JOINT WORKSESSION COUNCIL & EDA
SSP City Hall
125 3rd Avenue North
Training room

Monday, July 13, 2020
7:00 pm

Please be advised that the regular meeting location is the City Hall Training Room, located at 125 3rd Avenue North, South St. Paul. Pursuant to Minn. Stat. 13D021, under the current emergency declaration due to the COVID-19 health pandemic, some or all of the council members may participate in remote locations using WebEx. Please be advised that City Hall is closed to the public after 4:30 PM, therefore, any member of the public wishing to monitor the meeting may do so electronically by logging in as follows:

WebEx Meeting - Login for the Public:
Join by Phone: 1-312-535-8110
Access Code: 133 890 1471

AGENDA:

1. Kimley-Horn Contract Amendment
2. CARES Act Funding – Possible Allocations
3. Discuss Formation of an Environmental Commission
4. Council Meeting Procedures for 7/20 (Back in Chambers)
5. Closed Session to Discuss Labor Contract Parameters – No Attachment
6. Council Comments & Questions
AGENDA ITEM: Kimley Horn Design Amendment – Concord Street

ACTION TO BE CONSIDERED:

Information only: for input and discussion

OVERVIEW:

The original Request for Proposal (RFP) for the design of Concord Street was based on the scoping study and provided a well thought out list of services along with assumptions on the level of service anticipated to deliver the project. However, as with all projects, during the design process the original assumptions needed to be modified and the level of effort on individual tasks adjusted to address specific needs and requirements. Over the last few weeks, we have been in discussions with Kimley Horn regarding an amendment to the design contract based on the effort expended to date and what is anticipated versus the original project scope contained in the RFP.

A Joint Powers Agreement was executed with MnDOT to share the originally scoped design services for the project on a 50/50 basis. Mn/DOT was provided the amendment and has provided some initial responses relative to general eligibility for additional funds. At this time, no direction has been provided by MnDOT as to whether the funds would be through an amendment to the JPA or through MnDOT’s construction funding. It is important to note two things relative to MnDOT’s funding. The first is that although MnDOT may determine that an amendment item is not eligible for additional MnDOT funding, the City could use MnDOT turnback dollars for the cost. The second is that MnDOT will not fund any additional task work until the amendment is approved. Due to this second point, it is in the City’s best interest to execute the amendment as soon as possible to both ensure maximum MnDOT contribution and to keep the project moving forward on the established timeline.

The requested design fee amendment totals approximately $535,550.00 and can generally be broken up into three categories:

- Additional public & council engagement ($54,671)
- Additional right-of-way & easement services ($253,069)
- Additional design or investigation services ($227,810)

Attached to this report is a breakout of each task where increases have occurred or additional tasks were required along with the requested design fee adjustment. Also included are staff’s initial comments/questions to the request, the corresponding responses from Kimley Horn, and our estimation of MnDOT cost sharing.
With the amendment discussion, staff has also begun working with Kimley Horn on the framework and associated costs of a construction services contract. The engineering fees that have been included within the project budget have not been based on the actual design contract, but rather a percentage of construction. If one takes into account the original design fees, the design amendment requested, and what has been discussed for a construction services contract; the overall soft costs for the project are tracking within the current budget.

We would like to have a discussion regarding the requested design fee changes during the worksession with the goal of executing an amendment to the contract at the next Council meeting.
This is Amendment number 1 dated ________, 20__ to the agreement between the City of South St. Paul, 125 – 3rd Avenue North, South St. Paul, Minnesota 55075, ("Client") and Kimley-Horn and Associates, Inc. ("Consultant") dated March 22nd, 2019 ("the Agreement") concerning the Concord Street (TH 156) Improvements (the "Project").

The Consultant has entered into the Agreement with Client for the furnishing of professional services, and the parties now desire to amend the Agreement.

The Agreement is amended to include services to be performed by Consultant for compensation as set forth below in accordance with the terms of the Agreement, which are incorporated by reference.

Consultant will perform the following services in accordance with the Agreement and previous amendments, if any, shall be modified as followed:

**Task 1.2 Sub-Consultant Coordination**

*The following scope shall be added to the Project and Task 1.2 of the Agreement.*

The Consultant shall coordinate with the additional sub-consultant scope of work identified in this Amendment. Additional sub-consultant tasks include additional geotechnical borings, right-of-way coordination, Phase II ESA, and cultural resources survey.

City Comment: Extra work was and needs to be coordinated with sub-consultants for the additional work to deliver the project.

MnDOT: Eligible 50/50

KH Response: N/A

**Task 2.2 City Council Meetings**

*The following scope shall be added to the Project and Task 2.2 of the Agreement.*

The Consultant shall attend and prepare presentation materials for up to ten (10) additional City Council meetings/work sessions as requested by the City. The Consultant will deliver the presentation materials.

City Comment: Original RFP required up to 3 and worked out to $1,800 per meeting when broken down. We have had them present at more than that, but I don’t have an exact count and there may be a few more. The original cost was $1,800 per meeting and that is what is proposed for the additional ones. This amount also covers meeting preparation.

MnDOT: Meetings after amendment approval likely eligible 50/50

KH Response: Kimley-Horn has attended/presented at City Council Meeting and Workshops at the request of City staff throughout the project on the following dates:
- 6/10/2019
- 9/30/2019
- 10/14/2019
- 10/28/2019
- 11/25/2019
- 12/9/2019
We anticipate a minimum of two additional meetings with the Council as a result of the ROW process. Given the project history and process to date, the budget includes an additional two meetings for a total of four additional meetings than have been attended to date.

Task 3.2 Public Meetings

The following scope shall be added to the Project and Task 3.2 of the Agreement.

The Consultant shall prepare for and conduct up to five (5) additional public open house style meetings for the project. The Consultant shall prepare necessary materials, mailers, and meeting summary for each meeting. It is anticipated that up to two (2) of the meetings will be held virtually with a narrated video presenting the open house materials.

City Comment: Project was split up into 5 areas with a specific meeting for each area, an additional second meeting for the north business area was held, for a total of 6 to date. Original RFP scope was 3 total. Original Task 3 included 232 hours for “Public Involvement Approach”. Could be video and project website work, but what else?

MnDOT: Meetings after amendment approval likely eligible 50/50

KH Response: The amendment brings the total public meetings to eight meetings. The six referenced in the City comments, the virtual open house in July, and the anticipation of one additional open house type meeting before the completion of final plans. The public involvement approach task included the development of the project website, maintenance, management of comments/responses, and edits to the project video.

Task 3.5 Business Owner Coordination Conference Calls

The following task shall be added to the Project.

The Consultant shall host monthly business owner coordination conference calls to share project information with local business owners. The calls will be posted on the project website. Invite lists will be coordinated with City staff and the River Heights Chamber of Commerce. We have assumed up to ten (10) business owner conference calls will be held during the final design phase of the project.

City Comment: No mention of this in proposal, but we have to get business input on access management, staging, signage, and traffic control as part of project. These meetings/calls seem like a good way to do that. Not sure it is extra, that information had to be collected and is necessary for the project design.

MnDOT: Likely not eligible

KH Response: These business owner calls are for the entirety of the corridor to keep the business community updated on the status of the project and construction phasing. They will also be used to develop a construction communication plan for businesses, customers, and deliveries. These calls were not anticipated as part of the proposal and are a result of the continuing need to communicate with the public and specifically the business owner community that will be impacted by the project.

