



**REGULAR CITY COUNCIL MEETING
VIRTUAL MEETING HELD VIA WEBEX
FEBRUARY 9, 2021
7:00 PM**

INTRODUCTORY PROCEEDINGS

Call to order

Pledge of Allegiance

Open forum

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council may call 612-861-0651 during the open forum portion of the meeting. Individuals may also call 612-861-9711 or email kwynn@richfieldmn.gov prior to the meeting.

Approval of the Minutes of the (1) Special City Council Work Session of January 23, 2021; (2) City Council Work Session of January 26, 2021; (3) City Council Meeting of January 26, 2021; and (4) Special City Council Meeting of January 30, 2021.

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. First reading of transitory ordinance providing funding for certain capital improvements from the Special Revenue Fund.

Staff Report No. 19
 - B. Consider the approval of a Declaration of Covenants related to the use of City property by Rya Apartments, LLC for the construction of a public pocket park at approximately 63rd Street East and Richfield Parkway.

Staff Report No. 20
 - C. Consider approval of the first reading of an ordinance rezoning property at 6945 Penn Avenue South as Neighborhood Business (C-1) and schedule a second reading for February 23, 2021.

Staff Report No. 21
 - D. Consider the adoption of a Competitive Bidding Policy.

Staff Report No. 22
 - E. Approve the cancellation of a special assessment for unpaid false user fees from the 2020 Unpaid False Alarm Fees From Private Property assessment roll.

Staff Report No. 23

- F. Consider the approval of a resolution restricting parking along Municipal State Aid Street 108 (77th street) from Bloomington Ave S to Old Cedar Ave S/Richfield city limits at TH 77.

Staff Report No. 24

- G. City Coalition Letter Commenting on Xcel Energy's 2020-2034 Integrated Resource Plan

Staff Report No. 25

3. Consideration of items, if any, removed from Consent Calendar

RESOLUTIONS

4. Consider the adoption of a resolution approving the contract with the Labor and Trades Local 49 for the period January 1, 2021 through December 31, 2021 and authorize the City Manager to execute the agreement.

Staff Report No. 26

OTHER BUSINESS

5. Consider the appointments to City advisory board and commissions.

Staff Report No. 27

CITY MANAGER'S REPORT

6. City Manager's Report

CLAIMS AND PAYROLLS

7. Claims and Payroll

COUNCIL DISCUSSION

8. Hats Off to Hometown Hits

9. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Work Session

January 23, 2021

CALL TO ORDER

The work session was called to order by Council Member Regan Gonzalez at 9:00 a.m. held virtually via WebEx.

Council Members Present: Maria Regan Gonzalez, Mayor; Mary Supple; Simon Trautmann; Ben Whalen; and Sean Hayford Oleary

Staff Present: Blanca Martinez Gavina, Executive Analyst

Item #1	MEETINGS WITH APPLICANTS OF THE CITY'S ADVISORY COMMISSIONS
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The City Council held meetings with the following applicants for appointment to City Advisory Boards and Commissions:

Jim Rudolph
Meredith Bruzek
Jeff Walz
Adam Burnside
David Gepner
Tiffany Bighley
Walter Burk Jr
Wes Dunser

Heather MacDonald
Joyce Marrie
Karin Wolverton
Anne Flake
Joseph Miller
Michael Wallerich
Larry Nelson
Kathryn Quam

Ralston Sacco
Joel Schleisman
Jenna Hanson
Marty Kirsch

ADJOURNMENT

The work session was adjourned by unanimous consent at 4:30 p.m.

Date Approved: February 09, 2021

Maria Regan Gonzalez
Mayor

Kelly Wynn
Senior Office Assistant

Katie Rodriguez
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

City Council Work Session

January 26, 2021

CALL TO ORDER

The meeting was called to order by Mayor Regan Gonzalez at 5:45 p.m. virtually via WebEx.

Council Members Present: Maria Regan Gonzalez, Mayor; Ben Whalen; Mary Supple; Simon Trautmann; and Sean Hayford O'leary

Staff Present: Katie Rodriguez, City Manager; Jay Henthorne, Public Safety Director/Police Chief; Joe Powers, City Engineer; William Green, Equity and Inclusion Administrator; Mary Tietjen, City Attorney; Blanca Martinez Gavina, Executive Analyst; and Kelly Wynn, Senior Office Assistant.

Others Present: Cyndi Harper, Manager of Route Planning, Metro Transit Service Development; John Dillery, Senior Transit Planner and connecting bus study project manager, Metro Transit Service Development; Monique M Drier-Sutton, JCPP Supervisor; Patricia Eibon, Community Liaison; and Donna Nelson, Senior Social Worker.

Item #1

PRESENTATION METRO TRANSIT ORANGE LINE BRT CONNECTING BUS ROUTE

City Engineer Powers introduced the item and the Metro Transit employees.

Cyndi Harper presented the Orange Line connection bus study containing background; project status; project goals; study area; and concept plans with scenario A and B.

John Dillery described routes 7 and 515; routes 538, 548 and 542; and the I-494 Corridor.

Cyndi Harper spoke of key community outreach and engagement strategies.

Council Member Supple asked about the route changing to allow people easier access to the VA near the airport.

John Dillery explained with the change in the route will make the ride longer but it is more easily navigated.

Council Member Hayford O'leary asked about going south from Richfield.

John Dillery stated route 535 serves Lyndale through Bloomington but it does need to be replaced. There is a new route of 534 that will also provide service in that area.

Mayor Regan Gonzalez expressed her excitement to have these changes to come through the community.

Council Member Whalen stated appreciation for the Orange Line itself and the ability to revisit routes going east and west through Richfield.

Council Member Trautmann thanked everyone for the presentation. He spoke of the drastic changes being made to transit models and is happy to see the project moving forward.

City Manager Rodriguez explained the city has set a goal to build equity and inclusion throughout the community. She introduced William Green as the new Equity and Inclusion Administrator.

Administrator Green thanked Mayor Regan Gonzalez and Council for the opportunity to be a part of the work.

Item #2	PRESENTATION EMBEDDED SOCIAL WORKER; RICHFIELD POLICE DEPARTMENT JOINT COMMUNITY POLICE PARTNERSHIP (JCPP); AND BODY CAMERAS
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Chief Henthorne introduced the item and speakers.

Donna Nelson gave a brief background of her work as an embedded social worker and how she has been assisting the police department. She explained how the pandemic has impacted her in-person visits with residents but she is making every attempt possible to get people the resources they need.

Council Member Whalen asked if staff is able to measure how many referrals are being made and how many repeat calls to see the impact.

Donna Nelson explained her processes of referrals so as to reduce the amount of police need to make repeat calls to resident homes.

Council Member Whalen stated it will be harder to track but would like to see where people are being connected to the right resources.

Donna Nelson stated the main goal is to connect people to the right resources but is not currently being tracked.

Chief Henthorne spoke of the growing cases of hoarding and how it brings impacts to both emotional and mental health of residents. Police officers connect residents with services but do not have the capacity to follow up to see if they are utilizing the services. He explained with Donna Nelson on board, they are hoping to be able to see how residents are progressing when connected with needed services.

Council Member supple stated she was pleased to see the wide variety of services Donna Nelson will bring to the community. She has seen a lot of evictions happen due to hoarding and having her on board could greatly impact those residents in need of help.

Mayor Regan Gonzalez thanked Donna Nelson for the information and spoke of the long term needs and how they will impact the community.

Patricia Eibon presented on the JCPP mission; embedment of community liaisons; community programs and engagement; and training. She then spoke of the work JCPP is doing with the Richfield Police Department.

Council Member Whalen asked about the connections being made with networks and organizations and recruiting for PMAC.

Patricia Eibon explained they have reached out to many organizations and schools within Richfield and they are looking for leaders within the community.

Council Member Trautmann welcomed Patricia Eibon and reminded her of the Church of New Light. It was a Richfield church that just relocated to east Bloomington.

Mayor Regan Gonzalez expressed excitement to have Patricia Eibon on board and to see what she can do for the community of Richfield.

Chief Henthorne spoke of all the phenomenal outreach across the board that has been done during the pandemic. He then spoke of the body camera implementation and timeline along with the new hire of Elisa Nordby as the Police Media and Data Specialist. He then gave a presentation on records management and data collection; WatchGuard V300 body cameras; key features; and RPD implementation.

Council Member Trautmann thanked Chief Henthorne for the presentation and making a methodical purchase with the body cameras.

Chief Henthorne added a report is in the works regarding expungements, pre-trial diversions and bail reform. When the report is ready, it will be presented to Council.

Council Member Hayford O'Leary asked what triggers an auto-recording and how long is it able to be retrieved.

Chief Henthorne stated there are data practice requirements along with how recordings are tagged and kept.

Council Member Whalen asked for a video for the public about the body cameras.

Chief Henthorne stated they would need to contact the vendor to see what they have for informational material. He also stated the police department is working to have weekly clips released on social media talking about the body cameras.

Mayor Regan Gonzalez spoke of how wonderful it is to have the cameras implemented and to have all the new staff additions. She expressed appreciation for the police department and all they continue to do for the community.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:58 p.m.

Date Approved: February 09, 2021

Maria Regan Gonzalez
Mayor

Kelly Wynn
Senior Office Assistant

Katie Rodriguez
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Council Meeting Virtual Meeting held via WebEx

January 26, 2021

CALL TO ORDER

The meeting was called to order by Mayor Maria Regan Gonzalez at 7:01 p.m. via WebEx.

Council Members Present: Maria Regan Gonzalez, Mayor; Ben Whalen; Mary Supple; Simon Trautmann; and Sean Hayford Oleary

Staff Present: Katie Rodriguez, City Manager; Pam Dmytrenko, Assistant City Manager; Mary Tietjen, City Attorney; John Stark, Community Development Director; Melissa Poehlman, Assistant Community Development Director; Kristin Asher, Public Works Director; Mike Petersen, Assistant Utilities Superintendent; Jay Henthorne, Public Safety Director; Jane Skov, IT Manager; Blanca Martinez Gavina, Executive Analyst; and Kelly Wynn, Senior Office Assistant

Others Present: Rebecca Kurtz, Ehlers; Scott Hvizdos, Richfield Foundation; Joanna Schnedler, Chair Richfield Foundation.

PLEDGE OF ALLEGIANCE

Mayor Regan Gonzalez led the Pledge of Allegiance

OPEN FORUM

Senior Office Assistant Wynn reviewed the options to participate:

- Participate live by calling 612-861-0651 during the open forum portion
- Call prior to meeting 612-861-9711
- Email prior to meeting kwynn@richfielmn.gov

Senior Office Assistant Wynn stated there were no comments or callers.

APPROVAL OF MINUTES

M/Trautmann, S/Hayford Oleary to approve the minutes of the (1) City Council Work Session of January 12, 2021; and (2) City Council Meeting of January 12, 2021.

Executive Analyst Martinez Gavina took roll call vote:

Regan Gonzalez: AYE

Supple: AYE

Trautmann: AYE

Hayford Oleary: AYE

Whalen: AYE

Motion carried 5-0

Item #1	PRESENTATION RICHFIELD FOUNDATION AWARDING OF GRANTS
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Chair Schnedler shared a presentation of grants totaling \$48,765 given out in 2020 along with how the money will be used within the community. She added that videos are available on the Richfield Foundation site of the grant recipients and she appreciated the support and advocacy from Council.

Council Member Trautmann thanked Chair Schnedler for the presentation and all the work that has been done to support the incredible causes in Richfield.

Council Member Supple expressed gratitude for the volunteers to the foundation.

Council Member Whalen encouraged the foundation to continue to reach out to Council when in need of support.

Mayor Regan Gonzalez spoke of how it is a community based foundation that dedicates time, resources and money to better its residents. She expressed appreciation of leadership displayed by the foundation and its board members.

Item #2	APPROVAL OF THE AGENDA
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M/Whalen, S/Supple to approve the agenda

Executive Analyst Martinez Gavina took roll call vote:

Regan Gonzalez: AYE

Supple: AYE

Trautmann: AYE

Hayford Oleary: AYE

Whalen: AYE

Motion carried 5-0

Item #3	CONSENT CALENDAR
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City Manager Rodriguez presented the consent calendar.

