



CITY COUNCIL REGULAR AGENDA
MONDAY, OCTOBER 02, 2023
CITY HALL at 7:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADDITIONS OR CORRECTIONS TO AGENDA**
- 5. DISCUSSION FROM THE FLOOR**
 - A. Anoka County Sheriff Brad Wise
- 6. CONSENT AGENDA**
 - [A.](#) Approval of Minutes - September 11, 2023 City Council Work Session
 - [B.](#) Approval of Minutes - September 18, 2023 City Council Meeting
 - [C.](#) Contractor's Licenses
- 7. DEPARTMENT REPORTS**
 - [A.](#) Public Works Report
 - [B.](#) Code Enforcement Report
- 8. PUBLIC HEARING**
 - [A.](#) Improvement Hearing - 2024 Street Improvement Project
- 9. ORDINANCES AND/OR RESOLUTIONS**
 - [A.](#) Resolution 2023-36, Ordering Improvement and Preparation of Plans - 2024 Street Improvement Plan
- 10. REPORTS**
 - A. Attorney Report
 - [B.](#) Engineer's Report
 - C. Administrator Report
- 11. OTHER**
 - A. Motion to Close Meeting Pursuant to M.S. 13D.05, subd 3(a) to Conduct the City Administrator's Performance Evaluation
 - [B.](#) Correspondence
- 12. ADJOURN**

SEE REVERSE SIDE FOR RULES FOR PUBLIC HEARINGS AND
DISCUSSION FROM THE FLOOR

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 1301 81st Avenue NE, Spring Lake Park, MN 55432. Ph.763-784-6491 at least 48 hours in advance.

RULES FOR DISCUSSION FROM THE FLOOR AND PUBLIC HEARINGS

DISCUSSION FROM THE FLOOR

- Discussion from the floor is limited to three minutes per person. Longer presentations must be scheduled through the Administrator, Clerk/Treasurer's office.
- Individuals wishing to be heard must sign in with their name and address. Meetings are video recorded so individuals must approach the podium and speak clearly into the microphone.
- Council action or discussion should not be expected during "Discussion from the Floor." Council may direct staff to research the matter further or take the matter under advisement for action at the next regularly scheduled meeting.

PUBLIC HEARINGS

The purpose of a public hearing is to allow the City Council to receive citizen input on a proposed project. This is not a time to debate the issue.

The following format will be used to conduct the hearing:

- The presenter will have a maximum of 10 minutes to explain the project as proposed.
- Councilmembers will have the opportunity to ask questions or comment on the proposal.
- Citizens will then have an opportunity to ask questions and/or comment on the project. Those wishing the comment are asked to limit their comments to 3 minutes.

In cases where there is a spokesperson representing a group wishing to have their collective opinions voiced, the spokesperson should identify the audience group he/she is representing and may have a maximum of 10 minutes to express the views of the group.

- People wishing to comment are asked to keep their comments succinct and specific.
- Following public input, Councilmembers will have a second opportunity to ask questions of the presenter and/or citizens.
- After everyone wishing to address the subject of the hearing has done so, the Mayor will close the public hearing.
- The City Council may choose to take official action on the proposal or defer action until the next regularly scheduled Council meeting. No further public input will be received at that time.

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council Work Session was held on September 11, 2023 at the Spring Lake Park City Hall, 1301 81st Ave. NE, at 5:30 PM.

1. CALL TO ORDER

MEMBERS PRESENT

Councilmember Ken Wendling
Councilmember Barbara Goodboe-Bisschoff
Councilmember Lisa Dircks
Councilmember April Moran

MEMBERS ABSENT

Mayor Nelson

STAFF PRESENT

Building Official Jeff Baker, Public Works Director Terry Randall, Administrator Daniel Buchholtz

OTHERS PRESENT

Bruce Paulson, Stantec

2. DISCUSSION ITEMS

A. City Hall Renovation/Expansion Project

Architect Bruce Paulson provided an overview of the final drawings for the City Hall Renovation/Expansion project. He stated that the plan has changed minimally since he last presented the plans to the City Council in May 2023. He noted that the plans show the Police addition is 18 inches wider than originally proposed to accommodate an additional office in the Police Department, as well as additional work space. He reviewed incorporated security measures, exterior elevations and internal elevations.

Administrator Buchholtz stated that the project would be released for bids in October with bids received in November. He stated that the public hearing on the Capital Improvement Plan and the bond for the building would be held on December 18. He noted that after a thirty day waiting period, the City Council would presumably award bids and issue the bonds. He anticipated that the project would start March 2024.

Councilmembers discussed the project, expressing the need to move forward with the renovation. Councilmembers expressed support for the plans as presented.

B. 2024 Budget Discussion

Administrator Buchholtz provided two scenarios for the 2024 General Fund budget – one where there is no School Resource Officer contract and a second where there is a School Resource Officer. He said the proposed General Fund property tax levy under both of these scenarios is \$3,623,887, an increase of 3.77% from the 2023 General Fund levy and \$13,905 higher than the original 2024 General Fund budget request.

Councilmembers reviewed the proposed property tax levy and recommended forwarding the revised property tax levy to the next City Council meeting for approval.

C. Carports

Councilmember Goodboe-Bisschoff stated that a resident had inquired about constructing a carport on his property and asked about standards. Administrator Buchholtz stated that the City Code permits carports within the City, but that they must be built in accordance with the State Building Code, meet all setbacks, and have an approved surface underneath to accommodate parking a vehicle underneath. He stated that the metal carport kits sold at home improvement stores are prohibited in the City.

Councilmember Goodboe-Bisschoff inquired about setbacks. Building Official Baker stated that the carport must be no closer than 5 feet to the property line in the rear yard. Administrator Buchholtz noted that the carport would count toward the square footage limits on accessory buildings.

No further action was taken on this item.

D. Emerald Ash Borer Discussion

Due to Mayor Nelson's absence from the meeting, the City Council decided that the Emerald Ash Borer discussion be tabled to the next work session.

E. Statement of Values Discussion

Councilmember Moran requested that the following language be added to the Statement of Values:

“I commit to abstaining from substances that impair my judgment and cognitive functions during and immediately before official city events and meetings.”

She stated that the proposed change establishes an expectation that members represent the city and they should be at their best at city events and meetings.

Consensus of the City Council was to forward the language to the next City Council meeting for possible approval.

3. REPORT

- A. Council Reports – No report
- B. Administrator Report – Administrator Buchholtz stated that it is unlikely the Governor will call the Legislature into special session to consider changes to M.S. Ch. 121A relating to school resource officers.

4. ADJOURN

Acting Mayor Goodboe-Bisschoff adjourned the meeting at 7:30pm.

Barbara Goodboe-Bisschoff, Acting Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council Regular was held on September 18, 2023 at the City Hall, at 7:00 PM.

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 7:00 PM.

2. ROLL CALL

MEMBERS PRESENT

Mayor Robert Nelson
Councilmember Ken Wendling
Councilmember Barbara Goodboe-Bisschoff
Councilmember Lisa Dircks
Councilmember April Moran

STAFF PRESENT

Police Chief Josh Antoine, Recreation Director Kay Okey, Attorney John Thames, Administrator Daniel Buchholtz

VISITORS

None

3. PLEDGE OF ALLEGIANCE

4. ADDITIONS OR CORRECTIONS TO AGENDA

Administrator Buchholtz requested that Acceptance of the Minnesota Twins Community Fund Monetary Donation be added as item 6. F. under the Consent Agenda.

5. DISCUSSION FROM THE FLOOR

None

6. CONSENT AGENDA

- A. Approval of Minutes – September 5, 2023 City Council Meeting
- B. Approval of Claims – General Disbursement No 23-15 - \$635,229.03
- C. Contractor’s Request for Payment No. 3 – Final – Allied Blacktop - \$4,192.56
- D. Approve Amendment to Statement of Values Policy
- E. Contractor’s Licenses
- F. Acceptance of Minnesota Twins Community Fund Monetary Donation - \$7,000

Motion made by Councilmember Wendling to approve Consent Agenda.

Voting Aye: Councilmember Wendling, Councilmember Goodboe-Bisschoff, Councilmember Dircks, Councilmember Moran, Mayor Nelson. Motion carried.

7. DEPARTMENT REPORTS

A. Police Report

Chief Antoine reported that the Police Department responded to 752 calls for service in August 2023 compared to 775 calls for service for the month of August 2022.

Chief Antoine said Investigator Bennek handled 32 cases for the month of August, 28 of which were felony in nature and 4 misdemeanors. He said Investigator Bennek is monitoring 5 active forfeiture cases.

Chief Antoine reminded the residents that school is back and session and there will be an increase of school busses driving the streets, along with students driving and walking to and from school. He stated residents could find additional information on bus safety by going to the Minnesota Department of Public Safety website and navigate to the Commercial Vehicle section for School Bus Safety.

Chief Antoine reported that the police department participated in “Night to Unite” and attended 10 parties throughout the city. Chief Antoine thanked Hy-Vee for hosting the August Coffee with a Cop. He thanked the City Council members and State Representative Erin Koegel for their attendance.

Chief Antoine gave an overview of the status of the SROs.

B. Recreation Report

Parks Director Okey reported that the month of August is a transition month for the Parks Department. She stated that there were 4 rentals for the Able Park Building and 4 rentals for the fields and shelters. Parks Director Okey noted that the last Music in the Park will be held on Wednesday, September 20 from 5:30-7:00 pm.

Councilmember Goodboe-Bisschoff inquired about the cost to rent the Able Park Building. Director Okey informed the Council that rental for 4 hours of the building is \$54. She stated that the rental cost can depend on what facility is being rented and for how long it is being rented.

8. ORDINANCES AND/OR RESOLUTIONS**A. Resolution 2023-33, Adopting Proposed 2023 Tax Levy Collectable in 2024**

Administrator Buchholtz stated that the City Council reviewed the proposed 2024 Administrator's budget proposal on August 14 and September 11, 2023. He noted the City is required to be submit the levy no later than September 30, 2023 the preliminary levy.

Administrator Buchholtz said that Resolution 2023-33 will establish the proposed 2023, pay 2024, tax levy at \$4,113,290. He noted that this is an increase of 3.74% from 2022, pay 2023, tax levy. Administrator Buchholtz stated that the Resolution sets the date of the annual Truth-in-Taxation public hearing for Monday, December 4, 2023 at 7:00 pm at City Hall.

Motion made by Councilmember Wendling Accepting Resolution 2023-33, Adopting Proposed 2023 Tax Levy Collectable in 2024.

Voting Aye: Councilmember Wendling, Councilmember Goodboe-Bisschoff, Councilmember Dircks, Councilmember Moran. Nay: Mayor Nelson. Motion carried.

B. Resolution 2023-34, Cancelling or Reducing Bond Levies – 2023/2024

Administrator Buchholtz stated that State Law requires the County Auditor to levy the amount of debt service originally certified unless the City passes a resolution cancelling the levy. He said tht Resolution 23-34 would cancel two debt service levies and reduce the third.

Administrator Buchholtz stated the bonds are able to be reduced due to a combination of Local Government Aid, Public Utilities funds, Special Assessments, Municipal State Aid funds, and General Fund budget allocations.

Motion made by Councilmember Wendling Accepting Resolution 23-34, Cancelling or Reducing Bond Levies – 2023-2024.

Voting Aye: Councilmember Wendling, Councilmember Goodboe-Bisschoff, Councilmember Dircks, Councilmember Moran, Mayor Nelson. Motion carried.

C. Resolution 2023-35, Approving Tentative Agreement Between the City of Spring Lake Park and LELS Local #7, Representing the Patrol Officers Bargaining Unit for Calendar Years 2024-2025

Administrator Buchholtz informed the City Council that an agreement was reached between the negotiation team and the LELS Local #7 – Patrol Union.

Motion made by Mayor Nelson accepting Resolution 2023-35, Approving Tentative Agreement Between the City of Spring Lake Park and LELS Local #7, Representing the Patrol Officers Bargaining Unit for Calendar Years 2024-2025.

Voting Aye: Councilmember Wendling, Councilmember Goodboe-Bisschoff, Councilmember Dircks, Councilmember Moran, Mayor Nelson. Motion carried.

9. NEW BUSINESS

None

10. REPORTS

A. Attorney's Report

None

B. Engineer's Report

Reported accepted as presented.

C. Administrator Report

Administrator Buchholtz gave an update on the newsletter that will be distributed in October 2023. He reported that George Linngren, candidate for Public Works Director will start employment on October 2, 2023, rather than October 9, 2023. He stated that, on October 2, 2023, Anoka County Sheriff Wise will attend the meeting to greet the Council and give a presentation.

11. OTHER

A. Correspondence

B. Motion to Close City Council Meeting Pursuant to M.S. 13D.03 (1) to discuss Labor Negotiation Strategies

Motion made by Councilmember Wendling to Close the City Council Meeting Pursuant to M.S. 13D.02(1) to Discuss Labor Negotiation Strategies.

Voting Aye: Councilmember Wendling, Councilmember Goodboe-Bisschoff, Councilmember Dircks, Councilmember Moran, Mayor Nelson. Motion carried.

City Council Meeting adjourned at 7:20 pm for closed session

City Council Meeting resumed at 7:36 pm.

Attorney Thames summarized the closed session actions. The City Council discussed labor negotiation strategies. He stated that staff and the negotiation team were given direction on how to proceed.

12. ADJOURN

Motion made by Councilmember Wendling to adjourn.

Voting Aye: Councilmember Wendling, Councilmember Goodboe-Bisschoff, Councilmember Dircks, Councilmember Moran, Mayor Nelson. Motion carried.

The meeting was adjourned at 7:37 PM.

Robert Nelson, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Contractor's Licenses

October 2, 2023

Mechanical Contractor

SR Mechanical

Sign Contractor

Resolution Graphics, Inc.



Memorandum

To: Mayor Nelson and Members of the City Council
From: Terry Randall, Public Works Director
Date: September 28, 2023
Subject: September 2023 Public Works Report

During the month of September, the Public Works Department was busy doing the following activities:

- Weeding, Mowing, garbage and recycling pickup daily.
- Pulling the fountain at Triangle Park.
- Seeded and put a straw blanket down at Able Park
- Removed the temporary fence at Terrace Park around the softball fields.
- Participated in the big truck event on September 16 at the high school.
- Patching Sanburnol and other streets in the city.
- Grinding stumps from EAB tree removal, and filling the area with black dirt and seeds.
- Read water meters on September 11.
- Replaced the hydrant at 79th Avenue and Terrace Road. The replacement was done by Perkins Contracting.
- Preparing the equipment for winter.
- Doing Maintenance on squad cars.

