



**REGULAR CITY COUNCIL MEETING  
VIRTUAL MEETING HELD VIA WEBEX  
MARCH 8, 2022  
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. Individuals who wish to address the Council may call 612-861-0651 during the live meeting or email comments ahead of the meeting to [kwynn@richfieldmn.gov](mailto:kwynn@richfieldmn.gov).***

Approve the Minutes of the Regular City Council Meeting of February 22, 2022.

**AGENDA APPROVAL**

1. Approval of the Agenda
2. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
  - A. Consider the approval of a resolution of support for proposed legislation (SF 2768/HF 2908) that would provide limited liability to commercial salt applicators that receive certification through an established voluntary salt applicator program as offered through the Minnesota Pollution Control Agency (MPCA).  
Staff Report No. 36
3. Consideration of items, if any, removed from Consent Calendar

**PROPOSED ORDINANCES**

4. Second reading of a proposed ordinance amendment establishing regulations for Electric Vehicle chargers.  
Staff Report No. 37
5. Second reading of an ordinance amending zoning regulations for firearm sales, repair, and other related uses.  
Staff Report No. 38
6. Consider a first reading of a transitory ordinance to reaffirm the current ward district boundaries that meet the equal population criteria.  
Staff Report No. 39

## **RESOLUTIONS**

7. Consider the approval of a resolution modifying the Health Care Savings Plan for Council Members.  
Staff Report No. 40

## **CITY MANAGER'S REPORT**

8. City Manager's Report

## **CLAIMS AND PAYROLLS**

9. Claims and Payroll

## **COUNCIL DISCUSSION**

10. Hats Off to Hometown Hits
11. 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 612-861-9739.**



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Regular Council Meeting Virtual via WebEx

February 22, 2022

### CALL TO ORDER

The meeting was called to order by Mayor Regan Gonzalez at 7:00 p.m. virtually via WebEx.

Council Members Present: Maria Regan Gonzalez, Mayor; Mary Supple; Simon Trautmann (arrived 7:01 p.m.); Sean Hayford Oleary; and Ben Whalen

Council Members Absent: None.

Staff Present: Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Mike Dobesh, Fire Chief; Jay Henthorne, Police Chief; Ben Manibog, Transportation Engineer; Krista Guzman, Human Resources Manager; Julie Urban, Housing Manager; Sack Thongvanh, Assistant City Manager; Scott Kulzer, Public Works Administrative Aide/Analyst; Kristin Asher, Public Works Director; Jane Skov, IT Manager; Kelly Wynn, Administrative Assistant; Chris Swanson, Management Analyst, and Kari Sinning, City Clerk.

Others Present: Amber Blanchard, MnDOT

### PLEDGE OF ALLEGIANCE

Mayor Regan Gonzalez led the Pledge of Allegiance

### OPEN FORUM

Administrative 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@richfieldmn.gov](mailto:kwynn@richfieldmn.gov)

Administrative Assistant Wynn stated that there were no callers and no prior emails.

### APPROVAL OF MINUTES

M/Supple, S/Hayford Oleary to approve the minutes of the: (1) City Council Work Session of February 8, 2022; (2) Regular City Council Meeting of February 8, 2022; and (3) City Council Retreat of February 10, 2022.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE

Motion carried 5-0

<b>ITEM #1</b>	<b>APPROVAL OF THE AGENDA</b>
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M/Whalen, S/Hayford Oleary to approve the agenda.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE

Motion carried 5-0

<b>ITEM #2</b>	<b>CONSENT CALENDAR</b>
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City Manager Rodriguez presented the consent calendar.

- A. Consider approval of a contract with the City of Edina to provide dispatch and public safety software service to the City of Richfield's Police and Fire Departments (Staff Report No. 26)
- B. Consider the rejection of all bids submitted for the Sheridan Pond Maintenance Project and direct staff to rebid the project in fall 2022. (Staff Report No. 27)
- C. Consider adoption of a resolution authorizing the purchase of one temporary construction easement and one permanent right-of-way easement at 6501 Lyndale Ave South (L.A. Fitness) for the 65th Street Reconstruction Project. (Staff Report No. 28)

**RESOLUTION NO. 11945**

**RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO MAKE PAYMENTS FOR THE PURCHASE OF A TEMPORARY CONSTRUCTION AND A PERMANENT RIGHT-OF-WAY EASEMENT AT 6501 LYNDAL AVE SOUTH (PID# 27-028-24-23-011) AS PART OF THE 65TH STREET RECONSTRUCTION PROJECT**

D. Consider the approval of a Construction and Maintenance Agreement with 6200 Penn, LLC, and LB Richfield, LLC (Lunds and Byerlys) that defines ownership and maintenance responsibilities for certain features constructed at 6200 Penn Avenue. (Staff Report No. 29)

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

Council Member Supple commented on item A and was pleased to see updates on the software service for dispatch and public safety.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford O'leary: AYE  
Whalen: AYE

Motion carried 5-0

<b>ITEM #3</b>	<b>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR</b>
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None.

<b>ITEM #4</b>	<b>PUBLIC HEARING AND CONSIDER A RESOLUTION SPECIFYING THE USE OF FUNDS FROM THE URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATION FOR 2022 AND AUTHORIZING EXECUTION OF A SUBRECIPIENT AGREEMENT WITH HENNEPIN COUNTY AND ANY REQUIRED THIRD PARTY AGREEMENTS. (STAFF REPORT NO. 30)</b>
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Council Member Whalen presented Staff Report 30 and opened the public hearing.

Administrative Assistant Wynn stated the phone number to participate in the public hearing and there were no public comments made.

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

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford O'leary: AYE  
Whalen: AYE

Motion carried 5-0.

M/Whalen, S/Supple to adopt a resolution authorizing the use of funds for the 2022 Urban Hennepin County Community Development Block Grant Program and authorizing execution of a Subrecipient Agreement with Hennepin County and any required third party agreements.

**RESOLUTION NO. 11946**

**RESOLUTION APPROVING PROPOSED USE OF 2022 URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS AND AUTHORIZING EXECUTION OF SUBRECIPIENT AGREEMENT WITH HENNEPIN COUNTY AND ANY REQUIRED THIRD PARTY AGREEMENTS**

Council Member Supple commented on the need for the program due to the amount of people signed up for the program.

Council Member Trautmann showed his support and stated that this program addresses justice and equity issues regarding home ownership that allows people to stay in their homes or to be able to purchase homes for the first time.

Mayor Regan Gonzalez expressed her proudness that the programs that Richfield does to keep families in homes and stated the importance of these programs to maintain, preserve, and improve existing affordable housing.

City Clerk Sinning took roll call vote:

- Regan Gonzalez: AYE
- Supple: AYE
- Trautmann: AYE
- Hayford Oleary: AYE
- Whalen: AYE

Motion carried 5-0.

<b>ITEM #5</b>	<b>CONSIDER THE APPROVAL OF THE SECOND READING OF AN ORDINANCE AMENDING SECTIONS 921 AND 925 OF THE RICHFIELD CITY CODE TO UPDATE AND INCORPORATE PREVIOUS OPEN BURNING, FIRES, AND INCINERATION RESTRICTIONS. (STAFF REPORT NO. 31)</b>
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Council Member Trautmann presented Staff Report 31.

Police Chief Henthorne stated that this is cleans up this ordinance language due to the organized hauling.

Fire Chief Dobesh agreed with Police Chief Henthorne and stated that there is enforceable language within this ordinance.

Council Member Trautmann appreciated the attention to detail to clean up this ordinance for clarity for residents.

M/Trautmann, S/Hayford Oleary to approve the second reading of an ordinance amending Sections 925 and 921 of the Richfield City Code as follows: 1) Incorporating the burning restrictions language from the old Section 601.27 into Section 921 (open burning, fires and incineration restrictions). 2) Referencing the open burning restrictions language in Section 925 (nuisance code). 3)

Referencing the incinerator restrictions language in Section 921 (open burning, fires, and incineration restrictions).

**BILL NO. 2022-1**

**AN ORDINANCE AMENDING SECTIONS 921 AND 925 OF THE RICHFIELD CODE OF ORDINANCES PERTAINING TO OPEN BURNING, FIRES, AND INCINERATION RESTRICTIONS**

Council Member Supple commented that a neighbor no longer burns garbage due to organized hauling.

City Clerk Sinning took roll call vote:

- Regan Gonzalez: AYE
- Supple: AYE
- Trautmann: AYE
- Hayford Oleary: AYE
- Whalen: AYE

Motion carried 5-0.

<b>ITEM #6</b>	<b>CONSIDER APPROVAL OF A SECOND READING OF AN ORDINANCE AUTHORIZING THE SALE OF THREE CITY-OWNED PROPERTIES FOR I494 CORRIDOR VISION PROJECT 1 AND A RESOLUTION AUTHORIZING SUMMARY PUBLICATION. (STAFF REPORT NO. 32)</b>
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Council Member Supple presented Staff Report 32.

Public Works Director Asher stated that this loan has been tracked by Public Works for 21 years.

Council Member Hayford Oleary asked if the motion was not passed. Public Works Director Asher stated that the City would have to pay the loan back.

M/Supple, S/Whalen to 1) approve the second reading of an ordinance authorizing the sale of three city-owned properties for I-494 Project; and 2) approve a resolution authorizing summary publication of the ordinance authorizing the sale of 5 three city-owned properties for I-494 Project.

**BILL NO. 2022-2  
TRANSITORY ORDINANCE 19.22**

**AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY OWNED BY THE CITY**

**RESOLUTION NO. 11947**

**RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY OWNED BY THE CITY**

Council Member Hayford Oleary shared concerns about the project but showed support for this housekeeping item to give the land back to MNDOT.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE

Motion carried 5-0.

<b>ITEM #7</b>	<b>CONSIDER THE ADOPTION OF A RESOLUTION APPROVING THE CONTRACT WITH THE LABOR AND TRADES LOCAL 49 FOR THE PERIOD JANUARY 1, 2022 THROUGH DECEMBER 31, 2022 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT. (STAFF REPORT NO. 33)</b>
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Council Member Hayford Oleary presented Staff Report 33.

Human Resources Manager Guzman added the reason for the adjustment in order to stay competitive among other cities.

M/Hayford Oleary, S/Supple to adopt a resolution approving the provisions of the 2022 labor agreement with the Labor & Trades Local 49 bargaining unit and authorize the City Manager to execute the agreement.

**RESOLUTION NO. 11948**

**RESOLUTION APPROVING LABOR AGREEMENT BETWEEN THE CITY OF RICHFIELD AND INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 49 BARGAINING UNIT FOR YEAR 2022**

Council Member Whalen thanked staff for the their work to make sure Richfield salary rates stay competitive and also thanked Public Works workers for their continual work to keep the City functioning.

Council Member Trautmann echoed the thanks and appreciation for the Public Works staff for their essential work especially during the pandemic.

Council Member Supple echoed the appreciation comments and commented on the importance of investing in staff and keeping wages competitive.

Mayor Regan Gonzalez echoed the thanks for Public Works workers for their service throughout the pandemic and always. She also thanked Public Works Director Asher for her leadership. She also showed appreciation for staff utilizing the studies on competitive wages.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE

Motion carried 5-0.