A. Consider the adoption of resolutions authorizing the:

1. Joint Powers Agreement between the Metropolitan Airports Commission and the City of Richfield for the ownership and maintenance of 77th Street Underpass improvements; and
2. Temporary Easement Agreement between the Metropolitan Airports Commission and the City of Richfield for property located near 77th Street and Longfellow Avenue. Staff Report No. 10

RESOLUTION NO. 11817

RESOLUTION APPROVING THE JOINT POWERS AGREEMENT BETWEEN THE METROPOLITAN AIRPORTS COMMISSION AND THE CITY OF RICHFIELD FOR THE OWNERSHIP AND MAINTENANCE OF 77TH STREET UNDERPASS IMPROVEMENTS

RESOLUTION NO. 11818

RESOLUTION APPROVING THE TEMPORARY EASEMENT AGREEMENT WITH THE METROPOLITAN AIRPORTS COMMISSION FOR PROPERTY LOCATED NEAR 77TH STREET AND LONGFELLOW AVENUE FOR 77TH STREET UNDERPASS IMPROVEMENTS

B. Consider the approval of the purchase of a 2021 Versa-Vac 1000PD Trailer Mounted Vacuum/Hydro Excavation Unit from Flexible Pipe Tool Company in the sum of \$162,610.00 (including trade-in). Staff Report No. 11

C. Consider approval of a resolution approving a Joint Powers Agreement for Distracted Driving Vehicle Program. Staff Report No. 12

RESOLUTION NO. 11819

RESOLUTION APPROVING JOINT POWERS AGREEMENT FOR DISTRACTED DRIVING VEHICLE PROGRAM BETWEEN THE CITY OF RICHFIELD AND THE CITIES OF BLOOMINGTON, EDEN PRAIRIE, EDINA, HOPKINS, ST. LOUIS PARK, AND THE METROPOLITAN AIRPORT COMMISSION

D. Consider the approval of a second reading of an ordinance amending City Code Subsection 721.03 related to connections and discharges to the stormwater system and approval of a resolution authorizing summary publication. Staff Report No. 13

RESOLUTION NO. 11820

RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE AMENDMENT TO SUBSECTION 721.03 OF THE RICHFIELD CITY CODE PERTAINING TO CONNECTIONS AND DISCHARGES TO THE STORMWATER SYSTEM

E. Consider a resolution designation an official newspaper for 2021. Staff Report No. 14

RESOLUTION NO. 11821

RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER FOR 2021

M/Whalen, S/Trautmann to approve the consent calendar.

Council Member Whalen asked staff to elaborate as to why there is a second reading on the consent calendar.

Director Asher explained it was a change to an existing ordinance related to the stormwater system and will add salt de-icers to the list of items not allowed to be discharged in the city's stormwater system.

Council Member Trautmann highlighted to Sun Current and encouraged residents to subscribe to the local paper.

Executive Analyst Martinez Gavina took roll call vote:

Regan Gonzalez: AYE

Supple: AYE

Trautmann: AYE

Hayford Oleary: AYE

Whalen: AYE

Motion carried 5-0

Item #4	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR
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None

Item #5	PUBLIC HEARING AND CONSIDER THE APPROVAL OF A NOISE VARIANCE PERMIT FOR WOOD LAKE DEWATERING AS PART OF THE WOOD LAKE LIFT STATION IMPROVEMENT PROJECT. STAFF REPORT NO. 15
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Council Member Hayford Oleary presented staff report 15.

City Manager Rodriguez added the project has not begun due to some Xcel Energy issues.

Assistant Utilities Superintendent Petersen stated the project should start this week and run through the following week.

Council Member Hayford Oleary asked for clarification of the pump will be located.

Assistant Utilities Superintendent Petersen shared a map locating the pump to be along 494 near Panera Bread.

Council Member Hayford Oleary opened the public hearing.

Senior Office Assistant Wynn reviewed the options to participate:

- Participate live by calling 612-861-0651 during the public hearing portion
- Call prior to meeting 612-861-9711
- Email prior to meeting kwynn@richfielmn.gov

Senior Office Assistant Wynn stated there were no comments or callers.

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

Executive Analyst Martinez Gavina took roll call vote:

Regan Gonzalez: AYE

Supple: AYE

Trautmann: AYE

Hayford Oleary: AYE

Whalen: AYE

Motion carried 5-0

M/Hayford Oleary, S/Supple to approve the noise variance permit for Wood Lake dewatering as part of the Wood Lake Lift Station Improvement Project.

Executive Analyst Martinez Gavina took roll call vote:

Regan Gonzalez: AYE

Supple: AYE

Trautmann: AYE

Hayford Oleary: AYE

Whalen: AYE

Motion carried 5-0

Item #6	PUBLIC HEARING TO CONSIDER APPROVAL OF A MODIFICATION TO THE REDEVELOPMENT PLAN AND APPROVAL OF A TAX INCREMENT FINANCING PLAN FOR THE 2020-2 TAX INCREMENT FINANCE DISTRICT:EMI. STAFF REPORT NO. 16
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Council Member Supple read staff report 16.

Council Member Hayford Oleary commented on the pictures contained in the report and how much improvements are needed.

Council Member Whalen asked for summary on the variety of units.

Assistant Director Poehlman stated the development will contain an assortment of two bedroom, larger one bedroom, studio, regular one bedroom and one accessible that will be available for 60% AMI.

Council Member Supple opened the public hearing.

Julie Lupensky, 6621 Stevens Ave, asked about the removal of the buildings and how the plan development resolution interacts with the TIF development district.

M/Supple, S/Trautmann to close the public hearing.

Executive Analyst Martinez Gavina took roll call vote:

Regan Gonzalez: AYE

Supple: AYE

Trautmann: AYE

Hayford Oleary: AYE

Whalen: AYE

Motion carried 5-0

Assistant Director Poehlman stated this project has planned unit development approvals and is strictly TIF. She added that the stipulations previously negotiated by the neighborhood will stand.

Rebecca Kurtz explained a blight finding needed to be completed as part of the project.

M/Supple, S/Hayford Oleary to adopt a resolution approving a modification to the Redevelopment Plan for the Richfield Redevelopment Project; and approving a Tax Increment Financing Plan for the 2020-2 Tax Increment Finance District: Emi.

RESOLUTION NO. 11822

RESOLUTION APPROVING A MODIFICATION TO THE REDEVELOPMENT PLAN FOR THE RICHFIELD REDEVELOPMENT PROJECT; AND APPROVING A TAX INCREMENT FINANCING PLAN FOR THE 2020-2 TAX INCREMENT FINANCING DISTRICT: EMI

Executive Analyst Martinez Gavina took roll call vote:

Regan Gonzalez: AYE

Supple: AYE

Trautmann: AYE

Hayford Oleary: AYE

Whalen: AYE

Motion carried 5-0

Item #7	CONSIDERATION OF THE APPROVAL OF A RESOLUTION PERTAINING TO FILING OF THE PAY EQUITY REPORT WITH THE MINNESOTA MANAGEMENT AND BUDGET DEPARTMENT. STAFF REPORT NO. 18
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Council Member Trautmann presented staff report 18.

Assistant City Manager Dmytrenko stated that the city is obligated to submit the report every three years.

M/Trautmann, S/Supple to adopt a resolution pertaining to filing of the Pay Equity Report with the Minnesota Management and Budget Department.

RESOLUTION NO. 11823

RESOLUTION PERTAINING TO FILING OF THE PAY EQUITY REPORT WITH THE MINNESOTA MANAGEMENT AND BUDGET DEPARTMENT

Council Member Whalen asked for a brief summary of the report.

Assistant City Manager Dmytrenko stated she would provide Council with an overview of the report.

Council Member Trautmann asked if any data collected revealed any opportunity for growth.

Assistant City Manager Dmytrenko stated adjustments will be made if warranted.

Mayor Regan Gonzalez thanked staff for putting the report together.

Executive Analyst Martinez Gavina took roll call vote:

Regan Gonzalez: AYE

Supple: AYE

Trautmann: AYE

Hayford Oleary: AYE

Whalen: AYE

Motion carried 5-0

Item #8	CONSIDER REPRESENTATIVES TO SERVE AS THE 2021 LIAISONS TO VARIOUS LOCAL, REGIONAL AND STATE ORGANIZATIONS, AND CITY BOARDS AND COMMISSIONS. STAFF REPORT NO. 17
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Mayor Regan Gonzalez read staff report 17, reviewed appointments and discussed changes with Council members and staff.

M/Regan Gonzalez, S/Whalen to designate City Council liaison appointments to various local, regional and state organizations, and City boards and commissions with revisions noted during meeting.

Executive Analyst Martinez Gavina took roll call vote:

Regan Gonzalez: AYE

Supple: AYE

Trautmann: AYE

Hayford Oleary: AYE

Whalen: AYE

Motion carried 5-0

Item #9	CITY MANAGER REPORT
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City Manager Rodriguez spoke of the complaints residents have been voicing regarding snowplowing, ticketing and towing. She stated the city puts a snow emergency into effect when more than two inches of snow have accumulated and posted on the city website, multiple social media platforms, local television and text alerts. She explained the police department will prioritize areas where snowplow trucks struggle getting through when cars are present. The city is working on some options to provide refuge parking for residents.

Council Member Hayford Oleary expressed excitement to see other options for parking and is sympathetic to residents who don't have anywhere to park other than the street.

Council Member Trautmann asked about residents complaining regarding being ticketed and towed after streets have been plowed.

City Manager Rodriguez stated the city contracts out for the towing service and there could be a communication error. The intent is to remove cars to help snowplows get through.

Council Member Whalen encouraged residents to sign up for notifications on the city website.

City Manager Rodriguez provided a brief update on covid cases.

Item #10	CLAIMS AND PAYROLL
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M/Whalen, S/Supple that the following claims and payrolls be approved:

U.S. Bank	01/26/2021
A/P Checks 293025 - 293437	\$ 1,468,381.59
Payroll: 158675 – 158950 43269 - 43390	<u>765,470.49</u>
TOTAL	\$ 2,233,852.08

Executive Analyst Martinez Gavina took roll call vote:

Regan Gonzalez: AYE

Supple: AYE

Trautmann: AYE

Hayford O'leary: AYE

Whalen: AYE

Motion carried 5-0

Item #11	HATS OFF TO HOMETOWN HITS
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Council Member Supple thanked responsible pet owners for cleaning up after their pets.

Council Member Hayford O'leary expressed excitement to see a family housing fund doing a project with Richfield.

Council Member Whalen thanked applicants for interviewing for the city's boards and commissions. He then encouraged residents to watch the work session from this evening. He also spoke of how Council, HRA and city staff are having discussions around inclusionary housing and will host a work session in the near future.

Council Member Trautmann welcomed all new staff members that have joined the city recently.

Mayor Regan Gonzalez expressed excitement in building equity through the police department and across the city. She then encouraged residents to visit Wood Lake Nature Center.

Item #12	ADJOURNMENT
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The meeting was adjourned by unanimous consent at 8:25 p.m.

Date Approved: February 9, 2021

Maria Regan Gonzalez
Mayor

Kelly Wynn
Senior Office Assistant

Katie Rodriguez
City Manager



CITY COUNCIL MEETING MINUTES
Richfield, Minnesota
Special City Council Work Session
January 30, 2021

CALL TO ORDER

The work session was called to order by Council Member Regan Gonzalez at 9:00 a.m. held virtually via WebEx.

Council Members Present: Maria Regan Gonzalez, Mayor; Mary Supple; Simon Trautmann; Ben Whalen; and Sean Hayford O'leary

Staff Present: Blanca Martinez Gavina, Executive Analyst

Item #1	MEETINGS WITH APPLICANTS OF THE CITY'S ADVISORY COMMISSIONS
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The City Council held meetings with the following applicants for appointment to City Advisory Boards and Commissions:

Tyler Olson
Brendan Kennealy
Gordon Vizecky
Kara Skahen

ADJOURNMENT

The work session was adjourned by unanimous consent at 10:40 a.m.