Appointments:

- September 11 – City Council Workshop
- September 19-22 – Attended the American Water Works Conference
- September 28 – Attended the Pre-Construction Meeting for the Sewer Lining Project



City of Spring lake Park
Code Enforcement Division
1301 Eighty First Avenue Northeast
Spring Lake Park, Minnesota 55432
(763) 783-6491 Fax: (763) 792-7257

REPORT

TO: Spring Lake Park City Council
FROM: Jeff Baker, Code Enforcement Official
RE: Code Enforcement Monthly Report for September 2023
DATE: September 27, 2023

The Spring Lake Park Code Enforcement department is the authority having jurisdiction for all fire, rental, property, nuisance, and zoning codes within Spring Lake Park.

In September 2022, a total of 31 building, 2 C of O, 5 zoning, 6 mechanical, and 6 plumbing for a total of 50 permits issued compared to a total of 55 in 2022.

Code Enforcement conducted 165 inspections in the month of September including 81 building, 18 rental, 53 nuisance and 13 fire inspections.

The Code Enforcement Division issued 5 administrative offense tickets.

Inspector Morris was able to attend the MN State Fire Marshal's conference. At the conference, Morris was able to pass the written portion of the MN State Fire Inspector II exam. Morris will now complete the practical portion, later this year.

The Garfield Property has been removed. Code Enforcement would like to thank Public Works and the Police Department. They have both put in a large amount of work for this project to be completed. Rick's Demolition did a wonderful job in the debris removal. I have spoken with multiple neighbors that have said the same.

In September of 2023, I also attended the following appointments:

- City Council meeting on September 5th.
- City Council Workshop September 11th.

This concludes the Code Enforcement Department monthly report for September 2023. If anyone has any questions or concerns regarding my report, I would be happy to answer them at this time.

City of Spring Lake Park - Public Improvement Hearing
 2024 Street Improvements Project
 10-2-2023

City of Spring Lake Park

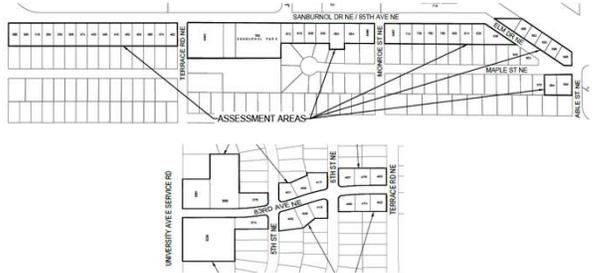
2024 Street Improvements Project
 Public Improvement Hearing

October 2, 2023



Slide 1

Project Location (area to be assessed)



Slide 2

Existing Conditions – Some potholes & bituminous flaking



- Many potholes.
- Cracking.
- Bituminous surface failing.
- Ongoing patching required.
- Existing concrete curbing is generally in acceptable condition.
- Existing sanitary sewer and water main is in acceptable condition.
- Some storm sewer structure improvements are necessary.

Slide 3

Feasibility Report

- The proposed project is a continuation of the City's Pavement Management Policy that began in the 1990's (Resolution 98-48).
- Project area includes:
 - Sanburnol Drive NE (AKA 85th Avenue),
 - Elm Drive NE, and
 - 83rd Avenue NE between University and Terrace.
- Streets last paved in 1994 and 1997.
- Feasibility Report
 - Proposed Improvements
 - Opinion of Probable Construction Costs
 - Assessment Information
 - Schedule
 - Preliminary Assessment Roll



Slide 4

Project Components

- 5 Street Improvements -
 - Replace pedestrian ramps on sidewalks. Install short segment of new sidewalk on 83rd Avenue.
 - Reclaim Existing Bituminous to create Class 5 material (Sanburnol/Elm).
 - Shape and compact reclaim material (Sanburnol/Elm).
 - Mill off top 2-inches of existing bituminous (83rd Avenue).
 - Place new bituminous surface.
- Storm Sewer Improvements -
 - Replace some storm sewer structures.
 - Add some new storm pipe on Sanburnol Dr.
 - Replace structure castings, frames & concrete adjustment rings on all catch basins.
- Sanitary Sewer and Water Main Improvements -
 - No sanitary sewer or water main work proposed.



Slide 5

Road Design Section for Sanburnol-Elm Reclaim & Overlay

- 6 Sanburnol-Elm Recommended Pavement Section
 1. Perform an 8-inch-deep pre-grind of the bituminous pavement and existing aggregate base
 - a. In some areas, this pre-grind will consist of some subgrade soils, which is suitable.
 2. Remove the reclaimed aggregate base material and excavate 5.5 inches below the reclaimed material.
 3. Apply surface compaction to the subgrade soils with a self-propelled vibrator roller compactor having a drum diameter of at least 3 feet.
 4. Place, compact, and shape 8-inches of the FDR material with the proper crown.
 5. Construct a new minimum 5.5-inch-thick bituminous section.

Table 6.3.2 below shows our recommended pavement section based on the traffic information, subgrade soils, and a 20-year design life, to meet the required Gravel Equivalency (GE). This pavement section should result in little to no grade raise.

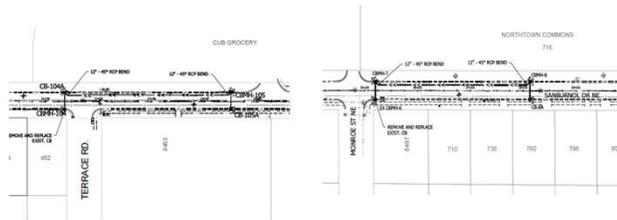
Table 6.3.2 -FDR Pavement Section

Layer	MnDOT Material Type (Spec)	Thickness (inches)
Bituminous Wear Upper	SPWES44DC (PG55H-34)	1.0"
Bituminous Wear Lower	SPWES44DC (PG55H-34)	2.0"
Bituminous Non-Wear	SPWES33SR (PG55S-28)	2.0"
Full Depth Reclamation	2215 B/S136	8.0"
	Required GE	19.71*
	Provided GE	20.38*

Slide 6

Proposed Storm Sewer Improvements

- 7 Proposed Storm Sewer Improvements



Slide 7

Estimated Project Costs & Funding

- 8 Estimated Project Costs & Funding
 - Estimated Total Project Cost -
 - \$ 1,118,800
 - Approximate Funding Sources -
 - City of Blaine (Sanburnol/85th Ave.): \$393,775
 - SLP Municipal State Aid: \$445,800
 - SLP Street and Utility Funds: \$57,316
 - SLP Assessments: \$218,909

Slide 8

Assessments - CITY ASSESSMENT POLICY AND PRACTICE

9

CITY ASSESSMENT POLICY AND PRACTICE

The City Council adopted Resolution 98-48 on November 16, 1998 establishing a Pavement Management Policy. The City adopted an addendum to the policy in January 1999 to clarify construction issues. Resolution 98-48 established assessment policy to be applied to street improvement projects. This policy provides that commercial, industrial, school, and church properties shall pay 100 percent of the actual cost based on the front footage of the property adjacent to the streets being improved. For purposes of this report, public lands are treated in a manner identical to school and church. This includes City-owned properties.

In residential areas, the policy says that costs will be split, with approximately 45% being assigned to the residential properties, and approximately 55% being funded by the City. The assignment of costs to residential properties will be made based on the total number of equivalent units involved in the project. For this method, a single-family lot is assigned a value of one unit. Multiple housing lots (if any) are counted as proportions of equivalent single-family lots. Duplex units are counted at a rate of 0.8 single-family lots per unit, town homes are counted at a rate of 0.6 single-family lots per unit, and apartments are counted as 0.4 single-family lots per unit. No differentiation will be made between attached and detached town home units.

In accordance with the Pavement Management Policy, all costs of public utility improvements incurred on this project, including sanitary sewer, water main, and storm sewer, will be completely funded by the City, with no portion assessed.

Residential lots are only to be assessed for one street improvement project. Therefore, corner lots that have been assessed for a previous street improvement project are not assessed twice.

Slide 9

Estimated Assessments

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City assessment practice calls for assessing 45% of assessable project costs to adjacent residential properties. For commercial, industrial, and institutional properties, city practice calls for assessing 100% of the assessable costs.

Sanitary sewer, water main, and storm sewer costs are not considered assessable costs.

For Sanburnol Drive and Elm Drive, the cost for the street base and bituminous in excess of 2.5-inches is not included in the assessable costs. Assessment rates are based on the estimated cost of a typical city street mill and overlay.

Proposed Assessment Rates:	
2024 Street Improvements Project	
Unit Assessment Rate	\$2,000.00 / parcel
Per Front Foot Rate	\$59.25 per front foot
Sidewalk for 359 83 rd Ave.	\$8,600 total

Estimated Total Assessments:	
2024 Street Improvements Project	
Sanburnol-Elm Assessments	\$132,924.90
83 rd Avenue Assessments	\$85,964.63
Total Estimated Assessments	\$218,909.53

Slide 10

Project Schedule – Spring Lake Park 2024 Street Improvements

11

Authorize Feasibility Report Preparation	June and July 2023
Order Public Improvement Hearing	August 21, 2023
Public Improvement Hearing	October 2, 2023
Approve Construction Plans / Authorize Bidding	November 20, 2023
Receive Bids	January 2024
Public Assessment Hearing	March 18, 2024
Council Award Construction Bids	March 18, 2024
Begin Construction	May 2024

Slide 11

Conclusion - Questions from residents, then close hearing.

12



Questions?

Please come to podium.

City of Spring Lake Park
Feasibility Report

2024 Street Improvements Project
Sanburnol Drive NE,
Elm Drive NE,
and 83rd Avenue NE

August 2023
Spring Lake Park, Michigan

Slide 12

**CITY OF SPRING LAKE PARK
NOTICE OF HEARING ON IMPROVEMENT**

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Spring Lake Park City Council will meet in the Council Chambers of City Hall at 7:00pm, or as soon thereafter, on Monday, October 2, 2023 to consider the making of the 2024 Street Improvement Project, the improvement of 83rd Avenue NE between the centerline of University Avenue Service Drive to its terminus at Terrace Road NE, Sanburnol Drive between the centerline of University Avenue Service Drive to its terminus at Elm Drive NE and Elm Drive between the centerline of Able Street to its terminus at Sanburnol Drive by rehabilitating said streets, along with any needed sanitary sewer, storm sewer, sidewalk and water system repairs discovered during the project, pursuant to Minn. Stat. §§ 429.011 to 429.111. The area to be assessed for such improvement is all properties abutting the project area. The estimated cost of the improvement is \$1,118,800. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons who desire to be heard with reference to the proposed improvement will be heard at this meeting.

Administrator, Clerk/Treasurer

Published in the Blaine/SLP Life on September 22, 2023 and September 29, 2023.



City of Spring Lake Park Feasibility Report

2024 Street Improvements Project

**Sanburnol Drive NE,
Elm Drive NE,
and 83rd Avenue NE.**

August 2023

Stantec Project No. 193806347





Stantec Consulting Services Inc.
733 Marquette Avenue, Suite 1000
Minneapolis MN 55402
Tel: (612) 712-2000

August 21, 2023

Honorable Mayor and City Council
City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432-2116

Re: Feasibility Report
2024 Sanburnol Drive, Elm Drive, and 83rd Avenue Improvements Project
Stantec Project No.: 193806347

Dear Mayor and Council:

Submitted herewith is our Report on providing improvements Sanburnol Drive NE, Elm Drive NE, and 83rd Avenue NE. Sanburnol and Elm are located on the north edge of the city between University service Drive and Able Street. 83rd is located on the west side of town between University Service Drive and Terrace Road. The report was authorized by the City Council on June 5, 2023 and July 17, 2023.

The Report includes a discussion of the existing condition of the streets, as well as a description of the improvements recommended for inclusion in this project. The improvements primarily include street rehabilitation and select repairs to the existing public storm sewer system.

A planning-level cost estimate for the recommended improvements is also included in the Report, along with a possible method of cost allocation for division of cost between the City, properties that will benefit from the improvements.

We would be pleased to meet with the City Council and Staff at any mutually convenient time to discuss the findings of this Report.

Sincerely,
STANTEC

Phil Gravel, City Engineer

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

Phil Gravel, PE

Date: August 21, 2023 Registration No. 19864

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 Appendix B – Preliminary Assessment Roll

Executive Summary

Since the late 1990’s, the City of Spring Lake Park has undertaken a comprehensive city-wide street maintenance program. Street Improvement Projects have occurred regularly since that time. Recent projects were completed in 2014-2015 and in 2022. This report presents information for completing improvements on the following streets:

- Sanburnol Drive NE (last paved in 1997),
- Elm Drive NE (last paved 1997 and 2004), and
- 83rd Avenue NE (last paved in 1994).

The proposed improvements presented herein are similar to the improvements that were completed in 2014, 2015, and 2022. It is proposed to complete the project in one construction season.

Since a portion of Sanburnol Drive is located within the City of Blaine, Blaine will pay for the proportional cost of the Sanburnol improvements. Also, all three roadways in the project are on the city’s Municipal State Aid System (MSAS). MSAS funding will be used for a portion of the project costs.

The estimated total project cost is \$1,118,800. The estimated amount to be assessed is \$218,909.53. The estimated amount to be reimbursed by the City of Blaine is \$393,775. The net estimated City of Spring Lake Park share of the project to be financed is \$503,115.47 (total project cost less proposed assessments less City of Blaine Share). The estimated total project costs and cost share amounts will be updated when the project plans go through MnDOT State Aid review.

The proposed assessment rates presented herein are consistent with the city’s assessment practice. The proposed assessment rates are similar to rates from previous projects when adjusted for inflation. If the Council wishes to proceed with the project, the next steps include preparation of a detailed financial analysis, sharing information with the public, and final preparation of plans and specifications.

Introduction and Existing Roadway Conditions

In June and July of 2023, the City Council authorized preparation of a Feasibility Report to complete a street improvements project on the streets in the project areas.

The streets in the project areas are existing urban, bituminous roadways with concrete curb and gutter. The streets are 32-feet wide (face of curb to face of curb). 83rd Avenue NE was last paved in 1994. Sanburnol and Elm were last paved in 1997. Pavement section information per the most recent construction plans is presented below along with other characteristics of the existing.

Sanburnol from University Service Drive to Monroe Street:

Street Width	32-feet (face of curb to face of curb)
Bituminous	4.6-inches average (4.0 – 6.25 range)
Aggregate Base	4 to 7 inches (reclaimed material)
Number of Driving Lanes	2 (one in each direction)
Parking	None
Sidewalk	None from Univ. Serv. Drive to Terrace. On south side (and spots on north) Terrace to Monroe.

Sanburnol and Elm from Monroe Street to Able Street:

Street Width	32-feet (face of curb to face of curb)
Bituminous	4.6-inches average (4.0 – 5.25 range)
Aggregate Base	4 to 6 inches (reclaimed material)
Number of Driving Lanes	2 (one in each direction)
Parking	None
Sidewalk	On south side between Monroe and Able

83rd Avenue NE from University Service Drive to Terrace Road:

Street Width	32-feet (face of curb to face of curb)
Bituminous	5.5-inches
Aggregate Base	6-inches (Class 5 with geotextile fabric)
Number of Driving Lanes	2 (one in each direction)
Parking	Allowed on south side between 5 th and Terrace
Sidewalk	North side (with one gap)

The existing curb and gutter along the roads is generally in fair condition. Minor cracks and settlements exist in spot locations.

In place storm sewer catch basin structures need repair or replacement throughout the project. The storm sewer piping which connects the catch basins to the main storm sewer lines is generally in fair shape.

Existing sidewalk is in adequate condition. MnDOT State Aid will review the mainline existing sidewalks during the design phase of the project and determine if any mainline sidewalk repairs are necessary to meet ADA standards.

Geotechnical Investigation

A limited geotechnical investigation was completed on Sanburnol/85th and Elm Drive. The results of the geotechnical investigations are presented in a separate report dated July 28, 2023 from American Engineering Testing.

The results of the geotechnical analysis provide information on the existing bituminous thickness and street section, soil conditions and types underneath the existing bituminous. The geotechnical information also provides data used in the design of the proposed pavement section for the roadway.

The geotechnical investigation did not include environmental monitoring and sampling in conjunction with the soil borings. On some street projects, environmental sampling is completed to check the sub-base of the existing road and the soil beneath for the presence of diesel-range organics (DROs), polychlorinated biphenyls (PCBs), volatile organic compounds (VOCs), and heavy (RCRA) metals. The presence of any of these materials, in sufficient concentration, could require modified construction methods, and unique requirements for handling and disposal of the soil. Based on discussions with City staff, we do not have reason to suspect that any of the road segments included in this report may contain questionable subgrade

Roadway Design Considerations

Street Section – Sanburnol and Elm

According to the recent geotechnical borings, the existing bituminous thickness on Sanburnol and Elm ranges from 4.0-inches to 6.25-inches. The existing bituminous was placed over 4.0-inches to 7.0-inches of granular material that appears to be aggregate base. The subgrade is silty sand.

The proposed construction will include reclamation of the existing bituminous. This process involves grinding the existing bituminous and existing aggregate to a depth of 8-inches. This process produces a granular/aggregate material that will be used as a base for new bituminous. The proposed design section will include 5.5-inches of new bituminous over 8-inches of Class 5 or reclaimed material.

Street Section – 83rd Avenue NE

According to available record documents, the existing bituminous section on 83rd Avenue NE in the project area is 5.5-inches of bituminous over 6.0-inches of Class 5 aggregate. The Class 5 aggregate was placed on a geotextile fabric.

The proposed construction will include removing the top 2.0-inches of bituminous by milling, patching any areas of distress, and placing a new 2-inch bituminous mat. Some small areas of the bituminous base will be patched after milling occurs. This process preserves the existing base and geotextile fabric.

CONCRETE CURB AND GUTTER

The streets included in this project have existing B618 (high back) concrete curb and gutter. Based on a field review and discussions with the Public Works Director, the majority of the curb appears to be in satisfactory condition. The City has indicated that they prefer to save the curb and gutter if possible. Therefore, it is proposed to limit the replacement of curb and gutter to spot areas. Proposed curb replacement segments include those sections currently showing damage or deterioration and at those locations where storm sewer repairs and pedestrian ramp replacements are proposed.

SIDEWALK

Concrete sidewalk currently exists in some portions of the project area. Based on a field review and discussions with the Public Works Director, the majority of the existing sidewalk appears to be in satisfactory condition. Since the existing sidewalk is in adequate condition, only spot repairs and pedestrian ramp work are proposed. MnDOT State Aid will review the mainline existing sidewalks during the design phase of the project and determine if any mainline sidewalk repairs are necessary to meet ADA standards.

On 83rd Avenue, there is a 200-foot gap of missing sidewalk on the north side of the road. It is proposed to construct new sidewalk in this area to fill in the missing sidewalk gap.

Storm Sewer

The existing storm sewer structures have been inspected by the Public Works Director to determine pipe conditions and identify necessary repairs. The majority of the catch basins and leads throughout the project are deemed to be in acceptable condition. Some catch basin structures will be removed and replaced with new structures. All storm sewer structures will receive new castings and concrete adjustment rings.

The spacing of the existing storm sewer inlets (catch basins) on Sanburnol/85th Avenue is insufficient to meet current design standards. It is proposed to add storm sewer inlets on Sanburnol/85th Avenue at approximately 300-feet east of Terrace Road and approximately 300-feet east of Monroe Street.

Water Main

The existing water distribution system in the project area is deemed to be in an acceptable condition based on the history of past repairs in the project area and discussions with the Public Works Director. No improvements or extensions will be made to the water distribution system as part of this project. Work on the system will be limited to adjustment of valve boxes or hydrants as part of the street improvements.

Sanitary Sewer

Sanitary sewer mains exist along the length of the streets in the project area. The existing sewer mains have all been lined as part of past sewer lining projects. No extensions or upgrades to the sanitary sewer system are proposed as part of this project.

MNDOT STATE AID REVIEW

Portions of Sanburnol/85th, all of Elm Drive, and all of 83rd Avenue NE are part of the city's Municipal State Aid System (MSAS). MSAS funds will be used for a portion of the project funding. The construction plans for the project will need to be approved by the Municipal State Aid office of MnDOT. These approvals will require that the improvements be designed and constructed in accordance with State Aid standards. MSAS project numbers that have been assigned for the project are:

SAP 106-129-002 on University Service Drive north of 85th/Sanburnol in the City of Blaine.
SAP 106-115-007 on 85th Ave (AKA Sanburnol) from Terrace Rd to Monroe St. in the City of Blaine.
SAP 183-103-001 on Sanburnol Dr (AKA 85th Ave) from Terrace to Monroe in Spring Lake Park.
SAP 183-104-001 on Elm Dr in Spring Lake Park. in Spring Lake Park.
SAP 183-107-002 on 83rd Avenue in Spring Lake Park.

Permits

To construct the proposed improvements discussed herein, it is anticipated the following permits will need to be obtained prior to the start of construction:

- Minnesota Pollution Control Agency: A NPDES General Storm Water Permit for Construction Activities will be required from the Minnesota Pollution Control Agency.
- MnDOT: The City will use Municipal State Aid System (MSAS) funds for a portion of the project. Approval of the construction plans from the State Aid Department of MnDOT will be required prior to accepting bids on the project.
- Coon Creek Watershed District (CCWD):
Per the current CCWD rules (Approved 10/10/22), an erosion and sediment control plan will be required, but a Rule 3 (Stormwater Management) permit should not be required because the method of construction proposed (milling and reclamation) does not meet the CCWD definition of Full Reconstruction.

CCWD Rule 3 - Stormwater Management

- **Fully Reconstructed Impervious Surface.** An area where impervious surface is removed down to the underlying native soil, and the underlying native soil (as distinguished from roadway subbase material) is disturbed. The following are among those actions that do not constitute impervious surface reconstruction: structure renovation; impervious surface mill, reclamation and overlay; paving of an existing gravel road that will remain rural-section road; hard surface removal and replacement associated with an isolated maintenance activity (as opposed to broader-scale replacement) such as repair of a catch basin or pipe section or replacement at the same hydraulic capacity; and pedestrian ramp installation.

Project Schedule

The following schedule outlines the major project tasks necessary to complete the project.

Authorize Feasibility Report (and Geotechnical)	June 5 & July 17, 2023
Accept Report and Call for Improvement Hearing	August 21, 2023
Authorize Preparation of Plans and Specifications	August 21, 2023
Public Improvement Hearing	October 2, 2023
City Council Approve Plans and Specifications	November 20, 2023
MnDOT State Aid Approval	December 2023
Open Bids	January 2024
Declare Costs and Order Final Assessment Roll	February 5, 2024
Receive Assessment Roll & Order Assessment Hearing	February 20, 2024
Public Assessment Hearing	March 18, 2024
Award Contract (Award Bids)	March 18, 2024
Begin Construction	May 2024

Opinion of Probable Project Costs

An opinion of Probable Project Costs has been prepared for the proposed improvements based on current information, including an allowance for engineering, administrative fees, financing. Costs are not included for capitalized interest that will accrue. It is anticipated that a separate financing analysis of the project will be prepared when funding and financing decisions are made. Note, the cost estimate herein does not include costs for University Service Drive north of Sanburnol (100% in the city of Blaine).

A detailed list of the estimated improvement costs is included in an attachment to this report. The total estimated project cost is \$1,115,800.

The frontage in Blaine for Sanburnol(85th Ave.)-Elm is about 3,200 feet out of a total approximate frontage of 7,720 feet. $3,200 \div 7,720 = 0.4145$. For this report we have assumed that Blaine will be responsible for about 41.45 percent of the Sanburnol(85th Ave.)-Elm project costs. 41.45% of \$950,000 is \$393,775.

Approximate Funding Sources include: City of Blaine (Sanburnol/85th Ave.) \$393,775; SLP Municipal State Aid \$445,800; SLP Street and Utility Funds \$57,316; and SLP Assessments \$218,909. The project cost estimate will be updated and refined as part of the design process and as part of the MnDOT Municipal State Aid plan approval process.

Cost Allocation and Assessments

The costs for the improvements will be recovered through a combination of assessment to the properties benefiting from this project and City funding.

CITY ASSESSMENT POLICY AND PRACTICE

The City Council adopted Resolution 98-48 on November 16, 1998 establishing a Pavement Management Policy. The City adopted an addendum to the policy in January 1999 to clarify construction issues. Resolution 98-48 established assessment policy to be applied to street improvement projects. This policy provides that commercial, industrial, school, and church properties shall pay 100 percent of the actual cost based on the front footage of the property adjacent to the streets being improved. For purposes of this report, public land (city property) is treated the same as school and church properties on previous projects.

For residential properties, the policy says that costs will be split, with approximately 45% being assigned to the residential properties, and approximately 55% being funded by the City. The assignment of costs to residential properties will be made on a per single family residential equivalent unit basis. For this method, a single-family lot is assigned a value of one unit. Multiple housing lots are counted as proportions of equivalent single-family lots. Duplex units are counted at a rate of 0.8 single-family lots per unit, town homes are counted at a rate of 0.6 single-family lots per unit, and apartments are counted as 0.4 single-family lots per unit. No differentiation is made between attached and detached town home units.

In accordance with the Pavement Management Policy, all costs of public utility improvements incurred on this project (sanitary sewer, water main, and storm sewer), will be completely funded by the City, with no portion assessed.

Residential corner lots that have recently been assessed for a previous street improvement projects are not proposed to be assessed. Three corner lots within the 2024 Street Improvements Project (#300 Sanburnol, #8490 Monroe, and #8497 Monroe) were previously assessed in 2014-2015 and are therefore not proposed to be assessed under this project.

ASSESSMENT RATE ASSUMPTIONS FOR THIS PROJECT

The 2024 Street Improvement work proposed for Sanburnol-Elm includes additional street section than a typical residential street due to anticipated truck, bus, and vehicle traffic higher than a typical residential street. To accommodate the additional traffic, the street section (bituminous thickness) is oversized more than a typical residential street. The proposed assessments herein for Sanburnol-Elm are based on a typical residential street with no oversizing of the street section included.

ASSESSMENT RATE CALCULATIONS

To determine the proposed assessment rates for this project, a cost estimate was determined for a pavement preservation on a typical residential street. A copy of the estimate for a Typical Street Mill and Overlay is attached to this report. This amount was used as the assessable project cost for determining assessments.

Costs for pavement (bituminous) beyond a typical residential street section were not included. Costs for storm sewer, sanitary sewer, and water main were also not included as assessable project costs. New mainline sidewalk is proposed to be assessed.

For residential properties, the City assessment practice calls for assessing 45% of the assessable project cost on a per parcel basis.

For non-residential properties, the City Assessment call for assessing on a front foot basis. The front footage assessment rate is based on 100% of the assessable project costs. The total front footage lengths were determined from Anoka County mapping. City-owned properties were included front footage values.

PROPOSED ASSESSMENT RATES

Based on the assumptions and methodology presented above, the resulting estimated assessment rates for a standard residential street are shown below. An analysis of financing and funding options should be prepared based on the information contained herein.

**Proposed Assessment Rates:
2024 Street Improvements Project**

Unit Assessment Rate	\$2,000.00 / parcel
Per Front Foot Rate	\$59.25 per front foot
Sidewalk for 359 83 rd Ave.	\$8,600 total

**Estimated Total Assessments:
2024 Street Improvements Project**

Sanburnol-Elm Assessments	\$132,924.90
83 rd Avenue Assessments	<u>\$85,984.63</u>
Total Estimated Assessments	\$218,909.53

**Assessment Rate Comparison
Past Projects in Spring Lake Park**

<u>Project</u>	<u>Unit Rate</u>	<u>Frontage Rate</u>
2022 Street Improvements Project	\$2,726.00	N / A
2014-2015 Street Imp. Project	\$3,079.55	\$68.22
Able Street/Terrace Road (actual 2011 rates)	\$2,992.93	\$67.92
CSAH 10 Frontage Roads (inflated from 2007)	N / A	\$72.08
81 st Avenue (inflated from 2005)	\$3,119.39	\$71.55
2004 Street Improvement Project (inflated)	\$3,055.77	\$70.50
2003 Street Improvement Project (inflated)	\$3,205.53	\$73.55

AREA TO BE ASSESSED

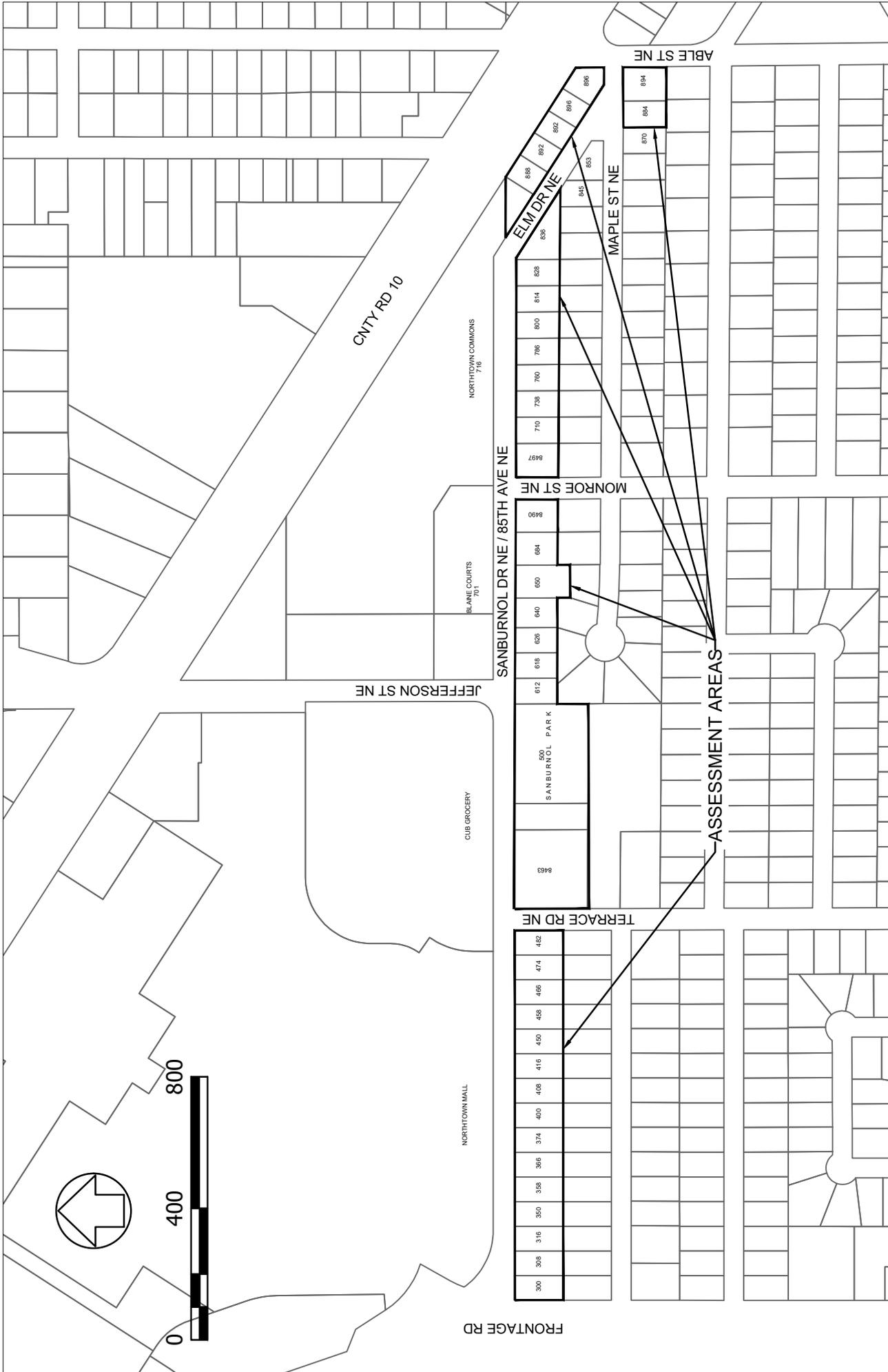
The area proposed to be assessed included the parcels adjacent to the improvements. The area to be assessed is shown on Figures 1 and 2 of this report. The parcels are listed in the Preliminary Assessment Roll.

Conclusions and Recommendations

This Feasibility Report was ordered by the City Council based on the age and condition of streets included in the project. It has been determined that a capital improvement project to reconstruct these streets should be undertaken. The project is necessary, cost effective and feasible.

A project schedule has been presented for completing the improvements in one construction season. The following recommendations are presented for consideration by the Spring Lake Park City Council:

- A financing analysis for the project should be prepared.
- The City should accept this Report and adopt it as a guide for completion of the proposed improvements.
- The City should consider assessing a portion of the cost of this project to abutting properties in accordance with approved City policy.
- The City could hold informal neighborhood open house meetings to present the available information to the property owners along the streets included in the project.
- The City should schedule a public improvement hearing to receive input on the proposed improvements.
- Upon completion of the public hearing, if the City wishes to proceed, the City Council should formally order the project.



LOCATION PLAN - SANBURNOL DR. ASSESSMENT AREA

SPRING LAKE PARK, MN

2023 STREET IMPROVEMENTS

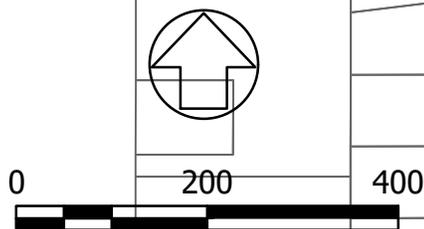
FIGURE 1



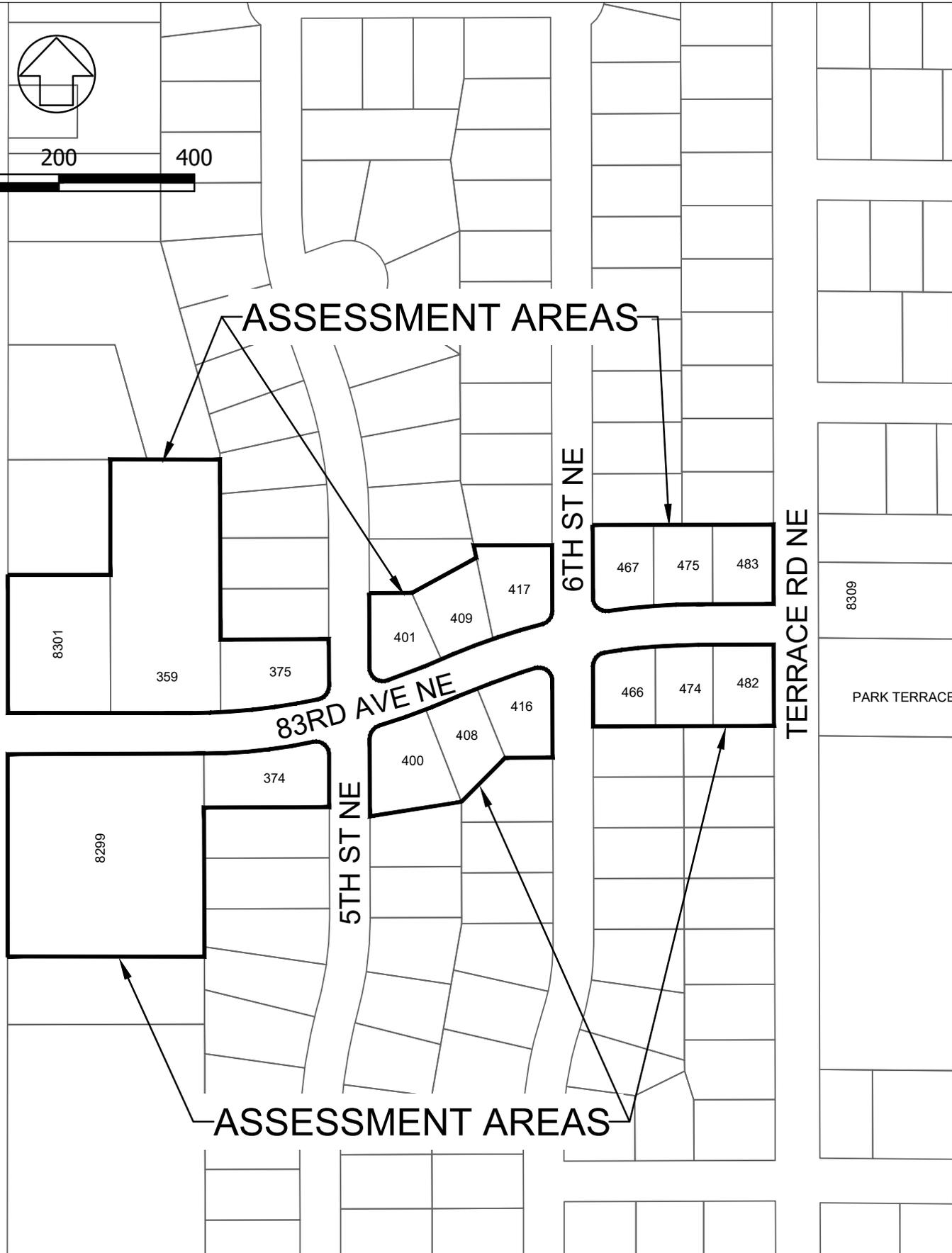
733 Marquette Avenue, Suite 1000
 Minneapolis, MN 55402
 www.stantec.com

PROJ. NO. 193806347

DATE 07-27-2023



UNIVERSITY AVE E SERVICE RD



ASSESSMENT AREAS

ASSESSMENT AREAS

LOCATION PLAN - 83RD AVE ASSESSMENT AREA

Appendix A
OPINION OF PROBABLE PROJECT COSTS
2024 STREET IMPROVEMENTS PROJECT
SPRING LAKE PARK, MINNESOTA
 August 2023
 PROJECT NO. 193806347

	Item	Units	Qty	Unit Price	Total
Sanburnol and Elm:					
1	MOBILIZATION	LS	1	\$40,000.00	\$40,000.00
2	TEMPORARY TRAFFIC CONTROL	LS	1	\$8,302.00	\$8,302.00
3	REMOVE CONCRETE CURB	LIN FT	1000	\$10.50	\$10,500.00
4	REMOVE CONCRETE WALK	SQ FT	700.0	\$5.25	\$3,675.00
5	FULL DEPTH RECLAMATION (FDR) (P)	SQ FT	116100	\$1.00	\$116,100.00
6	SUBGRADE PREPARATION	LS	1	\$2,310.00	\$2,310.00
7	ADJUST GATE VALVE	EACH	4	\$800.00	\$3,200.00
8	ADJUST EX MH FRAME & RING CASTING	EACH	11	\$800.00	\$8,800.00
9	NEW CB FRAME & RING CASTING	EACH	7	\$800.00	\$5,600.00
10	SUBGRADE EXCAVATION (CV)	CU YD	430	\$19.20	\$8,256.00
11	SELECT GRANULAR BORROW (CV)	CU YD	430	\$22.70	\$9,761.00
12	LOAM TOPSOIL BORROW, MODIFIED (LV)	CU YD	80	\$25.60	\$2,048.00
13	BITUMINOUS WEAR COURSE MIXTURE SP 9.5 (3,C) 1.5"	TON	1120	\$95.00	\$106,400.00
14	BITUMINOUS NON WEAR COURSE MIXTURE SP 12.5 (3,C)	TON	3000	\$90.00	\$270,000.00
15	TACK COAT	GAL	300	\$2.60	\$780.00
16	6" CONCRETE WALK	SQ FT	700	\$16.00	\$11,200.00
17	TRUNCATED DOMES	SQ FT	60	\$63.00	\$3,780.00
18	CONCRETE CURB & GUTTER DESIGN B618	LIN FT	1000	\$20.00	\$20,000.00
19	12" RC PIPE SEWER DESIGN 3006 CLASS V	LIN FT	775	\$71.00	\$55,025.00
20	15" RC PIPE SEWER DESIGN 3006 CLASS V	LIN FT	32	\$79.00	\$2,528.00
21	CONSTRUCT DRAINAGE STRUCTURE 2X3 BOX	EACH	4	\$4,625.00	\$18,500.00
22	CONSTRUCT DRAINAGE STRUCTURE DESIGN 48-4020	EACH	5	\$4,625.00	\$23,125.00
23	ESC BLANKET, CATEGORY 2S	SQ YD	1000	\$6.00	\$6,000.00
24	SEED, FERTILIZER, & HYDROMULCH	SQ YD	1000	\$1.50	\$1,500.00
25	SILT FENCE, TYPE HAND INSTALLED	LIN FT	100	\$7.40	\$740.00
26	FILTER LOG TYPE WOOD FIBER BIOROLL	LIN FT	100	\$7.40	\$740.00
27	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EACH	3	\$1,000.00	\$3,000.00
28	STORM DRAIN INLET PROTECTION	EACH	15	\$230.00	\$3,450.00
29	DOUBLE 4" SOLID LINE YELLOW-EPOXY	LIN FT	3600	\$1.30	\$4,680.00
TOTAL SANBURNOL-ELM CONSTRUCTION					<u>\$750,000.00</u>
Administration, Engineering, and Legal					<u>\$200,000.00</u>
TOTAL PROJECT COST - SANBURNOL/85th-ELM					<u>\$950,000.00</u>

	Item	Units	Qty	Unit Price	Total
83rd Avenue:					
1	MOBILIZATION	LS	1	\$7,000.00	\$7,000.00
2	TEMPORARY TRAFFIC CONTROL	LS	1	\$1,977.00	\$1,977.00
3	REMOVE CONCRETE CURB	LIN FT	250	\$10.00	\$2,500.00
4	REMOVE CONCRETE WALK	SQ FT	200	\$5.25	\$1,050.00
5	REMOVE BITUMINOUS STREET PAVEMENT FOR PATCH	SQ FT	7200	\$0.25	\$1,800.00

6	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	SQ FT	500	\$0.25	\$125.00
7	MILL BITUMINOUS PAVEMENT (P)	SQ FT	36000	\$0.25	\$9,000.00
8	TYPE SP 12.5 NON WEAR 3 INCH STREET PATCH	SQ FT	7200	\$2.00	\$14,400.00
9	TYPE SP 12.5 NON WEAR 3 INCH DRIVEWAY PATCH	SQ FT	500	\$2.00	\$1,000.00
10	PREPARE BITUMINOUS PAVEMENT FOR OVERLAY	LS	1	\$2,310.00	\$2,310.00
11	ADJUST GATE VALVE	EACH	3	\$800.00	\$2,400.00
12	ADJUST EX MH FRAME & RING CASTING	EACH	7	\$800.00	\$5,600.00
13	NEW CB FRAME & RING CASTING	EACH	10	\$800.00	\$8,000.00
14	LOAM TOPSOIL BORROW, MODIFIED (LV)	CU YD	20	\$25.60	\$512.00
15	BITUMINOUS WEAR COURSE MIXTURE SP 9.5 (3,C) 2"	TON	480	\$95.00	\$45,600.00
16	BITIMINOUS WEAR COURSE MIXTURE (2,B) (DRWY)	TON	20	\$184.00	\$3,680.00
17	TACK COAT	GAL	200	\$2.60	\$520.00
18	4" CONCRETE WALK	SQ FT	1000	\$6.70	\$6,700.00
19	6" CONCRETE WALK	SQ FT	200	\$14.10	\$2,820.00
20	TRUNCATED DOMES	SQ FT	12	\$63.00	\$756.00
21	CONCRETE CURB & GUTTER DESIGN B618	LIN FT	250	\$20.00	\$5,000.00
22	SEED, FERTILIZER, & HYDROMULCH	LS	1	\$1,000.00	\$1,000.00
23	FILTER LOG TYPE WOOD FIBER BIOROLL	LIN FT	50	\$7.40	\$370.00
24	STORM DRAIN INLET PROTECTION	EACH	10	\$230.00	\$2,300.00
25	DOUBLE 4" SOLID LINE YELLOW-EPOXY	LIN FT	1100	\$1.30	\$1,430.00
26	4" SOLID LINE WHITE-EPOXY	LIN FT	650	\$3.00	\$1,950.00
TOTAL 83RD AVENUE CONSTRUCTION					<u>\$129,800.00</u>
Administration, Engineering, and Legal					\$36,000.00
TOTAL PROJECT COST - 83rd Avenue					<u>\$165,800.00</u>

Opinion of Probable Construction Costs - Typical Street Mill and Overlay
 City of Spring Lake Park
 August 2023

Item	Item	Units	Quantity	Opinion of Probable Costs	
				Unit Price	Total
1	MOBILIZATION	LS	1	\$3,000.00	\$3,000.00
2	TRAFFIC CONTROL	LS	1	\$2,000.00	\$2,000.00
3	INLET PROTECTION	EACH	2	\$150.95	\$301.90
4	ADJUST EX VALVE BOX	EACH	2	\$365.00	\$730.00
5	ADJUST EX FRAME & RING CASTING	EACH	4	\$670.00	\$2,680.00
6	REMOVE BITUMINOUS PAVEMENT	SQ YD	175	\$5.00	\$875.00
7	REMOVE CONCRETE CURB AND GUTTER	LIN FT	100	\$8.50	\$850.00
8	CONCRETE CURB AND GUTTER	LIN FT	100	\$35.85	\$3,585.00
9	MILL BITUMINOUS PAVEMENT	SQ YD	1667	\$1.80	\$3,000.60
10	PREPARE BITUMINOUS PAVEMENT FOR OVERLAY	SQ YD	1667	\$0.50	\$833.50
11	TYPE SP 9.5 WEARING COURSE MIXTURE (3,C)	TON	250	\$90.00	\$22,500.00
12	BITUMINOUS TACK COAT	GAL	100	\$5.00	\$500.00
13	TYPE SP 12.5 NON WEAR 3 INCH STREET PATCH	SQ YD	175	\$18.00	\$3,150.00
14	5" LOAM TOPSOIL, SEED, FERTILIZER, & HYDROMULCH	SQ YD	30	\$18.00	\$540.00
15	4" DOUBLE LINE YELLOW-EPOXY	LIN FT	500	\$2.00	\$1,000.00
16	4" SOLID LINE WHITE-EPOXY	LIN FT	16	\$1.50	\$24.00
TOTAL ESTIMATED CONSTRUCTION					\$45,570.00
Administration					\$13,680.00
Total Estimated Project Cost					\$59,250.00

Assumed 500-foot long standard SLP street. 34-wide
 2.5-inch mill and overlay. 10% repair. 15% base patch.

Front foot assessment rate is total cost divided by 1000 front feet = **\$59.25** per front foot

Per parcel assessment rate for standard residential lot of assumed 75-foot
 frontage and city policy of assessing 45% of cost is $0.45 * \text{front foot rate} * 75 =$ \$1,999.69
 Say: **\$2,000.00** per parcel

PRELIMINARY ASSESSMENT ROLL
Sanburnol-Elm - 2024 STREET IMPROVEMENTS PROJECT

SPRING LAKE PARK, MINNESOTA

August 2023

Property ID	Property Address	Owner	Frontage	Proposed Assessment	Mail Address (if different)
PIN: 02-30-24-21-0017	300 SANBURNOL DR NE	LOTZ, RONALD LELAND		\$ -	
PIN: 02-30-24-21-0161	308 SANBURNOL DR NE	NORGAARD, DARLA JEAN		\$ 2,000.00	
PIN: 02-30-24-21-0015	316 SANBURNOL DR NE	WAHIDI, FEROZ & KAMELLA		\$ 2,000.00	
PIN: 02-30-24-21-0014	350 SANBURNOL DR NE	KORUS, UCHEENNA N		\$ 2,000.00	
PIN: 02-30-24-21-0013	358 SANBURNOL DR NE	NASH, ALICIA		\$ 2,000.00	
PIN: 02-30-24-21-0012	366 SANBURNOL DR NE	KOEGEL, ERIN M		\$ 2,000.00	
PIN: 02-30-24-21-0011	374 SANBURNOL DR NE	MACDONALD, STEPHEN		\$ 2,000.00	
PIN: 02-30-24-21-0010	400 SANBURNOL DR NE	NGUYEN, THAN V		\$ 2,000.00	
PIN: 02-30-24-21-0009	408 SANBURNOL DR NE	KELLAR, DORIS E		\$ 2,000.00	
PIN: 02-30-24-21-0008	416 SANBURNOL DR NE	BEDOYA, JOSE		\$ 2,000.00	
PIN: 02-30-24-21-0007	450 SANBURNOL DR NE	OLIVERIUS, JEANNETTE F		\$ 2,000.00	
PIN: 02-30-24-21-0006	458 SANBURNOL DR NE	KALEEL, BEBE R		\$ 2,000.00	
PIN: 02-30-24-21-0005	466 SANBURNOL DR NE	ERICKSON, TAMARA D		\$ 2,000.00	
PIN: 02-30-24-21-0004	474 SANBURNOL DR NE	FAUTSCH, AMBROSE J		\$ 2,000.00	
PIN: 02-30-24-21-0003	482 SANBURNOL DR NE	TINGELSTAD, STEWART M		\$ 2,000.00	
PIN: 02-30-24-12-0169	8463 TERRACE RD NE	city	240.0	\$ 14,220.00	
PIN: 02-30-24-12-0168	8463 TERRACE RD NE - part of	city	80.0	\$ 4,740.00	
PIN: 02-30-24-12-0004	8463 TERRACE RD NE - part of	city	304.0	\$ 18,012.00	
PIN: 02-30-24-12-0029	612 SANBURNOL DR NE	MECL TRUSTEE COLLEEN M		\$ 2,000.00	
PIN: 02-30-24-12-0030	618 SANBURNOL DR NE	KENOWSKI, JACOB		\$ 2,000.00	
PIN: 02-30-24-12-0031	626 SANBURNOL DR NE	SUBASIC, AHMET & HEDIJA		\$ 2,000.00	
PIN: 02-30-24-12-0001	640 SANBURNOL DR NE	HERING TRUSTEE, GENEAN M		\$ 2,000.00	
PIN: 02-30-24-12-0002	650 SANBURNOL DR NE	NEALY, JACQUELINE R		\$ 2,000.00	
PIN: 02-30-24-12-0119	684 SANBURNOL DR NE	BLESI, JAMES J		\$ 2,000.00	
PIN: 02-30-24-12-0118	8490 MONROE ST NE	MNSF T2 SPE LLC		\$ -	6836 MORRISON BLVD STE 320 (
PIN: 02-30-24-11-0091	8497 MONROE ST NE	STOMBAUGH TRUSTEE, DUANE M		\$ -	
PIN: 02-30-24-11-0090	710 SANBURNOL DR NE	QUITO, EFRAIN DARIO		\$ 2,000.00	3850 2 1/2 ST NE COLUMBIA HEI
PIN: 02-30-24-11-0089	738 SANBURNOL DR NE	KONETSKI, MICHAEL		\$ 2,000.00	
PIN: 02-30-24-11-0088	760 SANBURNOL DR NE	BURNS, DANIEL		\$ 2,000.00	
PIN: 02-30-24-11-0087	786 SANBURNOL DR NE	BELDEN RIVER REAL ESTATE LLC		\$ 2,000.00	3319 BELDEN DR ST ANTHONY I
PIN: 02-30-24-11-0086	800 SANBURNOL DR NE	GURUNG, RAJU		\$ 2,000.00	
PIN: 02-30-24-11-0085	814 SANBURNOL DR NE	JONES, DANIELLE		\$ 2,000.00	2835 RICE ST APT 926 ST PAUL I
PIN: 02-30-24-11-0084	828 SANBURNOL DR NE	RIERA, ESMERALDA ALVARADO		\$ 2,000.00	

PIN: 02-30-24-11-0083	836 ELM DR NE	KUEHN, DEBBRA L		\$	2,000.00
PIN: 02-30-24-11-0082	888 COUNTY ROAD 10 NE	SHARP, CURTIS D	156.6	\$	9,278.55
PIN: 02-30-24-11-0081	888 COUNTY ROAD 10 NE	SHARP, CURTIS D	80.0	\$	4,740.00
PIN: 02-30-24-11-0080	892 COUNTY ROAD 10 NE	BCD ASSOCIATES LLC	80.00	\$	4,740.00
PIN: 02-30-24-11-0079	892 COUNTY ROAD 10 NE	BCD ASSOCIATES LLC	80.0	\$	4,740.00
PIN: 02-30-24-11-0078	896 COUNTY ROAD 10 NE	BCD ASSOCIATES LLC	80.0	\$	4,740.00
PIN: 02-30-24-11-0077	896 COUNTY ROAD 10 NE	BCD ASSOCIATES LLC	130.2	\$	7,714.35
PIN: 02-30-24-11-0104	894 MAPLE ST NE	BROCK, TYLER		\$	2,000.00
PIN: 02-30-24-11-0105	884 MAPLE ST NE	OBERG, HARLAN L		\$	2,000.00
					<u>Sanburnol-Elm total: \$ 132,924.90</u>

Property ID	Property Address	Owner	Frontage	Assessment	Mail Address (if different)
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PRELIMINARY ASSESSMENT ROLL
83rd Avenue - 2024 STREET IMPROVEMENTS PROJECT
 SPRING LAKE PARK, MINNESOTA

August 2023

Property ID	Property Address	Owner	Frontage	Proposed Assessment
PIN: 02-30-24-21-0098	8301 UNIVERSITY AVE NE	BOING US HOLDCO INC	152.0	\$ 9,006.00
PIN: 02-30-24-21-0099	359 83RD AVE NE	PETER GREENHECK	162.38	\$ 9,621.02
PIN: 02-30-24-21-0099	359 83RD AVE NE	PETER GREENHECK	162.38	\$ 8,600.00
PIN: 02-30-24-21-0093	375 83RD AVE NE	6939 BAIRD LLC		\$ 8,800.00
PIN: 02-30-24-21-0092	401 83RD AVE NE	KATHY L. ROOTHAM		\$ 2,000.00
PIN: 02-30-24-21-0091	409 83RD AVE NE	SHI JIAN		\$ 2,000.00
PIN: 02-30-24-21-0090	417 83RD AVE NE	TAISHA D. MIKELL		\$ 2,000.00
PIN: 02-30-24-21-0089	467 83RD AVE NE	DENNIS J. WADNIZAK		\$ 2,000.00
PIN: 02-30-24-21-0088	475 83RD AVE NE	PAUL E. & JILL K. KASPSZAK		\$ 2,000.00
PIN: 02-30-24-21-0087	483 83RD AVE NE	ANGELA LYNNE TAYLOR		\$ 2,000.00
PIN: 02-30-24-24-0088	8299 UNIVERSITY AVE NE	AFFORDABLE DAN HOLDINC	289.58	\$ 17,157.62
PIN: 02-30-24-24-0014	374 83RD AVE NE	6939 BAIRD LLC		\$ 8,800.00
PIN: 02-30-24-24-0016	400 83RD AVE NE	LYNN KLUGE		\$ 2,000.00
PIN: 02-30-24-24-0015	408 83RD AVE NE	YESENIA FARIAS		\$ 2,000.00
PIN: 02-30-24-21-0094	416 83RD AVE NE	MICHAEL T. & TAMMY M. HAY		\$ 2,000.00
PIN: 02-30-24-21-0097	466 83RD AVE NE	JESSICA M. SOLIE		\$ 2,000.00
PIN: 02-30-24-21-0096	474 83RD AVE NE	SCOTT CARLSON		\$ 2,000.00
PIN: 02-30-24-21-0095	482 83RD AVE NE	MAUREEN J. MCCARRON		\$ 2,000.00
		83rd Ave. total		\$ 85,984.63

Sidewalk



Memorandum

To: Mayor Nelson and Members of the City Council
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: September 20, 2023
Subject: 2024 Street Improvement Project

The City Council, at its August 21 meeting, received the feasibility report for the 2024 Street Improvement Project, covering all of Sanburnol Drive NE, all of Elm Drive NE, and the portion of 83rd Avenue NE from University Service Drive to Terrace Road. These streets are in poor condition, resulting in significant annual maintenance costs for the City in repairing potholes.

The Council ordered a public hearing on the project be held on October 2, 2023. Notice for the hearing was published in the Blaine/SLP Life on September 22 and September 29, 2023. Mailed notice of the hearing was sent to affected residents on September 18, 2023.

Estimated project cost is \$1,115,800. The project is estimated to be broken down as follows:

City of Blaine	\$ 393,775
MSA Funding	\$ 445,800
Special Assessments	\$ 181,937
City of Spring Lake Park	<u>\$ 94,288</u>
	\$1,115,800

Special assessments are estimated to be \$2,000 per parcel for residential properties and \$59.25/front foot for all other properties. This assessment rate compares favorably to past projects.

