



**REGULAR CITY COUNCIL MEETING  
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS  
APRIL 23, 2024  
7:00 PM**

**INTRODUCTORY PROCEEDINGS**

Call to order

Pledge of Allegiance

Open forum

***Call into the open forum by dialing 1-415-655-0001 Use webinar access code: 2634 327 8930 and password: 1234.***

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

Approval of the Minutes of the (1) City Council Work Session of April 9, 2024; and (2) City Council Meeting of April 9, 2024

**AGENDA APPROVAL**

1. Approval of the Agenda

**PRESENTATIONS**

2. Proclamation to recognize Arbor Day 2024.
3. Proclamation Celebrating Martin "Marty" Kirsch for his exemplary service and unwavering commitment to Richfield
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 Richfield Fire Department membership with the Hennepin County Fire Chief's Association  
Staff Report No. 56
  - B. Consider a resolution authorizing staff to submit an application for an equipment voucher rebate via the Energy Efficiency Conservation Block Grant (EECBG) Program, and authorize staff to execute an agreement if the project is approved by the Department of Energy (DOE).  
Staff Report No. 57
  - C. Consider a resolution authorizing the execution of an agreement with the Federal Department of Housing and Urban Development (HUD) for an Economic Development Initiative-Community Project Funding Grant

in the amount of \$3,000,000 to assist with funding of the Wood Lake Nature Center Building Project.

Staff Report No. 58

- D. Consider approval of a resolution of support for a Community Project Funding (CPF) grant application for design plan development for the replacement of the 73rd Street Pedestrian Bridge over I-35W.

Staff Report No. 59

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

#### **PROPOSED ORDINANCES**

6. Consider approval of the second reading of an ordinance amending Section 925 relating to the abatement of public health nuisances and assessment of abatement costs to property.

Staff Report No. 60

#### **RESOLUTIONS**

7. Implement the Compensation and Classification Study findings and approve recommended General and Specialized Pay Grades and Pay Plans.

Staff Report No. 61

#### **CITY MANAGER'S REPORT**

8. City Manager's Report

#### **CLAIMS AND PAYROLLS**

9. Claims and Payroll

#### **COUNCIL DISCUSSION**

10. Hats Off to Hometown Hits

11. Adjournment

**Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9739.**



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## City Council Work Session

**April 9, 2024**

### CALL TO ORDER

Mayor Supple called the work session to order at 6:00 p.m. in the Bartholomew Room.

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

*Council Members Absent:* Sharon Christensen

*Staff Present:* Katie Rodriguez, City Manager; Karl Huemiller, Recreation Services Director; Mike Dobesh, Fire Chief; Sack Thongvanh, Assistant City Manager; Jay Henthorne, Police Chief; Jamie Haefner, HR Manager; Dustin Leslie, City Clerk

### ITEM #1

### CONSIDER OPTIONS TO IMPLEMENT THE BAKER TILLY COMPENSATION AND CLASSIFICATION STUDY

City Manager Rodriguez thanked staff who were involved in the process. She then gave the presentation covering: project overview, market assessment, pay plans, results, transition options, and the recommendation of Option 1 plus.

HR Manager Haefner summarized employee feedback received.

Assistant City Manager Thongvanh thanked the compensation and classification committee for their work during the process.

Council Member Trautmann and City Manager Rodriguez spoke about the cost and how it would affect the levy and budget.

Council Members agreed that Option 1 Plus would be the best option to move forward with.

### ADJOURNMENT

Mayor Supple adjourned the work session at 6:26 pm.

Date Approved: April 23, 2024

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Mary B. Supple  
Mayor

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Kelly Wynn  
Interim City Clerk

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Katie Rodriguez  
City Manager



# CITY COUNCIL MEETING MINUTES

## Richfield, Minnesota

### Regular Council Meeting

**April 9, 2024**

#### CALL TO ORDER

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

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

*Council Members Absent:* Sharon Christensen

*Staff Present:* Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Jay Henthorne, Public Safety Director/Police Chief; and Dustin Leslie, City Clerk

#### PLEDGE OF ALLEGIANCE

Mayor Supple led the Pledge of Allegiance.

#### OPEN FORUM

Mayor Supple reviewed the options to participate:

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

Heidi Gaibor, 6915 Wentworth, asked for clarification regarding the Woodlake Nature Center building. She noted the city was asking for citizen input on the building, but she saw in the Sun Current newspaper a notice for a construction manager which included specifications of what was included. She noted without full funding yet and the city still asking for citizen input how long had specific plans been set for the teardown and construction of the new building. She also indicated the new building was proposed to be nearly five times the size of the current building. She asked if the new building would have a fitness center and an event center. She requested the city be transparent in what was actually happening with this project.

Larry Ernster, 6727 Elliot Avenue, noted tonight was the second reading of the salary proposal and it appeared they wanted to increase the salaries by thousands of dollars and the citizens could face a seven percent property levy. He asked if what they proposed qualified as a reading since no decision had been made as to what the Council was going to do.

**APPROVAL OF MINUTES**

M/Hayford Oleary, S/Trautmann to approve the minutes of the: (1) City Council Work Session of March 26, 2024; (2) Regular City Council Meeting of March 26, 2024.

Motion carried: 4-0

<b>ITEM #1</b>	<b>APPROVE THE AGENDA</b>
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M/Trautmann, S/Hayford Oleary to approve the Agenda.

Motion carried: 4-0

<b>ITEM #2</b>	<b>PROCLAMATION CELEBRATING ARAB AMERICAN HERITAGE MONTH</b>
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Mayor Supple invited Michael Zazzera to accept the proclamation and read aloud the proclamation.

Michael Zazzera, encouraged all members of the community to listen to their Arab neighbors to learn from them and elevate their voices.

<b>ITEM #3</b>	<b>CONSENT CALENDAR</b>
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City Manager Rodriguez presented the consent calendar.

- A. Consider approval of first reading of an ordinance amending Section 925 relating to the abatement of public health nuisances and assessment of abatement costs to property (Staff Report No. 46)
- B. Consider the approval of a new Opioid Services Agreement with the City of Bloomington, effective January 1, 2024 – December 31, 2028 (Staff Report No. 47)
- C. Consider the adoption of a resolution identifying the need for Livable Communities Policy Development funding and authorizing an application for grant funds. (Staff Report No. 48)

**RESOLUTION NO. 12195**

**RESOLUTION IDENTIFYING THE NEED FOR A POLICY  
DEVELOPMENT GRANT FROM THE LIVABLE  
COMMUNITIES DEMONSTRATION ACCOUNT FUND,  
FOR MR-2 AND MR-3 ZONING CODE UPDATES AND  
AUTHORIZING APPLICATION FOR SUCH**

- D. Consider a request for an amended Planned Unit Development for a time extension of, and amendments to the construction agreement for a multi-story parking ramp at 1401 – 77<sup>th</sup> Street East (Audi Richfield) (Staff Report No. 49)

RESOLUTION NO. 12196

RESOLUTION APPROVING AN AMENDMENT TO THE  
CONSTRUCTION AGREEMENT FOR A MULTI-STORY  
PARKING STRUCTURE FOR AUDI RICHFIELD AT 1401  
– 77<sup>TH</sup> STREET EAST

- E. Consider the approval of the Intensive Comprehensive Peace Officer Education and Training 2024 Grant between the City of Richfield Police Department and the Minnesota Department of Public Safety’s Office of Justice Programs (OJP) to fund a non-traditional police officer candidate (Staff Report No. 50)
- F. Consider the approval of a resolution authorizing the utilization of a construction manager at risk process for the Wood Lake Nature Center building project and authorizing staff and the city attorney to complete the selection process and engage in contract negotiations (Staff Report No. 51)

RESOLUTION NO. 12197

RESOLUTION AUTHORIZING THE UTILIZATION OF A  
CONSTRUCTION MANAGER AT RISK PROCEDURE  
FOR THE WOOD LAKE NATURE CENTER BUILDING  
PROJECT

- G. Consider the approval of the CDC Infrastructure grand services agreement with the City of Bloomington effective January 1, 2024 – November 30, 2027. (Staff Report No. 52)
- H. The Urban Area Security Initiative (UASI) program funds address the unique risk-driven and capabilities-based planning, organization, equipment, training, and exercise needs of high-threat, high-density Urban Areas based on the capability targets identified during the THRA process and associated assessment mitigate, respond to, and recover from acts of terrorism. (Staff Report No. 53)

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

Mayor Supple thanked the staff for the grant writing they have been doing.

Motion carried: 4-0

ITEM #4	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR.
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None.

ITEM #5	CONSIDER THE SECOND READING OF AN ORDINANCE AMENDING SUBSECTION 210.01 OF THE CITY CODE RELATED TO CITY COUNCIL SALARIES FOR 2025 AND 2026 (STAFF REPORT NO. 54)
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Council Member Whalen presented Staff Report 54.

M/Whalen, S/Trautmann to approve an Ordinance Amending Section 210 Richfield City Code Pertaining to City Council Salaries and approve a Resolution authorizing summary publication of said Ordinance.

**BILL NO. 2024-04****AN ORDINANCE AMENDING SECTION 210  
RICHFIELD CITY CODE PERTAINING TO  
CITY COUNCIL SALARIES****RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE AMENDING  
SECTION 210 RICHFIELD CITY CODE PERTAINING TO CITY COUNCIL SALARIES****SUMMARY PUBLICATION  
RESOLUTION NO. 12198****AN ORDINANCE GRANTING AN ORDINANCE AMENDING SECTION 210 RICHFIELD  
CITY CODE PERTAINING TO CITY COUNCIL SALARIES**

Mayor Supple requested an explanation of the steps for the budget process. City Manager Rodriguez explained that process and indicated this was only for elected positions. She noted what the Council had discussed at the work session was the specialized pay plans and looked at updating those plans.

Motion carried: 4-0

<b>ITEM #6</b>	<b>NOTIFICATION REGARDING THE RICHFIELD POLICE DEPARTMENT'S PLANNED ACQUISITION OF UNMANNED AERIAL VEHICLES (UAV'S) AND PROVIDING AN OPPORTUNITY FOR PUBLIC COMMENT AT THE REGULARLY SCHEDULED MEETING. NO OTHER COUNCIL CONSIDERATION/DECISIONS ARE REQUIRED. (STAFF REPORT NO. 55)</b>
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Council Member Trautmann presented Staff Report 55 and opened it for public comment.

Larry Ernster, 6727 Elliott Avenue South, stated he supported this. He pointed out again the process with Item G of the Consent Calendar and mismanagement. He also questioned Item B and the mismanagement. Council Member Trautmann asked if it was appropriate to have ongoing public comment that was not responsive to the topic of the public hearing.

Mayor Supple requested Mr. Ernster only make comments for the current item. Mr. Ernster responded he was in favor of and supported the acquisition of drones.

City Manager Rodriguez stated she had misspoken previously, and this was not a public hearing, but rather public comment.

Police Chief Henthorne stated the Aerial Vehicle program had been modeled after other communities as well as following Federal and State Statutes.

Sargeant Cory Smith presented the Aerial Vehicle program including the UAV benefits including the ability to cover larger areas in shorter amounts of time, it would extend the ability on the ground by giving them a bigger picture of the situation, it can quickly deploy UAV search areas for suspects and missing persons, and it gives them a situational awareness by providing a live feed, along with providing officers accurate information for them to be able to make decisions during events.

Council Member Trautman recognized this was an important and useful tool, especially for the Wood Lake area. He noted there were also other ways of recognizing people other than facial recognition. He stated for privacy concerns he indicated people's civil liberties were being taken



seriously, but he did still have concerns. He stated he would like to see a policy on how the data was being retained, under what circumstances that data would be shared with other agencies, and how the data would be collected. Sergeant Smith noted these would be consumer drones, so they would not have a high level of technology, and they would not be purchasing anything that violated State Statute. He indicated any data received would only be used for evidentiary purposes, which was no different than a body camera, squad camera, or surveillance video. He noted anything deemed unnecessary would be deleted. He stated they would work on getting a draft policy prepared.

Council Member Hayford Oleary asked when would the public be able to make comment on this. Chief Henthorne responded this would be put on the Department's Facebook page by the end of the week and it would be available for a couple of weeks. He indicated he would share the results with Council.

Council Member Hayford Oleary requested this information also be put on the City's Facebook page and information be given out by email. He inquired if the State Statute changed, would the City be required to notify the public of this change in policy also. Chief Henthorne responded he believed if there were any statutory changes, the City would change the policy, and he did not think they would need to get public comment on these changes. City Attorney Tietjen responded that she agreed with Chief Henthorne's interpretation.

Council Member Hayford Oleary asked what would happen if the drone picked up other crimes while pursuing something else. He asked if that was a violation of the policy. Sergeant Smith responded the drone could be deployed for officer specified training, but otherwise, it could only be deployed for specific things. He indicated it could not be used to look for crimes.

Council Member Whalen reiterated that the drones would be the type of drones available to consumers which he believed was important. He requested pictures of the drone be put in any announcements, so people knew what they looked like. Sergeant Smith responded he would do that and noted the drones were not military grade and could be bought from Best Buy or some other retailer. He indicated these drones would not be anything out of the ordinary. He noted they were also looking at smaller drones that could be used indoors which could aid the Fire Department when searching for someone inside a structure fire. He stated the different size drones would be used for different scenarios.

Mayor Supple noted people could also comment on this at an Open Forum if they wanted.