Date Approved: February 09, 2021

Maria Regan Gonzalez
Mayor

Kelly Wynn
Senior Office Assistant

Katie Rodriguez
City Manager



STAFF REPORT NO. 19
CITY COUNCIL MEETING
2/9/2021

REPORT PREPARED BY: Chris Regis, Finance Director

DEPARTMENT DIRECTOR REVIEW: Chris Regis, Finance Director

OTHER DEPARTMENT REVIEW: N/A.

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
2/2/2021

ITEM FOR COUNCIL CONSIDERATION:

First reading of transitory ordinance providing funding for certain capital improvements from the Special Revenue Fund.

EXECUTIVE SUMMARY:

As part of the Capital Improvement Budget and annual City Budget process, certain special revenue funds are allocated each year to fund capital projects identified through the budget process.

The source of the special revenue funds are profits derived from the City's Liquor Store operation. These profits are transferred to the Liquor Contribution Special Revenue Fund.

Before the funds within the Special Revenue Fund can be used for the identified capital projects, the City Charter requires that a transitory ordinance be used to authorize the expenditure of the funds. In addition, the ordinance process allows for public input through a public hearing.

The proposed funding for 2021, as per the 2021 approved budget, totals \$450,000 and encompasses several park and recreation related projects. At this time staff is recommending increasing this amount by \$50,000 to bring the total to \$500,000. The reason for this increase is to provide funding for preliminary design costs for a new Wood Lake Nature Center building.

The additional \$50,000 would be included in the 2021 Revised Budget.

RECOMMENDED ACTION:

By Motion: Approve first reading of the transitory ordinance providing for the expenditure of funds from the Special Revenue Fund for certain capital improvements, schedule public hearing and second reading for March 9, 2021.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

At the December 8, 2020 City Council meeting, the City Council authorized \$450,000 of Special Revenue Funds for improvements to several City capital improvements in 2021.

Included in the \$450,000 are:

- \$50,000 for Major Park Maintenance Projects/Fence Repair
- \$15,000 Community Center/Wood Lake Building Repair
- \$15,000 Augsburg Park Play Equipment
- \$90,000 Christian Park Play Equipment
- \$90,000 Fremont Park Play Equipment
- \$30,000 Madison Park Tennis Court Rebuild
- \$35,000 Outdoor Pool Liner Repair
- \$125,000 Veterans Park Parking Lot

Staff is recommending adding an additional \$50,000 for preliminary design costs for a new Wood Lake Nature Center building. This amount would be included in the 2021 Revised Budget.

The 2021 Capital Improvement Budget also provides for expenditures for all types of funds contained in the budget including municipal state aid, user fees, state grants, county funds, and issuance of debt.

Authorization by ordinance is not required for expenditures other than Special Revenues.

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

City Charter Section 7.12, Subd. 2 requires that Special Revenue Funds used for capital improvements must be authorized by ordinance.

This process provides for public input through a public hearing.

C. CRITICAL TIMING ISSUES:

Under Section 3.09 of the City Charter, a transitory ordinance becomes effective 30 days after publication of the second hearing notice.

The ordinance requirements must be completed early enough in 2021 so that the capital projects can be initiated on a timely basis, completed and the funds expended.

It is suggested that the first reading of the transitory ordinance take place on February 9, 2021 and a public hearing and second reading be completed at the March 9, 2021 City Council meeting.

D. FINANCIAL IMPACT:

While the total 2021 Capital Improvements Budget (CIB) includes total budgeted expenditures of \$29,585,000 the portion of CIB concerning proposed funding from the Special Revenue fund is \$450,000.

- \$50,000 Major Park Maintenance Projects/Fence Repair
- \$15,000 Community Center/Wood Lake Building Repair
- \$15,000 Augsburg Park Play Equipment
- \$90,000 Christian Park Play Equipment
- \$90,000 Fremont Park Play Equipment
- \$30,000 Madison Park Tennis Court Rebuild
- \$35,000 Outdoor Pool Liner Repair
- \$125,000 Veterans Park Parking Lot
- \$50,000 Wood Lake Nature Center Preliminary Design

A transitory ordinance is necessary to finalize the appropriations utilizing special revenue funds pursuant to City Charter.

The source of Special Revenue funds is municipal liquor profits.

E. LEGAL CONSIDERATION:

The City Charter requires that a transitory ordinance be used to authorize the expenditure of Special

Revenue funds.

ALTERNATIVE RECOMMENDATION(S):

The City Council could decide to authorize none or only a portion of the expenditures identified from special revenue in the CIB.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None.

ATTACHMENTS:

Description	Type
□ 2021 Transitory Ordinance	Ordinance

BILL NO.

TRANSITORY ORDINANCE NO.

**AN ORDINANCE PROVIDING FOR THE EXPENDITURE OF MONEY FROM
THE SPECIAL REVENUE FUND FOR CERTAIN CAPITAL IMPROVEMENTS**

CITY OF RICHFIELD DOES ORDAIN:

Section 1: It is found and determined to be necessary and expedient for the City to expend money from the Special Revenue Fund for the making of capital improvements listed in Section 2 hereof, for which the City would be authorized to issue general obligation bonds.

Section 2: The capital improvements and amounts of expenditures for such improvements which are authorized to be paid from the Special Revenue Fund under Section 7.12, Subdivision 2 of the City Charter, are as follows:

Major Park Maintenance/Fence Repair	\$ 50,000
Community Center/Wood Lake Building Repair	\$ 15,000
Augsburg Park Play Equipment	\$ 15,000
Christian Park Play Equipment	\$ 90,000
Fremont Park Play Equipment	\$ 90,000
Madison Park Tennis Court Rebuild	\$ 30,000
Outdoor Pool Liner Repair	\$ 35,000
Veterans Park Parking Lot	\$ 125,000
Wood Lake Building Preliminary Design	\$ 50,000

Section 3: The expenditures herein authorized shall be made pursuant to such contracts as are authorized from time to time by Council action.

Passed by the City Council of the City of Richfield this 9th day of February, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 20
CITY COUNCIL MEETING
2/9/2021

REPORT PREPARED BY: Melissa Poehlman, Asst. Community Development Director

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
2/3/2021

OTHER DEPARTMENT REVIEW: Amy Markle, Recreation Services Director

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
2/3/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider the approval of a Declaration of Covenants related to the use of City property by Rya Apartments, LLC for the construction of a public pocket park at approximately 63rd Street East and Richfield Parkway.

EXECUTIVE SUMMARY:

On September 25, 2018, the Council approved plans for the RF64 Apartments and Townhomes along 16th Avenue and Richfield Parkway between approximately Taft Park and 65th Street. As part of the project, CPII Development, LLC (Developer) proposed to create a bike trail way-stop, or pocket park, in a small City-owned area of land along the northern edge of their property. The park would consist of a bike "fix-it" station, public art, covered seating areas and a sign identifying the area as a City of Richfield park. A Declaration of Covenants (Declaration) memorializing and describing the responsibilities of the Developer and City in regard to this area, was prepared and approved by the City Council on January 8, 2019.

The Developer has now sold the apartment portion of the project to a new developer, Rya Apartments, LLC (New Developer) and the Council is asked to approve the attached Declaration with this new entity. The agreement, and New Developer's obligation to maintain the pocket park, terminates in 25 years. The City will retain ownership after that time and will be responsible for maintenance. The Declaration was prepared by the City Attorney's Office and has been reviewed by the New Developer.

RECOMMENDED ACTION:

By motion: Approve a Declaration of Covenants between the City of Richfield and Rya Apartments, LLC for the construction and maintenance of a public pocket park.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The Council approved plans for the RF64 apartment and townhome project on September 25, 2018.
- Approvals were conditioned upon the Developer entering into an agreement with the City related to the creation of a public park on City-owned land immediately adjacent to the development.
- The Developer has now sold the apartment portion of the project (now renamed Rya Apartments).

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

By policy, the City Council reviews, considers, and executes all City contracts, including agreements related to the Declaration of Covenants.

C. CRITICAL TIMING ISSUES:

Building permits cannot be issued until the Declaration has been approved.

D. FINANCIAL IMPACT:

By agreement, the New Developer is responsible for the construction cost of all required items listed in the agreement and site plan. In addition, the New Developer is responsible for upkeep and maintenance of the pocket park for a period of 25 years. Therefore, there is no financial impact to the City during the time of the agreement.

E. LEGAL CONSIDERATION:

The Declaration was drafted by the City Attorney's office.

ALTERNATIVE RECOMMENDATION(S):

None. Approvals of this project were conditioned upon the Developer entering into an agreement with the City related to the creation of a public park on City-owned land immediately adjacent to the development.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Representative(s) of Rya Apartments, LLC

ATTACHMENTS:

Description	Type
□ Declaration of Covenants - Rya Apartments LLC	Contract/Agreement
□ January 8, 2019 Declaration of Covenants with CP II, LLC	Exhibit

**DECLARATION OF COVENANTS
FOR THE BENEFIT OF THE CITY OF RICHFIELD**

THIS DECLARATION OF COVENANTS (“Declaration”) dated as of _____, 2021, by Rya Apartments, LLC, a Minnesota limited liability company (“Declarant”), is given to, and in favor of, the City of Richfield, a municipal corporation under the laws of the State of Minnesota (“City”).

RECITALS

- A. Declarant is the owner of property in Richfield, Minnesota, legally described as: Lots 1 and 2, Block 1, RF64 (the “Property”).
- B. City is the owner of property in Richfield, Minnesota, legally described as: Lots 1, 15, and 16, Block 1, Iverson’s Second Addition, Hennepin County, Minnesota, subject to road (the “City Property”).
- C. Declarant has applied with the City for approval of a development plan to include 237 apartments on the Property.
- D. As a condition of approval of Declarant’s development plan, City has required the construction and donation of a pocket park on the City Property (the “Park”), as depicted in the site plan attached as Exhibit A (the “Site Plan”), together with Declarant’s promise to maintain the Park for a period of years.
- E. Declarant has agreed to construct the Park according to the specifications in said Site Plan, plus signage, and has further agreed to accept full responsibility for maintaining and repairing said Park according to City standards.
- F. Declarant is willing to enter into this Declaration memorializing the obligation to construct, maintain and repair the Park as more fully set forth below.

Now, therefore, in consideration of the promises exchanged herein, the Declarant declares that the Property shall be owned, held, sold, conveyed, subject to and bound by the following covenants, and the City grants the following:

1. Obligation to Construct/Donate. Within 24 months from the date of this Declaration, Declarant will complete construction of the Park according to the specifications set forth below and in the attached Site Plan, which will include on the Park site a sign indicating the Park is available to the public. All material and fixtures comprising the Park will be, upon installation, City property.

- a. Concrete pavement with four ground mounted benches (of same or similar design to benches in South Taft Park Playground)
- b. Bike “fix-it” station
- c. Public Art sculpture or object (approved by the Richfield Arts Commission) and lighting as described in the attached site plan
- d. Sign identifying public use
- e. Landscaping

2. Obligation to Maintain. Declarant, its successors and assigns, agrees to maintain and repair, at its sole expense, the Park for a period of 25 years (the “Term”), including but not limited to regular upkeep, repair and maintenance to all structures located thereon, as well as all landscaping, snow and ice removal, weeding, trimming, surface repair and reconstruction, as required to meet City standards, as reasonably determined by City in its sole discretion, and shall at all times keep the Park in compliance with the regulations of the City. The Park shall be at all times open to the public and the Declarant shall not interfere with public use except as reasonably necessary in the course of maintenance and repair.

3. Access Easement. In order that Declarant be able to fulfill its obligations herein, City hereby grants to Declarant, its successors and assigns, for the Term of this Declaration, a non-exclusive easement for ingress, egress and access across, over and under the City Property for the purposes of constructing, maintaining and repairing the Park as set forth herein, including the right of Declarant, its contractors, agents, employees, successors and assigns to enter the City Property at all reasonable times for the purpose of constructing, maintaining and repairing the Park. As a condition of City’s grant of this easement and Declarant’s use of this easement, the Declarant shall indemnify the City from any and all damages arising out of Declarant’s actions while in or on the City Property.

