1. CALL TO ORDER:

2. ROLL CALL:

3. INVOCATION:

4. PLEDGE OF ALLEGIANCE:

5. PRESENTATIONS:

6. CITIZEN’S COMMENTS (Comments are limited to 3 minutes in length.)

7. AGENDA:
   
   A. Approval of Agenda
      Action – Motion to Approve
      Action – Motion to Approve as Amended

8. CONSENT AGENDA:

   All items listed on the Consent Agenda are items, which are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from the consent agenda and considered at the end of the Consent Agenda.

   A. Minutes of the City Council meeting held July 20, 2020

   B. Accounts Payable

   C. Authorization to purchase Solar Lighting for Kaposia Landing Phase 2

   D. Professional Services Agreement with Kimley Horn for Construction Phase Services for Concord Street Improvements

   E. Business License

   F. 1620 Waterloo Lot Split

   G. Accept Donation from The Schenian Family
9. PUBLIC HEARINGS:

A. Development Application for the Redevelopment of the Bremer Bank Property at 633 Concord Street South Including a Second Reading and Public Hearing for an Ordinance Vacating Two Sewer and Utility Easements

10. GENERAL BUSINESS:

A. Fence Height Variance at 138 9th Street South

B. Conditional Use Permit for a reception hall at the Serbian Home at 404 3rd Avenue South

C. First Reading – An Ordinance Amendment Establishing a New Solar Energy Ordinance.

D. Authorization of Business Relief Grant Program – Resolution 2020-104

E. Accept proposal for feasibility study of a Bryant Avenue Pedestrian Bridge utilizing SHIP Grant funding

F. Preliminary Plat and Planned Unit Development Extension for South Street Flats Project

11. MAYOR AND COUNCIL COMMUNICATIONS:

12. ADJOURNMENT:
Mayor James Francis called the regular meeting of the City Council to order at 7:00 p.m. on Monday, July 20, 2020. Pursuant to Minn. Stat. 13D.021, under the current emergency declaration, some or all of the councilmembers may participate by remote locations using WebEx.

ROLL CALL:

Present: Mayor Francis
Councilmembers Flatley, Forester, Hansen, Kaliszewski and Seaberg

Absent: Councilmember Dewey

Also Present: City Administrator, Joel Hanson
Attorney, Bridget Nason
City Clerk, Christy Wilcox
City Planner, Michael Healy
Engineer, Sue Polka
Economic Development Director, Ryan Garcia

5) Presentations
   - There were no presentations.

6) Citizens’ Comments
   - There were no citizen comments

7) Agenda
   Moved by Seaberg/Flatley
   
   MOVED: To approve the agenda.
   
   Motion carried 6 ayes /0 nays

8) Consent Agenda
   Moved by Kaliszewski/Forester
   
   Resolved, that the South St. Paul City Council does hereby approve the following:
   
   A. Minutes of the City Council meeting held June 29, 2020
   B. Resolution No. 2020-93, approving accounts payable
C. Business Licenses
D. Resolution No. 2020-87, identifying the need for Livable Communities Demonstration Account (“LCDA”) Funding and authorizing an application for grant funds
E. Agreement with Verified Credential for background screening services
F. Change Order #3 with McNamara Contracting, Inc. for the additional sod replacement on City Project 2019-015 Wentworth Avenue Sidewalk Improvements
G. Resolution No. 2020-90, accepting Gifts for Sponsorship of a disc golf basket at Kaposia Park Disc Golf Course
H. Amendment #1 to the Professional Services Agreement with Kimley Horn for the Concord Street Design in the amount of $538,169.07
I. Resolution No. 20920-92, approving the processing of absentee ballots 14 days prior to the date of the 2020 Primary and General Election
J. Hiring of Tiffany Greene as Housing Programs Administrator for the City of South St. Paul
K. Resolution No. 2020-94, identifying the need for Livable Communities Demonstration Account (“LCDA”) Funding and authorizing an application for grant funds (Veterans Drive and Concord Exchange Redevelopment)

Motion carried   6 ayes/0 nays

10A) **Fair Housing Policy**

Moved by Seaberg/Forester

MOVED: To establish a Fair Housing Policy.

Motion carried   6 ayes/0 nays

10B) **Variance Request at 2234 Florance Lane**

Moved by Hansen/Flatley

MOVED: To adopt Resolution No. 2020-91, approving a front yard setback Variance for a proposed addition at 2324 Florance Lane.

Motion carried   6 ayes/0 nays

10C) **Lease Termination Agreement – 380 Airport Road**

Moved by Forester/Hansen

MOVED: To adopt Resolution No. 2020-89, terminating a lease agreement with Ballistic Recovery Systems, Inc. for the property at 380 Airport Road.

Motion carried   6 ayes/0 nays
10D) **First Reading – An Ordinance Relating Nonconformities**

Councilmember Seaberg introduced the following proposed ordinance for its first reading:

*AN ORDINANCE REPEALING AND REPLACING SECTIONS 118-64 THROUGH 118-68 REGARDING NONCONFORMITIES*

10E) **2nd Reading – Tobacco Sales to Persons Under 21 and Fee Schedule Amendment**

Moved by Seaberg/Kaliszewski

MOVED: To adopt Resolution No. 2020-101, amendment to fee resolution adding civil penalties for tobacco violations.

Motion carried 6 ayes/0 nays

Moved by Seaberg/Kaliszewski

MOVED: To adopt Ordinance No. 1358, an ordinance amending Article XXI regarding tobacco sales to persons under age 21.

Motion carried 6 ayes/0 nays

10F) **South St. Paul Rod and Gun Club IUP – Correction (Temporary Rifle Range Structure)**

Moved by Seaberg/Forester

MOVED: To adopt Resolution No. 2020-86, to amend South St. Paul Rod and Gun Club’s Interim Use Permit for a Temporary Rifle Range Structure at 600 Gun Club Road to correct an administrative error in the original signed resolution by removing the annual noise testing requirement.

Motion carried 6 ayes/0 nays
10G) **Kaposia Landing Phase 2 Construction Change Order #2**

Moved by Kaliszewski/Flatley

MOVED: To deny Change Order No. 2 for Kaposia Landing Phase 2.

Motion carried 6 ayes/0 nays

10H) **Resolution Clarifying Preferred Site for New Dakota County Library**

Moved by Seaberg/Forester

MOVED: To adopt Resolution No. 2020-88, clarifying the City’s preferred site option for a new Dakota County Library in South St. Paul.

Motion carried 5 ayes/1 nay (Hansen)

11) **Adjournment**

Moved by Seaberg/Forester

MOVED: That the meeting of the City Council adjourn at 8:46 p.m.

Motion carried 7 ayes/0 nays

Approve: August 17, 2020

___________________________
City Clerk
AGENDA ITEM: Accounts Payable

ACTION TO BE CONSIDERED:

Motion to adopt Resolution 2020-107 approving accounts payable.

OVERVIEW:

The City Council approves all payments of claims. Approval of audited claims is required before issuance of payment.

SOURCE OF FUNDS:

N/A
RESOLUTION NO. 2020-107

RESOLUTION APPROVING ACCOUNTS PAYABLE

WHEREAS, the City Council is required to approve payment of claims;

NOW, THEREFORE, BE IT RESOLVED that the audited claims listed in the check register attachment are hereby approved for payment:

Check and wires:

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Total $1,212,578.04

Adopted this 17th day of August, 2020.

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Christy Wilcox, City Clerk
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<td>Check #</td>
<td>Date</td>
<td>Amount</td>
<td>Supplier / Explanation</td>
<td>PO #</td>
<td>Doc No</td>
<td>Inv No</td>
<td>Account No</td>
<td>Subledger</td>
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<td>2020260</td>
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<td>GENERAL FUND</td>
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1,212,578.04 Grand Total

Payment Instrument Totals

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<tr>
<th>Checks</th>
<th>601,628.06</th>
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<tr>
<td>EFT Payments</td>
<td>548,827.34</td>
</tr>
<tr>
<td>A/P ACH Payment</td>
<td>62,122.64</td>
</tr>
<tr>
<td>Total Payments</td>
<td>1,212,578.04</td>
</tr>
</tbody>
</table>
AGENDA ITEM: Kaposia Landing Solar Lighting Purchase

DESIRED MEETING OUTCOMES:

Adopt Resolution 2020-109 accepting bid for the purchase for solar light fixtures and poles at Kaposia Landing.

OVERVIEW:

Metzen Parkway, Kaposia Landing’s primary roadway, has been repaved as part of the Phase 2 project and will include solar street and parking lot lighting instead of conventional electrical service and light fixtures. This substantially reduces overall electrical costs for parkway and parking lot lighting because no wiring and service panels are needed. Public Works has offered to install the lighting in-house as each solar light fixture and solar panel requires only a pole and footing with no wiring.

We have been working with a reputable local company, Sundial Energy, that has been deploying solar lighting in similar applications in other cities and park districts for several years. We have been utilizing one of their demo lights at the off-leash dog area at Kaposia Landing for approximately nine months, including the winter season and pleased with overall performance. A portion of the lighting planned for installation will have two fixtures on a singular pole in order to illuminate in opposite directions, such as the roadway and the dog park, or at a road or trail intersection.

Based upon the price quote for 19 solar light fixtures and 13 poles, utilizing in-house installation, the solar lighting project cost is $42,000, a 77% cost reduction from the original wired lighting architect’s estimate for Kaposia Landing Phase 2. The original project estimate for traditional wired lighting was $72,450 for the new electrical service with the additional cost for individual light fixtures of $114,000 for a total of $186,450. In addition to cost savings initially with equipment cost, solar lights will also save in long term electrical utility cost and boost our GreenStep Cities initiative and advancement. The solar light fixtures include a five-year warranty.

At the July 27, 2020 city council work session, this proposal was favorably discussed. Based on that discussion, staff recommends the bid from Sundial Energy having tested the equipment and evaluating performance in other cities. If approved, Sundial Energy confirms that ordering will likely take 8 weeks which would provide for installation by Public Works this fall. Sundial Energy has also committed to assisting with the on-site supervision of installation at no extra cost.

Resolution 2020-109 and the Sundial Energy proposal including recommended installation locations and price quote are attached for your review.

SOURCE OF FUNDS:

2020 ELF Grant Funding and Capital Improvement Fund: $42,000
RESOLUTION NO. 2020-109

RESOLUTION APPROVING THE PURCHASE OF SOLAR LIGHTING AT KAPOSIA LANDING

WHEREAS, Dakota County has offered to partner with the city on the further development of Kaposia Landing by providing Environmental Legacy Grant (ELF) funding; and

WHEREAS, the installation of solar light fixtures is proposed to illuminate the Metzen Parkway road, new parking areas, and off-leash dog area at Kaposia Landing; and

WHEREAS, after favorable discussion at the July 27, 2018 city council work session, a price quote was confirmed with Sundial Energy, a local company; and

WHEREAS, the price and proposals for consideration is for the purchase of 19 solar lighting fixtures, 13 poles, and adapters for installation at Kaposia Landing by the Public Works Department; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota, that Sundial Energy be approved for the purchase of solar lighting, poles and adapters at Kaposia Landing for an amount not to exceed $42,000.

Adopted this 17th day of August 2020

_____________________________________________
City Clerk
Solar Outdoor Lighting for:

Kaposia Landing Lighting Project

100 7th Avenue North South St. Paul, MN 55075

7/14/2020

Marcus Larson
Lighting Specialist
712-301-4372
mlarson@sundialsolarenergy.com
Introduction

City of S. St. Paul is considering adding solar lighting to illuminate the roadway and parking lots at the Kaposia Landing. Sundial Energy has assessed the area and energy savings for this project.

Project Goals

The goals for this project include:
• Reduce the cost for outdoor lighting
• Avoid running wire and trenching
• Effectively light the area for visitors and staff
• Promote environmental stewardship and responsibility
• Eliminate light pollution near park

Project Description

AREA TO ILLUMINATE
800 Bryant Ave, S. St. Paul MN 55075

Please see the attached photometric study diagrams. The diagrams show that lighting of all the areas can be accomplished with the following solar outdoor lighting fixtures:

19  Aelius Energy Jupiter 8,000 lumen fixtures
13  20' Above Grade direct burial light poles
  6  Bull horn dual fixture adaptor

Sundial is the authorized distributor of Aelius Energy solar lighting. The project will consist of Sundial delivering to client. The lights will be placed by others on the poles as shown in the attached layout and Exhibit A.
Deliverables
Sundial will deliver the Aelius Energy products as described below.

<table>
<thead>
<tr>
<th>Product</th>
<th>Quantity</th>
<th>Delivery (after approval)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jupiter 8,000</td>
<td>19</td>
<td>8-10 Weeks</td>
</tr>
<tr>
<td>20' Direct Burial Poles</td>
<td>13</td>
<td>5-7 Weeks</td>
</tr>
<tr>
<td>Bull Horn Adaptors</td>
<td>6</td>
<td>5-7 Weeks</td>
</tr>
</tbody>
</table>

Value Proposition
To fully evaluate this proposal, it is important to compare total costs of installing solar lighting to that of traditional, grid lighting. In addition, there are ongoing electrical charges for grid-tied lighting which are not incurred by solar lighting. The following illustrates the estimated value of this purchase.

Project Length  2800  ft

<table>
<thead>
<tr>
<th>Component</th>
<th>Grid Lighting</th>
<th>Solar Lighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase of Lights rated at: 8,000 Lumens</td>
<td>$16,150</td>
<td>$24,738</td>
</tr>
<tr>
<td>Electrician / Installer</td>
<td>$9,500</td>
<td>$1,900</td>
</tr>
<tr>
<td>Trenching</td>
<td>$22,400</td>
<td>0</td>
</tr>
<tr>
<td>Conduit and Wire</td>
<td>$8,400</td>
<td>0</td>
</tr>
<tr>
<td>Switches, breakers, junction boxes</td>
<td>$4,750</td>
<td>0</td>
</tr>
<tr>
<td>8 Years of Electrical Costs</td>
<td>$12,160</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Total Cost</strong></td>
<td><strong>$73,360</strong></td>
<td><strong>$26,638</strong></td>
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## Price

<table>
<thead>
<tr>
<th>Product</th>
<th>Quantity</th>
<th>Price</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Jupiter 8,000</td>
<td>19</td>
<td>$1,302</td>
<td>$24,738</td>
</tr>
<tr>
<td>Direct Burial Poles</td>
<td>13</td>
<td>$1,120</td>
<td>$14,560</td>
</tr>
<tr>
<td>Bull Horn Dual Fixture Adaptor</td>
<td>6</td>
<td>$215</td>
<td>$1,290</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$40,588</strong></td>
</tr>
</tbody>
</table>

## Warranty

As an authorized distributor of Aelius, Sundial will service any warranty claims. Aelius lights come with a standard 5 year warranty. An extended warranty is available.

## Installation

This proposal is based on Sundial Energy providing the Aelius lights only. We recommend installation by your preferred electrical contractor or maintenance staff. Aelius lights can be installed by any person qualified to safely operate a man-lift or boom truck.

## Terms

Sundial Energy requires a 50% payment on this proposal to fulfill the order. Final 50% is due upon delivery. Please allow 8-10 weeks for delivery from date of deposit. Purchase Orders must be validated with deposit to guarantee order. Bank wire transfer is preferred on orders over $50,000.

Bank Name: **Wells Fargo**  
ABA Number: **091000019**  
Account Name: **Sundial Energy**  
Account Number: **5510789455**

Check payments are acceptable on smaller orders. Please make checks payable to **Sundial Energy** and send to our office: 3363 Republic Ave., St Louis Park, MN 55426  
If you would like to inquire about other arrangements for payment, please contact **Marcus Larson** in our office.
ADDITIONAL NOTES

a.) Fixtures only: The price above is for fixtures only and does not include poles, footings, or installation unless otherwise noted. Lights are fully integrated with PV module, battery and controls. Minimal assembly needed.

b.) Shipping is NOT included for these items. Sundial will deliver free to any Twin Cities metro area location. Ask if you wish us to quote shipping costs and arrange for same. FOB St Louis Park, MN

c.) Sales Tax: Solar products are exempt from sales tax in most states. If there is no sales tax listed in the Price table above then your state is one which follows this rule.

d.) Federal Investment Tax Credit (ITC) - Solar installations qualify for a 26% ITC through 2020. Since Sundial fixtures are integrated solar systems they qualify for the Federal Investment Tax Credit (ITC).

[Note: Sundial does not provide financial, tax, legal, accounting or regulatory advice. Please consult your own professional advisors.]

e.) This offer is valid for 30 days unless otherwise noted. Due to transportation and other costs we cannot guarantee this quote for more than 30 days.

Approval

IF YOU WISH TO LOCK IN THIS ORDER PLEASE SIGN BELOW. BY SIGNING BELOW, YOU ATTEST THAT YOU HAVE THE PROPER LEGAL AUTHORITY TO COMMIT YOUR ORGANIZATION TO THE OBLIGATIONS HEREBIN:

________________________________________________________________________
Client Signature                                           Sundial Signature

________________________________________________________________________
Name                                                   Name

________________________________________________________________________
Client Company                               Date                                                Sundial Energy                               Date

Please scan a signed copy of the entire proposal (all pages) and email to: mlarson@sundialsolarenergy.com
Solar Lighting Layout

- **13** Single Pole Mount J-8,000 20’ Height
- **6** Dual Pole Mount J-8,000 20' Height
Photometric Study

100% Brightness
AGENDA ITEM: Professional Services Agreement with Kimley Horn for Construction Phase Services for Concord Street Improvements

ACTION TO BE CONSIDERED:
Motion to approve contract with Kimley Horn for Construction Phase Services for Concord Street (TH 156) Improvements.

OVERVIEW:
On March 19, 2019, the City Council adopted Resolution 2019-45 approving an Engineering Services agreement with Kimley Horn for Preliminary and Final Design for the Concord Street (TH 156) Improvements in the amount not to exceed $1,608,498.

Kimley Horn is currently completing the final construction plans and specifications for the project. During recent discussions regarding the amendment to the design contract, staff began discussions with Kimley Horn regarding the construction phase services for the project. With plans nearing completion, it is prudent to bring the construction staff into discussions at this phase of the project. It is the intent to utilize Tom Madigan from the Engineering Department as a full-time construction inspector on the project which is reflected in Kimley Horn’s proposal.

SOURCE OF FUNDS:
Capital Project Funds & Various Grants - Note: The construction services fees fall within the amount originally budgeted for the project.
July 27, 2020

Ms. Sue Polka  
City Engineer  
City of South St. Paul  
125 3rd Avenue North  
South St. Paul, MN 55075  

Re: Professional Services Agreement for Construction Phase Services  
Concord Street (TH 156) Improvements, CP 2016-11

Dear Ms. Polka:

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "Consultant") is pleased to submit this letter agreement (the "Agreement") to the City of South St. Paul ("City" or "Client") for construction phase services for the Concord Street (TH 156) Improvements, CP 2016-11.

Project Understanding

Kimley-Horn is currently completing final construction plans for the rehabilitation and reconstruction of Concord Street between I-494 and Annapolis Street. The improvements are currently scheduled for bidding in early 2021 with construction in 2021 and 2022. The proposed project phasing plan includes the completion of the southern portion of the project in 2021 with the northern portion being completed in 2022 based on the following anticipated schedule:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Construction Start</td>
<td>April 5, 2021</td>
</tr>
<tr>
<td>2021 Construction Complete</td>
<td>December 10, 2021</td>
</tr>
<tr>
<td>2022 Construction Start</td>
<td>April 4, 2022</td>
</tr>
<tr>
<td>2022 Construction Complete</td>
<td>December 9, 2022</td>
</tr>
</tbody>
</table>

The City has requested that Kimley-Horn provide construction phase services for the project including construction administration, observation, staking, material testing, and community/stakeholder engagement. This Agreement includes these requested services.

Scope of Services

Kimley-Horn will provide the construction phase services specifically set forth below.

1. Construction Administration

   We will perform construction administration services including the following:

   A. We will coordinate with MnDOT on the review and approval of the low bid.

   B. We will prepare and coordinate execution of the construction contract including the necessary insurance documents and issue a notice to proceed to the contractor.
C. We will provide a part-time construction project engineer for the duration of the project construction. The construction project engineer’s duties will include the following:
   - Facilitate the pre-construction meeting
   - Facilitate weekly construction meetings
   - Review extra work requests and prepare change order documentation
   - Prepare partial payment applications for submittal to City staff for processing
   - Submit State Aid/Federal Aid reimbursement requests
   - Coordinate with agencies (MnDOT, Dakota County, UP Railroad) during construction

D. We will provide design team support during construction. We have assumed the following efforts for the design team:
   - Roadway Engineer – 40 hours
   - Utility Engineer – 24 hours
   - Drainage Engineer – 24 hours
   - Structural Engineer – 40 hours
   - Traffic and Lighting Engineer – 24 hours
   - Landscape Architect – 16 hours

E. We will coordinate the review of contractor shop drawings and submittals. We have assumed that these will include the following:
   - Storm Sewer Structures
   - Landscape Materials
   - Modular Block Retaining Walls
   - Cast Inplace Retaining Walls
   - Railings
   - Water Main
   - Sanitary Sewer
   - Bituminous and Concrete Mix Designs
   - Traffic Control
   - Street Lighting

F. Upon completion of the project, we will prepare as-built drawings.

G. We will assist City staff with final project closeout. This task will include submittals to MnDOT State Aid/Federal Aid for final acceptance of the project.

2. Construction Observation

   We will provide full-time construction observation for the duration of the project construction. We have assumed one full-time observer at 50 hours/week for 72 weeks of construction and one part-time observer for 25 hours/week for 72 weeks. The need for a second part-time observer will be dependent on the contractor’s schedule and operations. We will also provide supplemental structural engineer (40 hours) and landscape architect (16 hours) field observation services for the retaining wall and landscape planting work. We have assumed that City staff will also provide part-time observation support for the installation of the City utilities.

   The construction observation tasks will include the following:
A. Provide construction observation for roadway, utility, sidewalk/trail, traffic signal, retaining wall, lighting, and landscape improvements.
B. Complete daily reports of construction activities.
C. Complete logs for quantities on a daily basis.
D. Maintain construction paperwork documentation consistent with MnDOT State Aid/Federal Aid standards.
E. Review certified payroll reports and conduct contractor staff interviews.
F. Assist in coordinating private utility relocations with the contractor.
G. Attend weekly construction meetings on the project site.

We will have no responsibility for any contractor’s means, methods, techniques, equipment choice and usage, sequence, schedule, safety programs, or safety practices. Our observation services will be for the purpose of providing the City a greater degree of confidence that the completed work of its contractor will generally conform to the construction documents. Kimley-Horn neither guarantees the performance of the contractor, nor assumes responsibility for any contractor’s failure to perform its work in accordance with the contract documents.

3. Construction Staking

We will provide construction staking services including the following:

A. Staking coordination and office computations.
B. Construction staking for all earthwork, roadways, sidewalks/trails, utilities (sanitary sewer, watermain, and storm sewer), retaining walls, lighting, landscape, and drainage features detailed in the final construction plans and specifications.
C. As-built surveying.

All construction staking will be provided by a Kimley-Horn subconsultant, Bolton & Menk.

4. Construction Material Testing

We will provide construction material sampling and testing for the project in accordance with the 2019 State Aid for Local Transportation Schedule of Materials Control (2019 SALT SMC). All construction material sampling and testing services will be performed by a Kimley-Horn subconsultant, Braun Intertec.

5. Community/Stakeholder Engagement

We will provide engagement services during construction including the following:

A. Act as the first point of contact for City staff to provide construction updates and address property owner issues.
B. Act as the City’s liaison to other agencies during construction.
C. Act as the City’s liaison to property owners during construction.
D. Prepare bi-weekly construction updates for posting on the project webpage and distribution to the City Council and interested parties.
E. Prepare project construction business cards providing project contract information.
F. Provide periodic webpage construction updates.

**Additional Services**

Any services not specifically provided for in the above scope will be billed as additional services and performed at our then current hourly rates.

**Information Provided by Client**

We shall be entitled to rely on the completeness and accuracy of all information provided by the Client or the Client’s consultants or representatives.

**Fee and Expenses**

Kimley-Horn will perform the services included in this Agreement on a labor fee plus expense basis with the maximum labor fee shown below.

<table>
<thead>
<tr>
<th>Task</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Construction Administration</td>
<td>$295,240</td>
</tr>
<tr>
<td>2  Construction Observation</td>
<td>$775,480</td>
</tr>
<tr>
<td>3  Construction Staking</td>
<td>$193,680</td>
</tr>
<tr>
<td>4  Construction Material Testing</td>
<td>$200,000</td>
</tr>
<tr>
<td>5  Community/Stakeholder Engagement</td>
<td>$74,898</td>
</tr>
<tr>
<td>Expenses</td>
<td>$69,200</td>
</tr>
<tr>
<td><strong>Total Estimated Cost</strong></td>
<td>$1,608,498</td>
</tr>
</tbody>
</table>

A more detailed breakdown of our estimated costs is provided on the attached spreadsheet.

Kimley-Horn will not exceed the total estimated cost shown without authorization from the Client. Individual task amounts are provided for budgeting purposes only. Kimley-Horn reserves the right to reallocate amounts among tasks as necessary.

Labor fee will be billed on an hourly basis according to our then-current rates. A percentage of labor fee will be added to each invoice to cover certain other expenses as to these tasks such as reproduction, postage, supplies, project related computer time, and local mileage.

Payment will be due within 25 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

**Closure**

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the attached Standard Provisions, which are incorporated by reference. As used in the Standard Provisions, “Consultant” shall refer to Kimley-Horn and Associates, Inc., and “Client” shall refer to the City of South St. Paul.

If you concur in all the foregoing and wish to direct us to proceed with the services, please have authorized persons execute this Agreement in the spaces provided below and return a fully executed copy to us. We will commence services only after we have received a fully-
executed agreement. Fees and times stated in this Agreement are valid for sixty (60) days after the date of this letter.

We appreciate the opportunity to provide these services to you. Please contact us if you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Eric J. Fosmo, P.E.    Jon B. Horn, P.E.
Project Manager    Sr. Vice President

CITY OF SOUTH ST. PAUL

______________________________
Signature

______________________________
Name

______________________________
Title
KIMLEY-HORN AND ASSOCIATES, INC.
STANDARD PROVISIONS

(1) Consultant's Scope of Services and Additional Services. The Consultant will perform only the services specifically described in this Agreement. If requested by the Client and agreed to by the Consultant, the Consultant will perform Additional Services, which shall be governed by these provisions. Unless otherwise agreed to in writing, the Client shall pay the Consultant for any Additional Services an amount based upon the Consultant's then-current hourly rates plus an amount to cover certain direct expenses including telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Other direct expenses will be billed at 1.15 times cost.

(2) Client's Responsibilities. In addition to other responsibilities herein or imposed by law, the Client shall:
(a) Designate in writing a person to act as its representative, such person having complete authority to transmit instructions, receive information, and make or interpret the Client's decisions.
(b) Provide all information and criteria as to the Client's requirements, objectives, and expectations for the project and all standards of development, design, or construction.
(c) Provide the Consultant all available studies, plans, or other documents pertaining to the project, such as surveys, engineering data, environmental information, etc., all of which the Consultant may rely upon.
(d) Arrange for access to the site and other property as required for the Consultant to provide its services.
(e) Review all documents or reports presented by the Consultant and communicate decisions pertaining thereto within a reasonable time so as not to delay the Consultant.
(f) Furnish approvals and permits from governmental authorities having jurisdiction over the project and approvals and consents from other parties as may be necessary.
(g) Obtain any independent accounting, legal, insurance, cost estimating and feasibility services required by Client.
(h) Give prompt written notice to the Consultant whenever the Client becomes aware of any development that affects the Consultant's services or any defect or noncompliance in any aspect of the project.

(3) Period of Services. Unless otherwise stated herein, the Consultant will begin work after receipt of a properly executed copy of this Agreement. This Agreement assumes conditions permitting continuous and orderly progress through completion of the services. Times for performance shall be extended as necessary for delays or suspensions due to circumstances that the Consultant does not control. If such delay or suspension extends for more than six months, Consultant's compensation shall be renegotiated.

(4) Method of Payment. Client shall pay Consultant as follows:
(a) Invoices will be submitted periodically for services performed and expenses incurred. Payment of each invoice will be due within 25 days of receipt. The Client shall also pay any applicable sales tax. All retainers will be held by the Consultant and applied against the final invoice. Interest will be added to accounts not paid within 25 days at the maximum rate allowed by law. If the Client fails to make any payment due under this or any other agreement within 30 days after the Consultant's transmittal of its invoice, the Consultant may, after giving notice to the Client, suspend services and withhold deliverables until all amounts due are paid.
(b) If the Client relies on payment or proceeds from a third party to pay Consultant and Client does not pay Consultant's invoice within 60 days of receipt, Consultant may communicate directly with such third party to secure payment.
(c) If the Client objects to an invoice, it must advise the Consultant in writing giving its reasons within 14 days of receipt of the invoice or the Client's objections will be waived, and the invoice shall conclusively be deemed due and owing. If the Client objects to only a portion of the invoice, payment for all other portions remains due within 25 days of receipt.
(d) If the Consultant initiates legal proceedings to collect payment, it may recover, in addition to all amounts due, its reasonable attorneys' fees, reasonable experts' fees, and other expenses related to the proceedings. Such expenses shall include the cost, at the Consultant's normal hourly billing rates, of the time devoted to such proceedings by its employees.
(e) The Client agrees that the payment to the Consultant is not subject to any contingency or condition. The Consultant may negotiate payment of any check tendered by the Client, even if the words "in full satisfaction" or words intended to have similar effect appear on the check without such negotiation being an accord and satisfaction of any disputed debt and without prejudicing any right of the Consultant to collect additional amounts from the Client.

(5) Use of Documents. All documents and data prepared by the Consultant are related exclusively to the services described in this Agreement, and may be used only if the Client has satisfied all of its obligations under this Agreement. They are not intended or represented to be suitable for use or reuse by the Client or others on extensions of this project or on any other project. Any modifications by the Client to any of the Consultant's documents, or any reuse of the documents without written authorization by the Consultant will be at the Client's sole risk and without liability to the Consultant, and the Client shall indemnify, defend and hold the Consultant harmless from all claims, damages, losses and expenses, including but not limited to attorneys' fees, resulting therefrom. The Consultant's electronic files and source code remain the property of the Consultant and shall be provided to the Client only if expressly provided for in this Agreement. Any electronic files not containing an electronic seal are provided only for the convenience of the
Client, and use of them is at the Client's sole risk. In the case of any defects in the electronic files or any discrepancies between them and the hardcopy of the documents prepared by the Consultant, the hardcopy shall govern.

(6) **Opinions of Cost.** Because the Consultant does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited to the costs of construction and materials, are made solely based on its judgment as a professional familiar with the industry. The Consultant cannot and does not guarantee that proposals, bids or actual costs will not vary from its opinions of cost. If the Client wishes greater assurance as to the amount of any cost, it shall employ an independent cost estimator. Consultant's services required to bring costs within any limitation established by the Client will be paid for as Additional Services.

(7) **Termination.** The obligation to provide further services under this Agreement may be terminated by either party upon seven days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof, or upon thirty days' written notice for the convenience of the terminating party. The Consultant shall be paid for all services rendered and expenses incurred to the effective date of termination, and other reasonable expenses incurred by the Consultant as a result of such termination.

(8) **Standard of Care.** The standard of care applicable to Consultant's services will be the degree of care and skill ordinarily exercised by consultants performing the same or similar services in the same locality at the time the services are provided. No warranty, express or implied, is made or intended by the Consultant's performance of services, and it is agreed that the Consultant is not a fiduciary with respect to the Client.

(9) **LIMITATION OF LIABILITY.** In recognition of the relative risks and benefits of the Project to the Client and the Consultant, the risks are allocated such that, to the fullest extent allowed by law, and notwithstanding any other provisions of this Agreement or the existence of applicable insurance coverage, that the total liability, in the aggregate, of the Consultant and the Consultant's officers, directors, employees, agents, and subconsultants to the Client or to anyone claiming by, through or under the Client, for any and all claims, losses, costs or damages whatsoever arising out of or in any way related to the services under this Agreement from any causes, including but not limited to, the negligence, professional errors or omissions, strict liability or breach of contract or any warranty, express or implied, of the Consultant or the Consultant's officers, directors, employees, agents, and subconsultants, shall not exceed twice the total compensation received by the Consultant under this Agreement or $50,000, whichever is greater. Higher limits of liability may be negotiated for additional fee. This Section 9 is intended solely to limit the remedies available to the Client or those claiming by or through the Client, and nothing in this Section 9 shall require the Client to indemnify the Consultant.

(10) **Mutual Waiver of Consequential Damages.** In no event shall either party be liable to the other for any consequential, incidental, punitive, or indirect damages including but not limited to loss of income or loss of profits.

(11) **Construction Costs.** Under no circumstances shall the Consultant be liable for extra costs or other consequences due to unknown conditions or related to the failure of contractors to perform work in accordance with the plans and specifications. Consultant shall have no liability whatsoever for any costs arising out of the Client's decision to obtain bids or proceed with construction before the Consultant has issued final, fully-approved plans and specifications. The Client acknowledges that all preliminary plans are subject to substantial revision until plans are fully approved and all permits obtained.

(12) **Certifications.** The Consultant shall not be required to execute certifications or third-party reliance letters that are inaccurate, that relate to facts of which the Consultant does not have actual knowledge, or that would cause the Consultant to violate applicable rules of professional responsibility.

(13) **Dispute Resolution.** All claims by the Client arising out of this Agreement or its breach shall be submitted first to mediation in accordance with the American Arbitration Association as a condition precedent to litigation. Any mediation or civil action by Client must be commenced within one year of the accrual of the cause of action asserted but in no event later than allowed by applicable statutes.

(14) **Hazardous Substances and Conditions.** Consultant shall not be a custodian, transporter, handler, arranger, contractor, or remediator with respect to hazardous substances and conditions. Consultant's services will be limited to analysis, recommendations, and reporting, including, when agreed to, plans and specifications for isolation, removal, or remediation. The Consultant will notify the Client of unanticipated hazardous substances or conditions of which the Consultant actually becomes aware. The Consultant may stop affected portions of its services until the hazardous substance or condition is eliminated.

(15) **Construction Phase Services.**
(a) If the Consultant prepares construction documents and the Consultant is not retained to make periodic site visits,
the Client assumes all responsibility for interpretation of the documents and for construction observation, and the Client waives any claims against the Consultant in any way connected thereto.

(b) The Consultant shall have no responsibility for any contractor's means, methods, techniques, equipment choice and usage, sequence, schedule, safety programs, or safety practices, nor shall Consultant have any authority or responsibility to stop or direct the work of any contractor. The Consultant's visits will be for the purpose of endeavoring to provide the Client a greater degree of confidence that the completed work of its contractors will generally conform to the construction documents prepared by the Consultant. Consultant neither guarantees the performance of contractors, nor assumes responsibility for any contractor's failure to perform its work in accordance with the contract documents.

(c) The Consultant is not responsible for any duties assigned to it in the construction contract that are not expressly provided for in this Agreement. The Client agrees that each contract with any contractor shall state that the contractor shall be solely responsible for job site safety and its means and methods; that the contractor shall indemnify the Client and the Consultant for all claims and liability arising out of job site accidents; and that the Client and the Consultant shall be made additional insureds under the contractor's general liability insurance policy.

(16) **No Third-Party Beneficiaries; Assignment and Subcontracting.** This Agreement gives no rights or benefits to anyone other than the Client and the Consultant, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole benefit of the Client and the Consultant. The Client shall not assign or transfer any rights under or interest in this Agreement, or any claim arising out of the performance of services by Consultant, without the written consent of the Consultant. The Consultant reserves the right to augment its staff with subconsultants as it deems appropriate due to project logistics, schedules, or market conditions. If the Consultant exercises this right, the Consultant will maintain the agreed-upon billing rates for services identified in the contract, regardless of whether the services are provided by in-house employees, contract employees, or independent subconsultants.

(17) **Confidentiality.** The Client consents to the use and dissemination by the Consultant of photographs of the project and to the use by the Consultant of facts, data and information obtained by the Consultant in the performance of its services. If, however, any facts, data or information are specifically identified in writing by the Client as confidential, the Consultant shall use reasonable care to maintain the confidentiality of that material.

(18) **Miscellaneous Provisions.** This Agreement is to be governed by the law of the State where the Project is located. This Agreement contains the entire and fully integrated agreement between the parties and supersedes all prior and contemporaneous negotiations, representations, agreements or understandings, whether written or oral. Except as provided in Section 1, this Agreement can be supplemented or amended only by a written document executed by both parties. Any conflicting or additional terms on any purchase order issued by the Client shall be void and are hereby expressly rejected by the Consultant. Any provision in this Agreement that is unenforceable shall be ineffective to the extent of such unenforceability without invalidating the remaining provisions. The non-enforcement of any provision by either party shall not constitute a waiver of that provision nor shall it affect the enforceability of that provision or of the remainder of this Agreement.
AGENDA ITEM: Business Licenses

ACTION TO BE CONSIDERED:

Motion to adopt attached list, approving Business Licenses.

OVERVIEW:

Unless provided by City Code, licenses are annual and expire on May 31st of each year. Municipal Code requires that all licenses are approved by the City Council and subject to submittal of insurance certificates, forms and background investigation, when required, prior to issuance.

License renewals must be filed with the City Clerk at least 30 days before the license expires, that date being April 30th of each year.

The attached listing contains the following new applications:

<table>
<thead>
<tr>
<th>License Type</th>
<th>Applicant</th>
<th>Property Address</th>
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</thead>
<tbody>
<tr>
<td>Rental Housing</td>
<td>Nathan Raymond Siebeneler</td>
<td>136-238 Ash St W</td>
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<tr>
<td>Rental Housing</td>
<td>Elizabeth Frances Rezek</td>
<td>211 Poplar St E</td>
</tr>
<tr>
<td>Rental Housing</td>
<td>Johnny Campos</td>
<td>404 5th Ave S</td>
</tr>
<tr>
<td>Rental Housing</td>
<td>Nicholas Matthew Borscheid</td>
<td>102 11th Ave S</td>
</tr>
<tr>
<td>Petroleum License</td>
<td>Edward Elias</td>
<td>1180 Concord St N</td>
</tr>
<tr>
<td>Cigarette &amp; Tobacco License</td>
<td>Edward Elias</td>
<td>1180 Concord St N</td>
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SOURCE OF FUNDS:

N/A
## City Council Report

### City of South St Paul

#### Council Report

<table>
<thead>
<tr>
<th>ID</th>
<th>Company</th>
<th>License #</th>
<th>License Type</th>
<th>Status</th>
<th>Issued</th>
<th>Expires</th>
<th>Address</th>
<th>Complex</th>
<th>Council</th>
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<tr>
<td>15275</td>
<td>N.E. Broadway Pump N' Munch, LLC</td>
<td>00010962</td>
<td>Cigarette and Tobacco Sales</td>
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<td>05/31/2021</td>
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<td>N.E. Broadway Pump N' Munch, LLC</td>
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<tr>
<td>14237</td>
<td>Alicia Mason</td>
<td>00010169</td>
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<td>05/31/2021</td>
<td>247 11th Ave N</td>
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<tr>
<td>14982</td>
<td>Joseph A. Clark</td>
<td>00010799</td>
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<td>08/11/2020</td>
<td>05/31/2021</td>
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<td>Nicholas Matthew Borscheid</td>
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<td>15216</td>
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<td>15273</td>
<td>Nathan Raymond Siebenaler</td>
<td>00010958</td>
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<td>05/31/2021</td>
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<tr>
<td>15019</td>
<td>Michael L. Wood</td>
<td>00010744</td>
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<td>08/05/2020</td>
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<td>15274</td>
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<td>Lang Guo</td>
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AGENDA ITEM: Lot Split-1620 Waterloo Avenue North

ACTION TO BE CONSIDERED:

Adopt Resolution #2020-101 approving a lot split for the property at 1620 Waterloo Avenue North

OVERVIEW:

Background

The owners of adjacent platted lots sometimes combine those lots into a single tax parcel. Sometimes this is done for tax purposes, sometimes it is done to facilitate a home addition, and sometimes it is done to allow for the construction of an accessory building. In any case, once the platted lots have been combined it requires the City’s approval to re-separate them if a City has adopted a resolution stating that they wish to have review/approval authority of all subdivisions, per Minnesota Statute Section 272.162. The City adopted a resolution stating that they wished to assume this authority on September 21, 1987.