<b>ITEM #8</b>	<b>CONSIDER APPROVAL OF A RESOLUTION GRANTING MUNICIPAL CONSENT FOR MNDOT'S I-494 CORRIDOR VISION PROJECT 1 PROPOSED FINAL LAYOUT. (STAFF REPORT NO. 34)</b>
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Council Member Trautmann presented Staff Report 34.

Transportation Engineer Manibog presented a slideshow regarding:

- Municipal consent items and concerns
- An overview of Project 1
  - Easy pass lane
  - I-35W & I-494 interchange access changes
  - Turbine exit ramps
  - Bridge reconstruction
  - Local access changes
  - Pedestrian and bicycle connections
  - Utility improvements
  - Noise walls
- Next steps
  - VQAC March 2022
  - Noise Wall voting: Spring 2022
  - Construction: Summer 2023-2026

Council Member Whalen asked about the noise wall voting process and the outreach to those residents. Amber Blanchard stated that MNDOT has been in contact with the property owners of the apartments to reach out to renters that would be able to vote via mail, phone, and in-person. Council Member Whalen appreciated the efforts from MNDOT to contact those renters instead of merely the property owners. Public Works Director Asher shared that there was a noise wall that was voted down along I-494 and Xerxes by the residents of a rental property.

Council Member Hayford Oleary asked for clarification if the rental property along I-494 and Xerxes would be asked again about a noise wall and Public Works Director Asher nodded in agreement that they would be involved in the voting again. He also asked if MNDOT would visit the renters in person if a certain amount of postcards were not returned. Amber Blanchard stated that if less than 50% of the postcards were returned, they would perform a second round of voting.

Council Member Supple thanked staff for their work and wondered about the snow emergency refuge areas if the frontage road along 78<sup>th</sup> Street is no longer.

Council Member Trautmann stated how infrastructure expansion affects communities of color in particular and appreciated the transparency and hard work from MNDOT to consider equity within the project. Public Works Director Asher explained the municipal consent process which allows for cities to have input on major projects such as this in order to make it better for the community. She also explained what would happen if the city were to deny municipal consent which would cause the project to go to review and appeal process that might ultimately allow the project to move forward without the input from the cities.

M/Trautmann, S/Supple to approve the resolution granting Municipal Consent for MnDOT's I-494 Corridor Vision.

**RESOLUTION NO. 11949**

**RESOLUTION PROVIDING MUNICIPAL CONSENT TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR THE I-494**

**CORRIDOR VISION PROJECT 1 PROPOSED FINAL LAYOUT (SP  
2785-424)**

Council Member Whalen shared his concerns for right of way vacant properties especially along Portland Ave. He thanked staff and MNDOT for working through concerns that were largely addressed. He also shared concerns on the increased capacity and future transportation needs.

Council Member Hayford Oleary seconded the concerns from Council Member Whalen regarding vacant right of way properties. Council Member Hayford Oleary shared that there are good things about this project (new pedestrian bridges and trails) and appreciated efforts from city staff and Council. However, he felt that it does not advance the interests of Richfield as a whole and he shared his opposition for this project due to the increased capacity that would be caused by the expansion of highway lanes west of I-35W and from the I-35W and I-494 interchange which would cause more drivers to use the highway creating more emissions and traffic congestion. He shared that MNDOT released a statement of reducing the amount of miles driven by 20% by 2050. He asked council to actively oppose future expansion phases and projects.

Mayor Regan Gonzalez thanked Council Member Hayford Oleary for sharing his concerns and his strong advocacy for those concerns.

Council Member Whalen asked if MNDOT staff have a response to the long term vision of reducing the amount of miles driven and he shared his concern that MN-Pass (EZ-Pass) lanes for a short section would not make a lot of sense and supported the idea of turning a current lane into a MN-Pass (EZ-Pass) lane. Amber Blanchard stated that MNDOT has thought about the future of transportation and explained that the EZ-Pass lane is for transit use that would help reduce the vehicle miles traveled by drivers. Amber Blanchard also stated that the current unfunded plan is to add an EZ-Pass lane between 35W and Cedar Ave. Transportation Engineer Manibog stated Minnesota Statute restricts the conversion of EZ-Pass lane from a general purpose lane.

Council Member Hayford Oleary appreciated Council Member Whalen's comment and supported the idea for a legislative change in the interest of Richfield. Council Member Hayford Oleary shared his support for EZ-Pass lanes and stated that building them does not mean that Metro Transit would use them. Council Member Hayford Oleary stated that the addition of the EZ-Pass lane is not the main cause for concern but the additional lane that will be added to the west of I-35W creating three new lanes on westbound I-494. Council Member Hayford Oleary appreciated that MNDOT is thinking about the future of transportation and the goal of reducing driving miles. Amber Blanchard explained the need for the additional lanes to allow for smooth transition from northbound 35W and westbound I-494.

Mayor Regan Gonzalez shared the importance of having continual involvement during future processes and projects because Council and staff are able to make a difference for the betterment of the city. She lifted up the Public Works department as they have been trailblazers in public infrastructure. She thanked staff for the dedication, persistence, and leadership in addressing concerns and making impactful and important changes. Public Works Director Asher thanked Council for their time and attention and for bringing different perspectives into the project.

Council Member Trautmann thanked Council Member Hayford Oleary for his research and thoughtfulness on the project and shared the advocacy that staff and council have implemented for change on this project. Council Member Trautmann recognized everyone's hard work on the project.

Council Member Hayford Oleary clarified that his main ask is to oppose future projects and thanked Staff for helping to make this as good as it could be for Richfield.

Council Member Supple commented on the highway runoff that was going to go into Wood Lake and appreciated the protection of our groundwater, watershed, and Wood Lake.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford O'leary: NO  
Whalen: AYE

Motion carried 4-1.

<b>ITEM #9</b>	<b>CONSIDER THE APPROVAL OF FUNDING ALLOCATIONS FOR NON-PROFIT AGENCIES TO PROVIDE SOCIAL SERVICES TO THE RESIDENTS OF RICHFIELD AND AUTHORIZATION OF THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THOSE AGENCIES. (STAFF REPORT NO. 35)</b>
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Council Member Whalen presented Staff Report 35.

Housing Manager Urban shared the appreciation for the organizations and their services to the community and thanked the group does review these proposals (Mary Olafson, Camillo DeSantis, Council Member Supple, and Lynnette Chambers).

Council Member Whalen echoed the appreciation and stated that we (the City) are looking at the possibility of using the American Rescue Plan funds to be able to offer that to the community through programs.

M/Whalen, S/Supple to approve the funding recommendations for non-profit agencies providing social services to residents of Richfield and authorize the City Manager to execute agreements for services with those agencies.

Council Member Trautmann lifted up how great of an impact these services have on our community and stated Cornerstone as an example.

Council Member Supple lifted up the providers and showed appreciation all that they do for the community.

Mayor Regan Gonzalez thanked the organizations for their involvement in the community and applauded their adaptability during covid. She also urged organizations to reach out to Council or city staff for any form of support that they may need for grants or funding.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford O'leary: AYE  
Whalen: AYE

Motion carried 5-0.

<b>ITEM #10</b>	<b>CITY MANAGER’S REPORT</b>
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City Manager Rodriguez thanked Council for the conversation on Municipal Consent.

Assistant City Manager Thongvanh who thanked the Council for their kind words and City Manager Rodriguez for the opportunity. Mayor Regan Gonzalez expressed her eagerness to meet Assistant City Manager Thongvanh and thanked him for joining our team.

City Clerk Sinning gave an update on redistricting. Council Member Whalen asked if there would be changes to the number of precincts given the amount of absentee voting. City Clerk Sinning stated that in order to allow for more access to the polling locations staff would not recommend reducing the number of precincts.

City Manager Rodriguez gave an update on covid and stated that Bloomington Public Health gave a framework to help organizations make decisions on rolling back mitigations. She stated that staff would start talking about rolling back mitigations including virtual meetings. She asked Council for their thoughts on in-person meetings. Council Member Supple asked about the audio/visual equipment issues that were happening during in-person meetings and also asked about hybrid meetings. City Manager Rodriguez stated that the first phase of the improvements in the Council Chambers has happened and would need to be tested. City Attorney Tietjen stated that the normal requirements of open meeting laws would be in effect. Council Member Whalen shared that if the positivity rate continues to go down that the second meeting of March would be a good objective and he stated his concerns for accessibility to commissioners and residents to attend. City Attorney Tietjen stated the reason for virtual meetings currently is due to the ongoing health pandemic. Council Member Hayford Oleary shared that he would prefer to wait to make the decision when the rate is below five percent and stated that the recordings of the commission meetings make it more accessible to public. Mayor Regan Gonzalez also expressed the same concerns that Council Member Hayford Oleary shared. Council Member Supple asked to keep accessibility in mind for commissioners.

<b>ITEM #10</b>	<b>CLAIMS AND PAYROLL</b>
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M/Trautmann, S/Hayford Oleary that the following claims and payrolls be approved:

<b><u>U.S. Bank</u></b>	<b><u>2/22/2022</u></b>
A/P Checks: 303944 – 304295	\$1,723,222.67
Payroll: 168350 – 168652, 43462	<u>\$ 718,207.19</u>
TOTAL	\$2,441,429.86

City Clerk Sinning took roll call vote:

- Regan Gonzalez: AYE
- Supple: AYE
- Trautmann: AYE
- Hayford Oleary: AYE
- Whalen: AYE

Motion carried 5-0

<b>ITEM #12</b>	<b>HATS OFF TO HOMETOWN HITS</b>
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Council Member Hayford Oleary shared an event called Winter Walking Day that is happening March 2<sup>nd</sup> at four of the district schools. He also mentioned an advocacy effort called the Twin Cities Boulevard campaign which suggests removing I-94 between Minneapolis and St. Paul who have stated that they will not support further expansion of I-94.

Council Member Trautmann thanked the Police Department for giving the community a sense of safety and closure regarding the shooting that happened at South Education Center.

Council Member Supple shared that the City has compostable bags available for residents that are involved in the curbside organics collection program and gave the ways residents can pick theirs up. She urged residents to register for the I-494 Listening Session that is on March 1.

Council Member Whalen thanked Recreation Staff, Wilderness Inquiry and the Three Rivers Park District for the winter event at Taft Park.

Mayor Regan Gonzalez thanked Recreation Staff for the bilingual learn to snowshoe event. She lifted up all the departments for the support of community by innovating, responding and putting community first.

<b>ITEM #13</b>	<b>ADJOURNMENT</b>
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The meeting was adjourned by unanimous consent at 9:01 p.m.

Date Approved: March 8, 2022

\_\_\_\_\_  
 Maria Regan Gonzalez  
 Mayor

\_\_\_\_\_  
 Kari Sinning  
 City Clerk

\_\_\_\_\_  
 Katie Rodriguez  
 City Manager



**STAFF REPORT NO. 36**  
**CITY COUNCIL MEETING**  
**3/8/2022**

REPORT PREPARED BY: Jordan Vennes, Water Resources Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
3/1/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
3/1/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the approval of a resolution of support for proposed legislation (SF 2768/HF 2908) that would provide limited liability to commercial salt applicators that receive certification through an established voluntary salt applicator program as offered through the Minnesota Pollution Control Agency (MPCA).**

**EXECUTIVE SUMMARY:**

**Background**

In 2016 and 2018, bills were introduced in the Minnesota House of Representatives to provide limited liability protection to private commercial salt applicators. Unfortunately, there was no further action. Similar legislation was introduced in February of 2022 which has been gaining broader support. HF 2908 is now being heard in the House Judiciary Finance and Civil Law Committee, and SF 2768 has been referred to the Environment and Natural Resources Policy and Legacy Finance Committee. The proposed legislation would provide limited liability protection to private commercial salt applicators who participate in a voluntary MPCA training program and receive certification.

