



**REGULAR CITY COUNCIL MEETING
VIRTUAL MEETING HELD VIA WEBEX
APRIL 13, 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. Individuals who wish to address the Council may call 612-861-0651 during the meeting or email kwynn@richfieldmn.gov before the meeting.

Approval of the Minutes of the (1) Joint City Council/HRA/Planning Commission/Human Rights Commission Work Session of March 15, 2021; (2) City Council Work Session of March 23, 2021; and (3) City Council Meeting of March 23, 2021.

PRESENTATIONS

1. Proclamation to recognize Immigrant Day
2. Proclamation to recognize Earth Day 2021

AGENDA APPROVAL

3. Approval of the Agenda
4. **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 authorizing the acceptance of grant funds in the amount of \$30,000 on behalf of the Richfield-Bloomington Watershed Management Organization from the Board of Water and Soil Resources.

Staff Report No. 50
 - B. First reading to consider a proposed ordinance amendment to modify rules related to home occupations.

Staff Report No. 51
 - C. Consider the approval of the resolutions to adjust the City's Municipal State Aid Street (MSAS) network.

Staff Report No. 52

- D. Consider the approval of the Small Wireless Facility Collocation Supplemental Agreements with Cellco Partnership d/b/a Verizon Wireless, that set forth the terms and conditions of collocation on wireless support structures within City right-of-way.

Staff Report No. 53

- E. Consider approval of a first reading of an ordinance repealing Section 500 of the City Code and adopting a new Section 500 related to Plats and Subdivision Regulations and schedule a second reading for April 27, 2021.

Staff Report No. 54

- F. Consider approval of the first reading of an ordinance rezoning property on the northeast corner of Lyndale Avenue and 65th Street as Planned Mixed Use (PMU) and consider approval of the first reading of a transitory ordinance vacating a portion of the Lyndale Avenue right-of-way and utility easements and schedule second readings for April 27, 2021.

Staff Report No. 55

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

RESOLUTIONS

6. Consider adoption of a resolution modifying a Health Care Savings Plan for Police Lieutenants, Teamsters #320 bargaining unit employees.

Staff Report No. 56

7. Consider a resolution supporting the City's participation in the Just Deeds Coalition, which works to facilitate the removal of discriminatory covenants from property deeds.

Staff Report No. 57

8. Consider approval of a resolution of support for a \$1,000,000 grant application for federal funding through the newly created Community Project Funding (CPF) program for the replacement of the Wood Lake Nature Center.

Staff Report No. 58

CITY MANAGER'S REPORT

9. City Manager's Report

CLAIMS AND PAYROLLS

10. Claims and Payroll

COUNCIL DISCUSSION

11. Hats Off to Hometown Hits

12. 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

Concurrent City Council, Housing and Redevelopment Authority, Planning Commission and Human Rights Commission Work Session

March 15, 2021

CALL TO ORDER

The work session was called to order by HRA Chair Supple at 6:00 p.m. via Webex.

Council Members
Present:

Mary Supple and Sean Hayford Oleary

Council Members
Absent:

Maria Regan Gonzalez, Mayor; Simon Trautmann and Ben Whalen

HRA Members
Present:

Mary Supple, Chair; Sue Sandahl; Lee Ohnesorge and
Erin Vrieze Daniels

HRA Members
Absent:

Maria Regan Gonzalez

PC Members
Present:

Kathryn Quam, Chair; Peter Lavin; Brendan Kennealy; Brett Stursa; Jim
Rudolph, and Brian Pynn

PC Members
Absent:

Susan Rosenberg

HRC members
Present:

Mara Glubka, Chair and Tyler Olsen

HRC members
Absent:

Anne Flake; Tiffany Bighley; Michele Thompson; Kris Anderson; Kathrine
Goodemote; Walter Burk; Fountia Thompson-Robinson and Tash Ostendorf

Staff Present:

Katie Rodriguez, City Manager; Melissa Poehlman, Assistant Community
Development Director; Julie Urban, Housing Manager; and LaTonia DuBois,
Administrative Assistant.

Others Present:

Jamar Hardy, Edina Realty and Jared Shepherd, Hoff Barry Attorneys

Item #1	PRESENTATION ON THE JUST DEEDS PROJECT, WHICH WORKS TO FACILITATE THE REMOVAL OF RACIALLY-RESTRICTIVE COVENANTS FROM PROPERTY DEEDS, AND HOW RICHFIELD CAN BECOME A PARTICIPATING COMMUNITY.
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Assistant Community Development Director Poehlman provided a brief introduction on racial covenants and introduced Jared Shepherd, Hoff Barry Attorneys and Jamar Hardy, Edina Realty.

Jared Shepherd and Jamar Hardy introduced themselves, provided background information and explained why they got involved with the Just Deeds project and the history of the Just Deeds project. Jared and Jamar presented the project goals, an overview of racist and exclusionary housing policies, explained the history of racial covenants, shared locations within the City of Richfield where racial covenants exist, and how the city can partner with the Just Deeds project to discharge covenants on city owned property and assist residents in rejecting racially restrictive covenants on their property.

HRA Chair Supple explained the next that could be taken by staff and policy makers to move forward with this work.

Planning Commissioner Stursa spoke of efforts being made by the Human Rights Commission around mapping prejudice and shared her support of the Just Deeds project.

HRA Commissioner Vrieze Daniels offered her support of the Just Deeds project.

HRC Commissioner Glubka also shared her support for the project.

HRA Commissioner Sandahl spoke of her experience with title law and restrictive covenants and inquired about rejecting racial covenants on Torren's property.

Jared Shepherd shared information for rejecting covenants on Torren's properties.

Planning Commissioner Lavin inquired about the city enacting an ordinance that would require the covenants to be stricken from the title.

Jared Shepherd shared his thoughts about engaging with individual residents and engaging with the history and to confront the history versus erasing it.

Jamar Hardy shared his insight as a realtor and bringing the experience to individual homeowners to make the decisions themselves.

Assistant Community Development Director Poehlman explained intents to provide information through the point of sale inspection process to direct homeowners to find information on their property.

Planning Chair Quam inquired about the opposition of this proposal.

Jared Shepherd shared goals to inform residents of property history and that he does not know of any opposition. The goal is not to erase history, rather to acknowledge history and to engage the community in discussion.

Assistant Community Development Director Poehlman explained how this is an example of systemic racism and the Just Deeds project is good conversation to figure out how certain policies effect people differently.

Council Member Hayford O'Leary offered his support for the Just Deeds project and how this is an important first step.

Housing Manager Urban explained how to find a restrictive covenant map through the Mapping Prejudice website.

Assistant Community Development Director Poehlman shared her feelings when racial covenants were discovered on city property.

Jamar Hardy explained that title companies and realtors don't discuss racial covenants on property with people when purchasing their home and most people are unaware they exist.

Jared Shepherd explained how the history of a property can be stacked or buried in the history of a plat. He emphasized the importance of engaging with community members to allow individuals to make the decision to reject the covenants.

HRA Commissioner Ohnesorge inquired about the process for property owners to reject the covenants on their property.

Jared Shepherd explained the process for homeowners to reject the covenants through the Just Deeds project.

HRA Chair shared her support of the Just Deeds project and the city moving forward with this work.

Assistant Community Development Director Poehlman explained the next steps that will be taken by staff to get this program ready to roll out.

ADJOURNMENT

The work session was adjourned by unanimous consent at 7:02 p.m.

Date Approved:

Maria Regan Gonzalez
Mayor

LaTonia DuBois
Administrative Assistant

Katie Rodriguez
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

City Council Work Session

March 23, 2021

CALL TO ORDER

The meeting was called to order by Mayor Regan Gonzalez at 6:00 p.m. virtually via WebEx.

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

Planning Commission Present: Jim Rudolph; Brendan Kennealy; Brett Stursa; and Kathryn Quam.

Planning Commission Absent: Bryan Pynn; Susan Rosenberg; and Peter Lavin

Staff Present: Pam Dmytrenko, Assistant City Manager; John Stark, Community Development Director; Melissa Poehlman, Assistant Community Development Director; Ryan Krzos, Planner; Blanca Martinez Gavina, Executive Analyst; and Kelly Wynn, Senior Office Assistant.

Item #1	DISCUSS POSSIBLE CHANGES TO SINGLE-FAMILY RESIDENTIAL DISTRICTS TO BRING THE ZONING CODE INTO AGREEMENT WITH THE 2040 COMPREHENSIVE PLAN.
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Assistant Director Poehlman gave an overview of the item and presented on the following:

- Background;
- R District-Single Family Home Regulations; and
- R District-Two Family Home Regulations.

Planner Krzos presented on the following:

- Macro trends;
- Multi-family trends;
- Missing middle housing;
- Duplex locations; and
- Direction the city would like to go.

Assistant Director Poehlman reviewed the next steps and ideas.

Council Member Hayford O'leary thanked staff for the presentation and supports fixing the lot size and duplex allowance.

Council Member Whalen expressed appreciation for duplexes as a housing option along with townhomes and stated it should be an option for every lot.

Commissioner Kennealy asked if duplexes were allowed for any lot and if there was a limit how many go within a certain area.

Assistant Director Poehlman stated staff could look into a possible threshold.

Commissioner Quam supports beginning with corner lots designated for duplexes, removing CUP regulations and revisiting the data in a year or two.

Commissioner Rudolph asked about current height restrictions in regards to duplexes.

Assistant Director Poehlman stated staff will explore the restrictions but does not see a current reason for them to be adjusted.

Commissioner Stursa expressed support for more housing options and would like to see it opened up to every lot.

Council Member Supple stated she would like to see more opportunities for housing and likes the idea of filling in the missing middle concept.

Mayor Regan Gonzalez expressed her support to staff recommendations, removing CUP and adjusting lot sizes. She also stated she would like to have a bigger discussion on corner lots and busier streets as designated areas for duplexes.

Council Member Hayford Oleary asked for clarification on the density of lot sizes.

Assistant Director Poehlman explained staff could look into individual lot size versus block by block and will come back with proposals to determine a denominator.

Council Member Hayford Oleary explained he would like to see more options in assisting resident in getting into homes but not necessarily on busy roads.

Council Member Whalen expressed support for duplexes as it offers a dignified housing option for people with disabilities and allows them independence.

Assistant Director Poehlman reviewed comments from Council and the Planning Commission and supplied some next steps to move forward.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:38 p.m.

Date Approved: April 13, 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

March 23, 2021

CALL TO ORDER

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

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

Staff Present: Pam Dmytrenko, Assistant City Manager; Mary Tietjen, City Attorney; John Stark, Community Development Director; Chris Regis, Finance Director; Melissa Poehlman, Assistant Community Development Director; Amy Markle, Recreation Services Director; Rachel Lindholm, Sustainability Specialist; Jane Skov, IT Manager; Blanca Martinez Gavina, Executive Analyst; and Kelly Wynn, Senior Office Assistant

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 callers.

APPROVAL OF MINUTES

M/Supple, S/Hayford Oleary to approve the minutes of the (1) City Council Work Session of March 9, 2021; (2) RBWMO Annual Meeting of March 9, 2021; and (3) City Council Work Meeting of March 9, 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	APPROVAL OF THE AGENDA
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M/Whalen, S/Trautmann 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 #2	CONSENT CALENDAR
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Assistant City Manager Dmytrenko presented the consent calendar.

A. Consider the approval of a bid tabulation and award of contract to Park Construction Co. for the 2021 Mill and Overlay project in the amount of \$525,858.77 and authorize the City Manager to approve contract changes under \$175,000 without further City Council consideration. Staff Report No. 43

B. Consider the approval of the bid tabulation and award a contract to Visu-Sewer, Inc., for the 2021 Sanitary Sewer Rehabilitation Program in the amount of \$456,435.05 and authorize the City Manager to approve contract changes up to \$175,000 without further City Council consideration. Staff Report No. 44

C. Approval of a resolution amending the allocation of the 2020 General Fund Budget. Staff Report No. 45

RESOLUTION NO. 11834

RESOLUTION AUTHORIZING REVISION OF 2020 BUDGETS OF VARIOUS DEPARTMENTS

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

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	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR
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None

Item #4	PUBLIC HEARING AND AND CONSIDER THE APPROVAL OF A NEW ON-SALE INTOXICATING AND SUNDAY LIQUOR LICENSES, WITH OUTSIDE SERVICE AND THE OPTIONAL 2 A.M. CLOSING, FOR PIZZA LUCE VII, INC. D/B/A PIZZA LUCE, LOCATED AT 800 66TH STREET WEST. STAFF REPORT NO. 46
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Council Member Hayford Oleary read staff report 46 and 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

JJ Haywood, Pizza Luce owner, thanked Council for their time to approve the license and she is looking forward to having the dining room back open for customers.

Senior Office Assistant Wynn stated there were no callers.

M/Hayford Oleary, S/Supple 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/Whalen to approve the issuance of a new On-Sale Intoxicating and Sunday Liquor licenses, with outside service and the optional 2 a.m. closing, for Pizza Luce VII, Inc. d/b/a Pizza Luce, located at 800 66th Street West.

Council Member Trautmann thanked JJ Haywood for the investment in the space and excited to have it continue to be a place of hospitality in Richfield.

Mayor Regan Gonzalez echoed comments and expressed gratitude for the business as it has been a popular gathering place for members of the community.

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 #5	CONSIDER APPROVAL OF AN AMENDMENT TO THE CITY'S ZONING CODE THAT WOULD ALLOW FOR LARGER GARAGE STRUCTURES IF AN ACCESSORY DWELLING UNIT IS ATTACHED, IN THE SINGLE FAMILY (R AND R-1) RESIDENTIAL DISTRICTS, AND APPROVAL OF THE RELATED SUMMARY PUBLICATION ORDINANCE. STAFF REPORT NO. 47
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Council Member Trautmann read staff report 47.

Assistant Director Poehlman stated the item is for a specific circumstance. The regulations regarding these structures are fairly new and staff supports the item.

Margaret McInerny, structure applicant, thanked Council for their time and gave a brief background of why an ADU is ideal for her situation and how approving the item could be beneficial for many residents throughout the community.

John Sylvestre, contractor/designer, explained some challenges for designing a one level ADU.

Council Member Hayford Oleary asked if the property owners needed to knock down the current garage due to the requirements.

John Sylvestre stated it was necessary to rebuild the garage to place frost footings for the new addition.

Margaret McInerny explained by moving the garage that they were able to create more usable yard space.

M/Trautmann, S/ Hayford Oleary to (1) approve an ordinance amendment related to garage size in the Single Family Residential (R and R-1) Districts; and (2) approve a resolution authorizing

summary publication of the attached ordinance amending regulations related to garage size in the Single Family Residential (R and R-1) Districts.

RESOLUTION NO. 11835

RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE AMENDING THE RICHFIELD ZONING CODE REGULATIONS RELATED TO THE SIZE OF GARAGES WITH ATTACHED ACCESSORY DWELLING UNITS

Council Member Supple expressed her support as it makes things more accessible.

Council Member Whalen asked about a project staff had discussed in supplying ADU images for the community.

Assistant Director Poehlman stated a page on the city web site dedicated to ADU ideas and images.

Council Member Trautmann thanked staff for working with the resident along with making ADU's more feasible and would like to see some future discussions around detached ADU's.

Mayor Regan Gonzalez thanked the resident and contractor/designer for submitting an ordinance change application and following through with the process.

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	CONSIDER A RESOLUTION SUPPORTING THE CITY OF RICHFIELD'S APPLICATION TO HOST A MINNESOTA GREENCORPS MEMBER AND AUTHORIZING THE CITY MANAGER TO EXECUTE A HOST SITE AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY. STAFF REPORT NO. 48
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Council Member Supple presented staff report 48.

Director Markle expressed excitement around submitting another application as the city was able to acquire Sustainability Specialist Lindholm from this program in 2018.

M/Supple, S/Trautmann to approve the resolution supporting the City of Richfield's application to host a Minnesota GreenCorps member and authorizing the City Manager to execute a host site agreement with the Minnesota Pollution Control Agency.

RESOLUTION NO. 11836**RESOLUTION SUPPORTING THE CITY OF RICHFIELD'S APPLICATION TO HOST A MINNESOTA GREENCORPS MEMBER**

Council Member Whalen asked about the financial impact to the city.

Director Markle explained the funding will come from the Minnesota Pollution Control Agency. She also stated staff time and supervision will be a minimal financial impact.

Mayor Regan Gonzalez spoke of the leaps and bounds the has taken regarding sustainability in the last few years.

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	CONSIDER APPROVING THE DRAFTED RICHFIELD RESIDENTIAL SOLID WASTE MANAGEMENT GOALS. STAFF REPORT NO. 49
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Council Member Whalen read staff report 49.

Sustainability Specialist Lindholm gave a brief overview of the target goals. She also spoke of how this will guide the waste management efforts and has already been approved by the Sustainability Commission.

M/ Whalen, S/Hayford Oleary to approve the Richfield Residential Solid Waste Management Goals.

Council Member Hayford Oleary expressed excitement for curbside organics as a goal for the city. He asked how many people currently participate in the drop off program.

Sustainability Specialist Lindholm stated about 900 households participates.

Council Member Whalen spoke of his excitement to see more educational opportunities offered for residents.

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	CITY MANAGER REPORT
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Assistant City Manager Dmytrenko supplied a brief update regarding Covid.

Item #9	CLAIMS AND PAYROLL
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M/Whalen, S/Supple that the following claims and payrolls be approved:

U.S. Bank	03/23/2021
A/P Checks 295331 - 295744	\$ 2,373,931.83
Payroll: 160710 – 161010 43393	<u>685,056.16</u>
TOTAL	\$ 3,058,987.99

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 #10	HATS OFF TO HOMETOWN HITS
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Council Member Supple spoke of the importance of kindness and gratitude and reflected on the many things to be grateful for throughout the Richfield community.

Council Member Trautmann thanked Richfield as a city for their kindness and support shown to one another in this last year.

Council Member Whalen encouraged residents to supply ideas and comments on the Portland/494 area. He also spoke of his excitement to get out the Wood Lake Nature Center to make maple syrup and his gratefulness to the Recreation department for their programming.

Council Member Hayford Oleary recognized the new housing going up and is excited to have so many new neighbors coming.

Mayor Regan Gonzalez praised former Council Member Edwina Garcia for doing a recent interview with her and how wonderful it was to sit down with her.

Item #11	ADJOURNMENT
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The meeting was adjourned by unanimous consent at 8:01 p.m.

Date Approved: April 13, 2021

Maria Regan Gonzalez
Mayor

Kelly Wynn
Senior Office Assistant

Katie Rodriguez
City Manager



Proclamation of the City of Richfield

WHEREAS, the city of Richfield is committed to standing for and prioritizing the values of inclusion, equity and justice; and

WHEREAS, Richfield's population is made up of approximately 18% immigrants; and

WHEREAS, America was built by immigrants and refugees, and their contributions fueled our economy before the pandemic and will be critical to our success in emerging from the current health and economic crises; and

WHEREAS, for decades, the local immigrant rights movement and organizations like FIRM, Unidos MN, Asamblea de Derechos Civiles, SEIU Local 26, Isuroon, Faith and Justice, La Red, MIRAC and many more have been fighting for permanent protections and citizenship for the 11 million undocumented immigrants living in our country; and

WHEREAS, immigrant essential workers continue to be disproportionately impacted by the pandemic and on the front lines in instances without protections and economic relief; and

WHEREAS, it is time to provide immigrants that call this country their home a pathway to citizenship and bold protections that guarantee their safety and well-being.

NOW, THEREFORE, I, MARIA REGAN GONZALEZ, Mayor of the City of Richfield, on behalf of the Richfield City Council, do hereby proclaim April 13, 2021, as a day of action for The Relay Across America and the We Are Home campaign, a multi-racial, multi-ethnic, multi-generational coalition that demands the Biden administration and Congress to take immediate action to protect millions of immigrants who call this country their home.

PROCLAIMED this 13th day of April, 2021.

Maria Regan Gonzalez, Mayor

AGENDA SECTION:

PRESENTATIONS

AGENDA ITEM #

2.



CITY COUNCIL MEETING 4/13/2021

REPORT PREPARED BY: Rachel Lindholm

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
4/7/2021

ITEM FOR COUNCIL CONSIDERATION:

Proclamation to recognize Earth Day 2021

EXECUTIVE SUMMARY:

RECOMMENDED ACTION:

BASIS OF RECOMMENDATION:

- A. **HISTORICAL CONTEXT**
- B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**
- C. **CRITICAL TIMING ISSUES:**
- D. **FINANCIAL IMPACT:**
- E. **LEGAL CONSIDERATION:**

ALTERNATIVE RECOMMENDATION(S):

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

Description	Type
Earth Day Proclamation	Presentation



Proclamation of the City of Richfield

WHEREAS, Earth Day will be celebrated nationwide on Thursday, April 22nd, to bring awareness about the need to care for the environment; and

WHEREAS, Arbor Day is celebrated nationwide on Friday, April 30th, and Arbor Month is celebrated in Minnesota during the month of May, to promote the value and planting of trees; and

WHEREAS, Richfield has written and passed a Climate Action Plan with goals and actions to lessen the city's environmental footprint and strengthen the city's overall commitment to our environment; and

WHEREAS, Richfield's Forestry Division participates in the Tree City USA program to promote efforts to preserve, maintain, and manage the health of Richfield's urban forest; and

WHEREAS, City staff have been sharing information with residents about a variety of environmental initiatives aimed at benefiting the planet, like waste reduction, alternative landscaping, tree maintenance, and more; and

WHEREAS, the community of Richfield is encouraged to participate in park clean-up efforts in April and May, as well as year-round, to demonstrate good stewardship of our green spaces and natural resources; and

WHEREAS, Earth Day and Arbor Day will be celebrated by the City of Richfield through planned clean-up events as well as a Geocaching activity at Wood Lake Nature Center on April 24th and 25th;

NOW, THEREFORE, I, MARIA REGAN GONZALEZ, Mayor of the City of Richfield, do proclaim that the City of Richfield observes Earth Day, Arbor Day, and Arbor Month, as a way of promoting environmental stewardship and mindful choices to help preserve our natural habitats.

PROCLAIMED this 13th day of April, 2021.

Maria Regan Gonzalez, Mayor



STAFF REPORT NO. 50
CITY COUNCIL MEETING
4/13/2021

REPORT PREPARED BY: Scott Kulzer, Administrative Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
4/2/2021

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
4/6/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider the approval of a resolution authorizing the acceptance of grant funds in the amount of \$30,000 on behalf of the Richfield-Bloomington Watershed Management Organization from the Board of Water and Soil Resources.

EXECUTIVE SUMMARY:

The Richfield-Bloomington Watershed Management Organization (RBWMO), organized through a joint powers agreement between the cities of Richfield and Bloomington, cooperatively manages and plans for the management of surface water in the RBWMO watershed. To continue with the RBWMO's goal of engaging with youth, staff has been working with the Minnesota Valley Refuge Friends, a nonprofit organization, to bring a watershed education program to approximately 400 4th and 5th graders in the area. The program's curriculum is focused around basic hydrologic and ecological principles and is designed to be delivered over five classroom sessions with a field trip to conclude the program and tie in the lessons the students learned in the classroom sessions.

RECOMMENDED ACTION:

By Motion: Approve the resolution authorizing the acceptance of grant funds in the amount of \$30,000 on behalf of the Richfield-Bloomington Watershed Management Organization from the Board of Water and Soil Resources.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

As established by the joint powers agreement the RBWMO Board of Commissioners is comprised of all City Council members in the Cities of Richfield and Bloomington. At the March 2, 2020 RBWMO annual meeting the board directed staff to pursue a partnership with the Minnesota Valley Refuge Friends and seek grant funding for the implementation of a youth education program. During 2020 staff worked with the Board of Soil and Water Resources (BWSR) and other agencies within the Lower Minnesota North watershed basin to determine a list of eligible projects and submitted the youth education program for consideration in BWSR's 20-21 Watershed-Based Implementation Funding program

As discussed at the March 9, 2021 RBWMO annual meeting the youth education program was awarded a grant of \$30,000 from BWSR's Watershed-Based Implementation Funding program. The course will

be taught by a professional educator licensed through the State of Minnesota. The course materials, the educator’s time, field trip transport and facilities will be covered by the grant at no cost to the schools. The 10% match fund required by the grant will be covered by the RBWMO with assistance from the Minnesota Valley Refuge Friends.

Consistent with the joint powers agreement, personnel of the Cities are utilized to facilitate RBWMO activities. In this situation, Bloomington will act as the fiscal agent for the grant and their engineering staff will manage and administer the grant with cooperation from Richfield Public Works staff. Any costs related to the grant will be split equally between the cities of Richfield and Bloomington and funded through each cities stormwater utility budget.

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

Minnesota statute 465.03 requires every acceptance of a grant or devise of real personal property on terms prescribed by the donor be made by resolution by a two-thirds majority of the City Council.

C. CRITICAL TIMING ISSUES:

Staff are currently working with area schools to implement this program with 2021 summer school education programing and will continue to work with educators in area schools to implement this opportunity during the 2021-2022 and 2022-2023 school year's as funding allows.

D. FINANCIAL IMPACT:

- Bloomington will act as the fiscal agent for the grant.
- Any costs associated with the grant will be split evenly between the Cities of Richfield and Bloomington and would come out of each city's respective stormwater utility budget.

E. LEGAL CONSIDERATION:

The Grant Agreement will be signed on behalf of the RBWMO by Executive Director Bryan Gruidl (Bloomington).

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
▣ Resolution	Resolution Letter
▣ Grant Agreement	Contract/Agreement

RESOLUTION NO.

RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ACCEPT GRANT FUNDS FROM THE BOARD OF WATER AND SOIL RESOURCES ON BEHALF OF THE RICHFIELD-BLOOMINGTON WATERSHED MANAGEMENT ORGANIZATION (RBWMO)

WHEREAS, the City Council of the City of Richfield is the official governing body of the City of Richfield, Minnesota; and

WHEREAS, the City Council of the City of Richfield and the City Council of the City of Bloomington make up the Board of Commissioners for the Richfield-Bloomington Watershed Management Organization (RBWMO); and

WHEREAS, the Metropolitan Surface Water Management Act (Chapter 509, Laws of 1982, Minnesota Statute Section 103B.201 to 103B.255) establishes requirements for preparing watershed management plans within the Twin Cities Metropolitan Area; and

WHEREAS, land area in both the City of Bloomington and the City of Richfield was not covered by a Watershed District or Water Management Organization, and on December 19, 1983, the cities established the RBWMO through a Joint Powers Agreement; and

WHEREAS, each City funds improvements and maintenance within the RBWMO via existing storm water utilities; and

WHEREAS, since each City addresses storm and surface water issues within its own jurisdiction on behalf of the RBWMO there is no official budget for the RBWMO; and

WHEREAS, the Board of Water and Soil Resources (BWSR) has granted \$30,000.00 of its grant funding to the RBWMO for the 2021 Metro WBIF-Lower MN North-RBWMO-Youth Education Program; and

WHEREAS, during its annual meeting on March 9, 2021, the RBWMO approved, by a vote of 9-0, the 2021 Work Plan, which included the 2021 Metro WBIF-Lower MN North-RBWMO-Youth Education Program supported by the BWSR grant; and

WHEREAS, the City Council has determined that it is in the City's best interests to accept these funds on behalf of the RBWMO to help implement its 2021 Work Plan; and

WHEREAS, Minnesota statute 465.03 requires every acceptance of a grant or devise of real personal property on terms prescribed by the donor be made by resolution by a two-thirds majority of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota that the Mayor and City Manager are hereby authorized and directed to take any and all actions required to accept the grant funds for and on behalf of the City and the RBWMO.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of March, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

**FY 2021 STATE OF MINNESOTA
BOARD OF WATER and SOIL RESOURCES
WATERSHED-BASED IMPLEMENTATION FUNDING
GRANT AGREEMENT**

Vendor:	0000202045
PO#:	3000013133

This Grant Agreement is between the State of Minnesota, acting through its Board of Water and Soil Resources (Board) and **Richfield-Bloomington WMO, 1800 West Old Shakopee Rd, Bloomington Minnesota 55437** (Grantee).

Fiscal Agent: City of Bloomington

This grant is for the following Grant Programs :

C21-2105	2021 Metro WBIF – Lower MN North– RBWMO – Youth Education Program	\$30,000
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Total Grant Awarded: \$30,000

Recitals

1. The Laws of Minnesota 2019, 1st Special Session, Chapter 2, Article 2, Section 7(a), appropriated Clean Water Funds (CWF) to the Board for the FY 2020-2021 Watershed-based Implementation Funding.
2. The Board adopted the FY 2020-2021 Clean Water Fund Watershed-based Implementation Funding Program Policy and authorized the Watershed-based Implementation Funding Program through Board Order #19-54.
3. The Board adopted Board Order #19-54 to allocate funds for the FY 2020-2021 Watershed-based Implementation Funding Program.
4. The Grantee has submitted a BWSR approved work plan for this Program which is incorporated into this Grant Agreement by reference.
5. The Grantee represents that it is duly qualified and agrees to perform all services described in this Grant Agreement to the satisfaction of the State.
6. As a condition of the grant, Grantee agrees to minimize administration costs.

Authorized Representative

The State's Authorized Representative is Marcey Westrick, Clean Water Coordinator, BWSR, 520 Lafayette Road North, Saint Paul, MN 55155, 651-284-4153, or his/her successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services and performance provided under this Grant Agreement.

The Grantee's Authorized Representative is:

**TITLE City of Bloomington Water Resources Specialist
ADDRESS 1800 West Old Shakopee Road
CITY Bloomington
TELEPHONE NUMBER 952-563-8748**

If the Grantee's Authorized Representative changes at any time during this Grant Agreement, the Grantee must immediately notify the Board.

Grant Agreement

1. Terms of the Grant Agreement.

- 1.1. **Effective date:** The date the Board obtains all required signatures under Minn. Stat. § 16B.98, Subd. 5. **The State will notify the Grantee when this Grant Agreement has been executed. The Grantee must not begin work under this Grant Agreement until it is executed.**
- 1.2. **Expiration date:** **December 31, 2023**, or until all obligations have been satisfactorily fulfilled, whichever comes first.
- 1.3. **Survival of Terms:** The following clauses survive the expiration date or cancellation of this Grant Agreement: 7. Liability; 8. State Audits; 9. Government Data Practices; 11. Publicity and Endorsement; 12. Governing Law, Jurisdiction, and Venue; 14. Data Disclosure; and 19. Intellectual Property Rights.

2. **Grantee's Duties.**

The Grantee will comply with required grants management policies and procedures set forth through Minn. Stat § 16B.97, Subd. 4(a)(1). The Grantee is responsible for the specific duties for the Program as follows:

- 2.1. **Implementation:** The Grantee will implement their work plan, which is incorporated into this Grant Agreement by reference.
- 2.2. **Reporting:** All data and information provided in a Grantee's report shall be considered public.
 - 2.2.1. The Grantee will submit an annual progress report to the Board by February 1 of each year on the status of Program implementation by the Grantee. Information provided must conform to the requirements and formats set by the Board. All individual grants over \$500,000 will also require a reporting expenditure by June 30 of each year.
 - 2.2.2. The Grantee will prominently display on its website the Clean Water Legacy Logo and a link to the Legislative Coordinating Commission website.
 - 2.2.3. Final Progress Report: The Grantee will submit a final progress report to the Board by February 1, 2024 or within 30 days of completion of the project, whichever occurs sooner. Information provided must conform to the requirements and formats set by the Board.
- 2.3. **Match:** The Grantee will ensure any local match requirement will be provided as stated in Grantee's approved work plan.

3. **Time.**

The Grantee must comply with all the time requirements described in this Grant Agreement. In the performance of this Grant Agreement, time is of the essence.

4. **Terms of Payment.**

- 4.1. Grant funds will be distributed in three installments: 1) The first payment of 50% will be distributed after the execution of the Grant Agreement. 2) The second payment of 40% will be distributed after the first payment of 50% has been expended and reporting requirements have been met. An eLINK Interim Financial Report that summarizes expenditures of the first 50% must be signed by the Grantee and approved by BWSR. Selected grantees may be required at this point to submit documentation of the expenditures reported on the Interim Financial Report for verification. 3) The third payment of 10% will be distributed after the grant has been fully expended and reporting requirements are met. The final, 10% payment must be requested within 30 days of the expiration date of the Grant Agreement. An eLINK Final Financial Report that summarizes final expenditures for the grant must be signed by the Grantee and approved by BWSR.
- 4.2. All costs must be incurred within the grant period.
- 4.3. All incurred costs must be paid before the amount of unspent funds is determined. Unspent grant funds must be returned within 30 days of the expiration date of the Grant Agreement.
- 4.4. The obligation of the State under this Grant Agreement will not exceed the amount listed above.
- 4.5. This grant includes an advance payment of 50 % of the grant's total amount. Advance payments allow the grantee to have adequate operating capital for start-up costs, ensure their financial commitment to landowners and contractors, and to better schedule work into the future.

5. **Conditions of Payment.**

- 5.1. All services provided by the Grantee under this Grant Agreement must be performed to the State's satisfaction, as set forth in this Grant Agreement and in the BWSR approved work plan for this program. Compliance will be determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, State, and local laws, policies, ordinances, rules, FY 2020-2021 Clean Water Fund Watershed-based Implementation Funding Program Policy, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, State or local law.
- 5.2. Minnesota Statutes §103C.401 (2018) establishes BWSR's obligation to assure Program compliance. If the noncompliance is severe, or if work under the Grant Agreement is found by BWSR to be unsatisfactory or performed in violation of federal, State, or local law, BWSR has the authority to require the repayment of grant funds or withhold payment on grants from other programs.

6. **Assignment, Amendments, and Waiver**

- 6.1. **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this Grant Agreement without the prior consent of the State and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Grant Agreement, or their successors in office.
- 6.2. **Amendments.** Any amendments to this Grant Agreement must be in writing and will not be effective until it has been approved and executed by the same parties who approved and executed the original Grant Agreement, or their successors

in office. Amendments must be executed prior to the expiration of the original Grant Agreement or any amendments thereto.

- 6.3. **Waiver.** If the State fails to enforce any provision of this Grant Agreement, that failure does not waive the provision or its right to enforce it.

7. **Liability.**

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this Grant Agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this Grant Agreement.

8. **State Audits.**

Under Minn. Stat. § 16B.98, Subd. 8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this Grant Agreement or transaction are subject to examination by the Board and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Grant Agreement, receipt and approval of all final reports, or the required period of time to satisfy all State and program retention requirements, whichever is later.

- 8.1. The books, records, documents, accounting procedures and practices of the Grantee and its designated local units of government and contractors relevant to this grant, may be examined at any time by the Board or Board's designee and are subject to verification. The Grantee or delegated local unit of government will maintain records relating to the receipt and expenditure of grant funds.

9. **Government Data Practices.**

The Grantee and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this Grant Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this Grant Agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State.

10. **Workers' Compensation.**

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

11. **Publicity and Endorsement.**

- 11.1. **Publicity.** Any publicity regarding the subject matter of this Grant Agreement must identify the Board as the sponsoring agency. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Grant Agreement.

- 11.2. **Endorsement.** The Grantee must not claim that the State endorses its products or services

12. **Governing Law, Jurisdiction, and Venue.**

Minnesota law, without regard to its choice-of-law provisions, governs this Grant Agreement. Venue for all legal proceedings out of this Grant Agreement, or its breach, must be in the appropriate State or federal court with competent jurisdiction in Ramsey County, Minnesota.

13. **Termination.**

- 13.1. The State may cancel this Grant Agreement at any time, with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
- 13.2. In the event of a lawsuit, an appropriation from a Clean Water Fund is canceled to the extent that a court determines that the appropriation unconstitutionally substitutes for a traditional source of funding.
- 13.3. The State may immediately terminate this Grant Agreement if the State finds that there has been a failure to comply with the provisions of this Grant Agreement, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

14. Data Disclosure.

Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and State tax agencies and State personnel involved in the payment of State obligations. These identification numbers may be used in the enforcement of federal and State tax laws which could result in action requiring the Grantee to file State tax returns and pay delinquent State tax liabilities, if any.

15. Prevailing Wage.

It is the responsibility of the Grantee or contractor to pay prevailing wage for projects that include construction work of \$25,000 or more, prevailing wage rules apply per Minn. Stat. §§ 177.41 through 177.44. All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with these State funds shall be paid wages at a rate not less than those prevailing on projects of a character similar in the locality. Bid requests must state the project is subject to prevailing wage.

16. Municipal Contracting Law.

Per Minn. Stat. § 471.345, grantees that are municipalities as defined in Subd. 1 of this statute must follow the Uniform Municipal Contracting Law. Supporting documentation of the bidding process utilized to contract services must be included in the Grantee's financial records, including support documentation justifying a single/sole source bid, if applicable.

17. Constitutional Compliance.

It is the responsibility of the Grantee to comply with requirements of the Minnesota Constitution regarding the use of Clean Water Funds to supplement traditional sources of funding.

18. Signage.

It is the responsibility of the Grantee to comply with requirements for project signage as provided in Minnesota Laws 2010, Chapter 361, Article 3, Section 5(b) for Clean Water Fund projects.