Mary Ann Kelly, 6926 Wentworth, stated she was in favor of drones. She asked what the cost would be to acquire the drones and whose budget did they come out of. Chief Henthorne responded he believed they were purchasing 3 drones which would come out of the Public Safety budget. He noted they would be using forfeiture funds to purchase them, which by State Statute could only be used for training, equipment, or vehicles. He explained how funds were received for the forfeiture fund. He indicated the cost for the drone program would be \$31,000.

Heidi Gaibor, 6915 Wentworth, stated she was in favor of this, as it sounded like a great tool.

<b>ITEM #7</b>	<b>CITY MANAGER'S REPORT</b>
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City Manager Rodriguez noted this was the City Clerk's last meeting with Richfield and she wished him the best and thanked him for all his work, especially with the elections.

Mayor Supple thanked him for all his work and wished him well on his new adventures.

Council Member Trautman also thanked him, especially with the elections, and wished him well.

Council Member Hayford Oleary also thanked him for his work, professionalism, and enthusiasm.

<b>ITEM #8</b>	<b>CLAIMS AND PAYROLL</b>
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M/Whalen S/Hayford Oleary that the following claims and payrolls be approved:

<b><u>U.S. BANK</u></b>	<b><u>04/04/2024</u></b>
A/P Checks: 327594 – 327833	\$1,853,349.40
Payroll: 186483 – 186784 43862 – 43907	<u>\$949,642.96</u>
<b>TOTAL</b>	<b>\$ 2,802,992.36</b>

Motion carried: 4-0

<b>ITEM #9</b>	<b>HATS OFF TO HOMETOWN HITS</b>
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Council Member Whalen gave hats off to their Muslim neighbors who were finishing Ramadan and celebrating Eid al-Fitr, which was starting tonight.

Council Member Hayford Oleary gave hats off to the community development staff in cooperation of the Council and developer for getting the buildings at 101 East 66 demolished.

Council Member Trautmann recognized George Anthony Dennis, a Human Rights Commissioner's husband, who was a longtime Richfield resident and employee at the Richfield public schools, as well as a charter member of his Church who had passed away. He said his thoughts and prayers were with his family.

Mayor Supple gave hats off to Patricia, who works in the Police Department, for working on the well-attended recent event at the Central Education Center.

<b>ITEM #10</b>	<b>ADJOURNMENT</b>
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M/Whalen, S/Trautmann to adjourn the meeting at 7:55 p.m.

Motion carried: 4-0

Date Approved: April 23, 2024

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Mary B. Supple  
Mayor

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Kelly Wynn  
Interim City Clerk

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Katie Rodriguez  
City Manager



## Proclamation of the City of Richfield

**WHEREAS**, Arbor Day will be celebrated nationwide on Friday, April 26th, and will provide people across the nation an opportunity to celebrate the importance of trees and forests to our economy, culture, history, and future; and

**WHEREAS**, Arbor Month is celebrated in Minnesota during the month of May, to promote the value and planting of trees; and

**WHEREAS**, Arbor Day 2024 marks the 152nd Anniversary of the original United States Arbor Day celebration held on April 10th, 1872 in Nebraska City, Nebraska; and

**WHEREAS**, Trees are of great value as they provide clean air and water, shade and energy savings, wildlife habitat, recreational opportunities, wood products, and jobs while reducing stormwater runoff and capturing and storing carbon from the atmosphere, thereby offsetting greenhouse gas emissions; and

**WHEREAS**, Properly planting and caring for a diverse mix of trees makes community forests more resilient by minimizing the impacts of diseases, insects, and other stressors such as climate change and providing long-term community and environmental benefits; and

**WHEREAS**, Thoughtfully choosing, planting, and caring for a diverse mix of trees now supports resilient communities into the future; and

**WHEREAS**, Arbor Day was celebrated in conjunction with Earth Day by the City of Richfield through park clean-up event at Veterans Park on April 23rd.

**NOW, THEREFORE, I, MARY SUPPLE, Mayor of the City of Richfield, do hereby proclaim April 26th, 2024 as Arbor Day in the City of Richfield as a way of promoting tree stewardship and mindful choices to help preserve and enhance our urban forest.**

**PROCLAIMED** this 23rd day of April, 2024.

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Mary Supple, Mayor



## Proclamation of the City of Richfield

**WHEREAS**, Martin “Marty” Kirsch has dedicated his life to public service, serving the Richfield community with passion, integrity, and commitment for decades; and

**WHEREAS**, Marty served as the Mayor of Richfield, leading with vision and a deep dedication to improving the quality of life for all residents; and

**WHEREAS**, Marty’s involvement with the city started when he began attending council sessions to learn more about the community, recognizing he was already at the meetings, he decided to throw his hat in the ring for a council seat, and

**WHEREAS**, after one unsuccessful run for council, he was elected, serving as a city council member from 1982 to 1991 and as mayor from 1991 to 2007, much of that time was a period of rapid growth and development for the community, shaping Richfield into the city it is today; and

**WHEREAS**, Marty also chaired the Friendship City Commission for decades and served on the Richfield Charter Commission for over 17 years, serving as President of the charter commission for much of that time; and

**WHEREAS**, outside of his public life, Marty attended Concordia College, the University of Minnesota (he is a longtime fan of the U of M women’s basketball team), and graduated from the Minneapolis School of Drafting; and

**WHEREAS**, he used that education to have a long and successful career with the Donaldson Company, retiring after 45 ½ years as a Printing & Duplicating Supervisor; and

**WHEREAS**, he commits his time not just to the city, but to other community organizations as well, he was President and Chairman of the Board for Mount Calvary Lutheran Church for 37 years, was a member of the Richfield Historical Society and the Optimist Club, was involved with the Richfield League of Women Voters, and served on the Board of Trustees for Fairview Southdale Hospital; and

**WHEREAS**, Marty’s impact on his friends, family, and this community will be forever felt.

**NOW, THEREFORE, I, MARY SUPPLE**, Mayor of the City of Richfield, do proclaim our deepest gratitude and appreciation to Marty Kirsch for his exemplary service and unwavering commitment to the betterment of Richfield, MN. We commend Marty Kirsch for his outstanding and tireless contributions to our city and the community.

**PROCLAIMED** this 23<sup>rd</sup> day of April 2024.

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Mary B. Supple, Mayor



**STAFF REPORT NO. 56**  
**CITY COUNCIL MEETING**  
**4/23/2024**

REPORT PREPARED BY:  
DEPARTMENT DIRECTOR REVIEW:

Kelly Wynn, Administrative Assistant  
Mike Dobesh, Director of Fire Services/Fire Chief  
4/10/2024

OTHER DEPARTMENT REVIEW:  
CITYMANAGER REVIEW:

Katie Rodriguez, City Manager  
4/17/2024

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider Richfield Fire Department membership with the Hennepin County Fire Chief's Association**

**EXECUTIVE SUMMARY:**

The Hennepin County Fire Chiefs Association ("HCFCA") is a group of fire departments and other organizations in the fire service industry in Hennepin County that provides cooperation, education, and training regarding fire service and emergency response in the county.

**RECOMMENDED ACTION:**

**Approve the resolution granting membership to Richfield Fire Department to the Hennepin County Fire Chief's Association.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

While historical documentation is sparse, it appears that HCFCA was formed in the early 1960s, but no records exist suggesting that the group has ever been incorporated or recognized as a formal entity with the Minnesota Secretary of State.

In early 2023, HCFCA's Board of Directors began an effort to formalize the group's organizational status, including ensuring that it is meeting state and federal tax obligations. The Board engaged an attorney to advise it on organizational matters. The Board discussed the relative merits of organizing as a joint powers entity under Minn. Stat. § 471.59 or a nonprofit corporation, and ultimately decided to move forward as a nonprofit to provide maximum flexibility in its authorized activities and members. In making this decision, the Board looked to the organizational structure of the Minnesota State Fire Chiefs Association, which is also organized as a nonprofit. The Board intends to apply to the IRS for tax-exempt status as a 501(c)(6) business association.

**B. EQUITABLE OR STRATEGIC CONSIDERATIONS OR IMPACTS**

**C. POLICIES (resolutions, ordinances, regulations, statutes, exc):**

In order to document each Fire Department's membership in the new nonprofit corporation, counsel advised that each member City adopt a resolution officially approving membership in HCFCA.

**D. CRITICAL TIMING ISSUES:**

**E. FINANCIAL IMPACT:**

The department currently pays \$200 annually for membership to the association.

**F. LEGAL CONSIDERATION:**

**ALTERNATIVE RECOMMENDATION(S):**

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

Description	Type
📎 Resolution	Resolution Letter

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

**A RESOLUTION APPROVING MEMBERSHIP IN THE HENNEPIN COUNTY FIRE CHIEFS ASSOCIATION, INC.**

**WHEREAS**, the Hennepin County Fire Chiefs Association (“HCFCA”) is an organization of fire departments and others in the fire service industry in Hennepin County whose purpose is to provide a forum to discuss and promote fire safety, to exchange ideas and search for solutions to fire safety and other emergency response problems, to conduct research, to facilitate educational programs, to promote legislation, and to promote the spirit of cooperation between fire departments or other emergency response organizations operating within Hennepin County, Minnesota; and

**WHEREAS**, HCFCA was established as an association in 1961 but was not a formal corporate entity recognized by the Office of the Minnesota Secretary of State;

**WHEREAS**, Richfield Fire Department is a currently a member of HCFCA;

**WHEREAS**, HCFCA’s membership and Board of Directors has determined that it is in the best interests of the association to organize as a nonprofit corporation in order to formalize its operations and provide the option of applying for federal tax-exempt status;

**WHEREAS**, on January 8, 2024, the Hennepin County Fire Chiefs Association, Inc., was registered as a nonprofit corporation with the Office of the Minnesota Secretary of State;

**WHEREAS**, Minnesota Statutes Section 471.96 provides authority for cities and counties “to appropriate necessary funds to provide membership of their respective municipal corporations or political subdivisions respectively in county, regional, state, and national associations of a civic, educational, or governmental nature which have as their purpose the betterment and improvement of municipal government operations”; and

**WHEREAS**, Richfield Fire Department’s membership in the HCFCA as a nonprofit organization will benefit Richfield and its Fire Department and will provide for the betterment and improvement of Richfield’s operations surrounding fire safety and emergency response;

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

1. Richfield Fire Department's membership in Hennepin County Fire Chiefs Association, Inc. is approved and payment of annual membership dues is authorized.
2. Membership will be through the Fire Department and Fire Chief Mike Dobesh is designated as Richfield’s representative to HCFCA.

**ADOPTED**, by the City Council of the City of Richfield on the 23<sup>rd</sup> day of April, 2024.

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Mary B. Supple, Mayor

ATTEST:

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Kelly Wynn, Interim City Clerk





**STAFF REPORT NO. 57**  
**CITY COUNCIL MEETING**  
**4/23/2024**

REPORT PREPARED BY:  
DEPARTMENT DIRECTOR REVIEW:

Rachel Lindholm, Sustainability Specialist  
Karl Huemiller, Recreation Services Director  
4/16/2024

OTHER DEPARTMENT REVIEW:  
CITYMANAGER REVIEW:

Katie Rodriguez  
4/17/2024

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider a resolution authorizing staff to submit an application for an equipment voucher rebate via the Energy Efficiency Conservation Block Grant (EECBG) Program, and authorize staff to execute an agreement if the project is approved by the Department of Energy (DOE).**

**EXECUTIVE SUMMARY:**

The City of Richfield was awarded \$76,260 from the federal government as a part of the Energy Efficiency Conservation Block Grant (EECBG) Program. Using the energy efficiency audit reports, staff identified several lighting upgrade projects in municipal buildings that could be completed with this funding. Executing these projects will result in increased energy efficiency and reduced electricity bills, saving taxpayer dollars and promoting responsible environmental stewardship.

**RECOMMENDED ACTION:**

**By motion: Approve a resolution authorizing staff to submit an application for an equipment voucher rebate via the Energy Efficiency Conservation Block Grant Program and authorize staff to execute an agreement if the project is approved by the Department of Energy.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

The EECBG program was created as part of the bipartisan infrastructure law. This program is designed to assist states, local governments, and tribes in implementing strategies to reduce energy use and carbon emissions and to improve energy efficiency. Cities were awarded grants/vouchers based on population. Richfield was awarded \$76,260.

Several Richfield staff met and discussed potential uses of the City's awarded funds, referencing the previously conducted energy efficiency audit reports. It was determined that LED lighting upgrades would be a good path to pursue based on award requirements and timeline before voucher submission.

**B. EQUITABLE OR STRATEGIC CONSIDERATIONS OR IMPACTS**

**Equity:** This is standard city business. There are no disproportionate impacts on marginalized/underrepresented communities.

**Strategic Plan:** This project ties into the priority of sustainable infrastructure by implementing items related to climate resilience, identifying external funding, and executing one of the CAP actions (municipal building energy efficiency audit actions) prioritized through the strategic plan process.

C. **POLICIES (resolutions, ordinances, regulations, statutes, exc):**

All city and federal purchasing policies, Davis-Bacon requirements, and other requirements outlined by the federal government will be followed.

D. **CRITICAL TIMING ISSUES:**

The application is due on April 30, 2024.

E. **FINANCIAL IMPACT:**

The City will need to fund the project(s) upfront and receive reimbursement after necessary documents have been submitted to the federal government. Finance staff is aware of this and will work with other project staff.