**Goal of Legislation**

This legislation is necessary because private commercial salt applicators are reluctant to reduce the amount of salt applied to their properties out of concern over legal liability related to injuries resulting from accidents caused by snow and ice on sidewalks and parking lots. Applying excessive salt does not improve safety, rather it harms the environment. Adopting a resolution in support of the proposed legislation will raise awareness of the issue, garner additional legislative support, and ultimately help address the amount of salt being applied on private property which ends up in our waterways by encouraging private applicators to educate themselves on the impacts of over-application and address concerns about perceived liability risks.

**Reason for Support**

A single teaspoon of salt will permanently pollute five gallons of water. The over-application of salt is the primary contributor to the chloride pollution of Minnesota lakes, wetlands, and streams according to MPCA.

The Minnesota Department of Transportation (MnDOT), counties, and cities have been attempting to reduce salt application rates to reduce pollution. Since 2012, City of Richfield Public Works staff has successfully reduced salt application by approximately 60% through proper calibration of

equipment and education. Staff continues to look for ways to further reduce the amount of salt applied to city roads.

Staff recommends supporting the limited liability for private commercial salt applicators in order to continue efforts to reduce salt application statewide.

**RECOMMENDED ACTION:**

**By motion: Approve a resolution of support for proposed legislation (SF 2768/HF 2908) that would provide limited liability to commercial salt applicators that receive certification through an established voluntary salt applicator program as offered through the Minnesota Pollution Control Agency (MPCA).**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

See executive summary.

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

This effort aligns with a 2022 Public Works Legislative Priority to "Support state laws that provide limited liability to commercial salt applicators that are certified through an established voluntary salt applicator certification program."

**C. CRITICAL TIMING ISSUES:**

This legislation is active in this year's legislative session and local agency support is critical.

**D. FINANCIAL IMPACT:**

None

**E. LEGAL CONSIDERATION:**

None

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
□ Resolution	Resolution Letter

**RESOLUTION NO.**

**RESOLUTION SUPPORTING LEGISLATION THAT PROVIDES  
LIMITED LIABILITY TO COMMERCIAL SALT APPLICATORS  
THAT ARE CERTIFIED THROUGH AN ESTABLISHED  
VOLUNTARY SALT APPLICATOR CERTIFICATION PROGRAM**

**WHEREAS**, chloride contamination of water resources has been found in urban areas around the state; and

**WHEREAS**, the Minnesota Pollution Control Agency (MPCA) has listed 39 waterbodies in the Twin Cities metro area as impaired for chloride and has completed Total Maximum Daily Load (TMDL) studies on these impaired waterbodies (i.e. Shingle Creek Chloride TMDL, Nine Mile Creek Chloride TMDL, and Twin Cities Metropolitan Area Chloride TMDL); and

**WHEREAS**, the TMDL studies have indicated that the largest chloride source to our lakes and streams is through the application of chloride compounds on roads, parking lots, sidewalks, and other hard surfaces for winter maintenance practices; and

**WHEREAS**, liability for property damage or personal injury as a result of snow or ice is one of the main reasons over-salting occurs and many private commercial contractors and property owners are reluctant to implement salt-reduction practices for fear of increased legal liability; and

**WHEREAS**, the MPCA currently oversees a voluntary Smart Salting Certification Program that provides training to public and commercial salt applicators, private property owners, managers, and others on how to maintain safe surfaces using salt efficiently; and

**WHEREAS**, enactment of legislation providing certified commercial salt applicators and owners or lessees of property that hire certified commercial salt applicators certain liability protection from claims or damages arising from snow and ice hazards on the property will further incentivize reductions in chloride application.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHFIELD, MINNESOTA AS FOLLOWS:**

The City of Richfield supports passage and enactment of legislation that provides a limited liability exemption to commercial salt applicators and property owners using salt applicators who are certified through established salt applicator certification programs whom follow best management practices.

Adopted by the City Council of the City of Richfield, Minnesota, this 8th day of March, 2022.



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Maria Regan Gonzalez, Mayor

ATTEST:

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Kari Sinning, City Clerk



**STAFF REPORT NO. 37**  
**CITY COUNCIL MEETING**  
**3/8/2022**

REPORT PREPARED BY: Nellie Jerome, Assistant Planner

DEPARTMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director  
2/28/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
3/1/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Second reading of a proposed ordinance amendment establishing regulations for Electric Vehicle chargers.**

**EXECUTIVE SUMMARY:**

Transportation accounts for 29% of U.S greenhouse gas emissions, which is the largest share of all emissions categories, according to the US Environmental Protection Agency. Electric vehicles and Electric Vehicle (EV) charging infrastructure are both needed throughout the US to help reduce these emissions. According to the Great Plains Institute, in order to boost EV sales to 10% of the market share of all car sales in the Twin Cities metro, we will need to install 9,000 to 16,000 chargers. As of June 2019, there were only about 500 charging units in the entire metro area. Additionally, since global EV sales jumped from 450,000 in 2015 to 2.1 million in 2019, we will need to fill a growing demand for chargers. EV sales are also projected to increase while battery prices decrease and more models become available, according to the Minnesota Department of Transportation.

In light of emissions and market trends, this proposed ordinance amendment establishes general standards for EV charger infrastructure in the City of Richfield, as well as minimum charger numbers that must be installed for new developments and for certain redevelopments that are required to bring the property into compliance based on Subsection 544.01. Staff researched best practices for the proposed ordinance and aligned the proposed requirements with neighboring cities, like St. Louis Park, Bloomington, and Minneapolis. More cities in the metro area are expected to add EV charging standards to their city codes in the coming years as well. In 2018, 28 cities worked together across Minnesota to explore EV readiness, as part of the "Cities Charging Ahead" program, led by the Great Plains Institute and Clean Energy Resource Teams (CERTs). Many of those participating cities have already implemented EV infrastructure into their policies and/or city practices.

Richfield's proposed EV ordinance includes a requirement for multifamily and non-residential uses to install EV chargers in some parking spaces, and to have other spaces made "EV-ready" (i.e. conduit installed to support future installation of chargers). EV chargers come in three styles. Level-1 (L1) is considered slow charging. The voltage level for L1 chargers is between zero and 120 volts, and chargers can use a standard household outlet. L1 chargers usually start at around \$200 for basic models. Level-2 (L2) is considered medium speed charging. The voltage level for L2 chargers is between 120 and 240 volts. L2 chargers can

cost between \$400 and \$2,000 depending on features. Level-3 (L3) charging is considered fast or rapid. The voltage for L3 chargers, sometimes called DC chargers, is greater than 240 volts. L3 chargers are the most expensive and usually cost around \$10,000, but can cost up to \$40,000 for “super fast” models. A summary of the proposed EV charger requirements is below:

- Residential uses with up to 3 units: one L1 charger required in an enclosed parking space
- Residential uses with 4 to 14 units: 10% of enclosed parking spaces require L1 chargers, and 2 spaces require L2 or L3 EV-ready spaces
- Residential uses with 15 or more units: 10% of enclosed parking spaces require L2 chargers, 20% of spaces require L2 or L3 EV-ready spaces, and all remaining enclosed spaces required to be L1 EV-ready. At least one ADA space must have access to an EV charger.
- Non-residential uses with up to 20 spaces: One space with an L2 or L3 charger and 10% percent require L2 or L3 EV-ready spaces.
- Non-residential uses with 21 or more off-street parking spaces: 5% percent of parking spaces with an L2 or L3 charger, and 20% percent require L2 EV-ready spaces. At least one L3 EV-ready space. At least one ADA space must have access to an EV charger.

The ordinance also adds EV chargers as a permitted accessory use in all zoning districts. Additionally, it allows a 5% reduction of minimum required parking for the installation of EV chargers above and beyond requirements, at a ratio one L2 or L3 charger to one parking spot. This reduction may be used instead of, but not in addition to, the bicycle parking reduction. New off street parking areas will need to comply with the EV charger requirements and if an existing parking area is physically expanded, any added parking areas will need to meet ratios for minimum EV charging requirements as well.

## **RECOMMENDED ACTION:**

By motion:

1. Approve the attached ordinance amendment establishing regulations for electric vehicle chargers; and
2. Approve a resolution authorizing summary publication of said ordinance.

## **BASIS OF RECOMMENDATION:**

### **A. HISTORICAL CONTEXT**

A joint work session was held with the Planning Commission and the City Council on September 27, 2021. Staff heard from Council Members and Commissioners that EV charging standards were an important policy priority for the City and that the Zoning Code should be updated with new EV charger requirements.

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

- Subsection 509.25 of the Richfield Zoning Code establishes regulations for nonconformities.
- Subsection 544.13 of the Richfield Zoning Code establishes standards for vehicle parking and loading requirements.
- Subsection 512.03 of the Richfield Zoning Code establishes permitted uses in all districts.
- Summary publication of adopted ordinances is permitted when the verbatim text of the amendment is cumbersome, and the expense of publication of the complete text is not justified.

### **C. CRITICAL TIMING ISSUES:**

None.

### **D. FINANCIAL IMPACT:**

Estimated private installation costs provided in the Executive Summary.

### **E. LEGAL CONSIDERATION:**

- Notice of the Planning Commission public hearing was published in the Sun Current Newspaper. No members of the public provided comment during the public hearing.
- A first reading of the attached ordinance was approved by the Council on February 8, 2022.

**ALTERNATIVE RECOMMENDATION(S):**

- Recommend revisions of the ordinance amendment as proposed; or,
- Recommend denial of an ordinance amendment establishing regulations for Electric Vehicle chargers, thus maintaining the status quo.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

	Description	Type
▣	Ordinance	Ordinance
▣	Summary Publication Resolution	Resolution Letter

BILL NO. \_\_\_\_\_

**AN ORDINANCE AMENDMENT ESTABLISHING REGULATIONS  
FOR ELECTRIC VEHICLE CHARGERS**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1                    Subsection 509.25, Subdivision 7 of the Richfield Zoning Code is amended to read as follows:

**Subd. 7.** Nonconforming site improvements. This subsection is primarily aimed at upgrading nonconforming site improvements that affect the appearance and impacts of a site. It is not intended to require extensive changes that would be extremely impractical such as moving or lowering buildings.

- a) Nonconforming Parking. Alteration, addition or expansion which results in an increased need for off-street parking shall provide additional parking according to the following guidelines:
  - i. Where modifications result in an increase in the applicable unit of measurement (dwelling unit, floor area, capacity, number or seats, etc.) which is 50 percent or less of the original total, additional parking shall be required only for this new or modified part of the development;
  - ii. Where modifications result in an increase in the applicable unit of measurement which is over 50 percent of the original total, sufficient off-street parking shall be provided to bring the entire development into conformance with the requirements of this ordinance.
- b) Nonconforming Landscaping and Screening. Alternative landscaping or screening may be approved by the Director, where, due to existing structure placement, lot dimensions, parking requirements, or other improvements, it is not possible to provide the landscaping or screening required by this ordinance, according to the following rules:
  - i. The alternative landscaping or screening will not be detrimental to adjacent properties; and
  - ii. The alternative landscaping or screening complies with the purpose and intent of standards dictated by this ordinance.
- c) Additional Nonconforming Site Improvements. In addition to the requirements of a) and b) above, the following nonconforming site improvements must be made conforming if a structure or use

associated with the nonconforming site improvement is enlarged or expanded.