In the years since 1987, the City has reviewed many applications for lot splits to separate platted lots that had been previously combined. These applications are generally approved so long as the lot split will not cause any existing structures on the property to violate the zoning code’s setback requirements and so long as there are no engineering or utility problems that would be caused by the split. Per the City Code, residential lots that were platted prior to May 1, 1967 are considered buildable for single-family homes so long as they have at least 4,500 square feet of area.

In the event that a new buildable lot is being created by the lot split, a park dedication fee is required to be paid. That fee is currently set at 10% of the land value of the new lot (based on tax assessor records) or $2,500, whichever is less.

Analysis of this Lot Split Petition

The Applicant owns a large property (.45 acres or 19,544 square feet) that was created by combining Lot 9 and Lot 10, Block 1 of the Ryan’s Hyland Heights Addition, a plat that was completed in 1956. There is a house on the subject property but the house is built entirely on lot 10 which is the northern lot.

The Applicant is seeking to split off Lot 9 to re-establish it as a separate, buildable parcel. Lot 9 is 75 feet wide and 10,921 square feet in size so it would meet the City’s lot size requirements even if it were being platted today. Lot 10, which has the house on it, falls just short of meeting the City’s modern lot size requirements because it is only 8,623 square feet in height and the modern...
requirement is 9,000 square feet. Still, it is considered “buildable” under the Code because it was platted prior to 1967.

The Applicant has submitted two surveys that demonstrate that the lot split will not create any new setback nonconformities with the existing house. It will be set back over nine feet from the side property line.

The City Engineer has noted that Lot 9 does not currently have sewer and water utility stubs. The Applicant will be responsible for installing these, at their expense, if they seek to construct a new home on Lot 9 in the future. They will also be responsible for the cost of any repairs to the street that are needed following the installation of the new stubs. The City Engineer also noted that the subject property gets its water service from South St. Paul but gets its sewer service from West St. Paul. The Applicant will be responsible for obtaining a sewer connection permit from West St. Paul if/when they decide to build a house on the vacant property.

**STAFF RECOMMENDATION:**

Staff recommends approval of the lot split, subject to conditions.

**60-DAY REVIEW DEADLINE:** SEPTEMBER 21, 2020  
**SOURCE OF FUNDS:** N/A
RESOLUTION NO. 2020-101

A RESOLUTION APPROVING THE PROPERTY SPLIT AT 1620 WATERLOO AVENUE

WHEREAS, Dakota County Tax Parcel 36-65400-01-102 is located in the City of South St. Paul, Dakota County, Minnesota; and

WHEREAS, the City received an application from Gregory Boyle to split off one (1) 75-foot-wide platted lot from Tax Parcel 36-65400-01-102 resulting in two separate tax parcels; and

WHEREAS, the City Council has duly considered the application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota, as follows:

1. That approval is hereby given to the split of the parcel into two residential lots of record legally described as follows:

   Parcel A: Lot 10, Block 1, RYAN’S HYLAND HEIGHTS, Dakota County, Minnesota

   Parcel B: Lot 9, Block 1, RYAN’S HYLAND HEIGHTS, Dakota County, Minnesota

2. A Park Dedication fee for the one new parcel (Parcel B) is required and shall be paid to the City of South St. Paul prior to the recording of the lot split.
3. Both parcels shall be subject to the rules of the R-1 Single Family zoning district.
4. All new off-street parking and driveway areas on Parcel B must be hard-surfaced (concrete or asphalt), before issuance of any final certificate of occupancy for new residential construction.
5. The Applicant will be responsible for installing new services including water and sewer stubs for Parcel B. This must all be done wholly at the Applicant’s expense. The Applicant shall be responsible for fully repairing any public streets that are damaged during construction. These repairs will be wholly at the Applicant’s expense. The Applicant must obtain a right-of-way permit prior to doing any work in the City’s right-of-way. Parcel B is served with South St. Paul water but gets its sewer service from West St. Paul so the Applicant will be responsible for obtaining a sewer connection permit from West St. Paul.
6. All demolition and construction work shall require building permits to be approved by the City Building Official.
7. The Applicants shall be responsible for recording the lot split with the Dakota County Recorder’s office and providing the City with a copy of the recorded document.
8. This approval shall be null and void if the conditions are not satisfied and the lot split is not recorded within 180 days of the date of approval unless an extension is granted by the City Council.
Resolution 2020-101
August 17, 2020

Adopted this 17th of August, 2020.

________________________
City Clerk
July 23, 2020

City of South St. Paul
125 Third Ave. No.
South St. Paul, MN 55075

RE: Application for Lot Split Approval
1620 Waterloo Ave. N., South St. Paul, MN 55075
Gregory J. Boyle, Trustee of the Vivian T. Boyle Living Trust under
Agreement dated August 21, 2000
Lot 9, Block 1, Ryan’s Hyland Heights, Dakota County, Minnesota, and
Lot 10, Block 1, Ryan’s Hyland Heights, Dakota County, Minnesota
Parcel ID Number 36-65400-01-102

To City of South St. Paul:

I am the owner of the above property and am filing a Planning and Zoning Application for Lot Split of the above described property. I would like to split Lot 9 (vacant lot) from Lot 10 (the lot containing the family home built in 1958) so that I can sell the vacant Lot. I consent to this Lot Split and am asking the City of South St. Paul to approve this Lot Split.

Please let me know if you have any questions or if you need any additional information. You can also contact my attorney, Dennis G. Carlson, 1220 Cherokee Ave., West St. Paul, MN 55118 (651) 414 1925, email: denpatcarl@earthlink.net. Thank you.

Sincerely,

[Signature]

Gregory J. Boyle, Trustee
Parcel A: Lot 10, Block 1, RYAN’S HYLAND HEIGHTS ADDITION, Dakota County, Minnesota

Parcel B: Lot 9, Block 1, RYAN’S HYLAND HEIGHTS ADDITION, Dakota County, Minnesota
June 10, 2020

Mr. Michael Healy
South St. Paul City Planner
125 Third Ave. No.
South St. Paul, MN 55075
Via: email
RE: 1620 Waterloo Ave. N., South St. Paul, MN 55075
   Gregory J. Boyle, Trustee of the Vivian T. Boyle Living Trust under
   Agreement dated August 21, 2000
   Lot 9, Block 1, Ryan’s Hyland Heights, Dakota County, Minnesota, and
   Lot 10, Block 1, Ryan’s Hyland Heights, Dakota County, Minnesota
   Parcel ID Number 36-65400-01-102

Dear Mr. Healy:

As we discussed yesterday, I represent Gregory J. Boyle, Trustee of the Vivian T. Boyle Living Trust dated August 21, 2000, owner of the above described property. The Trustee wants to split the two lots because he may soon be selling Lot 9, Block 1, Ryan’s Hyland Heights (the vacant lot). Attached is a copy of the Property Tax Information on this property as well as copies of 2007 Surveys of Lot 9 (the vacant lot) and Lot 10 (with the house) for your review.

The Trustee would like to apply for Lot Split Approval by the City of South St. Paul this summer.

Please let me know if you have any questions or if you need any additional information. Thank you.

Very truly yours,

[Signature]

Dennis G. Carlson
Attorney for Gregory J. Boyle, Trustee
**Property Card**

| Parcel ID Number | 36-65400-01-102 |

**Owner Information**

- Fee Owner
- VIVIAN T TSTE BOYLE
- Mailing Address
  - 1620 WATERLOO AVE N
  - SOUTH ST PAUL MN 55075

**Property Address**

- Address
  - 1620 WATERLOO AVE
- Municipality
  - SOUTH ST PAUL

---

**Parcel Information**

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<th>Sale Date</th>
<th>Total Acres</th>
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<td>Sale Value</td>
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<tr>
<td>Uses</td>
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<tr>
<td>RESIDENTIAL</td>
<td>Plat</td>
<td>RYANS HYLAND HEIGHTS</td>
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<td></td>
<td>Lot and Block</td>
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<td></td>
<td>Tax Description</td>
<td>LOTS 9 &amp;</td>
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**2020 Building Characteristics (payable 2021)**

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<th>Building Type</th>
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<th>Year Built</th>
<th>1958</th>
<th>Bedrooms</th>
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<tr>
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<td>Bathrooms</td>
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<td>Frame</td>
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<td>Above Grade Sq Ft</td>
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<td>Garage Sq Ft</td>
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<td>Multiple Buildings</td>
<td>Finished Sq Ft</td>
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<td>Other Garage</td>
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**Miscellaneous Information**

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<tr>
<td>006</td>
<td>LOWER MISSISSIPPI RIVER</td>
<td>FULL HOMESTEAD</td>
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**Assessor Valuation**

| 2020 Land Values (payable 2021) | $121,146.00 | $125,000.00 |
| 2020 Building Values (payable 2021)* | $177,552.00 | $183,200.00 |
| 2020 Total Values (payable 2021)* | $298,698.00 | $308,200.00 |
| 2019 Total Values (payable 2020)* | $284,855.00 | $295,500.00 |

**Property Tax Information**

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* Manufactured Homes Payable the Same Year as Assessment.

**Disclaimer:** Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.
CERTIFICATE OF SURVEY
FOR: Vivian Boyle
1614 Waterloo Ave. (Vacant Lot)
South St. Paul, MN 53075

LEGAL DESCRIPTION: Lot 9, Block 1, RYAN'S HYLAND HEIGHTS.

LEGEND:
Scale: 1 inch = 30 feet
Bearings as shown are assumed
• Denotes Iron Monument Found
○ Denotes Iron Monument Set (Orange cap R.L.S. No. 10948)
P Denotes Original Plat Measurement
M Denotes Current Measurement
R.P.P. - Power Pole
□ Denotes 1" x 2" Wood Stake on Line
Note: Distances as measured are in feet, tenths and hundredths of a foot.
Note: Concrete Pad claimed by the owner of Lot 8, encroaching along the southerly line of said Lot 9.
Note: Area = 10921.53 Sq. Feet or 0.25 Acres.

SURVEYOR'S CERTIFICATION:
I hereby certify that this survey was prepared by me and that I am a duly
Registered Land Surveyor under the laws of the State of Minnesota.
As surveyed by me this 25th day of February 2007.

Gary L. Backer, Land Surveyor, Mn. License No. 10948
CERTIFICATE OF SURVEY
FOR: Vivian Boyle
1620 Waterloo Ave.
South St. Paul, MN 53075

LEGAL DESCRIPTION: Lot 10, Block 1, RYAN'S HYLAND HEIGHTS.

LEGEND:
Scale: 1 inch = 30 feet
 Bearings as shown are assumed
○ Denotes Iron Monument Found
○ Denotes Iron Monument Set (Orange cap R.L.S. No. 10948)
□ P.P. - Power Pole
□ Denotes 1" x 2" Wood Stake on Line
Note: Distances as measured are in feet, tenths and hundredths of a foot.
Note: Area = 8623.537 Sq. Feet or 0.20 Acres.

SURVEYOR'S CERTIFICATION:
I hereby certify that this survey was prepared by me and that I am a duly
Registered Land Surveyor under the laws of the State of Minnesota.
As surveyed by me this 20th day of February 2007.

Gary L. Backer, Land Surveyor, Mn. License No. 10948
AGENDA ITEM:  Accept Donation from the Schenian Family Foundation

ACTION TO BE CONSIDERED:

Adopt Resolution 2020 – 106 to accept a donation of $25,000 to the City of South St. Paul from the Schenian Family Foundation.

OVERVIEW:

Dale Schenian moved to South St. Paul with his family in 1955 and began attending South St. Paul Schools. After graduating High School in 1959, Mr. Schenian worked various jobs including working at South St. Paul Glass and Paint. When this business fell into bankruptcy, Mr. Schenian was able to purchase the glass business and started Twin City Auto Glass (which later became City Auto Glass). Over the years, Mr. Schenian owned or invested in several local business including Damon’s Restaurants, becoming a race horse owner, and later part-owner of Canterbury Park. As a way to give back to the community, the Schenian Family Foundation has donated $25,000 to the Police Department to be used for Community Outreach and any other police related needs. A copy of the letter from Mr. Schenian is attached.

SOURCE OF FUNDS:

N/A
WHEREAS, The City of South St. Paul is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, in accordance with the terms prescribed by the donor.

WHEREAS, the Schenian Family Foundation is donating $25,000 to the City to be used by the Police Department for Community Outreach and any other Police Department related needs.

WHEREAS, The City Council finds that it is appropriate to accept the donation offered.

NOW, THEREFORE, BE IT RESOLVED: by the City Council of the City of South St. Paul, Minnesota, as follows:

1. The donation described above is accepted and shall be used by the Police Department for Community Outreach and any other Police Department related needs.

2. The City Clerk is hereby directed to issue receipts to each donor acknowledging the City’s receipt of the donor’s donation.

Adopted this 17th day of August, 2020.

_______________________________
City Clerk
Dear Chief Messerich,

The admiration and respect that I have for your entire department in meeting the needs of our Community is indescribable. It is my opinion that your work is well done, and often completed with little appreciation, by all of those you serve and protect.

Often, the people you serve or work with may find the need for a helping hand. It may be a few dollars to get a warm coat, a bag of groceries, or a tank of gas and many other things I am sure you are faced with daily.

It is for all these reasons, that I enclose a donation of $25,000.00 to your Police Department. It is my hope that these resources will help to build a strong relationship between your department and the community.

Please know that your never-ending duties do not go unnoticed. You are thought about often, and I am always praying for the safety and well-being of each of you. Again, my gratitude to each of you for all you do.

Dale Schenian
AGENDA ITEM: Development Application for the Redevelopment of the Bremer Bank Property at 633 Concord Street South Including a Second Reading and Public Hearing for an Ordinance Vacating Two Sewer and Utility Easements

ACTIONS TO BE CONSIDERED:

1. Approve Ordinance 1362 vacating two sewer and utility easements at 633 Concord Street South, contingent upon relocation of the existing sewer line in a manner that is approved by the City Engineer.

2. Adopt Resolution 2020-102 approving a Site Plan, Conditional Use Permit, Conditional Use Permit for a Planned Unit Development, and Preliminary Plat for the proposed redevelopment project at 633 Concord Street South.

OVERVIEW:

Background

The subject property, 633 Concord Street South, is 4.71 acres of land spread across five (5) parcels. The 4-story Bremer Bank office building sits in the southwest corner of the site with its 11,862 square foot footprint. The rest of the site is covered by an enormous surface parking lot. The Applicant is seeking to re-plat the property as two (2) separate, buildable parcels. The existing office tower will remain on a 3.18-acre parcel. The Applicant is seeking to split off the northern part of the parking lot into a 1.32-acre buildable parcel and they are proposing to construct a new 2-story Bremer Bank office building and bank with approximately 7,500 square feet of finished square feet. Once the new building is completed, Bremer Bank will move out of their existing facilities on the ground floor of the 4-story building and into the new 2-story building.

The Applicant has indicated that they may pursue additional redevelopment of the site in the future. They are currently studying the feasibility of demolishing the existing 4-story office building and redeveloping the southern part of the site with multiple new buildings. Those plans should be viewed as “tentative,” however, and would require additional development review and possibly additional platting. The Applicant is only seeking development approvals to allow the new 2-story bank building to move forward at this time.

Zoning Summary

The property is zoned GB-General Business and the project mostly complies with the City’s zoning code and subdivision ordinance. The Applicant is requesting four elements of “PUD flexibility” that would allow them to deviate from the Code. Their intention in doing this is to create a better project with improved aesthetics. Staff is in support of the proposed PUD flexibility.
PUD Flexibility Requested

The Applicant is requesting the following PUD flexibility (a more detailed analysis is included in the attached Planning Commission memo):

1. **Parking.** The new building will have 29 parking stalls when the Code says that 33 are required. This is an insignificant difference and it has been noted that banks see far fewer customers these days since so much banking is done online. The old building (which may end up being torn down) will have 118 stalls when technically 134 are required. The Applicant is proposing a “proof of parking area” which is an unstriped and partially paved area that could be converted to parking in the future, at the City’s discretion, if there are parking supply issues.

2. **Setbacks.** The Applicant is seeking to have “stable” setbacks that will allow them to develop a pedestrian-friendly and aesthetically pleasing project that is close to the street. The GB ordinance requires new buildings to match the setback average of any existing buildings on the block. The only building on the block currently is the 4-story office building which is set back far from the street and is not pedestrian-friendly.

3. **Signage.** The City’s sign ordinance is quite restrictive and does not grant businesses along Concord the ability to have the type of signage that most feel is necessary to have visibility on that corridor. The City consistently has granted sign variances to most businesses along Concord that have requested additional signage. The Applicant is proposing a sign plan that includes more signage than is allowed and includes a type of monument sign that looks “modern” which does not meet the City’s design standards for monument signs. The proposed sign plan is attractive and reasonable and Staff and the Planning Commission are supportive of the request.

4. **Glare.** There will be lighting that casts across the shared property line between the Applicant’s two properties. This requires flexibility from the glare ordinance.

Infrastructure Considerations

There are a few significant infrastructure considerations with this project (a more detailed analysis is in the attached Planning Commission memo):

- There is a public utility line that needs to be moved for the new building to be built. The line is currently protected by two easements that the Applicant has petitioned to have vacated. Relocation of the line would be wholly at the Applicant’s expense.

- The subject property is bordered by three streets, Concord Street South, 6th Street East, and Villaume Avenue. Of these three streets, only Concord Street South currently has a sidewalk. The subdivision ordinance states that the City can require sidewalk construction as a condition of platting so this is an opportunity to require upgrades to the other two streets. If the upgrades are not completed now as part of this project, they would likely need to be paid for by the City in the future using whatever construction and assessment policy is in place at the time.
MnDOT and City Staff are both recommending a sidewalk be required along 6th Street East. This will be an important east-west connector in the future when the land to east redevelops and the road is extended. This redevelopment is called for in the comprehensive plan.

City Staff is recommending that a sidewalk be required along Villaume Avenue. The comprehensive plan specifically calls for a sidewalk or trail along Villaume Avenue to connect Concord Street with the DNR boat launch.

**Second Reading for an Ordinance Vacating Sewer and Utility Easements**

As previously stated, there is an existing public sewer line that is in the way of the proposed building pad for the new development. The sewer line is protected by two (2) sewer and utility easements. The Applicant has petitioned to have these easements vacated which, in South St. Paul, is a process undertaken via an Ordinance.

The City Council held a first reading for an ordinance vacating the two sewer and utility easements at their meeting on August 3rd. The City Council must hold a public hearing as part of the second reading.

Staff is recommending that the City Council approve an ordinance vacating the two easements contingent upon the Applicant relocating the sewer line in a manner that is acceptable to the City Engineer. The vacation will not be recorded unless/until the sewer line has been relocated and any necessary new easements are put in place to protect the new location.

**Landscaping**

The GB-General Business district has fairly “bare bones” landscaping requirements. Basically, the Code just says that some type of landscaping is required and it has to be attractive enough to not devalue neighboring properties. However, the Code also says that landscaping must be in place surrounding parking lots to buffer them from the public sidewalk. The Applicant’s proposed landscaping plan does a good job of dressing up the new building but does not provide a buffer around the parking lot which will need to be corrected in a revised site plan.

**Park Dedication**

South St. Paul requires park dedication whenever land is being subdivided in order to create a new buildable lot on a property where park dedication has not taken place in the past. The City has the option to require any subdivider of commercial or industrial land to donate 5% of their property to the City for conversion to a public park. If the subdivision is in an area where the City does not want/need a park, a cash-in-lieu fee is collected instead of a land donation. The subject property is not located in an area where the City needs a public park. Therefore, this project will need to pay a park dedication fee.

The park dedication fee for commercial and industrial projects is based on the value of the land being subdivided. It is based only on the land value (including any public roads, utilities, etc.) and does not consider the value of any existing buildings located on a site that is being subdivided. The subdivider is required to pay a fee equal to 5% of the land value of the new lot being created.
Section 42-92 of City Code contains a stipulation, however, that the fee cannot be higher than $5,000 per acre of land.

The Dakota County Tax Assessor lists the five (5) parcels that constitute the subject property as having a combined land value of $1,044,700. The new buildable lot being created is 1.32 acres in size which is 28% of the subject property. This means that the “new lot” is worth approximately $292,782. Five percent (5%) of that value is $14,639. However, the City is limited to collecting $5,000 per acre for commercial subdivisions which means that the full amount cannot be collected. Per the Code, the City is limited to collecting $6,600 in park dedication fees. This calculation will be reviewed by the City Attorney prior to City Council review/approval of the final plat.

PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATION:

The Planning Commission reviewed the Applicant’s request and held a public hearing at their August 5th meeting. The City did not receive any comments from the general public. The Applicant noted at the public hearing that they would prefer not to construct any new public sidewalks but that otherwise they agreed with the conditions proposed by Staff. Their feeling is that a new sidewalk is not needed along 6th Street East at this time since it will, at least temporarily, be a “sidewalk to nowhere.” The Planning Commission discussed Staff’s recommended conditions including the sidewalk requirement. Ultimately, the Planning Commission chose to recommend approval of the development application with a 4-0 vote with all of Staff’s recommended conditions of approval, including the sidewalks.

STAFF RECOMMENDATION

Staff recommends approval of the development application with the conditions listed in Resolution #2020-102.

The only significant changes that have been made since the Planning Commission meeting are some adjustments to the length that the approvals are in effect since the Code has some inconsistencies if the City goes with the “default” approval lengths. CUP’s are good for 1 year, Preliminary Plats are good for 3 years, PUD’s are good unless the City Council decides they are done waiting and want to revoke the approval. Staff believes that all of the approvals should be structured to last one (1) year, unless an extension is granted by the City Council, so everything is consistent.

SOURCE OF FUNDS: N/A

60-DAY REVIEW DEADLINE: SEPTEMBER 4, 2020
WHEREAS, the City received an application from Kriss Novak on behalf of True North Investments, LLC requesting the following approvals:

- Site Plan Review of a 7,500 square foot 2-story bank/office building
- A Conditional Use Permit for a Drive-in Business
- A Preliminary Plat for a Two (2) Lot Subdivision
- A Conditional Use Permit for a Planned Unit Development to allow for flexibility from the City Code’s rules for parking, signage, glare, and setbacks.

WHEREAS, the subject property is located at 633 Concord Avenue South (“the Property”); and is legally described as follows:

(See Exhibit A)

WHEREAS, the Planning Commission held a public hearing on the application at their August 5, 2020 meeting, preceded by notice as required by law; and

WHEREAS, the Planning Commission recommended Approval (4 – 0) of the application at their August 5, 2020 meeting; and

WHEREAS, the City Council has considered the application, the recommendation of the Planning Commission and other evidence presented for consideration;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota as follows:

1. Facts. The facts found by the Planning Commission as stated in the Planner’s report dated August 5, 2020 regarding this matter are hereby adopted and included herein by reference including the following attachments:

   a. Site Location Map
   b. Aerial Photograph of Subject Property
   c. Photographs of Subject Property
   d. ALTA Survey
   e. Preliminary Plat
f. Site and Building Plans  
  g. Grading and Utility Plan  
  h. Landscape Plan  
  i. Photometric Plan  
  j. Applicant’s Narrative  
  k. City Engineer’s Letter (dated July 22, 2020)  
  l. Dakota County Plat Commission Comments Letter  
  m. MnDOT Comments Letter

2. Findings.

A. The City Council determines that the proposed Conditional Use Permit is consistent with the following criteria:

   i. That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.
   
   ii. If the application is based on the conditional use provision in this chapter that the issuance conforms to the general characteristics of the district of which it will become a part.
   
   iii. That the conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district or districts affected.
   
   iv. That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.
   
   v. That adequate measures have been or will be taken to provide ingress and egress in such a manner as to minimize traffic congestion and hazards in the public streets.
   
   vi. That the proposed use is appropriate for its location in a residential zoning district.

B. The City Council determines that the proposed preliminary plat is consistent with the City Code and the Comprehensive Plan.

C. The City Council determines that the proposed Planned Unit Development is consistent with the following criteria:

   i. The proposed use will not be detrimental to the health, safety, morals, or general welfare of the city.
   
   ii. The proposed development is fully consistent with the purposes of Chapter 118-132 PUD, Planned Unit Development and consistent with the comprehensive municipal plan.
D. The City Council approves Site Plan, Conditional Use Permit, Conditional Use Permit for a Planned Unit Development, and Preliminary Plat subject to the following conditions:

**Planning/Zoning Conditions**

1.) The conditions of this approval are based on the following plans:

   a. Architectural Plans dated 7/6/2020 prepared by Studio EA
   b. Civil Plans dated 7/6/2020 prepared by Alliant Engineering
   c. Revised Preliminary Plat dated 7/16/2020 prepared by Alliant Engineering

2.) The base zoning district for the Planned Unit Development (PUD) Conditional Use Permit is the GB General Business district. The development shall follow the standards of that zoning district except that the following PUD flexibility is granted:

   a. The PUD district shall encompass both Lot 1, Block 1 and Lot 2, Block 1 of Harlow Addition.

   b. For the new bank building located on Lot 1, Block 1, the Applicant is permitted to have signage beyond the 200 square foot limit established for the GB district. The Applicant shall be permitted to have up to 144 square feet of wall signage. Additionally, the Applicant shall be permitted to install a 148 square foot freestanding letter monument-type sign on top of their retaining wall as depicted in the building elevations.

   c. The Applicant shall be given flexibility from minimum parking requirements and shall provide twenty-nine (29) parking stalls for the proposed 7,500 square foot office/bank building on Lot 1, Block 1.

   d. The existing 40,000 square foot 4-story office building on Lot 2, Block 1 shall be permitted to be used for “office” with the existing 118 striped parking stalls. The Applicant’s site plan shows a “proof of parking” area that shows an area where an additional 36 parking stalls can be striped. The new parking may also need to include the installation of additional asphalt to ensure that there is enough room for adequate drive aisle width. The City may require the parking stalls in the proof of parking area to be built/striped at any time if, at the City’s sole discretion, it is determined that there is insufficient parking at the property based on user demand. The City may require the parking stalls to be striped if any part of the building is converted to a use other than offices which increases parking demand.

   e. Setback flexibility is granted to Lot 1, Block 1 of Harlow Addition. All parking areas and drive thru-lanes must be set back at least 5 feet from front property lines along 6th Street East and Concord Street South. The building setback requirement
from the property line along Concord Street shall be 20 feet. The building setback requirement from the property line along 6th Street East shall be 10 feet.

f. Glare from light fixtures located on Lot 1, Block 1 and Lot 2, Block 1 of Harlow Addition shall be permitted to cross the shared property line at levels in excess of what is allowed by the City Code.

3.) No grading, site work, or building construction may occur prior to the issuance of construction permits by City Staff.

4.) The Applicant shall submit revised plans to comply with any conditions imposed by this approval.

5.) Cross-access easements shall be required across both Lot 1 and Lot 2, Block 1 of Harlow Addition to ensure that vehicles can circulate between the two properties to have access to both Villaume Avenue and 6th Street East.

6.) The Applicant shall be required to provide a 10-foot wide drainage and utility easement around the perimeter of both lots. The easement along the shared property line may be 5 feet wide on each side of the property line. This shall be shown on the final plat.

7.) The Applicant shall be required to provide a drainage and utility easement over the existing north-south public sewer line if it is determined by the City Engineer that an appropriate public easement is not already in place. The width and alignment of this new easement shall be determined by the City Engineer.

8.) 6th Street East Sidewalk. The Applicant shall be required to construct a 6-foot wide concrete public sidewalk along the northern property line of Lot 1, Block 1, starting at the existing sidewalk along Concord Street South and going east to the eastern plat boundary. Final location and design are subject to review and approval by the City Engineer.

9.) Villaume Avenue Sidewalk. The Applicant shall be required to construct a 6-foot wide concrete public sidewalk along the southern property line of Lot 2, Block 1, starting at the existing sidewalk along Concord Street South and going east to the eastern plat boundary. Final location and design are subject to review and approval by the City Engineer.

10.) The Applicant shall submit a revised landscaping plan which provides some type of a screening buffer between the drive-thru lane and parking lots and the public sidewalks. This plan shall include overstory trees to provide shade over the public sidewalks unless it is determined by the City Engineer that this is not feasible due to utility conflicts.

11.) The drive-thru may operate between the hours of 7 AM and 9 PM.
12.) The crosswalk across the drive-thru connecting the public sidewalk along Concord Street South to the main entrance shall be constructed as a raised crosswalk. The final site plan shall reflect this.

13.) A mechanical equipment screening plan shall be submitted as part of the building permit submittal. All ground-mounted and building-attached mechanical equipment shall be screened according to the standards contained within Code Section 118-9. All roof-mounted mechanical equipment shall be screened according to the standards contained within Code Section 118-242.

14.) The facility must comply with all of the City Code’s performance standards relating to odor, noise, glare, refuse handling, etc.

15.) An updated photometric plan shall be submitted as part of the building permit submittal. All lighting must conform with the standards of the City’s glare ordinance unless specifically exempted through the PUD approval.

16.) The Applicant will be required to make a Sewer Access Charge (SAC) payment consistent with Metropolitan Council requirements at time of building permit.

17.) The Applicant will be required to pay a park dedication fee for the new developable lot, calculated using the City’s Park Dedication Ordinance at time of final plat.

18.) The Applicant shall submit a financial security to ensure compliance with their approved grading plan and stormwater management plan, consistent with Code Section 110-82. The terms of the financial security shall be established by the City Engineer.

19.) The Applicant shall be required to enter into a development contract with the City of South St. Paul regarding the public improvements. The Applicant will be required to post a financial security in a form acceptable to the City Attorney to ensure that the public improvements are completed.

20.) Curbing shall be required around all parking lot areas unless this requirement is modified by the City Engineer.

21.) The Applicant shall be responsible for obtaining any required construction approvals from other agencies such as the MPCA, MnDOT, and Dakota County.

22.) The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.

23.) Any new signage will require a sign permit.

24.) The site plan approval is contingent upon the existing drainage and utility easements that lie over the proposed building pad on Lot 1, Block 1 being vacated.
25.) A final plat application must be submitted within one (1) year from the date of the approval of the preliminary plat unless an extension is obtained from the City Council.

26.) No building permits for construction of the new bank facility on Lot 1, Block 1 shall be issued until a final plat has been approved and recorded.

27.) Per the Code, the Conditional Use Permit for the drive-through will terminate if improvements have not substantially begun within 1 year from the date of approval unless an extension is obtained from the City Council. The violation of any condition of approval may result in the termination of the Conditional Use Permit, following a hearing by the City Council.

28.) The Conditional Use Permit for a Planned Unit development will terminate if improvements have not substantially begun within 1 year from the date of approval unless an extension is obtained from the City Council.

**Building Department Conditions**

29.) A building permit is required prior to the start of any construction activities. The review and approval the site improvement pursuant to the requirements of the City’s adopted building and fire codes shall be in addition to the site plan review process. The site plan approval process does not imply compliance with the requirements of these codes.

**Engineering Department Conditions**

30.) The Applicant shall address the twenty-seven (27) conditions of the City Engineer’s letter dated July 22, 2020. These conditions must be addressed prior to building permit issuance.

**Dakota County Plat Commission Conditions**

31.) The Applicant shall be required to dedicate a 5-foot trail, drainage and utility easement to Dakota County, as outlined in the conditions letter from the Dakota County Plat Commission.

**MnDOT Conditions**

32.) Any use of or work within affecting a MnDOT right-of-way will require a permit from MnDOT.

Adopted this 17th day of August, 2020.
City Clerk

Attachments

A- Legal Description
B- City Engineer’s Letter (dated July 22, 2020)
ATTACHMENT A  
LEGAL DESCRIPTION

Parcel 1

All of Lots 1 Through 29, Tarbox's Re-Arrangement of Block B, according to the recorded plat thereof, and situate in Dakota County, Minnesota.

Together with the alleys and street which accrued by vacation thereof, as evidenced in Book U, Page 295, Book 33 of Misc., Page 253 and Document Nos. 391379 and 402270.

EXCEPTING THEREFROM, that part of Tract A described below:

Tract A. Lots 1 through 24 inclusive, and Lot 29, all in Tarbox's Rearrangement of Block "B" Tarbox's Addition to South St. Paul, according to the plat thereof on file and of record in the office of the County Recorder in and for Dakota County, Minnesota; which lies westerly of a line run parallel with and distant 83 feet easterly of Line 1 described below:

Line 1. Beginning at a point on the east and west quarter line of Section 27, Township 28 North, Range 22 West, distant 1929.75 feet west of the east quarter corner thereof; thence run southerly at an angle of 97 degrees 19 minutes 04 seconds from said east and west quarter line (measured from west to south) for 261.82 feet; thence deflect to the right at an angle of 09 degrees 26 minutes 31 seconds for 889.48 feet and there terminating; together with that part of Tract A hereinbefore described, which lies westerly of the following described line: Beginning at a point on Line 2 described below, distant 100 feet westerly of its point of termination; thence run southerly at right angles to said Line 2 to an intersection with the north line of Tract A hereinbefore described; thence run southwesterly to a point distant 83 feet easterly (measured at right angles) of a point on Line 1 described above, distant 450 feet northerly of its point of termination and there terminating;

Line 2. Beginning at a point on Line 1 described above, distant 488.83 feet northerly of its point of termination; thence run easterly at an angle of 92 degrees 06 minutes 12 seconds from said Line 1 (measured from south to east) for 196.46 feet and there terminating; also together with that part of Lot 24; said Tarbox's Rearrangement, which lies south-westerly of the following described line: Beginning at a point on the west line of said Lot 24, distant 10 feet north of the southwest corner thereof; thence run south-easterly to a point on the south line of said Lot 24, distant 10 feet east of the southwest corner thereof and there terminating; together with all right of access, being the right of ingress to and egress from that part of Lots 1 through 24 inclusive, said Tarbox's Rearrangement, not acquired herein to proposed Trunk Highway No. 56; except that the abutting owner shall retain the right of access between points distant 200 feet and 260 feet northerly of the point of termination of Line 1 described above (both distances measured along said Line 1); also said owner shall retain the right of access over the last above described strip, easterly of the westerly line of said Lot 24.
Parcel 2

That part of the Southeast Quarter of Section 27, Township 28 North, Range 22 West, Dakota County, Minnesota, described as follows: Commencing at a point on the East line of said Southeast Quarter which is 660.5 feet South of the East Quarter corner of said Section when measured along said East line; thence S 89° 27' 30" W., (assumed bearing) along the North line of the South Half of the North Half of the Southeast Quarter of said Section, 1682.16 feet more or less to the center line of the Chicago and North Western Transportation Company right of way; thence S 19° 41' 58" E. along said center line 31.76 feet to the South line of 6th Street produced Easterly, according to the recorded plat of Tarbox Addition, said point being the point of beginning of the property to be described; thence N. 89° 27' 30" E. 52.93 feet to the Easterly right of way line of said Transportation Company; thence S. 19° 41' 58" E., along said Easterly line 667.52 feet; thence N. 85° 14' 58" W. to a point which is 30 feet Westerly of said center line when measured at right angle thereto; thence N. 19° 41' 58" W., parallel with and 30 feet distant from said center line 658.94 feet more or less to said South line of 6th Street produced Easterly; thence N. 89° 27' 30" E., 31.76 feet to the beginning.

Parcel 3

That part of the West Half of the Southeast Quarter of Section 27, Township 28 North, Range 22 West of the Fourth Principal Meridian, bounded and described as follows:

Beginning at a point distant 30 feet Southwesterly, measured at right angles, from the center line of the main tract of the Chicago and North Western Transportation Company (formerly the Chicago Great Western Railway Company), as said main tract is now located, and distant 9.5 feet Westerly, measured radially, from the center line of side tract of said Transportation Company, as now located;

thence Southerly parallel with said side tract center line to a point on the Northeasterly line of Lot 28, Tarbox Rearrangement of Block "B" of Tarbox Addition to South St. Paul; thence Southeasterly along the Northeasterly lines of Lot 28, 27, 26, and 25, in said Tarbox Rearrangement, and the Northeasterly line of Block "A", Lorraine Park Addition to the City of South St. Paul, and extensions thereof, to a point on the North line of Villaume Street; thence Easterly along said North line of Villaume Street to a point distant 30 feet Southwesterly, measured at right angles, from said main tract center line; thence Northwesterly parallel with said main tract center line to the point of beginning.

Parcel 4

That part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section 27, Township 28, Range 22 described as follows: Bounded on the West by a line described as follows: Commencing at the Southwest corner of Block A, Tarbox Addition to South St. Paul; thence East along the South line of said Block A 148.2 feet to the point of beginning of the line to be described; thence South 19° 07' East to a point called Point "A", which is 168.25 feet South of the Southerly right of way line of Sixth Street; bounded on the North by the Easterly extension of the Southerly right of way line of Sixth Street;
bounded on the East by a line running parallel to the Westerly line and 20 feet Easterly thereof, said line running to a point identified as Point "B", which point is 116.73 feet Northeasterly of Point "A"; Bounded on the East and South by a line running from Point "A" to Point "B".

Parcel 5

The North Forty (40) feet of Block A, Lorraine Park Addition to the City of South St. Paul, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for Dakota County, Minnesota, except the South 20 feet thereof.

Abstract Property

633 Concord Street South, South St. Paul, MN
July 22, 2020

Mike Healy
City Planner
125 3rd Avenue N.
South St. Paul, MN 55075

RE: BREMER BANK - PUD/PRELIMINARY PLAT
CITY OF SOUTH ST. PAUL

Dear Mr. Healy:

We have reviewed the submittal package for the proposed Bremer Bank and have the following comments:

Survey/Existing Conditions

Preliminary Plat
1. Provide perimeter drainage and utility easements.
2. Revise the proposed utility easement based on the redesign of the sanitary sewer relocation.
3. Show permanent easement requested at SE corner of Concord and 6th Streets.

Site Plan
1. The applicant should provide a parking plan for the overall site including handicapped parking to document compliance with ADA requirements.

Demolition Plan
1. Show removal of the 30" sanitary sewer pipe and associated manhole.

Site Plan Phase 1
1. Show proposed Concord/6th roadway improvements and easements.
2. Show truncated domes at ped ramps and accessible route

Grading Plan
1. Revise proposed sanitary sewer location.

Storm Water Pollution Prevention Plan
1. Under Erosion Control General Notes, Note 1 should be revised to refer to City of South St. Paul.
2. A description of the construction activity and potential for sediment and other potential pollutant discharges from the site should be added.
3. The identity of an individual(s) (once known) to oversee BMP implementation, installation and conduct inspection and maintenance activities must be provided before final approval.
4. Training documentation for all individuals required to be trained in associated duties in relation to the SWPPP should be provided including the designer.
5. Stormwater design specifications and calculations for stormwater management systems, including the number of acres of existing and new impervious surfaces should be noted on the SWPPP.

6. Add the Estimated quantities of all BMPs to be used for the life of the project.

7. A process for completing any SWPPP amendments should be noted.

Utility Plan

1. The proposed sanitary sewer through the site will be redesigned in the Concord/6th right of way per discussion with Clark Wicklund of Alliant Engineering. Provide profile view for proposed sanitary sewer.