F. **LEGAL CONSIDERATION:**

All city and federal purchasing policies, Davis-Bacon requirements, and other requirements outlined by the federal government will be followed.

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

Description	Type
□ Application Resolution	Resolution Letter

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING STAFF TO SUBMIT AN APPLICATION FOR THE ENERGY EFFICIENCY CONSERVATION BLOCK GRANT (EECBG) PROGRAM EQUIPMENT VOUCHER REBATE, AND AUTHORIZE STAFF TO EXECUTE AN AGREEMENT IF THE PROJECT IS APPROVED BY THE DEPARTMENT OF ENERGY (DOE).**

**WHEREAS**, as part of the Bipartisan Infrastructure Law, the EECBG program was created and cities with a specific minimum population requirement were awarded grants/vouchers of a set value, and;

**WHEREAS**, this program is designed to assist states, local governments, and tribes in implementing strategies to reduce energy use and carbon emissions and to improve energy efficiency, and;

**WHEREAS**, the City of Richfield was awarded \$76,260 from the federal government as a part of the EECBG Program, and;

**WHEREAS**, staff are electing to use the award by submitting a voucher rebate application to fund several lighting upgrade projects in municipal buildings, which will result in increased energy efficiency and reduced electricity bills,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota, that the City of Richfield is authorized and directed to submit the application for the EECBG program equipment voucher rebate, and staff are authorized to execute an agreement if the project is approved by the DOE.

Adopted by the City Council of the City of Richfield, Minnesota this 23rd day of April, 2024.

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Mary B. Supple, Mayor

ATTEST:

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Kelly Wynn, Interim City Clerk



**STAFF REPORT NO. 58**  
**CITY COUNCIL MEETING**  
**4/23/2024**

REPORT PREPARED BY:  
DEPARTMENT DIRECTOR REVIEW:

John Evans, Executive Analyst  
Karl Huemiller, Recreation Services Director  
4/17/2024

OTHER DEPARTMENT REVIEW:  
CITYMANAGER REVIEW:

Katie Rodriguez, City Manager  
4/18/2024

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider a resolution authorizing the execution of an agreement with the Federal Department of Housing and Urban Development (HUD) for an Economic Development Initiative-Community Project Funding Grant in the amount of \$3,000,000 to assist with funding of the Wood Lake Nature Center Building Project.**

**EXECUTIVE SUMMARY:**

Staff has secured a commitment from the Federal Department of Housing and Urban Development (HUD) for the award of a Community Project Funding Grant in the amount of \$3,000,000 to assist with the construction of a new Wood Lake Nature Center Building. The grant program is through HUD's Economic Development Initiative, which was signed into law as part of the Consolidated Appropriations Act in 2023.

Staff has received the award letter and grant agreement (B-23-CP-MN-0879) and with approval of this resolution, can proceed with processing the agreement and utilizing the funds.

**RECOMMENDED ACTION:**

**By motion: Approve a resolution authorizing the execution of an agreement with the Federal Department of Housing and Urban Development (HUD) for an Economic Development Initiative-Community Project Funding Grant in the amount of \$3,000,000 to assist with funding of the Wood Lake Nature Center Building Project.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

For the last few years, staff and the Richfield community have been determining the future needs of the Wood Lake Nature Center facility. Staff has sought input from City Council, the Community Services Commission, and the Friends of Wood Lake, as well as the community of Wood Lake visitors through online and in-person surveys.

In addition to the \$3,000,000 in HUD grant funding, the Wood Lake Building project has been awarded \$12,000,000 through the 2023 Minnesota General Fund Appropriations Bill. To fund the remainder of the project, a Local Option Sales Tax referendum will be proposed to residents on the November 2024 ballot.

**B. EQUITABLE OR STRATEGIC CONSIDERATIONS OR IMPACTS**

**Impact:**

Wood Lake Nature Center's main building, including exhibits and recreational and educational materials, is an amenity that is free to the public and has been heavily utilized for over 50 years. A new building would ensure the continuation of these services and the accessibility of the building for many years to come.

**People:**

The Recreation Services Department has an ongoing commitment to provide programs and facilities that are accessible and inviting to all people, regardless of ethnicity, gender identification, or economic status. Wood Lake Nature Center is uniquely located to provide access to nature for all members of our community.

**Consequences:**

The Recreation Services Department has been proactive about creating a welcoming environment for all people and we have seen diverse participation. Staff realizes that these facilities are made possible by all of Richfield residents and strives to take steps to ensure that our participants reflect that diversity and individuality.

**Strategic Outcome Considerations:**

This grant is an important piece to ensuring the success of the Wood Lake Building Project and of Wood Lake's environmental education programs into the future.

**C. POLICIES (resolutions, ordinances, regulations, statutes, exc):**

The HUD Community Project Funding Grant requires Council approval of a resolution authorizing staff to execute the grant agreement and proceed with administration of funds.

**D. CRITICAL TIMING ISSUES:**

Staff will need to proceed with the execution of this grant agreement in a timely manner to ensure the availability of the awarded funds.

**E. FINANCIAL IMPACT:**

The HUD Community Project Funding Grant would provide \$3,000,000 of funding towards the Wood Lake Building Project, which will be a crucial piece of the funding being assembled for the project.

**F. LEGAL CONSIDERATION:**

There are no legal considerations for this item.

**ALTERNATIVE RECOMMENDATION(S):**

Reject the resolution and reject the \$3,000,000 grant award, possibly jeopardizing the timeline of completion for the Wood Lake Building Project.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

Description	Type
▣ Resolution Authorizing Execution of HUD Community Grant Agreement	Resolution Letter
▣ HUD Community Grant Award Letter	Backup Material
▣ HUD Community Grant Agreement	Backup Material

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE  
FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR  
AN ECONOMIC DEVELOPMENT INITIATIVE-COMMUNITY PROJECT FUNDING  
GRANT IN THE AMOUNT OF \$3,000,000 TO ASSIST WITH FUNDING OF THE  
WOOD LAKE NATURE CENTER BUILDING PROJECT.**

**WHEREAS**, in the Consolidated Appropriations Act, 2023 (Public Law 117-328), the United States Congress made funding available for grants to fund community projects, administered by the US Department of Housing and Urban Development (HUD); and

**WHEREAS**, the City of Richfield Recreation Services Department has proposed the replacement of the Wood Lake Nature Center main building and has secured \$12,000,000 in funding through the 2023 Minnesota General Fund Appropriations Bill for the project; and

**WHEREAS**, the City of Richfield will propose a Local Sales Tax to voters in November to fund three recreation capital projects, the first of which would be the Wood Lake Building Project; and

**WHEREAS**, staff has begun the planning and coordination for the project, which will begin in full if and when final funding is secured; and

**WHEREAS**, the City of Richfield has secured the commitment from HUD for this Community Project Funding Grant and has received the award letter and grant agreement (B-23-CP-MN-0879) for processing.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota, that staff is authorized to execute the Community Project Funding Grant agreement with HUD for \$3,000,000 in funding towards the Wood Lake Nature Center Building Project.

Adopted by the City Council of the City of Richfield, Minnesota this 23rd day of April, 2024.

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Mary B. Supple, Mayor

ATTEST:

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Kelly Wynn, Interim City Clerk



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, D.C. 20410-1000

OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT

March 2, 2023

Chris Swanson  
City of Richfield  
6700 Portland Ave.  
Richfield, MN 55423  
Email: cswanson@richfieldmn.gov

Dear Swanson:

In the Consolidated Appropriations Act, 2023 (Public Law 117-328) (the FY2023 Act), Congress made funding available \$2,982,285,641 for “grants for the Economic Development Initiative (EDI) for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending” in the associated table included in the accompanying joint explanatory statement (JES). These “Community Project Funding” or “CPF” awards are administered by the Department of Housing and Urban Development (HUD).

HUD received the below information about your project as listed on the JES, which was printed in the Senate section of the Congressional Record on December 20, 2022 ([CREC-2022-12-20-pt3-PgS9325-2.pdf \(congress.gov\)](https://www.congress.gov/crec/2022/12/20-pt3-PgS9325-2.pdf)). A Grant Number (noted below) has been generated by HUD and will be the unique identifier for your project throughout the grant process.

<b>Grantee:</b>	City of Richfield
<b>Project:</b>	Wood Lake Nature Center Building Project
<b>Amount:</b>	\$3,000,000
<b>Grant Number</b>	B-23-CP-MN-0879

Pursuant to the requirements associated with the FY2023 Act, this FY2023 Grant Award Letter outlines initial grant award requirements and information needed from you to prepare your FY2023 CPF Grant Agreement for execution. The Grant Award Letter also provides an overview of the steps to execute your Grant Agreement. Further detail is provided within the FY2023 CPF Grant Guide.

This “Grant Award Letter,” is included in the “Grant Award Package” transmitted with the corresponding email. The Grant Award Package also includes:

- the “FY2023 Community Project Funding Grant Guide” (FY2023 CPF Grant Guide),
- your FY2023 Community Project Funding Grant Agreement “FY2023 CPF Grant

- Agreement,” and
- standard forms required to execute your Grant Agreement.

A brief overview of these documents is below:

- 1) **FY2023 CPF Grant Guide:** The FY2023 CPF Grant Guide provides instructions for completing the requested information and filling out the required administrative forms to initiate your FY2023 CPF Grant Agreement. The FY2023 CPF Grant Guide also provides information on the requirements that will govern these funds, as provided by the FY2023 Act, and the cross-cutting requirements that generally apply to all HUD awards as provided by HUD regulations and other applicable Federal regulations and statutes.

The FY2023 CPF Grant Guide provides guidance and instructions for access to your grant funds and fulfilling the reporting requirements for this award. The FY2023 CPF Grant Guide provides guidance for various grant administration-related actions including the Disaster Recovery Grants Reporting (DRGR) system for the financial management of these grant funds and periodic reporting of project status and accomplishments for this grant. Please refer to this document as it includes important information and forms for accessing DRGR, as well as other information concerning reporting requirements.

- 2) **FY2023 CPF Grant Agreement for this Award:** The FY2023 CPF Grant Agreement specifies the applicable statutory provisions, regulations, and administrative requirements for this award. Please read this FY2023 CPF Grant Agreement carefully, including its incorporated appendices, which contain additional mandatory award terms as well as information specific to your award, such as your organization’s indirect cost information. Please make sure all grantee information and award-specific information is entered completely and accurately before signing this Agreement. The grantee’s Authorized Representative, or legal signatory, must sign and date the FY2023 CPF Grant Agreement. Please retain a “copy” (either electronic and/or printed) of the signed and dated document for your records pending receipt of the countersigned copy from HUD. Please also note that to ensure the Project Narrative and Approved Budget (Appendices 1 and 2) reflect the project and budget as approved by HUD at the time of grant execution, Appendices 1 and 2 will be added by HUD on the date that HUD signs the FY2023 CPF Grant Agreement as stated in Article III, sections A and B of the FY2023 CPF Grant Agreement.

- 3) **Standard Forms and Required Materials:**

- a. Form HUD-1044, Assistance Award/Amendment Form (Attached)
- b. Standard Form–424 Application for Federal Assistance:  
<https://www.hudexchange.info/resource/306/hud-form-sf424/>
- c. SF-424-B, Assurances for Non construction Programs, or SF-424-D, Assurances for Construction Programs: <https://www.grants.gov/forms/sf-424-family.html>
- d. SFLLL Disclosure of Lobbying Activities (as applicable):  
<https://www.hudexchange.info/resource/308/hud-form-sflll/>
- e. SF-1199A - Direct Deposit Sign-Up Form:  
<https://www.hud.gov/sites/documents/attachmentvisf1199A.PDF>



Evidence of the American Bankers Association (ABA) number for your depository account, such as a VOIDED blank check, a deposit slip, or similar documentation. The SF1199A form is used to collect the information necessary to establish an account for the grantee in HUD's financial system. The form is to be completed by the grantee and grantee's financial institution.

## **Grant Award Process Overview**

Below is a step-by-step walk-through of the process and necessary documents and forms to execute your FY2023 Grant Agreement. This process and the forms are also available in the FY2023 CPF Grant Guide, which can also be found on the program's webpage at:

[https://www.hud.gov/program\\_offices/comm\\_planning/edi-grants](https://www.hud.gov/program_offices/comm_planning/edi-grants).

### **Grant Award Process**

- 1) HUD will email a Grant Award Package including:
  - a. FY2023 Grant Award Letter (this letter)
  - b. FY2023 CPF Grant Guide
  - c. FY2023 CPF Grant Agreement
  - d. Links to Standard Forms (see list above in number 3)
- 2) Grantee should review the Grant Award Package documents and send HUD the following:
  - a. Signed and dated FY2023 CPF Grant Agreement
  - b. Completed Standard Forms
  - c. Detailed Project Narrative: The detailed project narrative should:
    - i. capture the maximum anticipated scope of the proposal, not just a single activity that the CPF grant is going toward; and
    - ii. include all contemplated actions that are part of the project.
  - d. Line-Item Project Budget: The line-item budget should:
    - i. capture the maximum anticipated scope of the proposal including the use of the FY23 CPF grant funds in context of the full project budget; and
    - ii. include all contemplated actions that are part of the project, not just a single activity that the CPF grant is going toward.
- 3) Grantee should initiate or complete a Federal environmental review: If the grantee has not yet done so, they should initiate an environmental review, as applicable.
- 4) HUD reviews returned Grant Award Package for completeness: Once HUD receives a completed grant award package, HUD will review the project narrative and budget, standard forms, grantee-signed and dated FY2023 CPF Grant Agreement.
  - a. If complete, HUD will execute the FY2023 CPF Grant Agreement.
  - b. If information is missing, HUD will work with grantee to finalize the Grant Award Package.
- 5) Payment Process: Once the Grant Agreement is executed by the Grantee and HUD, HUD will assist the grantee in getting set up in HUD's financial system. Once set up in HUD's financial system, grantees will submit payment requests.

