



**REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
JANUARY 24, 2023
7:00 PM**

INTRODUCTORY PROCEEDINGS

Call to order

Pledge of Allegiance

Open forum

Call into the open forum by dialing 1-415-655-0001 Use webinar access code: 2465 462 4301 and password: 1234.

Please refer to the Council Agenda & Minutes web page for additional ways to submit comments.

Approval of the Minutes of the (1) Legislative Breakfast of January 12, 2023; (2) City Council Work Session of January 10, 2023; and (3) City Council Regular Meeting of January 10, 2023.

AGENDA APPROVAL

1. Approval of the Agenda
2. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
 - A. Consider approval for a Temporary On-Sale Intoxicating Liquor license for the Blessed Trinity Catholic School, located at St. Richard's Catholic Church, 7540 Penn Avenue South, for their 2023 Sno*ball Dance taking place February 4, 2023.

Staff Report No. 17
 - B. Consider the approval of an agreement between the Hennepin County Human Services and Public Health Department, and the City of Richfield Police Department for two full time embedded Senior Social Workers.

Staff Report No. 18
 - C. Consider the approval of the bid tabulation and award a contract to Valley Paving, Inc., for the Lyndale Avenue and 77th Street Intersection Improvements Project in the amount of \$973,021.20 and authorize the City Manager to approve contract changes up to \$175,000 without further City Council consideration.

Staff Report No. 19
3. Consideration of items, if any, removed from Consent Calendar

PROPOSED ORDINANCES

4. Consider a Second reading and Summary Publication of an ordinance amendment aligning the Zoning Code with the Comprehensive Plan; eliminating the Two-Family Residential (MR-1) Zoning District, and amending the Single-Family Residential (R) District.

Staff Report No. 20

RESOLUTIONS

5. Hold a Violation hearing and consideration of a resolution regarding civil enforcement for establishments that recently underwent alcohol compliance checks conducted by Richfield Public Safety staff, and failed by selling alcohol to a person under the age of 21.

Staff Report No. 21

6. Consider adoption of a resolution requesting the Legislature allow the City of Richfield to bring the option of a local sales to voters at a future referendum to fund regionally significant projects in Richfield.

Staff Report No. 22

CITY MANAGER'S REPORT

7. City Manager's Report

CLAIMS AND PAYROLLS

8. Claims and Payroll

COUNCIL DISCUSSION

9. Hats Off to Hometown Hits
10. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the Acting City Clerk at 612-861-9712.



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

City Council Work Session

January 10, 2023

CALL TO ORDER

The work session was called to order by Mayor Pro Tempore Supple at 5:32 p.m. in the Bartholomew Room.

Council Members Present: Mary Supple, Mayor Pro Tempore; Simon Trautmann; Sean Hayford Oleary; Ben Whalen; and Sharon Christensen, Council Member-Elect

Staff Present: Katie Rodriguez, City Manager; Amy Markle, Recreation Services Director; Chris Swanson, Management Analyst; and Kelly Wynn, Administrative Assistant

Others Present: Martin Kirsch, Charter Commission President

ITEM #1

SECOND DISCUSSION ON THE CHARTER COMMISSION'S RECOMMENDATIONS FOR AMENDMENTS TO THE CURRENT CITY CHARTER.

Attorney Tietjen reviewed previous meetings and the Charter amendment process. She then went over the original proposed change to Chapter 2 Section 2.06 and new proposed changes.

Council Member Hayford Oleary referenced some of the language and asked who would have rule if the City Manager and Mayor disagreed on a matter. City Manager Rodriguez stated the City Manager is the employee of the Council so the mayor would have final word.

Attorney Tietjen spoke of the collaborative nature of the process would not give the mayor the ability to direct say, the Police Chief to do or not do something in an emergency situation.

Council Member Hayford Oleary reiterated his question. Attorney Tietjen stated the Mayor has the ability to put things in place in an emergency situation.

Council Member Hayford Oleary asked for an example this language would regard.

Attorney Tietjen explained this is a very high-level document and is not as specific as city code language. It would be up to staff to determine when this would be utilized.

Analyst Swanson stated for most emergencies, there are already processes in place.

Attorney Tietjen spoke of a natural disaster would be a good example in having the mayor to utilize resources.

Council Member Trautmann asked about the 'ability to confer' language and is it necessary language to allow the Mayor or Council to confer with staff. Language may obscure the process.

Attorney Tietjen said it does not eliminate the council's authority to make decisions.

Council Member Trautmann expressed he does not want to change it.

Council Member-Elect Christensen recommended some alternative words of 'shall' instead of 'may.'

Attorney Tietjen stated the goal would be to keep it ultimately flexible.

Council Member Whalen agreed with Council Member Trautmann in that it felt awkward, and it is unhelpful for staff needing to loop in the whole council during an emergency and recommended the 'Mayor will be the main point of contact for the City Manager, Police and Fire Chiefs.

Council Member Trautmann dovetailed on those comments as this wouldn't change the emergency standpoint.

City Manager Rodriguez stated the code does have the mayor as the person who puts an emergency declaration in place.

Mayor Pro Tempore Supple stated she was comfortable with clarifying who the main point of contact was.

Council Member Hayford Oleary agreed with Council Member Trautmann and asked what harm it would have to include the mayor has power in a split-second moment.

Council Member Trautmann stated in split-second moments, the power is with the City Manager, Police Chief and Fire Chief.

Mayor Pro Tempore Supple asked about the process of getting back to the Charter Commission. Attorney Tietjen said it would need to be a collaborative discussion, but the Charter Commission recommends language to go to Council then the vote needs to be unanimous on language.

Mayor Pro Tempore Supple stated she was fine with the proposed language but asked for suggestions.

Council Member Hayford Oleary recommended 'the mayor may direct the City Manager.'

Council Member Whalen stated it leaves a lot of scenarios where the mayor would not do anything and leaves staff to make all decisions.

City Manager Rodriguez asked if the mayor would direct the City Manager to fire someone, they would have to do that.

Council Member Whalen said in that example, the mayor would have to prove that to maintain order, the City Manager would need to fire that person.

City Manager Rodriguez spoke on standards for dismissing the City Manager and discussed how this same process would not apply to the mayor.

Council Member Trautmann said the language is not reflected on any current leadership.

Mayor Pro Tempore Supple stated there was consensus on what to take back to charter.

Attorney Tietjen moved on the Chapter 3 section 3.01 and went over original proposed change and new proposed change.

Mayor Pro Tempore Supple asked for clarification that it can be less than 12 hours in an emergency.

Council Member Whalen asked what emergency would not go to the mayor but also be able to hold a council meeting less than 12 hours' notice.

Attorney Tietjen said the term 'emergency meeting' is defined by state statute.

Council Member Trautmann asked if there is anything where notice can be waived.

Attorney Tietjen said that is not governed by state statute but hadn't considered that language for charter. She received consensus to proposed changes and moved onto changes for Chapter 3 Section 3.04. She asked if ordinances always require majority of all members of the council. Many surrounding cities do require that but asked if council would allow some flexibility for resolutions and motions.

Council Member Whalen stated he was comfortable with motions have just a majority vote but is more hesitant to resolutions as it may include larger sums of money.

Attorney Tietjen said some resolutions do require a two-thirds majority as it may be a state statute.

Council Member Hayford Oleary expressed comfortability with keeping it ordinances only.

Attorney Tietjen reviewed Chapter 5 section 5.20 proposed changes.

Council Member Trautmann stated he was comfortable with the Charter Commission's recommendations.

Attorney Tietjen reviewed next steps.

President Kirsch thanked Council for the discussion.

ITEM #2	UPDATE ON LOCAL SALES TAX PROJECTS AND FUNDING.
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City Manager Rodriguez introduced the Local Sales Tax (LST) item and reviewed numbers provided by Ehlers regarding a bonding scenario. She believed the city can manage Vets Park and Wood Lake Nature Center (WLNC) projects at the same time but, because of the significant size of the project, plan on starting work on the community center after the completion of those projects .

Council Member Trautmann asked about paying off and refinancing old bonds at higher rates. Analyst Swanson stated the city is not looking at refinancing current debt.

City Manager Rodriguez stated Ehlers looked at outstanding debt and they could look at the option of rolling in the community center. She commented there would be two issues of bonds to stay within \$10M per year.

Council Member Whalen asked if the \$10M limit would tie up bonding for street projects.

City Manager Rodriguez confirmed it would and would need to be managed. She then reviewed principal interest and stated staff will be going back to the extension office to review projections. Staff also included a draft resolution, but final numbers are still being finalized.

Council Member Whalen asked for confirmation of numbers if the community center were to wait until 2030.

City Manager Rodriguez stated with inflation, it would \$63.8M with underground parking but \$56.8M without. Ehlers is having a difficult time projecting numbers with the uncertainty of the market.

Director Markle stated staff has reached out to other communities and gotten feedback and are exploring a North/South parking lot along with potential street parking, but both can be problematic and would be safety concerns.

Council Member Hayford Oleary recommended getting on street parking rolled into the Nicollet reconstruction.

Council Member Whalen asked about the cost of performing a parking study. Director Markle stated she would inquire about a quote.

Council Member Trautmann recommended space for a drop off lane to potentially reduce parking.

Mayor Pro Tempore Supple agreed that a parking study would be a good idea.

Council Member Hayford Oleary asked if it was standard to have a project start five years after a vote to approve project.

City Manager Rodriguez said staff would do some research and then reviewed next steps.

ADJOURNMENT

Mayor Pro Tempore Supple adjourned the work session at 6:43 p.m.

Date Approved: January 24, 2023

Mary Supple
Mayor

Kelly Wynn
Administrative Assistant

Katie Rodriguez
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Council Meeting

January 10, 2023

CALL TO ORDER

The meeting was called to order by Mayor Pro-Tempore Supple at 7:00 p.m. in the Council Chambers.

Council Members Present: Mary Supple, Mayor; Sharon Christensen; Simon Trautmann; Sean Hayford Oleary; and Ben Whalen

Staff: Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Melissa Poehlman, Community Development Director; Mike Dobesh, Fire Chief; Jennifer Anderson, Health Administrator; Chris Swanson, Management Analyst; and Kelly Wynn, Administrative Assistant

OATH OF OFFICE CITY COUNCIL MEMBER SHARON CHRISTENSEN

Administrative Assistant Wynn administered the Oath of Office to Sharon Christensen.

Council Member Christensen thanked her family, her neighbors, co-workers, and the residents of Richfield and looked forward to working with everyone.

Council Member Trautmann welcomed Council Member Christensen. He stated it was nice getting to know her over the past few weeks and he was looking forward to working with her.

Council Member Hayford Oleary appreciated Council Member Christensen's attention to details and enthusiasm along with welcoming her to the Council.

Mayor Supple added her welcome and thanks.

OATH OF OFFICE RICHFIELD MAYOR MARY SUPPLE

Administrative Assistant Wynn administered the Oath of Office to Mayor Mary Supple.

Mayor Supple thanked everyone for being at the meeting and stated she looked forward to working with the residents, Council, and staff as they come together for Richfield.

Council Member Trautmann welcomed Mayor Supple as a leader for the city. He indicated it was a privilege to observe her leadership and participate in that and he was looking forward to working with her again.

PLEDGE OF ALLEGIANCE

Mayor Supple led the Pledge of Allegiance.

OPEN FORUM

Mayor Supple reviewed the options to participate:

- Participate live by calling 1-415-655-0001 during the open forum portion
- Call prior to meeting 612-861-9711
- Email prior to meeting kwynn@richfieldmn.gov

Karole Kelly-Anstedt, 7123 Oak Grove Blvd, thanked Council for giving her time to make this public comment in response to Police Strategies a Report on Richfield Police Data presented publicly on Thursday, November 17, 2022. She commented on the presentation outcomes the community would like to see moving forward.

Larry Ernster, 6727 Elliot Ave S, stated his objection to agenda item 2B, Zoning Code. He stated he was against that amendment and specifically the rezoning of every single-family home to low density. He noted low density designation allows the building of duplexes on every single-family lot.

Mary Best, 6727 Elliot Ave S, spoke of agenda item 2B, zoning. She noted that the Richfield City Council regularly makes its intentions hard to understand. She believed the city should be honest with the citizens and tell them of the desire to rezone their homes so they can be converted into a duplex.

Edwina Garcia, 6908 5th Ave S, congratulated Mayor Supple and Council Member Christensen. She noted Mayor Supple and her have been friends for many years and she has appreciated her leadership as well as her role of a teacher.

Kathleen Balaban, 6526 Stevens Ave, welcomed Council Member Christensen and congratulated Mayor Supple. She then noted the City wanted to build up, but they were doing nothing about the infrastructure. She spoke of parking issues that come with multi-unit housing along with increased taxes.

Karen Kaehler, 7632 Sheridan Ave S, stated she had been excited to move to Richfield as she liked the small town feel yet be close to all the city conveniences. She suggested short-term rentals (similar to bed and breakfast which are already a stated use in the Ordinance), are antithetical to the goal of building generational wealth because they remove housing stock from the market creating a new defined currently permitted use is a first step to eventually moving that use to a conditional use instead of a permitted use and perhaps banning it altogether as other cities have.

Nick Christensen, 6929 10th Ave, congratulated the new Mayor and City Council Member. He indicated he wanted to reiterate that he hoped the Council had fresh eyes in this new year and
looked

deeper into the citizens needs and wants. With respect to the zoning, he stated there was different layers of it, but he did support the rezoning of the single-family homes in the City.

Steve McPhearson, 6805 Oliver Ave, stated he was against the rezoning as well and he probably would not have bought his home if he thought there was going to be a duplex across from him. He expressed concern this would bring down his property value. He indicated if the City wanted to do this in certain areas, that would make sense, but not all of the City. He believed further thought needed to be put into this instead of voting on it tonight. He did not think the rezoning was a good idea.

City Manager Rodriguez, read an email submitted by Dave Buzicky 6933 Steven Ave S, stating his objection to allowing multi-family units in residential neighborhoods. He also mentioned issues with plowing multi-residential areas.

City Manager Rodriguez, read from a message from Sam Erickson, 7327 Elliot Ave S, commenting on the living restrictions for the Richfield Fire Department and how it is affecting recruitment.

APPROVAL OF MINUTES

M/Whalen, S/Trautmann to approve the minutes of the: (1) Special City Council Meeting of November 16, 2022; (2) City Council Work Session of December 13, 2022; (3) Special City Council Work Meeting of December 13, 2022; and (4) City Council Regular Meeting of December 13, 2022.

Motion carried: 5-0

ITEM #1	APPROVAL OF THE AGENDA
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M/Hayford Oleary, S/Trautmann to approve the agenda removing Item 2B off of the Consent Calendar and placing that item after Item 3.

Motion carried: 5-0

ITEM #2	CONSENT CALENDAR
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City Manager Rodriguez presented the consent calendar.

- A. Consider a resolution designating an official newspaper for 2023 (Staff Report No. 01)

Resolution No. 12049
Resolution Designating an Official Newspaper for 2023

- ~~B. Consider the approval of a first reading of an ordinance amending the Zoning Code with the Comprehensive Plan; eliminating the Two-Family Residential (MR-1) Zoning District, and amending the Single-Family Residential (R) District (Staff Report No. 02)~~
- C. Consider the approval to designate an Acting City Manager for 2023 (Staff Report No. 03)
- D. Consider the designation of a Mayor Pro Tempore for 2023 (Staff Report No. 04)

- E. Consider adoption of a resolution authorizing the City of Richfield to enter into Minnesota Department of Transportation (MnDOT Agency Agreement No. 1052132 for Federal Participation of Construction to allow MnDOT to act as the City's agent in accepting federal aid in connection with transportation projects (Staff Report No. 05)

**RESOLUTION NO. 12053
RESOLUTION AUTHORIZING AGREEMENT NO. 1052132 BETWEEN THE MINNESOTA DEPARTMENT
OF TRANSPORTATION AND THE CITY OF RICHFIELD FOR THE AGENCY DELEGATED
CONTRACTING PROCESS REGARDING FEDERAL FUNDS FOR TRANSPORTATION RELATED
PROJECTS**

- F. Consider the adoption of a resolution authorizing the Mayor and City Manager to execute Cooperative Construction Agreement No. 1010958 between the City of Richfield and the State of Minnesota Department of Transportation (MnDOT) for construction of the I-494: Airport to Highway 169 Project 1 (Staff Report No. 6)

**RESOLUTION NO. 12054
RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE COOPERATIVE
CONSTRUCTION AGREEMENT NO. 1010958 BETWEEN THE CITY OF RICHFIELD AND THE STATE OF
MINNESOTA DEPARTMENT OF TRANSPORTATION (MNDOT) FOR CONSTRUCTION OF THE I-494
AIROPORT TO HIGHWAY 169 PROJECT 1
STATE PROJECT NO. 2785-424
STATE AID PROJECT NO. 157-030-007**

- G. Consider approval of a Construction, Maintenance & Easement Agreement between the City and Richfield Property Holdings, LLC; 15th NB Property1 LLC; and 6345 Partners, LLC that grants an easement for public pedestrian access and trail features and defines ownership and maintenance responsibilities for certain features constructed at 600 64th Street West (Staff Report No. 07)
- H. Consider resolutions designating official depositories for the City of Richfield for 2023, including the approval of collateral (Staff Report No. 08)

**RESOLUTION NO. 12055
RESOLUTION DESIGNATING U.S. BANK A DEPOSITORY OF FUNDS FOR THE CITY OF RICHFIELD
FOR THE YEAR 2023**

**RESOLUTION NO. 12056
RESOLUTION DESIGNATING CERTAIN SAVINGS AND LOAN ASSOCIATIONS, BANKS, AND CREDIT
UNTIONS AS DEPOSITORIES FOR THE DEPOSIT AND INVESTMENT OF CITY FUNDS IN 2023**

**RESOLUTION NO. 12052
RESOLUTION DESIGNATING CERTAIN FINANCIAL INSTITUTIONS AS DEPOSITORIES FOR THE
INVESTMENT OF CITY OF RICHFIELD FUNDS IN 2023**

- I. Consider a resolution authorizing the use of credit cards by City employees otherwise authorized to make purchases on behalf of the City, and authorizing City Manager and Finance Manager to designate employees to whom a card can be issued (Staff Report No. 09)

**RESOLUTION NO. 12050
RESOLUTION AUTHORIZNG THE USE OF CREDIT CARDS BY CITY EMPLOYEES AUTHORIZED TO
MAKE PURCHASES ON BEHALF OF THE CITY OF RICHFIELD**

- J. Consider a resolution adopting the Purchasing and Spending Authority Policy for the employees and officials of the City (Staff Report No. 16)

**RESOLUTION NO. 12051
RESOLUTION APPROVING PURCHASING AND SPENDING AUTHORITY POLICY**

M/Hayford Oleary, S/Trautmann to approve the consent calendar.

Mayor Supple clarified Item F when it talked about how much the city would be paying for various bridges, etc. there was no mention of the Chicago Avenue pedestrian bridge. She stated he had inquired about this and was informed that MnDOT was paying for the entire bridge and the City was not paying anything.

Motion carried: 5-0

ITEM #3	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR
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None

ITEM #2B	CONSIDER THE APPROVAL OF A FIRST READING OF AN ORDINANCE AMENDMENT ALIGNING THE ZONING CODE WITH THE COMPREHENSIVE PLAN; ELIMINATING THE TWO-FAMILY RESIDENTIAL (M-1) ZONING DISTRICT, AND AMENDING THE SINGLE-FAMILY RESIDENTIAL (R) DISTRICT (STAFF REPORT NO. 02)
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Council Member Hayford Oleary presented Staff Report No. 02.

M/Hayford Oleary, S/Whalen to approve the first reading of an Ordinance Amendment aligning the Zoning Code with the Comprehensive Plan; eliminating the two-family residential (M-1) Zoning District and amending the Single Family Residential (R) District.

Council Member Whalen clarified some misinformation he has heard. He indicated fourplexes had been mentioned during the Open Forum, but fourplexes were not included in this at all. He noted the zero-foot setback was only if the buildings on two lots were sharing a wall. Otherwise, the normal setbacks were still in place. He stated the bigger issue he wanted to comment on was a sentiment among the opposition stating renters do not contribute to the community the same way homeowners did. He stated that was false and he took offense to those statements. He spoke of personal experience renting in Richfield while he worked at a local church and did community volunteering and leading volunteers. He indicated if a resident did not want to live next to a renter, that was their choice and if they don't want to rent themselves, that was also a choice, but renting is a key part of people having shelter.

Council Member Trautmann stated for everyone that comes before Council to speak, he understood it was not always comfortable to come and speak to the City Council. He noted right now they were not voting for or against this motion today and it would come up again in a couple of weeks. He invited people to also call or email him. He stated he was in support of the motion and noted this was a great opportunity for families who are living differently and are living intergenerationally.

Council Member Hayford Oleary stated he agreed with the supportive comments on this item. He believed staff could have brought Council the bare minimum of slightly changing what was allowed for single-family homes and they went beyond that to achieve the goals of greater affordability. He did note his concern as the current language states 4 cars per unit could be on a driveway and with that language unchanged that would mean a duplex could have 8 cars on a driveway. He asked the Council to direct staff to maintain the single-family home limit including duplexes so it would be 4 cars per lot, rather than 4 per dwelling unit.

Council Member Whalen asked if that was in addition to any garage stalls or was it specifically to outside on a driveway. Director Poehlman responded that cars stored in a garage would not count toward that limit.

Council Member Trautmann indicated most of the Council were homeowners and the value of homes in Richfield have risen significantly in terms of wealth created. He stated if there was a new home that had two homes they might see a property rise or stay the same. He asked for clarification that fourplexes were not contemplated. Director Poehlman responded that was correct. She stated this change would only allow duplexes.

Council Member Whalen asked if the same limits on how big the driveway was could apply. Director Poehlman responded that was correct and under this new Ordinance, unless it was a twin home where there was a lot line dividing the properties you could not have two curb cuts, so you would not actually have two driveways.

Council Member Hayford Oleary asked if 8 cars could be allowed on one driveway if they could be fit on the driveway if it were a duplex with two units. Director Poehlman responded that was correct if they could be fit.

Council Member Hayford Oleary asked if cars on the street counted toward this limit and visitor cars were also exempt; that this applied to regular cars normally kept on the property. Director Poehlman responded that was correct. She stated the limit came from lots primarily on the arterial roads where before they had limits on how large driveways could be, people paved their entire front yard and would park large quantities of cars and cover the entire front yard. She indicated there was a limit put on the number of cars that could be parked on the driveway. She stated if there were more cars than four (plus what was parked in the garage) would force that person to park on the street. She stated this was a tradeoff – do they want the cars on the driveway or on the street? She indicated in snow emergencies they could move onto driveways/grass and visitors or exempt, but that was the genesis of this limitation.

Mayor Supple stated that other than during a snow emergency, people are not supposed to be parking on the grass. Director Poehlman responded that was correct and people are only allowed parking on their driveway.

Council Member Whalen stated he was comfortable either way but wanted to observe that the problems they are discussing are not unique to duplexes or to renters. He stated this was something they ran into with single-family homes as well.

Mayor Supple believed four cars were plenty, but she did not object to having six cars. She stated 8 was excessive.