- i. Impervious surface coverage as required by applicable zoning district standards;
  - ii. Irrigation as required by Subsection 544.03, Subd. 4(h);
  - iii. Screening of refuse collection and utilitarian items in accordance with Subsection 544.05;
  - iv. Pedestrian circulation as required by Subsection 544.15;
  - v. Bicycle parking in accordance with Subsection 544.17; and
  - vi. For enlargement or expansion of non-conforming off-street parking or loading areas, the enlarged or expanded area of such off-street parking or loading areas must comply with the minimum requirements for electric vehicle (EV) chargers and EV-ready spaces in accordance with Subsection 544.13, Subd. 7.
  - ~~vi.~~ vii. Underground utilities when renovation costs exceed 50 percent of the value of the structure, in accordance with Subsection 544.19.
- d) The Director may modify or waive any of the provisions above based on a written finding that the proposal:
- i. Would not be detrimental to adjacent properties; and
  - ii. The proposal complies with the purpose and intent of standards dictated by this ordinance. (Amended: 9-17-2010)

(Amended, Bill No. 2014-4)

## Section 2

Subsection 512.03 of the Richfield Zoning Code is amended to read as follows:

Except as otherwise noted, the following uses shall be construed to be permitted in all zoning districts within the City:

- a) Public streets and highways;
- b) Underground public utilities;
- c) Municipally-owned parks and related accessory facilities;
- d) Solar equipment as an accessory use;
- e) Horticulture/community gardens as an accessory to an established institutional use (school, church, park), provided that plants and related materials are maintained in a clean and orderly manner and that waste is disposed of appropriately; and

- f) Beekeeping subject to the inspection and licensing requirements and limitations outlined in Section 906.
- g) Electric vehicle chargers and related equipment as an accessory use subject to the requirements and limitations outlined in Subsection 544.13.

Section 3

Subsection 544.13 of the Richfield Zoning Code is amended to add a new Subdivision 7 as follows, renumbering all subsequent subdivisions:

**Subd. 7. Electric Vehicle Charger Requirements**

- a) Purpose. Ensuring that electric vehicle (EV) charging serves both short and long-term parking needs throughout the city, while limiting adverse impacts of electric vehicle chargers, to reduce emissions and improve environmental health outcomes in our community.
- b) Level descriptions:
  - i. Level-1 (or "L1") is considered slow charging and includes a range from zero (0) volts to one hundred twenty (120) volts.
  - ii. Level-2 (or "L2") is considered medium charging and includes a range from one hundred twenty (120) volts to two hundred forty (240) volts.
  - iii. Level-3 (or "L3") is considered fast or rapid charging and includes a range of greater than two hundred forty (240) volts.
- c) EV-ready spaces and EV parking space standards:
  - i. EV-ready spaces shall require appropriate electrical capacity and conduits to support future EV chargers, but shall not require an installed charger unit. Adequate electrical service is required to allow for future simultaneous charging of all future installed chargers.
  - ii. EV charger installation in excess of any minimum requirements may be substituted for up to five (5) percent of minimum off-street parking requirements. One (1) L2 or L3 charger is equivalent to one (1) parking space. This reduction may not be applied in addition to the parking reduction for excess bicycle parking spaces, as described in subsection 544.17 of the Richfield Zoning Code.
  - iii. EV charger locations and standards:
    - 1) EV chargers must be located in a parking island, mounted to an adjacent pedestal or similar structure, or protected by bollards, structures, or curb if located in a parking lot.
    - 2) EV chargers shall be set back at least three (3) feet from any lot line abutting another parcel. However, upon written request from the property owner, the Director may reduce or rescind this

setback requirement for shared access agreements or pursuant to a finding of necessity and public convenience.

- 3) EV chargers located along an alley, or located adjacent to a right-of-way which contains a public sidewalk, shall be set back at least three (3) feet from the nearest edge of such alley or sidewalk. When adjacent to the right-of-way, the location must be approved by the Director of Public Works. EV chargers may be located in the right-of-way, with permission from the Director of Public Works. EV chargers mounted on pedestals, light posts, bollards, or other devices for on-street charging stations shall be designed and located as to not impede pedestrian travel or create hazards within the right-of-way.
- 4) EV chargers shall be set back at least twenty-four (24) inches from the face of any adjacent curb.
- 5) EV chargers shall be mounted in a manner that allows for any cords to be retractable or hung sufficiently above any pedestrian surface.
- 6) EV chargers must be installed per manufacturer specification and must comply with all applicable building codes and relevant Americans with Disabilities Act (ADA) requirements.
- 7) When an EV charging station is not operational for thirty (30) consecutive days, it shall be considered to have been removed from service.
- 8) EV chargers must be operational during the normal business hours of the use(s) served. EV chargers may be de-energized or otherwise restricted after normal business hours of the use(s) served.

d) Minimum number of electric vehicle chargers required by land use are as follows:

<u>USE</u>	<u>INSTALLED EV CHARGING STATIONS*</u>	<u>EV-READY SPACES*</u>	<u>ADDITIONAL REQUIREMENTS</u>
<u>Residential uses with up to 3 units</u>	<u>At least one (1) enclosed space shall support L1 charging.</u>		
<u>Residential uses with 4 to 14 units</u>	<u>Ten (10) percent of enclosed parking spaces shall support L1</u>	<u>Two (2) spaces capable of L2 or L3 charging. All remaining enclosed spaces capable of L1</u>	



	<u>charging.</u>	<u>charging.</u>	
<u>Residential uses with 15 units or more</u>	<u>Ten (10) percent of parking spaces shall support L2 charging.</u>	<u>Twenty (20) percent of spaces capable of L2 or L3 charging. All remaining enclosed spaces capable of L1 charging.</u>	<u>At least one ADA parking space shall have access to an installed EV charger.</u>
<u>Non-residential uses with up to twenty (20) spaces</u>	<u>One (1) space shall support L2 or L3 charging</u>	<u>Ten (10) percent of spaces capable of L2 or L3 charging.</u>	
<u>Non-residential uses with twenty-one (21) or more off-street parking spaces</u>	<u>Five (5) percent of parking spaces shall support L2 or L3 charging.</u>	<u>Twenty (20) percent of spaces capable of L2 charging. At least 1 space capable of L3 charging.</u>	<u>At least one ADA parking space shall have access to an EV charger.</u>

\*If calculation results in a fraction, the next higher whole number shall be used.

e) This number may be reduced by the Director if proof can be provided that such spaces will not be used:

Section 4. Subsection 544.13, Subdivision 10 of the Richfield Zoning Code is amended and renumbered as follows:

**Subd. ~~10~~ 11.** Calculating space for a compound use. Should a structure contain two (2) or more types of uses, the total off-street and minimum EV parking spaces required for each use shall be calculated separately unless requirements for joint parking arrangements can be applied as regulated by Subd. ~~11~~ 12 of this s-Subsection.

Section 5 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 8th day of March, 2022.

\_\_\_\_\_  
Maria Regan Gonzalez, Mayor

ATTEST:

\_\_\_\_\_  
Kari Sinning, City Clerk

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING SUMMARY PUBLICATION  
OF AN ORDINANCE ESTABLISHING REGULATIONS  
FOR ELECTRIC VEHICLE CHARGERS**

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

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

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

**SUMMARY PUBLICATION  
BILL NO. \_\_\_\_\_**

**AN ORDINANCE ESTABLISHING REGULATIONS  
FOR ELECTRIC VEHICLE CHARGERS**

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

This ordinance establishes electric vehicle (EV) charger installation requirements and standards, in line with efforts to reduce future transportation emissions (the largest share of emissions affecting climate change). The updated ordinance would require new developments to install EV chargers based on the type of land use and the size of the off-street parking area.

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

Adopted by the City Council of the City of Richfield, Minnesota this 8<sup>th</sup> day of March, 2022.

\_\_\_\_\_  
Maria Regan Gonzalez, Mayor

ATTEST:

\_\_\_\_\_  
Kari Sinning, City Clerk



**STAFF REPORT NO. 38**  
**CITY COUNCIL MEETING**  
**3/8/2022**

REPORT PREPARED BY: Melissa Poehlman, Community Development Director

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW: Jay Henthorne, Public Safety Director

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
3/1/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Second reading of an ordinance amending zoning regulations for firearm sales, repair, and other related uses.**

**EXECUTIVE SUMMARY:**

In May 2021, the City Council approved a six-month moratorium on the establishment of any new commercial use involving firearms in order to allow time to study and consider existing regulations. The moratorium was extended for an additional six months on September 14, 2021. Based on significant research and two work sessions with the Planning Commission and Council, the attached ordinance amendment updating zoning regulations for firearm sales, repair, and related uses is presented for your consideration.

The purposes of the proposed changes are:

- Clarify applicability of the regulations (applicable to all uses involving firearms)
- Address Code ambiguities
- Address online firearms sales
- Revise district permissions and buffering distances

Proposed revisions:

- Add Mixed Use Community (MU-C) sites to conditionally permitted locations
- Increase required buffer from residential uses from 100 feet to 250 feet
- Clarify that residential buffers are applicable to both residentially used and zoned property
- Add "parks" to list of protected uses from which buffer distance is required (300 feet)
- Clarify and update protected use terminology
- Prohibit such uses in downtown Richfield (in and around the area of 66th Street and Lyndale and Nicollet Avenues)
- Directly address internet-based and mail-order sales; prohibiting such uses unless there is no display, inspection, or physical transfer of firearms on or near the premises

The proposed rules continue to allow firearm sales, repair, and other related uses in certain areas of the City, as recommended by the City Attorney. Adoption of new regulations does not impact existing uses, who are allowed to continue indefinitely as they exist. New rules could limit the expansion of these businesses, as new

regulations would be applicable to expanded areas.

The Planning Commission held a public hearing on the proposed ordinance at their January 24 meeting. The Planning Commission voted unanimously to recommend approval of the proposed ordinance.

**RECOMMENDED ACTION:**

By motion:

- 1) Approve an ordinance amending zoning regulations for firearm sales, repair, and other related uses; and
- 2) Approve a resolution authorizing summary publication of said ordinance.

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

- The City last reviewed regulations related to firearms in 2004.
- Public testimony related to current regulations led the City Council to adopt a moratorium on the establishment of new uses involving firearms in order to study and consider possible changes.

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

- MN State Law prohibits local regulation of firearms with certain exceptions.
- MN Statute 571.635 states that cities "may regulate by reasonable, nondiscriminatory, and nonarbitrary zoning ordinances," the location of uses involving firearms.
- The City Attorney recommends against a outright prohibition or effective prohibition through zoning.
- One minor change was made to the ordinance following the public hearing. The Director of Public Safety (in addition to the City Manager and any designee) is specifically listed as a reviewer of outside security plans.
- Summary publication of adopted ordinances is permitted when the verbatim text of the amendment is cumbersome, and the expense of publication of the complete text is not justified.

C. **CRITICAL TIMING ISSUES:**

The current moratorium expires May 11, 2022. New regulations should be adopted prior to that date.