2. Verify that proposed building footing is an adequate distance from the existing 48" sanitary sewer.

3. A note should be added that the watermain must be pressure tested and bacteria tested to the City's standards and all tests witnessed by City staff. The new main must stay isolated from the system until all testing has passed.

4. Add a note that the sanitary sewer service must be pressure tested per City standards and tests witnessed by City staff.

5. A 4-Foot sump is proposed in the structure before the infiltration basin. A SAFL baffle or some other insert should be added to the structure to increase the effectiveness of sediment removal.

Storm Water Calculations

1. An assumed infiltration rate of 0.2 inches/hr is indicated in the narrative, but a rate of 0.8 inches/hr is used in the calculations. Soil boring information from the infiltration practice area should be provided from a geotechnical engineer to document the infiltration rate and existing groundwater level. The rate provided by the geotechnical engineer should be used in both the narrative and HydroCAD calculations.

2. An emergency overflow location should be noted on the plans for the infiltration basin.

3. The current City Stormwater Management Rules require volume reduction of 1.1 inches over the impervious surfaces for new or reconstructed impervious areas of one acre or more and storm water quality standards (50% total phosphorous removal) are required to be met for sites with one acre or more of disturbance. If the volume reduction standard is met for a site, the treatment standards are considered met by default. According to these standards the site must meet the City’s treatment standards, but no volume reduction (infiltration) is required. The applicant is currently providing 1,380 cf of voluntary volume reduction, which is not sufficient to meet the full volume reduction requirements. However, it is indicated that treatment standards are met as a result of the partial volume reduction. It is our opinion that the applicant should provide modeling to document that the water quality criteria are being satisfied with the proposed infiltration or the applicant should provide infiltration of 1.1 inches of runoff from all impervious surfaces to meet the treatment standard by default.

4. Complete the Stormwater Plan Review Inspection Form (attached).

General Comments

1. There is over one acre of disturbance for the redevelopment and therefore a National Pollution Discharge Elimination System (NPDES) permit will need to be obtained. Documentation of the permit approvals will be required prior to any work.

2. The applicant should provide a financial security to ensure compliance with the Storm Water Management Plan and SWPPP requirements. The amount required is $3,000/disturbed acre. Based on the plans, this amount will be $3,700.00. These funds shall be used for compliance inspections and to address any remedial work necessary to achieve SWPPP compliance on the site.
3. All onsite storm drain system and infiltration basin will be the responsibility of the property owner. The City will require a maintenance agreement for the storm water features.

From an engineering standpoint I would recommend approval by the City contingent on the above referenced comments and corresponding final engineering review and approval. All comments must be addressed prior to the issuance of any permits and/or the start of construction.

Sincerely,

Sue Polka, P.E.
City Engineer

Attachments: Stormwater Plan Review Inspection Form
City of South St. Paul  
Dakota County, Minnesota  

Ordinance No. 1362  

AN ORDINANCE VACATING TWO SEWER AND UTILITY EASEMENTS AT 633 CONCORD STREET SOUTH

The City Council of the City of South St. Paul does ordain:

SECTION 1. Pursuant to South St. Paul City Code § 54-429 and Minn. Stat. § 412.851, after receiving a petition from the majority of abutting landowners, with a vote of four of its members, the City Council may vacate any street, alley, public grounds, public way or any part thereof within the City by Ordinance; and

WHEREAS, the City of South St. Paul uses this same formal vacation process to vacate public easements;

WHEREAS, the City of South St. Paul received a petition from Kriss Novak on behalf of True North Investments, LLC for the vacation of two sewer and utility easements that encumber the property located at 633 Concord Street South. The property’s owner, Bremer Bank National Association, signed the vacation petition;

WHEREAS, the Applicant wishes for the City of South St. Paul to vacate the two sewer and utility easements, situated in the City of South St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A and depicted on the attached Exhibit B; and

WHEREAS, a notice of a public hearing on said vacation was duly published and posted in accordance with applicable Minnesota Statutes and a public hearing was held on said vacation at the City of South St. Paul, 125 Third Avenue North, South St. Paul, Minnesota; and

WHEREAS, the City Council of South St. Paul then proceeded to hear all persons interested in said vacation and all persons interested were afforded an opportunity to present their views and objections to the granting of said vacation; and

WHEREAS, the City Council of South St. Paul has determined that the vacation would be in the public interest.

NOW, THEREFORE BE IT RESOLVED:

1. That the City of South St. Paul, pursuant to Minn. Stat. § 412.851, hereby vacates the two sewer and utility easements situated in the City of South St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A and depicted on the attached Exhibit B.
2. That the City’s vacation of these easements is contingent upon the Applicant relocating the public sewer line that currently lies within the easements, at their own expense. The new line’s location and design is subject to the review and approval of the City Engineer. If the new location is not within an existing public easement or public right-of-way, the Applicant shall grant the City a new easement over the relocated public sewer line with the new easement’s width to be determined by the City Engineer.

3. That said vacation has no relationship to the City’s Comprehensive Plan and therefore the South St. Paul City Council has dispensed with the requirements of Minn. Stat. § 462.356, Subd. 2, that may require the South St. Paul Planning Commission to perform a Comprehensive Plan compliance review of said vacation that may constitute a disposal of real property pursuant to § 462.356, Subd. 2.

4. That the City Clerk shall prepare a notice to be presented to the Dakota County Auditor reflecting the completion of the proceedings herein. The certified notice shall be recorded with the Dakota County Recorder. The recording shall not take place until the City Engineer has confirmed that the sewer line has been relocated and any required easements are in place.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City wishes to vacate two sewer and utility easements located at the Bremer Bank property at 633 Concord Street South. The two easements run east-west and are generally located in the northern section of the subject property’s parking lot.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Passed by the City Council of the City of South St. Paul, Minnesota, this 17th day of August, 2020.

Approved:

Published: _________________________

____________________________________
Christy Wilcox, City Clerk
EXHIBIT A

LEGAL DESCRIPTION OF
THE TWO SEWER AND UTILITY EASEMENTS TO BE VACATED

Both easements (Document No. 395552 and Document No. 521683) have the same legal description:

An easement for public sewer and utility purposes in, under and upon the tract or parcel of land lying and being in the County of Dakota and State of Minnesota described as follows, to-wit: a strip of land 20 feet in width, being 10 feet on each side of the following described line, to-wit: commencing at a point on the West line of Lot 5, Tarbox Rearrangement of Block B of Tarbox Addition, 126.7 feet Southerly of the Northwest corner of said Block B; thence Easterly to a point on the East line of Lot 29, Tarbox Rearrangement of Block B of Tarbox Addition, 105 feet Southerly of the Northeast corner of said Block B, and there terminating.
EXHIBIT B

DEPICTION OF THE TWO SEWER AND UTILITY EASEMENTS TO BE VACATED

EXISTING SEWER AND UTILITY EASEMENT LEGAL DESCRIPTION
An easement for public sewer and utility purposes in, under and upon the tract or parcel of land lying and being in the County of Dakota and State of Minnesota described as follows, to-wit: a strip of land 20 feet in width, being 10 feet on each side of the following described line, to-wit: commencing at a point on the West line of Lot 5, Tarbox Rearrangement of Block B of Tarbox Addition, 126.7 feet Southerly of the Northwest corner of said Block B, thence Easterly to a point on the East line of Lot 20, Tarbox Rearrangement of Block B of Tarbox Addition, 105 feet Southerly of the Northeast corner of said Block B, and thence terminating.

EXISTING SEWER AND UTILITY EASEMENT EXHIBIT
SOUTH ST. PAUL, MINNESOTA
A motion recommending approval or denial of a Site Plan, Conditional Use Permit, Preliminary Plat, and Conditional Use Permit for a Planned Unit Development for 633 Concord Street South for a proposed industrial development at 121 Hardman Court.

BACKGROUND/ DISCUSSION

OVERVIEW

Application

The Applicant, Kriss Novak on behalf of True North Investments, LLC has submitted an application seeking the following:

1. Site Plan Review of a 7,500 square foot 2-story bank/office building
2. A Conditional Use Permit for a Drive-in Business
3. A Preliminary Plat for a Two (2) Lot Subdivision
4. A Conditional Use Permit for a Planned Unit Development to allow for flexibility from the City Code’s rules for parking, signage, and setbacks.
5. The vacation of a drainage and utility easement that runs underneath the proposed site of the new building (this will be reviewed by the City Council and is not part of the public hearing)

Review Timeline

Application Submittal: July 6, 2020
Planning Commission: August 5, 2020
Tentative City Council Meeting: August 17, 2020
60-Day Review Deadline: September 4, 2020

Background

The subject property, 633 Concord Street South, is 4.71 acres of land spread across five (5) parcels that are a mix of old platted lots, unplatted land, and abandoned railroad right-of-way. The 4-story Bremer Bank
office building sits in the southwest corner of the site with its 11,862 square foot footprint. The rest of the site is covered by an enormous surface parking lot. The Applicant is seeking to re-plat the property as two (2) separate buildable parcels. The existing office tower will remain on a 3.18-acre parcel. The Applicant is seeking to split off the northern part of the parking lot into a 1.32-acre buildable parcel and they are proposing to construct a new 2-story Bremer Bank office building and bank with approximately 7,500 square feet of finished square feet. Once the new building is completed, Bremer Bank will move out of their existing facilities on the ground floor of the 4-story building and into the new 2-story building.

The Applicant has indicated that they may pursue additional redevelopment of the site in the future. They are currently studying the feasibility of demolishing the existing 4-story office building and redeveloping the southern part of the site with multiple new buildings. Those plans should be viewed as “tentative,” however, and would require additional development review and possibly additional platting. The Applicant is only seeking development approvals to allow the new 2-story bank building to move forward at this time.

Zoning Summary

The site is zoned GB-General Business which is a zoning district that allows a broad range of commercial and industrial uses. Within the GB zoning district, all commercial/retail uses that are considered “permitted” in the C-1 Retail Business District are considered permitted in the GB district as well. This would include banks and offices. All drive-in businesses, including any business with a drive-thru facility, require a Conditional Use Permit to operate.

The GB district has specific rules concerning signage and building materials. It does not have set rules concerning setbacks and instead states that buildings must be set back from property lines whatever the average setback is for similar nonresidential buildings that front the same street and are located on the same block. It does not have set rules for landscaping and simply states that landscaping is required and must be handled in such a manner that new development does not devalue adjacent properties.

The property falls within the Mississippi River Corridor Critical Area overlay. However, the subject property is fairly distant from both the river and the bluffs and the proposed development will not have any impact on any land features that are protected by the overlay district. The Minnesota DNR has reviewed the proposed development and has declined to comment as there will be no effect on the river.

Site Characteristics

The 4.71-acre property is fairly flat. It is bordered by two fully-built roads, Concord Street South and Villaume Avenue. At the northern end of the site is a stubbed dead-end road-6th Street East- which is planned to be extended in the future when redevelopment occurs in the area. As previously stated, the site currently hosts a 4-story office building and a large surface parking lot that covers most of the property.

There are multiple drainage and utility easements encumbering the site. There are two public sanitary sewer lines that run underneath the property, one that runs east-west and one that runs north-south. The proposed building would be located directly above the existing east-west sewer line which means that the sewer line would need to be relocated for this project to move forward. The existing easement that is in place over that sewer line would need to eliminated.

There is an existing driveway access onto Concord Street South that will be closed as part of an upcoming road project. The existing 4.71-acre parcel has two (2) other driveways giving it access to 6th Street East and Villaume.
Jurisdiction of Concord Street South

All of Concord Street between the northern border of South St. Paul and Interstate-494 is currently a state highway controlled by the Minnesota Department of Transportation (MnDOT). There is a major road project underway that will involve the complete redesign and rebuilding of Concord Street and a “turnback” that will change which unit of government has jurisdiction over the road. The City of South St. Paul will be taking over control of the road between the northern border of the City and Grand Avenue. Dakota County will be taking over control of the road between Grand Avenue and Interstate-494. The part of Concord Street that is adjacent to the subject property will fall under Dakota County’s jurisdiction after the turnback. Both MnDOT and Dakota County are being given an opportunity to review this proposed development because of the upcoming transition. Dakota County will need to approve the plat to allow the subdivision and redevelopment to move forward.

Dakota County and the City of South St. Paul have been working together very closely with the redesign of Concord Street. The new design will feature pedestrian-friendly improvements and improved aesthetics. The County is redesigning several intersections that are on the part of the road that will fall under their jurisdiction. They are doing this in alignment with their adopted standards regarding traffic management, access, and what levels of traffic merit a stoplight.

The Applicant has requested that the County use a type of intersection design at the 6th Street East/Concord intersection that will be supportive of their proposed development, what is known as a ¾ access design. This is not a type of intersection design that would be justifiable under the County’s adopted road standards unless the development moves forward. If the northern part of the site remains a parking lot, the County will likely not approve a ¾ access design. Therefore, the County is watching this development review closely and will make their final decision regarding road design based on whether the project is approved.

Why a Planned Unit Development?

A Planned Unit Development (PUD) is a type of review that is permitted under the City Code for complex development projects that involve multiple buildings, multiple parcels, multiple uses in one building, etc. With a PUD, the City is able to review a development plan holistically and approve elements that may not completely adhere to the City Code. It is considered a discretionary approval and the terms are typically negotiated between the City and the developer to ensure that the development plan is beneficial to both the developer and to the community as a whole. Generally, a PUD should have some type of “public benefit,” meaning that the community benefits because the PUD review process was used instead of the project being reviewed using the standard zoning code.

The subject property is located in a part of South St. Paul that does not have a clear development vision or good guidelines in place to ensure an attractive development. Many parts of Concord Street are guided or zoned to be “mixed-use.” The commercial areas directly north of Interstate-494, however, are all zoned GB-General Business and are an area that has long been viewed as being the City’s potential “regional commerce” hub. There has not been any more focused planning or visioning beyond the basic understanding that the freeway presents an opportunity to attract commercial/retail and office uses that likely would not be feasible elsewhere in South St. Paul. Existing regional commerce in the area includes two large new car dealerships, a hotel, and two gas stations.

The GB-General Business district’s very loose design guidelines are structured to accommodate a mix of commercial and industrial development and essentially maintain the ‘status quo’ in regards to how the corridor looks and functions. As previously stated, the Concord Street corridor is going to be completely
overhauled in the next couple of years and the street itself will be made pedestrian friendly and attractive. It stands to reason that the City will want to encourage new development on Concord Street to live up to the new street’s aesthetics versus fitting in with the existing aesthetics which are a somewhat generic “1970’s/1980’s suburban/industrial.”

The Applicant is proposing a project with a pedestrian-friendly “building-forward” design. They do not want to adhere to the GB district’s requirements that buildings must be as far from the street as existing buildings on the block. The only existing building on their block is the Bremer Bank office tower which is set far back from the road and does not have pedestrian-friendly design. Additionally, the Applicant is proposing to creatively use parking on the site by providing a generous amount of parking and then having the two buildings share parking to provide even more parking options for office users and visitors. Their proposal comes close to meeting the City’s existing parking ordinance but falls just a few stalls short. The City’s existing parking ordinance has been flagged as being outdated and in need of substantial revision to better reflect businesses’ actual parking needs. This process was started last year but was suspended with the departure of former City Planner Peter Hellegers. It is planned to be resumed sometime in 2020. Finally, the Applicant is proposing a sign plan that is very reasonable but technically does not adhere to the City’s sign ordinance. Staff would note that the City’s sign ordinance is very restrictive in terms of what signage is allowed “as-of-right” but that the City has been extremely generous in the past about giving out sign variances for businesses along Concord Street to increase visibility.

In Staff’s opinion, the proposed deviations from the City Code are all improvements that will lead to a superior project. Staff does not believe that it is necessary to require any “extras” in order for the proposed PUD to provide a public benefit. The public benefit is inherent in the project’s superior design which, in Staff’s opinion, exceeds the quality of what the Code would require or allow.

**Comprehensive Plan Guidance**

The 2030 and 2040 Comprehensive Plans steers the subject property towards commercial. The Comprehensive Plan’s “Critical Area Plan” (which contains policies relating to the river area) states that this part of the community falls within the “Urban Mixed District” which is a part of the river corridor that is expected to be intensely developed. In the “Urban Mixed District,” the expectation is that development will be required to preserve river aesthetics. As previously stated, the subject property is very far away from the river and the project will have no effect on river aesthetics.

**PRELIMINARY PLAT**

**Overview**

The Applicant has submitted a preliminary plat showing a 2-lot subdivision that is proposed to be named “Harlow Addition.” Both of the proposed lots comply with subdivision requirements in terms of size. Overall, the proposed plat complies with the City’s subdivision ordinance but two changes to the plat will be required:

1. The Applicant will need to add a 10-foot drainage and utility easement around the property lines. This is a standard requirement for most new subdivisions.
2. The Applicant may need to dedicate a new easement over the existing north-south public sewer line. This sewer line is already located in an easement but it is unclear whether it is a public easement in favor of the City. This will need to be clarified as the platting process moves forward.

Public Sidewalks

There is an existing public sidewalk on the western property line along Concord Street South. There is currently no public sidewalk along 6th Street East (to the north) or Villaume Street (to the south). Both streets are considered “local roads” and the subdivision ordinance has the following regulations pertaining to sidewalks along local roads:

Sec. 114-64. - Sidewalks, shared use paths, and pedestrian crossing enhancements.

(a) Sidewalks, shared use paths and pedestrian crossing enhancements shall be provided in the subdivision on both sides of all collector and arterial streets and in such other areas as are necessary to adequately provide for the safety and welfare of pedestrians and school children, ensuring there are adequate and sufficient improvements for non-motorized transportation.

(b) Sidewalks may be provided on local streets.

(d) Sidewalks or pedestrian ways shall be provided as necessary to adequately provide for the safety and welfare of the pedestrian or as a condition to platting.

(f) Any sidewalks or driveways constructed as a condition of this article shall be in accordance with specifications established by the engineer’s office.

City Staff and MnDOT have both identified the need for a sidewalk along 6th Street East. MnDOT is recommending that the City require this sidewalk as a condition of plat approval. The street will be an important east-west connector in the future when the land to the east of the subject property redevelops. The City would need to construct this sidewalk in the future at taxpayer expense if it is not constructed now as part of the development.

The new 2040 Comprehensive Plan specifically calls for sidewalks and/or trails to be constructed along Villaume Street to connect Concord Street South to the DNR boat launch (Transportation Section, Page 7-179). Failure to require a public sidewalk along Villaume Street for this plat would be a direct contradiction of the City’s comprehensive plan.

The Applicant should be required to install a 6-foot wide public sidewalk along both of these streets as a condition of plat approval. The two new sidewalks should extend from the existing public sidewalks along Concord Street South to the eastern boundary of the plat.

Relocation of Sewer Line

As previously stated, there is an existing east-west public sewer line that runs directly beneath the proposed building pad for the proposed new bank building. The sewer line is located in two drainage and utility easements that were recorded in the 1970’s. The Applicant has petitioned for those easements to be vacated and has proposed to relocate the sewer line at their expense. They will likely either be moving it into a road ROW or moving it to a different area on private property with a new easement. The final details of the relocation will be subject to review and approval by the City Engineer.
SITE PLAN REVIEW

General Overview of Compliance with Zoning Requirements

The new development will largely comply with Code requirements for site configuration aside from building setback requirements:

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Required by Code</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>n/a</td>
<td>1.32</td>
</tr>
<tr>
<td>Lot width</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Lot Coverage (bldg.)</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Landscape Lot Area</td>
<td>5%</td>
<td>More than 5% on each of the two lots</td>
</tr>
</tbody>
</table>

Building Setbacks:

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th>Required by Code</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard (From Concord)</td>
<td>40 feet from property line (must match the existing building)</td>
<td>20 Feet (Requesting PUD Flexibility)</td>
</tr>
<tr>
<td>Front Yard (From 6th Street East)</td>
<td>40 feet from centerline of the road</td>
<td>10 feet from property line (Requesting PUD Flexibility)</td>
</tr>
<tr>
<td>Rear yard</td>
<td>10 feet</td>
<td>50-80 feet</td>
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</tbody>
</table>

Parking Setbacks:

<table>
<thead>
<tr>
<th>Parking Setbacks</th>
<th>Required by Code</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard (any street frontage)</td>
<td>No clear code requirement</td>
<td>5 feet</td>
</tr>
<tr>
<td>Side yard</td>
<td>No clear code requirement</td>
<td>5 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>No clear code requirement</td>
<td>5 feet</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th></th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floodplain</td>
<td>No</td>
</tr>
<tr>
<td>Shoreland</td>
<td>No</td>
</tr>
<tr>
<td>MNRRA</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Building Architecture

City Code Section 118-9 lays out architectural requirements for various types of buildings. The Code divides exterior building materials into five (5) different classes and requires different types of buildings to utilize materials from specific classes. Commercial and office buildings must use at least two different Class I materials and be composed of at least 60% Class I materials, not more than 40% Class II or III materials, and not more than 10% Class IV materials.

The Applicant is proposing to have all of the building facades consist almost entirely of Class I materials. The entire building is proposed to be a combination of transparent glass and architectural metal panels. The building’s main façade will be facing west. This façade will consist of glass and metal panels and there will be a large patio area between the drive-thru lane and the building. The patio area will be covered by a decorative roof overhang. The south side of the building facing towards the existing office building and the parking lot will also have a “front façade” treatment with large windows. The north side of the building,
facing towards 6th Street East, will have a drive-thru canopy and will be less decorative. The rear of the building facing east will have only one window and will have a large metal decorative screening system designed to hide the building’s mechanical equipment.

The project complies with the Code’s architectural standards.

**Building Height and Size**

The proposed two-story building will be 27’ in height which is well below the maximum permitted height of 45 feet in the GB zoning district (greater heights require a Conditional Use Permit). The GB district does not have a minimum floor area ratio requirement

**Trash Handling**

The Applicant is not proposing to have any exterior trash handling at this time. The Applicant may develop a shared trash enclosure in the future if the southern property is redeveloped.

**Landscaping**

The GB district does not have specific landscaping standards. The City Code’s landscaping section simply states:

*Sec. 118-243. - Landscaping.*

(a) Landscaping on a lot shall consist of finished grade and a soil retention cover such as sod, seed and mulch, plantings, or as may be required by the city engineer to protect the soil and aesthetic values on the lot and adjacent property.

Overall, the proposed landscape plan is attractive. It does, however, have a major deficiency in that there is no landscaping proposed to buffer the public sidewalk along the west property line from the new drive-thru lane. The Applicant’s proposal is to have this area just be a 5-8-foot-wide grassy strip. The Applicant is planning to remove the existing trees from this area because they are Ash trees.

The two new public sidewalks along 6th Street East and Villaume Avenue should also receive some type of landscaping treatment to buffer them from parking areas (if they are not already buffered by existing landscaping).

Staff would recommend that the Applicant be required to install plantings in the area between the sidewalk and drive-thru lane and between the new sidewalks and parking lot areas. The Code requires that parking lots with space for over six (6) vehicles have screening from adjacent sidewalks. This requirement should be understood to also apply to drive-through lanes:

*Sec. 118-353. - Design and maintenance of off-street parking areas.*

f. Curbing and landscaping. All open off-street parking areas designed to have head-in parking along the property line shall provide six-inch integral concrete curb and gutter around the entire perimeter of the parking and driveway areas not less than five feet from the side property line. When said parking area is for six or more vehicles, a curb shall be installed and screening not over four feet in height shall be erected along the front yard setback line with grass or other plantings to occupy the space between the parking area and the front sidewalk or street curb. Wheel guards as approved by the city engineer may be utilized in lieu of other requirements.
The Applicant should be required to revise the landscape plan to include landscape screening along the parking lot and drive-thru lane. The Applicant should also be required/encouraged to install trees to replace the four (4) Ash trees that are proposed for removal. This is important in order to provide shade for pedestrians using the public sidewalk. Trees should only be planted in locations where they will not conflict with underground utilities. The revised landscape plan will need to be approved by the Zoning Administrator and City Engineer to ensure that it satisfies the screening requirement and that there are no conflicts with utilities.

**Parking Supply**

**New Bank Building**

The City Code has different parking requirements depending on how much of the building is “office” versus how much is “bank.”

1. The office component “requires” one (1) parking stall per 300 square feet of office space
2. Financial institutions such as banks require six (6) stacking spaces per drive-in window and one (1) off-street parking space for each 100 square feet of customer floor area.

The Applicant has indicated the new building will have 1,200 square feet of customer floor area and 6,300 square feet of office space. Per the Code, the parking requirement for this type of layout is 33 stalls. The Applicant is proposing to construct a new parking lot for the facility that will provide 29 parking stalls. The Applicant has conferred with Bremer Bank who has stated that 29 parking stalls is completely sufficient for this type of facility. Staff would note that, in general, the private sector has access to much better research and data when it comes to parking needs than local government does. Most parking codes, including South St. Paul’s, have not been updated in many decades and reflect old trends when it comes to parking demand. Many bank customers now do their banking online, for instance, so banks have far less demand for customer parking than they would have had in previous decades.

The Applicant’s site plan shows that they have room to stack at least six (6) vehicles at each drive-thru window without any cars stacking on public roads. Additionally, there is room for at least four (4) vehicles to stack at each window without obstructing the entrance driveway. Staff would again point out that a significant amount of banking activity now takes place online so customer traffic at banks is not as high as it would have been when the City’s parking code was written.

The Applicant’s parking plan can be approved via the PUD process.

**Existing Building**

The redevelopment project will mean that the existing 4-story office building will have less parking than it does today since the northern portion of its parking area will become a new buildable lot. Per the Applicant, the southern parcel will have 118 striped parking spaces following the redevelopment. They have indicated, however, that there is surplus pavement where they could potentially stripe up to an additional 36 spaces if it became necessary. It is unclear whether all of the stalls and the required drive aisles would fit without the addition of some amount of new pavement.
The existing 4-story office building has 40,000 square feet of floor area. The bottom two floors will be vacant after Bremer Bank relocates to the new building and it is unclear what new use may move into that space. As previously stated, the Applicant is exploring the idea of demolishing the 4-story building. If the building is not demolished and if it is all used as “office,” it would require 134 parking stalls under the Code. The Applicant believes that the Code requires far more parking than is needed for the office building. The Applicant is requesting that they be allowed to do a “proof of parking” versus striping all of the stalls at this time. Under this scenario, the PUD would have a condition that the Applicant can be required to stripe the remaining required stalls if the City, at its sole discretion, determines that the existing parking supply is insufficient. The stalls could also be required to be striped if a user moves into the 1st floor that has more parking demand than an office tenant would (such as a restaurant, taproom, or other business with a lot of customers).

Parking Islands

The Zoning Code’s parking ordinance includes the following language:

Sec. 118-353. - Design and maintenance of off-street parking areas.

(g) Planting islands. For each additional 3,000 square feet or a portion thereof of parking area beyond the first 3,000 square feet, one planting island of identical size to the neighboring parking space, but not less than 200 square feet, shall be installed within the interior of the parking lot, unless otherwise approved by the city engineer. All planting islands installed shall have six-inch integral concrete curb and gutter around the entire perimeter, and a landscaped interior.

The Applicant is showing a vegetated area around their proposed 8,280 square foot parking lot which satisfies the requirement that they provide at least one (1) vegetated island.

Lighting

The City’s glare ordinance states the following:

Sec. 118-245. - Lighting, lighting fixtures, and glare.

(a) In all districts, any lighting used to illuminate an off-street parking area or other structure or area shall be so arranged or designed as to deflect light away from any adjoining residential use or zone or from the public streets. Direct sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of light shall be hooded or controlled so as not to light adjacent property; bare lightbulbs shall not be permitted in view of adjacent property or a public street. No light or combination of lights which cast light onto a public street shall exceed one footcandle as measured from the centerline of said street, nor shall any light or combination of lights which cast light on residential property exceed 0.4 footcandle as measured at the property line.

The Applicant has submitted a photometric plan. The plan shows more than one footcandle of light being cast onto the public right-of-way to the west of the subject property. The lighting plan will need to be adjusted and a revised photometric plan will need to be submitted at time of building permit. Additionally, that there will be more than .4 footcandles of light spilling over the shared property line with the parcel to the south where the 4-story office building is located. This can be permitted but will require PUD flexibility.
Signage

The Applicant is proposing to have two (2) signs on the new building. One sign would be a 144 square foot wall sign depicting the Bremer Bank logo. This wall sign would be on the southern wall of the building and would face the parking lot. The second proposed sign is a 148 square foot sign that does not neatly fit into any of the sign categories outlined in the City Code but which would most likely be considered a “monument sign.” The proposed sign would be six (6) stand-alone lit channel letters spelling out the word BREMER. The letters would be five (5) feet tall and would sit atop a retaining wall at the edge of the plaza that the Applicant is proposing on the west side of the building. The monument sign would face Concord Street.

PUD flexibility is required to allow the sign proposal to move forward for two reasons:

1. The sign ordinance only allows properties in the GB-General Business zoning district to have 200 square feet of total signage and the Applicant is proposing to have 292 square feet of signage.

2. The sign ordinance has design standards for monument signs and design standards for wall signs. The proposed channel letters sitting atop the retaining wall do not comply with the design standards for either type of signage. The sign proposal can only be approved via a PUD approval.

Staff would note that the City has historically been very liberal with granting sign variances along Concord Street. There has been an acknowledgement that the sign code is fairly restrictive and the nature of this street corridor (fast traffic speeds, wide street) means that additional signage is needed in order for businesses to be visible. The existing Bremer Bank 4-story office building has signage that has been approved through variances.

Staff is in support of the requested PUD flexibility for the sign plan. Staff believes the proposal is entirely reasonable. The signage is very attractive and matches the “urban industrial” look that the City Council has stated that they are looking to encourage as the aesthetic for the Concord Street corridor.

Setbacks

The Applicant is seeking to bring the proposed building closer to Concord Street than would be allowed by the default zoning rules. As previously stated, the building is required to match the average setback of any existing buildings on the block that front the same street. The only building on the block is the existing 4-story bank building. In situations where there is not another building fronting a street, the only setback rule for commercial buildings in the GB district is that buildings cannot be closer than 40 feet to the centerline of a road.

The Applicant is requesting the following PUD flexibility:

- Permission to have their building be as close as 20 feet to Concord Street South. Staff would note that the site plan does not actually show the building being quite this close to Concord Street South. The Applicant is still trying to determine final placement and is asking that the PUD allow them to move the building closer if they determine that it is better for the project.

- Establishment of a formal 10-foot setback requirement for buildings from the north property line. It is not clear why this is being requested as it does not match the current site plan. Staff would note that this would likely be allowable even without PUD flexibility as there are no existing buildings
fronting this street and a 10-foot setback would be roughly the same as 40-feet from the centerline of the road.

- Establishment of a formal 5-foot setback requirement for parking lots. The GB district does not have a clear setback requirement for parking lots. The Code requires that there be screening between sidewalks and parking lots which does require some type of setback. A 5-foot setback is reasonable and Staff agrees with the Applicant that it makes sense to enshrine it in the PUD for the sake of clarity. Staff would note that there is no interior lot line setback for parking lots in the GB district if the neighboring property is not residential. Therefore, Staff is disregarding the Applicant’s request for parking lot setback flexibility for the interior lot lines.

- Establishment of a 10-foot setback requirement from the east property line. This is not necessary; 10 feet is already the setback requirement in the GB district.

- Establishment of a 10-foot setback requirement for the interior lot line. This is not necessary; 10 feet is already the setback requirement in the GB district.

Staff would advise that the PUD approval only grant the 20-foot setback from Concord Street, the 5-foot parking setback from front property lines, and the 10-foot setback from 6th Street East. The other parts of the Applicant’s request are unnecessary since they are requesting setbacks that are already present in the Code. Staff would note that the Applicant is likely to come in for a PUD amendment and a more tailored setback request if they do decide to move forward with redeveloping the southern part of the site.

**PARK DEDICATION**

South St. Paul requires park dedication whenever land is being subdivided in order to create a new buildable lot on a property where park dedication has not taken place in the past. The City has the option to require any subdivider of commercial or industrial land to donate 5% of their property to the City for conversion to a public park. If the subdivision is in an area where the City does not want/need a park, a cash-in-lieu fee is collected instead of a land donation. The subject property is not located in an area where the City needs a public park. Therefore, this project will need to pay a park dedication fee.

The park dedication fee for commercial and industrial projects is based on the value of the land being subdivided. It is based only on the land value (including any public roads, utilities, etc.) and does not consider the value of any existing buildings located on a site that is being subdivided. The subdivider is required to pay a fee equal to 5% of the land value of the new lot being created. Section 42-92 of City Code contains a stipulation, however, that the fee cannot be higher than $5,000 per acre of land.

The Dakota County Tax Assessor lists the five (5) parcels that constitute the subject property as having a combined land value of $1,044,700. The new buildable lot being created is 1.32 acres in size which is 28% of the subject property. This means that the “new lot” is worth approximately $292,782. Five percent (5%) of that value is $14,639. However, the City is limited to collecting $5,000 per acre for commercial subdivisions which means that the full amount likely cannot be collected. Per the Code, the City appears to be limited to collecting $6,600 in park dedication fees. This calculation will be reviewed by the City Attorney prior to City Council review/approval of the final plat.
CONDITIONAL USE PERMIT

Overview

The Code requires a Conditional Use Permit for all “Drive-in Businesses” and lists out performance criteria in Section 118-251 “Drive-In business (includes car and truck wash of any type)” of the City Code.

The following performance standards are directly relevant to this particular application:

1. No person shall construct, operate, or maintain a drive-in business without first obtaining a conditional use permit.
2. The hours of operation shall be set forth as a condition of any drive-in conditional use permit.
3. No drive-in business shall be located within 200 hundred feet of a public or parochial school, church, public recreation area, or any residential district unless permitted by the conditional use permit.
4. No drive-in business shall be located on any street not designated a collector, arterial, or business service street in the comprehensive municipal plan or as may be approved by the city council.
5. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street or alley.

Staff Analysis of Conditional Use Permit Request

Staff has the following comments regarding the Conditional Use Permit aspect of the application:

- This is a very straightforward proposal. It is standard for banks to have drive-thru facilities.
- The subject property is located on a major road and none of the adjacent parcels are residential uses or areas planned for residential development.
- The Code requires that the City establish “hours of operation” through the Conditional Use Permit. The Applicant has stated that the bank will generally operate the drive-thru between 8 AM-6 PM Monday through Friday and 8 AM-12 PM on Saturday. Staff would note that the bank is not located near any residential properties and there is no compelling reason to set tight restrictions on the drive-thru’s hours of operation.
- There should be plenty of room for snow storage. There is a large amount of green space on the property.
- The Applicant should be required to add additional landscaping between the drive-thru and the public sidewalk.

The Planning Commission and City Council as tasked with evaluating the Conditional Use Permit using the following lens:

Sec. 118-40. - Conditional use permits.

(d) Standards for approving a conditional use permit. The planning commission shall make the following affirmative determinations before a conditional use permit may be recommended for approval by the city council:

(1) That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.

(2) If the application is based on the conditional use provision in this chapter that the issuance conforms to the general characteristics of the district of which it will become a part.
(3) That the conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district or districts affected.

(4) That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.

(5) That adequate measures have been or will be taken to provide ingress and egress in such a manner as to minimize traffic congestion and hazards in the public streets.

(6) In residential districts, certain uses may not be considered appropriate within the interior of residential neighborhoods because of noise, traffic, or other conditions that would tend to adversely affect the residential character of the neighborhood and possibly reduce property values. These may be considered appropriate only on the periphery of residential neighborhoods or under such conditions as the city council may deem proper. The uses may represent "buffer" uses for those areas lying between residential dwellings and nonresidential uses.

(7) In consideration of an application, the following standards shall apply:

b. Industrial districts. Certain uses may be considered generally unsuitable in industrial districts because of conditions that would tend to discourage other industrial development in the vicinity; these conditions may include noise, vibrations, dust, glare, unsightliness, or similar nuisances. Certain other industrial land uses are considered generally inappropriate because they represent underutilization of land, which, in turn, means a low tax return from land that under fuller development would be contributing needed revenue to the city's tax base.

COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES

Fire Department

The Fire Department is pleased that the Applicant intends to sprinkle the building.

City Engineer

The City Engineer has provided a comment letter which is included as Attachment K. The Applicant will need to provide additional easements on the plat including a perimeter easement around the two properties (a standard requirement in modern plats). Additionally, the Applicant will need to make some revisions to their civil plans. The relocation of the existing east-west sewer line will need to be coordinated with the City Engineer’s office.

Dakota County Plat Commission

The Dakota County Plat Commission reviewed the plat at their July 22nd meeting. They wrote a letter which is included as Attachment I. Dakota County is requiring that the Applicant provide a 5-foot wide drainage, utility, and trail easement along the west property line of Lot 1.

Minnesota Department of Transportation (MnDOT)

MnDOT reviewed the plat and wrote a comments letter which is included as Attachment J. The letter lays out requirements and recommendations.

Requirements:

- Any use of or work within affecting a MnDOT right-of-way will require a permit.

Recommendations:
- The City should require the Applicant to build a sidewalk along 6th Street East.
- The City should consider requiring that the crosswalk across the drive-thru lane that leads to the main entry be a raised crosswalk to encourage drivers to slow for people crossing.
- The Applicant should work with Peterbuilt to remove trees that block sight lines for traffic leaving the bank driveway.
- The Applicant is asked to coordinate with Metro Transit regarding the bus stop in front of the subject property.

**STAFF RECOMMENDATION**

Staff believes that, overall, this is a good project that is largely compliant with the intent of the Zoning Code and the Comprehensive Plan. Staff believes that the Planned Unit Development approval is the right approach to allow a “good project” that in many ways exceeds the Code’s requirements but is tripped up by some of the more dated sections of the City Code.

Staff recommends that the Planning Commission recommend approval of the Conditional Use Permit, PUD Conditional Use Permit, Preliminary Plat, and Site Plan with the following conditions:

**Planning/Zoning Conditions**

1.) The conditions of this approval are based on the following plans:

   a. Architectural Plans dated 7/6/2020 prepared by Studio EA
   b. Civil Plans dated 7/6/2020 prepared by Alliant Engineering
   c. Revised Preliminary Plat dated 7/16/2020 prepared by Alliant Engineering

2.) The base zoning district for the Planned Unit Development (PUD) Conditional Use Permit is the GB General Business district. The development shall follow the standards of that zoning district except that the following PUD flexibility is granted:

   a. The PUD district shall encompass both Lot 1, Block 1 and Lot 2, Block 1 of Harlow Addition.

   b. For the new bank building located on Lot 1, Block 1, the Applicant is permitted to have signage beyond the 200 square foot limit established for the GB district. The Applicant shall be permitted to have up to 144 square feet of wall signage. Additionally, the Applicant shall be permitted to install a 148 square foot freestanding letter monument-type sign on top of their retaining wall as depicted in the building elevations.

   c. The Applicant shall be given flexibility from the parking variance and shall provide twenty-nine (29) parking stalls for the proposed 7,500 square foot office/bank building on Lot 1, Block 1.

   d. The existing 40,000 square foot 4-story office building on Lot 2, Block 1 shall be permitted to be used for “office” with the existing 118 striped parking stalls. The Applicant’s site plan shows a “proof of parking” area that shows an area where an additional 36 parking stalls can be striped. The new parking may also need to include the installation of additional asphalt to ensure that there is enough room for adequate drive aisle width. The City may require the parking stalls in
the proof of parking area to be built/striped at any time if, at the City's sole discretion, it is determined that there is insufficient parking at the property based on user demand. The City may require the parking stalls to be striped if any part of the building is converted to a use other than offices which increases parking demand.

e. Setback flexibility is granted to Lot 1, Block 1 of Harlow Addition. All parking areas and drive thru-lanes must be set back at least 5 feet from front property lines along 6th Street East and Concord Street South. The building setback requirement from the property line along Concord Street shall be 20 feet. The building setback requirement from the property line along 6th Street East shall be 10 feet.

f. Glare from light fixtures located on Lot 1, Block 1 and Lot 2, Block 1 of Harlow Addition shall be permitted to cross the shared property line at levels in excess of what is allowed by the City Code.