4. City’s Rights. The City may perform the obligations contained in this Declaration on the Declarant’s behalf if the Declarant has failed to perform the obligations and such failure continues for 30 days after the City gives Declarant written notice of such failure or, if such tasks cannot be completed within 30 days, after such time period as may be reasonably required to complete the required tasks provided that the Declarant is making a good faith effort to complete said task. The City’s notice shall specifically state which Obligations are to be performed. If the Declarant does not complete the Obligations within the required time period after such notice is given by the City, the City shall have the right to enter upon the Park to perform such Obligations. In such case, the City shall send an invoice of its reasonable operation and maintenance costs to Declarant or its successors or assigns, which shall include all reasonable staff time, engineering and legal and other reasonable costs and expenses incurred by the City. If the Declarant fails to pay the invoice within 30 days after receipt, the City may specially assess the Property, or any portion of it, for such costs, and Declarant hereby consents to such

assessment and waives the right to a hearing or notice of hearing or any appeal thereon under Minnesota Statutes, Chapter 429.

5. Indemnification. Except to the extent caused by the willful misconduct or negligence of the City, its employees or agents or the general public or arising out of the default by the City and its officers, employees or agents of obligations made pursuant to a contract with Owner, including this Declaration, the Declarant indemnifies, and agrees to defend and hold harmless, the City from and against all liabilities, losses, damages, costs, expenses (including attorneys' fees and expenses), causes of action, suits, allegations, claims, demands, and judgments of any nature arising from the consequences of a legal or administrative proceeding or action brought against them, or any of them, on account of any failure by the Declarant to comply with any provision in this Declaration, or arising from or by reason of the maintenance and repair of the City Property. Nothing in this Agreement shall be construed as a waiver by the City of any immunities, defenses, or other limitations on liability to which the City is entitled by law, including but not limited to the maximum monetary limits on liability established by Minnesota Statutes, Chapter 466.

6. Agent of the City. The City has the right to appoint an agent to carry out any of the obligations or covenants herein, provided that the City inform the Declarant of any agency appointment by written notice.

7. Severability. The invalidity of any clause, part or provision of this Declaration will not affect the validity of the remaining portions thereof.

8. Notices. All notices to be given pursuant to this Declaration must be in writing and will be deemed given when mailed by certified or registered mail, return receipt requested, to the parties hereto at the addresses set forth below, or to any other place as a party may from time to time designate in writing. The Declarant and the City may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates, or other communications are sent. The initial addresses for notices and other communications are as follows:

To the City:	City of Richfield 6700 Portland Avenue Richfield, MN 55423
With a copy to:	Richfield City Attorney Kennedy and Graven, Chartered 470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402
To the Declarant:	Rya Apartments, LLC 900 N 3 rd Street Minneapolis, MN 55401

9. Governing Law. This Declaration is governed by the laws of the State of Minnesota and, where applicable, the laws of the United States of America.

10. Attorneys' Fees. In case any action at law or in equity, including an action for declaratory relief, is brought by a party against the other party to enforce its rights under this Declaration, the prevailing party shall be entitled to collect from the other party reasonable attorneys' fees and other reasonable expenses, fees and costs paid or incurred by the prevailing party in connection with the action.

11. Declaration Binding. This Declaration and the covenants contained herein will run with the Property and will bind the Declarant and its successors and assigns and all subsequent owners of the Property or any interest therein, and the benefits will inure to the City and its successors and assigns for the term of this Declaration.

12. Enforceable by City. The provisions of this Declaration shall be for the benefit of and enforceable by the City.

13. No Amendments Without City's Prior Written Approval. This Declaration may not be amended or rescinded without the prior written approval of the City. Any purported amendment or rescission of this Declaration which has not been previously approved in writing by the City shall be null and void and of no force or effect.

14. Counterparts. This Declaration may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

15. Authority. The parties hereto each represent and warrant unto each other that the party executing this Agreement on its behalf is duly authorized to enter into this Agreement and bind the party thereby, and that, as of the Effective Date, it is vested with the right to convey the easements and rights granted herein.

[Remainder of page intentionally left blank; signature pages to follow.]

IN WITNESS WHEREOF, the Declarant has caused this Declaration of Covenants to be acknowledged and effective as of the day and year first written above.

RYA APARTMENTS, LLC

By: _____

Its: _____

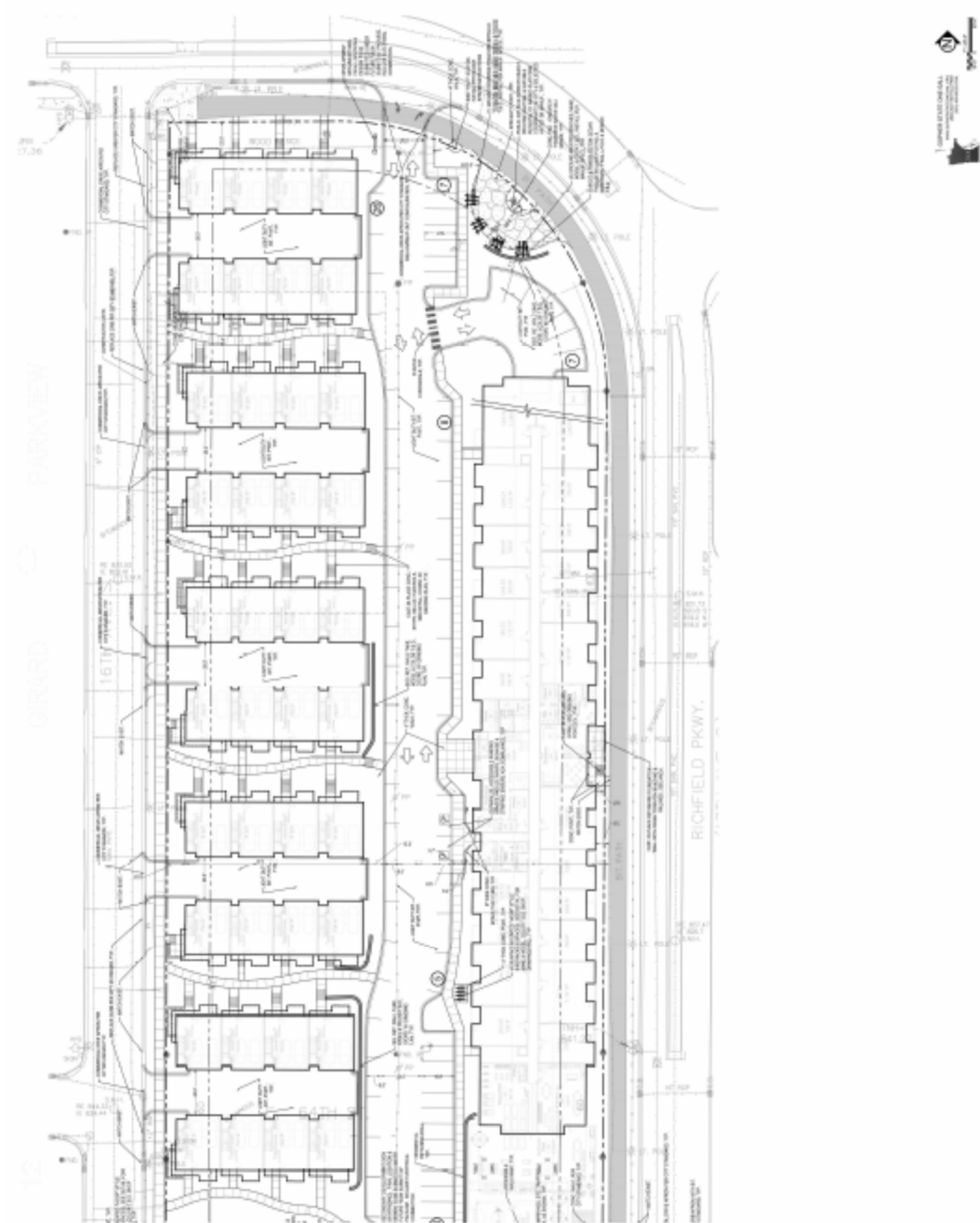
STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____, the _____ of CPII Development, LLC, a Minnesota limited liability company, in their authorized capacity on behalf of the limited liability company.

Notary Public

EXHIBIT A

Site Plan



**DECLARATION OF COVENANTS
FOR THE BENEFIT OF THE CITY OF RICHFIELD**

THIS DECLARATION OF COVENANTS (“Declaration”) dated as of January 8, 2019, by CPII Development, LLC, a Minnesota limited liability company (“Declarant”), is given to, and in favor of, the City of Richfield, a municipal corporation under the laws of the State of Minnesota (“City”).

RECITALS

- A. Declarant is the owner of property in Richfield, Minnesota, legally described as: all of Blocks 1 and 2, Iverson’s Second Addition, Hennepin County, Minnesota, together with that part of vacated East 64th Street, as dedicated on the plat of said Iverson’s Second Addition, which lies Easterly of the Southerly extension of the Westerly line of Block 1, said Iverson’s Second Addition, and which lies Westerly of the Southerly extension of the Easterly line of said Block 1; excepting therefrom Lots 1, 15, and 16 of Block 1, said Iverson’s Second Addition (the “Property”).
- B. City is the owner of property in Richfield, Minnesota, legally described as: Lots 1, 15, and 16, Block 1, Iverson’s Second Addition, Hennepin County, Minnesota, subject to road (the “City Property”).
- C. Declarant has applied with the City for approval of a development plan and a conditional use permit for a planned unit development to include 218 apartments and 72 townhomes on the Property.
- D. As a condition of approval of Declarant’s development plan, City has required the construction and donation of a pocket park on the City Property (the “Park”), as depicted in the site plan attached as Exhibit A (the “Site Plan”), together with Declarant’s promise to maintain the Park for a period of years.
- E. Declarant has agreed to construct the Park according to the specifications in said Site Plan, plus signage, and has further agreed to accept full responsibility for maintaining and repairing said Park according to City standards.

- F. Declarant is willing to enter into this Declaration memorializing the obligation to construct, maintain and repair the Park as more fully set forth below.

Now, therefore, in consideration of the promises exchanged herein, the Declarant declares that the Property shall be owned, held, sold, conveyed, subject to and bound by the following covenants, and the City grants the following:

1. Obligation to Construct/Donate. Within 12 months from the date of this Declaration, Declarant will complete construction of the Park according to the specifications set forth in the attached Site Plan, which will include on the Park site a sign indicating the Park is available to the public. All material and fixtures comprising the Park will be, upon installation, City property.

2. Obligation to Maintain. Declarant, its successors and assigns, agrees to maintain and repair, at its sole expense, the Park for a period of 25 years (the "Term"), including but not limited to regular upkeep, repair and maintenance to all structures located thereon, as well as all landscaping, snow and ice removal, weeding, trimming, surface repair and reconstruction, as required to meet City standards, as reasonably determined by City in its sole discretion, and shall at all times keep the Park in compliance with the regulations of the City. The Park shall be at all times open to the public and the Declarant shall not interfere with public use except as reasonably necessary in the course of maintenance and repair.

3. Access Easement. In order that Declarant be able to fulfill its obligations herein, City hereby grants to Declarant, its successors and assigns, for the Term of this Declaration, a non-exclusive easement for ingress, egress and access across, over and under the City Property for the purposes of constructing, maintaining and repairing the Park as set forth herein, including the right of Declarant, its contractors, agents, employees, successors and assigns to enter the City Property at all reasonable times for the purpose of constructing, maintaining and repairing the Park. As a condition of City's grant of this easement and Declarant's use of this easement, the Declarant shall indemnify the City from any and all damages arising out of Declarant's actions while in or on the City Property.