Council Member Christensen stated as far as duplexes and double bungalows, it would be good to have some but perhaps not in every neighborhood. She wanted to take a look at the lot sizes of the homes. She noted in her home the lot would have handled a double home, but in her neighborhood the ordinance said she could not be done but a few blocks away there was a lot of them. With respect to parking, she believed they needed to look at the number of occupants in the house.

Mayor Supple stated she was in support of this change. She believed it allowed for flexibility and the city needed to have some flexibility for those people who did want to build generational wealth. She stated she could see having one generation on one side of the home and another generation on the other side of the home. She did not believe there would be a flood of duplexes.

Council Member Hayford Oleary asked if staff needed a motion for the outdoor parking or was that something that will be changed for the second reading, or other options given. Poehlman asked if he was looking for staff to craft a rule that would reduce the number per unit down to three or was he looking for staff to have something of a per lot limit of six or are they at four.

Mayor Supple stated her preference would be per lot.

Council Member Hayford Oleary stated per lot as well. Director Poehlman asked if he was at six vehicles.

Council Member Hayford Oleary believed it should be four vehicles. Mayor Supple stated she was okay with that if the rest of the Council was in favor.

City Attorney Tietjen stated if there was direction/consensus to give staff direction on the change, the change can be made between first reading and second reading so a separate motion was not necessary and it can be voted on at the second meeting.

Council Member Hayford Oleary stated he wasn't going to suggest a change to this but he stated he was glad it would be reduced, but he was disappointed to see a parking minimum they are providing. He believed that somewhat undermined their goals of providing affordable options. He stated an example of this is if someone has the money to build a duplex, but wants to build a garage in five years, he understood that would not be allowed under this. He believed the approach to parking might be a larger policy discussion but given what they had he was not proposing a change but he did not think that detail was the right direction and he did not think they should have a minimum. He noted almost all of the homes in the City were built without a minimum for off-street parking.

Mayor Supple disagreed in that if they don't have a requirement for at least a single-family garage, where are the lawnmowers and the snowblowers, etc. going to end up. She stated the storage issue was important to her.

Council Member Hayford Oleary agreed this was something they needed to work through, but he was okay for now.

Mayor Supple clarified this was a first reading and at the next Council meeting it would come before Council as a second reading and there will be opportunity for the public to weigh in.

Council Member Whalen stated it was a perpetual problem. He resonated with the frustration with the residents who just found out about this. He noted they did have the second reading before it was a final approval and asked the residents to continue to give their input and thanked them for sharing. He noted there was also a full work session where this was discussed a couple of months ago and he recommended the residents listen to the recording of that meeting where they went into much more detail as well as the background. He thanked everyone for showing up and engaging.

Management Analyst Swanson indicated a copy of the petition would be distributed to Council.

Motion carried: 5-0

ITEM #4	PUBLIC HEARING AND CONSIDER THE APPROVAL OF NEW ON-SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSES FOR NLTT HOCKEY VENTURES, LLC., DBA MINNESOTA WHITECAPS, LOCATED AT THE RICHFIELD ICE ARENA, 626 66TH STREET E. (STAFF REPORT NO. 10)
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Council Member Whalen presented Staff Report No. 10 and opened the public hearing.

Ken Carter, 7214 Park Avenue, asked if the previous group using this also had a liquor license. Mayor Supple responded yes.

Bobby Long, NLTT Hockey Ventures, LLC, stated he came here mid-summer to take over the hockey arena. He indicated they have had great partnerships with the city and also local businesses

that support them as a team. He noted they buy all of their post-game meals from local restaurants and they are very excited to be here.

M/Whalen, S/Hayford Oleary to close the public hearing.

M/Whalen, S/Hayford Oleary to approve the issuance of new On-Sale Wine and 3.2 Percent Malt Liquor licenses for NTLL Hockey Ventures, LLC., dba Minnesota Whitecaps, located at the Richfield Ice Arena, 636 66th Street E.

Council Member Whalen thanked NTLL Hockey Ventures for coming tonight and stated the City appreciated the partnership. He stated he was excited to check this out and encouraged other residents to join in.

Motion carried: 5-0

ITEM #5	PUBLIC HEARING TO CONSIDER VACATING AN EXISTING UTILITY EASEMENT TO BE REPLACED WITH NEW UTILITY AND STORMWATER EASEMENT AT 6500 NICOLLET AVENUE SOUTH, PARTNERHSIP ACADEMY (STAFF REPORT NO. 11)
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Council Member Hayford Oleary presented Staff Report 11 and opened the public hearing.

M/Hayford Oleary, S/Whalen to close the public hearing.

Moton carried: 5-0

M/Hayford Oleary, S/Whalen to (1) adopt a resolution vacating the existing utility easement at 6500 Nicollet Avenue South; (2) adopt a resolution approving the amended encroachment agreement.

**RESOLUTION NO. 12060
RESOLUTION AUTHORIZING THE VACATION OF A UTILITY EASEMENT AT 6500 NICHOLLET AVENUE SOUTH**

**RESOLUTION NO. 12059
RESOLUTION AMENDING AN ENCROACHMENT AGREEMENT BETWEEN THE CITY OF RICHFIELD AND PARTNERSHIP ACADEMY LOCATED AT 6500 NICOLLET AVENUE SOUTH**

Motion carried: 5-0

ITEM #6	PUBLIC HEARING AND CONSIDER TO APPROVE THE RENEWAL OF 2023 PAWNBROKER AND SECONDHAND GOODS DEALER LICENSES FOR METRO PAWN & GUN, INC., 7529 LYNDAL AVENUE SOUTH (STAFF REPORT NO. 12)
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Council Member Trautmann presented Staff Report 12 and opened the public hearing.

Mark Nichols, Owner of Metro Pawn & Gun, stated this was approximately his 26th appearance before the Council. He paid his respects to the Council and noted if an issue arose the city could contact him or John Kunst who has been the manager for 26 years.

Council Member Trautmann thanked Mr. Nichols and Mr. Kunst for attending the meeting.

M/Trautmann, S/Hayford Oleary to close the public hearing.

M/Trautmann, S/Hayford Oleary to approve the renewal of 2023 Pawnbroker and Secondhand Goods Dealers Licenses for Metro Pawn & Guns, Inc., 7529 Lyndale Avenue South.

Mayor Supple thanked Mr. Nichols for attending.

Motion carried: 5-0

ITEM #7	SECOND READING OF A PROPOSED ORDINANCE AMENDMENT MODIFYING THE ZONING CODE IN RELATION TO LANDSCAPING REQUIREMENTS (STAFF REPORT NO. 13)
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Council Member Whalen presented Staff Report 13.

Director Poehlman added while they are reducing the written requirement for trees on an individual development site, they will be increasing the number of trees in the city as the number of trees that cannot be planted on a development site will be planted elsewhere in the community such as the parks and boulevards.

Council Member Trautmann asked if it was possible for families that wanted more trees in their yards to have more of those trees planted on private property. Director Poehlman responded it would allow developers to contribute to a fund that would allow the planting in public areas, parks, and boulevards. She noted it would not allow the trees to be planted on private property, but it could potentially free up funds that Parks/Rec and Public Works now use for trees.

Council Member Hayford Oleary stated there was a lot of boulevard space that did not currently have trees, so additional funding for that was helpful. He asked if this was in lieu of a tree protection ordinance or was this in addition to that potentially happening in the future. Director Poehlman responded she believed the Sustainability Commission was discussing a potential tree protection ordinance and this was a separate issue.

Council Member Hayford Oleary stated if a developer put in trees and they died, they were required to replace them. Director Poehlman responded these trees would be planted in boulevards and public parks so they would be the city's responsibility to maintain them.

Council Member Whalen stated if anyone was skeptical as to how this would improve the trees in the city to look at the staff report. He noted in some cases it could double how many trees would be getting planted. He shared the discussion the Sustainability Commission had that the flexibility to plant in a boulevard or contribute cash elsewhere was not a choice but rather a requirement if the trees cannot be planted on site; the first requirement would always be to plant on site if possible.

M/Whalen, S/Hayford Oleary to (1) approve the ordinance amendment modifying the Zoning Code in relation to landscaping requirements; and (2) approve a resolution authorizing summary publication of said ordinance.

**BILL NO. 2023-1
AN ORDINANCE AMENDMENT MODIFYING SECTION 544 OF THE ZONING CODE IN RELATION TO
LANDSCAPING REQUIREMENTS**

**RESOLUTION NO.12058
RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE MODIFYING THE MUNICIPAL
CODE IN RELATION TO LANDSCAPING REQUIREMENTS**

Motion carried: 5-0

M/Whalen, S/Hayford Oleary to approve a resolution authorizing establishment of a new special revenue fund for public tree planting.

**RESOLUTION NO. 12057
RESOLUTION AUTHORIZING ESTABLISHMENT OF A NEW SPECIAL REVENUE FUND FOR PUBLIC TREE PLANTINGS**

Mayor Supple stated this having a separate fund for this was a step in the right direction.

Motion carried: 5-0

ITEM #8	CONSIDER THE CITY COUNCIL'S APPROVAL OF THE MAYOR'S APPOINTMENTS OF HOUSING AND REDEVELOPMENT AUTHORITY (HRA) COMMISSIONERS CONSIDERING OF MARY SUPPLE AND SEAN HAYFORD OLEARY (STAFF REPORT NO. 14)
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Council Member Christensen presented Staff Report 14.

M/Christensen, S/Trautmann to approve the Mayor's appointment of two members of the City Council as HRA Commissioners commencing January 10, 2023 and expiring at the end of their respective current term on the Richfield City Council.

Motion carried: 5-0

ITEM #9	CONSIDER REPRESENTATIVES TO SERVE AS THE 2023 LIAISONS TO VARIOUS LOCAL, REGIONAL AND STATE ORGANIZATIONS, AND CITY BOARDS AND COMMISSIONS (STAFF REPORT NO. 15)
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Council Member Christensen presented Staff report 15.

M/Christensen, S/Whalen to designate City Council liaison appointments to various local, regional, and state organizations, and City boards and commissions.

Motion carried: 5-0

ITEM #10	CITY MANAGER'S REPORT
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City Manager Rodriguez thanked Administrator Wynn for the commission process recruitment. She then congratulated Mayor Supple and Council Member Christensen. She then responded to a resident's question from a previous council meeting in regards to parking.

ITEM #11	CLAIMS AND PAYROLL
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M/Whalen, S/Hayford Oleary that the following claims and payrolls be approved:

<u>U.S. BANK</u>	<u>12/27/2022</u>
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A/P Checks: 311271 - 311851	\$3,700,319.64
Payroll: 175381 – 175684 43630 – 43633	<u>\$741,454.98</u>
TOTAL	\$4,441,774.62

<u>U.S. BANK</u>	<u>01/10/2023</u>
A/P Checks: 311852 - 312174	\$1,233,781.11
Payroll: 175685 – 175986	<u>\$727,974.75</u>
TOTAL	\$1,961,755.86

Motion carried: 5-0

ITEM #12	HATS OFF TO HOMETOWN HITS
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Council Member Whalen stated he wanted to give hats off to the weather for all of the snow; to the snowplow drivers and all of their hard work; and to all of the community for helping others with their vehicles.

Council Member Christensen stated she attended the Woodlake Nature Centers New Years Eve event. She stated she had to park several blocks away and appreciated the plowed streets and sidewalks.

Council Member Hayford Oleary stated he did not have any items tonight but he hoped everyone had a Happy New Year.

Council Member Trautmann stated he wanted to give hats off to all of the volunteers and to all of the new Commissioners. He thanked the Red, White, and Blue Days Committee and stated they were looking for sponsorships and contributions.

Mayor Supple thanked Council Member Trautmann for agreeing to serve as Mayor Pro Tempore. She gave kudos to the Public Works Department for the fabulous job they did with the snow plowing. She noted yesterday was Law Enforcement Appreciation Day and she thanked the law enforcement community for all they do in keeping the residents safe. She noted they had received a stack of essays from the 5th graders at the STEM school and they had fabulous ideas of what they would do if they were Mayor for the day.

ITEM #13	ADJOURNMENT
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The meeting was adjourned by unanimous consent at 8:45 p.m.

Date Approved: January 24, 2023

Mary Supple
Mayor

Chris Swanson
Management Analyst

Katie Rodriguez
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Work Session

January 12, 2023

CALL TO ORDER

The meeting was called to order by Mayor Supple at 7:45 a.m. held at Wood Lake Nature Center.

Council Members Present: Mary Supple, Mayor; Simon Trautmann; Sean Hayford O'leary; Ben Whalen; and Sharon Christensen

Legislators Present: State Representative Michael Howard, District 50A; Metropolitan Council Representative Molly Cummings, District 5; Hennepin County Commissioner Debbie Goettel, District 5; Steve Unowsky, ISD 280 Superintendent; Jean Heyer, District Office Director for Congresswoman Omar; Ali Isse, Deputy Director for Congresswoman Omar; Myles Artis Outreach Director for Senator Tina Smith

Staff Present: Katie Rodriguez, City Manager; Sack Thongvanh, Assistant City Manager; Melissa Poehlman, Community Development Director; Jay Henthorne, Public Safety Director; Kristin Asher, Public Works Director; Amy Markle, Recreation Services Director; Mike Dobesh, Fire Chief; Kumud Verma, Finance Manager; Scott Kulzer, Administrative Aide/Analyst; and Chris Swanson, Management Analyst

Item #1

DISCUSSION WITH LEGISLATORS

The City Council and City staff met with the local Legislators to discuss items of mutual interest to the City of Richfield.

ADJOURNMENT

The work session was adjourned by unanimous consent at 9:15 a.m.

Date Approved: January 24, 2023

Mary Supple
Mayor

Kelly Wynn
Administrative Assistant

Katie Rodriguez
City Manager



STAFF REPORT NO. 17
CITY COUNCIL MEETING
1/24/2023

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director/Chief of Police
12/27/2022

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
1/18/2023

ITEM FOR COUNCIL CONSIDERATION:

Consider approval for a Temporary On-Sale Intoxicating Liquor license for the Blessed Trinity Catholic School, located at St. Richard's Catholic Church, 7540 Penn Avenue South, for their 2023 Sno*ball Dance taking place February 4, 2023.

EXECUTIVE SUMMARY:

On December 16, 2022, the City received application materials for a Temporary On-Sale Intoxicating Liquor license for the Blessed Trinity Catholic School, located at St. Richard's Catholic Church, 7540 Penn Avenue South, for their 2023 Sno*ball Dance taking place February 4, 2023. They will serve intoxicating liquor, wine and 3.2 percent malt liquor from 5:00 p.m. to 9:00 p.m. on Saturday, February 4, 2023, only.

They will provide food and snacks for dinner. The Blessed Trinity Catholic School has contacted food sanitarians from the City of Bloomington to ensure proper food handling practices are followed.

The Director of Public Safety has reviewed all required information and documents and has found no basis for denial.

The City Council has previously granted this license in conjunction with this event.

RECOMMENDED ACTION:

By motion: Approve issuance of a Temporary On-Sale Intoxicating Liquor license for the Blessed Trinity Catholic School, located at St. Richard's Catholic Church, 7540 Penn Avenue South for their 2023 Sno*ball Dance taking place February 4, 2023.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The applicant has satisfied the following requirements for the issuance of this license:

- The required licensing fee has been paid.
- Proof of liquor liability insurance has been provided showing the Catholic Mutual Relief Society of America affording the coverage.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

Richfield City Code Section 1202.05 requires all applicants to comply with all of the provisions of this code, as well as the provisions of Minnesota Statute Chapter 340A.

C. **CRITICAL TIMING ISSUES:**

The event takes place on February 4, 2023; therefore, consideration of the license is required at the City Council's January 24, 2023 meeting.

D. **FINANCIAL IMPACT:**

The required licensing fees have been received.

E. **LEGAL CONSIDERATION:**

There are no legal considerations.

ALTERNATIVE RECOMMENDATION(S):

The Council could deny the approval of the Temporary On-Sale Intoxicating Liquor license for the Blessed Trinity Catholic School. This would mean the applicant would not be able to serve intoxicating liquor, wine or 3.2 percent malt liquor; however, Public Safety has not found any basis for denial.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Blessed Trinity Catholic staff has been notified of the date of this meeting.



STAFF REPORT NO. 18
CITY COUNCIL MEETING
1/24/2023

REPORT PREPARED BY: Jay Henthorne, Director of Public Safety/Chief of Police

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
 1/19/2023

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
 1/19/2023

ITEM FOR COUNCIL CONSIDERATION:

Consider the approval of an agreement between the Hennepin County Human Services and Public Health Department, and the City of Richfield Police Department for two full time embedded Senior Social Workers.

EXECUTIVE SUMMARY:

Hennepin County has presented an agreement on behalf of the Hennepin County Human Services and Public Health Department for a Mental Health Program in the Richfield Police Department.

Officers utilize their experience and training in crisis/conflict management, persuasion, de-escalation, mental health, and serving those with autism to safely resolve crisis incidents while ensuring the individual receives the necessary services and/or medical attention. Officers also routinely partner with Community Outreach for Psychiatric Emergencies (COPE) to assist with calls where a person is in crisis. COPE provides emergency intervention services 24 hours a day, 7 days per week, when an adult is experiencing an emotional crisis that threatens their personal safety.

Richfield Police Officers respond to a multitude of calls for service - typically around 35,000 calls per year. Notably, mental health-related calls for service have consistently increased over the past 4+ years.

The Richfield Police Department implemented an embedded social worker program in September 2020. Several other communities throughout Hennepin County already have similar programs in place. Through collaborative efforts, the embedded social worker program will help achieve numerous goals.

- More timely engagement of Senior Social Worker (SSW) with individuals
- Increased use of community resources to support individuals
- Increased use of public assistance programs
- Increased use of non-urgent health care systems
- Improved engagement of current service providers
- Ongoing collaboration and learning between Hennepin County Human Service and Public Health and police department
- Improving the quality of life for those who suffer from mental illness and have encounters with law enforcement
- Reducing use of force, injury or death to officers and community members
- Reducing rate of arrests/prosecution of persons in mental health crisis and increase the number of

- persons who remain in community settings with services and supports
- Creating cost-savings through reduction of (incarceration and hospitalization) 911 calls regarding mental health crisis
- Reducing repeat calls and visits to the same issue
- Improving efficiency of law enforcement response to emergency and non-emergency mental health issues
- Increasing public satisfaction with the response to mental health emergencies and other metrics developed during the pilot utilizing key stakeholder and community input

The comprehensive approach to mental illness will ensure community members receive the assistance/treatment they need.

RECOMMENDED ACTION:

By motion: Approve an agreement between the Hennepin County Human Services and Public Health Department and the City of Richfield Police Department for two fulltime social workers to the Police Mental Health Program.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The Richfield Police Department has a Mental Health Program which includes an embedded full-time Senior Social Worker assigned to the Richfield Police Department.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

The Richfield Public Safety/Police Department wishes to contract with Hennepin County for the Police Mental Health Program.

C. CRITICAL TIMING ISSUES:

The agreement must be signed for the Police Mental Health Program.

D. FINANCIAL IMPACT:

For the period January 1, 2023, through December 31, 2023, the not-to-exceed amount of \$132,706 annually.

For the period January 1, 2024, through December 31, 2024, the not-to-exceed amount of \$145,412 annually.

For the period January 1, 2025, through December 31, 2025, the not-to-exceed amount of \$145,412 annually.

E. LEGAL CONSIDERATION:

This contract has been reviewed by the City Attorney

ALTERNATIVE RECOMMENDATION(S):

The Council may choose to not approve the contract; and therefore not allow the City of Richfield Police Department to partner with Hennepin County Human Services and Public Health Department and continue a Police Mental Health Program

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
□ Contract	Contract/Agreement

**AMENDMENT #1 TO JOINT POWERS AGREEMENT
BETWEEN HENNEPIN COUNTY
AND CITY OF RICHFIELD**

This Joint Powers Agreement (“Agreement”) is made and entered into by and between the County of Hennepin, Minnesota (“COUNTY”) on behalf of its Human Services and Public Health Department (“HSPHD”) and City of Richfield, 6700 Portland Avenue, Richfield, Minnesota 55423, pursuant to the authority conferred upon them by Minn. Stat. § 471.59 and on behalf of it’s police department, (referred to herein as “POLICE DEPARTMENT”). The parties to this Agreement may also be referred to individually as “Party” and collectively as “Parties”.

IT IS HEREBY AGREED that Agreement No. #A2110930 between the above-named parties, including any prior amendments, is hereby amended in accordance with the provisions set forth below.

The third WHEREAS clause will be amended to read:

WHEREAS, the Parties desire to jointly and cooperatively coordinate their expertise and delivery of services to further the interests of providing follow up care by two Senior Social Workers (SSWs) embedded with POLICE DEPARTMENT to prevent reoccurrences of emergency crises in a manner that most effectively and efficiently supports and protects the physical, mental and behavioral health of individuals in Hennepin County, subject to the terms and conditions of this Agreement.

Clause 3, TERM OF THE AGREEMENT, shall be amended to read:

3. TERM OF THE AGREEMENT

The term of this Agreement shall be from January 1, 2022, through December 31, 2025, unless terminated earlier in accordance with the cancellation/termination provisions of this Agreement.

Clause 4, CONSIDERATION, paragraph A. and paragraph B., shall be amended to read:

4. CONSIDERATION

A. POLICE DEPARTMENT shall pay (\$60,000) Sixty Thousand dollars for the period January 1, 2022, through December 31, 2022.

POLICE DEPARTMENT shall pay (\$132,706) One Hundred Thirty-Two Thousand Seven Hundred Six dollars for the period January 1, 2023, through December 31, 2023.

POLICE DEPARTMENT shall pay (\$145,412) One Hundred Forty-Five Thousand Four Hundred Twelve dollars for the period January 1, 2024, through December 31, 2024.

POLICE DEPARTMENT shall pay (\$145,412) One Hundred Forty-Five Thousand Four Hundred Twelve dollars for the period January 1, 2025, through December 31, 2025.

- B. For the period January 1, 2022, through December 31, 2022, one SSW will be hired, employed, and equipped by HSPHD and participate in supervision and training by HSPHD in accordance with local, state, federal, and professional licensure requirements.

For the period January 1, 2023, through December 31, 2025, two SSWs will be hired, employed, and equipped by HSPHD and participate in supervision and training by HSPHD in accordance with local, state, federal, and professional licensure requirements.

EXHIBIT A: Description of Services, shall be replaced with the following revised EXHIBIT A: Description of Services, as attached which is updated to add a second SSW.

This amendment shall be effective January 1, 2023.

Except as hereinabove amended, the terms, conditions and provisions of said Contract No. #A2110930 shall remain in full force and effect.

(The remainder of this page intentionally left blank.)

The Parties hereto agree to be bound by the provisions set forth in this Agreement.

Reviewed for COUNTY by the County
Attorney's Office

Date: _____

COUNTY OF HENNEPIN
STATE OF MINNESOTA

By: _____
Chair of Its County Board

ATTEST: _____
Deputy/Clerk of County Board

Date: _____

By: _____
County Administrator

Date: _____

City of Richfield through Richfield Police
Department:

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

EXHIBIT A: Description of Services

POLICE DEPARTMENT and HSPHD staff will work collaboratively to prevent reoccurrences of emergency crises.

