

**City of St. Francis
St. Francis, MN
City Hall, 23340 Cree Street NW
Work Session Agenda
March 23, 2021
5:30 p.m. via Zoom**

- 1) Call Meeting to Order
- 2) Roll Call
- 3) School Resource Officer
- 4) City Parks
- 5) Highway 47 (sent under separate cover)
- 6) Land Transfer - EDA
- 7) Adjourn



School Resource Officer Report 2021

TO: Mayor & City Council; School Board Members
FROM: Todd Schwieger, Chief of Police
SUBJECT: School Resource Officer Report
DATE: March 23rd, 2021

BACKGROUND:

School Resource Officers were introduced into a school setting in the 1950's. The SRO program has been an integral part of St. Francis Area School's system going as far back as the 1970s. Since that time the police department has provided at least one SRO officer to serve the St Francis Area Schools and to work collaboratively with school staff members and students to ensure a safe and productive learning environment.

Beginning in the early 2000s, the police department usually supplied at least two School Resource Officers annually. Some years the department provided three School Resource Officers to St. Francis Area Schools. When difficult budget decisions needed to be made, the partnership was reduced to one School Resource Officer until budget situations improved. These officers assisted with the High School, Junior High, and Crossroads School. St. Francis School Administrations and Boards have obviously seen the significance in the SRO service to the schools over the last 40+ years.

ISSUES:

As it has been discussed and disclosed many times, the significance of the SRO goes much deeper than just an officer responding to incidents within a school setting. St. Francis Area Schools become their own communities during any given school day with thousands of students and administrative personnel present. Like every staff member within the schools, the SRO plays a significant role in so many areas. The most obvious role is ensuring the safety of students and staff during a typical school day.

The SRO receives annual training specific to school safety in areas of threat detection, building security, proactive deterrence of criminal activity, mental health etc. Many times a safety issue that arises is addressed very quickly by the SRO before it's allowed to escalate. These situations could include student fights, student threats, bullying issues, harassment issues, outside threats, child custody disputes etc. Often times the SRO



begins an investigation into a situation based on allegation or rumor which results in the situation never reaching fruition.

Without an SRO, the schools will likely see an increase in disruptions and situations that are more likely to threaten the peace of the school and/or safety of the students. These are situations that could have been prevented or at least minimized by having an SRO on site. Without an SRO many situations will have the opportunity to quickly develop and escalate while waiting on a response from a street officer. These are the reasons every other district in Anoka County has SRO's in their middle schools and high schools.

NATIONALLY DOCUMENTED THREATS TO STUDENT SAFETY:

The decision to remove SROs from the St. Francis Area Schools is much more than taking an officer out of the school. It means the destruction of a program that took years to build by dedicated and passionate personnel. While ensuring school safety is the most obvious role of the SRO, there are many other roles the SRO takes on. Included in this report is information identifying what areas the SRO has been involved with and what roles they have played. Many times individuals are naïve to what is going on around them if it doesn't actually affect them. An example is a resident of a city who never hears sirens and never needs emergency services at their residence so they conclude that crime, disturbances, emergencies don't occur in their area although data would suggest otherwise.

The same can be said for schools when individuals are not actually in the buildings every day to observe the activity that occurs. This doesn't mean that the schools are a mess of criminal activity but it does mean that when you have thousands of individuals gathered in groups, the potential for situations to arise increases.

Data suggests that middle schools and high schools can become violent places at times. According to the 2019 National Crime Victimization Survey, "in 2017, students ages 12-18 experienced 827,000 total victimizations (i.e., theft and nonfatal violent victimizations) at school and 503,800 total victimizations away from school. These figures represent total victimization rates of 33 victimizations per 1,000 students at school, compared to 20 victimizations per 1,000 students away from school" (Musu, L., Zhang, A., Wang, K., Zhang, J., and Oudekerk, B.A. (2019). Indicators of School Crime and Safety: 2018 (NCES 2019-047/NCJ 252571). National Center for Education Statistics, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Washington, DC.).

"Also during 2018, approximately 65 percent of the nation's schools reported incidents of serious violent crimes, including weapons use, threats, robberies, and sexual assaults"(Lomonosov, 2020).



CONCLUSION:

St. Francis Area Schools has had its share of incidents over the years as the data will show. It's difficult to gauge how many more serious incidents would have occurred in the absence of an SRO. What we can do is evaluate our own data and listen to the firsthand accounts from the St. Francis SRO who can give specific examples of situations that were likely minimized and not allowed to escalate or even develop due to the SRO presence.

The data provided in this report will prove this point by confirming that there are hundreds of documented incidents that occur in St. Francis Area Schools every school year. One thing that can't be measured is how many more incidents will occur in the absence of an SRO and what will the severity of those incidents be. As a parent of a student in St. Francis Area Schools, this is concerning to myself and parents everywhere should learn of this possible reality. The finance part of operations is understood and the dismissing of personnel and cancellation of programs is unfortunate. An area I wouldn't want to gamble and experiment with is the safety and security of our students and staff by canceling a program where safety is one of the primary responsibilities.

There will no longer be an individual inside the school or on school grounds who would be equipped or trained to handle the certain threatening, volatile and dangerous situations that have been a reality in all schools. I believe the parent of any student who has been bullied, threatened, or harassed by another when an SRO stepped in and put an end to the situation would say the SRO is needed. Now is not the time to experiment with the safety of our children inside these schools by cancelling a program that has been so important to so many for so long.

Todd Schwieger
Police Chief



Words from the current St. Francis Areas Schools SRO:

My name is Officer Amanda Dzuris and I have been the School Resource Officer in ISD15 for the 17-18, 18-19, and 20-21 school years.

The School Resource Officer is more than just a uniformed, armed, licensed officer making a presence in the school. The SRO builds rapport and relationships with the students so that they feel comfortable to approach an officer and ask questions that they may not normally feel comfortable asking. This could be law enforcement related questions or my favorite type of ice cream topping.

I have enjoyed going into the physical education classes and playing basketball or volleyball with the students to help build that rapport. I have had students come into my office that are having a difficult time with their teacher, having a bad day, got into an argument with a parent or friends, etc. Usually they feel comfortable enough to talk it out and other times we will go into the gym to shoot some hoops and just talk to them about what is going on in a more relaxed environment.

Other than just building relationships with the youth, this position is much more of an asset to this district than most are aware. For instance, two of the three years that I have worked in this district, I have presented to the staff to inform them of the new trends that law enforcement is seeing with juveniles and what they should be on the look-out for in their classrooms. I also assisted the school's counselors in presenting to students, mostly futures prep classes (9th graders just coming into high school) to educate the students on the dangers of social media, chemical dependency, law enforcement issues, mental health awareness and how to prepare for their high school career, etc.

This 2020 school year has been challenging for everyone, especially the youth with their mental health. We have received numerous calls outside of school that involve students in our district. It may be theft, burglaries, mental health, damage to property, etc. This year especially with distance learning, children have been cooped up at home bored and have been out in the community committing crime. When dealing with these youths, they are familiar with me and I am familiar with them, which can aid in identifying those juveniles responsible for committing criminal acts.

When it comes to an officer being present in the schools, it is difficult to determine how much of a deterrent an officer is if crime isn't occurring. Would it have happened if an officer wasn't there? That is undetermined. However, because students are more comfortable approaching an officer, we are "tipped off" when there is chatter on social media of a fight that is going to occur after school or during school. For instance, just this week (week of Feb 22) there were two reports of two different fights that were going to occur just at the high school. Being on sight had given me the opportunity to come up



with a safety plan where other staff can be posted to help monitor and prevent something from happening. This also gave me an opportunity to speak with the parties involved and inform my partners who were on patrol if by chance I needed assistance. If no SRO was on sight there would have been no plan in place and the average response time for our officers is just over 5 minutes.

Having an SRO housed in the high school will result in much shorter response time by already being inside, especially in the case of an active shooter situation. On average, an active shooter incident in a school is typically over within 7 minutes. Contrary to what you may have seen on the news from some active shooter incidents in schools, SRO's and police officers are trained to go towards the threat. If there were an active shooter, I have been trained to communicate with dispatch and my partners on duty via my radio regarding a threat at the school. During this time, we would go into our ALICE protocols which I am also a coordinator for. During our ALICE protocols the students and staff will be trying to get out of the building while I will be heading towards the threat to stop it. By having an armed officer in the building, we will hopefully be able to stop the threat within those 7 minutes rather than having to wait for law enforcement to arrive, putting more students' and staffs' lives at risk.

There are so many more universal benefits of having an armed police officer in the district whether it be a deterrent for crime, another adult for students to speak with when they aren't having a good day, another lunch monitor, or being a person to give advice for all the principals and staff on how to deal with certain situations with students. I truly hope that you all can see the importance and benefits of having a school resource officer in your district and will reconsider the position.

Officer Amanda Hanson



Listed are the incidents the St. Francis SRO initiated or was directly involved with during the school day. The incidents shown are for school years 2016/2017, 2017/2018, 2018/2019. The incident examples given are not a complete list of all incident that occurred. Part 1 and 2 offenses are reportable offenses to the FBI to be included in their annual Uniform Crime Report (UCR). In other words, these offenses are criminal type offenses. Part 3, 4, 5 offenses are not reportable and could consist of vehicle accidents, medicals, etc. These incidents the SRO handles on a daily basis are in addition to the numerous other tasks and objectives the SRO is involved with.

2016-2019 YEAR STATISTICS:

CROSSROADS SCHOOL

Part 1 and 2 Description Examples:	2016/2017	2017/2018	2018/2019	Total calls for 3 years
Disorderly Conduct, Trespassing, Theft, Assaults,	17	23	35	75
Part 3, 4, 5 Description Examples:				
Medical, Accidents, Alarms, Vehicle locks	19	20	16	55
Totals:	36	43	51	130



HIGHSCHOOL

Part 1 and 2 Description Examples:	2016/2017	2017/2018	2018/2019	Total calls for 3 years
Disorderly Conduct, Trespassing, Theft, Assaults,	22	29	38	89
Part 3, 4, 5 Description Examples:				
Medical, Accidents, Alarms, Vehicle locks	48	52	49	149
Totals:	70	81	87	238

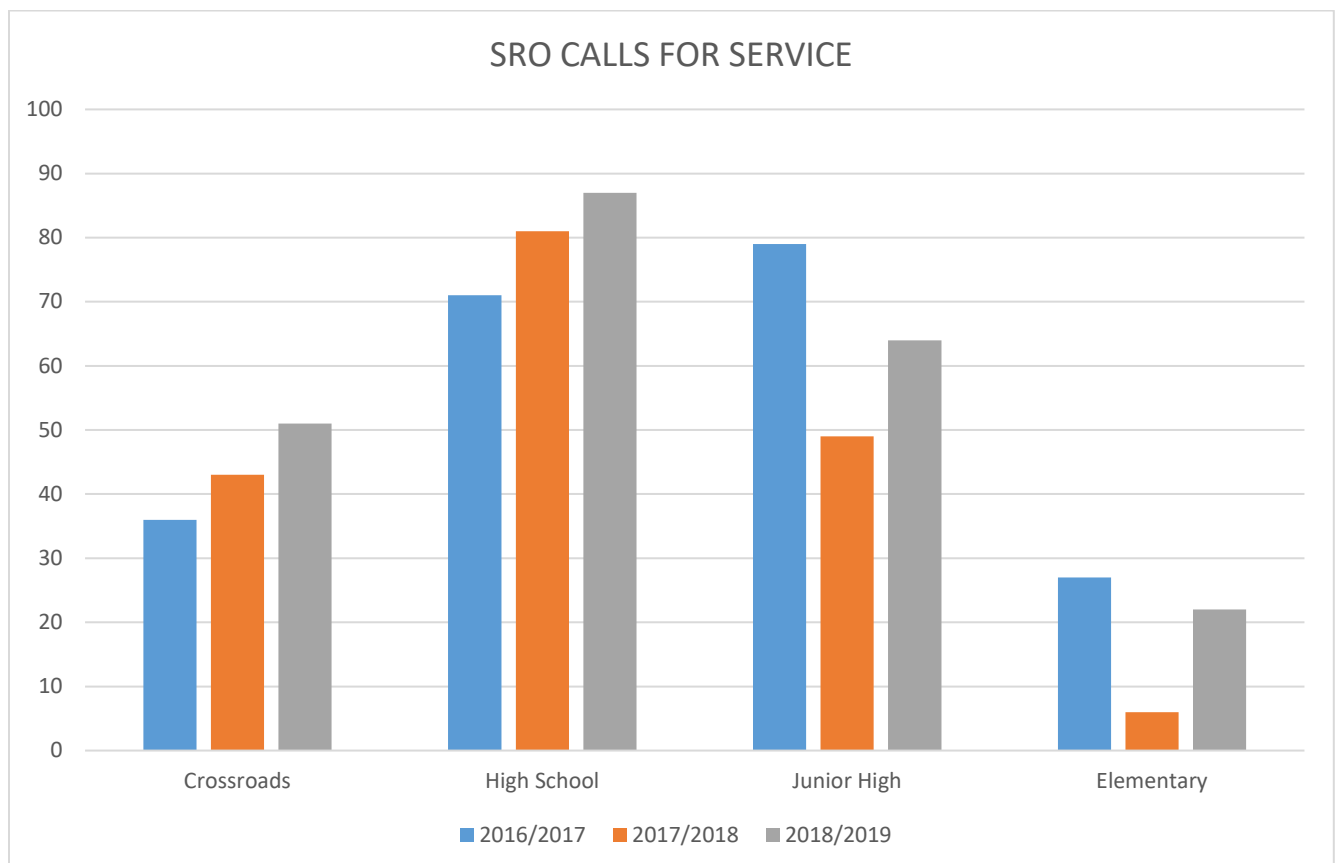
JUNIOR HIGH SCHOOL

Part 1 and 2 Description Examples:	2016/2017	2017/2018	2018/2019	Total calls for 3 years
Disorderly Conduct, Trespassing, Theft, Assaults,	25	19	15	59
Part 3, 4, 5 Description Examples:				
Medical, Accidents, Alarms, Vehicle locks	54	30	49	133
Totals:	79	49	64	192



ELEMENTARY SCHOOL

Part 1 and 2 Description Examples:	2016/2017	2017/2018	2018/2019	Total calls for 3 years
Disorderly Conduct, Trespassing, Theft, Assaults,	3	2	3	8
Part 3, 4, 5 Description Examples:				
Medical, Accidents, Alarms, Vehicle locks	24	4	19	47
Totals:	27	6	22	55





Listed are some duties and tasks the St. Francis SRO is involved with in St. Francis Area Schools. Many of these initiatives will not be re-delegated and will be erased.

SFHS	Preventative	9 th grade education regarding Chemical Health
SFHS	Preventative	Chemical Health Week- Education in making good choices and being safe (prior to prom) • Drug Box Display • Drunk Goggle Activity • Present at lunches to educate • Coordinated speaker to talk with students in PAC
SFHS	Preventative	9 th grade Education regarding social media
SFHS	Preventative	Staff Presentation – Chemical Health • Trends • Risks • What to look for
SFHS	Preventative	Consistently worked with the past Chemical Health Counselor and the local organization SFCDA
SFHS	Resource	Coordination of drug dog process
SFHS	Resource	Mock Car Crash Coordinator
SFHS	Resource	Consistently utilized by school counselors for student concerns including: • Mental Health (Suicide Risk) • Student scared to go home • Crisis Response team member



		• Sexual Abuse • Multitude of scenarios- next steps
SFHS	Preventative/Resource	Medical Emergency Response team member
SFHS	Preventative	On site monitoring of lunches and Saints Time
SFHS	Preventative	Parking lot patrolling, perimeter checks, grounds checks.
SFHS	Preventative/Resource	Before and after school patrolling/loitering of kids inside the school and on school grounds.
SFHS	Resource	Assisting hall monitors with uncooperative students.
SFHS	Resource	Lockdowns
SFHS	Resource	Proactive with ALICE • Implementation • Education
SFHS	Preventative	Being on site when fights/assaults/combatative students occur. (Minimal response time with SRO already on site).
SFHS	Preventative	Presence alone is a deterrent.
SFHS	Preventative	Building rapport with students and building positive relationships between law enforcement and students.
SFHS	Preventative	When a "bad day" (active shooter) happens, minimal reaction time when LE is already in the building or on grounds.
SFHS	Preventative	Knowing who students are prior to working sporting events, Prom, MORP, Graduation, etc. knowing



		where the potential for problem exist.
SFHS	Preventative	Being readily available in the office when principals are issuing bad news (suspensions/expulsions) to students or dealing with emotional/stressed/anxious students.
SFHS	Resource/Preventative	Available to speak with parents who have questions regarding the illegal consequences/behavior of their child.
SFHS	Preventative	Extra security for staff and students during construction phases of buildings.
SFHS	Preventative/Resource	Being another resource in the main office when administrative staff are unavailable or out for the day. • Monitoring students that are supposed to be in behavior intervention. • Monitoring students in the office while they are waiting to speak with the principal or AP.
SFHS	Preventative	Proactive theft investigations in locker rooms and other locations occasionally involving sting type operations with ongoing issues.
SFHS	Resource	Respond to all accidents that occur in the parking lot.
SFHS	Investigative/Disciplinary	Handles all criminal complaints that occur at the school. • Takes initial report of criminal complaints that occur outside the school and forward information to proper jurisdiction. • Work with CPS • Probation officers • Social workers



SFMS	Preventative	• Present drug awareness to 7th grade health students each trimester. • Present alcohol awareness to 7th grade health students each trimester. • Have an open forum to 7th grade health students to ask any questions to an officer each trimester.
SFMS/SFE	Preventative	• Have lunch with students • Interacting with students in art class, phy-ed, choir, foods.
SFMS	Preventative	• Being an extra counselor for kids when there isn't a counselor available to talk to.
SFMS/SFE/EBCS/CCCS	Preventative	• Host annual anti-bullying campaign for students each October where six students from each school participate in a pizza party with officers.
SFMS	Preventative	• Work all after school dances interacting with the kids playing games, dancing, etc.

TO: Mayor & City Council
FROM: Joe Kohlmann, City Administrator
SUBJECT: City Park Planning
DATE: March 23rd, 2021

OVERVIEW

The City of St. Francis is continuing to see development at a fairly rapid pace. As the residential base continues to increase, there will be an increase for City services and amenities. One of the major areas left to be addressed for a comprehensive review, resident input, and analysis is the City Parks. In short, the City parks have a low fund balance, undeveloped parks, provide a moderate amount of amenities, and could benefit from a larger longer term vision.

City Staff would suggest considering a comprehensive Park Plan in conjunction with HKGi. This plan would achieve a multitude of things such as:

- 1) Solicit, gather, and consider resident feedback on park amenities
- 2) Determine what amenities can be planned for
- 3) Determine the location and footprint of such amenities
- 4) Determine a rough cost of such amenities
- 5) Determine if lots that are developing are enough to pay for such amenities
Through the park dedication fees that are collected.

*Attached is a more comprehensive list from City Planner Beth Richmond.
Attached are excerpt from a Park Plan HKGi did for another city.*

As noted, such a plan can vary in cost from \$50,000 - \$100,000. However, it would start to outline a concrete vision for the parks in St. Francis. It would also outline a plan, timeline, and concrete steps to making that vision a reality. As noted before, Parks are one of the last major functions that need to be addressed for the future after – CIP for Equipment, CIP for Roads, CIP for Water/Sewer, CIP for City Buildings, and now basically a long term, implementation guide for Parks.

Action to be considered:

Discuss and Direct Staff to bring back more information on the topic- formal quote from HKGi, timeline, source of funds, etc.

Good morning Joe,

Here is some additional park plan information for you. These are a few examples of park plans that HKGi has done with short summaries of what was included in each. Obviously, you'll see that budget can vary depending on the components that you wish to include. A list of common plan elements is also included. Hopefully you can use these as a good starting point for your discussion with the Council next week. Let me know if there's anything else that would be helpful!

Hutchinson Parks, Recreation, and Community Engagement Master Plan (Fees: \$56,000 in 2018-2019)

This is a system plan for the City of Hutchinson parks and recreation department, which is run jointly with the community education department. The plan was focused on reinvestment in existing facilities and programs, as well as planning for future growth on the edges of the city. The process included three phases of community engagement, two online surveys and separate targeted stakeholder surveys, one community open house, four park board meetings, two city council meetings. The plan includes recommendations for the system as well as three individual park master plans with 3D renderings. We facilitated a workshop with staff to develop identity, mission, and values statements for the department. We also completed a separated Park Facilities Maintenance and Replacement Schedule, which identifies facility replacements and costs for the next 30+ years.

Otsego Parks and Recreation System Master Plan (Fees: \$47,000 in 2018-2019)

This plan focused on growth and development of parks and trails to meet the needs of the quickly growing community. The process included three phases of online engagement, stakeholder meetings, in-person engagement at a local city festival, two park commission meetings, and one city council meeting. Recommendations included several categories of supplemental information and precedent images regarding potential future facilities and programs.

City of Elk River Parks and Recreation Master Plan (Fees: \$83,000 in 2014-2015)

The process included seven park commission meetings, focus group meetings, online surveys, a statistically valid survey that was mailed to residents, and two community open houses. This plan includes initiatives, recommendations, and strategies for the park system. There are individual concept plans included for five signature parks in the city. Recommendations are included for programming and natural resources. A brief public arts plan was also included as an appendix to the system plan.

Becker Parks and Recreation System Master Plan (Fees: \$79,500 in 2018-2019)

This plan included an analysis of athletic facilities in the community, school district, and surrounding school districts. The Needs Assessment identified athletic facility needs, the need to maintain existing facilities, coordination with partners, and the importance of planning for growth. The plan lists goals, initiatives, and tasks that should be followed to meet the needs of the system. Individual park analyses and concept plans were developed for several parks in the city as part of this master plan.