4. City's Rights. The City may perform the obligations contained in this Declaration on the Declarant's behalf if the Declarant has failed to perform the obligations and such failure continues for 30 days after the City gives Declarant written notice of such failure or, if such tasks cannot be completed within 30 days, after such time period as may be reasonably required to complete the required tasks provided that the Declarant is making a good faith effort to complete said task. The City's notice shall specifically state which Obligations are to be performed. If the Declarant does not complete the Obligations within the required time period after such notice is given by the City, the City shall have the right to enter upon the Park to perform such Obligations. In such case, the City shall send an invoice of its reasonable operation and maintenance costs to Declarant or its successors or assigns, which shall include all reasonable staff time, engineering and legal and other reasonable costs and expenses incurred by the City. If the Declarant fails to pay the invoice within 30 days after receipt, the City may specially assess the Property, or any portion of it, for such costs, and Declarant hereby consents to such assessment and waives the right to a hearing or notice of hearing or any appeal thereon under Minnesota Statutes, Chapter 429.

5. Indemnification. Except to the extent caused by the willful misconduct or negligence of the City, its employees or agents or the general public or arising out of the default by the City and its officers, employees or agents of obligations made pursuant to a contract with Owner, including this Declaration, the Declarant indemnifies, and agrees to defend and hold harmless, the City from and against all liabilities, losses, damages, costs, expenses (including attorneys' fees and expenses), causes of action, suits, allegations, claims, demands, and judgments of any nature arising from the consequences of a legal or administrative proceeding or action brought against them, or any of them, on account of any failure by the Declarant to comply with any provision in this Declaration, or arising from or by reason of the maintenance, use, and repair of the City Property. Nothing in this Agreement shall be construed as a waiver by the City of any immunities, defenses, or other limitations on liability to which the City is entitled by law, including but not limited to the maximum monetary limits on liability established by Minnesota Statutes, Chapter 466.

6. Agent of the City. The City has the right to appoint an agent to carry out any of the obligations or covenants herein, provided that the City inform the Declarant of any agency appointment by written notice.

7. Severability. The invalidity of any clause, part or provision of this Declaration will not affect the validity of the remaining portions thereof.

8. Notices. All notices to be given pursuant to this Declaration must be in writing and will be deemed given when mailed by certified or registered mail, return receipt requested, to the parties hereto at the addresses set forth below, or to any other place as a party may from time to time designate in writing. The Declarant and the City may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates, or other communications are sent. The initial addresses for notices and other communications are as follows:

To the City:	City of Richfield 6700 Portland Avenue Richfield, MN 55423
With a copy to:	Richfield City Attorney Kennedy and Graven, Chartered 470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402
To the Declarant:	CPII Development, LLC 317 2 nd Avenue South, Suite 800 Minneapolis, MN 55401
With a copy to:	Siegel Brill, P.A. Attn: Anthony J. Gleekel

100 Washington Ave S
Suite 1300
Minneapolis, MN 55401

9. Governing Law. This Declaration is governed by the laws of the State of Minnesota and, where applicable, the laws of the United States of America.

10. Attorneys' Fees. In case any action at law or in equity, including an action for declaratory relief, is brought by a party against the other party to enforce its rights under this Declaration, the prevailing party shall be entitled to collect from the other party reasonable attorneys' fees and other reasonable expenses, fees and costs paid or incurred by the prevailing party in connection with the action.

11. Declaration Binding. This Declaration and the covenants contained herein will run with the Property and will bind the Declarant and its successors and assigns and all subsequent owners of the Property or any interest therein, and the benefits will inure to the City and its successors and assigns for the term of this Declaration.

12. Enforceable by City. The provisions of this Declaration shall be for the benefit of and enforceable by the City.

13. No Amendments Without City's Prior Written Approval. This Declaration may not be amended or rescinded without the prior written approval of the City. Any purported amendment or rescission of this Declaration which has not been previously approved in writing by the City shall be null and void and of no force or effect.

14. Counterparts. This Declaration may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

15. Authority. The parties hereto each represent and warrant unto each other that the party executing this Agreement on its behalf is duly authorized to enter into this Agreement and bind the party thereby, and that, as of the Effective Date, it is vested with the right to convey the easements and rights granted herein.

[Remainder of page intentionally left blank; signature pages to follow.]

IN WITNESS WHEREOF, the Declarant has caused this Declaration of Covenants to be acknowledged and effective as of the day and year first written above.

DECLARANT CPII Development, LLC

By: _____

Its: _____

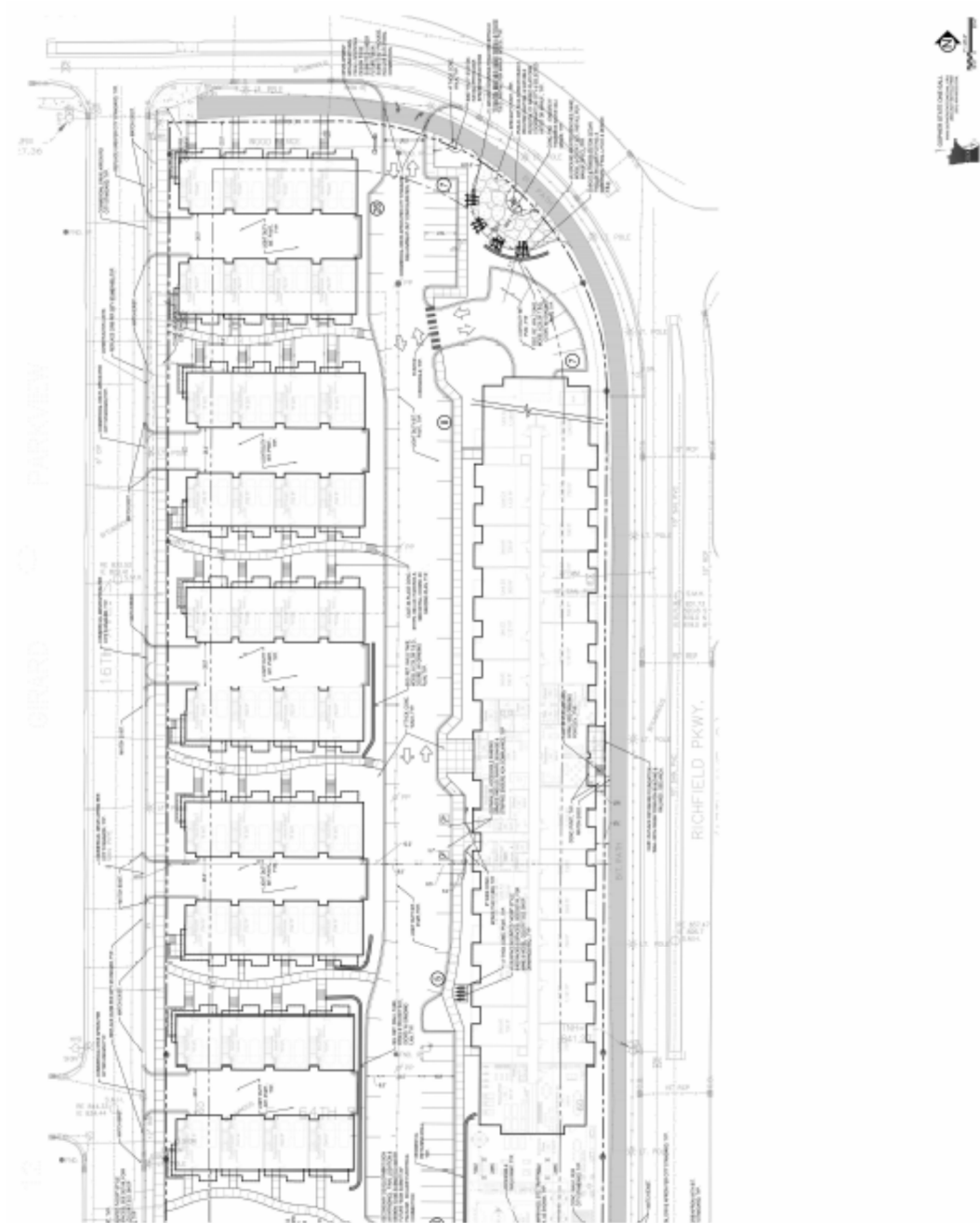
STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by _____, the _____ of CPII Development, LLC, a Minnesota limited liability company, in their authorized capacity on behalf of the limited liability company.

Notary Public

EXHIBIT A

Site Plan





STAFF REPORT NO. 21
CITY COUNCIL MEETING
2/9/2021

REPORT PREPARED BY: Ryan Krzos, Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
2/3/2021

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
2/3/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider approval of the first reading of an ordinance rezoning property at 6945 Penn Avenue South as Neighborhood Business (C-1) and schedule a second reading for February 23, 2021.

EXECUTIVE SUMMARY:

The property at 6945 Penn Avenue South is currently used as a dental clinic and is zoned Single Family Residential (R). Since the business use pre-dates the application of the current zoning designation it is considered a legal non-conforming use and can therefore continue as-is indefinitely. The 2040 Comprehensive Plan changed the designation of the subject site to the Community Commercial planned land use category. The property owner is requesting to rezone the property to Neighborhood Business (C-1) to match both the current use and the planned land use.

Later this year, as a part of the implementation of the Comprehensive Plan, staff will be reviewing zoning designations to identify sites in need of rezoning to achieve agreement with the future land use designations. Because the property owner would like to install a new sign that is only permitted on a commercially-zoned property, staff offered the property owner the option of bringing this rezoning forward now.

RECOMMENDED ACTION:

By motion: Approve a first reading of an ordinance that amends Richfield Zoning Code Appendix I to change the zoning designation of property at 6945 Penn Avenue South from Single Family Residential (R) to Neighborhood Business (C-1).

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- In 1987 the subject site was rezoned from MR-2 (Multiple Residence) to C-1 (Limited Business) to facilitate development of the dental clinic constructed shortly thereafter.
- The 1997-2007 Comprehensive Plan designated the property as Single Family Residential-High Density. The rationale at that time was to establish areas along the Penn Avenue corridor for attached single-family developments which would result in fewer access points and provide a buffer by backing up and to detached single family dwellings. Zoning of the property remained C-1 at that time.
- The 2008 Comprehensive Plan continued guiding the site for residential uses by designating the

site as Low Density Residential (the High Density Single Family category was eliminated). In 2010, after adoption of this plan update, the property was rezoned from C-1 to R, in order to conform with the Comprehensive Plan.

- To reflect the commercial use of the property, the 2040 Comprehensive Plan designated the site within the Community Commercial planned land use category.

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

- In a standalone rezoning request, the City Council is asked to consider whether or not the request is in agreement with the land use designation mapped in the City's Comprehensive Plan.
- As noted in the Executive Summary, the proposed new zoning category would align with the Comprehensive Plan's future land use designation for this site.

C. CRITICAL TIMING ISSUES:

- The rezoning application was deemed complete on January 7, 2021 which starts the "60-day clock". The City must make a decision or extend the deadline by an additional 60 days, by March 8, 2021.
- A second reading of the proposed ordinance is scheduled for February 23, 2021.

D. FINANCIAL IMPACT:

None.

E. LEGAL CONSIDERATION:

- A public hearing was held before the Planning Commission on January 25. No members of the public provided testimony prior to or during the public hearing.
- Notice of the public hearing was mailed to properties within 500 feet of the proposed development and published in the Sun Current newspaper. The Planning Commission voted unanimously to recommend approval of rezoning the property to C-1.

Since the proposed rezoning is from a residential district to a commercial zoning district a two-thirds affirmative vote of the City Council is required per State Statute.

ALTERNATIVE RECOMMENDATION(S):

None.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Jeffery O'Neil, property owner

ATTACHMENTS:

Description	Type
□ Ordinance - Rezone from R to C-1	Ordinance
□ Zoning Map	Exhibit
□ Planned Land Uses Map	Exhibit

ORDINANCE NO.

**AN ORDINANCE RELATING TO ZONING;
AMENDING APPENDIX I TO THE RICHFIELD CITY CODE
BY REZONING LAND AT 6945 PENN AVENUE SOUTH
AS NEIGHBORHOOD BUSINESS DISTRICT (C-1)**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Section 2 of Appendix I of the Richfield Zoning Code (Neighborhood Business District (C-1)) is amended to add a new Paragraph 19 to read as follows:

(19) M-7 (NE Corner 70th and Penn): Lots 13 and 14 and the South 14 feet of Lot 15, Block 10, Tingdale Brothers Lincoln Hills Second Addition.