3.) No grading, site work, or building construction may occur prior to the issuance of construction permits by City Staff.

4.) The Applicant shall submit revised plans to comply with any conditions imposed by this approval.

5.) Cross-access easements shall be required across both Lot 1 and Lot 2, Block 1 of Harlow Addition to ensure that vehicles can circulate between the two properties to have access to both Villaume Avenue and 6th Street East.

6.) The Applicant shall be required to provide a 10-foot wide drainage and utility easement around the perimeter of both lots. The easement along the shared property line may be 5 feet wide on each side of the property line. This shall be shown on the final plat.

7.) The Applicant shall be required to provide a drainage and utility easement over the existing north-south public sewer line if it is determined by the City Engineer that an appropriate public easement is not already in place. The width and alignment of this new easement shall be determined by the City Engineer.

8.) 6th Street East Sidewalk. The Applicant shall be required to construct a 6-foot wide concrete public sidewalk along the northern property line of Lot 1, Block 1, starting at the existing sidewalk along Concord Street South and going east to the eastern plat boundary. Final location and design are subject to review and approval by the City Engineer.

9.) Villaume Avenue Sidewalk. The Applicant shall be required to construct a 6-foot wide concrete public sidewalk along the southern property line of Lot 2, Block 1, starting at the existing sidewalk along Concord Street South and going east to the eastern plat boundary. Final location and design are subject to review and approval by the City Engineer.

10.) The Applicant shall submit a revised landscaping plan which provides some type of a screening buffer between the drive-thru lane and parking lots and the public sidewalks. This plan shall include overstory trees to provide shade over the public sidewalks unless it is determined by the City Engineer that this is not feasible due to utility conflicts.

11.) The drive-thru may operate between the hours of 7 AM and 9 PM.
12.) The crosswalk across the drive-thru connecting the public sidewalk along Concord Street South to the main entrance shall be constructed as a raised crosswalk. The final site plan shall reflect this.

13.) A mechanical equipment screening plan shall be submitted as part of the building permit submittal. All ground-mounted and building-attached mechanical equipment shall be screened according to the standards contained within Code Section 118-9. All roof-mounted mechanical equipment shall be screened according to the standards contained within Code Section 118-242.

14.) The facility must comply with all of the City Code’s performance standards relating to odor, noise, glare, refuse handling, etc.

15.) An updated photometric plan shall be submitted as part of the building permit submittal. All lighting must conform with the standards of the City’s glare ordinance unless specifically exempted through the PUD approval.

16.) The Applicant will be required to make a Sewer Access Charge (SAC) payment consistent with Metropolitan Council requirements at time of building permit.

17.) The Applicant will be required to pay a park dedication fee for the new developable lot, calculated using the City’s Park Dedication Ordinance at time of final plat.

18.) The Applicant shall submit a financial security to ensure compliance with their approved grading plan and stormwater management plan, consistent with Code Section 110-82. The terms of the financial security shall be established by the City Engineer.

19.) The Applicant shall be required to enter into a development contract with the City of South St. Paul regarding the public improvements. The Applicant will be required to post a financial security in a form acceptable to the City Attorney to ensure that the public improvements are completed.

20.) Curbing shall be required around all parking lot areas unless this requirement is modified by the City Engineer.

21.) The Applicant shall be responsible for obtaining any required construction approvals from other agencies such as the MPCA, MnDOT, and Dakota County.

22.) The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.

23.) Any new signage will require a sign permit.

24.) This approval is contingent upon the existing drainage and utility easements that lie over the proposed building pad on Lot 1, Block 1 being vacated.

25.) A final plat application must be submitted within three (3) years from the date of the approval of the preliminary plat. Any extensions shall require the approval of the City Council.*

26.) No building permits for construction of the new bank facility on Lot 1, Block 1 shall be issued until a final plat has been approved and recorded.
27.) Per the Code, the Conditional Use Permit will terminate if improvements have not substantially begun within 1 year from the date of approval. The violation of any condition of approval may result in the termination of the Conditional Use Permits, following a hearing by the City Council.

Building Department Conditions

28.) A building permit is required prior to the start of any construction activities. The review and approval the site improvement pursuant to the requirements of the City’s adopted building and fire codes shall be in addition to the site plan review process. The site plan approval process does not imply compliance with the requirements of these codes.

Engineering Department Conditions

29.) The Applicant shall address the twenty-seven (27) conditions of the City Engineer’s letter dated July 22, 2020. These conditions must be addressed prior to building permit issuance.

Dakota County Plat Commission Conditions

30.) The Applicant shall be required to dedicate a 5-foot trail, drainage and utility easement to Dakota County, as outlined in the conditions letter from the Dakota County Plat Commission.

MnDOT Conditions

31.) Any use of or work within affecting a MnDOT right-of-way will require a permit from MnDOT.

*Staff would note that the subdivision ordinance states that a final plat must be submitted within three (3) years of approval of a preliminary plat unless otherwise specified by the City Council. A shorter or longer timeline could be established if deemed prudent.

REQUIRED ACTION

The Planning Commission has the following actions available on the proposed application:

A. Approval. If the Planning Commission wishes to recommend approval of the development application, the following action should be taken:

• A motion recommending approval of a Site Plan, Conditional Use Permit, Preliminary Plat, and Conditional Use Permit for a Planned Unit Development for 633 Concord Street South for a proposed industrial development at 121 Hardman Court.

B. Denial. If the Planning Commission wishes to recommend denial of the development application, the following action should be taken:

• A motion recommending denial of a Site Plan, Conditional Use Permit, Preliminary Plat, and Conditional Use Permit for a Planned Unit Development for 633 Concord Street South.

If the Planning Commission were to recommend denial, the motion should include the rationale behind the denial.
Attachments

A- Site Location Map
B- Aerial Photograph of Subject Property
C- Photographs of Subject Property
D- ALTA Survey
E- Preliminary Plat
F- Site and Building Plans
G- Grading and Utility Plan
H- Landscape Plan
I- Photometric Plan
J- Applicant’s Narrative
K- City Engineer’s Letter (dated Jul 22, 2020)
L- Dakota County Plat Commission Comments Letter
M- MnDOT Comments Letter
1. PRIOR TO COMMENCING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE SURE THAT ALL REQUIRED DOCUMENTS AND ANY OTHER APPROPRIATE DOCUMENTS ARE ACCURATE AND UP TO DATE, INCLUDING BUT NOT LIMITED TO PLANS AND SPECIFICATIONS.

2. CONTRACTOR TO NOTIFY CONSTRUCTION OFFICE AT LEAST 48 HOURS PRIOR TO START OF CONSTRUCTION.

3. ALL WORK SHALL BE PERFORMED IN CONFORMITY WITH THE PLANS AND SPECIFICATIONS AND THE REQUIREMENTS OF THE LOCAL GOVERNMENT AUTHORITY.

4. CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL EXISTING STRUCTURES WHICH INTERFERE WITH CONSTRUCTION OR EXIST WITHIN THE SITE ARE REMOVED OR MODIFIED TO PERMIT PROPER CONSTRUCTION.

5. ALL EXISTING CONCRETE, FAINTING, AND STRUCTURES AND APPURtenances shown on the plans shall be removed and/or modified to permit proper construction. These structures shall have all curbs, sidewalks, and other appurteances within the area shown removed or modified to permit proper construction.

6. Educational plans are subject to change due to unforeseen conditions.

7. CONCRETE TO BE PLACED IN THE PRECASTER AREA. ALL CONCRETE TO BE PLACED IN THE PRECASTER AREA.

8. PROTECT EXISTING CONCRETE STRUCTURES DURING ALL PHASES OF CONSTRUCTION. CONSTRUCTION TO REPLACE ANY DAMAGES TO EXISTING CONCRETE STRUCTURES CAUSED BY CONSTRUCTION.

9. CONTRACTOR SHALL PREVENT ACCESS TO PROPERTIES AND STRUCTURES FROM HAMERS ASSOCIATED WITH THE CONSTRUCTION ACTIVITY.

10. CONTRACTOR TO NOTIFY THE CITY OF THE PROPOSED PLANS AND REQUIREMENTS FOR CONSTRUCTION.

11. ALL WORK WITHIN THE PRECASTER AREA SHALL BE PERFORMED WITH THE CITY OF THE PRECASTER AREA.

12. ALL CONCRETE TO BE USED FOR CONSTRUCTION TO BE APPROVED BY THE CITY OF THE PRECASTER AREA.

13. PROVIDE ACCESSIBLE BOX AT ACCESSIBLE PARKING STALL.

SITE LEGEND:
- CONCRETE
- EXISTING CURB & GUTTER
- NEW CURB & GUTTER
- EXISTING UTILITY POLES
- NEW UTILITY POLES
- EXISTING STRUCTURE
- NEW STRUCTURE
- ACCESSIBLE PARKING STALL
- NON-ACCESSIBLE PARKING STALL
- PARKING SPACE

PROJECT TEAM DATA:
- PROJECT MANAGER
- Architect
- Engineer
- Contractor

C-4.1

ALLIANT
725 Venture Avenue
Suite 700
Minneapolis, MN 55402
612-738-0080
www.alliant-ia.com
Attachment G
Grading and Utility Plans

Grading Notes:
1. All proposed streets shall show right-of-way proposed enclosures.
2. The ownership of all streets is between the City of Omaha and the developer.
3. North elevation shall show of the proposed streets.
4. All enclosures to contain 200' of street.
5. The right-of-way enclosures shall be proposed between the City and the developer.
6. Right-of-way enclosures may be proposed on 200' of street.
7. Street enclosures may be proposed on 200' of street.
8. Street enclosures may be proposed on 200' of street.
9. Street enclosures may be proposed on 200' of street.
10. Street enclosures may be proposed on 200' of street.
11. Street enclosures may be proposed on 200' of street.
12. Street enclosures may be proposed on 200' of street.
13. Street enclosures may be proposed on 200' of street.
14. Street enclosures may be proposed on 200' of street.

Grading Legend:
- Construction Limits
- Existing Easements
- Proposed Easements
- Driveway Easements
- Top of Wall
- Top of Retaining Wall
- Driveway
- Footings
Attachment H
Landscape Plan
ATTACHMENT J
APPLICANT'S NARRATIVE

July 6, 2020

Michael Healy, City Planner/Zoning Administrator
City of South St. Paul
125 3rd Avenue North
South St. Paul, MN 55073

Re: PUD - Conditional Use Permit Application
New Bremer Bank Branch

Dear Michael,

We are pleased to submit for the PUD Conditional Use Permit application for the new Bremer Bank branch at Concord St S and 6th St E. The following information outlines the proposed project and addresses the comments included in the "City Approval and Staff Comments for Bremer Bank Preliminary PUD Plan" letter dated June 26, 2020.

Our submittal includes:
- This cover letter
- Planning and zoning application
- Ownership information summary
- Developer experience summary
- Civil plan set including exterior lighting plan
- Architectural plan set with landscape plan, floor plans, exterior elevations, and exterior renderings
- Fee and escrow check (previously submitted check and additional check for preliminary plat submitted directly by developer)

PROJECT SUMMARY
- Current Zoning: GS - General Business
- Allowable Use: Drive-In Business allowed with Conditional Use Permit.
- New 2-story bank branch with 3-lane drive-thru
- Approximately 7,500 s.f. with exterior covered plaza and entrance
- Building will be type IIB construction (steel structure with non-combustible framing)
- Building will include Complete NFPA-13 fire suppression system.
- 29 parking spaces including accessible spaces
- Architectural design includes a modern, clean, open design with large expanse of glass; indoor/outdoor connection to plaza; stone base to ground the building to the site; and architectural metal exterior facade (glass, and architectural metal are all Class I materials, manufactured stone veneer is Class II)
- Roof-top mechanical equipment will be screened
- Trash/refuse will be handled inside the bank at this time. A shared trash enclosure between the two lots may be developed during future development of the South lot.
- An existing drainage and utility easement runs under the proposed building. This easement will be vacated and rerouted/reestablished outside of the building footprint. See civil plans for details.
- Construction schedule is planned to start fall 2020 and finish by fall 2021.
PARKING SUMMARY
New Bremer Branch (7,500 s.f.)
- Per current ordinance:
  - 1 space / 100 s.f. of customer floor area
  - 1 space / 300 s.f. of office
  - 33 required / 29 provided
- Per PUD:
  - 29 provided
  - Bremer states 29 spaces are adequate for their needs

Existing Office Building (40,000 s.f.)
- Per current ordinance:
  - 1 space / 300 s.f. of office
  - 134 required / 118 currently striped with ability to add 36 for a total of 154
  - (additional 36 spaces shown dashed on overall site plan as proof of parking)

PUD SETBACKS
Proposed building setbacks:
- Front yards
  - 6th Street E 10 ft from property line
  - Concord Street S 20 ft from property line
  - Interior Lot Line 10 ft from property line
- Rear yard
  - Eastern property line 10 ft from property line

Proposed parking setbacks:
- All yards 5 ft from property lines

SIGNAGE
- Per Current Ordinance
  - Allowable signage area: 200 SF
  - Wall signs max area: Lesser of 100 sf or 10% of wall area
  - Contained in a 3’ band
  - Mounted between 10’-15’ in elevation
- Per PUD:
  - 2 Wall signs totaling 292 sf (144 sf, 148 sf)
  - See exterior elevations for proposed PUD Sign details
  - Walls signs have been designed to be appropriate to the scale of the building
    and context of this urban site and fit well with the modern aesthetic of the Bremer
    brand

A cross access and shared parking agreement will be executed between the two lots and
facilities.

Please let me know if you have questions or need additional information.

Sincerely,

Todd Zwiefelhofer, Partner
July 22, 2020

Mike Healy
City Planner
125 3rd Avenue N.
South St. Paul, MN 55075

RE: BREMER BANK - PUD/PRELIMINARY PLAT
CITY OF SOUTH ST. PAUL

Dear Mr. Healy:

We have reviewed the submittal package for the proposed Bremer Bank and have the following comments:

Survey/Existing Conditions

Preliminary Plat
1. Provide perimeter drainage and utility easements.
2. Revise the proposed utility easement based on the redesign of the sanitary sewer relocation.
3. Show permanent easement requested at SE corner of Concord and 6th Streets.

Site Plan
1. The applicant should provide a parking plan for the overall site including handicapped parking to document compliance with ADA requirements.

Demolition Plan
1. Show removal of the 30" sanitary sewer pipe and associated manhole.

Site Plan Phase 1
1. Show proposed Concord/6th roadway improvements and easements.
2. Show truncated domes at ped ramps and accessible route

Grading Plan
1. Revise proposed sanitary sewer location.

Storm Water Pollution Prevention Plan
1. Under Erosion Control General Notes, Note 1 should be revised to refer to City of South St. Paul.
2. A description of the construction activity and potential for sediment and other potential pollutant discharges from the site should be added.
3. The identity of an individual(s) (once known) to oversee BMP implementation, installation and conduct inspection and maintenance activities must be provided before final approval.
4. Training documentation for all individuals required to be trained in associated duties in relation to the SWPPP should be provided including the designer.
5. Stormwater design specifications and calculations for stormwater management systems, including the number of acres of existing and new impervious surfaces should be noted on the SWPPP.
6. Add the Estimated quantities of all BMPs to be used for the life of the project.
7. A process for completing any SWPPP amendments should be noted.

Utility Plan
1. The proposed sanitary sewer through the site will be redesigned in the Concord/6th right of way per discussion with Clark Wicklund of Alliant Engineering. Provide profile view for proposed sanitary sewer.
2. Verify that proposed building footing is an adequate distance from the existing 48” sanitary sewer.
3. A note should be added that the watermain must be pressure tested and bacteria tested to the City’s standards and all tests witnessed by City staff. The new main must stay isolated from the system until all testing has passed.
4. Add a note that the sanitary sewer service must be pressure tested per City standards and tests witnessed by City staff.
5. A 4-foot sump is proposed in the structure before the infiltration basin. A SAFL baffle or some other insert should be added to the structure to increase the effectiveness of sediment removal.

Storm Water Calculations
1. An assumed infiltration rate of 0.2 inches/hr is indicated in the narrative, but a rate of 0.8 inches/hr is used in the calculations. Soil boring information from the infiltration practice area should be provided from a geotechnical engineer to document the infiltration rate and existing groundwater level. The rate provided by the geotechnical engineer should be used in both the narrative and HydroCAD calculations.
2. An emergency overflow location should be noted on the plans for the infiltration basin.
3. The current City Stormwater Management Rules require volume reduction of 1.1 inches over the impervious surfaces for new or reconstructed impervious areas of one acre or more and storm water quality standards (50% total phosphorous removal) are required to be met for sites with one acre or more of disturbance. If the volume reduction standard is met for a site, the treatment standards are considered met by default. According to these standards the site must meet the City’s treatment standards, but no volume reduction (infiltration) is required. The applicant is currently providing 1,380 cf of voluntary volume reduction, which is not sufficient to meet the full volume reduction requirements. However, it is indicated that treatment standards are met as a result of the partial volume reduction. It is our opinion that the applicant should provide modeling to document that the water quality criteria are being satisfied with the proposed infiltration or the applicant should provide infiltration of 1.1 inches of runoff from all impervious surfaces to meet the treatment standard by default.
4. Complete the Stormwater Plan Review Inspection Form (attached).

General Comments
1. There is over one acre of disturbance for the redevelopment and therefore a National Pollution Discharge Elimination System (NPDES) permit will need to be obtained. Documentation of the permit approvals will be required prior to any work.
2. The applicant should provide a financial security to ensure compliance with the Storm Water Management Plan and SWPPP requirements. The amount required is $3,000/disturbed acre. Based on the plans, this amount will be $3,700.00. These funds shall be used for compliance inspections and to address any remedial work necessary to achieve SWPPP compliance on the site.
3. All onsite storm drain system and infiltration basin will be the responsibility of the property owner. The City will require a maintenance agreement for the storm water features.

From an engineering standpoint I would recommend approval by the City contingent on the above referenced comments and corresponding final engineering review and approval. All comments must be addressed prior to the issuance of any permits and/or the start of construction.

Sincerely,

Sue Polka, P.E.
City Engineer

Attachments: Stormwater Plan Review Inspection Form
ATTACHMENT L

DAKOTA COUNTY PLAT COMMISSION COMMENTS LETTER

Dakota County Surveyor’s Office
Western Service Center • 14955 Galaxie Avenue • Apple Valley, MN 55124
952.891-7087 • Fax 952.891-7127 • www.co.dakota.mn.us

July 27, 2020

City of South St. Paul
125 Third Ave. North
South St. Paul, MN 55075

Re: BREMER BANK

The Dakota County Plat Commission met on July 22, 2020, to consider the preliminary plat of the above referenced plat. The plat is adjacent to future County Road (Concord Blvd.) and is therefore subject to the Dakota County Contiguous Plat Ordinance.

The plat includes two lots, one proposed bank building and one existing building. The future right-of-way needs for a 4-lane divided roadway along future County Road (Concord Blvd.) are 75 feet of ½ right of way. The existing right of way is about 55 feet of half right of way. With the existing buildings in the area and Concord already built as a 4-lane roadway, the Plat Commission will not require additional right of way. However, the Plat Commission requires a 5-foot trial, drainage, and utility easement along the future County Road (Concord Blvd) for Lot 1. The County will provide the language for the trail easement.

The Plat Commission has approved the preliminary plat provided that the described conditions are met. The Ordinance requires submittal of a final plat for review by the Plat Commission before a recommendation is made to the County Board of Commissioners.

Traffic volumes on future County Road (Concord Blvd.) are 10,700 ADT and are anticipated to be 13,100 ADT by the year 2030.

No work shall commence in the County right of way until a permit is obtained from the County Transportation Department and no permit will be issued until the plat has been filed with the County Recorder’s Office. The Plat Commission does not review or approve the actual engineering design of proposed accesses or other improvements to be made in the right of way. Nothing herein is intended to restrict or limit Dakota County’s rights with regards to Dakota County rights of way or property. The Plat Commission highly recommends early contact with the Transportation Department to discuss the permitting process which reviews the design and may require construction of highway improvements, including, but not limited to, turn lanes, drainage features, limitations on intersecting street widths, medians, etc. Please contact Gordon McConnell regarding permitting questions at (952) 891-7115 or Todd Tollefson regarding Plat Commission or Plat Ordinance questions at (952) 891-7070.

Sincerely,

Todd B. Tollefson
Secretary, Plat Commission

c: Jon C. Fahning (Bremer Bank)
July 28, 2020

Michael Healy  
City Planner/Zoning Administrator  
City of South St. Paul  
125 3rd Avenue North  
South St. Paul, MN 55075  

SUBJECT: MnDOT Review # P20-045  
Bremer Bank-633 Concord St S  
SE Quad MN 156 (Concord Street South) and 6th Street  
South St. Paul, Dakota County  

Dear Mr. Healy:

Thank you for the opportunity to review the Bremer Bank-633 Concord St S development. MnDOT has reviewed the documents and has the following comments:

**Design:**
There is a Peterbuilt trucking company that has a connection to the dead end on the NE corner of the site. There are a lot of trees that may block sight lines from traffic leaving the bank driveway. It is off the Banks property line but either they may be able to work with the adjacent owner to clear the trees or provide signage for both the Bank and Trucking company. See page 4 of the attached pdf. for an additional comment from Design.

For questions regards the above comments, contact Lance Schowalter, Metro Design, at 651-234-7647 or lance.schowalter@state.mn.us

**Bicycle/Pedestrian:**
MnDOT encourages a sidewalk along the northern boundary of the development. Metro Bike-Ped also encourages that the sidewalk crossing the drive-thru driveway from the public right-of-way to the main entry is a raised crosswalk to encourage drivers to slow for people crossing on foot or by bike.

For questions regards the above comments, contact Jesse Thornsen, Metro Multimodal, at 651-234-7788 or Jesse.Thornsen@state.mn.us.

**Transit:**
There is a bus stop in front of 633 Concord. This current project does not appear to impact it but if it does, please coordinate with Metro Transit to mitigate impacts to operations at this stop.

An equal opportunity employer

MnDOT Metropolitan District, Waters Edge Building, 1500 County Road B2 West, Roseville, MN 55113
Metro Transit requests the developer contact them at Transit-BusOps-StreetSup-AssistManagers@metc.state.mn.us so they can work together to make sure to avoid possible impacts and disruptions to the stop as well making sure the stop is up to proper specifications when project is complete.

If you have any questions regarding this comment, please contact Jason Junge, Multimodal Planning, Jason.Junge@state.mn.us or 651-234-7878.

Permits:
Any use of, or work within or affecting, MnDOT right of way will require a permit.

Permits can be applied for at this site: https://dotapp7.dot.state.mn.us/OLPA/

Please direct questions regarding permit requirements to Buck Craig of MnDOT’s Metro Permits Section at 651-234-7911 or Buck.Craig@state.mn.us.

Review Submittal Options
MnDOT’s goal is to complete reviews within 30 calendar days. Review materials received electronically can be processed more rapidly. Do not submit files via a cloud service or SharePoint link. In order of preference, review materials may be submitted as:

1. Email documents and plans in PDF format to metrodevreviews.dot@state.mn.us. Attachments may not exceed 20 megabytes per email. Documents can be zipped as well. If multiple emails are necessary, number each message.

2. PDF file(s) uploaded to MnDOT’s external shared internet workspace site at: https://mft.dot.state.mn.us/metrodevreviews.dot@state.mn.us. Contact MnDOT Planning development review staff at for uploading instructions, and send an email listing the file name(s) after the document(s) has/have been uploaded.

3. Mailed or hand delivered documents in PDF format on a flash drive or CD-ROM to:

   MnDOT – Metro District Planning Section
   Development Reviews Coordinator
   1500 West County Road B-2
   Roseville, MN 55113

4. Printed documents via mail or hand delivery to the address above. Include one set of full-size plans.

If you have any questions concerning this review, please contact me at (651) 234-7797.

Sincerely,

Cameron Muhic
Senior Planner

MnDOT Metropolitan District, Waters Edge Building, 1500 County Road B2 West, Roseville, MN 55113
AGENDA ITEM: 138 9th Street South Fence Height Variance

ACTION TO BE CONSIDERED:

Approve Resolution 2020-105 approving a 2.5 foot fence height variance at 138 9th Street South.

OVERVIEW:

Kevin Bartol of Ocel Builders, on behalf of Jennifer and Ryan Saathoff, has requested a fence height variance at 138 9th Street South. The subject property is a corner lot where the rear lot line of the property abuts the side lot of the abutting lot to the north. The property owners want to install a 6-foot privacy fence along the rear property from the westernmost, side property line to the westernmost wall of the garage. Section 118-199 states “Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard setback of the abutting lot shall not be fenced to a height of more than 42 inches unless the fence material is 50 percent opaque or less. When fencing material is 50 percent opaque or less, the abutting lot shall not be fenced to a height of more than 48 inches.”

The homeowners have a child with a disability and are requesting the fence variance to ensure the safety of their child and to afford the family with privacy. Per the City Attorney, the need to provide care for a child with a disability can legally be considered a legitimate practical difficulty that can be used to justify a variance.

PLANNING COMMISSION AND STAFF RECOMMENDATION:

The Planning Commission held a public hearing on the item at the August 5th Planning Commission Meeting. No correspondence had been received on the item nor was anyone present to speak on the item. The Planning Commission voted to recommend approval of the proposed fence height variance with a 4-0 vote. Staff also recommend approval of the proposed fence height variance.

60 DAY REVIEW DEADLINE: September 6, 2020
RESOLUTION NO. 2020-105

RESOLUTION APPROVING A 2.5-FOOT FENCE HEIGHT VARIANCE AT 138 9TH STREET SOUTH

WHEREAS, the City received an application from Kevin Bartol on behalf of Jennifer and Ryan Saathoff for a 2.5-foot fence height variance to allow a 6-foot privacy fence along a portion of the rear lot line that is common with the side lot line and equal to the required front setback of the abutting lot; and

WHEREAS, the subject property is located at 138 9th Street South (“the Property”); and is legally described as Lots Eleven (11) and Twelve (12) in Block Two (2), except therefrom the West Fifty-Five (55) feet thereof in Villaume Rearrangement, Dakota County, Minnesota; and

WHEREAS, the Planning Commission held a public hearing on the application at their August 5th, 2020 meeting, proceeded by notice as required by law; and

WHEREAS, the Planning Commission took action to recommend approval of the variance (4-0) at their August 5th, 2020 meeting; and

WHEREAS, the City Council has considered the application, the recommendation of the Planning Commission and other evidence presented for consideration;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of South St. Paul, Minnesota, as follows:

1. Facts. The facts found by the Planning Commission as stated in the Planner’s report regarding this matter are hereby adopted and included herein by reference including the following attachments:

   A. Site Location Map
   B. Proposed Fence with Section Needing Variance in Red
   C. Site Photos Provided by the Applicant
   D. Applicant’s Narrative

2. Approval of Variance. The requested variance to allow a 6-foot privacy fence along the portion of the rear lot line at 138 9th Street South that is common with the side lot line and equal to the required front yard setback of the abutting lot is subject to the following conditions:

   A. The Applicant shall obtain a fence permit prior to constructing their fence.

   B. The Applicant shall be permitted to install a privacy fence up to six (6) feet in height that encroaches into the part of their rear yard that is equal to the front setback of the house on the abutting lot to the north. The six (6) foot fence shall be permitted to extend to the western sidewall of the subject property’s detached garage as shown on the site plan.
Adopted this 17th day of August, 2020.

______________________________
City Clerk
ACTION REQUESTED

A motion recommending approval of a fence height variance to allow a 6-foot privacy fence along a portion of the rear lot line at 138 9th Street South that is common with the side lot line and equal to the required front yard setback of the abutting lot.

BACKGROUND/ DISCUSSION

Application

The Applicant, Kevin Bartol of Ocel Builders, on behalf of Jennifer and Ryan Saathoff, is requesting the following:

1. A fence height variance at 138 9th Street South to allow a 6-foot privacy fence along the portion of the rear lot line that is common with the side lot line and equal to the required front setback of the abutting lot.

Review Timeline

*Application Submittal:* July 8, 2020
*Planning Commission:* August 5, 2020
*City Council Meeting:* August 17, 2020
*60-Day Review Deadline:* September 6, 2020

Background

The Applicant is requesting a variance to allow a portion of the rear yard at 138 9th Street South (*Attachment A*) to be fenced with a 6-foot tall privacy fence (*Attachment B*). They want to install this 6-foot privacy fencing in a portion of their yard where the code only permits a 3.5-foot privacy fence or a 4-foot fence that is no more than 50% opaque. The restrictions on height are in place because the subject property’s rear lot line abuts the side lot line of the property to the north (846 2nd Avenue South). Section 118-199 (6) (b) of the fence code states:
“Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard setback of the abutting lot shall not be fenced to a height of more than 42 inches unless the fence material is 50 percent opaque or less. When fencing material is 50 percent opaque or less, the abutting lot shall not be fenced to a height of more than 48 inches.”

The property owners have a child with special needs and are requesting the variance for the safety of their child. The application narrative (Attachment D) states that a 6-foot fence is necessary to ensure the safety of this individual in the back yard and to afford the family with privacy.

Site Characteristics

The subject property is a corner lot located at the corner of 9th Street South and 2nd Avenue South. The subject property is oriented towards 9th Street South and the yard along 9th Street South is considered the front yard under the Code’s definitions. The properties to the north of the subject property are oriented towards 2nd Avenue South.

The subject property is located on part of Lots 11 and 12 in Block 2 of the 1949 Villaume Rearrangement plat. The developer who built the house on the subject property and the house on the property immediately west of the subject property purchased Lots 11 and 12 and proceeded to combine and re-split the two lots to create two new differently shaped lots that fronted 9th Street South instead of fronting on 2nd Avenue South like the other properties on the block. This type of development approach is not uncommon in South St. Paul.

The subject property has an existing chain link fence in the rear yard of the property that appears to be code conforming. Additionally, the subject property has an existing garage in its northeast corner. The existing garage is too close to property lines per today’s zoning code but was built in the 1950’s and is considered grandfathered.

Viewsheds

A viewshed is the geographical area that is visible from a location. Cities that value a property owner’s right to a clear viewshed have the ability to protect this by prohibiting items that could block the viewshed.

South St. Paul’s fence ordinance is designed to protect residents’ views when they step out of their front doors. Section 118-199 (6) (b) ensures that people who live next to a corner lot do not step out their front door and have their view to one side blocked by a tall privacy fence that the corner lot has constructed. Under the existing fence ordinance, the corner lot needs to pull back their privacy fence so that it does not get in the way of the neighbor’s front yard viewshed. Staff were not able to find an exact date of when this Code requirement was implemented but it was likely sometime between 1969 and 1992.

Conversation with City Attorney

Staff discussed the application with Kori Land, City Attorney. Ms. Land stated that the need to provide care for a child with a disability can legally be considered a legitimate practical difficulty that can be used to justify a variance. Ms. Land stated that this case is different from a scenario where an owner is simply looking for a taller fence to keep their pets in their yard or disagrees with the fence code. The property owner has a
legitimate fear for their child’s safety and the taller fence is a reasonable way to ensure that their child is safe.

Ms. Land did note that variances run with the land so they should not be taken lightly. She noted that technically the City could impose a requirement that the fence be removed if the individual with the disability were to stop residing in the home. She advised against adding this type of requirement, however, as it would needlessly complicate an otherwise straightforward project and would impose an unnecessary cost burden on the property owner.

Discussion

Staff agrees with the City Attorney that the variance is supportable. Staff believes that the City can justify approval of the variance as being consistent with the spirit of the Fair Housing Act. The Fair Housing Act requires reasonable accommodations in rules, policies, practices or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.

Staff would also note that the neighbor’s viewshed is already being blocked by the subject property’s existing “grandfathered” garage. Adding a fence to this area would not result in a new obstruction of the viewshed since the proposed fence will be significantly shorter than the existing garage. The house to the north of the subject property was built after the house and garage were built on the subject property so the neighbor has never had an unobstructed viewshed.

A variance does “run with the land” and sticks with a property even if the property owner changes. This variance will not cause any negative impacts to the neighborhood and it should not be worrisome that the fence will be in place long-term. The protection of the property owner’s child is important and should be weighed more heavily than any irregularity that may be caused by a minor encroachment of a 6-foot fence into a viewshed that is already blocked by a garage.

Variance Analysis

The Planning Commission is asked to review the proposed variance using the criteria laid out in the City Code. Staff has drafted an analysis that the Planning Commission can use if they wish to recommend approval of the variance:

a. That the variance is in harmony with the general purpose and intent of the ordinance
   
   *The fence variance is in reasonable harmony with general purpose of the ordinance.*

b. That the terms of the variance are consistent with the Comprehensive Plan.
   
   *The variance does not contradict the comprehensive plan.*

c. That economic considerations are not the reasoning for the variance
   
   *Economic considerations are not the reasoning for the variance. The Applicants desire to use their rear yard without fearing for the safety of their child.*

d. That the Property Owner proposes to utilize the property in a reasonable manner
   
   *The property owner is proposing to use their property in the same manner as any other resident. The property owner requires a reasonable accommodation to utilize their property in the same manner as any other resident.*
e. That the plight of the property is not due to the circumstances created by the property owner

*The complicated layout of the property was not created by the Applicant. This variance is not due to a disagreement with the zoning ordinance but rather a unique circumstance which creates a practical difficulty for the owner to use their property.*

f. That the variance will not alter the essential character of the neighborhood.

*The fence will not alter the essential character of the neighborhood. While the fence ordinance was written in such a way to protect the viewshed of the abutting property owner, the subject property’s existing garage already impedes the abutting property’s viewshed.*

**Staff Recommendation**

Staff recommends approval of the setback variance with just two conditions of approval:

1. The Applicant shall obtain a fence permit prior to constructing their fence.

2. The Applicant shall be permitted to install a privacy fence up to six (6) feet in height that encroaches into the part of their rear yard that is equal to the front setback of the house on the abutting lot to the north. The six (6) foot fence shall be permitted to extend to the western sidewall of the subject property’s detached garage as shown on the site plan.

**Required Action**

The Planning Commission has the following actions available on the proposed application:

A. **Approval.** If the Planning Commission wishes to recommend approval of the variance, the following action should be taken:

   • Motion to recommend approval of fence height variance for 138 9th Street South.

B. **Denial.** If the Planning Commission wishes to recommend denial of the proposed setback variance, the following

   • Motion to recommend denial of the fence height variance finding that the variance does not present a practical difficulty.

If the Planning Commission wishes to recommend denial, they should adopt a finding that the project fails to exhibit a practical difficulty.

**Attachments**

A. Site Location Map
B. Proposed Fence with Section Needing Variance in Red
C. Site Photos Provided by the Applicant
D. Applicant’s Narrative
ATTACHMENT B
PROPOSED FENCE WITH SECTION NEEDING VARIANCE IN RED
ATTACHMENT C
SITE PHOTOS PROVIDED BY THE APPLICANT
A juvenile resident at this home has special needs, requiring a higher, consistent height privacy fence to reduce the risk of the child fleeing the yard area and to keep her safe during play activity. It also will provide privacy for the family during play activity and if/when challenging incident may occur. The child has already demonstrated ability to climb over a standard 4'H chain link fence, so a higher, consistent height privacy fence will reduce the ability to climb over the fence.

6' High Wood Privacy Fence
AGENDA ITEM: Conditional Use Permit for a Reception Hall at the Serbian Home at 404 3rd Avenue South

ACTION TO BE CONSIDERED:

Adopt Resolution 2020-102 approving a Conditional Use Permit for the Serbian Home to be used as a reception hall.

OVERVIEW:

Background

The Applicant, Alex Stojmenovic on behalf of “Serbian Hall, LLC,” is requesting the following:

- A Conditional Use Permit to allow a building that is listed on the National Register of Historic Places to be used as a reception hall in the R-2 zoning district for events with up to 250 people.

In June of 2020, the City of South St. Paul approved a new ordinance that allows buildings that are listed on the National Register of Historic Places but located in a residential zoning district to be used as private reception halls if a Conditional Use Permit is obtained.

The Serbian Home is a historic building that was built in 1924 which has been listed on the National Register of Historic Places since 1992. The building was built to be a community center and reception hall for the local Serbian immigrant community and served that function for many decades. The building predates the City’s zoning code and the property was originally “grandfathered” to have a liquor license and to host large events despite being located in a residential neighborhood and not having a parking lot. The liquor license was lost in the 1960’s when the owners failed to renew it and forfeited their “grandfathering.” The building fell into disuse in the late 1970’s/early 1980’s and the “grandfathering” to host large events was also forfeited. After being vacant for many years, the building was acquired by a nonprofit and turned into an ethnic/cultural museum in 1996. This organization operated until recently but is now defunct. The Serbian Home is currently vacant again and the new owner is proposing to essentially restore the original use by using the building as a reception hall and community event space.

A detailed history of the Serbian Home and its planning/zoning approval history can be found in the attached Planning Commission memo.

Applicant’s Proposal

The Applicant submitted a narrative outlining his proposal to use the building as a reception hall:
• The maximum size of any event would be 250 people (most events would be between 10-70 people and would include yoga classes, children’s birthday parties, etc.).

• The Serbian Home will be open for events from 9 AM-9 PM Monday through Thursday and open from 9 AM-10 PM Friday-Sunday.

• Organizers of large events must agree to hire security guards as part of their rental contract.

• The Applicants will secure a long-term lease for an adequately sized off-site parking lot. They must provide one (1) parking stall for every three (3) attendees. They will run a shuttle bus between the Serbian Home and the off-site parking lot for any event that has more than 70 attendees.

• Alcohol will not be sold to the general public although some licensed event caterers may serve alcohol to guests at private events.

**Conditional Use Permit Status**

The property has an existing Conditional Use Permit that allows it to operate as a museum/cultural center and hold up to 12 fundraising events each year. More details regarding the existing Conditional Use Permit can be found in the attached Planning Commission memo.

The proposed Conditional Use Permit would extinguish/replace the existing Conditional Use Permit and would establish a regulatory framework for the Serbian Home to be used as a private reception hall.

**Parking Proposal**

*Analysis*

The City Code requires reception halls to provide one (1) parking stall for every three (3) seats in the venue. The Applicant is seeking to be able to hold events with up to 250 guests which would require 84 parking stalls. The City Code states that parking may be provided either on-site or off-site with approval from the City Engineer.

The Serbian Home was originally “grandfathered” to operate with no off-street parking, much as many of the community’s older businesses, churches, and schools are “grandfathered.” It is very common for cities with older buildings to grant parking variances to allow those buildings to continue to be used and preserved if one becomes vacant and a new user desires to move in. Out of respect for the neighborhood and a desire to be a good neighbor, the Applicant is proposing the off-site parking and shuttle option as an alternative to requesting a large parking variance.

The neighborhood around the Serbian Home is fully developed with well-maintained houses and there is almost no remaining vacant land. This means that the only way to provide an 84-stall parking lot “on-site” would be to acquire several adjacent homes, demolish them, regrade the site, and build a parking lot. There is no guarantee that adjacent landowners would wish to sell and this approach would likely cost over a million dollars which is well beyond what is economically feasible for this type of project. As noted in the Planning Commission memo, the
replacement of existing houses with a large surface parking lot would also directly contradict the City’s comprehensive plan which calls for preserving buildings and maintaining the City’s tax base. The loss of 4 or 5 homes would mean the loss of over one million dollars in tax base and the loss of at least $12,000 in annual property taxes (City, County, and School). Surface parking lots have very low taxable value. Replacing houses with a surface parking lot would also have a blighting effect on the neighborhood.