**To assist you with understanding the materials that you have received, HUD will host a series of webinars and "office hours" starting the week of March 6, 2023, to review the**

**requirements and support grantees through the grant award process and beyond. HUD will send reminder emails prior to each session with the registration link.**

### **Overview of the FY2023 Act**

CPF grants are subject to several Federal requirements. HUD will provide additional information and further clarification regarding applicable requirements and the grant award process in upcoming webinars and additional technical assistance. The most essential requirements include:

- **Administrative Requirements:** CPF grants are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200.
- **Environmental Review Requirements:** CPF grants, like all projects funded by HUD, are subject to requirements under the National Environmental Policy Act (NEPA), HUD's NEPA-implementing regulations at 24 CFR Part 50 or 24 CFR Part 58, and all appropriate federal environmental and historic preservation laws, regulations, and Executive Orders.
  - In keeping with the National Environmental Policy Act (NEPA) and HUD's NEPA-implementing regulations at 24 CFR Part 50 or 24 CFR Part 58, **environmental reviews must be completed, and a Request for Release of Funds and Certification must be approved by HUD, as applicable, for all projects prior to taking any 'choice limiting actions.'**<sup>1</sup>
  - Environmental reviews must be completed before a grantee can undertake actions that prevent the grantee from taking an alternative action to minimize or avoid environmental harm, or that would have an adverse environmental impact ("choice limiting actions"). This step is required to avoid violations under 24 CFR 58.22 which provides limitations on activities pending clearance, and Section 110(k) of the National Historic Preservation Act which prohibits anticipatory demolition or significant harm of cultural and/or historic resources prior to completion of the historic preservation review process known as Section 106 review.
  - HUD defines the "Federal Nexus" for a program or project as the event that triggers the requirements for federal environmental review under a host of laws, regulations, and Executive Orders, including the prohibition on choice limiting actions.
- To be eligible, expenses must comply with applicable Federal requirements. This includes administrative requirements under 2 CFR Part 200, environmental laws, statutes and Executive Orders, and other "cross-cutting" federal requirements adhered to by HUD. In addition, environmental reviews are required for all HUD funded programs and project activities. This includes soft costs as well as hard costs.
- For FY2023 grants, the date of the FY 2023 Act's enactment (December 29, 2022) is the date of eligibility for reimbursement for hard and soft costs and the date of the federal nexus

<sup>1</sup> Choice limiting actions constitute work, such as entering construction contract agreements/commitments and earth-moving activities/clearing/grubbing as well as building renovation/upgrades, that can have an adverse impact on cultural and / or historical resources or the environment, or prevent the avoidance, minimization, or mitigation of those impacts. Examples of 'choice limiting actions' include, but are not limited to, purchasing land, entering into contracts for property acquisition or construction, or physical work on the project.

for compliance with all environmental laws. Therefore, reimbursable/eligible hard costs can be incurred after enactment once a full environmental review is completed.

- HUD conducted a nationwide environmental review to clear activities such as administrative, planning, and operations and maintenance costs (including costs to prepare an environmental review).
  - After execution of the FY2023 CPF Grant Agreement, these soft costs may be reimbursed if incurred after December 29, 2022, and the costs would otherwise meet the allowability criteria in 2 CFR 200.403.
  - Hard costs can be reimbursed if incurred after a full environmental review is completed and the costs would otherwise meet the allowability criteria in 2 CFR 200.403.

Further explanation and guidance on choice limiting actions and the environmental review process, including historic preservation review, is included within the FY2023 CPF Grant Guide and on the program's webpage.

All information required for your grant award should be submitted via email to the dedicated mailbox at [CPFGrants@hud.gov](mailto:CPFGrants@hud.gov). In transmitting your information, please copy and paste the bolded information as the subject line of your email: **<Grant Number>: <Grantee Name>: Submission of Required Grant Materials**.

If you, or your staff, have any questions regarding how to complete or submit the required documents or about your grant in general, please feel free to contact Shaina Glover, in CGD at [CPFGrants@hud.gov](mailto:CPFGrants@hud.gov). Please note while your grant officer may change over time, we have a team approach to managing your project. Shaina Glover is the primary point of contact at HUD for this award and will be available to assist you. Include your grant number and grant name in all email correspondence.

We look forward to working with you on this important project!

Sincerely,



Robin J. Keegan  
Deputy Assistant Secretary  
Economic Development

ATTACHMENTS:

FY2023 Community Project Funding Grant Guide (Version 1)  
FY2023 CPF Grant Agreement  
Form HUD-1044 – Assistance Award/Amendment Form

**FY 2023 COMMUNITY PROJECT FUNDING  
GRANT AGREEMENT NO. B-23-CP-MN-0879**

**Grantee Name:** City of Richfield

**Grantee Address:** 6700 Portland Ave. Richfield, MN 55423

**Grantee's Unique Entity Identifier (UEI):**

**Grantee's Employer Identification Number (EIN)**

**Federal Award Identification Number (FAIN)** B-23-CP-MN-0879

**Assistance Listing Number and Name** 14.251 Economic Development Initiative,  
Community Project Funding, and Miscellaneous Grants

**Period of Performance/Budget Period Start Date** Date of grant obligation

**Period of Performance/Budget Period End Date** August 31, 2031

This Grant Agreement between the Department of Housing and Urban Development (HUD) and City of Richfield (the Grantee) is made pursuant to the authority of the Consolidated Appropriations Act, 2023 (Public Law 117-103) and the Explanatory Statement for Division L of that Act, which was printed in the Senate section of the Congressional Record on December 20, 2022 (Explanatory Statement).

In reliance upon and in consideration of the mutual representations and obligations under this Grant Agreement, HUD and the Grantee agree as follows:

**ARTICLE I. Definitions**

The definitions at 2 CFR 200.1 apply to this Grant Agreement, except where this Grant Agreement specifically states otherwise.

Budget period is defined in 2 CFR 200.1 and begins and ends on the dates specified above for the Period of Performance/Budget Period Start Date and Period of Performance/Budget Period End Date.

Period of Performance is defined in 2 CFR 200.1 and begins and ends on the dates specified above for the Period of Performance/Budget Period Start Date and Period of Performance/Budget Period End Date.

**ARTICLE II. Total Grant Amount**

Subject to the provisions of the Grant Agreement, HUD will make grant funds in the amount of \$3,000,000 available to the Grantee.

**ARTICLE III. Award-Specific Requirements**

A. Federal Award Description. The Grantee must use the Federal funds provided under this Grant Agreement (Grant Funds) to carry out the Grantee's "Project." Unless changed in accordance with Article III, section C of this Grant Agreement, the Grantee's Project shall be as described in the Project Narrative that is approved by HUD as of the date that HUD signs this Grant Agreement. For reference, HUD will attach this approved Project Narrative as Appendix 1 to the Grant Agreement on the date that HUD signs this Grant Agreement.

B. Approved Budget. The Grantee must use the Grant Funds as provided by the Approved Budget. Unless changed in accordance with Article III, section C of this Grant Agreement, the Approved Budget shall be the line-item budget that is approved by HUD as of the date that HUD signs this Grant Agreement. For reference, HUD will attach this approved line-item budget as Appendix 2 to this Grant Agreement on the date that HUD signs this Grant Agreement.

C. Project and Budget Changes. All changes to the Grantee's Project or Approved Budget must be made in accordance with 2 CFR 200.308 and this Grant Agreement. To request HUD's approval for a change in the Project or Approved Budget, the Grantee must submit a formal letter to the Director of HUD's Office of Economic Development - Congressional Grants Division through the assigned Grant Officer. The letter must be submitted by email to the assigned Grant Officer and must provide justification for the change. The email submitting the letter must also include a revised project narrative or revised line-item budget, as applicable, that includes the requested change. The Grantee is prohibited from making project or budget changes that would conflict with the Applicable Appropriations Act Conditions described in Article III, section D of this Grant Agreement. The assigned Grant Officer for this grant is provided in the Award Letter for this grant and found on HUD's website. The HUD Office of Economic Development – Congressional Grants Division will notify the Grantee in writing, by email, whether HUD approves or disapproves the change. Before the Grantee expends Grant Funds in accordance with any change approved by HUD or otherwise allowed by 2 CFR 200.308, the Grantee must update its grant information in Disaster Recovery Grant Reporting (DRGR) to reflect that change.

D. Applicable Appropriations Act Conditions. The conditions that apply to the Grant Funds as provided by the Consolidated Appropriations Act, 2023 and the Explanatory Statement are hereby incorporated and made part of this Grant Agreement. In the event of a conflict between those conditions, the conditions provided by the Act will govern. The Grant Funds are not subject to the Community Development Block Grants regulations at 24 CFR part 570 or Title I of the Housing and Community Development Act of 1974.

E. In accordance with 2 CFR 200.307(b), costs incidental to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the grant. As authorized under 2 CFR 200.307(e)(2), program income may be treated as an addition to the Federal award, provided that the Grantee uses that income for allowable costs under this Grant Agreement. In accordance with 2 CFR 200.307(b), costs incidental to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the grant. Any program income that cannot be expended on allowable costs under this Grant Agreement must be paid to HUD before closeout of the grant, unless otherwise specified by an applicable Federal statute.

F. The Grantee must use the Grant Funds only for costs (including indirect costs) that meet the applicable requirements in 2 CFR part 200 (including appendices). The Grantee's indirect cost rate information is as provided in Appendix 3 to this Grant Agreement. Unless the Grantee is an Institution of Higher Education, the Grantee must immediately notify HUD upon any change in the Grantee's indirect cost rate during the Period of Performance, so that HUD can amend the Grant Agreement to reflect the change if necessary. Consistent with 2 CFR Part 200, Appendix III (C.7), if the Grantee is an Institution of Higher Education and has a negotiated rate in effect on the date this Grant Agreement is signed by HUD, the Grantee may use only that rate for its indirect costs during the Period of Performance.

G. The Grantee must comply with any specific award conditions that HUD may attach to this Grant Agreement as provided by 2 CFR 200.208. If applicable, these conditions will be listed or added as Appendix 5 to this Grant Agreement.

H. The Grantee is responsible for managing the Project and ensuring the proper use of the Grant Funds. The Grantee is also responsible for ensuring the completion of the Project, the grant closeout, and compliance with all applicable federal requirements. The Grantee may subaward all or a portion of its funds to one or more subrecipients, as identified in the Project Narrative (Appendix 1) or as may be approved by HUD in accordance with 2 CFR 200.308. All subawards made with funding under this Grant Agreement are subject to the subaward requirements under 2 CFR Part 200, including 2 CFR 200.332, and other requirements provided by this Grant Agreement. The Grantee is responsible for ensuring each subrecipient complies with all requirements under this Grant Agreement, including the general federal requirements in Article IV. A subaward may be made to a for-profit entity only if HUD expressly approves that subaward and the for-profit entity is made subject to the same Federal requirements that apply to all other subrecipients, including the requirements 2 CFR part 200 provides for a "non-Federal entity" that receives a subaward.

#### **ARTICLE IV. General Federal Requirements**

A. If the Grantee is a unit of general local government, a State, an Indian Tribe, or an Alaskan Native Village, the Grantee is the Responsible Entity (as defined in 24 CFR part 58) and agrees to assume all of the responsibilities for environmental review and decision-making and action, as specified and required in regulations issued by the Secretary pursuant to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 and published in 24 CFR Part 58.

B. If the Grantee is a housing authority, redevelopment agency, academic institution, hospital or other non-profit organization, the Grantee shall request the unit of general local government, Indian Tribe or Alaskan Native Village, within which the Project is located and which exercises land use responsibility, to act as Responsible Entity and assume all of the responsibilities for environmental review and decision-making and action as specified in paragraph A above, and the Grantee shall carry out all of the responsibilities of a grantee under 24 CFR Part 58.

C. After December 29, 2022, neither the Grantee nor any of its contractors, subrecipients and other funding and development partners may undertake, or commit or expend Grant Funds or local funds for, project activities (other than for planning, management, development and administration activities), unless a contract requiring those activities was already executed on or before December 29, 2022, until one of the following occurs: (i) the Responsible Entity has completed the environmental review procedures required by 24 CFR part 58, and HUD has approved the environmental certification and given a release of funds; (ii) the Responsible Entity has determined and documented in its environmental review record that the activities are exempt under 24 CFR 58.34 or are categorically excluded and not subject to compliance with environmental laws under 24 CFR 58.35(b); or (iii) HUD has performed an environmental review under 24 CFR part 50 and has notified Grantee in writing of environmental approval of the activities.

D. Following completion of the environmental review process, the Grantee (recipient) shall exercise oversight, monitoring, and enforcement as necessary to assure that decisions and mitigation measures adopted through the environmental review process are carried out during project development and implementation.