Special assessments will be financed over a 10 year period. Interest rate on the special assessments will be 2% higher than the 10 year municipal bond rate, or 5.25%. The City will impose a levy over the next 10 years to reimburse itself for its share of the project. This way, we will be able to reimburse the Revolving Construction Fund for future street projects.

Staff recommends approval of Resolution 2023-36, which orders the improvement and directs the City Engineer to prepare plans and specifications.

If you have any questions, please do not hesitate to contact me at 763-784-6491.

RESOLUTION NO. 2023-36

**RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS –
2024 STREET IMPROVEMENT PROJECT**

WHEREAS, Resolution 2023-31, adopted by the City Council on August 21, 2023, fixed a date for a council hearing on the 2024 Street Improvement Project, the proposed improvement of 83rd Avenue NE between the centerline of University Avenue Service Drive to its terminus at Terrace Road NE, Sanburnol Drive between the centerline of University Avenue Service Drive to its terminus at Elm Drive NE and Elm Drive between the centerline of Able Street to its terminus at Sanburnol Drive by rehabilitating said streets, along with any needed sanitary sewer, storm sewer, sidewalk and water system repairs discovered during the project; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 2nd day of October, 2023, at which all persons desiring to be heard were given an opportunity to be heard thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park:

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in Resolution 2023-31 adopted August 21, 2023.
3. Such improvement has no relationship to the comprehensive municipal plan.
4. Stantec is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
5. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds, should they be issued for this project.

The foregoing resolution was moved for adoption by Councilmember .

Upon roll call, the following voted aye:

And the following voted nay:

Whereupon the Mayor declared said resolution duly passed and adopted this 2nd day of October, 2023.

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, Administrator

State of Minnesota)
Counties of Anoka and Ramsey)ss
City of Spring Lake Park)

I, Daniel R. Buchholtz, duly appointed and qualified City Administrator in and for the City of Spring Lake Park, Anoka and Ramsey Counties, Minnesota, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2023-36, A Resolution Ordering Improvement and Preparation of Plans – 2024 Street Improvement Project, adopted by the Spring Lake Park City Council at their regular meeting on the 2nd day of October 2023.

Daniel R. Buchholtz, Administrator

(SEAL)

Dated: _____



City of Spring Lake Park
Engineer's Project Status Report

To: Council Members and Staff
From: Phil Gravel

Re: **Status Report for 10.02.23 Meeting**
File No.: R-18GEN

Note: Updated information is shown in *italics*.

2023 MS4 Permit and SWPPP Update (193805251). Pond, structural BMP, and outfall inspections due by July 31st. Program analysis and annual training is due in December. The next Annual Report is due by June 30, 2024. Per 5-15-23 message: MPCA has put their requested review/audit of the city's 2022 information on hold until further notice.

2023 Sewer Lining Project (193805871). This project includes lining the remaining sanitary sewers in the city that have not been lined (approximately 35,710-feet). Terry Randall will watch this project. The Contractor is Visu-Sewer Inc with a low bid amount of \$1,047,746. Construction Contracts have been signed and sent to the contractor (Visu-Sewer Inc.). *Preconstruction Conference with contractor was held on September 28, 2023.*

2023 Seal Coat and Crack Repair Project (193806041). Project included maintenance on the streets in the area north of 81st Avenue and east of Able Street. The Contractor was Allied Blacktop (bid amount of \$97,770). Construction complete. *Final payment was processed and approved by City Council on September 18, 2023.*

City Hall Building (193806049). Design Phase started in January 2023. The schedule calls for obtaining construction bids and consideration of award of construction contract in late 2023. Council updated at spring 2023 workshops. Public Open House was held on May 8th. Bids are anticipated later this fall with contract award to be considered in December. *Update for council occurred on September 11th. Plan preparation and staff meetings continue.*

Geographic Information System (GIS) and Mapping (19380----). The city has a need to update the mapping and records system for public works documents. Staff has been discussing implementing an online AcrGIS system maintain documents and mapping of infrastructure.

Suite Living Spring Lake Park (Hampton Cos. project at 525 Osborne). A site work and landscaping inspection needs to be completed in 2023. *The remaining financial surety will be held until a final landscaping has been completed (not done as of 9-6-23).*

2024 Sanburnol Drive NE, Elm Drive NE, and 83rd Avenue NE (193806347). Sanburnol Drive (SAP 183-103-001) and Elm Drive (SAP 183-104-001) were reconstructed in 1998. 83rd Avenue NE (SAP 183-107-002) was last paved in 1994. Sanburnol Drive is a shared road between the cities of Spring Lake Park and Blaine. Spring Lake Park will be the lead agency on this project, but it will be a cooperative project between Blaine and Spring Lake Park. Geotechnical work has been completed. Feasibility Report has been prepared. *Public improvement hearing will be held on October 2nd.*

Please contact Phil Carlson, Peter Allen, Bruce Paulson, or me if you have questions or require additional information.

CORRESPONDENCE



Hayes Storm Water Pond Maintenance Project Neighborhood Meeting

The City is planning to undertake maintenance activities on the Hayes Storm Water Pond to ensure its optimal functionality and longevity. We value your insights and invite you to a brief site meeting to discuss the planned project.

**Neighborhood Meeting
October 2, 2023
5:30 P.M.
8064 Garfield Street NE**

The meeting will provide you with an opportunity to:

- Understand the scope and purpose of the project.
- Address any concerns or questions you might have.
- Discuss any potential impacts on the surrounding area.

For more information, please contact Public Works Director Terry Randall at 763-784-6491.

North Metro Telecommunications Commission

Meeting Talking Points

September 20, 2023

- ▶ North Metro TV has entered into an agreement with Neighborhood Sports Network to provide games to be streamed over the NSPN.TV app. NSPN holds the streaming contract with the Minnesota State High School League and was looking for organizations willing to supply better quality coverage of games. The agreement covers a trial period, from August 31st to November 30, 2023. NMTV will be compensated up to 70% for all attributed monthly and annual subscriptions and for any downloads of games. During the trial period games will not be streamed live on Youtube or NMTV streaming channels, but they will still be sent out live on the cable channels. Links have been placed on the NMTV website, Youtube channel, and social media outlets directing viewers to the NSPN.TV app. This is an income source that has been considered for some time, as it fits the goal of earning money without changing NMTV's mission, and only affects those not currently contributing financially to NMTV's operation.
- ▶ North Metro TV is providing a new series of internet literacy classes intended for senior citizens. The series includes: Internet Basics, How to search the Internet, How to Send an Email, and Look out for Scams. Classes have been scheduled at the Mary Ann Young Center throughout the fall. Those classes filled so quickly the attendance level was increased. NMTV is also talking with the Rookery and the Ham Lake Senior Center regarding offering the classes at those venues.
- ▶ City meetings can now be accessed as a podcast. NMTV is talking with cities to determine whether they are interested, which meetings they would like to provide as a podcast, and how long to make them available on the players. It is one more distribution method NMTV can offer cities at no additional cost. The podcasts will be available on Amazon, Spotify, iHeart and Apple.
- ▶ Election coverage for Lino Lakes, Circle Pines and several school board races is underway. Bios and pics have been posted on the website and one-on-one candidate interviews are wrapping up. In addition to being available on Youtube, the NMTV website and channels, the interviews will also be available as a podcast.
- ▶ Special Events Coordinator, T.J. Tronson, and North Metro TV were unanimously chosen to receive the League of Women Voters *Friend of the League* Award at a September ceremony. T.J. attended the ceremony and was given a watercolor, painted from a screen shot, from one of his drone flights.
- ▶ Blaine Commission Member, Chris Massoglia, told the Commission that the Blaine City Council plans to workshop his idea to merge with another cable commission. Commissioner Massoglia stated that it was a preliminary consideration of an idea. With the uncertainty that comes with that process, the Executive Director search has been put on hold, with the expectation that an interim director will be named.
- ▶ Comments were submitted to the FCC in support of requiring cable companies to provide subscribers with an all-in price on clear and understandable bills.

- ▶ The Office of Broadband Development in Minnesota has issued their draft digital opportunity plan. Legal Counsel will be submitting comments on behalf of the Commission to encourage the Office of Broadband Development to consider using their municipal partners for making sure that all citizens have equal access to broadband. One of the best ways to do that is to encourage the state legislature to allow franchising of broadband companies.

PLEASE encourage your council members to call me if they have any questions you can't answer. I would be happy to answer any questions they may have. Heidi Arnson at NMTV. Direct line is 763-231-2801. Email is harnson@northmetrotv.com.

Daniel Buchholtz

From: Fischer, Luke <lfischer@lmc.org>
Sent: Wednesday, September 20, 2023 4:28 PM
To: Fischer, Luke
Subject: SRO Update - New AG Opinion
Attachments: 2023.09.20 supplemental opinion.pdf

Importance: High

This message was sent from outside of the organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Good Afternoon,

Minnesota Attorney General Keith Ellison issued a new opinion today to help clarify the state statute regarding use of force by school resource officers (SROs). You can find the opinion attached.

In light of this new opinion, the League has withdrawn its previous PATROL guidance document dated Aug. 28. Our attorneys and other staff members are actively working to develop new guidance, training materials, and sample scenarios to help our members understand the law and be able to assess and manage any potential risk. We hope to issue this new guidance sometime next week, barring any unforeseen circumstances.

We recognize that this SRO issue has been confusing for city and law enforcement leaders across the state, and I appreciate all of the thoughtful questions and feedback that you have shared with us. Over the past few weeks, we have been doing our best to articulate your concerns about the law to Gov. Walz, AG Ellison, and House and Senate leadership. We hope this new AG opinion will be helpful in providing some clarity.

I will share our new PATROL guidance with you as soon as it is ready. If you have any questions in the meantime, please do not hesitate to reach out to me.

Luke

Luke Fischer | Executive Director
Phone: (651) 281-1279 | Mobile: (952) 292-9258
lfischer@lmc.org | Twitter: @LukeMNCities

League of Minnesota Cities | 145 University Ave. West | St. Paul, MN 55103
www.lmc.org | [Facebook](#) | [Twitter](#) | [Podcast](#)

SCHOOL PUPILS: DISCIPLINE: Laws of Minnesota 2023 ch. 55, art. 2, § 36 and art. 12, § 4 do not limit the types of reasonable force that may be used by school staff and agents to prevent bodily harm or death or to carry out lawful duties as set forth in Minnesota Statutes section 609.06, subd. 1(1). Minn. Stat. §§ 121A.58; 121A.582. Op. Atty. Gen. 169f (August 22, 2023) supplemented.

169f



September 20, 2023

Willie L. Jett, II
Commissioner
Minnesota Department of Education
400 NE Stinson Boulevard
Minneapolis, Minnesota 55413

Re: Recent Amendments to Student Discipline Laws

Dear Commissioner Jett:

Thank you for your letter of August 18, 2023, which seeks clarity regarding recent amendments to student discipline laws, Minnesota Statutes sections 121A.58 and 121A.582. *See* Act of May 24, 2023, ch. 55, art. 2, § 36; art. 12, § 4 (hereinafter, the Amendment). Pursuant to Minnesota Statutes section 8.07, I issued an opinion on August 22, 2023, with binding guidance on the issue you raised. Since that date I have met with many stakeholders, including the Minnesota Chiefs of Police Association, Minnesota Sheriffs' Association, Minnesota Police and Peace Officers Association, individual police chiefs, legislators, city elected officials, and county attorneys, who brought forward valid questions about the application of the new law. As a result, I supplement that opinion today. By operation of section 8.07, this opinion is “decisive until the question involved shall be decided otherwise by a court,” and therefore it may be relied upon.¹

¹ Minnesota Statutes section 8.07 provides that “on all school matters” attorney general opinions like this one are “decisive.” The Minnesota Supreme Court has confirmed the opinions are “binding” until overruled by courts. *Elkema v. Bd. of Ed. of Duluth*, 11 N.W.2d 76, 78 (Minn. 1943). “School matters” have been construed broadly, including the interpretation of how general statutes apply in an education context. *E.g., Village of Blaine v. Indep. Sch. Dist. No. 12*, 138 N.W.2d 32, 39-40 (Minn. 1965) (noting attorney general opinion had properly construed statute regarding municipal utilities in applying it to school district); *Mattson v. Flynn*, 13 N.W.2d 11, 16 (Minn. 1944) (noting reliance on attorney general opinion interpreting statutory language regarding teacher retirement funds); *Elkema*, 11 N.W.2d at 78 (adopting attorney general analysis and noting that attorney general opinion regarding “tenure act”’s application to superintendent had been binding until any contrary court opinion was issued); *Lindquist v. Abbott*, 265 N.W. 54, 55 (Minn. 1936) (noting attorney general opinion regarding whether school district could enter into year-long contract with attorney was “followed ever since” it was issued).

BACKGROUND

Relevant to your inquiry, the Amendment revises Minnesota Statutes section 121A.58 to include a definition of “prone restraint” and to specify that school employees and agents generally: (1) “shall not use prone restraint” on pupils; and (2) “shall not inflict any form of physical holding that restricts or impairs a pupil’s ability to breathe; restricts or impairs a pupil’s ability to communicate distress; places pressure or weight on a pupil’s head, throat, neck, chest, lungs, sternum, diaphragm, back or abdomen; or results in straddling a pupil’s torso” (i.e., compressive restraint techniques). *Id.* at art. 2, § 36.

The Amendment also revises Minnesota Statutes section 121A.582 to provide that: (1) teachers and principals may use reasonable force “to correct or restrain a student to prevent imminent bodily harm or death to the student or another”; and (2) other school employees, agents², and bus drivers may use reasonable force “to restrain a student to prevent bodily harm or death to the student or another.” *Id.* at art. 12, § 4.

QUESTION PRESENTED

You have expressed uncertainty regarding whether the Amendment categorically prohibits prone restraint and compressive restraint techniques in all scenarios. In particular, you ask: “whether the new language in Minnesota Statutes, section 121A.58, subdivision 3 and its reference to Minnesota Statutes, section 121A.582, acts as an exception to the general prohibition on prone restraints and other types of physical holds, thereby allowing the use of these practices when doing so would ‘prevent imminent bodily harm or death to the student or to another.’”

