE
8. STEPS ARE REQUIRED IF STRUCTURE FROM THE CASTING TO THE INVERT IS GREATER THAN 4 FEET
9. TRACER WIRES ARE TO END IN STRUCTURES, AT FINISHED GRADE ON ALL SERVICES AND STUBS

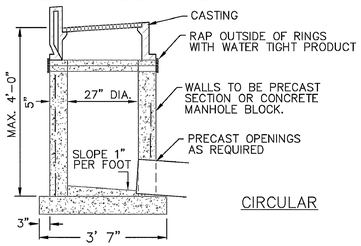
APPROVED:		STANDARD DETAILS:
4 – 2007	City of RAMSEY	CATCH BASIN
		CITY PLATE No. STO–1



CONE

PRECAST REINFORCING: SINGLE LINE STEEL WIRE FABRIC HAVING AN AREA OF NOT LESS THAN 0.12 SQ INCH PER FOOT OF HEIGHT.

SHALLOW STORM SEWER MANHOLE OR CATCH BASIN



CIRCULAR

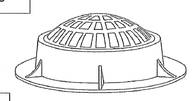
SHALLOW STORM SEWER MANHOLE OR CATCH BASIN

NOTES:
1. MANHOLE INVERT SHALL BE SLOPED TO PROVIDE A SMOOTH FLOW FROM INLET TO OUTLET.
2. CONCRETE BASE SHALL BE 6" POURED IN PLACE OR 5" PRECAST SLAB.
3. CONCRETE ADJUSTING RINGS TO BE INSTALLED MAX 7–2" RINGS, MIN 2–2" RINGS.
4. GROUT BETWEEN RINGS
5. SHIMS USED FOR LEVELING SHALL BE METAL OR CONCRETE.
6. A 10 GAGE SOLID COPPER TRACER WIRE IS REQUIRED WITH ALL SEWER LINES.
7. CONDUCTIVITY IS REQUIRED ON ALL TRACER WIRE
8. TRACER WIRED ARE TO END IN STRUCTURES, AT FINIHED GRADE ON ALL SERVICES AND STUBS.

APPROVED:		STANDARD DETAILS:
6 – 2008	City of RAMSEY	STORM AREA INLET
		CITY PLATE No. STO–2

R–2560 Series
Beehive Grates with Frames

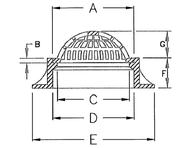
SUITABLE FOR DRAINAGE ON CIRCUMSTANCES WHERE CLOGGING OF A FLAT GRATING IS A PROBLEM. EXCELLENT FOR ROADSIDE OR EARTH DITCH CATCH BASINS.



Illustrating R–2560–E

Catalog No.	Dimensions in Inches A	B	C	D	E	F	G	Wt. LBS
R–2560–A	12	1	11	12 1/2	19	4	4	80
R–2560–B	15 1/2	1 1/4	15	15	21	5	3	120
R–2560–C	18	1 1/4	18 1/2	20 1/2	30	8	4	190
R–2560–C1	22	1 1/2	20	23	28	4	4 1/2	195
R–2560–C2	22	1 1/2	20 1/2	24	28 1/4	6	4 1/2	270
R–2560–D	22	1 1/2	20	24 1/2	35	9	4 1/2	315
R–2560–D1	22	1 1/2	20	23	28 1/4	4	7	210
R–2560–D2	22	1 1/2	20 1/2	24	35	6	7	285
R–2560–D3	22	1 1/2	20	24 1/2	36	9	7	345
R–2560–E	23	1 1/2	21	25 1/2	35 1/2	9	7	340
R–2560–EA	25 3/4	7/8	24 1/8	26 1/2	35 1/2	4	8	235
R–2560–EB	25 3/4	7/8	24 1/8	26 1/2	35 1/2	4	9	255
R–2560–E1	25 3/4	7/8	24 1/8	26 1/2	35 1/2	7	6	285
R–2560–E2	25 3/4	7/8	24 1/8	26 1/2	35 1/2	7	9	300
R–2560–E5	25 3/4	7/8	24 1/8	26 1/2	35 1/2	8	6	345
R–2560–E6	25 3/4	7/8	24 1/8	26 1/2	35 1/2	8	9	365
R–2560–E7	25 3/4	7/8	24 1/8	26 1/2	35 1/2	9	6	350
R–2560–E8	25 3/4	7/8	24 1/8	26 1/2	35 1/2	9	9	365
R–2560–E9	25 3/4	7/8	24 1/8	26 1/2	35 1/2	10	6	360
R–2560–E10	25 3/4	7/8	24 1/8	28 1/2	35 1/2	10	9	385
R–2560–G	32	1 1/2	30	36	46	7	4	535

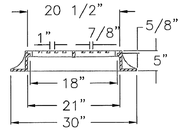
Furnished standard with ground bearing surfaces.



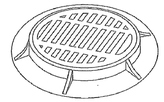
R–2570 Catch Basin Frame, Grate

Light Duty

Total Weight 170 Pounds



Furnished standard with ground bearing surfaces.

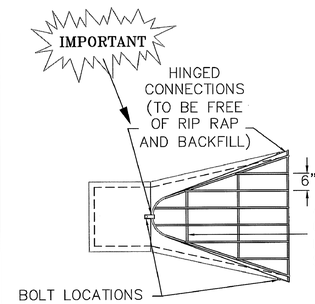


STORM CASTINGS FOR NON–TRAFFIC AREAS

NTS

APPROVED:		STANDARD DETAILS:
9 – 2011	City of RAMSEY	STORM CASTING – NON TRAFFIC AREAS
		CITY PLATE No. STO–6

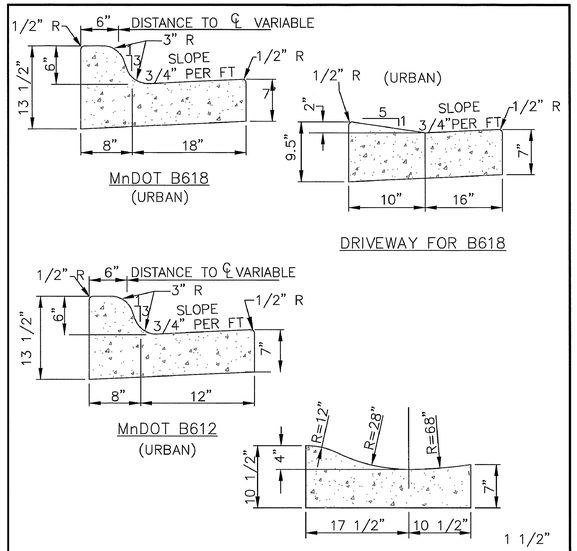
NOTE:
GUARDS MUST BE INCORPORATED ON ALL INSTALLATIONS EXCEPT WHERE SPECIFICALLY ALLOWED OTHERWISE BY THE CITY ENGINEER.



ARCH ROUND PIPE SIZE	BOLT DIA.	BAR SIZE
12"–24"	5/8"	5/8"
27"–48"	3/4"	3/4"
54"–90"	1"	1"
22"–29"	5/8"	5/8"
36"–59"	3/4"	3/4"
65"–88"	1"	1"

NOTE: COATINGS ARE AS SPECIFED ELSEWHERE

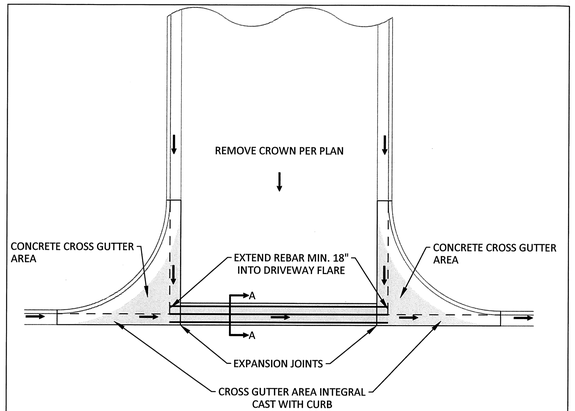
APPROVED:		STANDARD DETAILS:
2 – 2006	City of RAMSEY	TRASH GUARD
		CITY PLATE No. STO–8



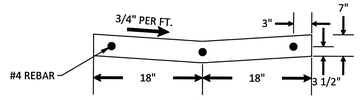
NOTES:

1. ON WEAR COURSE MILL THE EXISTING BITUMINOUS 1.5" BY 24" IN FRONT OF THE REPLACEMENT CURB.
2. ON BASE COURSE SAW CUT AND REMOVE EXISTING BITUMINOUS 18" IN FRONT OF THE REPLACEMENT CURB.

APPROVED:		STANDARD DETAILS:
1 – 2016	City of RAMSEY	CURB AND GUTTER
		CITY PLATE No. STR–1



PLAN



SECTION A-A

NOTE: NOT TO SCALE

NOTES:
1. WITH REMOVAL OF EXISTING CURB AT A STREET, MILL BITUMINOUS TO A DEPTH OF 1.5" AND A WIDTH OF 18" IN EXISTING STREET.
2. TO BE USED WHENEVER CROSS DRAINAGE IS < 2%.
3. CONCRETE CURB AND GUTTER SHALL BE CAST INTEGRAL WITH CONCRETE CROSS GUTTER AREA.
4. CONCRETE CURB AND GUTTER SHALL BE PAID SEPARATELY FROM CONCRETE CROSS GUTTER AREA.

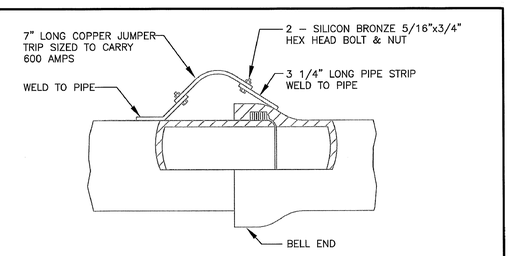
APPROVED:		STANDARD DETAILS:
3 – 2017	City of RAMSEY	CROSS GUTTER
		CITY PLATE No. STR–2

TABLE A
MODIFIED CLASS 5 SPECIFICATIONS
% PASSING

1"	100
3/4"	90 – 100
3/8"	50 – 80
No.4	35 – 70
No.10	20 – 60
No.40	10 – 35
No.200	5 – 10

NOTES:
1. THE AGGREGATE BASE CONSTRUCTION WILL BE ACCEPTED FOR PAYMENT IN ACCORDANCE WITH THE PROVISIONS IN TABLE A.
2. IF THE AGGREGATE BASE FAILS TO MEET THE REQUIREMENTS OF TABLE A THE MATERIAL CAN BE CORRECTED IN PLACE OR REMOVED AND REPLACED WITH MATERIAL THAT MEET THE REQUIREMENTS OF TABLE A.
3. IN THE EVENT THAT RECYCLED MATERIAL IS USE IT MUST MEET MNDOT REQUIREMENTS FOR RECYCLED BASE.

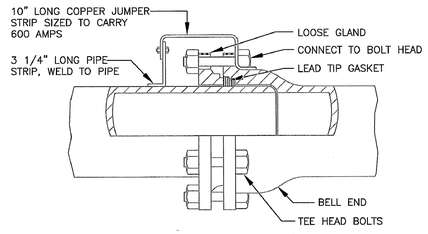
APPROVED:		STANDARD DETAILS:
2 – 2003	City of RAMSEY	MODIFIED CLASS 5 SPECIFICATIONS
		CITY PLATE No. STR–26



PUSH ON JOINT

NOTE: DO NOT PASS CURRENT THROUGH PIPE UNLESS PIPE IS FULL OF WATER.

ALTERNATE METHOD BY AMERICAN CAST –IRON USING 4 COPPER CONTACT STRIPS IS AN APPROVED EQUAL TO ABOVE



MECHANICAL JOINT

APPROVED:		STANDARD DETAILS:
1 – 2016	City of RAMSEY	JOINT CONNECTION
		CITY PLATE No. WAT–4

DATE	REVISION
8/17/22	PLAN REVISIONS PER CITY REVIEW

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.

TIMOTHY A. EGGERTSEN, P.E.
Date 7/13/22 Lic. No. 43362

DESIGNED BY: TAE
DRAWN BY: TAE
CHECKED BY: CJJ

Hakanson Anderson
Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763–427–5860 FAX 763–427–0520
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BLUE LINE COLLISION CENTER

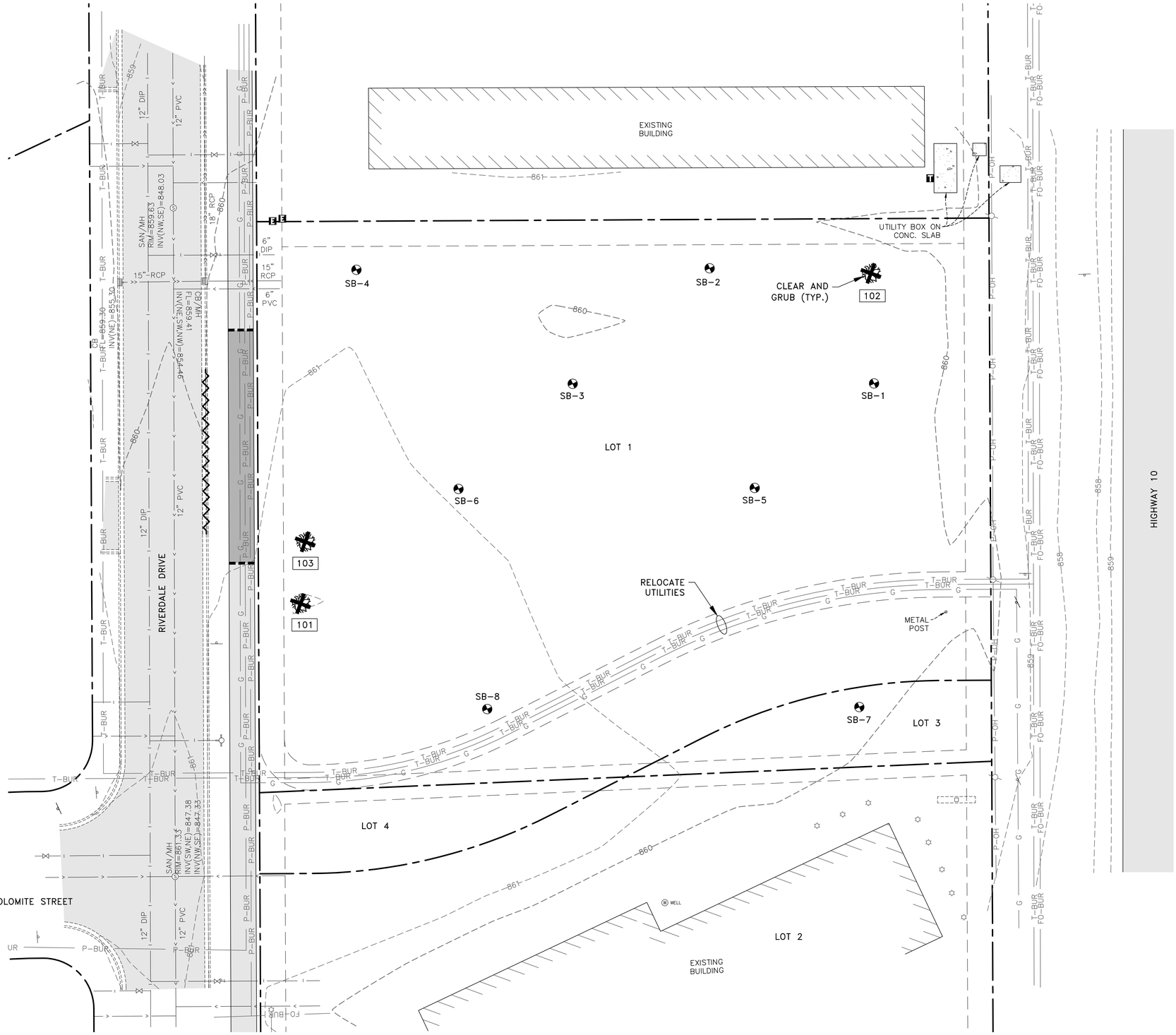
DETAILS

CITY OF RAMSEY, MINNESOTA

SHEET C5 OF C10 SHEETS

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GENERAL NOTES:

1. SILT FENCE FENCE SHALL BE IN PLACE PRIOR TO THE START OF ANY REMOVAL ACTIVITIES. SEE THE GRADING, DRAINAGE AND EROSION CONTROL PLAN FOR SILT FENCE LOCATIONS.
2. CLEARING OF ANY OAK TREES SHALL NOT OCCUR PRIOR TO JULY 15TH. IF OAK TREE CLEARING IS NECESSARY PRIOR TO JULY 15TH, AN OAK WILT MANAGEMENT PLAN MUST BE PREPARED AND SUBMITTED TO THE CITY FOR REVIEW TO ENSURE ADEQUATE MEASURES ARE IMPLEMENTED TO PROTECT FROM THE INTRODUCTION OF OAK WILT.
3. CLEAR AND GRUB BRUSH, SHRUBS AND SMALL TREES WITHIN THE CONSTRUCTION LIMITS (NOT SHOWN).
4. CONTRACTOR SHALL PREPARE A TRAFFIC CONTROL PLAN FOR THE WORK IN RIVERDALE DRIVE. PLAN SHALL BE SUBMITTED TO THE CITY OF RAMSEY A MINIMUM OF 7 DAYS PRIOR TO CONSTRUCTION.

REFERENCE NOTES:

① ONLY THE SIGNIFICANT TREES, AS DEFINED BY THE CITY OF RAMSEY, ARE NUMBERED.

LEGEND

- PROPERTY LINE
- EASEMENT LINE
- XXX EXISTING CONTOUR
- EXISTING CONCRETE CURB
- G GAS MAIN
- P-BUR BURIED ELECTRIC LINE
- T-BUR BURIED TELEPHONE LINE
- P-OH OVERHEAD ELECTRIC LINE
- FO-BUR BURIED FIBER OPTIC LINE
- I EXISTING WATERMAIN
- > EXISTING SANITARY SEWER
- >> EXISTING STORM SEWER
- T E UTILITY PEDESTALS
- Ⓢ EXISTING SANITARY SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING WATERMAIN VALVE
- EXISTING HYDRANT
- LIGHT POLE
- SIGN
- DECIDUOUS AND CONIFEROUS TREES
- EXISTING BITUMINOUS PAVEMENT
- REMOVE BITUMINOUS PAVEMENT
- REMOVE CONCRETE CURB
- SAWCUT BITUMINOUS PAVEMENT
- XXX TREE NUMBER ①
- SB-X SOIL BORING LOCATION

SIGNIFICANT TREE INVENTORY TABULATION

Tree Number	Common Name	Scientific Name	Diameter (inches)	Action
101	Siberian Elm *	*Ulmus pumila*	18	Clear & Grub - Parking Lot
102	Green Ash	*Fraxinus pennsylvanica*	15	Clear & Grub - Building
103	Cottonwood	*Populus deltoides*	30	Clear & Grub - Parking Lot

* Invasive Species

N

20 0 20 40
SCALE IN FEET

DATE	REVISION
8/17/22	PLAN REVISIONS PER CITY REVIEW

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.

Tim Eggenhofer

TIMOTHY A. EGGENHOFER, P.E.

Date 7/13/22 Lic. No. 43362

DESIGNED BY: TAE
DRAWN BY: TAE
CHECKED BY: CJJ

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BLUE LINE COLLISION CENTER

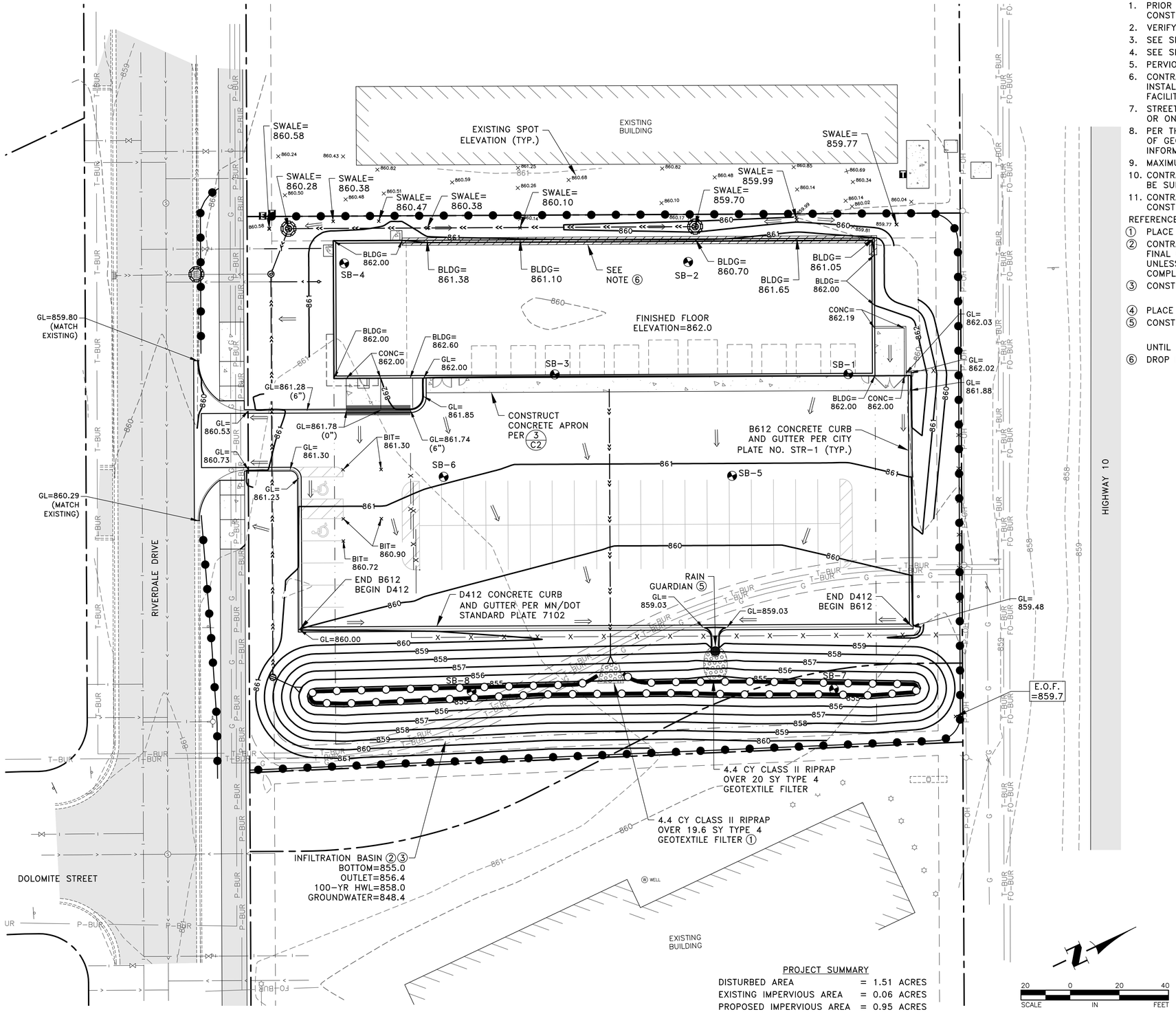
EXISTING TOPOGRAPHY AND REMOVALS PLAN

CITY OF RAMSEY, MINNESOTA

SHEET C6 OF C10 SHEETS

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GENERAL NOTES:

1. PRIOR TO IMPORTING OR EXPORTING MATERIAL FROM THE SITE, CONTRACTOR SHALL CONSTRUCT A ROCK CONSTRUCTION ENTRANCE PER CITY PLATE NO. ERO-5.
2. VERIFY BUILDING DIMENSIONS WITH ARCHITECTURAL PLANS.
3. SEE SHEET C8 FOR THE STAKING PLAN.
4. SEE SHEET C9 FOR THE UTILITY PLAN.
5. PERVIOUS AREAS SHALL BE STABILIZED WITHIN 7 DAYS OF ROUGH GRADING.
6. CONTRACTOR SHALL DETERMINE A LOCATION FOR CONCRETE AND OTHER WASHOUT WASTE. A SIGN SHALL BE INSTALLED ADJACENT TO EACH WASHOUT FACILITY THAT REQUIRES SITE PERSONNEL TO UTILIZE THE PROPER FACILITIES FOR DISPOSAL OF CONCRETE AND OTHER WASTES.
7. STREET SWEEPING MUST BE PERFORMED DAILY IF SEDIMENT IS TRACKED OUTSIDE THE CONSTRUCTION LIMITS OR ONTO ANY CITY STREETS.
8. PER THE ANOKA COUNTY SOIL SURVEY, THE SITE CONSISTS OF HUBBARD LOAMY SANDS. SEE THE REPORT OF GEOTECHNICAL EXPLORATION PREPARED BY AMERICAN ENGINEERING TESTING, INC. FOR ADDITIONAL INFORMATION.
9. MAXIMUM FINISHED GRADES SLOPES SHALL BE 3.5:1.
10. CONTRACTOR SHALL PREPARE A TRAFFIC CONTROL PLAN FOR THE WORK IN RIVERDALE DRIVE. PLAN SHALL BE SUBMITTED TO THE CITY OF RAMSEY A MINIMUM OF 7 DAYS PRIOR TO CONSTRUCTION.
11. CONTRACTOR SHALL PROVIDE A TEMPORARY PEDESTRIAN ACCESS ROUTE FOR THE TRAIL DURING CONSTRUCTION.