The Applicant intends to provide off-site parking and require, through the rental contract for each large event, that guests use the off-site parking lot and the shuttle service. Understandably, it is not feasible to take this approach for small events such as yoga classes and children’s birthday parties. The Applicant is proposing that 70 guests be considered the cutoff where the event is considered a “large event” and the shuttle service must be operated in order for the event to proceed. For small events, guests will need to figure out their own transportation to the venue and will likely either need to walk/bike or park on a City street.

Staff believes the Applicant’s proposal is reasonable and represents the “best way forward” if the City’s wants to support allowing the historic Serbian Home to be preserved and used as a reception hall.

Applicant’s Future Plans for On-Site Parking

The Applicant owns a house on a “double-lot” that is located directly behind the Serbian Home. If the new reception hall is financially successful, the Applicant is hoping to split the “double-lot” and construct a small 12-15 stall parking lot on the vacant portion of the property sometime in the next 2-3 years. The Applicant wants to do this to provide convenient parking for elderly and disabled guests who may struggle with the shuttle service and individuals who are loading or unloading vehicles. There is a high likelihood that this small parking lot will require variances due to site constraints.

Planning Commission Public Hearing and Recommendation:

The Planning Commission reviewed the Applicant’s request and held a public hearing at their August 5th meeting. No members of the Public attended the public hearing but Staff received written comments in opposition to the project from two neighbors and phone calls in opposition to the project from two additional neighbors. These comments are included as Attachment F in the attached Planning Commission memo. The neighbors who commented were primarily concerned about parking impacts although several expressed concerns regarding the potential for bad behavior by event guests. There is a concern that some guests may not use the shuttle service and that even “small” 70-person events could still generate enough parking demand to be an inconvenience to the neighborhood.

The Planning Commission discussed the application at length. The general consensus was that this is an important building to preserve and that the Planning Commission agreed with Staff that the current parking proposal is the “best way forward” to allow for this building to be restored to its original use. Commissioner Thompson noted that he lives a block and a half away from the Serbian Home and is excited to see it used again. The Planning Commission recommended approval of the Conditional Use Permit with a 4-0 Vote but with some revisions to Staff’s original conditions:
1. A security officer must be provided for any event where alcohol is being served.

2. Sunday hours should be limited to 9 AM to 9 PM.

3. The Planning Commission wants to allow events to go until 11 PM on Fridays and Saturdays which is later than the Applicant requested. They stated that they believe this will give the building a better chance of being successful as a reception hall venue.

COMMENTS RECEIVED FOLLOWING THE PLANNING COMMISSION MEETING

Following the Planning Commission meeting, Staff has received numerous written public comments in support of the application. Some of these comments have come from South St. Paul residents while others have come from individuals living throughout the Twin Cities metro who have connections to the South St. Paul, the Serbian Home, or the Serbian community. Comments that were received prior to end of day on Thursday August 13th are included as Attachment A. Any additional written comments that are received prior to the meeting will be shared with the City Council as a separate document.

STAFF RECOMMENDATION

Staff recommends approval of the Conditional Use Permit but with conditions.

As Staff noted at the Planning Commission meeting, there are additional restrictive conditions that could be attached to the approval if the City Council has concerns although some of these conditions could complicate operations at the hall:

- Different hours of operation.
- Different event size that triggers the requirement of running the shuttle.
- The CUP could limit the number of large events that can be held each month and/or require that the City be notified any time there is an event with over 70 guests. *This would mean more administrative responsibilities for City Staff.*
- The CUP could set a maximum guest number somewhere below 250 attendees

SOURCE OF FUNDS: N/A

60-DAY REVIEW DEADLINE: September 4, 2020

ATTACHMENTS

Attachment A- Additional public comments received after Planning Commission Meeting
Comment #1: Submitted via email on August 10, 2020

_Mary Trkla_
*2009 Southcross Drive W, #905 Burnsville MN*

Email #1:

Hello Mike: I’m sending you this email to show my support in making the Serbian Hall zoned for use as a community center and reception hall. I am certain you can see the benefits of this to South Saint Paul and neighboring communities. On a personal note I’ve been around the hall my entire life - it’s a beautiful building that is now being well taken care of with a younger and energetic owner ready to make this work. Thank you. Mary Trkla

Email #2

I was born and lived at 242 sixth ave north until I was 21.

Comment #2: Submitted via email on August 10, 2020

_Kathy Kosse_
*606 13th Avenue North, South St. Paul MN*

Please pass on to our City Council that I feel the Serbian Hall opening as a Reception and Community Center is a wonderful addition to our community.

Thank you. Kathy Kosse

Comment #3: Submitted via email on August 11, 2020

_Tracy Damyanovich_
*3640 ½ St NE, Minneapolis MN*

Dear Mr. Healy,

I am writing in regards to the fate of the newly restored Serbian Hall.

For those of us with atypical midwestern heritages, Minnesota can seem overwhelmingly Nordic. When I was growing up in the North Metro, most people thought I was Polish. Not only was my name hard to pronounce, no one knew the country it hailed from – and If they did, they tended to associate Yugoslavia with the USSR - not a great comparison for me during the Cold War.

So, it was always with relief that my parents and I went “Up North” to the Iron Range to visit relatives, where not only was my name familiar and pronounceable, Serbian traditions awaited me – food, family, a bunch of Vics and Viches.
No one thought twice about the fact that my parents wore crowns when they got married in the Eastern Orthodox Church, or wondered at the legitimacy of a service that was not performed by a pastor or a priest. It didn’t seem weird that there were no blondes in the room, or that our ancestors had not come over on the Mayflower – that many of them had, in fact, died before we even so much as heard of them, let alone got to meet them.

There were a lot of little things I only experienced Up North that made growing up in Minnesota a little bit easier for someone whose last name did not end in “son”. Upon my return from those Up North visits, I did not feel like quite as much of as an outsider in this Nordic state.

It is with this sense of belonging and community in mind that I would request that the city continue to work in partnership with the Serbian-American community and allow the newly restored Serbian Hall to once again become the cultural center and meeting place that it was so many years ago.

I don’t even need one hand to count how many Serbians I am in contact with in Minneapolis – St. Paul. My dad, and that’s about it. I know they’re here. I just don’t know how to find them.

I am pretty sure I know a place where I could find them, if it were made available to me and my community. The issues facing us as Americans these days have only served to remind me of the importance of that community, of family, of personal connection and a sense of responsibility for others.

There are several components to the Serb identity, one of which is church, another of which is community. St. Sava is here, although its congregation is small; the opening up of the Serbian Hall as a community center could only serve to improve the life of the church as well.

Opening up the Serbian Hall and approving the legitimacy of the parking needs of around 70 people on average per event (larger groups being serviced through the Hall’s future partnerships with local businesses and organizations), would bring new life and a new sense of belonging to the Serbians in the Metro Area, who are floating around out there, still explaining to people that no, they are not Russians and slowly pronouncing their names – over, and over again.

St. Paul is the capital of the great State of Minnesota, and thus has the reputation of being a place that honors communities, past and present, as well as appreciating heritage, history and family bonds.

Please allow this attitude to extend to your local Serbian-Americans so we can gather in community and enrich your neighborhoods and businesses. It wasn’t that long ago that we were newly immigrated to the US, too, and have spent those years working hard and giving back to the State and the Twin Cities.

Please – on this occasion, back to us.

Thank you for your consideration.

Sincerely,
Tracy C. Damyanovich
Comment #4: Submitted via email on August 11, 2020

Kent Bliss
241 Third Avenue South, Unit #213, South St. Paul MN

Please consider preserving the Serbian home and allowing them to open again as once they did before.
The building needs to be used to be preserved, meaning you really need people in the building to keep it functional. It's how you know there is a leak in the roof or a plumbing problem. Sitting empty is a shame.
Please allow it to open with no restrictions. They said parking is an issue and I have lived in many cities across the country that had even less parking than what this building has since the 1920s.
Thank you for listening
Kent Bliss

Comment #5: Submitted via email on August 12, 2020

Shelley Brown
9260 Inver Grove Trail E, Inver Grove Heights MN

Please consider this email as a plea to allow the Serbian Hall to reopen as an event center.

There are so few venues for small gatherings--family celebrations (wedding receptions, anniversary parties, graduation parties, etc), performances (like dance recitals, musical concerts/recitals) and fundraisers for area organizations--that could definitely be held at the Serbian Hall if it were allowed to operate as an event center open for rental to the public.

My husband and I held our wedding reception there in 1980 and loved the "old-time" feel of the space!

Such historic venues like their's--with it's stage and dance floor--would also be suitable for entertainment performances. As a member of the Royal Order of Klondike Kates of the Saint Paul Winter Carnival, I know our group is always looking for local venues that can accommodate our shows and fundraisers.

I hope the City of South St. Paul will approve the Serbian Hall's request for licensure as an event center.

Respectfully,

Shelley Brown
(aka Klondike Kate 2015)
Comment #6: Submitted via email on August 12, 2020

Jill Schmidt  
1663 W Taylor Ave, St. Paul MN

Mr. Healy:

I ask that you give serious consideration to supporting and saving the Serbian Hall.

In these times of great conflict and controversy, I feel that preserving our cultural heritage(s) is so important.

Future generations need to know how we preserve our history so they can be proud of their own.

I’ve heard it said that we’re not a ‘melting pot’ but a ‘potluck’ where everyone can bring their own special ‘dish’ to the table for all to enjoy.

Thank you for your consideration.

Kind regards,

Jill Parry Schmidt

Comment #7: Submitted via email on August 13, 2020

Tony Roszak  
37 Robb Farm Road, North Oaks, MN

Email #1:

Michael:
I am in favor of Alex being allowed to have small gatherings at the Serbian Hall. My experience with Alex tells me he will always try to do what is right and good for the neighborhood. Helping the neighbors to become aware of Serbian culture and food will be good for those living in that area. I wish you much success in keeping up the quality of life in So St Paul.

Tony Roszak

Email #2:

Prior to June 14, 2019 our family lived at 1820 Pleasant Ave, So St Paul, Mn 55075 for some 40 years. My mom and dad were born in SSP and spent their entire lives in SSP. My dad was a part time musician and occasionally played at the Serbian Hall. His main gig was the Polish Hall. My grandmas’ and Grandpas’ go back to about 1900 when they immigrated from Poland so our family goes back a long way. I have a great affection for SSP and its people.

Sincerely,  
Tony Roszak
Comment #8: Submitted via email on August 13, 2020

Marilyn Myers
2682 Meadow Vista Way, Afton MN

Email #1:

Forty-five years ago my wedding reception has held at the Serbian Hall. This occurred after countless gatherings with family and friends over so many years growing up a few blocks away. The Hall was our community and offered a place to gather with everyone who was important in my life. I support returning the Hall to be what it was back then so that many others can “feel” this pride and sense of heritage again.

Thank you for your consideration.

Marilyn Myers (Mace)

Email #2:

My current address is: 2682 Meadow Vista Way, Afton, MN 55001. I grew up at 529 - 2nd Avenue South, SSP. I continue to attend events held in SSP but find there have been less and less venues to do this.
RESOLUTION NO. 2020-102

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE SERBIAN HOME AT 404 3rd AVENUE SOUTH TO BE USED AS A RECEPTION HALL

WHEREAS, the City received an application from Alex Stojmenovic requesting the following approvals:

➢ A Conditional Use Permit to allow a building that is listed on the National Register of Historic Places to be used as a reception hall in the R-2 zoning district.

WHEREAS, the subject property is located at 404 3rd Avenue South (“the Property”); and is legally described as Lot 29 and 30, Block 11, RIVERSIDE PARK ADDITION, according to the recorded plat thereof.

WHEREAS, the Planning Commission held a public hearing on the application at their August 5, 2020 meeting, preceded by notice as required by law; and

WHEREAS, the Planning Commission recommended Approval (4 –0) of the application at their August 5, 2020 meeting; and

WHEREAS, the City Council has considered the application, the recommendation of the Planning Commission and other evidence presented for consideration;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota as follows:

1. Facts. The facts found by the Planning Commission as stated in the Planner’s report dated August 5, 2020 regarding this matter are hereby adopted and included herein by reference including the following attachments:

   a. Site Location Map
   b. Aerial Photograph
   c. Tax Assessor Sketch of Building Dimensions
   d. Pictures of Building
   e. Applicant’s Narrative
   f. Public Comments Received Prior to Meeting

2. Findings.

   A. The City Council determines that the proposed Conditional Use Permit is consistent with the following criteria:
i. That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.

ii. If the application is based on the conditional use provision in this chapter that the issuance conforms to the general characteristics of the district of which it will become a part.

iii. That the conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district or districts affected.

iv. That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.

v. That adequate measures have been or will be taken to provide ingress and egress in such a manner as to minimize traffic congestion and hazards in the public streets.

vi. That the proposed use is appropriate for its location in a residential zoning district.

B. The City Council approves the Conditional Use Permit subject to the following conditions:

**Planning/Zoning Conditions**

1. All previously issued Conditional Use Permits at the subject property, including Resolution #96-169, are hereby extinguished.

2. The Applicant must have a licensed engineer or other qualified and licensed professional determine what the occupancy load is for the building.

3. Subject to the approval of the Building Official following review of the licensed design professional’s report, the Serbian Home shall be permitted to have events with up to 250 attendees, not including event staff.

4. The Applicant shall be required to provide an off-site parking facility which, per the City Code, must be approved by the City Engineer/Zoning Administrator. Per the Code, the Applicant must provide the City with evidence of a long-term lease. This Conditional Use Permit itself will satisfy the Code’s requirement that a recordable document be filed for the property which binds the owner and their heirs/assigns to continue to maintain the required parking throughout the existence of the principal use.

5. The off-site parking facility or facilities must be adequately sized to satisfy the City’s minimum parking requirements for reception halls. Currently, the requirement is that a reception hall must provide at least one (1) parking stall for every three (3) seated event attendees. The off-site parking facility or facilities must provide at least 84 parking stalls in order for events of 250 attendees to be held. The Zoning Administrator will cap events
at a number below 250 attendees (based on parking requirements) if insufficient parking has been secured. No events larger than 70 attendees may be held until the Zoning Administrator has received evidence of a long-term lease for off-site parking.

6. The Applicant shall be required to operate a shuttle service between the off-site parking facility and the Serbian Home for any event that has more than 70 attendees, excluding event staff. The Applicant shall require, as part of their rental contract for each event, that guests utilize the off-site parking facilities and shuttle service for any event larger than 70 attendees.

7. The hours of operation shall be 9 AM to 9 PM Sunday through Thursday and 9 AM to 11 PM Friday and Saturday.

8. This Conditional Use Permit is contingent upon the Serbian Home remaining listed on the National Register of Historic Places. The holder of this Conditional Use Permit is responsible for ensuring that the designation is maintained.

9. All events must adhere to the South St. Paul noise ordinance and all other relevant City Codes.

10. An increase in the number of permitted event attendees or any expansion of the hours of operation shall require an amendment to this Conditional Use Permit.

11. The facility shall not include any type of public bar and there shall be no serving of alcohol to the general public. Private events may include alcohol, served only to guests of the event, provided that the alcohol is served by a licensed caterer. The Applicant shall be required to provide an on-site security officer for the duration of any event where alcohol is going to be served.

12. Per City Code, the City Council may revoke this Conditional Use Permit, following a public hearing, if any of the above conditions have been violated.

Adopted this 17th day of August, 2020.

_____________________________________
City Clerk
A motion recommending approval or denial of a Conditional Use Permit to allow the Serbian Home to be used as a reception hall.

BACKGROUND/ DISCUSSION

Application

The Applicant, Alex Stojmenovic on behalf of “Serbian Hall, LLC,” is requesting the following:

1. A Conditional Use Permit to allow a building that is listed on the National Register of Historic Places to be used as a reception hall in the R-2 zoning district for events with up to 250 people.

Review Timeline

Application Submittal: July 6, 2020
Planning Commission: August 5, 2020
City Council Meeting: August 17, 2020
60-Day Review Deadline: September 4, 2020

Background

In June of 2020, the City of South St. Paul approved a new ordinance that allows buildings that are listed on the National Register of Historic Places but located in a residential zoning district to be used as private reception halls if a Conditional Use Permit is obtained. This ordinance was designed to help protect the community’s heritage by making it financially viable to preserve these old buildings, some of which may be too large or oddly configured to be converted into a single-family home or duplex (the only automatically permitted uses in the City’s two most common residential zoning districts).

Prior to the new ordinance, the residential zoning districts did already allow some types of institutions to operate reception halls. Churches, schools, and nonprofit/philanthropic institutions are all allowed in
residential neighborhoods with a Conditional Use Permit and all of these organizations sometimes have spaces that they rent out for private events. The ordinance amendment means that entities that are not religious, educational, or nonprofit organizations may operate reception halls in neighborhoods so long as it is in a nationally designated historic building.

The owner of the Serbian Home (AKA the Serbian Hall), a 96-year old historic building at 404 3rd Avenue South that has a long history of being a reception hall, is seeking a Conditional Use Permit to reestablish the building as a private reception hall. Some of the events will be very small “community center” type events such as cooking classes and birthday parties.

A Brief History of the Serbian Home (Based on City Records)

Overview

The Serbian Home is a historic building that was built in 1924 which has been listed on the National Register of Historic Places since 1992. The Serbian Home is over 8,000 square feet in size and consists of a roughly 4,000 square foot first floor event space, a roughly 3,000 square foot basement event space, a 1,000 square foot basement storage area, and a small mezzanine that has served as a chapel in the past but has more recently been used for storage.

The building was built to be a community center and reception hall for the local Serbian immigrant community and served that function for many decades before falling into disuse in the late 1970’s/early 1980’s. The building was turned into an ethnic/cultural museum in 1996 and this organization operated until recently. The Serbian Home is currently vacant.

The Serbian Home is one of several ethnic halls built in South St. Paul in the early 1900’s. The Croatian Hall is located nearby and continues to operate as a ‘grandfathered’ bar and event center. The Polish community had a hall also, known as the PNA Hall. The PNA Hall was torn down several decades ago but the bar that was located in its basement continues to operate to this day as a ‘grandfathered’ use.

The Early Years of the Serbian Home

At the time of the building’s construction in 1924, South St. Paul did not have a zoning code so the use of buildings was not closely regulated. South St. Paul did not adopt its first zoning code until the late 1940’s. When the City adopted zoning, different parts of the City were assigned different zoning districts and each had its own rules. The Serbian Home and its surrounding neighborhood were assigned “residential” zoning which meant that commercial uses were no longer allowed. The Serbian Home became ‘grandfathered’ as a lawful nonconforming use since many of its existing operations were considered commercial. For instance, it had a liquor license and functioned as a ‘club.’ At some point, the City added ‘minimum parking requirements’ to its zoning code which meant that all new construction had to provide off-street parking using parking ratios assigned by the City. Again, the Serbian Home was considered ‘grandfathered’ as lawful nonconforming since it was built without a parking lot at a time before the City required parking lots. For many years, the Serbian Home was able to continue to operate as a reception hall without a parking lot due to its ‘grandfathered’ status.
The Serbian Home suffered a series of setbacks that began in the 1960’s:

- At some point in the late 1960’s the Serbian Home failed to renew their liquor license. They tried to renew it later on but too much time had passed and they had lost their ‘grandfathered’ status and were no longer eligible for a liquor license.

- In 1976, the Serbian Home attempted to secure a rezoning to commercial so that they could operate a liquor establishment/restaurant. Their rezoning request was denied on the basis of “not matching the City’s comprehensive plan” and “not having sufficient parking.” There was also a concern that a rezone to commercial would open the property up to too many different uses since many types of businesses are allowed in commercial zoning districts.

- At some point in the late 1970’s or early 1980’s, the Serbian Home stopped being used for weddings and other large private events. The City then took the position that the “reception hall” part of its ‘grandfathered’ status was also lost.

- In 1981, the Serbian Home again attempted to secure a rezoning to commercial. This time, their proposal included plans to buy the four lots behind the Serbian Home and tear down a couple of houses to build a parking lot (some of the lots near the Serbian Home that now have houses on them were still vacant in 1981). The four lots were proposed to also be rezoned to commercial in support of the project. The rezoning application had the support of a majority of the City Council members (4 City Council votes) BUT a supermajority (5 City Council votes) is needed to rezone a residential property to commercial. The proposal failed because the Serbian Home was not able to convince a supermajority of the City Council Members to support the rezone.

- In 1990, the Serbian Home again attempted to secure a rezoning to commercial. The City was willing to entertain the request initially because there was a tentative plan to acquire/raze nearby houses to build a parking lot. When those plans fell through and it became clear that no parking lot would be provided, the City Council voted to deny the rezoning.

**The Modern Era**

By the early 1990’s, the Serbian Home was mostly vacant/unused and the property owed a large amount of back taxes. A nonprofit group, the Ethnic Cultural Center of Minnesota, took over control of the building during this time and worked out an agreement with Dakota County in regards to the back taxes. The group was involved in the push to secure the building’s listing on the National Register of Historic Places in 1992. In 1996, the group was successful in obtaining a Conditional Use Permit to permit the operation of an Ethnic Cultural Center/Museum in the building. This Conditional Use Permit is still in effect as it “runs with the land” and is attached to the property. The cultural center operated intermittently from 1996 until roughly 2018/2019 when it disbanded due to financial difficulties. There were some years during this period where the cultural center did not operate due to financial issues and the Serbian Home was actually in the possession of a real estate developer who was seeking to convert the building to condominiums for several years in the early 2000’s (per the Pioneer Press).

The current owner (the Applicant) is a Serbian immigrant who was involved with the ethnic cultural center towards the end of that organization’s tenure in the building. He purchased the property from the ethnic cultural center and is now seeking to restore the building and operate a reception hall in the space.
CONDITIONAL USE PERMIT

Existing Conditional Use Permit

There is an existing Conditional Use Permit attached to the property for an “Ethnic Cultural Center” that was approved in 1996 via Resolution #96-169. This existing Conditional Use Permit has the following conditions:

a) The number of fundraising events shall be limited to 12 per calendar year, no more than 2 per month.

b) The hours for these events shall end no later than 10:00 PM on Friday and Saturday only.

c) The events shall be limited to 80 participants at any one time excluding staff, additionally up to 200 participants will be allowed at an event provided that additional off-street parking is available at the rate of one space for each two participants. The location of the added parking shall be advertised along with the event publicity.

d) The hours for the Ethnic Cultural Center of Minnesota shall be 8:00 AM to 6:00 PM five nights per week and 8:00 AM to 8:00 PM two nights per week.

e) The applicant shall provide for, over the next three years, at least 25 off-street parking spaces in reasonable proximity to the cultural center. These spaces shall meet all of the criteria for parking lots as outlined by our City Code. These lots will require a Conditional Use Permit.

f) There shall be no serving and/or consuming alcohol at the Ethnic Cultural Center of Minnesota.

g) Any violation of these aforementioned conditions shall make this Conditional Use Permit null and void. (Staff Note: Legally, it requires a public hearing and action by the City Council to revoke a CUP for violations of approval conditions)

Staff would note the Ethnic Cultural Center never did comply with Condition ‘e’ and no off-street parking of any kind was ever provided at the Serbian Home. It does not appear, however, that the City has ever moved to revoke the Conditional Use Permit even though the property has technically been in violation of Condition ‘e’ since July of 1999.

It is generally not considered a sound practice to approve a Conditional Use Permit with a time sensitive “future on-site parking requirement” in a situation where there is no clear path forward for constructing the parking improvement. Cities generally should only add realistic and enforceable conditions to Conditional Use Permits.

Proposed Conditional Use Permit for Reception Hall

The Applicants are seeking a new Conditional Use Permit that would allow them to operate a reception hall in an R-2 Single Family and Two Family residential zoned building that is listed on the National Register of Historic Places. This is allowed, per the R-1 district ordinance and the R-2 district allows ALL uses allowed in the R-1 district:

Sec. 118-121. - R-1, single-family district.

(b) Uses by conditional use permit. Within the R-1 district, the following uses shall be by conditional use permit only:
A Reception or Meeting hall that is not part of a church, school, charitable organization, or other allowed use when contained within an existing building that is listed on the National Register of Historic Places.

The Serbian Home building has historically been a reception hall and does not need any significant internal modifications in order to function as a reception hall. The Applicant has been working on minor internal renovations and updating fixtures since he acquired the building. The Applicant is proposing the following scope of operations (intended to mitigate the impact on the surrounding residential neighborhood):

- The maximum size of any event will be 250 people (most events will be between 10-70 people).
- The Serbian Home will be open for events from 9 AM-9 PM Monday through Thursday and open from 9 AM-10 PM Friday-Sunday
- Organizers of large events must agree to hire security guards as part of their rental contract.
- The Applicants will secure a long-term lease for an adequately sized off-site parking lot. They must provide one (1) parking stall for every three (3) attendees. They will run a shuttle bus between the Serbian Home and the off-site parking lot for any event that has more than 70 attendees.
- Alcohol will not be sold to the general public although some licensed event caterers may serve alcohol to guests at private events.

The Code states that a Conditional Use Permit should only be recommended for approval if the Planning Commission has made the following determinations:

1. That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.

2. If the application is based on the conditional use provision in this chapter that the issuance conforms to the general characteristics of the district of which it will become a part.

3. That the conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district or districts affected.

4. That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.

5. That adequate measures have been or will be taken to provide ingress and egress in such a manner as to minimize traffic congestion and hazards in the public streets.

6. In residential districts, certain uses may not be considered appropriate within the interior of residential neighborhoods because of noise, traffic, or other conditions that would tend to adversely affect the residential character of the neighborhood and possibly reduce property values. These may be considered appropriate only on the periphery of residential neighborhoods or under such conditions as
the city council may deem proper. The uses may represent "buffer" uses for those areas lying between residential dwellings and nonresidential uses.

Staff believes that the proposed conditional use meets the criteria, especially since the Zoning Code explicitly states that historic buildings in residential zoning districts should be able to be used as reception halls with a Conditional Use Permit.

IN DEPTH ANALYSIS OF THE PARKING PROPOSAL

Parking Requirement

The City’s Zoning Code requires that “places of assembly” (which includes reception halls) provide one (1) off street parking stall per three (3) seats. Per the Applicant, the Serbian Home is large enough to fit 250 seated event attendees which would ‘require’ eighty four (84) parking stalls.

The Code states that parking can be provided either on-site or at an off-site location that is approved by the City Engineer/Zoning Administrator:

ARTICLE VII. - OFF-STREET PARKING AND LOADING

Sec. 118-352. - General provisions.
(f) Control of off-street parking facilities. When required, accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, they shall be in the same ownership or control, either by deed or longterm lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the city engineer requiring the owner and the heirs and assigns thereof to maintain the required number of off-street parking spaces during the existence of said principal use.

Serbian Home Parking Status

As previously stated, the Serbian Home does not currently have any type of off-street parking. When it was originally built in 1924 to be a community center and reception hall, the City did not have a zoning code or any type of minimum parking requirements. Car ownership in 1924 was quite limited. Many of the community’s older churches, schools, and businesses either do not have dedicated off-street parking or have an amount of dedicated off-street parking that is less than what the City Code says would be needed for a new construction building.

Most of the streets surrounding the Serbian Home have parking on either one or both sides of the street. There is on-street parking on 3rd Avenue South but it is only on one side of the street in this area. The on-street parking is located on the east side of the street and the Serbian Home is located on the west side of the street.

The Serbian Home is located on an 80’ x 125’ “double lot” parcel and the building takes up almost the entirety of the parcel. The Applicant owns an additional 80’ x 125’ “double lot” parcel to the west of the Serbian Home, located across an alley. This parcel currently has a single-family home on half of it and half of the parcel is vacant. The Applicant has indicated that he hopes to eventually split the double lot across the alley and build a 12-13 stall parking lot on the vacant portion which can be used by elderly event attendees and others who need to park close to the reception hall. This is tentatively considered a “future phase” and would take place after the reception hall has been operating for a couple of years and has demonstrated
success and profitability. Splitting this lot and building a parking lot there would possibly require variances due to how small and constrained the site is.

**Off-Site Parking Proposal Versus Demolishing Nearby Homes to Build Parking Lot**

The Applicant has noted that it would not be possible to provide the required parking on-site without acquiring several nearby houses and tearing them down to build a parking lot. In addition to the cost burden, this approach would be logistically challenging as adjacent property owners may not be interested in selling at the same time. Additionally, most of the homes on the block are on 40-foot wide lots so each acquisition/demolition adds only a small amount of land for parking lot construction. The demolition of houses would have a negative effect on the aesthetics of the neighborhood which is currently fully built out with well-maintained older homes and has an attractive streetscape.

Instead of building parking on-site, the Applicant is proposing to secure off-site parking through a long-term lease. The Applicant is proposing to operate a shuttle service between the off-site parking lot and the Serbian Home for all large events, meaning any event that will have more than 70 attendees. For smaller events, those with less than 70 guests, the shuttle service will not be operated and attendees will need to secure their own parking which may mean parking on the street. The Applicant has identified several potential partners for an off-site parking agreement and will be moving forward with securing a lease if the Conditional Use Permit is approved. Most likely, the Applicant will lease the parking lot of a business that has different peak hours of operation than the Serbian Home.

**Comprehensive Plan Guidance**

The 2040 Comprehensive Plan contains policy guidance in support of this project and the Applicant’s parking proposal:

1. Page 4-94 in the Land Use Chapter specifically calls for the preservation of historic buildings and mentions the Serbian Home by name. This same page (and Policy 4.30.6) acknowledges the importance of preserving existing buildings throughout the community and pursuing demolition of buildings only as a last resort. This anti-demolition policy would apply not only to the Serbian Home but also to the nearby single-family homes that would need to be demolished in order to build a surface parking lot.

2. Goal 4.3 states that the City will “Maintain and improve the mix of residential, commercial, employment, parks and civic land uses throughout the community to promote a balanced tax base and to anticipate long-term economic and social changes.” Every single-family home that is demolished results in $200,000-$300,000 being removed from the City’s tax base with the loss of roughly $3,000-$4,000 in annual property taxes. Surface parking lots have no significant taxable value and add almost nothing to the City’s tax base. Requiring the Applicant to demolish four (4) houses and convert them to an on-site surface parking lot would result in at least a $12,000 annual loss to the City, County, and School District in property taxes. It would also mean roughly 10 fewer residents would live in the community and support local businesses (based on an average household size of 2.35 people). It would mean that the overall project would have a negative financial impact on the City.
Discussion

Businesses generally want to provide on-site parking if they can because it is what their customers prefer. It is very difficult, if not impossible, to meet municipal parking requirements using on-site parking when one is dealing with an existing building that does not have any vacant land near it. Older cities such as South St. Paul routinely grant parking variances in neighborhoods where there is on-street parking to allow their older buildings to remain viable.

Out of respect for the neighborhood and a desire not to create parking problems, the Applicant is proposing off-site parking as a solution instead of requesting a parking variance. Staff believes that this is the best “way forward” if the City’s goal is to support the long-term preservation of the Serbian Home. Staff would also note that, in modern times, many guests of weddings and other similar events choose to use Lyft, Uber, or some other ridesharing service in order to reach the event venue. Guests utilizing rideshare services will not need parking.

COMMENTS FROM OTHER DEPARTMENTS

Building Department/Fire Department

- This building has not had a formal evaluation of its occupancy load in modern times. It was built in 1924, a time before fire codes were in effect.

- The Building may or may not be able to safely support gatherings of 250 attendees.

- The Conditional Use Permit should contain a condition that the Applicant must have a licensed engineer or other qualified and licensed professional determine what the occupancy load is for the building. The total number of event attendees should be capped at that number.

Staff Recommendation

Staff recommends approval of the Conditional Use Permit, subject to at least the following conditions:

1. All previously issued Conditional Use Permits at the subject property, including Resolution #96-169, are hereby extinguished.

2. The Applicant must have a licensed engineer or other qualified and licensed professional determine what the occupancy load is for the building.

3. Subject to the approval of the Building Official following review of the licensed design professional’s report, the Serbian Home shall be permitted to have events with up to 250 attendees, not including event staff.

4. The Applicant shall be required to provide an off-site parking facility which, per the City Code, must be approved by the City Engineer/Zoning Administrator. Per the Code, the Applicant must provide the City with evidence of a long-term lease. This Conditional Use Permit itself will satisfy the Code’s requirement that a recordable document be filed for the property which binds the owner and their heirs/assigns to continue to maintain the required parking throughout the existence of the principal use.
5. The off-site parking facility or facilities must be adequately sized to satisfy the City’s minimum parking requirements for reception halls. Currently, the requirement is that a reception hall must provide at least one (1) parking stall for every three (3) seated event attendees. The off-site parking facility or facilities must provide at least 84 parking stalls in order for events of 250 attendees to be held. The Zoning Administrator will cap events at a number below 250 attendees (based on parking requirements) if insufficient parking has been secured. No events larger than 70 attendees may be held until the Zoning Administrator has received evidence of a long-term lease for off-site parking.

6. The Applicant shall be required to operate a shuttle service between the off-site parking facility and the Serbian Home for any event that has more than 70 attendees, excluding event staff. The Applicant shall require, as part of their rental contract for each event, that guests utilize the off-site parking facilities and shuttle service for any event larger than 70 attendees.

7. The hours of operation shall be 9 AM to 9 PM Monday through Thursday and 9 AM to 10 PM Friday through Sunday.

8. This Conditional Use Permit is contingent upon the Serbian Home remaining listed on the National Register of Historic Places. The holder of this Conditional Use Permit is responsible for ensuring that the designation is maintained.

9. All events must adhere to the South St. Paul noise ordinance and all other relevant City Codes.

10. An increase in the number of permitted event attendees or any expansion of the hours of operation shall require an amendment to this Conditional Use Permit.

11. The facility shall not include any type of public bar and there shall be no serving of alcohol to the general public. Private events may include alcohol, served only to guests of the event, provided that the alcohol is served by a licensed caterer.

12. Per City Code, the City Council may revoke this Conditional Use Permit, following a public hearing, if any of the above conditions have been violated.

Staff would note that the Planning Commission does have the option to recommend approval but with tighter restrictions that what the Applicant is requesting. The Planning Commission could recommend:

- Different hours of operation. *It may be appropriate to restrict Sunday hours to 9 AM to 9 PM.*
- A different maximum event size. *This would require consultation with the Applicant as the financial viability of the project likely depends on the ability to host events of a certain size.*
- A different event size that triggers the requirement for operating the shuttle other than 70 attendees
- The Conditional Use Permit could cap the number of large events at some specific number each month and/or the Conditional Use Permit could require the Applicant to let the City know the dates of large events in advance.
- The CUP could prohibit any parking on the street for large events except for cars that are dropping off guests or equipment. *The City Attorney has pointed out that an on-street parking restriction would be difficult/impossible to enforce unless it were absolute and stated that no on-street parking was allowed during large events.*
Required Action

The Planning Commission has the following actions available on the proposed application:

A. **Approval.** If the Planning Commission wishes to recommend approval of the Conditional Use Permit, the following action should be taken:

   • Motion to recommend approval of the Conditional Use Permit to allow the Serbian Home to be used as a reception hall, subject to the Conditions laid out in the Staff report.

B. **Denial.** If the Planning Commission wishes to recommend denial of the proposed Conditional Use Permit, the following action should be taken:

   • Motion to recommend denial of the Conditional Use Permit for the Serbian Home.

If the recommendation is denial, the Planning Commission should adopt a finding that the Applicant’s proposal fails to meet the Code’s requirements for Conditional Use Permits.

**ATTACHMENTS**

A. Site Location Map
B. Aerial Photograph
C. Tax Assessor Sketch of Building Dimensions
D. Pictures of Building
E. Applicant’s Narrative
F. Public Comments Received Prior to Meeting
ATTACHMENT B
AERIAL PHOTOGRAPH

Double-Lot Under Same Ownership as Serbian Home

Serbian Home
Card 1

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Disclaimer: This information is believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey or for zoning verification.
ATTACHMENT E
APPLICANTS' NARRATIVE

July 6, 2020

Conditional Use Permit Application for Serbian Hall, LLC

Description

Serbian Home (aka the Serbian Hall) is located on 404 3rd Ave South in South Saint Paul. It was built by immigrants in 1924 and it has been on the National Historic Registry since 1992. The building will be used as a community center serving the local community and a reception hall booked for celebratory events. As a community center, the space will be used for small community gatherings, fundraising, business meetings, trainings or classes. These types of events might have food and snacks but no alcoholic beverages. As a reception hall, the space will be used for weddings, celebrations of life, birthdays, cultural celebrations, graduations and similar events. Food and drinks will be provided by a licensed vendor who will need to meet all South Saint Paul licensing requirements including a license to serve alcoholic beverages. Although this building has a large occupancy capacity, only a small number of events per year will be hosted at or near capacity, with a maximum capacity of 250 guests. We anticipate to have less than twelve large events per year.

Staffing pattern/ Safety and Security

Serbian Hall LLC will have a full-time event coordinator, a local catering company for smaller events - The Coop, and a list of established wedding catering companies to choose from for larger events. All organizers of large events will be required, as part of our contract, to hire security guards to ensure the safety and security during the event preferably off duty local police officers. A professional cleaning company will be contracted to maintain the condition in and around the property.

Space usage

The identified space dedicated for this usage are both floors of the building, including three bathrooms and a stage. The kitchen is not to be used as a food cooking area but only as a food prep, storing and serving area.

Parking

The Serbian Hall building had been used as a reception hall for decades in this location and previous patrons have used street parking. We feel that it is in the best interest of the neighborhood to use street parking for smaller events, up to 70 patrons, and then we will require that all events larger than 70 guests will park off-site in a parking lot that the Serbian Hall has a contract with to supply this service.

The Serbian Hall will not allow any events greater than 70 guests in the Hall until Serbian Hall, LLC have submitted contracts with local businesses for parking to the City and the City has approved the contracts. The private parking and shuttle service that will be mandatory for groups over 70 attendees and will require that the rented lot has at least one parking spot for every three attendees. The Serbian Hall will be responsible for providing its clients with approved off-site parking when the number of guests requires it and will set up long term leases with off-street parking providers.

Operation hours

Monday through Thursday 9am – 9pm

Friday through Sunday 9am -10pm
Comment received over the phone on July 28, 2020

Krista Medina  
432 3rd Avenue South  

My concern is parking. We have a hard time parking in this neighborhood as it is. I have concerns that people will not park off-site and use the shuttle. They will just drive in and still park on the street.

Comment left for Staff via Voicemail on July 28, 2020 (paraphrased)

Christine Joa  
428 3rd Avenue South  

We are 6 houses down from Serbian Home. I have talked to our neighbors about this and I feel that the proposal will jeopardize our families. There are already parking issues in the neighborhood because of houses that do not have off-street parking. For example, we live near a duplex that has 4 adults living there and they all park on the street because they do not have off-street parking since their landlord will not let them use the garage. I do not agree with the City Code’s parking requirement stating that each car will carry an average of 3 event guests. I do not think that guests will consistently use the off-site parking lot and shuttle service. I think event guests will just do what they want.

We do not like the proposed hours. Are people actually going to leave right at 9 PM on weekdays or 10 PM on weekends? Are people going to mill around and make noise outside the Serbian Home after that? There are many working individuals in this neighborhood whose quality of life will go down because of the noise.

I do not think there is a way to control the caliber of people that use the Serbian Home for events. Some will be well-behaved but I do not think there is a way to prevent what some people call “riff-raff” from causing trouble and noise. I am 100% against this and will be furious if it goes through. We have no parking. The people that live here pay our mortgages and pay our rent and we have no parking. This is ridiculous and not okay. I am not happy about it whatsoever.