SUMMARY OF CONCLUSIONS

The Amendment does not limit the types of reasonable force that may be used by school staff and agents to prevent bodily harm or death.³ It also does not limit the types of reasonable force that may be used by public officers to carry out their lawful duties, as described in Minnesota Statutes section 609.06, subdivision 1(1). The test for reasonable force remains unchanged, and is highly fact-specific.

² Neither the relevant statutes nor the Amendment defines “agents” of the school district. In the absence of a definition provided by the Legislature, Minnesota courts would likely apply “its ordinary legal meaning, which is one who has the authority to act on another’s behalf.” *Hogan v. Brass*, 957 N.W.2d 106, 109 (Minn. Ct. App. 2021) (using that definition of “agent” to interpret chapter 317 of Minnesota law). Whether an individual has authority to act on behalf of the school district depends on facts specific to each circumstance.

³ Teachers and principals may use these restraints only when a threat of bodily harm or death is *imminent*. See Act of May 24, 2023, ch. 55, art. 2, § 36. However, the word “imminent” is not included in subdivision 1(b), which relates to a broader set of individuals, including school employees, bus drivers, and other “agent(s) of the district.”

ANALYSIS

Three things support these conclusions. First, the Amendment adds a new sentence to Minnesota Statutes section 121A.58, subdivision 3: “Nothing in this section or section 125A.0941 precludes the use of reasonable force under section 121A.582.” *Id.* at art. 2, § 36.⁴ By this language, the Legislature expressed its clear intent to not limit the use of reasonable force when faced with the threat of bodily harm or death. *See, e.g., Houck v. Houck*, 979 N.W.2d 907, 911 (Minn. Ct. App. 2022) (interpreting a “nothing in this section” provision as unambiguous and “susceptible to only one reasonable interpretation”).

Second, Minnesota Statutes section 121A.582 states that: “Any right or defense under this section is supplementary to those specified in section 121A.58[.]” Minn. Stat. § 121A.582, subd. 4. This further evinces the Legislature’s view that the use of reasonable force authorized in Minnesota Statutes section 121A.582 is separate and distinct from the conduct prohibited by Minnesota Statutes section 121A.58. *See, e.g., Christensen v. State Dep’t of Conservation, Game and Fish*, 175 N.W.2d 433, 434 (Minn. 1970) (noting that provisions of an act that are supplementary to each other are construed together so as not to defeat rights); *Merriam Webster’s Collegiate Dictionary* (11th ed.) (defining “supplementary” to mean “additional”).

Similarly, because chapter 609 is referenced in section 121A.58, subdivision 3, as well as in section 121A.582, subdivisions 3 and 4, the restrictions on prone and compressive restraints do not apply under the circumstances enumerated in section 609.06, subdivision 1(1). Therefore, all peace officers, including those who are “school resource officers” or otherwise agents of a school district, may use force as reasonably necessary to carry out official duties, including, but not limited to, making arrests and enforcing orders of the court. *See* Minn. Stat. § 609.06.

Third, and relatedly, even without those clear indications of intent from the Legislature, the usual canons of statutory construction support the same result. Section 121A.582 specifically governs responses to threats of violence, and therefore controls over the more general statute about acceptable punishments. *See* Minn. Stat. § 645.26, subd. 1 (stating that when a conflict exists between two statutory provisions, the specific provision “shall prevail and shall be construed as an exception to the general provision”); *accord Connexus Energy v. Commissioner of Revenue*, 868 N.W.2d 234, 242 (Minn. 2015). Furthermore, had the Legislature intended to exclude prone restraint and compressive restraint techniques from the reasonable force permitted under Minnesota Statutes section 121A.582, it would have clearly said so. *See In re E.M.B.*, 987 N.W.2d 597, 601 (Minn. Ct. App. 2023) (reiterating that courts cannot add words or meaning to a statute that the Legislature intentionally or inadvertently omitted).

Accordingly, the Legislature did not change the types of reasonable force that school staff and agents are authorized to use in responding to a situation involving a threat of bodily harm or death. Of course, what force is “reasonable” is not defined in law and is determined on a case-by-

⁴ Minnesota Statutes sections 125A.0941-.0942 restrict the actions that may be taken toward students with disabilities. It explicitly allows the use of reasonable force under section 121A.582. Minn. Stat. § 125A.0942, subd. 6(b).

Commissioner Willie L. Jett, II

September 20, 2023

Page 4

case basis. *See Moses v. Minneapolis Pub. Schs.*, No. C4-98-1073, 1998 WL 846546, at *3 (Minn. Ct. App. Dec. 8, 1998) (“[T]he question of whether the school employees’ acts were a reasonable use of force is a fact issue to be answered by the jury.”); *cf. Bond by and through Bond v. Indep. Sch. Dist. #191*, No. A21-0688, 2022 WL 92661, at *5 (Minn. Ct. App. Jan. 10, 2022) (declining to apply official immunity where school dean used force explicitly defined as prohibited in school restraint training). In addition, the level of threat posed by a particular student or situation can change rapidly, and any assessment of what use of force is reasonable must take that into account.

In recent meetings with representatives of your staff, the Minnesota Chiefs of Police Association, the League of Minnesota Cities, the Minnesota Sheriffs’ Association, and the Minnesota Police and Peace Officers Association, participants raised other important questions. Those questions demonstrate that coordinated training and guidance from trusted law enforcement leaders could be very beneficial in this area and there may be room for additional clarification from the Legislature.

Sincerely,



KEITH ELLISON
Attorney General

Cc: Jeff Potts, Executive Director
Minnesota Chiefs of Police Association
Imran Ali, counsel for MPPOA
Patricia Beety, General Counsel
League of Minnesota Cities

U.S. Municipal Bond Market

Appealing Municipal Market Indicators and Strong Economic Data is Fueling the Golden Age of Municipals Despite Near-Term Uncertainty

- Municipal yields have risen to some of their most attractive levels this year, and relative value indicators are also appealing.
- Housing prices turned positive in July. This, and other stronger than anticipated economic indicators are likely to extend the “Golden Age of Municipals.” Therefore, overall credit quality has the potential to be stronger for a longer period of time despite hints of near-term economic uncertainty.
- Public finance upgrades outpaced downgrades again in the second quarter of 2023. We could see a record number of public finance upgrades in 2023. Upgrades are likely to outpace downgrades in 2024 as well.
- We still like credit-quality, the recovery story, and overall activity in the airport and toll road sectors. We also like Texas local governments.
- There are pockets of the municipal market that still have us concerned. It has been more difficult for select credits in sectors such as higher-education and healthcare with less resources to recover their fiscal balance.

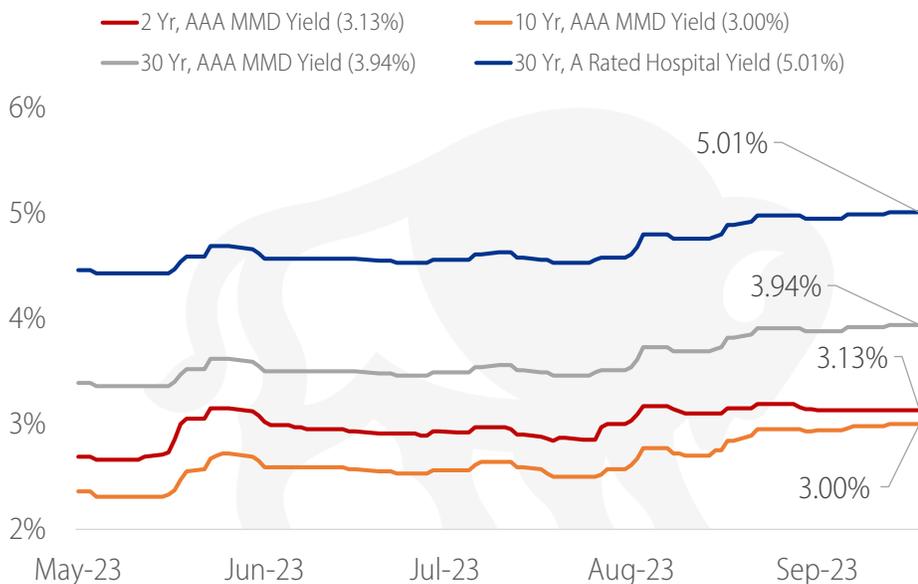
Tom Kozlik
Head of Public Policy and
Municipal Strategy
214.859.9439
tom.kozlik@hilltopsecurities.com

Signs Indicate Municipal Bonds Attractive Again

The United States economy has proven to be more resilient than most expected in 2023, and this surprise has contributed to why we are bullish again on much of the U.S. municipal bond market. Peaking yields and attractive relative value measures are adding to our improved municipal bond confidence. It has been prudent for investors to tactically allocate investment dollars into the municipal bond market on a regular

Public finance upgrades outpaced downgrades again in the second quarter of 2023. We could see a record number of public finance upgrades in 2023. Upgrades are likely to outpace downgrades in 2024 as well.

Most Municipal Yields are Peaking to End the 3rd Quarter



Source: Refinitiv and HilltopSecurities.

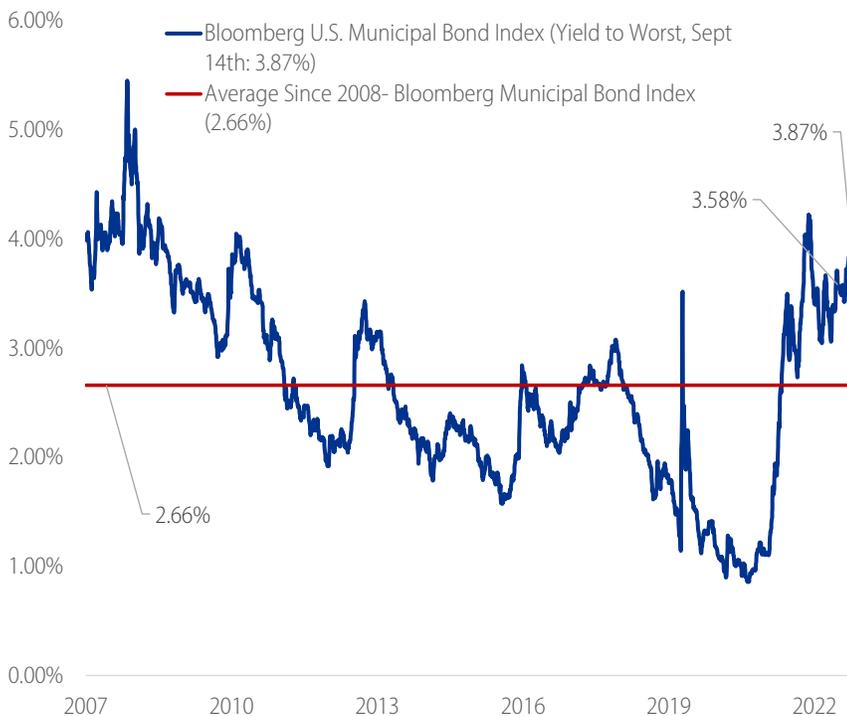
Please see disclosure starting on page 8.

basis this year. We last indicated an opportunity existed for investors back at the beginning of June in [Municipal Yields are Historically Attractive- Our View on How to Finish Out the Second Quarter of 2023](#). Another window for investors is open as the Federal Open Market Committee (FOMC) is set to meet this week on Sept. 19-20.

We last indicated an opportunity existed for investors back at the beginning of June in [Municipal Yields are Historically Attractive- Our View on How to Finish Out the Second Quarter of 2023](#).

Municipal yields are mostly at or near their peak for the year. AAA municipal benchmark yields have risen 40+ basis points in some cases. Back in June the Bloomberg U.S. Municipal Bond Index was at a 3.58%, and it has risen almost 30 basis points over the last three months to 3.87%. Many are expecting the FOMC to pause their interest rate hiking campaign this week. It is possible they could raise their target rate again at their Oct. 31/ Nov. 1 or Dec. 12-13 meetings, but it is likely that we are closer to the end of this cycle rather than the beginning.

Municipal Yields are Historically Attractive, Again



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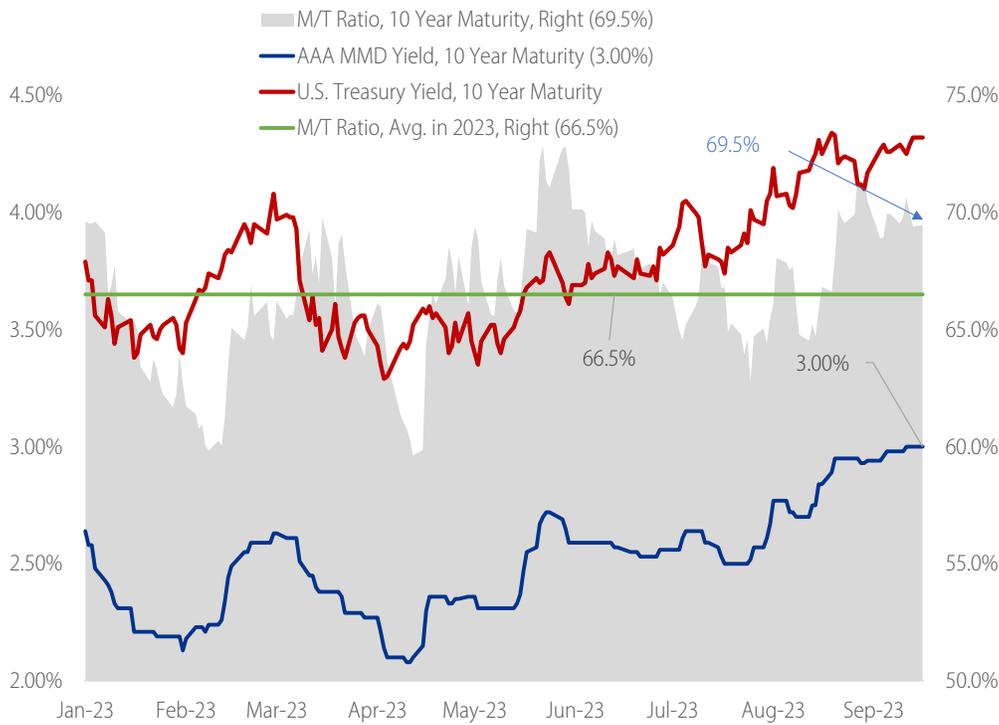
Source: Bloomberg and HilltopSecurities.