Roles and Responsibilities of Parties

- A. POLICE DEPARTMENT will provide office space for the Senior Social Workers (SSWs).
- B. POLICE DEPARTMENT will run DSL lines at designated office space, as needed, if SSWs are otherwise unable to access to COUNTY network.
- C. POLICE DEPARTMENT will work with the HSPHD Social Work Unit Supervisor (SWUS) to establish criteria for referrals.
- D. POLICE DEPARTMENT will work with the SWUS to develop a referral process.
- E. POLICE DEPARTMENT will track referrals and repeat calls.
- F. POLICE DEPARTMENT will track mental health calls that involve weapons, use of force and transportation holds being written.
- G. POLICE DEPARTMENT will accompany the SSWs to home visits as needed.
- H. HSPHD will be responsible for providing the SSWs with equipment that is necessary for completing their work. This includes but is not limited to laptop computer, cell phone, and office supplies.
- I. The SSWs will report directly to the HSPHD SWUS.
- J. HSPHD will be responsible for transportation/mileage expenses for the SSWs. The SSWs will be responsible following the HSPHD transportation/mileage reimbursement policies.
- K. The SSWs will provide short-term assistance to individuals in order to connect the individuals with internal and/or community resources to help meet their needs. Services will be provided in an ethical and culturally sensitive manner.
- L. After being assigned a case, the SSWs will complete a file clearance of the various systems to determine if the individual is open to social services, county of financial responsibility, and public assistance programs.

EXHIBIT A: Description of Services

- M. The SSWs will meet the individual, assess the individual's needs, note formal and informal supports, and determine where gaps exist.
- N. The SSWs will request a new or updated diagnostic assessments as needed.
- O. The initial assessment should include the risks to the safety and stability of the individual as well as the individual's ability to address such concerns. The SSWs will also evaluate the need for emergency services and if needed will assist in making those connections.
- P. The SSWs will work with the individual to develop an initial plan that addresses gaps that exist in the individual's support system and will work with the individual to identify and connect with community resources. This plan will be signed by both the individual and the SSWs.
- Q. The SSWs will ensure that release of information forms are signed and that other paperwork is completed in a timely manner.
- R. Client information can only be shared with law enforcement when there is an ongoing emergency situation and the client information is necessary to protect the health or safety of the individual or other people. Information disclosed would be limited to that necessary to address the emergency situation.
- S. If community and/or county resources are needed, the SSWs will collect information needed to determine eligibility for those services. The SSWs will facilitate referrals to appropriate resources.
- T. The SSWs will collaborate with other involved parties as indicated.
- U. If eligible for county operated or contracted case management services, the SSWs will complete the necessary paperwork to transfer the individual to case management.
- V. The SSWs will document all activities and data as requested for tracking purposes.
- W. Participation is voluntary, and the individual served has a right to refuse services.

EXHIBIT A: Description of Services

Goals of the Police-Mental Health UnitS include, but are not limited to:

- A. More timely engagement of SSWs with individuals;
- B. Increased use of community resources to support individuals;
- C. Increased use of public assistance programs;
- D. Increased use of non-urgent health care systems;
- E. Improved engagement of current service providers;
- F. Ongoing collaboration and learning between HSPHD and POLICE DEPARTMENT;
- G. Improving the quality of life for those who have encounters with law enforcement;
- H. Reducing use of force, injury or death to officers and community members;
- I. Reducing rate of arrests/prosecution of persons in mental health crisis and increase the number of persons who remain in community settings with services and supports;
- J. Creating cost-savings through reduction of incarceration and hospitalization resulting from mental health crisis;
- K. Reducing repeat calls and visits for the same issue;
- L. Improving efficacy of law enforcement response to emergency and non-emergency mental health issues; and
- M. Increasing public satisfaction with the response to mental health emergencies and other metrics developed utilizing key stakeholder and community input.



STAFF REPORT NO. 19
CITY COUNCIL MEETING
1/24/2023

REPORT PREPARED BY: Scott Kulzer, Administrative Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
1/18/2023

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
1/18/2023

ITEM FOR COUNCIL CONSIDERATION:

Consider the approval of the bid tabulation and award a contract to Valley Paving, Inc., for the Lyndale Avenue and 77th Street Intersection Improvements Project in the amount of \$973,021.20 and authorize the City Manager to approve contract changes up to \$175,000 without further City Council consideration.

EXECUTIVE SUMMARY:

The traffic signal, signal controller, and ADA facilities at the Lyndale Avenue and 77th Street intersection are at the end of their useable life and require replacement. This need was first identified in the 2022 CIP as a requirement for construction prior to the 494 Reconstruction Project (scheduled to begin in 2024), to ensure that the signal could accommodate construction traffic and detours without risk of failure.

During preliminary design, the removal of the free-right turn lane from eastbound 77th Street to southbound Lyndale Avenue was identified as a desired safety improvement that should be completed with the signal replacement.

RECOMMENDED ACTION:

By motion: Approve the bid tabulation and award a contract to Valley Paving, Inc., for the Lyndale Avenue and 77th Street Intersection Improvements Project in the amount of \$973,021.20 and authorize the City Manager to approve contract changes up to \$175,000 without further City Council consideration.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

See executive summary.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

Contracts estimated to have a value over \$175,000 must be made by sealed bids, solicited by public notice, and awarded to the lowest responsible bidder.

C. CRITICAL TIMING ISSUES:

- Public Works staff is in communications with the prospective contractor about the project

schedule.

- Award of the contract at the January 24, 2023 City Council meeting will allow the contractor to begin ordering construction materials that will ensure project completion by the end of the 2023 construction season.

D. FINANCIAL IMPACT:

- Ten bids were opened and read aloud at the bid opening on January 12, 2023, ranging from \$973,021.20 to \$1,116,911.00.
- The engineer's estimate for the Project was \$743,475.45. Staff and the project consultant believe the higher than anticipated bid prices are attributable to increases in the costs of materials and labor being experienced across the nation.
- Funding for the Lyndale Avenue and 77th Street Intersection Improvements Project will come primarily from Municipal State Aid funding. Staff have determined that the city's Municipal State Aid fund can accommodate the increased costs, however the desired cash buffer in the fund will be decreased for a period of time.
- Approximately \$121,000 was allocated to the City by MnDOT from the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA). MnDOT requires this funding to be used for an approved transportation project, and City staff obtained approval for use on this project.
- Sources and Uses for the project are attached.

E. LEGAL CONSIDERATION:

- The bid opening held on January 12, 2023 was in accordance with legal requirements.
- The ad for bid was published on December 29, 2022 in the Sun Current.

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Bid Tab	Exhibit
<input type="checkbox"/>	Sources and Uses Summary	Backup Material

CITY OF RICHFIELD, MINNESOTA

Bid Opening
January 12, 2023
10:00 a.m.

Lyndale Avenue and 77th Street Intersection Improvements
Bid No. 22-10

Pursuant to requirements of Resolution No. 1015, there was a meeting of Administrative Staff, and it was stated that the purpose of the meeting was to receive; open and read aloud bids for the Lyndale Avenue and 77th Street Intersection Improvements Project, as advertised in the official newspaper on December 29, 2022.

Present: Chris Swanson, Acting City Clerk/Management Analyst
Joe Powers, City Engineer
Kelly Wynn, Administrative Assistant

The following bids were submitted and read aloud:

Bidder's Name	ADA Certificate	Bond	Non-Collusion	Intent to Comply	Responsible Contractor Certificate	Total Base Bid
Valley Paving, Inc.	Provided	Provided	Provided	Provided	Provided	\$973,021.20
Ti-Zack Concrete, Inc.	Provided	Provided	Provided	Provided	Provided	\$984,129.13
Eureka Construction, Inc.	Provided	Provided	Provided	Provided	Provided	\$1,012,131.20
McNamara Contracting	Provided	Provided	Provided	Provided	Provided	\$1,030,864.20
Pember Companies, Inc.	Provided	Provided	Provided	Provided	Provided	\$1,034,149.95
Urban Companies	Provided	Provided	Provided	Provided	Provided	\$1,043,582.00
New Look Contracting, Inc.	Provided	Provided	Provided	Provided	Provided	\$1,058,781.70
Meyer Contracting, Inc.	Provided	Provided	Provided	Provided	Provided	\$1,105,680.84
Thomas and Sons Construction	Provided	Provided	Provided	Provided	Provided	\$1,116,293.76
JL Theis, Inc.	Provided	Provided	Provided	Provided	Provided	\$1,116,911.00

The City Clerk announced that the bids would be tabulated and considered at the January 24, 2023, City Council Meeting.



Chris Swanson, Acting City Clerk

77th St and Lyndale Ave Improvements

Richfield Project No.

SAP Nos.

40010 (MSA)

157-363-035

Sources and Uses Tracking - updated 1/17/2023

		30% Engineer's Estimate and Project Approval (Updated 1/10/2022)		90% Engineer's Estimate (Updated 9/16/2022)	Final Engineer's Estimate and Project Bid (Updated 12/22/2022)	Council Action
	2022 CIP		2023 CIP			Contract Award
Planned Construction Year:	2022	2023	2023	2023	2023	2023
Estimated Uses:						
Design	\$60,000	\$77,000	\$90,000	\$100,000	\$100,000	\$100,000
Construction	\$330,000	\$455,000	\$455,000	\$712,000	\$740,000	\$973,000
Change Orders	\$0	\$0	\$0	\$0	\$0	\$0
Right of Way	\$0	\$0	\$0	\$0	\$0	\$0
Legal	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Construction Admin/Engineering	\$26,400	\$58,000	\$46,000	\$34,000	\$34,000	\$34,000
Staff	\$0	\$0	\$0	\$0	\$0	\$0
Contingency	\$33,000	\$45,500	\$45,500	\$71,200	\$74,000	\$19,460
	10% Contingency	10% Contingency	10% Contingency	10% Contingency	10% Contingency	2% Contingency
Total Uses	\$454,400	\$640,500	\$641,500	\$922,200	\$953,000	\$1,131,460
Sources:						
Municipal State Aid	\$455,000	\$520,000	\$521,000	\$805,000	\$835,000	\$1,015,000
CRSAA Disbursement		\$121,000	\$121,000	\$121,000	\$121,000	\$121,000
Total Sources	\$455,000	\$641,000	\$642,000	\$926,000	\$956,000	\$1,136,000
Difference	\$600	\$500	\$500	\$3,800	\$3,000	\$4,540

Notes

1. Staff time paid out of Engineering budget. Budget balanced with MSA funds if needed.

2. Apprx \$121k provided by Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) disbursement from MnDOT. These funds must be used on this project.

Low Risk

Medium Risk

High Risk

AGENDA SECTION:	PROPOSED ORDINANCES
AGENDA ITEM #	4.



STAFF REPORT NO. 20

CITY COUNCIL MEETING

1/24/2023

REPORT PREPARED BY: Nellie Jerome, Planner I

DEPARTMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director
1/18/2023

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
1/19/2023

ITEM FOR COUNCIL CONSIDERATION:

Consider a Second reading and Summary Publication of an ordinance amendment aligning the Zoning Code with the Comprehensive Plan; eliminating the Two-Family Residential (MR-1) Zoning District, and amending the Single-Family Residential (R) District.

EXECUTIVE SUMMARY:

State Statute requires that the City evaluate and revise our Zoning Code to ensure that it does not conflict with our Comprehensive Plan. In the 2040 Comprehensive Plan, the Low-Density Residential (LDR) category allows for the mixture of single-family detached and attached units, such as duplexes and lower density townhomes, up to a density of seven dwelling units per acre. Current zoning regulations prohibit the creation of new single-family lots at the upper end of this density limit, and two-family dwellings are only conditionally allowed on arterial and collector streets.

To align these two documents, the proposed ordinance would eliminate the MR-1, Two-Family Residential Zoning District and would instead allow two-family homes by-right in the R District. The R District name would be changed from Single-Family Residential to Low Density Residential. No changes are proposed to zoning regulations in the R-1 District, but the name would be changed from Low Density Single-Family Residential to Single-Family Residential. In addition to the above changes, residential design standards have been revised to promote livability and aesthetics, regardless of housing type. A full discussion of the specific changes is provided in the Policy Section below.

The proposed ordinance amendment would resolve outright contradictions between the documents and would further the 2040 Comprehensive Plan's goals of "expanding housing choices, promoting modernization of the housing stock, maintaining affordability, and supporting attractive neighborhoods" (p.59). Additionally, removing barriers to the creation of "missing middle" housing offers an opportunity to reduce the regional housing-shortage and for household wealth-building, particularly for those who have been historically kept out of the market.

The Comprehensive Plan involved an extensive 18-month process that solicited feedback from the community on the future direction of the City. The proposed changes to bring the Zoning Code into alignment with that plan have been discussed at three work sessions with the City Council, Housing and Redevelopment Authority (HRA), and Planning Commission. Additionally, a visual preference survey was made available to the community.

Based on direction from the Council, the proposed ordinance has been modified to limit driveway parking to four vehicles per lot rather than four vehicles per dwelling unit.

RECOMMENDED ACTION:

By motion:

1. Approve a second reading of an ordinance amendment aligning the Zoning Code with the Comprehensive Plan, eliminating the Two-Family Residential (MR-1) Zoning District, and amending the Single-Family Residential (R) District.
2. Approve a resolution authorizing summary publication of said ordinance.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Early in its history, Richfield allowed single and two-family dwellings nearly everywhere. In 1954, the City began restricting the construction of two-family dwellings. While staff cannot speak to the motives of this change, it is worth noting that it followed shortly after the 1948 and 1953 court decisions making racially restrictive covenants illegal and unenforceable. As staff has uncovered through our work with the Just Deeds project, racially restrictive covenants prohibited many families from partaking in the development/ownership of a home in Richfield (see attached presentation).
- The Comprehensive Plan was adopted by the Council in 2018 after 18+ months of public engagement including:
 - Penn Fest information booth - September 2016 and September 2017
 - Steering Committee Meetings - April, June, August 2017, and February 2018
 - Pop-up events - Metro Transit bus riding May 2017, Loaves and Fishes May 2017, DMV May 2017, Farmers Market July 2017
 - Open Houses - May 2017, August 2017, March 2018
 - Wiki-Map survey - April 2017
 - Online survey - March 2017
- At three work sessions (in March and October of 2021, and in June of 2022), staff heard support for updating the City's Zoning Code to not only align lot dimension requirements with the Comprehensive Plan, but to also allow two-family dwellings by-right within the R District.
- A visual preference survey was distributed to the community via social media channels in January 2022. Over the course of the month, 130 responses were received showing a preference for a minimized driveway area in front yards and for a smaller garage door area on the front façade of a home. These changes are included in the proposed ordinance amendment.
- The origin of the term grandfathered also gives cause to remove it from the Zoning Code as part of this proposed amendment. Although the 15th Amendment gave African American Men the right to vote in 1870, some states instituted poll taxes, literacy tests, and other requirements to make voting difficult. Some states adopted a requirement known as the "grandfather clause," which only allowed men to vote if they were the descendants of a voter. In short, if you were white you were much more likely to be grandfathered in to being able to vote. This was not struck down until 1915, when the Supreme Court ruled that it was illegal.
- An update to the maximum number of cars stored outside was added, per Council direction at the first reading of the attached ordinance. This additional update clarifies that up to 4 cars may be stored outside of a garage or enclosure per *property*, instead of 4 cars per *dwelling unit*.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- Following the adoption of a Comprehensive Plan, MN State Statute 473.864 requires that the City evaluate and revise our Code of Ordinances to ensure that the two regulatory documents do not conflict.
- The following is a complete list of proposed changes to the Zoning Code:
 - Establish two-family dwellings in the R District as a permitted use by-right.
 - Repeal the entirety of the MR-1, Two-Family Residential Zoning District. All properties with this designation will return to the R Zoning District.
 - Change the names of the R and R-1 Districts from Single-Family Residential and Low

Density Single-Family Residential to Low Density Residential and Single-Family Residential, respectively.

- Reduce the minimum width in the R District from 50 feet to 47 feet. Reduce the minimum lot size in the R District from 6,700 square feet to 6,000 square feet. This change reduces the percentage of nonconforming residential lots from about 17% to about 3%.
- Allow smaller lot areas in cases of new, two-unit townhomes in the R District.
- Include a setback reduction for two-family townhouses allowing them to be attached at the property line with a zero-foot setback.
- Require that a side entrance on a two-family dwelling be set back an additional five feet, for a total setback of ten feet from the lot line.
- Require at least one entrance on the street-facing side of a home that is not a garage entrance unless special circumstances apply.
- Establish a regulation that garages may not be overly prominent on a street-facing side of a house, and that garage doors may not be forward of the first floor façade of the house.
- Update minimum floor area requirements for single family and two-family dwellings to be 960 and 800 square feet, respectively.
- Remove requirement to reserve area on the lot for a future construction of space for a second vehicle in a garage. Maintain requirement for two off-street parking spaces per dwelling unit, with at least one space being enclosed.
- Remove the phrase “grandfather clause” from the nonconforming lot exception title in subdivision 3 of 514.09. See Historical Context section for additional information.
- Minor housekeeping items and clarifications are also included in the ordinance amendment.

C. CRITICAL TIMING ISSUES:

State Statute 473.864 requires that a City’s Code of Ordinances be updated to ensure that it does not conflict with the Comprehensive Plan.

D. FINANCIAL IMPACT:

None.

E. LEGAL CONSIDERATION:

- Notice of the Planning Commission public hearing was published in the Sun Current newspaper on October 13, 2022.
- The Planning Commission unanimously recommended approval of the attached ordinance at their meeting on December 12, 2022.
- A First Reading of this amendment was held on January 10, 2023.

ALTERNATIVE RECOMMENDATION(S):

- Approve the attached ordinance amendment and/or summary publication with modifications.
- Deny the ordinance amendment and/or summary publication with a finding that the proposal conflicts with the Comprehensive Plan.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None.

ATTACHMENTS:

Description	Type
☐ Ordinance	Ordinance
☐ Summary Publication Resolution	Resolution Letter
☐ Zoning Map	Backup Material
☐ March 2021 Work Session Presentation	Backup Material
☐ October 2021 Work Session Presentation	Backup Material
☐ June 2022 Work Session Presentation	Backup Material

BILL NO. _____

**AN ORDINANCE AMENDING THE RICHFIELD ZONING CODE
REGULATIONS RELATED TO TWO FAMILY USES;
CONSOLIDATING THE R AND MR-1 DISTRICTS INTO A
LOW DENSITY RESIDENTIAL ZONING DISTRICT; AND
MODIFYING LOW DENSITY RESIDENTIAL DESIGN STANDARDS
AND LOT DIMENSIONS**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 City Code Subsection 27, Additional Prohibitions, of Section 1305, Parking and Traffic General Rules, shall be amended as follows:

Subd. 6. Vehicle parking and storage limitations and requirements. The number of motor vehicles that may be parked on a driveway or approved parking area of a residential property in the R, ~~and R-1 and MR-1~~ zoning districts shall be limited as follows: (Added, Bill No. 2007-19)

- a) Number of vehicles. The total number of vehicles shall be limited to four (4) per ~~unit~~ **property**. No more than one (1) vehicle of this total shall be a recreational vehicle as defined by Section 1325 of the City Code;
- b) Counting of vehicles. Vehicles temporarily parked at a residence for visitation or business service reasons shall not be counted for the purposes of these numerical limitations. All other vehicles not housed in a garage, including inoperable vehicles as defined by Section 1320.13 of the City Code, shall be counted as vehicles for the purposes of determining the number of vehicles parked on a driveway or parking area of a residential lot. Nothing in this Section shall be interpreted as permitting the storage of vehicles if such storage is not otherwise permitted by code; and
- c) City-declared snow emergency. Vehicle limitations shall be temporarily suspended for the duration of City-declared snow emergencies.

Section 2 Subsection 507.07 of the Richfield Zoning Code relating to definitions is amended to update the "townhouse" definition and to remove the "twin home" definition, to read as follows:

507.07. - Definitions.

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Subd. 37. "Dwelling." Any building or portion thereof used exclusively for residential occupancy, including single-family, two-family, and

multifamily dwellings, but not including nursing homes, rest homes, or hotels.

Subd. 38. "Dwelling, attached." A dwelling that is joined to another dwelling at one (1) or more sides by a party wall or walls.

Subd. 39. "Dwelling, detached." A single dwelling which is not attached to another.

Subd. 40. "Dwelling, multifamily." A residential building or portion thereof used for occupancy by three (3) or more families living independently of each other. **This could be an apartment, a 3-unit townhouse, or a substantially similar dwelling.**

Subd. 41. "Dwelling, single-family." A residential building used for occupancy by one (1) family.

~~Subd. 42. "Dwelling, townhouse." A building used for occupancy by three (3) or more families living independently of each other. Each dwelling unit is attached horizontally in a linear arrangement with private front and rear entrances at ground level and has a totally exposed front and rear wall to be used for entry, light, and ventilation. Dwelling units may be individually owned and an association fee may be paid for maintenance of yard and common areas.~~

~~Subd. 43. "Dwelling, twin home." A residential building containing two (2) dwelling units which are completely separate in every way except that they share a common wall (with no openings) which separate the units and act as the dividing lot line, where each unit is situated on its own parcel of land.~~

Subd. 44. "Dwelling, two-family." A residential building used for occupancy by two (2) families living independently of each other, ~~where both units are situated on the same parcel of land.~~ This may be a duplex, a two-unit townhouse, or a substantially similar dwelling.

Subd. 45. "Dwelling unit." Residential accommodation including kitchen facilities, permanently installed, which are used for living quarters by one (1) family.

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Section 3

Subsection 509.07 relating to Lot provisions is amended to add a new Subdivision 5, to read as follows:

509.07. - Lot provisions.

Subdivision 1. One building and use. Except in the case of planned unit developments, group housing developments, and developments in the Mixed-Use Districts, only one (1) principal building and use may be located on a lot. This subdivision is not intended to prohibit similar types of uses from occupying a multi-tenant building if all other requirements of this Code are met.

Subd. 2. Frontage requirements. Except in a planned unit development, all lots shall have frontage on a public street.

Subd. 3. Through lots. On a through lot, the lot lines abutting both street frontages shall be considered front lot lines.

Subd. 4. Front yards. A front yard may not contain any building or other structure except fencing, ornamental outdoor furniture, parking areas, signage, and landscaping, as permitted or required under this Code or the city code except as specifically noted for through lots.

Subd. 5. Primary Residential Entrance. Homes are required to have a minimum of one (1) primary, non-garage, entrance facing an adjacent street frontage. Where there is no adjacent street to which a dwelling entrance may be oriented, or it is not practical to orient a dwelling to an adjacent street due to lot layout, topographic, or other characteristics of the site, the dwelling may orient to a walkway, courtyard, open space, common area, lobby, or breezeway (i.e., for multiple family buildings), subject to approval by the Director.

Section 4

Subsection 512.01 of the Richfield Zoning Code relating to the zoning districts is amended to remove the MR-1 and PMR-1 designations, and to correct typographical errors, to read as follows:

512.01. - Zoning Districts.