19. Intellectual Property Rights.

The State owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents *created and paid for under this grant*. Works means all inventions, improvements, discoveries, (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Grantee, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this grant. Work includes "Documents." Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Grantee, its employees, agents or subcontractors, in the performance of this grant. The Documents will be the exclusive property of the State and all such Documents must be immediately returned to the State by the Grantee upon completion or cancellation of this grant at the State's request. To the extent possible, those Works eligible for copyright protection under the United State Copyright Act will be deemed to be "works made for hire." The Grantee assigns all right, title, and interest it may have in the Works and the Documents to the State. The Grantee must, at the request of the State, execute all papers and perform all other acts necessary to transfer or record the State's ownership interest in the Works and Documents.

IN WITNESS WHEREOF, the parties have caused this Grant Agreement to be duly executed intending to be bound thereby.

Approved:

Richfield-Bloomington WMO

By: _____
(print)

(signature)

Title: Chair of Richfield-Bloomington WMO

Board of Water and Soil Resources

By: _____
(print)

(signature)

Title:

Date: _____

City of Bloomington

By: Tim Busse _____
(print)

(signature)

Title: Mayor _____

Date: _____

By: James D. Verbrugge _____
(print)

(signature)

Title: City Manager _____

Date: _____

Reviewed and approved by the City Attorney.

Melissa J. Manderschied



STAFF REPORT NO. 51
CITY COUNCIL MEETING
4/13/2021

REPORT PREPARED BY: Nellie Jerome, Assistant Planner / Melissa Poehlman, Asst. Community Development Director

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
4/6/2021

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
4/7/2021

ITEM FOR COUNCIL CONSIDERATION:

First reading to consider a proposed ordinance amendment to modify rules related to home occupations.

EXECUTIVE SUMMARY:

The identified purposes of the home occupation regulations of the Zoning Code are to allow for home occupations that are appropriate for residential settings; to protect those conducting a home occupation from self-induced harm; and to allow for home occupations that would not negatively impact others in a residential area. At the request of the City Council, staff has reviewed the current zoning regulations, the Comprehensive Plan, and recent complaints related to home occupations. Based on this review, staff is recommending the following revisions.

Proposed revisions:

- Clarify that operators of a home occupation must reside on the premises full-time.
- Add an exception that will allow growing food or ornamental crops as an outside home occupation, so long as materials are maintained in a clean and orderly manner. Produce may be sold or distributed off-site, or, based on the public hearing and discussion at the Planning Commission meeting, produce may be made available for on-site pick-up via a Community Supported Agriculture (CSA) distribution model so long as it is grown on-site.
- Clarify commercial vehicle allowances.
- Clarify prohibitions related to retail sales as a home occupation.
- Allow one non-resident employee in addition to resident employees, by right.

The proposed regulations are intended to allow expanded opportunities for home occupations and local food production, while minimizing the more-disruptive aspects of commercial business that are often bothersome to neighbors.

RECOMMENDED ACTION:

By motion: Approve the first reading of an ordinance amendment to modify rules related to home occupations.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The ability to conduct a home occupation can provide affordability and flexibility for business owners and employees, particularly small entrepreneurs.
- Businesses that generate noise, include outdoor storage, generate traffic, or have similar noticeable effects tend to generate complaints from neighbors and have historically been prohibited as home occupations.
- Businesses that are conducted within a fully enclosed building, with limited outside employees or customer traffic, are generally not noticeable to neighbors and have therefore been permitted as home occupations.
- At present, all residents in Richfield can grow food at home and share that food with friends and family. There are no limits as to the size or placement of either food or ornamental gardens on private residential property (with the exception of sight triangle regulations at corners).
- Backyard gardens, like the World War II “victory gardens” which encouraged people in the U.S. to grow their own food, are common throughout the metro area and can be a rewarding pastime and a way to grow extra produce during the warmer months.
- The Community Supported Agriculture (CSA) model generally sells “shares” at the beginning of the growing season and a box of produce is provided to the consumer weekly or bi-weekly throughout the season.
- Commercial businesses and religious institutions often serve as distribution locations for CSA shares.
- The Planning Commission voted unanimously at the meeting on March 22, 2021, to recommend approval of the proposed ordinance amendment, including an amendment to allow on-site CSA pick-up for produce grown on-site.

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

- The purpose of the Zoning Code is to protect public health, safety, comfort, aesthetics, economic viability, and general welfare of the city, by fostering harmonious and workable relationships between land uses.
- The purposes of the home occupation rules are to allow home occupations that are appropriate for residential settings, to protect those conducting a home occupation from self-induced harm, and to protect the property rights of neighbors.
- The Comprehensive Plan includes a goal to explore opportunities for policy change related to local food production and entrepreneurship.
- Staff has reviewed the home occupation regulations of nearby and peer communities in regard to market/production gardens and CSA distribution. Staff reviewed the ordinances of the cities of Bloomington, Eagan, Edina, Hopkins, Minneapolis, and St. Louis Park. The following is a summary of policies in these peer communities:
 - Horticultural activities are generally allowed as accessory uses in most cities, although not as home occupations.
 - None of the cities allowed retail sales from residential properties.
 - None of the suburban cities allow production/market gardening as a home occupation.
 - The City of Minneapolis permits “the growing of food or ornamental crops, to be sold or donated off-site” as a home occupation.
 - Minneapolis allows CSA box pickup as an accessory use in residential areas, unrelated to home occupations.
- Finding that there are benefits of on-site produce pick-up to both growers and nearby consumers, and based on the public hearing and discussion at the Planning Commission meeting, Planning Commissioners and City staff recommend allowing on-site pick-up only through a CSA model of distribution, only for produce grown on-site. CSA models involve delivery or pick up of a weekly produce box for which customers pre-pay at the beginning of the growing season. The CSA model does not involve active sales of produce, making it a more appropriate activity for home occupations while still increasing local access to fresh food.

- City staff recommends that the regulation not include a specified limit on the number of pick-ups per day or week because it would be largely unenforceable for City staff and unworkable for growers.

C. CRITICAL TIMING ISSUES:

Delay of the adoption of revised rules will likely impact the spring growing season. Current rules do not allow production/market gardening as a home occupation.

D. FINANCIAL IMPACT:

None.

E. LEGAL CONSIDERATION:

- Notice of the Planning Commission's public hearing was published in the Sun Current newspaper on March 11, 2021.
- The second reading of the ordinance by the City Council is scheduled for April 27.
- Zoning ordinance amendments are effective upon publication in the Sun Current Newspaper, typically 10 days following adoption by the City Council.

ALTERNATIVE RECOMMENDATION(S):

- Recommend approval of an ordinance amendment to modify rules related to home occupations with an added provision allowing produce grown off-site to be distributed through a CSA model at residential properties.
- Recommend denial of an ordinance amendment to modify rules related to home occupations, maintaining the status quo.

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

Description	Type
□ Proposed Ordinance	Ordinance

BILL NO. _____

**AN ORDINANCE AMENDING THE RICHFIELD ZONING CODE
REGULATIONS RELATED TO HOME OCCUPATION RULES**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Section 509.21 of the Richfield Zoning Code, Home Occupations, is amended to read as follows:

Subdivision 1. Home occupation defined. Home occupations are defined in subsection 507.07 of this Code.

Subd. 2. Purposes. The purposes of this subsection are to allow for home occupations that are appropriate for residential settings; protect those conducting a home occupation from self-induced harm; and protect the property rights of neighbors.

Subd. 3. Compliance required. A home occupation may be established and conducted only in accordance with this subsection.

Subd. 4. Subordinate use. A home occupation shall be permitted as an accessory use to a residential dwelling unit. The home occupation use must be clearly subordinate to the residential use of the property, occupying no more than 25 percent of the gross floor area of the dwelling (excluding garages), and must be conducted by a person or persons who reside full-time in the dwelling .

Subd. 5. Activities. A home occupation must be conducted in such a manner that activities connected with it are not noticeable from adjacent streets or residential lots, and except as permitted in Subd. 6 below, do not draw attention to the home occupation. All activities related to a home occupation must be conducted within a fully enclosed building. The growing of food or ornamental crops, to be sold or donated off-site, shall be exempt from this provision provided that plants and related materials are maintained in a clean and orderly manner and that waste is disposed of appropriately. Food or ornamental crops may only be made available for on-site pick-up, provided that they are grown on-site, if they are distributed through a Community Supported Agriculture (CSA) model.

Subd. 6. Advertising. Signs are allowed in accordance with the provisions of Section 549 of the zoning code.

Subd. 7. Outside storage. No outside storage of products or materials or equipment connected with the home occupation is permitted. This

subdivision does not prohibit the outside parking of motor vehicles on the driveway of the premises in accordance with Subd. 8 below.

Subd. 8. Outdoor parking of commercial vehicle. Outdoor parking of no more than one (1) commercial vehicle ~~identified for business purposes~~ is permitted, provided that the vehicle is registered to an occupant of the home, and that such vehicle parking is not otherwise prohibited by Section 1320 of the city code or any other applicable district regulations.

Subd. 9. Parking, structural changes, lighting. Parking, structural alteration, lighting or similar facilities which indicate a use of the dwelling for purposes other than a residential structure are prohibited. Home occupations involving the need for more than three (3) outdoor parking spaces for operators and customers shall be prohibited. Parking facilities required to serve the home occupation shall be provided on the premises, but no such parking facilities shall be provided within any required front or side yard, except upon an established driveway.

Subd. 10. Retail sales. ~~Continuous~~ Regular retail sales or distribution of products on the premises are prohibited. Occasional sales of products or other articles are permitted where the dwelling serves as an office for a person regularly engaged in retail sales outside the dwelling, or where such occasional sales are incidental to and not the primary purpose of the home occupation.

Subd. 11. Specific activities prohibited. The following activities shall not be allowed as home occupations:

- a) The repair, whether for consideration or not, of motor vehicles which are not registered to a resident of the dwelling on the property where the repair is made, or to a son or daughter, sibling, parent, grandparent, or grandchild of a resident of the property;
- b) Adult business establishments regulated under Section 1196 of the city code;
- c) The practice of medical, dental, chiropractic, psychiatric, or other similar treatment or therapy, including acupuncture, where the person(s) providing such treatment or therapy is not licensed by the State of Minnesota to administer such treatment or therapy; or in the case of massage therapy, where the person(s) providing such treatment is not certified by the "National Certification Board for Therapy Massage and Bodywork" or by the "Massage and Bodywork Licensing Examination;"

- d) Businesses, educational programs, or similar gatherings which meet on a regular basis, having more than six (6) nonresident adults in attendance at one (1) time;
- e) Pet grooming or pet care facilities, except those legally existing on or before June 1, 1995;
- f) Gun or ammunition sales/repair, except those legally existing on or before June 1, 1995;
- g) Music instruction, unless conducted within a single-family (detached) dwelling;
- h) Tattoo businesses; and
- i) Sale of honey produced by hives located within the city regulated under section 906 of the city code.

Subd. 12. Performance standards. A home occupation may not adversely impact the residential character of the dwelling or its neighborhood because of the emission of noise, odor, water, smoke, dust, gases, heat, glare, vibration, electrical interference, or parking or traffic resulting from the conduct of the home occupation.

Subd. 13. Nonresident employee. One (1) person in addition to the person or persons who occupy the dwelling may be employed at the residence. ~~if a conditional use permit is issued in accordance with Subsection 547.09 of this Code.~~

Subd. 14. Hours of operation. The hours of operation for any home occupation shall be limited to between 7:00 a.m. and 9:00 p.m.

Subd. 15. Use of equipment. No mechanical or electrical equipment requiring in excess of 240 volts single phase shall be permitted in the conduct of a home occupation, and no electric motor shall exceed three (3) horsepower.

Section 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 27th day of April, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 52
CITY COUNCIL MEETING
4/13/2021

REPORT PREPARED BY: Olivia Wycklendt, Civil Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
 3/31/2021

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
 4/6/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider the approval of the resolutions to adjust the City's Municipal State Aid Street (MSAS) network.

EXECUTIVE SUMMARY:

Municipal State Aid (MSA) rules allow cities to adjust the designation of MSA routes within the city in order to maximize the annual MSA allotment (over \$1M in 2020). City staff is recommending changes in the MSA route designation to maximize the City's annual MSA allotment and to reconcile roadway alignment changes constructed during recent redevelopment projects.

RECOMMENDED ACTION:

By Motion:

1. Adopt the resolution revoking MSAS designation from the following City streets:

MSAS#: Street Names: Limits:

369	Cedar Avenue S	68th Street to 67th Street
370	E 67th Street	Richfield Parkway to Cedar Avenue S
370	Richfield Parkway	E 67th Street to E 65th Street

2. Adopt the resolution for MSAS designation of the following City streets:

MSAS # Street Name Limits

370	Richfield Parkway	E 68th Street to 65th Street
377	E 68th Street	Richfield Parkway to Cedar Avenue S

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

Municipal State Aid Street Designation

MSA rules state that 20% of city streets are eligible for designation as MSAS routes.

Proposed Needs Map Adjustments

The Needs Map adjustments are proposed to maximize the annual allotment. These changes are suggested primarily because of the following:

- The MSA Needs system formula was changed in 2014 so that all designated streets earn continual "Needs", based on traffic volumes.
- Under the previous formula only streets over 20 years old earned "Needs".
- The current MSA designations do not match the alignments and lengths of Richfield Parkway and 68th St constructed with the Chamberlain Apartments redevelopment project.

System Revision Procedure

Staff submits a letter to the District State Aid Engineer (DSAE) requesting approval of system revisions.

The DSAE and the MSAS Needs Unit review the proposed revisions and approves or denies the request. If approved, a City Council Resolution is required to make the changes. The proposed changes outlined in the proposed resolutions were approved by the DSAE on March 24th, 2021.

Once adopted, the resolutions are sent to the DSAE for final approval of the MSAS system revisions by the Commissioner of Transportation of the State of Minnesota.

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

City Council resolutions are required by the Minnesota Department of Transportation (MnDOT) Office of State Aid for requesting the revocation and designation of MSAS.

C. CRITICAL TIMING ISSUES:

The resolution requesting changes to the MSAS system is due by May 1, 2021 to be included in this year's MSAS Needs.

D. FINANCIAL IMPACT:

The proposed changes are expected to maximize the City's Municipal State Aid allotment.

E. LEGAL CONSIDERATION:

None

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
❑ Letter from MnDOT	Backup Material
❑ Revoking Resolution	Resolution Letter
❑ MSAS Revisions Map	Backup Material
❑ Designating Resolution	Resolution Letter



Minnesota Department of Transportation
395 John Ireland Boulevard
Saint Paul, MN 55155

TO: Joe Powers
Richfield City Engineer

FROM: William Lanoux
Manager, Municipal State Aid Needs Unit

DATE: March 24, 2021

SUBJECT: Municipal State Aid Designations & Revocations (no paybacks)

The following Municipal State Aid Street revocations will be approved when the City Council resolution has been received.

Part of MSAS 369: Cedar Avenue S- from E 68th Street to E 67th Street (0.10 miles)

Part of MSAS 370: E 67th Street- from Richfield Pkwy to Cedar Avenue S (0.07 miles)

Part of MSAS 370: Richfield Pkwy- from E 67th Street to E 65th Street (0.28 miles)

The following Municipal State Aid Street designations will be approved when the City Council resolution has been received.

Extension of MSAS 370: Richfield Pkwy - from E 68th Street to E 65th Street (0.41 miles)

MSAS 377: E 68th Street - from Richfield Pkwy to Cedar Avenue S (0.06 miles)

A Commissioner's Order will follow.

Needs Update Comments:

Routes can receive Needs and be used in the calculation of your 2022 allotment. Include these revisions with your 2021 spring Needs update.

Certification of Mileage Update Comments:

You can include this revision on the 2021 Annual Certification of Mileage that is due in January 2022.

	Available Mileage	0.06	2020 Certified Mileage
+	Revoked Mileage	0.45	
-	<u>Designated Mileage</u>	<u>0.47</u>	
	Remaining Available Mileage	0.04	

If you have any questions, contact your DSAE or Bill Lanoux at (651) 366-3817 for instructions.

An Equal Opportunity Employer



RESOLUTION NO.

RESOLUTION REVOKING MUNICIPAL STATE AID DESIGNATION FROM CERTAIN CITY STREETS

WHEREAS, it is deemed advisable and necessary for certain streets hereinafter described as Municipal State Aid streets to be revoked and removed from Richfield's Municipal State Aid system under the provisions of Minnesota laws.

NOW, THEREFORE, BE IT RESOLVED, that the streets described as follows:

<u>MSA #</u>	<u>Street Name</u>	<u>Limits</u>
369	Cedar Avenue	68 th St to 65 th St
370	E 67 th St	Richfield Parkway to Cedar Ave
377	Richfield Parkway	67 th St to 65 th St

be, and hereby are, revoked as Municipal State Aid streets of the City of Richfield, subject to approval of the Commissioner of Transportation of the State of Minnesota.

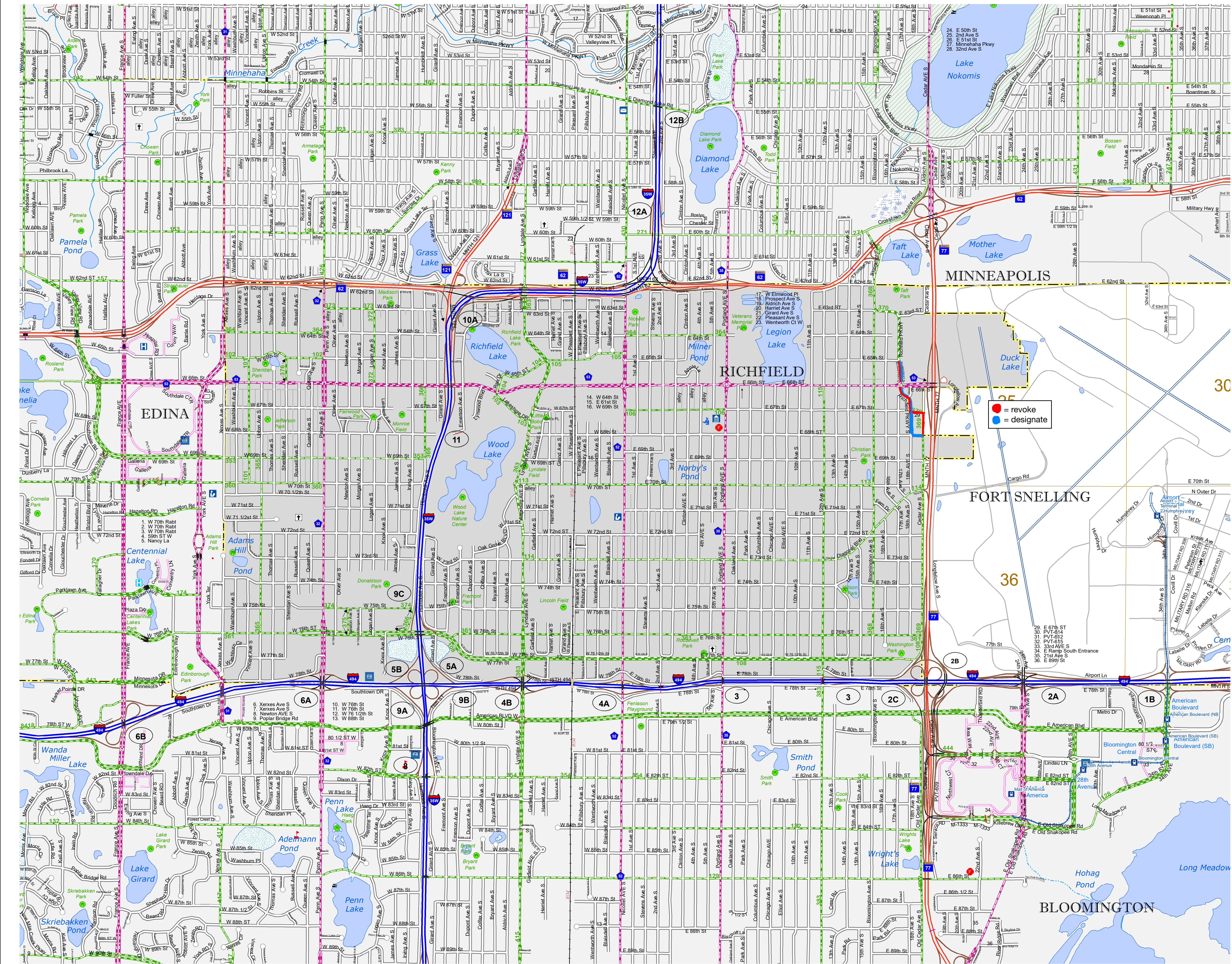
BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to forward two certified copies of this Resolution to the Commissioner of Transportation for her consideration.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of April, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

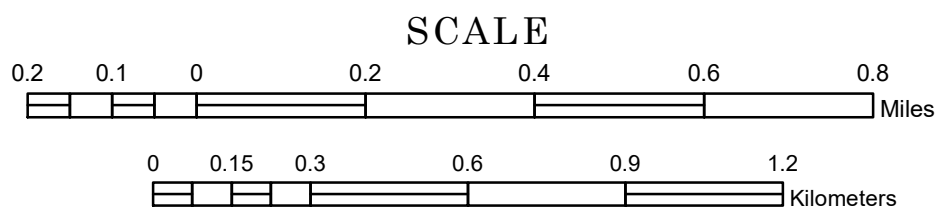
Elizabeth VanHoose, City Clerk



MUNICIPALITY OF
RICHFIELD

PREPARED BY THE
MINNESOTA DEPARTMENT OF TRANSPORTATION
OFFICE OF TRANSPORTATION SYSTEM MANAGEMENT

IN COOPERATION WITH
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



1 in = 1,200 ft

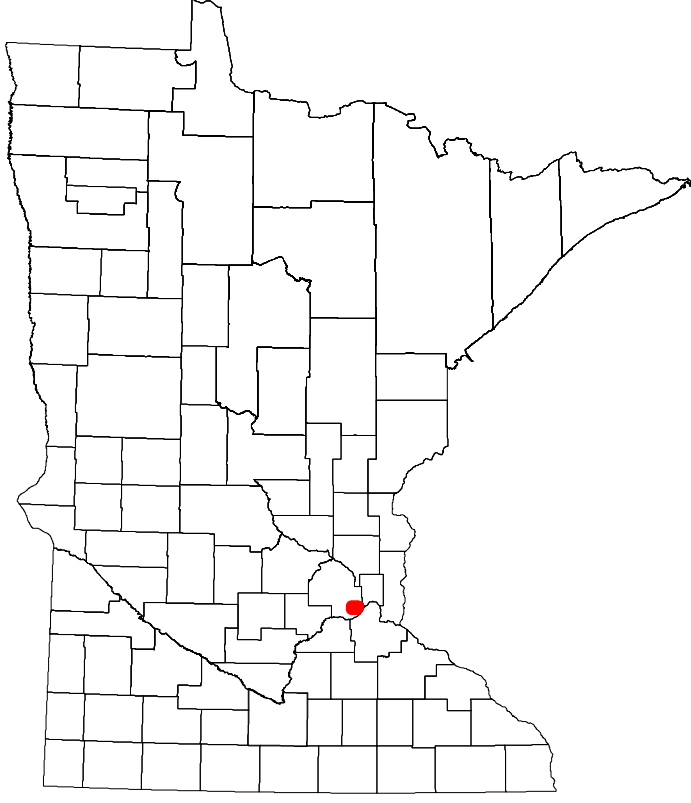
2020



North American Datum
of 1986

Projection:
Transverse Mercator
NAD 1986
UTM Zone 15

ROAD AND ROADWAY FEATURES		PUBLIC SERVICE FEATURES	
INTERSTATE		MINOT OFFICE	
US HIGHWAY		MINOT TRUCK STATION	
MN HIGHWAY		HIGHWAY PATROL DISTRICT OFFICE	
COUNTY STATE AID HIGHWAY		STATE TRAVEL INFORMATION CENTER	
COUNTY ROAD		REST AREA (FULL SERVICE)	
MUNICIPAL STATE AID STREET		REST AREA (VAULT TOILET)	
MUNICIPAL STREET		WAYSIDE (VAULT OR PIT TOILET)	
PRIVATE STREET/ROAD		LOCAL PARK	
TOWNSHIP ROAD		PUBLIC ACCESS POINT	
UNORGANIZED TERRITORY ROAD		FAIRGROUNDS	
RAMP OR CONNECTOR		PORT OF ENTRY	
INTERSTATE EXIT		PARK AND RIDE LOT	
GREAT RIVER ROAD		PRIVATE UNIVERSITY/COLLEGE	
OTHER ROADS		STATE HISTORICAL MARKER	
FRONTAGE		CULTURAL FEATURES	
ROAD SERVICE		HISTORIC DISTRICT	
MUSEUM		HISTORIC SITE	
RAILROAD FEATURES		MONUMENT	
EMPIRE BUILDER STATION (AIRRAIL)		TRIBAL LAND	
NORTHEAST STATION (COMMUTER)		COUNTY	
BLUE LINE		MUNICIPALITY	
GREEN LINE		ADJACENT MUNICIPALITY	
INFRASTRUCTURE FEATURES		FEDERAL ADJUSTED URBAN AREA (2014)	
LONG BRIDGE (100' OR GREATER SPAN)		MILITARY	
MAJOR BRIDGE (20' TO 100' SPAN)		VOYAGEURS NATIONAL PARK	
MINOR BRIDGE (5' TO 20' SPAN)		BOUNDARY WATERS CANOE AREA WILDERNESS	
DAM		STATE PARK	
LOCK AND DAM		REGIONAL PARK	
STATE CAPITOL		NATIONAL AND STATE FOREST	
FEDERAL COURTHOUSE		STATE FOREST	
COUNTY COURTHOUSE		NATIONAL TRAIL	
ARMORY		WILDLIFE REFUGUE AREA	
		WILDLIFE MANAGEMENT AREA	
		HYDROLOGIC FEATURES	
		RIVER OR STREAM (PERMANENT)	
		LAKE, POND OR RESERVOIR	
		STREAM (INTERMITTENT)	
		DRAINAGE DITCH	
		WETLAND	
		ISLAND OR LAND	
		REGIONAL WATERSHED	



To request information from this document in an alternative format, call 651-366-4718 or 1-800-657-3774 (Greater Minnesota); 711 or 1-800-627-3529 (Minnesota Relay). You may also send an e-mail to ADArequest.dot@state.mn.us. (Please request at least one week in advance.)

LAST EDITED ON 9-08-2020

Population (U.S. Census 2010): 35228

RESOLUTION NO.

**RESOLUTION FOR MUNICIPAL STATE AID DESIGNATION OF CERTAIN CITY
STREETS**

WHEREAS, it is deemed advisable and necessary for certain streets hereinafter described as Municipal State Aid streets to be designated for Richfield's Municipal State Aid system under the provisions of Minnesota laws.

NOW, THEREFORE, BE IT RESOLVED that the streets described as follows:

<u>MSA #</u>	<u>Street Name</u>	<u>Limits</u>
370	Richfield Parkway	68 th St to 65 th St
377	E 68 th St	Richfield Parkway to Cedar Ave

be, and hereby are, designated as Municipal State Aid streets of the City of Richfield, subject to approval of the Commissioner of Transportation of the State of Minnesota.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to forward two certified copies of this Resolution to the Commissioner of Transportation for her consideration.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of April, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 53
CITY COUNCIL MEETING
4/13/2021

REPORT PREPARED BY: Olivia Wycklendt, Civil Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
4/2/2021

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
4/6/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider the approval of the Small Wireless Facility Collocation Supplemental Agreements with Cellco Partnership d/b/a Verizon Wireless, that set forth the terms and conditions of collocation on wireless support structures within City right-of-way.

EXECUTIVE SUMMARY:

State legislation was passed in 2017 that established statewide requirements for cities to allow wireless companies to install small cell facility networks in the public right-of-way. The small cell facility networks are commonly known as "small cell wireless" equipment and distributed antenna systems.

Although the legislation limited many actions the City can take to control the placement of the small cell facilities in the public right-of-way, it did allow for the City to enact a permitting process for the facilities. City Council approved amendments to the right-of-way ordinance (City Code Section 802) in 2017 to provide additional controls and management if small cell wireless companies choose Richfield as an installation site. The code amendment included the following requirement for a Small Wireless Facility Agreement:

A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city.

The agreements under consideration are required as stated in the Small Wireless Facility Collocation Agreement between the City and Cellco Partnership d/b/a Verizon Wireless, signed March 24, 2020. This supplement dictates what space is leased by the City to Cellco Partnership d/b/a Verizon Wireless, and the appropriate fees and rent for leasing this space. These supplemental agreements have been provided and signed by the Verizon representative.

The City has reviewed and approved small cell permit applications for each of the supplemental agreements being approved at this time. Supplemental agreements being approved at this time are for the following locations:

- 6900 Cedar Ave South
- 928 Rae Drive
- Approximately 200' SW of Mildred Drive & Dupont Avenue South Intersection

RECOMMENDED ACTION:

By motion: Approve the Small Wireless Facility Collocation Supplemental Agreements with Cellco Partnership d/b/a Verizon Wireless, that set forth the terms and conditions of collocation on wireless support structures within City right-of-way.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Wireless and cellular service providers are looking for solutions to provide better and more reliable service to customers.
- One method of enhancing service is to install "small cell" antennas to fill in areas with poor existing coverage.
- State legislation was passed in 2017 that allows these antennas to be installed in the right-of-way.
- The City of Richfield adopted an ordinance on September 12, 2017 amending City Code Section 802 enacting an agreement and permitting process for small cell facilities within City right-of-way.

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

- Section 802 of the Richfield City Code depicts the City's current practices of permitting the use within rights-of-way.
- Minnesota Statutes, Section 237.162, defines public right-of-way including management of standards and costs.
- Minnesota Statutes, Sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act") and 2017 Session Laws, Chapter 94, amending the Act, are interpreted with consideration of small cell wireless technology.

C. CRITICAL TIMING ISSUES:

The attached supplemental agreements must be in place before the City can permit small cell facilities collocated on existing right-of-way support features.

D. FINANCIAL IMPACT:

The City is allowed to charge fees on the permit review as well as charge rent for facilities located in the right-of-way and on City-owned support features.

E. LEGAL CONSIDERATION:

The City Attorney has reviewed the agreement and will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
☐ Agreement for Hulk 5	Contract/Agreement
☐ Agreement for Wolverine 4	Contract/Agreement
☐ Agreement for Wolverine 9	Contract/Agreement

**EXHIBIT A
COLLOCATION AGREEMENT SUPPLEMENT**

This Collocation Agreement Supplement (“Supplement”), is made this ____ day of _____, 202_ between the City of Richfield, a Minnesota local government unit, with its principal offices located at 6700 Portland Avenue in Richfield, Minnesota 55423, (“Lessor”) and Cellco Partnership d/b/a Verizon Wireless, with its principal offices located at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920, (“Lessee”).

1. SMALL WIRELESS FACILITY COLLOCATION AGREEMENT. This

Supplement is a Supplement as referenced in that certain Small Wireless Facility Collocation Agreement between Lessor and Lessee, dated March 24th, 2020, (the “Agreement”). All of the terms and conditions of the Agreement are incorporated herein by reference and made a part hereof without the necessity of repeating or attaching the Agreement. In the event of a contradiction, modification or inconsistency between the terms of the Agreement and this Supplement, the terms of this Supplement shall govern. Capitalized terms used in this Supplement shall have the same meaning described for them in the Agreement unless otherwise indicated herein.

2. PREMISES. Lessor hereby leases to Lessee certain spaces on and within Lessor's Property located at 6900 Cedar Avenue South, Richfield MN 55423, including the location of the Wireless Support Structure on the Property is shown on Exhibit 1 attached hereto and made a part hereof. The Equipment Space, Antenna Space and Cabling Space are as shown on Exhibit 2, attached hereto and made a part hereof.

3. TERM. The Commencement Date and the Term of this Supplement shall be as set forth in the Agreement.

4. CONSIDERATION. Rent under this Supplement shall be \$175.00 per year, payable to the City of Richfield at 6700 Portland Avenue, Richfield, MN 55423 as set forth in the Agreement

Lessor is not providing electricity pursuant to Paragraph 7 of the Agreement, therefore no annual electrical service fee shall be added to the annual rent due under this Supplement.

5. SITE SPECIFIC TERMS. NONE

IN WITNESS WHEREOF, the Parties, have caused this Agreement to be approved on the date above.

Lessor:
City of Richfield

By: _____

Name: _____

Its: Mayor

Date: _____


By: _____

Name: _____

Its: City Manager

Date: _____

LESSEE:
Cellco Partnership
d/b/a Verizon Wireless

By: 

Print Name: Katie Poser

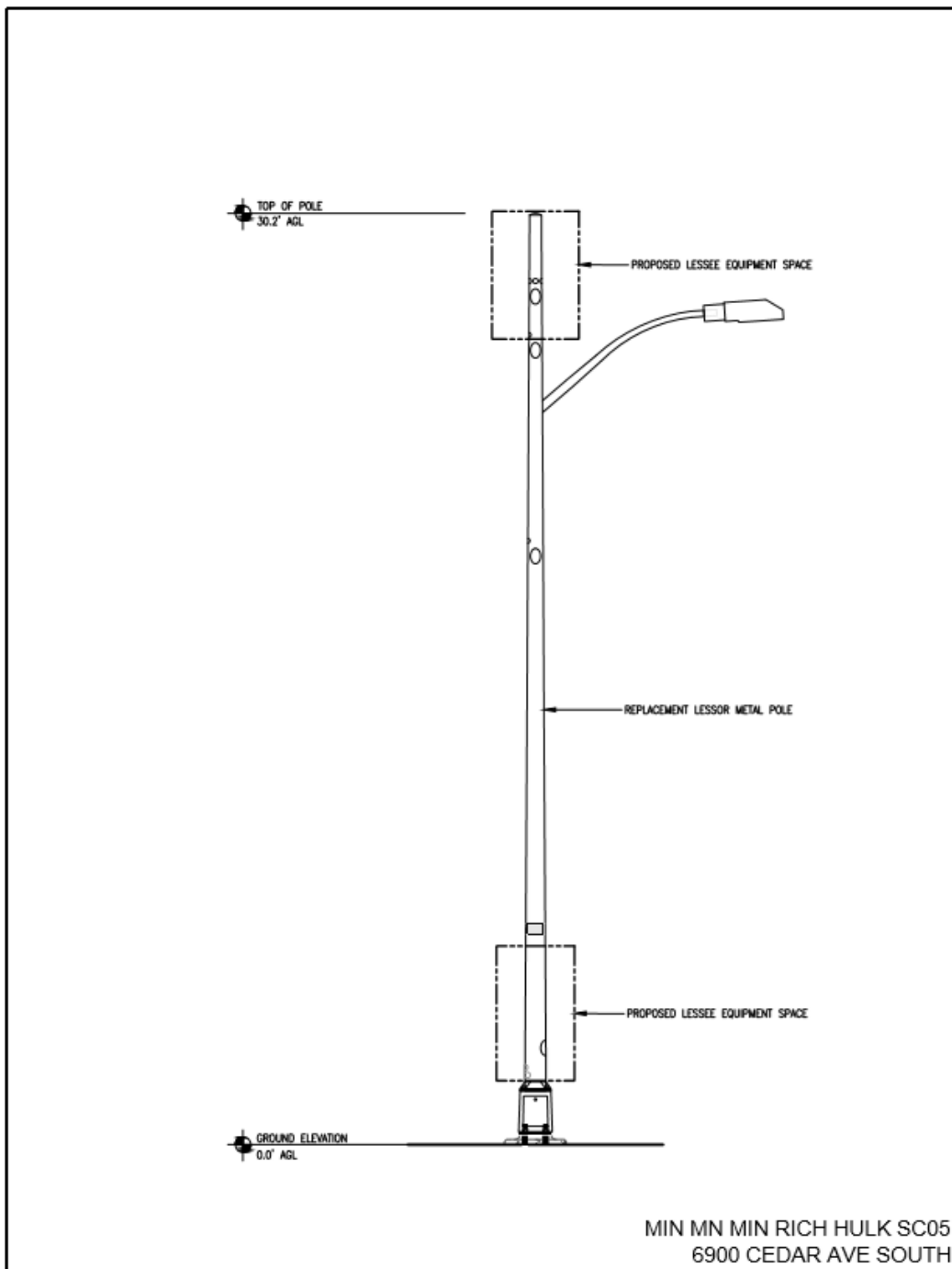
Title: Senior Manager – Implementation & Real Estate

Date: 1 / 26 / 2021

Created for the City of Richfield using League
of Minnesota Cities Model Contract: Small
Wireless Facility Collocation Agreement

EXHIBIT 2

Equipment Space (if any), Antenna Space and Cabling Space and Cabling Space



**EXHIBIT A
COLLOCATION AGREEMENT SUPPLEMENT**

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2. PREMISES. Lessor hereby leases to Lessee certain spaces on and within Lessor's Property located at Approximately 200' SW of Mildred Drive & Dupont Avenue South Intersection, Richfield, MN 55423, including the location of the Wireless Support Structure on the Property is shown on Exhibit 1 attached hereto and made a part hereof. The Equipment Space, Antenna Space and Cabling Space are as shown on Exhibit 2, attached hereto and made a part hereof.

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4. CONSIDERATION. Rent under this Supplement shall be \$175.00 per year, payable to the City of Richfield at 6700 Portland Avenue, Richfield, MN 55423 as set forth in the Agreement

Lessor is not providing electricity pursuant to Paragraph 7 of the Agreement, therefore no annual electrical service fee shall be added to the annual rent due under this Supplement.