D. **FINANCIAL IMPACT:**

None

E. **LEGAL CONSIDERATION:**

- Notice of the Planning Commission public hearing was published in the Sun Current Newspaper. No members of the public provided comment during the public hearing.
- A first reading of the attached ordinance was approved by the Council on February 8, 2022.

**ALTERNATIVE RECOMMENDATION(S):**

- Approve the proposed ordinance with additional changes.
- Deny the proposed ordinance, allowing current regulations to stand.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
▢ Ordinance	Ordinance
▢ Resolution - Summary Publication	Resolution Letter
▢ Sites for Firearm Uses Map	Exhibit

BILL NO. \_\_\_\_\_

**AMENDMENT TO RICHFIELD CITY CODE RELATED TO ZONING  
AMENDING REGULATIONS IN THE  
GENERAL BUSINESS (C-2) AND MIXED USE (MU-C AND MU-R) DISTRICTS  
RELATED TO USES INVOLVING FIREARMS**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1 Subsection 512.09 of the Richfield City Code related to permitted, conditional, accessory and prohibited uses in the Mixed-Use Districts is amended to read as follows:

**512.09. Permitted, Conditional, Accessory and Prohibited Uses in Mixed-Use Districts.**

The following table summarizes which land uses are classified as permitted, accessory, conditional or prohibited in the Mixed-Use Districts. Refer to Section 537 for complete regulations.

P: Permitted

A: Accessory

C: Conditional

N: Null or not Permitted

<b>Land Use</b>	<b>MU-N</b>	<b>MU-C</b>	<b>MU-R</b>
Residential			
Assisted living facilities, nursing, rest homes	P	P	N
Dwelling, multifamily (min. 3 units)	P	P	P (but see 537.07, Subd. 2a)
Dwelling, townhouse	P	N	N
Live-work units	P	P	N
Commercial, Institutional and Public			
Adult business establishments as defined and regulated under City Code Subsection 1196	N	P	P
Animal kennels	C	C	C
Assembly and manufacturing accessory and subordinate to a retail use	N	A	A
Auto detailing	N	C	C
Auto mechanical or body repair shops	N	C	C
Auto rental facilities accessory to a primary office or hotel use	N	A	A
Auto sales or lease - new vehicles	N	N	C
Convenience store	P	P	P
Day care facilities	P	P	P
Drive-up window or teller service	N	C	C
<del>Firearms related uses</del>	<del>N</del>	<del>N</del>	<del>C</del>
Funeral homes, mortuaries	N	P	N
Government buildings	A	P	A
<u>Gun or ammunition sales/repair and firearms-related uses</u>	<u>N</u>	<u>C</u>	<u>C</u>
Health or athletic clubs, spas, yoga studios	P	P	P
Hospitals	N	N	P
Hotel/motel (defined as 6 or more rooms)	N	P	P
Libraries, public	P	P	N
Marijuana (medical) dispensaries	N	N	N

Marijuana (recreational) sales outlets	N	N	N
Micro-production facility (micro-brewery/micro-distillery)	N	C	C
Offices and clinics	P	P	P
Public utilities, major	N	C	C
Public utilities, minor	A	A	A
Religious institutions	P	P	A
Restaurant Class I (serving alcohol)	N	C	P
Restaurant Class II (traditional/cafeteria)	P	P	P
Restaurant Class III (fast food with drive-thru)	N	C	C
Restaurant Class IV (take out only)	P	P	P
Retail services, general	C	P	P
Retail services, neighborhood	P	P	P
Retail services, regional	N	C	P
Schools, public or private	P	P	C
Service station/convenience store	N	C	C
Taproom/cocktail room	N	A/C	A/C
Tattoo shops	N	P	P
Theaters, movie, or live entertainment	N	N	P
Transit facilities	A	A	A

\*Conditions apply, see section 537 for complete regulations.

(Amended, Bill No. 2011-13; 2011-19; 2014-4; 2015-5; 2015-15; 2019-4; 2022-x)

Sec. 2

Subsection 534.07, Subdivision 17 of the Richfield City Code is amended as follows:

**Subdivision 1.** The uses listed in this Subsection are conditional uses in the C-2 District, and are subject to the conditional use permit provisions outlined in subsection 547.09 of this Code.

...

**Subd. 17.** Gun or ammunition sales/repair and firearms-related uses (as defined in Subsection 507.07, Subd. 50) provided the following conditions are met:

- a) Such uses shall be licensed under Section 920 of the City Code;
- b) Such uses shall be located not less than 250 feet from residentially zoned or used property; ~~Such uses shall be located not less than 300 feet from any school, church, daycare center, public library, or governmental building;~~
- c) ~~Such uses shall be located not less than 300 feet from any school, religious facility, licensed daycare center, public library, park, or regularly-occupied governmental building; Such uses shall be located not less than 1,000 feet from other gun or ammunition sales/repair businesses or firearms related uses;~~
- d) Such uses shall not be located in downtown. For the purposes of this Subsection, downtown shall be defined as an area within 1,000 feet of 66th Street between Lyndale Avenue and Nicollet Avenue;
- e) Such uses shall be located not less than 1,000 feet from other gun or ammunition sales/repair businesses or firearms-related uses; ~~Such uses shall be located not less than 100 feet from residentially-zoned property;~~
- ~~e)f) Firearms-related uses shall~~ Such uses shall not operate before 8:00 a.m. or after 9:00 p.m.;
- ~~f)g)~~ Firearms-related uses shall only be allowed within an enclosed structure that is soundproofed to prevent the sound to be heard by persons on adjoining property;
- ~~g)h)~~ No firearms-related use shall be allowed in a trailer or other nonpermanent building;

h)j) Any firing-range existing in the City on or prior to January 1, 2004, shall be allowed to continue;

i)k) The design and construction of any firearm-related use shall totally confine all ammunition rounds within the building and in a controlled manner. The design and construction of the firing range shall be certified by a registered architect and engineer in the State of Minnesota. The certified plans shall include the specifications and construction of the bullet trap(s), ceilings, exterior and interior walls, and floors. The certified plans shall state what type and caliber of ammunition the range is designed to totally confine;

j)k) No ammunition shall be used in any firearms-related use that exceeds the certified design and construction specifications of the firing range;

k)l) A written log of users of any firing range or other firearms-related use shall be maintained by the range operator. The log shall include the name and address of the range user, and the time and date the user was in the range. The name and address of the user shall be verified by photo identification;

l)m) An alarm system, cut wire protected, shall be supplied to provide security for a building containing any firearm-related use;

m)n) Firearms that are stored on the premises shall be stored in a vault when the range is closed for business. An alarm system, independent of the general alarm system and cut wire protected, shall be supplied for the firearm vault;

n)o) Ammunition shall not be stored in the firearm vault;

o)p) On site supervision at any firearm-related use shall be supplied at all times by an adult with credentials as qualified range master;

p)q) An outside security plan for the general grounds of any firearm-related use shall be submitted to the City Manager or designee and the Director of Public Safety for review and approval;

q)r) The transport of firearms on the premises shall conform to State Law;

r)s) Minors shall not be allowed in any firearm-related use unless accompanied by an adult at all times. This provision shall not be interpreted to prohibit minors from participating in a firearm safety class, which is supervised by an adult instructor; and

s)t) The Council reserves the authority to review or modify the performance standards for the firing range.

u) Federally-licensed firearms dealers engaged only in processing Internet-based or mail-order sales to other licensed dealers where neither the display, inspection nor physical transfer of the firearm occurs on or near the premises are exempted from the provisions of this Subsection.

Sec. 3

Subsection 537.03, Subdivision 1 of the Richfield City Code related to permitted, conditionally permitted and accessory uses in the Mixed Use Districts is amended to read as follows:

**537.03. Permitted Uses.**

**Subdivision 1.** The following table establishes permitted, conditionally permitted and accessory uses for the Mixed Use Districts:

Table 1. Uses of the Mixed-Use District

**Note**—The following abbreviations are used within the use table:

P= permitted use

A= accessory use

C= conditionally permitted

N= not permitted

Use	MU-N	MU-C	MU-R
<b>Residential</b>			
Assisted living facilities, nursing, rest homes	P	P	N
Dwelling, multifamily (min. 3 units)	P	P	P (but see 537.07, Subd. 2a)
Dwelling, townhouse	P	N	N
Live-work units	P	P	N
<b>Commercial, Institutional and Public</b>			
Adult business establishments as defined and regulated under City Code Subsection 1196	N	P	P
Animal kennels	C	C	C
Assembly and manufacturing accessory and subordinate to a retail use	N	A	A
Auto detailing	N	C	C
Auto mechanical or body repair shops	N	C	C
Auto rental facilities accessory to a primary office or hotel use	N	A	A
Auto sales or lease - new vehicles	N	N	C
Convenience store	P	P	P
Day care facilities	P	P	P
Drive-up window or teller service	N	C	C
<del>Firearms related uses</del>	<del>N</del>	<del>N</del>	<del>C</del>
Funeral homes, mortuaries	N	P	N
Government buildings	A	P	A
<u>Gun or ammunition sales/repair and firearms-related uses</u>	<u>N</u>	<u>C</u>	<u>C</u>
Health or athletic clubs, spas, yoga studios	P	P	P
Hospitals	N	N	P
Hotel/motel (defined as 6 or more rooms)	N	P	P
Libraries, public	P	P	N
Marijuana (medical) dispensaries	N	N	N
Marijuana (recreational) sales outlets	N	N	N
Micro-production facility (micro-brewery/micro-distillery)	N	C	C
Offices and clinics	P	P	P
Public utilities, major	N	C	C
Public utilities, minor	A	A	A
Religious institutions	P	P	A
Restaurant Class I (serving alcohol)	N	C	P
Restaurant Class II (traditional/cafeteria)	P	P	P
Restaurant Class III (fast food with drive-thru)	N	C	C
Restaurant Class IV (take out only)	P	P	P
Retail services, general	C	P	P
Retail services, neighborhood	P	P	P
Retail services, regional	N	C	P
Schools, public or private	P	P	C
Service station/convenience store	N	C	C
Taproom/cocktail room	N	A/C	A/C
Tattoo shops	N	P	P
Theaters, movie, or live entertainment	N	N	P



Transit facilities	A	A	A
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(Amended, Bill No. 2011-13; 2011-19; 2014-4; 2015-15; 2019-4; 2022-x)

Sec. 4 Subsection 537.05, Subdivision 10 of the Richfield City Code is amended as follows:

**Subdivision 1.** Generally. Conditional uses listed in Table 1 are subject to the conditional use permit provisions outlines in Subsection 547.09 of this Code and the following conditions:

...

Subd. 10. ~~Firearms Related Uses.~~ Gun or ammunition sales/repair and firearms-related uses in the MU-C and MU-R Districts. ~~Firearms-related uses~~ Gun or ammunition sales/repair and firearms-related uses provided the conditions detailed in the C-2 District are met (534.07 Subd. 17).

Sec. 5 This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter. Adoption of this Ordinance constitutes the repeal of Transitory Ordinance \_\_\_\_ establishing a moratorium on new uses involving firearms adopted by the Richfield City Council on May 25, 2021 and extended by Resolution No. \_\_\_\_ on September 14, 2021.