Subdivision 1. Establishment of districts. In order to carry out the purposes and provisions of this Code, the city is hereby divided into the following Zoning Districts: (Amended, Bill No. 2008-12, 2009-5, 2009-7, 2017-6, Bill No. 2021-12)

Residential Districts	
Single Family Low Density Residential	R
Low Density Single-Family Residential	R-1
Two Family Residential	MR-1

Multi-Family Residential	MR-2
High Density Multi-Family Residential	MR-3
Commercial Districts	
Service Office	S-O
Neighborhood Business	C-1
General Commercial	C-2
Mixed-Use Districts	
Mixed-Use Regional	MU-R
Mixed-Use Community	MU-C
Mixed-Use Neighborhood	MU-N
Industrial Districts	
Industrial	I
Planned Unit Development Districts	
Planned Residential	PR
Planned Two-Family Residential	PMR-1
Planned Multi-Family Residential	PMR
Planned Neighborhood Commercial	PC-1
Planned General Commercial	PC-2
<u>Planned Mixed Use</u>	<u>PMU</u>
Overlay Districts	
Airport Impact Runway Overlay District	AR
Penn Avenue Corridor Overlay District	PAC
Cedar Avenue Corridor Overlay District	CAC
Veterans Park Area Overlay District	VPA

Section 5

Subsection 512.05 of the Richfield Zoning Code is amended to remove the MR-1 column, to read as follows:

512.05. - Permitted, Conditional, Accessory and Prohibited Uses in Residential Districts.

The following table summarizes which land uses are classified as permitted, accessory, conditional or prohibited in the Residential Districts. Refer to Sections 514 through 527 for complete regulations.

- P: Permitted
- A: Accessory
- C: Conditional
- N: Null or Prohibited

Land Use	R	R-1	MR-4	MR-2	MR-3
Residential					
Single-family detached dwellings	P	P	P	N	N
Two-family dwellings	G P	N	P	P	P
Twin homes	N	N	G	N	N
Multifamily dwellings (minimum 3 units)	N	N	N	P/C	P/C
Cluster home developments	C	N	G	C	N
Other					
Bed and breakfast inns	C	C	N	N	N
Cemeteries	C	N	N	N	N
Day care facilities	P/C	P	P/G	P/C	P/C
Emergency shelters	C	N	G	C	C
Fences, walls and hedges	A	A	A	A	A
Foster family homes	A/C	A/C	A/G	A/C	A/C
Garages/carports for a residential structure	A	A	A	A	A
Gazebos/greenhouses	A	A	A	N	N
Governmental buildings	P	N	G	C	C
Home occupations	A	A	A	A	A
Libraries (public)	P	N	G	C	C
Parking	A	A	A	A	A
Private driveways	A	A	A	A	A
Public utilities, major	C	C	G	C	C
Public utilities, minor	A	A	A	A	A
Recreational facilities, noncommercial, principal use	C	C	G	N	N
Religious institutions	C	N	G	C	C
Residential care facilities	P	P	P/G	P/C	P/C
Roomer	A	A	N	N	N
Satellite dish antennas	A	A	A	A	A
Schools, public or private	C	N	G	C	C
Storage buildings	A	A	A	A	A
Swimming pools, private	A	A	A	A	A
Telecommunication towers	C	C	G	C	C
Utility buildings accessory to telecommun. towers and antennas	A	N	A	A	A

Section 6

Section 514 of the Richfield Zoning Code related to the R, Single-Family Residential District is retitled and revised to read as follows:

SECTION 514 - ~~SINGLE-FAMILY~~ **LOW DENSITY** RESIDENTIAL DISTRICT (R)

514.01 Purposes. The purposes of the R District regulations are to protect and preserve the ~~single-family~~ **low density** residential character of the R District; reserve appropriate locations for ~~single-family~~ **low density** dwellings; provide opportunities for cluster housing development; minimize traffic congestion and the overloading of utilities; and provide residential locations that are safe, attractive, and quiet.

514.03. - Permitted uses.

Subdivision 1. The uses listed in this subsection are permitted uses in the R District.

Subd. 2. Single-family (detached) dwellings **and two-family dwellings**.

Subd. 3. State-licensed day care facility serving 14 or fewer children. Care facilities located within the R District shall be subject to the same zoning regulations as single-family dwellings in the R District except that one nonresident employee shall be permitted in accordance with State requirements. (Amended, Bill No. 2016-3)

Subd. 4. State-licensed residential care facility serving six (6) or fewer persons, or a housing with services establishment registered under M.S. 144D serving six (6) or fewer persons. Care facilities located within the R District shall be subject to the same zoning regulations as single-family dwellings in the R District.

Subd. 5. Governmental buildings and public libraries.

514.05 Accessory building and use regulations.

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Subd. 3. Private garages (includes attached and detached) or carports:

- a) That do not exceed 1,000 square feet in floor area. In the case of detached garages, floor area shall include space devoted to vehicle parking, storage and non-garage uses such as an accessory dwelling unit, office, or similar habitable space. The first 400 square feet of space devoted to an accessory dwelling unit is exempt from this requirement, provided the site complies with part (b). Floor area shall not include crawl spaces or attic storage;
- b) That do not exceed an aggregate of 1,200 square feet (or 13% of lot area in the case of lots of 15,000 square feet or more) in

floor area when combined with all other accessory buildings and attached garages on the lot;

- c) That are constructed in accordance with Subdivision 2 of this subsection; and
- d) In no event shall the height of a garage door or carport opening, measured from the floor to the trim covering the door header, exceed nine (9) feet.
- e) **Attached garages where one or more garage doors face a street:**
 - i. **the total width of all garage doors on that building elevation shall not exceed 50 percent of the width of that elevation. A garage door is considered to be facing a street where the opening is parallel to, or within 45 degrees of, the street right-of-way line.**
 - ii. **Attached garages shall not extend closer towards the front lot line than the facade of the habitable first story portion of the primary structure.**

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Subd. 6. Private driveways, parking areas, turnaround areas, and sidewalks for residential uses, provided the following conditions are met:

- a) All such driveways, parking areas, turnaround areas, and sidewalks shall be set back no less than one foot from any lot line abutting another parcel, except that upon written request from the landowner, the Director may reduce or rescind this setback requirement for shared access agreements or with a finding of necessity and public convenience;
- b) All such driveways, parking areas, turnaround areas, and sidewalks shall be constructed with concrete, asphalt, concrete pavers, brick set in compacted sand, or other material approved by the Director;
- c) ~~No parking area shall be permitted in the front yard area except as allowed by paragraph d);~~
- d) Within the front yard area, vehicles shall only be parked on the driveway area;
- e) Driveways, where located within the boulevard or the front yard area, are subject to the following requirements:
 - i. Width shall not exceed 35 percent of the front yard area, up to 20 feet maximum, whichever is less (curb cut radii excluded);
 - ii. Driveway width shall not exceed the width of the curb cut within 20 feet of the curblane. Beyond that point, width may increase to the number established by item (i). The

- expanded portion of the driveway shall be screened with plantings;
- iii. Curb cut radii (five (5) feet minimum) shall not encroach upon the boulevard of abutting properties;
 - iv. On corner lots, driveways shall be set back at least 30 feet from an intersection, as measured from the point where the extended curblines of the streets intersect;
 - v. Only one (1) curb cut shall be permitted from a public street to a lot. Lots with alley access shall not be permitted to install a curb cut;
 - vi. Upon written request from the landowner, items (i), (ii), (iii), (iv) and (v) above may be varied by the Director with a finding of necessity and public convenience;
- f) Any expansion, installation, or replacement of a driveway, parking or turnaround area on a lot shall be subject to a city permit;
 - g) Any expansion, installation or replacement of a curb cut from a public street to a lot shall be subject to a city permit and any curb cut abandoned with the installation of a new cut shall be extinguished and replaced with curb and gutter according to specifications determined by the Director of Public Works;
 - h) A turnaround area may be located within a front yard subject to the requirements of this paragraph. The turnaround area is limited to the front yard of arterial streets only. The turnaround area cannot exceed 150 square feet. The turnaround area must be contiguous to the driveway. The turnaround area shall be set back no less than three (3) feet from any public sidewalk.

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Subd. 8. Internal, attached, and detached accessory dwelling units shall be allowed, provided that:

- a) The principal residential structure is a permitted or conditional single-family **or two-family** dwelling;
- b) No more than one accessory dwelling unit shall be allowed on a lot;
- c) The lot must meet current minimum width and depth requirements;
- d) The creation of an accessory dwelling unit shall not create a separate tax parcel;
- e) An owner of the property must occupy at least one dwelling unit on the lot as their primary place of residence. Proof of homesteading shall be required and variances from this provision shall not be considered;
- f) A rental license for the non-owner-occupied unit shall be required in accordance with Section 407 of the City Code;

- g) Accessory dwelling units must have a minimum area of 300 square feet and cannot exceed 800 square feet or the gross floor area of the principal dwelling, whichever is less;
- h) Principal dwelling units must continue to meet minimum floor area requirements or not increase the degree of nonconformity in this matter;
- i) The primary exterior materials of an attached accessory dwelling unit must match those of the principal structure. Exterior materials for new construction related to any type of accessory dwelling unit must match the structure to which it is attached;
- j) The creation of an attached or internal accessory dwelling unit shall not result in the creation of additional entrances facing the public street on the primary structure;
- k) Exterior stairways leading to an upper story accessory dwelling unit shall be allowed so long as the staircase and railing are not constructed with raw or unfinished lumber;
- l) Detached accessory dwelling units are permitted only as a part of an approved accessory garage structure;
- m) Conversion of garage space to an accessory dwelling unit is prohibited unless the garage space is replaced. Space within a garage that exceeds what is necessary for two vehicles may be converted without replacement; and
- n) A minimum of three off-street parking spaces is required in order to add an accessory dwelling unit of any kind....

514.07. - Conditional uses. [This subdivision is amended to repeal Subdivision 2, and to renumber all subsequent subdivisions.]

~~Subd. 2. Two-family dwellings, provided the following conditions are met:~~

- ~~a) The lot shall abut an arterial or collector street;~~
- ~~b) The lot area and width shall comply with Section 514.11, Subd. 2 of this Code;~~
- ~~c) Two (2) off-street parking spaces, one (1) of which must be enclosed in a garage, shall be provided for each dwelling unit;~~
- ~~d) Private driveways, parking areas, turnaround areas and sidewalks shall comply with Section 514.05 Subd. 8 of this Code;~~
- ~~e) For new construction each dwelling unit shall contain at least 960 square feet of interior floor space, and for conversion of a single-family dwelling to a two-family dwelling each unit shall contain at least 500 square feet of interior floor space. For the purpose of this subsection, interior floor space shall include the total horizontal area of the dwelling unit as measured from the interior walls of the unit; and~~

- f) ~~The structure shall meet all setback requirements for two-family dwellings as indicated under Section 514.13, except that a single-family dwelling which does not meet the required two-family interior side setback may be converted into a two-family dwelling if the dwelling is not expanded or if the expansion meets all applicable two-family dwelling requirements.~~

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514.09. - Prohibited uses. Any land use not listed as permitted, accessory or conditional in this Section or subsection 512.05 is prohibited in the R District unless the use is found to be substantially similar to a use listed, as determined by the city in accordance with Section 509.23 of this Code.

514.11. Lot Area, dimensions and coverage.

Subdivision 1. The standards set out in this subsection apply in the R District.

Subd. 2. Minimum lot area, dimensions and coverage.

Land use	Lot area (sq. ft.)	Lot width (feet)	Lot depth (feet)	Max. lot coverage	Maximum impervious surface
Single-Family and Two-Family ¹	6,700 6,000	50 47	100	35%	45%
Two-Family	9,000	60	100	35%	45%
Cluster home Development in R-SFH Guided Area	2,900 Per Unit	60	100	35%	75%
Cluster home Development in Non-R-SFH Guided Area	4,000 Per Unit	60	100	35%	75%
Non-residential	40,000	150	100	50%	85%

¹ Every lot or plot upon which there is erected a dwelling as part of a two-unit townhouse shall have a minimum of one-half (1/2) of the minimum lot area established above and a minimum width of twenty-five (25) feet.

Subd. 3. **Nonconforming Residential Lot Dimensions.** Special grandfather clause for certain R lots. A lot that was a lot of record on or before June 1, 1995, located in the R District which does not meet the minimum requirements set forth in this Code as to area and dimensions, may be used for single-family (detached) development provided that the width of

such lot is not less than 40 feet and such lot contains at least 5,000 square feet in area.

Section 514.13. Building setback and height.

Subdivision 1. Standards. The standards set out in this subsection apply in the R District.

Subd. 2. Building setback and maximum height (measurements in feet).

Use	Front	Rear	Interior Side	Street/Corner Side	Maximum Height (as defined in 507.07, Subd. 53)
Single- or two -family building (but see Subd. 3 and 5)	30	25	5 (<u>but see Subd. 3 and 10</u>)	12	25 ²⁸
Two-family building (but see Subd. 3 and 5)	30	25	10	12	25
Cluster home development in R-SFH guided area (but see Subd. 3 and 5) ¹	10	25	5	12	25 (but see Subd. 9 ⁸)
Cluster home development in non- R-SFH guided area (but see Subd. 3 and 5) ¹	30	25	5	12	25 (but see Subd. 8)
Accessory - garage (but see Subd. 3-6)	30	3 (5 if utility easement or greater than 14 ft. tall)	5	12	14 ² (but see Subd. 7)

Accessory - nongarage (but see Subd. 4 and 5)	30	3 (5 if utility easement)	5	12	12 ³
Nonresidential building (but see Subd. 5 and 7)	40	30	30	30	42
Accessory building to nonresidential use (but see Subd. 5)	40	10	10	30	15

¹ Setbacks for cluster home developments shall apply to the perimeter of the development. Setbacks between attached and detached units within a **townhome or a** cluster home development must comply with applicable building and fire codes. (Added, Bill No. 1996-22)

² For garages, height is measured on the side of the building with the vehicle door.

³ For nongarage accessory structures, height is measured from the ground level to the highest point of the roof.

Subd. 3. Setback reductions for principal buildings. The following setback reductions apply in the R District:

- a) On a corner lot, the street side setback requirement shall be the lesser of 12 feet or the established street side setback of the existing principal building on the same lot for single-family, two-family and cluster home development structures. In any case the provisions of paragraphs d) and e) of this subdivision shall be applicable; (Amended, Bill No. 1996-22)
- b) The front setback requirement for a new single-family dwelling, two-family dwelling, or cluster home development on a lot may be reduced to not less than the average existing front setback of the dwelling(s) which front on the same street and abut such lot, to a minimum setback of 20 feet; (Amended, Bill No. 1996-22)
- c) With respect to ~~single-family~~ homes existing on or before June 1, 1995, the interior side setback requirement may be reduced to not less than three (3) feet for the purpose of constructing an attached garage or a two-car garage to replace a single-car garage, provided the following conditions are met:
 - i. A letter of consent signed by the owner of the property that abuts the interior lot line shall be submitted to the city;

- ii. The garage shall be located a distance of not less than eight (8) feet from any building on an abutting lot;
 - iii. The width of the garage shall not exceed 20 feet, and the length shall not exceed 26 feet;
 - iv. Accessory garages built under this Subdivision are limited to 14 feet in height;
 - v. The garage wall most parallel and adjacent to the interior lot line shall have no more than a one-foot roof overhang (eave projection); and
 - vi. A drainage plan shall be approved by the Engineering Department prior to issuance of building permits.
- d) Windows or window units may project a maximum of 24 inches into a required front yard, street side yard, or rear yard of a dwelling, provided that the floor area is not increased by more than ten (10) square feet, however, in no case shall they be closer than six (6) feet from any lot line;
- e) Those items classified as "not encroachments" in Section 509.11
- f) The setback requirements for cluster home developments may be reduced to 25 feet in the front and 12 feet in the rear if the following criteria are met:
 - i. The project can demonstrate that a superior design is achieved through the reduced setback. Evidence of a superior design may include but is not limited to the preservation of a natural feature, creation of an amenity, creation of public open space, or incorporation of special features to meet the needs of the target population;
 - ii. The reduced setback does not adversely affect the overcrowding, or other similar impacts; and
 - iii. The impact of the reduced setback is minimized through the presence of features such as landscaping or other means of buffering, a limited number of building openings in the portion of the structure that infringes upon the setback, building orientation, minimized garage door dominance, or other similar features.
- g) In required front yards, covered porches attached to the principal building that extend no more than ten (10) feet, provided that the porch is no closer than 20 feet from the front lot line and that the design of the porch is approved by the Community Development Director. The Community Development Director must make the following findings to approve a porch encroachment up to ten (10) feet:
 - i. The exterior materials of the proposed porch are consistent or complementary in color, texture and quality with those visible at the front of the dwelling;

- ii. The roof of the proposed porch is properly proportioned to and integrated with the roof of the dwelling and has no less than a 3:12 slope;
- iii. The base of the porch is not open and its appearance is consistent with the base of the dwelling;
- iv. At least 65 percent of the exposed porch facade is open or occupied by windows, screens, and/or doors of transparent material; the facade constitutes the area from the floor level of the porch to the porch ceiling; and
- v. Plans are prepared by a registered architect or reviewed by the a design advisor selected by the Community Development Department;
The Director may attach conditions to the approval of the porch encroachment as needed to make the required findings; and
- h) In required residential street/corner side yards, covered porches attached to the front of a principal building that extend no more than ten (10) feet, provided that the porch is no closer than 20 feet from the street side lot line and that the design of the porch is approved by the Community Development Director. The Director must make the findings required by Section 514.13, Subd. 3(g). The Director may attach conditions to the approval of the porch encroachment as needed to make the required findings. (Added Bill No. 1998-12; amended Bill No. 2015-4)
- i) **In the case of townhouses, the shared interior side setback may be reduced to (0) zero.**

...

j)

Subd. 10. Two-family Dwelling Side Entrances. For two-family dwellings on interior lots: A main entrance to either unit from a side yard is not allowed within 10 feet of the side property line (Figure 11.1).

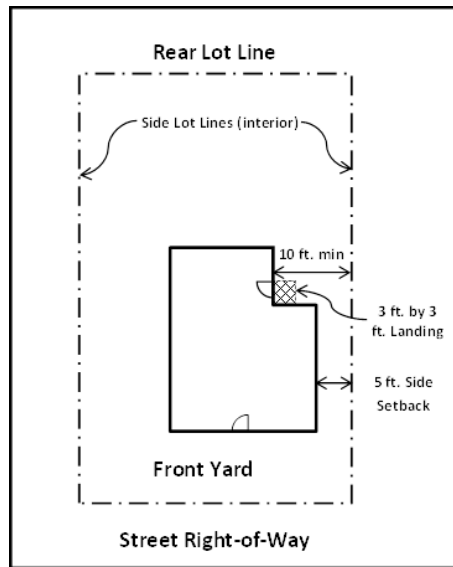


Figure 11.1

514.15. Additional regulations.

Subdivision 1. Standards. Developments shall be constructed and maintained in accordance with the standards set out in this subsection.

Subd. 2. Dimensions and floor area. Single-family and two-family dwellings ~~constructed after June 1, 1995~~ shall be a minimum of 22 feet in length and width for at least 50 percent of each distance as measured from outside wall surfaces, ~~and~~ **Single Family dwellings** shall contain a minimum of 960 square feet of gross floor area. **Two-Family dwellings shall contain a minimum of 800 square feet of floor area per dwelling unit.** Dwellings in cluster home developments shall be a minimum of 16 feet in width for attached units.

~~Subd. 3. Garage planning. Building plans submitted after July 5, 2008 for new single-family dwellings 1,200 square feet or less shall include garage space for not less than one (1) vehicle, and shall designate area on the lot for future construction of garage space for a second vehicle that will not require any variances. Building plan submitted after July 5, 2008 for new single-family dwellings over 1,200 square feet shall include garage space not less than two (2) vehicles. For the purposes of this subdivision only, each vehicle shall require a garage space of not less than ten (10) feet in width by 20 feet in depth.~~

Subd. 4. Parking requirement. ~~For two-family, twin home dwellings, and cluster home developments, there shall be provided on the site at least two (2) parking spaces per dwelling unit, of which at least one (1) space per dwelling shall be enclosed in a garage. (Added, Bill No. 2014-4)~~

...

Section 7 Section 522 of the Richfield Zoning Code, the Two-Family Residential District (MR-1), is repealed.

Section 8 Section 529.11 Subdivision 1 of the Richfield Zoning Code related to dimensional requirements of the S-O District is amended to read as follows:

Subdivision 1. [Generally.] The following dimensional requirements apply to the S-O district. All dimensions are in feet unless otherwise noted.

Minimum lot width	Interior lot: 60	Corner lot: 75
Minimum lot area	8,000 square feet	
Maximum impervious surface coverage	75 percent	

Setbacks - building	Principal building	Accessory building
Front (see also Subd. 2)	30	30
Rear		
Adjacent to R, R-1 or MR-1 District	15	8
Adjacent to non-R, R-1 or MR-1 District	5	5
Interior side		
Adjacent to R, R-1 District	15	15
Adjacent to non-R, R-1 District	5	5
Street/corner side (see also Subd. 3)	12	12

Setbacks - parking measured from property line)	
Front (but see Subd. 5)	8
Street/corner side (but see Subd 5)	8
Interior lot line	
Adjacent to R, R-1 or MR-1 District	10
Adjacent to non- R, R-1 or MR-1 District	5

Height limitations	Principal building	Accessory building
Maximum building height	30	15
Story limitations	2 stories	1 story

Section 9

Section 532.11, Subdivision 1, of the Richfield Zoning Code related to dimensional requirements of the C-1 District is amended to read as follows:

Subdivision 1. The following dimensional requirements apply to the C-1 district. All dimensions are in feet unless otherwise indicated:

Minimum lot width	Interior lot: 60	Corner lot: 75
Minimum lot area	8,000 square feet	
Maximum impervious surface coverage	80 percent	

Setbacks - building	Principal building	Accessory building
Front (see also Subd. 2)	30	30
Adjacent to arterial roads	See Subdivision 2	
Rear (see also Subd. 4)		
Adjacent to R, R-1 or MR-1 District	10	8
Adjacent to non-R, R-1 or MR-1 District	5	5
Street/corner side (but see Subd. 3 and 4)	20	20
Interior side (see also Subd. 4)		
Adjacent to R, R-1 or MR-1 District	10	8
Adjacent to non- R, R-1 or MR-1 District	5	5
Maximum building height	30	15
Story limitations	2 stories	1 story

Setbacks - parking (measured from the property line)	
Front (but see Subd. 5)	8
Side/corner side (but see Subd 5)	8
Interior side	
Adjacent to R, R-1 or MR-1 District	10
Adjacent to non-R, R-1 or MR-1 District	5

Section 10

Section 534.11 Subdivision 1 of the Richfield Zoning Code related to dimensional requirements of the C-2 District is amended to read as follows:

Subdivision 1. The following dimensional requirements apply to the C-2 District. All dimensions are in feet unless otherwise indicated:

Minimum lot width	Interior lot: 75	Corner lot: 90
Minimum lot area	9,000 square feet	
Maximum impervious surface coverage	85 percent	

Setbacks: building	Principal building	Accessory building
Front (see also Subd. 2)	35	35
Adjacent to arterial roads	See Subdivision 2	
Rear (see also Subd. 4)		
Adjacent to R, R-1 or MR-1 District	15	8
Adjacent to non- R, R-1 or MR-1 District	5	5
Street/corner side (but see Subd. 3)	25	25
Interior side (see also Subd. 4)		
Adjacent to R, R-1 or MR-1 District	15	8
Adjacent to non- R, R-1 or MR-1 District	0	0
Maximum building height (but see Subd. 5)	40	15
Story limitations	3 stories	1 story

Setbacks: parking	
Setbacks: parking	
Front (but see Subd. 6)	8
Street/corner side (but see Subd. 6)	8
Interior lot line	
Adjacent to R, R-1 or MR-1 District	15
Adjacent to non- R, R-1 or MR-1 District	5

Section 11 Section 541.17 Subdivision 2 of the Richfield Zoning Code related to district boundaries of the Airport Impact Overlay district is amended to read as follows:

Subd. 2. District boundaries. The provisions of subsections 541.75 and 541.77 shall apply to all lots or parcels of record within the City of Richfield having an underlying zoning designation of ~~Single-family~~ **Low Density** Residential (R), ~~Low Density~~ Single-family Residential (R-1), ~~Two-Family Residential (MR-1)~~, Multifamily Residential (MR-2), and High Density Multifamily Residential (MR-3) and located within or touched by the 2007 60-64 DNL contours as shown at Appendix A of the Consent Decree, which contour map is incorporated into this ordinance by reference.