5. SITE SPECIFIC TERMS. NONE

IN WITNESS WHEREOF, the Parties, have caused this Agreement to be approved on the date above.

Lessor:
City of Richfield

By: _____

Name: _____

Its: Mayor

Date: _____

By: _____

Name: _____

Its: City Manager

Date: _____

LESSEE:
Cellco Partnership
d/b/a Verizon Wireless

By: 

Print Name: Katie Poser

Title: Senior Manager – Implementation & Real Estate

Date: 1 / 26 / 2021

EXHIBIT 1

Site Plan of Property

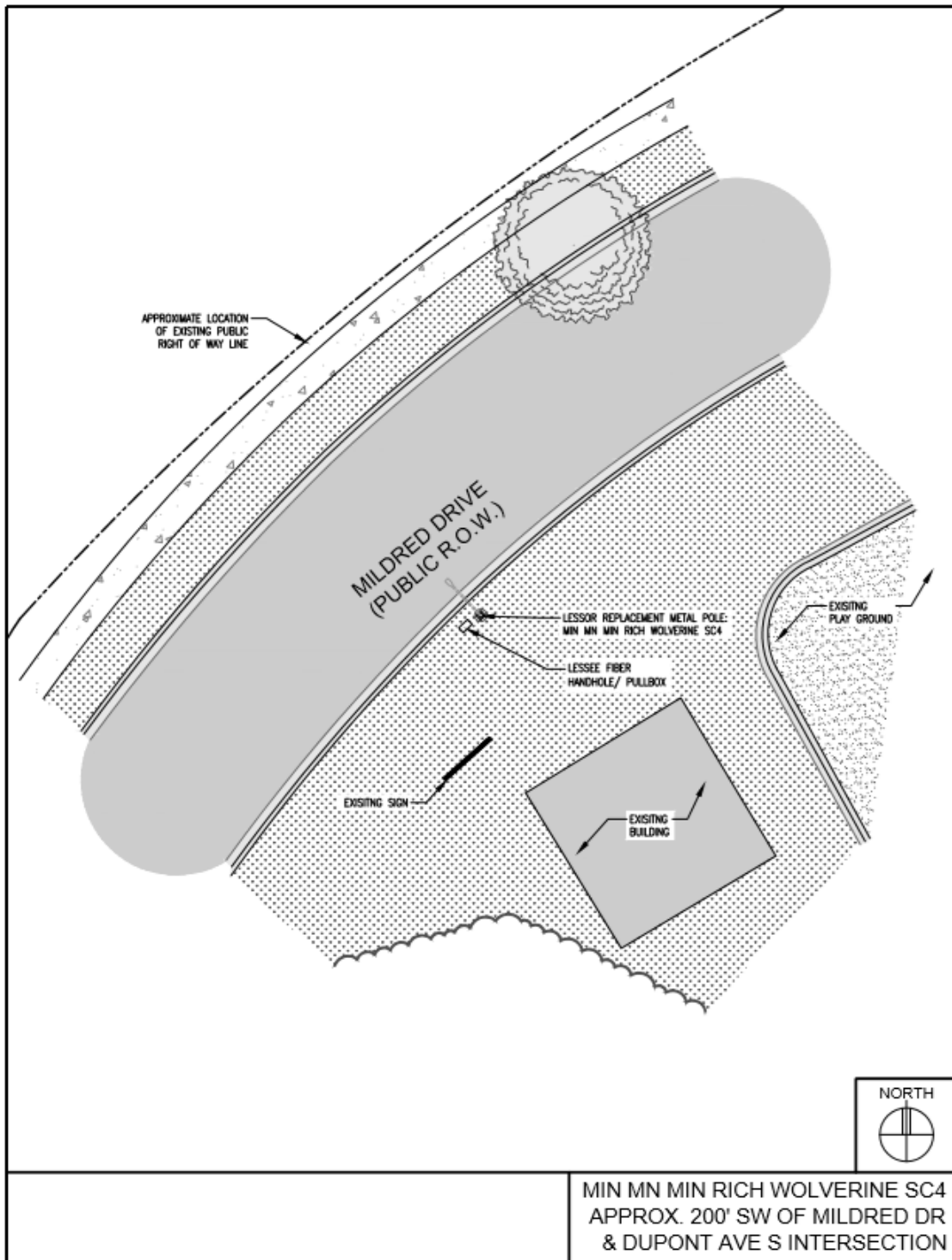
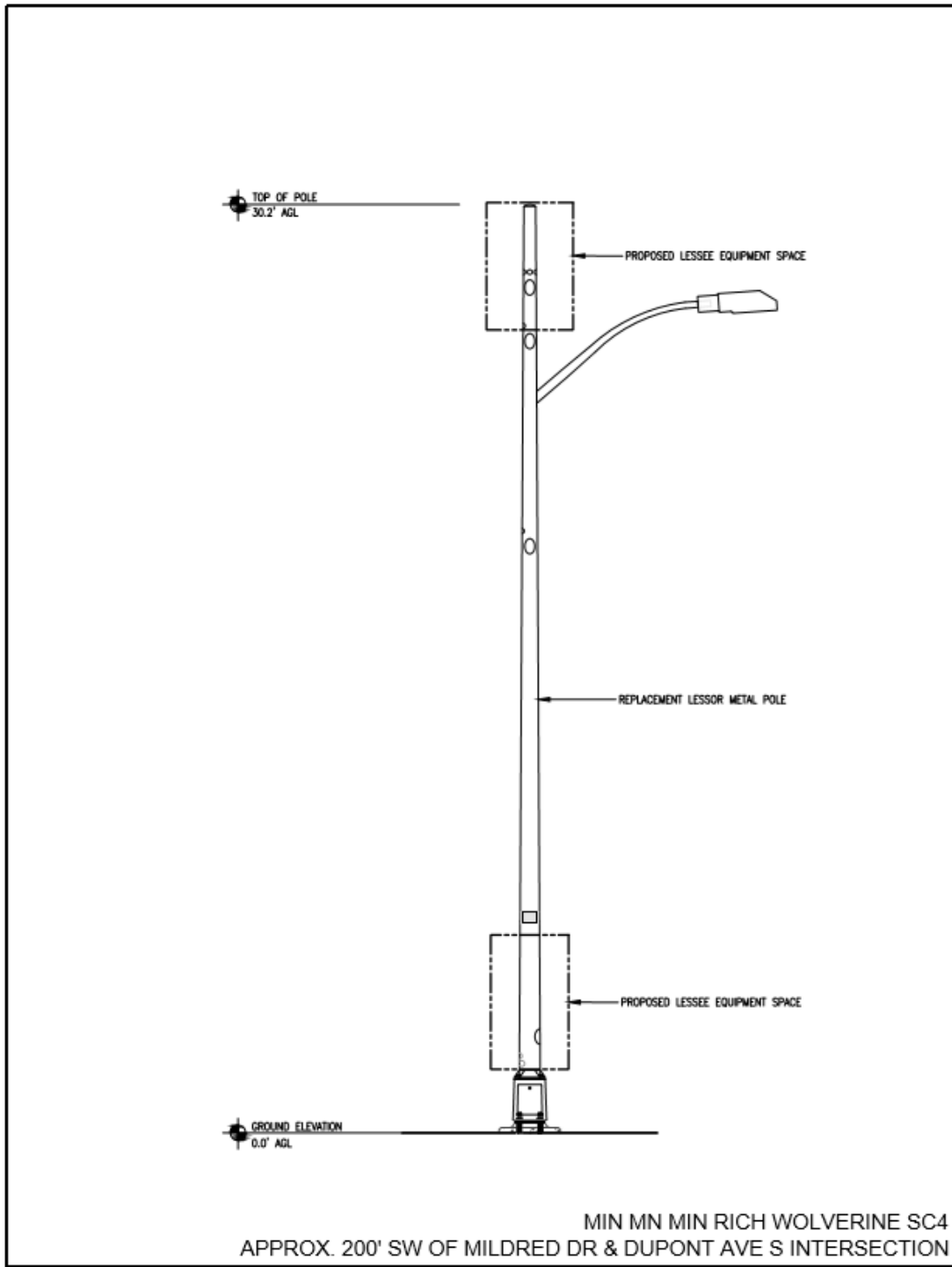


EXHIBIT 2

Equipment Space (if any), Antenna Space and Cabling Space and Cabling Space



**EXHIBIT A
COLLOCATION AGREEMENT SUPPLEMENT**

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2. PREMISES. Lessor hereby leases to Lessee certain spaces on and within Lessor's Property located at 928 Rae Drive, Richfield MN 55423, including the location of the Wireless Support Structure on the Property is shown on Exhibit 1 attached hereto and made a part hereof. The Equipment Space, Antenna Space and Cabling Space are as shown on Exhibit 2, attached hereto and made a part hereof.

3. TERM. The Commencement Date and the Term of this Supplement shall be as set forth in the Agreement.

4. CONSIDERATION. Rent under this Supplement shall be \$175.00 per year, payable to the City of Richfield at 6700 Portland Avenue, Richfield, MN 55423 as set forth in the Agreement

Lessor is not providing electricity pursuant to Paragraph 7 of the Agreement, therefore no annual electrical service fee shall be added to the annual rent due under this Supplement.

5. SITE SPECIFIC TERMS. NONE

IN WITNESS WHEREOF, the Parties, have caused this Agreement to be approved on the date above.

Lessor:
City of Richfield

By: _____

Name: _____

Its: Mayor

Date: _____

By: _____

Name: _____

Its: City Manager

Date: _____

LESSEE:
Cellco Partnership
d/b/a Verizon Wireless

By: Katie Poser

Print Name: Katie Poser

Title: Senior Manager – Implementation & Real Estate

Date: 11 / 26 / 2021

EXHIBIT 1

Site Plan of Property

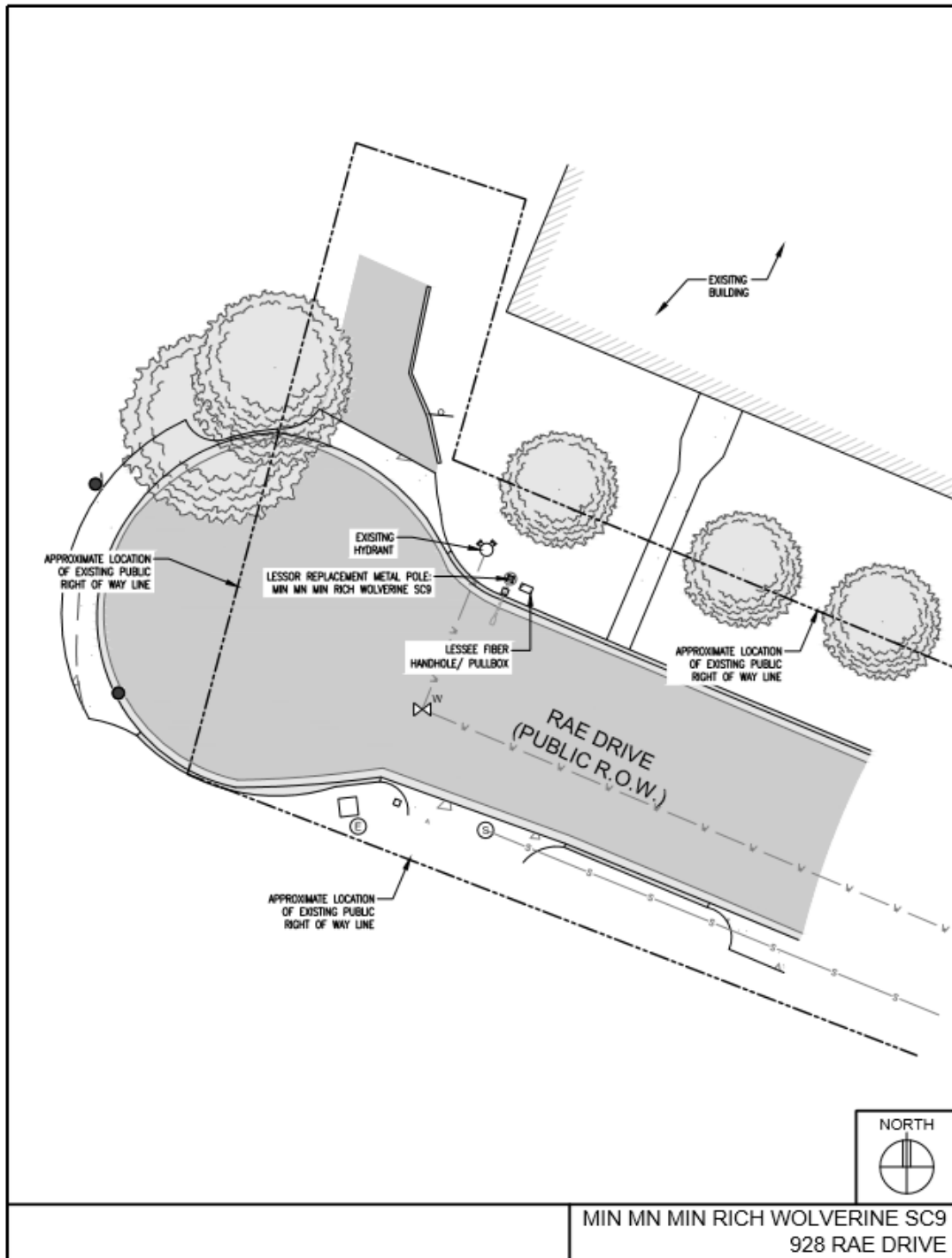
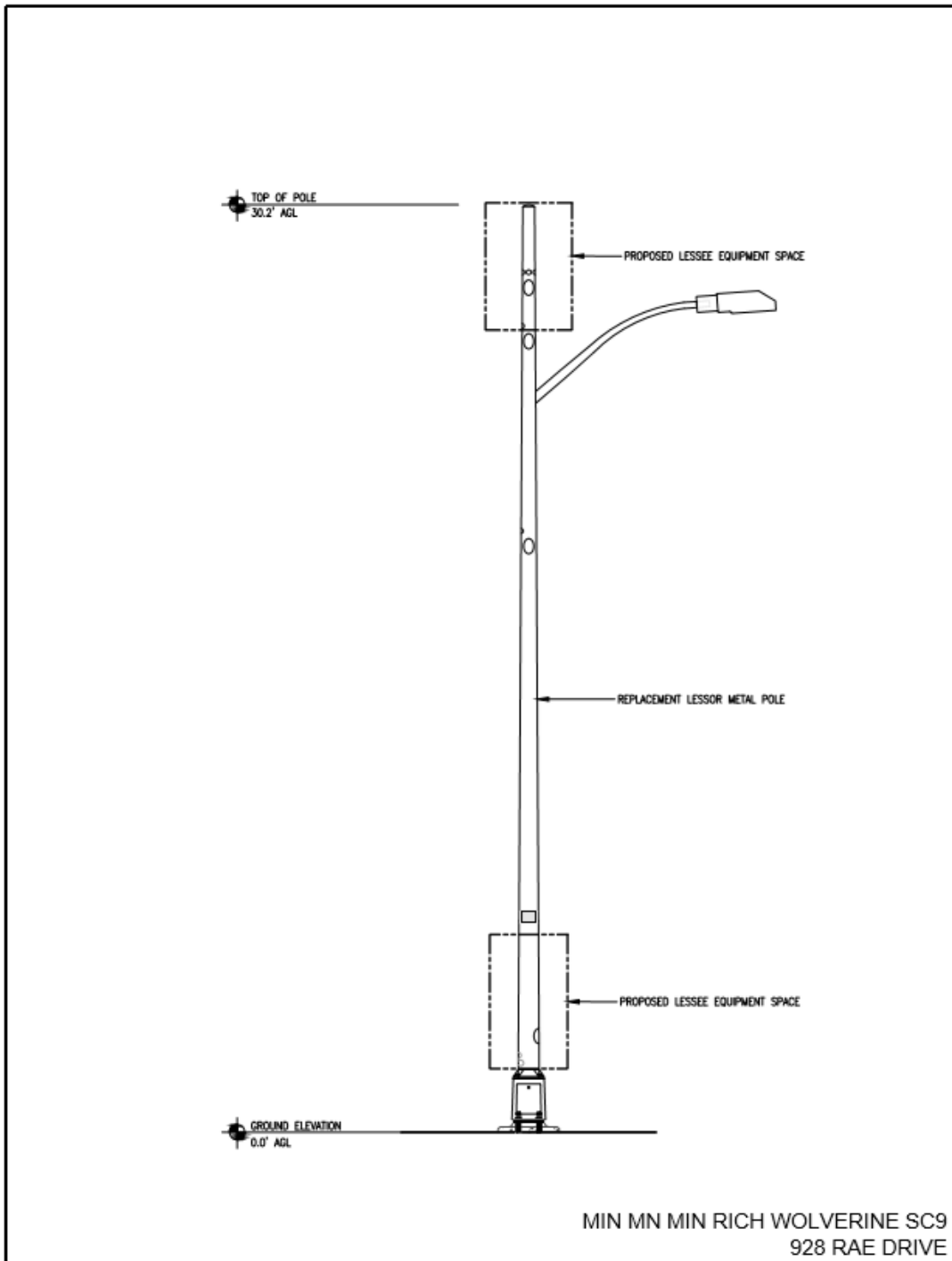


EXHIBIT 2

Equipment Space (if any), Antenna Space and Cabling Space and Cabling Space





STAFF REPORT NO. 54
CITY COUNCIL MEETING
4/13/2021

REPORT PREPARED BY: Ryan Krzos, Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
4/6/2021

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
4/7/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider approval of a first reading of an ordinance repealing Section 500 of the City Code and adopting a new Section 500 related to Plats and Subdivision Regulations and schedule a second reading for April 27, 2021.

EXECUTIVE SUMMARY:

Section 500 of the City Code contains the City's platting and subdivision ordinance which regulates the subdivision of land. The current ordinance has not been revisited in some time, and as a result does not completely align with State Statute or the City's development review process. On February 23, 2021 a draft ordinance was presented at a work session of the City Council and Planning Commission. Staff took direction from discussion of the proposed provisions and incorporated revisions into the ordinance.

Significant modifications based on direction from the work session include:

- Applications creating two new lots would be eligible for review under a minor subdivision review process. Staff revised this allowance down from four presented at the work session based on direction from policymakers.
- The revised ordinance includes a stipulation that when minor subdivision requests involve unusual elements or policy decisions affecting the community, staff may require the subdivision be reviewed under the platting process.
- Staff also added an appeals process for administrative decisions, including minor subdivision reviews, which would be heard by the City Council.
- Lastly, staff restored the subdivision waiver process for instances where a request would not be eligible for minor subdivision review, but where requiring preparation of a plat would create an unnecessary hardship. Waiver requests would be considered by the City Council, as they are currently.

The ordinance provisions are organized in a manner similar to that of most communities across the state. The general sections include:

- General Provisions - establishes definitions of terms, penalties, and applicability of the provisions.
- Procedures - details how minor subdivision requests and plats are received and processed.
- Design standards - contains standards for how elements such as lots, streets, and utilities within subdivisions are laid out.
- Required improvements - describes obligations of the subdivider.
- Other Administrative Provisions - establishes a variance process to relieve or vary any standards of the subdivision ordinance; an appeals process for challenges to administrative decisions; and a waiver

process for instances where the provisions create an undue hardship on the subdivider.

RECOMMENDED ACTION:

By motion: Approve a first reading of an ordinance repealing Section 500 of the City Code and adopting a new Section 500 related to Plats and Subdivision Regulations and schedule a second reading for April 27, 2021.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

See Executive Summary.

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

City subdivision review authority is granted to cities by and subject to the Municipal Planning Act, which contains substantive and procedural requirements. The proposed ordinance was drafted to comply with these provisions which are outlined in State Statute Section 462.358.

C. **CRITICAL TIMING ISSUES:**

None.

D. **FINANCIAL IMPACT:**

None.

E. **LEGAL CONSIDERATION:**

- When drafting and adopting a subdivision ordinance, the City is said to be utilizing its legislative authority. When using its legislative authority, the action must be constitutional, rational, and in some way related to protecting the health, safety, and welfare of the public.
- The City Attorney contributed to and reviewed the ordinance.

ALTERNATIVE RECOMMENDATION(S):

None.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None.

ATTACHMENTS:

Description	Type
□ Proposed Subdivision Ordinance Amendment	Ordinance

BILL NO. _____

**AN ORDINANCE REPEALING SECTION 500 OF THE RICHFIELD CITY CODE AND
ADOPTING A NEW SECTION 500 RELATED TO PLATS AND SUBDIVISION
REGULATIONS**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Section 500 of the Richfield City Code is repealed in its entirety and
replaced with a new Section 500 as follows:

SECTION 500 - PLATS; SUBDIVISION REGULATIONS

500.01. - Title

Section 500 contains the subdivision regulations of the City of Richfield.

500.03. - Purpose.

It is the intent and purpose of this Section to:

- (a) Protect and promote the public health, safety, and general welfare;
- (b) Provide for the orderly, economic, and safe development of land;
- (c) Assist in the implementation of the City's Comprehensive Plan;
- (d) Provide adequate public services and facilities;
- (e) Establish standards, requirements, and procedures for the review and approval or disapproval of subdivisions.

500.05. - Authority.

The City Council shall be the platting authority.

500.07. - Definitions.

Subdivision 1. For the purpose of this Section, the following words and terms shall have the meanings stated:

Subd. 2. "Subdivision." The separation of an area, parcel, or tract of land under single ownership into two (2) or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

- (a) where all the resulting parcels, tracts, lots, or interests will be twenty (20) acres or larger in size and 500 feet in width for residential uses and five (5) acres or larger in size for commercial and industrial uses;
- (b) creating cemetery lots;
- (c) resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.
- (d) resulting from acquisition by governmental agencies for public improvements or uses.

Subd. 3. “Administrative Review Committee.” Those persons from different City departments whose work on a day-to-day basis involves processing or review of development projects for compliance with applicable codes and standards and for the possible effects the request may have on City services or adjacent properties.

Subd. 4. “Alley.” A public right-of-way other than a street to serve primarily as a means of secondary access to the side or rear of adjacent properties whose principal frontage is on a street.

Subd. 5. “City.” The City of Richfield, Minnesota.

Subd. 6. “City Standard Specifications.” Design requirements maintained by the City's Public Work Department related to construction of utilities, including sanitary sewer, storm sewer and water main.

Subd. 7. “Director.” The Director of Community Development for the City of Richfield or the Director's designee.

Subd. 8. “Lot.” A tract of land which is all or part of a block and is identified on a plat.

Subd. 9. “Outlot.” A tract of land identified by a capital letter and is land that is not part of a block.

Subd. 10. “Plat.” The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes, Chapter 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to Minnesota Statutes, Section 462.358 and Chapter 505.

Subd. 11. “Registered land survey.” The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes, Chapter 508.

Subd. 12. “Right-of-way.” Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses.

Subd. 13. “Street.” A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through way, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property. Does not include an Alley.

Subd. 14. “Subdivider.” Any person, firm, corporation, partnership, or association, having sufficient proprietary interest in land to subdivide and has submitted an application to effect the same under this Section.

Subd. 15. “Through lot.” A lot other than a corner lot, as defined in the Zoning Ordinance, abutting on two (2) or more streets.

Subd. 16. “Zoning Ordinance.” Appendix B of the City Code.

500.09. - General Provisions.

Subdivision 1. Scope. All subdivisions shall be subject to the regulations set forth in this Section and subject to the approval or disapproval of the City. When a conveyance, division, or subdivision to which the subdivision regulations of the municipality do not apply is presented to the City, the City clerk shall within ten (10) days certify that the subdivision regulations of the municipality do not apply to the particular division.

Subd. 2. Conveyances prohibited. No conveyance of land that constitutes a subdivision under this Section may be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after the effective date of this Section. The foregoing provision does not apply to the conveyance if the land described meets any of the criteria in Minnesota Statutes, Section 462.358, subd. 4b(b).

Subd. 3. Registered land surveys. Registered land surveys shall not be used to avoid the requirements of these subdivision regulations. All registered land surveys which constitute a subdivision as defined in this Section shall be subject to the provisions herein contained. All registered land surveys shall be prepared pursuant to Minnesota Statutes, Chapter 508.

Subd. 4. - Common Interest Community Plats. Except as provided in Minnesota Statutes Section 515B.1-106, plats for common interest communities prepared pursuant to Minnesota Statutes, Chapters 505, 508, or 508A shall be reviewed pursuant to the provisions herein contained. Developments using plats for common interest communities prepared pursuant to Minnesota Statutes, Section 515B.2-1101(c) shall be subject to park dedication requirements and other similar development fees applicable

to subdivisions platted under Minnesota Statutes, Chapter 505 and a copy of such plat shall be delivered to the City no later than the date such plat is recorded.

Subd. 5. Violations and Penalties.

- (a) Building permits. No building permit may be issued for the construction of any building on a parcel conveyed or subdivided in violation of this Section.
- (b) Injunction. In addition to imposing the penalty provisions of Section 115 of the City Code, the City may bring appropriate proceedings to enjoin any conveyance not complying with this Section.

500.11. - General Subdivision Procedures.

Subdivision 1. Pre-Application conference. In order to provide for the orderly and expeditious processing of subdivision applications, subdividers are encouraged to confer with City staff before preparing a subdivision application to become familiar with all applicable ordinances, policies, regulations, and plans pertinent to the proposed subdivision.

Subd. 2. Administrative Review Committee (ARC) Review. Subdivision applications shall not be considered complete until an Administrative Review Committee (ARC) meeting is held between the subdivider and the ARC, or the Director determines that such a meeting is not necessary. Applications must be submitted to the Community Development Department for the ARC meeting at least 28 days before the scheduled Planning Commission meeting to be considered for the agenda.

Subd. 3. Application abutting a highway. Any subdivider proposing to subdivide land adjacent to a state or county highway, must submit or cause the City to submit the proposal to state and county highway departments prior to submitting a subdivision application to the City. The City will not consider an application complete until it receives a comment letter from the applicable highway department.

500.13. - Minor Subdivisions.

Subdivision 1. Purpose. This subsection is established to provide for administrative approval of subdivisions or consolidations that meet specified criteria and for the waiver of standard platting requirements specified elsewhere in this Section. The minor subdivision process is intended largely to facilitate the further division of previously platted lots, the combination of previously platted lots into fewer lots, or for the adjustment of a lot line by relocation of a common boundary.

Subd. 2. Criteria for Approval. A minor subdivision or consolidation must comply with the following:

- (a) A property line adjustment that does not increase or decrease the number of parcels.
- (b) Lot splits resulting in no more than two (2) parcels.
- (c) Lot combinations of previously platted lots.
- (d) The land involved has been previously subdivided by plat or Registered Land Survey and is on file and of record in the Hennepin County register of deeds or registrar of titles.
- (e) The lot or lots have frontage on an existing improved street, if required, and access to municipal services.
- (f) The application will not cause the parcel or any structure on the parcel to be in violation of this Section, the Zoning Ordinance, or the building code, unless prior or concurrent approval of a variance is granted.
- (g) The property has not been subject to a minor subdivision in the last five (5) years.
- (h) Subdivisions not meeting the criteria for a minor subdivision, or where the proposed minor subdivision involves unusual elements or policy decisions that the Director determines require detailed review, shall be subject to the platting requirements and procedures in this Section.

Subd. 3. Application.

- (a) Applications for a minor subdivision or consolidation shall be made to the Community Development Department on forms provided by the City and shall include evidence of ownership interest. The application must be accompanied by the fee specified in Appendix D of the City Code.
- (b) Applications must include three (3) copies of a certificate of survey and one (1) electronic copy drawn to an engineer's scale with the new lots and new legal descriptions including:
 - (a) Existing and proposed property lines
 - (b) Dimensions of the existing and proposed parcels.
 - (c) The area of the existing and proposed parcels.
 - (d) All existing structures, including dimensions to existing and proposed property lines.
 - (e) All visible encroachments.
 - (f) All easements of record.
 - (g) Distance between any existing driveways and existing and proposed property lines.
 - (h) Trees that will be lost due to any proposed construction.

Subd. 4. Review. The Director will review the application to determine compliance with this Section. The Director will approve or deny the application and will notify the subdivider of the decision in writing. If the application is denied, the Director will state the reasons for the denial. Any person aggrieved by the decision of the Director may appeal to the Board of Adjustments and Appeals in the manner described in Section 500.29.

Subd. 5. Filing. The subdivider must file a final minor subdivision or consolidation with the Office of the Hennepin County Recorder or Registrar of Titles. Evidence of proper filing must be submitted to the Director prior to issuance of any building permits. If a minor subdivision or consolidation is not recorded within one (1) year after the date of written approval, the Director may, upon ten (10) days written notice to the subdivider, revoke the approval in writing.

500.15. - Platting; Preliminary Plat

Subdivision 1. Purpose. A preliminary plat ensures that sufficient information is provided by the subdivider to determine conformance with City Code requirements and to evaluate the impact of the proposed plat on surrounding property and public facilities and services.

Subd. 2. Application. Application for preliminary plat approval shall be made with the Community Development Department on forms provided by the City and shall include evidence of ownership interest. The application must be accompanied by the fee specified in Appendix D of the City Code. The Director's recommendation, along with that of any other affected City department, shall accompany each application at the time of its presentation to the Planning Commission for recommendation and City Council for approval.

Subd. 3. Preliminary Plat Content. The preliminary plat shall be drawn at a minimum scale of not less than one inch to 100 feet and shall contain, or have attached, the following information. The plat shall be prepared by a registered surveyor.

(a) Identification and Description

- (1) Proposed name of subdivision
- (2) Legal description of the property according to the records in the Office of the Hennepin County Recorder.
- (3) Name and contact information for the owner, owner's agent, subdivider, surveyor and designer of the plat.
- (4) Graphic scale, North point.
- (5) Date of preparation.

(b) Existing Conditions

- (1) Boundary lines, boundary line dimensions, and total acreage of proposed plat.
- (2) Location, widths and names of existing or previously platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements and section and corporate lines within the preliminary plat and to a distance 100 feet beyond the boundary line.
- (3) Boundary lines of adjoining land, within 100 feet, identifying by name and ownership.
- (4) Location and size of existing sanitary sewer, water, storm sewer, telecommunications, electricity, natural gas facilities within the preliminary plat and to a distance of 100 feet beyond the boundary line. Data such as grades, rim and invert elevations, locations of catch basins and manholes, and fire hydrants shall also be provided.
- (5) Two (2) foot (minimum) contours showing existing and proposed ground elevations.

(c) Design Features

- (1) Layout, numbers and preliminary dimensions of lots and blocks, building setback lines, and lot width at the front setback line.
- (2) Layout of all proposed streets, showing right-of-way widths, pavement widths, center line gradients, and typical cross sections.
- (3) Location of ingress and egress to the platted area, including existing and proposed driveway locations.
- (4) Location and width of existing or proposed alleys, pedestrian ways, and trails.
- (5) Location, dimensions, and purpose of all easements.
- (6) Location, type, size, grades, and rim and invert elevations of existing and proposed sanitary sewer, storm sewer, water mains, culverts, catch basins, manholes, hydrants, and other underground structures.
- (7) Schematic storm sewer, sanitary sewer, and water layouts, illustrating invert and top rim elevations, proposed gradients, direction of flow, emergency overflow locations and elevations, hydrant locations, and drainage areas.

(d) Other Information

- (1) Statement of the proposed use of lots, including residential building types and number of dwelling units and types of business or industrial use.
- (2) Proposed protective covenants, deed restrictions, or homeowners' association rules.

Subd. 4. Publication; Notification; Public Hearing. Upon determination by the Director that a preliminary plat application is complete, the Director shall set a public hearing with the Planning Commission. Notice of the hearing shall be published in the City's official newspaper at least ten (10) days prior to the hearing. Defects in the notice shall not invalidate the proceedings.

Subd. 5. Planning Commission Review. The Planning Commission shall conduct the hearing and report upon findings and make recommendations to the City Council. The Planning Commission may recommend approval or denial for all or parts of the preliminary plat. The Planning Commission may recommend such changes or revisions to the plat or conditions of approval as necessary for the health, safety, general welfare, and convenience of the City.

Subd. 6. City Council Review.

The City Council shall either approve or disapprove the preliminary plat within one-hundred twenty (120) days after the subdivider submits a complete application, as determined by the Director, unless the subdivider agrees to an extension. The City Council may approve or deny all or parts of the preliminary plat. The City Council may require such changes or revisions to the plat or conditions of approval as it deems necessary for the health, safety, general welfare, and convenience of the City.

Approval of the preliminary plat shall not constitute final acceptance of the subdivision. If the preliminary plat is not approved, the reasons for such action shall be recorded in the proceedings of the City Council and transmitted to the subdivider.

Subd. 7. Approval Standards. The Planning Commission, as a basis for their recommendation, and the City Council, as a basis for their approval, must make the following findings prior to approval of a preliminary plat:

- (a) The subdivision is in conformance with this Section and the applicable regulations of the Zoning Ordinance;
- (b) The subdivision does not conflict with any goals or policies of the Comprehensive Plan or other sub- area plan; the Capital Improvements Program; or any other City policy or regulation.
- (c) The subdivision can be economically served with public facilities and services.
- (d) The subdivision design mitigates potential substantial and irreversible negative impacts on the environment, including, but not limited to: topography; steep slopes; trees; vegetation; naturally occurring lakes, ponds, rivers and streams; susceptibility of the site to erosion, sedimentation or flooding; drainage; and storm water storage needs;
- (e) The subdivision will not be detrimental to the public health, safety or welfare.

Subd. 8. Expiration. If the preliminary plat is approved by the City Council, the subdivider must file the final plat within one (1) year after said approval, or approval of the preliminary plat shall be considered void, unless a written request for a time extension is approved by the City Council. Once a final plat is approved, the preliminary plat expires at the time the corresponding final plat expires. For a preliminary plat involving a multiple phase subdivision, the preliminary plat approval for any remaining phases expires two (2) years after the most recent final plat approval for a prior phase is recorded.

Subd. 9. Permits. Grading and/or footing foundation permits may be issued following preliminary plat approval. Approval of a grading or foundation permit does not obligate the City to approve a final plat.

500.17. - Platting; Final Plat

Subdivision 1. Generally. A final plat must contain all the information required for recording purposes. Final plat approval may occur at the same meeting as preliminary plat approval, or at a later date, at the discretion of the City.

Subd. 2. Application. Applications for final plat approval must be on the form provided by the City and must include evidence of ownership interest and the fee specified in Appendix D of the City Code. The Director's recommendation, along with that of any other affected City department, shall accompany each application at the time of its presentation to the City Council .

Subd. 3. Final Plat Contents. The final plat must contain all modifications required during preliminary plat review. The contents of the final plat, including certifications and size of the final plat materials, shall conform to the requirements of Minnesota Statutes and the Hennepin County Plat Manual. The final plat shall contain signature lines for the City Manager and Mayor.

Subd. 4. City Council review. The City Council shall either approve or disapprove the final plat application within sixty (60) days after the subdivider submits a complete application, as determined by the Director, unless the subdivider agrees to an extension.

Subd. 5. Filing Document. Following final plat approval, the subdivider shall submit two (2) mylar copies of the final plat to the Community Development Department for City official signature. Prior to release of the City official-signed plat, the following must occur:

- (a) The plat shall be executed by all required parties;

- (b) The public infrastructure contract shall be executed, if applicable;
- (c) The submittal of all required fees and appropriate financial guarantees to the City, if any, ensuring the subdivider's performance of the terms of these regulations;
- (d) The submittal, in recordable form, of all required easements and deeds as required by the City in a form approved by the City Attorney.

Subd. 6. Recording. A subdivider must file a final plat with the Office of the Hennepin County Recorder or Registrar of Titles within two (2) years of approval, unless a time extension has been granted. Evidence of proper filing must be submitted to the Community Development Department prior to issuance of any final occupancy permits.

500.19. - Construction and Maintenance Agreement

In order to effectuate the provisions of this Section, the owner or subdivider must enter into a construction and maintenance agreement with the City providing for the installation and maintenance of the infrastructure and right-of-way improvements required by this Section. The contents of the agreement will provide for, among other things, security to the City in such amount as the City Engineer deems to be adequate to insure the satisfactory completion of the improvements. The construction and maintenance agreement shall be satisfactory in form and substance to the City Attorney.

500.21. - Design Standards

The provisions in subdivisions one (1) through seven (7) of this subsection are the minimum design standards for subdivisions in the City.

Subdivision 1. Lots.

- (a) Lot dimensions. Lot dimensions must comply with the minimum standards of the Zoning Ordinance, unless prior or concurrent approval of a variance is granted. A subdivision shall not result in the creation of a nonconforming structure unless prior or concurrent approval of a variance is granted nor shall a subdivision result in the creation of a nonconforming use.
- (b) Street Frontage. All lots shall abut and have direct access to an improved street except that lots in Planned Unit Developments may have frontage on a private street or other approved means of access.
- (c) Side lot lines. Side lot lines generally must be at right angles to or radial to street lines.

- (d) Through lots. Through lots shall be avoided, but may be allowed where lots back on a thoroughfare or other arterial street, or where topographic or other conditions render subdividing otherwise unreasonable.
- (e) No Split Zoning. Lots must not be created which result in split zoning classifications.