E. The Grantee must comply with the generally applicable HUD and CPD requirements in 24 CFR Part 5, subpart A, including all applicable fair housing, and civil rights requirements. If the Grantee is a Tribe or a Tribally Designated Housing Entity (TDHE) as established under 24 CFR 1000.206, the Grantee must comply with the nondiscrimination requirements in 24 CFR 1000.12 in lieu of the nondiscrimination requirements in 24 CFR 5.105(a). The Grantee must report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of the Grantee's Project, consistent with the instructions and forms provided by HUD in order to carry out its responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987 (e.g. HUD-27061).

F. The Grantee must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 CFR part 200, as may be amended from time to time. If 2 CFR part 200 is amended to replace or renumber sections of part 200 that are cited specifically in this Grant Agreement, the part 200 requirements as renumbered or replaced by the amendments will govern the obligations of HUD and the Grantee after those amendments become effective.

G. The Grantee must comply with the Award Term in Appendix A to 2 CFR Part 25 ("System for Award Management and Universal Identifier Requirements") and the Award Term in Appendix A to 2 CFR Part 170 ("Reporting Subawards and Executive Compensation"), which are hereby incorporated into and made part of this Grant Agreement.

H. If the Total Grant Amount, as provided in Article II of this Grant Agreement, is greater than \$500,000, the Grantee must comply with the Award Term and Condition for Grantee Integrity and Performance Matters in Appendix 4 to this Grant Agreement.

I. Unless the Grantee is exempt from the Byrd Amendment as explained below, the Grantee must comply with the provisions of Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment) and 24 CFR Part 87, which prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, loan, or cooperative agreement. The Grantee must include in its award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements), the requirements for the certification required by Appendix A to 24 CFR Part 87 and for disclosure using Standard Form- LLL (SF-LLL), "Disclosure of Lobbying Activities." In addition, the Grantee must obtain the executed certification required by Appendix A and an SF-LLL from all covered persons. "Person" is as defined by 24 CFR Part 87. Federally recognized Indian tribes and TDHEs established by Federally recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment. State-recognized Indian tribes and TDHEs established only under state law must comply with this requirement.

J. The Grantee must comply with drug-free workplace requirements in Subpart B of 2 CFR Part 2429, which adopts the governmentwide implementation (2 CFR Part 182) of sections 5152-5158 of the Drug-Free Workplace Act of 1988, Pub. L. 100-690, Title V, Subtitle D (41 U.S.C. 701-707).

K. The Grantee must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) as implemented by regulations at 49 CFR Part 24. The URA applies to acquisitions of real property and relocation occurring as a direct result of the acquisition, rehabilitation, or demolition of real property for Federal or Federally funded programs or projects. Real property acquisition that receives Federal financial assistance for a program or project, as defined in 49 CFR 24.2, must comply with the acquisition requirements contained in 49 CFR part 24, subpart B. Unless otherwise specified in law, the relocation requirements of the URA and its implementing regulations at 49 CFR part 24, cover any displaced person who moves from real property or moves personal property from real property as a direct result of acquisition, rehabilitation, or demolition for a program or project receiving HUD financial assistance

L. If Grant Funds are used for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead- based paint rules (Lead Disclosure; and Lead Safe Housing (24 CFR part 35)), and EPA's lead- based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).

M. The Grantee must comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u, and HUD's regulations at 24 CFR part 75, as applicable, including the reporting requirements in 24 CFR 75.25. Grants made to Tribes and TDHEs are subject to Indian Preference requirements in Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)). As stated in 24 CFR 75.3(c), grants to Tribes and TDHEs are subject to Indian Preference requirements in lieu of Section 3. Grantees that are not exempt from Section 3 must submit annual reports of Section 3



accomplishment Performance Measures in DRGR in January of the calendar year. This report reflects Section 3 accomplishments for the previous calendar year.

N. The Grantee must not use any Grant Funds to support any Federal, state, or local project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use. Public use includes use of funds for mass transit, railroad, airport, seaport, or highway projects, and utility projects which benefit or serve the general public (including energy-related, communication-related, water-related, and waste water-related infrastructure), other structures designated for use by the general public or with other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields, as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107-118). Public use does not include economic development that primarily benefits private entities.

O. The Grantee must not use any Grant Funds to maintain or establish a computer network that does not block the viewing, downloading, and exchanging of pornography. This requirement does not limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

P. The Grantee must administer its Grant Funds in accordance with the Conflict of Interest requirements set forth in Appendix 6 of this Grant Agreement.

Q. The Grantee must comply with the governmentwide debarment and suspension requirements in 2 CFR part 180 as incorporated and supplemented by HUD's regulations at 2 CFR part 2424.

R. The Grantee must comply with the award term and condition regarding trafficking in persons in Appendix 7 of this Grant Agreement.

S. The assurances and certifications the Grantee has made and submitted to HUD are incorporated by this reference and made part of this Grant Agreement.

## **ARTICLE V. Drawdown Requirements**

A. The Grantee may not draw down Grant Funds until HUD has received and approved any certifications and disclosures required by 24 CFR 87.100 concerning lobbying, if applicable.

B. The Grantee must use HUD's Disaster Recovery Grant Reporting (DRGR) system to draw down Grant Funds and report to HUD on activities.

C. The Grantee must enter activity and budget information in DRGR that is consistent with the Grantee's Project and Approved Budget as described in Article III, sections A and B of this Grant Agreement and complies with HUD's instructions for entering information in DRGR found in the document titled "Grant Award Instructions" that accompanies the Grant Agreement.

D. The Grantee must only enter activities in DRGR that are described in the Approved Budget.

E. The Grantee must expend all Grant Funds in accordance with the activity and budget information in DRGR.

F. Each drawdown of Grant Funds constitutes a representation by the Grantee that the funds will be used in accordance with this Grant Agreement.

G. The Grantee must use DRGR to track the use of program income and must report the receipt and use of program income in the reports the Grantee submits to HUD under Article VI of this Grant Agreement. The Grantee must expend program income before drawing down Grant Funds through DRGR.

H. Notwithstanding any other provision of this grant agreement, HUD will not be responsible for payment of any Grant Funds after the date Treasury closes the account in accordance with 31 U.S.C. § 1552. Because Treasury may close the account up to one week before the September 30 date specified by 31 U.S.C. § 1552, the Grantee is advised to make its final request for payment under the grant no later than September 15, 2031.

#### **ARTICLE VI. Program-Specific Reporting Requirements**

In addition to the general reporting requirements that apply under other provisions of this Agreement, the following program-specific reporting requirements apply to the Grantee:

A. The Grantee must submit a performance report in DRGR on a semi-annual basis and must include a completed Federal financial report as an attachment to each performance report in DRGR. Performance reports shall consist of a narrative of work accomplished during the reporting period. During the Period of Performance, the Grantee must submit these reports in DRGR no later than 30 calendar days after the end of the 6-month reporting period. The first of these reporting periods begins on the first of January or June (whichever occurs first) after the date this Grant Agreement is signed by HUD.

B. The performance report must contain the information required for reporting program performance under 2 CFR 200.329(c)(2) and (d), including a comparison of actual accomplishments to the objectives of the Project as described in Article III, section A of this Grant Agreement, the reasons why established goals were not met, if appropriate, and additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

C. Financial reports must be submitted using DRGR or such future collections HUD may require and as approved by OMB and listed on the Grants.gov website (<https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>).

D. The performance and financial reports will undergo review and approval by HUD. If a report submission is insufficient, HUD will reject the report in DRGR and identify the corrections the Grantee must make.

E. No drawdown of funds will be allowed through DRGR while the Grantee has an overdue performance or financial report.

F. The Grantee must report and account for all property acquired or improved with Grant Funds as provided by 2 CFR part 200 using the applicable common forms approved by OMB and provided on the Grants.gov website (<https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>). This reporting obligation includes submitting status reports on real property at least annually as provided by 2 CFR 200.330, accounting for real and personal property acquired or improved with Grant Funds as part of Project Closeout, and promptly submitting requests for disposition instructions as provided by 2 CFR 200.311(c), 200.313(e), and 200.314(a).

## **ARTICLE VII. Project Closeout**

A. The grant will be closed out in accordance with 2 CFR part 200, as may be amended from time to time, except as otherwise specified in this Grant Agreement.

B. The Grantee must submit to HUD a written request to closeout the grant no later than 30 calendar days after the Grantee has drawn down all Grant Funds and completed the Project as described in Article III, section A of this Grant Agreement. HUD will then send the Closeout Agreement and Closeout Certification to the Grantee.

C. At HUD's option, the Grantee may delay initiation of project closeout until the resolution of any findings as a result of the review of semi-annual activity reports in DRGR. If HUD exercises this option, the Grantee must promptly resolve the findings.

D. The Grantee recognizes that the closeout process may entail a review by HUD to determine compliance with the Grant Agreement by the Grantee and all participating parties. The Grantee agrees to cooperate with any HUD review, including reasonable requests for on-site inspection of property acquired or improved with Grant Funds.

E. No later than 120 calendar days after the Period of Performance, Grantees shall provide to HUD the following documentation:

1. A Certification of Project Completion.
2. A Grant Closeout Agreement.
3. A final financial report giving the amount and types of project costs charged to the grant (that meet the allowability and allocability

requirements of 2 CFR part 200, subpart E); a certification of the costs; and the amounts and sources of other project funds.

4. A final performance report providing a comparison of actual accomplishments with the objectives of the Project, the reasons for slippage if established objectives were not met and additional pertinent information including explanation of significant cost overruns.
5. A final property report, if specifically requested by HUD at the time of closeout.

#### **ARTICLE VIII. Default**

A default under this Grant Agreement shall consist of any use of Grant Funds for a purpose other than as authorized by this Grant Agreement, any noncompliance with statutory, regulatory, or other requirements applicable to the Grant Funds, any other material breach of this Grant Agreement, or any material misrepresentation in the Grantee's submissions to HUD in anticipation of this award. If the Grantee fails to comply with the terms and conditions of the Grant Agreement, HUD may adjust specific conditions of this Grant Agreement as described in 2 CFR part 200, as may be amended from time to time. If HUD determines that noncompliance cannot be remedied by imposing additional conditions, HUD may take one or more of the remedies for noncompliance described in 2 CFR part 200, as may be amended from time to time. HUD may also terminate all or a part of this award as provided by 2 CFR 200.340 and other applicable provisions of 2 CFR part 200, as may be amended from time to time. Nothing in this Grant Agreement shall be construed as creating or justifying any claim against the Federal government or the Grantee by any third party.

## ARTICLE IX. HUD Contact Information

Except where this Grant Agreement specifically states otherwise, all requests, submissions, and reports the Grantee is required to make to HUD under this Grant Agreement must be made in writing via email to CPFGGrants@hud.gov.

**This agreement is hereby executed on behalf of the Grantee and HUD as follows:**

### GRANTEE

---

(Name of Organization)

BY: 

---

 (Signature of Authorized Official)

---

 (Typed Name and Title of Authorized Official)

---

 (Date)

### HUD

BY: 

---

 Robin J. Keegan,  
Deputy Assistant Secretary for Economic Development

---

 (Date)

## **APPENDIX 1 – Project Narrative**

**APPENDIX 2 – Approved Budget**

### APPENDIX 3 – Grantee’s Indirect Cost Rate Information

Subject to the applicable requirements in 2 CFR part 200 (including its appendices), the Grantee will use an indirect cost rate as represented by the Grantee below:

- ☐ The Grantee will not use an indirect cost rate to charge its indirect costs to the grant.
- ☐ The Grantee will use the indirect cost rate(s) identified in the table below to charge its indirect costs to the grant.

Agency/Dept./Major Function	Indirect cost rate	Direct Cost Base
_____	_____ %	_____
_____	_____ %	_____

[PLEASE NOTE: The grantee must check one of the two boxes above. If the second box is checked, the corresponding table must be filled out as described below.

The table must include each indirect cost rate that will be used to calculate the Grantee’s indirect costs under the grant. The table must also specify the type of direct cost base to which each included rate applies (for example, Modified Total Direct Costs (MTDC)). Do not include indirect cost rate information for subrecipients.

For government entities, enter each agency or department that will carry out activities under the grant, the indirect cost rate applicable to each department/agency (including if the de minimis rate is used per 2 CFR 200.414), and the type of direct cost base to which the rate will be applied.

For nonprofit organizations that use the Simplified Allocation Method for indirect costs or elects to use the de minimis rate of 10% of Modified Total Direct Costs in accordance with 2 CFR 200.414, enter the applicable indirect cost rate and type of direct cost base in the first row of the table.

For nonprofit organizations that use the Multiple Allocation Base Method, enter each major function of the organization for which a rate was developed and will be used under the grant, the indirect cost rate applicable to that major function, and the type of direct cost base to which the rate will be applied.]



## **APPENDIX 4 –**

### **Award Term and Condition for Grantee Integrity and Performance Matters**

#### Reporting of Matters Related to Grantee Integrity and Performance

##### *1. General Reporting Requirement*

If the total value of the Grantee's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then during that period of time the Grantee must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

##### *2. Proceedings About Which Grantee Must Report*

During any period of time when the Grantee is subject to the requirement in paragraph 1 of this award term and condition, the Grantee must submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent five-year period; and
- c. Is one of the following:
  - (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
  - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
  - (3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and the Grantee's payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
  - (4) Any other criminal, civil, or administrative proceeding if:
    - (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

- (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on the Grantee's part; and
- (iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

### *3. Reporting Procedures*

During any period of time when the Grantee is subject to the requirement in paragraph 1 of this award term and condition, the Grantee must enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. The Grantee does not need to submit the information a second time under assistance awards that the Grantee received if the Grantee already provided the information through SAM because the Grantee was required to do so under Federal procurement contracts that the Grantee was awarded.