Passed by the City Council of the City of Richfield, Minnesota this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
 Maria Regan Gonzalez, Mayor

ATTEST:

\_\_\_\_\_  
 Kari Sinning, City Clerk

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING SUMMARY PUBLICATION  
OF AN ORDINANCE AMENDING REGULATIONS  
FOR FIREARM SALES, REPAIR, AND OTHER RELATED USES**

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

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

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

**SUMMARY PUBLICATION  
BILL NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING REGULATIONS  
FOR FIREARM SALES, REPAIR, AND OTHER RELATED USES**

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

This ordinance amends several regulations related to the location and operating procedures required for uses that involve firearms. The amendment adds the Mixed Use Community District as an area in which these uses would be conditionally permitted; increases the required buffer distance between these uses and residential uses from 100 feet to 250 feet; adds “parks” as a protected use which requires a 300-foot buffer; prohibits such uses in downtown Richfield, clarifies and updates several terms; and directly addresses internet-based and mail-order sales.

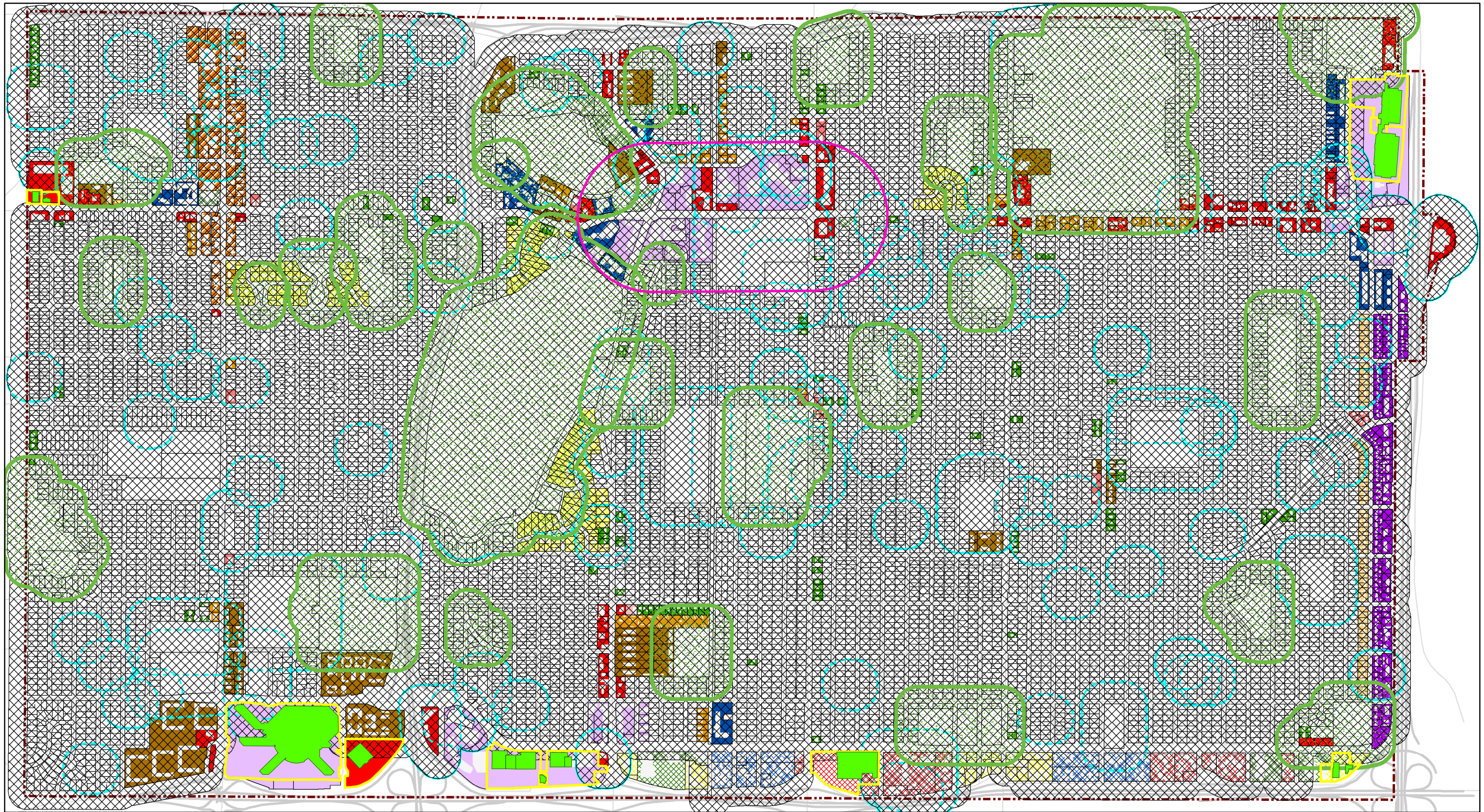
Copies of the ordinance are available for public inspection in the City Clerk’s office during normal business hours or upon request by calling the Department of Community Development at (612) 861-9760.

Adopted by the City Council of the City of Richfield, Minnesota this 8<sup>th</sup> day of March, 2022.

\_\_\_\_\_  
Maria Regan Gonzalez, Mayor

ATTEST:

\_\_\_\_\_  
Kari Sinning, City Clerk



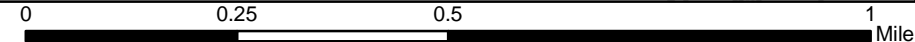
**Legend**

- Revised Buffer (250 ft from Residential Zoning or Use AND 300 ft from certain uses, 1,000 ft from existing FA uses, & 1,000 ft from DT)
- Buildings where a portion of floor area would be eligible
- 300 ft buffer from Parks
- 1000 ft Buffer From 66th St Between Lyndale & Nicollet Aves

NOTE: Sites identified as eligible may be arranged such that only portions of the building may have fire arms tenants, or they were deemed to have sufficient area for a building addition or where a building could be elsewhere constructed.

# Sites for Fire Arms Uses

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





**STAFF REPORT NO. 39**  
**CITY COUNCIL MEETING**  
**3/8/2022**

REPORT PREPARED BY: Kari Sinning, City Clerk

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
3/3/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider a first reading of a transitory ordinance to reaffirm the current ward district boundaries that meet the equal population criteria.**

**EXECUTIVE SUMMARY:**

During the City Manager's Report of the Regular City Council Meeting of February 22, the City Clerk gave an update on redistricting. The City Council must either confirm that the existing ward boundaries meet the equal population criteria or redraw the ward boundaries to conform to the equal population criteria (M.S. 205.84).

Richfield's specific task with respect to local redistricting is to equalize the population contained within the City's three wards, this does not mean that the wards must be exactly the same population. The current wards are within the recommend 5% deviation and staff recommends to keep the same ward boundaries.

Precincts are not tied to population size. However, precincts with large numbers of registered voters can become difficult to manage and can increase wait times. With the rise of absentee voting, some cities are opting to reduce the number of precincts. Staff does not recommend reducing the number of precincts to keep providing adequate access for residents to vote in person on Election Day.

The polling locations are also subject to change during redistricting. The potential polling locations have been contacted and staff will follow up with Council as the confirmations of the polling locations come in. Polling locations must be within the precinct or within one mile of the precinct boundary.

The city must redistrict its wards, along with its precincts, within 60 days of legislative redistricting or by March 29, 2022, whichever comes first.

**RECOMMENDED ACTION:**

**By Motion: Approve first reading of the attached transitory ordinance establishing ward boundaries following the 2020 census data and conforming to redistricting requirements pursuant to Minnesota**

Statutes and City Charter and schedule a public hearing and second reading for March 22, 2022.

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

N/A

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

- City Charter Section 2.03 requires that within two years after each United States Census, the City Council shall by ordinance establish compact contiguous districts to be apportioned by population as nearly equal as practicable. The three districts shall be eastern, central and western Richfield with dividing lines generally north and south.

C. **CRITICAL TIMING ISSUES:**

- Staff must submit the City's plan to the Secretary of State's office and Hennepin County Elections Division on or before March 29, 2022.
- Ward and Precinct boundaries shall be effective for the conduct of the August 9, 2022 Primary election.

D. **FINANCIAL IMPACT:**

N/A

E. **LEGAL CONSIDERATION:**

- Minnesota State Statute 204B.135 requires the City to establish ward boundaries by March 29, 2022.
- Minnesota State Statute 204B.14, subd.3c requires the City to establish precinct boundaries prior to March 29, 2022.
- If the City Council does not either confirm or redraw the ward boundaries within the period specified in section 204B.135, no compensation may be paid to the Mayor or Member of the Council (MN Statute 205.84, subd 2).

**ALTERNATIVE RECOMMENDATION(S):**

The City Council may choose a ward district boundary modification which is different than the proposed modification.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Ordinance Establishing Ward Boundaries	Ordinance
<input type="checkbox"/> Ward Statistics	Backup Material
<input type="checkbox"/> Precinct Plans	Cover Memo
<input type="checkbox"/> Potential Polling Locations	Cover Memo

**BILL NO. 2022-\_\_\_\_**  
**TRANSITORY ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ESTABLISHING THE BOUNDARIES OF COUNCIL DISTRICTS PURSUANT  
TO SECTION 2.03 OF THE CITY CHARTER OF THE CITY OF RICHFIELD**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. Pursuant to the provisions of Section 2.03 of the City Charter of the City of Richfield, the boundaries of the three Council Ward Districts of the City are hereby established as follows:

Ward District 1

All of the City lying West of the following described "Line One":

Line One is described as beginning at the intersection of the centerline of Interstate 35W and the northerly boundary of the City; thence South along the centerline of Interstate 35W to the centerline of 66<sup>th</sup> Street; thence East along the centerline of 66<sup>th</sup> Street to the centerline of Lyndale Avenue; thence South along the centerline of Lyndale Avenue to the centerline of 73<sup>rd</sup> Street; thence west along the centerline of 73<sup>rd</sup> Street to the centerline of Interstate 35W; thence South along the centerline of Interstate 35W to the south boundary line of the City and there terminating.

Ward District 2

All of the City lying East of "Line One" described above and west of "Line Two" described below:

Line Two is described as beginning at the intersection of the centerline of Portland Avenue and the northerly boundary of the City; thence South along the centerline of Portland Avenue to the centerline of 74<sup>th</sup> Street; thence West along the centerline of 74<sup>th</sup> Street to the centerline of 2<sup>nd</sup> Avenue South; thence South along the centerline of 2<sup>nd</sup> Avenue South to the centerline of Interstate 494 and there terminating.

Ward District 3

All of the City lying East of "Line Two" described above.

Sec. 2. The ward boundaries described above shall be effective for the conduct of the August 9, 2022 Primary Election.

Sec. 3. This ordinance supersedes Transitory Ordinance No. 18.82.

Passed by the City Council of the City of Richfield, Minnesota, this 22nd day of March, 2022.