Subd. 2. Streets.

- (a) Arrangement. The arrangement of streets in new subdivisions or plats shall be so laid out as to provide a continuation of existing streets of adjoining areas, whether in the City or in adjoining municipalities or the projection of east-west or north-south streets of the City if there are no adjoining streets. Offset or irregular streets are prohibited unless the topography of the area concerned makes the construction of regular streets impossible or impractical.
- (b) Width. The width of street right-of-way shall be not less than the minimum street width established herein, unless existing conditions make a street of less width more suitable, as approved by the City Engineer.
 - (1) Major streets. Major streets, which include Penn Avenue, Lyndale Avenue, Nicollet Avenue, Portland Avenue, Cedar Avenue, and 66th Street, shall be 100 feet in width.
 - (2) Xerxes Avenue, Chicago Avenue and 12th Avenue shall be 66 feet in width.
 - (3) Minor Streets. The minimum width for minor streets shall be 60 feet.
- (c) Cross Sections. The street section shall comply with design standards as set forth in the City standard specifications. All street designs are subject to review and approval of the City Engineer.
- (d) Boulevards. Boulevard sodding shall be included as a part of the required street improvements.
- (e) Grades. Street grades must be approved by the City Engineer. No street shall exceed ten percent (10%) maximum grade.
- (f) Intersections. Streets must be laid out to intersect at right angles, whenever possible. Intersection angles must not be less than 60 degrees unless otherwise approved by the City Engineer.
- (g) Vertical curves. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall conform to the requirements of the Minnesota Department of Transportation Road Design Manual, latest revision.

Subd. 3. Alleys. Alleys shall not be required for any block except when topographic conditions make them necessary. The minimum width of an alley in a residential block shall be fourteen (14) feet with a pavement width of twelve (12) feet. Alleys may be

required in the rear of all business lots and, if required, shall be at least 20 feet wide. A five (5) foot cutoff shall be made to acute alley intersections.

Subd. 4. Easements. A minimum five (5) foot Utility and Drainage easement is required along property lines and shall be dedicated by appropriate language, unless exempted by the City Engineer. A minimum ten (10) foot drainage and/or utility easement must be provided over public storm sewer, sanitary sewer or watermain.

Subd. 5. Utilities.

- (a) Water and Sewer shall be designed per City Standard Specifications and per Chapter VII of the City Code.
- (b) Storm water facilities shall be designed per City Standard Specifications, per Chapter VII of the City Code, and in accordance with the City's Comprehensive Surface Water Management Plan.
- (c) Private Utilities. Unless waived by the City Engineer, all utility facilities, including, but not limited to, gas, electric power, and communication, shall be located underground and within utility easements, or street or alley right-of-way.

Subd. 6. Sidewalks and Trails. Sidewalks and/or trails may be required and shall be designed per City Standard Specifications. Deviation from City Standard Specifications may be approved when warranted by conditions on an individual basis by the City Engineer.

(a) Width:

- (1) A minimum six (6) foot sidewalk with a minimum six (6) foot boulevard is required, or;
- (2) A minimum ten (10) foot sidewalk directly behind the curb may be approved by the City Engineer when conditions constrain the arrangement described in (1).
- (b) Sidewalks must be concrete with saw cut joints and must provide at least a six (6) foot pathway free of obstructions.
- (c) Cross Slope. Sidewalks and trails must be designed with a maximum cross slope of one and one-half percent (1.5%).
- (d) Clear Zone. A minimum two (2) foot clear zone must be provided on the front (street) side of the sidewalk or trail and a minimum three (3) foot clear zone must be provided on the back side of the sidewalk or trail.

Subd. 7. Street lighting. Street lights shall meet City Standard Specifications, including type, location, spacing and illuminance and shall be subject to approval by the City Engineer.

500.23. - Required Improvements

Subdivision 1. Generally. Any required public improvements including water, sewer, stormwater drainage and storage areas, streets, alleys, sidewalks and trails, lighting, curbing, gutters, landscaping, open space, or similar utilities and improvements that the City Council deems reasonably necessary to support the proposed development, must be provided by the subdivider as a condition of the acceptance and approval of the subdivision. The design of any public infrastructure improvements must be approved by the City Engineer.

Subd. 2. As-built drawings. Where improvements are not installed by the City, and prior to the City's acceptance thereof, reproducible "as built" drawings shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvement.

Subd. 3. Park Dedication. In appropriate plats or subdivisions to be developed for residential uses, the Council may require that a reasonable portion of such land of sufficient size and character be set aside and dedicated to the public for public use as parks and playgrounds. The City has the option to require cash contribution in lieu of accepting dedication of land or the City may require a combination of land dedication and cash payment. Any cash contribution received by the City will be placed in a special fund and used only for the acquisition of land for parks and playgrounds or other lawful purposes.

Subd. 4. Survey Monuments. The subdivider must install official permanent monuments as required by Minnesota Statutes, section 505.021. All monument markers shall be correctly in place upon final grading and installation of utilities.

500.25. - Waiver of Subdivision Approval

Subdivision. 1. In any case in which compliance with this Section will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the City Council may waive compliance by adopting a resolution to that effect and the subdivision may then be filed or recorded.

500.27. - Variances

Subdivision. 1. Review. Subdivision variances must be reviewed and acted upon by the Board of Adjustments and Appeals. The City Council shall serve as the Board of Adjustments and Appeals.

Subd. 2. Applicability. Variations from the literal provisions of this Section may be granted by the Board of Adjustments and Appeals in instances where an unusual hardship exists upon the land.

Subd. 3. Applications. Application for a variance from this Section must be made in writing by the owner or subdivider at the time the preliminary plat application is submitted. Applications for approval of a subdivision variance shall be made to the Director on forms provided by the City. All subdivision variance requests must be accompanied by the fee specified in Appendix D of the City Code.

The application must be accompanied by: a written description of the requested subdivision variance; a discussion of how the owner or subdivider believes the application meets the required findings in Subdivision 5; and any supporting information.

Subd. 4. Public Hearing. Upon submission of a complete variance application as determined by the Director, the Director will set a public hearing with the Board of Adjustment and Appeals. The City will publish notice of the hearing in the City's official newspaper at least ten (10) days prior to the hearing.

Subd. 5. Findings. The Board of Adjustments and Appeals must make all of the following findings prior to approval of any subdivision variance:

- (a) An unusual hardship exists that justifies the subdivision variance;
- (b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are generally not applicable to other property;
- (c) The unusual hardship is not the result of actions of the subdivider;
- (d) The variance requested is the minimum variance necessary to address the unusual hardship;
- (e) The variance will not conflict with the purpose and intent of this Section or the goals and policies of the Comprehensive Plan; and
- (f) The variance will not have a substantially detrimental impact on neighboring property owners or the public welfare.

500.29. - Appeals.

Subdivision. 1. Appeals of decisions of the Director. Appeals of decisions of the Director must be reviewed and acted upon by the Board of Adjustments and Appeals. The City Council shall serve as the Board of Adjustments and Appeals. An appeal from a decision of the Director must be in writing and state the specific grounds upon which

the appeal is made. The appeal must be submitted to the Community Development Department within ten (10) days of the date of the Director's written decision.

Subd. 2. Hearing. Upon submission of a complete appeal application as determined by the Director, the Director will schedule a hearing with the Board of Adjustment and Appeals.

Subd. 3. Procedures. The Director shall prepare reports and other necessary information for the Board of Adjustments and Appeals. The Board shall make a decision on the appeal by adopting written findings. A copy of the Board's decision shall be delivered by mail to the person appealing.

Subd. 4. Final Decisions. A person aggrieved by a final decision of the City Council made under this Section 500 may seek judicial review by filing an action with the Hennepin County District Court within thirty (30) days after the date that the City provides written notice of the final decision to the subdivider.

Section 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 27th day of April, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 55
CITY COUNCIL MEETING
4/13/2021

REPORT PREPARED BY: Ryan Krzos, Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
4/6/2021

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
4/7/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider approval of the first reading of an ordinance rezoning property on the northeast corner of Lyndale Avenue and 65th Street as Planned Mixed Use (PMU) and consider approval of the first reading of a transitory ordinance vacating a portion of the Lyndale Avenue right-of-way and utility easements and schedule second readings for April 27, 2021.

EXECUTIVE SUMMARY:

ESG Design and Architecture, on behalf of Enclave Companies (Developer), submitted land use applications for a Planned Unit Development (PUD) consisting of a mixed use building at the northeast corner of Lyndale Avenue and 65th Street. The proposed development, known as Lynk65, would consist of 159 residential units, residential amenities, and approximately 8,000 square feet of commercial space. The development would replace an existing strip mall and a single-family residence. The project area is currently zoned General Commercial (C-2).

The site is located in what has been known as the Lakes at Lyndale area. Since the late 1990s, the City has identified this area for reinvestment and/or redevelopment. The Comprehensive Plan designates this area as Mixed Use; the intent of which is to create a vibrant, thriving city center that will serve as Richfield's downtown. The city center is to include a mix of residential, shopping, recreational and business uses. The proposed development utilizes high-quality vertically mixed use urban design; adding households as well as new small-scale commercial opportunities to the city center. The requested zoning change to Planned Mixed Use will allow for flexibility in administering specific requirements of the Zoning Code, in exchange for superior design and a project that meets the needs of the community.

In conjunction with the proposed rezoning for the redevelopment, the applicant is requesting that a portion of the Lyndale Avenue right-of-way and utility easements therein be vacated. The vacations are necessary to accommodate the placement of the building in the proposed location. This portion of the Lyndale Avenue right-of-way is not needed in the design of the roundabout at the intersection with 65th Street, and the amount of area roughly equals the area that will be dedicated for the roundabout with re-platting of the project site.

The Planning Commission held a public hearing for the rezoning and proposed development on March 22, 2021. The Planning Commission voted unanimously to recommend approval of rezoning the property to PMU and to recommend approval of the development plans. These first readings are an administrative requirement and does not obligate the Council to approve the ordinances upon

second reading; nor does it obligate the Council to approve the specific development plans. A second reading and final development plans will be considered by the Council on April 27, 2021.

RECOMMENDED ACTION:

By Motion:

1. **Approve a first reading of an ordinance that amends Richfield Zoning Code Appendix I to designate property on the northeast corner of Lyndale Avenue and 65th Street as Planned Mixed Use (PMU).**
2. **Approve a first reading of a transitory ordinance vacating a portion of the Lyndale Avenue right-of-way and utility easements; and call for a public hearing and second reading to be held on April 27, 2021.**

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- On September 24, 2019 representatives of Lynk65 presented conceptual plans for a mixed use development to the City Council, Housing and Redevelopment Authority (HRA), and Planning Commission.
- Revised conceptual plans were presented to the City Council, HRA, and Planning Commission on July 20, 2020.
- In the Fall of 2020 the City Council approved a Modification to the Redevelopment Plan and Tax Increment Plan to facilitate the development and the inclusion of affordable rental units within the project.
- Per City Council Policy a neighborhood meeting is required for Zoning Amendment (rezoning) requests. On Wednesday, March 3, representatives from Enclave Companies and ESG Architecture and Design hosted a neighborhood meeting regarding the development proposal. The project team presented the proposed plans and renderings to approximately a dozen individual attendees. Discussion and questions were on a range of topics including: residential density, parking, affordability, fencing and screening, traffic and other impacts on the surrounding neighborhood.
- The Planning Commission held a public hearing for the rezoning and proposed development on March 22, 2021. The Planning Commission voted unanimously to recommend approval of rezoning the property to PMU and to recommend approval of the development plans.

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

Comprehensive Plan and Zoning District Designations

The City's Comprehensive Plan designates a large contiguous area including the subject property as a mixed use downtown. The intent of the mixed use category is to create a vibrant, thriving city center that will serve as Richfield's downtown. The city center is to include a mix of residential, shopping, recreational and business uses. Residential densities are envisioned as being a range between 50 and 150 units per acre in the city center. At 77 units per acre, the proposed development falls in the middle of the range. The proposed Zoning District is Planned Mixed Use, with the underlying Mixed Use Community (MU-C) zoning district serving as a basis for code requirements.

Easement Vacation

- The Council may by ordinance vacate a street, alley, public grounds, or a part thereof, on its own motion or upon the petition of the owners of half of the land abutting the street, alley, public grounds, or part thereof to be vacated in accordance with MN Statutes 412.851. No vacation may be made unless it appears in the interest of the public to do so.
- The Developer will be responsible for the relocation of all utilities within and above the existing rights-of-way. When re-platting the property, the Developer must dedicate utility and drainage easements as necessary. All new utilities must be underground. The proposed street and easement vacation will not become effective until the City Council approves a Final Plat application. Public utility companies are given the opportunity to review the proposed vacation and any necessary utility easement(s) will be preserved.

C. CRITICAL TIMING ISSUES:

- A complete application was received and the "60-day clock" started on March 8, 2021. The Council must make a decision on the Zoning requests, or extend the deadline by an additional 60 days, by May 7, 2021.
- A second reading of the proposed ordinances on April 27, 2021, would coincide with consideration of other required land use applications.

D. FINANCIAL IMPACT:

The application fees have been paid.

E. LEGAL CONSIDERATION:

- A public hearing on the rezoning and development plans was held before the Planning Commission on March 22, 2021. Notice of the public hearing was published in the Sun Current Newspaper and mailed to properties within 500 feet of the site.
- The Planning Commission voted unanimously to recommend approval of rezoning the property to PMU and to recommend approval of the development plans.
- The City Attorney has reviewed the proposed vacation.

ALTERNATIVE RECOMMENDATION(S):

None.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Representatives from Enclave Companies, ESG Architecture and Design, and Westwood Professional Services.

ATTACHMENTS:

Description	Type
☐ Ordinance - Rezone from C-2 to PMU	Ordinance
☐ Ordinance - Vacate Lyndale ROW and Easements	Ordinance
☐ Zoning Map	Exhibit
☐ Planned Land Uses Map	Exhibit
☐ Lyndale ROW Vacation Exhibit	Exhibit
☐ Easement Vacation Exhibit	Exhibit
☐ Proposed Development Plans	Exhibit

ORDINANCE NO.

**AN ORDINANCE RELATING TO ZONING;
AMENDING APPENDIX I TO THE RICHFIELD CITY
CODE BY REZONING LAND AT THE NORTHEAST
CORNER OF LYNDALE AVENUE AND 65TH
STREET AS PLANNED MIXED USE**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Section 8 of Appendix I of the Richfield Zoning Code (Planned Mixed Use) is amended to add a new Paragraph 10 to read as follows:

(10) M-4 (NE Corner 65th and Lyndale): Lot 1, Block 1, Lyndale Oaks Second Addition.

Sec. 2. Section 3, Paragraph 28 is repealed.
(28) M-4 (E of Lyndale between 64th and 65th). Lots 3 through 5 and Lots 18 through 20, Block 6, Lyndale Oaks Addition except for the Northwesternly 25 feet of Lot 18; and Lot 2, Block 2, J.N. Hauser's Second Addition. (Amended, Bill No. 1992-11, 2011-22)

Sec. 3. 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 27th day of April, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

BILL NO.

TRANSITORY ORDINANCE NO.

**AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY
AND UTILITY EASEMENTS
OVER PROPERTY LOCATED AT THE NORTHEAST CORNER OF LYNDALE
AVENUE SOUTH AND 65TH STREET**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1: The plat of J. N. Hauser's Second Addition dedicates land lying west of the westerly line of Lot 2, Block 2 as public right of way for Lyndale Avenue South.

Sec. 2. The owner of Lot 2, Block 2, J. N. Hauser's Second Addition has petitioned for a partial vacation of that street easement described as follows:

That part of Lyndale Avenue South as dedicated on J. N. HAUSER'S SECOND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying southeasterly and northeasterly of the following described line:

Commencing at the most westerly corner of Lot 2, Block 2, said J.N. HAUSER'S SECOND ADDITION; thence South 43 degrees 36 minutes 53 seconds East, assumed bearing along the westerly line of said Lot 2, a distance of 5.38 feet to the point of beginning of the right of way to be vacated; thence South 46 degrees 32 minutes 19 seconds West, a distance of 8.67 feet; thence South 43 degrees 26 minutes 40 seconds East, a distance of 68.71 feet; thence Southeasterly, along a tangential curve, concave to the Northeast, having a central angle of 21 degrees 21 minutes 13 seconds, a radius of 100.00 feet for an arc distance of 37.27 feet to said westerly line of Lot 2 and said line there terminating.

Sec.. 3. The Council finds that there is no public need for a street easement over that part of the platted street that is the subject of the petition.

Sec. 4. The following described lands are subject to the easements in favor of the City of Richfield as described in Exhibit A for utility purposes ("Utility Easements"):

Sec. 5: The City has notified the service providers for gas, electric, telephone, and cable communications services of the proposed vacations; the following facilities are reported to be located in the Utility Easements: cable

Sec. 6: The existing utility lines within the easement areas shall be removed and placed within new easements dedicated in the plat by the land owner. There is no need to reserve the Utility Easement as part of this proceeding.

Sec. 7: The Council finds that there is not a public need for the Utility Easements.

Sec. 8. The City of Richfield held the first reading on April 13, 2021 and second reading on April 27, 2021. Legal notice was published in the City's official newspaper as required by ordinance.

Sec. 9: The Street Easement and Utility Easement are vacated conditioned upon: filing of the plat of Lyndale Oaks Second Addition.

Sec. 10: The vacation of the Street Easement is effective 30 days following publication of the ordinance.

Sec. 11: The City Clerk is directed to prepare a certificate of completion of vacation proceedings and to record the vacation in the office of the Hennepin County Registrar of Titles or Hennepin County Recorder, as appropriate, following publication.

Passed by the City Council of the City of Richfield, Minnesota this 27th day of April, 2021

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

EXHIBIT A

UTILITY EASEMENT DESCRIPTIONS

Easement 1.

The easement for storm sewer purposes, in favor of the City of Richfield, as created in Agreement dated May 24, 1967, filed August 2, 1967, as Document No. 3668072, in Book 2596 of Deeds, Page 588, Hennepin County, Minnesota, lying within:

The southerly 5 feet of Lot 3, Block 6, Lyndale Oaks, Hennepin County, Minnesota.

Easement 2.

The easement for utility installation and maintenance as created in Indenture dated September 10, 1946, filed September 11, 1946, as Document No. 2395014, Hennepin County, Minnesota, lying within:

The 5 feet to the rear of each Lot of Lots 3, 4, 5, 19, 20 and all of Lot 18 except the Northwesterly 25 feet thereof, Block 6, Lyndale Oaks, according to the recorded plat thereof, Hennepin County, Minnesota.

Easement 3.

The portion of the easement for utilities purposes reserved by the City of Richfield in Transitory Ordinance 17.02 passed July 26, 1982, filed July 23, 1985, as Document No. 5015916, Hennepin County Minnesota, described as follows:

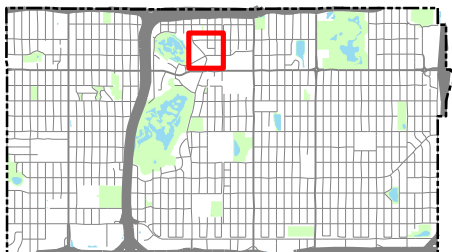
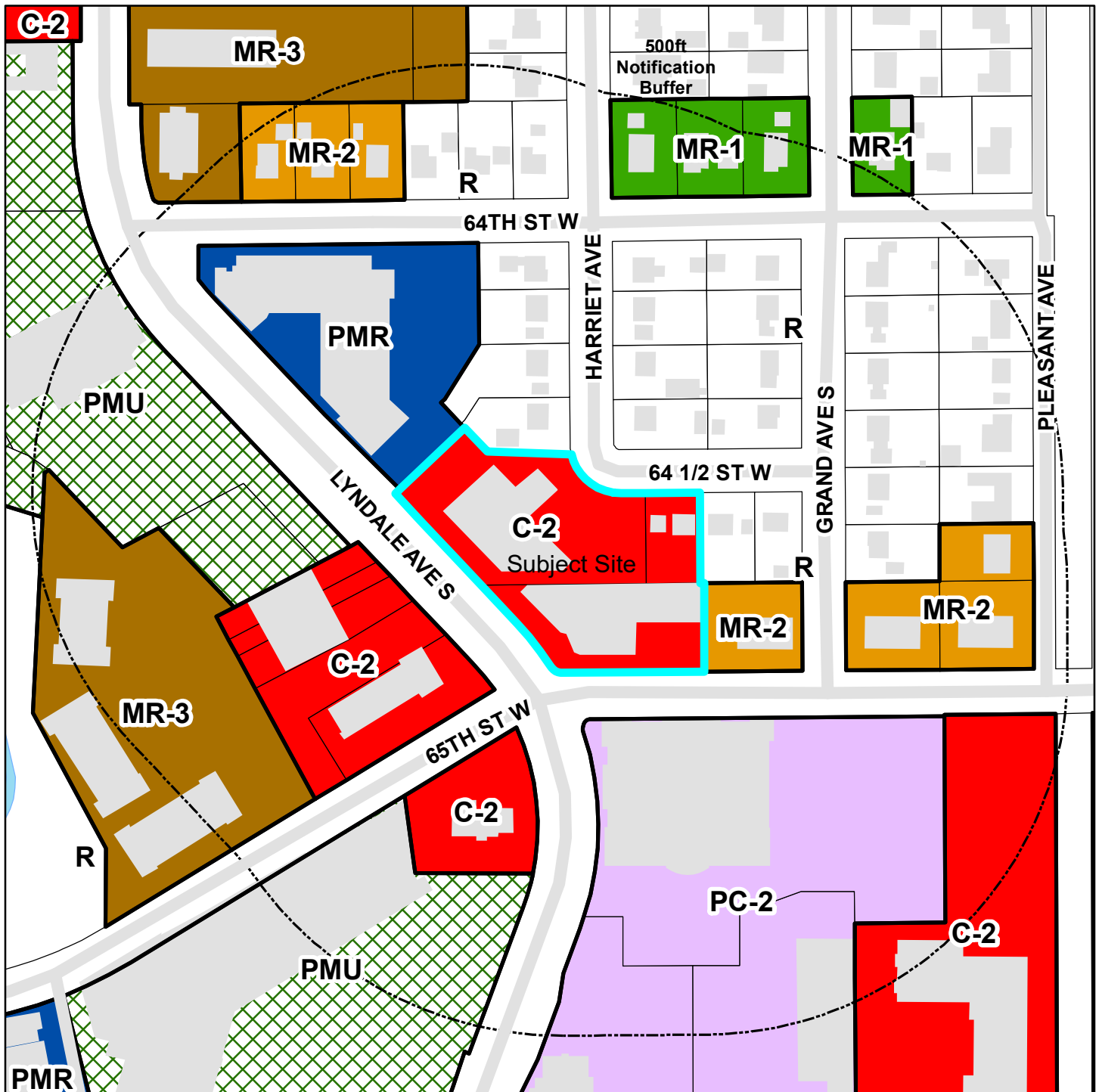
Beginning at the most Northwesterly corner of Lot 19 in said Block 6; thence Northeasterly along the Northwesterly line of said Lot 19 and its extension to the Northerly line of Lot 5 in said Block 6; thence Easterly along said North line 114.29 feet, more or less, to the Northeasterly corner of said Lot 5; thence Westerly passing through the Southwesterly corner of Lot 6 in said Block 6 to the centerline of the vacated alley adjoining the Northeasterly line of Lot 18 in said Block 6; thence Northwesterly along said centerline to its intersection with the Northeasterly extension of the Southeasterly line of the Northwesterly 25 feet of said Lot 18; thence Southwesterly along said extension to the Northeasterly line of said Lot 18; thence Southeasterly along said Northeasterly line to the most Easterly corner of said Lot 18; thence Southwesterly along the Southeasterly line of said Lot 18 to the Southerly corner of said Lot 18; thence Southeasterly to the point of beginning.



Lynk65 Mixed Use Development

Surrounding Zoning

Case No: 21-RZN-02, 21-PUD-01, 21-FDP-01, & 21-CUP-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		

0 100 200 400 ft

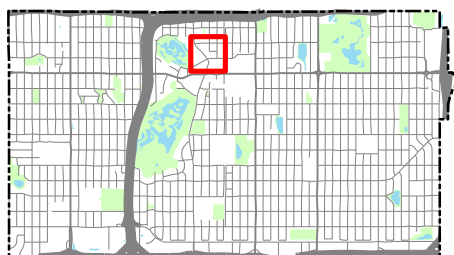
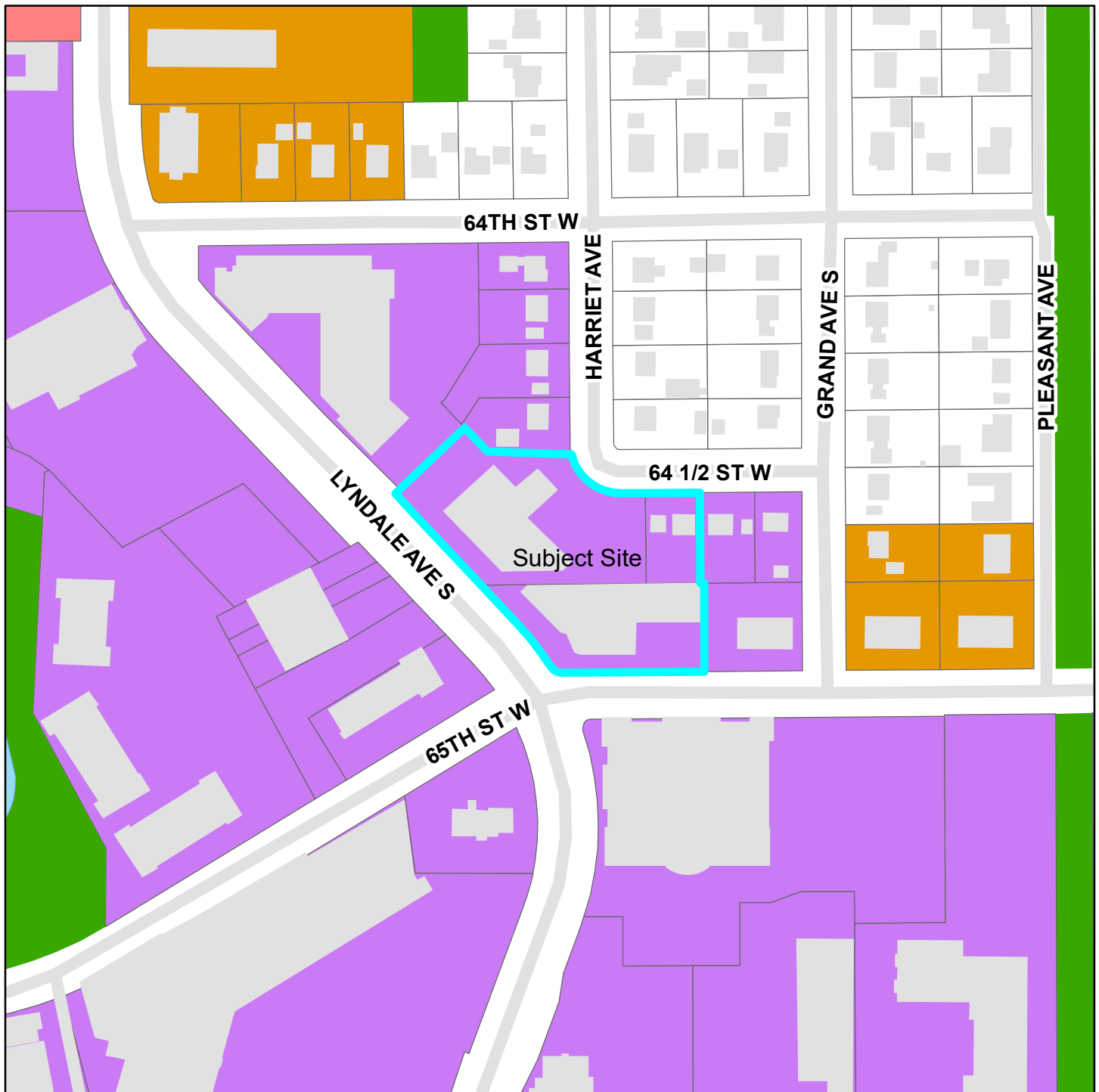




Lynk65 Mixed Use Development

2040 Planned Land Uses

Case No: 21-RZN-02, 21-PUD-01,
21-FDP-01, & 21-CUP-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) |

0 100 200 400 ft

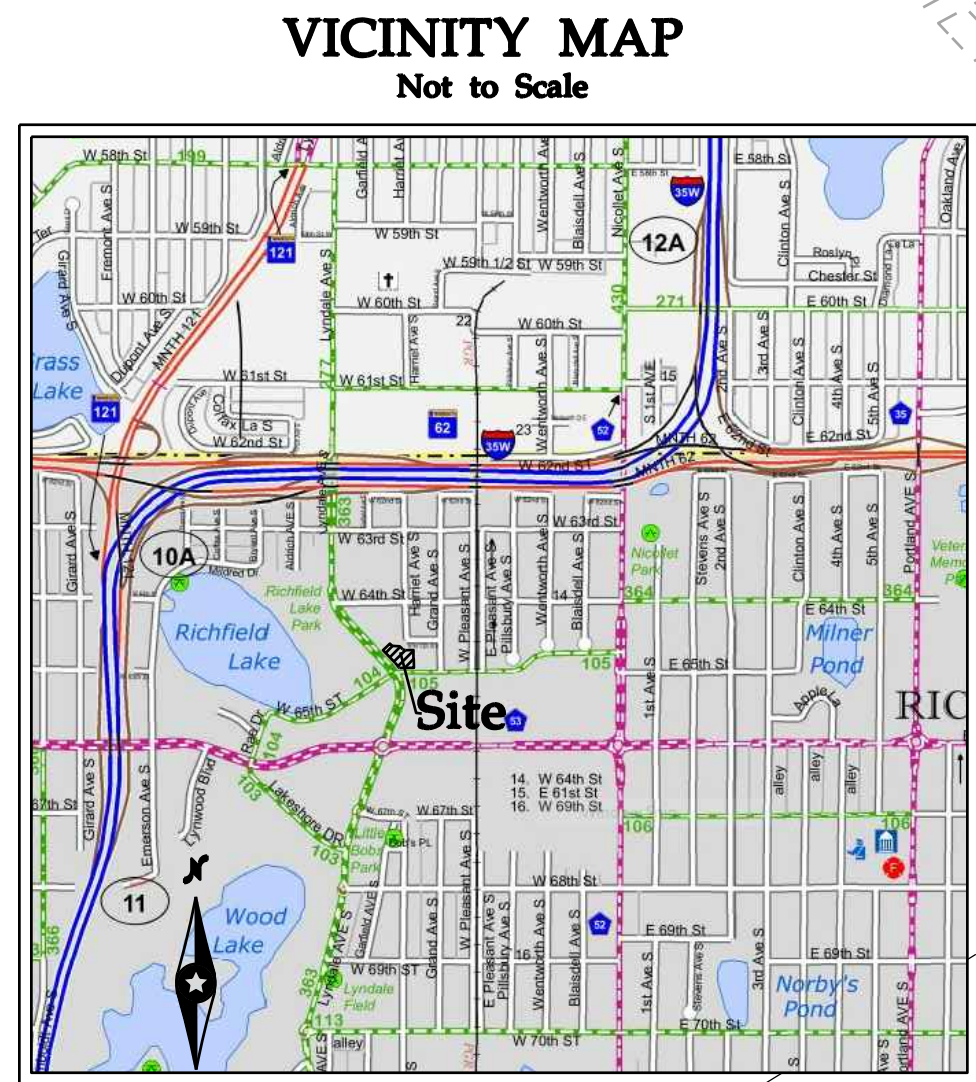
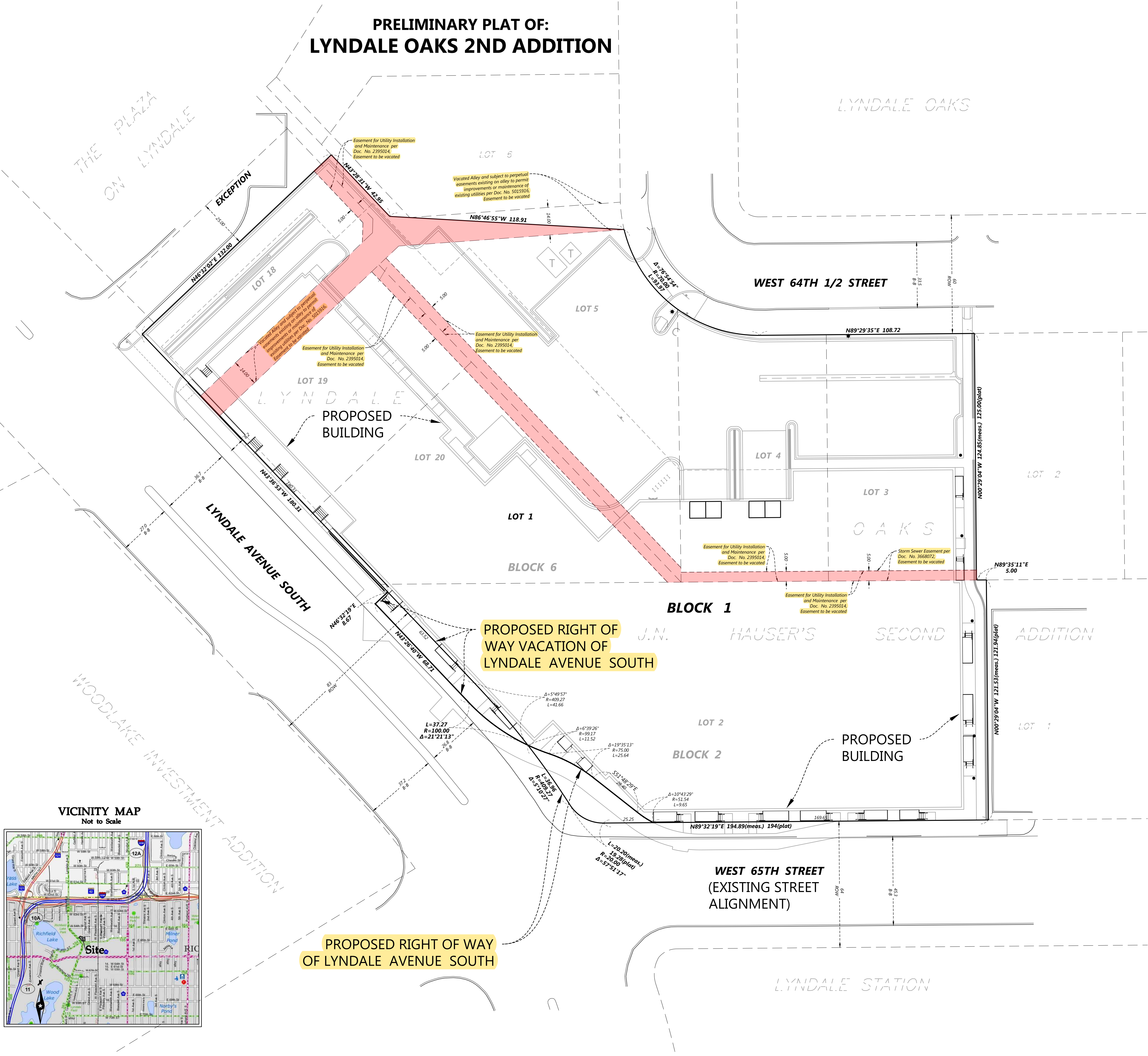




0'	30'	60'	90'

PROJECT NUMBER: 0028894SKF01

PRELIMINARY PLAT OF:
LYNDALE OAKS 2ND ADDITION



PROPERTY DESCRIPTION

PROPERTY DESCRIPTION PER CHICAGO TITLE INSURANCE COMPANY, TITLE COMMITMENT NUMBER 56766

PARCEL 1:
LOT 2, BLOCK 2, "J. N. HAUSER'S SECOND ADDITION".
HENNEPIN COUNTY, MINNESOTA
TORKENS PROPERTY

PARCEL 2:
LOTS 4, 5, 19, 20 AND ALL OF LOT 18 EXCEPT THE NORTHWESTERLY 25 FEET THEREOF, BLOCK 6, LYNDALE OAKS, ACCORDING TO THE RECORDED PLAT THEREOF, HENNEPIN COUNTY, MINNESOTA; TOGETHER WITH THOSE PARTS OF THE VACATED ALLEYS IN SAID BLOCK 6, LYNDALE OAKS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF LOT 19 IN SAID BLOCK 6; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 19 AND ITS EXTENSION TO THE NORTHERLY LINE OF LOT 5 IN SAID BLOCK 6; THENCE EASTERLY ALONG SAID NORTH LINE 114.29 FEET, MORE OR LESS, TO THE NORTHEASTERLY CORNER OF SAID LOT 5; THENCE WESTERLY PASSING THROUGH THE SOUTHWESTERLY CORNER OF LOT 6 IN SAID BLOCK 6 TO THE CENTERLINE OF THE VACATED ALLEY ADJOINING THE NORTHEASTERLY LINE OF LOT 18 IN SAID BLOCK 6; THENCE NORTHWESTERLY ALONG SAID CENTERLINE TO ITS INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF THE SOUTH-EASTERLY LINE OF THE NORTHWESTERLY 25 FEET OF SAID LOT 18; THENCE SOUTHWESTERLY ALONG SAID EXTENSION TO THE NORTHEASTERLY LINE OF SAID LOT 18; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE TO THE MOST EASTERLY CORNER OF SAID LOT 18; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT 18 TO THE SOUTHERLY CORNER OF SAID LOT 18; THENCE SOUTHEASTERLY TO THE POINT OF BEGINNING.
HENNEPIN COUNTY, MINNESOTA
ABSTRACT PROPERTY

PARCEL 3:
LOT 3, BLOCK 6, LYNDALE OAKS, HENNEPIN COUNTY, MINNESOTA.
ABSTRACT PROPERTY

TOGETHER WITH:

THAT PART OF LYNDALE AVENUE SOUTH AS DEDICATED ON J. N. HAUSER'S SECOND ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, HENNEPIN COUNTY, MINNESOTA, LYING SOUTHEASTERLY AND NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE MOST WESTERLY CORNER OF LOT 2, BLOCK 2, SAID J.N. HAUSER'S SECOND ADDITION; THENCE SOUTH 43 DEGREES 36 MINUTES 53 SECONDS EAST, ASSUMED BEARING ALONG THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 5.38 FEET TO THE POINT OF BEGINNING OF THE RIGHT OF WAY TO BE VACATED; THENCE SOUTH 46 DEGREES 32 MINUTES 19 SECONDS WEST, A DISTANCE OF 8.07 FEET; THENCE SOUTH 43 DEGREES 26 MINUTES 40 SECONDS EAST, A DISTANCE OF 68.71 FEET; THENCE SOUTHEASTERLY ALONG A TANGENTIAL CURVE, CONCAVE TO THE NORTHEAST, HAVING A CENTRAL ANGLE OF 21 DEGREES 21 MINUTES 13 SECONDS, A RADIUS OF 100.00 FEET FOR AN ARC DISTANCE OF 37.27 FEET TO SAID WESTERLY LINE OF LOT 2 AND SAID LINE THERE TERMINATING.