Task 4.1 Topographic Survey

The following scope shall be added to the Project and Task 4.1 of the Agreement.
While performing the work under Task 4.1 of the Agreement, the limits of the design expanded beyond the scope of the Agreement. Additional and necessary supplemental survey was obtained at the following locations to properly design the current scope of the Project:

- Existing grades and pond survey information for the area bound by TH 494, Villaume Avenue, Concord Street, Hardman Avenue, Royal Star Furniture, Envision Hotel, and ABC Rentals.
- At direction of Union Pacific Railroad, additional top of rail elevation for each rail over the proposed storm sewer crossing between Concord Street and Kaposia Landing.
- Existing grades and topographic features extending 200 feet along Bryant Avenue to the west of Concord Street.
- Existing top of wall and stair elevations from Fury Motors and Wentworth Avenue.
- Existing survey information for the receiving pit of the storm sewer crossing under the Union Pacific Railroad in Kaposia Landing park.

City Comment: Survey of MnDOT ponds was probably additional, but original project scope included finalizing alignment and design criteria for I-494 diversion. Prelim design was reviewed, but diversion was eliminated pretty early on so there could be some cost savings there. The wall replacement was anticipated as part of the design and this work should have been included in original scope. Two jack bore crossings of the railroad were anticipated in original scope. We are only doing one crossing. How is surveying for it a scope change?

MnDOT: Likely not eligible

KH Response: The last two bullet points have been removed and the fees adjusted accordingly upon discussion with survey sub-consultant.

Task 4.2 Right-of-Way Base Mapping

The following scope shall be added to the Project and Task 4.2 of the Agreement.

While performing the work under Task 4.2 of the Agreement, the limits of the design expanded beyond the scope of the Agreement. Additional and necessary right-of-way boundaries needed to be identified along the east side of the Union Pacific Railroad. This information was necessary in obtaining the utility license agreement on the behalf of the City with the Union Pacific Railroad. Additional private cross access easement boundaries were required to be identified as part of the Right-of-Way Acquisition Services task described elsewhere in the Agreement to develop an appraised offer to private property owners. Identifying and describing private easements were assumed to be outside of the original scope of the Agreement.

City Comment: Storm X-ing locations didn’t change and one crossing from original scope was eliminated so how was there extra work for railroad? There were several cross access easements on the east side of Concord from Bryant to Minikahda Storage that did need to be looked into.)

MnDOT: Likely not eligible

KH Response: The right-of-way base mapping was assumed for the parcels parallel to Concord Street and the parcels where easements would be required. The cross access easements were not known/anticipated at the time of the original proposal. Establishing the eastern ROW of the railroad was also not an anticipated need for obtaining the railroad permit.

Task 5.1 Geotechnical Borings

The following scope shall be added to the Project and Task 5.1 of the Agreement.
While performing the work under Task 5.1 of the Agreement, the Consultant encountered unforeseeable delays due to field locates performed by third-party utility locating contractors. The utility locating contractor was not able to locate a gas main along the west side of Concord Street near the borings proposed for the utility, roadway, and retaining wall improvements. The Consultant performed three (3) additional mobilizations to the site, obtain a second utility meet ticket, and uncover the gas main that couldn’t be located by utility locating contractors by hand digging. The additional time also required 2 additional days of traffic control and flagging services required to satisfy MnDOT permit requirements.

City Comment: Gas line was not locatable. The gas line was not locatable along corridor and could have caused delays/inefficiencies. It was through no fault of the consultant that the gas line was not locatable.
MnDOT: Likely not eligible
KH Response: N/A

**Task 10.2 Assessment Roll**

The following scope shall be added to the Project and Task 10.2 of the Agreement.

The Consultant shall assist the City with evaluating up to four preliminary assessment scenarios to select a preferred assessment methodology to be included in the feasibility study. The Consultant shall prepare assessment scenarios based on front footage and percentage of County-assessed property values.

City Comment: Delivery of assessment roll was part of original scope, but was to be based on City assessment policy. The resulting assessments were significant and about 20% on several properties. Therefore, the policy did not work well for this corridor. They did do a comparison of Southview assessments to property values and then did scenarios for 3%, 4%, and 5% of Taxable Market Value for Concord.
MnDOT: Not eligible
KH Response: N/A

**Task 11.3 Cultural Resources**

The following scope shall be added to the Project and Task 11.3 of the Agreement.

The Consultant shall perform a Phase I Archeological Investigation to determine whether the impacted portions of Study Area 10, also known as the Cenex Building site, contain intact archeological resources that are potentially eligible for listing in the National Register of Historic Places (National Register) or subject to the Minnesota Field Archaeology Act.

The Consultant shall perform up to 12 GeoProbe Cores at 10-m intervals within the proposed utility trench locations and at targeted locations beyond the trenches to see if anticipated features are present. Up to six backhoe trenches are anticipated if the GeoProbe testing reveals the presence of buried soils or structural remnants and these resources are within the project’s vertical and horizontal APE and otherwise cannot be avoided. The Consultant shall perform all GeoProbe and backhoe trenching following all professional procedures and the SHPO, MnDOT, and OSA survey manuals and the following:

- All cores will be patched by the excavator with standard bituminous material or gravel as appropriate to the existing surface. It is assumed that cores taken through concrete are not included in the scope of the Amendment.
- If intact soils or features are encountered during coring, after consulting with landowner permission, backhoe trenches will be opened in order to determine if features and artifact deposits are present.
• All open trenches shall be backfilled and graveled by the end of each working day. Bituminous pavement shall be patched at the conclusion of the testing by the excavator.

• All excavation data shall be recorded on standardized forms and in the logbook of the Principal Investigator. Recorded information shall include the location and methods of testing; the numbers, types, and locations of recovered cultural materials; the depth and thickness of excavated soil layers; soil textures and inclusions; and soil color according to Munsell color charts.

• Sites encountered will not be delineated beyond the proposed area of disturbance.

• Dense or potentially significant artifact deposits or complicated features shall be sampled and documented only sufficiently to discern the type and temporal nature of the deposit, if possible, and the Client will be notified immediately to develop an avoidance or mitigation plan.

• All shovel tests, trenches, and units shall be backfilled with the material that was removed or excavated from within them.

• Removal or treatment of soils, introduction of clean fill, and/or mitigation of hazardous or contaminated materials is beyond the scope of this Amendment. The Consultant shall develop a revised workplan if contaminated soils or materials are present in the project area.

The Consultant shall recover and analyze up to 500 artifacts with regard to their material, class, type, and morphology; and other pertinent data will be noted. Artifacts shall be catalogued according to the standards of the Minnesota Historical Society. It is assumed that up to 100 artifacts may be recovered on public lands and curated at a public facility. Artifacts recovered on private land will be returned to the landowner(s) at their request or otherwise discarded. It is assumed that curating artifacts from privately owned lands is beyond the scope of this Amendment.

The Consultant shall prepare a technical report in accordance with State and Federal standards describing the archaeological investigations methodology, background research, fieldwork results, and recommendations. The Consultant shall prepare the mandatory Minnesota Archaeological Site Forms for sites documented during the survey. It is assumed that preparation of National Register of Historical Places nomination forms are beyond the scope of this amendment.

