



CITY OF SOUTH ST. PAUL MEETING AGENDA

WORK SESSION

Training Room
125 3rd Avenue North
South St. Paul, MN 55075

Monday, December 9, 2024
7:00 PM

1. CALL TO ORDER

2. DISCUSSION ITEMS

- A. Legislative Update
- B. Southview Boulevard Corridor Traffic Analysis Study
- C. 15th Avenue North and Wentworth Avenue Intersection Discussion
- D. Wakota Crossing Update
- E. Cannabis Ordinance Discussion
- F. Supervisory Association Performance Pay Nominations

3. COUNCIL COMMENTS & QUESTIONS



WORK SESSION AGENDA REPORT

DATE: December 9, 2024
DEPARTMENT: City Administrator
PREPARED BY: Ryan Garcia
AGENDA ITEM NUMBER: 2.A.

MEETING TYPE

Regular Meeting

AGENDA ITEM

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

Information and Discussion Only.

OVERVIEW

State Representative Rick Hansen and State Senator Matt Klein will attend the worksession to discuss the upcoming legislative session, specifically focusing on topics that have the potential to directly impact South St. Paul.

SOURCE OF FUNDS

N/A

ATTACHMENTS

None



WORK SESSION AGENDA REPORT

DATE: December 9, 2024
DEPARTMENT: Engineering
PREPARED BY: Nick Guilliams
AGENDA ITEM NUMBER: 2.B.

MEETING TYPE

Regular Meeting

AGENDA ITEM

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

Council direction on possible improvements on Southview Boulevard at 12th Avenue and 13th Avenue intersections

OVERVIEW

Southview Boulevard (County Road 14) is maintained by Dakota County and underwent reconstruction between 3rd Avenue and 20th Avenue in 2018. Prior to this project, there was a traffic signal at the intersection of Southview Boulevard and 12th Avenue. However, after thoroughly evaluating the corridor, the County concluded that a traffic signal at this intersection was not warranted, leading to its removal during the construction phase.

Since the project was completed in 2018, County and City staff have received numerous complaints regarding traffic conditions at 12th Avenue and 13th Avenue intersections. The primary concerns expressed include sight distance, safety, and speeding.

To address these issues, Dakota County conducted a before-and-after study to assess the changes in traffic conditions along Southview Boulevard at the 12th Avenue and 13th Avenue intersections. This study considered removing the traffic signal at 12th Avenue S, modifications to access for Southview Center, and opening a Holiday Station Store. A comprehensive examination of vehicle speeds, traffic volumes, traffic operations, sight distance, and observed crash incidents was conducted to evaluate the situation before and after the changes and explore potential recommendations for improving these intersections. Dakota County staff will present this study's findings along with possible recommendations.

SOURCE OF FUNDS

N/A

ATTACHMENTS

1. DRAFT Report_Southview Before and After Study Traffic Analysis_11252024
2. 12-13 Open House_Engagement_Summary
3. Southview Blvd_12th & 13th Ave_Sight Lines

4. Concept_Mini RAB_Southview Blvd & 12th Ave



Real People. Real Solutions.

Traffic Analysis

**Before and After Study
Southview Boulevard
Improvement Project
13th Avenue and 12th Avenue
in South St. Paul**

Dakota County, MN

Submitted by:

**Bolton & Menk, Inc.
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P: 952-890-0509
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Certification

Before and After Study

for

Southview Boulevard Corridor Improvement Project

Dakota County, MN
City of South St. Paul, MN
BMI Project No. – OT4.129756

November 22, 2024

PROFESSIONAL ENGINEER

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

Signature: _____

Typed or Printed Name: Jacob Bongard

Date: XX/XX/2024 License Number: 52210

Table of Contents

I.	Executive Summary	1
II.	Background	2
A.	Field Observations	3
III.	Previous Traffic Study Work	4
IV.	2018 Corridor Improvements	4
V.	Before and After Results	5
A.	Speed	5
	Traffic	5
B.	Volumes	5
C.	Traffic Forecasts	8
D.	Crash History	8
E.	Warrant Analysis	10
VI.	Modeling Results	11
VII.	Sight Distance Review	12
VIII.	Transit	15
IX.	Public Engagement	15
X.	Pedestrian Crossing Safety Assessment	15
XI.	Study Area Design Alternatives	15
XII.	Conclusions & Recommendations	16

Appendix

Appendix A: Peak Hour Count Information
Appendix B: Crash Data & Green Sheets
Appendix C: Crash Diagrams
Appendix D: Signal Warrant Tables
Appendix E: LOS and Queue Tables
Appendix F: Public Engagement Summary
Appendix G: Pedestrian Crossing Safety Assessment

I. Executive Summary

This is a before-and-after study of the Southview Boulevard Project in South St. Paul, Minnesota. The project reconstructed Southview Boulevard from 20th Avenue to 3rd Avenue in 2018. The intent of this study is to compare findings from the 2015 traffic analysis conducted by Bolton & Menk with conditions observed in May of 2023 and again in September of 2024. The study evaluates the changed conditions along Southview Boulevard at 12th Avenue and 13th Avenue with the removal of the traffic signal at 12th Avenue S, access modifications for Southview Center, and opening of a Holiday Station Store at 1214 Southview Boulevard. A comprehensive review of vehicle speeds, traffic volumes, traffic operations, sight distance, and observed crashes was completed to understand the before and after conditions and review possible recommendations to these intersections.

The Two-Way Stop Controlled intersections of 13th Avenue S., and 12th Avenue S. were included in the study to determine how current conditions align with or differ from those observed when establishing the improvements implemented with the 2018 Southview Boulevard reconstruction project. All before data came from the Southview Boulevard Traffic Analysis dated April 7th, 2015.

Recommendations implemented with the 2018 Improvement project aimed to reduce delays, improve sight lines, and enhance safety for drivers and pedestrians. The results of the study predicted the project would reduce vehicle delays, improve sight distance for sidestreet approaches by adding bumpouts, and lower the potential for crashes at both intersections. This before and after study concluded that the conversion to a two-way stop-controlled intersection was a successful alternative to the traffic signal at 12th Avenue S.

A. Speed

Data from before the study does not exist but current speed does not point to speeding being an issue in this area.

B. Volumes

A comparison of 2023 daily traffic volumes to preconstruction traffic levels before 2018 Improvement Project showed that overall volumes increased by 24%. Traffic volumes were again collected in September 2024 and a 5% reduction was observed from 2023 in daily entering volumes collectively for the 12th and 13th Avenue intersections.

C. Traffic Operations

The intersection of Southview Boulevard and 12th Avenue was modified from a traffic signal to a two-way stop-controlled intersection in 2018. The two-way stop-controlled intersection has reduced delays for the worst movement by more than 50% during peak conditions and provides improved traffic flow for mainline Southview Boulevard during all hours of the day.

D. Sight Distance

Sight distance at 12th Avenue and 13th Avenue was improved with the addition of bumpouts to allow pedestrians and motorists to more safely approach the edge of the traveled lane of Southview Boulevard. At 13th Avenue, the shrubbery on the northwest corner was found to impair the line of sight for southbound movements. It is recommended that the shrubbery be trimmed or removed. Parking needs should also be reviewed on the north side of Southview Boulevard. At 12th Avenue, the sight distance for northbound movements was found to be sufficient despite the presence of a building on the southwest corner. Sight line obstructions are present in the northeast corner of the intersection with shrubbery and advertisements that are posted on the glass-walled bus shelter located east of the intersection.

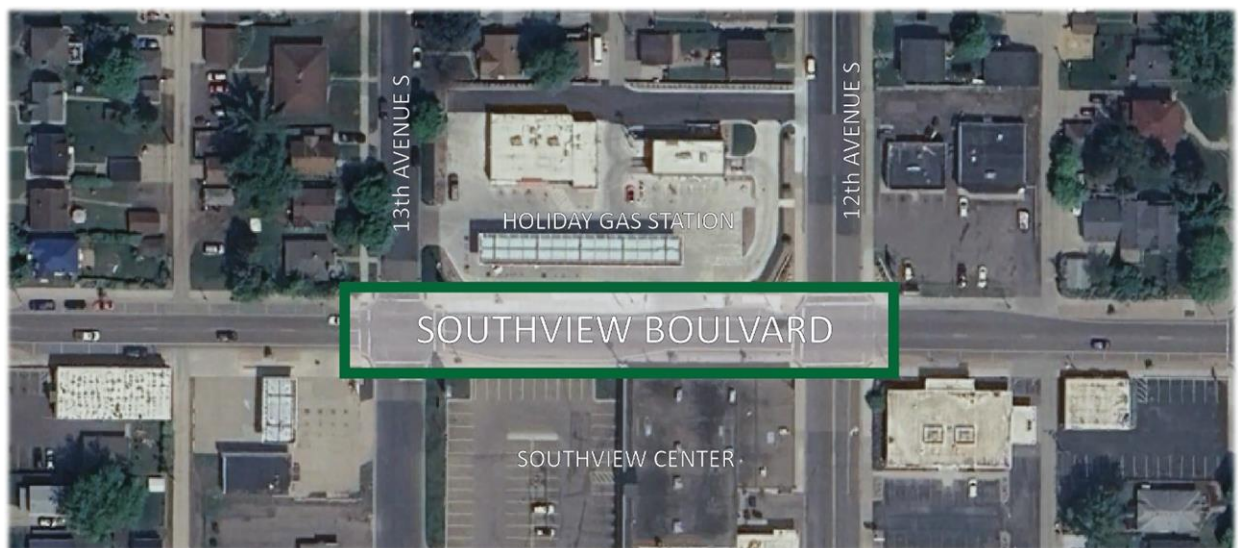
E. Crashes

Crash data was compared between the timeframes of 2010-2012 and 2020-2024. 2018-2019 was excluded from the analysis due to disruptions with construction. Rear-end crashes still make up many of the crashes within the study area, however, angle crashes were previously reduced but have been increasing in recent years, especially at 13th Avenue S. Feedback was received noting drivers mistakenly thinking the 12th Avenue and 13th Avenue intersections were All-Way Stop controlled, to alleviate this confusion a W4-4P “CROSS TRAFFIC DOES NOT STOP” is recommended to be placed under the Stop Signs at both intersections. It is recommended that the city and county continue to monitor the crashes on this corridor as more data becomes available in the coming years.

II. Background

This is a before-and-after study of the Southview Boulevard Improvement Project in South St. Paul, Minnesota. The project reconstructed Southview Boulevard from 20th Avenue to 3rd Avenue in 2018. The intent of this study is to compare findings from the 2015 traffic analysis conducted by Bolton & Menk with conditions observed in May of 2023. The study evaluates the changed conditions along Southview Boulevard at 12th Avenue and 13th Avenue with the removal of the traffic signal at 12th Avenue S, access modifications for Southview Center, and opening of a Holiday Station Store at 1214 Southview Boulevard. **Figure 1** below shows a map of the study area.

Figure 1: Map of Study Corridor



Prior to the 2018 reconstruction project, Southview Boulevard (CSAH 14) was a 2-lane undivided roadway with 10-foot shoulders and on-street parking on both sides of the road. The 13th Avenue intersection was sidestreet stop controlled with no turn lanes provided for the mainline or sidestreet approaches. The 12th Avenue intersection was controlled by a traffic signal and short right-turn lanes were provided on both Southview Boulevard approaches. The speed limit along this segment of Southview Boulevard was 30 mph prior to the improvement project and remains 30 mph today. The changes to the corridor included converting the traffic signal at 12th Avenue to a two-way stop-controlled intersection, removing the right turn lane at 12th Avenue, closing direct access from Southview Center, and marking parking stalls. Pedestrian improvements included widening the sidewalk on the south side and installing bump outs at both 13th and 12th Avenue. Streetscape elements including trees, bushes, and seat walls were also provided with the construction project.

Southview Boulevard is classified as a major collector and is mostly surrounded by commercial

development in this area of the corridor, with single-family residential to the north. 13th Avenue is classified as a local roadway while 12th Avenue is a minor collector.

The corridor was fully restriped and reopened in 2018 after the changes.

The Holiday gas station situated north of Southview Boulevard between 12th Avenue and 13th Avenue was opened to the public in the fall of 2022. In comparison to the previous Kaposia Convenience Center, the new Holiday Station Store includes an increased station size, a car wash facility, and significantly more fuel pumps. The new station store layout differs from the previous and therefore includes additional/revised access points to area roadways. During a site visit conducted in May 2023, it was noted that most vehicles enter the station from the access along Southview Boulevard and exit onto 13th Avenue. **Figure 2** shows the Holiday Station Store layout along with the site photo of the vehicle fueling area.

Figure 2: Holiday Layout



The purpose of this before and after study is to evaluate performance within the study area in terms of safety and operations with completion of the 2018 reconstruction of Southview Boulevard. This includes an examination of the effects of the redeveloped gas station. Key factors such as speed, volume, public transportation network, and crashes were examined to assess the effectiveness of the conversion.

A. Field Observations

Based on the video and field data collected within the study area, no major safety or operational issues related to the gas station were identified. Minor concerns that could be addressed to improve the situation include:

- Southview Boulevard Access: The access point on Southview Boulevard, located close to the intersections with 12th Avenue and 13th Avenue, could create conflicts with semi-trucks turning left onto Southview Boulevard.
 - Exiting traffic, including semi-trucks, could be encouraged to use alternative exits onto 13th Avenue or the frontage road behind the property, which have less traffic and more visibility.
- Pedestrian activity crossing Southview Boulevard, connecting the gas station with the strip mall on the opposite side, showed instances of jaywalking, posing risks for both pedestrians and drivers.
- Driver compliance is low for drivers stopping for pedestrians crossing Southviwe Blvd at 12th Avenue and 13th Avenue in the crosswalks.
- Traffic volumes on Southview Boulevard were accommodated by the typical section and traffic control during the observed periods. Traffic queues of 2-3 vehicles were observed at the intersection with 12th Avenue during peak conditions. Queues cleared quickly and did not cause significant delays or blockages.

Overall, traffic conditions around the new gas station were satisfactory and did not warrant any major interventions

III. Previous Traffic Study Work

Bolton and Menk performed a traffic analysis of Southview Boulevard in 2015 for Dakota County and the City of South St. Paul. The City and County were looking to reconstruct the Southview Boulevard Corridor in 2018. A traffic analysis was completed to evaluate operations at 19 key intersections along the Southview Boulevard corridor study area. Turning movement volumes, Annual Daily Traffic (ADT) volumes, and Annual Average Daily Traffic (AADT) volumes were attained from Dakota County and the Minnesota Department of Transportation (MnDOT) for these key intersections/segments.

This study was intended to allow decision-makers to fully understand the existing conditions as well as the benefits and consequences developed with a variety of proposed improvements. The following summarizes the main outcomes of the 2015 study as it relates to the Southview Boulevard at 12th Avenue and 13th Avenue intersections:

A. Safety

There have been 16 crashes on the study corridor between 2010 and 2012. 9 (7 PDO, and 2 possible injury) crashes occurred at 12th Avenue and 7 (6 PDO, and 1 possible injury) occurred at 13th Avenue. The number of crashes and severity of crashes were above the statewide average and 13th Avenue had crash rates above the critical crash rate. The improvements to the corridor should address this issue.

B. Proposed Site Improvements

The traffic study evaluated 4 possible alternatives that were analyzed as part of the original study, existing conditions, a vehicle-oriented corridor, a roundabout corridor, and a balanced mobility corridor. Changes focused on 12th Avenue & Southview Boulevard (all alternatives recommended that 13th Avenue remain a two-way stop-control) included converting the through-left, and right turn lane into a through-right and left turn lane, converting the signal into a mini-roundabout and converting the traffic signal to a two-way stop control while also removing the turn lane.

C. Pedestrian / Bicyclist / Transit accommodations

Pedestrian facilities and transit accommodations were included in the 2015 layout. Excess transit facilities were consolidated to provide fewer higher-quality bus stops to provide a better waiting experience and reduce delays due to fewer unnecessary stops.

IV. 2018 Corridor Improvements

At the intersection of 13th Avenue and Southview Boulevard, the shoulders were narrowed to provide additional space for an extended sidewalk/boulevard on the south side of the corridor and parking was provided on the north. Pedestrian bumpouts were also installed. At the intersection of 12th Avenue and Southview Boulevard, the traffic signal was removed and replaced with side-street stop control, and the eastbound right turn lane was removed. These changes were made to improve traffic flow and safety in the area. **Figure 3** shows images of the before and after conditions at the 13th Avenue and 12th Avenue intersections with Southview Boulevard.

Figure 3: Before and After Images at 13th Avenue and 12th Avenue



V. Before and After Results

A. Speed

The speed limit around this area was 30mph prior to the improvement project and remains 30 mph today.

Table 1 shows the current speed data collected on May 23rd, 2023, after completion of the improvement project. Vehicle speed data was collected between 13th Avenue and 14th Avenue. Speed radar data was not collected as part of the 2015 study. In an urban area with a speed limit of 30 mph, the 85th percentile speed was 35 mph, while the average and median speeds were both 31 mph. The 10-mph pace interval was between 27 mph and 37 mph. These results fall in line with what would be expected and do not represent any concern or need for change.

Table 1: After Speed Data

Speed Data (2023)	
Speed Limit	30 MPH
85th Percentile Speed	35 MPH
50th Percentile Speed	31 MPH
10 MPH Pace Interval	27 MPH to 37 MPH
Average Speed	31.3 MPH
Max Speed	54 MPH

B. Traffic Volumes

The daily traffic counts for Southview Blvd were collected from the MnDOT Traffic Mapping Application at SEQ 40355 and by radar traffic data collection devices placed along Southview

Blvd on May 23, 2023. A one-year follow-up traffic count was collected at the study intersections on September 12, 2024. **Table 2** shows the annual average daily traffic (AADT) volumes before the improvement project in 2015 (MnDOT), after opening in 2021 (MnDOT), most recently in 2024 (MnDOT Draft), and a daily traffic count completed by the project team in 2023.

Table 2: Daily Traffic Counts Before and After

	Volumes			
	2015 AADT (MnDOT SEQ 40355)	2021 AADT (MnDOT SEQ 40355)	2024 AADT (MnDOT SEQ 40355)	2023 ADT (BMI Collected)
AADT	8,700	8,189	7,851	10,782

Table 3, below, provides a breakdown of 13-hour traffic volume by leg at 12th Avenue and 13th Avenue. 24-hour turning movement count data was collected in 2023 but only 13 hours is referenced for comparison with the previous data set.

Table 3: 13-Hour Volume by Leg

	North Leg	South Leg	East Leg	West Leg
Southview Blvd & 13 th Ave S				
2013	1,211	1,394	7,420	8,399
2023	1,199	2,032	6,999	7,750
2024	981	1,964	6,939	7,730
Southview Blvd & 12 th Ave S				
2013	2,460	1,607	7,354	8,373
2023	1,658	883	7,009	7,682
2024	1,582	921	6,568	7,299

Figure 4, below, displays the AM Peak, (PM Peak), and [13-Hr] and [24-Hr] as noted for the Southview Boulevard at 12th Avenue and 13th Avenue intersections. Pedestrian counts for the full data collection period are also noted for each condition. 13-hour turning movement counts were collected in May of 2013 and 24-hour turning movement counts were collected in May of 2023 and September of 2024.

Figure 4: Turning Movement Counts Before and After



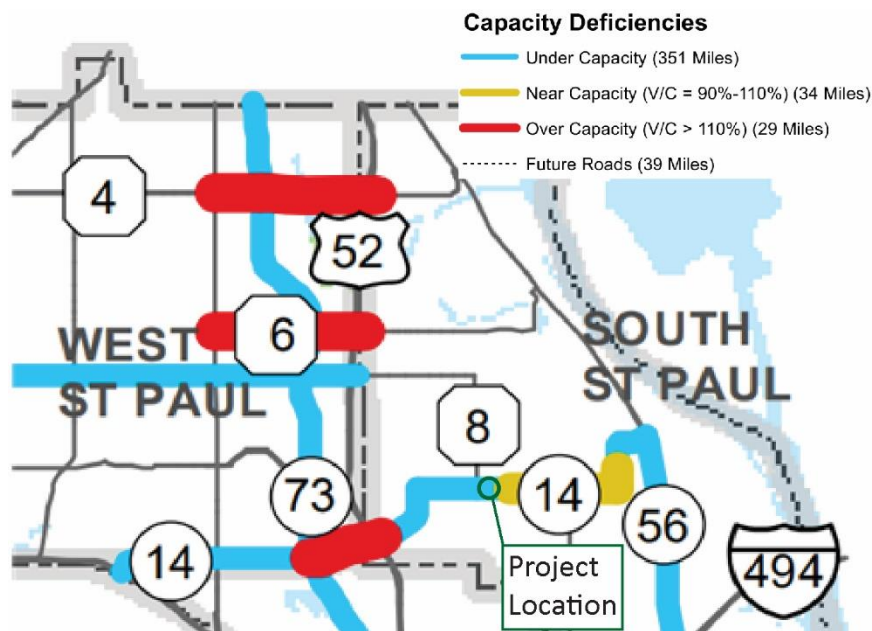
When comparing the traffic counts collected in 2023 to those in 2024, the total entering volumes for the Southview Boulevard at 12th Avenue and 13 Avenue intersections reduced by 5% with the full 24-hour data set. Overall volumes remained within a 10% margin of error during the AM peak hours but lower volumes were observed during the PM peak hour, with an average 20% reduction in traffic between the two intersections. The mainline through volumes experienced the largest reduction, with eastbound and westbound through movements approximately 100 vehicles less during the PM peak hour across both intersections. This indicates that traffic levels were more consistent throughout the entire day with less intense peaks during the AM and PM Peak

hours. Collected traffic counts include the opening of the Holiday Station Store in 2022 and Pet Fresh Dog Wash and Grooming Salon in 2024.

C. Traffic Forecasts

According to the Dakota County 2040 Transportation Plan, Southview Blvd (CSAH 14) is projected to be near or under capacity in 2040 through the project area and is currently under capacity. Southview Blvd (CSAH 14) was identified in the 2030 Transportation Plan as needing improvements, which were completed in 2018. No additional improvements or changes are planned as part of the 2040 Transportation Plan. The study area is in fully developed area of South St. Paul so local streets intersecting Southview Boulevard are also expected to observe lower levels of growth in the future. **Figure 5** shows the expected 2040 capacity deficiency for Southview Blvd (CSAH 14).

Figure 5: Dakota County Highway Capacity Deficiencies, 2040



D. Crash History

A review of crash data before and after the Southview Boulevard Improvement project was conducted to evaluate the impacts the project had on the quantity and type of crashes occurring at the 12th Avenue and 13th Avenue intersections. Since the project ended in 2018, data from 2020 to 2024 was analyzed, excluding 2019 due to transition adjustments. The 2018 and 2019 data showed an abnormal increase in crashes, attributed to construction activities and unfamiliarity with changes. 2020 saw fewer crashes, likely due to reduced traffic from the COVID-19 pandemic. Continuous monitoring is recommended as more data becomes available.

The crash history review utilized data from 2010 to 2012 via the Minnesota Crash Mapping Application (MnCMAT). 16 crashes were reported during this timeframe, including three possible injuries and thirteen property damage-only crashes. From 2013 to 2017, 18 crashes were reported, including three possible injury and 15 property damage-only crashes. **Tables 4 and 5** detail the crash breakdown for the “before” condition at the studied intersections.

Table 4: Summary of Crash Severity Before (2010-2012)

Location	Fatal	Suspected Serious Injury	Suspected Minor Injury	Possible/Unknown Injury	Property Damage Only
13th Ave/Southview Blvd	0	0	0	1	6
12th Ave/Southview Blvd	0	0	0	2	7

Table 5: Summary of Crash Severity Interregnum (2013-2017)

Location	Fatal	Suspected Serious Injury	Suspected Minor Injury	Possible/Unknown Injury	Property Damage Only
13th Ave/Southview Blvd	0	0	0	0	6
12th Ave/Southview Blvd	0	0	0	3	9

Crash data was reviewed in the “after” condition from January 1, 2020 through June 30, 2024 using MnCMAT 2. 18 crashes were reported during this timeframe, including 4 possible injury and 14 property damage-only crashes.

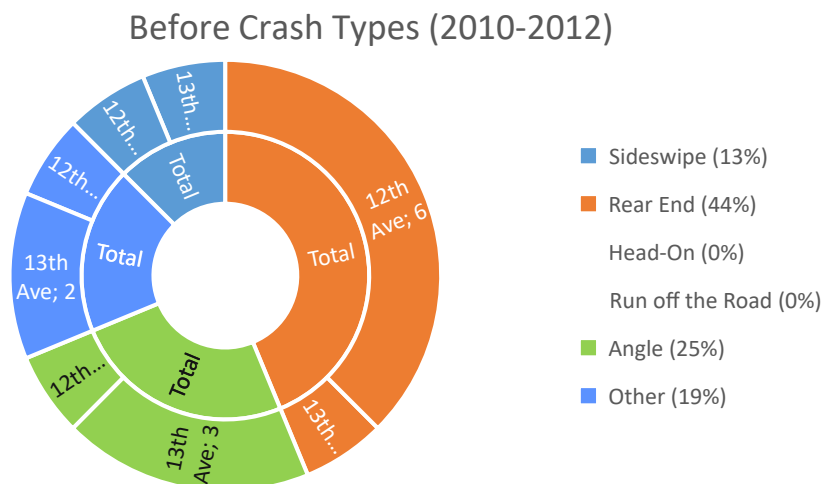
Table 6: Summary of Crash Severity After (2020-2024)

Location	Fatal	Suspected Serious Injury	Suspected Minor Injury	Possible/Unknown Injury	Property Damage Only
13th Ave/Southview Blvd	0	0	0	2	8
12th Ave/Southview Blvd	0	0	0	2	6

Figures 6, 7, and 8 below summarize the crash types from 2010-2012, 2013-2017, and from 2020 to 2024. In the “before” condition referenced with the corridor study (2010-2012), rear-end and angle crashes made up 69% of the crashes at the intersections of 12th Avenue and 13th Avenue. In the intermediate 5 years, between study completion and construction (2013-2017), rear-end and sideswipe crashes made up the majority at 66% with 7 of the 8 rear-end crashes occurring at 12th Avenue. After the construction project was complete (2020-2024), angle and left turn crashes makeup 56% of the crashes at the intersections of 12th Avenue and 13th Avenue with the majority occurring in 2023 and 2024. Those involved in the angle crashes noted poor sight lines and misjudging of mainline vehicle speeds at 13th Avenue and one driver noted that they thought it was an all-way stop and not a side-street stop at 12th Avenue.

Crash diagrams are provided in **Appendix C**.

Figure 6 – Before Crash data from 2010-2012 MnCMAT



Interregnum Crash Types (2013-2017)

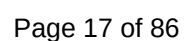


Table 7: Signal and All-Way Stop Warrant Analysis

2023 Warrant Analysis (Including right turns)				
	13th Ave S		12th Ave S	
	Met	Required	Met	Required
Warrant 1A	0	8	0	8
Warrant 1B	3	8	2	8
Warrant 2	0	4	0	4
Warrant 3	0	1	0	1
Warrant 7	5	8	5	8
All-Way Stop	0	8	0	8

VI. Modeling Results

Several alternatives were analyzed using Synchro/Simtraffic for 12th Avenue & Southview Blvd to determine if the current configuration of a Two-Way Stop Control intersection was still the best solution. The AM Peak was determined to be 7:30-8:30 am and the PM Peak was found to be 3:30-4:30 pm. Overall each alternative operated at a LOS A with the Existing Conditions having the lowest intersection delay with 2 seconds in both the AM and PM peak. The worst approach delay was still operating well within the acceptable limits at LOS B with a 14-second delay on the northbound approach. **Table 8** shows a comparison of the different alternatives evaluated.

Table 8: Comparison of 12th Avenue Alternatives Using 2023 Volumes

Intersection	Alternative	Delay (sec/veh)				Max Movement Queue (ft)	
		Intersection		Worst Approach			
		AM	PM	AM	PM	AM	PM
12th Ave S & Southview Blvd	TWSC	2 A	2 A	NB - 8 A	NB - 13 B	100' SB	75' SB
	AWSC	7 A	10 B	WB - 8 A	EB - 11 B	125' EB,WB	200' EB
	Mini-RAB	4 A	5 A	All - 4 A	EB, WB - 5 A	100' WB	150' EB
	Signalized	4 A	6 A	NB - 11 B	NB - 18 B	100' EB,WB, SB	200' EB

In 2018, the intersection of Southview Boulevard and 12th Avenue in South St. Paul, Minnesota, was converted from a traffic signal to a two-way stop control, following recommendations from a 2015 study. Between 2016 and 2023, traffic volumes increased by 24%. To ensure the previous study's recommendations remain valid, traffic delays and queues were analyzed under four scenarios: Two-Way Stop Control (Existing), All-Way Stop Control, Mini-Roundabout, and Traffic Signal (Previous Condition). All scenarios reviewed are expected to function efficiently. Notes related to each are provided, below:

- **All-Way Stop Control** scenario observed the highest delays and longest queues with an average PM peak delay of 10 seconds per vehicle and a maximum queue of 200 feet on the west leg.

- **Traffic Signal** scenario showed similar queuing results but with a slightly lower average delay of 6 seconds per vehicle. The Traffic Signal scenario showed similar queuing results but with a slightly lower average delay of 6 seconds per vehicle.
- **Existing Two-Way Stop Control** produced the lowest queue and overall intersection delay at 2 seconds per vehicle. Despite having a higher maximum approach delay (13 seconds per vehicle on the south leg) compared to the All-Way Stop Control (11 seconds per vehicle on the west leg), the Two-Way Stop Control provides the lowest overall delays at the intersection. Nearly 85% of the traffic enters via Southview Boulevard, the Two-Way Stop Controlled option provides the best balance by minimizing delays for mainline travelers while still ensuring safe gaps for side-street traffic.
- **Mini-Roundabout** scenario produced balanced delays throughout all approaches. Maximum queues were above that of the two-way stop control but less than that of the all-way stop and traffic signal control. A mini-roundabout would greatly reduce the likelihood of angle crashes and improve overall pedestrian safety with the addition of a two-stage crossing maneuver for all legs of the intersection.

Pedestrian Level of Service

Pedestrian Level of Service (LOS) is a measure of the quality of service and satisfaction that pedestrians experience when walking on a street or sidewalk. The Highway Capacity Manual (HCM) provides a standardized methodology for calculating pedestrian LOS based on factors such as pedestrian flow rate, density, speed, and space. The HCM defines six levels of service, from A to F, with A being the best and F being the worst. It should also be noted that this is a significant change from the previous version which exclusively focused on pedestrian delays when grading an intersection.

The calculated pedestrian LOS for the intersection of 12th Avenue and Southview Boulevard is LOS F, with an average control delay of 13.3 sec. Under the previous HCM version this would correspond to an LOS C. Installing a Rectangular Rapid Flashing Beacon (RRFB) crossing Southview Boulevard at the mid-block of 12th Avenue and 13th Avenue would improve the intersection to an LOS B. The addition of a mini-roundabout and two-stage pedestrian crossing would also reduce pedestrian delays and improve pedestrian level of service to acceptable levels.

VII. Sight Distance Review

A sight distance evaluation was conducted at 12th Avenue and 13th Avenue to understand a driver's ability to see vehicles approaching the intersections on Southview Boulevard. The City of South St. Paul and Dakota County have received comments from the public noting safety concerns when entering or crossing Southview Boulevard from either cross street. The intent of this evaluation is to understand current sight distance conditions at each intersection.

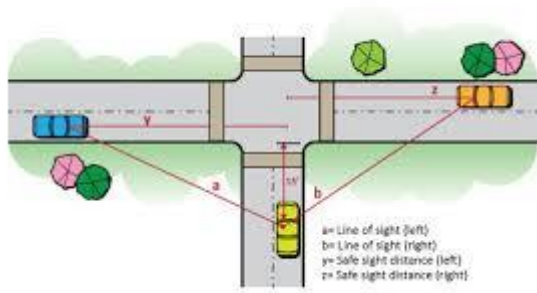
The Process

Insufficient sight distance can contribute to intersection crashes. It refers to the distance a driver can see approaching vehicles before their view is blocked by obstructions such as hedges, trees, parked vehicles, utility poles, or buildings. The horizontal and vertical alignment of the road can also affect visibility.

Sight lines were taken from 12th Avenue and 13th Avenue at 12 feet and 20 feet (or stopbar) back from the Southview Boulevard right edge line. Driver eye and object were both 3.5' high.

Drivers approaching from a stopped position should have a clear view of the intersection and enough distance along the intersecting roadway to anticipate and avoid potential collisions. Poor sight distance can lead to rear-end crashes on the approaches and angle crashes within the

intersection due to motorists' inability to see and react to traffic control devices or approaching vehicles.



Source: <https://www.chescoplanning.org/municorner/MultiModal/20-Intersections.cfm>

Minimum Required Sight Distance (AASHTO Green Book 2018)

Both 30mph and 35mph speed limits were evaluated. The posted speed limit is 30mph and documented 85th % speed, west of 13th Avenue, was 35mph.

Using AASHTO 2018 Case B1 (Left Turns from Stop) and formula:

$ISD = 1.47 * 30 * 7.5 = 330.8$, rounded for design 335 feet. (30mph)

$ISD = 1.47 * 35 * 7.5 = 385.9$, rounded for design 390 feet. (35mph)

The required Intersection Sight Distance for left turns from stop is 335 feet and 390 feet for 30mph and 35mph, respectively.

Using AASHTO 2018 Case B2 (Right Turns from Stop) and formula:

$ISD = 1.47 * 30 * 6.5 = 286.7$, rounded for design 290 feet. (30mph)

$ISD = 1.47 * 35 * 6.5 = 334.4$, rounded for design 335 feet. (35mph)

The required Intersection Sight Distance for right turns from stop is 290 feet and 335 feet for 30mph and 35mph, respectively.

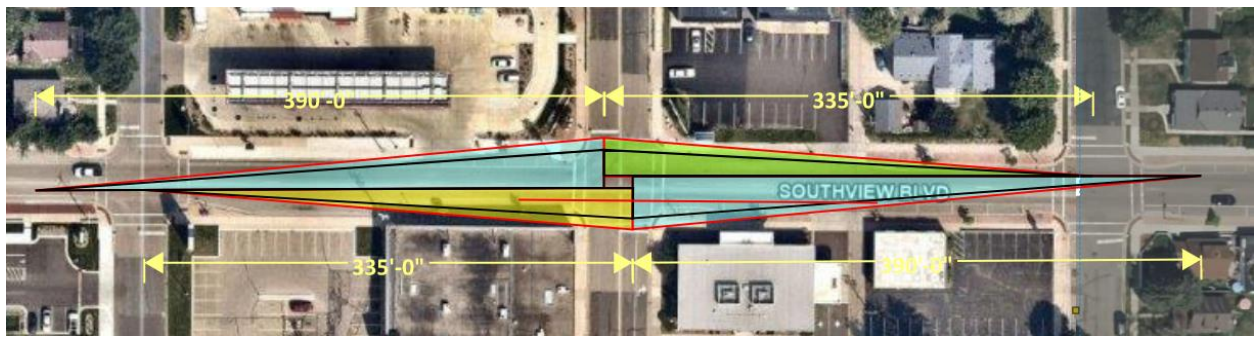
Field Observations and Sight Distance Evaluation

Southview Boulevard at 12th Avenue

Sight distance is sufficient under typical conditions when 12 feet and 20 feet back from the Southview Boulevard edge line for both northbound and southbound approaches. The vertical curve east of 12th Avenue restricts sight lines at approximately 485 feet, which exceeds minimum sight distance requirements for all documented conditions.



12th Avenue Southbound approach, looking east



Sight Triangles for 35mph Speeds

Observations and Conclusions: Sight lines for southbound vehicles approaching Southview Boulevard can occasionally be obstructed by buses stopping at the bus stop located in the northeast corner of the intersection. The bus stop shelter, and area vegetation can also be an obstruction if the approaching vehicle stops far from the edge line. Parked cars, utility poles, light poles, street signs, and other obstructions occupy the sight triangle but do not appear to create a safety issue.

Southview Boulevard at 13th Avenue

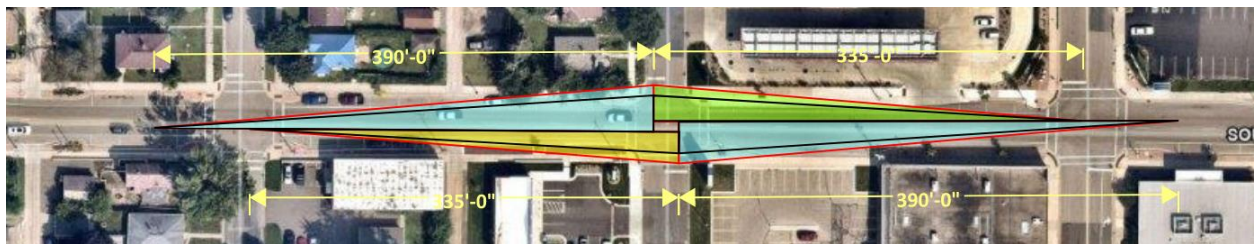
Sight distance is sufficient under typical conditions when 12 feet and 20 feet back from the Southview Boulevard edge line for all side street movements with the exception of the southbound left turn movement. For the southbound left turn movement, sight obstructions are present when 20 feet back from the right edge line (250 feet available < 390 feet required for 35mph) and from the stop bar (180 feet available < 390 feet required for 35mph). Overgrown vegetation in the northwest corner paired with parked cars, light poles, street signs, and other obstruction affect sight lines.



13^h Avenue Southbound approach, looking west (20 feet back)



13^h Avenue Southbound approach, looking west (12 feet back)



Sight Triangles for 35mph Speeds

Observations and Conclusions: Southbound vehicles turning left often have obstructed sight lines due to overgrown vegetation, light poles, and parked vehicles. This creates insufficient visibility more than 12 feet from the right edge of the travel lane. Crash reports indicate drivers could not see

approaching vehicles from the west.

VIII. Transit

Route 68 is a bus route that serves the communities of St. Paul, West St. Paul, South St. Paul, and Inver Grove Heights. It runs along Jackson Street, Robert Street, Southview Boulevard, Marie Avenue, and Oakdale Avenue. Route 68 currently operates at a frequency of about 15-20 minutes during the day around 13th and 12th Avenue. To improve bus service, some stops were consolidated on Southview Boulevard as part of the improvement projects. Bus stops on the northeast and southwest corners of the 13th and 12th Avenues were removed and replaced with one midblock stop. We also removed the stop north of Southview on the 12th and merged it with the one at the northwest corner.

Future transit plans for Route 68 include becoming a bus rapid transit (BRT) line on the METRO G Line, which promises to be faster and more frequent. It has better stations and features, such as real-time info and fare machines. The project is in planning and will start in 2025 and open in 2028. It is expected to improve mobility and access for the Route 68 area.

Overall, bus ridership at the intersections has decreased since 2014, dropping from 79 on and 55 off between the two intersections to 41 on and 35 off. These numbers are consistent with data that evaluates the overall Metro Minneapolis bus system, which has shown a ridership of about half of pre-pandemic levels.

IX. Public Engagement

The findings from our December 2023 public open house provide valuable insights into the community's perspectives and feedback on the Southview Boulevard Improvement Project. The engagement summary, detailed in **Appendix F**, highlights the key themes and concerns raised by the attendees, including traffic flow, pedestrian safety, and the overall impact of the project on local businesses and residents. This comprehensive summary reflects the community's active participation and their valuable contributions, which will guide our planning and decision-making processes. The open house served as a crucial platform for fostering dialogue and ensuring that the voices of all stakeholders are heard and considered in the project's ongoing development.

X. Pedestrian Crossing Safety Assessment

In 2021, Dakota County conducted a pedestrian crossing assessment focused on side street stops and mid-block crossings of county roadways. The project worked to define best practices for review of crossings and treatments based on roadway conditions. One crossing location included within the study was the intersection of Southview Boulevard at 12th Avenue. The recommendations from the study included a marked crosswalk for the east leg of the intersection with in-street pedestrian signs (two-sided) for the east and west legs of the intersection. A one-pager outlining these recommendations is provided in **Appendix G**.

XI. Study Area Design Alternatives

Study area and intersection improvements are proposed to remedy safety concerns and better accommodate all modes along and across Southview Boulevard at the 12th Avenue and 13th Avenue intersections. An outline of key concerns provided by the public or established during this evaluation include the following:

- Difficulty finding gaps in Southview Boulevard traffic to enter onto or cross at 12th Avenue and 13th Avenue. Safety concerns exist with

- Sight Lines can be obstructed by parked vehicles, overgrown vegetation, bus shelters, etc. causing drivers entering from the stop-controlled side streets to do so with an inadequate gap in traffic. Driver speeds are commonly 5-7 miles above the speed limit which can also complicate gap acceptance and driver expectations.
- Four angle crashes occurred over a 12-month period from 7/1/2023 to 6/1/2024 at the intersection of Southview Boulevard and 13th Avenue. Three drivers referenced not seeing or misjudging speed of approaching eastbound vehicle.
- Pedestrians crossing Southview Boulevard at 12th Avenue and 13th Avenue experience low driver compliance for stopping to allow crossing when waiting at the edge of the roadway.

Study area alternatives include a range of improvements to improve sight lines, reduce travel speeds, increase driver compliance at crossing locations, and remedy other area concerns.