GENERAL NOTES

- 1) THIS SURVEY WAS PREPARED USING CHICAGO TITLE INSURANCE COMPANY, TITLE COMMITMENT NUMBER 56766 HAVING AN EFFECTIVE DATE OF OCTOBER 11, 2020 AT 07:00 AM
- 2) SUBJECT PROPERTY APPEARS TO BE CLASSIFIED AS ZONE X WHEN SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY - PANEL NUMBER 27053C0368F DATED NOVEMBER 4, 2016.
- 3) SUBJECT PROPERTY CONTAINS 91,127 SQ. FT. OR 2.092 ACRES.
- 4) SUBJECT PROPERTY CONTAINS 89 TOTAL PARKING STALLS, INCLUDING 3 HANDICAPPED STALLS.
- 5) THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. (GOPHER STATE ONE CALL TICKET NO. 203291663, NO. 203291690 AND NO. 203291691)
- 6) ADJOINING OWNERS SHOWN PER HENNEPIN COUNTY PARCEL WEBSITE.
- 7) WESTWOOD PROFESSIONAL SERVICES, INC. WAS NOT PROVIDED ADJOINER DEEDS.
- 8) THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE HENNEPIN COUNTY COORDINATE SYSTEM, N.A.D. 1983 (1986 ADJUSTMENT) US SURVEY FEET.

ZONING

SUBJECT PROPERTY IS CLASSIFIED AS C-2 GENERAL COMMERCIAL PER THE CITY OF RICHFIELD ZONING MAP FOUND ON THEIR WEBSITE

AREA

SUBJECT PROPERTY CONTAINS:

LOT 1, BLOCK 1 AREA = 89,480 SQ. FT. OR 2.054 ACRES
VACATED RIGHT OF WAY OF LYNDALE AVENUE SOUTH AREA = 817 SQ. FT. OR 0.019 ACRES
RIGHT OF WAY OF LYNDALE AVENUE SOUTH AREA = 830 SQ. FT. OR 0.019 ACRES
TOTAL AREA = 91,127 SQ. FT. OR 2.092 ACRES

OWNER/SUBDIVIDER

ENCLAVE DEVELOPMENT
1 2ND STREET NORTH, SUITE 102
FARGO, NORTH DAKOTA, 58102

SURVEYOR/ENGINEER

WESTWOOD PROFESSIONAL SERVICES
12701 WHITEWATER DRIVE, SUITE 300
MINNETONKA, MN 55343
952-937-5150

LEGEND

⊕	SANITARY MANHOLE	⊗	STEEL/WOOD POST
⊙	SEWER CLEANOUT	⌵	SIGN
⊞	SEPTIC COVER	⊞	MAIL BOX
⊗	STORM MANHOLE	⌵	FLAG POLE
⊕	BEEHIVE CATCH BASIN	♿	HANDICAPPED STALL
⊞	CATCH BASIN	⊞	AIR CONDITIONER
⊞	FLARED END SECTION	⊞	BUSH/SHRUB
⊞	CATCH BASIN MANHOLE	⊞	CONFEROUS TREE
⊞	HYDRANT	⊞	DECIDUOUS TREE
⊞	GATE VALVE	—	TREE LINE
⊞	FIRE DEPARTMENT CONNECTION	—	CABLE TELEVISION LINE
⊞	CURB STOP BOX	—	GAS LINE
⊞	POST INDICATOR VALVE	—	POH — POWER OVERHEAD
⊞	ELECTRIC BOX	—	PUG — POWER UNDERGROUND
⊞	ELECTRIC METER	—	SAN — SANITARY SEWER
⊞	ELECTRIC MANHOLE	—	STO — STORM SEWER
⊞	ELECTRIC TOWER	—	TOH — TELEPHONE OVERHEAD
⊞	STREET LIGHT	—	TUG — TELEPHONE UNDERGROUND
⊞	GLY WIRE	—	WAT — WATERMAIN
⊞	POWER POLE	—	FO — FIBER OPTIC
⊞	TRAFFIC SIGNAL	—	— FENCE LINE
⊞	TELEPHONE BOX	—	— CURB & GUTTER
⊞	TELEPHONE MANHOLE		
⊞	HAND HOLE/JUNCTION BOX		
⊞	CABLE TV BOX		
⊞	CABLE TV MANHOLE		

ENCLAVE - RICHFIELD

65th & Lyndale
Richfield, MN 55234

Westwood

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300
Fax (952) 937-5852 Minneapolis, MN 55415
Toll Free (888) 937-5150 westwoodsps.com
Westwood Professional Services, Inc.

esc
ARCHITECTURE & DESIGN

500 Washington Avenue South, Suite 1080
Minneapolis, MN 55415
p 612.339.5508 | f 612.339.5382
www.esgarch.com

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

DATE: 02/15/21 LICENSE NO. _____

NOT FOR
CONSTRUCTION

PRELIMINARY PLANNED
UNIT DEVELOPMENT
PLANS AND
PRELIMINARY PLAT

ORIGINAL ISSUE:
01/18/21

No.	Description	Date
1	PROGRESS SET	01/18/21
2	LUA / PUD	02/15/21
3	LUA / PUD REVISIONS	03/08/21
4	.	.
5	.	.
6	.	.

0028894.00
PROJECT NUMBER

BW DMP
DRAWN BY CHECKED BY

KEY PLAN

PRELIMINARY PLAT

C2.1

6445 Lyndale Avenue South

Enclave - Richfield

6445 Lyndale Ave. S
Richfield, MN 55234



esg
ARCHITECTURE & DESIGN

500 Washington Avenue South, Suite 1080
Minneapolis, MN 55415
p 612.339.5508 | f 612.339.5382
www.esgarch.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota

Signature _____

Typed or Printed Name _____

License # _____ Date _____

NOT FOR CONSTRUCTION



Richfield, MN

Project Site (Proposed PUD) Consists of Current Parcels:
6467 Lyndale Avenue South
6439 Lyndale Avenue South
415 64 1/2 Street West

New Project Addresses:
6445 Lyndale Ave South (Residential Apt. Bldg.)
6425 to 6443 Lyndale Ave S. (Commercial Spaces)

DRAWING INDEX

DRAWING INDEX - LUA/PUD

SHEET	
NUMBER	NAME
GENERAL INFORMATION	
T1-1	TITLE SHEET
T1-2	ZONING & NARRATIVE
CIVIL	
V1.0	LAND SURVEY
CIVIL	
C2.0	PRELIMINARY CIVIL SITE PLAN
C2.1	PRELIMINARY PLAT
C3.0	PRELIMINARY GRADING PLAN
C4.0	PRELIMINARY EROSION CONTROL PLAN
C5.0	PRELIMINARY UTILITY PLAN
C5.1	PRELIMINARY STORM VAULT DETAILS
LANDSCAPE	
L1.0	PRELIMINARY LANDSCAPE PLAN
L1.2	LANDSCAPE DETAILS
ARCHITECTURAL	
A0-1	3D RENDERINGS
A0-2	EXISTING PHOTOS
A0-3	EXISTING SITE PLAN
A0-4	ARCHITECTURAL SITE PLAN
A1-1	FIRST LEVEL PLAN
A1-2	SECOND LEVEL PLAN
A1-3	THIRD LEVEL PLAN
A1-4	FOURTH LEVEL PLAN
A1-5	FIFTH LEVEL PLAN
A1-6	ROOF PLAN
A2-1	EXTERIOR ELEVATIONS
A2-2	EXTERIOR ELEVATIONS
A2-3	EXTERIOR ELEVATIONS
A4-1	SHADOW STUDIES
ELECTRICAL	
E0.1	SITE PLAN - ELECTRICAL
E0.2	SITE PLAN - LIGHTING CALCULATIONS

PROJECT TEAM

OWNER/DEVELOPER:

Enclave Companies

1 2nd St. North
Ste. 102
Fargo, ND 58102

ARCHITECT:

ESG Architecture & Design

500 Washington Ave. South, Suite 1080
Minneapolis, MN 55415
Ph: 612-339-5508
Fx: 612-339-5382

CONTRACTOR:

Enclave Companies

1 2nd St. North
Ste. 102
Fargo, ND 58102

CIVIL AND LANDSCAPE:

Westwood

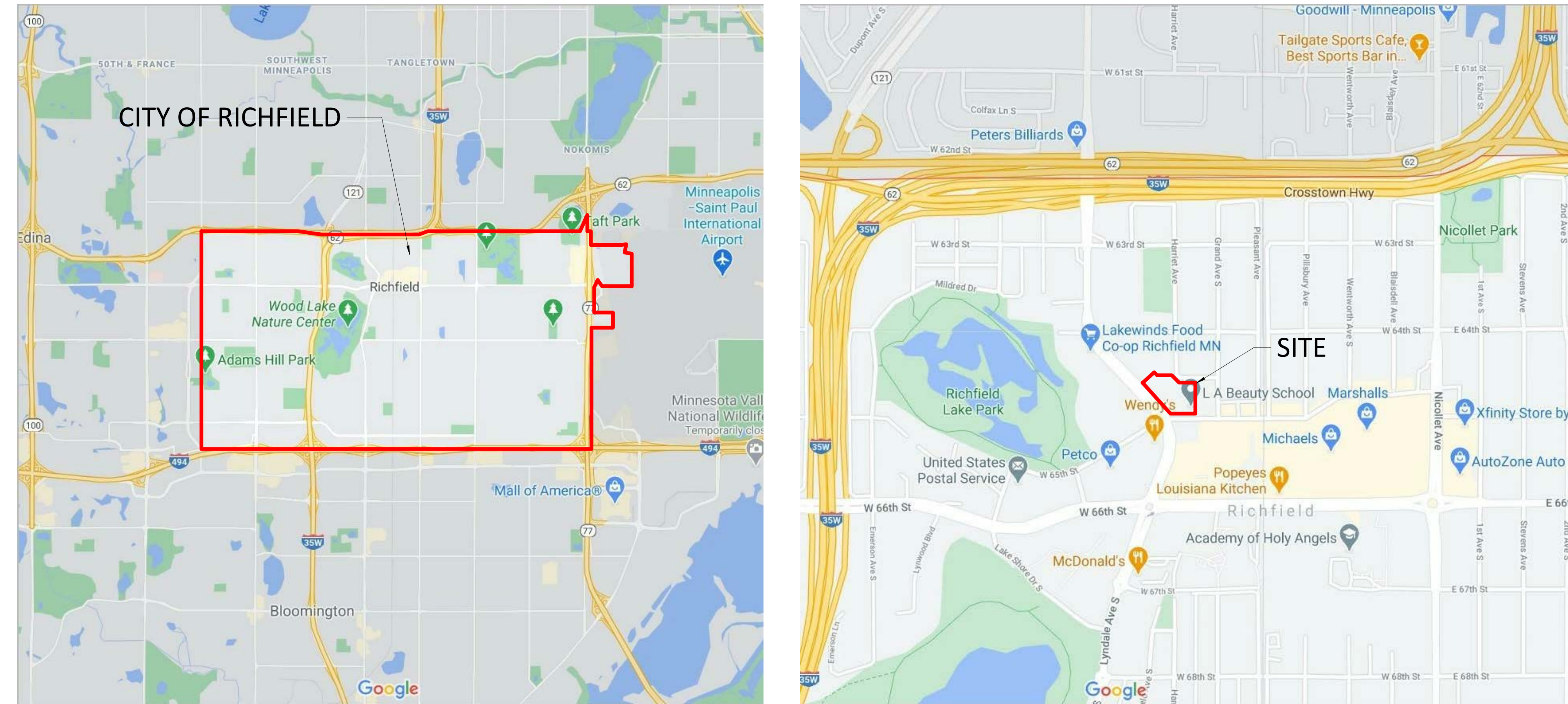
12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

ELECTRICAL:

Vareberg Engineering

1331 32nd Ave. South
Fargo, ND 58103

PROJECT LOCATION



Vicinity

Site Location

BUILDING METRICS

Use	Name	Gross Area			Departments							
		Project GSF	Residential GSF	Residential Efficiency	Residential	Amenity	Common / Circulation	Service	Retail	Parking	Terrace	
LEVEL 5		40,764	39,367	88%	35,699	629	3,668	769	-	-	454	
LEVEL 4		41,270	40,501	89%	36,829	-	3,672	769	-	-	-	
LEVEL 3		41,263	37,556	81%	33,399	2,882	4,157	823	-	-	13,981	
LEVEL 2		68,759	17,708	24%	15,473	-	2,235	421	-	45,629	-	
LEVEL 1		48,964	11,596	21%	10,279	4,633	1,317	2,052	7,265	23,418	-	
Totals		236,018	146,728	59%	131,678	8,143	15,050	4,835	7,265	69,047	14,435	

PARKING TABLES

Automobile Parking						Bicycle Parking			
Type	Site (Comm.)	Site (Res.)	Level 1	Level 2	Type Totals	Type	Site	Level 1	Level 2
Standard	20	28	47	86	181	Site Rack	28	0	0
Tandem	0	0	0	10.5	10.5	Wall Mount at Parking	0	31	56
Compact	0	0	4	31	35	Wall Mount in Bike Room	0	35	0
Accessible	3	2	3	4	12				
Totals	23	30	54	131.5		Totals	28	66	56
Residential Totals		215.5				Grand Total	150		
Grand Total		238.5							

LUA / PUD
Revisions
3/8/21

ORIGINAL ISSUE:

REVISIONS:

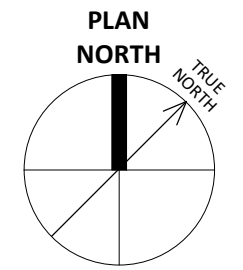
No.	Description	Date
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220549
PROJECT NUMBER

NR
DRAWN BY

NR
CHECKED BY

KEY PLAN



Enclave - Richfield

TITLE SHEET
T1-1



PROJECT NARRATIVE

Project Overview

The proposed redevelopment along Lyndale Avenue at West 65th Street will replace an existing strip mall and small residential property and its associated parking lot with a mixed-use development, including commercial space and residential apartment community. The project as proposed includes 159 rental dwelling units and approximately 8000 SF of commercial space. The site is currently zoned C2 (Commercial) and is at the northeastern quadrant of Lyndale Ave South and West 65th Street. Lyndale Avenue an active commercial and mixed-use corridor and the proposed project enhances the mixed use node by offering an urban infill design that incorporates a mix of uses with one building and transforming the property by adding 159 residential dwelling units.

Streetscape and Public Realm

The proposed redevelopment will dramatically improve the current site conditions, including the overall quality of the existing building. The associated site improvements will be a positive asset within the neighborhood and other adjoining neighborhoods that are walk-able cycle-able to and from the site. Adding the combination of retail and residential uses at this location naturally creates a more inviting streetscape, as more people will be walking and biking to and from the site, which creates an energetic, safe and people-friendly hub, improving the site’s existing conditions drastically.

The project will utilize just one curb cuts on Lyndale Avenue to access a drive that takes vehicules to a rear surface parking area and residential drop off location. On 64th ½ street an existing curb cuts will be repurposed to access the surface parking lot. Also accessed from this curb as well as the Lydale curb cut are the level 1 and level 2 parking access garage doors. This dual access strategy disperses traffic while keeping the majority of the residential parking enclosed within the building. The buildings strong frontage at the two public streets will improve sidewalk conditions, thus encouraging area residents to walk to and from the project.

Additionally the building’s residential parking is lined with walk up units at it’s perimeter including at a new through way connection between 65th and 64th ½ that will provide access from the single family neighborhoods to the north and east with the commercial nodes at 65th / 66th and Lyndale. At all areas adjacent to the building, the streetscape is planned to be improved with trees, color pavement, planters, dynamic signage, seating, and art features (exact locations to be determined with staff and commission)

Building Design

The building design will be contemporary, constructed of precast concrete at the first two levels, and wood-frame on the upper three levels. Windows at the retail level and residential level will be expansive, allowing plenty of daylight into the commercial space and dwelling units. Exterior materials will consist primarily of brick, metal panel, fiber cement, precast and glass. White composite metal panels add a seek modern feel with other natural textures at the pedestrian and upper levels. The podium of the building is designed with heft and grounding

The design incorporates vegetation on the ground near the building façade and on the outdoor shared amenities decks at level 3, as well as at several private unit terraces at level 3, adding park-like qualities to the site and building design. The residential lobby connects the front of the building’s main entry at Lyndale near the commercial entry to the rear secondary drop off / pick up residential entry.

In addition to the unit terraces, the exterior facades will feature projecting and recessed balconies on upper levels that allow residents to take advantage of private outdoor space. On level 5, the building includes an indoor and outdoor gathering amenity area for residents to enjoy and adds a distinctive architectural element to the design on the east side of the project.

APPLICATIONS & ZONING SUMMARY

APPLICATIONS:

PLANNED UNIT DEVELOPMENT (PLANNED MIXED USE)
REZONING
PRELIMINARY PLAT (FINAL PLAT AT LATER DATE)
UTILITY EASEMENT VACATION
SITE PLAN APPROVAL

ZONING:

CURRENT ZONING: C-2
PROPOSED RE-ZONING: MU-C (MIXED-USE COMM.)
COMPREHENSIVE PLAN LAND USE DESIGNATION: MIXED-USE

PROPOSED BUILDING SUMMARY

EXISTING SITE AREA 90,310 SF (2.07 ACRES)
NEW SITE AREA (WITH OUT ROUNDABOUT AREA): 90,250 SF

LEVEL 1 BLDG. FOOTPRINT 48,964 SF (54.2%)
TOTAL BUILDING GSF 236,000 SF

PERVIOUS SURFACE AREA 4,264 SF (4.7%)
IMPERVIOUS SURFACE AREA 86,046 SF (95.3%)

FAR 1.85
DWELLING UNITS 159
DWELLING UNITS PER ACRE 77 UNITS PER ACRE
BEDROOMS 209

COMMERCIAL AREA ~8000 SF
COMMERCIAL PARKING STALLS 23
COMMERCIAL STALLS PER 1000 SF 2.9

RESIDENTIAL PARKING STALLS 215.5
RESIDENTIAL PARKING PER UNIT 1.36
RESIDENTIAL PARKING PER BEDROOM 1.03

HEIGHT: 59'-8"
FRONTYARD SETBACK (LYNDALE): 1'-9"
FRONTYARD SETBACK (65TH): 5'-5"
REARYARD SETBACK (64TH ½ STREET): 67'-9"
SIDEYARD SETBACK (NORTHWEST): 11'-3"
SIDEYARD SETBACK (EAST): 11'-11"

SEE BUILDING METRICS AND PARKING SUMMARIES ON TITLE SHEET FOR ADDITIONAL INFORMATION



500 Washington Avenue South, Suite 1080
Minneapolis, MN 55415
p 612.339.5508 | f 612.339.5382
www.esgarch.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota

Signature

Typed or Printed Name

License # Date

NOT FOR CONSTRUCTION

LUA / PUD
Revisions
3/8/21

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No. Description Date

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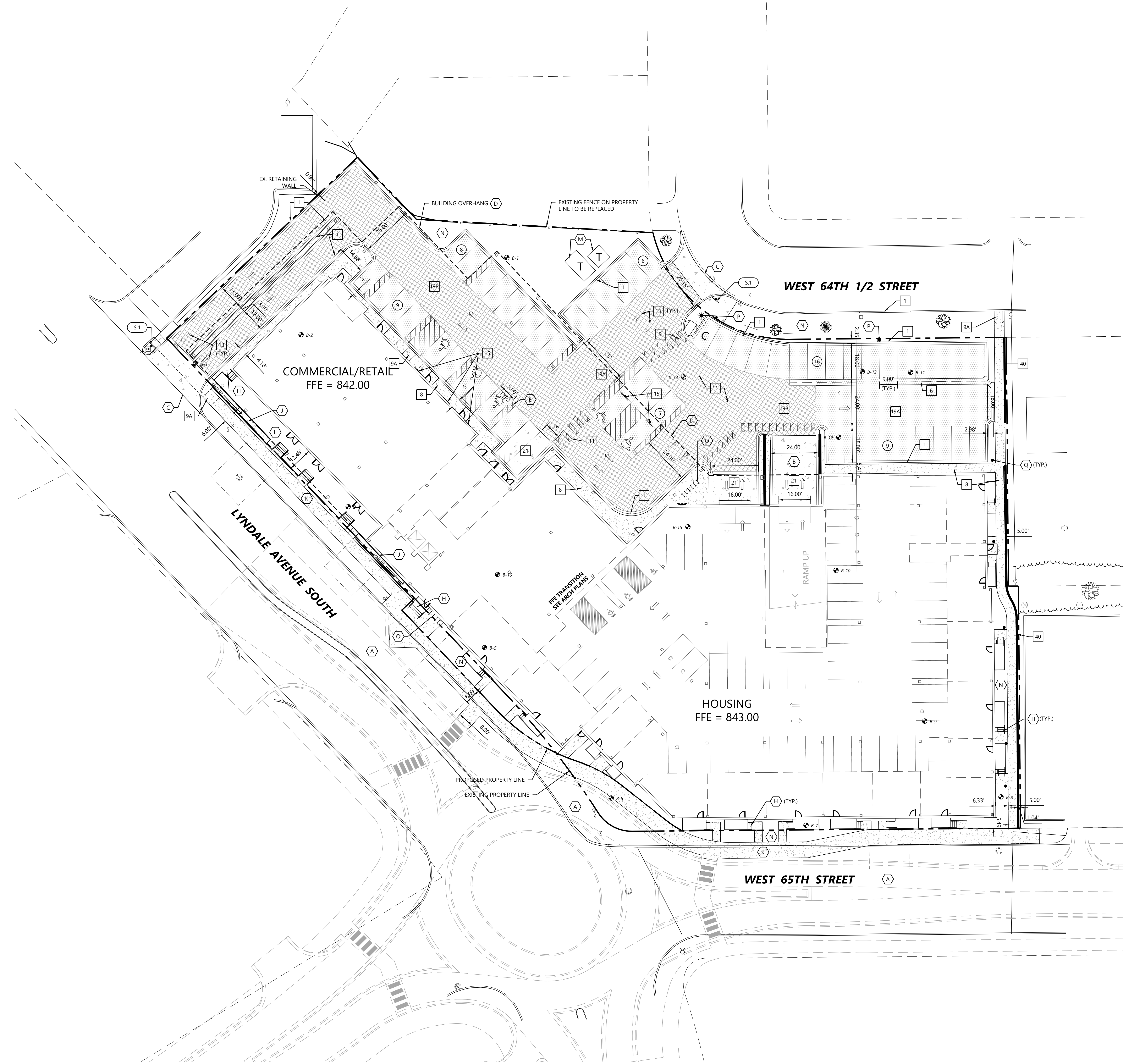
NR NR
DRAWN BY CHECKED BY

KEY PLAN

Enclave - Richfield

ZONING & NARRATIVE

T1-2



SITE LEGEND

EXISTING	PROPOSED	
		PROPERTY LINE
		LOT LINE
		SETBACK LINE
		EASEMENT LINE
		CURB AND GUTTER
		TIP-OUT CURB AND GUTTER
		POND NORMAL WATER LEVEL
		RETAINING WALL
		FENCE
		CONCRETE PAVEMENT
		CONCRETE SIDEWALK
		HEAVY DUTY BITUMINOUS PAVEMENT
		NORMAL DUTY BITUMINOUS PAVEMENT
		NUMBER OF PARKING STALLS
		TRANSFORMER
		SITE LIGHTING
		TRAFFIC SIGN
		POWER POLE
		BOLLARD / POST

GENERAL SITE NOTES

- BACKGROUND INFORMATION FOR THIS PROJECT PROVIDED BY WESTWOOD PROFESSIONAL SERVICES, MINNETONKA, MN, JANUARY 18TH, 2021.
- LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO EXCAVATION/CONSTRUCTION. IF ANY DISCREPANCIES ARE FOUND, THE ENGINEER SHOULD BE NOTIFIED IMMEDIATELY.
- REFER TO BOUNDARY SURVEY FOR LOT BEARINGS, DIMENSIONS AND AREAS.
- ALL DIMENSIONS ARE TO FACE OF CURB OR EXTERIOR FACE OF BUILDING UNLESS OTHERWISE NOTED.
- REFER TO ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS AND LOCATIONS OF EXITS, RAMPS, AND TRUCK DOCKS.
- ALL CURB RADII ARE SHALL BE 3.0 FEET (TO FACE OF CURB) UNLESS OTHERWISE NOTED.
- ALL CURB AND GUTTER SHALL BE B612 UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGGERS AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE CITY AND ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO APPROPRIATE MNDOT STANDARDS.
- BITUMINOUS PAVEMENT AND CONCRETE SECTIONS TO BE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
- CONTRACTOR SHALL MAINTAIN FULL ACCESS TO ADJACENT PROPERTIES DURING CONSTRUCTION AND TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES.
- SITE LIGHTING SHOWN ON PLAN IS FOR REFERENCE ONLY. REFER TO LIGHTING PLAN PREPARED BY OTHERS FOR SITE LIGHTING DETAILS AND PHOTOMETRICS.

SITE DEVELOPMENT SUMMARY

EXISTING ZONING:	C-2, GENERAL COMMERCIAL
PROPOSED ZONING:	PUD
PARCEL DESCRIPTION:	LOT 1 - BLOCK 1
PROPERTY AREA:	90,310 SF (2.073 AC)
PERVIOUS SURFACE:	4,264 SF (4.7%)
IMPERVIOUS SURFACE(RATIO):	86,046 SF (95.3%)
BUILDING FOOTPRINT:	48,964 SF
PARKING SPACE/DRIVE AISLE:	9' WIDE X 18' LONG, 24' AISLE
SURFACE PARKING PROVIDED:	53 TOTAL STALLS (INCLUDES 5 ACCESSIBLE STALLS) 17 COMMERCIAL STALLS (INCLUDES 3 ACCESSIBLE STALLS) 36 COMMERCIAL STALLS (INCLUDES 3 ACCESSIBLE STALLS)

REFER TO ARCHITECTURAL SITE PLAN FOR TOTAL SITE PARKING CALCULATIONS

SITE DETAILS (SI-0XX)

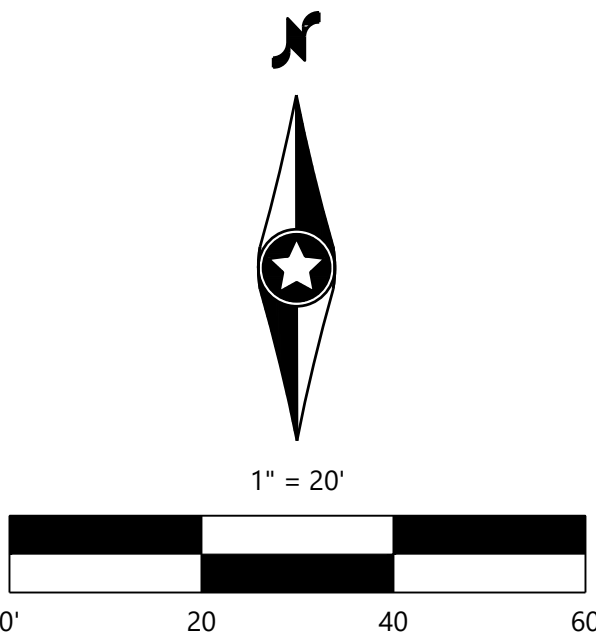
- B612 CURB AND GUTTER
- FLUSH CURB AND GUTTER
- INTEGRAL CURB AND WALK
- CONCRETE CROSS GUTTER
- PRIVATE CONCRETE SIDEWALK
- PRIVATE PEDESTRIAN CURB RAMP
- PUBLIC PEDESTRIAN CURB RAMP
- CROSS WALK STRIPING
- TRAFFIC ARROW
- SIGN INSTALLATION
- HANDICAP ACCESSIBLE SIGNAGE AND STRIPING
- BOLLARD
- PAVEMENT SECTION - STANDARD DUTY BITUMINOUS
- PAVEMENT SECTION - HEAVY DUTY BITUMINOUS
- HEAVY DUTY CONCRETE SECTION
- CONCRETE CURB AT SIDEWALK
- SIGN POST WITH BOLLARD
- RETAINING WALL WITH FENCE (SEE DETAIL)
- CONCRETE STAIR AND RAILING DETAIL

SIGN LEGEND

REFERENCE	SIZE	MnDOT DESIGNATION
S.1	30" X 30"	R1-1

SITE KEYNOTES

- FUTURE 65TH ST IMPROVEMENTS (BY OTHERS)
- CONCRETE HEATED RAMP (SEE ARCH. AND PLUMBING PLANS)
- MATCH EX. PAVEMENT W/ SAWCUT
- BUILDING OVERHANG
- CONCRETE COLUMN
- REMOVE DRIVEWAY APRON AND CONSTRUCT CURB AND GUTTER
- CONCRETE CURB TRANSITION
- CONCRETE STAIR & RAIL (SEE ARCHITECTURAL PLAN)
- ADA ACCESSIBLE ELEVATED SIDEWALK
- PUBLIC SIDEWALK
- COMMERCIAL TERRACE/CONCRETE SIDEWALK
- TRANSFORMER PAD
- PLANTED AREA
- BIKE RACKS
- LIGHT POLE
- BOLLARD LIGHT



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I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

DANIEL M. PARKS
DATE: 02/15/21 LICENSE NO. 18919

NOT FOR
CONSTRUCTION

PRELIMINARY PLANNED
UNIT DEVELOPMENT
PLANS AND
PRELIMINARY PLAT

ORIGINAL ISSUE:
01/18/21

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PROJECT NUMBER

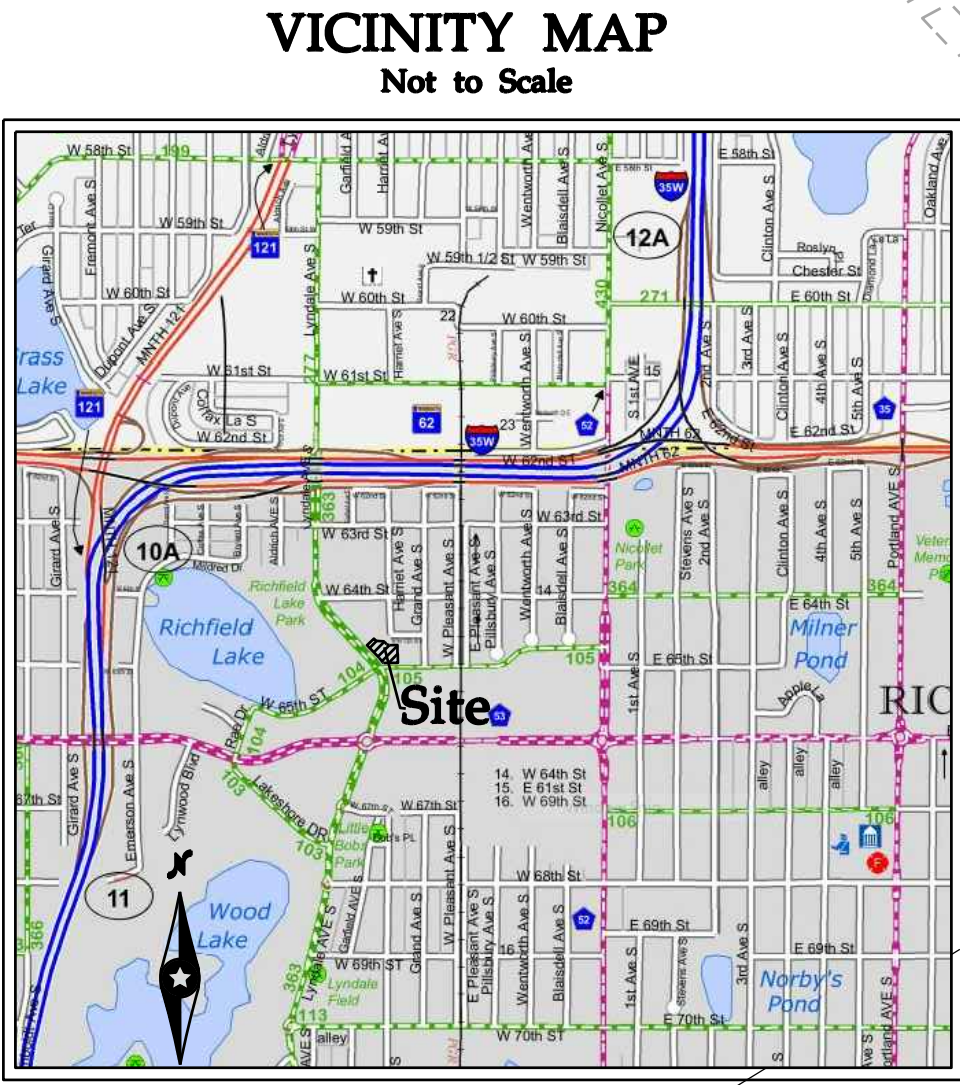
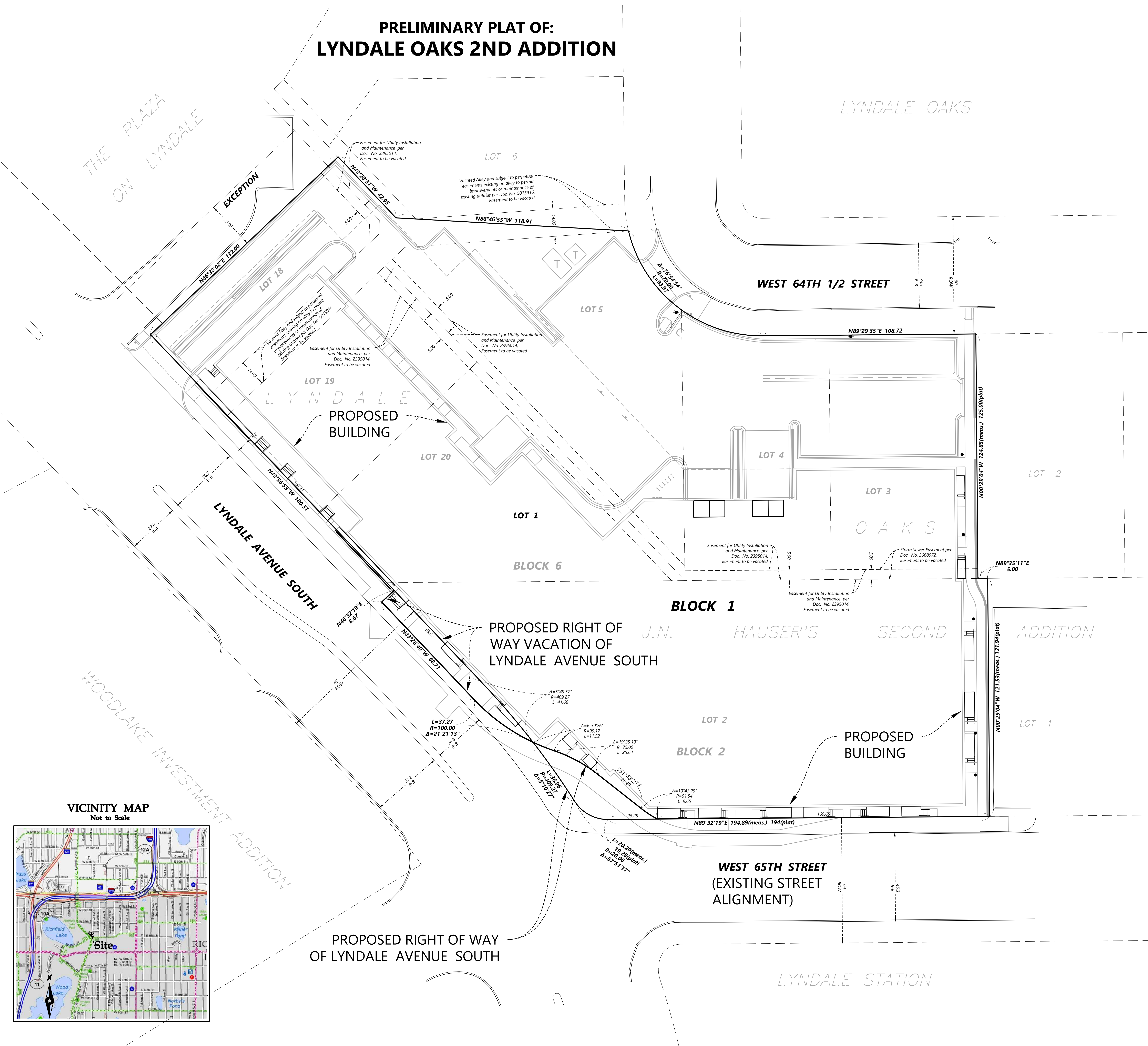
SSA DMP
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KEY PLAN

PRELIMINARY CIVIL
SITE PLAN

C2.0

PRELIMINARY PLAT OF:
LYNDALE OAKS 2ND ADDITION



PROPERTY DESCRIPTION

PROPERTY DESCRIPTION PER CHICAGO TITLE INSURANCE COMPANY, TITLE COMMITMENT NUMBER 56766

PARCEL 1:
LOT 2, BLOCK 2, "J. N. HAUSER'S SECOND ADDITION".
HENNEPIN COUNTY, MINNESOTA
TORKENS PROPERTY

PARCEL 2:
LOTS 4, 5, 19, 20 AND ALL OF LOT 18 EXCEPT THE NORTHWESTERLY 25 FEET THEREOF, BLOCK 6, LYNDALE OAKS, ACCORDING TO THE RECORDED PLAT THEREOF, HENNEPIN COUNTY, MINNESOTA; TOGETHER WITH THOSE PARTS OF THE VACATED ALLEYS IN SAID BLOCK 6, LYNDALE OAKS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF LOT 19 IN SAID BLOCK 6; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 19 AND ITS EXTENSION TO THE NORTHERLY LINE OF LOT 5 IN SAID BLOCK 6; THENCE EASTERLY ALONG SAID NORTH LINE 114.29 FEET, MORE OR LESS, TO THE NORTHEASTERLY CORNER OF SAID LOT 5; THENCE WESTERLY PASSING THROUGH THE SOUTHWESTERLY CORNER OF LOT 6 IN SAID BLOCK 6 TO THE CENTERLINE OF THE VACATED ALLEY ADJOINING THE NORTHEASTERLY LINE OF LOT 18 IN SAID BLOCK 6; THENCE NORTHWESTERLY ALONG SAID CENTERLINE TO ITS INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF THE NORTHWESTERLY 25 FEET OF SAID LOT 18; THENCE SOUTHWESTERLY ALONG SAID EXTENSION TO THE NORTHEASTERLY LINE OF SAID LOT 18; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE TO THE MOST EASTERLY CORNER OF SAID LOT 18; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT 18 TO THE SOUTHERLY CORNER OF SAID LOT 18; THENCE SOUTHEASTERLY TO THE POINT OF BEGINNING.
HENNEPIN COUNTY, MINNESOTA
ABSTRACT PROPERTY

PARCEL 3:
LOT 3, BLOCK 6, LYNDALE OAKS, HENNEPIN COUNTY, MINNESOTA.
ABSTRACT PROPERTY

TOGETHER WITH:

THAT PART OF LYNDALE AVENUE SOUTH AS DEDICATED ON J. N. HAUSER'S SECOND ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, HENNEPIN COUNTY, MINNESOTA, LYING SOUTHEASTERLY AND NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE MOST WESTERLY CORNER OF LOT 2, BLOCK 2, SAID J.N. HAUSER'S SECOND ADDITION; THENCE SOUTH 43 DEGREES 36 MINUTES 53 SECONDS EAST, ASSUMED BEARING ALONG THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 5.38 FEET TO THE POINT OF BEGINNING OF THE RIGHT OF WAY TO BE VACATED; THENCE SOUTH 46 DEGREES 32 MINUTES 19 SECONDS WEST, A DISTANCE OF 8.07 FEET; THENCE SOUTH 43 DEGREES 26 MINUTES 40 SECONDS EAST, A DISTANCE OF 68.71 FEET; THENCE SOUTHEASTERLY, ALONG A TANGENTIAL CURVE, CONCAVE TO THE NORTHEAST, HAVING A CENTRAL ANGLE OF 21 DEGREES 21 MINUTES 13 SECONDS, A RADIUS OF 100.00 FEET FOR AN ARC DISTANCE OF 37.27 FEET TO SAID WESTERLY LINE OF LOT 2 AND SAID LINE THERE TERMINATING.