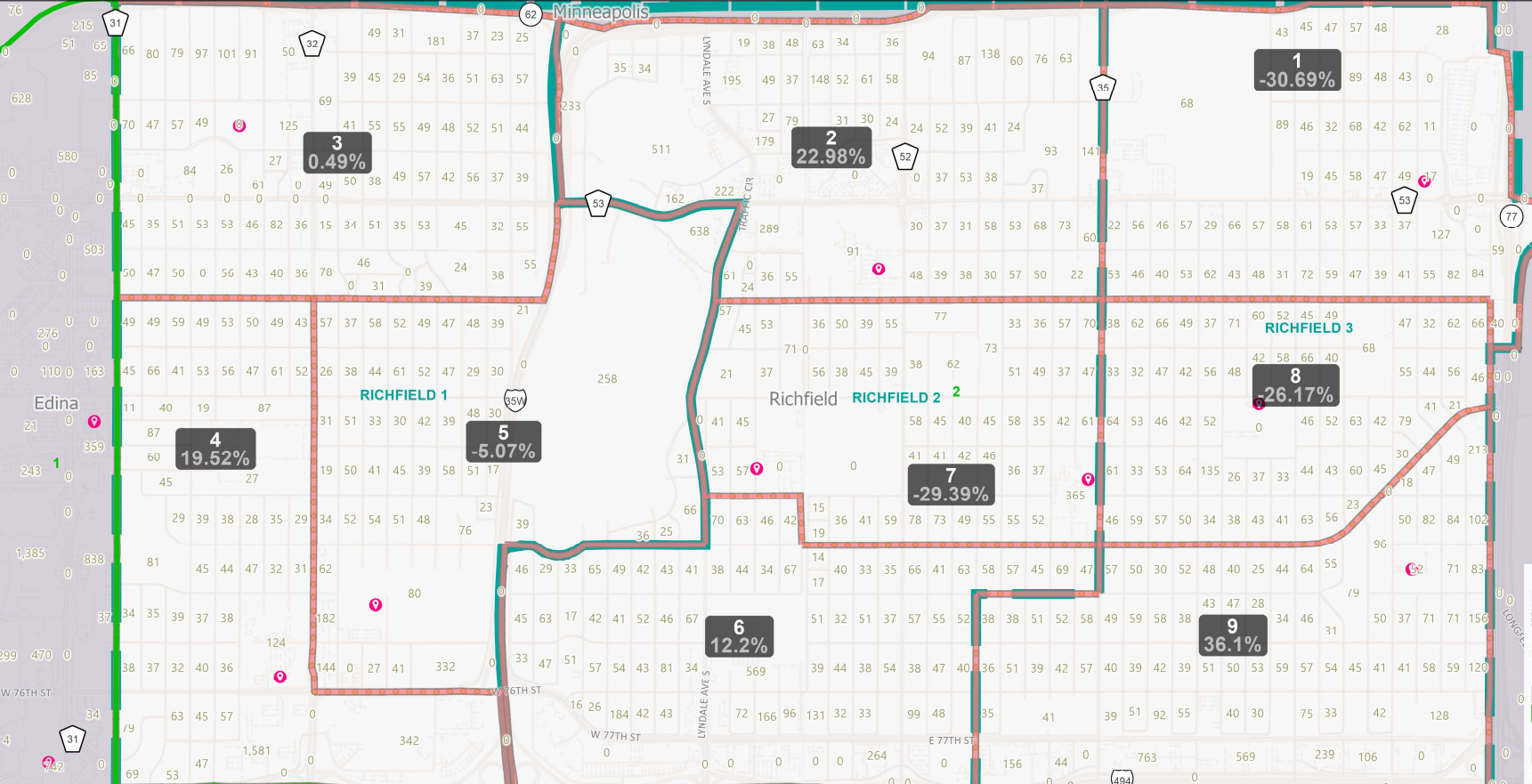
\_\_\_\_\_  
Maria Regan Gonzalez, Mayor

ATTEST:

\_\_\_\_\_  
Kari Sinning, City Clerk

Ward	2010 Population	2020 Population	Deviation from Ideal Value of 12,331	% Deviation	Added Population from Developments	Deviation with Added Population (Ideal 13,245)	% Deviation with Added Population
1	11,639	12,225	106	0.86%	891	129	1%
2	11,700	12,437	-106	-0.86%	1,142	-334	-2.71%
3	11,889	12,332	-1	-0.01%	707	206	1.67%
<b>Total</b>	<b>35,228</b>	<b>36,994</b>			<b>2,740</b>		

# Current Deviation



### Map layers

- Census Block
- City/Town
- Precincts
- 2012 Wards
- Polling Place
- Districts
- Congressional\_2022