REFERENCE NOTES:

① PLACE RIPRAP PER CITY PLATE NO. ERO-3.
② CONTRACTOR SHALL NOT EXCAVATE THE INFILTRATION BASIN TO FINAL GRADE, OR WITHIN THREE FEET OF FINAL GRADE, UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN CONSTRUCTED AND FULLY STABILIZED UNLESS RIGOROUS EROSION PREVENTION AND SEDIMENT CONTROLS TO KEEP SEDIMENT AND RUNOFF COMPLETELY AWAY FROM THE INFILTRATION BASIN ARE PROVIDED.
③ CONSTRUCT INFILTRATION BASIN PER 4/C2.
④ PLACE SEDIMENT CONTROL LOG AFTER COMPLETION OF GRADING.
⑤ CONSTRUCT RAIN GUARDIAN PER 2/C3. PLACE SEDIMENT CONTROL LOG UPSTREAM OF THE RAIN GUARDIAN UNTIL FINAL STABILIZATION IS ACHIEVED.
⑥ DROP FOOTING BASED ON PROPOSED GRADES.

LEGEND

- PROPERTY LINE
- EASEMENT LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING CONCRETE CURB
- GAS MAIN
- BURIED ELECTRIC LINE
- BURIED TELEPHONE LINE
- OVERHEAD ELECTRIC LINE
- BURIED FIBER OPTIC LINE
- EXISTING WATERMAIN
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- UTILITY PEDESTALS
- EXISTING SANITARY SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING WATERMAIN VALVE
- EXISTING HYDRANT
- LIGHT POLE
- SIGN
- DECIDUOUS AND CONIFEROUS TREES
- EXISTING BITUMINOUS PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- PROPOSED RIPRAP
- PROPOSED CONCRETE CURB AND GUTTER
- PROPOSED WATERMAIN
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER
- PROPOSED FENCE
- PROPOSED STORM MANHOLE
- PROPOSED POND OUTLET STRUCTURE
- PROPOSED STORM SEWER APRON
- SILT FENCE PER CITY PLATE NO. ERO-1
- SEDIMENT CONTROL LOG PER CITY PLATE NO. ERO-4 ④
- PROPOSED TIPOUT CURB PER 8/C2
- STORM DRAIN INLET PROTECTION DEVICE PER 6/C2 AND 7/C2
- DRAINAGE ARROW

GL= XXX.XX — PROPOSED GUTTER LINE ELEVATION
BIT= XXX.XX — PROPOSED SPOT ELEVATION (BITUMINOUS)
CONC= XXX.XX — PROPOSED SPOT ELEVATION (CONCRETE)
BLDG= XXX.XX — PROPOSED GROUND ELEVATION AT BUILDING
SWALE= XXX.XX — PROPOSED SWALE ELEVATION
X/X — DETAIL NUMBER / SHEET NUMBER

PROJECT SUMMARY

DISTURBED AREA	= 1.51 ACRES
EXISTING IMPERVIOUS AREA	= 0.06 ACRES
PROPOSED IMPERVIOUS AREA	= 0.95 ACRES

DATE	REVISION
8/17/22	PLAN REVISIONS PER CITY REVIEW

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.
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Date 7/13/22 Lic. No. 43362

DESIGNED BY: TAE
DRAWN BY: TAE
CHECKED BY: CJJ

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BLUE LINE COLLISION CENTER

GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN

CITY OF RAMSEY, MINNESOTA

SHEET C7 OF C10 SHEETS

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LEGEND

PROPOSED TIPOUT CURB PER (8/C2)

DRAINAGE ARROW

GL= XXX.XX — PROPOSED GUTTER LINE ELEVATION

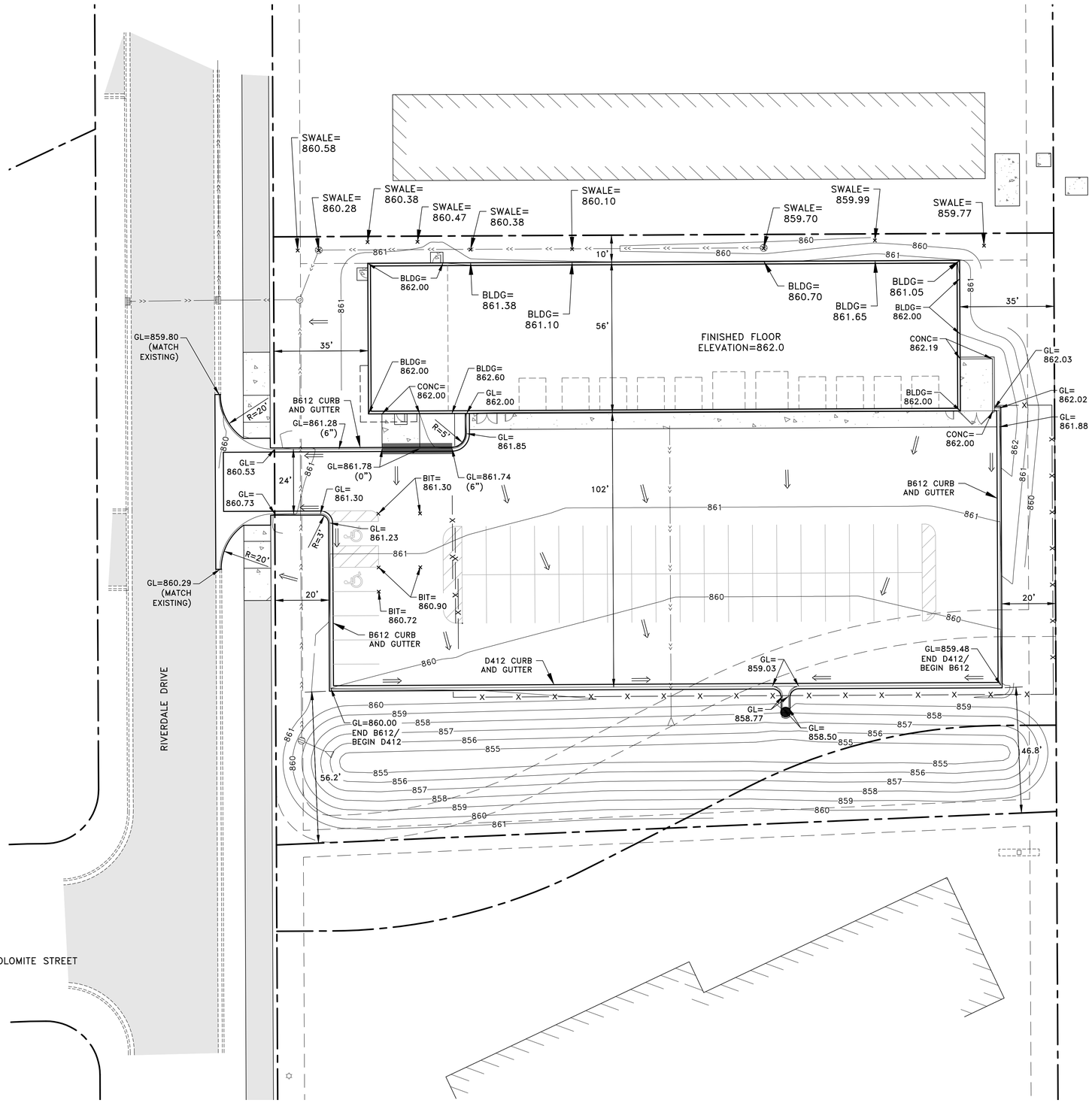
BIT= XXX.XX — PROPOSED SPOT ELEVATION (BITUMINOUS)

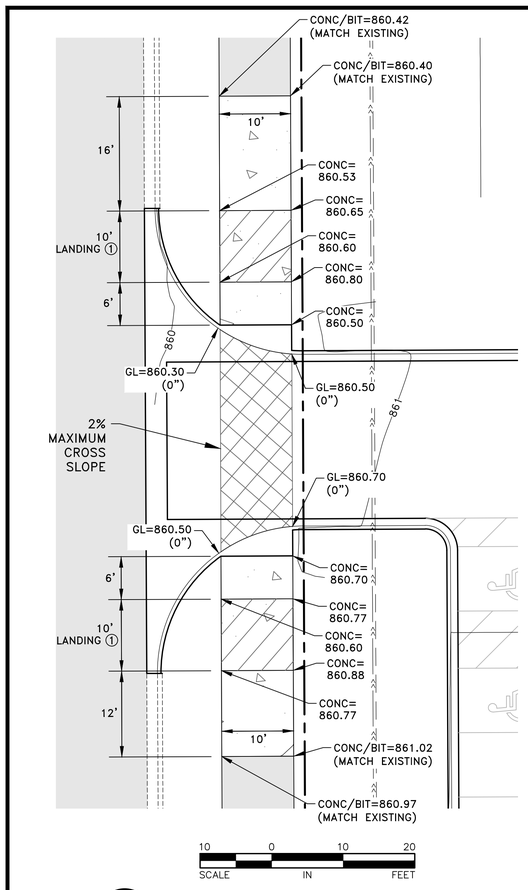
CONC= XXX.XX — PROPOSED SPOT ELEVATION (CONCRETE)

BLDG= XXX.XX — PROPOSED GROUND ELEVATION AT BUILDING

SWALE= XXX.XX — PROPOSED SWALE ELEVATION

REFERENCE NOTES:
(1) LANDING SHALL HAVE A MAXIMUM SLOPE OF 2.00% IN ALL DIRECTIONS.





SCALE IN FEET: 20 0 20 40

SCALE IN FEET: 10 0 10 20

1/C8 PEDESTRIAN RAMP DETAILS

DATE	REVISION
8/17/22	PLAN REVISIONS PER CITY REVIEW

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.

TIMOTHY A. EGGENHOFER, P.E.
Date 7/13/22 Lic. No. 43362

DESIGNED BY: TAE
DRAWN BY: TAE
CHECKED BY: CJJ

Hakanson Anderson
Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763-427-5860 FAX 763-427-0520
www.hakanson-anderson.com

BLUE LINE COLLISION CENTER

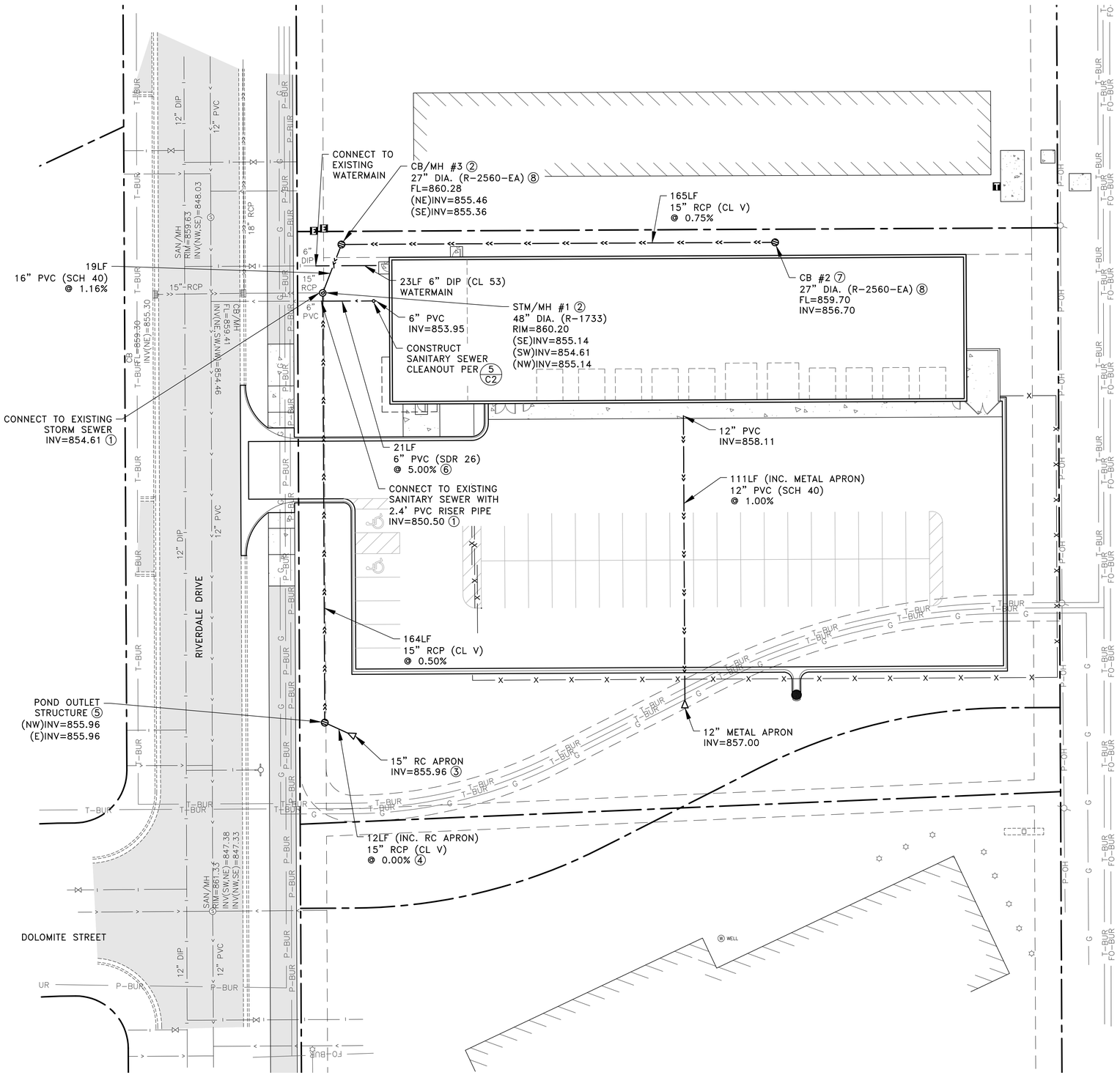
STAKING PLAN

CITY OF RAMSEY, MINNESOTA

SHEET C8 OF C10 SHEETS

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GENERAL NOTES:

1. CONTRACTOR SHALL APPLY FOR A DEPARTMENT OF LABOR AND INDUSTRY PERMIT PRIOR TO CONSTRUCTING ANY UNDERGROUND UTILITIES SHOWN ON THESE PLANS. CONTRACTOR SHALL ADDRESS ALL THE COMMENTS FROM THE DEPARTMENT OF LABOR AND INDUSTRY AS PART OF THE PERMIT APPLICATION PROCESS.
2. MAINTAIN A MINIMUM OF 7.5' OF COVER OVER WATERMAIN.
3. WATERMAIN JOINT CONSTRUCTION SHALL BE PER CITY PLATE NO. WAT-4.
4. THE PROPOSED SEWER AND WATER SERVICES SHALL INCLUDE TRACER WIRE.

REFERENCE NOTES:

① LOCATION AND INVERT OF EXISTING SANITARY SEWER AND STORM SEWER STUBS SHALL BE VERIFIED PRIOR TO CONSTRUCTION.
② CONSTRUCT STRUCTURE PER CITY PLATE NO. STO-1.
③ CONCRETE APRON SHALL INCLUDE A TRASH GUARD PER CITY PLATE NO. STO-8.
④ TIE ALL PIPE JOINTS.
⑤ CONSTRUCT STRUCTURE PER 1/C3.
⑥ CONSTRUCT SEWER SERVICE PER CITY PLATE NO. SEW-3.
⑦ CONSTRUCT STRUCTURE PER CITY PLATE NO. STO-2.
⑧ CASTING SHALL BE PER CITY PLATE NO. STO-6.

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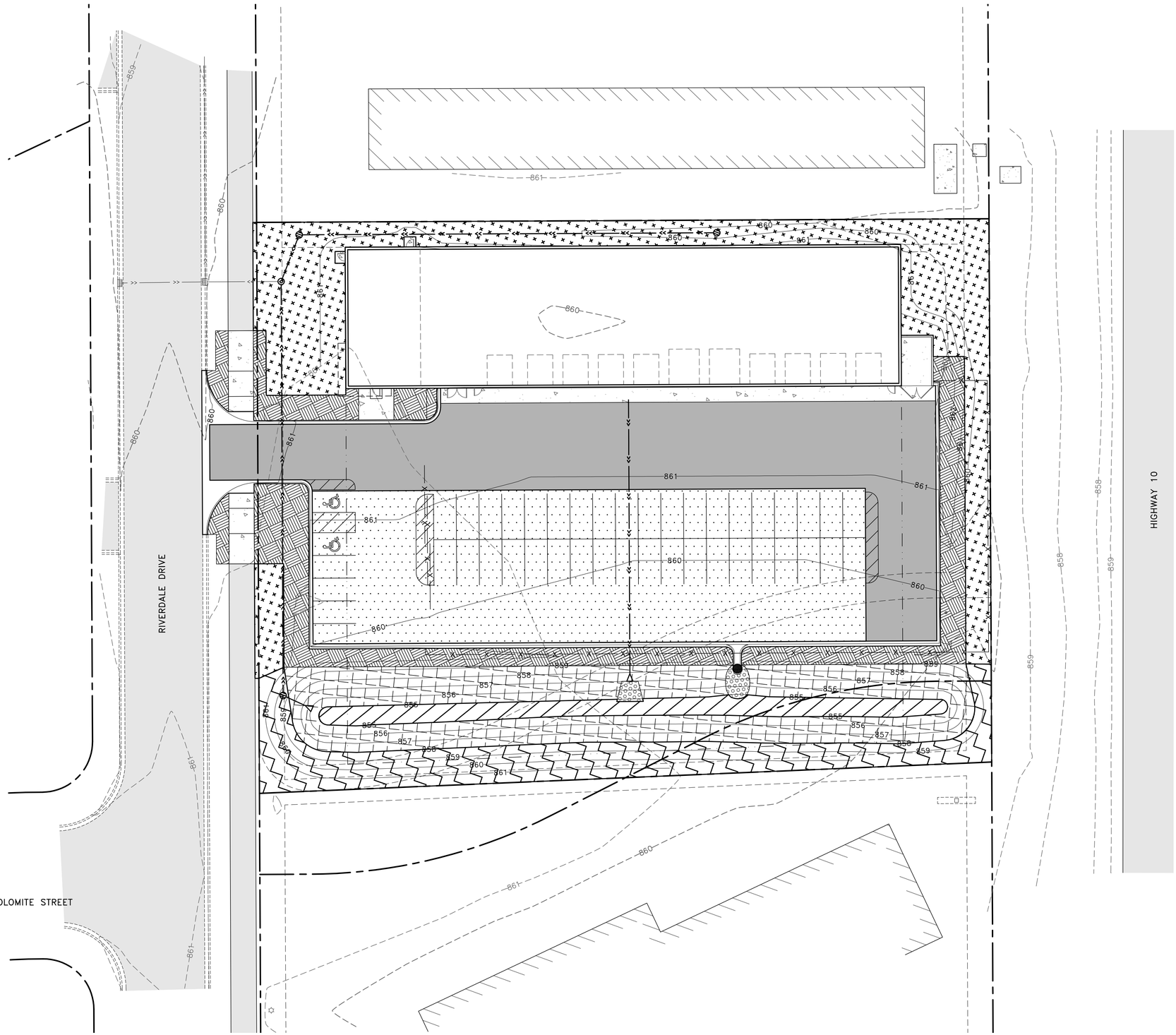
BLUE LINE COLLISION CENTER

UTILITY PLAN
CITY OF RAMSEY, MINNESOTA

SHEET C9 OF C10 SHEETS

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LEGEND

- PROPOSED LIGHT DUTY BITUMINOUS PAVEMENT PER (1/C2)
- PROPOSED HEAVY DUTY BITUMINOUS PAVEMENT PER (2/C2)
- SEED MIX 25-131 (220 POUNDS/ACRE)
  ROLLED EROSION PREVENTION CATEGORY 20
  TYPE 1 FERTILIZER (300 POUNDS/ACRE)
- SEED MIX 25-131 (220 POUNDS/ACRE)
  HYDRAULIC MULCH MATRIX (2500 POUNDS/ACRE)
  TYPE 1 FERTILIZER (300 POUNDS/ACRE)
- SEED MIX 33-261 (35 POUNDS/ACRE)
  ROLLED EROSION PREVENTION CATEGORY 20
  TYPE 1 FERTILIZER (300 POUNDS/ACRE)
- SEED MIX 33-261 (35 POUNDS/ACRE)
  HYDRAULIC MULCH MATRIX (2500 POUNDS/ACRE)
  TYPE 1 FERTILIZER (300 POUNDS/ACRE)
- SOD
  TYPE 1 FERTILIZER (300 POUNDS/ACRE)

GENERAL NOTES:

1. PLACE A MINIMUM OF 4" OF TOPSOIL OVER ALL DISTURBED AREAS OUTSIDE THE PROPOSED PARKING LOT AND INFILTRATION AREA. TOPSOIL SHALL NOT CONTAIN MORE THAN 35% SAND CONTENT. SEE (4/C2) FOR INFILTRATION BASIN TOPSOIL REQUIREMENTS.

SCALE: 20 0 20 40 IN FEET

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8/17/22	PLAN REVISIONS PER CITY REVIEW

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TIMOTHY A. EGGENHOFER, P.E.
Date 7/13/22 Lic. No. 43362

DESIGNED BY: TAE
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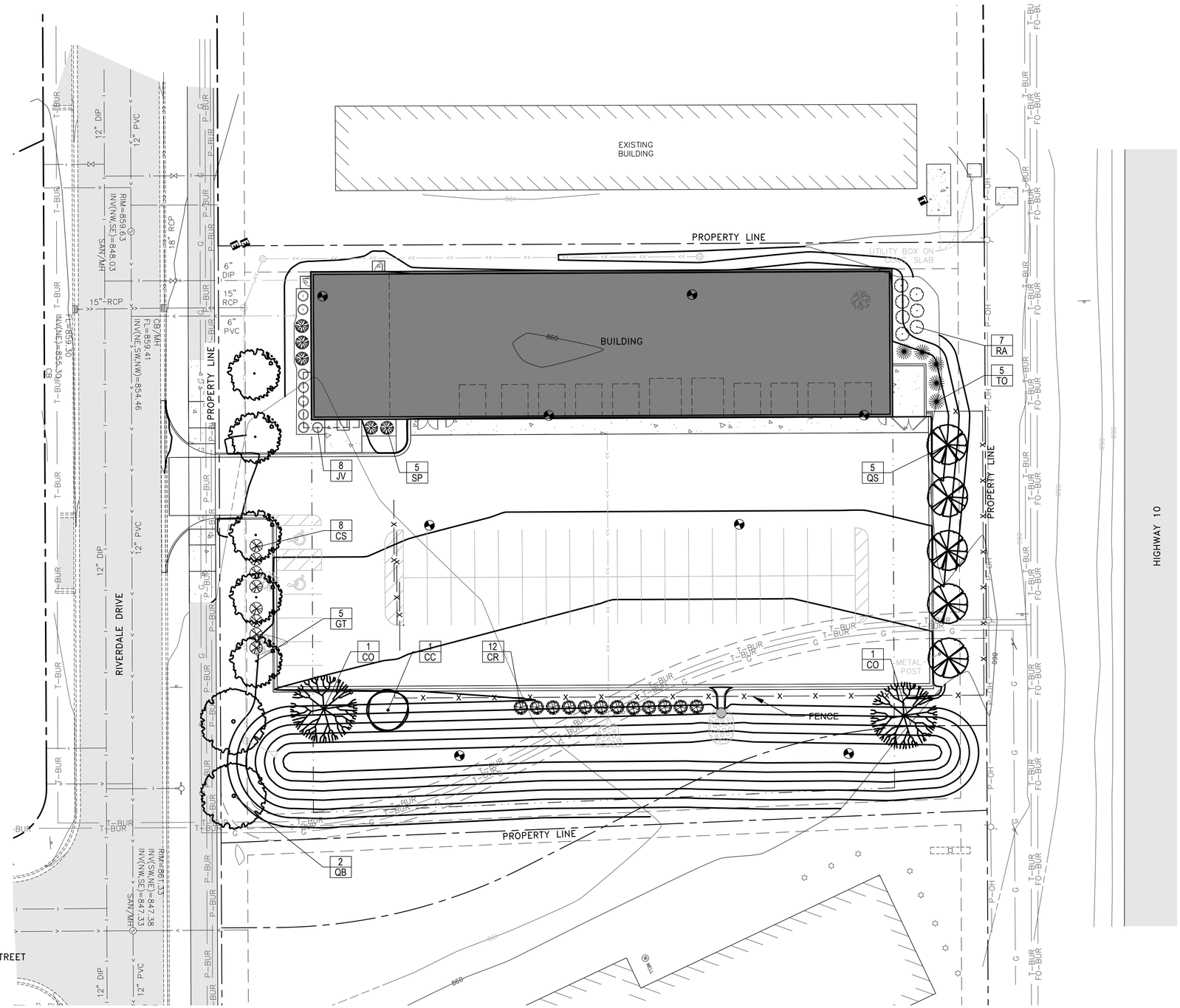
PAVING AND RESTORATION PLAN

CITY OF RAMSEY, MINNESOTA

SHEET C10 OF C10 SHEETS

3395.15

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PLANT SCHEDULE

QTY	CODE	SCIENTIFIC NAME/COMMON NAME	SIZE	ROOT	REMARKS
		OVERSTORY TREES			
2	CO	Celtis occidentalis	2.5" cal.	BB	see plan for spacing
		Hackberry			straight trunk, single leader
5	GT	Gleditsia triacanthos 'Draves'	2.5" cal.	BB	space 24' o.c.
		Street Keeper honeylocust			straight trunk, single leader
2	QB	Quercus bicolor	2.5" cal.	BB	space 28' o.c.
		Swamp white oak			straight trunk, single leader
5	QS	Quercus x bimundorum 'JFS-KW1QX'	2.5" cal.	BB	space 20' o.c.
		Streetspire oak			straight trunk, single leader
		ORNAMENTAL TREES			
1	CC	**Crataegus crus-galli var. inermis**	1.75" cal	BB	see plan for spacing
		Thornless hawthorn			straight trunk, single leader
		EVERGREEN TREES			
5	TO	Thuja occidentalis 'Techny'	6' ht.	BB	space 7' o.c.
		Techny arborvitae			straight trunk, single leader
		SHRUBS (24" MIN. SHRUB SIZE AT TIME OF INSTALLATION)			
12	CR	Cornus racemosa	#5	cont.	space 6' o.c.
		Grey dogwood			
8	CS	Cornus sericea 'Alleman's'	#5	cont.	space 5' o.c.
		Alleman's compact redtwig dogwood			
8	JV	Juniperus virginiana 'Grey Owl'	#5	cont.	space 5' o.c.
		Grey Owl juniper			
5	SP	Syringa patula 'Miss Kim'	#5	cont.	space 6' o.c.
		Miss Kim lilac			
7	RA	Rhus aromatica	#5	cont.	space 6' o.c.
		Fragrant sumac			

NOTES:
1. SEE SHEET L2 FOR PLANTING DETAILS & LANDSCAPE SPECIFICATIONS.
2. ALL LANDSCAPE AREAS TO RECEIVE 4" OF TOPSOIL. TOPSOIL SHALL NOT CONTAIN MORE THAN 35% SAND CONTENT. SEE CIVIL SHEET C2 FOR INFILTRATION BASIN TOPSOIL REQUIREMENTS.
3. SEE CIVIL SHEET C10 FOR TURF AND TALLGRASS RESTORATION PLAN AND SPECS.
4. ALL TREES, SHRUBS, AND TURF AREAS TO BE IRRIGATED. SEE IRRIGATION SPECS. SHEET L2.