Section 12 Section 542.03 Subdivision 1 of the Richfield Zoning Code related to the scope of PUD Districts is amended to read as follows:

Subdivision 1. [Table of PUD Districts.] Planned district regulations are applied in conjunction with a guiding district, as described in the following table. The planned district provisions may modify any portion of the regulations of the guiding district or other regulations of the code. The provisions may apply additional requirements or allow exceptions to general regulations:

PUD District	Abbreviation	Guiding Districts
Planned Residential	PR	R and R-1
Planned Two-Family Residential	PMR-1	MR-1
Planned Multifamily Residential	PMR	MR-2 and MR-3
Planned Service Office	PS-O	PS-O
Planned Neighborhood Commercial	PC-1	C-1
Planned General Commercial	PC-2	C-2
Planned Mixed Use	PMU	MU-N, MU-C, and MU-R
Planned Industrial	PI	I

Subd. 2. Minimum area. A PUD district shall contain not less than one (1) acre (43,560 square feet) in lot area. With respect to planned unit developments only, lot area may include (at the discretion of the Director), areas of the right-of-way that are improved and integral to the design of the project. (Amended, Bill No. 2014-4)

~~Subd. 3. PMR-1 density limitation. In the PMR-1 District, the density of two-family dwellings shall not exceed ten (10) dwelling units per acre.~~

...

Section 13

Section 549.23, Subdivision 1, of the Richfield Zoning Code related to the Residential District signage is amended to read as follows:

Subdivision 1. Residential districts.

- a) Within residential zoning districts, freestanding signs are permitted as follows:

District	Maximum sign area of single sign	Maximum height	Total area of all freestanding signs
R, R-1, MR-1	6 square feet	6 feet	12 square feet
MR-2, MR-3	24 square feet	8 feet	36 square feet
Permitted Nonresidential Uses	50 square feet	20 feet	100 square feet

- b) Within residential zoning districts, wall signs are permitted as follows:

District	Maximum sign area of single sign
R, R-1, MR-1	Not permitted except as required by Section 549.21,
MR-2, MR-3	10 percent of total wall area of the wall to which sign
Permitted Nonresidential	10 percent of the total wall area of the wall to which

- c) Within residential zoning districts, the following types of signs are prohibited:
- Dynamic displays, except for nonresidential uses; and
 - Marquee signs; and
 - Any sign not expressly permitted by this subdivision is prohibited in residential districts.
- b. Scoreboards for public parks and public or private schools are permitted as follows:
- One (1) scoreboard not exceeding 18 feet in height or 100 square feet is surface area is allowed per playing field, not including fields used only for practice; and
 - Commercial or noncommercial speech shall be permitted on the scoreboard as follows:
 - Commercial and noncommercial messages shall not comprise more than 25 percent of the area of the scoreboard; and
 - Commercial and noncommercial messages shall not be illuminated.

Section 14 The Zoning District titles in Appendix I - Boundaries of Zoning Districts, are amended to read as follows:

...

Section 6. – **Low Density Residential** ~~Residence~~ District (R).

...

Section 11. - **Single Family Residential** ~~Residence~~-District (R-1).

...

Section 19. - Airport **Impact** ~~Runway~~ Overlay District (AR).

...

Section 15 Appendix I – Boundaries of Zoning Districts, Section 12, Paragraphs (1) through (81) of the Richfield City Code is repealed, rezoning all affected property as Low Density Residential District - R.

Section 16 This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 24th day of January, 2023.

Mary B. Supple, Mayor

ATTEST:

Chris Swanson, Acting City Clerk

RESOLUTION NO. _____

**RESOLUTION APPROVING SUMMARY PUBLICATION
OF AN ORDINANCE AMENDING THE RICHFIELD ZONING CODE
REGULATIONS RELATED TO TWO FAMILY USES;
CONSOLIDATING THE R AND MR-1 DISTRICTS INTO A
LOW DENSITY RESIDENTIAL ZONING DISTRICT; AND
MODIFYING LOW DENSITY RESIDENTIAL DESIGN STANDARDS
AND LOT DIMENSIONS**

WHEREAS, the City has adopted the above-referenced amendment of the Richfield City Code; and

WHEREAS, the verbatim text of the amendment is cumbersome, and the expense of publication of the complete text is not justified.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION
BILL NO. _____**

**AN ORDINANCE AMENDING THE RICHFIELD ZONING CODE
REGULATIONS RELATED TO TWO FAMILY USES;
CONSOLIDATING THE R AND MR-1 DISTRICTS INTO A
LOW DENSITY RESIDENTIAL ZONING DISTRICT; AND
MODIFYING LOW DENSITY RESIDENTIAL DESIGN STANDARDS
AND LOT DIMENSIONS**

This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter.

This ordinance aligns the City's Zoning Code with its 2040 Comprehensive Plan. It eliminates the MR-1 Zoning District and allows two-family homes by-right in the R District. The R District name will change from Single-Family Residential to Low Density Residential. The R-1 District name will change from Low Density Single-Family Residential to Single-Family Residential, with no additional changes to the zoning regulations. In addition to the above changes, residential design standards have been revised to promote livability and aesthetics, regardless of housing type.

Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours or upon request by calling the Department of Community Development at (612) 861-9760.

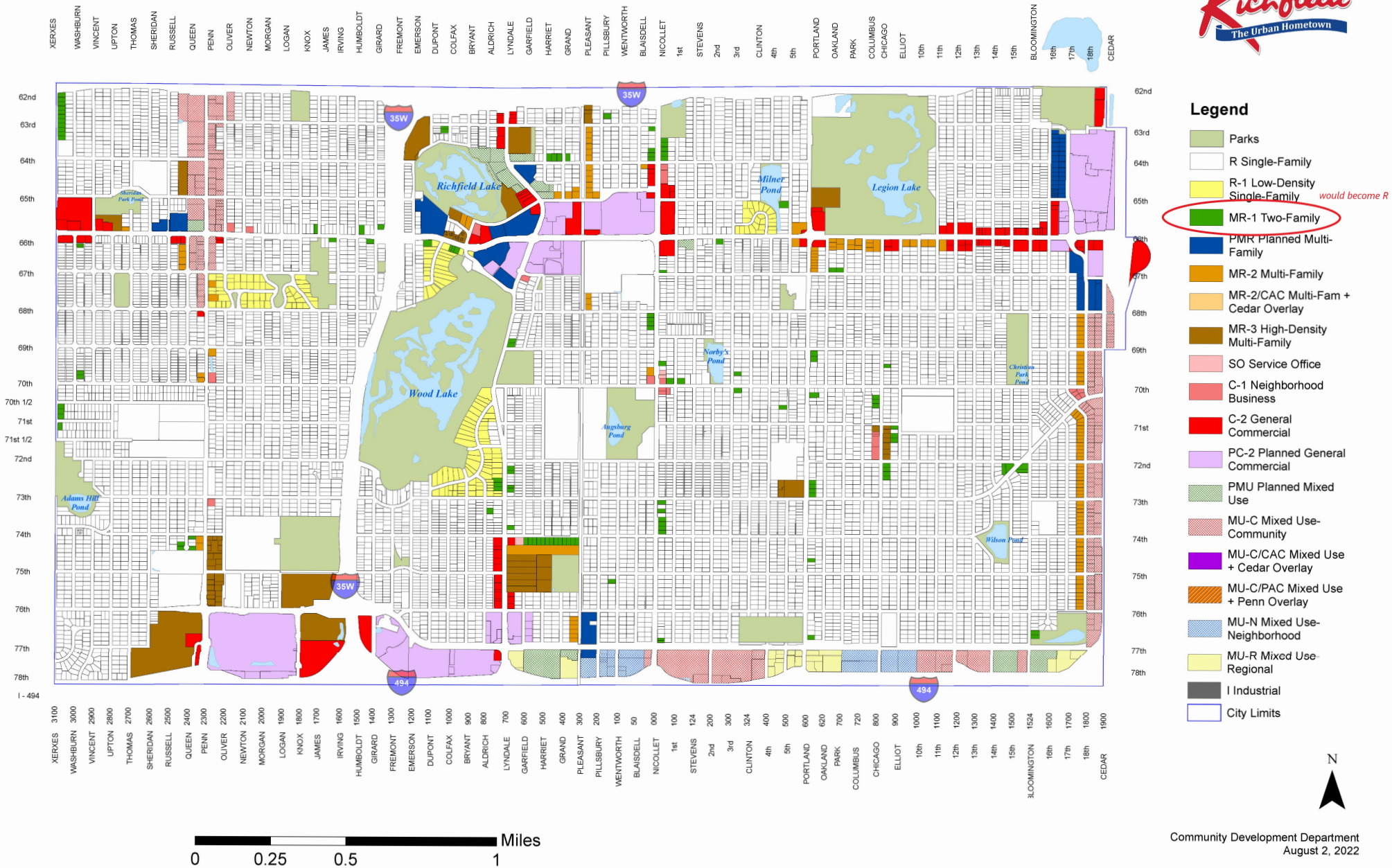
Adopted by the City Council of the City of Richfield, Minnesota this 24th day of January, 2023.

Mary B. Supple, Mayor

ATTEST:

Chris Swanson, Acting City Clerk

City of Richfield Zoning Map





Residential Zoning District Update

CC/PC Work Session – March 23, 2021

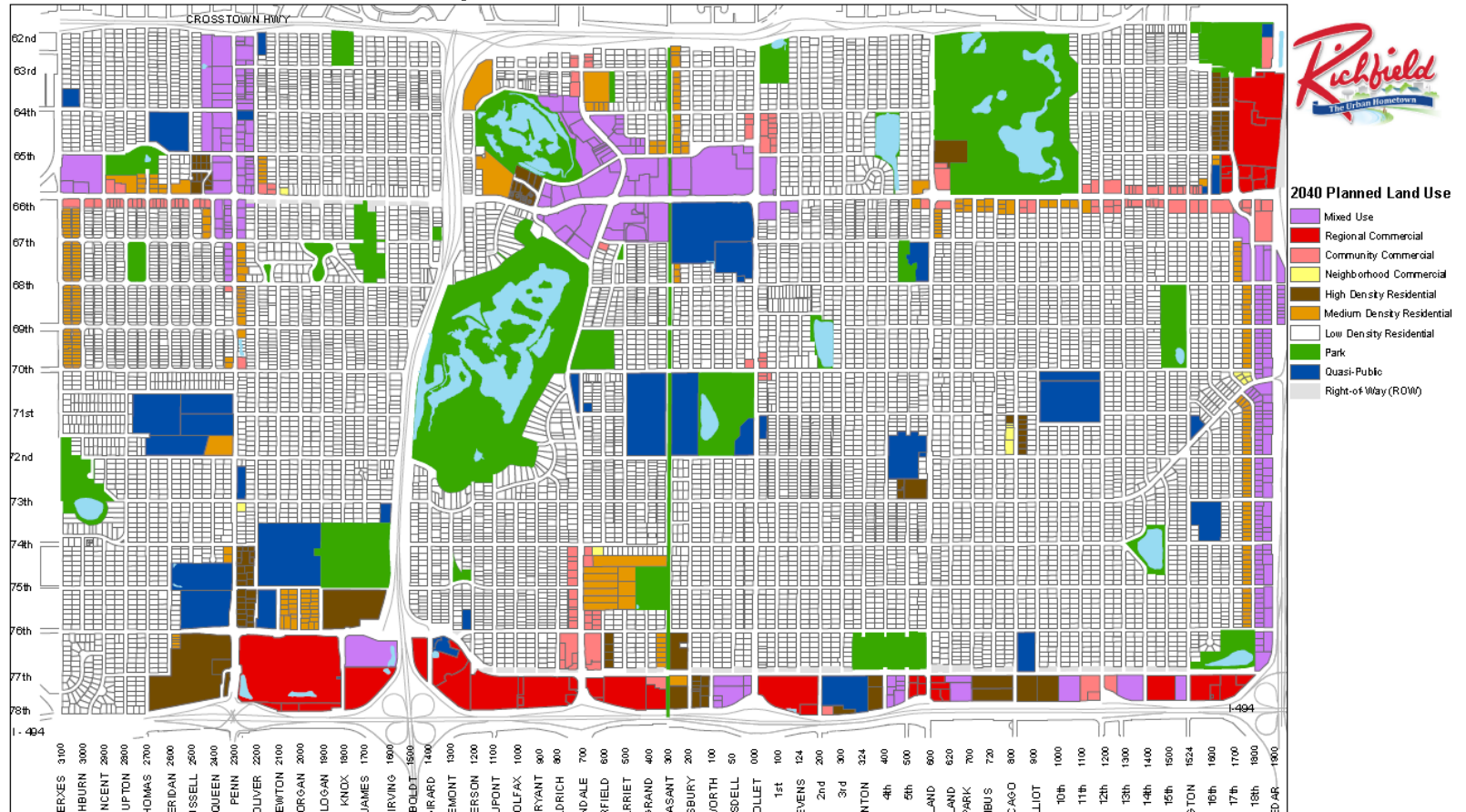


Background

- It's time to Implement the Comprehensive Plan!
- (we're compelled to align the Zoning Code with the Plan, but) We want to honor the work and engagement that was put into the plan.
- Start with the R district as the predominate Zoning Category.

Background

2040 Comprehensive Plan - Planned Land Use





R District – Single Family Home

- Current minimum lot size for single-family home: 6,700 square feet
- A high proportion of lots are nonconforming (17% or approx. 1 in 6)
- Comprehensive Plan would allow lots that are 5,886 square feet.

R District – Two Family Home

- Current minimum lot size for two-family home: 9,000 square feet.
- Conditional Use Permit required in all instances.
- Only allowed on arterials and collector streets.



So What

- We could narrowly focus on adjusting the dimensional standards
- But, we feel compelled to examine this in the context of wider issues and trends



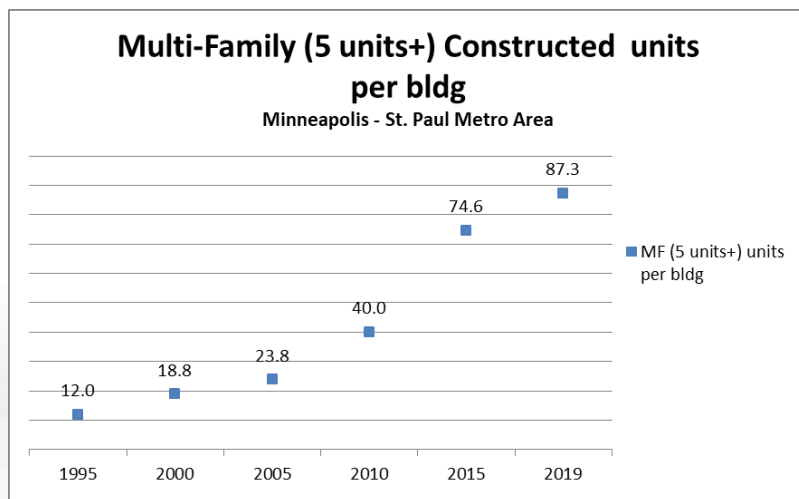


Macro trends

- People want to be in Richfield!
 - New families (proximity to key services & employment centers, high connectivity, high quality of life)
 - Existing residents/families; stay close to family, housing life cycle
- Trends in housing type delivery
- Rise of “Missing Middle” housing

MF Trends

- New MF Developments: ▲ units per building; ▼ bedrooms per unit



BEDROOMS - Renter Occupied Units (2019 ACS)

No bedroom	252	4.20%
1 bedroom	3,112	51.89%
2 bedroom	1,823	30.40%
3 bedrooms	507	8.45%
4 bedrooms	243	4.05%
5 or more bedrooms	60	1.00%

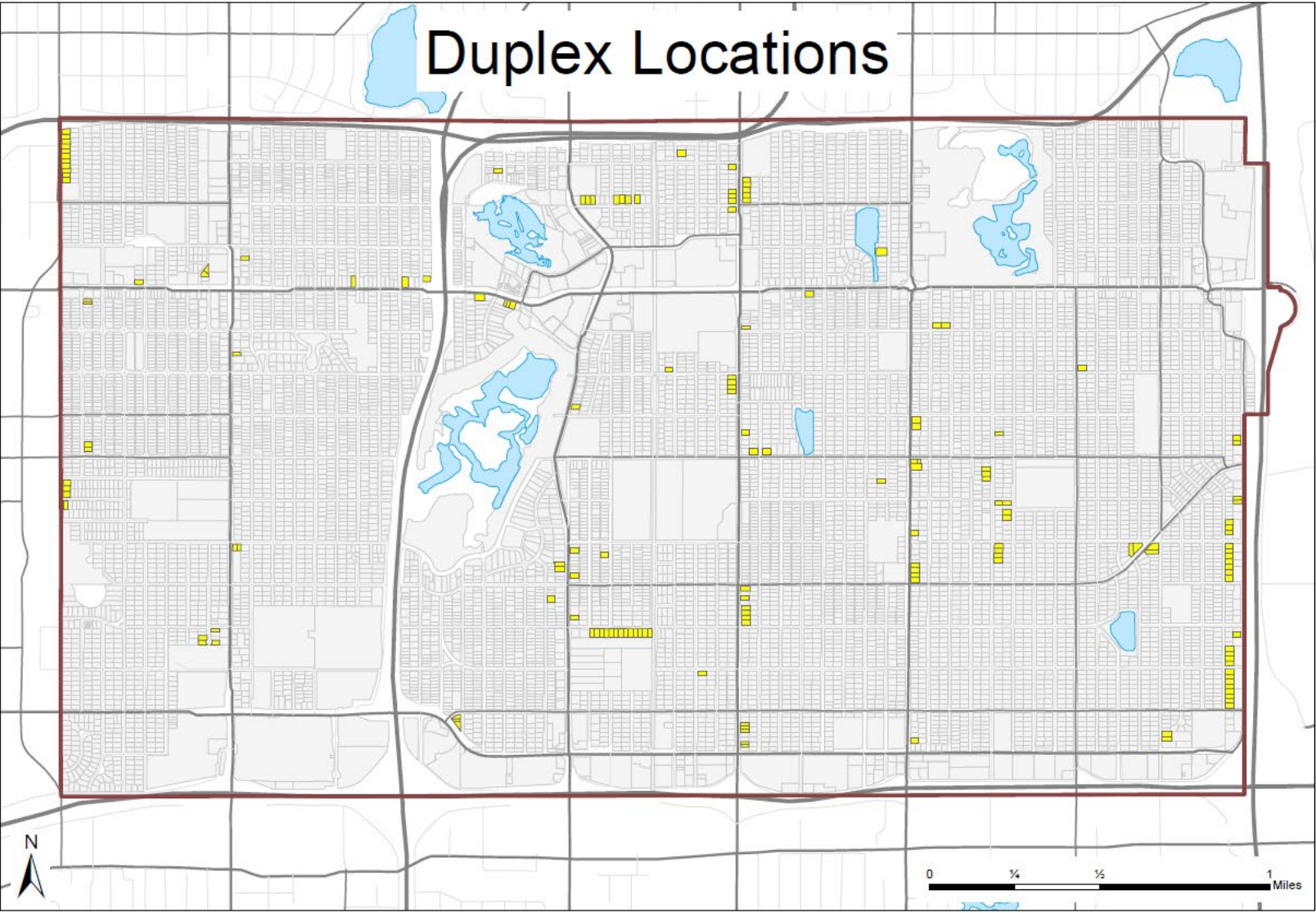
Missing Middle Housing

- Context sensitive (house-scale development)
- Wealth building



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Opticos Design, Inc.





Legend

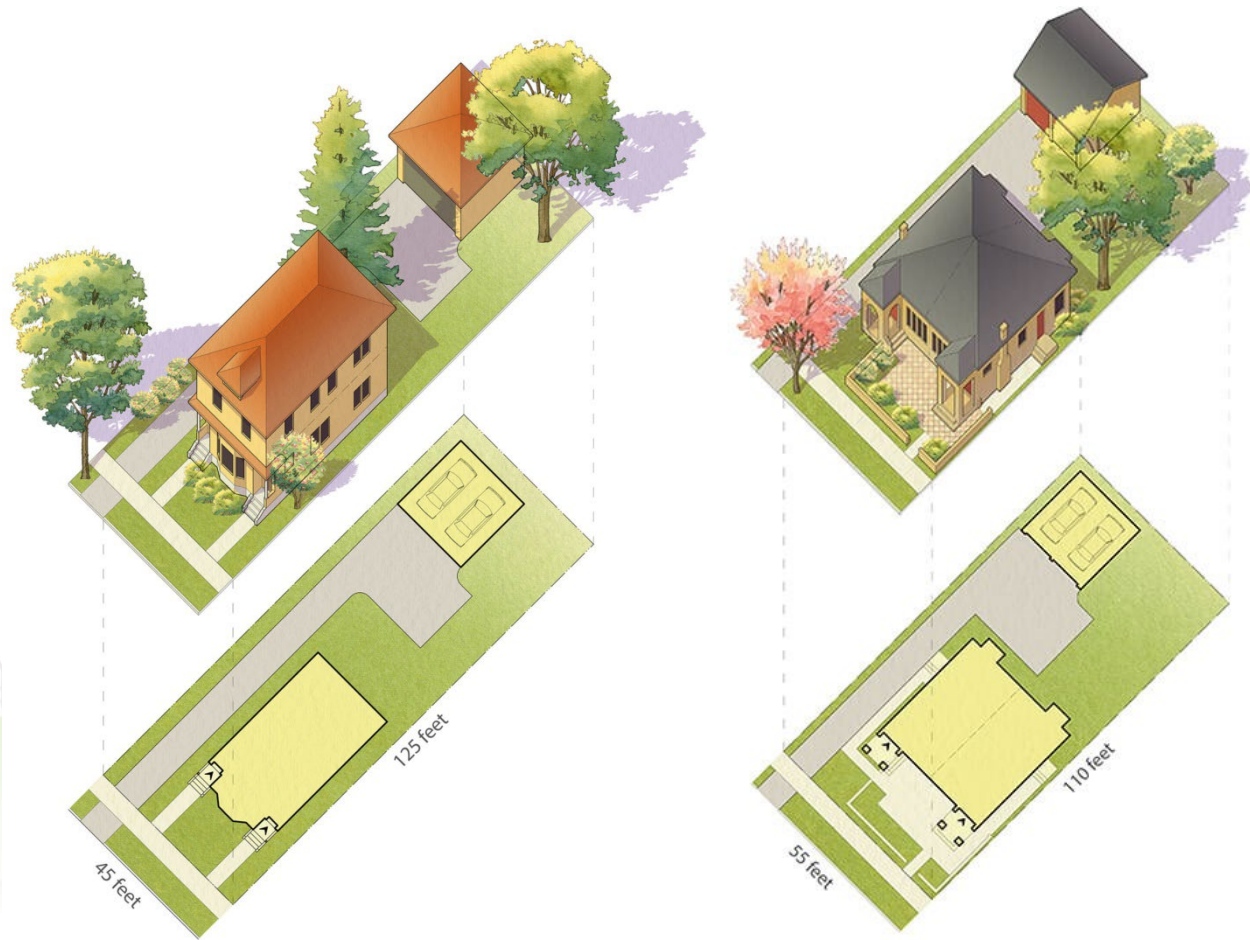
Duplexes

Functional Classification

- PA- Interstate
- PA- Freeway
- PA- Other
- Minor Arterial
- Major Collector
- Minor Collector
- Local



MMH: Duplex





What direction we want

- Continue to explore allowing duplexes
 - Where
 - By-right
- Direction on Lot sizes





Next Steps

- Take direction from tonight's discussion and work on the details for the R District
- Additional areas to align Zoning with the Comp Plan
 - Change in zoning designations
 - Examine the provisions of additional Districts



**Thoughts, Comments,
Questions?**



Question

- At some point in your life have you lived in a...
 - Single Family Home?
 - Townhouse?
 - Duplex or triplex?
 - Apartment building or condo?