City Comment: This is Extra Work required due to Federal Requirements due to a finding of original investigation and as required by the RFP
MnDOT: Eligible 50/50.
KH Response: N/A

Task 12.2 Phase II and Response Action Plan

The following scope shall be added to the Project and Task 12.2 of the Agreement.

The Consultant shall perform a Phase II Environmental Assessment and develop a Response Action Plan for potential subsurface contamination at targeted locations near the Cenex Building site based on the results of the Phase I Environmental Site Assessment and review of the 60% design plans performed as part of the Agreement. The Consultant shall perform 12 borings to a proposed depth of approximately 15 feet below ground surface with a track-mounted direct-push (Geoprobe) drill rig.

The Consultant will monitor the subsurface materials encountered in the borings. Soil samples will be collected at continuous, 5-foot intervals using dedicated polyvinyl chloride (PVC) sample liners. Soils will be classified in the field in accordance with ASTM D 2487 “Unified Soils Classification System” and ASTM D 2488 “Recommended Practice for Visual and Manual Description of Soils.” Samples for photoionization detector (PID) headspaces analyses will be collected at continuous intervals. The soil will be observed for visual and incidental olfactory indications of contamination. Visual or olfactory indications of contamination might include stained soil, the presence of ash, asbestos-containing material (ACM), slag, or other debris with the potential to contain hazardous
materials, or a petroleum-like or chemical-like odor.

One soil for chemical analyses will be collected from each of the soil borings advanced near the Cenex Building. It has been assumed that analysis for up to 12 soil samples will be performed. The soil samples will be submitted to the Pace Analytical Laboratory for analysis of a combination of the following parameters:

- Volatile organic compounds (VOCs) using the EPA Method 8260
- Polynuclear aromatic hydrocarbons (PAHs) using EPA Method 8270
- Diesel range organics (DRO) using the Wisconsin Modified method
- Gasoline range organics (GRO) using the Wisconsin Modified method
- Eight Conservation and Recover Act (RCRA) metals using EPA Methods 6010C and 7471B

The Consultant will present the Phase II Environmental Assessment in a Phase II Drilling Investigation Report. The report will document field methods used, the results of our screening and chemical analyses, conclusions regarding the results and estimated quantities of contaminated material, and recommendations for the handling of contaminated materials, if encountered.

City Comment: This is Extra Work required due to finding of original investigation and required by the RFP
MnDOT: Eligible 50/50.
KH Response: N/A

Task 13 – Right-of-Way Acquisition Services

The following scope shall be amended to the Project and Task 13 of the Agreement.

While performing the work under Task 13 of the Agreement, it was determined that right-of-way and/or easements will need to be acquired from additional parcels beyond the number of parcels assumed in the Agreement. In addition, the Consultant was directed by the City Attorney to prepare legal descriptions for temporary easement acquisition where the Agreement identified legal descriptions only be prepared for right-of-way or permanent easement acquisition. Tables are provided below summarizing the scope of Task 13 in the Agreement and the amended scope to be added to the Project.

Task 13.1 Legal Exhibits and Descriptions

The following scope shall be amended to the Project and Task 13.1 of the Agreement.

<table>
<thead>
<tr>
<th></th>
<th>Agreement Totals</th>
<th>Amendment Totals</th>
<th>Amended Project Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Parcels Requiring Exhibits for Acquisition</td>
<td>40</td>
<td>Up to 50</td>
<td>Up to 90</td>
</tr>
<tr>
<td>Number of Permanent Easements Requiring Legal Descriptions</td>
<td>25</td>
<td>Up to 19</td>
<td>Up to 44</td>
</tr>
<tr>
<td>Number of Temporary Easements Requiring Legal Descriptions</td>
<td>0</td>
<td>Up to 83</td>
<td>Up to 83</td>
</tr>
</tbody>
</table>

The Consultant shall order and acquire title work for up to fifty (50) additional parcels that will require right-of-way and/or easement acquisition.
Task 13.2 Right-of-Way Acquisition Services

The following scope shall be amended to the Project and Task 13.2 of the Agreement.

<table>
<thead>
<tr>
<th></th>
<th>Agreement Totals</th>
<th>Amendment Totals</th>
<th>Amended Totals</th>
<th>Project Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Parcels Requiring Acquisition</td>
<td>40</td>
<td>Up to 50</td>
<td>Up to 90</td>
<td></td>
</tr>
<tr>
<td>Number of City-Owned Parcels Not Requiring Acquisition Services</td>
<td>5</td>
<td>Up to 10</td>
<td>Up to 15</td>
<td></td>
</tr>
<tr>
<td>Number of Parcels Requiring Acquisition Services</td>
<td>35</td>
<td><strong>Up to 40</strong></td>
<td>Up to 75</td>
<td></td>
</tr>
</tbody>
</table>

The Consultant shall provide full right-of-way acquisition services on up to an additional forty (40) parcels for right-of-way and easement acquisition in accordance with all applicable City, State, and Federal standards. It is assumed that up to twenty-eight (28) of the additional parcels will only require the MnDOT Minimum Damage Acquisition (MDA) process. The Consultant shall assume three (3) meetings with each additional parcel, including the early notification meeting, will be needed. The Consultant shall assume that a member of the design team will need to attend 50% of the additional parcel meetings.

Task 13.3 Property Appraisals and Reviews

The following scope shall be amended to the Project and Task 13.3 of the Agreement.

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<th>Agreement Totals</th>
<th>Amendment Totals</th>
<th>Amended Totals</th>
<th>Project Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Parcels Requiring Acquisition</td>
<td>40</td>
<td>Up to 50</td>
<td>Up to 90</td>
<td></td>
</tr>
<tr>
<td>Number of City-Owned Parcels Not Requiring Acquisition Services</td>
<td>5</td>
<td>Up to 10</td>
<td>Up to 15</td>
<td></td>
</tr>
<tr>
<td>Number of Parcels Requiring Acquisition Services with MDAs</td>
<td>0</td>
<td>Up to 28</td>
<td>Up to 28</td>
<td></td>
</tr>
<tr>
<td>Number of Parcels Requiring Property Appraisals and Reviews</td>
<td>35</td>
<td><strong>Up to 12</strong></td>
<td>Up to 47</td>
<td></td>
</tr>
</tbody>
</table>

In accordance with City, State, and Federal standards, the Consultant shall complete property appraisals and independent appraisal reviews for up to an additional twelve (12) parcels.

City Comment: I would like to verify the number of properties and easements we will end up with. I think we are dealing with 37 property owners and 48 parcels for required temporary and permanent easements, excluding HRA properties. There are another 21 “if property owners are willing” temporary easements which require a lot of the same work, but most are Minimum Damage Assessments (MDA) which should be easier.
Original Scope was acquisition services for 35 parcels and legal exhibits and descriptions on 40 parcels. The total original scope cost was $357,530. The extra work request is for $253,069.20. It is difficult to determine what the extra cost should be, but it appears the additional work is about 20% to 30% cheaper than initial parcels.

MnDOT: Undecided. Additional easements for street eligible 50/50. As needed parcels not eligible

KH Response: The revised number of properties is based on the current parcel count as it sits today as well as an assumption that there will be up to 10 additional exhibits/descriptions needed to facilitate the negotiation of easements. For example, agreements to do additional work require additional separate exhibits and legal descriptions to be prepared to finalize the agreement. The additional effort includes the “as-needed parcels” and the HRA parcels which require legal exhibits and descriptions. The proposal also included the assumption that legal descriptions would not be required for Temporary Easements, only shown on the exhibits. Based on directions from the City Attorney, legal descriptions were requested.