LANDSCAPE REQUIREMENTS

DETERMINING NUMBER OF PLANTS

LOT PERIMETER: 1,022 LF/50 LF = 20 TREES

BUILDING FOOTPRINT: 12100 SF/1,000 SF = 12 TREES

B-2 BUSINESS DISTRICT

PLANTS BASED ON 1,022 LF OF LOT PERIMETER	**REQUIRED**	**ON THIS PLAN**
DECIDUOUS/CONIFEROUS TREES PER 50 LF	20	20
SHRUBS PER 300 SF	40	40
TREE DISTRIBUTION	**REQUIRED**	
DECIDUOUS OVERSTORY TREES ≥ 25%	≥ 5	14
CONIFEROUS TREES ≥ 25%	≥ 5	5
DECIDUOUS UNDERSTORY TREES ≤ 25%	≤ 5	1
OVERSTORY TREES ADJACENT TO PUBLIC R.O.W.	**REQUIRED**	
PUBLIC R.OW. 442LF/35 LF	13	13
PARKING LOT LANDSCAPING - 44 STALLS	**REQUIRED**	
1 TREE PER 10 STALLS	5	11

N

SCALE: 20 0 20 40 IN FEET

DATE	REVISION
08.17.2022	PLAN REVISIONS PER CITY REVIEW

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 Landscape Architect under the laws of the State of Minnesota. Name: Carmen Simonet

Signature: Carmen Simonet

License # 24236 Date 07.13.2022

LANDSCAPE ARCHITECT:
Carmen Simonet Design LLC
354 Stonebridge Blvd., St. Paul, MN 55105
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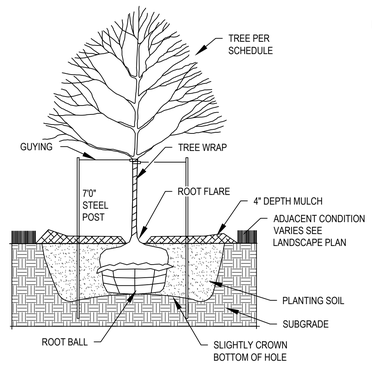
LANDSCAPE PLAN

CITY OF RAMSEY, MINNESOTA

SHEET L1 OF L2 SHEETS

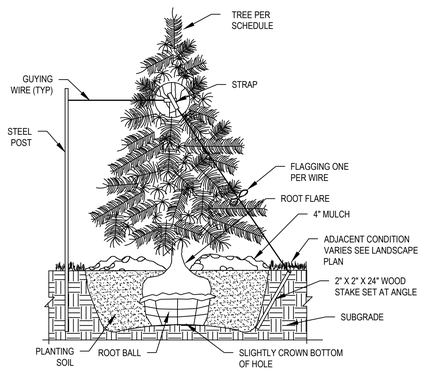
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PLANTING DETAILS



NOTES:
1. Remove dead or damaged branches. Retain the natural form of the tree. Do not cut the leader.
2. Width of planting hole: 18" min. larger than root ball, on all sides.
3. Depth of hole: root flare to sit at or up to 2" above the top of the finished soil elevation. Leave soil undisturbed beneath the root ball.
4. Scarify bottom and sides of hole prior to planting.
5. Set plant on undisturbed soil or thoroughly compacted planting soil.
6. Remove top 1/3 of the basket or the top two horizontal rings whichever is greater. Remove all burlap from top 1/3 of root ball. Remove all twine.
7. Remove or correct stem girdling roots or reject plant.
8. Slit remaining burlap at 6" intervals.
9. Plumb & backfill with planting soil. Thoroughly water in tree within 2 hours to settle plants and fill voids.
10. Backfill voids and water a second time.
11. Place double shredded hardwood mulch within 48 hours of the second watering. No mulch to be in contact w/ trunk.
12. Contractor is responsible for maintaining trees in a plumb position throughout the guarantee period. Stake trees if site conditions, such as soil and wind, prevent the trees from staying plumb. Use 16" x 1.5" polypropylene or polyethylene straps, attach to post with 10 gauge wire. Remove within one year.
13. Wrap trunk in fall, remove wrap in spring.
14. Refer to plan and specs. for additional information.

1 L2 TREE PLANTING DETAIL
NOT TO SCALE



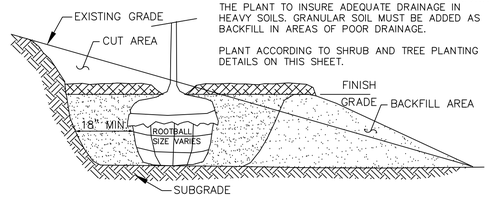
NOTES:
1. Width of planting hole: 18" min. larger than root ball, on all sides.
2. Depth of hole: root flare to sit at or up to 2" above the top of the finished soil elevation. Leave soil undisturbed beneath the root ball.
3. Scarify bottom and sides of hole prior to planting.
4. Set plant on undisturbed soil or thoroughly compacted planting soil.
6. Remove top 1/3 of the basket or the top two horizontal rings whichever is greater. Remove all burlap from top 1/3 of root ball. Remove all twine.
7. Remove or correct stem girdling roots or reject plant.
8. Slit remaining burlap at 6" intervals.
9. Plumb & backfill with planting soil. Thoroughly water in tree within 2 hours to settle plant and fill voids.
10. Backfill voids and water a second time.
11. Place double shredded hardwood mulch within 48 hours of the second watering. No mulch to be in contact w/ trunk or branches.
12. Two alternate methods of staking trees are illustrated in detail.
13. Contractor is responsible for maintaining trees in a plumb position throughout the guarantee period. Stake trees if site conditions, such as soil and wind, prevent the trees from staying plumb. Use 16" x 1.5" polypropylene or polyethylene straps, attach to post or stake with 10 gauge wire. Remove within one year.
14. Refer to plan and specs. for additional information.

2 L2 EVERGREEN TREE PLANTING DETAIL
NOT TO SCALE

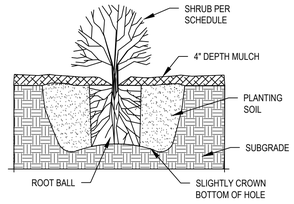
NOTES:

EXTEND EXCAVATION AND BACKFILL SOIL TO A POINT DOWNSLOPE EQUAL TO OR LOWER IN ELEVATION THAN THE BOTTOM OF THE HOLE DIRECTLY BENEATH THE PLANT TO INSURE ADEQUATE DRAINAGE IN HEAVY SOILS. GRANULAR SOIL MUST BE ADDED AS BACKFILL IN AREAS OF POOR DRAINAGE.

PLANT ACCORDING TO SHRUB AND TREE PLANTING DETAILS ON THIS SHEET.

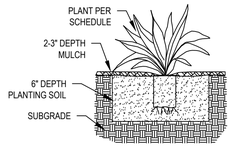


3 L2 PLANTING ON A SLOPE DETAIL
NOT TO SCALE



NOTES:
1. Dig shrub hole 12" min. larger than container size, all sides.
2. Scarify bottom and sides of hole prior to planting.
3. Remove dead or damaged branches. Retain the natural form of the shrub.
4. Hand loosen roots of containerized material. Score outside of soil mass to redirect circling fibrous roots.
5. Set shrub on undisturbed soil or on thoroughly compacted planting soil. Install plant so the top of the root flare is at or up to 2" above the finished grade.
6. Plumb and backfill with planting soil. Thoroughly water in shrub prior to placing mulch.
7. Place double shredded hardwood mulch. Do not place any mulch on vegetation or in contact with trunk/stems.
8. Refer to plan and specs. for additional information.

4 L2 SHRUB PLANTING DETAIL
NOT TO SCALE



NOTES:
1. Plant into prepared planting bed.
2. Plant at same depth as in container.
3. Place double shredded hardwood mulch over perennial bed. Do not place any mulch on vegetation.
4. Thoroughly water in plants.
5. Refer to plan and specs. for additional information.

5 L2 PERENNIAL PLANTING DETAIL
NOT TO SCALE

LANDSCAPE SPECIFICATIONS

TREES, SHRUBS, AND PERENNIALS

1. REFERENCES
- A. Mn/DOT - Minnesota Department of Transportation, Standard Specifications for Construction, 2020 Edition.
- B. American Standard for Nursery Stock, ANSI Z60.1-2014.
- C. ASTM, American Society for Testing and Materials.

2. QUALITY ASSURANCE
- A. Work shall be performed by a landscape contractor with extensive horticulture knowledge, and a min. of 3 years experience.
- B. Handle plants in such a way as to protect from damage either physical or by exposure to sun and wind. Mishandled plants are subject to rejection by Landscape Architect.
- C. Plants used on this project shall meet the grading standards recommended by the ANSI Z60.1-2014.

3. PRODUCTS
- A. Plants: Provide as specified on Plant Schedule. All shrubs shall be a minimum of 24" height or width at time of installation.
- B. Edging: Heavy duty poly edger: 5" depth w/ v-lip to prevent frost heave, and steel stakes, black color, Sure-loc Elite-Edge or equal.
- C. Mulch: Double shredded hardwood mulch.
- D. Water: Contractor to provide.
- E. Planting Soil: rich friable, loam topsoil, free of debris and seeds, conforming to Mn/DOT 3877.2 B loam topsoil borrow, and amended as follows: no more than 35% sand.
- F. Compost: Conforming to Mn/DOT 3890.2, Grade 2.
- G. Tree Wrap: Two-ply weather resistant paper product.

4. PLANTING DATES: Spring Planting: Apr. 1 - June 15. These dates may be extended if daytime temps. remain below 80 degrees. Fall: Sept. 30 - Oct. 30th. Daytime temps. need to drop below 80 degrees before planting begins, and may continue until freeze up. Coniferous trees Aug. 15 - Oct. 1st. Plant under favorable weather conditions, do not plant during days of extreme heat.

5. EXECUTION
- A. Prior to digging, Contractor to have utilities located.
- B. Contractor to notify Landscape Architect 3 days in advance of when planting work will occur.
- C. Plant into prepared planting beds.
- D. Install trees, shrubs, and perennials per planting details, adjust location if in conflict with utilities. Verify new location with Landscape Architect prior to planting.
- E. Separate all shrub and perennial beds from turf areas with edger, unless otherwise noted.
- F. Clean-up entire site following planting operations.

6. ACCEPTANCE OF PLANTING WORK
- A. Contractor to notify Owner when planting work is complete for review and punch list.
- B. Contractor to water and maintain the trees, shrubs and perennials until Owner Acceptance.
- C. Owner will give Acceptance of Work following satisfactory correction of punch list items.
- D. Watering and regular landscape maintenance of trees, shrubs and perennials will be Owners responsibility following owner acceptance of work.

7. GUARANTEE PERIOD
- A. Contractor to warranty trees, shrubs and perennials for **two years** following acceptance of Work by Owner.
- B. Contractor to maintain the trees in a plumb position throughout the guarantee period.
- C. Contractor to remove all staking/wiring/ straps and plant tags from trees at the end of the guarantee period.
- D. Replacements: At the end of the guarantee period, all plants which are unhealthy, dead, not having a normal density, size, shape or color shall be shall be replaced. Replacements shall match caliper and/or height of the other plants at time of replacement. Selection of replacement material and installation practices shall follow the requirements of the Drawings and Specifications.

IRRIGATION

1. DESCRIPTION
- A. Work includes: design, furnish, and install complete, fully automatic and programmable underground irrigation system, capable of alternate date watering for all trees, shrubs, and turf areas. The system shall provide full coverage with uniform levels of total precipitation throughout all irrigated areas.
- B. The system is to include water efficient technologies including: a WaterSense labeled controller, a flow meter, soil moisture and/or evapotranspiration (ET) sensors, a rain sensor, and be calibrated to meet all applicable City Codes.
- C. Dripline to be used in beds adjacent to building and in parking lot islands.
- D. The system is to meet state department of health standards and have a backflow preventer.
- E. Materials, equipment, and methods of design and installation shall comply with, but not be limited to, the following codes and standards:
  - All local and state laws and ordinances, and with all the established codes applicable thereto.
  - National Electrical Code.
  - American Society for Testing and Materials (ASTM).
  - National Sanitation Foundation (NSF).
  - The best management practices developed by the Irrigation Association.
- F. The designer shall provide balanced pressure and flow and optimum operating efficiency.
- G. The contractor is responsible for obtaining all permits and licenses required for installation of irrigation system.

2. QUALITY ASSURANCE
- A. The irrigation system shall be designed and installed by a contractor specializing in irrigation work, and will have a minimum of 5 years of experience designing and installing systems of similar scope and size.
- B. The contractor shall maintain a skilled foreman on site during the installation of all work and the foreman will have a Minnesota Power Limited Technician License.

3. SUBMITTALS
- A. Shop Drawings: submit irrigation plan, product schedule, and specifications for review and acceptance.
- B. Operation and Maintenance Manual: following completion of work, provide the Owner with an operation and maintenance manual of the complete system in a digital pdf file format and one hard copy.
- C. As-Built Plan: following completion of work, contractor to furnish Owner a scaled as-built irrigation map, with dimensions as needed, on durable paper or laminated to be mounted on wall with the main control panel and a digital file in pdf format. The map shall indicate the zones, location of all controls, piping and depths, heads (including type), drip-lines, valves, connection to water service, and other related components.

4. PRODUCTS
- A. Select products suitable to the landscape areas.
- B. All products and materials used in the system shall be new and professional grade.
- C. Provide sprinkler heads, driplines, electric valves, and automatic controller from one manufacturer: Toro, Rainbird, Hunter Industries, or equal.

5. EXECUTION
- A. Prior to digging, contractor to have utilities located.
- B. Water Coverage: Provide uniform water coverage over turf areas and planting beds.
- C. Turf: Turf areas to be irrigated with spray heads. Locate heads to avoid overspray onto sidewalks, parking areas, signs and buildings.
- D. Planting Beds: All continuous shrubs, trees, perennial beds to be irrigated with a drip system and spray heads where drip lines are impractical.
- E. Winterization: System to accommodate winterization by blowing system dry with compressed air.
- F. Install the irrigation system per contractor's plan and specifications.
- G. Instructions: Contractor to instruct the Owner in proper operation and maintenance of the system.
- H. Cleanup: Replace landscaping disturbed by operations. Cleanup all debris and restore site to original condition.

6. REVIEW AND ACCEPTANCE
- A. Contractor to test system to a hydrostatic pressure of not less than 100 psi. Remove and replace any components that do not pass test.
- B. Contractor to contact Owner and perform operational test after system is fully in place and demonstrate to the Owner that the irrigation system meets coverage requirements and that automatic controls function properly. Any corrective work identified shall be completed within two weeks of receipt of comments.
- C. Owner to accept work following: satisfactory completion of any corrective work, receiving hands-on instructions for operation, and receiving as-built plan and operation and maintenance manual submittals.

7. MAINTENANCE
- A. Contractor to drain and winterize irrigation system in the fall, following first year of operation, and shall put the system back in service the following spring as part of the work of this contract at no additional cost to the Owner.

8. GUARANTEE
- A. Warranty irrigation system materials and labor for **one year** following acceptance of work by Owner. Contractor to promptly furnish and install, at no cost to Owner, any parts that prove defective in material or workmanship.

N

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SCALE IN FEET

DATE	REVISION

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 Landscape Architect under the laws of the State of Minnesota. Name: Carmen Simonet
Signature: Carmen Simonet
License # 24236 Date 07.13.2022

LANDSCAPE ARCHITECT:
Carmen Simonet Design LLC
354 Stonebridge Blvd., St. Paul, MN 55105
(651) 695-0273 carmen@simonetdesign.com
www.simonetdesign.com

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BLUE LINE COLLISION CENTER

PLANTING DETAILS & LANDSCAPE SPECS.
CITY OF RAMSEY, MINNESOTA

SHEET L2 OF L2 SHEETS

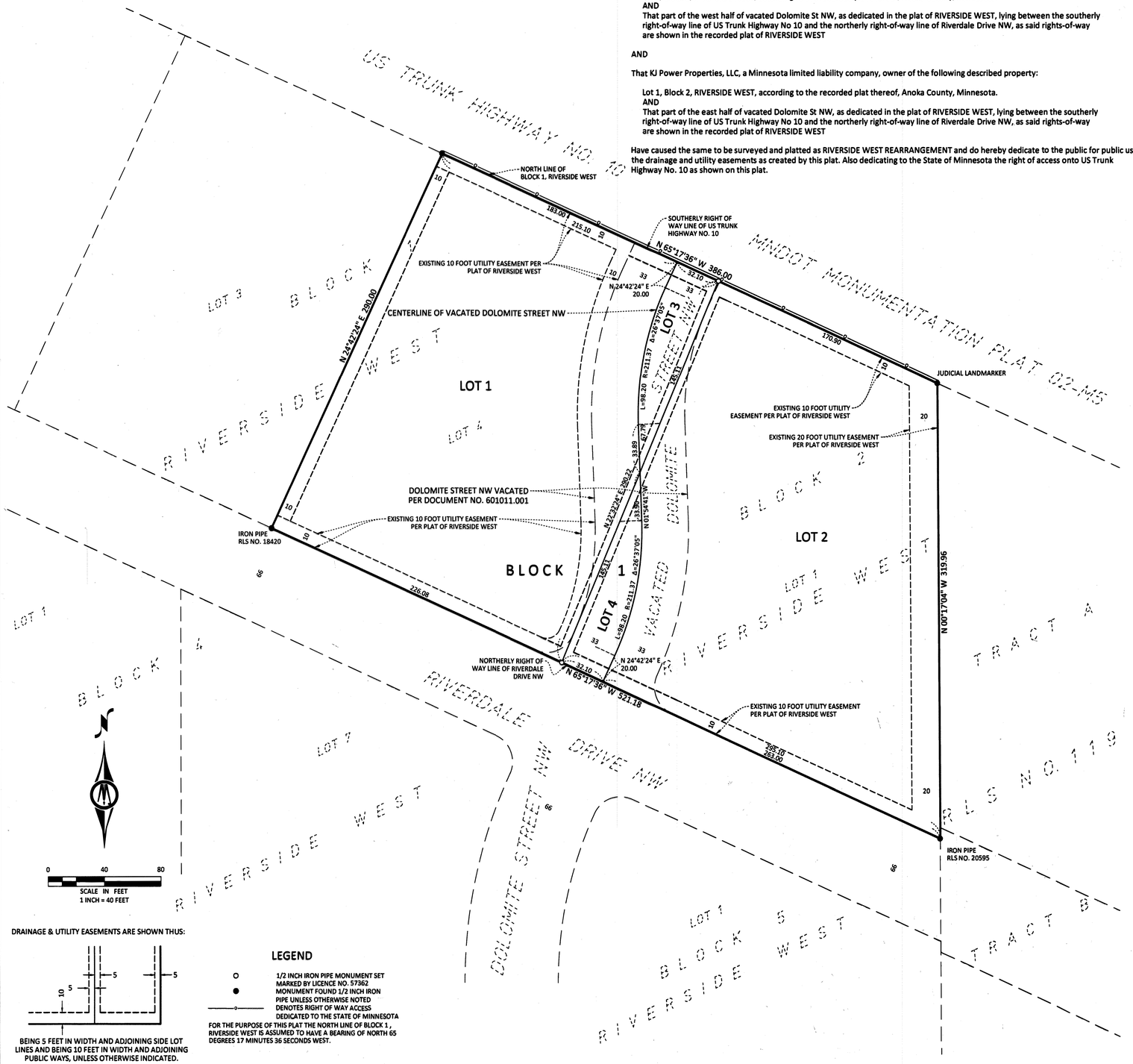
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OFFICIAL PLAT

6025449.004

RIVERSIDE WEST REARRANGEMENT

CITY OF RAMSEY
COUNTY OF ANOKA
SEC. 34, TWP. 32 N, RGE. 25 W



DRAINAGE & UTILITY EASEMENTS ARE SHOWN THUS:

BEING 5 FEET IN WIDTH AND ADJOINING SIDE LOT LINES AND BEING 10 FEET IN WIDTH AND ADJOINING PUBLIC WAYS, UNLESS OTHERWISE INDICATED.

LEGEND

- ○ 1/2 INCH IRON PIPE MONUMENT SET MARKED BY LICENCE NO. 57362
- ● MONUMENT FOUND 1/2 INCH IRON PIPE UNLESS OTHERWISE NOTED
- —o— DENOTES RIGHT OF WAY ACCESS DEDICATED TO THE STATE OF MINNESOTA

FOR THE PURPOSE OF THIS PLAT THE NORTH LINE OF BLOCK 1, RIVERSIDE WEST IS ASSUMED TO HAVE A BEARING OF NORTH 65 DEGREES 17 MINUTES 36 SECONDS WEST.

INSTRUMENT OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That City of Ramsey, a municipal corporation under the laws of the State of Minnesota, owner of the following described property:

Lot 4, Block 1, RIVERSIDE WEST, according to the recorded plat thereof, Anoka County, Minnesota.
AND
That part of the west half of vacated Dolomite St NW, as dedicated in the plat of RIVERSIDE WEST, lying between the southerly right-of-way line of US Trunk Highway No 10 and the northerly right-of-way line of Riverdale Drive NW, as said rights-of-way are shown in the recorded plat of RIVERSIDE WEST

AND

That KJ Power Properties, LLC, a Minnesota limited liability company, owner of the following described property:

Lot 1, Block 2, RIVERSIDE WEST, according to the recorded plat thereof, Anoka County, Minnesota.
AND
That part of the east half of vacated Dolomite St NW, as dedicated in the plat of RIVERSIDE WEST, lying between the southerly right-of-way line of US Trunk Highway No 10 and the northerly right-of-way line of Riverdale Drive NW, as said rights-of-way are shown in the recorded plat of RIVERSIDE WEST

Have caused the same to be surveyed and platted as RIVERSIDE WEST REARRANGEMENT and do hereby dedicate to the public for public use the drainage and utility easements as created by this plat. Also dedicating to the State of Minnesota the right of access onto US Trunk Highway No. 10 as shown on this plat.