### *4. Reporting Frequency*

During any period of time when the Grantee is subject to the requirement in paragraph 1 of this award term and condition, the Grantee must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that the Grantee has not reported previously or affirm that there is no new information to report. If the Grantee has Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000, the Grantee must disclose semiannually any information about the criminal, civil, and administrative proceedings.

### *5. Definitions*

For purposes of this award term and condition:

a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—

- (1) Only the Federal share of the funding under any Federal award with a cost share or match requirement; and

- (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

**APPENDIX 5 – Specific Award Conditions**  
NONE.

## APPENDIX 6 – Conflict of Interest Requirements

1. *Conflicts Subject to Procurement Regulations.* When procuring property or services, the grantee and its subrecipients shall comply with the applicable conflict-of-interest rules in 2 CFR 200.317 and 2 CFR 200.318(c). In all cases not governed by 2 CFR 200.317 and 2 CFR 200.318(c), the Grantee and its subrecipients must follow the requirements contained in paragraphs 2-5 below.

2. *General prohibition.* No person who is an employee, agent, consultant, officer, or elected or appointed official of the Grantee or subrecipient and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have a financial interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including a stepchild), sibling (including a stepsibling), grandparent, grandchild, and in-laws of a covered person.

3. *Exceptions.* HUD may grant an exception to the general prohibition in paragraph (ii) upon the Grantee's written request and satisfaction of the threshold requirements in paragraph (iv), if HUD determines the exception will further the Federal purpose of the award and the effective and efficient administration of the Grantee's Project, taking into account the cumulative effects of the factors in paragraph (v).

4. *Threshold requirements for exceptions.* HUD will consider an exception only after the Grantee has provided the following documentation:

- a. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how that disclosure was made; and
- b. An opinion of the Grantee's attorney that the interest for which the exception is sought would not violate state or local law.

5. *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the Grantee has satisfactorily met the threshold requirements in paragraph (iii), HUD will consider the cumulative effect of the following factors, where applicable:

- a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
- b. Whether an opportunity was provided for open competitive bidding or negotiation;
- c. Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception

will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

*d.* Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process regarding the assisted activity in question;

*e.* Whether the interest or benefit was present before the affected person was in a position as described in paragraph (ii);

*f.* Whether undue hardship will result either to the Grantee or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

*g.* Any other relevant considerations.

6. *Disclosure of potential conflicts of interest.* The Grantee must disclose in writing to HUD any potential conflict of interest.

## APPENDIX 7 – Award Term and Condition Regarding Trafficking in Persons

The following award term and condition, which is required by 2 CFR part 175, applies as written:

*a. Provisions applicable to a grantee that is a private entity.*

1. You as the grantee, your employees, subrecipients under this award, and subrecipients' employees may not—
  - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
  - ii. Procure a commercial sex act during the period of time that the award is in effect; or
  - iii. Use forced labor in the performance of the award or subawards under the award.
2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity:
  - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
  - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—

A. Associated with performance under this award; or

B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by HUD at 2 CFR 2424.

*b. Provision applicable to a grantee other than a private entity.*

We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either:

- i. Associated with performance under this award; or
- ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by HUD at 2 CFR 2424.

*c. Provisions applicable to any grantee.*

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
  - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
  - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

*d. Definitions. For purposes of this award term:*

1. “Employee” means either:
  - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
  - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
2. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. “Private entity”:

i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

ii. Includes:

A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

B. A for-profit organization.

4. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).





**STAFF REPORT NO. 59**  
**CITY COUNCIL MEETING**  
**4/23/2024**

REPORT PREPARED BY:  
 DEPARTMENT DIRECTOR REVIEW:

Matt Hardegger, Transportation Engineer  
 Kristin Asher, Public Works Director  
 4/16/2024

OTHER DEPARTMENT REVIEW:  
 CITY MANAGER REVIEW:

Katie Rodriguez, City Manager  
 4/17/2024

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider approval of a resolution of support for a Community Project Funding (CPF) grant application for design plan development for the replacement of the 73rd Street Pedestrian Bridge over I-35W.**

**EXECUTIVE SUMMARY:**

City staff are seeking to request an appropriation to complete design work for a future replacement of the 73rd Street pedestrian bridge over I-35W, through the Congressional CPF program via Rep. Omar's office.

**RECOMMENDED ACTION:**

**By Motion: Approve the resolution of support for a CPF grant application for design plan development for the replacement of the 73rd Street Pedestrian Bridge over I-35W.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

Community Project Funding allows Congress members to directly fund projects that will positively impact their community with the recognition that members know the specific needs of their district most acutely. Applications are currently being accepted by Rep. Omar's office for projects to be funded in the FY 2025 appropriations bill.

Staff have been seeking outside funding to construct a replacement for the aging, non-ADA-compliant pedestrian bridge that connects 73rd Street over I-35W. Currently active grant applications are being reviewed that would cover 80% of the project's construction costs, and staff are submitting this application to cover design costs. Improvements to this bridge have been identified in several of the city's long-range planning documents, most recently the Active Transportation Action Plan.

**B. EQUITABLE OR STRATEGIC CONSIDERATIONS OR IMPACTS**

**Strategic Considerations:** Replacement of the non-ADA-compliant pedestrian bridge meets the city's goal to ensure that *city infrastructure meets service needs* as well as *prioritizing climate resilience* by creating an improved connection for non-motorized traffic across I-35W.

**Equity Considerations:** Replacement of the bridge creates a better connection across I-35W, allowing more non-motorized transportation users to have a more direct and safer route to travel east-west within the city. This will decrease travel times for residents who either are not able or choose not to drive a personal vehicle for transportation.

**C. POLICIES (resolutions, ordinances, regulations, statutes, exc):**

A resolution of support from the governing body of the agency submitting the CPF grant application is required

and helps demonstrate community support.

**D. CRITICAL TIMING ISSUES:**

The timeline for CPF submissions for FY2025 is not yet known, however, Rep. Omar's office has indicated to staff that the application window will likely be as narrow as two weeks which necessitates the approval of this resolution of support in advance of the assembly of our grant application.

**E. FINANCIAL IMPACT:**

- Design costs are currently estimated to be approximately \$1.2 million. The grant application will require a more detailed cost estimate, which will be completed by staff and used as the basis for the actual requested amount.
- The final amount requested may not be the final amount appropriated if Congress selects this project, and the city would be responsible for any costs incurred above the requested grant amount.
- The city could choose to not accept the grant award if the city cost-share does not make financial sense for the project or city.

**F. LEGAL CONSIDERATION:**

None at this time.

**ALTERNATIVE RECOMMENDATION(S):**

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None.

**ATTACHMENTS:**

Description	Type
73rd St Bridge CPF ROS	Resolution Letter

**RESOLUTION NO.**

**RESOLUTION OF SUPPORT FOR THE COMMUNITY  
PROJECT FUNDING (CPF) GRANT APPLICATION FOR  
73<sup>RD</sup> STREET PEDESTRIAN BRIDGE REPLACEMENT**

**WHEREAS**, the City of Richfield has been pursuing a replacement for the existing pedestrian bridge at 73<sup>rd</sup> Street over I-35W; and

**WHEREAS**, the 73<sup>rd</sup> Street pedestrian bridge is one of only three crossings of I-35W within Richfield, and the only crossing dedicated solely to non-vehicular users; and

**WHEREAS**, the bridge has been identified as a key connection for residents and school-aged children across I-35W in the city's Bicycle Master Plan, Pedestrian Master Plan, and Active Transportation Action Plan; and

**WHEREAS**, the existing bridge is not compliant with the Americans with Disabilities Act; and

**WHEREAS**, the reconstructed bridge would provide a more direct accessible crossing of I-35W to Richfield Middle School and High School students and families than the busy vehicular crossings at 66<sup>th</sup> and 76<sup>th</sup> Streets; and

**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 and business owners in the district; and

**WHEREAS**, the identified project will improve accessibility across a freeway barrier, creating safer conditions for residents who are walking, biking, and rolling in Richfield; and

**WHEREAS**, the direct benefits listed above will be directly experienced by the diverse populations of Minnesota's 5<sup>th</sup> Congressional District; and

**WHEREAS**, project stakeholders have identified this project through community outreach and engagement and will continue that effort to ensure that equity considerations are front and center to this project.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Richfield enthusiastically expresses its support for the CPF grant application for the 73<sup>rd</sup> Street Pedestrian Bridge Replacement.

Adopted by the City Council of the City of Richfield, Minnesota this 23rd day of April, 2024.

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Mary B. Supple, Mayor

ATTEST:

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Kelly Wynn, Interim City Clerk

AGENDA SECTION:	PROPOSED ORDINANCES
AGENDA ITEM #	6.



## **STAFF REPORT NO. 60**

### **CITY COUNCIL MEETING**

### **4/23/2024**

REPORT PREPARED BY:  
DEPARTMENT DIRECTOR REVIEW:

Jennifer Anderson, Support Services Manager  
Jay Henthorne, Director of Public Safety/Chief of Police  
4/18/2024

OTHER DEPARTMENT REVIEW:  
CITY MANAGER REVIEW:

Katie Rodriguez, City Manager  
4/17/2024

#### **ITEM FOR COUNCIL CONSIDERATION:**

**Consider approval of the second reading of an ordinance amending Section 925 relating to the abatement of public health nuisances and assessment of abatement costs to property.**

#### **EXECUTIVE SUMMARY:**

The number and severity of public health nuisance cases has been increasing over the past seven years. Historically, they've been handled on a case by case basis with abatement often occurring over several months due to staff capacity, costs associated with abatement and property owners' individual circumstance. By including a clear process of notice of abatement proceedings, appeal process, abatement and assessment, staff will be better equipped to address not only the time it takes to abate, but have better outcomes for the owner and property.

The City Council approved the first reading of the proposed ordinance at the April 9, 2024 meeting.

#### **RECOMMENDED ACTION:**

**By Motion: Approve the second reading of an ordinance amending Section 925.07 through 925.09 of the Richfield City Code relating to the abatement of public health nuisances and assessment of abatement costs to property, and approve a resolution authorizing summary publication of said ordinance.**

#### **BASIS OF RECOMMENDATION:**

##### **A. HISTORICAL CONTEXT**

Minnesota Statute 145A gives community health boards the authority to remove and abate a public health nuisance. Prior to the pandemic, staff handled 10-12 public health nuisances per year. Since then, there's been a 70% increase in cases. These situations may involve a person living among an accumulation of refuse or debris, human or animal feces, rotting food waste, evidence of rodent/insect infestation, lack of water or sewage disposal, and limited or blocked egress to windows and/or doors.

With the increase in cases, the current process for handling abatements is unsustainable.

##### **B. EQUITABLE OR STRATEGIC CONSIDERATIONS OR IMPACTS**

Public health nuisances can impact anyone. Whether in a single family/multi-unit home, apartment, or condominium, abatements can be time consuming, costly and a detriment to one's physical and mental health. The proposed changes aim to benefit everyone living with a public health nuisance.

C. **POLICIES (resolutions, ordinances, regulations, statutes, exc):**

Minnesota Statute 145A gives authority to community health boards to remove and abate public health nuisances. Section 925 of the Richfield City Code addresses nuisances and public health nuisances but was lacking a clear process for public health nuisance abatements.

D. **CRITICAL TIMING ISSUES:**

No critical timing issues.

E. **FINANCIAL IMPACT:**

None

F. **LEGAL CONSIDERATION:**

The City Attorney has reviewed the proposed ordinance and approves of its contents.

**ALTERNATIVE RECOMMENDATION(S):**

This City Council could decide not to approve the second reading of the proposed ordinance and direct staff on how to proceed.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

Description		Type
<input type="checkbox"/>	Proposed PHNu ordinance	Cover Memo
<input type="checkbox"/>	Res and Sum Pub for PHNu	Cover Memo

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

**AN ORDINANCE AMENDING SECTION 925 OF THE RICHFIELD CODE OF  
ORDINANCES RELATING TO THE ABATEMENT OF NUISANCES AND  
ASSESSMENT OF ABATEMENT COSTS TO PROPERTY**

**THE CITY OF RICHFIELD DOES ORDAIN:**

**Section. 1.** Subsections 925.07 through 925.09 of the Richfield City Code are amended as follows:

**925.07. Abatement and control of nuisances.**

**Subdivision 1.** Procedures. The conditions declared in this section or any other provision of this code to be nuisances ~~and therefore subject to abatement and control, unless otherwise provided in this chapter,~~ shall be subject to regulation enforced and applied in accordance with the procedures of this subsection.