Task 13.4 Weekly Right-of-Way Coordination Meetings

The following task shall be added to the Project.

The Consultant shall host weekly right-of-way coordination conference calls to discuss the right-of-way acquisition process and coordinate activities with the right-of-way team. It is assumed up to eighteen (18) right-of-way coordination conference calls will be held during the final design phase of the project.

City Comment: Shouldn’t this task have been expected and be part of original scope? Does not seem like extra work to make sure the process is coordinated between all those involved. Perhaps a slight increase for the fact that there are more parcels but process was needed regardless.

MnDOT: Eligibility will depend on Item 3.1 eligibility

KH Response: The weekly meetings to discuss the right-of-way acquisition process was not included in the original RFP. With the need to coordinate the process amongst multiple attorneys and multiple City staff, they have been and will continue to be necessary to facilitate the process.

Task 13.5 Right-of-Way Offer Coordination

The following task shall be added to the Project.

As part of the right-of-way acquisition process, the Consultant shall respond to specific property requests and inquiries as they arise. This task will include providing additional design details and exhibits as requested for individual property owners. It is assumed that up to 150 hours of effort may be required for this task.

City Comment: Should this task have been expected and be part of original scope? Does not seem like something that is unique to this project or something that is out of the ordinary with this many parcels affected. A couple of the added parcels may have some additional need for this, but I would think it would be limited given a lot of those easements will only be acquired if property owner is willing and they are small.

MnDOT: Eligibility will depend on Item 3.1 eligibility

KH Response: This task has not been started but is being proposed as a budgetary measure to accommodate unforeseen design requests from private property owners as the negotiation process continues. This task can be removed from the amendment, however additional amendment(s) would be needed if additional design iterations on the project or on adjacent properties are required as part of the negotiation/coordination process. It is impossible to know in advance the needs of any individual property owner before the right-
of-way process has begun. With all of the ROW tasks, hours will only be billed if the effort is required as part of the negotiation process.

**Task 15.2 Corridor Lighting Design**

*The following task shall be added to the Project.*

The Consultant shall prepare a Corridor Lighting Design along Concord Street from the northern MnDOT right-of-way limits at the TH 494 interchange to Annapolis Street. The Corridor Lighting Design shall include a combination of pedestrian and roadway-scale lighting units in an arrangement and spacing consistent with the Streetscape Study completed for the project corridor. The lighting units are assumed to be a consistent in height and type to the fixtures used on the Southview Boulevard project constructed elsewhere within the City of South St. Paul.

The Consultant shall prepare a Corridor Lighting Design Memo summarizing the lighting units, design standards and assumptions used to develop the design, and recommended spacing based on the documented design standards and assumptions. The recommended lighting unit spacing will be developed using AGi32's Roadway Optimizer. It is assumed that a photometric analysis layout for the entire corridor will not be required.

The Consultant shall prepare final design plans for the Corridor Lighting Design, including tabulations, design details, wiring diagrams, and 30-scale design plans. The Consultant shall coordinate sources of power for street lighting systems with Xcel Energy. The Consultant shall prepare Special Provisions in accordance with MnDOT Division SL boiler plate templates and as amended by City of South St. Paul recommendations and standards.

*City Comment: Extra work, not in original scope. The 5th Avenue lighting design was $10,200 for about 0.9 miles so say $11,330 per mile. KH is asking $42,716 for about 3.5 miles or about $12,200 per mile. Seems reasonable.*

*MnDOT: Not eligible*

*KH Response: N/A*

**Task 20.1 Final Construction Plans**

*The following task shall be added to the Project.*

The Consultant shall prepare construction plans and specifications for the following additional improvements and modifications to the proposed improvements identified following preparation of the 60% plans.

- Updated 6th Street intersection design to ¾ access per coordination with adjacent development and Dakota County.
  
  *City Comment: Was proposed as ¾ access in original scope and was revised early on due to turning movement to something simpler, then back to ¾ access. Not sure how much extra work required rather than just work being delayed.)*

  *MnDOT: Eligible 50/50*

  *KH Response: The change back to ¾ was additional effort following the completion of 60% plans. It was a new ¾ design as dictated by Dakota County.*

- Updated geometric layout of Concord Street between Grand Avenue and Hardman Avenue based on outcomes of City streetscape study.
  
  *City Comment: They did look at and present 3 on-street parking configurations for us to review based on possible loss of City parking lots west of Concord Exchange.*

  *MnDOT: Eligible 50/50*
• Sign panel replacement along TH 494 to accommodate turnback of Concord Street (TH 156) to County Road.

City Comment: Shouldn’t signage changes have been part of original scope. The plan has always been to turnback to the County and City so redesignation signage would be required. Perhaps assumed MnDOT would do separately outside contract and perhaps it should be.

MnDOT: Eligible 50/50

KH Response: Freeway signage was not included in the scoping report or RFP. Based on direction from MnDOT, this was added to the project.

• Development of alternative Concord Street storm sewer design to accommodate Sprint utility relocation.

City Comment: Other options were reviewed generally to see if feasible to move crossing to another location where there was no conflict, but my understanding is we are working out a shared cost agreement with Sprint to keep the crossing where it is proposed.

MnDOT: Likely not eligible

KH Response: Detailed drainage design was required to understand the feasibility of an alternative storm design to avoid the Sprint utility conflict. Ultimately, this was not a cost effective solution.

• Development of alternative retaining wall designs at Fury Motors to accommodate right-of-way negotiations.

City Comment: This was done.

MnDOT: Eligible 50/50

KH Response: N/A

• Updated retaining wall foundation design based on additional geotechnical and bedrock mapping information.

City Comment: May or may not be needed depending on the additional geotech work that the City is paying for.

MnDOT: Eligible 50/50

KH Response: N/A

Task 20.2 Streetscape Design and Landscape Plans

The following task shall be added to the Project.

The Consultant shall create streetscape designs and prepare final plans for streetscape elements for the Concord Street project to include: boulevard and median trees; special intersection, median and boulevard pavements; concrete planters and benches; benches; banner poles; and trash and recycling containers. Plans will be based on the recent concept design work and streetscape elements as prepared in the Concord Area Streetscape Study. Plans will also include special plan enlargements for intersection and median landscaping areas, special and standard MnDOT details, plant schedule and tabulations. It is understood that the City does not require irrigation for plantings, therefore irrigation design services are not included in this scope. The Consultant shall prepare Special Provisions in accordance with MnDOT Division S and as amended by City of South St. Paul recommendations and standards.

City Comment: This is extra work not requested in RFP
Task 21.1 Permits and Approvals

The following scope shall be amended to the Project and Task 21.1 of the Agreement.

The Consultant shall prepare, obtain, and pay for permits required for the Union Pacific Railroad Utility Crossing Application ($1045) and Right of Entry Permit ($740). It was originally assumed that the City would pay for all applicable permit fees.

City Comment: City should pay for permit fees.
MnDOT: Eligible 50/50
KH Response: N/A

For the services set forth above, Client shall pay Consultant the compensation presented on the attached fee estimate spreadsheet.