In witness whereof said City of Ramsey, a municipal corporation under the laws of the State of Minnesota, has caused these presents to be signed by its proper officers this 24th day of June, 2022.

CITY OF RAMSEY

Mark E. Kuzma, Mayor

Brian Hagen, City Administrator

STATE OF MINNESOTA
COUNTY OF ANOKA

This instrument was acknowledged before me this 24th day of June, 2022 by Mark E. Kuzma, Mayor and Brian Hagen, City Administrator of the City of Ramsey, a municipal corporation under the laws of the State of Minnesota, on behalf of the corporation.

Sean M. Sullivan (Signature)
Sean M. Sullivan (Printed Name)

Notary Public, Anoka County, Minnesota
My Commission Expires January 31, 2025

In witness whereof said KJ Power Properties, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this 28th day of June, 2022

KJ Power Properties, LLC

Kelly Power, Chief Manager

STATE OF MINNESOTA
COUNTY OF Anoka

This instrument was acknowledged before me this 28th day of June, 2022 by Kelly Power, Chief Manager of KJ Power Properties, LLC, a Minnesota limited liability company.

Sean M. Sullivan (Signature)
Sean M. Sullivan (Printed Name)

Notary Public, Anoka County, Minnesota
My Commission Expires January 31, 2025

SURVEYORS CERTIFICATION

I Andrew L. Hill do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this 22 day of June, 2022.

Andrew L. Hill, Licensed Land Surveyor
Minnesota License No. 57632

STATE OF MINNESOTA
COUNTY OF Anoka

This instrument was acknowledged before me this 22 day of June, 2022 by Andrew L. Hill.

(Signature)
Jodi E. Ogren (Printed Name)

Notary Public, Anoka County, Minnesota
My Commission Expires Jan. 31, 2026

CITY COUNCIL, CITY OF RAMSEY, MINNESOTA

This plat of RIVERSIDE WEST REARRANGEMENT was approved and accepted by the City Council of the City of Ramsey, Minnesota at a regular meeting thereof held this 14th day of June, 2022, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Ramsey, Minnesota

By Mark E. Kuzma, Mayor

By Colleen Lasher, Clerk

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this 28th day of June, 2022.

David M. Zieglmeier, Anoka County Surveyor

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 2022 on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this 29th day of June, 2022

Pamela J. LeBlanc
Property Tax Administrator

By, Deputy

COUNTY RECORDER/REGISTRAR OF TITLES

County of Anoka, State of Minnesota

I hereby certify that this plat of RIVERSIDE WEST REARRANGEMENT was filed in the office of the County Recorder/Registrar of Titles for public record on this 29th day of June, 2022, at 3:08 o'clock P.M. and was duly recorded as Document Number 6025449.004.

Pamela J. LeBlanc
County Recorder/Registrar of Titles

By, Deputy

This Plat Prepared By:
BOLTON & MENK

$56.00

LUMEN

425 Monroe St
Anoka, MN 55303

August 11, 2022

City of Ramsey
Brian McCann
City Planner

REGARDING: Easement vacate 6710 Highway 10 NW

Dear Brian,

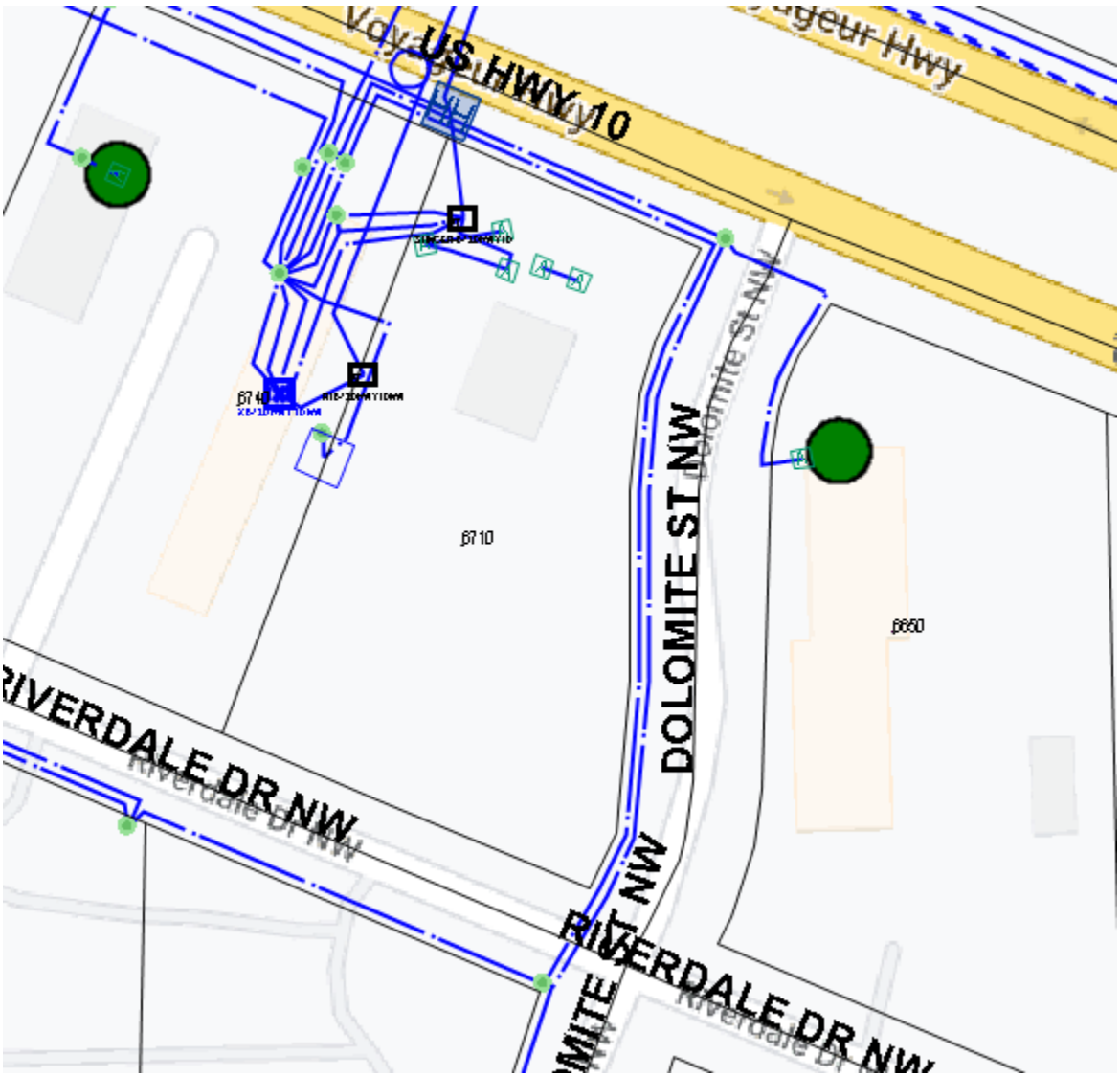
Attached is a map of our facilities in the project area for the roadway vacate request. Per our records our buried cables may exist on a portion of the easement through this proposed vacation. This is the level of detail that we have documented in our records. We do not have such precise distances as distance from centerline lot lines recorded, instead opting for painted locates or visible above ground structures and taking measurements from those.

It is the intention of CenturyLink Communications to maintain a minimum of a 10' utility easement (5ft on either side of existing) through this area. Any costs incurred with the need to relocate these facilities would be the responsibility of the petitioner.

Please call me for any additional information needed and I will do what I can to assist. My number is (612) 431-3527

Sincerely,

Bill Byers
SR. LNI Engineer
bill.byers@lumen.com


US HWY 10
DOLOMITE ST NW
RIVERDALE DR NW
6710
6660

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

RESOLUTION #22-192

RESOLUTION APPROVING A VACATION OF DRAINAGE AND UTILITY EASEMENTS IN RIVERSIDE WEST REARRANGEMENT

RECITALS

1. The City of Ramsey received an application from Kinghorn Construction (the "**Applicant**"), requesting a vacation of a drainage and utility easements (the "**Easement**") on the property generally known as 6710 Highway 10 Northwest legally described as follows:

   Lots 1 & 3, Riverside West Rearrangement (subject to easement as shown on plat), Anoka County, Minnesota

   (the "**Subject Property**")

2. That the plat of RIVERSIDE WEST created the **Easement** on May 24, 1976.

3. That the City Council reviewed and approved the plat of RIVERSIDE WEST REARRANGEMENT on June 14, 2022, and the **Easement** was not vacated at that time.

4. That the **Applicant** appeared before the City Council for a public hearing pursuant to Section 117-56 (Easement Vacation) of the Ramsey City Code and Section 12.6 of the City Charter on September 13, 2022, and that said public hearing was properly advertised and that the minutes of said public hearing are available.

FINDINGS OF FACT

1. That the partial easement vacation will not violate the intent and purpose of the Comprehensive Plan.

2. That the easement vacation is necessary to accomplish the **Applicant**'s intended purpose.

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

That the Ramsey City Council hereby grants approval of a vacation of the **Easement** on the **Subject Property**, as shown on Exhibit 1.

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 13th day of September, 2022.

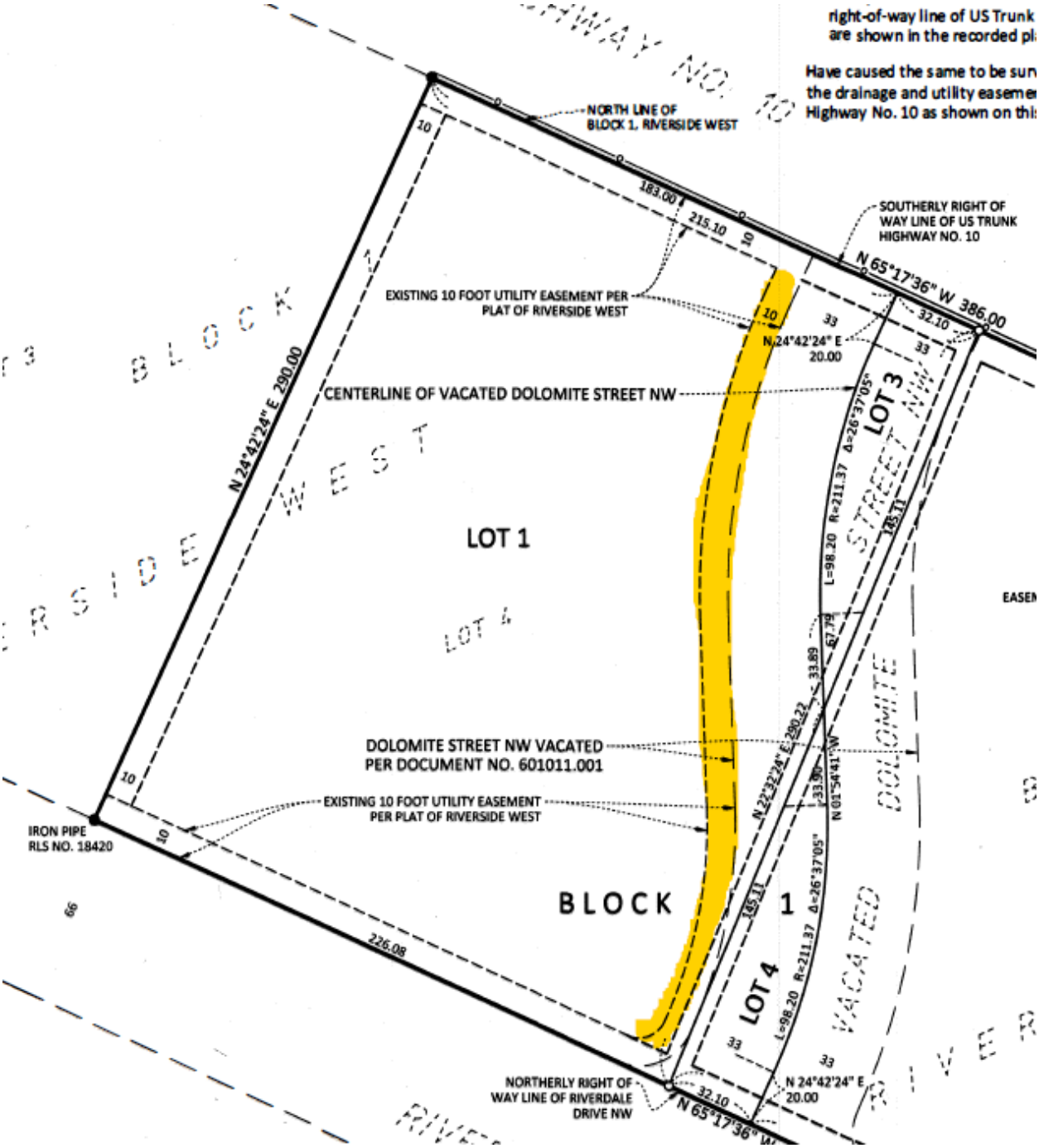
Mayor

ATTEST:

City Clerk

Exhibit 1 – Easement to be Vacated

The easterly 10-foot drainage and utility easement in Lot 4, Block 1, Riverside West, Anoka County, Minnesota., except the north 10 feet and south 10 feet thereof.



ProjectDox

Changemarks Report

Project Name: 22-106 Blue Line Collision

Workflow Started: 07/19/2022 3:46 PM

Report Generated: 09/01/2022 02:40 PM

Grouping	Cycle	Ref #	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
Main Workflow	1	16	False	Unresolved	Environmental Review		A1.pdf	CA	Lighting Plan	Please provide an external lighting plan as well as cut sheets for the lighting fixtures.	08/03/2022 12:24 PM	Chris Anderson	
		15	False	Unresolved	Environmental Review		L1 LANDSCPAE PLAN.pdf	CA	Shrub Requirements	Shrub Requirements are based on either 1 shrub per 30 linear feet of site perimeter or 1 shrub per 300 sq. ft. of building footprint, whichever is greater. 12,100 / 300 = 40.33. Project requires a minimum of 40 shrubs.	08/03/2022 9:04 AM	Chris Anderson	
		17	False	Unresolved	Engineering Tech		C10 PAVING AND RESTORATION PLAN.pdf	LC	Patch Bituminous Pavement	We prefer the existing pavement in Riverdale Dr to remain in place and be used for the form of the valley gutter.	08/01/2022 8:45 AM	Logan Czech	
		12	False	Unresolved	Civil Engineer II		C9 UTILITY PLAN.pdf	JF	watermain class	watermain 6" or less shall be class 53, 8" or greater class 52.	07/29/2022 2:14 PM	Joe Feriancek	

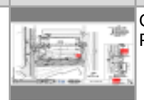
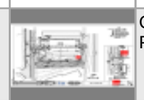
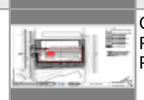
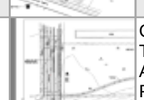
ProjectDox

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	13	False	Unresolved	Civil Engineer II		C8 STAKING PLAN.pdf	JF	Structures within D&U Easement	The City does not typically allow retaining wall or structures/patios, etc. within D&U Easements. This does include any building overhangs. In this case I don't think it should be an issue, but we'll need to confirm that it doesn't affect necessary grading for drainage or potential utilities.	07/29/2022 2:19 PM	Joe Feriancek	
		11	False	Unresolved	Civil Engineer II		C6 EXISTING TOPOGRAPHY AND REMOVALS PLAN.pdf	JF	Existing D&U Easement	this exisitng easement across the lot should be vacated.	07/29/2022 1:53 PM	Joe Feriancek	
		9	False	Unresolved	Civil Engineer II		C7 GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN.pdf	JF	Match into existing to the west	Do you have any spot elevations that can be provided to see how the grading is tying into the existing elevations along the west lot line?	07/29/2022 1:45 PM	Joe Feriancek	
		10	False	Unresolved	Civil Engineer II		C7 GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN.pdf	JF	Storm Water Runoff	This looks like we're forcing water onto the adjacent property to the west. Is this the case? or is it going that way existing?	07/29/2022 1:45 PM	Joe Feriancek	
		8	False	Unresolved	Civil Engineer IV		STORMWATER MANAGEMENT PLAN.pdf	LL	Pond INF	Pond meets the City and LRRWMO requirements.	07/29/2022 8:57 AM	Len Linton	
		5	False	Unresolved	Civil Engineer IV		C8 STAKING PLAN.pdf	LL	Spot Elevations	Spot Elevations must also be shown on the grading plan.	07/29/2022 8:50 AM	Len Linton	

ProjectDox

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	6	False	Unresolved	Civil Engineer IV		C8 STAKING PLAN.pdf	LL	Sheet name	This sheet does not have horizontal dimensions to guide layout of the site. Horizontal dimensions are required on a sheet in this plan set.	07/29/2022 8:50 AM	Len Linton	
		7	False	Unresolved	Civil Engineer IV		C8 STAKING PLAN.pdf	LL	Ped Ramps	Pedestrian ramps require horizontal dimensions along with the elevations.	07/29/2022 8:50 AM	Len Linton	
		4	False	Unresolved	Civil Engineer IV		C10 PAVING AND RESTORATION PLAN.pdf	LL	Pavement Types	Consider making the northern drive, or the area outside of the internal parking stalls Heavy Duty pavement. The proposed heavy duty pavement is not wide enough to allow garbage trucks to access the dumpster with out driving on light duty pavement.	07/29/2022 8:44 AM	Len Linton	
		3	False	Unresolved	Civil Engineer IV		C7 GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN.pdf	LL	Need spot elevatioins	Need spot elevations at parking corners, curb cut to pond and street emtrance.	07/26/2022 4:14 PM	Len Linton	
		1	True	Resolved	City Planner		A1.pdf	BM	Fence	Provide fence details including material and height.	07/20/2022 3:52 PM	Brian McCann	
		2	True	Resolved	City Planner		A1.pdf	BM	Patio Location	Consider relocating the patio area to the south entrance of the building, outside of easements.	07/20/2022 3:52 PM	Brian McCann	
		14	False	Unresolved	Lead Engineering Tech		C6 EXISTING TOPOGRAPHY AND REMOVALS PLAN.pdf	Aaron	curb removal	Leave bit in street, use bit as a form for concrete valley gutter	07/19/2022 4:27 PM	Aaron Madsen	

ProjectDox

Changemarks Report

Grouping	Cycle	Ref #	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
Main Workflow	2	22	False	Unresolved	City Planner		A1.pdf	BM (2)	Screening along Highway 10	The Planning Commission recommended additional screening along Highway 10. Staff have proposed maintenance free vinyl and vegetation.	09/01/2022 2:39 PM	Brian McCann	
		21	False	Unresolved	Engineering Tech		C7 GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN.pdf	LC	Riprap	Use class III riprap per detail	09/01/2022 10:08 AM	Logan Czech	
		19	False	Unresolved	City Planner		A1.pdf	BM	Easement Vacation	Easement will need to be vacated at the City Council meeting on September 13th. Email sent to John Kinghorn regarding existing utilities in easement from a local utility provider.	08/25/2022 9:38 AM	Brian McCann	
		20	False	Unresolved	City Planner		A1.pdf	BM	Trash Enclosure Details	Provide details for the trash enclosure (materials, dimensions, fence height, etc.).	08/25/2022 9:38 AM	Brian McCann	
		18	False	Unresolved	City Planner		C9 UTILITY PLAN.pdf	BM	D&U Easement	This easement will need to be vacated, and will go to the City Council on September 13th. Local utilities have confirmed existing utilities in this easement.	08/25/2022 9:37 AM	Brian McCann	

CC Regular Session **7. 1.**

Meeting Date: 09/13/2022

By: Colleen Lasher, Administrative Services

Information

Title

Adopt Resolution #22-215 to Authorize an Adjustment to the Pay Scales for Temporary Rink Attendants and Temporary Snow Plow Drivers

Purpose/Background:

The purpose of this case is to ask the City Council for authorization to adjust the hourly wages for Temporary Ice Rink Attendants and Temporary On-call Snow Plow Drivers.

The City employs temporary seasonal employees to work in the Public Works Department as Temporary Ice Rink Attendants and Temporary On-call Snow Plow Drivers. Until now, the City has successfully recruited at the current pay scales. However, staff conducted a survey of similarly sized cities and found that the City of Ramsey's Temporary Ice Rink Attendants and Temporary On-call Snow Plow Drivers' pay scales are somewhat behind in pay.

Temporary Ice Rink Attendants

Minimum wage is currently $10.33 an hour. In 2023, the minimum wage is increasing to $10.59 per hour. Ramsey's current pay scale is $10.33 to $13.00 per hour. The average pay of similarly sized cities is currently $12.56 to $15.07 per hour. Staff recommends adjusting the pay scale to $13.00 to $14.50 per hour. Based on typical staffing hours (1044 total hours), the approximate increase in cost, including the legally required increase, is estimated to be $2987.95.

Temporary On-call Snow Plow Drivers

Ramsey's current pay scale is $13.00 to $15.00 per hour. The average pay of similarly sized cities is currently $15.99 to $19.40 per hour. Staff recommends adjusting the pay scale to $16.00 to $20.00 per hour. At this time, it is anticipated that all of the 2021 / 2022 drivers will return again this year so long as the hourly pay is increased. Based on typical staffing hours (estimate of 448 total hours), the approximate increase in cost is estimated to be $1694.00.

Method of Progression

Typically, the hourly pay for new employees is the starting wage and the pay increases each year the employee returns. However, in the case of summer seasonal employees and interns, the City Council granted staff the discretion to start new employees higher in the pay scale if their qualifications and experience warrant it. Staff would like that same discretion for the Temporary Ice Rink Attendants and Temporary On-call Snow Plow Drivers as well.

Funding Source:

The 2022 portion of the funding will come from savings incurred due to staff turn-over. The 2023 portion of the funding will come from the Council Contingency fund.

Recommendation:

To increase the Temporary Ice Rink Attendant pay scale to $13.00 to $14.50 per hour, depending on qualifications and to increase the Temporary On-call Snow Plow Driver pay scale to $16.00 to $20.00 per hour, depending on qualifications.

Action:

Motion to adopt resolution #22-215 to do the following:

Increase the Temporary Ice Rink Attendant pay scale to $13.00 to $14.50 per hour, depending on qualifications; and
Increase the Temporary On-call Snow Plow Driver pay scale to $16.00 to $20.00 per hour, depending on qualifications.

Attachments

Resolution 22-215

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/08/2022 12:04 PM
Form Started By: Colleen Lasher		Started On: 08/25/2022 11:52 AM
Final Approval Date: 09/08/2022		

Councilmember …….introduced the following resolution and moved for its adoption:

RESOLUTION #22-215

RESOLUTION TO AUTHORIZE AN ADJUSTMENT TO THE PAY SCALES FOR TEMPORARY ICE RINK ATTENDANTS AND TEMPORARY SNOW PLOW DRIVERS

WHEREAS, it has become necessary to increase wages for Temporary Ice Rink Attendants and Temporary On-call Snow Plow Drivers in order to attract and retain employees; and

WHEREAS, staff recommends new pay scales for both Temporary Ice Rink Attendants and Temporary On-call Snow Plow Drivers; and

WHEREAS, staff recommends the new pay scale for Temporary Ice Rink Attendants be set at $13.00 to $14.50 per hour; and

WHEREAS, staff recommends the new pay scales for Temporary On-call Snow Plow Drivers be set at $16.00 to $20.00 per hour.

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 #22-050 to do the following:

   a) Increase the Temporary Ice Rink Attendant pay scale to $13.00 to $14.50 per hour, depending on qualifications; and

   b) Increase the Temporary On-call Snow Plow Driver pay scale to $16.00 to $20.00 per hour, depending on qualifications.

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 13th day of September 2022.

_____
Mayor

ATTEST:

_____
City

CC Regular Session **7. 2.**

Meeting Date: 09/13/2022

By: Todd Larson, Community Development

Information

Title:

~~Consider an Interim Use Permit (IUP) for 14700 Armstrong Blvd. NW.~~ **Please Note: this item was removed from the Agenda.**

Purpose/Background:

Ken and Lisa Hockert own the property at 14700 Armstrong Blvd. NW. It is an older metal building with a fenced yard. The property is zoned COR and is envisioned for retail uses. The existing metal building predates the current regulations for the property. Previously, the building was used for various contractors who stored vehicles and equipment in the fenced yard. This type of use is not allowed by today's Zoning Code. The Hockerts recently purchased the property to house their contracting businesses, Professional Maintenance Services and Hockerts Commercial Floor Removal, and for investment purposes. The site is likely to be attractive for various convenience retail or gas users in the near future, though the market is not yet ripe in this location. In the meantime, the property owner would like to continue to use the property for contractors and small office businesses until such time as the market is ready for redevelopment at this location. An interim use permit (IUP) allows for short-term reasonable use of a property where development/development is likely to occur and is valid for five years. The property owner can reapply for an additional 5-year IUP in the future where the Planning Commission and Council can evaluate the property and the surroundings at that time to make a decision.