Sec. 2. 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 23rd day of February, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

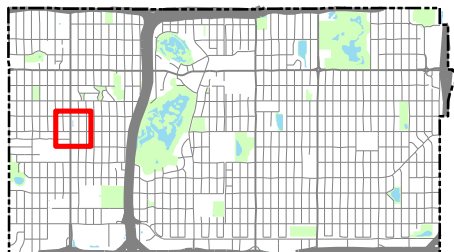
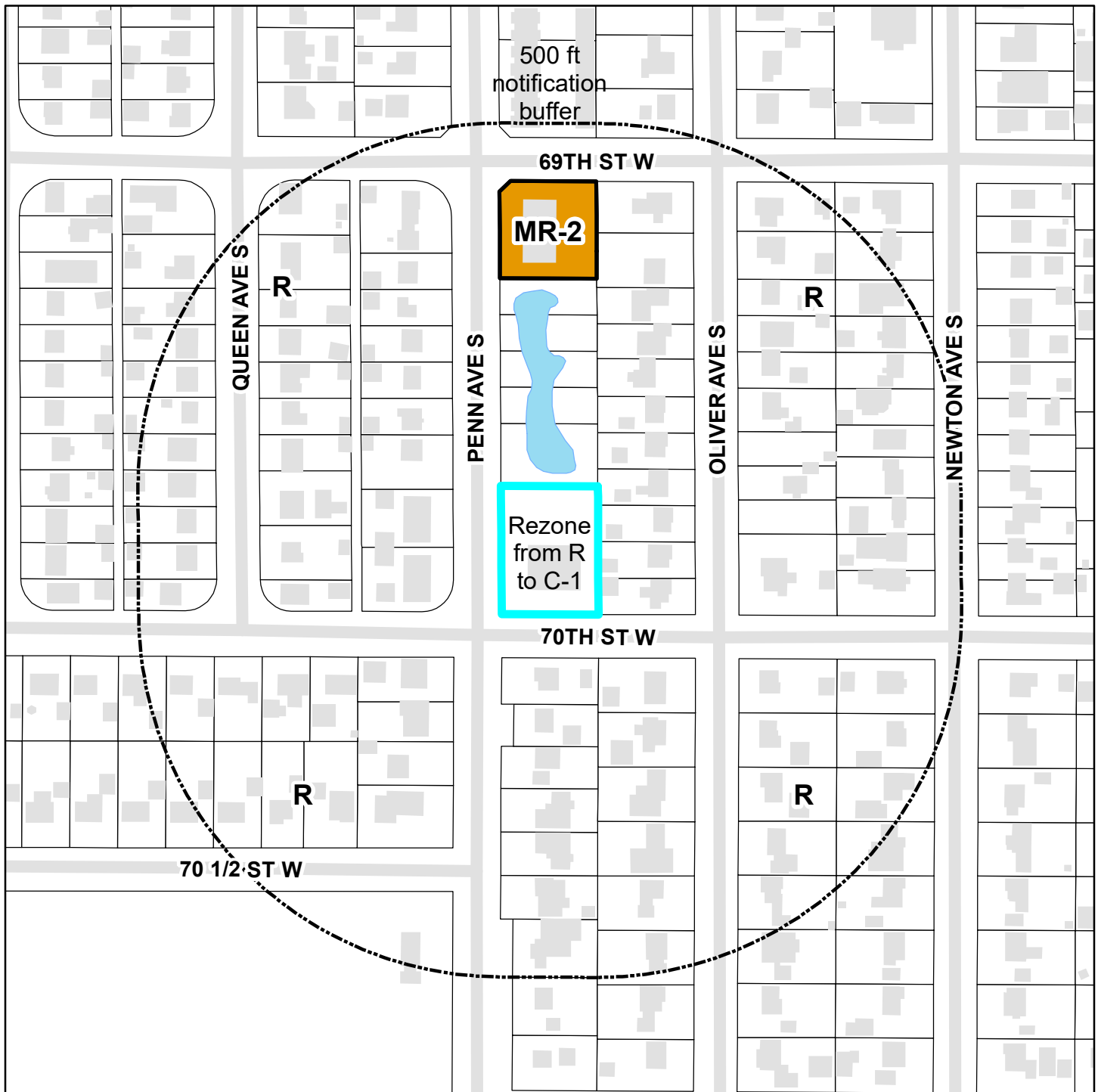
Elizabeth VanHoose, City Clerk



6945 Penn Avenue S

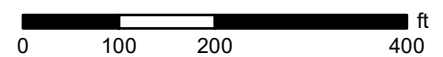
Surrounding Zoning

Case No: 21-RZN-01



Zoning Districts

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

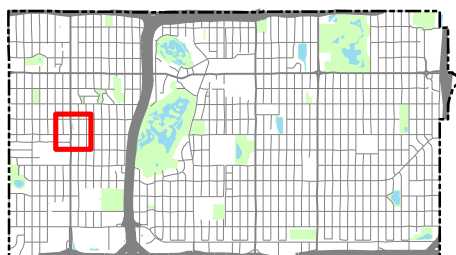
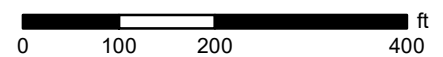




6945 Penn Avenue S

2040 Planned Land Uses

Case No: 21-RZN-01



2040 Planned Land Use

- | | |
|--------------------------|----------------------------|
| Mixed Use | Medium Density Residential |
| Regional Commercial | Low Density Residential |
| Community Commercial | Park |
| Neighborhood Commercial | Quasi-Public |
| High Density Residential | Right-of-Way (ROW) |





STAFF REPORT NO. 22
CITY COUNCIL MEETING
2/9/2021

REPORT PREPARED BY: Scott Kulzer, Administrative Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
2/1/2021

OTHER DEPARTMENT REVIEW: Elizabeth VanHoose, City Clerk

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
2/2/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider the adoption of a Competitive Bidding Policy.

EXECUTIVE SUMMARY:

- Contracts for construction, services, or equipment estimated to exceed \$175,000 must be by sealed bid and solicited by public notice.
- As part of this process the municipality is required to hold a public bid opening to open and read aloud the validly submitted bids.
- Cities are authorized to allow bidders to submit bids electronically, as well as other documents, such as bonds, etc. Under Minn. Stat. 471. 345, subd. 18: "Notwithstanding any other procedural requirements of this section, vendors may submit bids, quotations, and proposals electronically **in a form and manner required by the municipality**. A municipality may allow bid, performance, or payment bonds, or other security, to be furnished electronically."
- The policy under consideration will formally allow the City to electronically receive, open, read aloud, and tabulate bids for future projects.
- With adoption of this policy, the City will be able to choose whether to require a bid opening be conducted in person or electronically which will give staff more flexibility in the COVID-19 era.

RECOMMENDED ACTION:

By Motion: Adopt the Competitive Bidding Policy.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The City has traditionally opened and read aloud bids publicly at the time prescribed in the advertisement for bid.
- With the COVID-19 pandemic, meeting in person for bid openings has become more challenging.
- The City is able to accept electronically submitted bids and open them publicly via electronic means if it establishes a policy for doing so.

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

Minnesota Statutes, section 471.345 is known as the Uniform Municipal Contracting Law and subdivision 18 authorizes electronic bidding.

C. CRITICAL TIMING ISSUES:

- With the COVID-19 pandemic ongoing, the City's main priority is protecting the health and safety of the public and staff.
- Gathering in person for a public bid opening is contrary to the above priority.
- The City will be letting projects in early 2021 that are expected to receive many bid submissions from qualified contractors.
- Authorizing electronic bidding via this policy will allow staff to electronically receive, open, and read aloud bids going forward.

D. FINANCIAL IMPACT:

- The electronic bid platform the City will be using (Quest CDN) is offered at no cost to the city.
- Contractors will be required to pay a \$15 or \$30 fee to Quest CDN to download the plan documents and submit their bids.
- The fee varies depending whether the contractor was an original plan holder or is submitting their bid independent of purchasing the plans from Quest CDN.
- The City can require higher fees be charged to the contractors to download plans/submit bids and revenue share with Quest CDN but will not be doing so at this time.

E. LEGAL CONSIDERATION:

The City Attorney was involved in the assembly of this policy and will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
□ Competitive Bidding Policy	Backup Material

City of Richfield Bidding Policy

Purpose:

This policy sets forth the general requirements for bidding and advertising for competitively bid projects that are estimated to exceed \$175,000. It defines and clarifies the city's bidding process that is established by state law, including processes specific to electronic bidding. Contracts that involve public improvements under Minnesota Statutes Chapter 429 may have additional requirements. The City of Richfield follows Minnesota law for municipal contracts, including procedures for competitive bidding and all public contract requirements.

Procedure:

1. **Approval.** Projects or procurements must be either in the approved budget or require City Council authorization prior to bidding. All competitively bid contracts require Council action awarding a contract.
2. **Plans and Specifications.** Prior to seeking bids, the city must prepare plans and specifications that meet all laws and requirements. A standard contract template shall also be used and will be modified as necessary for any given project. The plans and specifications shall include the city's contract requirements based upon the estimated contract amount. Bid bonds, responsible bidder, insurance, performance and payment bonds, and withholding affidavits are required for all competitively bid contracts. Other submissions may also be necessary.
3. **Advertisement for Bid.** Specific language is required for the advertisement for bids. The city's standard advertisement for bids should be used to ensure required language is included. When using electronic bidding, the notice will clearly state that paper bids will not be accepted and it will further specify the form and manner required for all electronic submissions. The city engineer may help with generating an advertisement for bids if necessary. Projects estimated to exceed \$175,000 require publication in the city's official newspaper *or* a recognized industry trade journal at least ten days prior to the last day for submission of the bids. Projects estimated to exceed \$350,000 require publication in the city's official newspaper *and* a recognized industry trade journal at least three weeks prior to the last day for submission of the bids. An affidavit of publication is required from each entity that published an advertisement. Minnesota Statutes, Section 331A.03 authorizes the city to replace publication in the city's official newspaper with dissemination on the city's website, provided, however, that the city follows the procedural requirements contained in said statute.
4. **Bid Requirements.** Required documents from the bidders may include but are not limited to a bid bond, bid form containing responsible contractor language, human rights certification, and affidavit of non-collusion. All paper bids must be sealed and identified on the outside wrapper. When using electronic bidding, staff shall ensure that the bidding

website has the functionality to facilitate submission of all required information and documents to comply with all state bidding laws.

5. Bid Opening. The bid opening will take place in a conference room, council chambers, or other public place where any person present may observe. Two city staff or agents will be present when the bid time expires. All bids shall be opened or, in the case of electronic bids, viewed online, acknowledged, and read aloud. Bid results will become available after this process is complete, provided, however, that only the name of the bidder and the dollar amount specified is public information until after the Council awards a contract. For electronic bids, all bid submittals and documents for the winning contractor, including the bid tabulation and abstract, shall be scanned and retained.
6. After Bid Opening. Bids should be evaluated to determine the responsibility of the bidder. If a contract is awarded, it must be awarded to the lowest responsible bidder. The city has the right to reject all bids. If city staff determines the lowest bidder is not the lowest responsible bidder, the city attorney shall be contacted for consultation and justification prior to recommendation and action by the Council. Once a contract is awarded, a signed contract, certificate of insurance, performance bond, payment bond, and any other items required by the city shall be provided before a notice to proceed is issued.
7. All bid submissions and documents, including those submitted electronically, shall be retained in accordance with the city's record retention schedule.

Adopted by the Richfield City Council on the 9th day of February, 2021.

Mayor Maria Regan Gonzalez

City Manager Katie Rodriguez



STAFF REPORT NO. 23
CITY COUNCIL MEETING
2/9/2021

REPORT PREPARED BY: Chris Regis, Finance Director

DEPARTMENT DIRECTOR REVIEW: Chris Regis, Finance Director
1/28/2021

OTHER DEPARTMENT REVIEW: N/A.