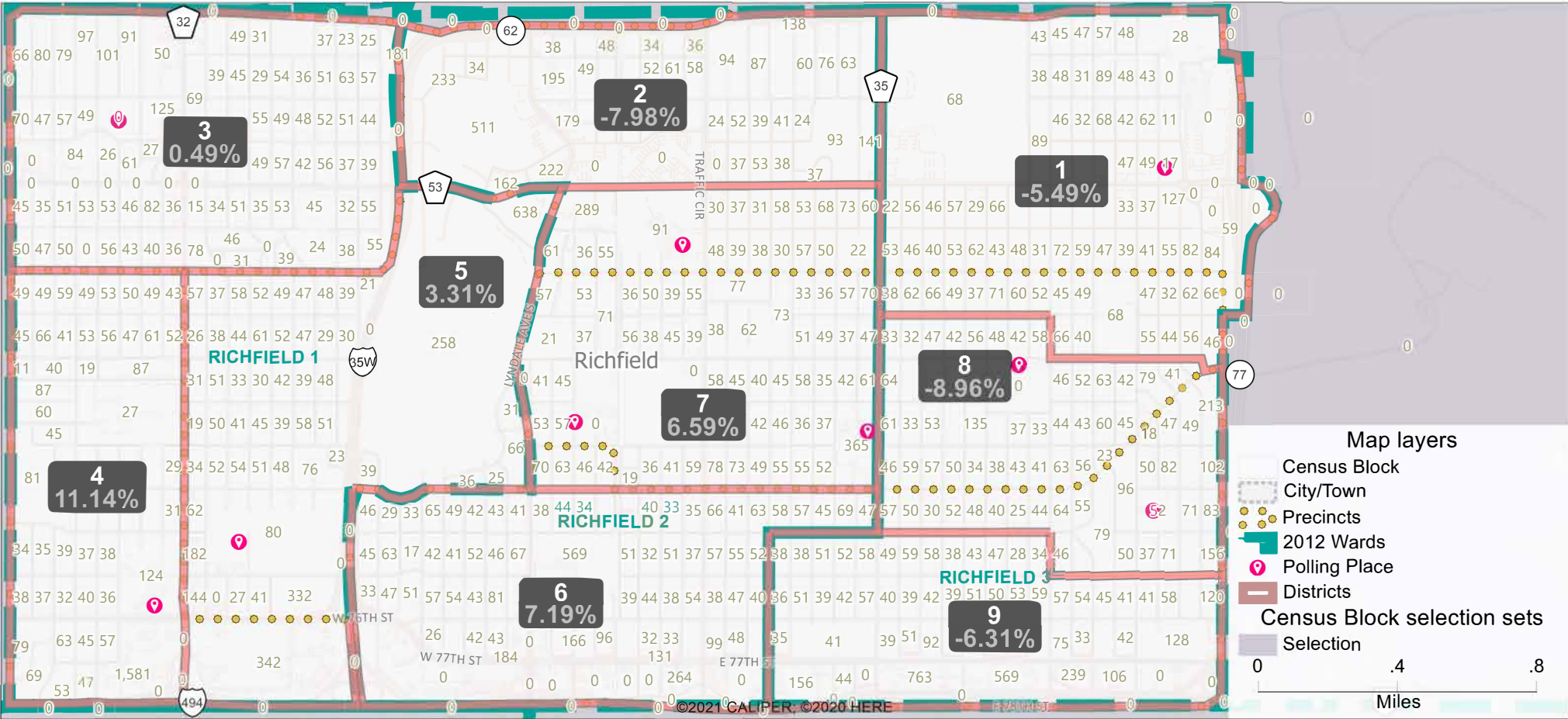
### Census Block selection sets

- Selection
- 0
- .25
- .5

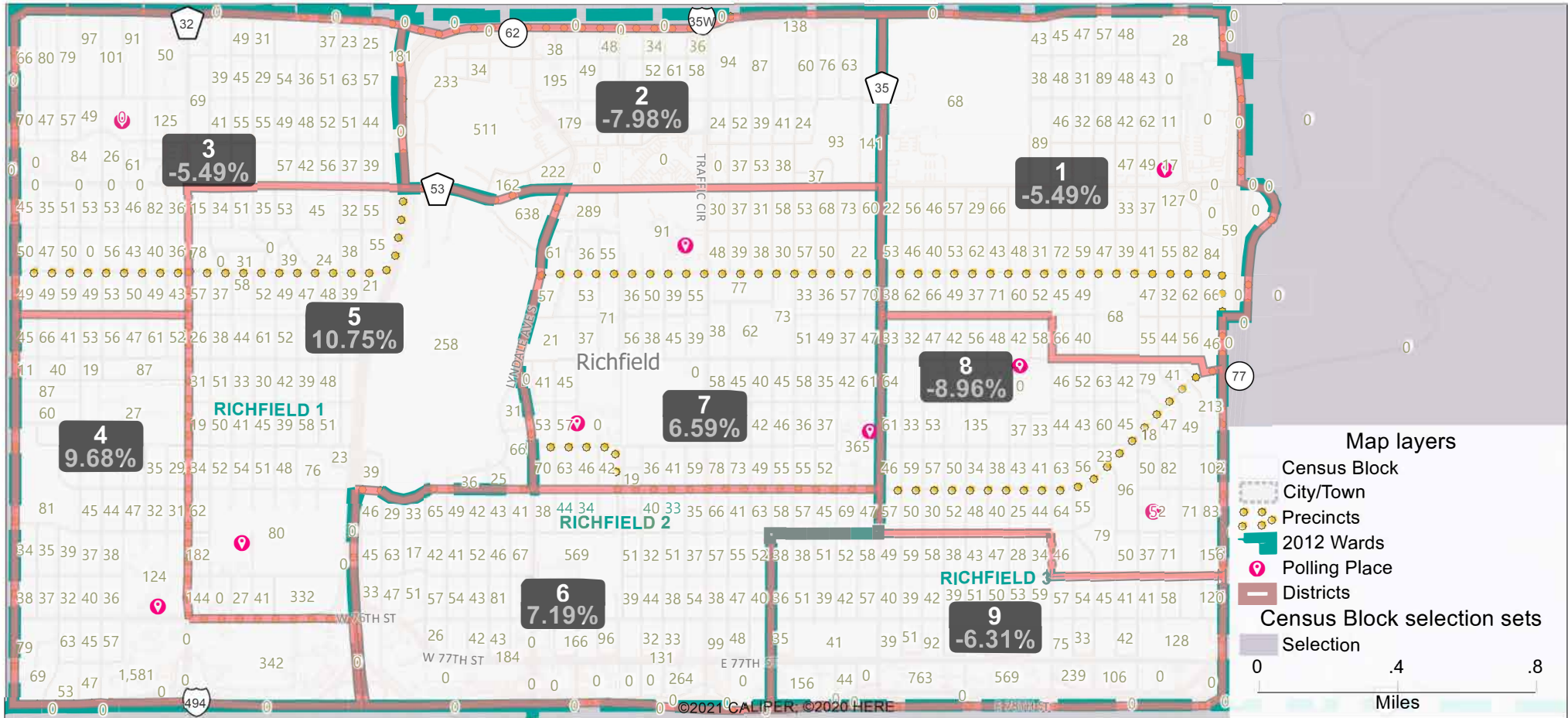
Miles



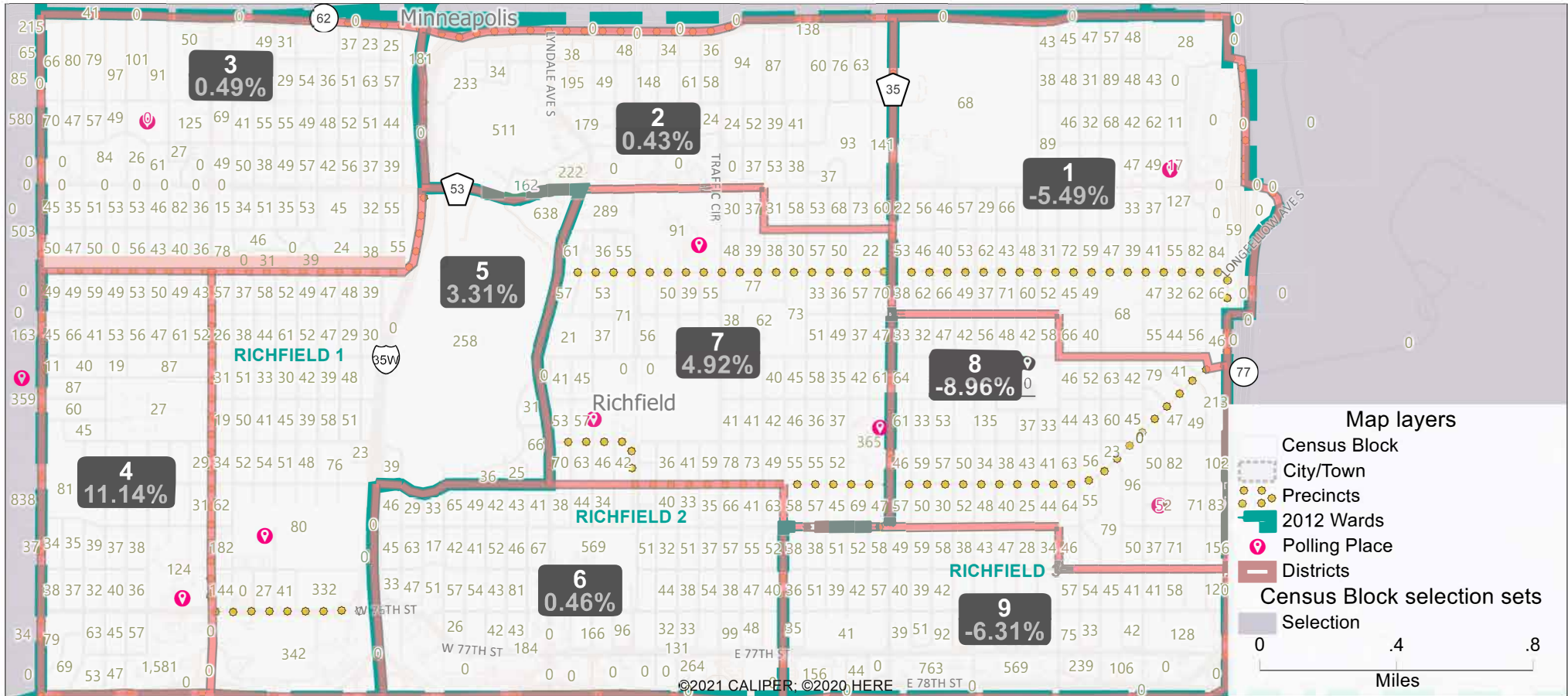
# Draft Plan 1



# Draft Plan 2



# Draft Plan 3



**Precinct 1**

Mt. Calvary Education Bldg – 6541 16<sup>th</sup> Ave

**Precinct 2**

St. Peter's Catholic Church – 6730 Nicollet Ave

**Precinct 3**

Church of Peace – 6345 Xerxes Ave

Sheridan Hills Elem – 6400 Sheridan Ave

**Precinct 4**

St. Richard's Catholic Church – 7540 Penn Ave S

**Precinct 5**

St. Nicholas Episcopal Church – 7227 Penn Ave S

Richfield Middle School Auditorium Foyer – 7461 Oliver Ave

Church of Christ – 7314 Humboldt Ave

**Precinct 6**

Berea Lutheran Church – 7538 Emerson Ave

Bethel's Rock Church – 7601 Girard Ave

Assumption Catholic Church – 305 E 77<sup>th</sup> St

Central School – 7145 Harriet Ave

**Precinct 7**

Richfield Community Center – 7000 Nicollet Ave

Hope Presbyterian Church – 7132 Portland Ave

**Precinct 8**

Crowne Pointe Church – 7121 Bloomington Ave

STEM School – 7020 12<sup>th</sup> Ave

RDLS – 7001 Elliot Ave

**Precinct 9**

House of Prayer – 7625 Chicago Ave

Centennial School – 7315 Bloomington Ave



**STAFF REPORT NO. 40**  
**CITY COUNCIL MEETING**  
**3/8/2022**

REPORT PREPARED BY: Krista Guzman, HR Manager

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez  
3/1/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the approval of a resolution modifying the Health Care Savings Plan for Council Members.**

**EXECUTIVE SUMMARY:**

A post-employment Health Care Savings Plan (HCSP), offered and administered by the Minnesota State Retirement System (MSRS) to eligible government employees, was established by the City Council for the Mayor and Council Members on March 28, 2006. Under the terms of the current plan, \$75 (roughly 15% of a councilmembers salary) of the member's base biweekly wage is deposited into their HCSP. Since the establishment of the plan in March 2006, the plan has been modified twice, in 2009 and 2016, and plan terms may be changed once every two years.

Council discussed possible changes to the contribution amount at the January 25 Work Session and directed staff to prepare a resolution to consider amending the contribution to \$50. If a majority of the City Council wishes to make an adjustment to the contribution formula, either by decreasing the flat rate amount or allocating a percentage of biweekly salary, it can do so via the attached resolution. Any adjustment must be approved by a majority of the City Council and will be mandatory for all Council Members.

**RECOMMENDED ACTION:**

**By Motion: Adopt a resolution modifying the Health Care Savings Plan for Council Members.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

Post-employment health care savings plan (HCSP) is an employer- sponsored program that allows employees to save money to pay medical expenses and/ or health insurance premiums after termination of public service. Employees are able to choose among different investment options provided by the State Board of Investment. Assets contributed into the program are tax- free, accumulate tax free, and if used for medical expenses, remain tax-free.

Legal authority to establish such plans is provided through Minn. Stat. 352. 98, and Internal Revenue Service rulings. The establishment of each plan, including the contribution formula, must be negotiated when dealing with a collective bargaining unit, or adopted as a personnel policy when non-union employees are involved. Once established, the plan must be filed with the MSRS to initiate the

program and any subsequent changes must be filed with and implemented by the MSRS.

In 2001 the Minnesota legislature granted authority to the Minnesota State Retirement System (MSRS) to offer a post employment health care savings plan to eligible employees of the State of Minnesota and other governmental subdivisions. MSRS was authorized to administer these plans after they were adopted by governmental subdivisions throughout the state.

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

- The state statutes have been amended to provide the opportunity for a very valuable benefit to city employees. The City of Richfield has pursued this benefit with employee groups that are interested in such a mandatory plan.
- Approval by the City Council of the attached resolution will provide the City authority to proceed with this modified program for Richfield City Council members who are not represented by a collective bargaining unit.

**C. CRITICAL TIMING ISSUES:**

- There is no time critical issue pertaining to the implementation of this plan.
- After City Council approval, the modified plan must be submitted to MSRS for filing and implementation.
- Once the plan has been modified, no further changes can be made for two years.

**D. FINANCIAL IMPACT:**

- There is no cost to the City in this version of the plan since the City makes no contribution. In fact there is a cost savings to the City in that wages and severance pay that the employee contributes to the Health Care Savings plan are not subject to Social Security or Medicare contributions.
- The plan provides a great tax savings to the participating employees and provides a tax mechanism to fund post retirement/post employment medical costs.

**E. LEGAL CONSIDERATION:**

There is legal authority for this plan in Minnesota Statutes and IRS Code.

**ALTERNATIVE RECOMMENDATION(S):**

The City Council could decide not to approve any plan change. If so, the current plan would remain in effect.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
☐ HCSP Resolution - Council	Resolution Letter
☐ HCSP Council 2022	Backup Material

**RESOLUTION NO.**

**RESOLUTION AMENDING THE CITY COUNCIL POST EMPLOYMENT HEALTH CARE SAVINGS PLAN**

**WHEREAS**, Laws of Minnesota 2001, chapter 352.98, authorizes the Minnesota State Retirement System (MSRS) to offer a Post Retirement Health Care Savings Plan (Plan) program to state employees, as well as other governmental subdivisions; and

**WHEREAS**, the Internal Revenue Service Code provides for such Plans; and

**WHEREAS**, the City of Richfield is interested in offering the Plan to eligible City employees as a tax free method for employees to set aside money to cover the ever increasing costs of health insurance and medical costs after termination of public employment; and

**WHEREAS**, such plans must be established by the employee group, either through a collective bargaining agreement for union employees or a personnel policy for employees not covered by a collective bargaining agreement; and

**WHEREAS**, modifications to the provisions of an established Plan for the Richfield City Council have been agreed to by the members of the City Council. An eligible Council Member will contribute \$50 of their base biweekly wage to the Council Member's account in the HCSP

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Richfield hereby approves amending the Personnel Policy establishing a Health Care Savings Plan for the City Council employees.

Adopted by the City Council of the City of Richfield, Minnesota this 8<sup>th</sup> day of March, 2022.

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Maria Regan Gonzalez, Mayor

ATTEST:

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Kari Sinning, City Clerk

**Policy:** Richfield City Council Employment Health Care Savings Plan  
**Approved by:** Richfield City Council on March 8, 2022  
**Effective Date:** March 14, 2022  
**Page:** 1 of 1

<b>Plan Purpose</b>	The Richfield City Council is interested in establishing a means for eligible Council Members to participate in a mandatory program to help defray some of the costs of post employment health related expenses, including health insurance premiums, using pre-tax dollars. Participation in the Post Employment Health Care Savings Plan, administered by the Minnesota State Retirement System (MSRS), is intended to provide an opportunity to accomplish that goal.
<b>Post Employment Health Care Savings Plan</b>	<p>The Post Employment Health Care Savings Plan (HCSP) is an Employer sponsored program that allows eligible employees and elected officials to defer a portion of their biweekly salary for deposit into their HCSP for the payment of qualified healthcare-related expenses after separation from City service.</p> <p>Council Members will be able to choose among several different investment options provided by the Minnesota State Board of Investment. Under the Plan, amounts contributed into the HCSP are tax-free and not subject to FICA contributions. Assets in the HCSP accumulate tax-free and since payouts are used for qualifying medical expenses, they remain tax-free.</p>
<b>Eligibility to Participate</b>	Participation in the <b>Richfield City Council Members' HCSP</b> is mandatory for all elected officials of the Richfield City Council until the time of termination public service.
<b>Contribution Formula</b>	<p>Mandatory participation in the HCSP shall be in accordance with, and limited to the following formula for contribution:</p> <p><b>I. <u>Biweekly Contribution</u></b></p> <ol style="list-style-type: none"><li>1. An eligible Council Member will contribute <b>\$50 of their base biweekly wage</b> to the Council Member's account in the HCSP.</li></ol>
<b>HCSP Administration</b>	The HCSP is authorized under the Internal Revenue Code and is administered by the Minnesota State Retirement System.