**Subd. 2.** Order Notice. When the existence of any condition relating to this part a nuisance as defined in this section is found on any property, the ~~D~~director of public safety, the building official, Fire Marshal or any police officer of the City, acting in concert with one of the enforcing officers enumerated in this section their designees, shall issue a written order notice to any inner the owner, and if different, the occupant, of the property to remove or abate the nuisance within a time specified in the notice, but not longer than ~~or other person responsible to remove the same,~~ at his expense, within a specified time ~~not to exceed ten (10) days.~~ The notice shall include:

(a) a description of the nuisance to be abated and the steps to be taken to abate the nuisance;

(b) notification that unless the nuisance is abated or removed by the deadline listed in the notice, the city may enter onto the property and abate or remove the nuisance at the expense of the owner under the city code and Minnesota Statutes, section 145A.08, 429.101, or other applicable state or local law; and

(c) notification that the owner and/or occupant of the property may appeal the notice to the city manager or their designee. Any appeal must be requested in writing before the deadline stated in the notice.

**Subd. 3.** Service. The written notices shall be served upon the owner, and if different, the occupant, ~~or of the property~~ in one of the following ways:

~~(a) other persons responsible by the sheriff, marshal or other peace officers. If service cannot be made after diligent search, the officer attempting to make such service shall, in lieu thereof, post a written printed notice upon the property or premises as provided in subdivision 4.~~

**Subd. 4.** Contents. The notice shall state ~~unless the nuisance is abated or removed within ten (10) days, the sheriff, marshal or other peace officer will abate or remove the nuisance complained of and found to exist, at the expense of the owner.~~

- (a) by registered or certified mail;
- (b) by an officer authorized to serve a warrant; or
- (c) by a person aged 18 years or older who is not reasonably believed to be a party to any action arising from the notice.

**Subd. 4. Posting Notice.** If either the owner or the occupant of the property is unknown or absent and has no known representative upon whom notice can be served, the city or its agent, shall post the notice on the property.

**Subd. 5. Appeal.** The city manager or their designee shall meet with the owner and/or occupant and the director of public safety, the building official or their designee within a reasonable time after receiving notice of an appeal. The city manager or their designee shall consider the appeal and make a final decision within 48 hours following the meeting. The city manager's decision shall be served on the owner and/or occupant by mail, email, or other means, and if the appeal is not granted, then the decision shall include a new date by which the owner and/or occupant must remove or abate the nuisance. An owner or occupant may appeal from the city manager's decision pursuant to available remedies under state law.

**Subd. 6. Abatement.** If the owner or occupant fails or neglects to remove or abate the nuisance described in the notice provided under subdivision 2 within the period of time specified in the notice and does not request an appeal, then the city, or a designated agent of the city, shall remove or abate the nuisance described in the notice and assess the cost to the owner pursuant to subsection 925.09.

**Subd. 7. Interference with Access and Abatement Prohibited.** Pursuant to Minnesota Statutes, Section 145A.04, subd. 10, it is a misdemeanor to deliberately hinder a city staff member or their agent from entering a property where contagion, infection, filth, or other source or cause of preventable disease exists or is reasonably suspected to exist, or otherwise to interfere with the performance of the duties of the city related to the inspection and abatement of a nuisance.

#### **925.08. Emergency abatement.**

If the director of public safety, the building official or their designee determines that a public nuisance exists and that the public health, safety, or welfare may be in immediate danger, the city may implement emergency abatement procedures to remove or abate the nuisance. When emergency abatement is authorized, the city will post a notice at the property and attempt to notify the owner and any occupants of the property. Following emergency abatement, the City will mail notice of the action taken to the property owner and assess costs pursuant to subsection 925.09.

#### **925.09. Assessment of cost.**

The cost of abatement or removal of a public nuisance shall be assessed against the property as provided in Minnesota Statutes, Chapters 429 and 463, and Section 145A.08, as applicable, or other applicable state or local laws.

**Sec. 2.** This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Adopted by the City Council of the City of Richfield on this 23rd day of April, 2024.

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Mary B. Supple, Mayor

ATTEST:

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Kelly Wynn, Interim City Clerk



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

**RESOLUTION APPROVING SUMMARY PUBLICATION  
OF AN ORDINANCE AMENDING CHAPTER 9 OF THE CITY CODE**

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

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

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

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

**AN ORDINANCE AMENDING CHAPTER 9, SECTION 925 OF THE CITY CODE**

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

This ordinance amends City Code Chapter 9 relating to the abatement of public health nuisances and assessment of abatement costs to property.

Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours or upon request by calling the Support Services Manager at 612-861-9881.

Adopted by the City Council of the City of Richfield, Minnesota this 23rd day of April, 2024.

\_\_\_\_\_  
Mary B. Supple, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Wynn, Interim City Clerk



**STAFF REPORT NO. 61**  
**CITY COUNCIL MEETING**  
**4/23/2024**

REPORT PREPARED BY:  
DEPARTMENT DIRECTOR REVIEW:

Sack Thongvanh, Assistant City Manager  
Sack Thongvanh, Assistant City Manager  
4/17/2024

OTHER DEPARTMENT REVIEW:  
CITYMANAGER REVIEW:

Katie Rodriguez, City Manager  
4/18/2024

**ITEM FOR COUNCIL CONSIDERATION:**

**Implement the Compensation and Classification Study findings and approve recommended General and Specialized Pay Grades and Pay Plans.**

**EXECUTIVE SUMMARY:**

The compensation review process began last fall when staff completed the Position Analysis Questionnaires. Baker Tilly then collected compensation and benefit data from 11 peer cities, which was used by the consultant to recommend pay grades and a corresponding pay plan for each position. These recommendations underwent review by supervisors, department directors, and Human Resources. The questionnaires, market analysis and reviews did result in 35 positions being placed in higher grades. The overarching objective has been to place all positions in the appropriate pay grade based on job responsibilities and to align position pay ranges with market levels while establishing a consistent pay grade and step system to facilitate staff progression based on experience.

Baker Tilly presented their findings to City Council at the February 28, 2024 work session meeting. Based on that discussion and further analysis of the options, staff recommended a new option, titled Option 1 Plus, to City Council at the April 9, 2024 work session meeting.

There are always some challenges in implementing a significant change to compensation, Option 1 Plus is the most fair option since it provides a minimum of a 1% increase upon transition. The recommended implementation, new General and Specialized Pay Grades and Pay Plans are in alignment with City goals to recruit and retain a high-quality workforce which is especially critical given the historically tight labor market.

In sum, investing in a high-quality workforce through competitive and equitable compensation and classification practices is essential for the City to achieve its strategic priorities and deliver high-quality services to its residents.

**RECOMMENDED ACTION:**

**By Motion: Approve attached resolutions to implement Compensation and Class Study findings and approve recommended General and Specialized Pay Grades and Pay Plans.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

While the City has not conducted a comprehensive review of its entire compensation structure in over two decades, it has regularly conducted targeted market analyses for specific positions. Recent adjustments for

liquor store associates and seasonal recreation staff demonstrate the City's responsiveness to evolving market conditions. In addition, negotiations with represented employees include compensation comparisons to peer cities which are then implemented via collective bargaining agreements. The City also regularly researches market comparisons when there is turnover in non-represented positions.

**B. EQUITABLE OR STRATEGIC CONSIDERATIONS OR IMPACTS**

The Compensation and Class Study plays an important role in ensuring that the City maintains competitiveness in the marketplace by aligning with the strategic priority for a high-quality workforce. This study evaluates the compensation structure of positions within the organization to ensure that they are in line with industry standards and comparable to those offered by other peer employers in the market.

The development of the proposed pay plan is based in Systematic Analysis and Factor Evaluation (SAFE) scores for each position. The SAFE scores provide a more objective and consistent method to evaluate how positions are assigned to pay grades. This ensures better pay equity and will allow the City a better system to use for future job evaluations so that pay equity is maintained.

**C. POLICIES (resolutions, ordinances, regulations, statutes, exc):**

**D. CRITICAL TIMING ISSUES:**

The new General and Specialized Pay Grades and Pay Plans will be implemented starting May 5th.

**E. FINANCIAL IMPACT:**

It is the historically tight labor market, especially for some positions, that is driving most of the projected financial impact. Staffing shortages are particularly acute in law enforcement and public finance, pushing up average wages in the region. The upward wage pressure is also evident for our part-time and seasonal employees, and the lower pay grades in the General Plan.

The estimated 2024 cost to implement the new pay plan for the General and Specialized Pay Plans which include preliminary estimates to update the five union pay plans that are currently being negotiated is \$801,000.

We will recommend using a combination of reserves and Public Safety Aid funding to close the gap in 2024 (note that the aid funding is limited to public safety related costs).

**F. LEGAL CONSIDERATION:**

**ALTERNATIVE RECOMMENDATION(S):**

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

Description	Type
□ General Pay Plan Resolution	Resolution Letter
□ Pay Grades_2024 General (Non-Union)	Exhibit
□ Pay Plan_2024 General (Non-Union)	Exhibit
□ Specialized Pay Plan Resolution	Resolution Letter
□ Pay Grades_2024 Specialized (Non-Union)	Exhibit
□ Pay Plan_2024 Specialized (Non-Union)	Exhibit

**RESOLUTION NO.**  
**RESOLUTION RELATING TO THE REVISED 2024 GENERAL**  
**PAY PLAN**

**WHEREAS**, the compensation personnel policy of the City of Richfield provides for the adoption of a pay plan for General employees, and

**WHEREAS**, the City administration has participated in a Compensation and Classification study for position classifications and revised pay ranges for non-union employees and,

**WHEREAS**, a list of positions in each pay grade are listed in Exhibit A and the corresponding pay ranges are listed in Exhibit B, and

**WHEREAS**, employees in Grade 1-21 will receive a minimum of 1% increase upon implementation, and

**WHEREAS**, employees in Grade 1-12 (under the Step Plan) will receive a one-time lump sum if the transition to the next highest step is less than 1%, while those assigned Grade 13-21 (under the Open Plan) will receive a minimum of a 1% increase to their base pay.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does establish the revised pay plan attached as Exhibit B, which is to be effective May 5, 2024, and subject to all applicable provisions of the personnel policy and City Code.

Passed by the City Council of the City of Richfield, Minnesota this 23<sup>rd</sup> day of April 2024.

\_\_\_\_\_  
Mary B. Supple, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Wynn, Interim City Clerk

# Exhibit A

## GENERAL PAY GRADE 2024 Proposed Pay Grades

Department	Division	Title	Proposed Title	Grade
EXECUTIVE	City Manager	CITY MANAGER		22
POLICE	Police Operations	PUBLIC SAFETY DIRECTOR		21
ADMINISTRATIVE SERVICES	Administration	ASSISTANT CITY MANAGER		20
COMMUNITY DEVELOPMENT	Community Development	COMMUNITY DEVELOPMENT DIRECTOR		20
FINANCE	Finance	FINANCE DIRECTOR		20
FIRE	Fire	FIRE SERVICES DIRECTOR		20
PUBLIC WORKS	Public Works Admin	PUBLIC WORKS DIRECTOR		20
RECREATION	Recreation	RECREATION SERVICES DIRECTOR		20
POLICE	Police Operations	DEPUTY PUBLIC SAFETY DIRECTOR		18
PUBLIC WORKS	Street	DEPUTY PW DIRECTOR		18
ADMINISTRATIVE SERVICES	Human Resources	HUMAN RESOURCES MANAGER		17
COMMUNITY DEVELOPMENT	Community Development	HOUSING/REDEVELOPMENT MANAGER/ ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR	ASSISTANT CD DIRECTOR	17
FIRE	Fire	ASST FIRE CHIEF		17
PUBLIC WORKS	Engineering	CITY ENGINEER		17
ADMINISTRATIVE SERVICES	Building Services	GOVERNMENT BLDGS SUPERINTENDNT		16
ADMINISTRATIVE SERVICES	Information Technology	IT MANAGER		16
ADMINISTRATIVE SERVICES	Liquor Operations	LIQUOR OPERATIONS MANAGER		16
COMMUNITY DEVELOPMENT	Community Development	CHIEF BUILDING OFFICIAL		16
PUBLIC WORKS	Water	UTILITY SUPERINTENDENT		16
ADMINISTRATIVE SERVICES	Communication	COMMUNICATIONS MANAGER		15
COMMUNITY DEVELOPMENT	Community Development	CITY PLANNER		15
COMMUNITY DEVELOPMENT	Community Development	ECONOMIC DEVELOPMENT MANAGER		15
FINANCE	Finance	ASSISTANT FINANCE DIRECTOR		15
PUBLIC WORKS	Engineering	TRANSPORTATION ENGINEER		15
PUBLIC WORKS	Water	ASSISTANT UTILITIES SUPERINTD		15
RECREATION	Recreation	FACILITY/PROGRAM MANAGER - POOL/ARENA		15
ADMINISTRATIVE SERVICES	City Clerk	CITY CLERK		14
ADMINISTRATIVE SERVICES	Information Technology	ASST IT MANAGER/BUS ANALYST		14
COMMUNITY DEVELOPMENT	HRA	MULTI FAMILY HOUSING PRGM ADMN		14
FINANCE	Finance	PAYROLL ACCOUNTANT		14
POLICE	Support Services	SUPPORT SERVICES SUPERVISOR		14
PUBLIC WORKS	Central Garage	OPERATIONS SUPERVISOR		14
PUBLIC WORKS	Engineering	PROJECT ENGINEER		14
PUBLIC WORKS	Water	UTILITIES SUPERVISOR		14