Missing Middle Housing



Session Overview

- Start with brief background on Zoning and Development in the Community
- Overview of proposed R district Changes
- Framework for changes to duplex regulations

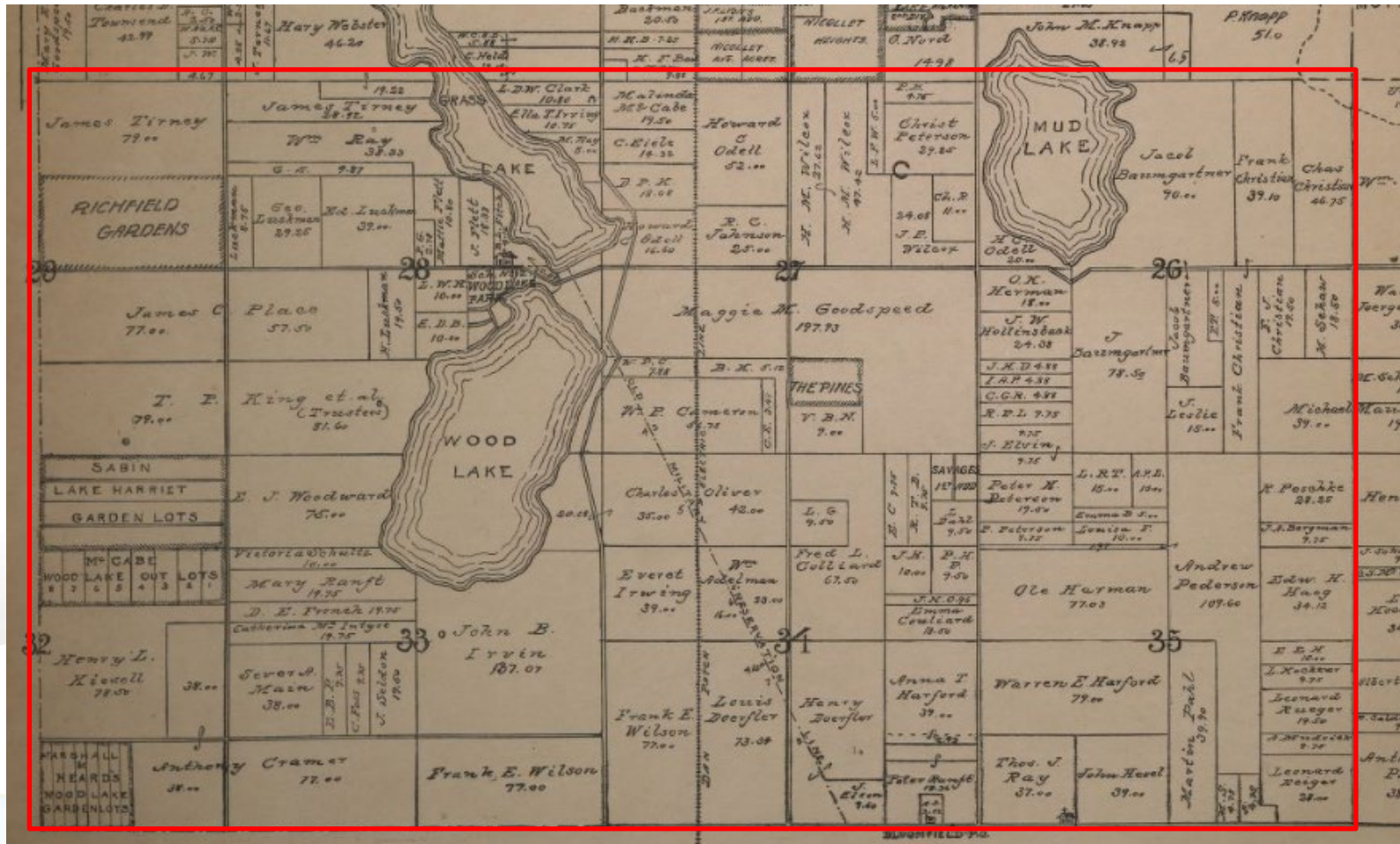
Process Overview

- Align Zoning with guidance of the Comp Plan
- Started with LDR areas, the largest geographic area
- honor work that went into the Plan, and obligated to allow property owners to develop up to the maximum limits

Background

- Timeline tells a powerful story about the role of zoning in the development of the community.
 - Speaks to who was welcome in the community.
- Important to examine for our commitment to rooting equity in our work

Pre-war Richfield

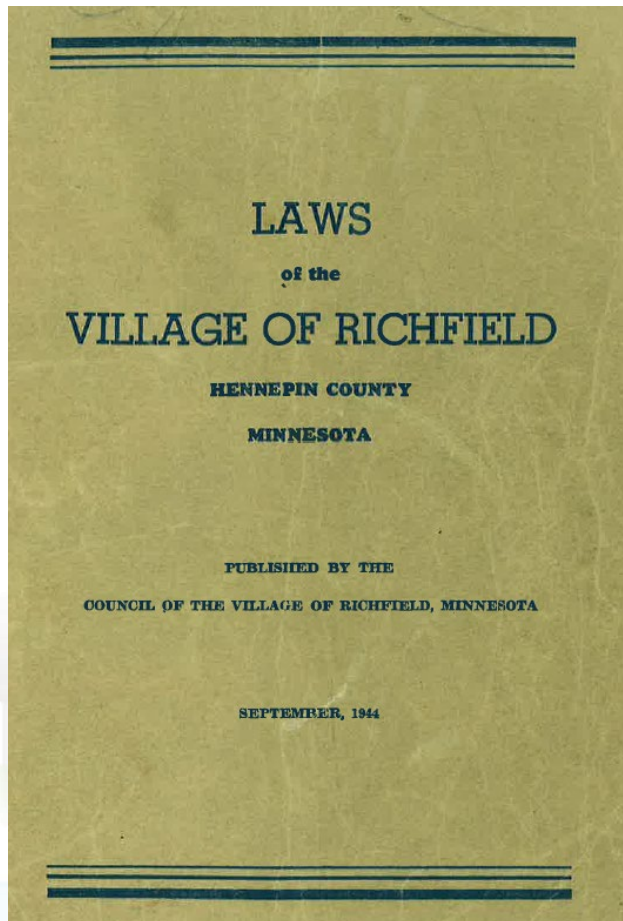


Atlas of Hennepin County, Minnesota (1913)

Richfield in 1940



Then in 1941....



VILLAGE OF RICHFIELD 17

62nd
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dition

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Section 4

Use Regulations for Residential District.

In the Residential District, unless otherwise provided in this ordinance, no building or land shall be used and no building shall hereafter be erected or altered except for one or more of the following uses, to-wit:

A. One-family or two-family dwellings and their accessory buildings, including a private garage of not more than two-car capacity.

B. Home occupations, which shall include any use customarily conducted entirely within a dwelling and carried on by the inhabitants

or detrimental to the District in which it is located.

Section 7 Area Regulations for Residential Districts:

1. Not more than one single family dwelling may be erected on any platted lot in said District, provided, however, that if the area of any lot exceeds 10,000 sq. feet, a two-family dwelling may be erected thereon.

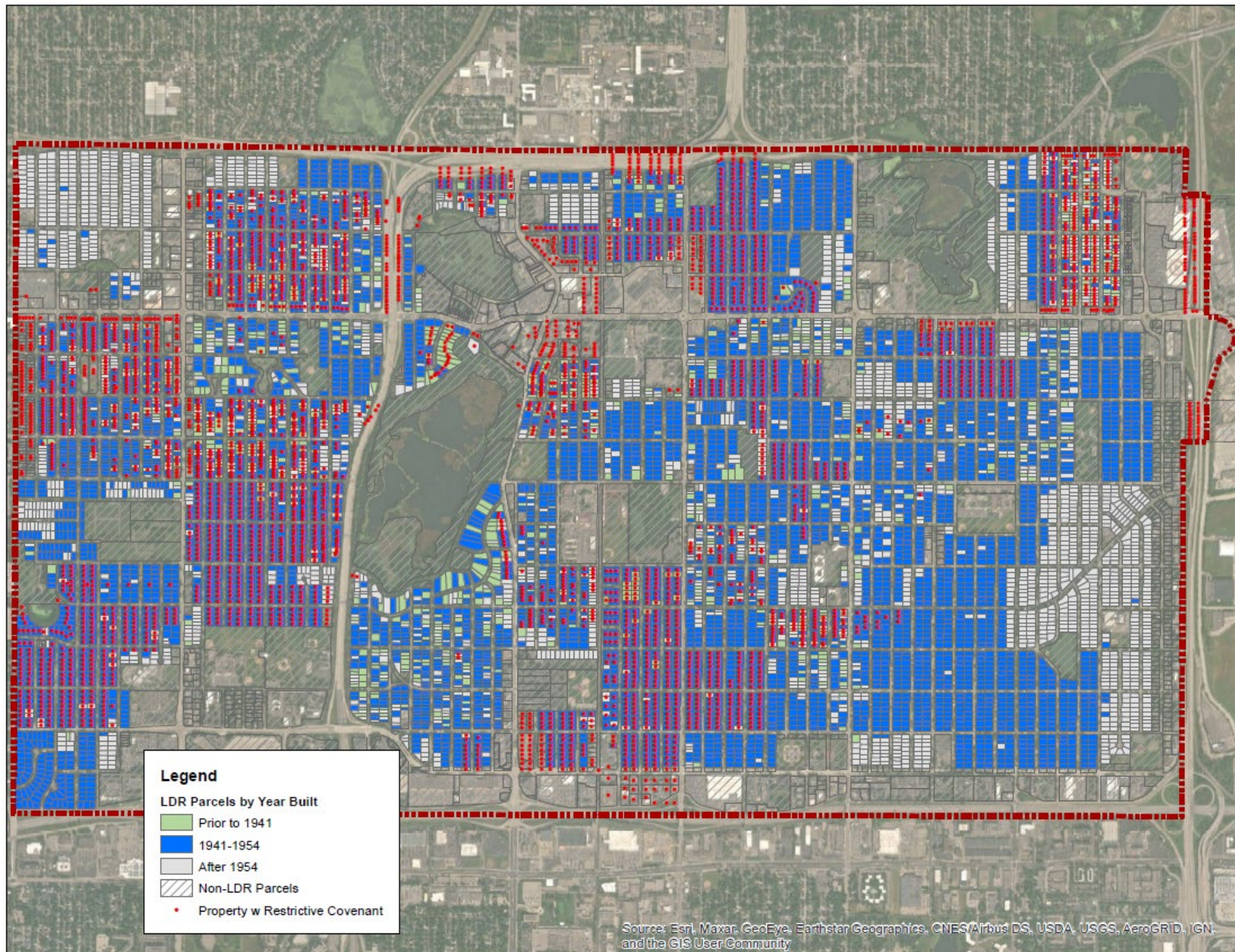
B. Each building in said Residential District shall have a front yard of not less than 30 feet.

C. Each building in said Residential District shall have two side yards, one on each side of the building. Said side yards, in the case of one and one-half story or smaller buildings, shall have a width of not less than 5 feet and in case of larger buildings, the side yards shall be not less than 15 feet in width.

D. Each dwelling located on a corner lot in said Residential District shall have a side yard on the side abutting upon a street of not less than the minimum front yard depth requirement on the adjoining interior lot, but this shall not reduce the buildable width of any corner lot to less than 30 feet.

Richfield in 1957

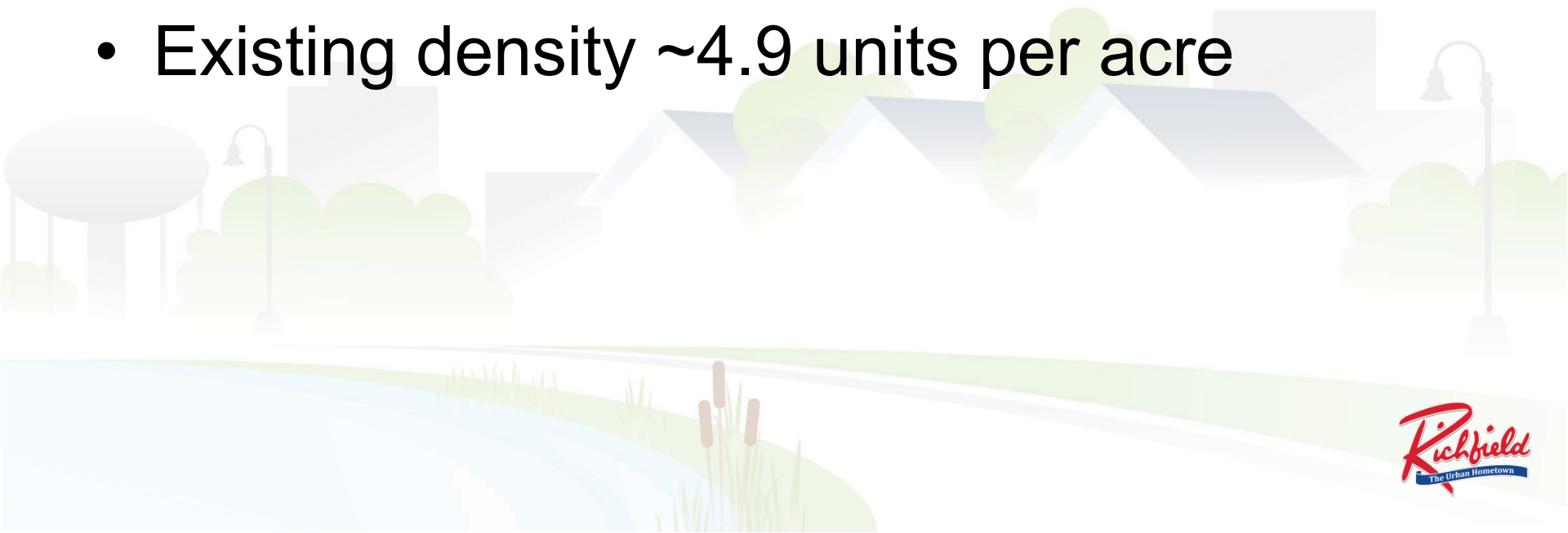






LDR

- Allows for the mixture of single-family detached and attached units, such as duplexes and lower density townhomes.
- 1-7.4 units per acre
- Existing density ~4.9 units per acre





LDR

- The R District is the primary Zoning Category for areas guided LDR.
- R District evaluation in part an academic exercise to get up to 7.4 units per acre.





LDR – R District

- Proposed Changes for R district:
 - 6,000 sq. ft. Lot Area Minimum [6,700 sq. ft. existing]
 - 45 ft. Lot Width Minimum [50 ft. existing]

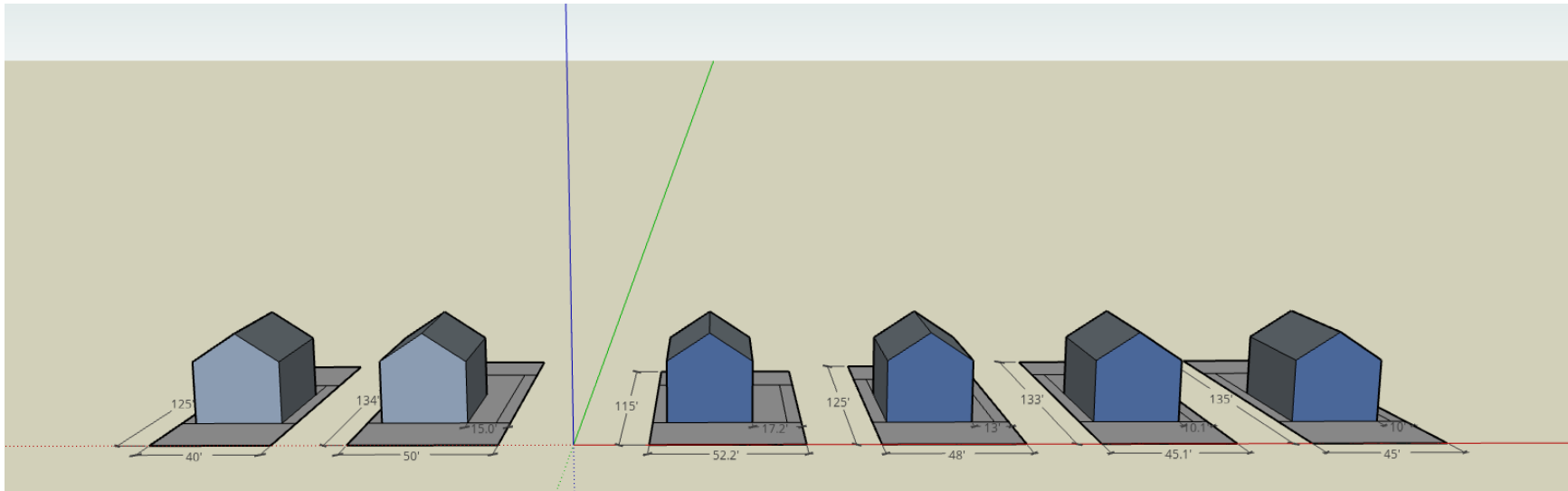




LDR – R District

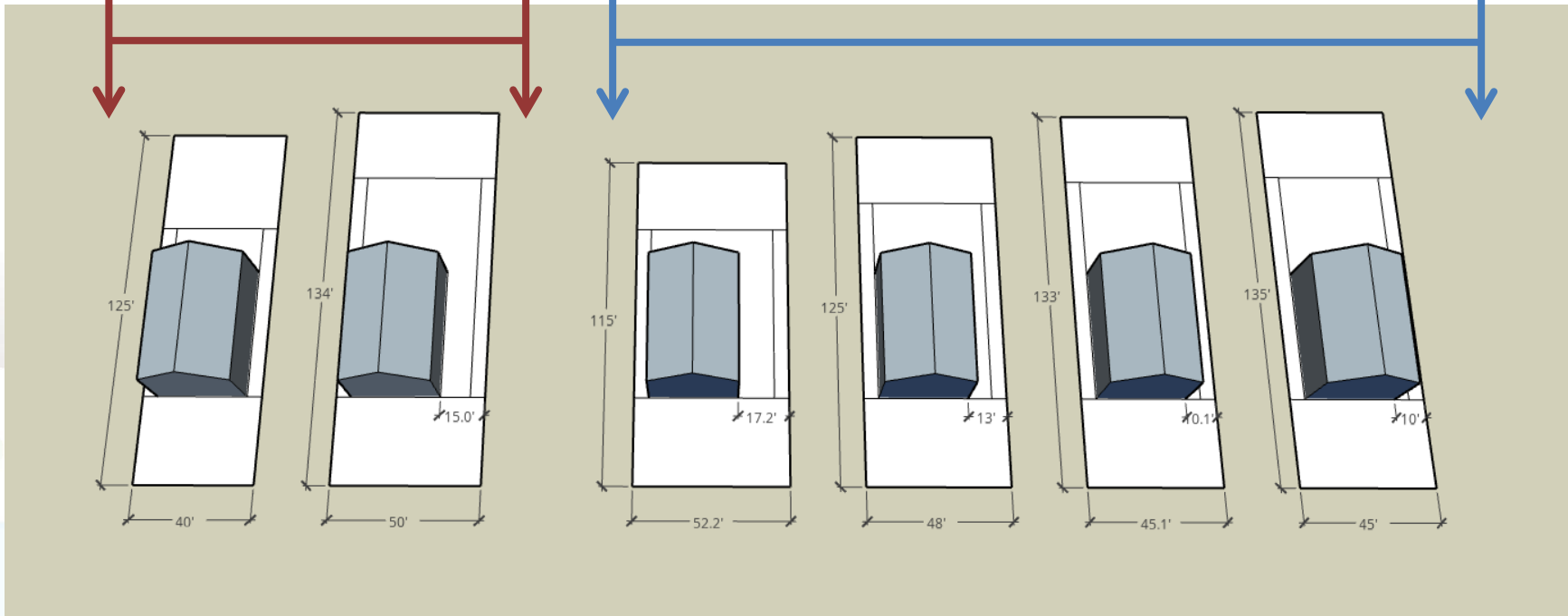
- Proposed Changes for R district Continued:
 - Eliminate Lot Depth Minimum [100 ft.]
 - Expand eligibility for duplexes
 - More later...





Existing Minimum

Proposed Minimum





LDR – Other Zoning Districts

- Maintain R-1 as is.
- Dissolve MR-1 district, rezone those properties to R.
- Update Nomenclature
 - LDR & LDR-Large lot





Duplexes

- In March we heard openness to expanding permissions for duplexes.
 - at a minimum, allow by-right on busier roads, street corners, and near more intense zoning
 - Allow as a conditional use everywhere else
- Goal of introducing these types into established neighborhoods with predictable results



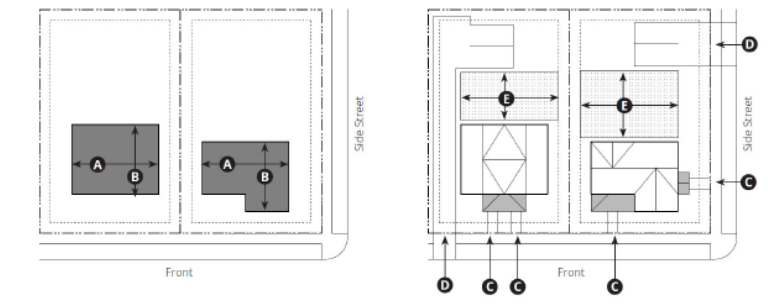
Building Form

- Looking at form based coding principles to make sure new development/redevelopment fits the neighborhood.
 - Form based concepts are already in the zoning code i.e. build to lines in the MU Districts

FBC at the LDR scale

- Iowa City, IA Example:
 - Duplex side-by-side
 - Height
 - Building dimensions
 - Main Body and Wings
 - Building frontage
 - Frontage design requirements
 - i.e. porch, inset porch, stoop, etc.
 - Parking location

Building Type Standards



Key

- ROW / Design Site Line
- Setback Line
- Building Type
- Frontage Type
- Private Open Space

3. Building Size and Massing

a. Height	T3NE	T3NG
Max. Number of Stories	2.5	2.5

b. Main Body¹

Width	48' max.	A
Depth ²	40' max.	B

c. Standards

(1) Facades facing a street or civic space must be designed in compliance with 14-2H-7 (Architectural Element Standards).