GENERAL NOTES

- 1) THIS SURVEY WAS PREPARED USING CHICAGO TITLE INSURANCE COMPANY, TITLE COMMITMENT NUMBER 56766 HAVING AN EFFECTIVE DATE OF OCTOBER 11, 2020 AT 07:00 AM
- 2) SUBJECT PROPERTY APPEARS TO BE CLASSIFIED AS ZONE X WHEN SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY - PANEL NUMBER 27053C0368F DATED NOVEMBER 4, 2016.
- 3) SUBJECT PROPERTY CONTAINS 91,127 SQ. FT. OR 2.092 ACRES.
- 4) SUBJECT PROPERTY CONTAINS 89 TOTAL PARKING STALLS, INCLUDING 3 HANDICAPPED STALLS.
- 5) THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. (GOPHER STATE ONE CALL TICKET NO. 203291663, NO. 203291690 AND NO. 203291691
- 6) ADJOINING OWNERS SHOWN PER HENNEPIN COUNTY PARCEL WEBSITE.
- 7) WESTWOOD PROFESSIONAL SERVICES, INC. WAS NOT PROVIDED ADJOINER DEEDS.
- 8) THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE HENNEPIN COUNTY COORDINATE SYSTEM, N.A.D. 1983 (1986 ADJUSTMENT) US SURVEY FEET.

ZONING

SUBJECT PROPERTY IS CLASSIFIED AS C-2 GENERAL COMMERCIAL PER THE CITY OF RICHFIELD ZONING MAP FOUND ON THEIR WEBSITE

AREA

SUBJECT PROPERTY CONTAINS:

LOT 1, BLOCK 1 AREA = 89,480 SQ. FT. OR 2.054 ACRES
VACATED RIGHT OF WAY OF LYNDALE AVENUE SOUTH AREA = 817 SQ. FT. OR 0.019 ACRES
RIGHT OF WAY OF LYNDALE AVENUE SOUTH AREA = 830 SQ. FT. OR 0.019 ACRES
TOTAL AREA = 91,127 SQ. FT. OR 2.092 ACRES

OWNER/SUBDIVIDER

ENCLAVE DEVELOPMENT
1, 2ND STREET NORTH, SUITE 102
FARGO, NORTH DAKOTA, 58102

SURVEYOR/ENGINEER

WESTWOOD PROFESSIONAL SERVICES
12701 WHITEWATER DRIVE, SUITE 300
MINNETONKA, MN 55343
952-937-5150

LEGEND

⊗	SANITARY MANHOLE	⊗	STEEL/WOOD POST
⊗	SEWER CLEANOUT	⊗	SIGN
⊗	SEPTIC COVER	⊗	MAIL BOX
⊗	STORM MANHOLE	⊗	FLAG POLE
⊗	BEEHIVE CATCH BASIN	⊗	HANDICAPPED STALL
⊗	CATCH BASIN	⊗	AIR CONDITIONER
⊗	FLARED END SECTION	⊗	BUSH/SHRUB
⊗	CATCH BASIN MANHOLE	⊗	CONFEROUS TREE
⊗	HYDRANT	⊗	DECIDUOUS TREE
⊗	GATE VALVE	⊗	TREE LINE
⊗	FIRE DEPARTMENT CONNECTION	⊗	CABLE TELEVISION LINE
⊗	CURB STOP BOX	⊗	GAS LINE
⊗	POST INDICATOR VALVE	⊗	POWER OVERHEAD
⊗	ELECTRIC BOX	⊗	PLUG
⊗	ELECTRIC METER	⊗	POWER UNDERGROUND
⊗	ELECTRIC MANHOLE	⊗	SAN
⊗	ELECTRIC TOWER	⊗	STORM SEWER
⊗	STREET LIGHT	⊗	TELEPHONE OVERHEAD
⊗	GLY WIRE	⊗	TELEPHONE UNDERGROUND
⊗	POWER POLE	⊗	WAT
⊗	TRAFFIC SIGNAL	⊗	FIBER OPTIC
⊗	TELEPHONE BOX	⊗	FENCE LINE
⊗	TELEPHONE MANHOLE	⊗	CURB & GUTTER
⊗	HAND HOLE/JUNCTION BOX		
⊗	CABLE TV BOX		
⊗	CABLE TV MANHOLE		

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DATE: 02/15/21 LICENSE NO. _____

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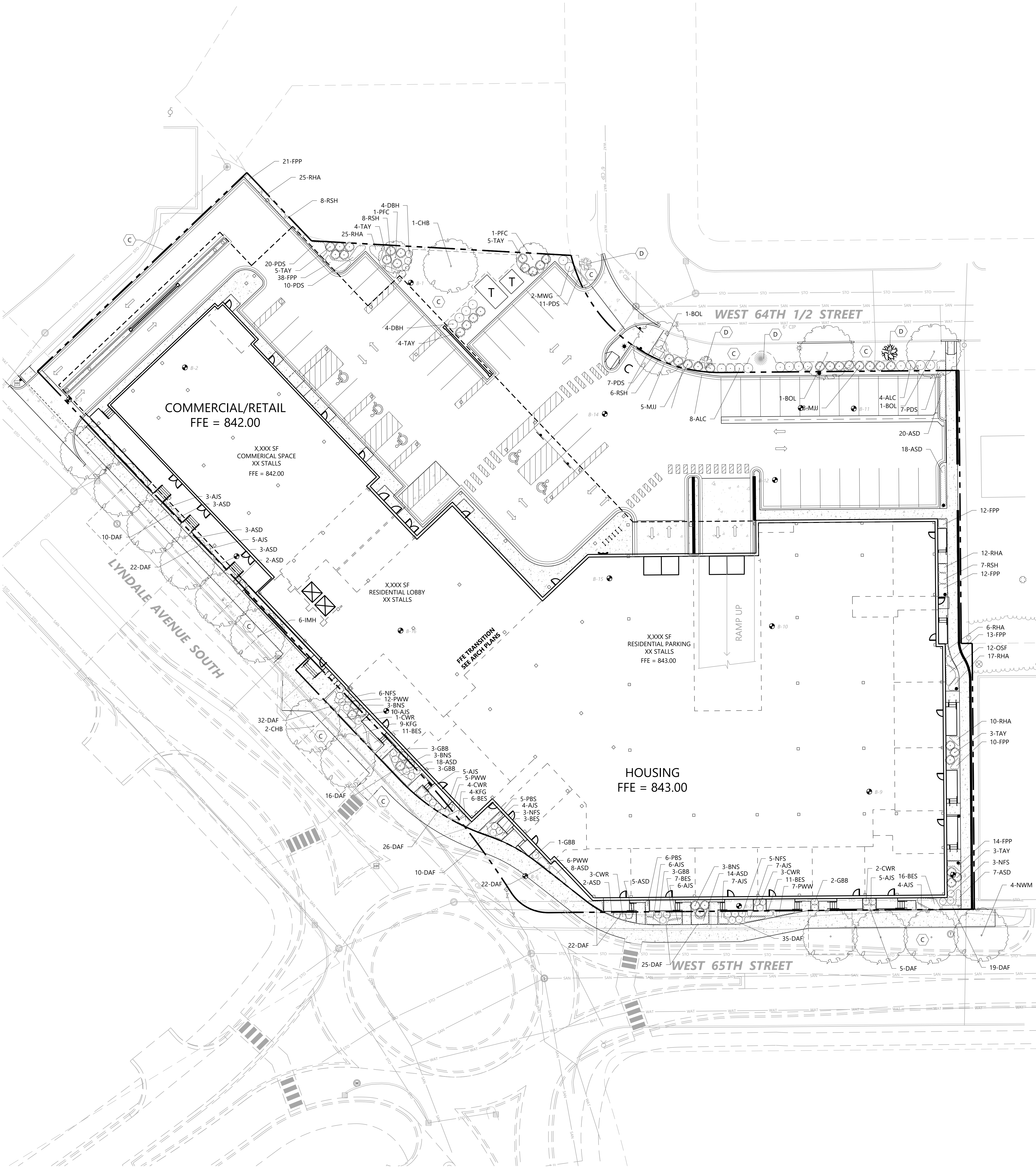
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PROJECT NUMBER

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KEY PLAN

PRELIMINARY PLAT

C2.1

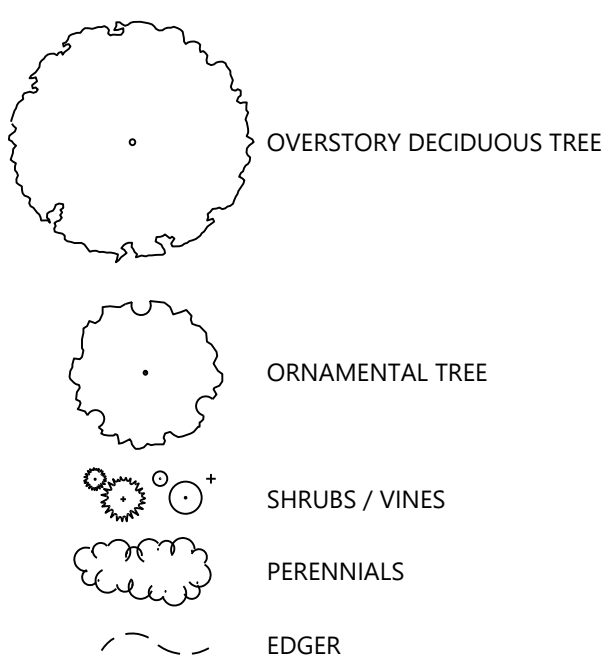


PLANT SCHEDULE

CODE	QTY	COMMON	BOTANICAL NAME	SIZE	ROOT	SPACING	REMARKS
OVERSTORY TREE 16							
NWM	4	NORTHWOOD MAPLE	ACER RUBRUM 'NORTHWOOD'	2.5" CAL.	B&B	AS SHOWN	SINGLE
IMH	6	IMPERIAL HONEYLOCUST	GLIEDTSIA TRIACANTHOS VAR. INERMIS 'IMPCOLE'	3.5" CAL.	B&B	AS SHOWN	SINGLE
CHB	3	HACKBERRY	CELTIS OCCIDENTALIS	4.5" CAL.	B&B	AS SHOWN	SINGLE
BOL	3	BOULEVARD LINDEN	TILIA AMERICANA 'BOULEVARD'	3.5" CAL.	B&B	AS SHOWN	SINGLE
ORNAMENTAL TREE 2							
PFC	2	PRAIRIEFIRE CRAB	MALUS 'PRAIRIEFIRE'	1.5" CAL.	B&B	AS SHOWN	SINGLE
CONIFEROUS SHRUB 46							
BNS	9	BIRD'S NEST SPRUCE	PICEA ABIES 'NIDIFORMIS'	#5	CONT.	3'-0" O.C.	--
MJJ	13	MINT JULEP JUNIPER	JUNIPERUS CHINENSIS 'MONLEP'	#5	CONT.	5'-0" O.C.	--
TAY	24	TAUNTON YEW	TAXUS MEDI 'TAUNTON'	#5	CONT.	5'-0" O.C.	--
DECIDUOUS SHRUB 64							
NFS	17	NEON FLASH SPIREA	SPIRAEA JAPONICA 'NEON FLASH'	#5	CONT.	3'-0" O.C.	--
CWR	13	CAREFREE WONDER ROSE (PINK)	ROSA 'MEIPTAC'	#5	CONT.	3'-0" O.C.	--
GBB	12	GOLDEN BARBERRY	BERBERIS THUNBERGII 'AUREA'	#5	CONT.	3'-0" O.C.	--
ALC	12	ALPINE CURRANT	RIBES ALPINUM	#5	CONT.	4'-0" O.C.	--
DBH	8	DWARF BUSH HONEYSUCKLE	DIERVILLA LONICERA	#5	CONT.	3'-0" O.C.	--
MWG	2	MINUET WEIGELA	WEIGELA FLORIDA 'MINUET'	#5	CONT.	3'-0" O.C.	--
PERENNIALS 584							
ASD	103	APRICOT SPARKLES DAYLILY	HEMEROCALLIS 'APRICOT SPARKLES'	#1	CONT.	12" O.C.	--
BES	54	BLACK EYED SUSAN	RUDBECKIA FULGIDA 'GOLDSTURM'	#1	CONT.	16" O.C.	--
PBS	11	PRAIRIE BLAZING STAR	LIATRIS PYCNOSTACHYA	#1	CONT.	18" O.C.	--
PWW	30	POW WOW WILDBERRY ECHINACEA	ECHINACEA PURPUREA 'POW WOW WILDBERRY'	#1	CONT.	18" O.C.	--
MCS	--	MOONBEAM COREOPSIS	COREOPSIS 'MOONBEAM'	#1	CONT.	18" O.C.	--
AJS	62	AUTUMN JOY SEDUM	SEDUM X 'AUTUMN JOY'	#1	CONT.	18" O.C.	--
FPP	120	FLAME PINK PHLOX	PHLOX PANICULATA PINK 'BARTWELVE'	#1	CONT.	12" O.C.	--
RHA	95	RHEINLAND ASTILBE	ASTILBE 'RHEINLAND'	#1	CONT.	12" O.C.	--
OSF	12	OSTRICH FERN	MATTEUCIA STRUTHIOPTERIS	#1	CONT.	18" O.C.	--
RSH	29	ROYAL STANDARD HOSTA	HOSTA 'ROYAL STANDARD'	#1	CONT.	16" O.C.	--
KFG	13	KARL FOERSTER FEATHER REED GRASS	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	#1	CONT.	24" O.C.	--
PDS	55	PRAIRIE DROPSEED GRASS	SPOROBOLUS HETEROLEPIS	#1	CONT.	18" O.C.	--
BULBS 244							
DAF	244	DAFFODIL	NARCISSUS SP.	12" O.C.	BULB	1 BULBS PER S.F.	

DAFFODILS TO BE PLANTED BETWEEN PERENNIALS ALONG THE SIDEWALK EDGE WHERE SHOWN.
ABBREVIATIONS: B&B = BALLED AND BURLAPPED CAL = CALIPER HT. = HEIGHT MIN = MINIMUM O.C. = ON CENTER SP. = SPREAD QTY. = QUANTITY CONT. = CONTAINER
NOTE: QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY.

LANDSCAPE LEGEND



LANDSCAPE KEYNOTES

- A SHREDDED HARDWOOD MULCH (TYP.)
- B EDGER (TYP.)
- C SOD (TYP.)
- D EXISTING TREE TO REMAIN (TO BE PROTECTED DURING CONSTRUCTION)

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I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME
OR UNDER MY DIRECT SUPERVISION AND THAT I AM A
DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS
OF THE STATE OF MINNESOTA

JEFF WESTENDORF
DATE: 02/15/21 LICENSE NO. 44018

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JRW DMP
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KEY PLAN

PRELIMINARY
LANDSCAPE PLAN

L1.0

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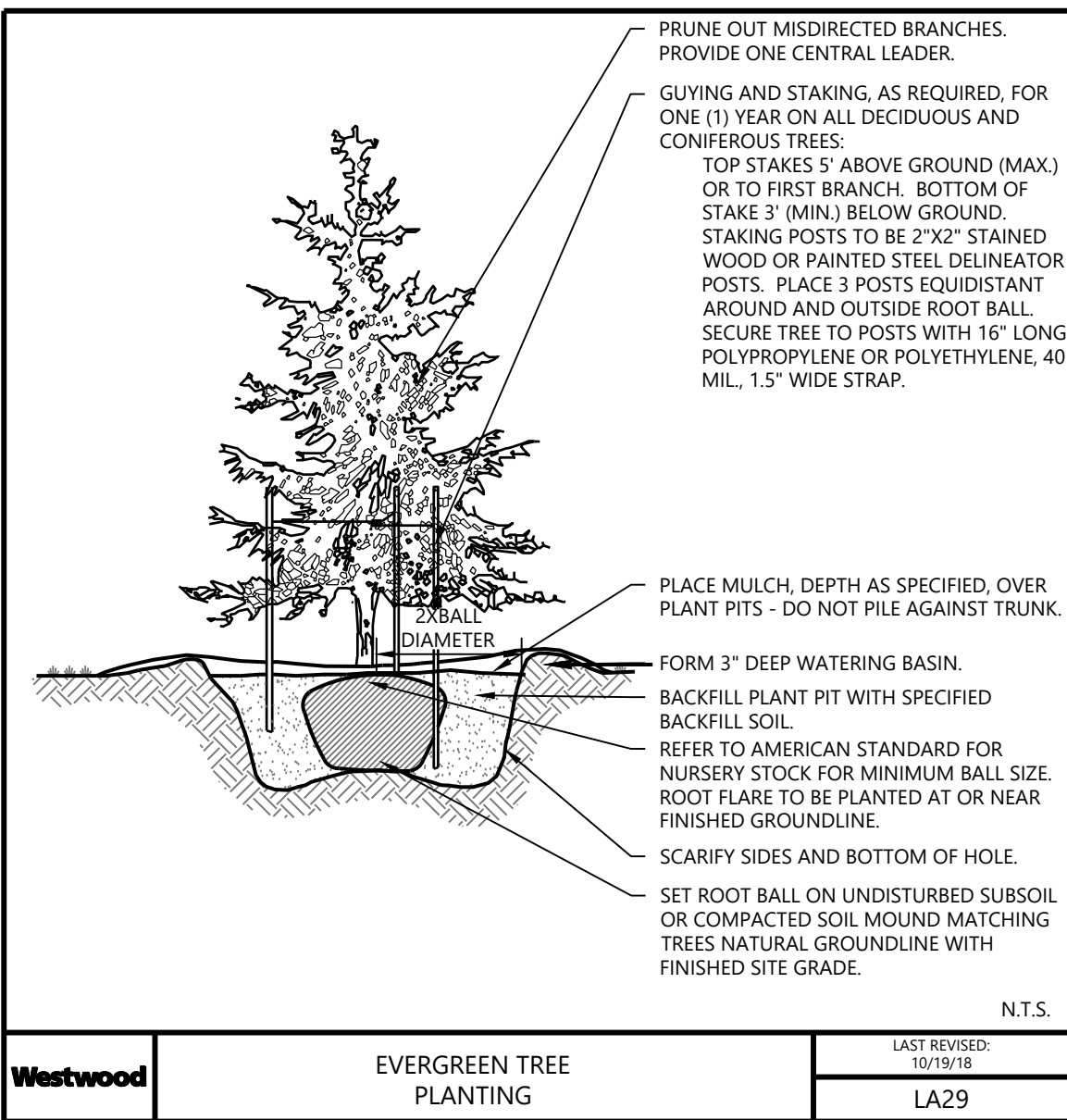
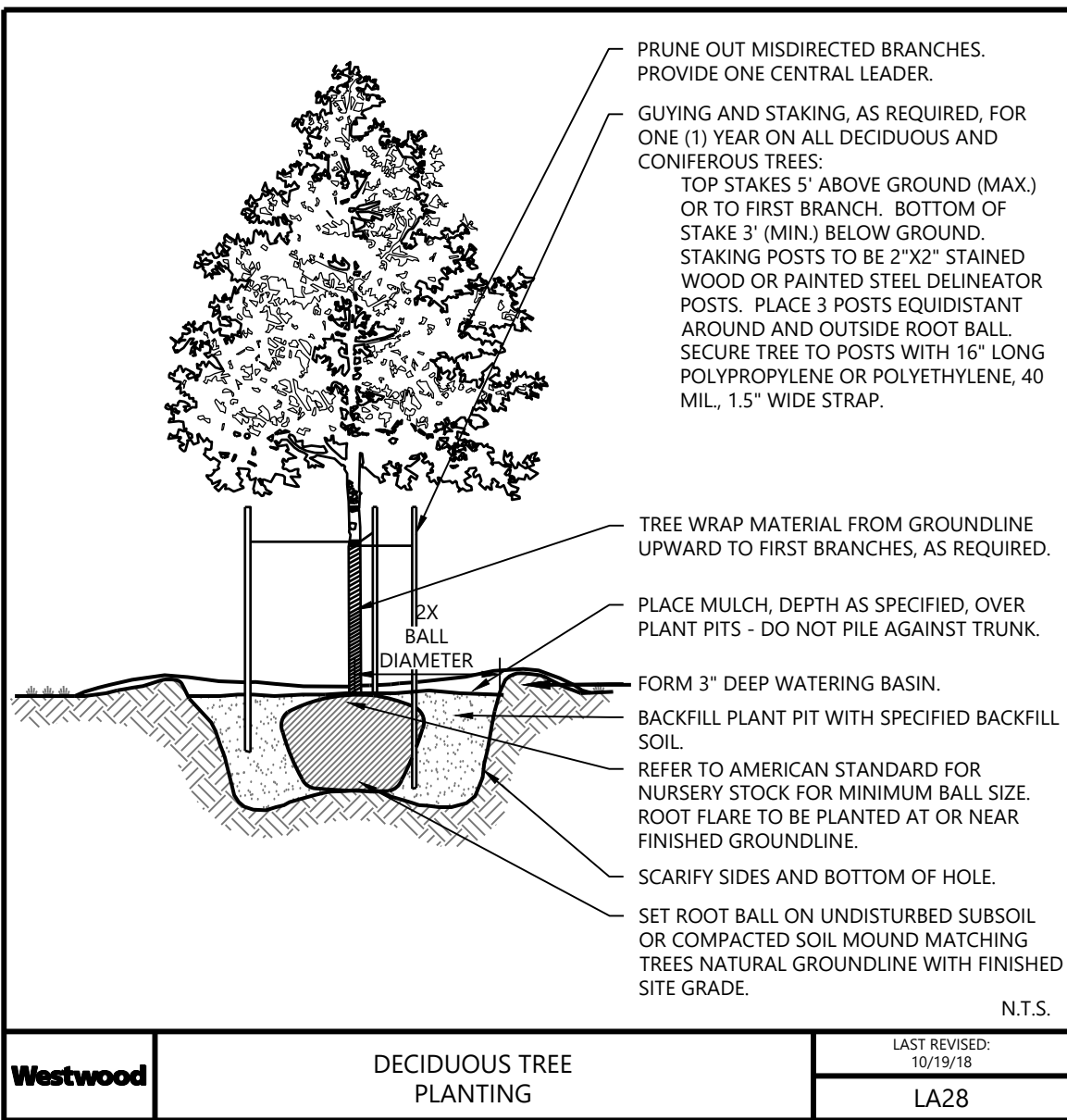
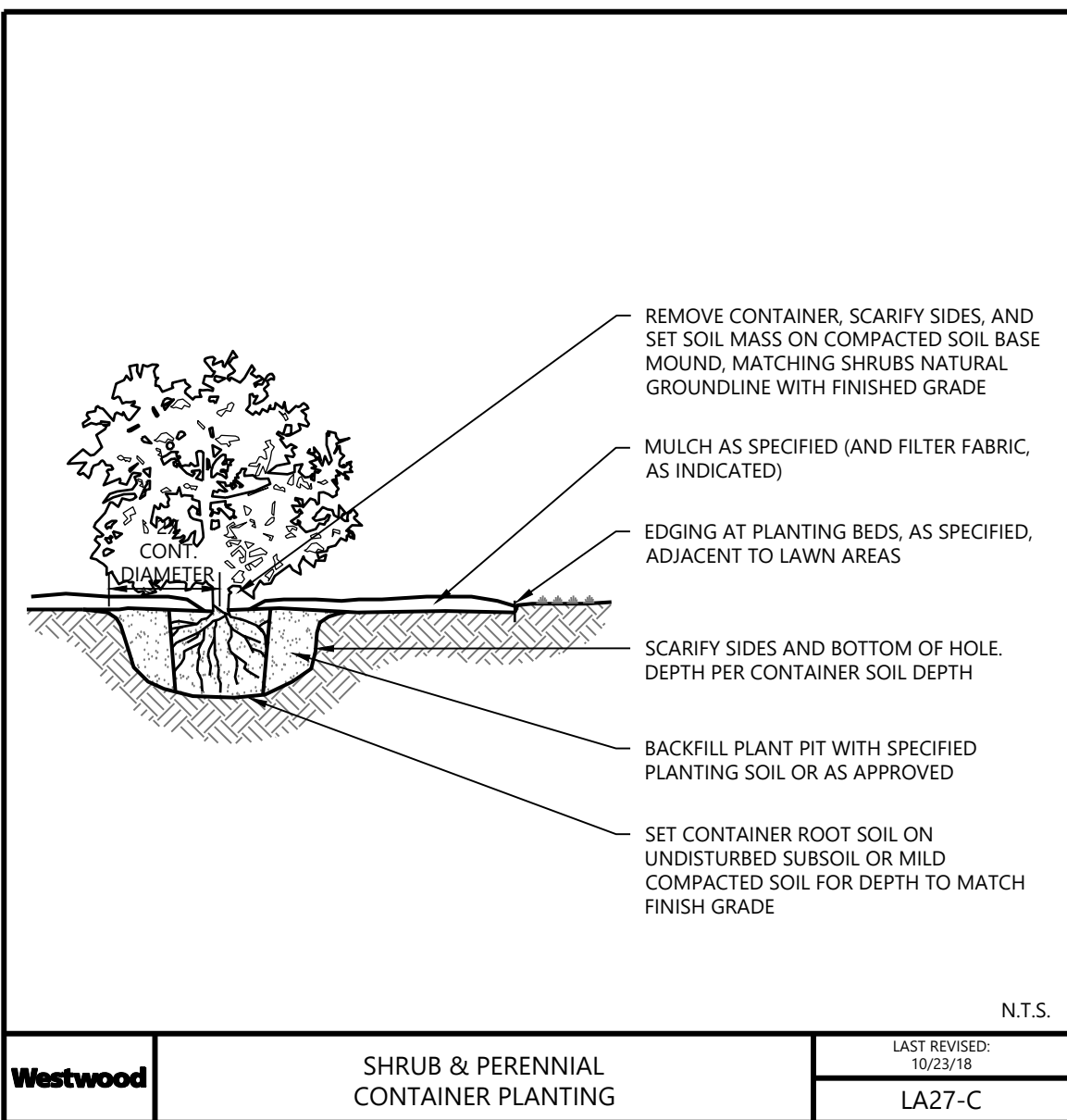
KEY PLAN

LANDSCAPE DETAILS

L1.2

PLANTING NOTES

- CONTRACTOR SHALL CONTACT COMMON GROUND ALLIANCE AT 811 OR CALL811.COM TO VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF ANY PLANTS OR LANDSCAPE MATERIAL.
- ACTUAL LOCATION OF PLANT MATERIAL IS SUBJECT TO FIELD AND SITE CONDITIONS.
- NO PLANTING WILL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- ALL SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO SUBMISSION OF ANY BID AND/OR QUOTE BY THE LANDSCAPE CONTRACTOR.
- CONTRACTOR SHALL PROVIDE TWO YEAR GUARANTEE OF ALL PLANT MATERIALS. THE GUARANTEE BEGINS ON THE DATE OF THE LANDSCAPE ARCHITECT'S OR OWNER'S WRITTEN ACCEPTANCE OF THE INITIAL PLANTING. REPLACEMENT PLANT MATERIAL SHALL HAVE A ONE YEAR GUARANTEE COMMENCING UPON PLANTING.
- ALL PLANTS TO BE SPECIMEN GRADE, MINNESOTA-GROWN AND/OR HARDY. SPECIMEN GRADE SHALL ADHERE TO, BUT IS NOT LIMITED BY, THE FOLLOWING STANDARDS:
ALL PLANTS SHALL BE FREE FROM DISEASE, PESTS, WOUNDS, SCARS, ETC.
ALL PLANTS SHALL BE FREE FROM NOTICEABLE GAPS, HOLES, OR DEFORMITIES.
ALL PLANTS SHALL BE FREE FROM BROKEN OR DEAD BRANCHES.
ALL PLANTS SHALL HAVE HEAVY, HEALTHY BRANCHING AND LEAFING.
CONIFEROUS TREES SHALL HAVE AN ESTABLISHED MAIN LEADER AND A HEIGHT TO WIDTH RATIO OF NO LESS THAN 5:3.
- PLANTS TO MEET AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-2014 OR MOST CURRENT VERSION) REQUIREMENTS FOR SIZE AND TYPE SPECIFIED.
- PLANTS TO BE INSTALLED AS PER MNLA & ANSI STANDARD PLANTING PRACTICES.
- PLANTS SHALL BE IMMEDIATELY PLANTED UPON ARRIVAL AT SITE. PROPERLY HEEL-IN MATERIALS IF NECESSARY; TEMPORARY ONLY.
- PRIOR TO PLANTING, FIELD VERIFY THAT THE ROOT COLLAR/ROOT FLAIR IS LOCATED AT THE TOP OF THE BALLED & BURLAP TREE. IF THIS IS NOT THE CASE, SOIL SHALL BE REMOVED DOWN TO THE ROOT COLLAR/ROOT FLAIR. WHEN THE BALLED & BURLAP TREE IS PLANTED, THE ROOT COLLAR/ROOT FLAIR SHALL BE EVEN OR SLIGHTLY ABOVE FINISHED GRADE.
- OPEN TOP OF BURLAP ON 88 MATERIALS; REMOVE POT ON POTTED PLANTS; SPLIT AND BREAK APART PEAT POTS.
- PRUNE PLANTS AS NECESSARY - PER STANDARD NURSERY PRACTICE AND TO CORRECT POOR BRANCHING OF EXISTING AND PROPOSED TREES.
- WRAP ALL SMOOTH-BARKED TREES - FASTEN TOP AND BOTTOM. REMOVE BY APRIL 1ST.
- STAKING OF TREES AS REQUIRED; REPOSITION, PLUMB AND STAKE IF NOT PLUMB AFTER ONE YEAR.
- THE NEED FOR SOIL AMENDMENTS SHALL BE DETERMINED UPON SITE SOIL CONDITIONS PRIOR TO PLANTING. LANDSCAPE CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT FOR THE NEED OF ANY SOIL AMENDMENTS.
- BACKFILL SOIL AND TOPSOIL TO ADHERE TO MN/DOT STANDARD SPECIFICATION 3877 (SELECT TOPSOIL BORROW) AND TO BE EXISTING TOP SOIL FROM SITE FREE OF ROOTS, ROCKS LARGER THAN ONE INCH, SUBSOIL DEBRIS, AND LARGE WEEDS UNLESS SPECIFIED OTHERWISE. MINIMUM 4" DEPTH TOPSOIL FOR ALL LAWN GRASS AREAS AND 12" DEPTH TOPSOIL FOR TREE, SHRUBS, AND PERENNIALS.
- PROVIDE A MINIMUM OF 4" TOPSOIL IN LAWN AREAS AND 12" TOPSOIL IN LANDSCAPE BEDS. ADD SOIL AMENDMENTS FOR OPTIMUM PLANT GROWTH. ALL PARKING ISLAND GRADES SHALL HAVE A SIGNIFICANT CROWN.
- MULCH TO BE AT ALL TREE, SHRUB, PERENNIAL, AND MAINTENANCE AREAS. TREE AND SHRUB PLANTING BEDS SHALL HAVE 4" DEPTH OF SHREDDED HARDWOOD MULCH. SHREDDED HARDWOOD MULCH TO BE USED AROUND ALL PLANTS WITHIN TURF AREAS. PERENNIAL AND ORNAMENTAL GRASS BEDS SHALL HAVE 2" DEPTH SHREDDED HARDWOOD MULCH. SINGLE TREE AND SHRUB PLANTINGS SHALL HAVE A 4" DEPTH SHREDDED HARDWOOD MULCH RING AROUND EACH BASE. DECIDUOUS PLANT MATERIAL SHALL HAVE A MINIMUM 3" DIAMETER RING. EVERGREEN PLANT MATERIAL SHALL HAVE A RING TO THE DRIP LINE. MULCH TO BE FREE OF DELETERIOUS MATERIAL AND MULCH TO BE ON COMMERCIAL GRADE FILTER FABRIC, BY TYPAR, OR APPROVED EQUAL WITH NO EXPOSURE. MULCH AND FABRIC TO BE APPROVED BY OWNER PRIOR TO INSTALLATION. MULCH TO MATCH EXISTING CONDITIONS (WHERE APPLICABLE).
- EXISTING TREES AND SHRUBS, AROUND THE SITE, SHALL BE PRUNED TO REMOVE DEAD OR UNDESIRABLE LIMBS AND TO SHAPE PLANT FOR DESIRABLE APPEARANCE AND COMPLETED BY A QUALIFIED INDIVIDUAL. CONTRACTOR TO CLEAR AND GRUB EXISTING VEGETATION AND DISPOSE OF ALL REMOVALS OFF-SITE PER PROJECT IMPROVEMENTS.
- EDGING TO BE COMMERCIAL GRADE VALLEY-VIEW BLACK DIAMOND (OR EQUAL) POLY EDGING OR SPADED EDGE AS INDICATED. POLY EDGING SHALL BE PLACED WITH SMOOTH CURVES AND STAKED WITH METAL SPIKES NO GREATER THAN 4" FOOT ON CENTER WITH BASE OF TOP BEAD AT GRADE. FOR MOWERS TO CUT ABOVE WITHOUT DAMAGE. UTILIZE CURBS AND SIDEWALKS FOR EDGING WHERE POSSIBLE. SPADED EDGE TO PROVIDE V-SHAPED DEPTH AND WIDTH TO CREATE SEPARATION BETWEEN MULCH AND GRASS. INDIVIDUAL TREE, SHRUB, OR RAIN-GARDEN BEDS TO BE SPADED EDGE, UNLESS NOTED OTHERWISE. EDGING TO MATCH EXISTING CONDITIONS (WHERE APPLICABLE).
- ALL DISTURBED AREAS TO BE SODDED, UNLESS OTHERWISE NOTED. PARKING LOT ISLANDS TO BE SODDED WITH SHREDDED HARDWOOD MULCH AROUND ALL TREES AND SHRUBS. SOD TO BE STANDARD MINNESOTA GROWN AND HARDY BLUEGRASS MIX, FREE OF LAWN WEEDS. ALL TOPSOIL AREAS TO BE RAKED TO REMOVE DEBRIS AND ENSURE DRAINAGE. SLOPES OF 3:1 OR GREATER SHALL BE STAKED. SEED AS SPECIFIED AND PER MN/DOT SPECIFICATIONS. IF NOT INDICATED ON LANDSCAPE PLAN, SEE EROSION CONTROL PLAN.
- PROVIDE IRRIGATION TO ALL PLANTED AREAS ON SITE. IRRIGATION SYSTEM TO BE DESIGN/BUILD BY LANDSCAPE CONTRACTOR. SEE PLAN FOR LIMITS OF IRRIGATION. LANDSCAPE WITHIN LANDSCAPE/IRRIGATION DASHED LINE TO BE IRRIGATED FROM BUILDING. LANDSCAPE CONTRACTOR TO PROVIDE SHOP DRAWINGS TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION OF IRRIGATION SYSTEM. CONTRACTOR TO WATER PLANT MATERIAL DURING INSTALLATION AND DURING ESTABLISHMENT PERIOD. OWNER WILL NOT PROVIDE WATER FOR CONTRACTOR. VOLUME OF WATER TO BE PER PLANT REQUIREMENT FOR ESTABLISHMENT AND NORMAL GROWTH. CONTRACTOR TO PROVIDE OPERATION MANUALS, AS-BUILT PLANS, AND NORMAL PROGRAMMING. SYSTEM SHALL BE WINTERIZED AND HAVE SPRING STARTUP DURING FIRST YEAR OF OPERATION. SYSTEM SHALL HAVE ONE-YEAR WARRANTY ON ALL PARTS AND LABOR. ALL INFORMATION ABOUT INSTALLATION AND SCHEDULING CAN BE OBTAINED FROM THE GENERAL CONTRACTOR.
- REPAIR, REPLACE, OR PROVIDE SOD/SEED AS REQUIRED FOR ANY ROADWAY BOULEVARD AREAS ADJACENT TO THE SITE DISTURBED DURING CONSTRUCTION.
- REPAIR ALL DAMAGE TO PROPERTY FROM PLANTING OPERATIONS AT NO COST TO OWNER.
- VERIFY ALL LANDSCAPE IMPROVEMENTS WITH REMOVALS AND SITE WORK.
- ALL DISTURBED LANDSCAPED AREAS, NOT INDICATED AS PLANTING BEDS, ARE TO BE SODDED, UNLESS NOTED OTHERWISE. SOD IS TO BE PRIMARILY KENTUCKY BLUEGRASS, FREE OF LAWN GRASS WEEDS. MATCH INTO EXISTING, AS APPLICABLE. ANCHOR SOD ON SLOPED OR POTENTIAL EROSION AREAS, OR AS REQUIRED.
- CONTRACTOR TO VERIFY PLANTS REQUIRED AS REFLECTED ON PLAN, NOTIFY LANDSCAPE ARCHITECT IF PLAN AND SCHEDULE DO NOT MATCH. ALL PLANT MATERIAL TO ADHERE TO THE AMERICAN STANDARD FOR NURSERY STOCK, LATEST VERSION. ADD FERTILIZER, HERBICIDE, AND PESTICIDE AS NECESSARY FOR OPTIMUM GROWTH.