**GENERAL PAY GRADE**  
**2024 Proposed Pay Grades**

RECREATION	Recreation	FACILITY/PROGRAM MANAGER		<b>14</b>
COMMUNITY DEVELOPMENT	Community Development	SENIOR BUILDING TRADE INSPECTOR		<b>13</b>
EXECUTIVE/PUBLIC WORKS	City Manager/PW Admin	MANAGEMENT ANALYST	SENIOR ANALYST	<b>13</b>
PUBLIC WORKS	Engineering	CIVIL ENGINEER		<b>13</b>
PUBLIC WORKS	Water	WATER RESOURCE ENGINEER		<b>13</b>
RECREATION	Recreation	RECREATION SUPERVISOR - FACILITIES		<b>13</b>
ADMINISTRATIVE SERVICES	Deputy Registrar	MOTOR VEHICLE/LIC SUPERVISOR		<b>12</b>
ADMINISTRATIVE SERVICES	Information Technology/Police Operations	IT TECHNICIAN II		<b>12</b>
ADMINISTRATIVE SERVICES	Liquor Operations	LIQUOR STORE MANAGER		<b>12</b>
COMMUNITY DEVELOPMENT	Community Development	PLANNER II		<b>12</b>
COMMUNITY DEVELOPMENT	Community Development	BUILDING/TRADE INSPECTOR		<b>12</b>
COMMUNITY DEVELOPMENT	Community Development	MECHANICAL/PLUMBING INSPECTOR		<b>12</b>
EXECUTIVE	City Manager	EQUITY COORDINATOR		<b>12</b>
POLICE	Police Operations	RECORDS SUPERVISOR		<b>12</b>
POLICE/RECREATION	Police Operations/Recreation	EXECUTIVE AIDE/ANALYST	ANALYST	<b>12</b>
PUBLIC WORKS	Public Works Admin	GIS COORDINATOR		<b>12</b>
RECREATION	Recreation	RECREATION SUPERVISOR		<b>12</b>
RECREATION	Recreation	SUSTAINABILITY SPECIALIST		<b>12</b>
RECREATION	Wood Lake Nature Center	NATURALIST		<b>12</b>
ADMINISTRATIVE SERVICES	Human Resources	HUMAN RESOURCES SPECIALIST		<b>11</b>
ADMINISTRATIVE SERVICES	Information Technology	IT TECHNICIAN I/HELP DESK		<b>11</b>
CD/FINANCE	CD(HRA)/Finance	CD ACCOUNTANT	ACCOUNTANT	<b>11</b>
COMMUNITY DEVELOPMENT	Community Development	HOUSING SPECIALIST		<b>11</b>
POLICE	Support Services	CODE COMPLIANCE OFFICER		<b>11</b>
PUBLIC WORKS	Engineering	ENGINEERING TECHNICIAN		<b>11</b>
ADMINISTRATIVE SERVICES	Communication	COMMUNICATIONS SPECIALIST		<b>10</b>
COMMUNITY DEVELOPMENT	Community Development	PLANNER I		<b>10</b>
POLICE	Police Operations	CRIME PREVENTION SPECIALIST		<b>10</b>
POLICE	Police Operations	POLICE DATA & MEDIA SPECIALIST		<b>10</b>
POLICE	Police Operations	RECORDS TECHNICIAN		<b>10</b>
PUBLIC WORKS	Engineering	ENGINEERING ASSISTANT		<b>10</b>
PUBLIC WORKS	Street	FORESTER		<b>10</b>
ADMINISTRATIVE SERVICES	Deputy Registrar	LEAD LICENSING CLERK	LEAD LICENSING TECHNICIAN	<b>9</b>
CD/EXECUTIVE	CD/City Manager/Fire	ADMINISTRATIVE ASSISTANT		<b>9</b>
COMMUNITY DEVELOPMENT	Community Development	ASSISTANT PLANNER	PLANNING TECHNICIAN	<b>9</b>
COMMUNITY DEVELOPMENT	Community Development	PERMIT TECHNICIAN		<b>9</b>
POLICE	Support Services	HEALTH/LICENSING SPECIALIST		<b>9</b>
ADMINISTRATIVE SERVICES	Deputy Registrar	LICENSING CLERK	LICENSING TECHNICIAN	<b>8</b>

**GENERAL PAY GRADE**  
**2024 Proposed Pay Grades**

CD/Rec/WLNC/PW	CD/Rec/WLNC/PW	SENIOR OFFICE ASST		<b>8</b>
COMMUNITY DEVELOPMENT	Community Development	HOUSING INSPECTIONS CLERK	HOUSING INSPECTIONS TECHNICIAN	<b>8</b>
COMMUNITY DEVELOPMENT	HRA	MULTI FAMILY HOUSING ASST		<b>8</b>
FINANCE	Finance	ACCOUNTING CLERK	ACCOUNTING TECHNICIAN	<b>8</b>
FINANCE	Finance	UTILITY BILLING CLERK	UTILITY BILLING TECHNICIAN	<b>8</b>
POLICE	Police Operations	SENIOR OFFICE ASST		<b>8</b>
POLICE	Support Services	COMMUNITY SERVICE OFFICER		<b>8</b>
POLICE	Support Services	LICENSING CLERK	BUSINESS LICENSING TECHNICIAN	<b>8</b>
ADMINISTRATIVE SERVICES	Liquor Operations	LIQUOR OPERATIONS SHIFT LEADER		<b>7</b>
COMMUNITY DEVELOPMENT	HRA	COMMUNITY DEVELOPMENT TECH		<b>7</b>
ADMINISTRATIVE SERVICES	Building Services	CUSTODIAN - PT		<b>6</b>
ADMINISTRATIVE SERVICES	Deputy Registrar	CITY SERVICES RECEPTIONIST - PT		<b>6</b>

## Exhibit B

**Pay Plan - General****City of Richfield, MN**

Minimum					Midpoint					Maximum	
2.75%					2.75%					2.75%	
Grade	1	2	3	4	5	6	7	8	9	10	11
1	\$34,053.01	\$34,989.46	\$35,951.67	\$36,940.34	\$37,956.20	\$39,000.00	\$40,072.50	\$41,174.49	\$42,306.79	\$43,470.23	\$44,665.66
2	\$36,436.72	\$37,438.73	\$38,468.29	\$39,526.17	\$40,613.14	\$41,730.00	\$42,877.58	\$44,056.71	\$45,268.27	\$46,513.15	\$47,792.26
3	\$38,987.20	\$40,059.35	\$41,160.98	\$42,292.91	\$43,455.96	\$44,651.00	\$45,878.90	\$47,140.57	\$48,436.94	\$49,768.95	\$51,137.60
4	\$41,716.68	\$42,863.89	\$44,042.64	\$45,253.82	\$46,498.30	\$47,777.00	\$49,090.87	\$50,440.87	\$51,827.99	\$53,253.26	\$54,717.72
5	\$44,845.19	\$46,078.43	\$47,345.59	\$48,647.59	\$49,985.40	\$51,360.00	\$52,772.40	\$54,223.64	\$55,714.79	\$57,246.95	\$58,821.24
6	\$48,208.58	\$49,534.31	\$50,896.51	\$52,296.16	\$53,734.31	\$55,212.00	\$56,730.33	\$58,290.41	\$59,893.40	\$61,540.47	\$63,232.83
7	\$51,824.31	\$53,249.48	\$54,713.84	\$56,218.47	\$57,764.48	\$59,353.00	\$60,985.21	\$62,662.30	\$64,385.51	\$66,156.12	\$67,975.41
8	\$55,710.72	\$57,242.76	\$58,816.94	\$60,434.40	\$62,096.35	\$63,804.00	\$65,558.61	\$67,361.47	\$69,213.91	\$71,117.29	\$73,073.02
9	\$59,888.76	\$61,535.70	\$63,227.93	\$64,966.70	\$66,753.28	\$68,589.00	\$70,475.20	\$72,413.27	\$74,404.63	\$76,450.76	\$78,553.15
10	\$64,380.26	\$66,150.72	\$67,969.87	\$69,839.04	\$71,759.61	\$73,733.00	\$75,760.66	\$77,844.08	\$79,984.79	\$82,184.37	\$84,444.44
11	\$69,208.81	\$71,112.05	\$73,067.63	\$75,076.99	\$77,141.61	\$79,263.00	\$81,442.73	\$83,682.41	\$85,983.67	\$88,348.22	\$90,777.80
12	\$74,399.71	\$76,445.70	\$78,547.95	\$80,708.02	\$82,927.49	\$85,208.00	\$87,551.22	\$89,958.88	\$92,432.75	\$94,974.65	\$97,586.45
13	\$81,095.92					\$92,877.00					\$106,369.55
14	\$88,394.62					\$101,236.00					\$115,942.89
15	\$99,001.69					\$113,384.00					\$129,855.67
16	\$107,912.23					\$123,589.00					\$141,543.19
17	\$116,005.49					\$132,858.00					\$152,158.73
18	\$121,805.86					\$139,501.00					\$159,766.78
19	\$127,896.11					\$146,476.00					\$167,755.06
20	\$134,291.09					\$153,800.00					\$176,143.04
21	\$141,005.64					\$161,490.00					\$184,950.19
22	\$148,056.36					\$169,565.00					\$194,198.27



**RESOLUTION NO.  
RESOLUTION RELATING TO THE REVISED 2024 SPECIALIZED  
PAY PLAN**

**WHEREAS**, the compensation personnel policy of the City of Richfield provides for the adoption of a pay plan for Specialized employees, and

**WHEREAS**, the City administration has participated in a Compensation and Classification study for position classifications and revised pay ranges for non-union employees and,

**WHEREAS** a list of positions in each pay grade are listed in Exhibit A and the corresponding pay ranges are listed in Exhibit B.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does establish the revised pay plan attached as Exhibit B, which is to be effective May 5, 2024, and subject to all applicable provisions of the personnel policy and City Code.

Passed by the City Council of the City of Richfield, Minnesota this 23<sup>rd</sup> day of April 2024.

\_\_\_\_\_  
Mary B. Supple, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Wynn, Interim City Clerk

**SPECIALIZED PAY GRADE**  
**2024 Proposed Pay Grades**

<b>Department</b>	<b>Division</b>	<b>Title</b>	<b>Proposed Title</b>	<b>Grade</b>
RECREATION	Swimming Pool	POOL SUPERVISOR		<b>105</b>
RECREATION	Recreation	PLAYGROUND COORDINATOR		<b>105</b>
RECREATION	Recreation	ADAPTIVE COORDINATOR		<b>105</b>
RECREATION	Recreation	FARMERS MARKET COORDINATOR		<b>105</b>
RECREATION	Recreation	TENNIS COORDINATOR		<b>105</b>
RECREATION	Ice Arena	ICE RESURFACER OPERATOR		<b>104</b>
RECREATION	Swimming Pool	HEAD LIFEGUARD		<b>104</b>
RECREATION	Wood Lake Nature Center	NATURALIST I	SEASONAL NATURALIST	<b>104</b>
ADMINISTRATIVE SERVICES	Communication	VIDEO PRODUCTION ASSISTANT		<b>103</b>
RECREATION	Ice Arena	AUDIO TECHNICIAN		<b>103</b>
RECREATION	Wood Lake Nature Center	CLERK TYPIST	OFFICE ASSISTANT	<b>103</b>
RECREATION	Wood Lake Nature Center	OFFICE AIDE	OFFICE ASSISTANT	<b>103</b>
PUBLIC WORKS	Park Maintenance	MAINTENANCE LABORER		<b>103</b>
ADMINISTRATIVE SERVICES	Liquor Operations	LIQUOR SALES ASSOCIATE		<b>103</b>
RECREATION	Recreation	FARMERS MARKET CASHIER		<b>103</b>
RECREATION	Recreation	RECREATION ATTENDANT		<b>103</b>
RECREATION	Recreation	ADAPTIVE LEADER/SPECIALIST		<b>103</b>
RECREATION	Swimming Pool	LIFEGUARD		<b>103</b>
RECREATION	Recreation	PLAYGROUND LEADER		<b>102</b>
RECREATION	Ice Arena	ARENA EVENT ATTENDANT		<b>102</b>
RECREATION	Recreation	CONCESSION I		<b>102</b>
RECREATION	Recreation	INCLUSION FACILITATOR		<b>102</b>
RECREATION	Swimming Pool	POOL LEAD CASHIER/CONCESSION		<b>102</b>
RECREATION	Recreation	WINTER SPORTS ATTENDANT		<b>102</b>
RECREATION	Ice Arena	FACILITY CASHIER		<b>101</b>

Pay Plan - Specialized					
City of Richfield, MN					
Minimum		Midpoint		Maximum	
2.75%		2.75%		2.75%	
Grade	1	2	6	10	11
101	\$29,783.39	\$30,602.43	\$31,444.00	\$32,308.71	\$33,197.20
102	\$32,016.86	\$32,897.32	\$33,802.00	\$34,731.56	\$35,686.67
103	\$34,417.98	\$35,364.48	\$36,337.00	\$37,336.27	\$38,363.01
104	\$36,999.07	\$38,016.55	\$39,062.00	\$40,136.21	\$41,239.95
105	\$39,774.33	\$40,868.13	\$41,992.00	\$43,146.78	\$44,333.32

1	2	3	4	5
\$14.32	\$14.71	\$15.12	\$15.53	\$15.96
\$15.39	\$15.82	\$16.25	\$16.70	\$17.16
\$16.55	\$17.00	\$17.47	\$17.95	\$18.44
\$17.79	\$18.28	\$18.78	\$19.30	\$19.83
\$19.12	\$19.65	\$20.19	\$20.74	\$21.31