Comment Sent Via Email on August 2, 2020

To the Planning Commission:

Our home is located close to the project site for a private reception hall, and we do not agree with the intended use of the property. One of the stipulations is that the owner rent a parking lot and provide shuttle service for events with more than 70 attendees, with the assumption that people will carpool if there are less than that number. Many people are not going to follow this request, and even the minimum 23 extra cars in the neighborhood will be a
burden. Already, residents park in areas in the alleyway that make it extremely difficult to enter/leave our garage due to the lack of parking space, and this will increase that. On 4th Ave alone, there might be space for 5 extra vehicles, and the surrounding areas are overcrowded at the present time. For events that have larger crowds, the shuttle service may be offered, but will most likely not be used by most, potentially taking over most of the parking in the immediate area. Unless the owner plans to hire people in order to make sure attendees adhere to the parking requirements, there is no way to ensure the parking request will be honored.

Another concern is who will be monitoring to make sure that all events end by the appropriate time, and whether the end time means that all guests should be gone, or whether the event holders will need to be finished with cleanup by that time. If 10pm is simply the event end time, the renters will then need to clean and clear the hall of rented equipment, loading up chairs, tables, etc. until late in the night. Will the owner be required to provide security in case things get out of hand, or will it be up to the neighborhood to contact police? Will we also be responsible for contacting police when the parking situation gets out of hand? We’ve already seen an increase in police responding to calls in the neighborhood over the past few years, and know our officers have much better things to do than drive out to tell someone to move their vehicle.

We do want to mention that we are glad the space has been well-maintained and refurbished, but the original proposal of the owner to provide condominium living is far superior to creating an event space in our neighborhood, as it’s simply not feasible to expect the attendees to follow guidelines without strict enforcement, which will increase the cost to the owner and the renters.

Thank you for listening to our concerns.

Brian and Jessica Wencel
413 4th Avenue S
South St Paul, MN 55075

Comment Sent Via Email August 2, 2020

I have owned/lived at 353 – 3rd Ave S since 1984 (36 years). Parking has been an issue for many years on the 300 block of 3rd Ave S because of parking only being permitted on the east side (odd number addresses). There have been many times (often daily) that there was no room to park on 3rd Ave S and the homeowners had to park on 4th Street or elsewhere because they couldn’t park on their own street.

Therefore, I have several issues regarding the Serbian Halls proposal:

1) Parking is already a terrible problem; there is no room for additional parking:
   a) where would mail truck park to deliver mail
   b) workers coming such as plumbers, electricians etc. to the homeowner’s address
   c) fire, police or medical departments who won’t be able to access the odd number addresses due to more vehicles parked (snow piles)
   d) family gatherings such as Christmas, Thanksgiving
   e) people coming home from work to find no place to park
f) snowplowing or street cleaning

2) Who will monitor the people attending:
   a) outdoor smokers
   b) attendees hanging outside and coming onto homeowner’s property to hang out
   c) urinating
   d) dumping trash on homeowner’s property

The PNA Club and the Croatian Hall have been able to do gatherings but they also have parking on both sides of the street, the Serbian Hall does not. The Serbian Hall is located at an intersection and any children playing outside and running in the streets are subject to getting hurt. This is a bad intersection. Where do the smaller groups plan to park (the attendees under 70 people) on a daily basis per the Serbian Halls request? There is no room on 3rd Ave S for more cars to park.

Judy Meyers
353 3rd Avenue South
AGENDA ITEM: First Reading – Ordinance Amendment Establishing A New Solar Energy Ordinance

ACTION TO BE CONSIDERED:

Introduce an ordinance to amend Section 118-238 to establish a new solar energy ordinance.

OVERVIEW:

Staff is bringing forward an update of the City’s standards for solar energy systems in accordance with the City’s draft 2040 Comprehensive Plan. This proposed amendment to Section 118-265 encourages the use of solar energy systems by removing barriers for residents and businesses that are interested in investing in alternative energy systems and setting clear standards for the construction of such systems.

SUMMARY OF DRAFT ORDINANCE:

The proposed ordinance would do the following:

- Abolish the requirement for a Conditional Use Permit for any active solar energy system.
- Classify Solar Energy Systems as a permitted accessory use in all zoning districts.
- Create performance standards for solar energy systems
  - Roof-mounted solar is allowed on any roof.
  - Roof-mounted solar energy systems shall generally not exceed the maximum building height. Roof-mounted solar energy systems in residential districts are limited to extending 3 feet off the roof surface. Roof mounted solar energy systems in industrial districts may be no taller than ten (10) feet above the maximum building height.
  - Roof-mounted solar does not need to “color match” or complement the roof of the building that it is on.
  - Roof-mounted solar must be angled in such a way that the panels do not reflect light into neighbors’ windows. Screening may be required to address glare issues.
  - Ground-mounted systems cannot exceed 15 feet in height.
- Ground-mounted systems on residential properties cannot exceed 200 square feet without first obtaining a Conditional Use Permit.
- Ground-mounted systems on residential properties do not count towards the 30% limit on “lot coverage” and are exempted (as swimming pools and decks already are).
- Ground mounted systems are restricted to rear yards for residential properties. Ground mounted systems are allowed in the rear and side yards of commercial or industrial properties.
- Ground-mounted systems in commercial and industrial areas cannot exceed 25% coverage of the lot.
- Ground-mounted solar energy systems would not count as one of the two accessory structures allowed on single-family lots.

- Amend the definition of “lot coverage” to reflect that ground-mounted solar energy systems are not considered a building and are exempt similar to pool and decks.

**STAFF AND PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission held a public hearing for the ordinance amendment at the July 8th Planning Commission Meeting. No correspondence had been received on the item nor was anyone from the general public present to speak on the item. The Planning Commission was in favor of the ordinance language for roof-mounted solar energy systems but shared concerns about ground mounted solar energy systems in residential districts. The Planning Commission tabled the item until the August 5th Planning Commission meeting and requested that Staff bring case study examples of ground mounted solar energy systems in the surrounding communities to the August 5th meeting.

At the August 5th Planning Commission meeting, Staff presented general information about ground mounted solar energy systems as well as case study information about ground mounted solar energy systems in the surrounding communities. Case study examples from Eagan, Burnsville, Inver Grove Heights, West St. Paul, and Mendota Height were shared with the Planning Commission. The case studies showed that ground mounted solar energy systems are rare by comparison to roof mounted solar energy systems and that ground mounted solar energy systems are typically only seen on lots larger than one acre. After reviewing the case study material, the Planning Commission voted to recommend approval of the proposed solar ordinance amendment as presented (4-0).

Staff and the Planning Commission recommend approval of the proposed ordinance amendment.
City of South St. Paul  
Dakota County, Minnesota  
Ordinance No. ____

AN ORDINANCE AMENDING ESTABLISHING A NEW SOLAR ENERGY ORDINANCE

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Section 118-265 is hereby amended as follows:

Section. 118-265. - Solar energy protection. Alternative Energy Systems
Access to sunlight for active and passive solar systems (for the heating and cooling of buildings) shall be protected in accordance with the applicable state statutes and regulations. All active solar systems proposed shall require a conditional use permit.

(a) Definitions.

*Alternative Energy System* means a ground source heat pump, wind or solar energy system.

*Building Integrated Solar Energy System* means a solar energy system where photovoltaic materials are used in place of traditional building materials.

*Ground Mounted Solar Energy System* means a solar energy system that is a freestanding system erected directly on the ground using a rack or pole structure.

*Roof Mounted Solar Energy System* means a solar system mounted directly to or abutting the roof of a building.

*Solar Energy* means radiant energy received from the sun to be collected in the form of heat or light by a solar collector.

*Solar Energy System* means a device or structural design feature of which the primary purpose is to provide for interior lighting or provide for the collection, storage and distribution of energy for space heating or cooling, electricity (generation), or water heating.

*Solar Energy System, active* means a solar energy system of which the primary purpose is to harvest energy by transferring collected solar energy into another form of energy or transferring heat from a solar collector to another medium using mechanical, electrical, or chemical means.

*Solar Energy System, passive* means a solar energy system that utilizes building components such as walls, floors, roof, windows, exterior building elements and landscaping that captures solar light or heat generated by the sun without transforming it to another form of solar energy or the use of mechanical and electrical equipment to enhance the conversion of solar energy to heat and electric power.

(b) Purpose. It is a goal of the city to provide a sustainable quality of life for the city’s residents, making careful and effective use of available natural, human, and economic resources and ensuring that
resources exist to maintain and enhance the quality of life for future residents. Purposes of this division include:

1. To promote rather than restrict development of alternative energy sources by removing regulatory barriers and creating a clear regulatory path for approving alternative energy systems
2. To create a livable community where development incorporates sustainable design elements, resources and energy conservation and the use of renewable energy.
3. To protect and enhance air quality, limit the effect of climate change and decrease the use of fossil fuels
4. To encourage alternative energy development in locations where the technology is viable and the negative environmental, economic, and social impacts can be mitigated.

(c) Solar Energy Systems

1. Zoning Districts. Solar energy systems shall be a permitted accessory use in any zoning district, subject to the regulations of this ordinance.

2. Permits Required. No active solar energy systems shall be erected, altered, improved, reconstructed, or moved without first obtaining a building and electrical permit. All solar energy systems must comply with this ordinance.

3. Exemptions. The following solar energy systems shall be exempt from the requirements of this section and shall be regulated as any other building element requiring a building permit:
   i. Passive solar energy systems.
   ii. Building integrated solar energy systems.

4. Roof-Mounted Solar Systems. Roof-mounted Solar Energy Systems are allowed subject to the following conditions:
   i. Height. Roof-mounted solar energy systems shall be subject to the maximum height requirements for each zoning district unless otherwise provided for in this ordinance. A roof-mounted solar energy system located in an industrial zoning district may extend up to (10) feet above the maximum building height. A roof-mounted solar energy system in a residential zoning district which is installed on a residential structure shall be permitted to extend up to three (3) feet above the roof surface, regardless of the height of the structure. For solar energy systems in residential zoning districts, no part of any solar panel may extend more than three (3) feet above the roof surface on which it is mounted.
   ii. Aesthetics. The color of the solar collector is not required to be consistent with other roofing materials. Reflection angles from collector surfaces shall be oriented away from neighboring windows. Where deemed necessary by City Staff, screening may be required to address glare onto neighboring properties.

5. Ground Mounted Solar Energy Systems. Ground Mounted Solar Energy Systems are allowed subject to the following conditions:
i. **Height.** The maximum height of the solar energy system shall not exceed fifteen (15) feet from the average natural grade at the base of the system.

ii. **Impervious Surface.** Ground mounted solar energy systems are not considered an impervious surface so long as the surface underneath the system is permeable.

iii. **Location.** Ground mounted solar energy systems shall be limited to rear yards in residential districts. Ground mounted solar energy systems shall be limited to rear and side yards in commercial and industrial districts except through a conditional use permit.

iv. **Maximum Area:**
   i. **Residential Districts:** Each residential property may have one (1) ground mounted solar energy system. This system shall not count towards the maximum number of accessory structures allowed on the property. Ground mounted solar energy systems larger than 200 square feet shall require a conditional use permit.
   
   ii. **Commercial and Industrial Districts:** The solar energy system shall not cover more than twenty-five (25) percent of the subject property except through a conditional use permit.

v. **Setbacks.** A ground mounted solar system shall be subject to the setback requirements for accessory structures as found in Section 118-208. Additional setbacks are required in the following environmentally sensitive areas:
   i. **Bluff Impact Zones.** No ground mounted solar energy system may be placed within 40 feet of an established bluff line per Section 118-167.
   
   ii. **Mississippi River Corridor Critical Area.** No ground mounted solar energy system shall be within 100 feet of the high-water mark of the river per Section 118-167 of this code.
   
   iii. **Wetlands.** No ground mounted solar energy system shall be placed within 30 feet from the delineated edge of any wetland per Section 110-78 of the City Code.

6. **Easements.** Solar energy systems shall not encroach upon any public drainage, utility, roadway or trail easements.

7. **Abandonment.** Any solar energy system which remains nonfunctional or inoperable for a continuous period of twelve (12) months shall be deemed to be abandoned and shall be deemed a public nuisance. The owners shall remove the abandoned system, including the entire structure and transmission equipment, at their expense after obtaining a demolition permit.
SECTION 2. AMENDMENT. South St. Paul City Code Section 118-8 is hereby amended as follows:

Lot coverage means the percentage of lot area occupied by buildings and accessory buildings; concrete patios or decks not covered with a roof, and ground mounted solar energy systems, and swimming pools shall not be considered as buildings for the purpose of this definition.

SECTION 3. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance creates definitions and performance standards for solar energy systems.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _________________________

Published: _________________________

____________________________________
Christy Wilcox, City Clerk
A motion recommending approval or denial of the proposed zoning ordinance amendment establishing a new solar energy ordinance.

BACKGROUND/ DISCUSSION

Application

The Applicant, the City of South St. Paul, is requesting the following:

1. An ordinance amending Section 118-265 to include definitions, performance standards, and a new use category for alternative energy systems, specifically solar energy systems.

Review Timeline

*Per City Code, all ordinances must be reviewed by the City Council at two (2) separate meetings before adoption.*

City Council Work Session Discussion: June 22, 2020  
Planning Commission: July 8, 2020 – tabled at meeting  
Planning Commission: August 5, 2020  
Tentative City Council Meeting for First Reading of Ordinance: August 17, 2020  
Tentative City Council Meeting for Second Reading of Ordinance: September 8, 2020

Background

At the July 8th Planning Commission meeting, Staff brought forward a proposed zoning ordinance amendment that would establish a new solar energy ordinance. At the meeting, the commissioners shared their concerns about ground-mounted solar energy systems in residential areas. The Planning Commission requested that staff conduct a case study of ground-mounted solar energy systems in
adjacent cities. This information was to be reported to the Planning Commission at the August 5th meeting.

Per the Planning Commission’s direction, staff conducted additional research regarding the safety, practicality, and typical conditions for ground mounted solar energy systems. Based on this research, staff have included answers to common questions about ground mounted solar energy systems as well as answers to questions that were not answered at the July 8th Planning Commission meeting. Staff reached out to a number of neighboring communities including West St. Paul, Inver Grove Heights, Eagan, Burnsville, and Mendota Heights for “case study” information about ground mounted solar energy systems in each community. This information can be found after the two “answers” sections.

**Answers to Common Questions about Ground Mounted Solar Energy Systems**

- **How common are residential ground mounted solar energy systems?**

  Not common. The most common residential solar energy system is a roof-mounted solar energy system. Roof-mounted solar energy systems are appropriate and preferred for the vast majority of urban, residential properties. Roof-mounted solar energy systems are best suited for properties where the roof faces south or west (most properties in South St. Paul have a roof that faces south or west).

- **What situations are ground mounted solar energy systems best suited for?**

  For properties where the roof is shaded for most of the day or if the roofing material is not ideal for a solar energy systems (such as slate), ground mounted solar energy systems can be an attractive alternative. Ground mounted solar energy systems are best suited for larger lots (greater than an acre) that would not experience obstruction from trees or other shading structures and would not cause the owner to experience a large loss of space as a result of installing a ground mounted solar energy system.

- **Is there a cost difference between ground mounted and roof mounted solar energy systems?**

  Yes. Ground mounted solar energy system are typically more expensive than roof-mounted solar energy systems given the extra steps required to install ground mounted solar energy systems.

- **How much space is required for a ground mounted solar energy system?**

  The amount of space a solar energy system takes up depends on the amount of energy being produced and the size and suitability of where the solar energy system will be installed. Keep in mind that most solar energy systems are intended to reduce the amount of energy used that is produced by a local utility company.

  It is estimated that the average consumer uses 920 kilowatt-hours of energy a month to power their home. A kilowatt-hour (kWh) is the amount of energy needed to keep a 1,000 watt (1kW) appliance running for an hour. A 100 watt bulb would need to be used for 10 hours to use 1 kilowatt-hour of energy.

  The average solar energy system produces around 5 kW of energy. A system of this size would require around 400 square feet of space. A 5kW system would produce between 350-850 kilowatt
hours per month (assuming the panel received at least 5 hours of sun a day). Most of the roof-mounted solar energy systems in South St. Paul are designs to produce between 2 kW and 8 kW.

Staff anticipate that any ground mounted solar energy system in a residential district will require a conditional use permit because the square footage of the solar energy system will be greater than the maximum allowable size of an accessory structure.

• Are ground mounted solar energy systems safe?

Yes. Ground-mounted solar energy systems do not pose an inherent risk. Ground mounted solar energy systems located in a residential district pose no greater risk to an individual’s safety than a lawnmower or a deck or any other common object one may find in a back yard that could potentially be dangerous to an unsupervised child.

• How much glare does a ground mounted solar energy system create?

Solar energy systems are designed to reflect only 2 percent of incoming light, so issues with glare from PV panels are rare. Most solar panels are designed with anti-reflective glass fronts to capture and retain as much of the sun’s rays as possible. This anti-reflective glass is less reflective than typical window glass or water.

**Staff Response to Questions from the July 8th Planning Commission Meeting**

• What liability does the City have regarding public safety in the case of a ground mounted solar energy system?

Staff would like to reiterate the ground mounted solar energy system are safe and are not inherently dangerous. The City is not liable for the actions taken by a resident on private property related to a ground mounted solar energy system. Similarly, the city is not liable if a child touches a hot asphalt driveway or if a resident injures themselves in their yard. All other liability related to a ground mounted solar energy systems belongs to the property owner.

• What are South St. Paul’s setbacks for accessory structures and how do these align with the setbacks of the surrounding communities?

In South St. Paul, an accessory structure located in a residential district must be located at least five feet from the side lot line of the structure is in the front two-third of a lot and three feet from the side lot if the structure is in the rear one-third of the lot. Accessory buildings must be located at least nine feet from the street side property line of a corner lot. All accessory structures that are not garages shall be setback at least three feet from the rear property line.

Eagan and Maple Grove require detached accessory structures in residential districts to be 5 feet from the side property line and 5 feet from the rear property line. The City of Inver Grove Heights requires accessory structures to be 5 feet from any side property line and 8 feet from any rear property line if the property located in a one-family or two-family residential district.
• How likely it is that a resident will request a ground mounted solar energy system on a 4,800 square foot lot?

Staff do not anticipate seeing this scenario very often (if ever). To date, the City of South St. Paul has only seen one ground mounted solar energy system proposal. This ground mounted solar energy system was on a three acre lot. Based on the case study examples from the surrounding communities, there are no ground mounted solar energy systems on lots less than an acre. Staff understand this to be for a number of reasons. 1) Roof-mounted solar energy systems work for the majority of properties. 2) Ground-mounted solar energy systems require an unobstructed yard for the panels to produce electricity efficiently. Shading from trees, homes, slopes, etc create obstacles that would prevent a solar energy system from efficiently producing energy. Smaller lots rarely offer a suitable location for ground mounted solar energy systems to produce energy unobstructed. 3) An adequately sized ground mounted solar energy system will likely be larger than the allowable size of an accessory structure and will require a conditional use permit. Few homeowners will opt for a solar energy system that requires additional time, money, and City approval when the homeowner can get a roof mounted panels installed without additional fuss. 4) Many property owners are not willing to use their limited yard space for a solar energy system that will leave part of their yard unusable.

• Could the proposed ordinance allow the Planning Commission and the City Council the opportunity to review applications for ground mounted solar energy systems?

The proposed ordinance essentially does. Staff anticipates that all proposed ground mounted solar energy systems in residential districts will require a conditional use permit due to the average size of a solar energy system that would be required to produce a desirable amount of energy. The proposed ordinance requires a conditional use permit for any ground mounted solar energy system that is 200 square feet or greater in area. It is estimated that a 5kw solar energy systems would take up 400 square feet of space. This array would trigger a conditional use permit requirement. Staff do not anticipate solar systems smaller than this based on case studies and discussion with a professional in the solar industry.

Ground Mounted Solar Energy Systems Case Study

South St. Paul

Staff conducted a thorough investigation of the solar energy systems in town and the size of each system. As of 2014, there are at least 22 known solar energy systems within the City limits. 21 of these systems are roof-mounted solar energy systems while the other system is a ground mounted solar energy system.

The City’s lone ground mounted solar energy system is a 6 kW array located on a 3.57 acre lot. The property owner worked for a local solar energy company and decided to invest in an array for his property. The owner’s roof was not suitable for a roof-mounted solar array so the owner proposed a ground mounted solar energy system as an alternative.

The proposed system was 38 feet in width and 9 feet in height. The project triggered the need for a conditional use permit because the proposed 342 square foot solar energy system exceeded the allowable size of 200 square feet for an accessory structure without a conditional use permit. The solar energy system was located partially in wetland because the location was the least obstructed by trees or other shade providing structures. The location was 30 feet from all property lines. The solar system would not be permitted in its current location under the proposed ordinance.
amendment because the solar array is located in a wetland. Staff have not received complaints about the solar energy system.

**West St. Paul**

West St. Paul staff reported that the City has no code requirements or language on solar energy systems. Staff did not report any ground mounted solar energy systems within the City.

**Mendota Heights**

Mendota Heights’ staff shared that the only residential, ground mounted solar energy system in Mendota Heights is the City’s solar garden, which located outside of City Hall. The City Hall facilities (administration, police department, and parking lot) all lie within two parcels with a total combined acreage of 17.4 acres. The majority of this acreage consists of nearby wetlands and road right-of-ways which results in a net area of 5.94 acres for the City to use. This property is zoned for One Family Residential Use.

Mendota Heights’ code requires ground mounted solar energy systems to be limited in area, location, and size to meet the maximum requirements allowed for accessory structures. The City requested a variance to create a system over the maximum allowable size for an accessory structure in a residential district. In Mendota Heights, accessory structures cannot exceed 1,000 square feet. The proposed 60 kW solar energy system required approximately 4,108 sq. ft. While the City allows ground mounted solar energy systems to be up to 15 feet in height, the ground mounted system was only 9 feet in height. Antiglare technology was used on the panels to minimize glare. Staff have receive no complaints about the solar garden.

**Eagan**

Staff from the City of Eagan reported a few ground mounted solar energy systems in town. Most were installed prior to the City having performance standards for solar energy systems. No new ground mounted solar energy system have been installed since the City created performance standards for solar energy systems in 2018.

The City has received one complaint over a ground mounted solar energy system. In 2017, a resident installed a 13 kW ground mounted solar energy system on a 1.8 acre lot after receiving a variance approval and the proper permitting for the installation of a ground mounted solar energy system. The entire array occupied 750 square feet and was 10.5 feet in height. Clear regulations governing solar energy systems were not in place at the time so the City regulated the system using the performance standards for an accessory structure. The variance allowed the resident to place the solar energy system in their front yard which is what triggered the complaint. In Eagan, accessory structures are normally only allowed in the side or rear yard of a residential properties. The subject property is situation in such a way that approximately half of the property is considered to be the front yard (about 200 feet). The front yard of the property was deemed to be adequately screened from the highway and neighboring properties.

Shortly after the variance approval, the City received an email from the resident notifying staff of the intent to change the location of the structure. Staff informed the resident that the newly proposed location would not affect the zoning permit approval because the structure remained in compliance with the location, setback, and height restrictions for an accessory structure.
A month after the solar energy system was installed, a resident from a neighboring property appealed the City’s decision to grant the variance. The appellant argued that the panel was inconsistent with the requirements for an accessory building and argued that screening requirements for satellite systems, communications towers and wind turbines should be applicable to solar installation. The Eagan City Council denied the appeal on the grounds that the zoning permit and placement of the solar energy system were in harmony with the provisions of the City Code and that a lack of screening is not an adequate reason to deny a permitted use.

**Burnsville**

The City of Burnsville has no residential ground mounted solar panels even though they are permitted.

**Inver Grove Heights**

Staff from the City of Inver Grove Heights reported that there are 3 residential ground mounted solar energy systems in town. The ground mounted solar energy systems are located on lots that are 4.72, 4.93, and 6.3 acres in size. The systems are 565 square feet, 864 square feet, and 830 square feet, respectively. The systems are 9 feet, 11 feet, and 10 feet in height. Staff reported complaints when one of the three ground mounted solar energy system was installed in a front yard. The ground mounted solar energy system did comply with the required setbacks despite being located in the front yard of a property. This would be prohibited under South St. Paul’s proposed zoning ordinance.

**Staff Analysis**

Staff feel that the proposed performance standards for ground mounted solar energy systems are appropriate for regulating such systems in a residential district, especially given the low demand and feasibility for these systems in dense residential areas. The case studies that were presented support the notion that ground mounted solar energy systems are atypical on lots less than an acre. Given that all the presented examples of ground mounted solar energy systems are over 200 square feet in size, Staff find it is safe to anticipate that most ground mounted systems in residential districts would require a conditional use permit. This would afford the Planning Commission the ability to review any proposed ground-mounted solar energy system.

**Staff Recommendation**

Staff is recommending approval of the proposed ordinance but is asking for the Planning Commission to review the proposed performance standards and recommend modifications, additions, and removals as they see necessary.

**Action Needed**

**Recommended Action:** A motion recommending approval of the proposed solar ordinance, either as presented or with modifications.

**Alternative Action:** A motion recommending denial of the proposed solar ordinance.
**City of Bloomington**
- Solar panels are allowed in all commercial and residential districts.
- Solar panels require a building and electrical permit.
- Ground mounted solar panels over 15 feet in height are considered a “tower” and requires a Conditional Use Permit.
- Roof-mounted solar panels over 15 feet above roof height are considered a “tower” and requires a Conditional Use Permit.
- Solar panels do not count towards impervious surface cover.
- Ground mounted solar energy systems are subject to the lesser of either a 30 foot setback or the required setbacks for principal structures in the underlying zoning district.
- Ground mounted solar energy systems do not count towards impervious surface coverage as long as the surface under the panel is not impervious.
- Ground mounted solar panels do not count towards coverage limitations.

**City of Eagan**
- Roof and ground-mounted solar energy systems are accessory uses in all districts.
- Solar energy systems require a residential building permit and any other permits required by the state.
- Roof mounted solar systems must comply with height and setback regulations.
- Roof-mounted solar panels must be setback 1 foot from the edge of residential roofs and 10 feet from the edge of commercial, industrial or institutional structures.
- A ground-mounted solar energy system shall not exceed 12 feet in height; however, the height may be increased up to an additional 15 feet if the system structure is set back from any property line by an additional two feet for each one foot of height above 12 feet.
- Accessory structures must be at least 5 feet off the side yard property line and 5 feet off the rear yard property line.
- Solar panels do not need to be consistent with other roofing materials. Reflection angles from collector surfaces shall be oriented away from neighboring windows.
- A roof-mounted solar energy system shall not cover more than 80 percent of the south-facing roof surfaces or of an entire flat roof surface area. The surface area of ground-mount systems, together with all other structures, shall not exceed a maximum lot coverage of 30 percent for residential and 70 percent of commercial, industrial, and institutional zoning districts.
- When an attached garage is present, the total floor area of all detached accessory structures shall not exceed 576 square feet. When an attached garage is not present, the total floor area of detached accessory structures shall not exceed 800 square feet.

**City of Burnsville**
- Solar energy systems are a permitted accessory use in all residential, commercial, industrial and park zoning districts.
- Solar energy systems require a building and electrical permit.
- Performance standards are included for ground mounted solar systems, wall mounted solar systems, roof mounted solar systems, and pole mounted solar systems.
- Solar energy systems shall not be installed within the floodway, flood fringe, floodplain, shore impact zone, bluff impact zone, wetlands, wetland buffers, public waters, or stormwater ponds.
- Ground mounted solar energy systems are limited to 200 square feet and may only be located in a rear yard. Ground mounted systems may not exceed 15 feet in height.
- Ground mounted solar energy systems must follow accessory structure setbacks. These setbacks for residential districts are 5 feet for the side yard and 8 feet for the rear yard.
- Roof mounted solar energy systems must comply with setbacks and cannot extend further than the roof. Roof mounted solar systems cannot cover more than 80% of the total south facing roof.
- Variations to any of the standards can be done by Conditional Use Permit.

City of Maplewood
- Solar energy systems are a permitted accessory use in all districts.
- Solar energy systems require proper permitting.
- Ground mounted solar energy systems must meet the accessory structures setback for the zoning district in which it is installed. For the residential district, this setback is 5 feet from the side property line and 5 feet from the rear property line.
- Roof mounted solar energy systems may not extend beyond the required setbacks of the building on which the systems is mounted.
- The color of a solar collector is not required to be consistent with other roofing materials.
- Ground mounted solar energy systems shall be screened from view to the extent possible without reducing their efficiency.

City of Mendota Heights
- Solar energy systems are allowed with all districts subject to the appropriate permitting (building permit).
- Roof mounted systems shall not exceed the structure height requirements in the applicable zoning district.
- Roof mounted systems shall comply with all building setback requirements in all districts and shall not extend beyond the perimeter of the building on which the system is mounted.
- Roof mounted systems shall not cover more than 80% of the roof section upon which the panels are mounted.
- Ground mounted systems shall not exceed 15 feet in height. Systems shall be setback a minimum of 15 feet from all property boundary lines and 30 feet from all dwellings located on adjacent lots.
- Ground mounted systems are limited to rear yards in all zoning districts.
- Ground mounted solar systems have maximum area requirements based by district.
- Solar energy systems shall use colors that are not visually incompatible with the color of roof material on which the system is mounted.
- Reflective angels shall be oriented away from neighboring windows and minimize glare towards vehicular traffic and adjacent properties.
| City of Inver Grove Heights | - Solar energy systems do not have specific performance standards but are required to adhere to accessory structure setbacks.  
- In one family residential districts, the side yard setback is 5 feet and the rear yard setback is 8 feet. |
AGENDA ITEM:  Authorization of Business Relief Grant Program

ACTION TO BE CONSIDERED:
Motion to approve Resolution 2020-104, creating a Small Business Relief Grant Program.

OVERVIEW:
In Worksession discussions throughout 2020, the City Council has discussed the creation of a business grant program utilizing a portion of Federal CARES ACT funding. Staff has designed a potential program that will allocate $150,000 total towards grants of up to $7,500 to small businesses that have been impacted by the COVID-19 Pandemic. An outline of the framework and parameters of the program are attached. The grants will be awarded, after an initial review of eligibility, with awards prioritized as follows:

1. Applicants who applied for but were not awarded funding through Dakota County CDA’s Small Business Relief program will be notified and provided an opportunity to access the grant on a first-applied, first-served basis.
2. If, after awarding all applicants eligible under Priority #1 above, funds are still available, eligible Applicants who applied for but were not awarded funding through the Minnesota Department of Employment and Economic Development’s (DEED’s) Small Business Relief Grant program will be notified and provided an opportunity to access the grant on a first-applied, first-served basis.
3. If funds are still available after processing all eligible applications under Priorities #1 & #2 above, eligible applicants who have not received any other COVID-19 or CARES-related funding will be notified and provided an opportunity to access the grant on a first-applied, first-served basis.

We have previously collaborated with DEED, local lenders, the River Heights Chamber and the Dakota County CDA to promote various CARES funding programs for small businesses, and our intention is to use our modest allocation to fill in as many of the remaining gaps as possible. The County program began on 7/27/2020 and the application deadline was 8/14/2020, so we feel our application window is timely for our local businesses that may have missed out and/or continue to deal with COVID-related challenges.

Once the resolution is adopted, staff will work to finalize the application and distribute program materials. City Staff has created an on-line application portal that we’ll activate once the resolution is attached and program information has been distributed. The application window is anticipated to run through mid-September, or until funds are depleted. With this process, staff anticipates releasing all funds by mid-October.
The total program time from adoption to closing out the program is estimated to be approximately 6-8 weeks. This schedule may be shortened or lengthened depending on the number of applications received. At this time, Staff does not have a good sense of how many applications will be submitted, and it is possible that for a short period Staff is overwhelmed with applications. In such a case, distribution of funds may be somewhat delayed as we review applications for completeness and eligibility.

**SOURCE OF FUNDS:**
The City has received an allocation of CARES Act funding in excess of $1.5 Million. This program will be fully funded by CARES.
RESOLUTION NO. 2020-104
RESOLUTION FOR THE CITY OF SOUTH ST. PAUL BUSINESS RELIEF GRANT PROGRAM

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law by President Trump on March 27, 2020, providing the State of Minnesota $1.8 billion, of which 45 percent may be distributed to local jurisdictions; and

WHEREAS, the City of South St. Paul received an allocation of approximately $1.5 million in CARES funds from the State of Minnesota that must meet the eligibility criteria established by the U.S. Department of the Treasury; and

WHEREAS, creation of a small business relief program was discussed by the South St. Paul City Council in Work Session meetings in July and August 2020, as an eligible use of South St. Paul’s CARES Act funds; and

WHEREAS, the proposed South St. Paul CARES Business Relief Grant Program (Program) would serve businesses that have been adversely impacted by the COVID-19 pandemic and the COVID-19 peacetime emergency; and

WHEREAS, the Program would provide up to $7,500 of grant funds for operating expenses, including payroll, rent/lease payments, mortgage payments, utilities, or other critical business expenses as approved by an authorized Program Administrator; and

WHEREAS, the Program would serve the following businesses:

- Private, independently-owned, for-profit business located and operated in South St. Paul
- Be in good standing with Minnesota Department of Revenue and Secretary of State, Dakota County and the City of South St. Paul as of March 1, 2020
- Demonstrate the business was adversely affected by Executive Orders related to COVID-19 business restrictions
- Demonstrate Financial hardship as a result of the COVID-19 Outbreak
- May include businesses that have applied for/received any other COVID related federal funding such as the Small Business Administration (SBA) Economic Injury Disaster Loan (EIDL) or Paycheck Protection Program (PPP). NOTE- only federally qualified unreimbursed expenses are eligible for local funding.
- May include home based businesses

WHEREAS, the South St. Paul City Council has determined the CARES Small Business Relief Grant Program is a necessary and reasonable response to the COVID-19 Pandemic, therefore eligible for use of the CARES Act funds.
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of South St. Paul hereby authorizes the creation of a Small Business Relief Grant program with the use of up to $150,000 of CARES Act funding, subject to the allocation of funds by the State of Minnesota.

Adopted this 17th Day of August, 2020.

_________________________________
City Clerk
South St. Paul Small Business Relief Grant Program

Up to $7,500 available for eligible businesses

Apply online at https://www.southstpaul.org/795/Relief-Grant#

The City of South St. Paul has received an allocation of CARES Act Funding. The CARES Act provides that Cities may allocate a portion of this funding toward Small Business Grants towards eligible expenditures. These funds will be distributed through the South St. Paul Small Business Relief Grant Program.

To qualify, an applicant must:

- Be a for-profit, non-franchise, independently-owned businesses.
- Have a business address in the South St. Paul
- Be in good standing with the State, County, and City.

Other eligibility includes:

- An applying business cannot have had more than 25 full-time employees as of March 1, 2020.
- An applying business must be operational as of August 1, 2019 and must be open at time of application.
- Eligible expenses must have been incurred (or anticipated to be incurred) between March 1, 2020 and October 31, 2020.

Applications accepted from August 24th to September 17th, 2020 or until funds are depleted. Funds are available on a first-come, first-serve basis.

Questions?
Contact Ryan Garcia
rgarcia@southstpaul.org
(651) 554-3278

Eligible Expenses:

- Salaries of employees or sole proprietors who were on the payroll on March 1, 2020 and will be on the payroll through October 31, 2020.
- Business property rent, lease, or mortgage payments
- Utilities, including gas, electric, and water
- Equipment Lease/Finance Payments
- Business Loan payments

Successful applicants may expect to receive their funds within a month of notification of their award.
AGENDA ITEM: Professional Services Agreement with SRF Consulting Group to conduct a feasibility analysis for a Pedestrian Bridge at Bryant Avenue funded by the Statewide Health Improvement Partnership (SHIP)

DESIRED MEETING OUTCOMES:

Motion to approve Resolution 2020-110 approving a contract between the City of South St. Paul and SRF Consulting Group for Professional Services for a feasibility analysis of Bryant Avenue at Kaposia Landing

OVERVIEW:

The City of South St. Paul was successful in receiving grant funding to conduct a feasibility study for a pedestrian crossing at Bryant Avenue from the Statewide Health Improvement Partnership (SHIP) administered by Dakota County.

In order to gain access to the Kaposia Landing property, which was named Port Crosby at the time, a vehicular bridge was constructed in 2003, before landfill closure and park development. The bridge meets MnDOT standards however does not provide a safe and accessible separated or shared pedestrian way to cross the bridge to access the south end of Kaposia Landing and the Mississippi River Greenway and associated trail system. After applying for and receiving SHIP funding, which followed review and recommendation by the Parks & Recreation Advisory commission, this pedestrian way study and future construction would provide improved and safer access to the internal and regional trails and active and passive amenities at Kaposia Landing while encouraging non-vehicular access to the park and trails.

On July 7, 2020 a Request for Proposal (RFP) was sent to seven qualified vendors with a submittal deadline of July 27th. Staff received three proposals for analysis and conducted a comprehensive RFP review utilizing staff from the city departments of engineering, planning, public works, parks & recreation and Dakota County Planning. The RFP proposal prices from the three received for consideration are:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Feasibility Study Quote</th>
<th>Reimbursable Expenses</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>HKGI – Bolton &amp; Menk</td>
<td>$35,100</td>
<td>$500</td>
<td>$35,600</td>
</tr>
<tr>
<td>Kimley-Horn</td>
<td>$29,125</td>
<td>$650</td>
<td>$29,775</td>
</tr>
<tr>
<td>SRF Consulting Group</td>
<td>$26,874</td>
<td>$205</td>
<td>$27,079</td>
</tr>
</tbody>
</table>

Staff recommends the proposal from SRF Consulting Group. While not only having the lowest proposal price, many of the review committee recommended SRF based upon their comprehensive
scope, understanding of the project, and experience having recently worked on pedestrian bridge projects including Dakota County. Staff also has experience working with SRF recently on a separate SHIP funded project for the preliminary design of the Wakota Trailhead and Overlook. With SHIP funding, it is paramount that the consultant understands the elements of the grant in order to fulfill the requirements and involve the proper SHIP populations through community engagement. SRF has demonstrated this understanding in the past on local and regional projects. If approved, SRF would begin work immediately with a project conclusion estimated for February, 2021. The proposal from SRF includes public engagement, and review with the Parks & Recreation Advisory Commission and city council during the feasibility study process.

The SHIP grant funding awarded for this project is $26,000. Staff has successfully discussed the addition of funding from Dakota County for the proposal amount above the SHIP grant award. Dakota County has committed to additionally funding of $874 of the amount above the grant award. If SRF is selected, the SHIP grant would fund $26,000, Dakota County an additional $874 and the city would contribute $205 for the reimbursable expenditures. In summary, the city would be receiving $26,874 of professional services for a local commitment of $205.

The intent of this feasibility study process is to establish a baseline for future project design for additional grant application funding to support eventual construction in partnership with Dakota County. While not an immediate priority in the park system, solving the problem of a safe and alternate pedestrian crossing at Bryant Avenue has been an ongoing concern that continues to resonate with users of the regional trail and Kaposia Landing. With Dakota County and possibly state and federal assistance in the future, a pedway can eventually become a reality as it is likely the city would not have the ability to fund construction on our own.

Resolution 2020-110, the city’s RFP solicitation, and the proposal from SRF are attached for your review.

**SOURCE OF FUNDS:**

- 2019 SHIP Grant Award: $26,000
- Dakota County: $874
- City Funding: $205
RESOLUTION NO. 2020-110

RESOLUTION APPROVING AGREEMENT WITH SRF CONSULTING GROUP FOR A PEDESTRIAN BRIDGE FEASIBILITY STUDY AT BRYANT AVENUE AND KAPOSIA LANDING

WHEREAS, the successful award of a Statewide Health Improvement Partnership (SHIP) grant has provided funding for a pedestrian bridge feasibility study at Bryant Avenue; and

WHEREAS, staff has solicited and received three proposals for professional services to conduct a feasibility study to include engagement with SHIP populations; and

WHEREAS, after proposal review utilizing staff from the city departments of engineering, planning, public works, parks & recreation and the Dakota County Planning Department, staff has recommended the proposal from SRF Consulting Group which includes all of the professional services specified; and

WHEREAS, the timeline for conducting the study is August, 2020 through February, 2021; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of South St. Paul, Minnesota that,

1. SRF Consulting Group is approved and the City may enter into a professional services contract on the terms and conditions as approved by the City Attorney.