(2) Maximum one Carriage House is allowed per 14-2H-6C (Carriage House).

(3) Rooftop Room allowed on uppermost roof per 14-2H-7F (Rooftop Room).

¹ In compliance with the standards of the zone.

² When a porch is designed to extend the full width of the front facade (excluding garages), the maximum main body depth may be increased by five feet.

4. Allowed Frontage Types

Porch Projecting	14-2H-8C
Porch Engaged	14-2H-8D
Dooryard	14-2H-8E
Stoop	14-2H-8F

5. Pedestrian Access

a. Main entrance location at Front Street, Side Street, or Passage. C

b. Each unit shall have an individual entry facing the street on, or within 10' of the front facade.

6. Vehicle Access and Parking

a. Driveway and parking location shall comply with standards in Item 7 (Parking) of the zone. D

b. Alley access is required if alley exists.

7. Open Space

a. Private Open Space

Area Per Unit	225 sf min.	E
Dimension	15' min.	

b. Standards

(1) Open space not required if building is located within 1,500 linear feet of a civic space.

(2) Driveways shall not be included in private open space calculation.

(3) Required private open space shall be located behind the main body of the building.

(4) Required private open space may only be paved with decorative paving.

Public Review Draft – June 2021

Article H: Zones and Standards

67



Visual Preference Survey

- Help calibrate these form based principals to Richfield.
- It will show a building (duplex) in the region
- Prompt will be if the displayed image is appropriate for the Community, open ended comments
- Divided into sections focusing on:
 - Building bulk, Entries/Porches/Stoop, Parking (Garages and Driveways), and Exterior Design.



Visual Preference Survey

Exterior Design

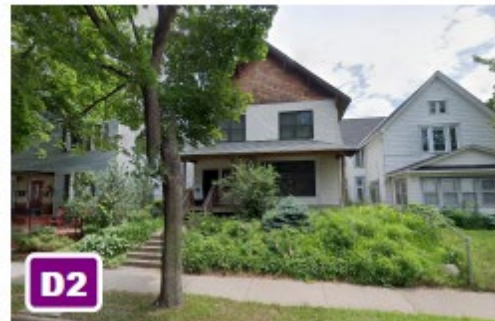
In this section consider the overall exterior design of the buildings shown. Is the exterior design appropriate for Richfield's neighborhoods? When making your choice be sure to consider the materials, roof pitch, building articulation (changes in the depth of the surface of a building face), and the amount of window area.



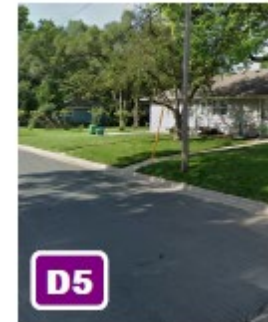
D1



Explain any of your above choices here:



D2



D5



Explain any of your a



D7



Explain any of your a





Public Engagement

- As a Zoning Amendment, a PH at the PC is required; followed by two readings by the Council
- Visual Preference Survey to public?



Discussion Questions

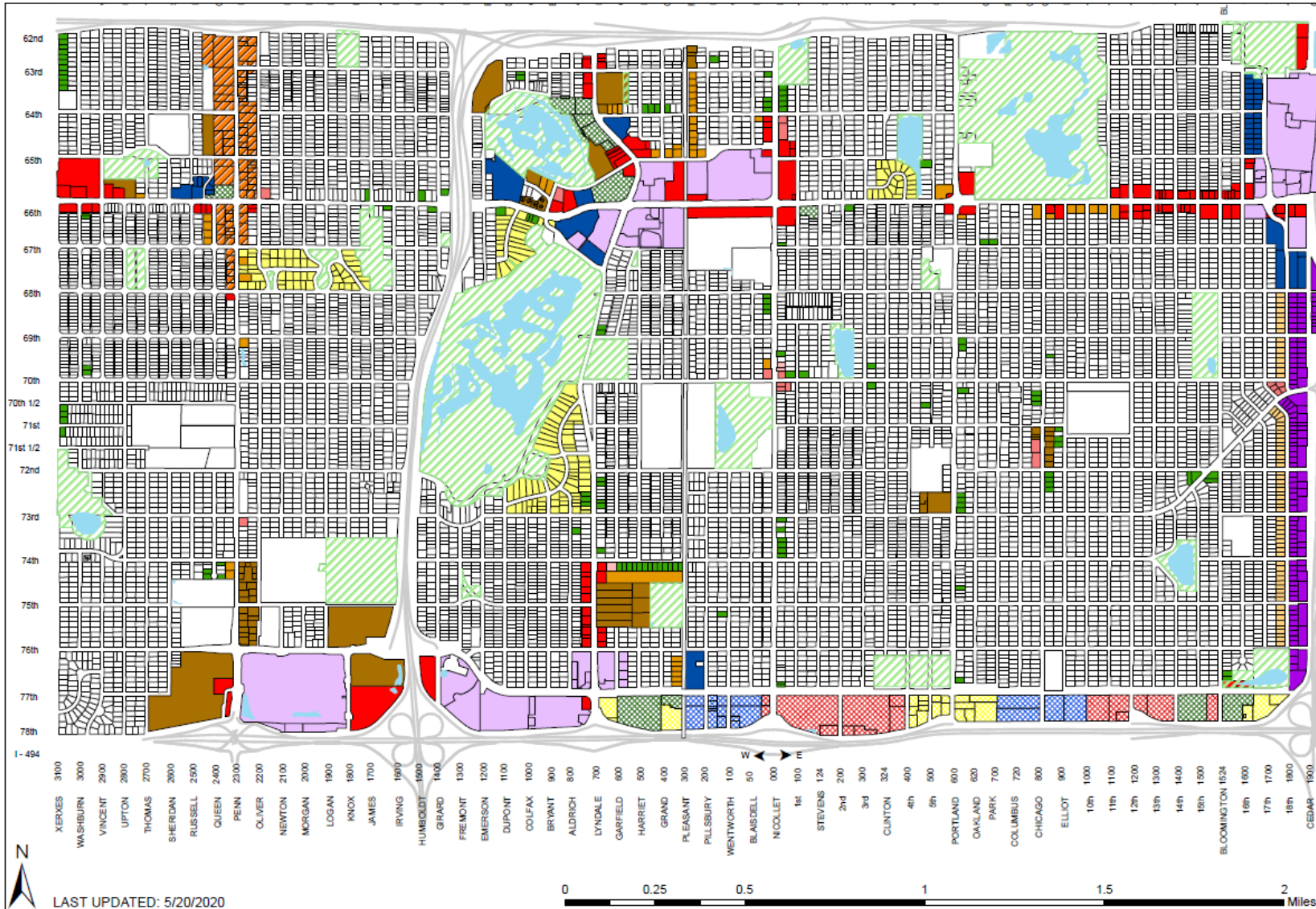
- Concurrence on direction on SF lot changes.
- Interest in Form-based Principles as the direction we're heading with non-SF types?
- Direction on Visual Preference Survey as means to get public input.

Richfield Zoning Map



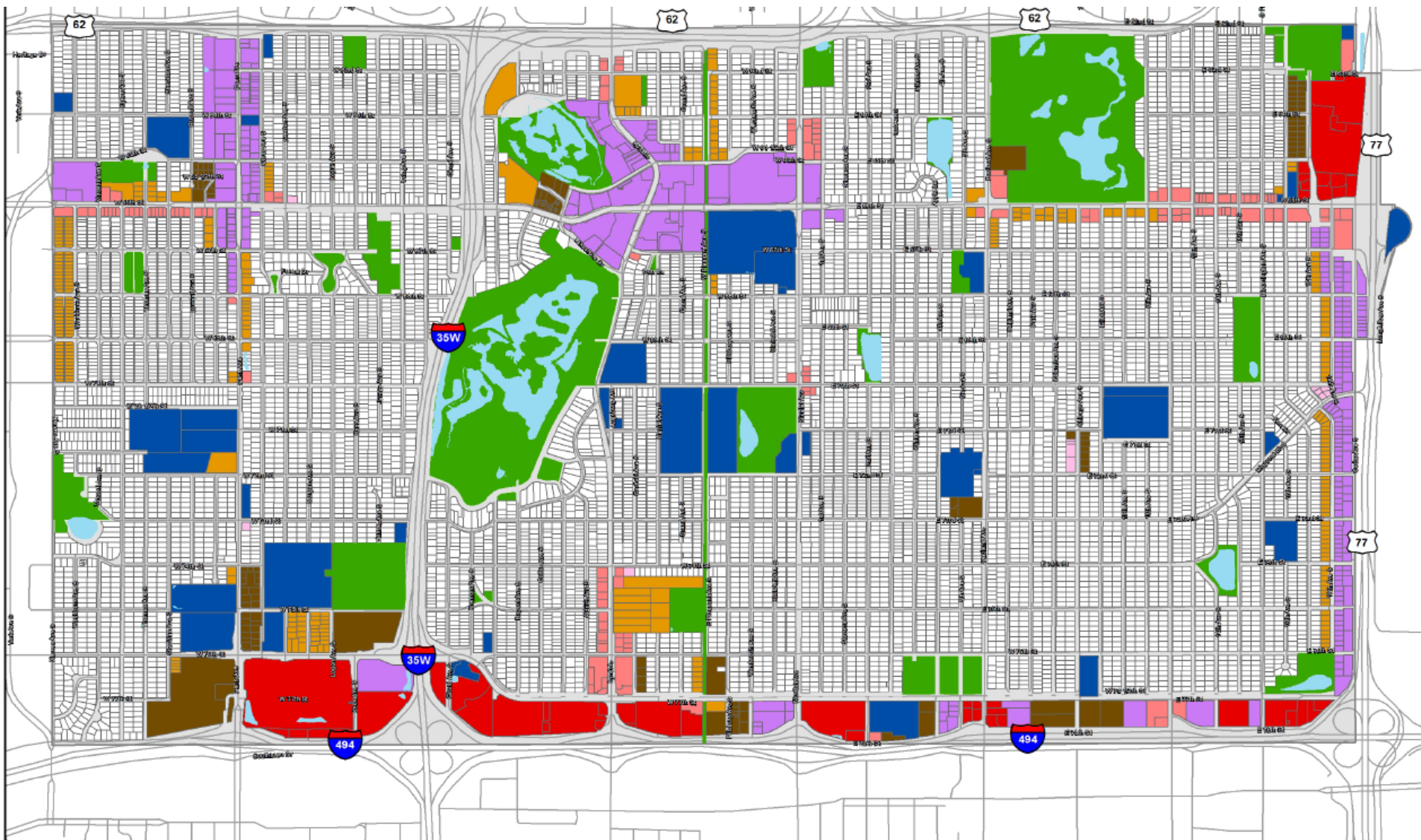
Zoning Designation

- Park (Zoning District is R)
- R Single-Family
- R-1 Low-Density Single-Family
- MR-1 Two-Family
- PMR Planned Multi-Family
- MR-2 Multi-Family
- MR-2/CAC Multi-Fam + Cedar Overlay
- MR-3 High-Density Multi-Family
- SO Service Office
- C-1 Community Commercial
- C-2 General Commercial
- PC-2 Planned General Commercial
- PMU Planned Mixed Use
- MU-C Mixed Use-Community
- MU-C/CAC Mixed Use + Cedar Overlay
- MU-C/PAC Mixed Use + Penn Overlay
- MU-N Mixed Use-Neighborhood
- MU-R Mixed Use-Regional
- I Industrial



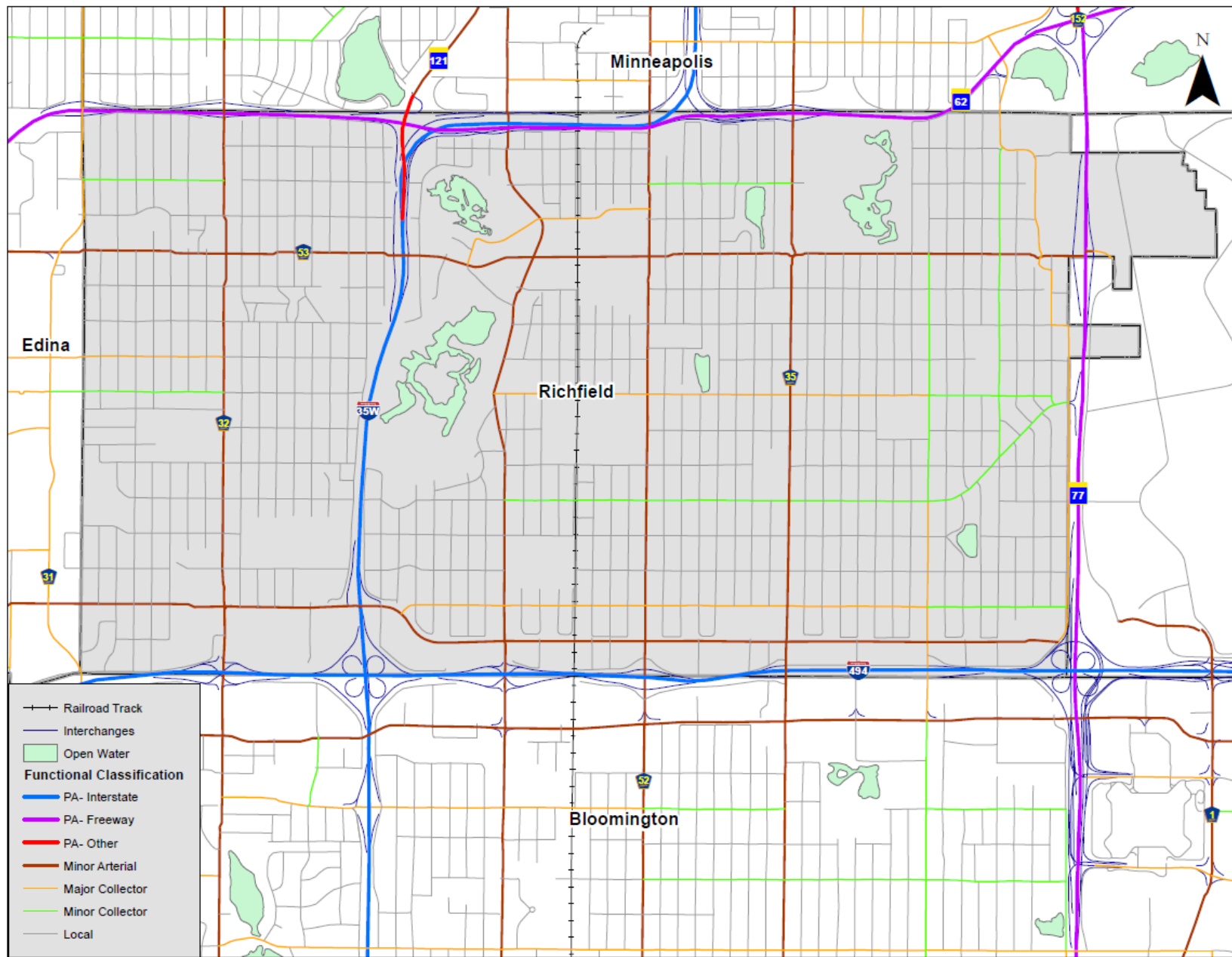
LAST UPDATED: 5/20/2020





2040 Planned Land Use







Missing Middle Housing



Process Overview

- Align Zoning with guidance of the Comp Plan
- Started with LDR areas, the largest geographic area
- Honor work that went into the Plan
- Obligation to allow development up to prescribed limits

Missing Middle Housing Recap

- House-scale development
- Precedent in City's Development Pattern
- Wealth building



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Process Overview

- Started with academic exercise of aligning SF regulations to density prescription (up to 7.4 units/ac).
- Heard openness to expanding eligibility for duplexes and consolidating R & MR-1
- Visual Preference Survey as means to get public input and shape policy
 - Approach: If we're to allow dplx in more locations; look at design principles that would apply to all LDR types

Visual Preference Survey

- Open for one month (Jan '22)
 - Publicized on Social Media multiple times
- 130 Responses
 - Did not collect demographic information
- Respondents prompted to provide responses on Building Size, Entries, Parking, and Overall Design.



Overall Direction

- More concern with size of the building than what goes on inside.
- **Staff Recommendation:** Allow duplexes on all lots allowing SF.
- Update the code to ensure least desirable features/characteristics are prevented.

Building Size

- Range: 95.4% - 32.8%
- Trend: Bungalow/craftsman.

Top 3



Bottom 3





Policy Direction: Size

- Already have building height
 - prevailing height or height averaging to ensure consistency?
- Maximum building width?



Entry/Doorway/Porch

- Range: 96.9% - 61.5%
- Trend: All ok, sole front door rates highest

Top 3



Bottom 3





Policy Direction: Entry

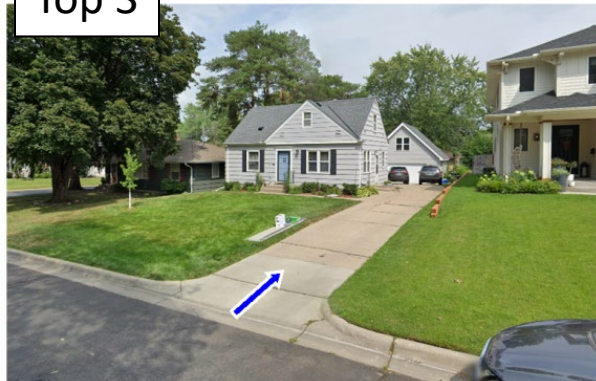
- Require entrance on two side if on corner lot?
- Restrict to one main entrance on front?
- If entrance is on side; do we require setback (say 10ft)?



Parking

- Range: 97.7% - 21.7%
- Trend: Rear garage; no large door bays

Top 3



Bottom 3





Policy Directions: Parking

- Existing driveway width requirements
- Minimize prominence of garages
 - Limit the amount of front facing garage (attached) door: 50%
 - Prohibit protruding garage: require attached garage be no further than habitable portion

Overall Design

- Range: 95.3% - 26.6%
- Bungalow/Craftsman vs Garage

Top 3



Bottom 3





Policy Directions: Design

- Not a clear directional response
- If concerning, could look to codify Richfield Rediscovered Requirements
 - Materials
 - Windows/Opening
 - Articulation
 - Roof design
 - Adds to review complexity



Recommendation

- Reduce lot sizes to match Comp Plan
- Allow duplexes by right
- Limit garage prominence
- Add'l setback for side entry to duplex, corner lots one entry or one per side
- Reduce garage requirement to one stall

Feedback?

Next Steps

- Public hearing at Planning Commission
- Consideration by Council





STAFF REPORT NO. 21
CITY COUNCIL MEETING
1/24/2023

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
1/17/2023

OTHER DEPARTMENT REVIEW: NA

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
1/19/2023

ITEM FOR COUNCIL CONSIDERATION:

Hold a Violation hearing and consideration of a resolution regarding civil enforcement for establishments that recently underwent alcohol compliance checks conducted by Richfield Public Safety staff, and failed by selling alcohol to a person under the age of 21.

EXECUTIVE SUMMARY:

Alcohol compliance checks were conducted by Richfield Public Safety staff on December 17, 2022. Compliance checks are done to determine the availability of alcohol to people under 21 and meet State Statutes. There are currently 31 establishments in Richfield that hold licenses to sell alcohol. Compliance checks were attempted at all 31 establishments. Two establishments were closed at the time the checks were conducted, and one did not have alcohol in stock. One establishment holds a license, but does not sell alcohol.

Five of the 31 establishments sold alcohol to an underage person. The action being taken today is for civil enforcement and penalties against these establishments.

It is a first time offense for the following establishments:

- MC Richfield, LLC d/b/a Millions Crab located at 9 66th Street East
- Thompson's Fireside Pizza, Inc d/b/a Fireside Foundry located at 6736 Penn Avenue South
- Henry Thou, d/b/a Red Pepper Chinese Restaurant located at 2910 66th Street West

The remaining two establishments have failed two or more alcohol compliance checks in the past. Resolution No. 9511 stated if the offense occurs outside one year (365 days) of the first offense, it will be considered a first offense. The following establishments failed outside the one year (365 days) and is considered a first offense.

- Davanni's Inc. d/b/a/ Davanni's Pizza and Hot Hoagies located at 6345 Penn Avenue South
- Los Sanchez Taqueria II, LLC d/b/a Los Sanchez Taqueria located at 2 66th Street West

Establishments will be given an opportunity to admit they made an unlawful sale to an underage person and agree to the penalties imposed by the City Council, or deny the allegations and request a contested case

hearing.

The City Council will adopt a resolution imposing the penalties for establishments that admit to the violation. If the allegation is denied and a contested case hearing is requested, the City Council will refer the matter to an independent hearing examiner. Establishments will be notified of the hearing date and given the opportunity to present evidence and rebut the City's evidence at the hearing.

For first time violators, Public Safety recommends the City Council follow the guidelines set forth in Resolution No. 9511.

- Suspend their license to sell alcohol for five days.
- Pay a \$1,000 civil fine.
- Meet with the Director of Public Safety to present a written action plan to ensure future compliance.
- Require a manager to attend an alcohol compliance training and awareness presentation with costs paid by the establishment. The training must be conducted by a private firm and approved by Public Safety.

RECOMMENDED ACTION:

By motion: Approve the attached resolutions regarding civil enforcement for establishments that failed alcohol compliance checks by selling alcohol to an underage person.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

Alcohol compliance checks started in 1999 to determine the availability of alcohol to underage people and meet State Statute. Civil penalties imposed for failing alcohol compliance checks are an incentive for establishments to provide ongoing employee training.

On December 17, 2022, Richfield Public Safety conducted alcohol compliance checks at 31 establishments in Richfield that sell alcohol. Two underage persons, a 17 and 20 year old, assisted with the compliance checks. The following 5 establishments sold alcohol to a person under the age of 21.

- Davanni's Inc. d/b/a/ Davanni's Pizza and Hot Hoagies.
- Los Sanchez Taqueria II, LLC d/b/a Los Sanchez Taqueria.
- MC Richfield, LLC d/b/a Millions Crab.
- Thompson's Fireside Pizza, Inc d/b/a Fireside Foundry.
- Henry Thou, d/b/a Red Pepper Chinese Restaurant.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

It is a violation of Minnesota State Statute to sell alcohol to a person under the age of 21.

Resolution No. 9511 specifies certain improper conduct of alcohol license holders and delineates the progressive discipline that can be expected when violations occur, such as the sale of alcohol to an underage person.

C. CRITICAL TIMING ISSUES:

Fine and suspension requirements must be met by February 24, 2023.

D. FINANCIAL IMPACT:

The fine being recommended at this time is intended to recover 100% of the costs for conducting the compliance checks and to impose a financial penalty.

E. LEGAL CONSIDERATION:

The employee of each establishment that sold alcohol to a person under the age of 21 has been charged with Gross Misdemeanor Furnishing per state statute.