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
2/2/2021

ITEM FOR COUNCIL CONSIDERATION:

Approve the cancellation of a special assessment for unpaid false user fees from the 2020 Unpaid False Alarm Fees From Private Property assessment roll.

EXECUTIVE SUMMARY:

At the October 13, 2020 City Council meeting, the City Council approved a special assessment roll for unpaid false alarm user fees against private property in the amount of \$1,100.00. After the 30 day prepayment period the assessment roll certified to Hennepin County totaled \$990.00.

Included in the in this assessment roll was an assessment for \$550.00 for unpaid false alarms at 200 78th Street West. Of the \$550.00 amount, it was determined after the assessment roll was certified to Hennepin County that \$220.00 was to be forgiven by the City.

The reason for this was that the property owner appealed two false alarm fees to the Director of Public Safety and it was agreed that the two occurrences were caused by a malfunction of the alarm company's equipment and not the fault of the property owner.

Staff is recommending cancelling these two occurrences in the amount of \$220.00 from the 2020 Unpaid False Alarm Fees From Private Property special assessment rolls.

RECOMMENDED ACTION:

By Motion: Approve a resolution approving the cancellation of a special assessment in the amount of \$220.00 for unpaid false alarm user fees at 200 78th Street West from the 2020 Unpaid False Alarm Fees From Private Property assessment roll.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

N/A.

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

Richfield City Code section 915.07 Subd. 3 and chapter 8.02 of the City Charter allows the City to specially assess delinquent false alarm user fees against the respective properties.

An alarm user charged with an alarm user fee may make a written appeal of the false alarm charge to the Director of Public Safety within 15 days' notice of the charge.

Minnesota State Statutes provide that the City may levy a special one-year assessment for these costs.

C. **CRITICAL TIMING ISSUES:**

Notice of the cancellation needs to be sent to Hennepin County prior to tax bills sent to property owners.

D. **FINANCIAL IMPACT:**

The special assessment roll will be reduced by \$220.00.

E. **LEGAL CONSIDERATION:**

Staff is following the procedures outlined by the Hennepin County Taxpayer Services Department in order to cancel a special assessment.

ALTERNATIVE RECOMMENDATION(S):

None.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None.

ATTACHMENTS:

Description	Type
□ Resolution to Remove a Special Assessment	Resolution Letter

RESOLUTION NO.

**RESOLUTION AUTHORIZING THE REMOVAL OF AN ASSESSMENT TO THE
PROPERTY AT 200 78th STREET WEST FROM THE 2020 UNPAID FALSE ALARM
FEES FROM PRIVATE PROPERTY ASSESSMENT ROLL**

WHEREAS, on October 13, 2020, the City Council adopted Resolution No. 11780 authorizing the assessment for unpaid false alarm fees from private property, Levy 20517 that totaled \$1,100.00; and

WHEREAS, subsequent to the adoption of the resolution the amount certified to Hennepin County was \$990.00 due to prepayments.

WHEREAS, Resolution No. 11780 included an assessment in the amount of \$550.00 to the property at 200 78th Street West; PID# 34-028-24-34-0053 and

WHEREAS, \$220.00 of the amount identified from PID# 34-028-24-34-0053 be removed from the approved assessment roll.

WHEREAS, the new total for PID# 34-028-24-34-0053 will now be \$330.00.

WHEREAS, the new total for Levy 20517 will now be \$770.00.

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

1. The assessed amount of \$220.00 to the property at 200 78th Street West, PID# 34-028-24-34-0053, be removed from the 2020 Unpaid False Alarm Fees From Private Property assessment roll, Levy 20517.
2. That the new total of Levy 20517 will now be \$770.00
3. That a copy of this Resolution shall be sent to the Hennepin County Auditor.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of February, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 24
CITY COUNCIL MEETING
2/9/2021

REPORT PREPARED BY: Scott Kulzer, Administrative Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
2/1/2021

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
2/2/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider the approval of a resolution restricting parking along Municipal State Aid Street 108 (77th street) from Bloomington Ave S to Old Cedar Ave S/Richfield city limits at TH 77.

EXECUTIVE SUMMARY:

The construction of the 77th street Underpass will require a partial reconstruction of the far western stretch of 77th Street in Richfield. The project design does not leave adequate space for parking along this stretch nor is it in line with the project goals or the nature of a minor arterial street.

Additionally, State Aid and agency funding requires specific design standards in order to receive funding. One such criteria is to prohibit parking along the project extents on 77th Street.

RECOMMENDED ACTION:

By Motion: Approve the resolution restricting parking along Municipal State Aid Street 108 (77th street) from Bloomington Ave S to Old Cedar Ave S/Richfield city limits at TH 77.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

See executive summary.

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

State Aid design standards require parking prohibitions for projects that utilize any agency funding.

C. CRITICAL TIMING ISSUES:

The resolution needs to be adopted in order for the project to stay on track for an early 2021 letting and spring 2021 construction start.

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

None

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
D 77th Street No Parking Resolution	Resolution Letter

RESOLUTION NO.

**RESOLUTION RESTRICTING PARKING ON MUNICIPAL STATE AID STREET 108
KNOWN AS 77TH STREET BETWEEN BLOOMINGTON AVE SOUTH AND OLD
CEDAR AVE SOUTH/RICHFIELD CITY LIMITS**

WHEREAS, SAP 157-108-035 is the reconstruction of 77th Street East of Bloomington Ave S and construction of an underpass under Trunk Highway 77 to Longfellow Avenue/77th Street on Metropolitan Airports Commission property; and

WHEREAS, Richfield will be performing grading, paving, drainage, signing, lighting, retaining wall, bridge, trail and sidewalk construction and other construction associated with the improvement of existing portions of 77th Street within the corporate city limits of Richfield as part of the 77th Street Underpass project; and

WHEREAS, said improvements do not provide adequate width for on-street parking and the proposed construction is conditioned on restricting parking along MSAS 108 (77th Street) from Bloomington Ave S to Old Cedar Ave S/Richfield city limits at TH 77.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota that it hereby approves the parking restrictions for motor vehicles on both sides of MSAS 108 (77th Street) from Bloomington Ave S to the Old Cedar Ave S/Richfield city limits at TH 77.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of February, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 25
CITY COUNCIL MEETING
2/9/2021

REPORT PREPARED BY: Rachel Lindholm

DEPARTMENT DIRECTOR REVIEW: Amy Markle, Recreation Services Director
2/2/2021

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
2/2/2021

ITEM FOR COUNCIL CONSIDERATION:

City Coalition Letter Commenting on Xcel Energy's 2020-2034 Integrated Resource Plan

EXECUTIVE SUMMARY:

Several cities are signing onto a joint letter commenting on Xcel Energy's 2020-2034 Upper Midwest proposed Integrated Resource Plan (IRP). The IRP process works to set a public utility's long-term resource development vision through planning for and reducing energy demand, addressing generation sources, improving energy efficiency, and more.

These objectives are important to cities like Richfield as they are intertwined with municipal sustainability and energy goals, and Xcel's efforts greatly impact what cities are able to achieve on a local level. Signing this letter helps show Xcel how committed cities are to supporting and in some cases, increasing the sustainable actions the utility can take.

RECOMMENDED ACTION:

Approve that the City signs on to the final version of the Minnesota Local Government Coalition letter, as recommended by the Sustainability Commission.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Xcel Energy submitted their initial proposal to the Public Utilities Commission on 7/1/19 and a supplemental plan on 6/30/20. The IRP process allows for interested stakeholders to comment on the proposal before given deadlines, depending on their role.
- On January 28th, the Sustainability Commission approved a motion supporting the Minnesota Local Government Coalition letter and recommending to City Council that the City of Richfield sign on to the final version.

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

This letter and its goals helps support various energy and environmental goals that the City is committed to, including those laid out in the City's Climate Action Plan and those currently being identified by the City's work with the Partners in Energy program.

C. CRITICAL TIMING ISSUES:

The coalition is hoping to send this letter in by the end of February.

D. **FINANCIAL IMPACT:**

None

E. **LEGAL CONSIDERATION:**

None

ALTERNATIVE RECOMMENDATION(S):

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

Description	Type
□ MN Local Government Coalition IRP Letter	Backup Material

Date _____

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

RE: 2020-2034 Upper Midwest Integrated Resource Plan, Docket No. E002/RP-19-368

Dear Executive Secretary Seuffert:

Thank you for the opportunity to comment on Xcel Energy's latest Integrated Resource Plan (IRP). This letter represents the views of [X] Minnesota local governments within Xcel Energy's service territory, listed below. Collectively, this group represents a substantial portion of Xcel Energy's customer base, as well as the many residents and businesses that comprise our communities.

IRPs are a key avenue for Xcel Energy to receive public input on its long-term plans. Utility operations, and therefore plans, should reflect both market realities and customer demand. We appreciate the opportunity to submit input to clarify customer demand.

Each local government signee has publicly stated goals to reduce greenhouse gas emissions and/or to increase utilization of carbon-free electricity. While individual goals vary, the shared goal of decarbonizing the electricity system for the public good is clear. Decarbonization is also an avenue to address historic inequities in our communities; the signees want to ensure that clean energy projects are a vehicle for investing in historically underserved communities.

We recognize and commend Xcel Energy's commitment to carbon reductions, continued effort to meet these goals, and willingness to undertake new modeling efforts within the IRP process. This letter contains shared suggestions for how Xcel could improve on their existing plans to align with customer demand for decarbonization and to center equity in resource decisions.

Local Government	Carbon Reduction Goal	Energy Goal
Bloomington	75% by 2035	95% reduction in city-wide electricity-related ghg emissions
Eden Prairie	Carbon neutral community-wide by 2050	10% of total consumption renewable (25 MW)
Edina	30% by 2025, 80% by 2050	
Northfield	Carbon-free electricity by 2030, 100% by 2040 (economy-wide)	10% in-boundary renewable electricity (20 MW)
Ramsey County	30% by 2025, 80% by 2050	Energy use reduction: 30% by 2025, 80% by 2050
Red Wing	80% by 2040	100% solar for city operations by 2020, 100% by 2040 community-wide (2.5 MW)
Saint Louis Park	100% carbon neutral by 2040	100% by 2030, 10% in-boundary (37 MW)
Saint Paul	100% carbon neutral by 2050	10% in-boundary renewable electricity (200 MW)

Xcel Energy's Preferred Plan does indicate that the utility will take several actions to support clean energy and decarbonization that are generally in line with the signees' goals. We are particularly supportive of Xcel Energy's decisions to:

- Retire all coal plants by 2030,
- Retire the Cottage Grove and Black Dog 5 gas plants,
- Increase solar and wind generation, and
- Increase energy efficiency and demand response.

However, we believe Xcel Energy can do more to reduce carbon emissions and support underserved communities while maintaining safe, reliable, and affordable service.

I. Center equity in the planning process

In the June 30, 2020 supplemental filing, Xcel Energy included an attachment addressing diversity, equity, and inclusion¹ and we appreciate that these topics are considered in this IRP. Many of our local governments have stated priorities to address racial inequities in our communities through our decisions related to the public services we provide. We have embarked on our own processes to understand how to create safer and more equitable cities, including assessing our policies, programs, budgets, and practices for racial equity impacts.

Electricity generation has historically been a major source of air pollution and emissions in Minnesota, and low income and communities of color have been disproportionately exposed to those pollutants that directly harm human health.² Minimizing the adverse socioeconomic effects of utility decisions means protecting communities from the impact of harmful energy production processes *and* addressing the historic impact such processes have had on people of color, while providing equitable access to the clean energy economy as a part of the solution.

II. Accelerate retirement of coal plants

We appreciate the commitment in this IRP from Xcel Energy to retire all coal on the Upper Midwest system by 2030, this supports our local government carbon reduction goals. Some of our communities have more ambitious goals, to reach carbon neutrality or 100% clean energy, which will require an even more rapid phase out of carbon-based electricity generation. We recommend that Xcel Energy model earlier retirement dates to reduce cost to customers as well as negative externalities, including emissions and public health impacts.