CITY OF SOUTH ST. PAUL:

By: ______________________________
James P. Francis, Mayor

ATTEST:

By: ______________________________
Christy Wilcox, City Clerk
Date: ______________________________

KIMLEY-HORN:

By: ______________________________
Its: ______________________________
Date: ______________________________
AGENDA ITEM: Allocation of $1,572,954 of CARES Act Relief Funds

DESIRED MEETING OUTCOMES:

Discuss potential allocation of CARES Act Relief Funds and associated documentation for State and Federal reporting.

OVERVIEW:

Now that the State of Minnesota has provided for distribution of CARES Act Relief Funds to local governments, the City of South St. Paul should plan for how these funds will be allocated to address community needs associated with the Covid-19 pandemic.

The first challenge associated with the expenditure of these funds relates to compliance with the Federal Guidance governing their allocation. A key guidance provision states as follows:

The CARES Act provides that payments from the Fund may only be used to cover costs that—
1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

Provision #2 above has caused quite a bit of consternation in local government; especially in light of further guidance entitled “non-exclusive examples of eligible expenditures” that states:

Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

Cities have been trying to obtain certainty that we can claim public safety expenses for the period in question to meeting the requirements of the Federal Guidance even though these expenses were previously budgeted. The Legislative Director from Congresswoman Angie Craig’s office recently provided the following information and insight:

The materials released by the Walz Administration on June 25th do not appear to impose any restrictions on that category of funding.

In theory and based on the above guidance, we could claim public safety expenses for the allowed period that would surpass our CARES Act allotment. By doing so, those funds would offset our expenditures and effectively become surplus dollars that we could use for any public purpose expenditure. It should also be noted that we have a number of items that would also meet the criteria above as “eligible CARES Act expenditures. In the final analysis, the use of these funds is a policy question for the City Council. (Note: the guidance materials referenced above are attached to this memo.)

Staff prepared the attached listing of possible uses of these dollars. The listing includes both direct CARES Act eligible expenditures as well as those items that funding could be applied to if approached through the surplus methodology. Staff is finalizing a priority of these listings that will be available at Monday’s meeting. The Council can determine if other items should be included on the listing to reflect your specific priorities.

**SOURCE OF FUNDS:**
CARES Act Relief Funds
Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
Updated June 30, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated $150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.  

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

**Necessary expenditures incurred due to the public health emergency**

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

**Costs not accounted for in the budget most recently approved as of March 27, 2020**

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the...

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1 This version updates the guidance provided under “Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020”.
2 See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.
cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

**Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020**

Finally, the CARES Act provides that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”). Putting this requirement together with the other provisions discussed above, section 601(d) may be summarized as providing that a State, local, or tribal government may use payments from the Fund only to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID–19 public health emergency during the covered period.

Initial guidance released on April 22, 2020, provided that the cost of an expenditure is incurred when the recipient has expended funds to cover the cost. Upon further consideration and informed by an understanding of State, local, and tribal government practices, Treasury is clarifying that for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred). For instance, in the case of a lease of equipment or other property, irrespective of when payment occurs, the cost of a lease payment shall be considered to have been incurred for the period of the lease that is within the covered period, but not otherwise. Furthermore, in all cases it must be necessary that performance or delivery take place during the covered period. Thus the cost of a good or service received during the covered period will not be considered eligible under section 601(d) if there is no need for receipt until after the covered period has expired.

Goods delivered in the covered period need not be used during the covered period in all cases. For example, the cost of a good that must be delivered in December in order to be available for use in January could be covered using payments from the Fund. Additionally, the cost of goods purchased in bulk and delivered during the covered period may be covered using payments from the Fund if a portion of the goods is ordered for use in the covered period, the bulk purchase is consistent with the recipient’s usual procurement policies and practices, and it is impractical to track and record when the items were used. A recipient may use payments from the Fund to purchase a durable good that is to be used during the current period and in subsequent periods if the acquisition in the covered period was necessary due to the public health emergency.

Given that it is not always possible to estimate with precision when a good or service will be needed, the touchstone in assessing the determination of need for a good or service during the covered period will be reasonableness at the time delivery or performance was sought, e.g., the time of entry into a procurement contract specifying a time for delivery. Similarly, in recognition of the likelihood of supply chain disruptions and increased demand for certain goods and services during the COVID-19 public health emergency, if a recipient enters into a contract requiring the delivery of goods or performance of services by December 30, 2020, the failure of a vendor to complete delivery or services by December 30, 2020, will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient’s control.
This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
   - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
   - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
   - Costs of providing COVID-19 testing, including serological testing.
   - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.

2. Public health expenses such as:
   - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
   - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
   - Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
   - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
   - Expenses for quarantining individuals.

3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
   - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
   - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
   - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
• Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
• COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
• Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.

5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
• Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
• Expenditures related to a State, territorial, local, or Tribal government payroll support program.
• Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund’s eligibility criteria.

Nonexclusive examples of ineligible expenditures

The following is a list of examples of costs that would not be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

3 In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

4 See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.
The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).¹ Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

Eligible Expenditures

*Are governments required to submit proposed expenditures to Treasury for approval?*

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

*The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?*

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

*The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?*

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

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**May a State receiving a payment transfer funds to a local government?**

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

**May a unit of local government receiving a Fund payment transfer funds to another unit of government?**

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

**Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?**

No. For example, a county recipient is not required to transfer funds to smaller cities within the county’s borders.

**Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?**

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

**Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?**

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

**Are States permitted to use Fund payments to support state unemployment insurance funds generally?**

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State’s obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.
Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers’ compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.
**May Fund payments be used for COVID-19 public health emergency recovery planning?**

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

**Are expenses associated with contact tracing eligible?**

Yes, expenses associated with contract tracing are eligible.

**To what extent may a government use Fund payments to support the operations of private hospitals?**

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

**May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?**

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

**May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?**

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

**Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?**

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

**May recipients create a “payroll support program” for public employees?**

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

**May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?**

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.
May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

May Fund payments be used to assist impacted property owners with the payment of their property taxes?

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.
Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.
Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government’s per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum $1.25 billion allocation and had one county with a population over 500,000 that received $250 million directly. The State should distribute 45 percent of the $1 billion it received, or $450 million, to local governments within the State with a population of 500,000 or less.

May a State impose restrictions on transfers of funds to local governments?

Yes, to the extent that the restrictions facilitate the State’s compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.
May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

May recipients use Fund payments to provide loans?

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

May funds be used to satisfy non-federal matching requirements under the Stafford Act?

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund’s eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA’s determination of eligibility under the Stafford Act.

Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

May recipients use Fund payments to remarket the recipient’s convention facilities and tourism industry?

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to
the public health emergency. Expenses related to developing a long-term plan to reposition a recipient’s convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

**May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?**

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee’s entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

**May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?**

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

**Questions Related to Administration of Fund Payments**

**Do governments have to return unspent funds to Treasury?**

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

**What records must be kept by governments receiving payment?**
A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

**May recipients deposit Fund payments into interest bearing accounts?**

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government’s general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

**May governments retain assets purchased with payments from the Fund?**

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

**What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?**

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

**Are Fund payments to State, territorial, local, and tribal governments considered grants?**

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are “other financial assistance” under 2 C.F.R. § 200.40.

**Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?**

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

**Are Fund payments subject to other requirements of the Uniform Guidance?**

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

**Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?**

Yes. The CFDA number assigned to the Fund is 21.019.