Notification:

Notice was placed in the August 12 Anoka County UnionHearld newspaper. Mailed notices were sent to property owners within 350 feet of the site. A "proposed development" sign was placed at the property.

Observations/Alternatives:

The property owners have offered to clean up the property by making some improvements. These improvements include adding some trees and improving the existing landscaping, modifying the fence location, and adding a door to the building. The balance with interim uses is to find the right amount of improvement at a reasonable cost to the developer so that redevelopment is still possible within the five-year window IUPs allow. Staff recommended that the barbed wire on the fence that is being moved be removed for better street appearance, though the Planning Commission recommended leaving the fence alone and planting large shrubs and trees inside the fence for screening from 147th Avenue. The building has wall-mounted wall-pack and flood lights that should be replaced with conforming downcast fixtures to provide better site and security lighting.

Within the fenced area, the applicant is proposing to park his businesses' trailers and vehicles. There is a small broken paved parking pad near the building. The dirt/gravel parking surface has become overgrown with groundcover. It is recommended that a fresh layer of class-5 be added to the area shown for trailer parking.

The main parking lot is paved and in fair condition. It is recommended that this parking lot is striped and includes the required accessible parking space(s).

The applicant indicated at the Planning Commission meeting that he may want to keep his businesses operational at that site beyond the five-year window allowed for an IUP. The Council may only grant an IUP for up to five years. Towards the end of the approved IUP term, the applicant can re-apply for an IUP and it will be considered based on neighborhood and market conditions at that time.

Alternatives to Consider:

1. Approve the IUP with the conditions listed in the attached resolution as recommended by the Planning Commission.
2. Approve the IUP with modifications or additions to the conditions listed in the attached resolution.
3. Deny the IUP with certain findings.

Funding Source:

All costs associated with this application are the responsibility of the applicant.

Recommendation:

At its meeting on August 26, the Planning Commission unanimously (6-0) recommended approval of the interim use permit with the conditions listed in the attached resolution.

Action:

Motion to approve Resolution #22-196 approving an interim use permit for 14700 Armstrong Blvd. NW.

Attachments

Site Location Map
Applicant's Narrative
Site Plans
Resolution #22-196
Photos

Form Review

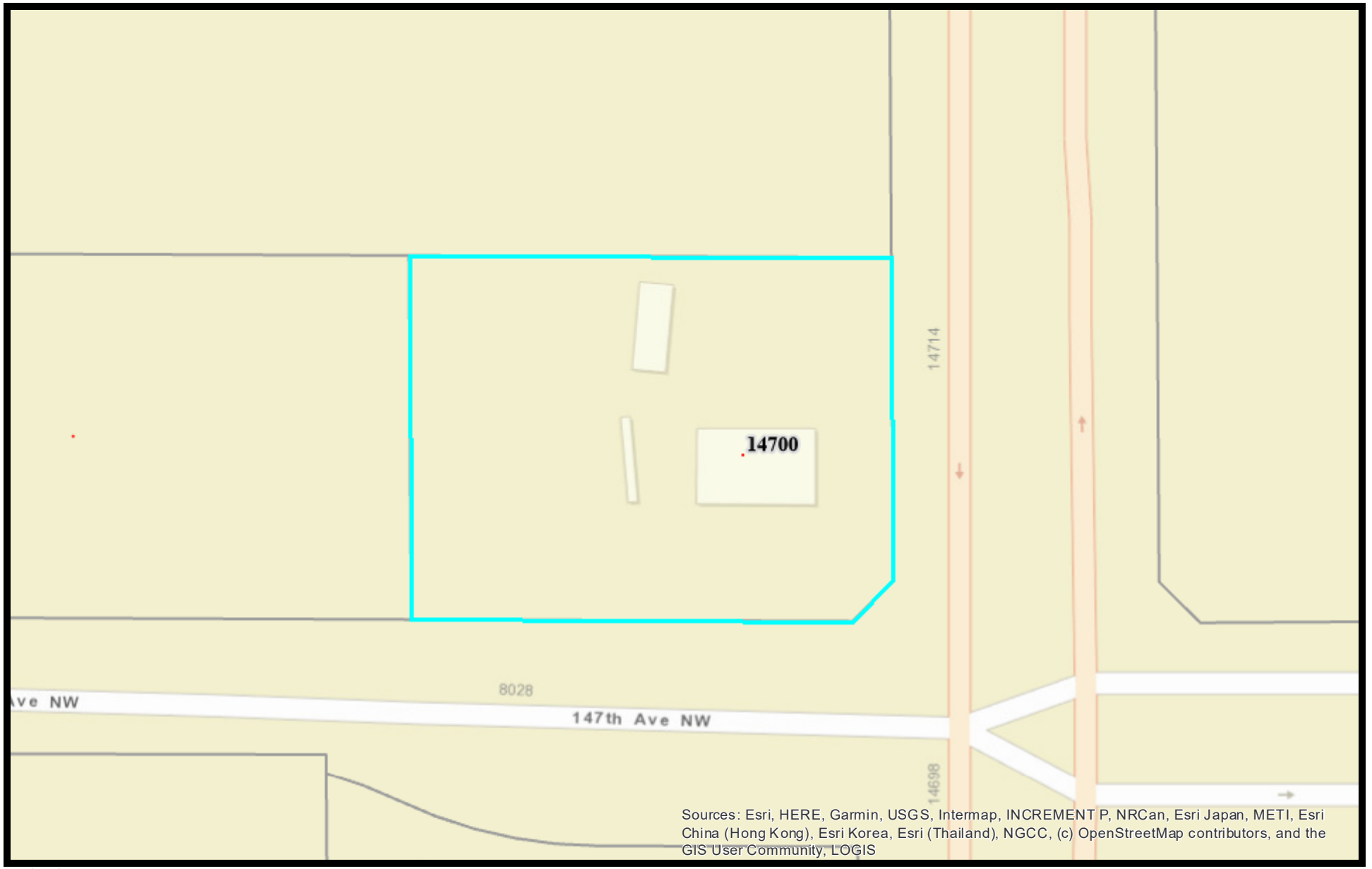
Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/08/2022 09:50 AM
Form Started By: Todd Larson		Started On: 08/26/2022 08:20 AM
Final Approval Date: 09/08/2022		

29-32-25-11-0008

14700 Armstrong Blvd NW

Site Location Map

Interim Use Permit



07/01/2022

0 0.004 0.009 0.018 0.027 0.036 mi

June 29, 2022

Dear City Council,

We purchased the building at 14700 Armstrong Blvd, Ramsey MN, in November of 2021. It was our intent to operate our business out of this space, as well as lease the office space out. The types of businesses we were considering leasing the office space to were an accountant, realtor, small contractor (electrician, hvac), counseling office, or financial investor.

The existing site was owned by an electrical contractor since 1987. The property is ideally set up for a small contractor or like company. The building has about 1200 square feet of office space and a 2 car garage. The lot is approximately 1 acre, half of which has a security fence and rolling gate.

Since our purchase of the property, we have learned that the city has changed the zoning for that area and we would need to apply for an interim use permit. We have also learned that there are several improvements the city would like to see, with regards to overall appearance, of this piece of property, ie pave the fenced parking area, refresh the landscaping, plant some trees, move the fence that is on the south end of the property back a few feet to increase road right of way.

It is our intent to meet the request of the city, to work in compliance, and help improve the community. The expense of the building and the length of time it is taking to get a tenant to generate some revenue has set us back some at this point. We wish to work with the city to get our interim use permit and permission to occupy and run our businesses here, to generate some revenue, to meet the needs of the city and your request of the improvements, as well as a time schedule of expectations.

We are seeking this interim use permit under the understanding that a contractor owned and operated his business out of here from 1987 until we purchased the property in November of 2021. And because it has been less than 12 months since he operated out of this property, we hope to continue the same.

We own two companies, Professional Maintenance Services, and Hockerts Commercial Floor Removal. Both companies are small contractor businesses. Professional Maintenance Services is a lawn care and snow plowing company. It has been in business for 25 years. Hockerts Commercial Floor Removal specializes in flooring removal, no installation. Both companies have enclosed trailers with professional, clean, new graphics and all equipment will be kept inside. The trailers will be stored in an orderly fashion. There will not be outdoor storage of materials or any unsightly items. We also wish to, and need to, rent out the office space to a tenant to make payments on the building as well as improvements to the property.

We look forward to working with the city to improve our community at this location. We are eager to start a landscaping remodel, but need to know that we can operate out of the location first. We understand that the city may have some requests that we want to consider and budget for as well. Let's work together to improve this location.

Thank you for your time and consideration.

Sincerely,

Ken & Lisa Hockert

Encls. 2 ariel views of the property
1 – as is
2 – where vehicles will be parked
where fence was asked to be moved to
trees we want to plant
if required in the future storm water drainage pond

Map

Current

Gallery Property Map Local Map



Map

11 trailer parking

move Fence back

Gallery

Property Map

future Drainage Pond

Spruce trees

ornamental trees

Local Map

Landscape entire front



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

RESOLUTION #22-196

RESOLUTION APPROVING AN INTERIM USE PERMIT FOR 14700 ARMSTRONG BOULEVARD NORTHWEST

RECITALS

1. Mr. Ken & Ms. Lisa Hockert, property owners, hereinafter referred to as the "**Permittee**", have properly applied for an Interim Use Permit to allow the temporary use of an existing building and fenced parking area and legally described as follows:

   Lot 3, Block 1, HY-10 Ramsey 3rd Addition, ANOKA COUNTY, MINNESOTA, except road and subject to easements of record

   (the **"Subject Property")**

2. That the Subject Property is zoned COR and is approximately 0.95 acres in area.

3. That the Permittees are proposing to use the property for contracting businesses and other office uses and park vehicles, trailers, and equipment in the fenced area.

4. That Permittees are proposing modest site improvements.

5. That the Permittees are proposing a reasonable short-term use of the property until such time that redevelopment is possible.

6. That the Planning Commission held a public hearing on August 25, 2022, and recommended approval of the permit with conditions included in this Resolution.

7. That the City Council reviewed the permit on September ___, 2022.

FINDINGS OF FACT

1. That the contracting uses and exterior parking will not be unduly dangerous or detrimental to persons residing or working in the area.

2. That the proposal is not harmonious with or in accordance with the specific objectives of the Comprehensive Plan though considered reasonable in the short term until redevelopment of the site is likely in a manner consistant with the Comprehensive Plan.

3. That the proposed use will be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.

4. That the five-year limitation on the uses will not be hazardous to existing or future neighboring uses.

5. That the proposed uses will not impact essential public facilities and services, such as highways, streets, police and fire protection.

6. That the proposed uses will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

7. That the proposed uses will not involve uses, activities and equipment that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

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

That the Ramsey City Council hereby grants approval of an Interim Use Permit for contracting businesses and other office uses with exterior parking of vehicles, trailers, and equipment within the fenced area on the **Subject Property** contingent upon the following conditions:

CONDITIONS

1. That this **Permit** allows for contracting businesses and other office uses and parking of vehicles and trailers on the **Subject Property**, for no more than five years from the date of approval. After this date, the uses will cease and vacate the property and claim no rights to these uses continuing on the **Subject Property**.

2. That the **Permittee** shall obtain all necessary building and/or sign permits on the **Subject Property** and conditions therein.

3. That the **Permittee's activities** shall be in compliance with the site plan presented to the Council dated June 26, 2022, and with the conditions listed in this section. The southern fence need not be moved.

4. All existing wall-mounted lighting must be replaced with new downcast and shielded fixtures to meet City Code requirements.

5. Class-V surface shall be created in the area used for the vehicle and trailer parking.

6. The existing parking lot must be striped according to City Code requirements, including the necessary accessible space(s).

7. All vehicles and trailers stored within the fenced area must be related to a business entity occupying the building and properly licensed.

8. Outdoor storage of materials or debris is not authorized by this interim use permit.

9. Screening in the form of landscaping is required along the inside of the south-facing fences.

10. That the City Administrator, or his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.

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 ___ day of June, 2022.

_____
Mayor

ATTEST:

_____
City Clerk

Hockert Interim Use Permit 14700 Armstrong Blvd. NW.



Photo 1. The front of the building facing Armstrong Blvd NW (August 15, 2022).



Photo 2. The side of the building and parking lot facing 147th Avenue NW (August 15, 2022).



Photo 3. The north side of the property where some trees are proposed for screening (August 15, 2022).



Photo 4. The fenced area (August 15, 2022).





Photos 5 and 6. Existing wall-pack lighting proposed for upgrades (August 15, 2022).

CC Regular Session **7. 3.**

Meeting Date: 09/13/2022

By: Brian McCann, Community Development

Information

Title:

Consider Resolution #22-212 Denying an Easement Encroachment Agreement for 7160 148th Ln NW (Project 22-137); Case of Demetrious and Christine Jones

Purpose/Background:

The purpose of this case is to consider a request from Demetrious and Christine Jones (the "Applicants") for a detached structure, and pool patio, within the property's rear drainage and utility easement at 7160 148th Ln NW (the "Subject Property").

Notification:

Public notification is not required for an Easement Encroachment Agreement from the City Council.

Observations/Alternatives:

Summary

Demetrious and Christine Jones (the "Applicants") have requested an Easement Encroachment Agreement to keep a 10' x 16' detached shed (the "Structure") for storage of personal items, within the drainage and utility easement in the rear yard of the Subject Property. The Agreement would also allow a pool patio to encroach in the easement.

Subject Property

The Subject Property is approximately 0.38 acres, and includes various improvements in the rear yard including a sport court (without a permit) and a below-ground swimming pool (patio constructed outside of approved plans). The Subject Property is in the R-1 Residential (MUSA) Zoning District and guided as Low Density Residential in the Comprehensive Plan. The Subject Property is surrounded by other residential properties, except to the south which is the site of Ramsey Storage Center (zoned and guided E-1 Employment / Business Park).

The Subject Property has a ten (10') foot drainage and utility easement along the rear lot line. The proposed structure would encroach roughly five (5') into the southern rear yard easement. The constructed pool patio encroaches entirely into the easement (10'). The structure would meet the accessory structure setback requirements of the R-1 (MUSA) Zoning District, but requires the agreement to remain within the drainage and utility easement. Section 117-349 of City Code regarding Accessory Uses and Buildings requires that no portion of a structure may encroach on a drainage and utility easement.

Structure Encroachment

The requested agreement is to allow the structure and pool patio to encroach in the drainage and utility easement on the southern property line. The Applicants were informed that City Staff would not be supportive of their request during a pre-application meeting, and indicated that they are not willing to place the structure in a more suitable location on the property due to aesthetic preferences. The Applicants stated they would prefer to keep the structure in its proposed placement.

The Applicants applied for a zoning permit, but did not receive approvals before purchasing the structure. Staff noted the proposed location was within an easement, contacted the Applicants about the situation, and the Applicants have withheld bringing the structure to the property until the situation has been resolved. Additionally, Staff contacted the structure manufacturer at the request of the Applicants, and was told they were relayed the standards prior to purchasing the structure.

Pool Patio Encroachment

A pool permit was approved in 2006 for the construction of the pool in the rear yard. The plan did not include a concrete patio that encroaches into the rear drainage and uiltiy easement, as well as the rear setback requirement for the R-1 (MUSA) district. The Applicants are proposing to include the patio encroachment with the structure encroachment in the agreement. If the Easement Encroachment Agreement is approved, the Applicants will need to apply for a Variance to the rear setback from the Planning Commission, and receive a zoning permit with after-the-fact fees applied (twice the permit fee) for the patio addition. Aerial photos, a copy of the permit, and the approved pool plan are attached to this case.are attached to this case for reference.

Sport Court

Aerial photography shows a playground and sandbox in 2011, and a sport court in 2014. Sport courts and other impervious surfaces require a zoning permit at time of construction, and this was the same standard when the playground was converted between 2011 and 2014. A zoning permit will be required for the sport court with after-the-fact fees applied (twice the permit cost), regardless of the outcome for the Easement Encroachment Agreement. Aerial photos are attached to this case for reference.

City Code Sections

- 105-55 (Swimming Pools and Spas - Accessory Uses and Buildings)
- 117-349 (Accessory Uses and Buildings)
- 117- 111 (R-1 Residential District).

Alternatives

Alternative 1**:** Deny the request for an Easement Encroachment Agreement for the structure and pool patio. The Applicant purchased the structure prior to receiving approvals, and were relayed this standard according to their structure manufacturer. The pool patio was constructed outside of approved plans associated with the pool permit in 2006. The sport court was also constructed without a zoning permit between 2011 and 2014, and will require a permit to resolve this. City Staff are supportive of this alternative.

Alternative 2**:** Approve the Easement Encroachment Agreement for the structure and pool patio within the rear drainage and utility easement on the Subject Property. The Applicants would be allowed to proceed with the proposed location for the structure in the rear drainage and utility easement, and for the pool patio construction that does not meet approved plans for the pool from 2006. The Applicants would be required to apply for permits for the pool patio and sport court. A Variance would be required for the rear setback for the pool patio, and after-the-fact fees (twice the permit cost) would be applied for permits for the sport court and pool patio permits. City Staff are not supportive of this alternative.

Funding Source:

The Applicant is responsible for all costs associated with this project and review.

Recommendation:

City Staff recommend adopting Resolution #22-212 denying an Easement Encroachment Agreement at 7160 148th Ln NW.

Action:

Motion to adopt Resolution #22-212 denying an Easement Encroachment Agreement for at 7160 148th Ln NW.

Attachments

Site Location Map

Land Use Application

Aerial Photos (2005-2020)

Approved Pool Permit and Plans

Proposed Structure Location
Proposed Encroachment Agreement
ACTION - Resolution #22-212

Form Review

Inbox	Reviewed By	Date
Brian McCann (Originator)	Brian McCann	09/01/2022 02:08 PM
Brian McCann (Originator)	Brian McCann	09/01/2022 02:15 PM
Brian Hagen	Brian Hagen	09/08/2022 10:05 AM
Form Started By: Brian McCann		Started On: 09/01/2022 10:16 AM
Final Approval Date: 09/08/2022		

27-32-25-22-0056

7160 148th Ln NW

Easement Encroachment Agreement



08/31/2022

0 0.0022.0045 0.009 0.0135 0.018
mi

Fee paid
8/30/22

Land Use Application

☐ Plat – Sketch Plan	☐ Plat – Preliminary Plat	☐ Plat – Final Plat
☐ Administrative Plat	☐ Site Plan Review	☑ Easement/ROW Vacation
☐ Conditional Use Permit	☐ Interim Use Permit	☐ Comprehensive Plan Amendment
☐ Zoning Amendment	☐ Home Occupation Permit	☐ Variance
☐ Dwelling Moving Permit	☐ Environmental Permit	☐ Registered Land Survey
☐ Non-Traditional Animal License	☐ Beekeeping License	☐ Private Kennel License

Applicant Contact Information

Please note: All official communication will be routed through this contact.

Name:	Christine - Demetrious Jones		
Street Address:	7160 148th LN NW		
City, State, ZIP:	Ramsey MN 55303		
Home Phone:	763-229-7641	Work Phone:	763-236-0143
Email:	cdjones2026@gmail.com	Fax Number:	—
Name of Business (if applicable):			
Business Address (if applicable)			
Business City, State, ZIP			
Business Phone:		Business Fax:	

Subject Property Information

(Location of Application)

Address	7160 148th LN NW Ramsey MN 55303
PIN	
Legal Description	
Zoning District	

Contact the Planning Division at 763-433-9824 or planning@cityoframsey.com to request a Zoning Verification

Name:	Christine and Demetrious Jones		
Street Address:	7160 148th ln Nw		
City, State, ZIP:	Ramsey MN 55303		
Home Phone:	763-229-7641	Work Phone:	
Email:	Cdjones2026@gmail.com	Fax Number:	
Name of Business (if applicable):			
Business Address (if applicable)			
Business City, State, ZIP			
Business Phone:		Business Fax:	

Subject Property Information

(Location of Application)

Address	
PIN	
Legal Description	
Zoning District	

Contact the Planning Division at 763-433-9824 or planning@cityoframsey.com to request a Zoning Verification

Property Owner Information

(If different than Applicant)

Name:			
Street Address:			
City, State, ZIP:			
Home Phone:		Work Phone:	
Email:		Fax Number:	

Please provide a detailed description of your request and attached a copy of a scaled site plan

We would like to put a shed in our back yard. We have no problem being 5 feet off the property line as initially advised. There is a drainage easement and we are now told we need to be 10 feet off the property line which will not work for our 10x16 shed. We have not noticed any type of water accumulation back there in the 23 years we have lived at this location. We also have a patio that is not 10 feet off the property line that has been there for 15 plus years and have not experienced any issues.

A "Land Use Sign" will be placed on the Subject Property to allow Ramsey Residents the opportunity to obtain information about your request.

Applicant Signature	Demetrious Jones	Co-Applicant Signature	Christine Jones
Printed Name		Printed Name	
Title		Title	
Date	08-30-22	Date	08-30-22

I understand that the application fee is non-refundable. All costs associated with the processing of this application are the responsibility of the applicant whether this application is approved or denied. Any excess of escrow account deposits over expenditures will be refunded at the time of account closure. I also understand that as the applicant, it is my responsibility to obtain all other permits or licenses required by any applicable regulatory agencies for this Land Use Application.

Property Owner Signature	Demetrious Jones	Property Owner Signature	
Printed Name		Printed Name	
Title		Title	
Date	08-30-22	Date	

I hereby certify that I am the fee title owner/contract for deed vendee of record for the above-mentioned proper[illegible] Failure to prove ownership may void any agreements entered into the City and I will be held liable for any and all costs incurred by the City.

Property Owner Information

(If different than Applicant)

Name:			
Street Address:			
City, State, ZIP:			
Home Phone:		Work Phone:	
Email:		Fax Number:	

Please provide a detailed description of your request and attached a copy of a scaled site plan

We would like to put a shed in the back portion of our lot. We can easily be 5Ft off the property line. It is required that we have 10 Feet off property line as an easement

A "Land Use Sign" will be placed on the Subject Property to allow Ramsey Residents the opportunity to obtain information about your request.

Applicant Signature		Co-Applicant Signature	
Printed Name	Demetrius Jones	Printed Name	Christine Jones
Title		Title	CMA
Date	8-30-22	Date	8-30-22

I understand that the application fee is non-refundable. All costs associated with the processing of this application are the responsibility of the applicant whether this application is approved or denied. Any excess of escrow account deposits over expenditures will be refunded at the time of account closure. I also understand that as the applicant, it is my responsibility to obtain all other permits or licenses required by any applicable regulatory agencies for this Land Use Application.

Property Owner Signature		Property Owner Signature	
Printed Name	Demetrius Jones	Printed Name	Christine Jones
Title		Title	
Date	8-30-22	Date	8-30-22

I hereby certify that I am the fee title owner/contract for deed vendee of record for the above-mentioned property. Failure to prove ownership may void any agreements entered into the City and I will be held liable for any and all costs incurred by the City.