2. Upon finalization of the contract between SRF Consulting Group and the City on terms and conditions approved by the City Attorney, the Mayor and the City Clerk are authorized and directed to execute the contract in the name and on behalf of the City.

Adopted this 17th day of August, 2020.

_________________________________________
Christy Wilcox, City Clerk
Christopher Esser  
Director of Parks & Recreation  
Central Square Community Center  
100 - 7th Avenue North  
South St. Paul, MN 55075  

Subject: Proposal for Pedestrian Bridge Feasibility Analysis for Bryant Avenue at Kaposia Landing, for the City of South St. Paul –  
Proposal for Engineering Consulting Services  

Dear Mr. Esser and Members of the Selection Committee:  

SRF appreciates the opportunity to submit a proposal for the alternatives analysis and feasibility study to bring safe pedestrian access to the south end of Kaposia Landing at Bryant Avenue. The current Bryant Avenue bridge is the primary access point for vehicular traffic yet does not provide pedestrian crossing accommodations on the bridge.  

Kaposia Landing is a City resource providing open public space with views of the Mississippi River for exercise and recreation. It is also a regional destination as it is the east end of Dakota County’s River to River Greenway and provides connections to the Mississippi River Greenway. The primary goal of this effort is to evaluate improved pedestrian access at the park’s south end by bringing pedestrian accommodations to the existing Bryant Avenue bridge or establishing a location and plan for a separate pedestrian bridge nearby. The City intends to prepare a federal funding grant application based on the plan and anticipated construction costs.  

The SRF team is comprised of talented bridge engineers and landscape architects with extensive experience in bridge and pedestrian structure planning and design and park and greenway resource integration. Our project team has successfully complex projects with railroad approvals, including the Union Pacific Railroad and maintains active relationships with Dakota County and MnDOT State Aid. SRF will be a proven asset who will work closely with City staff to deliver a comprehensive feasibility study and reliable cost estimate by February 2021.  

The SRF Team’s strategy for this effort consists of the following keys:  

• **Coordination.** They City has a clear vision for the project to be set up for eventual federal funding. The SRF team will develop concepts compliant with federal and state standards. This will be achieved by implementing our team’s knowledge of delivery of federal aid bridge projects.  

• **Public Engagement.** The City is committed to a public engagement process, including a public meeting, and presentations to the Parks & Recreation Advisory Committee and City Council. The SRF team will work with staff and develop a project specific public involvement plan, utilizing in-person or virtual meetings, prepared presentation materials and experienced staff to clearly convey the project’s intent and collect public input.  

• **Union Pacific Railroad (UP).** The City is committed to enhancing safe pedestrian access to the park’s south side by improving access over the Union Pacific Railroad’s active yard. SRF will draw from successful experience working with the UP to provide concepts which will be accepted and that minimize rail operation impacts. Our staff regularly complete designs following the Union Pacific Railroad Guidelines for Railroad Grade Separation Projects.  

The SRF Team offers the City of South St. Paul the following advantages:  

• **Successful Delivery of Comparable Projects.** The SRF team has collaborated to deliver multiple bridge modification and new pedestrian bridge projects with successful federal funding authorization, including projects on Dakota County’s greenway network.
• **Familiarity at the Project Site.** Members of the SRF team have reviewed the site in person and developed an understanding of opportunities and challenges the site presents. This understanding provides us an early advantage in concept design as we can draw from our prior work and knowledge of resources to address specific site issues and concerns.

• **Cohesive Staff and Project Capacity.** The SRF team is composed of multi-disciplined staff with extensive backgrounds in bridge planning and design, bridge aesthetics, parks and greenway development, drainage design, wetland evaluation, and environmental documentation.

We are confident the SRF team will bring immediate value to the City of South St. Paul and project stakeholders by completing the project in a comprehensive and professional manner. Should you have any questions regarding this proposal, please contact Casey Black at (763) 452-4751 or cblack@srfconsulting.com. This proposal shall remain valid for a period of not less than 120 days from the date of the submittal.

Sincerely,

Casey E. Black, PE  
Senior Associate

Matt Cramer, PE  
Principal
Statement of Solution

The goal of the feasibility analysis for the Bryant Avenue Pedestrian Bridge study will be to identify, describe, and provide concept-level documentation and reliable estimates of construction costs for a future funding application regarding the issues that will need to be addressed in the detail design and construction for improved pedestrian access to the south entrance of Kaposia Landing. Pedestrian accommodations will be provided by either a modification to the existing traffic Bridge No. 19544 or by a new separate pedestrian bridge. The study should also identify opportunities to respond to the needs of the City of South St. Paul and local and regional trail users for the continued development of Kaposia Landing as a recreation destination and City resource.

Numerous topics must be comprehensively addressed by the planning process, including:

KAPOSIA LANDING ACCESS
SRF will identify an improved pedestrian access to the southern end of Kaposia landing that provides safety for pedestrian and vehicular users.

REGIONAL & LOCAL TRAIL NETWORK
SRF will identify improved pedestrian access from the intersection of Bryant Avenue and Concord Street (Highway 156), into Kaposia Landing with connections into the Mississippi River Greenway below BR 19544 and the local park loop trail system.

UNION PACIFIC RAILROAD CORRIDOR
SRF will define structure alternatives for modifications to BR 19544 or construction of a new separate pedestrian bridge which minimize construction within Union Pacific Railroad (UP) right-of-way (ROW) and satisfy UP’s horizontal and vertical clearance requirements.

RIGHT-OF-WAY
We will define the existing right-of-way, which agency has jurisdiction, and what permits or agreements may be needed for passage.

PROPERTY OWNERSHIP
SRF will identify land ownership, property lines, zoning and land guidance, and identify what, if any additional parcels will be needed for the bridge modification or new pedestrian bridge construction (either permanent or temporary construction easements).

PUBLIC AND PRIVATE UTILITIES
SRF will identify existing overhead or underground public and private utility locations and highlight those that may pose conflicts with bridge construction.

PARCEL GEOMETRY
We will determine the implications of parcel geometry resulting from land development and its constraints for bridge alignments.

ADA COMPLIANCE
SRF will define the applicable MnDOT State Aid and Bridge design and ADA guidelines and apply them to the bridge concept.
BRIDGE MODIFICATION VERSUS SEPARATE PEDESTRIAN BRIDGE FEASIBILITY
SRF will assess the preliminary feasibility of modifying existing BR 19544 versus the construction of a new separate pedestrian bridge in the vicinity of BR 19544. We will identify pros and cons of each alternative and review this information with City staff.

BRIDGE MODIFICATION OPTIONS
SRF will develop up to three bridge modification alternatives which reallocate traffic lanes and/or widen the bridge for new pedestrian access by the addition of a multi-use trail facility for further study if a bridge modification alternative is selected.

SEPARATE PEDESTRIAN BRIDGE OPTIONS
SRF will develop up to three new bridge alignment alternatives for a new pedestrian/multi-use trail overpass of the UP ROW near the existing Bryan Ave. bridge for further study if a separate bridge alternative is selected.

STRUCTURE TYPE
We will identify bridge type options that fit the context of the site and the alternative alignment option selected. This information will be reviewed with City staff.

AESTHETICS
SRF will provide visual quality recommendations for the bridge alternatives to assure it is compliant with the City of South St. Paul identity and complementary to the surrounding site conditions including existing bridge no. 19537, the River to River Greenway bridge over Concord Street and the Union Pacific Railroad and new Mississippi River Greenway bridge being constructed over the Union Pacific Railroad located at the north end of Kaposis Landing.

CONSTRUCTION COST
SRF will develop an estimate of construction costs based on our experience with comparable projects and the recommended design solution.

AGENCY COORDINATION & REQUIRED PERMITS
SRF will identify the agencies that the Park District will need to coordinate with for design, construction, and permitting. We will identify the agencies and their contacts for which permits or design improvements will be required.

DESIGN COMPLIANCE
SRF will identify design guidelines, standards, or requirements and approval process imposed by the Minnesota Department of Transportation given the anticipated future federal funding and Union Pacific Railroad requirements.

CONCLUSION
The items identified above are all factors that need to be addressed in order to design a successful graded-separated crossing with improved pedestrian safety at this location. The solution will start with accurate site investigations and GIS mapping that will provide the basis from which the issues and constraints can be identified. Subsequently, we can assess the feasibility of a modified bridge versus a new separate bridge. An accurate portrayal of the intended structural concept can then be shared with the public and stakeholders to solicit input and seek responses.

The study’s final product will be a report that summarizes the topics outlined above in written, graphic and tabular formats. This report will be the basis from which a future federal funding application can be prepared and the preliminary and final engineering design will begin. It will also be a source of information for project stakeholders who have questions regarding the project intent.
SITE CHALLENGES & OPPORTUNITIES

- ROBERT PIRAM REGIONAL TRAIL & MISSISSIPPI RIVER GREENWAY
- SIMON’S RAVINE TRAILHEAD & BRIDGE BR 19537

**NEW TRAIL BRIDGE**

- PARK LOOP TRAILS
- VEHICLE ACCESS
- UNION PACIFIC RAILROAD YARD
- DRAINAGE / WETLAND

- PRIMARY VEHICLE AND EMERGENCY SERVICE ACCESS POINT TO PARK
- METRO TRANSIT BUS STOP 9723 ROUTE 71

**TRAIL CONNECTION ALTERNATE A**

**TRAIL CONNECTION ALTERNATE B**

- CONCORD ST. CROSSWALK
- KAPOA LANDING GATES

**POTENTIAL BRIDGE ALTERNATIVES:**
- WIDEN BR 19544
- ADJACENT NEW BRIDGE

**MISSISSIPPI RIVER GREENWAY**

**MISSISSIPPI RIVER GREENWAY**

**ROBERT PIRAM REGIONAL TRAIL & MISSISSIPPI RIVER GREENWAY**

**SIMON’S RAVINE TRAILHEAD & BRIDGE BR 19537**

**RIVER TO RIVER GREENWAY**
Project Understanding, Approach & Coordination Methods

PROJECT UNDERSTANDING
The City of South St. Paul is seeking safe pedestrian access accommodation at the south entrance to Kaposia Landing, an existing 87-acre park along the Mississippi River. The Landing opened to the public in 2008 and the park has become a regional destination and is connected to the 27-mile Mississippi River Greenway and River to River Greenway. Dakota County operates both greenways which are collaborative resources and part of a park enhancement partnership with the City of South St. Paul. Currently the park provides safe pedestrian access by way of two trail bridges at the park’s north end. The River to River Greenway bridge (BR No. 19537) over Concord Street and the Union Pacific Railroad (UP), and the new Mississippi River Greenway bridge over the UP which will open in 2020. The only vehicular access to the park is at the south end by way of an existing bridge (BR No. 19544) which carries traffic from Bryant Ave. over the UP and the Mississippi River Greenway. Bridge 19544 was constructed in 2003. It meets MnDOT standards however does not provide a safe, accessible separated or shared pedestrian way to cross the bridge to access Kaposia Landing and the Mississippi River Greenway.

The existing 317-foot long, three-span, prestressed concrete beam bridge has a clear roadway width of 26-feet. Concrete barriers with wire fence and roadway light standards align the edges of the bridge. West and east concrete parapet abutments are located in public ROW, and solid concrete wall piers one and two are located between existing railroad tracks in UP ROW. The west end of the bridge is accessible from the intersection of Bryant Ave. and Concord St. with a gate which can be closed to restrict traffic after park hours. The east end of the bridge meets with Metzen Parkway at a stop condition before traffic descends into the park on the east approach embankment. The Mississippi River Greenway passes beneath span three of the bridge and is separated by a fence line from adjacent UP tracks located in spans one, two and three.

The City will submit a future funding application for federal assistance to construct a new safe, pedestrian access point at the south end of the park at or near the Bryant Avenue bridge. Options to be investigated include modifying or widening bridge 19544 to add pedestrian accommodations or to locate and construct a separate trail bridge nearby the existing bridge. All alternatives must provide a safe crossing for pedestrians and vehicles and meet current design standards for an anticipated federal funding grant.

PROJECT APPROACH
With SRF’s demonstrated experience on similar projects and our unique understanding of the area from previous work on segments of Dakota County greenways, we can deliver a distinctive and safe pedestrian crossing that will fit the site constraints. SRF has strong working relationships with City staff, Dakota County staff and MnDOT State Aid and the experience in planning and design development to address the project’s challenging site conditions.

By involving City staff in incremental decision-making, we will move the project to meet the schedule completion date of February 2021 with a detailed report and reliable construction cost estimate. Our approach to the project tasks and objectives will include the following:

STATEWIDE HEALTH IMPROVEMENT PARTNERSHIP (SHIP)
SRF supports the state’s initiative to provide safe places to walk and bike, whether for recreation or transportation purposes. These are important contributors to public health which are improved with facilities that function to make it easier to walk and bike. SRF will complete a comprehensive review of site access and opportunities to provide benefit to the SHIP priority populations. These include ages 60 and older, children, and people with low incomes and health disparity. ADA compliant access and multimodal transportation nodes, such as the Metro Transit bus stop at the intersection of Bryant Ave. and Concord St. will be incorporated into the study.

SITE VISIT
We will perform a site visit with City staff to develop a common understanding of site opportunities and challenges. This will also give SRF an opportunity to listen to City staff insights, issues, and concerns and confirm project goals in order to generate ideas that can be further developed and studied.
COORDINATION
SRF will perform early coordination with City emergency service providers, Dakota County, MnDOT Metro District, Metro Transit, the Union Pacific Railroad, and adjacent property owners to identify their issues or concerns. Given the limited access points to Kaposia Landing, coordination with City emergency service providers will be key to understanding how construction on or in the area of the bridge may impact emergency access to the park.

PROPERTY IDENTIFICATION
SRF will conduct a property identification investigation for base map information. We will use city, county, and utility company resources to depict existing right-of-way, existing property lines, existing easements, property ownership, available public and private utility information, setback requirements, and existing zoning. In addition, SRF utilize available city and county topography files and lidar data to complete a comprehensive topographic survey of the project area.

ALIGNMENT STUDY
This task will likely be completed concurrent with the bridge modification versus new separate bridge study, as they are dependent on each other. We anticipate that the alignment study limits will extend from the Bryant Ave. and Concord St. intersection and end with a connection to the local loop trails at the cul-de-sac on Metzen Parkway north of the existing bridge or a connection to the Mississippi River Greenway south of the existing bridge. The study will investigate alignments on a modified bridge and alignments off of the existing bridge. Impacts to right-of-way and adjacent property owners will be an important part of concepts for a separate bridge structure in addition to identifying their impacts. SRF will present our results to City staff for selection of a preferred alignment that can be taken forward.

STRUCTURE TYPE STUDY
During this task, we will study the feasibility of modifying the existing bridge by widening the in-place deck and substructures versus constructing a separate adjacent bridge. Each structure type has pros and cons, and SRF will document this information in a preliminary format and review it with City staff.

Benefits to modifying the existing bridge may include ownership and maintenance falling under the existing overpass agreement with UP, and the modified structure can utilize existing horizontal and vertical clearance windows by widening piers and utilizing the existing structure depth. However, modifying the bridge will require traffic restrictions on the bridge such as narrowed or single lane conditions during construction which may be problematic for the public and emergency services.

If a new bridge is to be constructed, it would be subject a new overpass operation and maintenance agreement between the City and the UP. Bridge design would need to account for all current geometric requirements required in the Union Pacific Railroad Guidelines for Railroad Grade Separation Projects (Guidelines). In addition, new substructures and embankments may need to be constructed.

At this point in the study, we will identify different bridge concepts that will fit the site and work with the preferred alignment option. For a bridge modification, the selection is limited to matching the current prestressed concrete beam structure. However, a new bridge could utilize structure types such as steel girders, prestressed concrete beams or a prefabricated steel truss. Bridge types found at the north end of the park include prestressed concrete beam and prefabricated steel truss structures.

AESTHETICS
After the alignment and structure type have been finalized, SRF will develop an architectural concept drawing by SRF’s in-house expert, Stewart Crosby, who specializes in bridge aesthetics. At this stage, we anticipate that a presentation would be made to the public for input before a City Council presentation for final approval.

PRE-PLANNING FINAL REPORT
This will be the final product that SRF will provide the City of South St. Paul. The report will document the process, results, and recommendations. Sufficient detail will be provided so that the final designers can use the report and graphics for preliminary and final design for the next phase of the project. The following is a preliminary outline of the report:

- Cover
- Project Overview/Executive Summary
- Site Conditions
- Adjacent Property Ownership
- Right-of-Way Needs and Impacts
- Structure Type Study (Bridge Modification versus Separate Bridge)
- Preferred Alignment
- Preliminary Concept level drawing of Preferred Structure
- Structure Aesthetics
- Estimated Project Costs
- Project Schedule
- Appendix A – Site Photos
- Appendix B - Preferred Alignment Concept Drawing
- Appendix C – Preliminary Concept Drawings
- Appendix D – Architectural Sketch
- Appendix E – Design Examples
PROJECT COORDINATION & COMMUNICATION

Project coordination and communication is critical to the project’s success. Communication between Chris Esser, the City’s Director of Parks & Recreation, and Casey Black, SRF’s Project Manager, is key given the tight schedule and project delivery by February 2021. To that end, the following communication and coordination strategies are suggested.

• Alternate week project management meetings will be held with City staff to keep them apprised of the project status and present decisions that must be made. Meetings may be held at the Central Square Community Center or by video conference.
• SRF will provide written documentation of all contacts made during the course of the project with outside parties.
• Weekly summaries of project status, work completed to date and near-term tasks to be undertaken will be presented to Chris Esser by email.
• All sources of information will be documented to provide a path of information that future detail design can commence from.
• A draft summary document will be provided for staff review and comment in advance of the project deadline.
• The final product will be made in hard and electronic formats. In addition, SRF will provide all drawings, reports, and other materials produced to the City upon project completion.

STAKEHOLDER ENGAGEMENT

Dakota County is identified as a project stakeholder as they operate and maintain both the River to River and Mississippi River Greenways which connect at Kaposia Landing. The Mississippi River Greenway passes below the bridge and will be impacted by planned construction. In addition, a local access trail connection between the Bryant Lake pedestrian improvements and the greenway are assumed to be a priority. Dakota County staff may be part of the project management team and will receive meeting invites and materials as appropriate.

Union Pacific Railroad (UP) is also a project stakeholder as an owner of private lands. They operate and maintain an active rail yard below bridge 19544. Modifications to the existing bridge will be subject of the current overpass agreement between UP and the City. Construction of a new bridge would require a new overpass agreement for operation and maintenance. All bridge design involving UP ROW will comply with the Union Pacific Guidelines for Railroad Grade Separation Projects. The guidelines detail the submittal and approval process for all planned grade separations and will inform bridge alternative design efforts. SRF will document local and regional UP staff names and contact information who will be primary points of contact for bridge design coordination.

COMMUNITY ENGAGEMENT

SRF will prepare invitations and presentation materials for one public participation meeting. Materials will convey the project intent, temporary construction impacts and final design and facility improvements. Public input will be collected, reviewed with City staff and incorporated into the final recommended project where appropriate.

SRF will prepare presentation materials for planned meetings with the Parks & Recreation Advisory Commission and the City Council. The commission meeting will review the project findings and recommendations and is an opportunity for staff to provide final comments before the recommended project is advanced to the City Council for final approval.

Appropriate parameters for public and city official engagement will be reviewed with the project team at the kick-off meeting. SRF is prepared to host and participate in virtual meetings when necessary and can suggest a wide range of options to ensure a public process is fairly implemented.

PROJECT SCHEDULE

Based on our understanding of the project, SRF will meet the City of South St. Paul’s schedule for the project. The study and cost estimate must be completed by February 2021 and we are available to begin work immediately.
Similar Project Experience

BRIDGE MODIFICATIONS, PEDESTRIAN & TRAIL BRIDGES & FEDERAL AID PROJECT EXPERIENCE

The SRF team brings extensive experience with bridge modification and new bridge design for pedestrian and trail facilities in complex urban environments, commercial settings and involving rail corridors. SRF’s grade separated railroad crossing projects demonstrate a broad understanding of rail interests related to public projects as we have secured project approvals and agreements from a wide range of rail operators, including the Union Pacific Railroad. In addition, SRF has a long history of completing successful pedestrian and trail projects which have required significant levels of stakeholder involvement to achieve project support. The following project descriptions are presented to demonstrate our experience in comparative projects.

LUCE LINE REGIONAL TRAIL BRIDGE
Plymouth, Minnesota

The Three Rivers Park District applied for and secured Federal Transportation Enhancement funding to design and construct a trail bridge to replace the at-grade crossing of the Luce Line Regional Trail and Hennepin County CSAH 61 (Xenium Lane). Casey Black served as SRF’s project manager to provide a trail bridge that significantly enhances the safety of bicyclists, pedestrians and drivers by eliminating the at-grade crossing of busy four-lane roadway.

The bridge is located partially within the Union Pacific Railroad right-of-way and immediately south of an existing at-grade signalized roadway crossing. SRF coordinated the design and construction of the bridge with UP. SRF conducted a sightline investigation to ensure the bridge would not reduce the visibility of the signalized crossing. In addition, construction operations for work within the UP ROW and utility relocations for the signalized crossing were coordinated with the UP.

The bridge is ADA compliant, and the design incorporates a modified bowstring steel arch truss that spans across the full width of the roadway and provides visibility for an adjacent railroad crossing signal. SRF completed design and final contract documents to ensure the approval of multiple local and State agencies while meeting Federal authorization deadlines.
Anoka County applied for and received Federal Aid in the form of Transportation Enhancement funding for the extension of the CSAH 14 Trail Bridge over I-35W. Previously, the trail terminated south of the existing CSAH 14 Bridge over I-35W. Although the bridge was in fair condition, it was structurally obsolete and did not include sidewalks or shoulders for safe use by pedestrians or bicyclists. Access to the trail from the north required crossing the narrow bridge and risking difficult sightlines due to a steep vertical curve.

Casey Black served as SRF’s project manager to provide environmental documentation and preliminary and final construction documents for a safe multiple-use trail crossing over the highway. SRF completed a Bridge Type Study comparing the feasibility of three different structure types, including options to widen the existing bridge, or constructing a new bridge just to the southwest. Due to challenges with widening the embankment and designing for the steep vertical curves of the existing roadway profile, it was determined the best approach would be to build a separate adjacent facility where the required embankment and vertical curvature could better address the needs of trail users.

SRF’s investigation of the site for the final design included wetland delineation and consultation with the local watershed district, topographic surveys, coordination with existing utilities, and extensive coordination with MnDOT through the Cooperative Agreement process to design a County facility over State Right-of-Way. SRF delivered a constructible design that eliminates the need to disturb adjacent wetlands, minimizes the amount of new embankment required, and provides a pedestrian overpass that meets all Federal and State Aid requirements without needing design exceptions.

The approximately $1.1 million bridge and trail facility was completed in the summer of 2013.
Casey Black served as SRF’s project manager to deliver the Dakota-Edgewood Trail Bridge project. The proposed trail bridge is key to connect Dakota Avenue south of the railroad with local destinations to the north including neighborhoods and commercial shopping and entertainment districts. The new bridge would also connect regional trail users of the North Cedar Lake Regional Trail with local destinations and provided enhanced trail system connectivity to a new trail facility constructed along Cedar Lake Road.

SRF was selected by the City to provide conceptual, preliminary and final design for the new bridge and deliver the project in compliance with Federal Aid, MnDOT State Aid and BNSF Railway requirements. SRF generated over 20 bridge alignment concepts utilizing local parks, public right-of-way and portions of undeveloped commercial properties to provide best-fit alternatives for review with City staff. SRF identified right-of-way and utility impacts and provided early cost estimates for concept evaluation. Select concepts were advanced for public review and input, and a preferred alternative was selected and advanced for approval by the City Council.

The final project involved a modification of the Edgewood Avenue corridor to reallocate available public land for use as a off-road multi-use trail facility, the construction of a quarter-mile long bridge over the BNSF Railway and North Cedar Lake Regional Rail and improvements to local trail systems in Dakota Park which is shared use space for the neighboring Peter Hobart Elementary School. SRF delivered contract documents authorized for federal funding complete with an approved overpass agreement between the City and BSNF. SRF also assisted with land acquisitions and utility relocations for the project which will begin construction in the summer of 2020 with a completion date of fall 2021.
Casey Black served as lead designer for the 55th Street bridge widening to provide a new multi-use trail along the north side of the bridge and additional turn lanes. The final design provided a 12-foot wide protected trail facility with ornamental metal railing. In cooperation with MnDOT and MnDOT State Aid, SRF completed the Categorical Exclusion (CATEX) and a MnDOT Staff Approved Layout Level 2 and prepared final design plans for the City of Rochester to widen the existing bridge over TH 52 and add turn lanes to the existing 55th Street Bridge over TH 52. Federal Aid and local monies were used to fund the project construction. Multiple traffic and construction phases were required to maintain traffic on the bridge during construction. Widening of the bridge required partial deck removal under traffic and the addition of two new prestressed concrete beams, deck, and concrete rail. Substructures were widened for the new condition including the pier in TH 52. A crash strut was incorporated into the existing and new pier. Retaining walls were added at the approach to accommodate a diverging diamond interchange condition on the widened bridge in future phases of City improvements. Throughout the project, SRF served as a liaison between the City of Rochester and MnDOT to enhance communications between the two agencies and ensure each agency’s requirements were being met.
The City of Minnetonka received feedback from residents requesting the addition of a dedicated trail on Plymouth Road (CSAH 61) from Minnetonka Boulevard (CSAH 5) to Hilloway Road through its Imagine Minnetonka Visioning process. SRF prepared a report to examine the feasibility of constructing an off-road trail along the east side of Plymouth Road. The proposed off-road trail would include grade-separated crossings over the BNSF Railway and Minnehaha Creek to provide a safe walking or biking route along the corridor.

Hennepin County Bridge 27576 over BNSF Railway Company was evaluated to determine what modifications could be made to the existing steel K-frame structure to accommodate the trail. A future concept for a separate City trail bridge to be located adjacent to the existing County bridge was developed for long-term planning. Hennepin County Bridge 27633 over Minnehaha Creek was evaluated to determine what modifications could be made to the existing prestressed concrete beam structure to accommodate the trail. This included possible sidewalk modifications and bridge deck widening. Bridge plan, elevation and section details were prepared for use as graphics and cost estimates were prepared.

Study recommendations were used by the City to begin preliminary and final design of the new trail segment. SRF provided final bridge design and plans for bridge modifications at bridge 27576 over BNSF and 27663 over Minnehaha Creek which narrowed traffic lanes for reallocated available shoulder width to provide a multi-use trail facility along the east side of the bridges.

Casey Black managed the bridge feasibility studies and final design phases of the bridge modifications of two bridges to provide new multi-use trail facilities on east side of two existing roadway bridges. The final design provided a 12-foot wide protected trail facility with ornamental metal railings. The City of Minnetonka received feedback from residents requesting the addition of a dedicated trail on Plymouth Road (CSAH 61) from Minnetonka Boulevard (CSAH 5) to Hilloway Road through its Imagine Minnetonka Visioning process. SRF prepared a report to examine the feasibility of constructing an off-road trail along the east side of Plymouth Road. The proposed off-road trail would include grade-separated crossings over the BNSF Railway and Minnehaha Creek to provide a safe walking or biking route along the corridor.

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Casey Black managed SRF’s bridge feasibility studies and preliminary design efforts on Ramsey County’s project for the replacement of three existing bridges over railroad tracks located in Saint Paul. Project deliverables will be used to secure State Aid funding for bridge replacement and generation of final bridge replacement plans for construction in future years. The bridges are located on CSAH 55 (Jackson Street) and involve track facilities owned by BNSF Railway, Soo Line Railroad, and the Minnesota Transportation Museum Jackson Street Roundhouse Museum. The new bridge structures replaced narrow concrete sidewalks on the bridges with a 10-foot sidewalk and multi-use trail facility. The Jackson Street corridor has received significant public interest in expansion for pedestrian and bicycle use and design accommodation have been made for connectivity into the City’s Trout Brook Regional Trail.

**Jackson Street Bridge Replacements:**
- BR 5664: CSAH 55 over BNSF Railway and Minnesota Transportation Museum
- BR 90408: CSAH 55 over BNSF Railway
- BR 90409: CSAH 55 over Soo Line Railroad

All plans required compliance with State Aid standards, AREMA standards and UPRR/BNSF guidelines for funding eligibility. All plans were coordinated with the railroads for approvals through preliminary plans. Final approvals and railroad agreements will come after funding is available.

SRF performed a bridge type study and concept bridge development for three new bridge overpasses of rail corridors and a pedestrian underpass. The underpass is part of planned expansion of the Trout Brook Regional Trail and future connection to Jackson Street pedestrian and bike facilities.

SRF developed concepts for each bridge. BR 5664 will be reduced from a nine-span bridge to two separate bridges with MSE walls to reduce overall project and long-term maintenance costs. All bridges are spot improvements designed to accommodate future roadway and railroad facility expansions.
PROJECT EXPERIENCE MATRIX

The SRF team has designed grade separation projects for trail, roadway and railroad facilities for public agencies and for railroad operators. Our team will draw upon the extensive technical experience with trail and rail crossing facilities to deliver a successful project for the City of St. Paul.
## Project Description

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The SRF Team

We have selected staff members with many years of professional design experience. Each of our staff members have been involved in the projects highlighted in the previous section of this proposal. The SRF Team brings technical expertise and demonstrated experience to the City of South St. Paul. The qualifications of key personnel are presented on the following pages.

EXPERIENCE WITH BRIDGE, TRAIL & FEDERAL AID PROJECTS

As we highlighted previously, SRF has designed a number of bridge modifications for new pedestrian and bicycle accommodations and successful new trail bridge projects. Our experienced structural engineers, talented bridge and trail designers provide bridges that are visually appealing and functional. SRF has a wealth of experience in designing bridges over roadways and railways – including 15 pedestrian bridges within the past 10 years. Many of these bridges involved State or Federal Aid funding.

SRF TEAM MEMBERS & ROLES

The roles of our team members are summarized below:

- **Casey Black** will serve as SRF’s project manager and leverage his expertise with bridge modifications, pedestrian bridge planning and design and railroad coordination experience. He will provide structural engineering expertise as the team evaluates whether a bridge modification or new bridge structure is best suited as the preferred option.
- **Matt Cramer** will advise on structural bridge issues, drawing on his extensive background in bridge project delivery and serve as the quality control manager.
- **Stewart Crosby** brings expertise on bridge aesthetics and park and greenway design.
- **Brett Danner** will advise on potential environmental impacts and NEPA related project needs.
- **Steve McHenry** will advise on modifications to existing or implementation of new bridge lighting systems.
CASEY BLACK, PE | PROJECT MANAGER

Casey has 15 years of structural engineering experience. He has managed multiple bridge projects that involved a range of funding sources, including federal, state, and local. Casey has spent his career at SRF and learned while working on bridge design teams what it takes to lead teams and coordinate the activities of other disciplines while carefully balancing the needs of the project and client. In leading full design team efforts, Casey has directed the coordination efforts for property acquisitions and impacts, environmental documents, wetland delineations, hydraulic analysis, drainage designs, survey crews, geotechnical investigations, environmental site assessments, and roadway designs. Casey’s project management technique includes close coordination with the client, so the design team and owner clearly understand the direction of the project throughout the process. He considers early and thorough agency coordination to be critical to ensuring all project parameters are understood and met.

Casey has been involved in bridge design projects including rehabilitations, replacements, and new construction in Minnesota, Wisconsin, and North Dakota. His experience includes concrete slabs, prestressed concrete beams, steel girders, and prefabricated steel trusses. He has also served as a construction engineer on four bridge projects including replacement and rehabilitation. Casey understands how design and construction are related and can foresee potential field issues during the design process and strives to produce easily constructible structures.

SELECT BRIDGE FEASIBILITY STUDY EXPERIENCE
- TH 149 over River to River Greenway Feasibility Study, Mendota Heights, MN
- CSAH 14 Trail Bridge over I-35, Lino Lakes, MN
- CSAH 22 Pedestrian Bridge Study, Rochester, MN
- Lake Minnetonka Regional Trail Bridge Feasibility Study, Tonka Bay, MN
- Plymouth Road Trail over BR 27576 BNSF Railway Co. & BR 27633 Minnehaha Creek Trail Feasibility Studies, Minnetonka, MN

SELECT PEDESTRIAN BRIDGE EXPERIENCE
- TH 110 over Mendota-Lebanon Hills Greenway, Mendota Heights, MN.
- Dakota-Edgewood Trail Bridge over BNSF Railway, St. Louis Park, MN
- Luce Line Regional Trail Bridge over CSAH 61, Plymouth, MN
- Lake Minnetonka Regional Trail Bridge over CSAH 19, Tonka Bay, MN
- Columbia Heights Pedestrian Bridge over TH 65, Columbia Heights, MN

SELECT BRIDGE EXPERIENCE
- 55th Street NW Bridge Widening, Rochester, MN
- Plymouth Road Bridge Modifications over BNSF for Trail, Minnetonka MN
- Plymouth Road Bridge Mods. over Minnehaha Creek for Trail, Minnetonka MN
- Jackson St. Bridge Replacements over BNSF, St. Paul MN
- Como Ave. Bridge Rehabilitation over BNSF, St. Paul, MN
- CSAH 14 over BNSF, Coon Rapids, MN
- CSAH 78 (Hanson Blvd) over BNSF, Coon Rapids, MN
MATT CRAMER, PE | PROJECT ADVISOR

Matt has 21 years of structural engineering experience. He is responsible for the design and development of plans and specifications for both bridge and building projects. Matt has managed several large and complex structures, from historic truss rehabilitation, pedestrian skyways, curved steel girder bridges, and concrete post-tensioned parking ramps.

PROJECT EXPERIENCE

**Metro Transit Orange Line BRT, Minneapolis Minnesota.** Matt served as lead structural engineer for the design of the BRT crossing of Knox Avenue under I-494, which involves four separate bridge structures, four cast in place retaining walls, and one soldier pile wall. The project required significant temporary shoring and other staging considerations for the bypass of I-494.

**Metropolitan Council Gold Line BRT, Twin Cities, Minnesota.** Matt is the Structural Engineering lead for this seven-mile transit corridor that connects the eastern suburbs to downtown Saint Paul (and the larger metro transit system) via a BRT line. The project includes 12 bridges and an estimated 12,000 feet of retaining and noise walls. Matt is leading a large team of designers for three separate consultants.

**University of Iowa Hancher Pedestrian Bridge Design-Build, Iowa City, Iowa.** Matt served as Project Manager and Lead Structural Engineer on this design-build pedestrian bridge over the Iowa River. SRF worked with the contractor to develop an innovative forming system that allowed construction of the river piers without conventional cofferdam structures reducing costs and minimizing impacts to the river.

**MnDOT US HWY 2 (Kennedy) Bridge over Red River Rehabilitation, East Grand Forks, Minnesota.** Matt served as project manager for the rehabilitation of this significant river crossing. The project involved coordination with many agencies, including MnDOT, two border cities, a project historian, and several subconsultants. The project included inspection and rating of the existing truss and girder bridge, replacement of the deck and rails with incorporation of shared-use trail, and substructure replacement.

**City of Bloomington Old Cedar Avenue Bridge Rehabilitation, Minnesota.** Matt served as project manager during the design of this truss bridge rehabilitation. The federally funded project included rehabilitation of a five-span 865-foot long prott-camelback truss structure that had been closed for many years due to its poor condition. The rehabilitation involved a full replacement of the deck system, including floor beams and stringers, replacement of the substructures, and repainting. The project required a significant permitting effort due to its location in a federal wildlife refuge.

**Killebrew Pedestrian Bridge, Bloomington, Minnesota.** Matthew was project manager and lead civil/structural engineer for this federally-funded pedestrian bridge over Killebrew Drive. He was responsible for coordinating design activities with the City of Bloomington, MnDOT, private businesses, and various subconsultants.

AREAS OF EXPERTISE

- Structural Modeling
- Parking Structures
- Bridge Design
- Building Design
- Tunnels and Underground Structures

EDUCATION

Bachelor of Science in Civil Engineering, University of Minnesota, 1999

Master of Science in Structural Engineering, University of Minnesota, 2008

REGISTRATION

Professional Engineer:
Minnesota #43517, North Dakota #PE-7898, Wisconsin #43690-6 and Iowa #19357

PROFESSIONAL AFFILIATIONS

Precast/Prestressed Concrete Institute
American Society of Civil Engineers
AREAS OF EXPERTISE

- Trail Planning & Design
- Bicycle Facility Planning & Design
- Site Planning & Design
- Park Master Planning
- Conceptual & Detail Design
- Construction Administration
- Construction Liaison
- Construction Document Preparation
- Community Engagement

EDUCATION

Master of Landscape Architecture, University of Oregon, 2002
Bachelor of Landscape Architecture, University of Oregon, 2001
Bachelor of Arts, International Affairs, Lewis and Clark College, 1991

REGISTRATIONS

Landscape Architect: Minnesota #45681
Landscape Architect (Council of Landscape Architecture Registration Board)

PROFESSIONAL AFFILIATION

American Society of Landscape Architects

STEWART CROSBY, PLA, ASLA | BRIDGE AESTHETICS & PEDESTRIAN CONNECTIVITY

Stewart has 18 years of experience in landscape architecture and urban design, including conceptual design, design development, construction document preparation, and construction administration. He brings innovative design solutions to a variety of projects that include park and trail master planning and design, and youth camp site design. Stewart has also conducted visual impact assessments for roads and trails and has worked on urban streetscape projects.

Stewart excels at managing trail planning and design projects, while fostering an open, collaborative design process that includes agencies, residents, design professionals, and other interested stakeholders. His work is mindful of operations and maintenance considerations and emphasizes sustainability. Stewart has experience managing challenging projects that must adhere to the MnDOT Delegated Contract Process (DCP) for Local Agency Federal Aid.

PROJECT EXPERIENCE

City of South St. Paul Mississippi River Regional Trail Wakota Scenic Trailhead & Overlook, Minnesota. The Wakota Scenic Trailhead & Overlook project consisted of developing concept designs for a regional trailhead and overlook on the Mississippi River in South St. Paul. The City used the concepts and final report to apply for funding for trailhead development. Stewart was the project manager for this process and oversaw concept development and coordinated a team of trail experts and consulting architects to deliver this project to the client. FA

Carver County TH 5 Regional Trail Master Plan and Design Development, Minnesota. Stewart was the project manager for the design development phase of the segment of proposed trail through the Minnesota Landscape Arboretum. The trail project will include a trail underpass and will follow the MnDOT Delegated Contract Process for Local Agency Federal Aid.

City of Plymouth Northwest Greenway Trail, Minnesota. The trail system includes a primary, 12-foot wide trail with several eight-foot wide loops through woods and prairie and connections to neighborhoods along the corridor. Stewart’s role as project manager is to oversee design development and construction document preparation, bidding and construction administration. Four phases of the trail have been developed and phase five is in the design development stage.

Dakota County Mississippi River Regional Trail Pine Bend Bluffs Trailhead, Minnesota. Stewart was the project manager for the design and construction of a trailhead along this popular regional trail. He managed the planning and design process, which included coordination with County staff, attending a public meeting, and managing a multidisciplinary team.

Carver County Minnesota River Bluffs LRT Regional Trail, Minnesota. Stewart was Project Manager for the design and construction of two phases of trail development that included a prefabricated trail bridge over a creek in the historic City of Carver and a trailhead with a parking lot and a trail system kiosk.