**If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients’ total funding received from the federal government for purposes of the Single Audit Act?**

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-
specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend $750,000 or more in federal awards during their fiscal year.

**Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?**

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

**If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?**

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.
## CARES ACT FUNDING PRIORITY LISTING

$1,572,954

<table>
<thead>
<tr>
<th>COVID Related</th>
<th>Overall Listing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Liquor License Fee Grants (used to offset all/part of liquor license fees) ½ of the fees would total $7,075</td>
</tr>
<tr>
<td></td>
<td>Grants to small businesses (20 or less employees) up to $10,000 (Suggested amount I have heard is at least 10% of our allocation ($157,000) that could be coupled with the funds Dakota County designates for this purpose with the possibility of using their system to manage the distribution of our funds)</td>
</tr>
<tr>
<td></td>
<td>Costs to remodel City Hall to improve “one stop” set up (remodeling to better accommodate public service during COVID-19 pandemic) $125,000</td>
</tr>
<tr>
<td></td>
<td>Costs to remodel Police Department to expand work stations/office areas and lower level briefing room - (increased spacing to address COVID-19 concerns) $312,500</td>
</tr>
<tr>
<td></td>
<td>Increased election administration costs due to COVID-19</td>
</tr>
<tr>
<td></td>
<td>Upgrades to AV systems to better meet broadcast needs during pandemic</td>
</tr>
<tr>
<td></td>
<td>PW 2nd Level Remodeling (locker rooms, restrooms, break room, offices, conference room)</td>
</tr>
<tr>
<td></td>
<td>More laptops (10 @ $1,500)</td>
</tr>
<tr>
<td></td>
<td>Sanitation Stations (6 @ $3,500)</td>
</tr>
<tr>
<td></td>
<td>Larger Outside Drop Box - $?</td>
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<tr>
<td></td>
<td>Laptops for Library Staff to enable Work from Home – (9 @ $1,500)</td>
</tr>
<tr>
<td></td>
<td>E Plan Review Software - $150,000</td>
</tr>
<tr>
<td></td>
<td>Internet Cabled into Meeting Room - $500</td>
</tr>
<tr>
<td></td>
<td>City’s share of new SMFD ladder truck (est. cost of $1.2 million with SSP share at $600,000)</td>
</tr>
<tr>
<td></td>
<td>Concord Utilities if bonding funds not received ($6.4 million)</td>
</tr>
<tr>
<td></td>
<td>Concord Streetscape if we do receive bonding dollars ($1.24 million)</td>
</tr>
<tr>
<td></td>
<td>Arena improvements or dollars to buy down deficit (Undetermined dollar amount)</td>
</tr>
<tr>
<td></td>
<td>Balance of the Seidl’s Lake Lift Station project. As you know we already received state bonding money for this, the balance could be funded to complete the project along with the hopes that IGH and WSP kick in a share.</td>
</tr>
<tr>
<td></td>
<td>Wi-Fi Hotspots @ Library - $4,000</td>
</tr>
<tr>
<td></td>
<td>Irrigation expansion at Kaposia Landing - $44,000</td>
</tr>
<tr>
<td></td>
<td>Sidewalk Machine - $180,000</td>
</tr>
<tr>
<td></td>
<td>Record Request/Redaction Software</td>
</tr>
<tr>
<td></td>
<td>Electronic Signage - $15,000</td>
</tr>
<tr>
<td></td>
<td>Lysdale Hangar Door Replacement - $100,000</td>
</tr>
<tr>
<td></td>
<td>Agenda Software</td>
</tr>
<tr>
<td></td>
<td>Park play structure replacement. Most play structures existing in neighborhood parks are 30+ years old and in need of replacement. They have been programmed into the CIP however keep getting kicked down the road. I do not have any expectation to replace all of them with a portion of the funding, maybe two or three ($300K) gives us a jump start? The only full replacement that has happened in my 15 years is the McMorrow structure and that was a part of the referendum. The CIP has funded none so far.</td>
</tr>
</tbody>
</table>
AGENDA ITEM: Creation of an Environmental Commission

DESIRED MEETING OUTCOMES:

DISCUSS THE POSSIBLE CREATION OF AN ENVIRONMENTAL COMMISSION FOCUSING ON THE DESIRED OUTCOMES AND STAFFING IMPLICATIONS

OVERVIEW:

At our last Council Meeting, Council Member Dewey said she would like to discuss the creation of an Environmental Commission for the City of South St. Paul.

In conducting a quick internet search, one can quickly see that a number of communities have environmental commissions including a couple of our immediate neighbors. The information below was gleaned from each city’s website and is provided to assist you in your consideration of this matter:

Inver Grove Heights Environmental Commission -

*The Environmental Commission is a nine member citizen commission appointed by the City Council to review environmental issues including land alteration permits, Wetland Replacement Applications, landfill issues, to promote public awareness in understanding local environmental issues and other miscellaneous items that the council deems necessary for review. In 2016, the Airport Commission was consolidated with the Environment Commission.*

*The Environmental Commission meets as needed on the fourth Thursday of the month at 7:00 p.m. in the City Council Chambers at Inver Grove Heights City Hall, 8150 Barbara Avenue. The Planning Division reserves the right to cancel a meeting due to lack of agenda items.*

Golden Valley Environmental Commission –

*Advises and makes recommendations to the City Council in matters relating to and affecting the environment. Members: Seven regular and one student. Term: Three-year staggered (one-year for student). Seven Members plus one “youth” seat.*
White Bear Lake Environmental Advisory Commission –

The Environmental Advisory Commission advises the City Council on policies and actions related to the protection and best management of the natural environment in the City of White Bear Lake. The commission encourages the implementation of responsible waste, water, and energy management practices that are both economically and environmentally sound, and also sponsors environmental awareness events for White Bear Lake residents.

The Environmental Advisory Commission consists of seven members appointed by the Mayor to serve three-year terms.

Meetings: Generally, third Wednesday every month at 6:30 p.m.

Eagan Energy & Environment Advisory Commission –

The Eagan Energy and Environment Advisory Commission (EEAC) is made up of Eagan residents appointed by the City Council. The purpose of the Energy and Environment Advisory Commission is to respond to the City’s environmental goal by making recommendations to the City Council on local environmental sustainability and energy conservation strategies for the City’s residents, businesses and municipal operations.

West St. Paul Environmental Committee –

Overview
The Environmental Committee consists of nine members. Ex-Officio members include a City Council representative, a Park & Recreation Advisory Board representative, and a Planning Commission representative. Members are appointed for a term of three years.

Duties and functions include:
The Environmental Committee is responsible for providing the residents of West St. Paul with opportunities to bring a comprehensive perspective to greening, sustainability, and beautification issues. This includes improving the quality of the environment, adding to the beautification and aesthetic of the city.

Meetings
6 p.m.
1st Wednesday of each month

In conducting this cursory review, it seems the activity level can vary widely by community. Some commissions appeared very active with 10 or more meetings per year. They may also have been involved in special events. Others appeared to meet with far less frequency and likely less impactful.
Attached are two documents from Golden Valley to further aid in your review of this topic. The first is the By-Laws for the Environmental Commission and the second is their 2019 Report.

Pending the Council’s discussion, staff stands ready to provide further research as needed.