Southview Boulevard at 12th Avenue

- Remove advertisements from the east and west walls of the bus shelter located in the northeast corner of the intersection;
- Install rectangular rapid flashing beacon (RRFB) across either east or west leg of the intersection; Or
- Install Mini-Roundabout to reduce travel speeds along corridor, provide two-stage crossing for pedestrians, reduce delays and improve safety for drivers entering or crossing Southview Boulevard.

Southview Boulevard at 13th Avenue

- Tree Clearing: Trim Shrubs/Trees in NW corner of the intersection. City policy appears to allow tree trimming when in the sight triangle. It also could be classified as an ADA issue with how tree limbs overhang the sidewalk.
- Parking Restrictions: The City and County could consider restricting parking within stalls on north side of Southview Boulevard as parked vehicles block the view of approaching eastbound vehicles.
- Install rectangular rapid flashing beacon (RRFB) across either east or west leg of the intersection.

Additional details related to providing a mini-roundabout at the intersection of Southview Boulevard and 12th Avenue S are provided below.

XII. Conclusions & Recommendations

This is a before-and-after study of the Southview Boulevard Project in South St. Paul, Minnesota. The project improved Southview Boulevard from 20th Avenue to 3rd Avenue in 2018. The study compares a 2015 traffic analysis by Bolton & Menk with conditions observed in May of 2023. The study evaluates the changed conditions along Southview Boulevard including a new Holiday Gas Station at 1214 Southview Boulevard for the intersections of 13th Avenue S. and 12th Avenue S. The study examines vehicle speeds, traffic volumes, traffic operations, sight distance, observed crashes, and provides recommendations for possible improvements to these intersections.

The project's goal was to reduce delays, increase sight distance, and improve safety for drivers and pedestrians. The data shows the effects of the Southview Boulevard Project in South St. Paul, Minnesota, which improved the road and changed the intersection of Southview Boulevard and 12th Avenue from a traffic signal to a two-way stop-controlled intersection in 2018. With traffic volumes increasing by 24%, delays for the worst movement were reduced by more than 50% in both peak hours, sight distance was improved by adding bumpouts at the intersections, and angle

crashes were decreased at the intersections of 13th Avenue S and 12th Avenue S. The data indicates that the previous project converting 12th Avenue into a two-way stop-controlled intersection from a traffic signal has been successful for driver safety and mobility.

A. Speed

Data from before the study does not exist but current speed does not point to speeding being an issue in this area.

B. Volumes

A comparison of 2023 daily traffic volumes to preconstruction traffic levels before 2018 Improvement Project showed that overall volumes increased by 24%. Traffic volumes were again collected in September 2024 and a 5% reduction was observed in daily entering volumes collectively for the 12th and 13th Avenue intersections.

C. Traffic Operations

The intersection of Southview Boulevard and 12th Avenue was modified from a traffic signal to a two-way stop-controlled intersection in 2018. The two-way stop-controlled intersection has reduced delays for the worst movement by more than 50% during peak conditions and provides improved traffic flow for mainline Southview Boulevard during all hours of the day.

D. Sight Distance

Sight distance at 12th Avenue and 13th Avenue was improved by the implementation of bumpouts to allow pedestrians and motorists to more safely approach the edge of the traveled lane of Southview Boulevard. At 13th Avenue, the shrubbery on the northwest corner was found to impair the line of sight for southbound movements. It is recommended that the shrubbery be trimmed or removed. At 12th Avenue, the sight distance for northbound movements was found to be sufficient despite the presence of a building on the southwest corner. Sight line obstructions are present in the northeast corner of the intersection with shrubbery and advertisements that are posted on the glass-walled bus shelter located east of the intersection.

E. Crashes

Crash data was compared between the timeframes of 2010-2012 and 2020-2024. 2018-2019 was excluded from the analysis due to disruptions with construction. Rear-end crashes still make up many of the crashes within the study area, however, angle crashes have been thus far eliminated. A common report was believing the intersections were All-Way Stop controlled, to alleviate this confusion a W4-4P "CROSS TRAFFIC DOES NOT STOP" is recommended to be placed under the Stop Signs at both intersections. It is recommended that the city and county continue to monitor the crashes on this corridor as more data becomes available in the coming years.

This study assesses the impact of the Southview Boulevard Project in South St. Paul, Minnesota, which improved Southview Boulevard from 20th Avenue to 3rd Avenue in 2018. It compares traffic conditions from a 2015 analysis by Bolton & Menk with observations from May 2023 and again in September 2024, focusing on vehicle speeds, traffic volumes, operations, sight distance, and crashes.

The project's goals were to reduce delays, improve sight distance, and enhance safety for drivers and pedestrians. Since implementation, traffic volumes increased by 24%, delays for the worst movement decreased by over 50% during peak hours, sight distance improved with bumpouts, and angle crashes at 13th and 12th Avenues significantly declined.

Key Findings:

- **Speed:** No significant speeding issues were identified.
- **Volumes:** 2023 saw a 24% increase in daily traffic volumes compared to pre-2018 levels, with a

5% reduction observed in September 2024.

- **Traffic Operations:** The conversion of the 12th Avenue intersection to a two-way stop-controlled intersection reduced delays by more than 50% during peak times and improved overall traffic flow.
- **Sight Distance:** Bumpouts enhanced sight distance at 13th and 12th Avenues. However, shrubbery at the northwest corner of 13th Avenue and obstructions at the northeast corner of 12th Avenue need addressing.
- **Crashes:** Comparing data from 2010-2012 and 2020-2024, rear-end crashes remain common, but angle crashes have been eliminated. Adding "CROSS TRAFFIC DOES NOT STOP" signs is recommended to clarify intersection control.

Ongoing monitoring of traffic and crashes is advised to ensure continued success and identify any needed improvements.

Appendix A: Peak Hour Count Information

Appendix B: Crash Data & Green Sheets

Appendix C: Crash Diagrams

Appendix D: Signal Warrant Tables

Appendix E: LOS and Queue Tables

Appendix E: Public Engagement Summary

Appendix G:

Pedestrian Crossing Safety Assessment

SOUTHVIEW BOULEVARD BEFORE & AFTER STUDY



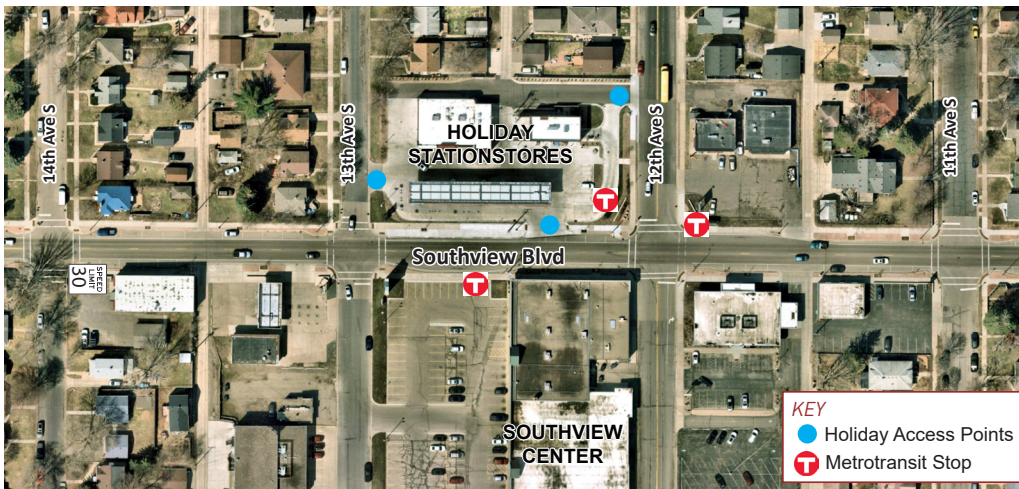
PUBLIC ENGAGEMENT SUMMARY

Phase 1 | October – December, 2023

Project Background

The 2018 reconstruction project on Southview Boulevard near 12th and 13th Avenues included several improvements, such as the removal of a traffic signal at 12th Avenue N. Since then, several redevelopment projects have been completed, including the opening of a Holiday Station Store.

In 2023, a study was conducted to evaluate existing site conditions, including traffic volumes, area development, crash history, and other key factors. This study assessed changes in the corridor since the original corridor study and the 2018 reconstruction project.



Engagement by the Numbers



15

Open House Attendees



70

Comments Received

Engagement Strategy

The project team used a combination of digital and in-person engagement tools to reach the community where they are and learn more about their experiences in the study area.

The digital engagement tools include a project website, social media posts, and a virtual comment card. Digital engagement opportunities give community members the opportunity to identify concerns, ideas, and leave general feedback by regarding proposed design changes.

In-person activities such as an Open House allow the team to learn more from the community and interact one-on-one with residents and business owners to discuss concerns and brainstorm solutions, as needed.

Engagement Goals

- Understand and document perceived problems
- Collect input regarding the concerns, priorities, and preferences within the study area
- Share and discuss possible improvements
- Document a recommended or preferred alternative

SOUTHVIEW BOULEVARD BEFORE & AFTER STUDY



December Open House

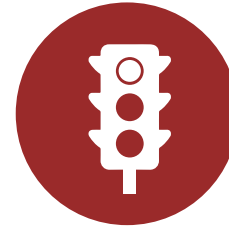
The Southview Boulevard Before & After Study open house was held on Wednesday, December 13 from 5:00 - 7:00pm at Central Square in South St. Paul and approximately 15 people attended. Attendees were able to provide feedback through speaking with project team members, reviewing educational materials, and leaving comments.

Comment Themes from Open House & Online Survey



Pedestrian Safety & Accessibility

- Comments emphasized the need for improved pedestrian safety measures, such as pedestrian-activated lights, crosswalks with flashing lights, and better signage. These suggestions aim to make it safer for pedestrians to cross Southview Blvd.
- Feedback received also highlighted drivers not yielding to pedestrians crossing at 12th and 13th Avenues.



Traffic Control

- Feedback emphasized the need for a stoplight or 4-way stop at the intersection of 12th and Southview to improve safety for both pedestrians and drivers. This suggestion is frequently mentioned due to the high traffic volume and poor visibility at this intersection.
- The installation of a roundabout was also mentioned to slow down traffic and improve safety.



Traffic Flow and Driver Speeds

- Comments highlight the perceived issue of speeding on Southview Blvd, particularly around the intersections of 12th and 13th Avenues. Residents express concerns about the safety risks posed by fast-moving vehicles.
- Desire for solutions that address both pedestrian safety and smooth traffic flow.



Community Decision-Making

- Other suggestions include the installation of a wheelchair-accessible crosswalk bridge, better enforcement of traffic speed limits, and addressing visibility issues caused by signage and parked cars. These comments reflect a variety of concerns and ideas for improving traffic safety in the area.

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Jacob Bongard

Bolton & Menk

952-201-9488

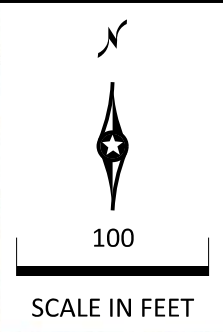
jacob.bongard@bolton-menk.com

Table 9-9. Design Intersection Sight Distance—Case B2, Right Turn from Stop					
U.S. Customary				Metric	
Design Speed (mph)	Stopping Sight Distance (ft)	Intersection Sight Distance for Passenger Cars		Design Speed (km/h)	Intersection Sight Distance for Passenger Cars
		Calculated (ft)	Design (ft)		Calculated (m)
15	80	143.3	145	20	36.1
20	115	191.1	195	30	54.2
25	155	238.9	240	40	72.3
30	200	286.7	290	50	90.4
35	250	334.4	335	60	108.4
40	305	382.2	385	70	126.5
45	360	430.0	430	80	144.6
50	425	477.8	480	90	162.6
55	495	525.5	530	100	180.7
60	570	573.3	575	110	198.8
65	645	621.1	625	120	216.8
70	730	668.9	670	130	234.9
75	820	716.6	720		
80	910	764.4	765		

Note: Intersection sight distance shown is for a stopped passenger car to turn right onto or to cross a two-lane roadway with no median and with grades of 3 percent or less. For other conditions, the time gap should be adjusted and the sight distance recalculated.

Table 9-7. Design Intersection Sight Distance—Case B1, Left Turn from Stop					
U.S. Customary				Metric	
Design Speed (mph)	Stopping Sight Distance (ft)	Intersection Sight Distance for Passenger Cars		Design Speed (km/h)	Intersection Sight Distance for Passenger Cars
		Calculated (ft)	Design (ft)		Calculated (m)
15	80	165.4	170	20	41.7
20	115	220.5	225	30	62.6
25	155	275.6	280	40	83.4
30	200	330.8	335	50	104.3
35	250	385.9	390	60	125.1
40	305	441.0	445	70	146.0
45	360	496.1	500	80	166.8
50	425	551.3	555	90	187.7
55	495	606.4	610	100	208.5
60	570	661.5	665	110	229.4
65	645	716.6	720	120	250.2
70	730	771.8	775	130	271.1
75	820	826.9	830		
80	910	882.0	885		

Note: Intersection sight distance shown is for a stopped passenger car to turn left onto a two-lane highway with no median and grades 3 percent or less. For other conditions, the time gap should be adjusted and the sight distance recalculated.



13TH AVENUE SIGHT LINES - 30 MPH



DAKOTA COUNTY
SOUTHVIEW BLVD & 12TH AVE S & 13TH AVE S
MINI ROUNDABOUT LAYOUT, SEPT 2024

Table 9-9. Design Intersection Sight Distance—Case B2, Right Turn from Stop

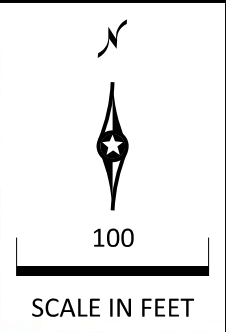
U.S. Customary				Metric			
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15	80	143.3	145	20	20	36.1	40
20	115	191.1	195	30	35	54.2	55
25	155	238.9	240	40	50	72.3	75
30	200	286.7	290	50	65	90.4	95
35	250	334.4	335	60	85	108.4	110
40	305	382.2	385	70	105	126.5	130
45	360	430.0	430	80	130	144.6	145
50	425	477.8	480	90	160	162.6	165
55	495	525.5	530	100	185	180.7	185
60	570	573.3	575	110	220	198.8	200
65	645	621.1	625	120	250	216.8	220
70	730	668.9	670	130	285	234.9	235
75	820	716.6	720				
80	910	764.4	765				

Note: Intersection sight distance shown is for a stopped passenger car to turn right onto or to cross a two-lane roadway with no median and with grades of 3 percent or less. For other conditions, the time gap should be adjusted and the sight distance recalculated.

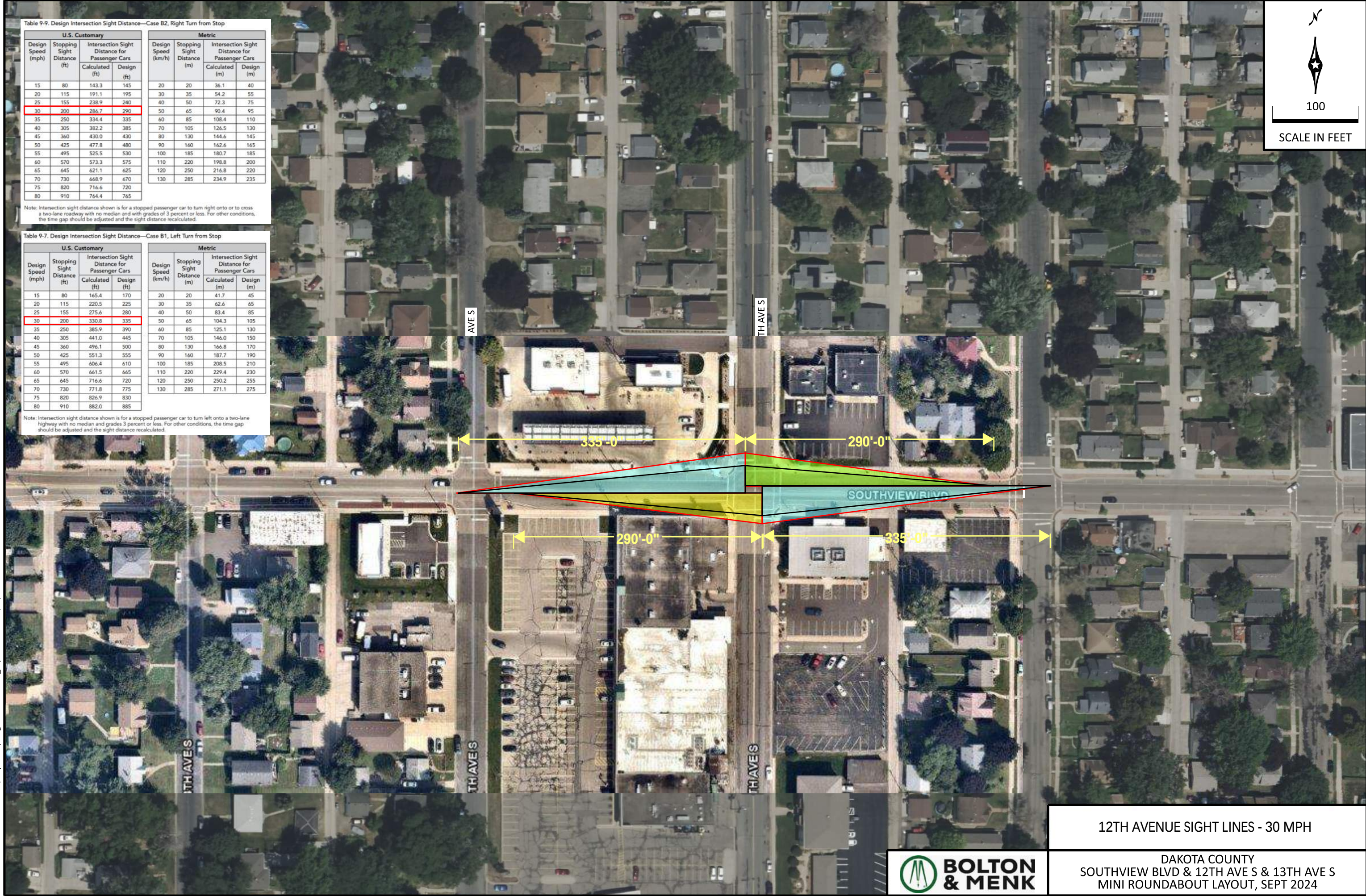
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25	155	275.6	280	40	50	83.4	85
30	200	330.8	335	50	65	104.3	105
35	250	385.9	390	60	85	125.1	130
40	305	441.0	445	70	105	146.0	150
45	360	496.1	500	80	130	166.8	170
50	425	551.3	555	90	160	187.7	190
55	495	606.4	610	100	185	208.5	210
60	570	661.5	665	110	220	229.4	230
65	645	716.6	720	120	250	250.2	255
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75	820	826.9	830				
80	910	882.0	885				

Note: Intersection sight distance shown is for a stopped passenger car to turn left onto a two-lane highway with no median and grades 3 percent or less. For other conditions, the time gap should be adjusted and the sight distance recalculated.



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12TH AVENUE SIGHT LINES - 30 MPH



DAKOTA COUNTY
SOUTHVIEW BLVD & 12TH AVE S & 13TH AVE S
MINI ROUNDABOUT LAYOUT, SEPT 2024

Table 9-9. Design Intersection Sight Distance—Case B2, Right Turn from Stop

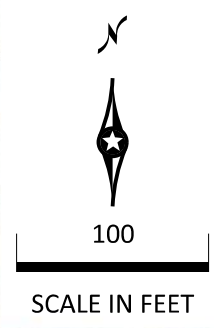
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35	250	334.4	335	60	85	108.4	110
40	305	382.2	385	70	105	126.5	130
45	360	430.0	430	80	130	144.6	145
50	425	477.8	480	90	160	162.6	165
55	495	525.5	530	100	185	180.7	185
60	570	573.3	575	110	220	198.8	200
65	645	621.1	625	120	250	216.8	220
70	730	668.9	670	130	285	234.9	235
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Note: Intersection sight distance shown is for a stopped passenger car to turn right onto or to cross a two-lane roadway with no median and with grades of 3 percent or less. For other conditions, the time gap should be adjusted and the sight distance recalculated.

Table 9-7. Design Intersection Sight Distance—Case B1, Left Turn from Stop

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30	200	330.8	335	50	65	104.3	105
35	250	385.9	390	60	85	125.1	130
40	305	441.0	445	70	105	146.0	150
45	360	496.1	500	80	130	166.8	170
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75	820	826.9	830				
80	910	882.0	885				

Note: Intersection sight distance shown is for a stopped passenger car to turn left onto a two-lane highway with no median and grades 3 percent or less. For other conditions, the time gap should be adjusted and the sight distance recalculated.