2020 Aerial Photo



2014 Aerial Photo



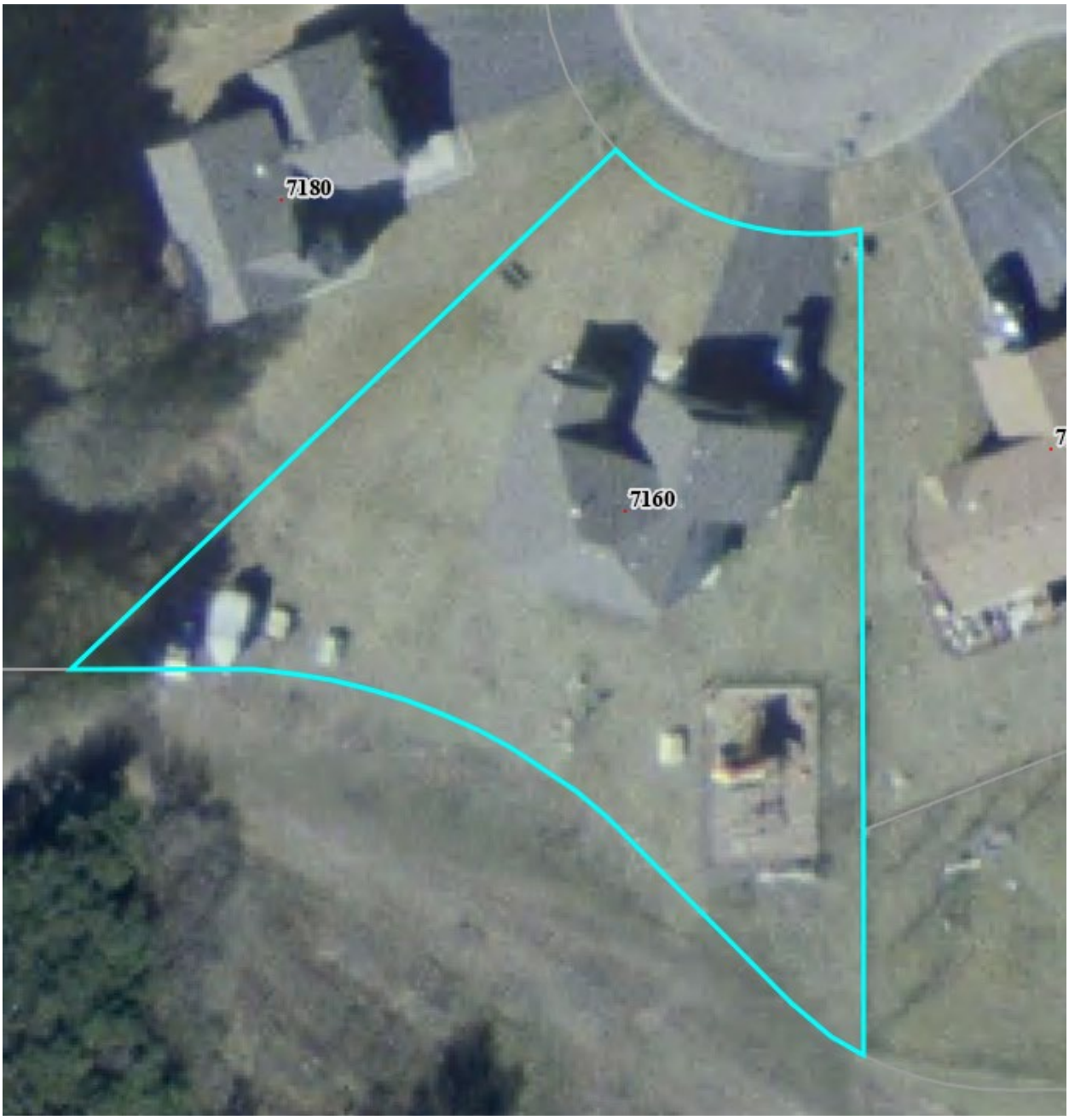
2011 Aerial Photo



2008 Aerial Photo



2005 Aerial Photo



PERMIT

City of Ramsey

15153 Nowthen Blvd NW
Ramsey, MN 55303
763-433-9850

Permit Type: **Building**
Permit Number: **RA010910**
Date Issued: 05/08/2006

Site Address: 7160 148TH LA NW

Lot: 004 Block: 002 Addition: REGENCY POND 3RD ADDITION
PID: 27-32-25-22-0056
Use:

Description:

Sub Type:	Residential	Occupancy:	Utility - garage, shed, fence
Work Type:	New	Construction Type:	
Description:	Swimming Pool	Zoning:	
Census Code:	Pools	Square Feet:	684

Remarks:

18` x 38` Inground Swimming Pool.
Please call 763-433-9850 to schedule inspections.

Paid by check #5115, thank you.

Fee Summary:

Surcharge - Based on Permit Fee	0.50	2081	Swimming Pool-Below Ground	125.00	4205
			Total Fees:	**$125.50**	

Contractor:

Blue Fin Pool and Spa, Inc.
3601 Round Lake Blvd. NW.
Anoka, MN 55303
(763) 576-6636

- Applicant -

St. Lic.:

Owner:

Demetrious & Christine Jones
7160-148th Lane NW.

Ramsey, MN 55303 763-576-1201

THIS PERMIT BECOMES VOID IF WORK AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS OR IF WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED. PERMIT EXPIRES AFTER 1 YEAR FROM DATE OF ISSUANCE.
CITY CODE SEC. 8.01.03

Applicant/Permitee: Signature

5/8/06
Issued By: Signature

City of RAMSEY

15153 Nowthen Boulevard NW.
Ramsey, MN 55303
763-433-9850 - phone
763-433-9848 - fax

RECEIVED
MAY 03 2006
BY:

Permit Application

Building X
Plumbing ____
Heating ____
Sewer ____

Permit [redacted]

Site Address: 7160 148th Ln NW

Legal Description: Lot 4 Block 2 Subdivision Regency Ponds

or PID # ____

Owner Name: Demetrius & Christine Bones
Address: 7160 148th Ln NW
City/State: Ramsey MN Zip: 55303
Phone: 763-576-1201

Contractor: Blue Fin Pool & Spa, Inc.
Address: 3601 Round Lake Blvd
City/State: Anoka MN Zip: 55303
State License No. ____
call 763-286-0140

Contact: Scott Brenna Phone: 763-576-6656 Fax: 763-576-0209

Description of Work: In-Ground Swimming Pool

Valuation (including labor): 30k

Does this plan qualify for *SS*1300.0160 ____ yes X no. If yes, the master plan number is ____

The undersigned acknowledges that he/she has read this application and the above information is correct and accurate. Applicant also understands by signing this application that he/she could be held responsible as representative of this project for ~~any~~ violation of compliance with all applicable laws and ordinances of the City of Ramsey.

[signature] 5-2-06

Signature of Applicant or Authorized Agent **Date**

NOTICE: This is an **application only**. Permit will be issued after City approval and payment of fees.

********** FOR OFFICE USE ONLY **********

Engineering Approval ____ Date
Planning Approval [signature] 5-5-06 Date
Fire Marshal Approval ____ Date
Building Approval [signature] 5-8-06 Date

Type of Const ____
Occupancy Classification ____
Special Conditions ____
Total $ [redacted]

To: Katie, Building

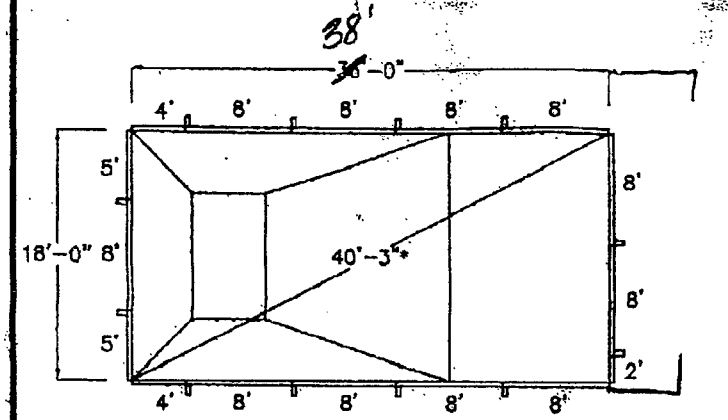
From: Blue Fin Pool & Spa, Inc.

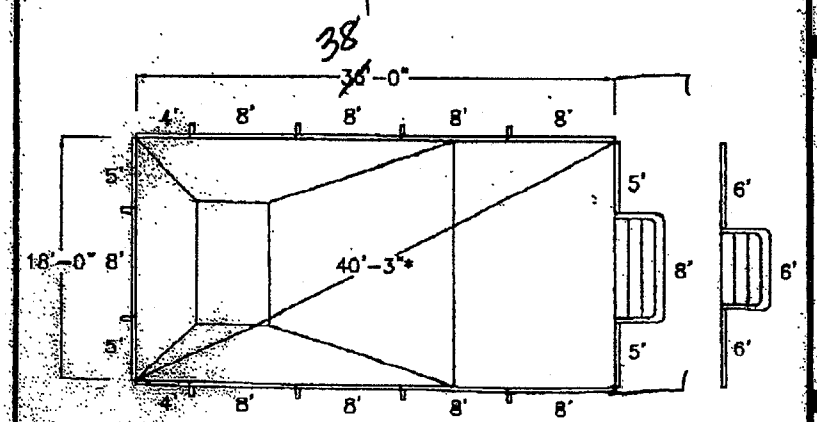
CITY COPY

REVIEWED FOR CODE COMPLIANCE
Andy Schuler 5-8-06

18' X 36' RECTANGLE 6" RADIUS

AREA: 648 SQ. FT. PERIMETER: 107' GALLONS: 27,526





NSPI TYPE II

BILL OF MATERIALS

	STERLING	FRONTIER
11-8' Plain Panels	08-009-S	08-009
2-5' Plain Panels	08-015-S	08-015
2-4' Plain Panels	08-016-S	08-016
1-2' Plain Panel	08-018-S	08-018
1-90° Corner Set	08-020	08-020
12-Braces	08-204	08-210
1-Steel Hardware Kit	08-204	08-204
1-18x36 Straight Coping Set 6" Radius	10-002	10-002
1-90° Coping Corner Set	10-004	10-004
1-Vinyl Liner		

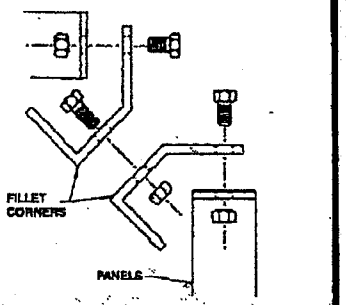
STEP OPTIONS

6' Step- Remove 2-8' panels and 1-2' panel. Insert 1-6' step and 2-5' panels.

8' Step- Remove 2-8' panels and 1-2' panel. Insert 1-8' step and 2-5' panels.

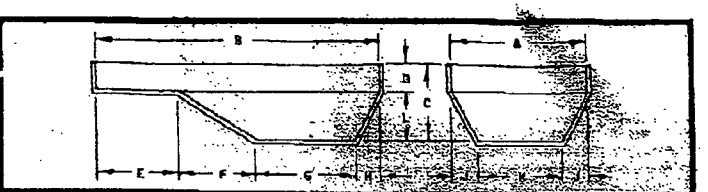
STEEL PANEL OPTIONS	STERLING	FRONTIER
Replace 4-8' plain panels with:		
1-8' skimmer panel	Optional 08-010-S	Optional 08-010
2-8' inlet panels	08-012-S	08-012
1-8' light panel		

TYPICAL CORNER ASSEMBLY



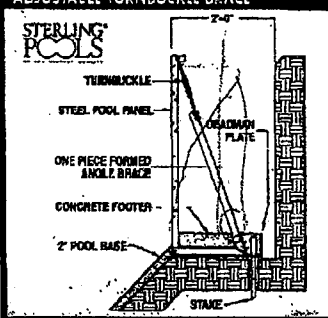
ADDITIONAL NOTES

THIS DOCUMENT IS FOR ILLUSTRATIVE PURPOSES ONLY.
PWP makes only those representations which are listed in its written contracts. Any other representations, statements, or comments made by the dealer/contractor to customer regarding any materials produced by PWP are contractor's responsibility. The dealer or contractor who sells or installs your pool is not an agent or employee of PWP. The construction methods illustrated here are suggestions and apply only to normal ground conditions. There may be additional or alternate design methods of construction. The responsibility is the contractor's.

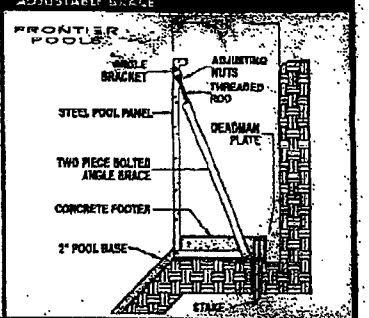


SIZE	A	B	C	D	E	F	G	H	J	K	L
18' x 36'	18'	36'	8'	3'4"	12'	14'	5'6"	24"	6'6"	8'	7'6"
NSPI TYPE II - 6000 POUND POOR STOCK OPTION	18'	36'	5'6"	3'4"	12'	14'	5'6"	24"	6'6"	8'	7'6"

ADJUSTABLE TURNBUCKLE BRACE



ADJUSTABLE BRACE

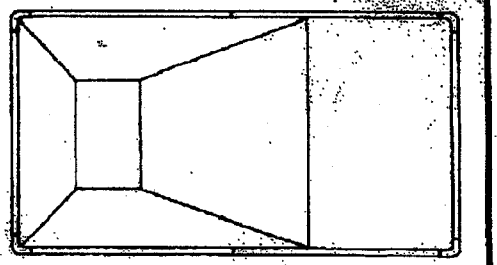


STEEL STEP OPTIONS

8' Steel Step (end)
Remove 2-8' steel panels and 1-2' panel. Insert 1-(08-301) 8' step, 2-(08-167) 45°x1' filler panels and 2-4' panels. 1-(10-083) steel step coping set and 2-(10-085) coping corner sets required. See page 1.

8' Steel Step (side)
Remove 2-8' panels. Insert 1-(08-301) 8' steel step, 1-7' panel, 1-(08-167) 45°x1' filler panel and 1-4' panel. 1-(10-083) steel step coping set and 1-(10-085) coping corner set required. See page 1.

COPING LAYOUT



Attention Dealers: It is your responsibility to make sure the rebate package provided by PWP is delivered to pool owner and that the NO DIVING warning labels are properly installed.

STERLING POOLS — FRONTIER POOLS

BUILDING THE FOLLOWING POOL:
☐ STERLING®
☐ FRONTIER®

Fort Wayne

FORT WAYNE POOLS®, INC.
6930 Getzenberg Pike
FT WAYNE, IN 46804 USA
(219) 432-8731

DATE: JANUARY 2006 | MODEL: 18' X 36' RECTANGLE 6" RADIUS | STYLE: 08-204

GENERAL NOTES | EXCAVATION NOTES

May 03 2006 3:45PM BLUE FIN POOL & SPA, INC. 7635760209 P.1

Approved by
Ramsey Planning Department
Date: 5-5-06
Comments: Pool or YARD must be ENCLOSED W/ A ~~MMMM~~ FENCE NO LESS THAN 4 FT. IN HEIGHT, W/ SELF closing SELF LATCHING, LOCKABLE GATE(S). POOL MUST BE 10 FT. FROM PROPERTY LINES. CA

1
130
66
47
35
278
190
468

880.7 x

R=60

59.83

43.17

Δ=57°17'56"

x879.2

x880.2

(882.5) 882.2

13.30

15.0

882.2

50.10

N46°08'51"E 167.72

14

11

9.67

15.67

22

10

(883.9) 881.2

44.52

x881.2

37.25

15.0

39.43

PROP. HSE. 43

12.67

17.32

x880.2

46.30

23.67

24.74

183.49

x878.2

38'

54

18'

879.2

(878±)

878±

35

3254

N39°26'13"E

102.72 R=120.00 Δ=45°42'9" S44°50'54"E

47.18

148TH AVE. N.W.

22.56

Δ=18°27'55"

R=70

x875.2

N0°33'47"W

130

180

2" = 40 Feet

NOTE!

VERIFY PROPERTY LINE AT FOOTING INSPECTION

PROPOSED GRADES
TOP OF FOUNDATION = 883.3
GARAGE FLOOR = 883.0
LOWEST FLOOR = 875.2

DENOTES EXISTING ELEVATION X900.0
DENOTES PROPOSED GRADES (900.0)
DENOTES SURFACE DRAINAGE ----->

I hereby certify that this is a true and correct representation of a survey of the boundaries of:

JONES

CERTIFICATE OF SURVEY

SWENSON LAND SURVEYING, INC.

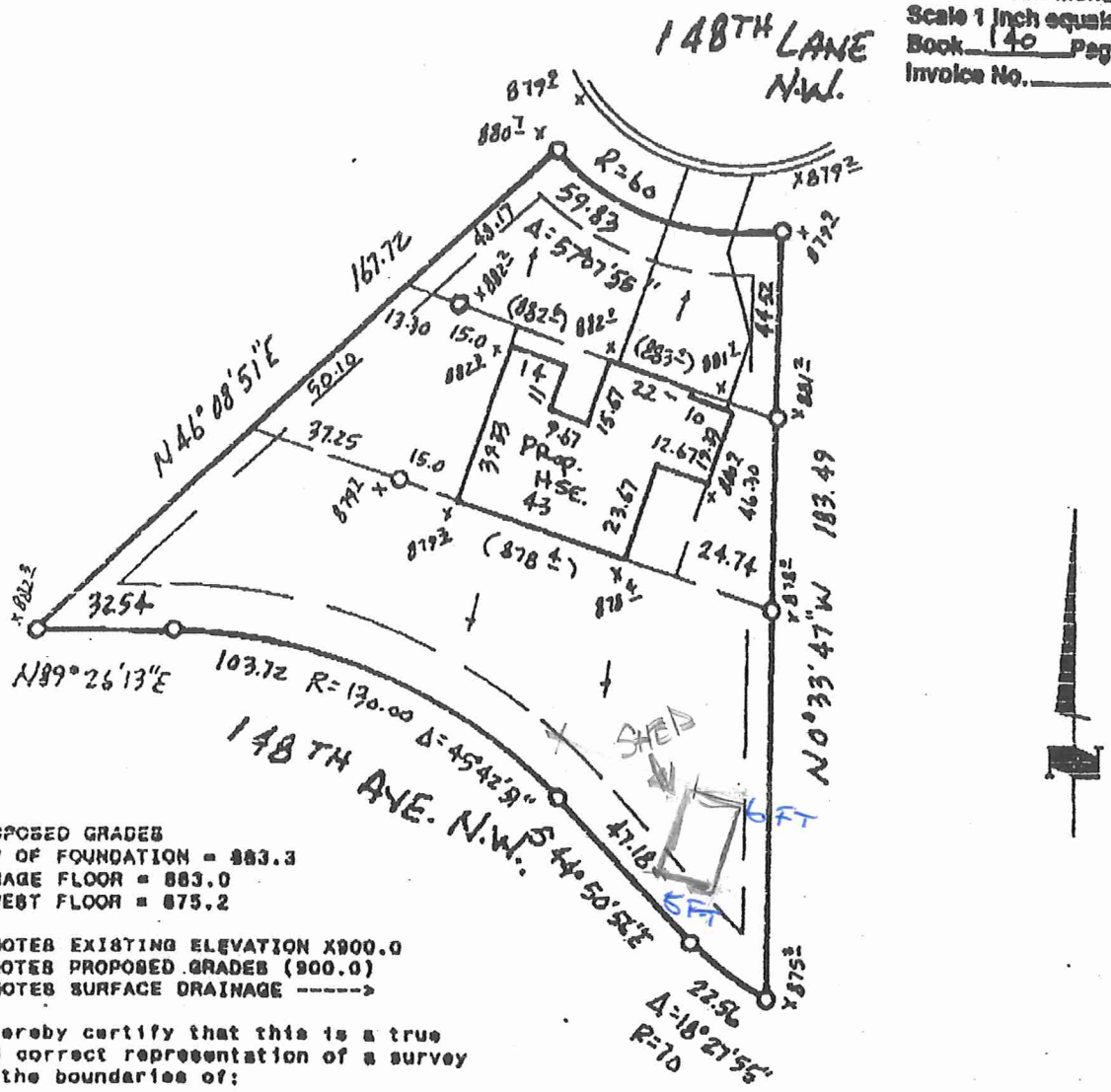
RONALD J. SWENSON
REGISTERED LAND SURVEYOR

14960 Waco Street
Ramsey, Minnesota 55303

TELEPHONE
(612) 427-1020

SURVEY FOR: FOUR DIAMOND BLDRS.

● Denotes Iron Monuments Found
○ Denotes Iron Monuments Set
Scale 1 inch equals 40 feet
Book 140 Page 7
Invoice No. 3208



PROPOSED GRADES
TOP OF FOUNDATION = 883.3
GARAGE FLOOR = 883.0
LOWEST FLOOR = 875.2

DENOTES EXISTING ELEVATION X900.0
DENOTES PROPOSED GRADES (900.0)
DENOTES SURFACE DRAINAGE ----->

I hereby certify that this is a true and correct representation of a survey of the boundaries of:

Lot 4, Block 2, REGENCY PONDS 3RD ADDITION, Anoka County, Minnesota.

It does purport to show improvements or encroachments, if any. As surveyed by me this 23rd day of February, 1999.

Ronald J. Swenson

Swenson Land Surveying, Inc.
Ronald J. Swenson, Registered Land Surveyor,
MN. License No. 13297

ENCROACHMENT AGREEMENT

THIS AGREEMENT ("Agreement") is made this 13th day of September, 2022, by and between the **CITY OF RAMSEY**, a municipal corporation under the laws of the State of Minnesota ("City"), and **Demetrious and Christine Jones**, and their successors and assigns ("Landowners").

RECITALS:

WHEREAS, Landowners are the fee owner of the real property located at 7160 148th Ln NW, Ramsey, Minnesota, and legally described as follows:

Lot 4 Block 2 Regency Ponds 3rd Addition, Anoka County, Minnesota

("Property"); and

WHEREAS, the City currently has ten (10) foot and five (5) foot wide Drainage and Utility Easements ("Easements") over, under and across a portion of the Property, as dedicated to the public pursuant to the Plat known as "REGENCY PONDS 3RD ADDITION" recorded in the Office of the County Recorder, Anoka County, Minnesota; and

WHEREAS, Landowners seek permission from the City to partially encroach upon the Easements up to a maximum of five (5) feet with a movable structure and ten (10) feet with a permanent pool patio into the rear yard easement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the parties agree as follows:

1. The City hereby approves an encroachment of five (5) foot on and over the Easements by Landowners for the purposes of constructing and maintaining a movable structure over that part of the Easements subject to the terms of this Agreement.

2. The City hereby approves an encroachment of ten (10) foot on and over the Easements by Landowners for the purposes of constructing and maintaining a pool patio over that part of the Easements subject to the terms of this Agreement.

3. Landowners shall not expand the pool patio and structure in width, depth, or height unless approved in writing by the City. If the pool patio or structure are demolished, destroyed, or substantially replaced, any replacement shall not encroach upon the Easements without written consent of the City.

4. Nothing in this Agreement shall be deemed a waiver or abandonment of the City's rights under the Easements.

5. The Landowners are responsible for all costs relating to use, maintenance and repair of the pool patio and structure.

6. Landowners agree that if the City, during its normal construction, reconstruction, maintenance and/or repair of the public utilities located within the Easements including, but not limited to, watermain, sanitary sewer and/or storm sewer systems, deems it necessary and expedient to excavate within the Easements, The City's only obligation shall be to fill the excavated area and level the same to the grade that it was prior to the City's excavation. Notwithstanding the above, in the event the City finds it is necessary to completely restore the easement area, the Landowners agree to remove any accessory items that have been placed in the Easements. Landowners will promptly comply with said removal request at their expense and will remove any accessory use within sixty (60) days of the written request by the City.

7. In the event that Landowners fails to take any action required in this Agreement and the City is required to repair, reconstruct or take other actions to maintain the City's utilities,

as a result of the Landowners' use and maintenance of the pool patio and structure, the City may take any and all actions permitted by law to collect the costs of those repairs and the City may further levy an assessment against the Property for all costs incurred by the City. Landowners waive any and all rights to challenge or appeal the assessment.

8. Landowners and his/her successors and assigns do hereby agree to defend, indemnify, and hold the City harmless from any and all costs and expenses, all claims and liability, including attorney's fees, relating to or arising from granting the Landowners permission to encroach on the Easements for the maintenance, use, and operation of the pool patio and structure, including third party claims against flooding issues that may occur due to filling within the drainage easement.

9. All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed given if personally delivered or mailed, certified mail, return receipt requested, to the following:

TO CITY: Katie Schmidt, City Clerk
City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

TO LANDOWNERS: Demetrious and Christine Jones
7160 148th Ln NW
Ramsey, MN 55303

or to any successors or assigns of the Landowners or City, or any future address of the Landowners or City, if Landowners or City gives the other party notice of said change of address as provided pursuant to the provision for notice herein.

10. This Agreement shall be recorded against the title to the Property.

CITY OF RAMSEY

By: _____ By: _____
Mark E. Kuzma, Mayor Brian Hagen, City Administrator

STATE OF MINNESOTA)
)ss.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Mark E. Kuzma and Brian Hagen, respectively the Mayor and City Administrator of the City of Ramsey, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

_____
Notary Public

LANDOWNERS:

_____

Demetrious Jones

_____

Christine Jones

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____, the _____ of the City of Ramsey, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

_____
Notary Public

Drafted by:
City of Ramsey
7550 Sunwood Dr NW
Ramsey, MN 55303

EXHIBIT "A"
Subject Property



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

RESOLUTION #22-212

RESOLUTION DENYING AN EASEMENT ENCROACHMENT AGREEMENT FOR A DETACHED ACCESSORY STRUCTURE AND POOL PATIO IN A DRAINAGE AND UTILITY EASEMENT AT 7160 148TH LN NW

WHEREAS, Demetrious and Christine Jones, hereinafter referred to as the "**Applicants**," have requested an Easement Encroachment Agreement (the "**Agreement**") to maintain a ten foot by sixteen foot (10' x 16') detached accessory structure (the "**Structure**"), and a pool patio (the "**Patio**") within a drainage and utility easement (the "**Easement**") on the property legally described as follows:

Lot 4 Block 2 Regency Ponds 3rd Addition, Anoka County, Minnesota

(the "**Subject Property**").