**SOURCE OF FUNDS:**

To Be Determined
BYLAWS

Environmental Commission

Article I: Purpose, Mission, and Duties
The Environmental Commission shall be an advisory commission to the City Council on matters relating to the environment and human health. The Commission shall:

• develop and make recommendations to educate the public on environmental regulations, policies, practices and tools
• develop and make recommendations as an advisory review body for amendments to or revisions of the City’s Surface Water Management Plan and provide advice as requested by the Council on other city programs and initiatives
• review and make recommendations regarding the city’s existing environmental ordinances, policies, and guidelines
• develop and make recommendations on management practices for the City’s nature areas, public and private ponding areas, and other such city-owned properties as directed by the City Council
• develop and make recommendations regarding waste reduction, recycling, and organics/composting
• review and make recommendations on the City's resilience and sustainability policies and actions to address climate variations
• participate, as directed by the City Council, in local activities initiated by other public and quasi-public agencies regarding environmental issues
• advise and recommend such other functions or procedures as may be assigned to them by the City Code or the Council

Article II: Membership, Appointments, Terms, and Officers

A. Membership
The Commission shall consist of seven regular members, and one voting youth member. Regular members shall be residents of the City. Youth members shall live or attend school within Golden Valley, the Robbinsdale Area District or Hopkins School District and be enrolled in school grades 9 through 12. A vacancy shall be deemed to exist if a member ceases to meet the residency requirements.

B. Appointments and Terms
Appointments are made effective May 1 of each year. The Council shall appoint regular members of the Commission for three-year staggering terms. Youth members shall be appointed for a one-year term. The terms of Commission members shall be fixed and determined at the time of appointment by the governing ordinance. Emphasis in appointments will be made based on knowledge of environmental issues and their relationships to the natural environment and the quality of life in the City. The City Council shall appoint the members of the Commission and to fill vacancies for unexpired terms.

C. Officers
The Commission shall elect officers of Chair and Vice-Chair from the Commission membership by its voting members at its regular annual meeting, (no later than the second meeting after May 1 in each year). The Chair and Vice Chair positions rotate, and members may only serve two consecutive years as the Chair or Vice-Chair. Should the office of Chair or Vice-Chair become vacant, the Commission shall elect a successor from its membership at the next regular meeting and such election shall be for the unexpired term of said office. Officers may also delegate the duties of their position to other Commissioners as deemed appropriate by the Commission.

Amended and approved June 2, 2020
Chair responsibilities include:
• work with staff liaison to develop meeting agendas
• conduct and preside at all meetings in a productive and time-efficient manner
• ensure the Commission conducts its activities within the stated mission and bylaws of the Commission
• appoint Commissioners to subcommittees
• monitor and ensure the progress of the Commission
• report to the City Council

Vice-Chair responsibilities:
• perform the duties of the Chair in the absence or incapacity of the Chair
• perform all other duties as prescribed by the Commission

Article III: Meetings and Attendance
A. Meetings
All meetings of the Commission shall be conducted in accordance with the Minnesota Open Meeting Law and City Code. This means all business and discussion occurs at a meeting which has been posted and is open to the public.

The presence of a majority of all regular members currently appointed to the Commission shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes. In the event a quorum is not reached, a smaller number of members may meet to have informal discussion, however, formal action shall not be taken and must be reserved for such time as when a quorum of the Commission is reached. A quorum of the members should not discuss Commission business by email, forms of social media, telephone, or informal meetings. Commission meetings may be cancelled by the staff liaison if there are no items on the agenda for discussion.

The proceedings of meeting should be conducted using standard parliamentary procedure.

i. Regular Meeting
The regular meeting of the Commission shall be held on the fourth Monday of the month at City Hall at 6:30 pm. The Commission may, by a majority vote, change its regular meeting dates for any reason provided proper public notice of the changed meeting is provided.

ii. Annual Meeting
The Annual Meeting of the commission shall be a regular meeting, typically the first meeting after May 1 of each year, at which time elections will be held.

iii. Special Meetings
A special meeting may be called by the Chair or whenever three members request the same in writing. Staff shall give notice to each commissioner, at least three days prior to any special meeting, of the time, place, and purpose of the meeting.

Amended and approved June 2, 2020
BYLAWS – Environmental Commission

B. Attendance
Members are expected to attend all meetings. If a member is unable to attend a meeting, they should contact the staff liaison, who will inform the chair. If a quorum cannot be attained, the meeting will be canceled. Staff liaisons will track attendance at each meeting. Each April, the City Manager’s office will review attendance records for the preceding calendar year (April-March) and send a standardized letter of warning to any member that has missed:

- two consecutive or three total meetings for groups that meet once a month; or
- two consecutive or five total meetings for groups that meet twice a month.

Because attendance is so important to the work of the City’s boards and commissions, the City Manager may ask the member to explain the reasons for their absences. If circumstances (other than health circumstances) prevent the member from committing to consistently attend future meetings, the member may be asked to step down. If the member’s attendance does not improve after receiving a warning, the Council may take action to remove the member.

Article IV: Rules

A. Recordkeeping
All minutes and resolutions shall be in writing and shall be kept in accordance with City procedures, Minnesota Statute and Rules regarding preservation of public records and the Minnesota Data Privacy Act.

B. Work Plan
The Commission will draft an annual work plan that details activities and projected timelines for the upcoming year.

- The Chair may appoint Commissioners to be primarily responsible for each work plan activity.
- The Commission may establish subcommittees to oversee work plan activities. The subcommittees will be chaired by Commissioners appointed by the Chair.
- The Commission’s work plan will be submitted to the City Council, typically during the first quarter of the calendar year. The Chair and/or Commissioners will attend a Council/Manager meeting to discuss the annual work plan with the City Council.
- The Commission’s work plan must be agreed upon by the City Council.

C. Annual Report
The Commission shall submit an annual report to the City Council summarizing the past year’s activities. The report may highlight information the Commission feels appropriate to convey to the City Council.

D. Performance of Duties
Commissioners are expected to adequately prepare for meetings. Commissioners unable to complete an assigned task should notify the commission chair or subcommittee chair as soon as possible. The Commission staff liaison may ask the City Council to review a Commissioner’s appointment based upon its assessment of significant non-performance of duties.

Article V: Amendments and Revisions
The Commission will review these bylaws no later than the second meeting after May 1 every three years. Members may present recommendations for changes and amendments. These bylaws can be altered or amended at any regular monthly Commission meeting with a majority of members present, provided that notice of the proposed changes and amendments is provided to each member at least 10 business days before the meeting. The Council must review and approve any changes to, and has final authority regarding, these bylaws.

Amended and approved June 2, 2020
ENVIRONMENTAL COMMISSION
2019 ANNUAL REPORT AND
2020 WORK PLAN
2019 Environmental Commission

Commissioners
Scott Seys, Chair (2021)
Debra Yahle, Vice-Chair (2022)
Tracy Anderson (2020)
Tonia Galonska (2022)
Dawn Hill (2021)
Susan Phelps (2020)
Jim Stremel (2020)
Joseph Ramlet, Student (2020)

Note: Terms run May 1-April 30

Council Liaison
Larry Fonnest

City Staff
Eric Eckman, Environmental Resources Supervisor
Drew Chirpich, Environmental Specialist
Carrie Nelson, Engineering Assistant
Emma Pierson, MN GreenCorps Member

Purpose and Mission
The Environmental Commission has been established to advise and make recommendations to the City Council in matters relating to and affecting the environment.
# Table of Contents

2019 Accomplishments  

2020 Proposed Work Plan  

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2020 Proposed Work Plan  page 6
2019 Accomplishments

GreenStep Cities

- Completed Step 4 of the GreenStep Cities Program, including metrics and measures in the following topic areas:
  - buildings and lighting
  - renewable energy
  - land use
  - transportation and fleet
  - surface water
  - green buildings

A link to the summary of the Golden Valley’s GreenStep Cities progress is located at https://greenstep.pca.state.mn.us/cityInfo.cfm?ctu_code=2394924

Energy Use

- Researched and recommended participation in Xcel Energy’s Partners In Energy community collaboration program.