M/T Ratios are Above the 2023 Average

The Municipal to Treasury Ratio or M/T Ratio is a key relative value indicator when comparing tax-exempt municipal bonds to taxable investments. Many M/T ratios are looking as attractive as they have looked all year now. The 10-year M/T ratio is now about 70%, close to where it was back in June and just above the 2023 10-year M/T ratio average for 2023 of 66.5%.

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Municipal Yields & M/T Ratios are Attractive to Finish the 3rd Quarter



Source: Refinitiv and HilltopSecurities.

Fueling the Golden Age of Public Finance

A financial reckoning was expected just a shade less than a year ago. Many were anticipating economic softening as the pendulum swung back after several years of above-average levels of federal stimulus combined with higher interest rates. An October 2022 Bloomberg article reported a [Bloomberg Economics model forecast](#) a 100% chance of an economic downturn developing by the end of 2023. The model seems to be off, at least for now.

The U.S. economy has held up much better than expected through nine-plus months of 2023. We think the stronger than expected economic data is fueling the [Golden Age of Public Finance](#). One category of economic data that has a profound impact on municipals is housing because of its direct relationship to property tax revenue.

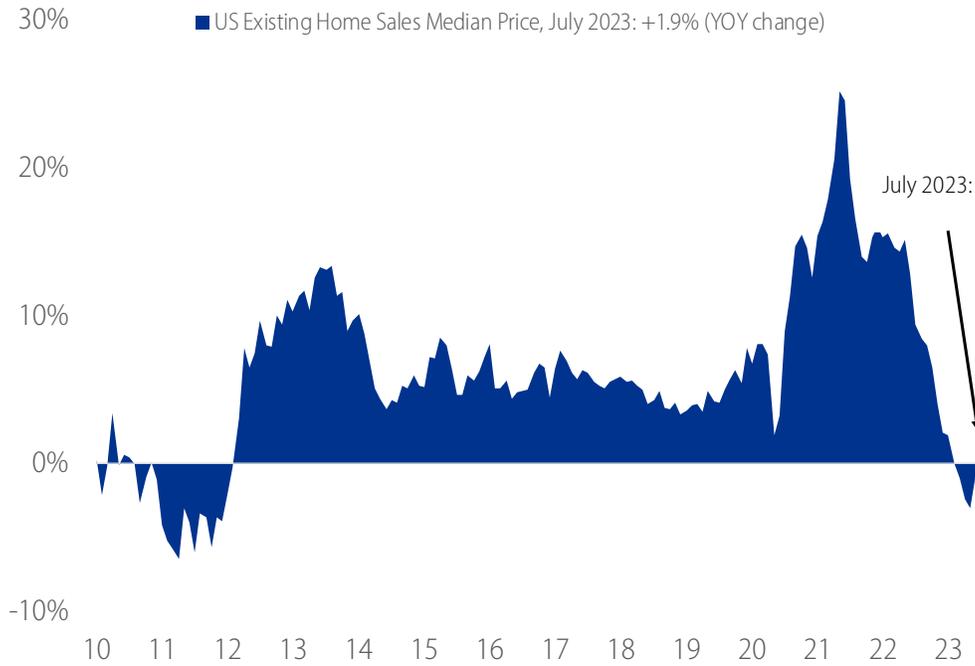
A national housing downturn in prices began in February of this year after 11 years of positive home price appreciation going back to 2012. This year home prices fell for five straight months according to the National Association of Realtors. This had the potential to chip away at municipal credit quality, but the downturn was short-lived. Numbers released in July hinted that the worst of the housing downturn could be over. Home prices were reported to be up +1.9% in July year-over-year. New housing data for August is going to be released toward the end of this week as well. If the market survey expectation holds then we could see two straight months of home price appreciation, this would be an even stronger argument for a longer bullish stance on municipals.

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Quick Recovery in U.S. Housing Prices



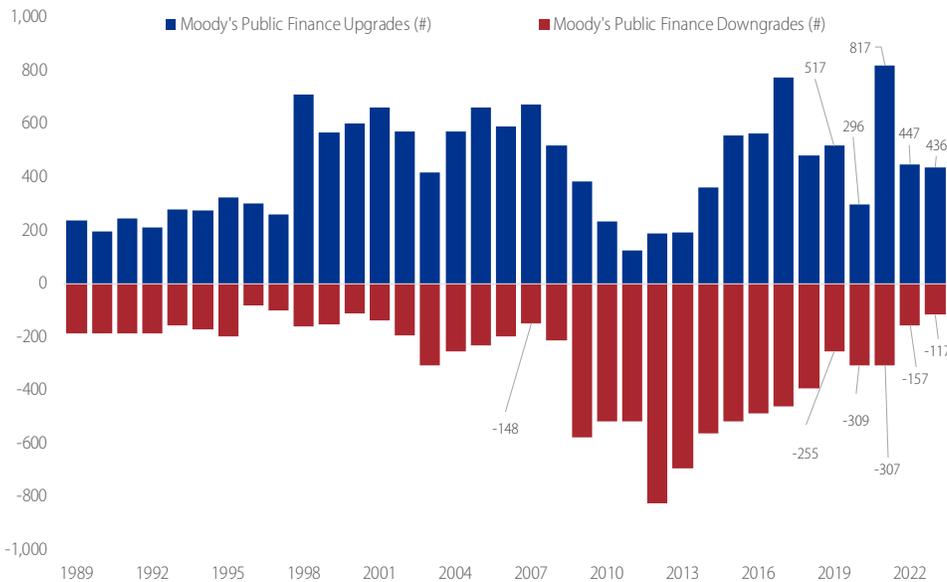
Source: National Association of Realtors and HilltopSecurities.

Better than expected economic data is helping to fuel credit quality across the municipal bond market.

Better than expected economic data is helping to fuel credit quality across the municipal bond market. Local government sector upgrades are contributing most to the Moody's Investor Service public finance upgrade activity. We have already seen almost as many upgrades through the first half of this year as we did in all of last year. Therefore, we could be on pace to beat the 817 upgrades we saw back in 2021. Pennsylvania's (State of) general obligation rating outlook was raised (Sept. 8) by Moody's to "Positive" from "Stable" on the commonwealth's Aa3 underlying rating. Increases in Pennsylvania's rainy-day fund helped to boost the rating agency's credit outlook.

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Public Finance Upgrades Outpaced Downgrades in the First Half of 2023



Source: Moody's Investor Service and HilltopSecurities.

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What Areas or Sectors of the Municipal Bond Market Do We Like Right Now?

Demand for U.S. travel continued through the summer months, and we do not expect it to tail off as long as the economy holds up. We have been seeing positive activity being reported in the form of enplanements in the airport sector and we continue to expect that airport activity and demand will remain strong. Therefore, the airport sector is one that we continue to think investors should consider. Transportation generally is an area we like, and the toll-road sector is one we like. We specifically expect toll-roads to continue to recover from the downturn and we also see value in this sector because we see it as a potential inflation hedge. We remain very bullish on the U.S. state and local government sectors, and school districts as noted above when we reiterated our positive expectation for the “Golden Age of Public Finance.” The positive economic data is causing us to think that the “Golden Age” could last even longer than we originally anticipated.

Not only do we think public finance upgrades are going to outpace downgrades for the rest of 2023, we think there could be a record number of public finance upgrades in 2023. We also now think that upgrades will outpace downgrades in 2024 as well. We find Texas local governments and K-12 school district bonds attractive now. An increase of Texas local government and K-12 school issuance in recent months helped to boost spreads, but credit quality remain in line with national levels.

National & Texas Rating Comparison

Sector	Rating
U.S. State Median Rating	Aa1
Texas (State of) Rating	Aaa
Local Government	
National Local Govt. Median	Aa2
Texas Local Govt. Median	Aa2
K-12	
National K-12 Median	Aa3
Texas K-12 Median	Aa3
Texas Perm. School Fund Enh.	Aaa

Source: Moody's and HilltopSecurities.

If investors want to isolate their portfolios from uncertainty like D.C. politics, international geo-political affairs, or labor conflicts, investors should look to the highest quality general obligation and municipal revenue bonds. In the beginning of 2023 we saw investors gravitate toward the highest quality municipals when cracks in the banking sector developed. The financial strength of high-quality municipals is at or near the strongest they have ever been. They are an attractive option compared to other high-grade investments at this time. High-quality state and local government and high-quality revenue bonds are widely available at this time, and this is what we see most traditional municipal bond investors gravitating toward, as they should. Most traditional municipal bond investors are happy to isolate their portfolios from the latest uncertainty by staying with the highest quality options in U.S. municipals. High quality U.S. municipals are an

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optimal way to detach investment dollars from the day-to-day headlines and stresses that come and go.

We also continue to talk to investors about reviewing holdings on a CUSIP-by-CUSIP basis. This remains to be an optimal time to replace credits less likely to adapt to the revenue reality likely to take hold in two to three years with stronger quality credits.

Where Should Investors Be Careful?

There are different inputs pressuring individual sectors and credits such as demographic shifts, and remote work activity. In most cases sectors and individual credit are able to adjust to changes such as these but in some cases these pressures are mounting and should be closely watched. This is especially the case for some credits in the higher education and non-profit healthcare sectors. In some cases some of the smaller entities in both of these sectors are among the most exposed. We caution investors to review holdings in these sectors and be especially vigilant with entities with less resources. Many in the nonprofit hospital sector have been hampered by rising costs and/or weak or negative operating margins recently. We are watching these closely as well.

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Recent HilltopSecurities Municipal Commentary

- [Transformative Technology and its Economic Impact](#), Sept. 6, 2023
- [Save the Tax-Exemption, A Call to Action for U.S. Public Finance](#), August 17, 2023
- [First Half Public Finance Primary Issuance Down 20%, Foreshadows Potential Scarcity of Municipal Investment Options](#), July 5, 2023
- [Municipal Yields are Historically Attractive – Our View on How to Finish Out the Second Quarter of 2023](#), June 8, 2023
- [Debt Ceiling Deal Likely to Avert Default, Not Expected to Claw Back State & Local Govt. Fiscal Aid](#), May 31, 2023

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Readers may view all of the HilltopSecurities Municipal Commentary [here](#).

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Weekly Financial Markets Update

September 25, 2023 | Gallagher USA

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Federal Reserve Stands Pat: As widely expected, the Federal Reserve last week voted to maintain the federal-funds interest rate target range at 5.25% to 5.50%. The Fed had raised the target to this level at its last policy meeting in July, which was its 11th increase since March 2022. Fed officials also updated their projections for future rate levels, which continued to point towards one more rate hike before the end of 2023. Notably, though, the median of officials' projections for the fed-funds rate at year-end 2024 rose from 4.625% to 5.125%, reflecting the Fed's embrace of a "higher for longer" policy on interest rates.

Leading Indicators Register 17th Straight Decline: The Conference Board reported last week that its Leading Economic Index (LEI), a composite of ten U.S. economic indicators intended to signal turning points in the economy, fell by 0.4% in August from the prior month. The index has now fallen for 17 straight months, signaling an uncertain economic outlook. The latest decline was primarily attributed to weakness in new orders, deteriorating consumer sentiment, higher interest rates, and tighter credit conditions. According to the Conference Board, "All these factors suggest that going forward economic activity probably will decelerate and experience a brief but mild contraction."

Continued Weakness in Home Sales: Sales of existing homes in the U.S. fell for the third straight month in August, decreasing nearly 1.0% from the prior month, according to a report last week from the National Association of Realtors. The

seasonally-adjusted annualized rate (SAAR) of 4.04 million home sales was the slowest monthly sales pace since January of this year and was 15% below the level recorded in August of last year. The year-over-year rate of sales has now declined each month for the last two years. The continued downtrend reflects the impact of rising mortgage rates as well as a limited supply of homes for sale on the market.

https://www.ajg.com/us/news-and-insights/2023/sep/weekly-financial-markets-update-september-25-2023/?j=85153&sfmc_sub=6470579&l=14_HTML&u=932683&mid=110006093&jb=14004&utm_source=sfmc&utm_medium=email&utm_campaign=GBS_2023_US_IIC_Weekly-Financial-Market-Update-0925&utm_term=US+IIC+Weekly+Financial+Market+Update+0925+%7c+BTN&sfmc_e=6470579

Weekly Financial Markets Update

September 18, 2023 | Gallagher USA

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Rising Gas Prices Push Inflation Higher in August: The U.S. Department of Labor reported last week that the Consumer Price Index (CPI) rose 0.6% in August from the prior month, an acceleration from the 0.3% rate recorded in July. On a year-over-year basis, the CPI increased 3.7% in August, also faster than the 3.2% pace exhibited in July. The largest factor contributing to the higher rates in August was the price of gasoline; energy prices overall rose 5.6% from July, while gasoline itself jumped 10.6%. The core CPI, which excludes volatile food and energy items, rose by a more modest 0.3% in August versus July, or 4.3% on an annual basis, down from 4.7% in July.

Retail Sales Advance in August: Sales at U.S. retail and food service establishments in August rose 0.6% versus the prior month and 2.5% from the prior year, the U.S. Department of Commerce reported last week. This was the fifth consecutive monthly sales advance, though the previously reported rate of growth in July was revised down from 0.7% to 0.5%. The reported rise in August was keyed by surging gasoline prices, evidenced by the fact that overall retail sales excluding autos and gasoline increased just 0.2%, down from a rate of 0.7% in July. During August, consumers pulled back from discretionary spending, with furniture and home goods seeing a 1.0% decline from the prior month.

ECB Hikes Interest Rates Again: The European Central Bank (ECB) last week raised its key policy interest rate for the 10th consecutive time since mid-2022 in

an on-going bid to tame inflation in the Eurozone. The quarter-percentage point increase brings the deposit facility rate — which defines the interest banks receive for depositing money with the central bank overnight — to 4.0%, a record high. The decision came despite an updated ECB forecast that Eurozone economic growth will slow more than previously expected through 2024, with bank officials also expecting that inflation will remain above the bank's 2% target through the same period.

https://www.ajg.com/us/news-and-insights/2023/sep/weekly-financial-markets-update-september-18-2023/?j=84733&sfmc_sub=6470579&l=14_HTML&u=928349&mid=110006093&jb=3006&utm_source=sfmc&utm_medium=email&utm_campaign=GBS_2023_US_IIC_Weekly-Financial-Market-Update-0918&utm_term=US+IIC+Weekly+Financial+Market+Update+0918+%7c+BTN&sfmc_e=6470579