Stearns County Regional Trail Feasibility Study, Minnesota. Stewart worked closely with Stearns County staff and various local agencies to assess right of way needs, compatibility issues, and safety concerns to develop proposed routes for two important regional trail extensions into St. Cloud. The results of these efforts are two proposed trail alignments that balance the need for regional trail connections with railroad activity and provide a safe environment for trail users.
BRET DANNER | ENVIRONMENTAL DOCUMENTATION

Brett has 19 years of environmental planning experience. At SRF, he manages the preparation of federal environmental documents for county, state, and interstate highways and state EAWs for development and transportation projects. He also leads SRF’s traffic noise modeling practice. Brett is highly regarded for his proactive agency coordination and attention to detail. He frequently collaborates with multi-disciplinary teams on preliminary design and corridor study projects.

PROJECT EXPERIENCE

Dakota County TH 110 over Mendota-Lebanon Hills Greenway, Mendota Heights, Minnesota. Completed the Categorical Exclusion for the grade separated greenway crossing of TH 110 and MnDOT’s TH 110 pavement preservation project.

Dakota-Edgewood Trail Bridge, St. Louis Park, Minnesota. Completed the Project Memorandum (PM) and environmental documentation for the City’s trail bridge crossing of 4(f) properties and the BNSF Railway.

MnDOT Kennedy Bridge Rehabilitation, East Grand Forks, Minnesota. Completed the Categorical Exclusion for rehabilitation of the US Highway 2 Bridge (Kennedy Bridge) over the Red River, a property listed on the National Register of Historic Places (NRHP).

Hennepin County CSAH 81 (Bottineau Boulevard) Final Design from 63rd to West Broadway, Minnesota. Completed the Environmental Assessment Update and traffic noise analysis, evaluation of noise abatement measures, and noise wall solicitation process for reconstruction of CSAH 81 from 63rd Avenue to West Broadway Avenue in Brooklyn Park.


MnDOT TH 10 Environmental Assessment and Section 4(f) Evaluation, Elk River, Minnesota. Completed Environmental Assessment and Section 4(f) documentation for the conversion of TH 10 to a freeway facility through downtown Elk River.

Tower Road Bridge and Street Project Environmental Assessment and Section 4(f) Evaluation, Fergus Falls, Minnesota. Completed Environmental Assessment and Section 4(f) documentation for extension of Tower Road and new bridge over the Otter Tail River.

Blue Earth County CSAH 12 and CSAH 12/TH 14 Interchange Environmental Assessment, Mankato, Minnesota. Completed Environmental Assessment (including noise analysis), Section 4(f) documentation, and Section 6(f) involvement for the extension of CSAH 12 and CSAH 12/TH 14 interchange construction east of Mankato.
**AREAS OF EXPERTISE**
- Power Systems
- Parking Systems
- Lighting Design
- Communications
- ITS/NTCIP Design
- Solar/Alternative Power Design
- Digital Circuitry
- Analog Circuitry

**EDUCATION**
Bachelor of Science in Electrical Engineering, University of Wisconsin-Platteville, 1986

**REGISTRATIONS**
Professional Engineer: Minnesota #46710, North Dakota #PE-8671, Wisconsin #29199, Iowa #21927, Illinois 062.065959, Missouri # 2014015035, & Nebraska (pending)

**PROFESSIONAL AFFILIATIONS**
Institute of Electrical and Electronics Engineers
Institute of Transportation Engineers
Construction Industry Manufacturer’s Association - Executive Committee (Chairman - 1999 to 2002)
Dynamic Message Sign (DMS) Standards Working Group (NEMA TS4 – 2002 to present), national standard for DMS, a collaborative effort of NEMA member companies with guidance from the FHWA

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**STEVE MCHENRY | BRIDGE LIGHTING**

Steve is an experienced electrical engineer with 35 years of design and management expertise in electrical engineering, Intelligent Transportation Systems (ITS), National Transportation Communication for ITS Protocol (NTCIP), control systems, and solar power systems. He joined SRF after working 25 years for an international manufacturing firm specializing in the ITS/NTCIP industry. Prior to joining SRF, Steve worked at ADDCO, where he led the technical design and project management for electrical, mechanical, software, and system integration as equipment supplier to hundreds of ITS/NTCIP installations. Systems included monochrome to full-color DMS, full-motion CCTV, sensors, RWIS, de-icing, HAR, embedded Linux software development, client/server central control systems software development, and numerous variations of communication infrastructures. Steve also led the development of embedded firmware for ITS equipment controllers and web-based ATMS software for ITS devices in numerous ITS-related protocols, platform tools, and programming languages.

Steve has expert knowledge in solar power systems for portable equipment and small-scale (<4kW) off-grid installations including battery power (FLA, AGM, GEL) and inverter/UPS variations. He is also familiar with grid-tie solar power systems, small-scale wind energy, and fuel-cell systems.

**PROJECT EXPERIENCE**

**Dakota County, TH 110 over Mendota Lebanon Hills Greenway, Mendota Heights, Minnesota.** Provided pedestrian level bridge lighting and site aesthetic lighting design. Project included coordination with Xcel Energy and City staff to relocate Dakota Park ball field lighting power feed cabinet.

**Dakota-Edgewood Trail Bridge over BNSF, St. Louis Park, Minnesota.** Provided pedestrian level bridge lighting and site aesthetic lighting design. Project included coordination with Xcel Energy and City staff to relocate Dakota Park ball field lighting power feed cabinet.

**MnDOT Kennedy Bridge Rehabilitation over Red River, East Grand Forks, Minnesota and Grand Forks, North Dakota.** Provided roadway and bridge lighting design, and also aesthetic lighting design. Project required coordination with both the Minnesota and North Dakota Departments of Transportation.

**Rice Park Reconstruction, St. Paul, Minnesota.** The design included updating all the electrical systems while minimizing above ground facilities and enhancing the lighting with pole mounted, bollard and holiday lighting functions. The project also included power and communications options for Winter Carnival, concerts and other events.

**Mississippi River Regional Trail Pine Bend Bluffs Trailhead, Dakota County Parks, Minnesota.** Steve led the design of a for new lighting and electrical distribution for trailhead project through a Minnesota DNR Scientific Natural Area in Inver Grove Heights. The design included LED lighting with special selection of color temperature for the park setting.

**City of West Saint Paul Robert Street (TH 952) Improvement, Minnesota.** This multi-year, phased project reconfigured Robert Street. Steve provided city street lighting design, which includes changing the existing streetlight system to a more energy efficient LED luminaire and aesthetic pole. In addition, Steve led the design of CCTV installations at intersections and fiber optic communications for signal interconnect and CCTV backhaul to the DOT operations center.
Appendix – Scope & Fee
The City of South St. Paul is seeking a consultant to provide analysis, schematic design options, and estimated project costs for a pedestrian crossing from Concord Street (CSAH 156) to the Kaposia Landing park area utilizing or paralleling the existing vehicular bridge at Bryant Avenue. Feasibility services for the project shall include:

A) Feasibility analysis of pedestrian crossing options including location, schematic design, connections, and estimated costs.

B) Stakeholder processes and community engagement according to 2020 modified Statewide Health Improvement Partnership (SHIP) funding requirements.

**SCHEDULE:**

- July 7, 2020: RFP sent to selected consultants
- July 27, 2020: Proposals received by City of So. St. Paul
- Aug 12, 2020: Consultant selection
- Aug 17, 2020: Execution of contract with the City & Authorization to Proceed
- Aug 2020: Project kickoff and advancement immediately after contract execution
- Dec 2020: Draft Feasibility Report Review with staff and Parks & Recreation Advisory Commission
- Jan 2021: Public/Modified open house
- Feb 2021: Final Feasibility Report including estimated costs
- Feb 2021: City Council approval
### Work Tasks and Person-Hour Estimates

**Client:** CITY OF SOUTH ST. PAUL  
**Project:** Bryant Avenue Pedestrian Bridge Feasibility Analysis

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**Assumptions:**
- Administer all record keeping.
- Ownership of all drawings, reports, and other work product prepared or produced, including those in an electronic format will be transmitted to the City upon completion of the project.
- Stakeholder processes and community engagement is required according to 2020 modified Statewide Health Improvement Partnership (SHIP) funding requirements. Stakeholders include Dakota County and Union Pacific Railroad in addition to the City of South St. Paul.
- Coordinate, (including agency communication), prepare for, and conduct meetings with agencies potentially affected by the pedestrian crossing project, such as Union Pacific Railroad and Dakota County.
- Develop and conduct (1) one public participation input meeting including project mailings. The City will produce the mailing list and mail all notices required. The consultant is expected to prepare documents to be used for mailing and to supply necessary handouts at the public meeting.
- Provide meeting minutes for all design meetings.
- SRF will meet regularly with city staff during each phase of the feasibility process. Typically, these meetings will be held at Central Square Community Center, South St. Paul, MN.
- SRF will prepare to participate in two presentations total to the Parks & Recreation Advisory Commission, City Council, or both.
- SRF assumes stakeholder meetings will be by video conference, with the exception of the site visit with City staff.
- SRF assumes public engagement will be virtual or in-person.
- SRF assumes City Parks & Rec. and Council meeting will be virtual or in-person.
- SRF assumes stakeholders (Dakota Co & Union Pacific Railroad, others) will be invited to joint meetings with City staff as needed. No separate meetings with outside stakeholders is needed.

**Client Deliverables:**
- Provide mailing list and mail all notices.

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### Work Tasks and Person-Hour Estimates

**Client:** CITY OF SOUTH ST. PAUL  
**Project:** Bryant Avenue Pedestrian Bridge Feasibility Analysis

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|          | Includes City of S. St. Paul  
|          | - Assume 1 mtg in Aug. 2020  
|          | - Assume 1.0 staff for 1.5 hrs & 1 hr travel  
|          | - Assume 3 hrs prep and documentation. | | | | | | | | | |
| 1.3      | Project Mtgs: (VIDEO CONFERENCES) | 0         | 4.5        | 0         | 0        | 0     | 0         | 0        | 9      | $1,287  |
|          | Includes: City of South St. Paul (County and UP as needed)  
|          | - Assume 1 mtg/2-mo. From Sept. 2020 - Jan 2021  
|          | - Assume 3 mtgs for 1.0 staff for 1.5 hrs & 0 hr travel  
|          | - Assume 3 hrs prep and documentation per mtg. | | | | | | | | | |
| 1.4      | City of South St. Paul Bi-Weekly Conference Call: | 0         | 6          | 0         | 0        | 0     | 0         | 0        | 6      | $900    |
|          | - Assume 2 mtgs/mo. From Aug 2020 - Jan 2021  
|          | - Assume 12 mtgs for 1 staff for 0.5 hrs | | | | | | | | | |
| 1.5      | Dakota County Mtgs: | 0         | 0          | 0         | 0        | 0     | 0         | 0        | 0      | $0      |
|          | - Included in Task 1.3. County will be included in project meetings for all or portions of meetings as needed. | | | | | | | | | |
| 1.6      | Union Pacific Railroad (UP) Mtgs: | 0         | 0          | 0         | 0        | 0     | 0         | 0        | 0      | $0      |
|          | - Included in Task 1.3. County will be included in project meetings for all or portions of meetings as needed. | | | | | | | | | |
| 1.7      | City Parks & Rec. Advisory Comm. Mtg: (In Person or Video Conf.) | 0         | 2.5        | 0         | 0        | 0     | 0         | 0        | 2      | $511    |
|          | - Assume 1 mtg in Dec. 2020  
|          | - Assume 1 staff for 1.5 hrs & 1 hr travel  
|          | - Assume 2 hrs prep and documentation per mtg. | | | | | | | | | |
| 1.8      | Public Engagement (In Person or Virtual Open House) | 0         | 8          | 0         | 0        | 12    | 0         | 16       | 36     | $3,428  |
|          | - Assume (1) open house mtg in Jan. 2021  
|          | - Assume 2 staff for 3 hrs mtg. & prep. & 1 hr travel  
|          | - Prepare invite mailing materials  
|          | - Prepare boards, graphics, figures & other meeting materials | | | | | | | | | |
| 1.9      | City Council Mtg: (In Person or Video Conf.) | 0         | 2.5        | 0         | 0        | 0     | 0         | 2        | 4.5    | $511    |
|          | - Assume 1 mtg in Feb. 2021  
|          | - Assume 1 staff for 1.5 hrs & 1 hr travel  
|          | - Assume 2 hrs prep and documentation per mtg. | | | | | | | | | |
| 1.10     | Monthly Invoices  
|          | Meeting Minutes | 0         | 0          | 0         | 0        | 0     | 0         | 0        | 0      | $0      |
### Task: Records of drawings, reports, and other work product in electronic format

- Records of drawings, reports, and other work product in electronic format
- Boards, graphics, figures & other meeting materials

**Subtotal - Task 1**

<table>
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<tr>
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<th>Sr. Assoc.</th>
<th>Assoc.</th>
<th>Sr. Prof</th>
<th>Prof.</th>
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### Task: Boards, graphics, figures & other meeting materials

2.0 **Right-of-Way Coordination**

**Assumptions:**
- Existing Right-of-Way and parcel limits will be prepared based on GIS information.
- SRF will document ROW in a CAD basefile.

**Client Deliverables:**
- Dakota County or City ROW records
- Records of Bryant Ave. overpass agreement if available.
- Easement records if available

**Subtotal - Task 2**

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<tr>
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**SRF Deliverables:**
- ROW CAD File

**Subtotal - Task 2**

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### Task 3: Utility Coordination

**Assumptions:**

- No field survey required.
- SRF will locate existing and private utilities by requesting a Gopher State One Call mapping request. Field markings can be requested and collected by survey as extra work.
- SRF will document known existing utilities in a CAD base file.
- SRF will identify and summarize utility owners and contact information for facilities anticipated to be impacted by future construction in the feasibility study report.
- No utility coordination meeting is planned to be held. Contact may be made and recorded by phone for major utilities which may impact bridge construction to review the viability of potential utility relocation.

**Client Deliverables:**

- Available public utility files and mapping

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**SRF Deliverables:**

- GSOC Ticket Information
- Utility CAD file
- Utility owner and contact information

**SUBTOTAL - TASK 3**

|                  | 0 | 0 | 0 | 4 | 4 | 0 | 8 | $712 |

**Subtotal Estimated Fee:** $712
## Work Tasks and Person-Hour Estimates

**Client:** CITY OF SOUTH ST. PAUL  
**Project:** Bryant Avenue Pedestrian Bridge Feasibility Analysis

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<tr>
<td></td>
<td>The City of South St. Paul is seeking options for a pedestrian crossing from Concord Street (CSAH 156) to the Kaposia Landing park area utilizing or paralleling the existing vehicular bridge at Bryant Avenue.</td>
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<td></td>
<td>Feasibility analysis of the pedestrian crossing options including location, schematic design and estimated costs.</td>
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<td>The pedestrian crossing analysis may utilize existing structures, such as the Bryant Avenue vehicular bridge (BR 19544), or be a standalone structure and route.</td>
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<td></td>
<td>The City intends to ultimately select a preferred schematic design in consideration of cost estimate and in consultation with stakeholders for future grant funding application to accomplish construction.</td>
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<td>Provide schematic design options and present final schematic design documentation, cost estimate, and technical memorandum for approval by city staff.</td>
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<td>SRF will ensure that applicable Federal, State, and local codes and regulations related to the facility design are met.</td>
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<td>- Review available BR 19544 Inventory &amp; Inspection Report and Record Plans</td>
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<td>1) modification/widening of BR 19544 for a trail facility to be added to the traffic bridge.</td>
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<td>2) modification of BR 19544 substructures only to widen existing piers for a separate pedestrian bridge deck</td>
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<td>3) Construct a new separate pedestrian bridge in the vicinity of BR 19544 (no BR 19544 modification).</td>
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<td>- Geometric plans of recommended alternative assumed to include:</td>
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## Work Tasks and Person-Hour Estimates

**Client:** CITY OF SOUTH ST. PAUL  
**Project:** Bryant Avenue Pedestrian Bridge Feasibility Analysis

<table>
<thead>
<tr>
<th>TASK NO.</th>
<th>TASK DESCRIPTION</th>
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<th>ASSOCIATE</th>
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<th>PROF.</th>
<th>TECHNICAL</th>
<th>CLERICAL</th>
<th>TOTALS</th>
<th>EST. FEE</th>
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</table>
| 4.4      | Feasibility Study Report  
- Report summarizing the process and findings of the bridge analysis and schematic design process. Report assumed to include the following sections:  
  - Cover  
  - Executive Summary  
  - Alignment & Connections Summary  
  - Property & ROW Identification  
  - Existing Utilities  
  - Bridge Alternatives  
  - Bridge Aesthetics  
  - Property Easements & Impacts  
  - Project Costs  
  - Summary & Recommendations  
  - Project Schedule  
  - Appendix | 2 | 2 | 4 | 0 | 16 | 0 | 0 | 24 | $2,698 |
| 4.5      | Cost Estimating  
- Cost estimates to be based on comparable project unit cost per square foot basis. | 0 | 2 | 0 | 4 | 8 | 0 | 0 | 14 | $1,500 |

**SRF Deliverables:**  
- Feasibility Study Report  
- Project Cost Estimate

**SUBTOTAL - TASK 4** | 2 | 9 | 8 | 32 | 46 | 16 | 0 | 113 | $11,938 |
AESTHETICS & CONNECTIVITY

Assumptions:
- Feasibility analysis of the pedestrian crossing options including pedestrian connections at intersections, park trails and the Mississippi River Greenway and estimated costs.
- The pedestrian crossing should connect to public property and be fully compliant with Americans with Disabilities Act (ADA) requirements.
- The design aesthetic for the pedestrian crossing may be similar to the Kaposia Landing Bridge No. 19537 and new trail bridge at the north end pedestrian crossings servicing the Simon’s Ravine Trailhead and the Robert Piram Regional Trail.
- Schematic design should consider benefits to Statewide Health Improvement Partnership (SHIP) priority populations: Ages 60 and older, children, and people with low incomes and health disparity.
- Develop architectural elements to be incorporated into the design.
- SRF will ensure that applicable Federal, State, and local codes and regulations related to the facility design are met.
- SRF will develop up to (2) architectural design sketches for the preferred alignment and bridge type option

Client Deliverables:
- Report review

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<th>TASK NO.</th>
<th>TASK DESCRIPTION</th>
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SRF Deliverables:
- Bridge Renderings
- Bridge Aesthetics
- Report Contribution - Pedestrian Connections

SUBTOTAL - TASK 5 | 0 | 6 | 0 | 0 | 14 | 0 | 0 | 20 | $2,230
## Work Tasks and Person-Hour Estimates

**Client:** CITY OF SOUTH ST. PAUL  
**Project:** Bryant Avenue Pedestrian Bridge Feasibility Analysis

<table>
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<td></td>
<td>- Identify, delineate and classify any environmental elements associated with the project.</td>
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<td>- SRF will review the recommended project and document in the feasibility study report future environmental process needs, coordination and potential impacts to be addressed in future design phases.</td>
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<td>- SRF will outline the anticipated federal aid process for environmental documentation, anticipated to be a Project Memorandum (PM), to be completed in future design phases. The outline will be provided in the feasibility study report.</td>
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<td>- Existing prior environmental reports for review.</td>
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</table>

**TOTAL ESTIMATED PERSON-HOURS**

|                      | PRINCIPAL | SR. ASSOC. | ASSOCIATE | SR. PROF | PROF. | TECHNICAL | CLERICAL | TOTALS |
|----------------------|-----------|------------|-----------|----------|-------|-----------|----------|--------|--------|
| AVERAGE HOURLY BILLING RATES | $193      | $150       | $123      | $110     | $95   | $83       | $68      | $26,874|
| ESTIMATED LABOR AND OVERHEAD  | $385      | $7,650     | $984      | $3,520   | $9,690| $1,992    | $2,652   | $205   | $27,079|

**TOTAL ESTIMATED FEE**

$27,079
### Work Tasks and Person-Hour Estimates

Client: CITY OF SOUTH ST. PAUL  
Project: Bryant Avenue Pedestrian Bridge Feasibility Analysis

<table>
<thead>
<tr>
<th>TASK NO.</th>
<th>TASK DESCRIPTION</th>
<th>PRINCIPAL</th>
<th>SR. ASSOC.</th>
<th>ASSOCIATE</th>
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**ESTIMATE OF DIRECT NON-SALARY EXPENSES:**
- **MILEAGE:**
  - Personal Vehicles: 208 Miles @ $0.575 = $120
- **REPRODUCTION:**
  - Copy Duplication: 500 Copies @ $0.10 = $50
  - Color Copies: 100 Copies @ $0.35 = $35
  - Bond Prints: 0 Prints @ $6.00 = $0
  - Mylar Prints: 0 Prints @ $12.00 = $0
- **COURTHOUSE COPIES:**
  - Courthouse Copies: 0 Copies @ $1.00 = $0
- **PRINTING:**
  - Printing: $0
- **SUPPLIES:**
  - Supplies: $0
- **COMMUNICATIONS:**
  - Cell Phone Charges: $0
- **SUBCONSULTANTS:**
  - Subconsultants: $0

**ESTIMATED DIRECT NON-SALARY EXPENSES**

**SUMMARY OF COSTS:**

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**ESTIMATED DIRECT NON-SALARY EXPENSES**

Total Estimated Direct Non-Salary Expenses: $205

**TOTAL COSTS:**

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Total Estimated Direct Non-Salary Expenses: $26,874
City of South St. Paul
Parks & Recreation Department
100 7th Avenue North, South St. Paul, MN 55075
651.366.6200 fax 651.366.6201

Pedestrian Bridge Feasibility Analysis
Bryant Avenue at Kaposia Landing
South St. Paul, Minnesota

Request for Proposal

Proposals are Due:
Monday, July 27, 2020
3:00PM
A. General Purpose and Proposal Guidelines

1. The City of South St. Paul is seeking a consultant to provide analysis, schematic design options, and estimated project costs for a pedestrian crossing from Concord Street (CSAH 156) to the Kaposia Landing park area utilizing or paralleling the existing vehicular bridge at Bryant Avenue. Feasibility services for the project shall include:
   A. Feasibility analysis of pedestrian crossing options including location, schematic design, connections, and estimated costs.
   B. Stakeholder processes and community engagement according to 2020 modified Statewide Health Improvement Partnership (SHIP) funding requirements.

2. Submission of Proposal
   One digital .pdf of the proposal should be submitted by 3:00 PM, Monday, July 27, 2020 to the project manager identified below.

3. Project Manager
   Questions regarding this Request for Proposal, or submitted proposals, should be directed to:

   Christopher Esser, Director of Parks & Recreation
   Central Square Community Center
   100 - 7th Avenue North
   South St. Paul, MN 55075
   Phone: 651.366.6202
   E-mail: cesser@sspmn.org

4. Acceptance of Proposal
   The City of South St. Paul reserves the right to cancel the Request for Proposals at any time or for any reason that is in the best interest of the City. The City of South St. Paul also reserves the right to reject proposals based on the evaluation criteria outlined herein, to request clarification of a proposal, to accept other than the lowest cost proposal, and to negotiate the specified dollar amount, or any portion of that amount.

5. Proposal Preparation
   The City of South St. Paul will not be responsible for any costs incurred by applicants in preparing proposals.

6. Independent Price Determination
   Applicants are held legally responsible for their proposals. Applicants are not to collaborate, for the purpose of restricting competition, with other applicants or competitors in developing proposals.
B. Project Background
Kaposia Landing is an existing 87-acre park that was a former demolition landfill along the Mississippi River. Opened to the public in 2008, the park has become a regional destination and is connected to the 27-mile Mississippi River Greenway and River to River Greenway, both greenways being Dakota County collaborative resources and park enhancement partnership with the City of South St. Paul.

In order to gain access to the Kaposia Landing property, a vehicular bridge was constructed in 2003, before landfill closure and park development. The bridge meets MnDOT standards however does not provide a safe and accessible separated or shared pedestrian way to cross the bridge to access Kaposia Landing and the Mississippi River Greenway.

The City of South St. Paul is soliciting a feasibility study to analyze design and funding options to designate or construct a pedestrian dedicated walkway to access Kaposia Landing and the Mississippi River Greenway. This pedestrian way would provide improved access to the internal and regional trails and active and passive amenities at Kaposia Landing and encourage non-vehicular access to the park and trails.

C. Scope of Services
1. Nature of Project:
   A. The City of South St. Paul is seeking analysis, schematic design options, and estimated project costs for a pedestrian crossing from Concord Street (CSAH 156) to the Kaposia Landing park area utilizing or paralleling the existing vehicular bridge at Bryant Avenue.
   B. Feasibility analysis of the pedestrian crossing options including location, schematic design, connections, and estimated costs.
   C. The pedestrian crossing should connect to public property and be fully compliant with Americans with Disabilities Act (ADA) requirements.
   D. The pedestrian crossing analysis may utilize existing structures, such as the Bryant Avenue vehicular bridge, or be a standalone structure and route.
   E. The design aesthetic for the pedestrian crossing may be similar to the Kaposia Landing north end pedestrian crossings servicing the Simon’s Ravine Trailhead and the Robert Piram Regional Trail.
   F. Schematic design should consider benefits to Statewide Health Improvement Partnership (SHIP) priority populations: Ages 60 and older, children, and people with low incomes and health disparity.
   G. Stakeholder processes and community engagement is required according to 2020 modified Statewide Health Improvement Partnership (SHIP) funding requirements. Stakeholders include Dakota County and Union Pacific Railroad in addition to the City of South St. Paul.
H. The City intends to ultimately select a preferred schematic design in consideration of cost estimate and in consultation with stakeholders for future grant funding application to accomplish construction.

2. The selected consultant will provide the following services:

   A. Coordinate, (including agency communication), prepare for, and conduct meetings with agencies potentially affected by the pedestrian crossing project, such as Union Pacific Railroad and Dakota County.

   B. Develop and conduct (1) one public participation input meeting including project mailings. The City will produce the mailing list and mail all notices required. The consultant is expected to prepare documents to be used for mailing and to supply necessary handouts at the public meeting.

   C. Administer all record keeping.

   D. Develop architectural elements to be incorporated into the design.

   E. Identify, delineate and classify any environmental elements associated with the project.

   F. Schematic design options and present final schematic design documentation, cost estimate, and technical memorandum for approval by city staff.

   G. Provide meeting minutes for all design meetings.

3. The consultant will be responsible for ensuring that applicable Federal, State, and local codes and regulations related to the facility design are met.

4. Ownership of all drawings, reports, and other work product prepared or produced, including those in an electronic format will be transmitted to the City upon completion or termination of the project and prior to final payment.

5. The consultant will need to meet regularly with city staff during each phase of the feasibility process. Typically, these meetings will be held at Central Square Community Center, South St. Paul, MN.

6. It is anticipated that the consultant will make two presentations total to the Parks & Recreation Advisory Commission, City Council, or both.

**D. Calculation of Fees**

Itemized fee proposal is required to be submitted.

**E. Schedule**

See schedule on Attachment B – Project Schedule.
F. Contract and Conditions

The selected design firm will be required to enter into a contract with the City of South St. Paul. A draft copy of the proposed contract is attached (Attachment C). Your proposal should indicate if your firm has any concerns with the proposed contract language. Additional contract conditions may be required, depending upon the nature and extent of the services to be provided. The City reserves the right to negotiate a change or modification to any of the proposed contractual conditions.
Bryant Avenue Pedestrian Bridge Feasibility Analysis

Project Schedule - Attachment B

The following is the desired schedule for the project:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFP sent to selected consultants</td>
<td>July 7, 2020</td>
</tr>
<tr>
<td>Proposals received by City of So. St. Paul</td>
<td>July 27, 2020</td>
</tr>
<tr>
<td>Consultant selection</td>
<td>August 12, 2020</td>
</tr>
<tr>
<td>Execution of contract with the City</td>
<td>August 17, 2020</td>
</tr>
<tr>
<td>Authorization to proceed</td>
<td>After execution of the contract</td>
</tr>
<tr>
<td>Project kickoff and advancement</td>
<td>Immediately after contract execution</td>
</tr>
<tr>
<td>Draft Feasibility Report Review with staff and Parks &amp; Recreation Advisory Commission</td>
<td>December 2020</td>
</tr>
<tr>
<td>Public/Modified open house</td>
<td>January 2021</td>
</tr>
<tr>
<td>Final Feasibility Report including estimated costs</td>
<td>February 2021</td>
</tr>
<tr>
<td>City Council approval</td>
<td>February 2021</td>
</tr>
</tbody>
</table>

Consultant Provided Schedule:

The consultant selected shall provide a schedule with associated tasks and deliverables. Project schedule may be modified on the front end as mutually agreed upon by city and consultant.
AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT (“Agreement”) is made and executed this _____day of ____________, 20 _____, by and between the City of South St. Paul, 125 – 3rd Avenue North, South St. Paul, Minnesota 55075, (“City”) and _____________ (name), ______________________ (address) (“Consultant”).

WHEREAS, the City has accepted the proposal of the Consultant for certain professional Services; and

WHEREAS, Consultant desires to perform the Services for the City under the terms and conditions set forth in this Agreement.

NOW THEREFORE, in consideration of the mutual consideration contained herein, it is hereby agreed as follows:

1. SERVICES.
   a. City agrees to engage Consultant as an independent contractor for the purpose of performing certain professional Services (“Services”), as defined in the following documents:
      i. A proposal dated ________________, incorporated herein as Exhibit 1;
      ii. Other documentation, incorporated herein as Exhibit 2.

   b. Consultant covenants and agrees to provide Services to the satisfaction of the City in a timely fashion, as set forth in the Exhibits, subject to Section 7 of this Agreement.

2. PAYMENT.
   a. City agrees to pay and Consultant agrees to receive and accept payment for Services as set forth in the Exhibits.

   b. Any changes in the scope of the work of the Services that may result in an increase to the compensation due the Consultant shall require prior written approval by the authorized representative of the City or by the City Council. The City will not pay additional compensation for Services that do not have prior written authorization.

   c. Consultant shall submit itemized bills for Services provided to City on a monthly basis. Bills submitted shall be paid in the same manner as other claims made to City.
3. **TERM.** The term of this Agreement is identified in the Exhibits. This Agreement may be extended upon the written mutual consent of the parties for such additional period as they deem appropriate, and upon the same terms and conditions as herein stated.

4. **TERMINATION.**

   a. **Termination by Either Party.** This Agreement may be terminated by either party upon 30 days’ written notice delivered to the other party to the addresses listed in Section 13 of this Agreement. Upon termination under this provision, if there is no default by the Consultant, Consultant shall be paid for Services rendered and reimbursable expenses until the effective date of termination.

   b. **Termination Due to Default.** This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. The non-performing party shall have fifteen (15) calendar days from the date of the termination notice to cure or to submit a plan for cure that is acceptable to the other party.

5. **SUBCONTRACTORS.** Consultant shall not enter into subcontracts for any of the Services provided for in this Agreement without the express written consent of the City, unless specifically provided for in the Exhibits. The Consultant shall pay any subcontractor involved in the performance of this Agreement within the ten (10) days of the Consultant’s receipt of payment by the City for undisputed services provided by the subcontractor.

6. **STANDARD OF CARE.** In performing its Services, Consultant will use that degree of care and skill ordinarily exercised, under similar circumstances, by reputable members of its profession in the same locality at the time the Services are provided. No warranty, express or implied, is made or intended by Consultant’s undertaking herein or its performance of Services.

7. **DELAY IN PERFORMANCE.** Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and inability to procure permits, licenses or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or Consultant under this Agreement. If such circumstances occur, the nonperforming party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement. Consultant will be entitled to payment for its reasonable additional charges, if any, due to the delay.

8. **CITY’S REPRESENTATIVE.** The City has designated ________________ to act as the City’s representative with respect to the Services to be performed under this Agreement. He or she shall have complete authority to transmit instructions, receive information, interpret, and define the City’s policy and decisions with respect to the Services covered by this Agreement.
9. **PROJECT MANAGER AND STAFFING.** The Consultant has designated _______ and _______ to be the primary contacts for the City in the performance of the Services. They shall be assisted by other staff members as necessary to facilitate the completion of the Services in accordance with the terms established herein. Consultant may not remove or replace these designated staff without the approval of the City.

10. **INDEMNIFICATION.**
   a. Consultant and City each agree to defend, indemnify, and hold harmless each other, its agents and employees, from and against legal liability for all claims, losses, damages, and expenses to the extent such claims, losses, damages, or expenses are caused by its negligent acts, errors, or omissions. In the event claims, losses, damages, or expenses are caused by the joint or concurrent negligence of Consultant and City, they shall be borne by each party in proportion to its own negligence.
   
   b. Consultant shall indemnify City against legal liability for damages arising out of claims by Consultant's employees. City shall indemnify Consultant against legal liability for damages arising out of claims by City's employees.

11. **INSURANCE.** During the performance of the Services under this Agreement, Consultant shall maintain the following insurance:

   a. General Liability Insurance, with a limit of $2,000,000 for any number of claims arising out of a single occurrence, pursuant to Minnesota Statutes, Section 466.04, or as may be amended;

   b. Professional Liability Insurance, with a limit of $2,000,000 for any number of claims arising out of a single occurrence.

   c. Workers' Compensation Insurance in accordance with statutory requirements.

   d. Automobile Liability Insurance, with a combined single limit of $1,000,000 for each person and $1,000,000 for each accident.

Consultant shall furnish the City with certificates of insurance, which shall include a provision that such insurance shall not be canceled without written notice to the City. The City shall be named as an additional insured on the General Liability Insurance policy and the Professional Liability Insurance policy.

12. **OWNERSHIP OF DOCUMENTS.** Professional documents, drawings, and specifications prepared by the Consultant as part of the Services shall become the property of the City when Consultant has been compensated for all Services rendered, provided, however, that Consultant shall have the unrestricted right to their use. Consultant shall retain its rights in its standard drawing details, specifications, databases, computer software, and other proprietary property. Rights to proprietary intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of the Consultant.

13. **NOTICES.** Notices shall be communicated to the following addresses:
If to City:  City of South St. Paul
125 – 3rd Ave. N.
South St. Paul, MN 55075
Attention: Chris Esser, Parks & Recreation Director

Or e-mailed: cesser@sspmn.org

If to Consultant:

Or emailed:

14. INDEPENDENT CONTRACTOR STATUS. All services provided by Consultant, its officers, agents and employees pursuant to this Agreement shall be provided as employees of Consultant or as independent contractors of Consultant and not as employees of the City for any purpose.

15. GENERAL PROVISIONS.

a. Assignment. This Agreement is not assignable without the mutual written agreement of the parties.

b. Waiver. A waiver by either City or Consultant of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party’s rights with respect to any other or further breach.

c. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Minnesota and any action must be venued in Dakota County District Court.

d. Severability. If any term of this Agreement is found be void or invalid, such invalidity shall not affect the remaining terms of this Agreement, which shall continue in full force and effect.

e. Data Practices Compliance. All data collected by the City pursuant to this Agreement shall be subject to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.

f. Entire Agreement. This Agreement constitutes the entire agreement of the parties and supersedes all prior communications, understandings and agreements relating to the subject matter hereof, whether oral or written.

CITY OF SOUTH ST. PAUL

By: ________________________________
James P. Francis, Mayor

Request for proposal
ATTEST:

By: ______________________________
Christy Wilcox, City Clerk

Date: ____________________________

CONSULTANT

By: ______________________________

Its: ______________________________

Date: ____________________________
AGENDA ITEM: Preliminary Plat and Planned Unit Development Extension for South Street Flats Project

ACTION TO BE CONSIDERED:

Adopt Resolution #2020-108 approving an extension of the Preliminary Plat and Conditional Use Permit for a Planned Unit Development approvals for South Street Flats with the final plat application now required by February 18, 2021.

OVERVIEW:

Richard Braun, on behalf of South Street Flats LLC, obtained a Preliminary Plat and Conditional Use Permit for a Planned Unit Development approval from the City Council on February 18, 2020. The project is a 13-unit townhome development proposed for the northeast intersection of 5th Avenue South and South Street.

The Code states that Preliminary Plats approvals are “good” for three (3) years unless the approval itself sets a different timeline. The Code states that Planned Unit Development approvals are “good” for whatever timeline is established in the approval for starting the project. If no timeline is established in the approval, the Planned Unit Development approval can be rescinded by the City Council if development has not proceeded within a reasonable time period.

The approvals that the Applicant was given in February state that they will expire if a final plat has not been applied for within six (6) months, by August 18, 2020. The approvals do state that the Applicant has the right to request an extension in writing before the six (6) months are up. Staff received a request for an extension on August 10, 2020. The Applicant has stated that he needs more time to determine if the project is financially viable before moving forward. A copy of the Applicant’s extension request letter is attached.

STAFF RECOMMENDATION:

Staff believes this a reasonable request and recommends approval or a resolution authorizing a 6-month extension. The City Council could grant a longer extension if they deem it prudent.

SOURCE OF FUNDS: N/A

ATTACHMENTS
A- SITE LOCATION MAP
B- APPROVED SITE PLAN FOR PROJECT
C- EXTENSION REQUEST LETTER FROM APPLICANT
ATTACHMENT B
APPROVED SITE PLAN FOR PROJECT
Hello Michael / Ryan,

I kindly request an extension of final plat submittal for the South Street Flats *Plat and PUD*.

My request for extension is being made because we still haven’t determined if the *Urban Row Home* that we proposed in the $268,500 price range will be a successful or not. We now have the final estimates for the building and infrastructure costs, which like usual have exceeded original estimates.

The units are now in the MLS (to be build) to see what kind of interest I can generate, we will determine over the next few months if we will go forward with South Street Flats.

Signage will be installed on-site with a color rendering of the proposed development with general information and direction for possible buyers to receive additional detailed information such as floor plans and standard features.

Thank you for your consideration.


---

**Dick Braun**
612-701-5228
City of South St. Paul  
Dakota County, Minnesota  

RESOLUTION NO. 2020-108  

A RESOLUTION APPROVING AN EXTENSION TO THE PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT APPROVAL FOR A 13-UNIT MULTIFAMILY DEVELOPMENT AT 300 SOUTH STREET WEST

WHEREAS, the City received an application from Richard Braun d/b/a South Street Flats for a Preliminary Plat and Planned Unit Development for a 13-unit multifamily development located at 300 South Street West and legally described as follows:

Lots 11, 12, 13, 14 and 15, Block 3, Walter and Arthur Addition to South St. Paul, Dakota County, Minnesota.

WHEREAS, the Planning Commission held a public hearing on the application at their February 5, 2020 meeting, preceded by notice as required by law; and

WHEREAS, the Planning Commission took action to recommend approval of the application (5-1) at their February 5, 2020 meeting; and

WHEREAS, the City Council approved the development application on February 18, 2020 via Resolution #2020-23 which established that a final plat application must be submitted by no later than August 18, 2020 unless the Applicant requests an extension of the approvals, in writing, prior to the expiration; and

WHEREAS, the City received a written request on August 10, 2020 for an extension of the Preliminary Plat and Conditional Use Permit for a Planned Unit Development approvals. The Applicant has stated that he needs additional time to determine whether the development project is economically feasible before moving forward.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota as follows:

1) **Facts.** Resolution #2020-23 establishes that the Applicant has the right to petition the City for an extension of the approvals and additional time to submit an application for a final plat.

2) **Findings.** The Applicant’s reasons for requesting an extension are reasonable and it is appropriate to grant this extension request.

3) **Approval of extension of the Preliminary Plat and Planned Unit Development.** The extension of the approval of the Preliminary Plat and Planned Unit Development is hereby approved for the property 300 South St. West subject to the following conditions:

   A) All conditions of Resolution #2020-23 continue to be in effect except for the expiration of the approvals occurring on August 18, 2020.

   B) An application for a final plat shall be submitted by no later than February 18, 2021. The Applicant may seek an extension for submitting the final plat but such a request for extension must be submitted in writing and prior to expiration of the preliminary plat and planned unit development approvals.

Adopted this 17th Day of August, 2020

____________________________________
City Clerk