Pollinators

- Approved and recommended to Council the adoption of a resolution endorsing pollinator protection and promoting pollinator habitat.
- Created a prioritization matrix of potential pollinator plots and habitat sites to develop in the community in the next several years.

Solid Waste And Recycling

- Provided input and feedback on the City’s solid waste hauling discussion.
- Worked with MN GreenCorps Member to complete GreenStep Cities actions related to waste reduction, recycling, and composting/organics management.

Natural Resources Management

- Hosted an educational workshop on sustainable yards and soils.
- Supported the Bassett Creek Nature Area Habitat Restoration Project made possible by a grant from the MnDNR.
- Provided guidance and received updates on the City’s work to resolve encroachments in the Bassett Creek Nature Area.

Council Member Gillian Rosenquist accepted Golden Valley’s GreenStep Cities Step 4 designation in June.

(Photo by GreenStep Cities)
Sustainability And Resilience

- Researched and made recommendations on zoning code revisions to remove barriers to local food production.
- Continued support of the City’s flood reduction and mitigation efforts through its projects, programs, and participation in the FEMA Community Rating System, which provides discounts on flood insurance in exchange for the City’s high level of floodplain management actions. The City moved up from Class 7 to Class 6 in 2019.

*DeCola Pond A is a component of the City’s Flood Plain Mitigation Plan.*
2020 Proposed Work Plan

Proposed work plan priorities for 2020 are based on goals in the Resilience & Sustainability, Water Resources, and Parks & Natural Resources chapters of the 2040 Comprehensive Plan, the GreenStep Cities Program, and the City’s participation in Xcel Energy’s Partners in Energy Community Collaboration Program.

- **Curbside Organics Collection** Continue to explore options and provide information/recommendation to the City Council; assist in developing and implementing a new organics program.

- **Xcel Energy’s Partners In Energy Program** Help guide and participate in the development and implementation of the City’s Energy Action Plan including:
  - advance building performance (supporting City’s efforts to update building codes or standards that advance energy performance in buildings)
  - energy benchmarking in private buildings

- **GreenStep Cities Step 5**: Continue working on actions and metrics to address climate-related impacts, improve the environment, and reduce energy consumption and costs.
  - If awarded a MN GreenCorps Member in 2020-2021, work to complete GreenStep Cities actions related to Climate and Energy Action.

- **Community Outreach**: Use the Commission’s $3,500 budget to:
  - fund a joint project, speaker, or event with the Human Rights Commission
  - host an educational workshop on sustainable yards and pollinator habitat (approximately $1,500 for Metro Blooms Workshop #3 in a series of 3)
  - administer a student essay competition

- **Climate Justice and Environmental Justice**: Partner with Human Rights Commission on joint project, event, or speaker. May require joint meeting. Ties in well with City’s Resilience and Sustainability Plan. Potential ideas for collaboration include:
  - hosting a speaker on climate justice and environmental justice focusing on climate adaptation and resilience or promoting community gardens and local food production
  - sponsoring a project in an area of the City with inequities of green space and amenities, or pairing a community event with planting trees and vegetation in that area

The City partnered with the Golden Valley Garden Club to plant a pollinator garden in the City Hall parking lot. (photo by Joanie Clausen)
Golden Valley Environmental Commission
2019 Annual Report

- **Zero-Waste Community:** Assist the City in hosting a community event in 2020.
- **Natural Resources Management Plan:** Continue to assist in implementation of the plan, including:
  - exploring the potential to revise City Code to allow temporary use of goats for vegetation management on public and private properties
  - providing an update on Emerald Ash Borer Management
  - supporting habitat restoration in the Pennsylvania Woods Nature Area in 2020-21 with DNR Grant funds
- **Downtown Redevelopment Study:** Engage in environmental aspects of the study and plan
- **Pollinators:** Complete actions listed in the City’s Pollinator Protection resolution, such as:
  - doing an inventory and reducing the use of chemicals on City properties
  - developing more plots and habitat in the community
- **Air Quality:** Review City code with respect to wood burning and update as needed to protect and maintain local air quality.
- **Recycling:** Reduce single use plastics and containers.
AGENDA ITEM: Discuss Procedures for Resuming Council Meetings in City Hall

DESIRED MEETING OUTCOMES:
Discuss any safety and other procedures for holding City Council meetings in the Council Chambers during the COVID-19 pandemic.

OVERVIEW:
Due to COVID-19 restrictions on public gatherings, the City Council has been meeting virtually since March, 2020. City Hall was also closed to the public due to the COVID-19 pandemic during this period. In order to resume business and open back up to the public, the City Council adopted the City of South St. Paul COVID-19 Preparedness Plan and City Hall officially re-opened to the public on June 25, 2020.

Staff is now preparing for City Council and Council Worksession meetings to resume in a public meeting setting, with the first anticipated City Council meeting to be held in the Council Chambers on Monday, July 20, 2020. Phase II of the City’s Preparedness Plan allows for public meetings with attendance of 50 or less, along with proper social distancing and safety precautions in place. Phase III of the Plan states public meetings may resume without restrictions on the number of attendees, but social distancing and safety precautions must be in place.

In order to resume public Council meetings, the following actions have been taken or need further discussion:

- Hand sanitizer stations are located in the lobby.
- The public seating area in the Council Chambers has been reduced in order to allow for social distancing of attendees.
- Copies of the agenda cover sheet will be placed on each seat in the audience, instead of placing multiple copies on the table outside of the chambers (the table will be removed).
- Public attendees wishing to speak to the Council during citizen comments will not be required to complete the Citizen Comment form, rather the Mayor will ask if anyone is present that wishes to address the council and they will be asked to come forward, stand on the “x” in front of the podium, and asked not to physically touch the podium.
- Public presentations that require the use of the projector or laptop will be managed by Staff. Staff will run the projector and/or presentation via laptop and all surface areas cleaned prior to next use.
- Cleaning products will be available in the council chambers for cleaning of surfaces during the meeting, if needed.
Further discussion needed:

- Facial coverings are highly encouraged for public entering the building. Should it be mandatory? The City has a limited supply of disposable masks on hand if attendees do not have one.
- Should City Staff and Council wear facial coverings? Staff does have facial coverings with the City Logo on order.
- Council seating area does not afford for proper social distancing. Should staff put plexiglass barriers between council seats, or does council want to socially distance by utilizing the side tables normally occupied by Staff? If so, Staff may not be able to maintain proper social distancing. (Note: We may be able to utilize the plexiglass barriers that are located at various counter spaces within the building.)
- Should City Staff be present on both the main floor and top floor lobby areas during the entire council meeting in order to direct public through City Hall and limit areas of exposure?
- Other health/safety precautions/concerns?