13TH AVENUE SIGHT LINES - 35 MPH



DAKOTA COUNTY
SOUTHVIEW BLVD & 12TH AVE S & 13TH AVE S
MINI ROUNDABOUT LAYOUT, SEPT 2024

Table 9-9. Design Intersection Sight Distance—Case B2, Right Turn from Stop

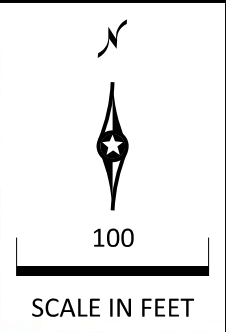
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30	200	286.7	290	50	65	90.4	95
35	250	334.4	335	60	85	108.4	110
40	305	382.2	385	70	105	126.5	130
45	360	430.0	430	80	130	144.6	145
50	425	477.8	480	90	160	162.6	165
55	495	525.5	530	100	185	180.7	185
60	570	573.3	575	110	220	198.8	200
65	645	621.1	625	120	250	216.8	220
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80	910	764.4	765				

Note: Intersection sight distance shown is for a stopped passenger car to turn right onto or to cross a two-lane roadway with no median and with grades of 3 percent or less. For other conditions, the time gap should be adjusted and the sight distance recalculated.

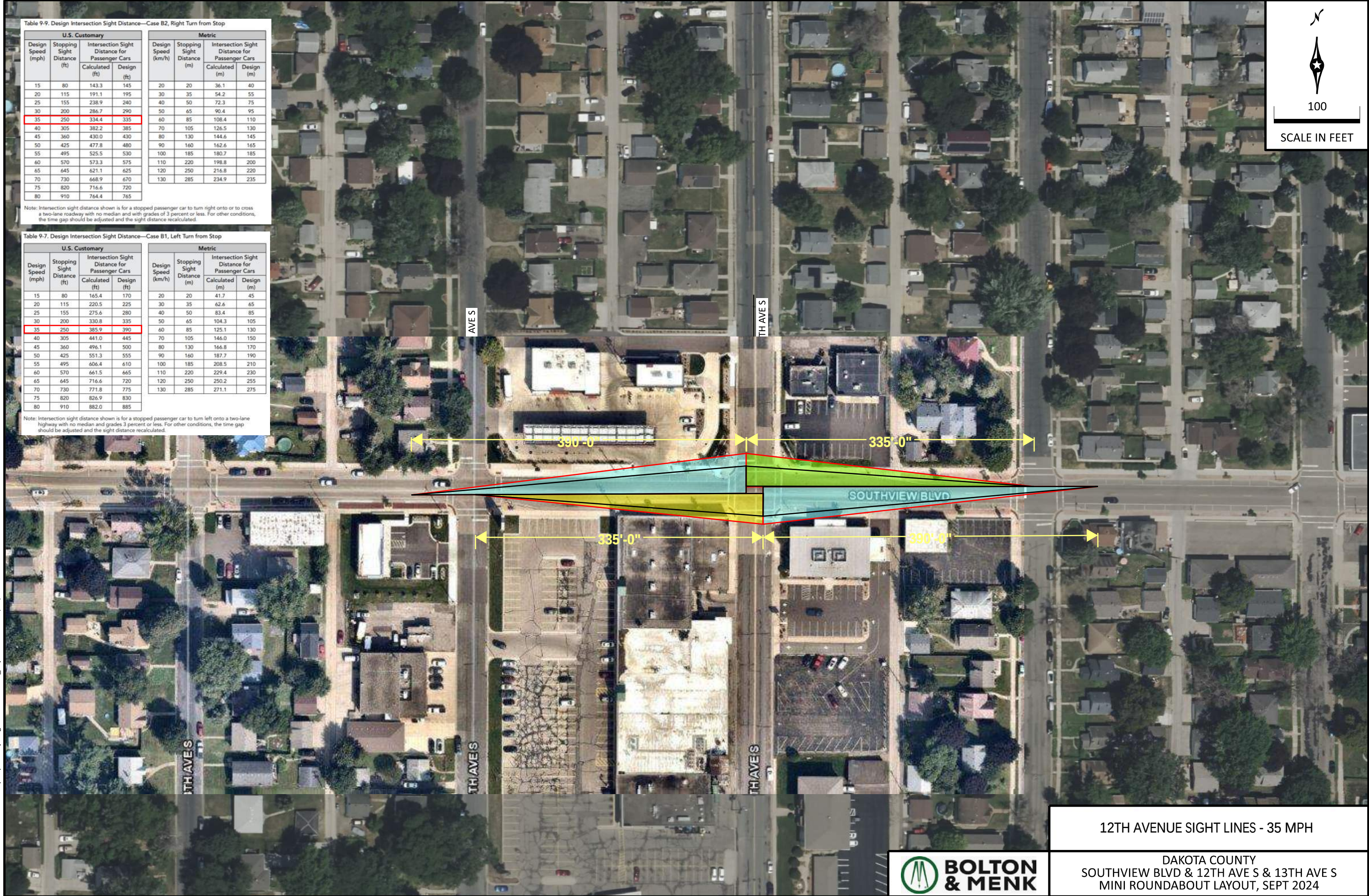
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Note: Intersection sight distance shown is for a stopped passenger car to turn left onto a two-lane highway with no median and grades 3 percent or less. For other conditions, the time gap should be adjusted and the sight distance recalculated.



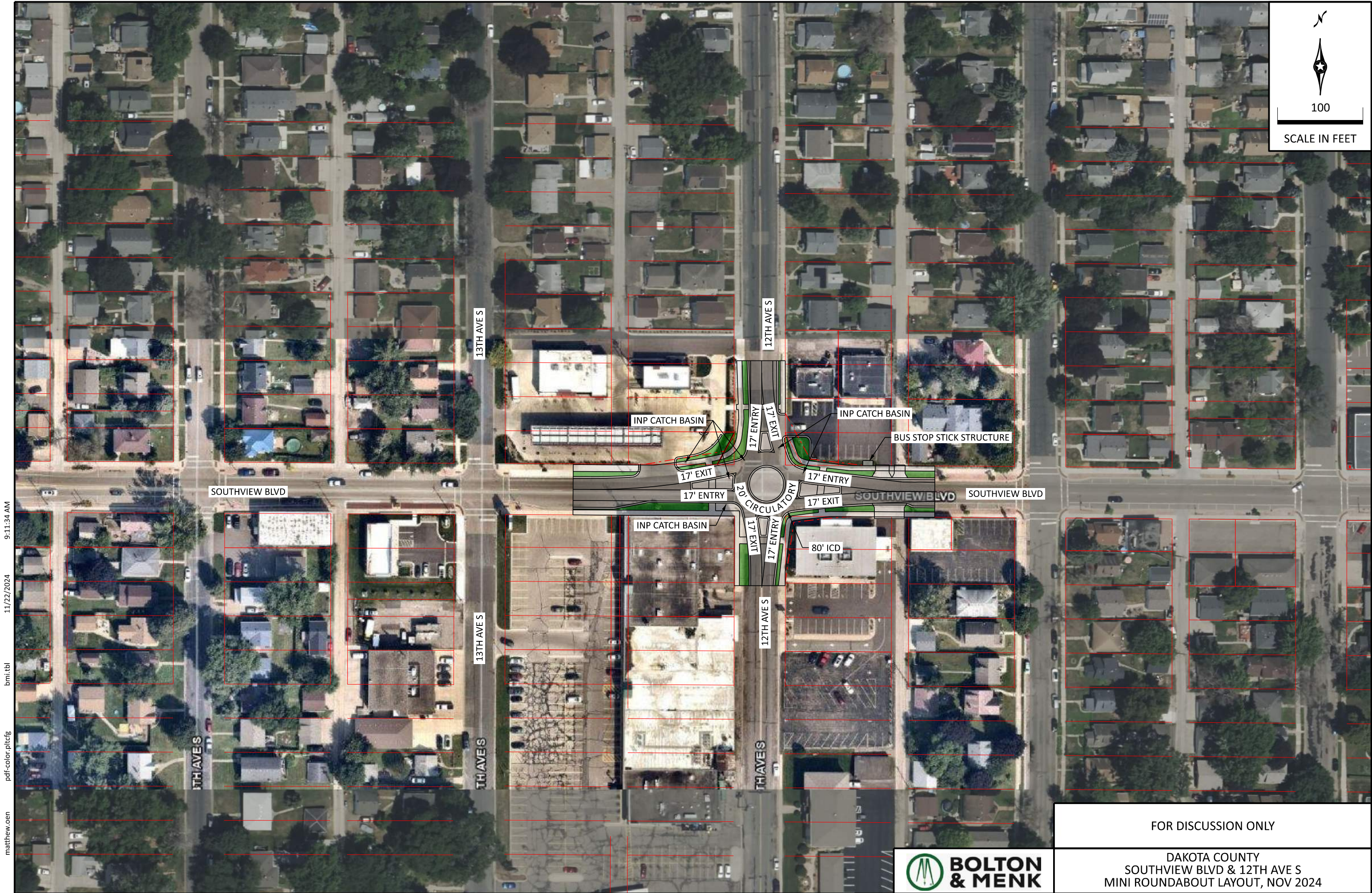
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12TH AVENUE SIGHT LINES - 35 MPH



DAKOTA COUNTY
SOUTHVIEW BLVD & 12TH AVE S & 13TH AVE S
MINI ROUNDABOUT LAYOUT, SEPT 2024



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FOR DISCUSSION ONLY

DAKOTA COUNTY
SOUTHVIEW BLVD & 12TH AVE S
MINI ROUNDABOUT LAYOUT, NOV 2024



WORK SESSION AGENDA REPORT

DATE: December 9, 2024
DEPARTMENT: Engineering
PREPARED BY: Nick Guilliams
AGENDA ITEM NUMBER: 2.C.

MEETING TYPE

Regular Meeting

AGENDA ITEM

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

Council input on possible improvements to the 15th Avenue North and Wentworth Avenue Intersection

OVERVIEW

Dakota County and City staff received a petition earlier this year to change the intersection at 15th Avenue North and Wentworth Avenue to an all-way stop. Dakota County and the City of South St. Paul jointly own this intersection. Dakota County manages 15th Avenue North to the south and Wentworth Avenue to the west, while the City of South St. Paul oversees Wentworth Avenue to the east and 15th Avenue North to the north. Currently, only Wentworth Avenue has stop control at this intersection.

After a thorough review, Dakota County determined that an all-way stop is not warranted at this location. County staff will attend to discuss the study's findings and propose potential solutions.

SOURCE OF FUNDS

N/A

ATTACHMENTS

None



WORK SESSION AGENDA REPORT

DATE: December 9, 2024
DEPARTMENT: Economic Development
PREPARED BY: Ryan Garcia
AGENDA ITEM NUMBER: 2.D.

MEETING TYPE

Regular Meeting

AGENDA ITEM

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

Discuss status of EDA-owned property within the proposed "Wakota Crossing" development area. Identify preferred approach to whether and how to proceed with the repositioning of the currently vacant and challenging property.

OVERVIEW

Since 2018, Staff has doggedly pursued the realization of the "Wakota Crossing" industrial vision (See Attachment 1 for Concept Fit Plan from 2018) for an approximately 50-acre area lying between Hardman Avenue South and the Mississippi River just south of the I-494 Wakota Bridge. In September 2024, the EDA executed a Purchase Agreement with Interstate Development (the developers of the "Bridgepoint" Business Park redevelopment of the southern portion of the South St. Paul Stockyards) as a first step in the potential 180,000 SF, build-to-suit office-warehouse development at the 15-acre EDA-owned site within the Wakota Crossing study area. As Interstate undertook additional due diligence on the feasibility of this project, they have unfortunately come to the conclusion that the site's underlying soil conditions - specifically the geotechnical suitability of the underlying fill and native soils - are prohibitive to an economically viable office-warehouse development. A Termination of Purchase Agreement was approved at the December EDA Meeting to formally cancel the contract with Interstate. Subsequently, Staff notified the Minnesota Department of Employment and Economic Development (DEED) and Metropolitan Council that the EDA/City had come to the conclusion that we would be unable to meet our obligations under grant agreements that have been executed in support of this project, and as such that we had chosen to relinquish those grant funds. In light of these circumstances, it seems prudent to take stock of our options going forward for one of the last remaining undeveloped, publicly-owned parcels of land of significant scale within the City.

Discussion:

Site Background and Conditions

Given our several-years effort to advance redevelopment of this challenging site, we are mindful of numerous site characteristics that introduce risk and uncertainty to the development of the EDA-owned site, the most significant of which are summarized below:

- Soil Conditions (See Attachment 2) – From 2017 through the present day, periodic soil and groundwater analysis has been conducted within the Wakota Crossing area,

providing valuable information about site conditions that will impact the development methods, schedules, and cost of the site. Interstate Development's site due diligence reveals that any/all development at the site will require some level of environmental remediation and vapor mitigation, an engineered ground improvements solution (geopiers, helical piles, etc.) to support any industrial building constructed atop the soft, organic, deep underlying soils which appear to underlie the entire site, and significant soil corrections to support any pavement areas. While we have been successful in obtaining a substantial amount of grant assistance to address environmental issues, the estimated costs related to overcoming the geotechnical deficiencies and environmental conditions at the site amount to more than 33% of total estimated site and shell construction costs (to be clear, interior finishing, tenant improvements, and equipment/machinery are not included). Even if everything else about this project lined up perfectly and even in light of the fact that the purchase agreement allows for a nominal purchase price, total acquisition, environmental and site preparation costs amount to almost \$60 per building square foot - which is unheard of in the market and impossible to recover with market rents.

- Flowage Easement – The Army Corps of Engineers (ACOE) has an easement overlying a significant portion of the EDA property for (essentially) the ability to re-route the Mississippi River and flood the site. As authorized by Council in 2023, the City/EDA is actively working with ACOE to finalize the release of flowage easement from the EDA property. Having completed all required tasks and submittals in their process, ACOE is currently processing the easement release internally, but unfortunately we have not received a commitment as to when the process may be complete.
- Access/Utilities – Currently, the EDA-owned parcel is “landlocked” as there is no direct frontage on or access to any public street. The 2018/2019 Study identified an opportunity to extend Verderosa Avenue south and eventually west to connect with Hardman Avenue South. Currently, Verderosa terminates at the City’s current compost site, while public sanitary and water infrastructure also terminate generally in the area of the new Wakota Trailhead structure. Communications (phone/internet) and other private utilities (gas, electric services) are also not currently established to or through the site. Additionally, the Union Pacific’s mainline railroad track “cuts off” the site just to the north of the Wakota Trailhead, crossing Verderosa Avenue and at times introducing significant delay as rail cars block this crossing for extensive periods (the longest such delay as measured in June-July 2024 being 25 minutes). Finally, the South St. Paul Levee system makes up the entirety of the EDA property’s southern and western property line/border. The levee should be seen as a “hard” barrier, as ACOE has indicated that any penetrations of the levee (specifically for extension of public or private utilities) would add significant complexity to any development project.

Studies and site investigations conducted by the City, Met Council, and Developers over the past several years confirm that the EDA property is challenged by conditions including soil contamination, vapor impacted soils, and geotechnically unsuitable soils, with estimated costs to mitigate these site deficiencies (for the light industrial concept envisioned by the City's 2019 study and Interstate Development's preliminary development plan) totaling \$10,815,000. Anticipating these challenges, in 2023 and 2024 the EDA applied for and was awarded three separate grants: a DEED Contamination and Cleanup Grant (**\$1,392,363**) and a Met Council Tax Base Revitalization Account Grant (**\$814,700**) for contaminated soil and vapor remediation in accordance with a Response Action Plan (RAP) along with a DEED Redevelopment Grant (**\$800,000**) for extension of utilities/infrastructure and construction of stormwater management improvements (ponding). Unfortunately, there are not currently grants available that would assist with the significant costs related to the extensive geotechnical soil deficiencies encountered at this site. Because the Grants that were awarded required site work to begin on or before December 31, 2024, Staff has coordinated with DEED and Met Council to terminate the grant agreements for these three grants and relinquish our opportunity to receive grant funds for the site at this time. This does not materially effect our ability to apply for funding for this or any other project in the future.

In addition to the grants outlined above, as Council is aware the City was awarded \$3,000,000 in late 2022 through the federal Community Project Funding Initiative. These funds are approved to be used primarily for the extension of Verderosa Avenue to serve the site, including all utilities, streetlighting, and pedestrian connectivity. Design of this work is at 90% completion, and currently these improvements are in the 2025 CIP. The proposed alignment, which also results in the reorientation and rebuilding of the Community Gardens and Compost site, is included as Attachment 3. In accordance with our Approved Grant Agreement with the United States Department of Housing and Urban Development, we have until August 31, 2030 to expend all grant funds awarded for this project. Staff is recommending that, for the time being, we defer action on the construction of this road extension by choosing NOT to let the project out for bid this winter and NOT pursue construction in 2025.

Alternative Site Development Options

After being vetted seriously but ultimately rejected by two capable, experienced and reputable developers, the Wakota Crossing property owned by the EDA comes with some serious question marks as it pertains to economic viability for private Light Industrial development. With the most recent termination of purchase agreement, we're once again presented with an opportunity to revisit our goals for the site. Private development, which is predicated upon the ability to create (monetary) value through real estate, is sending strong signals that the model we have identified as "desirable" for the EDA-owned site (that being, big-box office/warehouse development) is not a financially viable model. The rents required (\$24/SF for Office and \$18/SF for warehouse/production) to generate even moderate returns are in no way attainable anywhere in our regional market let alone in this imperfect (due to access constraints, neighborhood context/surrounding uses) setting. To be clear, these rents are required because the costs to develop this site as desired - even with free land and over \$6M in Grants - are extraordinarily high specifically due to soil conditions. Unless something changes, there are not currently any grant programs that could bridge the "gap" created by these soil costs. As such, it would seem that continuing to chase the "big-box" office/warehouse development (see Attachment 4) for this

site is most likely to fall flat for the foreseeable future. If we are to accept that, Staff is hopeful that we can use Monday's worksession for discussion and potentially direction around whether and how to approach the disposition and future use of the Wakota Crossing site. Some alternative concepts are presented below as an attempt to prime Monday's conversation, some of which we have discussed previously in relation to this site.

- Suspend All Development Efforts Indefinitely. In this option, we would likely need to resolve “what to do” with the large amount of stockpiled clean fill currently sitting on the north end of the site. One option would be to demand that DEC remove the material from the site, on a defined timeline. Another may be allowing continued storage (and potentially additional fill) at the site as a sort of “holding pattern” for future development needs at the site or elsewhere. This approach would require additional homework and coordination with the City Attorney’s office (we would need an agreement, likely a license agreement similar to what we had with Capital Partners) and DEC prior to moving forward. Outside of using the property as a passive site for storing clean dirt, if we follow this option the EDA would turn its attention almost completely away from the site as an option for any kind of development for the time being.
- Take Steps to Prepare the Site for Development. This option would amount to the EDA/City proceeding with the Verderosa/Utility extensions to/through the site, and reorienting the Community Garden and Compost Site. Upon completion of these efforts, presumably the EDA would engage the private development community, whether through listing the property for sale, issuing a request for proposals for the development of the property, or working directly with a specific development partner to advance the development of the site. While extending the road certainly makes the site more “development-ready”, all of the site's warts related to soil conditions (environmental and geotechnical) would remain unresolved and would be likely to severely limit the viability of any private development of the scale and character proposed by Capital Partners and Interstate Development without significant public financial assistance, above and beyond the \$6,000,000+ that has previously been secured for such a concept. That seems like a relatively tall task.
- Revise Private Development Expectations for the Site (See Attachment 5). By pursuing this option, the EDA would explore the possibility of private development of the site for a different character of development. Very broadly speaking, if we shifted the expectations for this site and considered projects that might result in a development style that is in some ways more basic or less-intensive than the “Bridgepoint” style of development than we've previously envisioned for the site, it is possible that private developments meeting other City objectives could find a viable development path for some or all of the site. If the preferred approach is to engage the private development community with a different level of expectations, some additional thoughts to consider include:

1. Development with a lower Floor Area Ratio than the 0.2 Standard that is currently codified in the Zoning Ordinance would likely drive down the overall cost to address geotechnical challenges at the site. It is at least theoretically possible that a smaller building footprint (or footprints, in sequence) could be attainable through soil surcharge by utilizing the 80,000+ yards of clean fill that currently sit at the north end of the site. This would be quite similar to the approach that the City has taken along Hardman Avenue and in other locations in the business park, where building pads were prepared through a correction and surcharge method numerous times in the past 20+ years.
2. Similarly, the City could potentially provide exceptions to the Architectural Requirements found in [Code Section 118-9](#) relating to building materials, which currently direct that buildings be primarily constructed of materials that are, generally speaking, heavy. Providing some relaxation of these requirements would most likely decrease building loads and, if coupled with the surcharge approach mentioned above, reduce or eliminate settlement concerns at the site and mitigate the need to invest in alternative/deep foundations and other ground improvement techniques, all of which are proven to be prohibitively expensive.
3. Allowing for parking, loading, and exterior storage areas on the site to be composed of some alternative to concrete or asphalt would also mitigate construction and ongoing maintenance costs at the site. Whereas pavements that are built atop the marginal/poor soils underlying this site should be expected to settle over time resulting in cracked and otherwise failing pavements, utilizing alternative materials (recycled asphalt millings, recycled rubber, etc) will also suffer such settlement but can be regraded (rather than reconstructed) at significantly less cost. Admittedly, engineering and stormwater considerations would require a deeper look at this option to assess its practicality and desirability.