III. Explore alternatives to new natural gas

Many of our communities have adopted Climate Action Plans or carbon reduction goals, and we are concerned with the upstream emissions associated with fossil gas. We therefore encourage Xcel Energy to explore a clean energy portfolio – a combination of renewables, energy efficiency, demand, response, and energy storage – to replace the capacity from retired coal plants.

¹ Attachment C – Inclusion, Diversity, and Equity to the 2020-2034 Upper Midwest Resource Plan Supplement

² Minnesota Energy Justice Snapshot: <https://www.naacp.org/wp-content/uploads/2015/09/Minnesota-SnapShot.pdf>

IV. Increase renewable energy, including local generation

Xcel Energy's base assumption for distributed solar in the Preferred Plan is 660 MW, driven primarily by community solar gardens and the Solar*Reward incentive, which is currently set to expire in 2021 and Xcel assumes no additional rooftop solar after that time. Collectively, our local governments have goals to add [REDACTED] MW of local/in-boundary renewable generation, representing [REDACTED]% of the total distributed solar in Xcel Energy's assumptions. We recommend that Xcel take local clean energy goals, in addition to state policy and existing incentives, into consideration in forecasting and modeling for the IRP.

V. Coordinate Integrated Distribution System and Resource Planning

With the increase in customer installation of distributed energy resources (DER) – including distributed solar generation, electric vehicles, on-site storage, etc. – utilities should coordinate their resource/generation and distribution system planning to avoid unnecessary complexity and increased costs associated with operating the grid. A more comprehensive electricity planning process, as recommended by the National Association of Regulatory Utility Commissioners (NARUC) and the National Association of State Energy Officials (NASEO), will help utilities to safely and cost effectively meet current and emerging grid needs such as increased flexibility and resilience and DER integration.³ It will also help utilities to account for the quantity, location, capabilities, and load shapes of resources added to the distribution system and the bulk power system.

This is of particular importance to cities, in support of their local/in-boundary renewable energy goals, as well as their interest in resilience and reliability. Local governments are also doing infrastructure and asset planning on a localized scale, which presents a great opportunity for coordination to maximize efficiency and ensure cost effectiveness. There may also be opportunities to identify where DER may be used as assets to the grid and potential alternatives to traditional distribution investments.

VI. Include Beneficial Building Electrification and Grid Flexibility

Aside from the High Electrification sensitivity, the base scenario assumptions in this IRP include only transportation electrification, not building electrification. A number of our cities have goals to both improve the efficiency of and reduce carbon from buildings, which may involve electrification. If not intentionally managed, however, electrification can lead to increased grid costs, overbuilding of generation capacity, and increased energy burden. When properly designed, new electrified end uses can contribute to reliability, renewable integration, and enable a more flexible grid that can respond to shocks. We therefore recommend that the Commission require Xcel Energy to include beneficial building electrification in the load growth forecast and increased grid flexibility with a more sophisticated modeling software.

VII. Clarification on the 2034-2050 plan for carbon neutrality

Xcel Energy has made a commitment to achieve carbon-free energy by 2050, and we appreciate the utility's leadership in this area. While the planning period for this IRP extends only through 2034, we would appreciate more details on the subsequent 15-year period in order to have confidence in Xcel Energy's plans to achieve that goal. Our short-term decisions related to climate action will be informed by that information, to realize our cities' long-term carbon reduction goals.

³ NARUC-NASEO Task Force on Comprehensive Electricity Planning: <https://www.naruc.org/taskforce/>

Signatories

Name, Title – City

Potential attachments: City resolutions approving signing on to this letter, reference to city carbon and energy goals



STAFF REPORT NO. 26
CITY COUNCIL MEETING
2/9/2021

REPORT PREPARED BY: Krista Guzman, HR Manager

DEPARTMENT DIRECTOR REVIEW: Pam Dmytrenko, Administrative Services Director/Assistant City Manager
2/1/2021

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
2/2/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider the adoption of a resolution approving the contract with the Labor and Trades Local 49 for the period January 1, 2021 through December 31, 2021 and authorize the City Manager to execute the agreement.

EXECUTIVE SUMMARY:

City staff has completed labor negotiations with the Labor and Trades Local 49 (Union). The provisions of the 2021 labor agreement cover all of the employees in this Union, which consists of 32 positions.

The one-year contract provides a wage adjustment of 3.00% in 2021. It also provides an equity adjustment of an additional \$1.00/hour to the only step in the LT3 pay grade. This was done after a thorough analysis of past instances in which employees are offered temporary assignments in the LT3 pay grade from LT2 pay grade and was done to align with the previous adjustment made to the LT1 and LT2 pay grades without prior increases to the LT3 pay grade.

The agreement also includes the same employer-provided health and dental insurance contributions as given to the city's non-represented employee groups and other bargaining units. It also provides nominal increases to the uniform/boot allowance and to some licensure/certification pay rates.

RECOMMENDED ACTION:

By motion: Adopt a resolution approving the provisions of the 2021 labor agreement with the Labor & Trades Local 49 bargaining unit and authorize the City Manager to execute the agreement.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The tentatively approved one year contract settlement includes the following significant changes:

- Wages: A 3.00% wage adjustment for 2021.
- Equity Adjustment: An equity adjustment to the LT3 pay grade to bring the percentage differential between the LT2 and LT3 grades in line with the difference between the LT1 and LT2 pay grades. The temporary position of Leadworker is the only position in this pay grade and performs additional duties during the time served in that role. The only step in the LT3 pay grade will receive a one time adjustment of \$1.00 per hour to their base hourly wage for 2021.

- An increase from \$0.10/hour to \$0.15/hour for each test successfully passed by Auto Mechanics in the Mechanics Test series up to a maximum of an additional \$1.35 per hour.
- Health Insurance: The same employer contributions as all other bargaining and non-bargaining groups receive in 2021.
- Dental Insurance: A \$0.25 per month increase to the Employer contribution for Employee single dental insurance coverage at \$60.25 per month.
- An increase of \$40 to the uniform and clothing allowance.

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

- The City has met and negotiated in good faith with the Union and its representatives and is bound under the Public Employer's Labor Relations Act to meet and bargain over the terms and conditions of employment.
- The proposed settlement for the health and dental insurance provisions is identical to those provided to both union and non-union City employees. The City has a long history of providing the same level of insurance benefits to all eligible City employees.
- The 3.00% wage increase represents the same 3.00% wage increase implemented for non-union City employees and all other contracts settled for 2021.
- The 3.00% wage adjustment and health insurance contribution is comparable to other bargaining groups in similar metro cities. A survey of comparable cities indicates that those cities are providing anywhere from a 2.0 to 3.0 percent increase. The City has a long history of trying to remain as close to the mid-range as possible in terms of wages and benefits.
- The 3.00% wage adjustment for 2021 is the City's and Union's best estimation of what will be the average of such settlements in the metro area.

C. CRITICAL TIMING ISSUES:

In order to allow the City's accounting personnel to modify payroll records in a timely manner for 2021 wages and benefits and in order to further delay any pay due to employees, it is recommended that the City Council act on February 9, 2021, to adopt a resolution providing for contract changes, effective January 1, 2021.

D. FINANCIAL IMPACT:

- A 3.00% wage increase for contract year 2021.
- An equity adjustment to the only step in the LT3 pay grade of a \$1.00 per hour increase to the base hourly wage in 2021.
- An increase to the licensure/certification pay for the Auto Mechanic Test series to \$0.15/hour for each test successfully passed up to a maximum pay of \$1.35/hour .
- An increase of \$40 to the clothing/uniforms/boots allowance to \$540 per year.

E. LEGAL CONSIDERATION:

If the terms of this agreement are not approved, further negotiation and/or mediation will be necessary.

ALTERNATIVE RECOMMENDATION(S):

- Do not approve the terms of this agreement and prepare for further negotiation and/or mediation.
- Defer discussion to another date.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
□ 2021 Labor and Trades Contract Resolution	Resolution Letter

RESOLUTION NO.

**RESOLUTION APPROVING LABOR AGREEMENT BETWEEN THE
CITY OF RICHFIELD AND
INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 49
BARGAINING UNIT FOR YEAR 2021**

WHEREAS, the City Manager and the International Union of Operating Engineers, Local 49 have reached an understanding concerning conditions of employment for 2021; and

WHEREAS, it would be inappropriate to penalize Local 49 members who have negotiated in good faith; and

WHEREAS, the City Ordinance requires that contracts between the City and the exclusive representative of the employees in an appropriate bargaining unit shall be completed by Council resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the Labor Agreement between the City of Richfield and International Union of Operating Engineers, Local 49 Bargaining Unit, for 2021 under the provisions of the Labor Agreement to be implemented effective January 1, 2021 and authorize the City Manager to execute the contract.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of February 2021.

Maria Regan Gonzalez Mayor

ATTEST:

Elizabeth VanHoose City Clerk



STAFF REPORT NO. 27
CITY COUNCIL MEETING
2/9/2021

REPORT PREPARED BY: Kelly Wynn, Senior Office Assistant

DEPARTMENT DIRECTOR REVIEW: Katie Rodriguez
2/3/2021

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
2/3/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider the appointments to City advisory board and commissions.

EXECUTIVE SUMMARY:

Terms of several City advisory board and commission members expired on January 31, 2021. In addition, due to resignations there are mid-term vacancies that should be filled. Terms for advisory board and commissions are for three years. Please refer to the attached list of appointments for reference.

The City Council directs the City Manager's office to conduct an annual recruitment seeking applicants to fill the vacancies. This recruitment includes a press release and information on the City's website and social media platforms. Applicants were interviewed at a work session held on January 23 and January 30 of 2021.

To ensure a quorum at future advisory board and commission meetings, the City Council should make appointments at the February 09, 2021 City Council meeting.

RECOMMENDED ACTION:

By motion: Appoint members to fill the expiring or vacant terms on City advisory board and commissions referenced in the attached list.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

This information is contained in the Executive Summary.

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

City advisory board and commissions were established by City ordinance or resolution.

C. CRITICAL TIMING ISSUES:

- Several terms of City advisory board and commission members expired on January 31, 2021.
- To ensure a quorum at future advisory board and commission meetings, the City Council should make appointments at the February 9, 2021 City Council meeting.

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

None

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

Description	Type
□ 2021 Commission/Board Appointments	Backup Material

ADULT COMMISSION VACANCIES

ADVISORY BOARD OF HEALTH

Term Expires

Michael Wallerich January 31, 2024

Joel Schleisman January 31, 2024

Kara Skahen January 31, 2024

January 31, 2024

Mid-term Vacancy January 31, 2023

ARTS COMMISSION

Joyce Marrie January 31, 2024

Karin Wolverton January 31, 2024

Larry Nelson January 31, 2024

Mid-term Vacancy	January 31, 2022
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CIVIL SERVICE COMMISSION

January 31, 2024

COMMUNITY SERVICES COMMISSION

Heather MacDonald January 31, 2024

Meredith Bruzek January 31, 2024

Jenna Hanson January 31, 2024

Joseph Miller January 31, 2024

Mid-term Vacancy	Ralston Sacco	January 31, 2022
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FRIENDSHIP CITY COMMISSION

Marty Kirsch January 31, 2024

January 31, 2024

January 31, 2024

HUMAN RIGHTS COMMISSION

Walter Burk January 31, 2024

Anne Flake January 31, 2024

Tyler Olson January 31, 2024

Tiffany Bighley January 31, 2024

PLANNING COMMISSION

Jim Rudolph January 31, 2024

Kathryn Quam January 31, 2024

Brendan Kennealy January 31, 2024

TRANSPORTATION COMMISSION

	<u>Term Expires</u>
<u>Wes Dunser</u>	January 31, 2024
<u>Jeff Walz</u>	January 31, 2024
<u>David Gepner</u>	January 31, 2024

SUSTAINABILITY COMMISSION

With this being a new commission in 2020, no terms are up.