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FROM SOUTHWEST



FROM WEST



FROM SOUTHWEST



BIRD'S EYE FROM SOUTH



VIEW FROM SOUTHWEST



BIRD'S EYE FROM SOUTH



VIEW FROM EAST



VIEW FROM SOUTHEAST



VIEW FROM SOUTHEAST



BIRD'S EYE FROM NORTH



VIEW FROM FUTURE ROUNDABOUT



BIRD'S EYE FROM WEST

LUA / PUD
Revisions
3/8/21

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01/12/21

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PROJECT NUMBER

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3D RENDERINGS

A0-1



9 - FROM WEST 64 1/2 STREET LOOKING SOUTH



8 - FROM HARRIET AVE S/WEST 64 1/2 CORNER LOOKING SOUTHWEST



7 - FROM NORTHWEST SIDE LOOKING SOUTHEAST



6 - FROM LYNDALE AVE SOUTH LOOKING NORTHEAST



5 - FROM LYNDALE AVE S/WEST 65TH ST CORNER LOOKING NORTHWEST



4 - FROM LYNDALE AVE S/WEST 65TH ST CORNER LOOKING WEST



3 - FROM WEST 65TH STREET LOOKING WEST



2 - FROM SOUTHEAST CORNER LOOKING NORTHWEST



1 - FROM EAST SIDE LOOKING WEST

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EXISTING PHOTOS

A0-2



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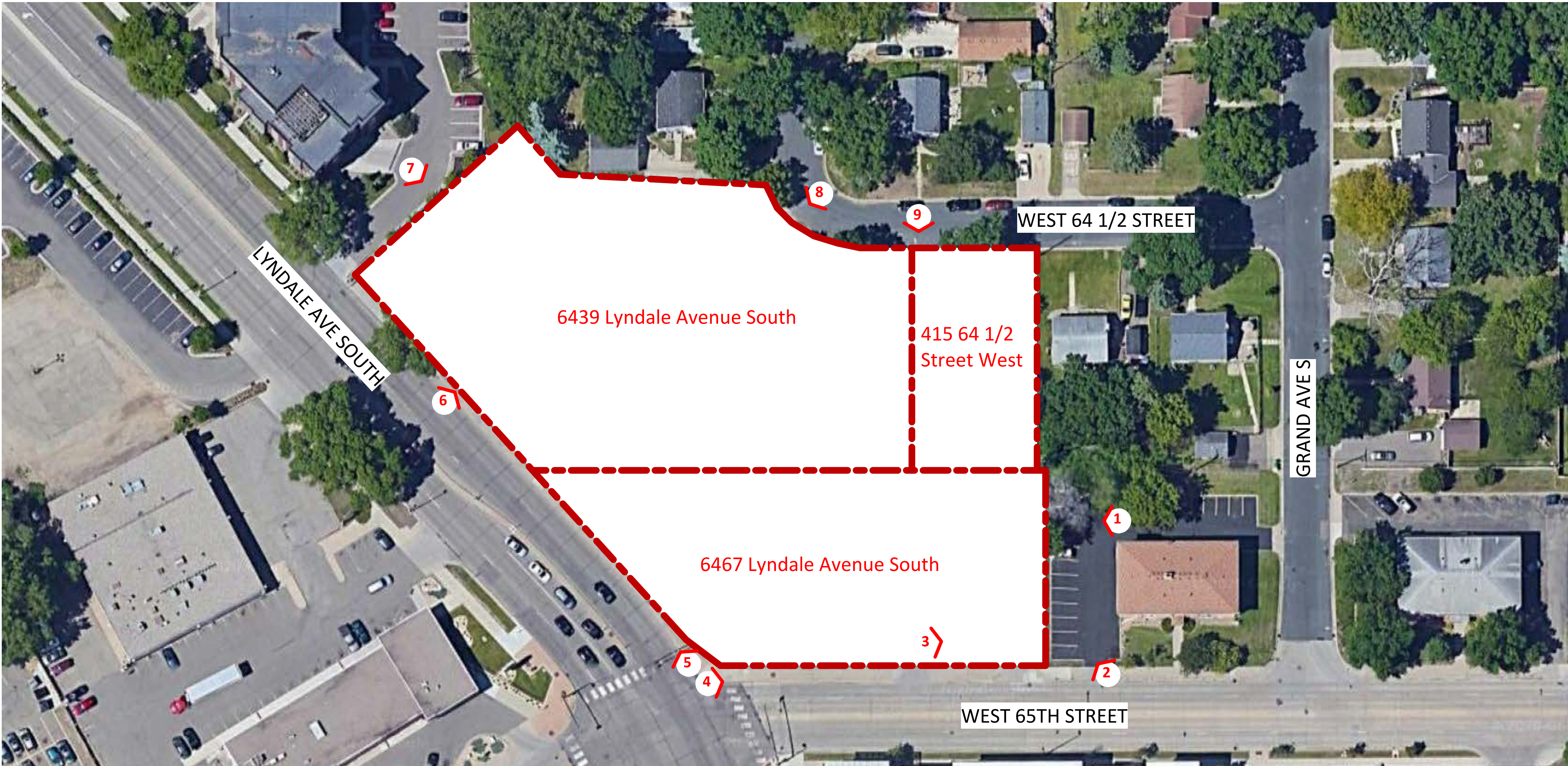
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2 SITE LOCATION MAP
A0-3 12" = 1'-0"



1 EXISTING SITE PLAN
A0-3 12" = 1'-0"

NUMBERS CORRESPOND TO PHOTOS ON A0-2

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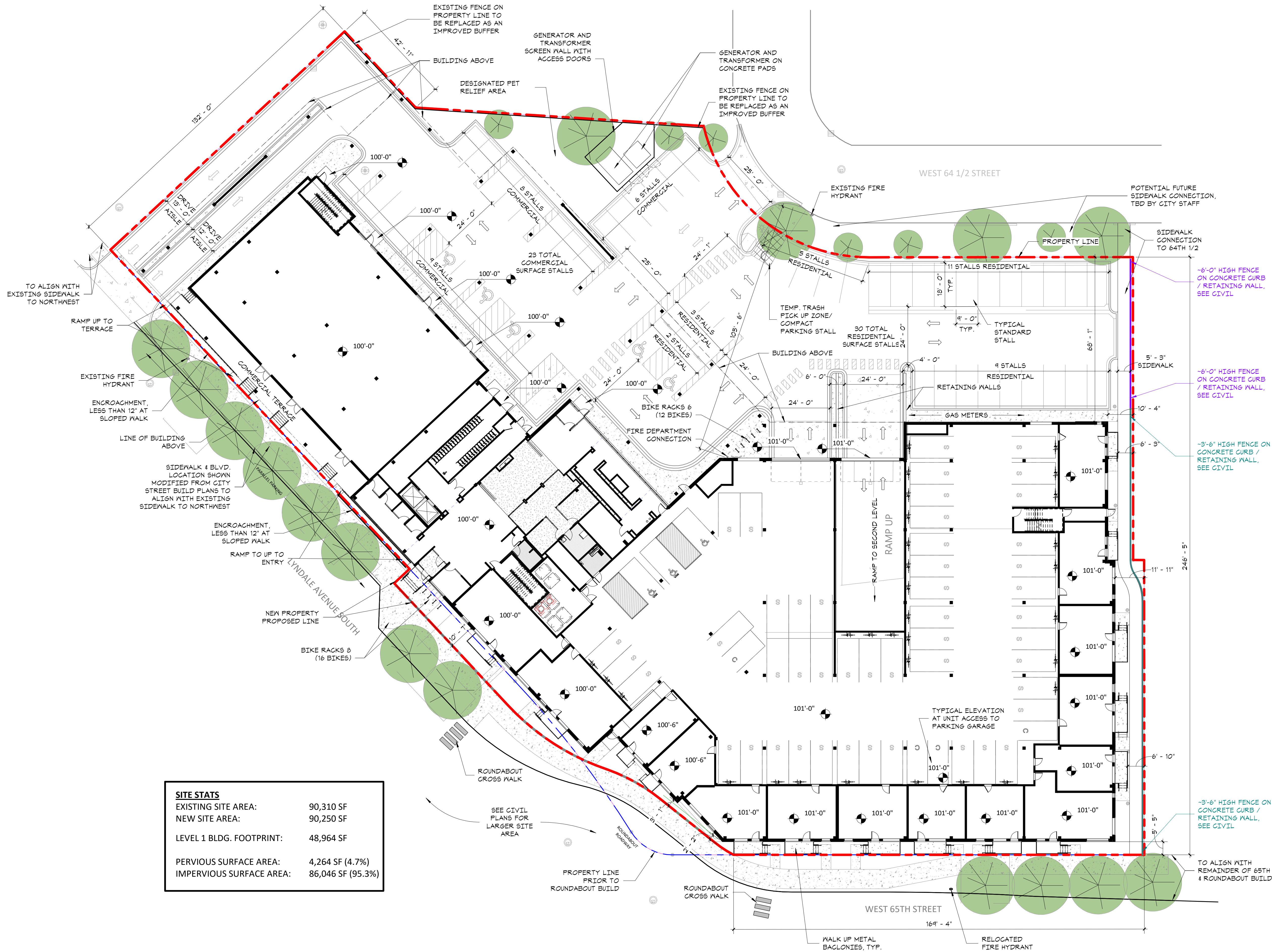
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EXISTING SITE PLAN

A0-3

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ARCHITECTURAL SITE PLAN
A0-4



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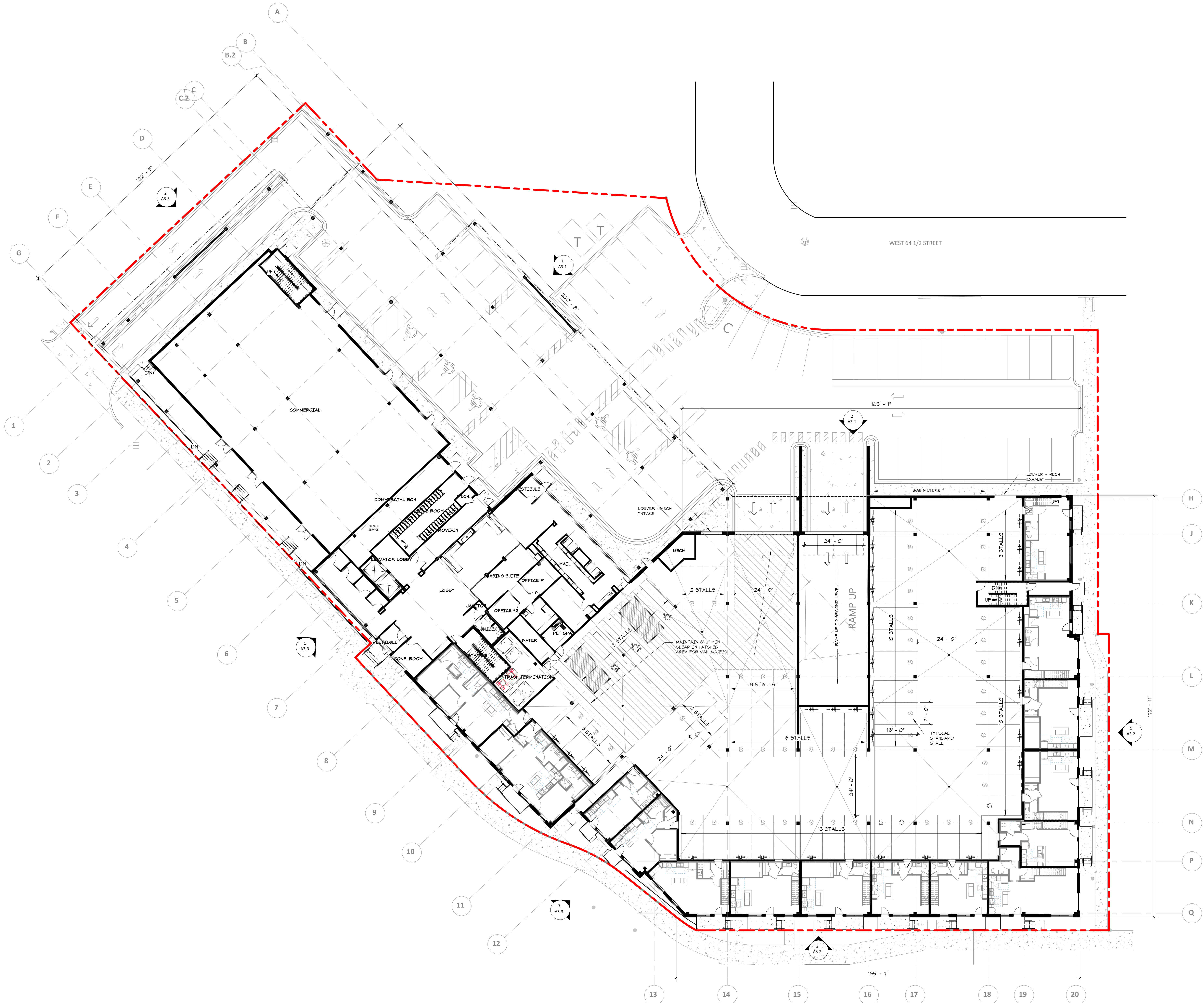
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1 FIRST LEVEL FLOOR PLAN
A1-1 1/16" = 1'-0"

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FIRST LEVEL PLAN

A1-1



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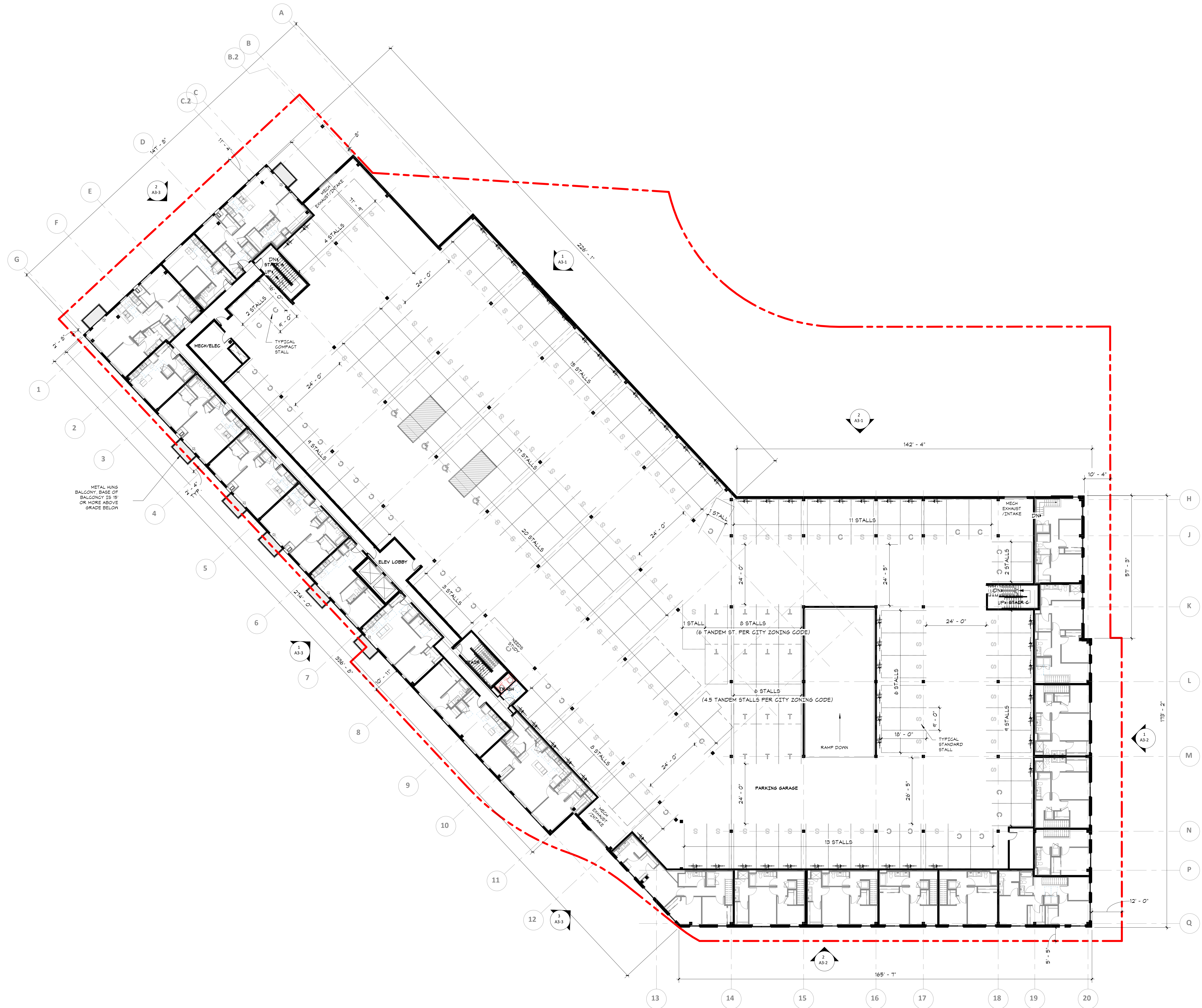
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SECOND LEVEL PLAN

A1-2



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1 THIRD LEVEL OVERALL PLAN
A1-3 3/16" = 1'-0"

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THIRD LEVEL PLAN

A1-3



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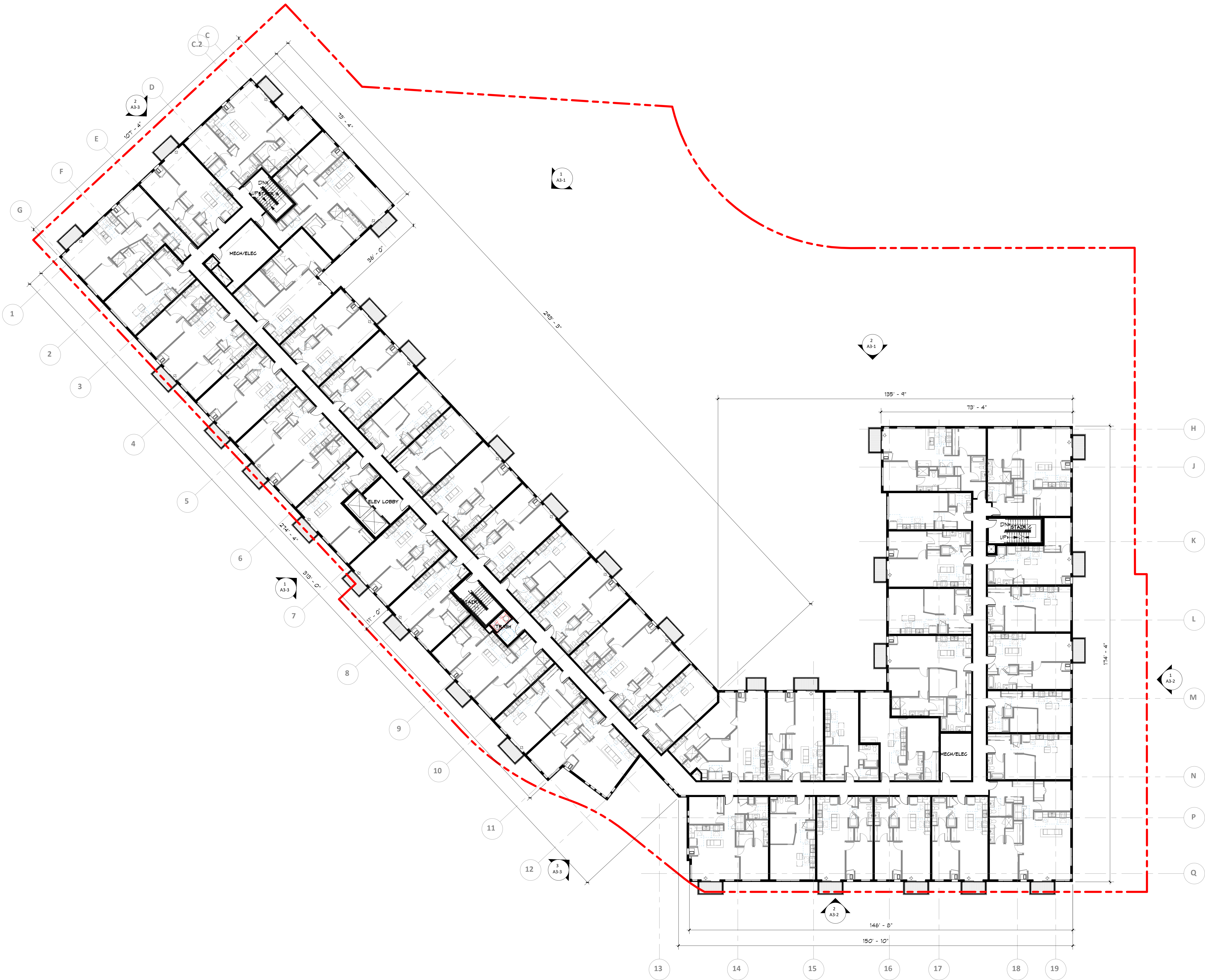
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1 FOURTH LEVEL OVERALL PLAN
A1-4 3/16" = 1'-0"

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FOURTH LEVEL PLAN

A1-4



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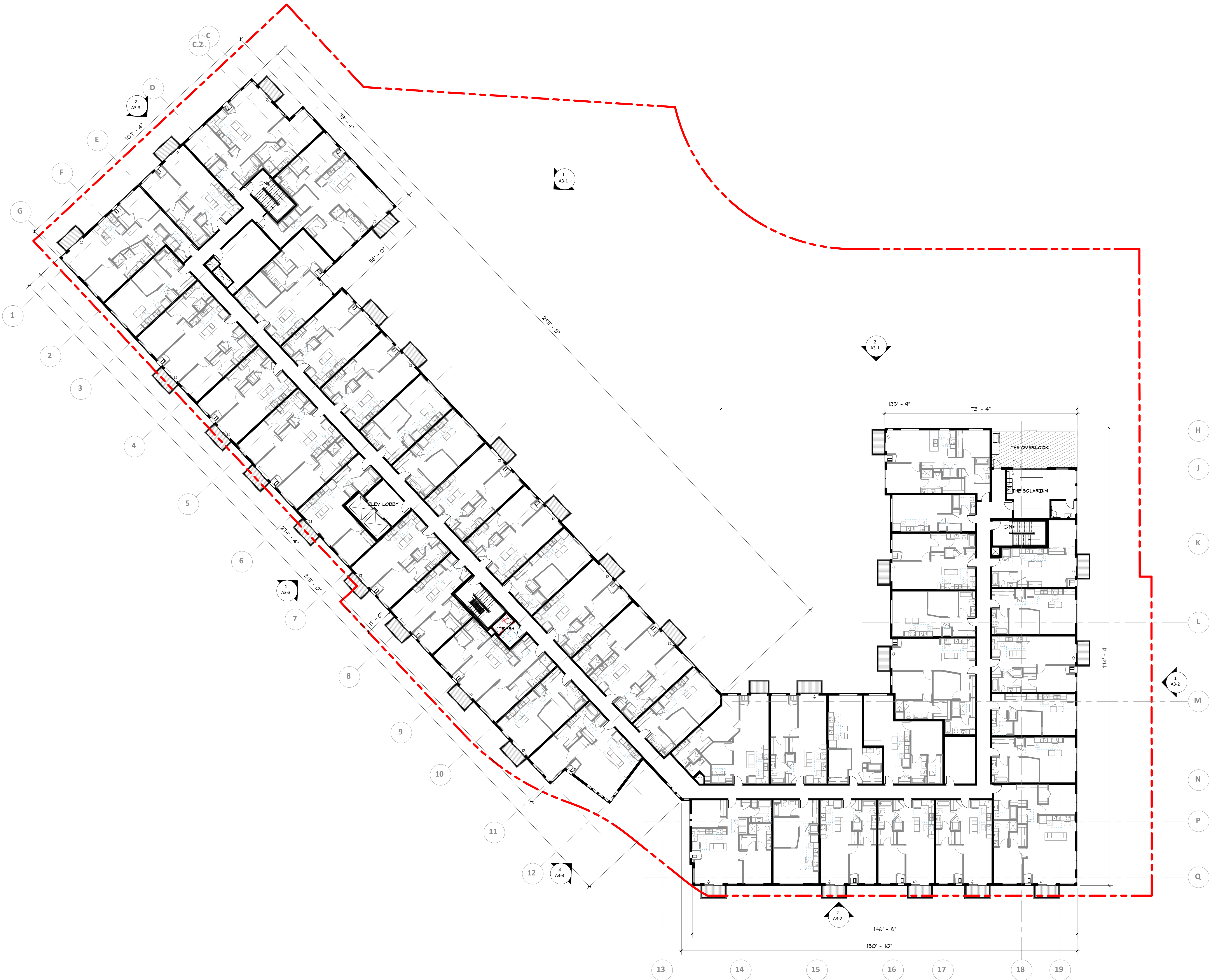
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1 FIFTH LEVEL OVERALL PLAN
A1-5 3/16" = 1'-0"

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FIFTH LEVEL PLAN

A1-5

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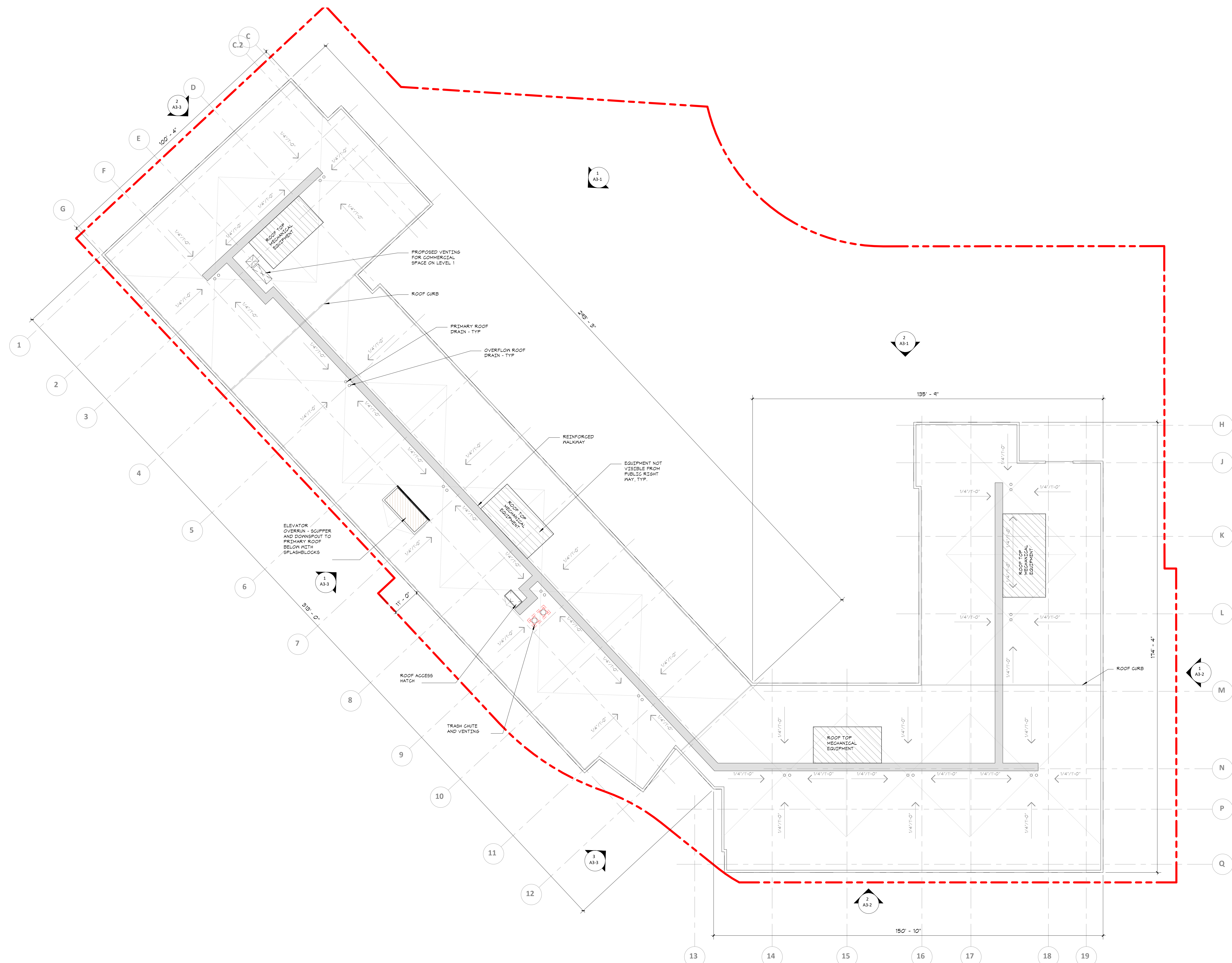
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ROOF PLAN

A1-6





EXTERIOR MATERIAL KEYNOTES LUA/PUD	
1A	MASONRY, COLOR #1
1B	MASONRY, COLOR #1, SOLDIER COURSE
1C	MASONRY, WATERTABLE, COLOR #2
3A	MASONRY INLAY PRECAST CONCRETE PANEL
3C	PRECAST CONCRETE COLUMN
5A	METAL PANEL, VERTICAL, COLOR #1
5B	METAL PANEL, HORIZONTAL, COLOR #1
5C	METAL PANEL, VERTICAL, COLOR #2
5D	METAL PANEL, HORIZONTAL, COLOR #2
5E	METAL CLADDING, COLOR #3
5F	METAL CLADDING, COLOR #4
6A	FIBER CEMENT PANEL, COLOR #1
6B	FIBER CEMENT PANEL, COLOR #2
6C	FIBER CEMENT PANEL, COLOR #3
6D	FIBER CEMENT PANEL, COLOR #4
8A	ALUMINUM STOREFRONT
8B	COMPOSITE WINDOW/DOOR UNIT
8D	OVERHEAD DOOR

EXTERIOR MATERIAL KEYNOTES LUA/PUD	
8E	ALUMINUM DOOR
8F	METAL DOOR
9A	MECHANICAL GRILLE
9B	MECHANICAL LOUVER
10A	METAL FLASHING COLOR #1
10B	METAL FLASHING COLOR #2
10D	METAL FLASHING COLOR #4
10E	METAL SILL TRIM, COLOR #2
12A	METAL BALCONY & RAILING, COLOR #3
12B	METAL RAILING SYSTEM
12C	METAL STOOP WITH RAILING SYSTEM
12D	METAL RAILING, PAINTED
12E	METAL BATTEN
14	BUILDING SIGNAGE
15B	PRIVACY SCREEN WALL, COLOR #3
15C	METAL CANOPY, COLOR #3
15D	STEEL CANOPY, COLOR #2

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2
LUA/PUD - NORTH ELEVATION
A3-1 1/8" = 1'-0"



EXTERIOR MATERIAL KEYNOTES LUA/PUD

- 1A MASONRY, COLOR #1
1B MASONRY, COLOR #1, SOLDIER COURSE
1C MASONRY, WATERTABLE, COLOR #2
3A MASONRY INLAY PRECAST CONCRETE PANEL
3C PRECAST CONCRETE COLUMN
5A METAL PANEL, VERTICAL, COLOR #1
5B METAL PANEL, HORIZONTAL, COLOR #1
5C METAL PANEL, VERTICAL, COLOR #2
5D METAL PANEL, COLOR #3
5E METAL CLADDING, COLOR #3
5F METAL CLADDING, COLOR #4
6A FIBER CEMENT PANEL, COLOR #1
6B FIBER CEMENT PANEL, COLOR #2
6C FIBER CEMENT PANEL, COLOR #3
6D FIBER CEMENT PANEL, COLOR #4
8A ALUMINUM STOREFRONT
8B COMPOSITE WINDOW/DOOR UNIT
8D OVERHEAD DOOR

EXTERIOR MATERIAL KEYNOTES LUA/PUD

- 8E ALUMINUM DOOR
8F METAL DOOR
9A MECHANICAL GRILLE
9B MECHANICAL LOUVER
10A METAL FLASHING COLOR #1
10B METAL FLASHING COLOR #2
10C METAL FLASHING COLOR #4
10D METAL SILL TRIM, COLOR #2
12A METAL BALCONY & RAILING, COLOR #3
12B METAL RAILING SYSTEM
12C METAL STOOP WITH RAILING SYSTEM
12D METAL RAILING, PAINTED
12E METAL BATTEN
14 BUILDING SIGNAGE
15B PRIVACY SCREEN WALL, COLOR #3
15C METAL CANOPY, COLOR #3
15D STEEL CANOPY, COLOR #2