- Leverage the Site for Public Development . In this option, the EDA/City could look to the property as an opportunity to address some identified community needs. A few options we'd suggest for consideration:

1. The site could be held/prepared to accommodate a new Public Works Facility. There is some synergy, at least on paper, with placing a new public works facility next to the compost site, boat launch, community garden, MCES sanitary lift station, levee system, and trail system. With this site being “out of the way”, it may also make it easier to value engineer the facility to better meet budget expectations/realities.
2. Perhaps in concert with the above, a portion of the site could be leveraged to relieve the challenges we've encountered in fully realizing the Hardman Triangle vision (*see Attachment 6*). A portion (20-25%) of this site could accommodate one or more of the users that have struggled to expand at their current location within the Hardman Triangle and at the same time struggled to identify locations that meet their needs. While it is encouraging that we have a Hardman Triangle developer under contract for a mixed-use

redevelopment of the southern portion of the site, we should be under no illusion that they will enter into a formal purchase and development agreement with the EDA unless and until the remaining neighboring land-use conflicts are resolved within the Triangle.

3. The site could be developed as a large scale industrial outdoor storage (IOS) facility. IOS is a very high-demand, high value real estate asset class for the foreseeable future, in that it provides parking for semitrucks and trailers, shipping containers, rail cars, and other industrial-focused vehicles, materials and equipment and serves as a key cog in the transportation and logistics sector. Based on current lease rates in the market and an assumption that approximately 60% of the site could be offered for lease, it's not out of the question to suggest that such an approach could net the City/EDA more than \$500,000 in annual lease revenue. In concept, this option would probably lessen the extent to which we'd need to address environmental and geotechnical issues present at the site. Without doing some preliminary design and further study of the site particularly for this use, it is difficult to accurately estimate the upfront cost of this approach but it is fair to ballpark the total cost (including road extension without utilities) of \$3,000,000 to \$4,000,000. Attachment 7 provides precedent images for IOS development.
4. Similarly, the site could potentially be evaluated for solar potential, and developed as a solar garden. This option has not been looked at in any detail, but perhaps the proximity of the XCEL Energy substation just to the north presents a synergistic opportunity for this site to be of interest for solar generation and an opportunity to open a conversation with XCEL or other experts in the matter. Like IOS, this option (if even feasible) would likely have some significant upfront costs, but based on a cursory study should not be expected to generate as much revenue as IOS. Attachment 8 provides precedent images for Solar Development.
5. Finally, Staff wonders if there might be an opportunity to explore public development of the area that heavily leans into some of the existing public uses adjacent to the site and its proximity to the Mississippi River. Over the past generation, public entities have invested millions of dollars into the creation and preservation of public amenities just northeast of the EDA-owned site: the Mississippi Riverfront Trail, the Wakota Trailhead, the DNR Boat Launch, and Community Garden. Given the site's limitations as it relates to private development, could the City leverage some or all of the site to create another unique public destination here? Admittedly, (vehicular) access limitations here are particularly daunting, and the City has just recently invested heavily in a multipurpose riverfront park at Kaposia Landing which is not yet "complete", but Staff doesn't want to ignore the fact that this area has organically developed as a "public" destination throughout recent history and possibly what the site "wants to be" is something more closely aligned to the character of those uses. The imagination can run wild a bit on this relatively large open-space and imagine the site being developed to accommodate any combination of Miniature Golf, FootGolf, Driving Range, Pickleball, Lawn Games, Bike Track, or any number of unique recreational opportunities. Attachment 9 provides a few precedent images for this approach.

Conclusion - Where to Go From Here

While we've maintained a sense of optimism about the possibility of developing the EDA site for light industrial office-warehouse uses, this year's setbacks with the development community as

due diligence for the concept has become focused and refined have significantly dimmed that optimism. Without an active development prospect, in the near term Staff suggests that we opt against constructing the Verderosa Avenue extension in 2025. Big picture, if Council would like to discuss next steps, or potential development alternatives for the EDA site, staff will be prepared to discuss.

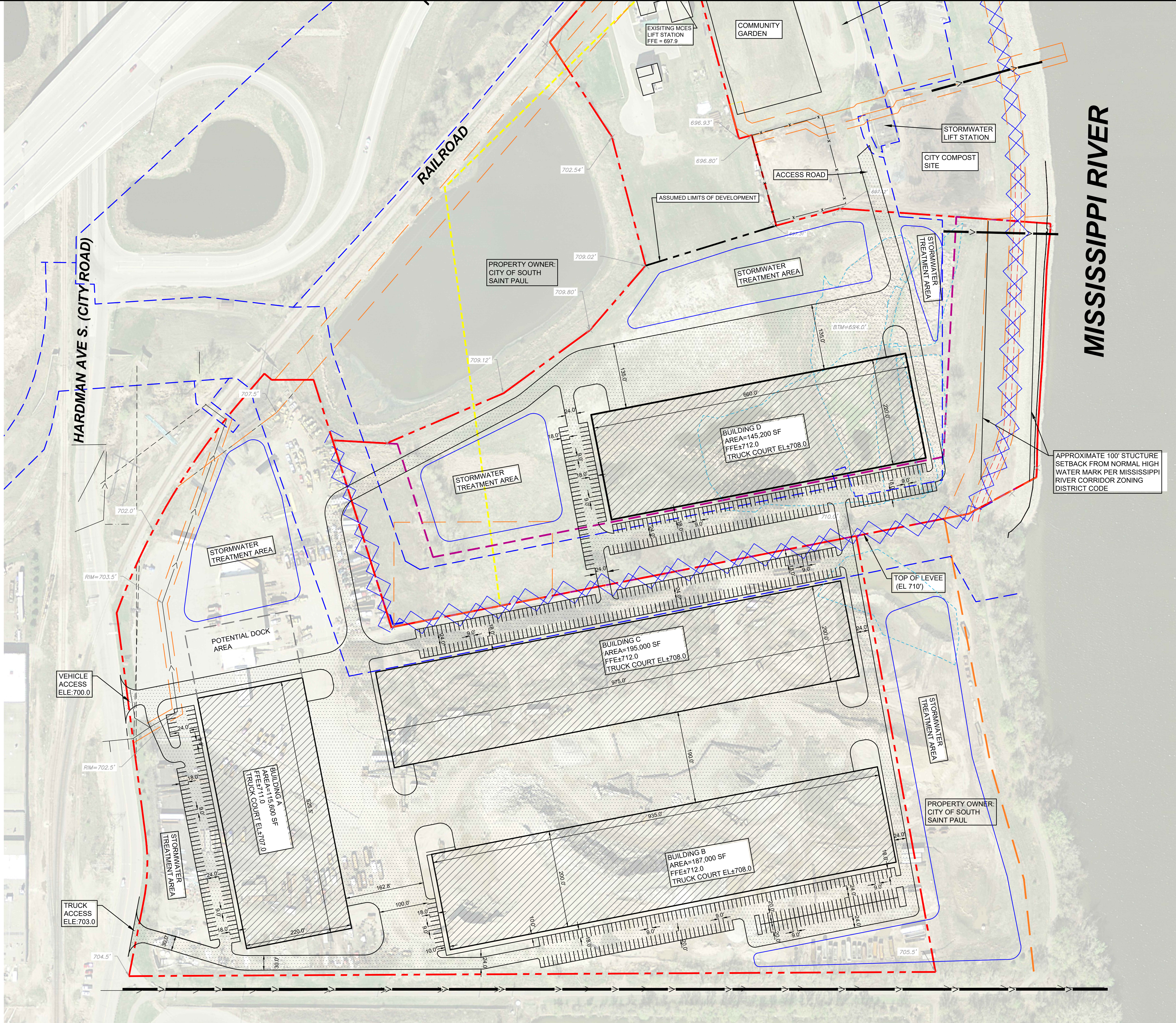
SOURCE OF FUNDS

Grant programs identified in this memo for contamination cleanup and certain redevelopment costs were specific to the previously proposed private development and have been returned to the granting agencies. A federal grant generally focused on the extension of road and utilities to serve the site must be expended by July 2030. Staff suggests that we should not yet be in a rush to turn this funding back, but instead should confirm the feasibility of our development goals for the site prior to determining how to approach the federal grant.

ATTACHMENTS

1. 2018 Wakota Crossing Site Development Concept (City)
2. Preliminary Earthwork Summary Exhibit
3. Verderosa Extension Alignment Concept
4. Alternative Site Development Concept (Big Box Light Industrial)
5. Alternative Site Development Concept (Low FAR)
6. Alternative Site Development Concept (Public Works/Ag-Industrial)
7. Alternative Site Development Concept (IOS)
8. Alternative Site Development Concept (Solar)
9. Alternative Site Development Concept (Destination-Rec)

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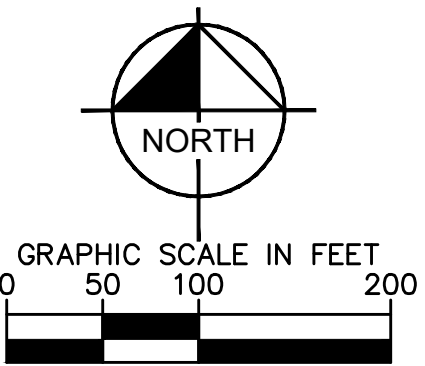
LEGEND

- PROPERTY LINE
- EXISTING LEVEE EASEMENT
- PROPOSED LEVEE ALIGNMENT
- FLOWAGE EASEMENT
- OTHER EASEMENTS
- EXISTING STORM SEWER
- LEVEE (ELEV 710')
- WETLAND
- PROPOSED BUILDING
- EXISTING SPOT ELEVATION

PROPERTY SUMMARY	
MCES PROPERTY CONVEYANCE	
PROPOSED DEVELOPMENT PARCEL FROM MCES	± 18.20 AC
DANNER PROPERTY	± 32.33 AC
TOTAL PROPERTY AREA	± 50.53 AC
PROPOSED DEVELOPABLE AREA *	± 36.20 AC
ZONING SUMMARY	
EXISTING ZONING	I-INDUSTRIAL
PROPOSED ZONING	PUD / INDUSTRIAL
PARKING SETBACKS	SIDE/REAR = 10' FRONT = 20'
BUILDING SETBACKS	FRONT = 30' SIDE = 20' REAR = 20'

* DOES NOT INCLUDE AREA WITHIN ARMY CORP LEVEE EASEMENT ALTHOUGH PARKING AREA IS PROPOSED WITHIN EASEMENT

BUILDING SUMMARY		
BUILDING	DIMENSIONS	AREA
BUILDING A	220' X 525'	115,600 SF
BUILDING B	200' X 935'	187,000 SF
BUILDING C	200' X 975'	195,000 SF
BUILDING D	220' X 660'	145,200 SF
TOTAL SF		642,800 SF



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PRELIMINARY

MULTI-BUILDING
CONCEPT

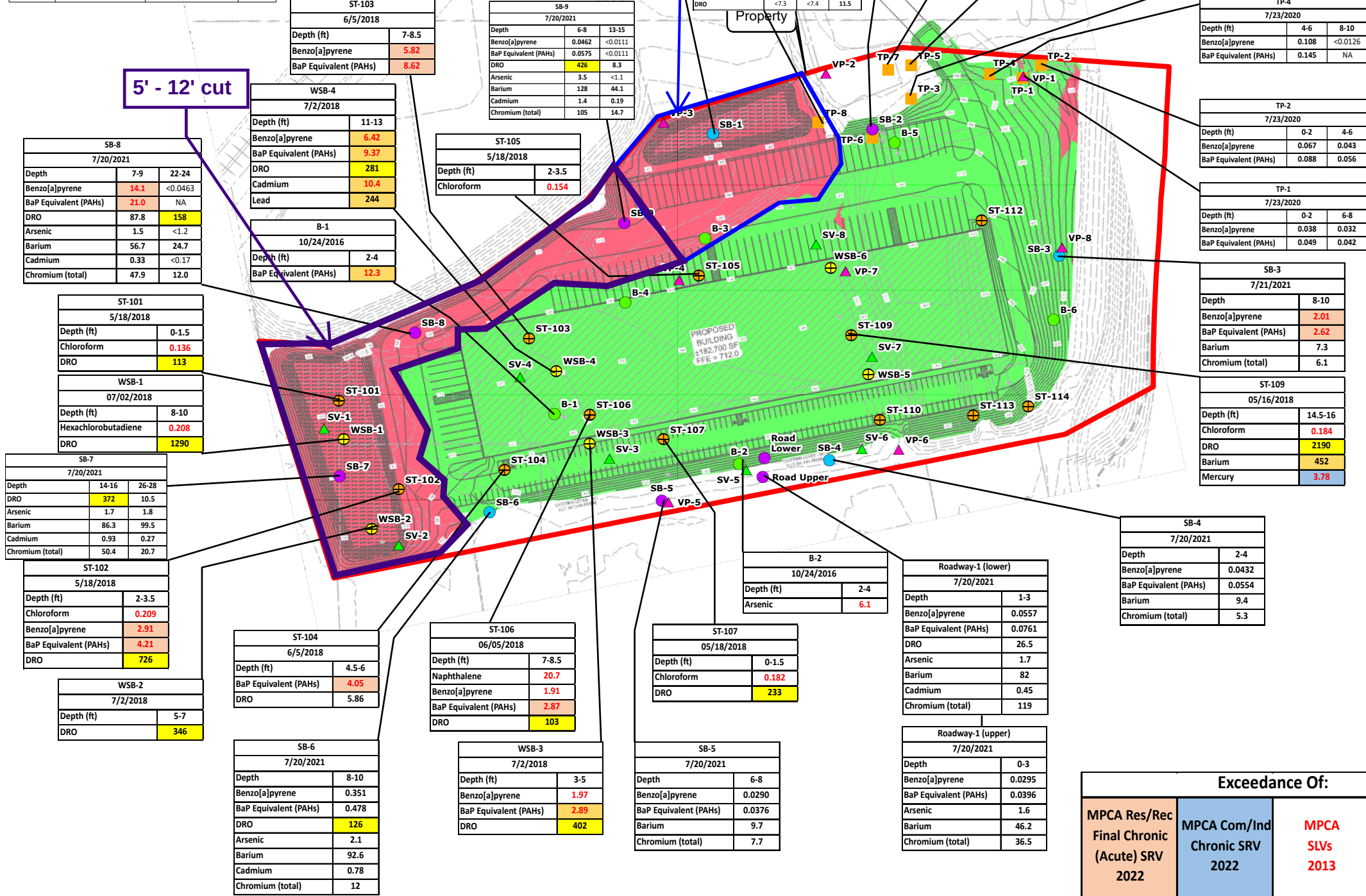
MCES PROPERTY
CONVEYANCE
SOUTH ST. PAUL, MN

SHEET NUMBER
CONCEPT 2.1

PRELIMINARY EARTHWORK SUMMARY	
CUT	± 51,000 CY
FILL	± 137,000 CY
NET	± 86,000 CY FILL

NOTE: DOES NOT ACCOUNT FOR COMPACTION, SUBCUT, OR UTILITY SPOILS

PRELIMINARY ELEVATIONS TABLE			
CUT/FILL	MINIMUM ELEVATION	MAXIMUM ELEVATION	COLOR
1	-20.00	0.00	Red
2	0.00	21.00	Green



Title
Proposed Excavation and Soil Remediation

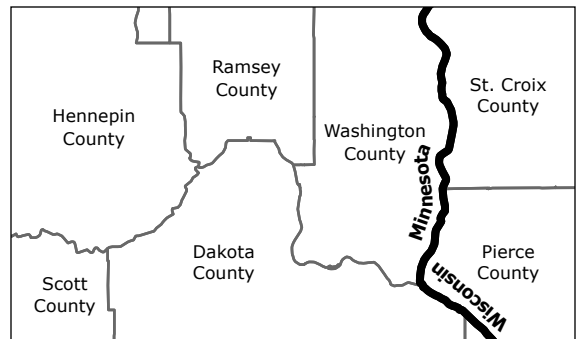
Client/Project
Capital Partners
RAP/CCP

Project Location
T28N, R22W, S26
South Saint Paul, Dakota Co., MN

Prepared by BS on 2023-04-25

Scale:
0 75 150 Feet
(At original document size of 11x17)
1:2,400

- Legend**
- Subject Property
 - AET Sample Locations**
 - AET Groundwater & Soil Sample Location (2021)
 - AET Soil Geotechnical Boring Location (2016)
 - AET Soil Sample Location (2021)
 - AET Soil Vapor Sample Location (2021)
 - AET Test Pit Location (2020)
 - Wenck Test Locations**
 - Geoprobe Sample Location (2018)
 - Geotechnical Boring Location (2018)
 - Soil Vapor Probe (2018)

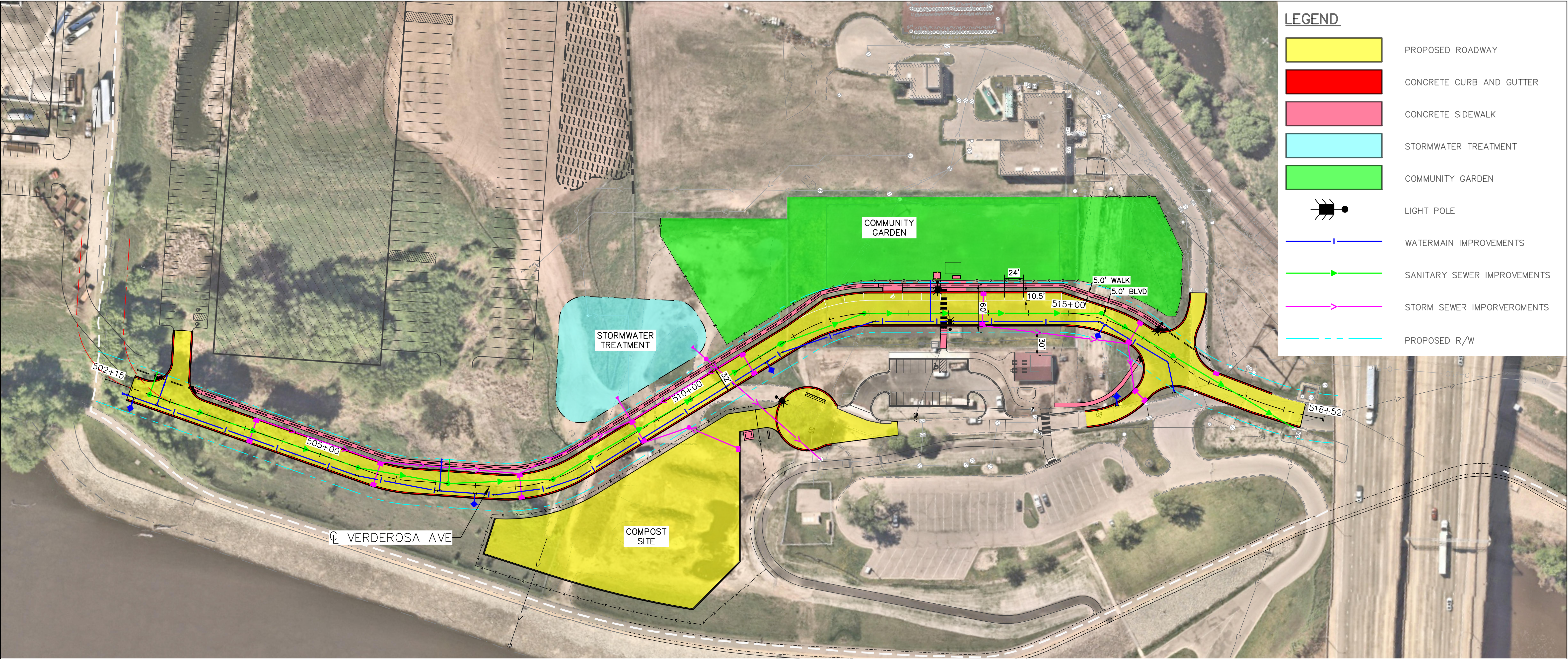


Notes
1. Coordinate System: NAD 1983 HARN Adj MN Dakota Feet
2. Data Sources: Dakota County, MnDOT, AET
3. Background: Dakota County 2022 Aerial

Exceedance Of:			
MPCA Res/Rec Final Chronic (Acute) SRV 2022	MPCA Com/Ind Chronic SRV 2022	MPCA SLVs 2013	Unregulated Fill Guidance



K:\TOS_Civil\City\South St. Paul\Verderosa Avenue\CAD\Plan Sheets\Layouts\Verdosa_Project Layout_v2.dwg November 18, 2024 -- 7:22am



LEGEND

PROPOSED ROADWAY

CONCRETE CURB AND GUTTER

CONCRETE SIDEWALK

STORMWATER TREATMENT

COMMUNITY GARDEN

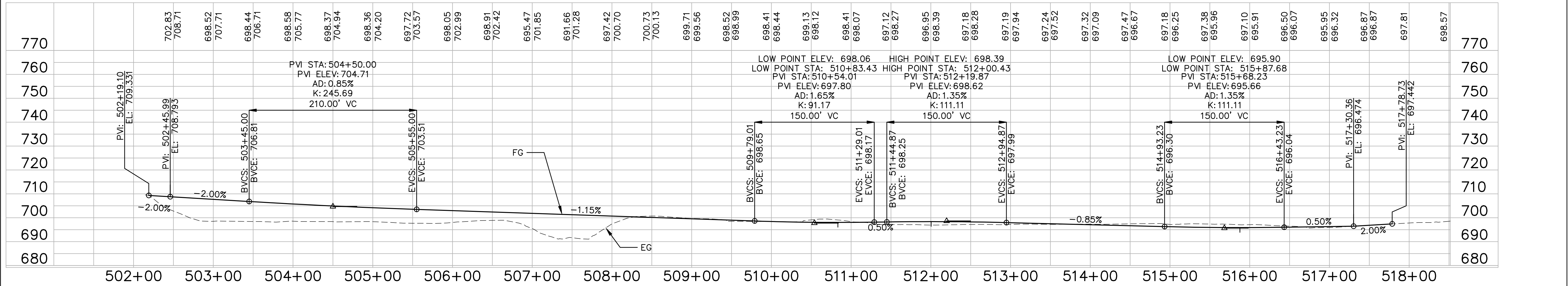
LIGHT POLE

WATERMAIN IMPROVEMENTS

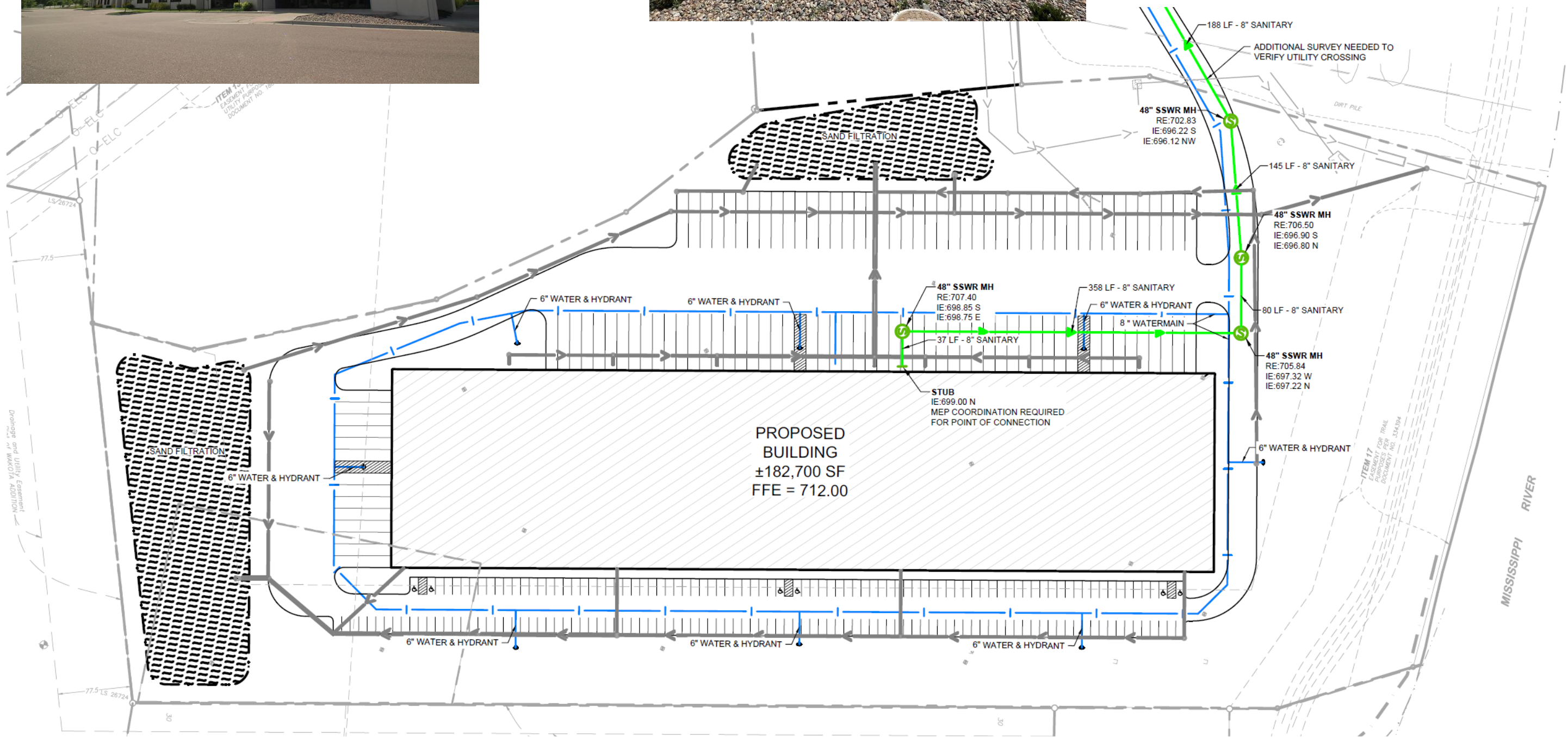
SANITARY SEWER IMPROVEMENTS

STORM SEWER IMPROVEMENTS

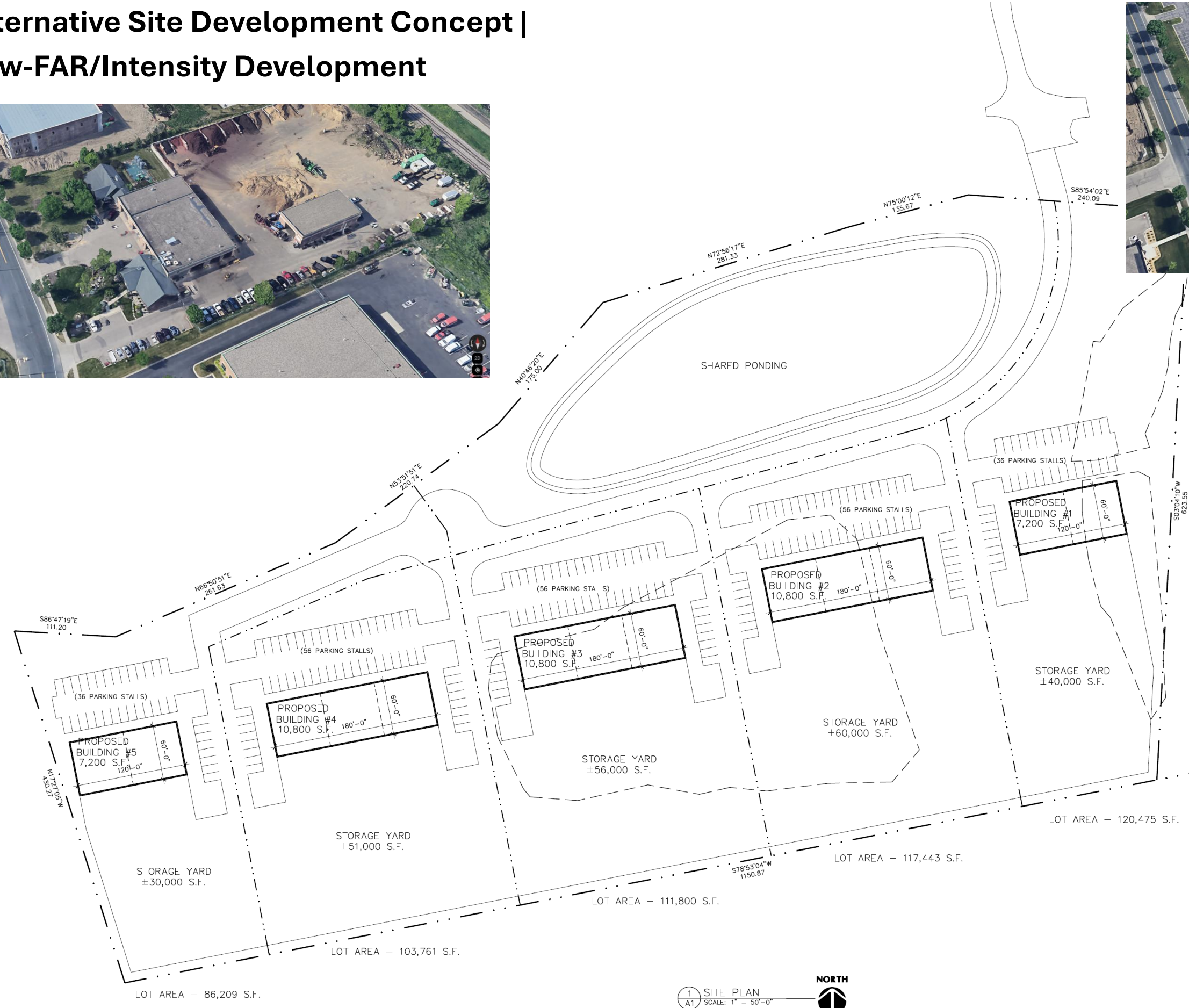
PROPOSED R/W



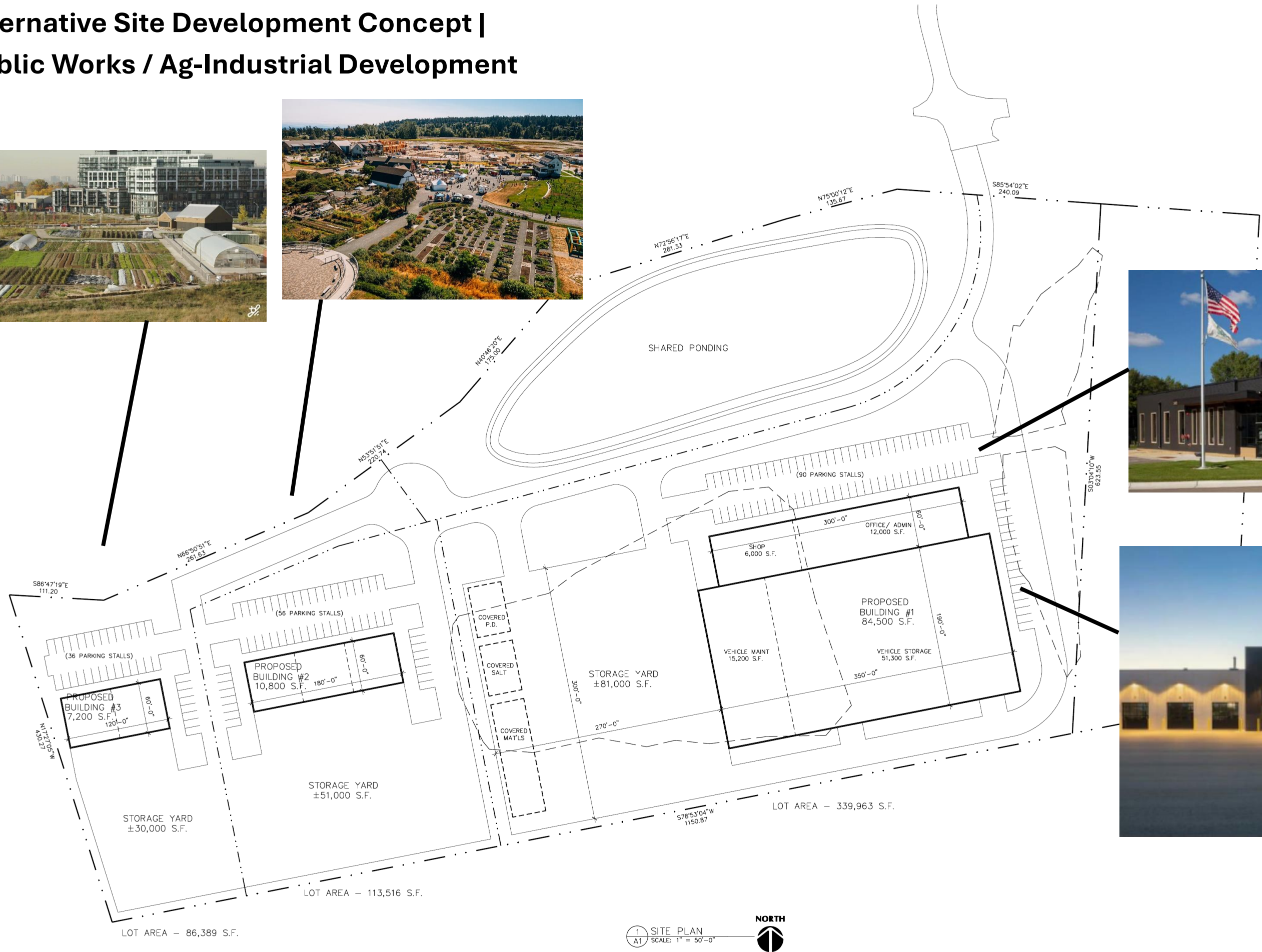
Alternative Site Development Concept |
Light Industrial Development



Alternative Site Development Concept | Low-FAR/Intensity Development



Alternative Site Development Concept |
Public Works / Ag-Industrial Development



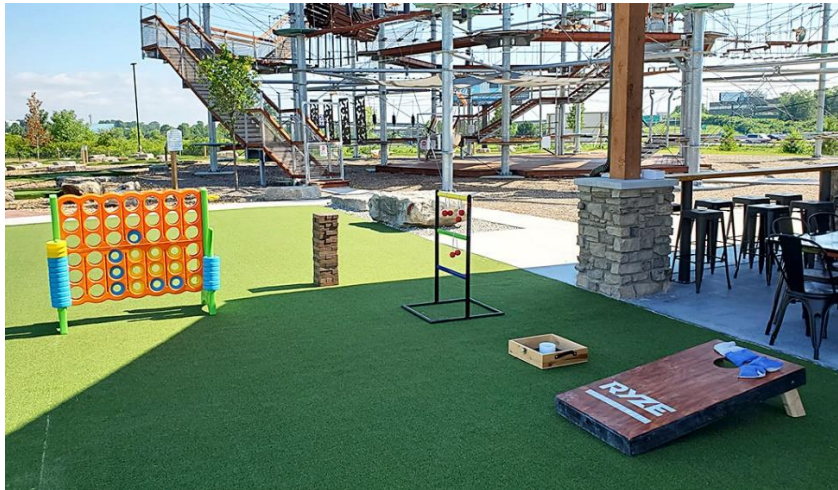
**Alternative Site Development Concept |
Industrial Outdoor Storage / Truck & Trailer Parking**



Alternative Site Development Concept |
Solar



Alternative Site Development Concept |
Destination/Recreation





WORK SESSION AGENDA REPORT

DATE:

December 9, 2024

DEPARTMENT:

Planning & Zoning

PREPARED BY:

Michael Healy

AGENDA ITEM NUMBER:

2.E.

MEETING TYPE

Regular Meeting

AGENDA ITEM

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

- City Council provides feedback on whether any changes need to be made to the proposed cannabis business zoning ordinance prior to its second reading.

OVERVIEW

On December 2nd, the City Council held a 1st reading for two proposed ordinances related to cannabis businesses (see attached staff memo). One ordinance would establish zoning regulations for cannabis businesses. The other ordinance would establish registration requirements for cannabis retail businesses. The ordinances need to be approved before the end of 2024 because that is when the City's moratorium on cannabis businesses expires. The State is not allowing municipalities to extend their moratoriums into 2025. During the 1st reading, the City Council requested an additional worksession discussion so that the cannabis business zoning ordinance can be further refined prior to a second reading being held on December 16th. Specifically, there are three zoning issues that may merit further discussion:

- The proposed ordinance prohibits cannabis cultivation businesses and cannabis manufacturing businesses from operating in multi-tenant buildings. Per the City Attorney, these types of businesses have caused problems in other states because multi-tenant buildings (i.e. strip malls) typically have HVAC system setups that can lead to odor contamination between units if one unit has a cannabis cultivation or manufacturing business in it. During the 1st reading, the City Council requested a worksession discussion about whether cannabis retail businesses should also be prohibited from operating in multi-tenant buildings. Some members of the Council expressed a concern that a cannabis retail business could have a negative impact on other businesses in a multi-tenant facility.
- The proposed ordinance requires a 500-foot buffer between public playgrounds and ballfields and cannabis businesses. This means that a few properties near Concord

Exchange -Big Discount Liquor, Royal Star Furniture, and Concord Lanes- will be disqualified from hosting cannabis businesses because they technically are closer than 500 feet to the Grandview Park playground even though the park sits on top of the bluff. It also means that the old Cenex Building on Concord Street North is ineligible to host cannabis businesses because it technically is closer than 500 feet to the Summit Park playground even though the park sits on top of the bluff. The park buffer serves an important purpose if cannabis businesses are going to be allowed in the C-1 Retail Business district, but it may be unnecessary or even counterproductive if cannabis businesses are only going to be allowed in the MMM, CGMU, I, and I-1 districts along Concord Street and Concord Exchange. Staff would suggest that the City Council consider eliminating the park buffer or adding a provision that states that it will not be enforced on properties that are within 500 feet of the Concord Street right-of-way.

- The City Council's consensus is that cannabis businesses should initially be restricted to the mixed-use and industrial zoning districts along Concord Exchange and Concord Street. Cannabis businesses should not initially be allowed in the C-1 Retail Business zoning district that covers Southview Boulevard, Marie Avenue, and most of the commercial buildings that are scattered throughout SSP's residential neighborhoods. The City may revisit this issue after the Office of Cannabis Management (OCM) completes its rulemaking and it is fully understood how cannabis businesses will be regulated by the State. If the City Council wants to eventually allow cannabis businesses in heavily commercialized parts of the C-1 Retail Business district (i.e. the Southview Shopping Center area) but does not want to allow cannabis businesses in isolated commercial buildings with C-1 zoning, there is at least one nearby community that has developed a zoning approach that could work. The City could adopt a code provision that cannabis businesses will only be allowed in the C-1 district on properties that are part of an area that has at least 4 contiguous acres of commercial zoning. This would allow cannabis businesses on Southview Boulevard and in the 5th Avenue Plaza Shopping Center but would not allow them in the isolated commercial buildings with C-1 Retail Business zoning that are scattered throughout the community.

Cannabis businesses cannot begin to operate until OCM completes its rulemaking and begins issuing licenses. Rulemaking was originally supposed to be completed by early 2025 but it has been delayed and the process for selecting which Applicants are eligible for licenses is currently the subject of a lawsuit.

SOURCE OF FUNDS

NA

ATTACHMENTS

1. Staff Memo from 1st Reading



CITY COUNCIL AGENDA REPORT

DATE:

December 2, 2024

DEPARTMENT:

Planning & Zoning

PREPARED BY:

Michael Healy

AGENDA ITEM NUMBER:

10.B.

MEETING TYPE

Regular Meeting

AGENDA ITEM

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

1. Introduce an ordinance establishing zoning requirements for cannabis businesses for a 1st reading.
2. Introduce an ordinance establishing registration requirements for cannabis retail businesses for a 1st reading.

OVERVIEW

Background

In 2022, the Minnesota State Legislature passed a law which legalized the sale of lower-potency hemp-derived edibles that contain THC. This includes drinks like THC seltzers as well as gummies and other edible products. Currently, businesses that want to sell this type of product must register with the State of Minnesota to operate legally. There are over 4,000 lower-potency hemp edible businesses registered throughout Minnesota. Hat Trick Liquors, Big Discount Liquors, Sam's Tobacco, Sam's Mini-Mart, Bugg's Bar, Knowlan's Grocery Store, Kwik Trip, and South Tobacco are all currently registered to sell lower-potency hemp-derived edibles in South St. Paul.

In 2023, the Legislature passed a law which legalized adult-use recreational cannabis and established the Office of Cannabis Management (OCM) to regulate the sale of cannabis. Minnesotans who are over the age of 21 are now legally able to use cannabis, but it will not be legal for stores to sell cannabis until a statewide licensing system goes live at some point in 2025. There are still unanswered questions about cannabis business licensing as OCM has experienced delays and legal challenges and has not completed rulemaking. Most Minnesota cities are racing to adopt cannabis ordinances by the end of 2024 because that is when all cannabis business moratoriums expire. Cities may need to amend their cannabis ordinances in 2025 after OCM's rulemaking is complete and the final statewide regulatory framework for these businesses is fully understood.

State Statute requires municipalities to allow cannabis businesses to operate within city limits but

all licensing is handled at the State level by OCM. This is different than alcohol and tobacco which are licensed at the local level with guidance from the State. OCM is requiring local governments to register cannabis retail businesses which is different than licensing, but does provide some level of local oversight for these businesses. State Statute also allows cities to use their zoning codes to regulate the time, place, and manner in which cannabis businesses can operate. Cities can decide which zoning districts will allow cannabis businesses and can place restrictions on these businesses either through fixed performance standards or by requiring a conditional use permit for cannabis businesses and placing case by case conditions on each business.

The City Council reviewed a draft cannabis zoning ordinance and a draft cannabis retail business registration ordinance at their October 28th Worksession. They asked City Staff to bring the zoning ordinance to the Planning Commission for a public hearing. The draft ordinances were prepared based on guidance provided by the City Council at a previous Worksession in May of 2024. Specifically, the City Council asked City Staff to prepare an ordinance that only allowed cannabis businesses in the commercial and industrial areas along Concord Street and Concord Exchange and did not allow cannabis businesses in the neighborhood commercial areas at the top of the bluff which all have C-1 Retail Business zoning. Additionally, the City Council requested that all cannabis businesses citywide require a conditional use permit and case by case review.

Planning Commission Review

The Planning Commission reviewed the draft cannabis zoning ordinance at their November 6th meeting. There was a consensus that cannabis businesses should be required to be at least 1,000 feet from school properties. There was also a consensus that cannabis manufacturing and cultivation businesses should be kept out of neighborhood commercial areas due to the potential for odor impacts. There was not a consensus about whether cannabis retail businesses should be allowed in the neighborhood commercial areas on the top of the bluff which all have C-1 Retail Business zoning.

Ultimately, the Planning Commission recommended with a 4-3 vote that the draft ordinance be amended to allow cannabis retail businesses to operate in the C-1 Retail Business district if there is at least a 1,000-foot buffer from school properties. Commissioners Fournier, Fehrman, Hoffman, and Miller voted to approve the motion. The reasons that they gave included economic development opportunities, walkable access to cannabis for residents without cars, and a belief that a cannabis shop is functionally equivalent to a liquor store and should be allowed in zoning districts that allow liquor stores. Commissioners Felton, Hart, and Krueger all voted against the motion. The three dissenting voices wanted to take a more cautious approach and start by allowing these businesses only in the mixed-use and industrial districts along Concord Street and Concord Exchange with the understanding that the ordinance could be amended in the future after the cannabis industry is more established and potential negative impacts are fully understood.

City Council Worksession Discussion on November 25th

The City Council discussed the Planning Commission recommendation at their Worksession

meeting on November 25th. They also considered feedback from Police Chief Wicke who shared that the Police Department's preference would be that cannabis businesses initially be restricted to the zoning districts along Concord Street and Concord Exchange where potential issues with loitering and other undesirable behaviors would have less of an impact on residential neighborhoods. The general City Council consensus was:

- Cannabis retail businesses should initially be restricted to the MMM districts along Concord Street North and the CGMU districts along Concord Exchange. Industrial cannabis businesses should be allowed in the I-1 Light Industrial and I-Industrial districts. This could be a good economic development opportunity for Concord Exchange and Concord Street North where the City wants there to be retail activity with a regional draw that can take advantage of easy access to Interstate 494.
- The 1,000-foot buffer between cannabis businesses and schools, the 500-foot buffer between cannabis businesses and park features, and the 500-foot buffer between different cannabis businesses should all be implemented.
- In the future, if a cannabis business wants to open in the C-1 Retail Business district, there can be a conversation about what that would look like. If it seems like a good fit, the City Council is open to a potential ordinance amendment. Cannabis businesses should not be allowed in the community's many isolated commercial buildings that have C-1 zoning but are mostly surrounded by houses. If cannabis businesses are eventually allowed in the C-1 district, it should only be in areas that are heavily commercialized, such as the Southview Shopping Center area.
- The City should proactively reassess these standards in the next year or two after OCM has finished rulemaking and the regulatory framework is clearer.

State Mandates

In an effort to provide all Minnesota adults who are over 21 with access to cannabis, the State Legislature and OCM have put several mandates in place that provide a framework for how cities can regulate cannabis businesses:

- The State has created 13 different license types for cannabis businesses. Each municipality must allow each type of business somewhere in the community.

- Every community must allow at least one (1) cannabis retail business to operate in city limits for each 12,500 residents. OCM has decided that cities must round up, which means that South St. Paul must allow at least two (2) cannabis retail businesses.
- Communities may require minimum distances between cannabis businesses and certain other land uses. Communities may require cannabis businesses to be:
 - Up to 1,000 feet away from all grade schools and high schools.
 - Up to 500 feet from play features in parks that attract children, such as ballfields and playgrounds.
 - Up to 500 feet from licensed daycares.
 - Up to 500 feet from licensed residential treatment facilities.
 - A minimum distance from other cannabis businesses.
- Cities that want to limit the hours of operation for cannabis retail businesses must allow these businesses to at least be open between 10 AM and 9 PM.
- Cities are capped at what fees they can charge for registration of cannabis retail businesses.
- Cities can adopt a moratorium on new cannabis businesses while they study the issue and prepare a cannabis zoning ordinance and a cannabis registration ordinance but the moratoriums must expire by January of 2025.

Status of Lower-Potency Hemp-Derived Edibles Within the New Regulatory Framework

South St. Paul businesses are currently allowed to sell lower-potency hemp-derived edibles if they register with the State. Lower-potency hemp-derived edibles have proven to largely be a “non-issue” for the South St. Paul community and City Staff is not aware of any significant problems being caused by edibles being sold at local businesses as an accessory use. Hemp is fundamentally different than cannabis because it is legal at the federal level and can be bought and sold using credit cards and standard banking procedures. This means that businesses that sell hemp products do not have to handle sales with an all-cash model like most cannabis businesses and are less likely to be the target of crimes where robbers are searching for cash.

When OCM begins issuing licenses for cannabis in 2025, they will begin also requiring a license for lower-potency hemp edible sales and this will provide these businesses with additional oversight. Per guidance from OCM, State Statute guarantees some types of businesses the right to sell lower-potency hemp-derived THC beverages regardless of their zoning district. For instance, liquor stores and bars/restaurants are allowed to sell THC beverages as part of their liquor license. OCM does not consider a lower-potency hemp derived edible retailer to be the same thing as a cannabis retailer and hemp businesses do not count towards the minimum of 2 cannabis retail businesses that South St. Paul must allow.

Many Minnesota cities are going the route of treating the sale of lower-potency hemp-derived edibles the same as the sale of 3.2% beer when it comes to zoning regulations and allowing these products to be sold as an accessory use without a conditional use permit. The Planning Commission and City Council have expressed that they are comfortable with this approach. It is unclear how popular lower-potency hemp-derived edibles will remain once actual cannabis is widely available for sale. Other states that have fully legalized cannabis have seen the market for hemp-derived edibles shrink because it is viewed by many consumers as an inferior product just as many beer drinkers view 3.2% beer as an inferior product.

Summary of Draft Cannabis Registration Ordinance

OCM is requiring cities to register cannabis retail businesses and conduct routine compliance checks to ensure that cannabis is not being sold to people who are younger than 21. City Staff largely followed OCM’s model ordinance to create the proposed registration program, and it has the following features:

- All cannabis retail businesses and lower-potency hemp retailers must register with the City. The City will verify zoning compliance as part of the registration process and will confirm that the business has a conditional use permit if a CUP is required.
- A business must submit a comprehensive packet of information to the City alongside a registration application form.

- A business registering with the City will pay fees that are established in the fee schedule. *The City Clerk has already added these fees to the draft 2025 fee schedule. State Statute caps how large these fees can be.*
- The City will conduct an annual compliance check for each cannabis business to verify that they are meeting age verification requirements.
- Registration must be renewed each year at the same time that OCM is renewing the cannabis retail business's license.
- The registration can be suspended for up to 30 days if the cannabis retail business violates the registration ordinance, violates the terms of its conditional use permit, or poses an immediate threat to the health or safety of the public. If the registration is suspended, the business cannot operate. OCM will investigate within 30 days and will require the City to reinstate the registration once the violations have been resolved.
- The City can issue administrative citations for violations of the registration ordinance.
- The City shall limit the total number of cannabis retail businesses in South St. Paul to two.

Summary of Draft Cannabis Zoning Ordinance

- Cannabis businesses are only allowed in the mixed-use and industrial zoning districts along Concord Street and Concord Exchange - CGMU (Concord Gateway Mixed Use), MMM (Mixed Markets and Makers), I (Industrial), and I-1 (Light Industrial).
 - The two mixed-use districts, MMM and CGMU, will allow cannabis retail businesses along with “craft production” businesses where a cannabis product is manufactured and sold on-site. This is the same approach that is taken with breweries, which are allowed in both districts as long as they have a taproom or retail operation. Cannabis businesses will not be allowed in the MMM-1

subdistrict, which is the northern end of Concord Street North, which is largely low-density residential housing.

- The I and I-1 districts will allow cultivation, manufacturing, and wholesaling of cannabis products as well as some on-site retail if it is accessory to cultivation or manufacturing. This is consistent with how these two districts treat breweries and other manufacturing. Both districts already allow retail sales counters an accessory use.
- All four districts will allow cannabis testing facilities with a conditional use permit.
- Lower-potency hemp derived edible retailers are allowed as an accessory use in all of the City's zoning districts that allow retail and restaurant uses. *This will maintain the status quo that has been in effect since 2022.*
- All cannabis businesses must be at least 1,000 feet from a school. *This is currently a moot point because there are no schools in the Concord Exchange/Concord Street area.*
- All cannabis businesses must be at least 500 feet from a playground or athletic field in a public park.
- All cannabis businesses must be at least 500 feet from each other.
- The distance requirements will not apply to businesses that just sell lower-potency hemp-derived edibles as an accessory use (i.e. Hat Trick Liquor and Sam's Tobacco which are only 300 feet from each other)
- Industrial cannabis businesses in the industrial zoning districts must only adhere to the distance requirement for schools. The distance requirements from parks and from other cannabis businesses are not applicable in the industrial districts.

- People are prohibited from operating a cannabis business or hemp-derived edible business as a home occupation. The only exception to this rule is that a licensed “cannabis event organizer” may office out of their home. A cannabis event organizer is an office worker who plans temporary cannabis events and this is the same as any other “work from home” office job.
- All cannabis businesses require a conditional use permit. Hours of operation for each business can be established as part of the conditional use permit.
- Cannabis businesses and hemp-derived edible businesses that require a conditional use permit shall submit an odor management plan. Cannabis odors must be undetectable at the property line. In multitenant buildings, cannabis odors must not be undetectable in the other commercial suites.
- Outdoor commercial cultivation of cannabis is prohibited due to odor concerns.
- Cannabis businesses that are going to add new exterior lighting must submit a lighting and photometric plan and demonstrate compliance with the glare ordinance.
- Cannabis businesses that do cultivation or manufacturing are prohibited from operating in multi-tenant buildings. *Per the City Attorney, this has been an issue in other states because multi-tenant buildings typically have HVAC system setups that can lead to odor contamination between units if one unit has a cannabis cultivation or manufacturing business in it.*
- Cannabis retail businesses must operate and maintain a closed-circuit television surveillance system. The system must operate for 24 hours per day, seven days per week, and visually record all sales areas and all points of exit and entry.
- State Statute requires the City to allow Temporary Cannabis Sales Events but the City gets to decide which zoning districts will allow them and the City gets to decide whether

cannabis can be consumed at these events.

- The draft ordinance would allow these events on Concord Exchange and Concord Street in the CGMU district and the MMM-2, MMM-3, and MMM-4 districts.
- The draft ordinance would not allow cannabis to be consumed at these events.

The draft ordinance does not allow cannabis businesses to operate in the GB-General Business zoning district because that district is currently being evaluated as part of the South Concord Zoning Study that launched in August. The area zoned GB along South Concord that is zoned GB includes a large number of single-family homes. Final decisions about the use list for the GB zoning district will be made in mid-2025 when the zoning study concludes.

COMMENTS FROM OTHER DEPARTMENTS

Police Department

The Police Department is recommending that the City proceed cautiously with temporary cannabis events and prohibit on-site consumption of cannabis at these events. The Police Department is also recommending that the City proceed cautiously with what zoning districts allow cannabis businesses and would prefer to initially see these businesses restricted to the mixed-use and industrial zoning districts along Concord Street and Concord Exchange.

Fire Department

The Fire Department has some concerns about large indoor grow facilities and will need to learn more about how other states have regulated sprinkler requirements for these facilities.

SOME REGULATORY TOOLS NOT BEING RECOMMENDED

There are a few regulatory tools that the State Statute would technically allow the City to adopt that City Staff is recommending be left out of the cannabis ordinances:

- There is a provision in the Statute that would technically allow South St. Paul to stop allowing additional cannabis retail business registrations if there are already at least 36 registered cannabis retail businesses in Dakota County (1 per 12,500 residents). *It is unclear how this type of rule would work. City Staff has no good way of knowing whether other Dakota County communities have cannabis retail businesses in the pipeline.*

- The State Statute allows cities to require a 500-foot setback from licensed daycares. *The City does not track in-home daycares and this would be logistically challenging to enforce. It is likely a moot point because cannabis businesses are only proposed to be allowed in the Concord Street and Concord Exchange area where there are currently no daycares. These areas are highly commercialized and any daycares locating on Concord Street or Concord Exchange should expect to be near a variety of other businesses.*
- The State Statute allows cities to require a 500-foot setback from residential treatment facilities. *The City does not track residential treatment facilities and this would be logistically challenging to enforce. State-licensed residential care facilities are prohibited in the MMM, CGMU, I, and I-1 zoning districts where cannabis businesses will be located so this is likely a moot point.*

DISCUSSION

City Staff believes that the proposed ordinances will provide an effective regulatory framework if the City Council wants to take a cautious approach with cannabis businesses and reevaluate at a later date whether the rules should be loosened. There have been claims that cannabis retail businesses are essentially liquor stores and should be treated as such but there are a few key differences. The biggest difference is that municipalities do not have local licensing authority over cannabis businesses so a City cannot take a cannabis license away from a bad actor or negligent business owner like they can do with a liquor license. A municipality must rely primarily on its zoning code to regulate cannabis businesses and zoning is not as dynamic of a regulatory tool as licensing. Businesses become “grandfathered” with whatever zoning approvals they are granted at the time they receive approval. Unlike with licensing, the City cannot tighten regulations at a later date if there are problems. A second difference is that cannabis retail businesses are all-cash businesses and this can lead to crime issues. A third difference is that OCM is still determining what the rules will be for on-site consumption, and it is possible that some types of cannabis retailers will be able to serve their customers cannabis products for on-site consumption which is different than a liquor store.

The City Council may want to discuss two issues as part of holding the first reading and preparing for additional conversations about cannabis businesses after OCM completes its rulemaking:

1. The draft ordinance requires a 500-foot buffer between public playgrounds and ballfields and cannabis businesses. This means that a few properties near Concord Exchange -Big Discount Liquor, Royal Star Furniture, and Concord Lanes- will be disqualified from hosting cannabis businesses because they technically are closer than 500 feet to Grandview Park even though the park sits on top of the bluff. It also means that the old Cenex Building on Concord Street North is ineligible to host cannabis businesses because it technically is closer than 500 feet to Summit Park even though the park sits on top of

the bluff. The park buffer serves an important purpose if cannabis businesses are going to be allowed in the C-1 Retail Business district, but it may be unnecessary or even counterproductive if cannabis businesses are only going to be allowed in the MMM, CGMU, I, and I-1 districts. Staff would suggest that the City Council consider eliminating the park buffer or adding a provision that states that it will not be enforced on properties that are within 500 feet of the Concord Street right-of-way.

2. If the City Council wants to eventually allow cannabis businesses in heavily commercialized parts of the C-1 Retail Business district (i.e. the Southview Shopping Center) but does not want to allow cannabis businesses in isolated commercial buildings with C-1 zoning, there is at least one nearby community that has developed a zoning approach that could work. The City could adopt a code provision that cannabis businesses will only be allowed in the C-1 district on properties that are part of an area that has at least 4 contiguous acres of commercial zoning. This would allow cannabis businesses on Southview Boulevard but would not allow them in the isolated commercial buildings with C-1 Retail Business zoning that are scattered throughout the community.

ACTION NEEDED

Both ordinances should be introduced for a 1st reading. This needs to occur at the December 2nd meeting in order for the ordinances to go on the books before the moratorium expires at the end of December.

LINKS

Office of Cannabis Management (OCM) Model Ordinance:

[mn.gov/ocm/assets/Minnesota OCM LG Guide_tcm1202-627967.pdf](https://mn.gov/ocm/assets/Minnesota_OCM_LG_Guide_tcm1202-627967.pdf)

League of Minnesota Cities FAQ about Cannabis Business Regulations:

<https://www.lmc.org/resources/adult-use-cannabis-what-cities-need-to-know/>

SOURCE OF FUNDS

NA

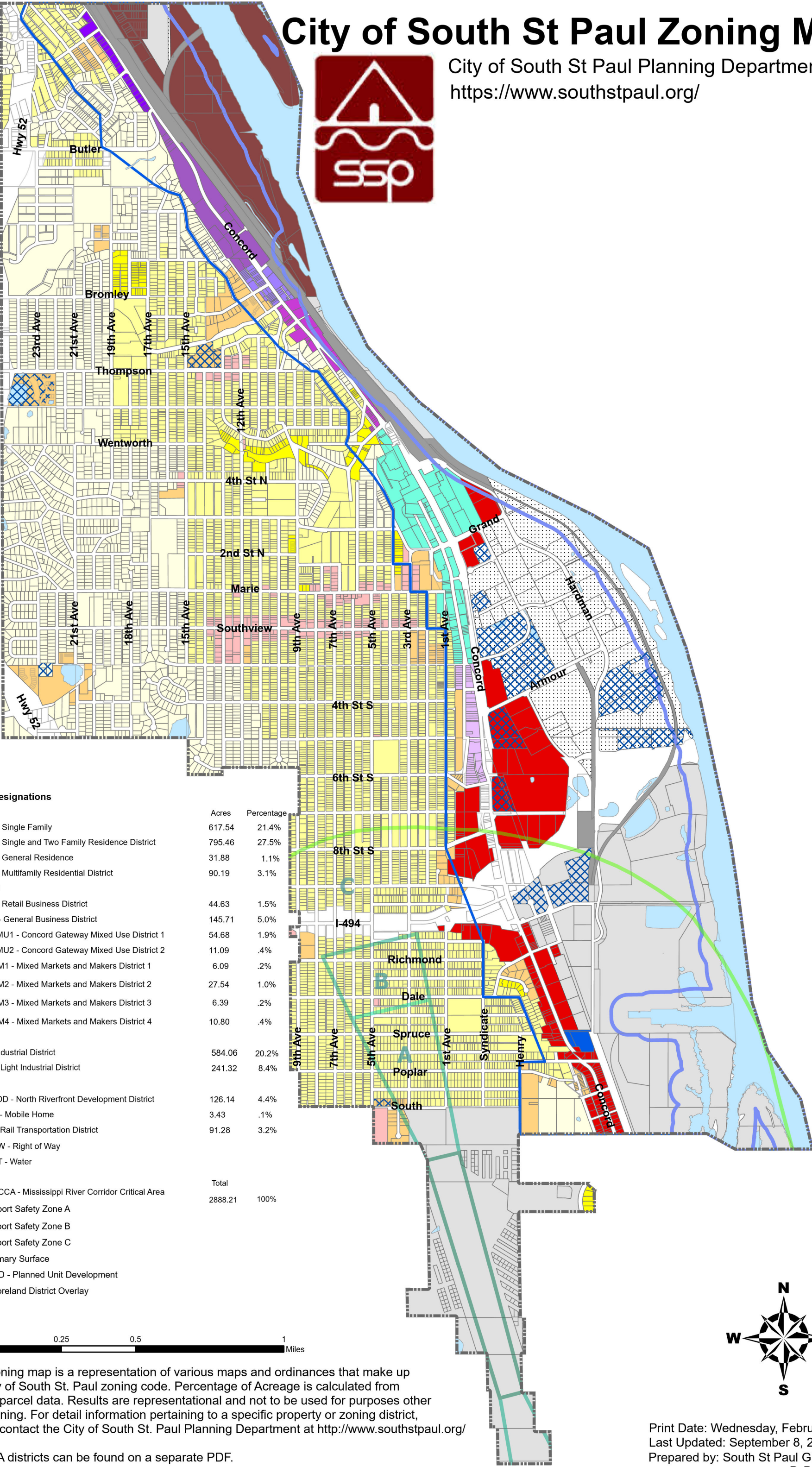
ATTACHMENTS

1. Zoning Map
2. Map of Allowed Locations for Cannabis Retail Businesses
3. Draft Cannabis Retail Business Registration Ordinance
4. Draft Cannabis Business Zoning Ordinance

City of South St Paul Zoning Map



City of South St Paul Planning Department
<https://www.southstpaul.org/>



Zoning Designations

- Residential

R1 - Single Family

R2 - Single and Two Family Residence District

R3 - General Residence

R4 - Multifamily Residential District
- Commercial

C1 - Retail Business District

GB - General Business District

CGMU1 - Concord Gateway Mixed Use District 1

CGMU2 - Concord Gateway Mixed Use District 2

MMM1 - Mixed Markets and Makers District 1

MMM2 - Mixed Markets and Makers District 2

MMM3 - Mixed Markets and Makers District 3

MMM4 - Mixed Markets and Makers District 4
- Industrial

I - Industrial District

I-1 - Light Industrial District
- Other

NRDD - North Riverfront Development District

MH - Mobile Home

RT- Rail Transportation District

ROW - Right of Way

WAT - Water
- MRCCA - Mississippi River Corridor Critical Area

Airport Safety Zone A

Airport Safety Zone B

Airport Safety Zone C

Primary Surface

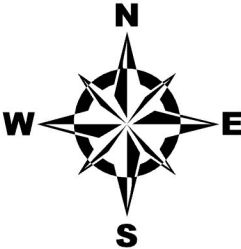
PUD - Planned Unit Development

Shoreland District Overlay

Acres	Percentage
617.54	21.4%
795.46	27.5%
31.88	1.1%
90.19	3.1%
44.63	1.5%
145.71	5.0%
54.68	1.9%
11.09	.4%
6.09	.2%
27.54	1.0%
6.39	.2%
10.80	.4%
584.06	20.2%
241.32	8.4%
126.14	4.4%
3.43	.1%
91.28	3.2%
Total	2888.21 100%

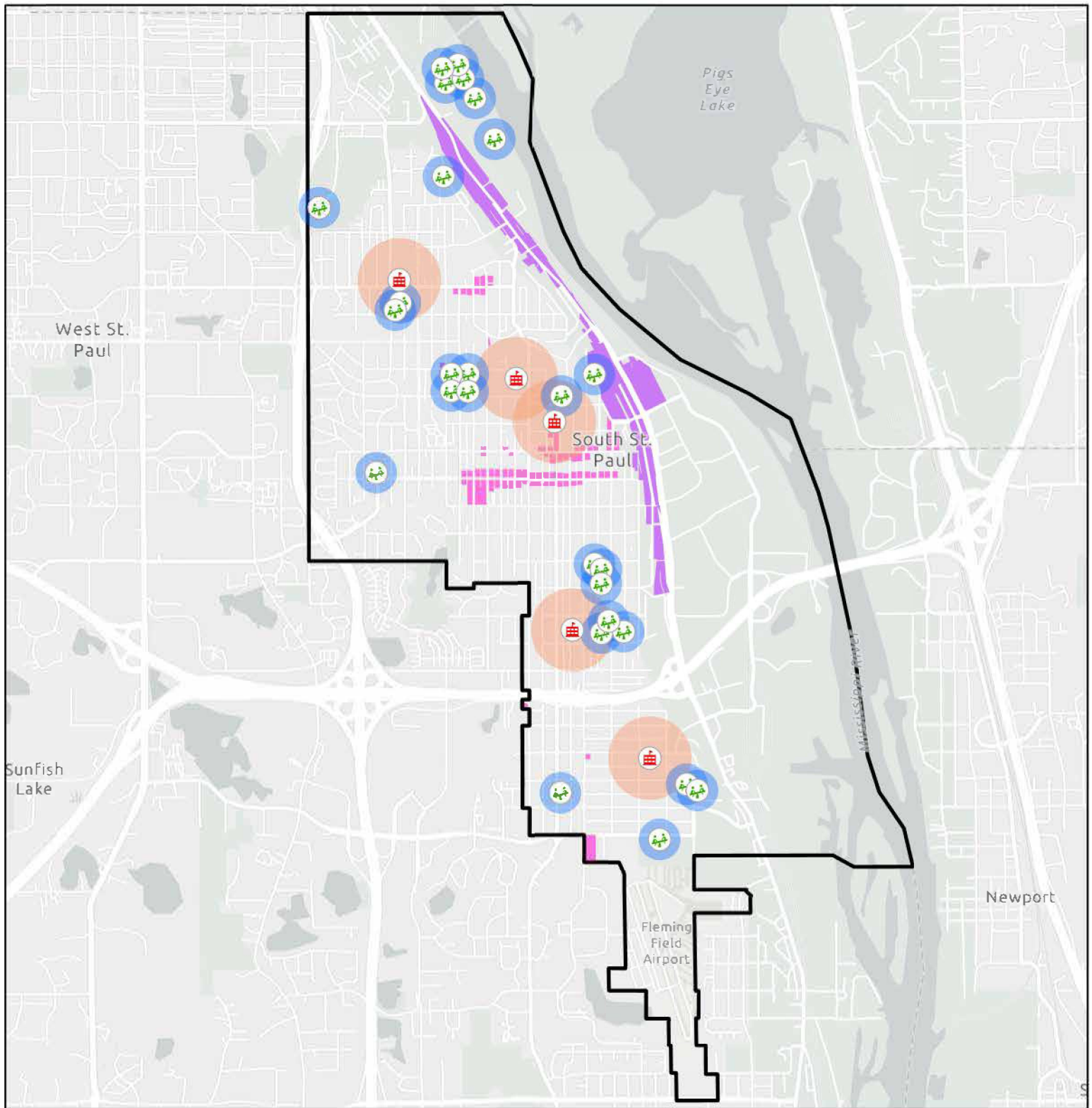
This Zoning map is a representation of various maps and ordinances that make up the City of South St. Paul zoning code. Percentage of Acreage is calculated from county parcel data. Results are representational and not to be used for purposes other than zoning. For detail information pertaining to a specific property or zoning district, please contact the City of South St. Paul Planning Department at <http://www.southstpaul.org/>

MRCCA districts can be found on a separate PDF.



Print Date: Wednesday, February 7, 2024
Last Updated: September 8, 2023
Prepared by: South St Paul GIS

Allowable Locations for Cannabis Retail Businesses



Schools



Playgrounds and Athletic Fields



500 foot buffer



1000 foot buffer



City Boundary



Parcels with CGMU, MMM-2, MMM-3, and MMM-4 Zoning (Cannabis Retail Allowed)



Parcels with C-1 Retail Business Zoning (Cannabis Retail Not Allowed)

0 0.25 0.5 1 Miles



**City of South St. Paul
Dakota County, Minnesota**

Ordinance No. 14XX

**AN ORDINANCE ESTABLISHING REGISTRATION REQUIREMENTS FOR
CANNABIS RETAIL BUSINESSES**

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

SECTION 1. ENACTMENT. South St. Paul City Code Chapter 18, Article XXII is hereby enacted as follows:

ARTICLE XXII. CANNABIS

DIVISION 1. GENERALLY

Sec. 18-726.- Purpose

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City of South St. Paul to protect the public health, safety, welfare of South St. Paul residents by regulating cannabis businesses within the legal boundaries of South St. Paul.

Sec. 18-727.- Definitions and Interpretation

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this section.

Cannabis Cultivation. A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

Cannabis Retail Business. A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.

Cannabis Retailer. Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

Lower-potency Hemp Edible. As defined under Minn. Stat. 342.01 subd. 50.

Office of Cannabis Management. Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.

Place of Public Accommodation. A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

Preliminary License Approval. OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.

Public Place. A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

Retail Registration. An approved registration issued by the City of South St. Paul to a state-licensed cannabis retail business.

School. A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.

State License. An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

DIVISION 2. REGISTRATION

Sec. 18-728.- Registration Required

- (a) No individual or entity may operate a state-licensed cannabis retail business within South St. Paul city limits without first registering with the City of South St. Paul.
- (b) Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty for each violation which shall be established in the City's adopted fee schedule and shall not exceed the maximum allowed under State Statute.

Sec. 18-729.- Compliance Checks Prior to Retail Registration

- (a) Prior to issuance of a cannabis retail registration, the City of South St. Paul shall conduct a preliminary compliance check to ensure compliance with local ordinances.
- (b) Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, the City of South St. Paul shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

Sec. 18-730.- Registration Fees

- (a) The City of South St. Paul shall not charge an application fee. A registration fee, as established by the City Council in the adopted fee schedule, shall be charged to applicants depending on the type of retail business license applied for.
- (b) The initial registration fee shall include the initial retail registration fee and the first annual renewal fee. A renewal registration fee shall be charged at the time of the second renewal and each subsequent renewal thereafter.
- (c) Registration fees shall not exceed the maximum amounts established in Minnesota Statute 342.11.
- (d) A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

Sec. 18-731.- Registration Application Submittal

The City of South St. Paul shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minnesota Statute 342.22.

- (a) An applicant for a retail registration shall fill out an application form, as provided by the City of South St. Paul. Said form shall include, but is not limited to:
 - (1) Full name of the property owner and applicant;
 - (2) Address, email address, and telephone number of the applicant;
 - (3) The address and Parcel ID for the property which the retail registration is sought;
 - (4) Certification that the applicant complies with the requirements of local ordinances established pursuant to Minnesota Statute. 342.13 including evidence that a conditional use permit has been obtained.
- (b) The Applicant shall include the following with the form:
 - (1) The application fee as required in Section 18-729
 - (2) A copy of a valid state license or written notice of OCM license preapproval;

- (3) A copy of any information that was provided to OCM to obtain the license or preapproval.
- (4) A copy of the conditional use permit if one is required to start the proposed business in the applicable zoning district.
- (c) Once an application is considered complete, the City Clerk shall inform the Applicant as such, process the application fees, and forward the application to the City Council for approval or denial.
- (d) The application fee shall be non-refundable once processed.

Sec. 18-732.- Standards for Registration Approval

- (a) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 18-737.
- (b) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance or the zoning ordinance.
- (c) A state-licensed cannabis retail business application that meets the requirements of this ordinance and the zoning ordinance shall be approved.

Sec. 18-733.- Annual Compliance Checks

- (a) The City of South St. Paul shall complete at a minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minnesota Statute 342.22 Subd. 4(b) and Minnesota Statute 342.24 and this ordinance.
- (b) The City of South St. Paul shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.
- (c) Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.
- (d) Any failures under this section must be reported to the Office of Cannabis Management.

Sec. 18-734.- Location Change

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 18-730 if it seeks to move to a new location still within the legal boundaries of South St. Paul.

Sec. 18-735.- Renewal of Registration

- (a) The City of South St. Paul shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.
- (b) A state-licensed cannabis retail business shall apply to renew registration on a form established by the City of South St. Paul
- (c) A cannabis retail registration issued under this ordinance shall not be transferred.
- (d) The City of South St. Paul may charge a renewal fee for the registration starting at the second renewal, as established in the adopted fee schedule.
- (e) The application for renewal shall include those same items required under Section 18-730 for a new registration.

Sec. 18-736.- Suspension of Registration

- (a) The City of South St. Paul may suspend a cannabis retail business's registration if it violates this ordinance or the zoning ordinance, if it violates the terms of its conditional use permit, or it poses an immediate threat to the health or safety of the public. The City of South St. Paul shall immediately notify the cannabis retail business in writing of the grounds for the suspension.
- (b) The City of South St. Paul shall immediately notify the OCM in writing regarding the grounds for the suspension. OCM will provide the City of South St. Paul and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
- (c) Length of Suspension.
 - (1) The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

- (2) The City of South St. Paul may reinstate a registration if it determines that the violations have been resolved.
- (3) The City of South St. Paul shall reinstate a registration if OCM determines that the violation(s) have been resolved.
- (4) Subject to Minn. Statute 342.22, subd. 5(e) the City of South St. Paul may impose a civil penalty as specified in the adopted fee schedule, for registration violations, not to exceed the maximum amount allowed by State Statute.

Sec. 18-737.- Limiting of Registrations

- (a) The City of South St. Paul shall limit the total number of cannabis retail businesses, mezzobusinesses with a retail operations endorsement, and microbusinesses with a retail operations endorsement to two (2).

SECTION 2. AMENDMENT. South St. Paul City Code Chapter 18, Article XXI is hereby amended as follows:

ARTICLE XXI. TOBACCO

DIVISION 1. GENERALLY

Sec. 18-673. Prohibited sales.

- (b) It shall be unlawful for any person licensed under this article to allow the sale of tobacco, tobacco products, tobacco-related devices, or electronic delivery devices:
 - (1) By the means of a vending machine unless persons under 21 are at all times prohibited from entering the licensed establishment;
 - (2) By means of self-service merchandising whereby the customer does not need to make a verbal or written request to an employee of the licensee in order to receive the tobacco, tobacco product or tobacco-related device and where there is not a physical exchange of the tobacco, tobacco product or tobacco-related device between the licensee or the licensee's employee and the customer. All tobacco, tobacco-related products and tobacco-related devices shall be stored behind the counter;
 - (3) By means of loosies as defined in section 18-671;
 - (4) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, ~~marijuana~~, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. Cannabis retail sales are regulated by State Statute, Chapter 18 Article XXII of the City Code, and Section 118-278 of the City Code; or
 - (5) By any other means, to any other person, in any other manner or form prohibited by federal, state, or local law, ordinance, or other regulation.

SECTION 3. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance establishes registration requirements for cannabis businesses.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _____

Published: _____

Deanna Werner, City Clerk

**City of South St. Paul
Dakota County, Minnesota**

Ordinance No. 14XX

**AN ORDINANCE ESTABLISHING REGISTRATION REQUIREMENTS FOR
CANNABIS RETAIL BUSINESSES**

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

SECTION 1. ENACTMENT. South St. Paul City Code Chapter 18, Article XXII is hereby enacted as follows:

ARTICLE XXII. CANNABIS

DIVISION 1. GENERALLY

Sec. 18-726.- Purpose

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City of South St. Paul to protect the public health, safety, welfare of South St. Paul residents by regulating cannabis businesses within the legal boundaries of South St. Paul.

Sec. 18-727.- Definitions and Interpretation

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this section.

Cannabis Cultivation. A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

Cannabis Retail Business. A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.

Cannabis Retailer. Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

Lower-potency Hemp Edible. As defined under Minn. Stat. 342.01 subd. 50.

Office of Cannabis Management. Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.

Place of Public Accommodation. A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

Preliminary License Approval. OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.

Public Place. A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

Retail Registration. An approved registration issued by the City of South St. Paul to a state-licensed cannabis retail business.

School. A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.

State License. An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

DIVISION 2. REGISTRATION

Sec. 18-728.- Registration Required

- (a) No individual or entity may operate a state-licensed cannabis retail business within South St. Paul city limits without first registering with the City of South St. Paul.
- (b) Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty for each violation which shall be established in the City's adopted fee schedule and shall not exceed the maximum allowed under State Statute.

Sec. 18-729.- Compliance Checks Prior to Retail Registration

- (a) Prior to issuance of a cannabis retail registration, the City of South St. Paul shall conduct a preliminary compliance check to ensure compliance with local ordinances.
- (b) Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, the City of South St. Paul shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

Sec. 18-730.- Registration Fees

- (a) The City of South St. Paul shall not charge an application fee. A registration fee, as established by the City Council in the adopted fee schedule, shall be charged to applicants depending on the type of retail business license applied for.
- (b) The initial registration fee shall include the initial retail registration fee and the first annual renewal fee. A renewal registration fee shall be charged at the time of the second renewal and each subsequent renewal thereafter.
- (c) Registration fees shall not exceed the maximum amounts established in Minnesota Statute 342.11.
- (d) A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

Sec. 18-731.- Registration Application Submittal

The City of South St. Paul shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minnesota Statute 342.22.

- (a) An applicant for a retail registration shall fill out an application form, as provided by the City of South St. Paul. Said form shall include, but is not limited to:
 - (1) Full name of the property owner and applicant;
 - (2) Address, email address, and telephone number of the applicant;
 - (3) The address and Parcel ID for the property which the retail registration is sought;
 - (4) Certification that the applicant complies with the requirements of local ordinances established pursuant to Minnesota Statute. 342.13 including evidence that a conditional use permit has been obtained.
- (b) The Applicant shall include the following with the form:
 - (1) The application fee as required in Section 18-729
 - (2) A copy of a valid state license or written notice of OCM license preapproval;

- (3) A copy of any information that was provided to OCM to obtain the license or preapproval.
- (4) A copy of the conditional use permit if one is required to start the proposed business in the applicable zoning district.
- (c) Once an application is considered complete, the City Clerk shall inform the Applicant as such, process the application fees, and forward the application to the City Council for approval or denial.
- (d) The application fee shall be non-refundable once processed.

Sec. 18-732.- Standards for Registration Approval

- (a) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 18-737.
- (b) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance or the zoning ordinance.
- (c) A state-licensed cannabis retail business application that meets the requirements of this ordinance and the zoning ordinance shall be approved.

Sec. 18-733.- Annual Compliance Checks

- (a) The City of South St. Paul shall complete at a minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minnesota Statute 342.22 Subd. 4(b) and Minnesota Statute 342.24 and this ordinance.
- (b) The City of South St. Paul shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.
- (c) Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.
- (d) Any failures under this section must be reported to the Office of Cannabis Management.

Sec. 18-734.- Location Change

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 18-730 if it seeks to move to a new location still within the legal boundaries of South St. Paul.

Sec. 18-735.- Renewal of Registration

- (a) The City of South St. Paul shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.
- (b) A state-licensed cannabis retail business shall apply to renew registration on a form established by the City of South St. Paul
- (c) A cannabis retail registration issued under this ordinance shall not be transferred.
- (d) The City of South St. Paul may charge a renewal fee for the registration starting at the second renewal, as established in the adopted fee schedule.
- (e) The application for renewal shall include those same items required under Section 18-730 for a new registration.

Sec. 18-736.- Suspension of Registration

- (a) The City of South St. Paul may suspend a cannabis retail business's registration if it violates this ordinance or the zoning ordinance, if it violates the terms of its conditional use permit, or it poses an immediate threat to the health or safety of the public. The City of South St. Paul shall immediately notify the cannabis retail business in writing of the grounds for the suspension.
- (b) The City of South St. Paul shall immediately notify the OCM in writing regarding the grounds for the suspension. OCM will provide the City of South St. Paul and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
- (c) Length of Suspension.
 - (1) The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

- (2) The City of South St. Paul may reinstate a registration if it determines that the violations have been resolved.
- (3) The City of South St. Paul shall reinstate a registration if OCM determines that the violation(s) have been resolved.
- (4) Subject to Minn. Statute 342.22, subd. 5(e) the City of South St. Paul may impose a civil penalty as specified in the adopted fee schedule, for registration violations, not to exceed the maximum amount allowed by State Statute.

Sec. 18-737.- Limiting of Registrations

- (a) The City of South St. Paul shall limit the total number of cannabis retail businesses, mezzobusinesses with a retail operations endorsement, and microbusinesses with a retail operations endorsement to two (2).

SECTION 2. AMENDMENT. South St. Paul City Code Chapter 18, Article XXI is hereby amended as follows:

ARTICLE XXI. TOBACCO

DIVISION 1. GENERALLY

Sec. 18-673. Prohibited sales.

- (b) It shall be unlawful for any person licensed under this article to allow the sale of tobacco, tobacco products, tobacco-related devices, or electronic delivery devices:
 - (1) By the means of a vending machine unless persons under 21 are at all times prohibited from entering the licensed establishment;
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 - (3) By means of loosies as defined in section 18-671;
 - (4) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, ~~marijuana~~, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. Cannabis retail sales are regulated by State Statute, Chapter 18 Article XXII of the City Code, and Section 118-278 of the City Code; or
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WORK SESSION AGENDA REPORT

DATE: December 9, 2024
DEPARTMENT: City Administrator
PREPARED BY: Ryan Garcia
AGENDA ITEM NUMBER: 2.F.

MEETING TYPE

Regular Meeting

AGENDA ITEM

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

Discuss nominations for Performance Pay recognition per the Supervisory Association Collective Bargaining Agreement.

OVERVIEW

Section 13.2 of the Collective Bargaining Agreement with the Supervisory Association provides that individual members of the bargaining unit that exhibit performance that includes efforts or produces results that demonstrably exceed expectation are eligible for compensation in addition to their wage and salary schedule wages, upon recommendation of the City Administrator and "specific separate approval of the City Council on a case-by-case basis". Previous City Administrator Joel Hanson instituted a peer nomination process whereby members of the Supervisory Association are given an opportunity each year to nominate themselves and/or their peers for recognition. I'll be presenting this year's nominations and recommendations at Monday's worksession.

SOURCE OF FUNDS

Performance Pay is unbudgeted and has historically been funded through end-of-year balance in the General Fund (and/or Enterprise, where applicable) contingency.

ATTACHMENTS

None