ALTERNATIVE RECOMMENDATION(S):

The Council may consider taking more or less severe action against the establishments that sold alcohol to an underage person; however, that would deviate from the guidelines set for progressive discipline in Resolution No. 9511.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Representatives from each establishment will be present. They have been notified in writing of this requirement.

ATTACHMENTS:

Description	Type
☐ Alcohol Resolution 1-24-2023	Cover Memo

RESOLUTION NO.

**RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR THOMPSON'S
FIRESIDE PIZZA, INC. d/b/a FIRESIDE FOUNDRY, 6736 PENN AVENUE
SOUTH AND IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL
COMPLIANCE FAILURE**

WHEREAS, Thompson's Fireside Pizza, Inc. d/b/a Fireside Foundry ("Licensee") holds On Sale Intoxicating and Sunday Sales Liquor Licenses from the City of Richfield; and

WHEREAS, on December 17, 2022, the City of Richfield Public Safety Department conducted a compliance check of the Licensee's establishment and during the compliance check, an employee of the Licensee, sold alcohol to an underage person; and

WHEREAS, this is their first alcohol compliance check failure; and

WHEREAS, the Licensee appeared before the Richfield City Council on January 24, 2023 and admitted the violation and stipulated to the penalty imposed by this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield as follows:

1. The Licensee's On Sale Intoxicating and Sunday Sales Liquor licenses are hereby suspended for a period of five (5) consecutive days, commencing on a date to be determined by the Public Safety Director, but to take place within 30 days after their Council appearance.
2. A civil penalty of \$1,000 is hereby imposed. On or before February 24, 2023, the Licensee shall deliver a check or money order payable to the City of Richfield in the amount of \$1,000.
3. Meet with the Director of Public Safety by February 24, 2023 to present a written action plan to ensure future compliance.
4. A manager must attend an alcohol compliance and sales awareness training conducted by a private firm, approved by Public Safety, with all costs paid by the establishment.

Passed by the City Council of the City of Richfield this 24th day of January 2023.

Mary Supple, Mayor

ATTEST:

Chris Swanson, Acting City Clerk

RESOLUTION NO.

**RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR DAVANNI'S INC.
d/b/a DAVANNI'S PIZZA AND HOT HOAGIES, 6345 PENN AVENUE SOUTH
AND IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL
COMPLIANCE FAILURE**

WHEREAS, Davanni's Inc. d/b/a Davanni's Pizza and Hot Hoagies ("Licensee") holds On Sale Wine and On Sale 3.2 Malt Liquor Licenses from the City of Richfield; and

WHEREAS, on December 17, 2022, the City of Richfield Public Safety Department conducted a compliance check of the Licensee's establishment and during the compliance check, an employee of the Licensee, sold alcohol to an underage person; and

WHEREAS, this is their first alcohol compliance check failure; and

WHEREAS, the Licensee appeared before the Richfield City Council on January 24, 2023 and admitted the violation and stipulated to the penalty imposed by this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield as follows:

5. The Licensee's On Sale Wine and On Sale 3.2 Malt Liquor licenses are hereby suspended for a period of five (5) consecutive days, commencing on a date to be determined by the Public Safety Director, but to take place within 30 days after their Council appearance.
6. A civil penalty of \$1,000 is hereby imposed. On or before February 24, 2023, the Licensee shall deliver a check or money order payable to the City of Richfield in the amount of \$1,000.
7. Meet with the Director of Public Safety by February 24, 2023 to present a written action plan to ensure future compliance.
8. A manager must attend an alcohol compliance and sales awareness training conducted by a private firm, approved by Public Safety, with all costs paid by the establishment.

Passed by the City Council of the City of Richfield this 24th day of January 2023.

Mary Supple, Mayor

ATTEST:

Chris Swanson, Acting City Clerk

RESOLUTION NO.

RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR LOS SANCHEZ TAQUERIA II, LLC d/b/a LOS SANCHEZ TAQUERIA, 2 66TH STREET WEST AND IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL COMPLIANCE FAILURE

WHEREAS, Los Sanchez Taqueria II, LLC d/b/a Los Sanchez Taqueria (“Licensee”) holds On Sale Intoxicating and Sunday Sales Liquor Licenses from the City of Richfield; and

WHEREAS, on December 17, 2022, the City of Richfield Public Safety Department conducted a compliance check of the Licensee’s establishment and during the compliance check, an employee of the Licensee, sold alcohol to an underage person; and

WHEREAS, this is their first alcohol compliance check failure; and

WHEREAS, the Licensee appeared before the Richfield City Council on January 24, 2023 and admitted the violation and stipulated to the penalty imposed by this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield as follows:

9. The Licensee’s On Sale Intoxicating and Sunday Sales Liquor licenses are hereby suspended for a period of five (5) consecutive days, commencing on a date to be determined by the Public Safety Director, but to take place within 30 days after their Council appearance.
10. A civil penalty of \$1,000 is hereby imposed. On or before February 24, 2023, the Licensee shall deliver a check or money order payable to the City of Richfield in the amount of \$1,000.
11. Meet with the Director of Public Safety by February 24, 2023 to present a written action plan to ensure future compliance.
12. A manager must attend an alcohol compliance and sales awareness training conducted by a private firm, approved by Public Safety, with all costs paid by the establishment.

Passed by the City Council of the City of Richfield this 24th day of January 2023.

Mary Supple, Mayor

ATTEST:

Chris Swanson, Acting City Clerk

RESOLUTION NO.

RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR MC RICHFIELD, LLC d/b/a MILLIONS CRAB, 9 66TH STREET EAST AND IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL COMPLIANCE FAILURE

WHEREAS, MC Richfield, LLC d/b/a Millions Crab ("Licensee") holds On Sale Wine and On Sale 3.2 Malt Liquor Licenses from the City of Richfield; and

WHEREAS, on December 17, 2022, the City of Richfield Public Safety Department conducted a compliance check of the Licensee's establishment and during the compliance check, an employee of the Licensee, sold alcohol to an underage person; and

WHEREAS, this is their first alcohol compliance check failure; and

WHEREAS, the Licensee appeared before the Richfield City Council on January 24, 2023 and admitted the violation and stipulated to the penalty imposed by this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield as follows:

13. The Licensee's On Sale Wine and On Sale 3.2 Malt Liquor licenses are hereby suspended for a period of five (5) consecutive days, commencing on a date to be determined by the Public Safety Director, but to take place within 30 days after their Council appearance.
14. A civil penalty of \$1,000 is hereby imposed. On or before February 24, 2023, the Licensee shall deliver a check or money order payable to the City of Richfield in the amount of \$1,000.
15. Meet with the Director of Public Safety by February 24, 2023 to present a written action plan to ensure future compliance.
16. A manager must attend an alcohol compliance and sales awareness training conducted by a private firm, approved by Public Safety, with all costs paid by the establishment.

Passed by the City Council of the City of Richfield this 24th day of January 2023.

Mary Supple, Mayor

ATTEST:

Chris Swanson, Acting City Clerk

RESOLUTION NO.

**RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR HENRY THOU
d/b/a RED PEPPER CHINESE RESTAURANT, 2910 66TH STREET WEST AND
IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL COMPLIANCE
FAILURE**

WHEREAS, Henry Thou d/b/a Red Pepper Chinese Restaurant
("Licensee") holds On Sale Wine and On Sale 3.2 Malt Liquor Licenses from the
City of Richfield; and

WHEREAS, on December 17, 2022, the City of Richfield Public Safety
Department conducted a compliance check of the Licensee's establishment and
during the compliance check, an employee of the Licensee, sold alcohol to an
underage person; and

WHEREAS, this is their first alcohol compliance check failure; and

WHEREAS, the Licensee appeared before the Richfield City Council on
January 24, 2023 and admitted the violation and stipulated to the penalty
imposed by this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Richfield as follows:

17. The Licensee's On Sale Wine and On Sale 3.2 Malt Liquor licenses are
hereby suspended for a period of five (5) consecutive days, commencing
on a date to be determined by the Public Safety Director, but to take place
within 30 days after their Council appearance.
18. A civil penalty of \$1,000 is hereby imposed. On or before February 24,
2023, the Licensee shall deliver a check or money order payable to the
City of Richfield in the amount of \$1,000.
19. Meet with the Director of Public Safety by February 24, 2023 to present a
written action plan to ensure future compliance.
20. A manager must attend an alcohol compliance and sales awareness
training conducted by a private firm, approved by Public Safety, with all
costs paid by the establishment.

Passed by the City Council of the City of Richfield this 24th day of January 2023.

Mary Supple, Mayor

ATTEST:

Chris Swanson, Acting City Clerk



STAFF REPORT NO. 22
CITY COUNCIL MEETING
1/24/2023

REPORT PREPARED BY: Chris Swanson, Management Analyst

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW: Amy Markle, Recreation Services Director

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
1/18/2023

ITEM FOR COUNCIL CONSIDERATION:

Consider adoption of a resolution requesting the Legislature allow the City of Richfield to bring the option of a local sales to voters at a future referendum to fund regionally significant projects in Richfield.

EXECUTIVE SUMMARY:

The Richfield City Council have identified a need for funding for important capital projects in our park and recreation system. One way to secure additional local funding for regional infrastructure projects is to implement a Local Sales Tax (LST). Local sales taxes must be approved by the voters through a local referendum. Before bringing the option to voters, the Legislature must first authorize the City via special legislation.

The City contracted with the University of Minnesota to analyze the impact of a local sales tax in Richfield. Based on the study, staff estimate a 0.5% tax over a 20-year period will total about \$98M. The study also predicts that slightly less than half of the tax would be paid by residents, and the increased cost per resident was calculated to be approximately \$30.77 if the tax was in place for 2019.

Following discussions with Council during the December 8, 2022 and January 10 work sessions three regionally significant projects meeting the state requirements for LST funding have been identified. This includes the Wood Lake Nature Center, Veterans Park Complex, and the Richfield Community Center Project. Many of the project costs included must be done in the next 5-10 years to continue providing these amenities to residents. There is not currently a sufficient alternate revenue source for the rehabilitation of these park and recreation assets.

If Council approves the attached resolution, the final signed document will be submitted to the chairs and ranking members of the House and Senate tax committees by January 31, 2023. Approval from the legislature does not obligate the city to implement the tax, but does provide the option. If approved by the Legislature, the city may bring the proposed tax to the voters for approval at a general election within two years. Discussions have focused on the November 2024 election.

Description of the projects are presented below:

Wood Lake Nature Center

- Estimated Project Timeline: 2025-2026
- Total Project Cost: \$24M (\$11M covered by LST)
- Includes new building, trail improvements and garage facilities

Veterans Park Complex

- Estimated Project Timeline: 2025-2026
- Total Project Cost: \$9M
- Includes improvements to aquatics, ice arena, park, trails, band shell, picnic pavilion, and mini-golf building

Richfield Community Center Project

- Estimated Project Timeline: 2031-2032
- Total Project Cost (new building): \$55M (\$45M covered by LST)
- Includes two gyms, a walking track, multipurpose program spaces

Proposed project costs would be funded with bonding which adds approximately \$29M in financing costs. Therefore, estimated total projects costs are approximately \$94M.

RECOMMENDED ACTION:

Adopt a Resolution requesting the Legislature allow the City of Richfield to bring the option of a local sales to voters at a future referendum to fund regionally significant projects in Richfield.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The City Council discussed a local sales tax at both the December 8, 2022 and January 10, 2023 work sessions, and directed staff to prepare a resolution to seek authority from the Legislature. Additionally, authority for a LST for Richfield is included in the city's 2023 Legislative priorities.

At the work sessions staff explained the process to implement a local sales tax, and the potential financial impact. Council then prioritized those projects that qualified to be funded with a local sales tax.

Prior to the work sessions the City contracted with the University of Minnesota's Extension Center for Community Vitality to perform a LST analysis for Richfield. The Extension Center is a leader in this field of study, providing analyses for many neighboring communities including: Maple Grove, St. Louis Park, Oakdale, Bloomington, and Edina. This LST analysis provided information on future revenue and the community impact of a 0.5% local sales tax in Richfield.

This LST study evaluated several factors and provides:

- A projection for estimated taxable sales in the community.
- An estimated taxable sales generated by non-residents. Analysis of the City's sales tax sector distribution.
- A summary of the taxable retail and service sales by comparable communities for subsequent years once a local option sales tax was implemented.
- An estimate for the total revenue per year from a LST in Richfield.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

State statute guides this process. As the law reads now, the ballot must contain a separate question for each proposed project with a maximum of five projects. Only projects that receive a majority "yes" vote will be funded with the proposed tax. If there are projects not approved by

the voters, the total revenue raised, and the duration of the tax must be reduced by an amount proportional to the cost and timeframe of the failed initiative.

Minn. Stat. § 297A.99 defines a "capital project" or "project" as:

- A single building or structure including associated infrastructure needed to safely access or use the building or structure;
- Improvements within a single park or named recreation area;
- A contiguous trail.

The city must also determine the length of time the tax will be in effect if all proposed projects are approved. It is recommended the timeframe is no longer than 20 years. Historically, most LST have ended before the timeframe as the max tax revenue was collected.

It is important to note that with the change in appointments to the tax committees there may be changes in the rules and statutes that determine the process for implementation of a LST.

C. CRITICAL TIMING ISSUES:

The City must submit a resolution to the legislature asking for LST referendum authority by January 31 in order for the request to be considered during the 2023 legislative session. If Council does not approve the resolution, the city may submit a request for LST referendum authority to the legislature next year or may decide to not pursue a local sales tax.

D. FINANCIAL IMPACT:

A LST would place a tax on certain product sales or services within the municipality. All goods or services that are otherwise exempt from taxation are exempt from LST. Most communities implementing a local sales tax have set it at 0.5% (one-half percent) for up to 20 years. Current projections for a Richfield 0.5% sales tax over a 20-year period total about \$98M.

By enacting a LST, about half the burden of funding these projects would move to non-residents. The analysis estimates the non-residents portion of revenue would account for 54.5% of taxable sales in Richfield subject to a LST. If a 0.5% LST was in place in 2019, Richfield would have collected an additional \$2.5M in tax proceeds that year. Of that amount, non-residents would have contributed a majority of the revenue, roughly \$1.35M, while Richfield residents would have contributed \$1.14M. Based on these estimates, each Richfield resident would have paid, on average, an additional \$30.77 in sales tax in 2019. Also of note, every city that surrounds Richfield has in place or is seeking a LST.

Since the LST report from the extension office was completed, the Minnesota Department of Revenue released final 2020 taxable sales number. In 2020, total taxable sales in Richfield were \$808 million. Based on Department of Revenue estimates, its estimated that approximately \$560 million would have been subject to a tax in 2020. A 0.5% LST rate would have generated an annual amount of around \$2.8 million dollars if in place in 2020.

E. LEGAL CONSIDERATION:

Legal counsel has reviewed the proposed resolution.

ALTERNATIVE RECOMMENDATION(S):

If Council does not approve the resolution, the city may submit a request for LST referendum authorization to the legislature next year or may decide to not pursue a local sales tax.

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

	Description	Type
D	Resolution adopting a Local Sales Tax for Richfield	Resolution Letter

RESOLUTION NO.

A RESOLUTION APPROVING A LOCAL SALES TAX AND AUTHORIZING ACTIONS TO BE TAKEN BY THE CITY OF RICHFIELD IN CONNECTION WITH SUCH TAXES

WHEREAS, the City Council of the City of Richfield, Minnesota (the "City"), has identified three regionally significant capital improvement projects for local sales tax consideration; and

WHEREAS, the City has proposed several regionally significant projects and improvements of which the capital costs cannot be adequately funded with existing resources. The City desires to submit a proposal to the Minnesota Legislature to allow the City to propose a 0.5% (one half of one percent) local sales tax ("sales tax") to voters to be imposed on the gross receipts from taxable retail sales in the City. The proceeds of the sales taxes would be used to pay the capital costs of constructing and rehabilitating the regionally significant projects described below. The sales tax will be in effect until the capital costs of the projects, , interest and financing costs related to the issuance of bonds, are paid or 20 years after imposition of the sales tax, whichever is earlier; and

WHEREAS, Minnesota Statutes, Section 297A.99 provides, in part, that a political subdivision may impose a local sales tax if permitted by special law and if approved by the voters of the political subdivision, and that before a governing body requests legislative approval of a special law for a local sales tax, the governing body must adopt a resolution indicating approval of the tax. The resolution must also provide the following: the proposed tax rate; how the revenues will be used; documentation of the regional significance of each project, including the share of the economic benefit to or use of each project by persons residing, or businesses located, outside the jurisdiction; the total revenue that will be raised before the tax expires; and the estimated length of time the tax will be in effect.

BE IT RESOLVED by the City Council of the City of Richfield, Minnesota as follows:

1. The City Council hereby requests the authority to propose a local sales tax in the amount of 0.5%, to the voters of the City of Richfield. The city estimates a local sales tax of 0.5% would generate approximately \$3.5-6.7M million annually over 20 years for estimated total sales tax revenues of approximately \$98 million. The anticipated total project costs to be financed with sales tax are estimated at \$65 million. Total debt service on the bonds to be issued, including interest and financing costs over 20 years, is expected to be approximately \$94 million.

2. The revenues derived from imposition of the sales tax will be used to pay the capital costs of constructing, rehabilitating, and the associated interest and financing costs for these regionally significant projects: (a) Wood Lake Nature Center Building; (b) Veterans Park Complex; and (c) Community Center Projects (collectively as the "Projects").

3. The **Wood Lake Nature Center** ("WLNC") is a regionally significant place of environmental education in the metro area. The WLNC serves as a gateway to nature for residents and visitors across the region. The WLNC sees over 100,000 people visiting each year with 22,500 people attending programming. At 51-years-old, the building needs replacement. The building is not ADA accessible, is infested with rodents, and is no longer able to provide the high level of environmental education and immersion the region expects and deserves. A new WLNC building will enable Richfield to meet ADA standards and greatly improve upon the appearance, condition, and functionality of the old building. The proposed WLNC building is 19,000 square feet with modern classrooms, inviting engagement

areas, and indoor and outdoor learning spaces. Trail improvements would help prevent annual flooding. The WLNC currently hosts over 730 free to low-cost programs annually; 65% of program attendees are from outside of Richfield and 70% of those that rent equipment such as cross-country skis and snowshoes are non-Richfield participants. Thousands of school-aged students enjoy award-winning environmental education programming every year, coming from school in communities such as North Minneapolis, Edina, St. Paul, and Bloomington. The WLNC puts on an annual race that supports free field trips to the local school district that has over 70% minority enrollment and offers a bus scholarship to any schools across the region that need field trip support. Over 4,300 volunteer hours are served at WLNC each year, this amazing team represents a wide variety of cities across the metro area. The WLNC is truly an accessible regional gem that continues to serve as a vital bridge from our busy urban environment to the natural world. The WLNC is an estimated \$24 million construction project, about half will be covered by partner funding, the remaining \$11 million will be covered by the sales tax. The sales tax will be in effect until the project's costs of approximately \$11 million, plus interest and financing costs as referenced above, are paid or 20 years after imposition of the sales tax, whichever is earlier.

4. The **Veterans Park Complex** Project (the "Veterans Complex") would protect and enhance the existing services provided by the current ice arena and pool. The Veterans Complex project would update outdated, structurally limiting facilities at the Veterans Complex, specifically this would revitalize the pool which was installed in 1961 and is already on borrowed time. The Veterans Complex project has regional significance because the pool provides recreational opportunities for hundreds of thousands of visitors, from across the state, each year. The pool also serves to provide a respite from the heat for people across the metro area during the hot summers, over 35% of all pool passes holders are from Minneapolis alone. The Veterans Complex also includes the ice arena, which is home to the Minnesota Whitecaps, a women's professional ice hockey team in the Premier Hockey Federation. The Minnesota Whitecaps play teams from all over the United States and Canada, with upwards of 1,800 hockey fans attending each of the 12 home games per season. Besides being a home to the Minnesota Whitecaps, the arena hosts the Adult Hockey Association and many regional recreational and youth organizations such as the Minneapolis Storm, and Jefferson and Edina Youth Hockey. On average the arena hosts over 15 hockey tournaments a year, drawing people from as far away as California and Canada. Annually, the arena hosts all first and fourth grade students from Richfield Public School (over 70% minority enrollment), for a free Learn to Skate Program that provides access and opportunity for students to experience the sport of skating. The arena hosts numerous figure skating competitions and hockey championships, bringing in visitors from across the state. The arena is also home to the Richfield Curling Club, one of just 29 clubs in the state, drawing curlers from across the state. The arena sees an annual visitor amount of 500,000, many from outside the metro. This is an estimated \$9 million project. The sales tax will be in effect until the project costs of approximately \$9 million, plus interest and financing costs as referenced above, are paid or 20 years after imposition of the sales, whichever is earlier.

5. The **Richfield Community Center** Project (the "Community Center") is a regionally significant place of community meeting and gathering, continuing education, and resident support services for the area. Since 1975, the Community Center has been housed in the original county library constructed in 1961. It is an old building that requires many upgrades to remain functional. Even with improvements, however, the building itself currently meets only some of our community's needs. There is a significant need for a new building that will better fit present demand and future usage as we still support the programs at the Community Center. Daily, the Community Center hosts a large breadth of senior programming that includes active wellness, daily fitness and learning classes as well as the last public communal lunch program for seniors in Minnesota. The Community Center hosts an annual tax program that serves over 600 people from around the region. There are numerous weekly

and monthly special events such as Fare for All, seasonal food markets and art boutique that draw participants from the metropolitan area, as well as adaptive recreation programs. The Community Center is accessible being located on a major bus and bike route, so it is an easy destination for many across the region. This is an estimated \$55 million project, its estimated \$45 million will be covered by the sales tax, with the remaining amount covered by other sources. This may include a future parks funding through a property tax referendum. The new Richfield Community Center will fit the current and future needs of the regional community and include spaces for people of all ages to gather to be active, learn and foster wellness opportunities. The sales tax will be in effect until the project costs of approximately \$45 million, plus interest and financing costs as referenced above, are paid or 20 years after imposition of the sales, whichever is earlier.

6. It is in the best interest of the health, welfare, and safety of the City and its residents and it is necessary and expedient to the sound financial management of the affairs of the City that the acquisition and betterment of the Projects, or any part thereof, be financed in whole or in part by the issuance and sale of the City's general obligation bonds ("Bonds") pursuant to the City's Charter, Minnesota Statutes, Chapter 475, as amended, or any other applicable law. The anticipated total financing costs is estimated to be \$94 million and the total revenues to be generated from the local sales tax is expected to be approximately \$98 million. The local sales tax will be used to pay the principal amount of one or more series of Bonds and the interest accruing on such bonds. The City may accept an offer to purchase the Bonds, and the City may sell the Bonds, at a price that results in the receipt of original issue premium in any amount.

7. The City Treasurer and the City Manager, or their designees, are hereby authorized to take all actions necessary or appropriate, and in accordance with applicable laws of the State of Minnesota, to prepare and submit to the Minnesota Legislature for enactment a special law authorizing the local sales tax referred to in this Resolution.

Approved by the City Council of the City of Richfield, Minnesota, this 24th day of January 2023.

Mary Supple, Mayor

ATTEST:

Chris Swanson, Acting City Clerk