2
A3-2
LUA/PUD - SOUTH ELEVATION
3/8' = 1'-0"



1
A3-2
LUA/PUD - EAST ELEVATION
3/8' = 1'-0"

EXTERIOR MATERIAL KEYNOTES LUA/PUD

- 1A MASONRY, COLOR #1
- 1B MASONRY, COLOR #1, SOLDIER COURSE
- 1C MASONRY, WATERTABLE, COLOR #2
- 3A MASONRY INLAY PRECAST CONCRETE PANEL
- 3C PRECAST CONCRETE COLUMN
- 5A METAL PANEL, VERTICAL, COLOR #1
- 5B METAL PANEL, HORIZONTAL, COLOR #1
- 5C METAL PANEL, VERTICAL, COLOR #2
- 5D METAL PANEL, COLOR #3
- 5E METAL CLADDING, COLOR #3
- 5F METAL CLADDING, COLOR #4
- 6A FIBER CEMENT PANEL, COLOR #1
- 6B FIBER CEMENT PANEL, COLOR #2
- 6C FIBER CEMENT PANEL, COLOR #3
- 6D FIBER CEMENT PANEL, COLOR #4
- 8A ALUMINUM STOREFRONT
- 8B COMPOSITE WINDOW/DOOR UNIT
- 8D OVERHEAD DOOR

EXTERIOR MATERIAL KEYNOTES LUA/PUD

- 8E ALUMINUM DOOR
- 8F METAL DOOR
- 9A MECHANICAL GRILLE
- 9B MECHANICAL LOUVER
- 10A METAL FLASHING COLOR #1
- 10B METAL FLASHING COLOR #2
- 10D METAL FLASHING COLOR #4
- 10E METAL SILL TRIM, COLOR #2
- 12A METAL BALCONY & RAILING, COLOR #3
- 12B METAL RAILING SYSTEM
- 12C METAL STOOP WITH RAILING SYSTEM
- 12D METAL RAILING, PAINTED
- 12E METAL BATTEN
- 14 BUILDING SIGNAGE
- 15B PRIVACY SCREEN WALL, COLOR #3
- 15C METAL CANOPY, COLOR #3
- 15D STEEL CANOPY, COLOR #2



2 LUA/PUD - NORTHWEST ELEVATION

A3-3 1/8" = 1'-0"



3 LUA/PUD - SOUTHWEST ELEVATION RIGHT

A3-3 1/8" = 1'-0"



1 LUA/PUD - SOUTHWEST ELEVATION LEFT

A3-3 1/8" = 1'-0"

DECEMBER 21ST



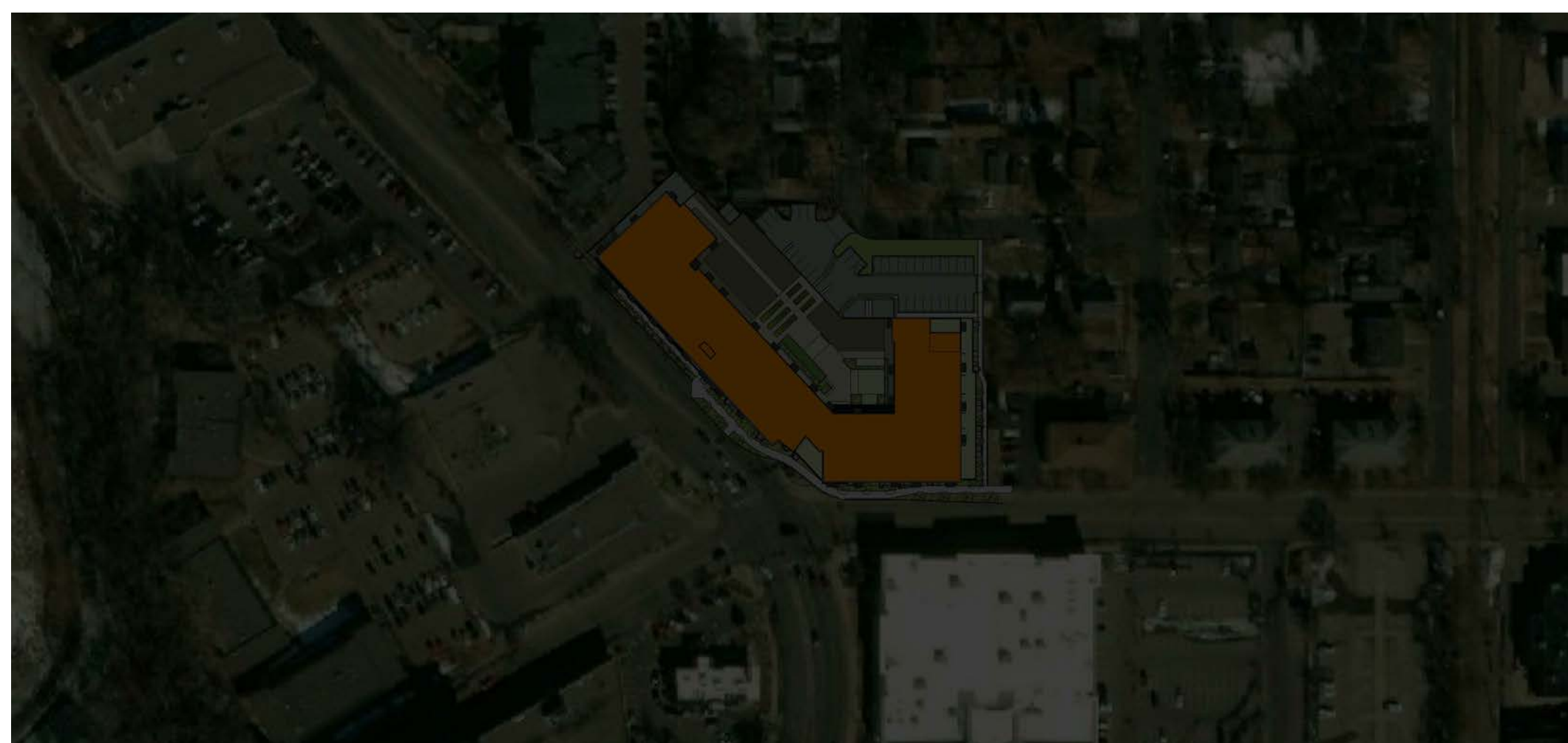
9 AM



NOON



3 PM



6 PM

MARCH 21ST / SEPTEMBER 21ST



9 AM



NOON



3 PM



6 PM

JUNE 21ST



9 AM



NOON



3 PM



6 PM



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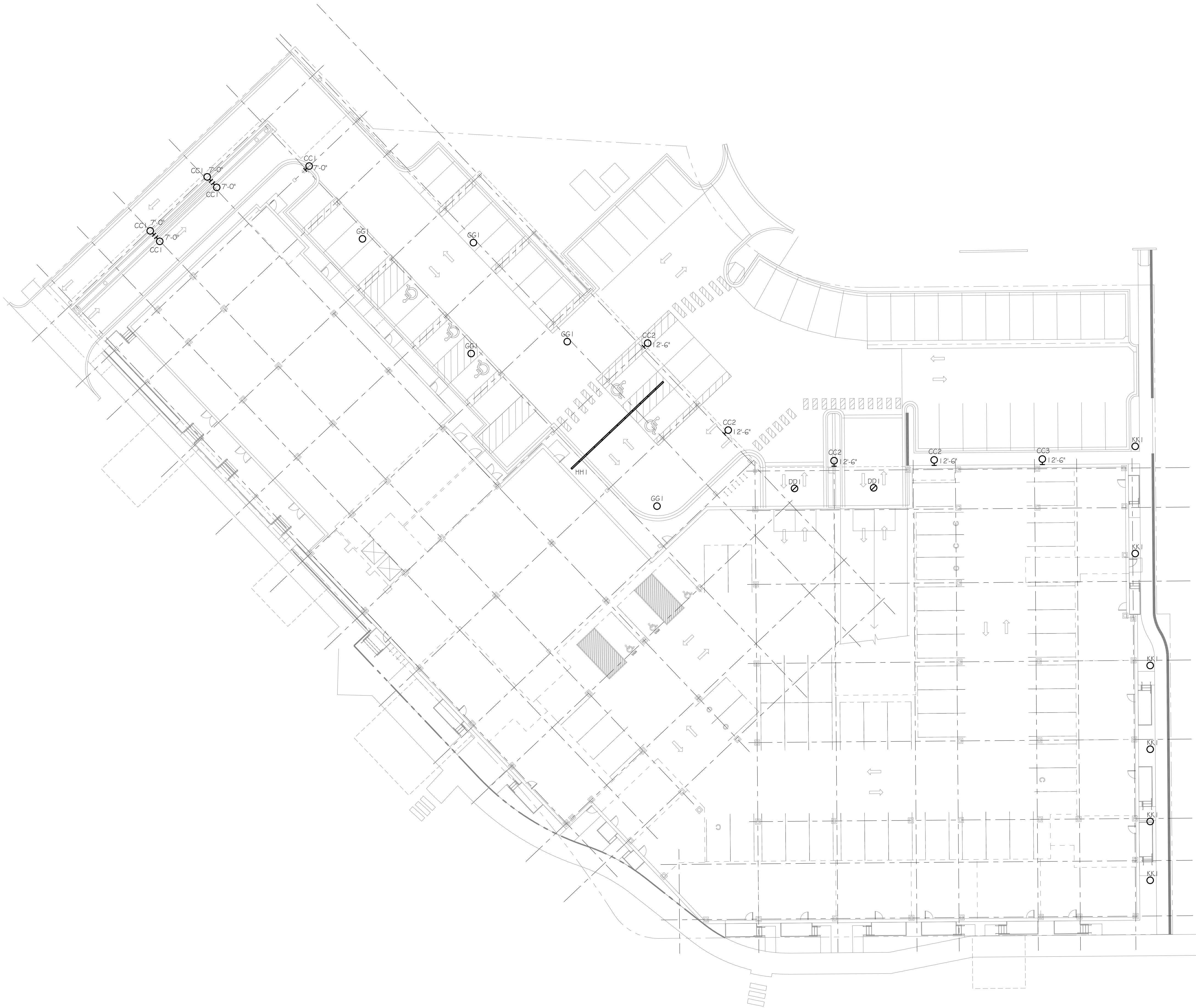
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SHADOW STUDIES

A4-1



1 SITE PLAN - ELECTRICAL
E0.1 1" = 20'-0"

EXTERIOR LIGHTING FIXTURE SCHEDULE													
FXT. TYPE LETTER	MANUFACTURER	CATALOG NUMBER	MOUNTING	VOLTS	TYPE	LAMP DATA		COLOR TEMP. (K)	TOTAL FIXTURE WATTAGE	TOTAL FIXTURE LUMENS	DRIVER DATA		REMARKS
						MIN. CRI					TYPE	#	
CC1	MCGRAW EDISON	GWC-SA1-A-740-U-SL2	WALL	120	LED	70	4000	34	4874	LED DRIVER	1	WALL MOUNTED FIXTURE WITH TYPE II DISTRIBUTION AND DARK BRONZE FINISH.	
CC2	MCGRAW EDISON	GWC-SA2C-740-U-LT4FT	WALL	120	LED	70	4000	113	14850	LED DRIVER	1	WALL MOUNTED FIXTURE WITH TYPE IV DISTRIBUTION AND DARK BRONZE FINISH.	
CC3	MCGRAW EDISON	GWC-SA2D-740-U-LT4FT	WALL	120	LED	70	4000	129	16280	LED DRIVER	1	WALL MOUNTED FIXTURE WITH TYPE IV DISTRIBUTION AND DARK BRONZE FINISH.	
DD1	PORTFOLIO	LDCB20DD10-EUEJB1G20S040-GLBW1H	RECESSED	120	LED	80	4000	21.2	2000	0-10V DIMMING DRIVER	1	6" DIAMETER RECESSED DOWNLIGHT WITH SELF FLANGED HAZE REFLECTOR.	
HH1	NFO-RAY	S122DR-S4R5D040-GYF4FO-1XX-UDD-F-X-S	RECESSED	120	LED	80	4000	4.8W	495FT	0-10V DIMMING DRIVER	1	RECESSED LED FIXTURE WITH SATIN FLUSH DIFFUSER.	
GG1	COOPER - LUMARK	RPC235- POSITION0	SURFACE	120	LED	70	4000	63	7811	LED DRIVER	1	1/2" DIAMETER CEILING MOUNTED FIXTURE WITH WIDE DISTRIBUTION AND FACTORY INSTALLED DIMMING OCCUPANCY SENSOR.	
KK1	SELUX	NT-3-LG4700-40-BZ-1-20	GROUND	120	LED	-	4000	14	804	LED DRIVER	1	3' BOLLARD WITH DARK BRONZE FINISH ON CONCRETE BASE.	



STAFF REPORT NO. 56
CITY COUNCIL MEETING
4/13/2021

REPORT PREPARED BY: Krista Guzman, HR Manager

DEPARTMENT DIRECTOR REVIEW: Pam Dymtrenko, Administrative Services Director/Assistant City Manager
3/29/2021

OTHER DEPARTMENT REVIEW: N/A

CITYMANAGER REVIEW: Katie Rodriguez, City Manager
4/7/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider adoption of a resolution modifying a Health Care Savings Plan for Police Lieutenants, Teamsters #320 bargaining unit employees.

EXECUTIVE SUMMARY:

In 2001, the Minnesota legislature granted authority to the Minnesota State Retirement System (MSRS) to offer a post-employment Health Care Savings Plan (HCSP) to eligible employees of the State of Minnesota and other governmental subdivisions. A post-employment HCSP is an employer-sponsored program that allows employees to save money to pay towards medical expenses and/or health insurance premiums after termination of employment. 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.

The Police Lieutenants (Teamsters #320) bargaining unit employee group has agreed upon a modification to its plan that modifies the bi-weekly contribution amount. Under state statute, modifications to HCSP's cannot be made more often than once every two years. The last modification to the Management HCSP was in 2016. Staff is recommending amending the Post Employment Health Care Savings Plan for Police Lieutenants, Teamsters #320 bargaining unit employees.

RECOMMENDED ACTION:

By motion: Adopt a resolution modifying a Health Care Savings Plan for eligible Police Lieutenants, Teamsters #320 bargaining unit employees.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Legal authority to establish a HCSP is provided through Minn. Stat. 352.98 and Internal Revenue Service rulings. The establishment of each plan, including contribution formulae, must be negotiated when dealing with a collective bargaining unit or personnel policy where non-union employees are involved. Once established, the plan must be filed with MSRS to initiate or modify the plan.
- Participation for each individual employee within a bargaining unit or employee group is

mandatory once the plan is established for that respective group. Moreover, the amounts contributed for or by each employee in a particular group must be the same for every employee of the group; however, contributed amounts between employee groups will vary.

- A Health Care Savings Plan was established by the City Council for the Police Lieutenants, Teamsters #320 on October 30, 2016. Under state statute, plan modifications may be made no more frequently than once every two years.

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

- Minnesota Statutes have been amended to provide the opportunity for a very valuable benefit to City employees. The City of Richfield has offered this benefit to employee groups that are interested in such a mandatory plan.
- Approval of the resolution by the City Council will provide the City authority to proceed with this modified program for the Police Lieutenants, Teamsters #320 bargaining unit employees. Plan modifications can be made every two years.

C. CRITICAL TIMING ISSUES:

- There is no time critical issue pertaining to the timing of this modification; however, the majority of Police Lieutenants, Teamsters #320 bargaining unit employees have expressed a desire to implement the modified program, so it should be pursued at the City's earliest opportunity.
- After City approval, this plan must be submitted to MSRS for filing and final implementation. MSRS has already provided preliminary approval for the change in the plan language.

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-employment medical costs.

E. LEGAL CONSIDERATION:

- There is legal authority for this plan in Minnesota Statutes and IRS Code.
- The plan modification has been sent to the State for review and has received informal approval.

ALTERNATIVE RECOMMENDATION(S):

The City Council could decide not to approve this plan modification. In that case, the current plan would remain in effect; however, this decision contradicts the wishes of the majority of this employee group.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
☐ Police Lieutenants HCSP	Backup Material
☐ Resolution	Resolution Letter

Police Lieutenant Post Employment Health Care Savings Plan

Memorandum of Agreement Between

The City of Richfield & Teamsters 320 - Lieutenants

Approved by: Richfield City Council on April 13, 2021

Effective Date: May 5, 2021

Plan Purpose

The **City of Richfield** and the **Police Lieutenants (Teamsters 320)** bargaining unit are interested in establishing a means for eligible employees 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.

Post Employment Health Care Savings Plan

A Post Employment Health Care Savings Plan (HCSP) is an Employer-sponsored program that allows eligible employees to:

- 1) defer payment of a portion of unused vacation and personal leave as a severance payment at the time of termination to pay for eligible health insurance premiums and/or health expenses after separation from City service, and
- 2) defer a portion of an Employees' bi-weekly salary for deposit into their HCSP for the payment of qualified healthcare related expenses after separation from City service.

Employees 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 will accumulate tax-free and since payouts are used for qualifying medical expenses, they will also remain tax-free.

Eligibility to Participate

Participation in the **Police Lieutenants HCSP** is mandatory for all employees that meet the following requirements:

1. The Employee must be a member of the Richfield Police Lieutenants Bargaining Unit at the time of termination of employment, and
2. The Employee must have been continuously employed by the City of Richfield for at least 1 year.

**Contribution
Formula**

Mandatory participation in the **Police Lieutenants HCSP** shall be in accordance with, and limited to the following formulas for contributions:

I. Bi-weekly Contribution

1. An eligible Employee must contribute ~~\$100.00~~ **\$200.00** per pay period to the Employee's account in the **Police Lieutenants HCSP**. Such contributions shall not exceed \$200.00 per pay period.

II. Severance Contribution

1. Severance shall be paid in cash to the employee for all accumulated but unused **Personal Leave, Vacation Leave, and Holiday Leave**.

All severance payments based upon Personal, Vacation, and Holiday Leaves are calculated by multiplying the number of hours by the applicable rate of pay upon termination.

Contributions authorized under this Plan shall continue until such time as this memorandum is amended or repealed by the City of Richfield and Teamsters 320 - Lieutenants.

**HCSP
Administration**

The HCSP is authorized under the Internal Revenue Code and is administered by the Minnesota State Retirement System.

FOR THE CITY OF RICHFIELD:

City Manager

HR Manager

FOR TEAMSTERS 320 – POLICE LIEUTENANTS:

Union Representative

RESOLUTION NO.

**RESOLUTION ESTABLISHING AN UPDATED AMENDED POST EMPLOYMENT
HEALTH CARE SAVINGS PLAN FOR POLICE LIEUTENANT EMPLOYEES
(TEAMSTERS #320)**

WHEREAS, Laws of Minnesota 2001, chapter 352.98, authorizes the Minnesota State Retirement System (MSRS) to offer a Post Employment 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 currently offers such a 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 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, modification to the provisions of an established Plan for the Police Lieutenants, Teamsters #320, employee group have been agreed to by the Police Lieutenants, Teamsters #320 employee group and the City of Richfield, and

WHEREAS, the proposed plan is a net savings to the City of Richfield and a benefit to the individual employees covered by the plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richfield hereby authorizes the City Manager to amend the Health Care Savings Plan for the Police Lieutenants, Teamsters #320 group of employees in the City of Richfield.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of April 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 57
CITY COUNCIL MEETING
4/13/2021

REPORT PREPARED BY: Julie Urban, Housing and Redevelopment Manager

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
4/6/2021

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
4/6/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider a resolution supporting the City's participation in the Just Deeds Coalition, which works to facilitate the removal of discriminatory covenants from property deeds.

EXECUTIVE SUMMARY:

The Just Deeds project is a coalition of organizations whose mission it is to acknowledge, educate, and work to address systemic racism in housing in Minnesota. Coalition members provide free help to homeowners to find and discharge discriminatory covenants from property titles. Just Deeds is reaching out to Richfield and other Minnesota cities to participate in the project to work together to dismantle racist systems.

Racial or discriminatory covenants were a common tool used from the early 1900s until the 1960s to prevent Black, Indigenous, People Of Color (BIPOC), and non-Christians from buying property and living in residential neighborhoods across the country, including in the City of Richfield. Property deed language commonly stated: "no person of any race other than the Caucasian race shall use or occupy any building on any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant."

While unequivocally deemed illegal with the passage of the Fair Housing Act in 1968, this discriminatory practice had a far-reaching impact on the development of the Twin Cities and communities of color, resulting in racially segregated communities and creating severe inequities between white and BIPOC communities still felt today.

Using data collected by the Mapping Prejudice project, a map of the racial covenants that exist in Richfield has been created and is attached. There are 3,714 parcels in the City that contain some form of racial covenant on the property deed. Included in that list are 27 parcels owned by the City or Housing and Redevelopment Authority (HRA). The properties include Wood Lake Nature Center, several parks, some right-of-way and three HRA-owned parcels.

Action taken by the State Legislature in 2019 has made it possible for property owners to formally discharge the covenant on their property title. The discharge doesn't remove the language but instead acknowledges it and its harmful intent and formally renounces this racist tool.

By becoming a participant in the Just Deeds project, the City will commit to raising awareness of the inequities caused by these racist tools, renounce the covenants on our own properties, and assist residents with filing a discharge of any racial covenant.

RECOMMENDED ACTION:

By motion: Adopt a resolution condemning the use of discriminatory covenants, discharging discriminatory covenants on City-owned property, and approving participation in the Just Deeds Coalition.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- In 2016, the Mapping Prejudice project at the University of Minnesota began mapping discriminatory covenants in Hennepin County, exposing the extent of these racist tools and raising awareness of the lasting impacts on BIPOC communities. Building on the Mapping Prejudice work, in 2019, the City of Golden Valley and its Human Rights Commission began working with the Just Deeds coalition to bring awareness to this painful history of discrimination and facilitate the disavowal of racial covenants.
- Staff became aware of racial covenants existing in Richfield when one was found during the platting process for the Municipal Center and when a builder through the Housing & Redevelopment Authority's (HRA) Richfield Rediscovered Credit Program discovered one on a property he'd purchased and brought it to the attention of staff.
- The City began racial equity work in 2018, becoming a member of the Government Alliance for Racial Equity (GARE), and in 2020 took a significant step towards advancing this work by hiring an Equity and Inclusion Administrator. Becoming a participant in the Just Deeds project is another step the City can take towards advancing racial equity in the community and ensuring that all our residents have the opportunity to thrive.
- In 2018, the City took action to begin erasing the inequities caused by housing discrimination perpetuated by racial covenants and other government policies by creating its First-time Homebuyer Program (Program). The Program was created in response to troubling data regarding the disparities in homeownership rates between white households and households of color. According to the 2019 American Community Survey (ACS), 70% of white households own a home while just 31% of households of color own a home in Richfield. The Program is designed and marketed towards people traditionally underrepresented in the homeownership market. Of the first 16 loans issued, 9 have been to households of color.
- On March 15, 2021, representatives from the Just Deeds Coalition presented to members of the City Council, HRA, Planning Commission, and Human Rights Commission. Members present expressed strong support for becoming a participating city.

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

- Advancing equity is a core value and goal of the City.
- In 2019, the State passed a law making it possible for a property owner to discharge the discriminatory covenant on their property.

C. CRITICAL TIMING ISSUES:

Following passage of a resolution, a team of staff people would move forward in the following areas:

1. Create a webpage where residents can look up their property's racial covenant and apply for help to officially discharge the covenant from their property title.
2. Develop a communications plan to inform residents about racial covenants and the Just Deeds project and the importance of not just erasing discriminatory covenants from property records, but formally acknowledging and then renouncing them.
3. Work with the Human Rights Commission to raise awareness of racial covenants, housing discrimination, and the Just Deeds project.
4. Develop partnerships with community organizations to educate and engage

residents.

5. Discharge covenants from City- and HRA-owned properties.

D. FINANCIAL IMPACT:

- The cost to the City is in staff time. Hennepin County has waived the normal fees for recording the disavowal.
- The Minnesota Association of City Attorneys (MACA) will be providing pro-bono services to assist people with the process of discharging covenants.

E. LEGAL CONSIDERATION:

The Richfield City Attorney has been part of the conversations regarding the Just Deeds project.

ALTERNATIVE RECOMMENDATION(S):

Decide not to participate in the Just Deeds project.

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

Description	Type
□ Resolution	Resolution Letter
□ Richfield Map of Racial Covenants	Exhibit
□ HRC Letter of Support	Backup Material

RESOLUTION NO.

RESOLUTION CONDEMNING THE USE OF DISCRIMINATORY COVENANTS, DISCHARGING DISCRIMINATORY COVENANTS ON CITY-OWNED PROPERTY, AND APPROVING PARTICIPATION IN THE JUST DEEDS COALITION

WHEREAS, discriminatory covenants were tools used by real estate developers to prevent Black, Indigenous, People of Color (BIPOC) and non-Christian individuals from buying or occupying property in certain areas, and they were common throughout the United States from the early 1900s to the 1960s; and

WHEREAS, the purpose of discriminatory covenants was to racially and religiously homogenize communities by excluding BIPOC and non-Christian individuals from communities. These tools segregated the metro area and built a hidden system of apartheid; and

WHEREAS, in 2016, the University of Minnesota founded Mapping Prejudice to expose the racist practices that shaped the landscape of the metro area. Mapping Prejudice researched restrictive covenants in Hennepin County and created the first-ever comprehensive map of racial covenants in an American city. The project mapped 24,131 covenants in Hennepin County, including 3,714 covenants in Richfield; and

WHEREAS, an example of a common covenant in Richfield declared that “No persons of any race other than the Caucasian race shall use or occupy any building or any lot, except that this covenant shall not prevent occupancy by domestic servants of different race domiciled with an owner or tenant;” and

WHEREAS, the discriminatory covenants in Richfield are spread throughout the community; and

WHEREAS, the City of Richfield owns 27 parcels of land that contain a discriminatory covenant, including parcels occupied by Adams Hill Park, Milner Pond, Upton Park, Jefferson Park, Taft Park, and the Woodlake Nature Center, as well as parcels owned by the Housing and Redevelopment Authority; and

WHEREAS, City leaders knew about the use of discriminatory covenants and sanctioned their use. For example, the plat of Betcher’s Addition includes the language “no race or nationality other than white persons shall use or occupy any dwelling on any lot except that this covenant shall not prevent the occupancy by domestic servants of a different race when employed by any owner or tenant,” and was approved by the City Council on August 23, 1937; and

WHEREAS, restrictive covenants are no longer enforceable. Legal efforts to eliminate Discriminatory Covenants include *Shelley v. Kraemer*, 334 U.S. 1 (1948), in which the United States Supreme Court prohibited courts from enforcing Discriminatory Covenants and the Minnesota Legislature in 1953 enacted statutes that prohibited new

covenants, but existing covenants were still legal in Minnesota until 1962; and

WHEREAS, as a result of these judicial and legislative actions, today, Minnesota law and federal law prohibit discrimination in the sale or lease of housing based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or familial status and those state and federal prohibitions extend to the refusal to sell or to circulate, post or cause to be printed, circulated, or posted, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or familial status; and

WHEREAS, in 2019, the Minnesota Legislature passed a law authorizing property owners to individually discharge or renounce discriminatory covenants by recording a discharge form in the county property records; and

WHEREAS, removing the covenant from a property deed merely erases the painful evidence of past wrongdoing, while formally renouncing the covenant acknowledges the painful past and shines the light on discriminatory practices and the impacts that can still be felt today; and

WHEREAS, discriminatory covenants promoted and established residential racial segregation, which historically and currently has impacted property ownership, accumulation of wealth, property transfers, mortgage eligibility, rental eligibility, property values, property tax base, internet access, and more. Discriminatory covenants fortified systemic racism and compounded economic divestment in specific communities within Hennepin County; and

WHEREAS, discriminatory covenants created disparities and benefitted White communities as 70% of white households own a home in Richfield compared to just 31% of households of color; and

WHEREAS, discriminatory covenants created demographic patterns that remain in place today; and

WHEREAS, the State of Minnesota, including the City of Richfield, recognizes the harm that Discriminatory Covenants—and the racial, religious, and other discriminatory practices that they represent—cause to society in general and to the individuals who are adversely affected by racial, religious, and other discrimination through the presence of discriminatory covenants in the public land records.

BE IT RESOLVED by the City Council of the City of Richfield that:

1. The City of Richfield disavows and condemns the past use of discriminatory covenants and prohibits discriminatory covenants from being used in the future.
2. Staff and the City Attorney are directed to investigate and to identify all real property owned by the City that contains discriminatory covenants and to prepare and record an affidavit or request an examiner's directive discharging such discriminatory covenants pursuant to Minnesota Statute § 507.18, subd. 5.
3. City staff is directed to participate in the work of the Just Deeds Coalition to educate the community about this and other historically discriminatory practices; to identify contemporary discriminatory systems, policies, and practices; and to take action to dismantle racist systems, practices, and policies in the City of Richfield to create equity for all.

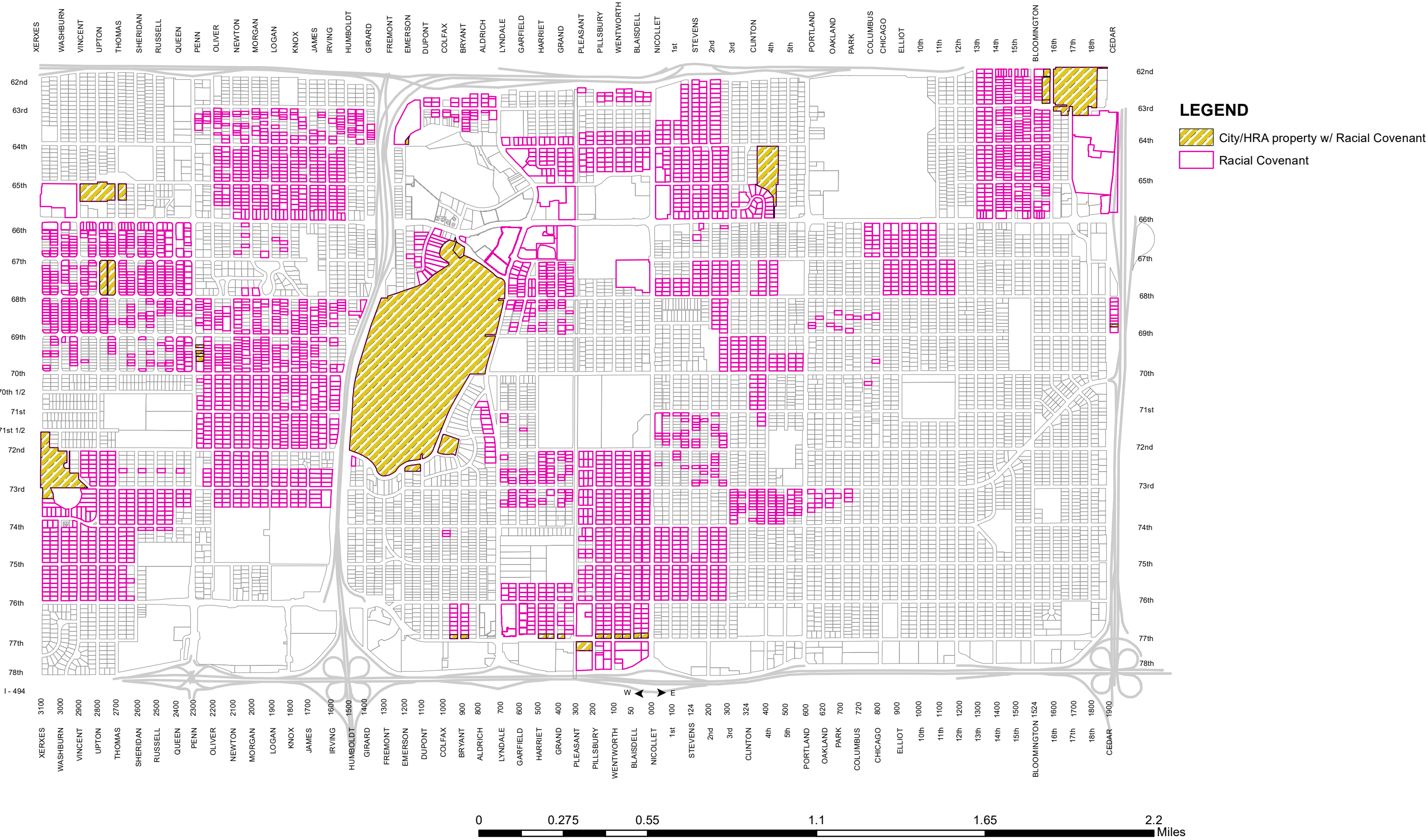
Adopted by the City Council of Richfield, Minnesota this 13th day of April, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

Racially Restrictive Covenants in Richfield





City Council Memorandum

Date: April 7th, 2021

To: Mayor Maria Gonzalez and the Richfield City Council

From: Mara Glubka, Chair, Richfield Human Rights Commission

CC: Melissa Poehlman, Assistant Community Development Director, City of Richfield

Subject: Support for City of Richfield Participation in the Just Deeds Project

I write to confirm the support of the Human Rights Commission of Richfield (HRC) for participation of the City of Richfield in the Just Deeds Project and urge you to pass a resolution doing the same.

On April 6, 2021, city staff presented information to the HRC related to the history of discriminatory covenants in the United States, the State of Minnesota, and the City of Richfield. It is clear that this racist tool was used to segregate and disenfranchise Black, Indigenous, People of Color (BIPOC), and non-Christian individuals. It is further clear that the impacts of these covenants and other racist policies have compounded over time and today impact property ownership, accumulation of wealth, property transfers, mortgage and rental eligibility, property values, internet access, educational opportunities, and more.

The lasting harm of discriminatory covenants is clear. Further, it is clear that the City of Richfield and other government entities played a role in this discriminatory system through various regulatory processes. I urge the City Council to take an active role in dismantling racist and otherwise discriminatory systems via participation in the Just Deed Project. Through Just Deeds I urge the City Council to approve a resolution that:

- Disavows and condemns the past use of discriminatory covenants and prohibits discriminatory covenants from being used in the future.
- Directs staff and the City Attorney to investigate and identify all real property owned by the City that contains discriminatory covenants and to discharge such covenants pursuant to Minnesota Statute § 507.18, subd. 5.
- Direct staff to participate in the work of the Just Deeds Coalition to educate the community about this and other historically discriminatory practices; to identify contemporary discriminatory systems, policies, and practices; and to take action to dismantle racist systems, practices, and policies in the City of Richfield to create equity for all.

The Richfield Human Rights Commission recommended approval of a resolution stating the same unanimously on April 6, 2021.



STAFF REPORT NO. 58
CITY COUNCIL MEETING
4/13/2021

REPORT PREPARED BY: Katie Rodriguez, City Manager

DEPARTMENT DIRECTOR REVIEW: Amy Markle
4/8/2021

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
4/8/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider approval of a resolution of support for a \$1,000,000 grant application for federal funding through the newly created Community Project Funding (CPF) program for the replacement of the Wood Lake Nature Center.

EXECUTIVE SUMMARY:

Congress recently created the Community Project Funding (CPF) program to restore a process for congressionally directed project spending. Each congressional representative can submit up to 10 ranked local project requests. Representative Omar's staff requested that projects be submitted by April 7, 2021 for consideration, and indicated that they would consider projects up to \$1,000,000. The projects must be "shovel ready", and have demonstrated community support.

Wood Lake Nature Center is turning fifty years old on May 5, with the building falling into disrepair; we need to secure its future for generations to come. The Wood Lake Nature Center Building Project includes the construction of a new nature center that will host thousands of people annually from across the region and beyond; serving as a critical bridge to the natural world.

RECOMMENDED ACTION:

By Motion: Approve the resolution of support for a federal CPF grant application for the new Wood Lake Nature Center project.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

See executive summary.

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

None

C. **CRITICAL TIMING ISSUES:**

Representative Omar's office has requested that the application be submitted by April 7, 2021 and any additional letters and resolutions of support are submitted as soon as possible thereafter.

D. **FINANCIAL IMPACT:**

The city has submitted a \$10,000,000 state bonding request, and intends to pursue several funding sources for the remaining costs estimated to be another \$10,000,000, including fundraising, grants and local property tax revenue. In order to reduce the impact on local taxpayers, the city should seek grant opportunities like the CPF program.

E. **LEGAL CONSIDERATION:**

None

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description		Type
▣	Resolution	Cover Memo

RESOLUTION NO.

**RESOLUTION OF SUPPORT FOR THE COMMUNITY
PROJECT FUNDING (CPF) GRANT APPLICATION FOR WOOD LAKE NATURE
CENTER**

WHEREAS, Wood Lake Nature Center is turning 50 years old on May 5, has fallen into disrepair and needs to be replaced; and

WHEREAS, Wood Lake Nature Center is a 150-acre park in the heart of the metropolitan area and hosts thousands of people annually, serving as a critical bridge to the natural world; and

WHEREAS, Wood Lake Nature Center has a 50 year partnership with Richfield Public Schools, providing free programming and also hosts dozens of other schools groups throughout the region.

WHEREAS, Wood Lake Nature Center is highly accessible and focuses on connecting diverse communities with nature, 70% of Richfield Public School students are students of color and 24% of Richfield residents live at or below the federal poverty line.

WHEREAS, CPF grants are specifically targeted to shovel-ready projects in Congressional members' districts that demonstrate broad community engagement and support and will work to improve the lives of residents in the district; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Richfield enthusiastically expresses its support for the CPF grant application for the new sustainably-built Wood Lake Nature Center project.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of April, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk