



Legislation Text

File #: RES 20-672, **Version:** 1

Establishing the Ford Site Green Infrastructure Stormwater Management District and establishing connection and ongoing operation and maintenance charges for property and uses to be served by the district's stormwater infrastructure.

WHEREAS, the Ford Site Redevelopment Area ("Site") in the Highland Park neighborhood is the former location of the Ford Motor Company's 122-acre Twin Cities Assembly Plant. The Site is currently owned and controlled by a development affiliate of Ryan Companies ("Ryan"). Ryan is the Master Developer for the Site; and

WHEREAS, to inform redevelopment, a Sustainable Stormwater Feasibility Report for the Site was completed in 2010 which recommended integrated stormwater treatments and a green infrastructure corridor; and

WHEREAS, a Roadmap to Sustainability for the Saint Paul Ford Site was completed in 2011 which provided goals and strategies to achieve sustainability on the Site including stormwater; and

WHEREAS, a Sustainable Stormwater Management Alternatives Analysis was completed in 2016, further refining the infrastructure strategy and illustrating multiple benefits provided by green stormwater management systems shared across the Site; and

WHEREAS, the Ford Site Zoning and Public Realm Master Plan ("MP") was adopted by the City Council in September 2017; and

WHEREAS, the MP states runoff from the entire site will be directed to and managed in a primarily above-grade centralized green infrastructure corridor.

WHEREAS, Ryan proposed amendments to the MP under RES PH 19-73 and Ford zoning ordinances under ORD 19-19 which the City Council approved in April of 2019; and

WHEREAS, both the adopted and amended MP feature a central water feature serving a dual purpose of stormwater filtration and management which contributes to achieving sustainability goals for the site.

WHEREAS, Ryan has developed preliminary engineering designs utilizing shared stormwater systems to the degree possible, integrating or stacking public realm functionality on to those systems, and creating open water features to collect and control treated stormwater in a naturalized way (collectively, the "Green

Infrastructure Stormwater Management System”), all of which to serve the Site; and

WHEREAS, the Site is generally bounded by Mississippi River Boulevard on the west and south, Ford Parkway to the north, and Cleveland Avenue South to the east, but excludes certain parcels in the general vicinity southwest of the intersection of Ford Parkway and Cleveland Avenue South which are commonly known as parcels presently occupied by Lunds & Byerlys, Target, Highland Village Center, Highland Village Apartments, Cleveland High-Rise.

WHEREAS, the City has studied various stormwater management systems and, based upon those studies, determined representative standard costs for the construction and long-term maintenance of such systems as sustainable stormwater management systems; and

WHEREAS, on May 22, 2019, in Ordinance 19-29, the City Council enacted amendments to Leg. Code Chapter 81 to provide by resolution for the establishment of green infrastructure stormwater management districts in the City and to authorize the establishment of charges to connect to and maintain green infrastructure stormwater management systems in the City; and

WHEREAS, pursuant to the amendments enacted under Ordinance 19-29 and Leg. Code § 81.08.1(b) and, additionally, Minnesota Statutes Chapter 444, as amended, the City’s sewer utility manager and the water resources coordinator, in a report to the City Council dated April 17, 2020, have jointly recommended establishing a green infrastructure stormwater management district conterminous with the Site and further establishing connection and ongoing operation and maintenance charges in connection with the green infrastructure stormwater management system serving the Site; and

WHEREAS, U.S. Treasury Regulations, Section 1.150-2 (the “Reimbursement Regulations”), promulgated pursuant to Section 150 of the Internal Revenue Code of 1986, as amended (the “Code”), provides that the allocation of the proceeds of tax-exempt bonds to expenditures for governmental purposes originally paid from a source other than such tax-exempt bonds will be treated as expenditures of such tax-exempt bonds only if certain requirements of the Reimbursement Regulations are satisfied by the issuer of such tax-exempt bonds; and

NOW, therefore, be it RESOLVED that the City Council of the City of Saint Paul, upon the said report and joint recommendation of the City’s sewer utility manager and the water resources coordinator dated April 17, 2020, a copy of which is deemed included herein by reference, hereby establishes the Ford Site Green Infrastructure Stormwater Management District (“District”) conterminous with the Redevelopment Area of the Site as a green infrastructure stormwater management district; and

BE IT FURTHER RESOLVED that the purpose of the District is to provide comprehensive stormwater management capacity via the District’s Green Infrastructure Stormwater Management System to benefit those parcels and uses within the boundaries of the District that are sources of stormwater; and

BE IT FURTHER RESOLVED that each parcel of land within the District, as now established or as established

in the future, and including future development parcels and uses, must connect to the District's Green Infrastructure Stormwater Management System and must, pursuant to Leg. Code § 81.08.2(a), pay concurrently with the issuance of a building permit a one-time connection charge of \$3.53 per square foot of the net developable parcel area (land area less roads, parks, and stormwater easements) which shall inflate annually at the rate of three percent (3%); provided, if all property owners in the District shall make written application to the City requesting to pay the connection charge in annual installments and pledge further not to appeal the amount of each annual installment, the connection charge may then be paid in equal annual installments over a term of years not to exceed ten (10) years, together with interest fixed at a rate determined in accordance with the Administrative Code, along with the all administrative costs connected with the collection and certification of the connection charge. All connection charges collected shall be applied and certified as specified in Leg. Code § 81.08.2(a); and

BE IT FURTHER RESOLVED that pursuant to Leg. Code § 81.08.2(b), parcels or uses within the District must also pay an additional annual operation and maintenance surcharge. All annual surcharges collected shall be deposited, dedicated and applied as specified in Leg. Code § 81.08.2(b).

BE IT FURTHER RESOLVED that the City has a reasonable expectation (within the meaning of Treasury Regulations, Section 1.148-1(b)) that it will make expenditures for the Green Infrastructure Stormwater Management System. The City has a reasonable expectation that it will issue one or more series of tax-exempt bonds (the "Bonds") in the estimated maximum principal amount of [\$8,600,000] to finance the Projects and that the City will make reimbursement allocations with respect to such original expenditures for the Green Infrastructure Stormwater Management System from the proceeds of such Bonds. This Resolution is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof. The anticipated original expenditures for the Green Infrastructure Stormwater Management System are consistent with the City's budgetary and financial circumstances. No sources other than proceeds of Bonds to be issued by the City are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the City's budget or financial policies to pay such expenditures for the Green Infrastructure Stormwater Management System. This Resolution is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.