WHEREAS, the placement of the **Structure** and **Patio** within the drainage and utility easement would require an Easement Encroachment Agreement, approved by the City Council; and

WHEREAS, the Applicant has a standard ten (10') foot Drainage and Utility Easement in the rear yard; and

WHERAS, the City Council reviewed the request for the **Agreement** on the **Subject Property** for the **Structure** and **Patio**, and denied the request during their regular meeting on September 13th, 2022.

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

1) That the request for an Easement Encroachment Agreement for an accessory structure and a pool patio to encroach into the drainage and utility easement is hereby denied due to the following:
    a. There is ample room around the property for the structure to be located; and
    b. The pool patio was constructed outside of approved plans for the pool construction from 2006; and

2) That the **Applicants** must place the **Structure** in an acceptable location with City Staff if they wish to retain the **Structure** on the **Subject Property**. The zoning permit in process must also be approved, paid for, and issued prior to placing the **Structure** on the **Subject Property**; and

3) That the **Applicants** must receive a zoning permit for the sport court with after-the-fact fees applied (twice the price of the standard permit fee); and

4) That the **Applicants** must remove the **Patio** encroaching into the drainage and utility easement by September 13, 2023.

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 adopted by the Ramsey City Council this the 13th day of September, 2022.

_____
Mayor

ATTEST:

_____
City Clerk

CC Regular Session **7. 4.**

Meeting Date: 09/13/2022

By: Chris Anderson, Community Development

Information

Title

Adopt Resolution #22-209 Approving the Development Agreement for PACT Charter School

Purpose/Background:

The purpose of this case is to review and approve the Development Agreement for PACT Addition.

Notification:

Notification is not required.

Observations/Alternatives:

Attached is the proposed Development Agreement for the PACT Charter School project. It outlines fees, project costs, and financial sureties that the City will collect to ensure that the project is completed in accordance with City standards and approved plans. Reconstruction of 161st Avenue is in the CIP for 2024. However, with this project coming forward in 2022, the City has opted to advance the road reconstruction project up to 2023. The Development Agreement addresses what improvements the City will install/construct (as part of the street reconstruction project) and those improvements that the Applicant shall complete. *Note that at the time of writing of this case, the attached Development Agreement is in, or very near, final format. There are a couple items still being discussed between Applicant and Staff. If any modifications are needed, an updated draft will be uploaded.*

The Applicant has informed the City that the school building footprint will now be slightly smaller than what had originally been approved as part of the Site Plan (see attached exhibit showing building modifications). Furthermore, the visitor bleachers, as well as the concessions building, will now be considered in a future phase. These modifications result in slightly less impervious surface coverage on the Subject Property (at least temporarily). No other modifications are proposed; the drainage and grading plan, landscape plan, etc., will remain as originally approved. It is likely that these improvements will be pursued in the future. Note that Resolution #22-125, which approved the Preliminary Plat, Final Plat, and Site Plan, specified that the principal building could be built in phases.

Funding Source:

All costs associated with reviewing this Application are the responsibility of the Applicant.

The City will be undertaking the reconstruction of 161st Avenue per the CIP (granted, one year sooner than originally planned), including the installation of utilities. The Applicant will be responsible for their share of the cost of the utilities (collected as Lateral Benefit fees) as outlined in the Development Agreement.

Recommendation:

Staff recommends approval of the Development Agreement.

Action:

Motion to adopt Resolution #22-209 approving the Development Agreement for PACT Charter School.

Attachments

Site Location Map
PACT Addition Final Plat
Reduced Building Footprint Exhibit
Executed Resolution #22-125 (Approved Site Plan, Preliminary Plat, and Final Plat)
Development Agreement
Resolution #22-209: Development Agreement

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/08/2022 02:40 PM
Form Started By: Chris Anderson		Started On: 08/23/2022 08:02 AM
Final Approval Date: 09/08/2022		



Site Location Map

7633 161ST AVE NW

16-32-25-24-0002

Legend

Site

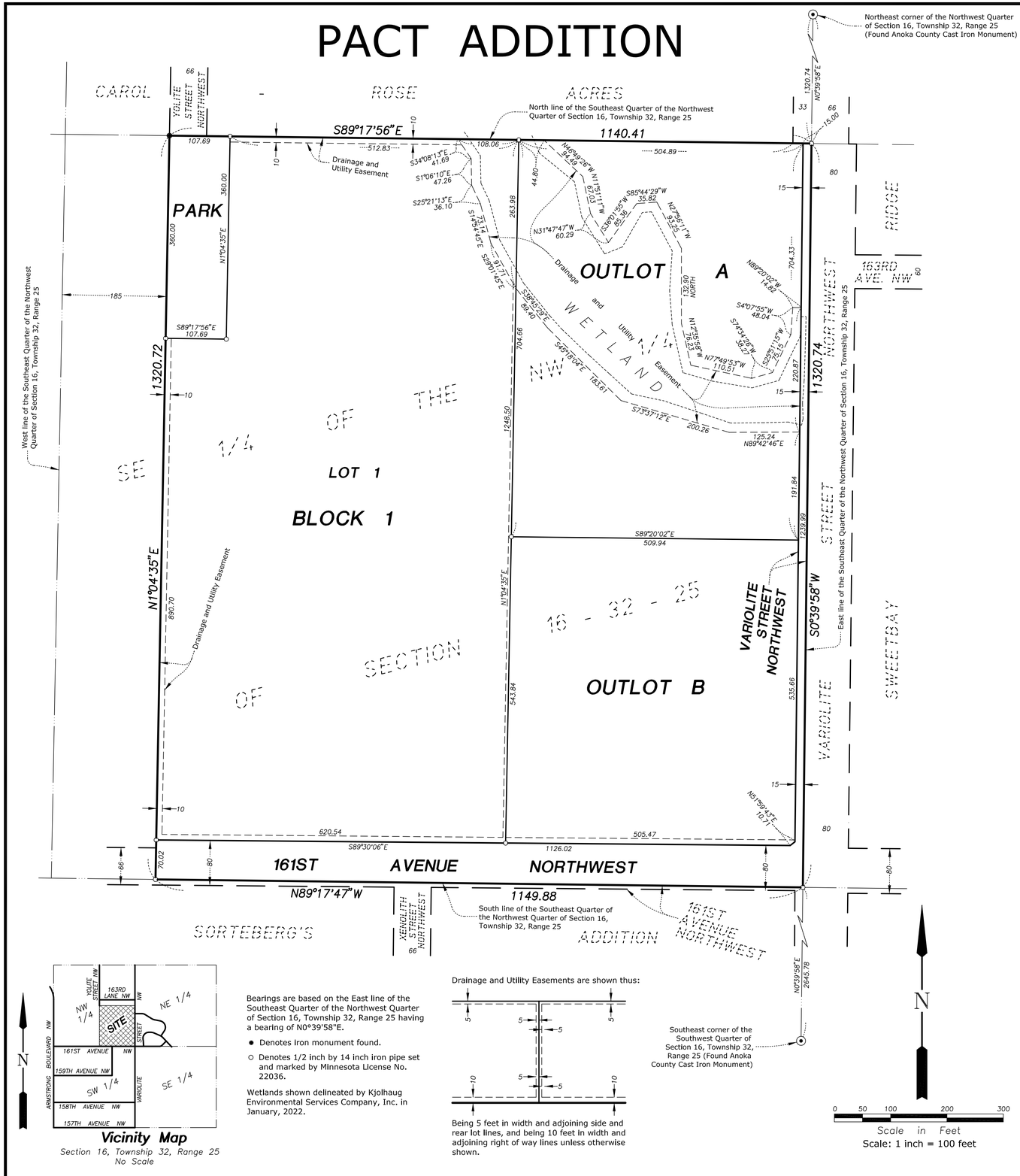
Parcels

N

Print Date: February 17, 2022

0 1,000 2,000 Feet

PACT ADDITION



Vicinity Map
Section 16, Township 32, Range 25
No Scale

Bearings are based on the East line of the Southeast Quarter of the Northwest Quarter of Section 16, Township 32, Range 25 having a bearing of N0°39'58"E.

- ● Denotes Iron monument found.
- ○ Denotes 1/2 inch by 14 inch iron pipe set and marked by Minnesota License No. 22036.

Wetlands shown delineated by Kjolhaug Environmental Services Company, Inc. in January, 2022.

Drainage and Utility Easements are shown thus:

Being 5 feet in width and adjoining side and rear lot lines, and being 10 feet in width and adjoining right of way lines unless otherwise shown.

CITY OF RAMSEY
COUNTY OF ANOKA
SECTION 16, TOWNSHIP 32, RANGE 25

KNOW ALL PERSONS BY THESE PRESENTS: That The Church of Saint Katharine Drexel, Ramsey, Minnesota, a Minnesota religious corporation, owner of the following described property:

That part of the Southeast Quarter of the Northwest Quarter lying East of the West 185 feet of said Southeast Quarter of the Northwest Quarter, Section 16, Township 32, Range 25, Anoka County, Minnesota.

Has caused the same to be surveyed and platted as PACT ADDITION and does hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said The Church of Saint Katharine Drexel, Ramsey, Minnesota, a Minnesota religious corporation, has caused these presents to be signed by its proper officer this ____ day of _____ , 20___.

THE CHURCH OF SAINT KATHARINE DREXEL, RAMSEY, MINNESOTA

_____
Paul Jaraszeski, Pastor

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____ , 20___ by Paul Jaraszeski, Pastor of The Church of Saint Katharine Drexel, Ramsey, Minnesota, a Minnesota religious corporation, on behalf of the corporation.

Signature _____

Printed _____

Notary Public, _____ County, _____

My Commission Expires _____

I Gary C. Huber do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____ , 20___.

_____
Gary C. Huber, Licensed Land Surveyor
Minnesota License No. 22036

STATE OF MINNESOTA
COUNTY OF DAKOTA

This instrument was acknowledged before me on _____ , 20___ , by Gary C. Huber.

Signature _____

Printed _____

Notary Public, _____ County, _____

My Commission Expires _____

CITY COUNCIL, CITY OF RAMSEY, MINNESOTA

This plat of PACT ADDITION was approved and accepted by the City Council of the City of Ramsey, Minnesota at a regular meeting thereof held this _____ day of _____ , 20___ , and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Ramsey, Minnesota

By_____ , Mayor By _____ , Clerk

ANOKA COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____ , 20___.

By _____
David M. Zieglmeier
Anoka County Surveyor

ANOKA COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20___ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____ , 20___.

_____
Property Tax Administrator

By_____ , Deputy

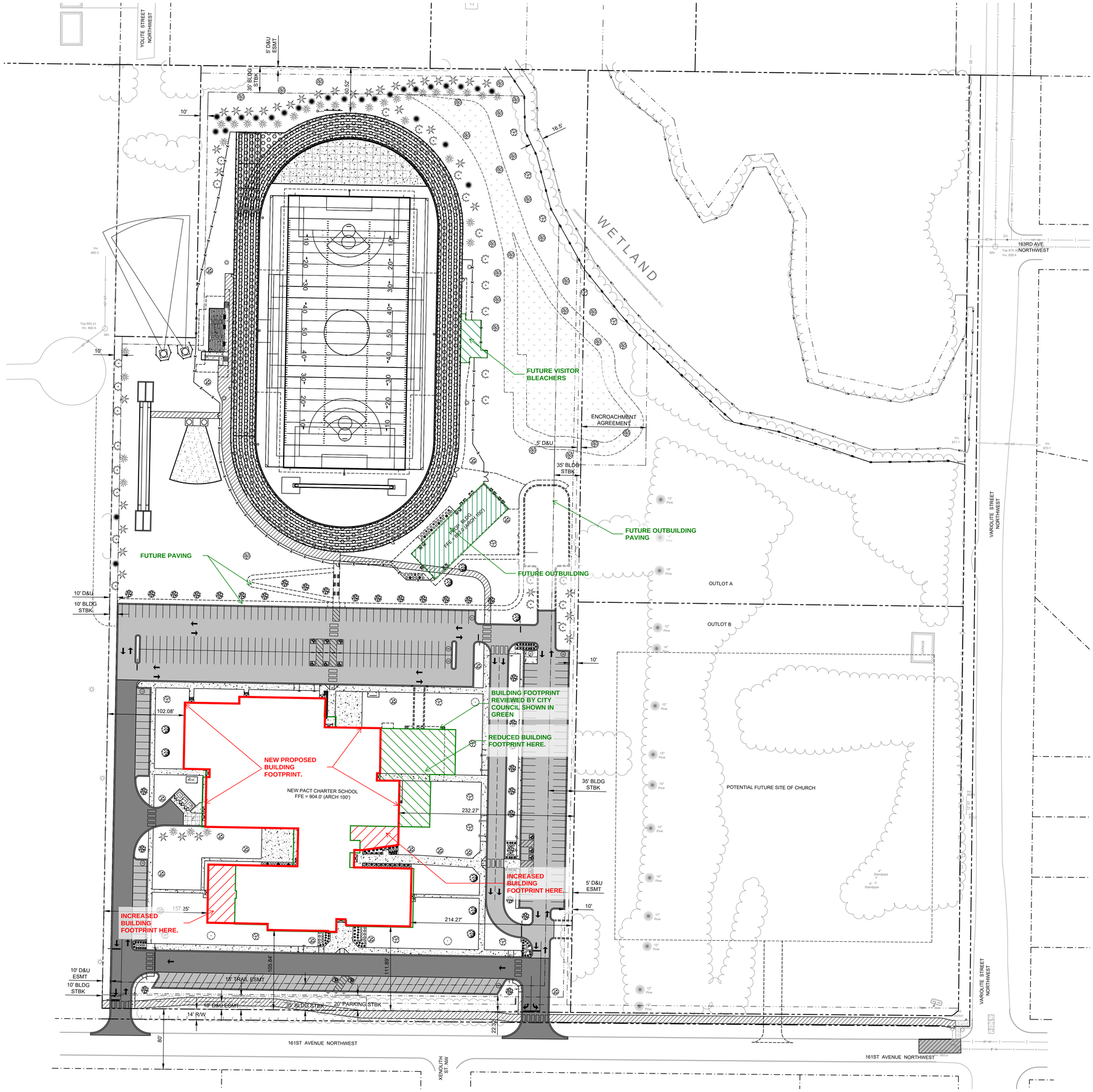
COUNTY RECORDER/ REGISTRAR OF TITLES
County of Anoka, State of Minnesota

I hereby certify that this plat of PACT ADDITION was filed in the office of the County Recorder/Registrar of Titles for public record on this _____ day of _____ , 20___ at ____ o'clock ___.M., and was duly recorded as Document Number _____ .

_____
County Recorder/Registrar of Titles

By_____ , Deputy

Rehder and Associates, Inc.



SITE DATA

Original Site Area	=	18.0 acres
Right-of-Way Dedication (14')	=	0.20 acre
Developed Site Area	=	17.80 acres
Park Dedication (5%)	=	0.89 acre
Final Site Area	=	16.91 acres

Building Setbacks:
- Front Yard = 35'
- Side Yard: 10' or 35' abutting residential
- Rear Yard = 35'

Parking Setbacks:
- From Right-of-Way = 20'
- From Residential Lot = 35'
- From Park land= 0'.

School Building footprint	= 67,390 S.F.
Future School Addn	= 5,885 S.F.
Concession Bldg footprint	= 6,209 S.F.
Pressbox footprint	= 378 S.F.
Total structure coverage	= 79,862 S.F. (10.8% < 35%)

Parking Tabulation:

East Lot (staff)	=	74 stalls
South Lot (staff & visitor)	=	43 stalls
West Lot (student)	=	25 stalls
North Lot (student)	=	139 stalls
Fields Lot	=	10 stalls
Total	=	291 stalls

Bus Parking (South lot): 488 ft / 40' bus = 12 buses

POPE ARCHITECTS, INC.
767 NORTH EUSTIS ST. SUITE 190
ST. PAUL, MN 55114
(651) 642-9200 | FAX (651) 642-1101
www.popearch.com

PACT Charter School

Larson Engineering, Inc.
3524 Labore Road
White Bear Lake, MN 55110
651.481.9120 (f) 651.481.9201
www.larsonengr.com
©2022 Larson Engineering, Inc. All rights reserved.

PACT CHARTER SCHOOL
RAMSEY, MN

BP1 - 95% REVEIW SET- NOT FOR CONSTRUCTION

OVERALL PLAN

Issues and Revisions

CITY RE-SUBMITTAL	6.10.2022
CITY RE-SUBMITTAL	7.07.2022
CITY RE-SUBMITTAL	8.19.2022
CITY CONSENT AGENDA	8.26.2022

I hereby certify that this plan, specifications 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.

Eric G. Meyer, P.E.

Date: 07.07.2022 Lic. No.: 44592

Transmittal No: 12216178
Drawn by: MTH
Checked by: EGM

SHEET
C000

TRUE SHEET SCALE
0" 1/2" 1"

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

RESOLUTION #22-125

RESOLUTION APPROVING SITE PLAN, PRELIMINARY PLAT, AND FINAL PLAT FOR PACT ADDITION AND PACT CHARTER SCHOOL

WHEREAS, JB Vang, hereafter referred to as "Developer," properly applied for Site Plan, Preliminary Plat, and Final Plat approval of the following described property located in the City of Ramsey:

THE SE1/4 OF NW1/4 OF SEC 16 TWP 32 RGE 25, EX W 185 FT THEREOF, EX RD, SUBJ
TO EASE OF REC, Anoka County, Minnesota. (the 'Subject Property');

WHEREAS, the Planning Commission reviewed the Sketch Plan and requests for a Comprehensive Plan Amendment and Zoning Amendment on February 24, 2022 and provided a recommendation of approval; and

WHEREAS, the Environmental Policy Board (EPB) reviewed the Sketch Plan and requests for a Comprehensive Plan Amendment and Zoning Amendment on February 28, 2022 and provided a recommendation of denial; and

WHEREAS, the City Council approved the Comprehensive Plan Amendment (re-guiding the land from Low Density Residential to Public/Institutional), contingent upon approval of a Preliminary Plat, on March 8, 2022; and

WHEREAS, the City Council approved the Zoning Amendment (rezoning from R-1 Residential (MUSA) – 80 to Public/Quasi-Public), contingent upon approval of a Preliminary Plat, on March 22, 2022; and

WHEREAS, the Park and Recreation Commission reviewed the project for Park Dedication purposes on May 12, 2022 to reaffirm a land contribution to satisfy Park Dedication Requirements; and

WHEREAS, the EPB reviewed the natural resources aspects of the Preliminary Plat and Site Plan on May 16, 2022 and recommended approval of the Landscape and Tree Preservation Plan with direction on how to satisfy code requirements; and

WHEREAS, the Planning Commission held a Public Hearing on the Preliminary Plat and request for a Variance on May 26, 2022 but tabled the request until June 23, 2022 to allow for revised plans to be submitted for review; and

WHEREAS, on May 26, 2022, the Planning Commission approved a variance to parking and maneuvering setbacks and tabled action on the Preliminary Plat and Site Plan; and

WHEREAS, on June 23, 2022, the Planning Commission recommended approval of the Site Plan and Preliminary Plat.

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 approval of the Site Plan, Preliminary Plat, and Final Plat for PACT Addition and PACT Charter School in accordance with relevant City Codes, subject to the following conditions:
    a. Compliance with the Staff Review Comments.
    b. Final approval by City Engineer and City Attorney.
    c. Development of the site shall be in substantial conformance with final plans approved by City Staff. The principal structure of the school facility may be constructed in phases.
    d. Permit(s) issuance by the Lower Rum River Watershed Management Organization.
    e. The Developer entering into a Development Agreement with the City.
    f. Submission of a deed to the City for the Park parcel.

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

Mayor Kuzma
Councilmember Specht
Councilmember Musgrove
Councilmember Heineman
Councilmember Howell

and the following voted against the same:

Councilmember Riley
Councilmember Woestehoff

and the following abstained:

None

and the following were absent:

None

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 12th day of July, 2022.

Mayor

ATTEST:

City Clerk

CITY OF RAMSEY
DEVELOPMENT AGREEMENT FOR PACT CHARTER SCHOOL

This Agreement (hereinafter the "Agreement") is dated as of this __ day of _____, 2022, and is by and between the **CITY OF RAMSEY**, a Minnesota charter city and municipal corporation (the "**CITY**") and PCS Building Company, a Minnesota nonprofit corporation (the "**PERMITTEE**").

Recitals

A. The **Church of Saint Katharine Drexel, Ramsey, Minnesota**, a Minnesota religious corporation (the "**CHURCH**"), was the owner of land legally described on the attached **Exhibit A** (the "Church Property").

B. The **CITY** has approved the subdivision of the Church Property and the platting of the Church Property as PACT ADDITION (the "Plat").

C. After recording of the Plat, the **PERMITTEE** acquired and is currently the owner of a portion of the platted land legally described on the attached Exhibit B (the "Subject Property").

D. The **PERMITTEE** and the **CHURCH** have entered into that certain Reciprocal Easement Agreement (the "REA"), dated of even date herewith and to be recorded in the Registrar of Titles in and for Anoka County, Minnesota, pursuant to which the **PERMITTEE** has obtained certain utility, drainage, shared parking and development rights for the benefit of, and appurtenant to, the Subject Property, and which burden Outlots A and B of the Plat.

Agreement

1. Recitals Incorporated. The recitals stated above are hereby incorporated into this Agreement and are made part of this Agreement by reference.

2. Conditions of Approval. The **CITY** approved the Plat subject to satisfaction of the following conditions subsequent:

   a. The **PERMITTEE'S** Execution of this Agreement. That the **PERMITTEE** enters into this Agreement.

   b. Marketable Title. That prior to recording the Plat, the **PERMITTEE** shall provide the **CITY** with proof that **PERMITTEE** shall have marketable title to the Subject Property (after the recording of the deed conveying title to the Subject Property) through a title insurance commitment or proforma title insurance policy**.**

   c. Proof of Authority. That the **PERMITTEE** provide proof that the governing board of the **PERMITTEE** has authorized the **PERMITTEE'S** execution of this Agreement. This proof of authority may be satisfied by providing the **CITY** with a certified copy of the minutes or resolutions of such governing board.

3. The Plans. The term "Plans" as used in this Agreement means the architectural, construction and engineering plans prepared by Pope Architects, Inc. and Larson Engineering, Inc., dated April 28, 2022 and revised on _____. The Plans remain subject to: (a) **CITY** Staff's review and approval of the Plans to, among other things, confirm that the revisions requested in **CITY** Staff's review have been made; and (b) such further revisions as the **PERMITTEE** may propose and the **CITY** approves. The Plans shall not be attached to this Agreement, but are in the **CITY'S** files.

4. Public Improvements. The **CITY** will be reconstructing and paving161st Avenue. As part of this street reconstruction project, the **CITY** will construct or install certain public improvements (the "Public Improvements") within the 161st Avenue public right-of-way or trail easement as follows:

   a. Lateral sanitary sewer and stubs to serve the Subject Property and Outlot A of the Plat
   b. Lateral water main and stubs to serve the Subject Property and Outlot A of the Plat
   c. Streets
   d. Concrete curb and gutter (urban)
   e. Storm sewer
   f. Street and traffic control signs - **CITY** will provide and install Street Name and Traffic Control signs (following payment by **PERMITTEE** pursuant to the established rates and charges in effect for signs required for Subject Property).
   g. Pavement markings
   h. Trail and sidewalk development
   i. Boulevard seeding and/or sodding
   j. Water shut off boxes

   The **PERMITTEE** shall be responsible for certain costs associated with the Public Improvements as outlined in **Exhibit C** attached hereto.

   The **CITY** intends to have substantially completed the Public Improvements no later than August 1, 2023.

5. Lot Corner Staking. In addition to the survey monumentation specified in Section 7 below, the **PERMITTEE** must also install lot corner stakes (temporary wooden lathe stakes) at all lot corners.

6. Permits. The **PERMITTEE** shall obtain all necessary permits from all governmental agencies before commencing construction of the Public Improvements. The **PERMITEE** must provide the **CITY** with copies of all necessary permits from other governmental agencies prior to or when the **PERMITTEE** applies for a building permit to construct improvements on the Subject Property.

7. Required Private Improvements. The **PERMITTEE** will construct or install the following private improvements (the "Required Private Improvements") on the Subject Property:

   a. Sanitary sewer
   b. Water
   c. Storm drainage facilities (upon the approved inspection thereof by the **CITY**, **PERMITTEE** shall enter into a stormwater maintenance agreement for the maintenance thereof, which shall be recorded against the Subject Property prior to issuance of a Certificate of Occupancy for the principal building)

d. Parking lot and striping
e. Concrete curb and gutter
f. Lot grading
g. Landscaping
h. Electricity from Subject Property to 161st Avenue.
i. Phone from Subject Property to 161st Avenue.
j. Natural gas from Subject Property to 161st Avenue.
k. Installation of survey monumentation.
l. Water shut off boxes

8. Time of Performance for the Required Private Improvements. The **PERMITTEE** must complete the Required Private Improvements no later than September 30, 2023, subject to Force Majeure Delays (as defined in Section 18.m. below), with supporting documentation to substantiate any such delay.

9. Financial Guarantee for Required Private Improvements. The **PERMITTEE** shall provide a financial guarantee (the "Financial Guarantee") to the **CITY** guaranteeing the construction of the Required Private Improvements and their timely completion. The **PERMITTEE** shall be responsible for the Financial Guarantee in the amount of Two Million Seven Hundred and Seven Thousand Seven Hundred Seventy-Seven Dollars and No Cents **($2,707,777.00),** which amount is 125% of the **CITY** Engineer's estimated cost of the Required Private Improvements. The Financial Guarantee must be in the form of a cash escrow. Upon completion of Required Private Improvements (including the removal of "temporary" erosion control measures as identified in the approved Grading Plan), acceptance by the **CITY**, supported by appropriate lien waivers, the **PERMITTEE** may request a reduction in the amount of the Financial Guarantee. Partial reductions are permitted on a pro rata basis based on the value of the Required Private Improvements so completed.

10. Engineering Inspection Escrow for the Required Private Improvements. The **PERMITTEE** shall provide an Engineering Inspection Escrow to the **CITY** for inspections related to the Required Private Improvements. The **PERMITTEE** shall be responsible for an Engineering Inspection Escrow in the amount of One Hundred Eight Thousand Three Hundred Eleven Dollars and No Cents **($108,311.00)**, which amount is 5% of the City Engineer's estimated cost of the Required Private Improvements. The inspection fee must be in the form of a cash escrow. The **PERMITTEE** may request a refund of the remaining balance in the escrow upon completion of the Required Private Improvements and approval by the **CITY**.

11. Warranty for Required Private Improvements. The **PERMITTEE** shall provide a one-year warranty in the amount of One Hundred Ninety-Seven Thousand One Hundred Ninety-Seven Dollars and No Cents **$197,197.00**, which is 25% of the cost of the earthwork and storm sewer work in the Engineer's Estimate. Said warranty shall be in force for one year following the final approval of these aspects of the Required Private Improvements and shall guarantee satisfactory performance of such improvements. The warranty must be in the form of cash or a Letter of Credit in a form acceptable to the **CITY'S** Finance Director or a cash escrow.

12. Maintenance Guarantee for Landscaping. The **PERMITTEE** shall provide the **CITY** a maintenance guarantee to ensure the survival of the plantings. Said maintenance guarantee shall consist of cash or a Letter of Credit, approved as to

form by the **CITY**, in the amount of Twenty-Six Thousand One Hundred Twenty-Two Dollars and No Cents **$26,122.00**. [# plantings (224 trees) x cost/planting ($300/tree x 30% average non-survival rate, (265 shrubs) x cost/planting $75/shrub x 30% average non-survival rate], which shall be in effect for a two-year period commencing on the date of the **CITY's** inspection approval of said plantings as part of the Required Private Improvements.

At the end of the two-year period, the maintenance guarantee shall be returned to the **PERMITTEE**. The determination that all plantings that have been planted in accordance with the Plans have either survived or have been replaced shall be made by the **CITY**. In the event the **PERMITTEE** fails to maintain the required plantings for a two-year period, the City Council may order the replacement of plantings with **CITY** day labor and/or by letting contracts and draw upon the escrow for payment. Only the City Council shall have the authority to direct replacement of the plantings and drawing upon the maintenance guarantee. The **PERMITTEE** hereby grants permission and a license to the **CITY** and/or its contractors and assigns to enter upon the Subject Property for the purpose of replacing plantings in the event of the **PERMITTEE's** default.

13. Street Cleaning and Clean-Up. The **PERMITTEE** shall clear any soil, earth, or debris from the public street(s) as a result of work on the Subject Property. From time to time, the **CITY** may remove accumulations of soil, earth, and debris from the streets resulting from the construction of the Required Private Improvements. It shall be the **PERMITTEE'S** responsibility to pay the costs associated with this necessary street cleaning. Invoices from the **CITY** to the **PERMITTEE** for such costs shall be paid within thirty (30) days of the date of the invoice.

14. Payment of Development Fees, Financial Guarantee, Inspection Escrow, Warranty and Guarantee. The **PERMITTEE** must pay to the **CITY** the fees described on **Exhibit C** attached hereto in conjunction with the release of the Plat for recordation. The **PERMITTEE** must also pay to the **CITY** the Financial Guarantee, the Engineering Inspection Escrow, the Warranty for Required Private Improvements and the Maintenance Guarantee (as described in Sections 9 through 12) in conjunction with the release of the Plat for recordation.

15. Park. The **PERMITTEE** has, of even date herewith, executed a deed conveying fee title to the area entitled Park on the Plat to the **CITY**, which shall be recorded along with the Plat and this Agreement.

16. Requirements for Building and Occupancy Permits.

    a. No building permit for the Subject Property shall be issued until the **PERMITTEE** has: (a) installed a Class 5 driving surface to within 300 feet of the structure to be located thereon; (b) provided the **CITY** Building Official with a Certificate of Survey; (c) provided the Financial Guarantee described in Section 9 to the **CITY**; and (d) obtained all necessary permits from the Lower Rum River Watershed Management Organization and has provided a copy of such permit to the **CITY;** and

    b. No occupancy permit for the Subject Property shall be issued until the **PERMITTEE** has: (a) constructed vehicular access to the Subject Property, including the installation of at least one layer of bituminous surfacing; (b)

constructed all utilities and storm water facilities this Agreement requires to serve the Subject Property and such utilities and storm water facilities are in place, operational and have been approved by the **CITY**; (c) for lots that have a slope of less than 2%, provided the **CITY** with a certificate of grading, prepared by a licensed (State of Minnesota) professional land surveyor, certifying that the flattest grade on the lot is 1% or greater.

17. **PERMITTEE** Defaults. If the **PERMITTEE** defaults in the performance of one or more of the **PERMITTEE'S** obligations under this Agreement, i) the **CITY** gives the **PERMITTEE** thirty (30) days written notice of the default and ii) the **PERMITTEE** fails to cure the default within said thirty (30) days (provided that, if the default cannot reasonably be cured within thirty (30) days, the **PERMITTEE** shall not be in default of this Agreement if the **PERMITTEE** commences to cure the default within the thirty (30) day period and diligently and in good faith continues to cure the default until fully cured), then the **CITY** may pursue any and all remedies available at law or in equity including, but not limited to, the following:

a. The **CITY** may, at its option, perform or engage one or more third parties to perform the **PERMITTEE'S** obligations. If, in the reasonable judgment of the **CITY'S** staff, the **PERMITTEE'S** default creates an immediate risk to public health or safety, the **CITY** may perform or engage one or more third parties to perform the work before the **CITY** provides the notice described in the initial paragraph of this Section, but the **CITY** must use commercially reasonable efforts to notify the **PERMITTEE** as promptly as possible that the **CITY** is undertaking to perform the **PERMITTEE'S** obligation or obligations. If the **CITY** performs one or more obligations of the **PERMITTEE**, the **PERMITTEE** must reimburse the **CITY** for any costs or expenses the **CITY** incurs, including costs and expenses for **CITY** staff time, to perform the work within thirty (30) days after the **CITY** notifies the **PERMITTEE**, in writing, of the costs and expenses the **CITY** incurred to perform the work. If the **PERMITTEE** does not reimburse the **CITY** within said thirty (30) day period, the **CITY** may pursue any remedies available to the **CITY** either at law or in equity or, in the alternative, the **CITY** may draw on the Financial Guarantee the **PERMITTEE** has provided to the **CITY** pursuant to this Agreement to reimburse itself for the expenses the **CITY** incurs to perform the work. This Agreement is a license for the **CITY** to act, and it shall not be necessary for the **CITY** to seek a Court Order for permission to enter the Subject Property. As an alternative to seeking recovery from the **PERMITTEE** or the Financial Guarantee, the **CITY** may levy special assessments against the Subject Property in accordance with Minnesota Statutes Section 429, and the **PERMITTEE**, for itself and its successors in title, hereby expressly waives any and all substantive and procedural objections or defenses the **PERMITTEE** may have to such special assessments;

b. The **CITY** may commence an action in Anoka County District Court to pursue any remedy available to the **CITY** at law or in equity including, but not limited to, injunctive relief;

c. The **CITY** may refuse to grant building permits for improvements to be constructed on the Subject Property until the **PERMITTEE** has cured all of its defaults; and

d. The **CITY** may draw upon all or any portion of the Financial Guarantee (i) to reimburse the **CITY** pursuant to subsection (a) above; (ii) to satisfy any judgment the **CITY** obtains against the **PERMITTEE** pursuant to subsection (b) above; (iii) to reimburse the **CITY** pursuant to Section 18.i. below; and (iv) hold all or any such portion for a reasonable time for the future application as described in subsections (i), (ii) and (iii) of this Section 17.d.

18. Miscellaneous.

a. Invalidity of Any Section. If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason invalid, such decision shall not affect the validity of the remaining portion of this Agreement.

b. Written Amendments Only. The action or inaction of the **CITY** or the **PERMITTEE** shall not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties, and approved by a resolution of the **CITY** Council. The **CITY'S** or the **PERMITTEE'S** failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.

c. Compliance with Laws and Regulations. The **PERMITTEE** represents to the **CITY** that the Plat complies with all **CITY**, County, metropolitan, State, and Federal laws and regulations, including but not limited to: subdivision ordinances, zoning ordinances and environmental regulations. If the **CITY** determines that the Plat does not comply, the **CITY** may, at its option, refuse to allow any construction or development work in the Plat until the **PERMITTEE** does comply. Upon the **CITY'S** demand **PERMITTEE** shall cease work until there is compliance.

d. Mailbox Locations. If the **PERMITTEE** desires to construct mailboxes within the public right of way, the **PERMITTEE** agrees that the placement of mailboxes along public streets is subject to the approval by the **CITY**. Utility locates will be necessary.

e. Boulevard and Wetland Restoration. The **PERMITTEE** shall be responsible for the cost of establishing permanent erosion control (vegetation) in accordance with the approved Grading and Erosion Control plan, the Lower Rum River Watershed Management Organization permit, and applicable rules and regulations. The **PERMITTEE** shall be responsible for the cost of cleaning any soil, earth, or debris from the wetlands within and adjacent to the Subject Property resulting from grading performed in the development of the Required Private Improvements.

f. Construction, Hours and Entrance Signs. The **CITY** restricts construction and delivery hours to Monday through Saturday 7:00 a.m. to 10:00 p.m. The **PERMITTEE** is required to provide a sign at each entrance point stating delivery and construction operation hours. Said signs are not to exceed eighty (80) square feet in size and must be clearly visible at all times during the construction period.

g. Construction Site Maintenance. The **PERMITTEE** shall adhere to all of the **CITY** ordinances relating to, but not limited to, dumping of garbage, site development, construction debris, open burning, etc. The **CITY** reserves the right to withhold permits, inspections, or Certificates of Occupancy to correct violations relating to

construction site maintenance.

h. Estimated Cost. It is understood and agreed that cost amounts set forth in this Agreement as to the Required Private Improvements, unless qualified as fixed amounts, are estimated. The **PERMITTEE** agrees to pay the entire cost of said improvements including interest (if applicable), engineering and legal fees related thereto.

i. Plat Approval Expenses. The **PERMITTEE** agrees that it will pay to the **CITY** all **CITY** expenses incurred in the approval of the Plat, including, but not limited to, administration expenses, engineering and legal fees. Said expenses incurred after recording of the Plat shall also be paid by the **PERMITEE** to the **CITY** within thirty (30) days of the date of the invoice. Failure to pay the **CITY'S** expenses within said thirty (30) day period will permit the **CITY** to draw upon the Financial Guarantee for payment.

j. Reimbursement to the **CITY**. The **PERMITTEE** agrees to reimburse the **CITY** for all costs incurred by the **CITY** to enforce this Agreement, or any portion thereof, including court costs and reasonable attorney's fees.

k. Certificate of Occupancy. The term "Certificate of Occupancy" as used in this Agreement shall be defined as a document issued by the **CITY'S** Building Official, which authorizes the structure to be used for its intended purposes.

l. Notices. Required notices shall be in writing, and shall be either hand delivered to the Parties, its employees or agents, or mailed to them by certified or registered mail at the following address:

TO PERMITTEE:

PCS Building Company
Attn: Josh Nyquist
7250 E. Ramsey Pkwy. NW
Ramsey, MN 55303

With copy to:

Dorsey & Whitney LLP
Attn: Rhonda Skoby
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402

TO THE CITY:
City of Ramsey
Attn: Community Development Director
7550 Sunwood Drive NW
Ramsey, MN 55303

m. Force Majeure Delays. Neither the **CITY** nor the **PERMITTEE** shall be held responsible for delays in the performance of its obligations hereunder when caused by labor or material shortages, weather, acts of God, labor disputes or other causes beyond the reasonable control of such party (collectively, the "Force Majeure Delays"). However, events of Force Majeure Delays shall not extend any period of time for the payment of obligations payable by either party hereunder.

n. Trail Easement. The **PERMITTEE** shall grant a Trail Easement to the **CITY** and shall be responsible for recording a Trail Easement Agreement prior to issuance of the Certificate of Occupancy.

o. Compliance with State Noise Regulations. The **PERMITTEE** shall enter into a Noise Compliance Agreement with the **CITY** that compels the **PERMITTEE** to maintain compliance with all applicable State of Minnesota noise regulations. Said Noise Compliance Agreement shall be recorded against the Subject Property prior to issuance of the Certificate of Occupancy.

p. Stormwater Maintenance Agreement. The **PERMITTEE** shall enter into a Stormwater Maintenance Agreement with the **CITY** to ensure compliance and long-term functionality of the storm drainage facilities and stormwater maintenance under the Required Private Improvements. The PERMITTEE shall be responsible for recording the Stormwater Maintenance Agreement against the Subject Property prior to issuance of the Certificate of Occupancy.

q. Memorandum of Agreement; Release of Agreement. No party shall cause this Agreement to be recorded or filed in the Office of the Registrar of Titles in and for Anoka County, Minnesota (the "Recording Office"). However, the parties shall cause a memorandum of this Agreement to be so recorded in the form hereto attached as Exhibit D in the Recording Office. At the time of execution of this Agreement, the parties will also execute and acknowledge the memorandum of this Agreement, which shall evidence that the terms of this Agreement shall run with title to the Subject Property. After the **PERMITEE** has completed the work required of it under this Agreement, at the **PERMITTEE'S** request, the **CITY** will execute and deliver to the **PERMITTEE** a release of this Agreement, in recordable form.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

This document drafted by:
City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

This document reviewed by:
HKB Law, P.A.
4501 Allendale Dr.
St. Paul, MN 55127

EXHIBIT A

Legal Description of the Church Property

That part of the Southeast Quarter of the Northwest Quarter lying East of the West 185 feet of said Southeast Quarter of the Northwest Quarter, Section 16, Township 32, Range 25, Anoka County, Minnesota.

EXHIBIT B

Legal Description of Subject Property

Lot 1, Block 1, PACT ADDITION, according to the recorded plat thereof, Anoka County, Minnesota.

Together with:

Appurtenant easement for drainage purposes as contained in Drainage Easement Agreement dated July 17, 2006, filed November 18, 2008, as Document Number 496687.003 in the Office of the Registrar of Titles in and for Anoka County, Minnesota and filed November 18, 2008, as Document Number 2004009.003 in the Office of the County Recorder in and for Anoka County, Minnesota.

Appurtenant easements for storm water drainage, utilities, shared parking and development rights as contained in Reciprocal Easement Agreement dated _____, 2022, filed _____, 2022 as Document Number _____ in the Office of the Registrar of Titles in and for Anoka County, Minnesota.

EXHIBIT C

Fees Payable to the City

1. Park Dedication. The **PERMITTEE** is responsible for satisfying applicable Park Dedication requirements. The **PERMITTEE** has satisfied this requirement by deeding the area entitled Park on the Plat to the **CITY**.

2. Trail Development Fees. The **PERMITTEE** is responsible for satisfying applicable Trail Development Fee requirements. **PERMITTEE** must pay a Trail Development Fee of **$22,152.00** (17.04 acres x $1,300.00). The **PERMITTEE** acknowledges that these fees are estimates. The rate in effect when the Plat is recorded will be collected.

3. Sanitary Sewer Connection (Trunk) Fees. The **PERMITTEE** is responsible for satisfying applicable Sanitary Sewer Trunk Fee requirements. **PERMITTEE** must pay a Sanitary Sewer Trunk Fee of **$67,018.00** (17.04 acres x $3,933.00). The **PERMITTEE** acknowledges that these fees are estimates. The rate in effect when the Plat is recorded will be collected.

4. Water Connection (Trunk) Fees. The **PERMITTEE** is responsible for satisfying applicable Water Trunk Fee requirements. **PERMITTEE** must pay a Water Trunk Fee of **$121,120.00** (17.04 acres x $7,108.00). The **PERMITTEE** acknowledges that these fees are estimates. The rate in effect when the Plat is recorded will be collected.

5. Sanitary Sewer Lateral Benefit Fees. The **CITY** will be installing the sanitary sewer line as part of the reconstruction of 161st Avenue, which directly benefits the Subject Property. Therefore, the **PERMITTEE** is responsible for satisfying applicable Sanitary Sewer Lateral Benefit requirements. **PERMITTEE** must pay a Sanitary Sewer Lateral Benefit Fee of **$34,125.94.**

6. Water Lateral Fees. The **CITY** will be installing the watermain line as part of the reconstruction of 161st Avenue, which directly benefits the Subject Property. Therefore, the **PERMITTEE** is responsible for satisfying applicable Water Lateral Benefit requirements. **PERMITTEE** must pay a Water Lateral Benefit Fee of **$38,589.82.**

7. Stormwater Management Fee. The **PERMITTEE** is responsible for satisfying applicable Stormwater Trunk Fee requirements. **PERMITTEE** must pay a Stormwater Management Fee of **$87,773.00** (17.04 acres x $5,151.00). The **PERMITTEE** acknowledges that these fees are estimates. The rate in effect when the Plat is recorded will be collected.

8. Tree Removal Restitution Fee. The **PERMITTEE** is responsible for satisfying the Reforestation/Restitution Requirement as outlined in City Code Section 117-327 (g). The **PERMITTEE** will satisfy this requirement with a combination of reforestation and restitution. Per the approved Landscape Plan, the **PERMITTEE** must pay a Restitution Fee of Fifty-One Thousand Four Hundred Eighty Dollars and No Cents (**$51,480.00**). If the Bid Alternate on the approved Landscape Plan is implemented, the **CITY** will reimburse the **PERMITTEE** Twenty-Two Thousand Five Hundred Twenty-Two Dollars and No Cents (**$22,522.00**), which is the difference between the Base Bid and Alternate Bid.

EXHIBIT D

Memorandum of Agreement

CITY OF RAMSEY
MEMORANDUM DEVELOPMENT AGREEMENT
FOR PACT CHARTER SCHOOL

THIS MEMORANDUM OF DEVELOPMENT AGREEMENT (this "Memorandum") is entered into as of _____, 2022, by and between the **CITY OF RAMSEY**, a Minnesota municipal corporation (the "**CITY**") and PCS Building Company, a nonprofit corporation under the laws of the State of Minnesota (the "**PERMITTEE**").

RECITALS:

A. **CITY** and **PERMITTEE** (collectively, the "Parties") have entered into a certain Development Agreement for PACT Charter School dated as of _____, 2022 (the "Agreement"), whereby the Parties have agreed to various aspects of the development of certain real property more particularly described on **Exhibit A** attached hereto and made a part hereof, together with all improvements, tenements, easements, rights and appurtenances pertaining to such real property, lying and being in Anoka County, Iowa (the "Subject Property").

B. The Parties wish to give notice of the existence of the Agreement.

AGREEMENT:

NOW, THEREFORE, in consideration of the sum of One and 00/100 Dollar ($1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The above Recitals are incorporated by reference as if fully set forth herein.

2. Capitalized terms, when not defined herein, shall have the meanings ascribed to them in the Agreement.

3. The Parties have entered into the Agreement to set forth the terms and provisions governing the development of the Subject Property.

4. This Memorandum has been executed and delivered by the Parties for the purpose of recording and giving notice that a contractual relationship for the development of the Subject Property has been created between the Parties in accordance with the terms, covenants and conditions of the Agreement, which are on file with the **CITY**.

5. The terms and conditions of the Agreement are incorporated by reference into this Memorandum as if fully set forth herein.

6. This Memorandum may be executed separately in counterparts which, when taken together, shall constitute one and the same instrument.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the Parties have executed this Memorandum as of the date first written above.

THE CITY:

CITY OF RAMSEY

By:_____
Name: Mark E. Kuzma
Its: Mayor

By:_____
Name: Brian Hagen
Its: City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2022, by Mark E. Kuzma and Brian Hagen, as Mayor and City Administrator, respectively, of the City of Ramsey, a charter city and municipal corporation organized under the laws of the State of Minnesota, on behalf of the corporation.

_____
Notary Public

THE PERMITTEE:

PCS Building Company

By:_____
Name: _____
Its:_____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2022, by _____ the _____ of PCS Building Company, a nonprofit corporation under the laws of the State of Minnesota, on behalf of the corporation..

_____
Notary Public

This document drafted by:
City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

This document reviewed by:
HKB Law, P.A.
4501 Allendale Dr.
St. Paul, MN 55127

EXHIBIT A
Legal Description of Subject Property

Lot 1, Block 1, PACT ADDITION, according to the recorded plat thereof, Anoka County, Minnesota.

Together with:

Appurtenant easement for drainage purposes as contained in Drainage Easement Agreement dated July 17, 2006, filed November 18, 2008, as Document Number 496687.003 in the Office of the Registrar of Titles in and for Anoka County, Minnesota and filed November 18, 2008, as Document Number 2004009.003 in the Office of the County Recorder in and for Anoka County, Minnesota.

Appurtenant easements for storm water drainage, utilities, shared parking and development rights as contained in Reciprocal Easement Agreement dated _____, 2022, filed _____, 2022 as Document Number _____ in the Office of the Registrar of Titles in and for Anoka County, Minnesota.

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

RESOLUTION #22-209

RESOLUTION APPROVING A DEVELOPMENT AGREEMENT FOR PACT CHARTER SCHOOL

WHEREAS, JB Vang, hereafter referred to as "Developer," properly applied for Site Plan, Preliminary Plat, and Final Plat approval of the following described property located in the City of Ramsey:

THE SE1/4 OF NW1/4 OF SEC 16 TWP 32 RGE 25, EX W 185 FT THEREOF, EX RD, SUBJ TO EASE OF REC, Anoka County, Minnesota.

(the 'Subject Property');

WHEREAS, the Planning Commission reviewed the Sketch Plan and requests for a Comprehensive Plan Amendment and Zoning Amendment on February 24, 2022 and provided a recommendation of approval; and

WHEREAS, the Environmental Policy Board (EPB) reviewed the Sketch Plan and requests for a Comprehensive Plan Amendment and Zoning Amendment on February 28, 2022 and provided a recommendation of denial; and

WHEREAS, the City Council approved the Comprehensive Plan Amendment (re-guiding the land from Low Density Residential to Public/Institutional), contingent upon approval of a Preliminary Plat, on March 8, 2022; and

WHEREAS, the City Council approved the Zoning Amendment (rezoning from R-1 Residential (MUSA) – 80 to Public/Quasi-Public), contingent upon approval of a Preliminary Plat, on March 22, 2022; and

WHEREAS, the Park and Recreation Commission reviewed the project for Park Dedication purposes on May 12, 2022 to reaffirm a land contribution to satisfy Park Dedication Requirements; and

WHEREAS, the EPB reviewed the natural resources aspects of the Preliminary Plat and Site Plan on May 16, 2022 and recommended approval of the Landscape and Tree Preservation Plan with direction on how to satisfy code requirements; and

WHEREAS, the Planning Commission held a Public Hearing on the Preliminary Plat and request for a Variance on May 26, 2022 but tabled the request until June 23, 2022 to allow for revised plans to be submitted for review; and

WHEREAS, on May 26, 2022, the Planning Commission approved a variance to parking and maneuvering setbacks and tabled action on the Preliminary Plat and Site Plan; and

WHEREAS, on June 23, 2022, the Planning Commission recommended approval of the Site Plan and Preliminary Plat; and

WHEREAS, on July 12, 2022, the City Council approved, with contingencies, the Site Plan, Preliminary Plat, and Final Plat.

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 approval of the Development Agreement for PACT Addition, contingent upon review and approval as to legal form by the 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 13th day of September, 2022.

_____
Mayor

ATTEST:

_____
City Clerk