Typical Park System Plan components

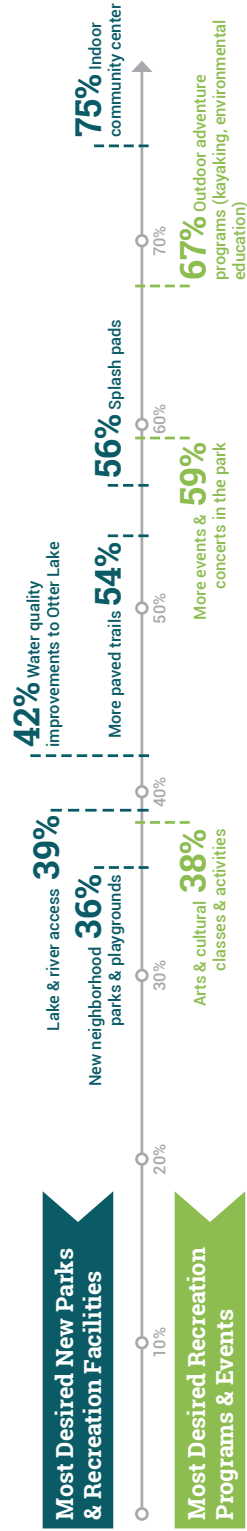
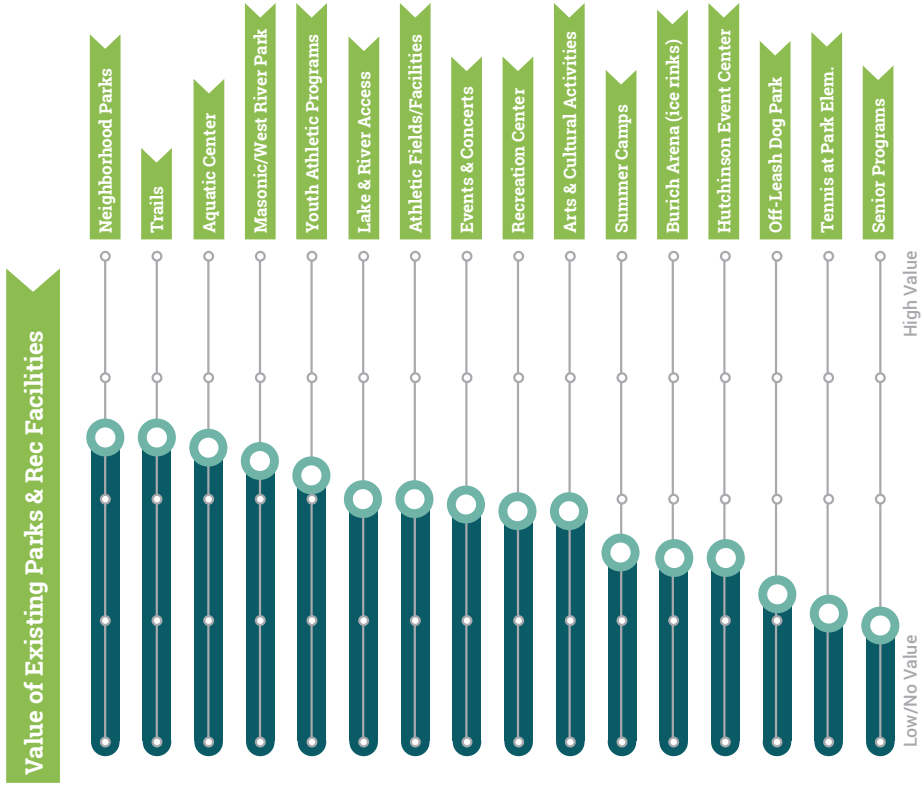
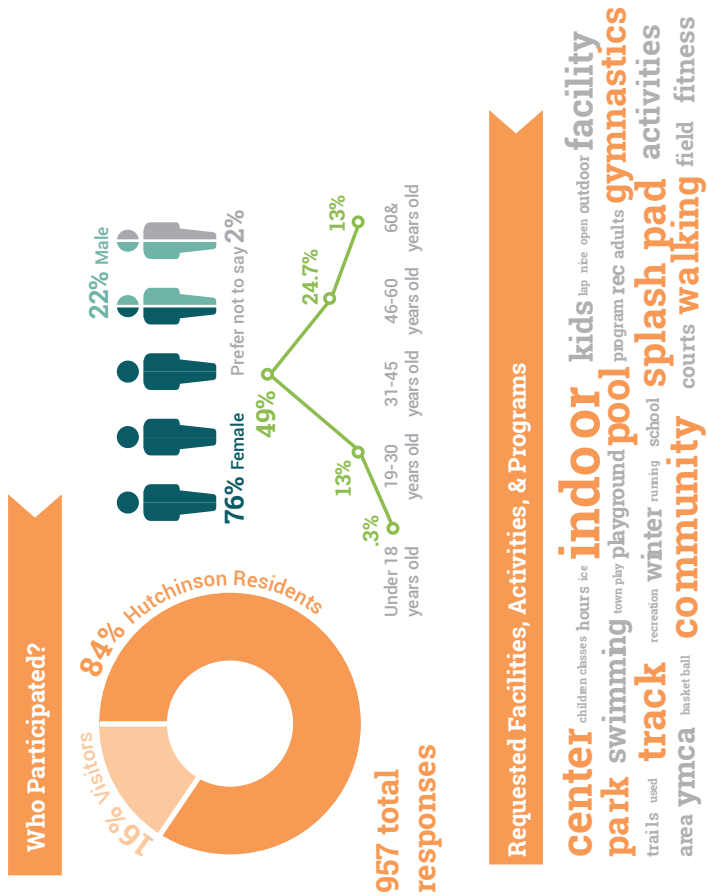
The following is a list of components that we typically include in a park system plan. Not every plan includes all of these items, and some plans include more than what is listed below. The level of effort for each item can vary too.

- Background and Context Analysis
 - o Background planning, related plans
 - o Purpose of the plan
 - o Demographics overview
- Park System Inventory
 - o Maps and tables of number and acreages of parks, open spaces, trails, facilities
 - o Description of department structure, programs
- Needs Assessment
 - o Trends in Recreation (analysis of current trends in park facilities and recreation programs, regionally and nationally)
 - o Peer Comparison (comparison of acreages and number of facilities to peer cities)
 - o NRPA Park Metrics analysis (comparison of acreages and number of facilities to national database)
 - o Staffing and Budget Analysis (compared to peer agencies and national database)
 - o Level of Service Analysis (gaps in services and/or facilities)
 - o Public Engagement (this could include online surveys, stakeholder meetings, pop up meetings, open houses, steering committee, etc.)
- System Plan Recommendations
 - o Vision statement, values, goals
 - o Development recommendations for capital investments
 - o Individual Park master plan concepts
 - o Operations and Maintenance plan
 - o Programming and Recreation plan
- Implementation Plan
 - o List of priority projects aligned with potential funding sources
 - o Funding overview and recommendations – leverage grant opportunities
 - o Analyze policy options and validate park dedication
 - o Decision making tool
 - o Maintenance and Replacement schedule (separate tool if desired)

Community Input Summary

Two different online engagement strategies were implemented to better understand how residents and visitors feel about Hutchinson's Parks & Recreation System, as well as what they would like to see in the future. The first method was a questionnaire that captured feedback about the parks and recreation system, while the second was an online map that allowed users to leave spatially-based feedback about existing conditions and potential improvements.

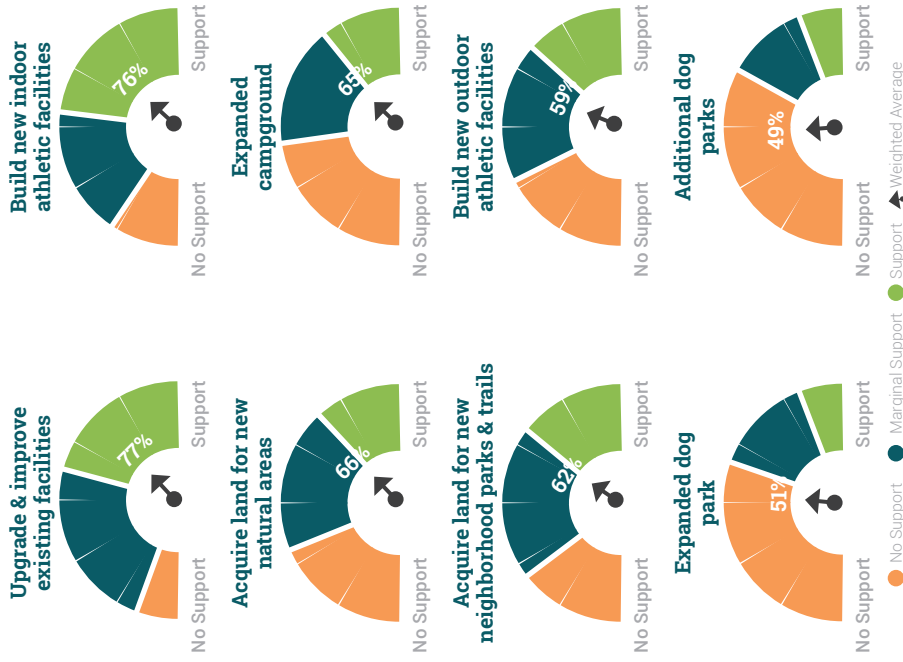
These pages include a summary of the significant data and comments gathered between these two engagement methods.



What's Missing

Level of Support for New Parkland/Facilities

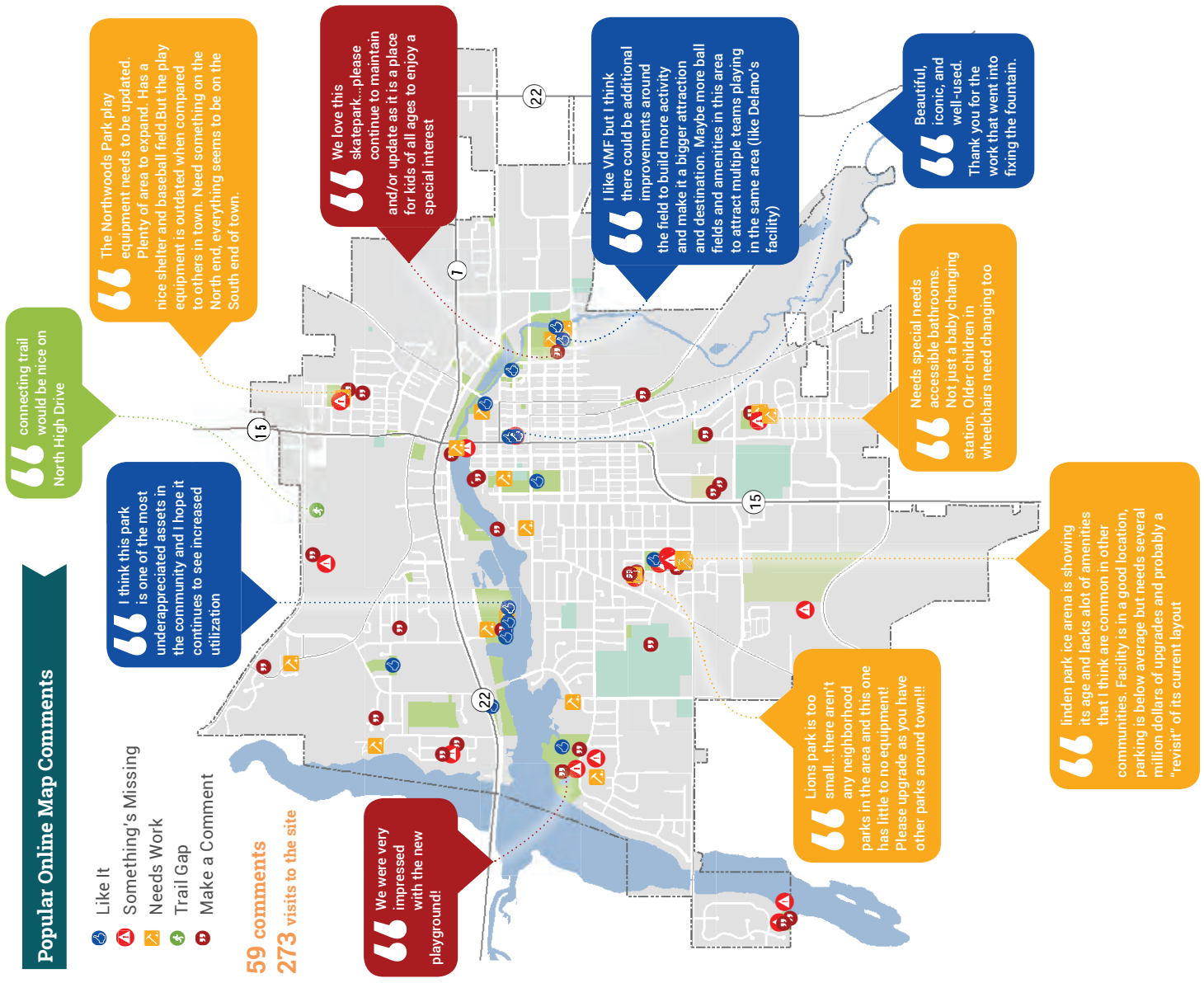
Through Increased Taxes/Fees



Popular Online Map Comments

- Like It
- Something's Missing
- Needs Work
- Trail Gap
- Make a Comment

59 comments
273 visits to the site



Neighborhood Parks

- 13]** Identify Future Park Search Areas in underserved areas of the City (south central and southeast) where park dedication could be used to develop new neighborhood parks. **See Figure 9.**
- 14]** Consider hiring additional full time parks staff in order to meet demands of potential new facilities.
- 15]** If the city grows to the north, consider adding another neighborhood park to serve residents that are more than a half mile away from a park.

Courts

- 16]** Consider future indoor/outdoor dedicated pickleball facility with multiple courts for tournament style play.

Trails

- 17]** Identify existing off-street loop trails of varying lengths within the city. **See Figure 11.**
- 18]** Consider paving existing trails in Oddfellows and AFS parks.
- 19]** Identify existing trail support facilities and amenities (water access, restrooms at parks, wayfinding signage). Designate "trailheads" within existing system.
- 20]** Complete trail gaps and missing links throughout the system as opportunities arise.

Outdoor Adventure Recreation

- 21]** Coordinate with ongoing **Campbell and Otter Lakes Restoration Study (see sidebar)** to determine potential future boat launches and river access points.

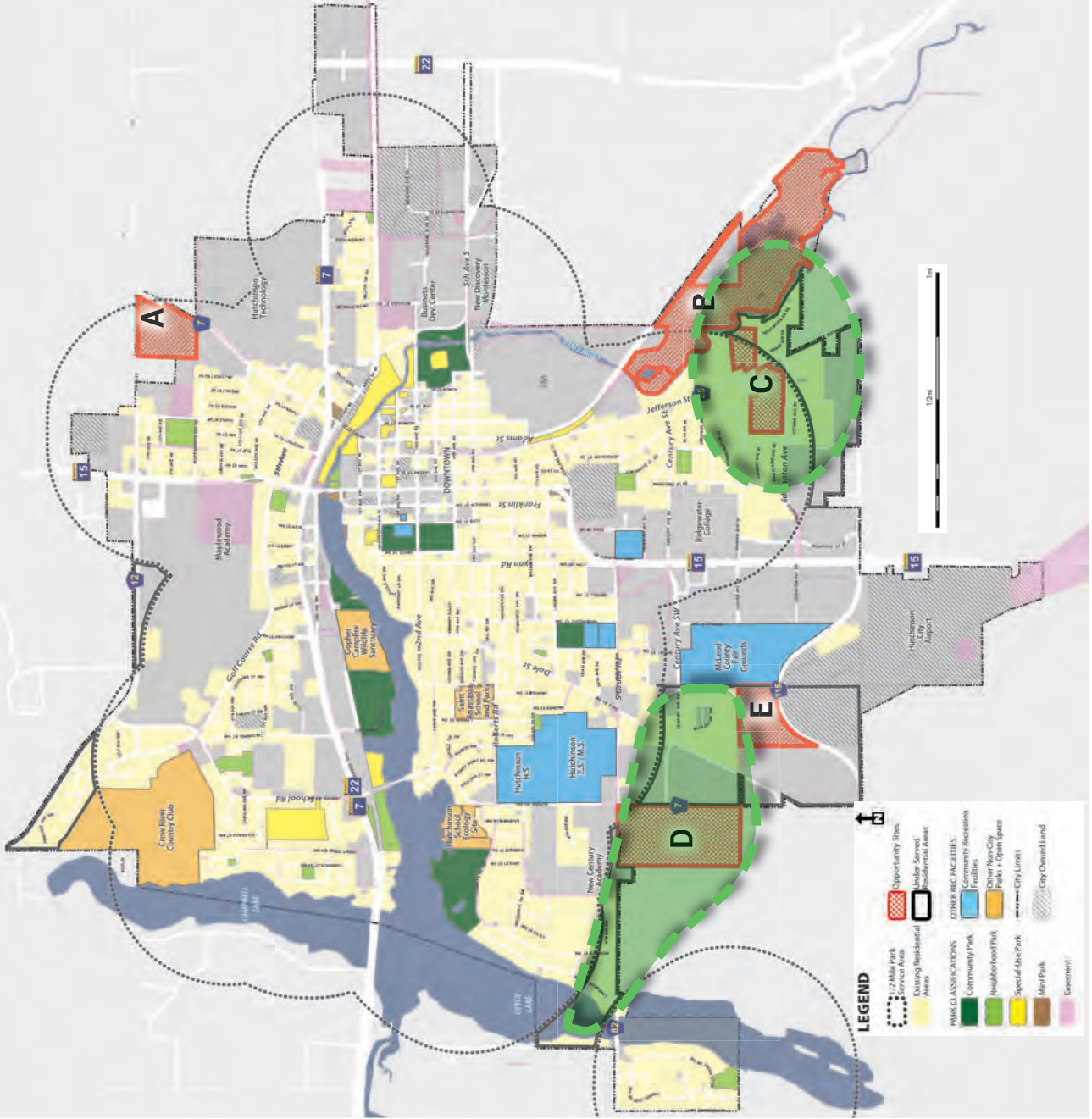
Campbell and Otter Lakes Restoration Study

The city of Hutchinson, in partnership with the MN DNR, McLeod Soil and Water Conservation District, and area stakeholders, is currently evaluating potential recommendations for water quality, habitat, and recreational improvements in and along Campbell and Otter Lake, as well as the South Fork Crow River. Along with best management practices for shoreline restoration and habitat improvements, the study is also proposing potential recreation activity areas and facilities, such as fishing piers, boat launches, and kayak/canoe launches. The study is expected to be completed by June 2019. Implementation of projects will be phased over multiple years and as funding becomes available.

Figure 9. Future Park Search Areas



As the areas in the southeastern and southwestern parts of the city develop, the city will consider development of new neighborhood parks to serve these areas. The two highlighted areas are the primary search areas for new parks. New parks could potentially be developed on land that the city acquires through park dedication or direct purchase.



Splash Pads

Splash pads are becoming increasingly popular facilities that offer inexpensive outdoor recreation for participants and agencies. Facilities are typically accessible without admission fees or supervision. In the upper Midwest, it is important to consider freeze-thaw impacts to water lines and structural pieces.

In addition, trends in splash pads are constantly changing with desire for above ground amenities and support facilities, such as changing rooms, picnic areas, shade structures, and restrooms.



Above ground elements in Delano, MN



Above ground elements in Champlin, MN



Indoor splash pad in Cottenwood Heights, UT



Indoor elements, Ships-A-Hoy (MA)



Covered splash pad in Tualatin Hills, OR



Indoor splash elements in New London, WI

SITE A (Northwoods Park):

Pros

- ▶ Flat site
- ▶ Access to warming house/shelter
- ▶ Adjacent to utility connections

Cons

- ▶ At far end of city, away from residential growth
- ▶ Noise and parking/traffic may conflict w/ residential neighborhood

SITE B (Riverside Park):

Pros

- ▶ Flat site away from road
- ▶ Access to warming house/shelter
- ▶ Limited parking/noise conflicts
- ▶ Central location, connection to the river
- ▶ Adjacent to existing trail connections

Cons

SITE C (City owned land):

Pros

- ▶ Flat site
- ▶ Limited parking/noise conflicts
- ▶ Central location
- ▶ Adjacent to existing trail connections

Cons

SITE D (Gateway Park):

Pros

- ▶ Central location
- ▶ Flat site
- ▶ Attractive backdrop / photo opportunity (mural)
- ▶ Adjacent to Downtown amenities/attractions
- ▶ Will bring more people/energy downtown

Cons

- ▶ Small site
- ▶ Limited parking/noise conflicts

Figure 6. Bernhagen Property Concept for athletic fields



Figure 7. Linden Park and Recreation Center Concept for potential improvements

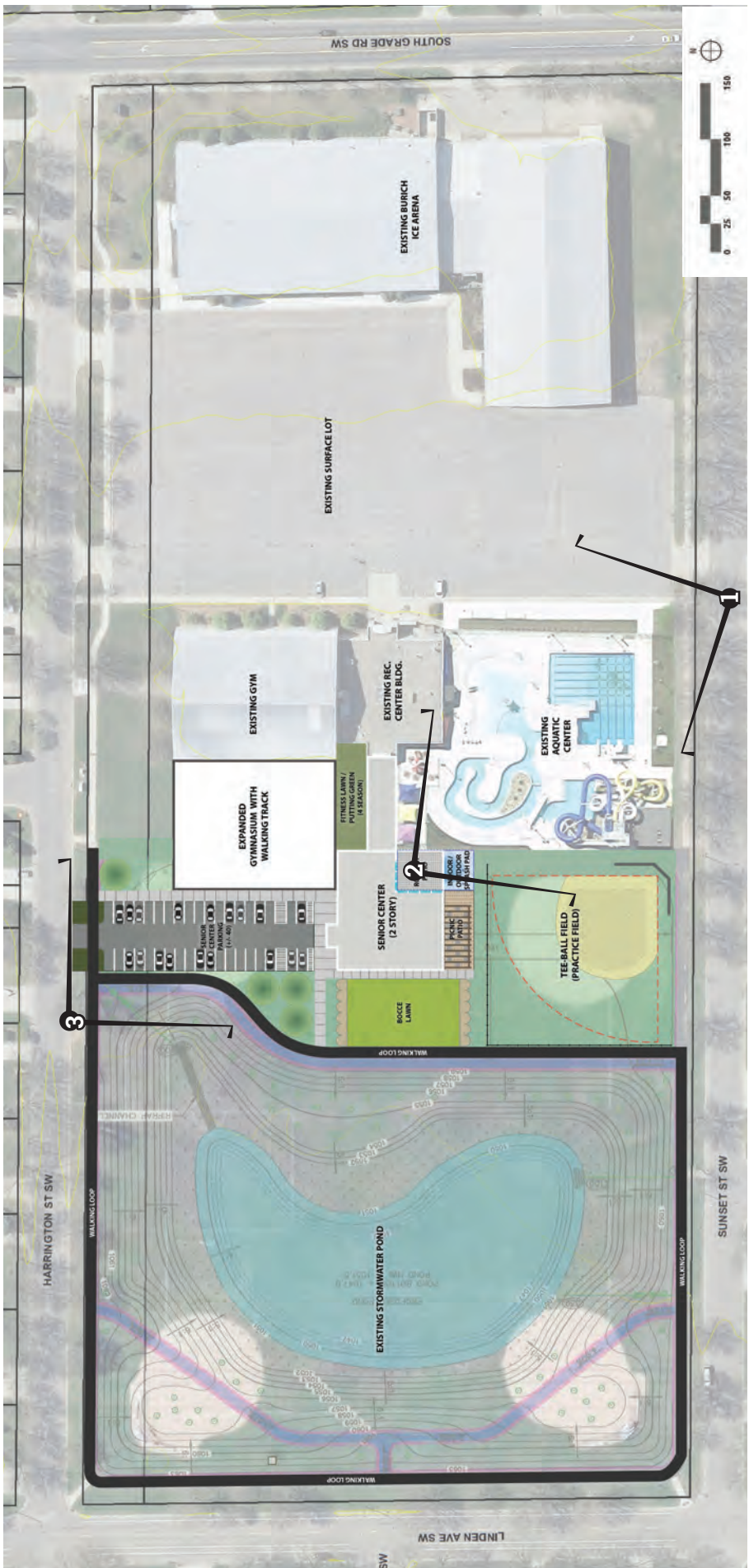


Figure 8. Masonic West River Campground Concept for potential improvements



**WORKSESSION
AGENDA REPORT**

Agenda Item #

6

TO: Joe Kohlmann, City Administrator
FROM: Kate Thunstrom, Community Development Director
SUBJECT: City Property
DATE: March 23, 2021

OVERVIEW

As staff has been working with the sale of City owned properties and it has come to our attention that Council should consider another step.

When the City sold the two properties a few years back, a performance requirement to build was not incorporated in the sale. Today, both of those lots sit empty. One day those lots will build, but by selling them the City released the ability to guide those properties for a preferred use. If Council is comfortable allowing the sale without a performance requirement, the City can continue to do so.

If Council prefers to enforce a development requirement to ensure the lots are sold to a buyer who is ready to build, and if they don't build the City gets them back, there are two ways to go about this.

1. Under City ownership- the City would enter into a contractual agreement with the buyer.
 - a. Similar to a development agreement where the City would determine the parameters of the contact sale, property use and what happens if it does not build by a deadline.
 - b. If the buyer does not build the City would have pursue legal actions to enforce a failed contract.
 - c. The argument of a contract can be difficult
 - d. Court action would be required and subject to argument of the conditions of the contract.
2. If the City was to "sell" the properties to the EDA, the EDA has Statutory Authority to enforce the performance.
 - a. This would be similar to the take back of the townhomes two years ago. The EDA would have a performance agreement with a take back clause.
 - b. If the buyer does not build the EDA has Statutory Authority to pursue the conditions of the contract



- c. Court action would be required to take back, but the argument would be stronger

EDA's were created to establish a foundation for growth and building and given different tools of authority by the State of MN when it comes to real property transactions. If the properties were to be transferred it would provide a stronger base to secure the likelihood of development options.

If Council wishes to transfer to the EDA, it has to complete the sale process as if the EDA is any other buyer. Timeline could go as follows:

- April 5th – Resolution to declare surplus and 1st reading of Ordinance to sell
- April 19th – 2nd reading of Ordinance to sell
- April 23rd – Begin 30-day comment period
- April 21st – Planning Commission verify sale consistent with comprehensive plan
- May 24th – Properties ready to close in a sale

ITEMS TO BE DISCUSSED:

City properties that are immediately impacted by this decision:

- 3518 Bridge Street – currently being considered by Anderson Companies/Sr Hsg
- 23030 St. Francis Blvd – currently being considered for commercial development
- 23018 St. Francis Blvd – commercial lot south of 23030

Staff also requests that the proceeds of the property sales remain with the EDA budget. This would allow the EDA to grow its funding for future opportunities. Currently the budget has been exhausted with the acquisition for the proposed future city hall properties.