



**SPECIAL CITY COUNCIL WORK SESSION
BARTHOLOMEW ROOM
OCTOBER 20, 2021
5:00 PM**

Call to order

1. MnDOT will present an update on the I-494: Airport to Highway 169 Project 1 proposed final layout as well as introduce the Context Sensitive Solutions Framework Plan initiative that will include visual quality elements along the entire corridor. Staff has also asked MnDOT to present the results of the traffic analysis that was recently completed to identify any mitigation that might be needed on the local system due to the frontage road changes between 12th and Portland Avenues.

Adjournment

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



WORK SESSION STAFF REPORT NO. 34

WORK SESSION

10/20/2021

REPORT PREPARED BY: Scott Kulzer, Administrative Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
10/15/2021

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
10/15/2021

ITEM FOR WORK SESSION:

MnDOT will present an update on the I-494: Airport to Highway 169 Project 1 proposed final layout as well as introduce the Context Sensitive Solutions Framework Plan initiative that will include visual quality elements along the entire corridor. Staff has also asked MnDOT to present the results of the traffic analysis that was recently completed to identify any mitigation that might be needed on the local system due to the frontage road changes between 12th and Portland Avenues.

EXECUTIVE SUMMARY:

The MnDOT proposed final layout for Project 1 of the I-494 Corridor Vision was received by the City of Richfield on September 24, 2021 for municipal consent. Project 1 will construct an E-Z Pass lane on I-494 from TH 100 to I-35W in each direction, a Phase 1 of the turbine interchange at the I-494/I-35W interchange, and access changes and replacement of the bridges at Nicollet, Portland, and 12th Avenues. A new pedestrian/bicycle bridge near Chicago Avenue will also be constructed over I-494. Construction will include replacement of existing pavement, drainage, construction of retaining walls, sidewalks, bike lanes, signing, lighting, and traffic management.

The municipal consent process that began with the submittal of MnDOT's proposed final layout is designed to give municipalities another opportunity to provide formal input into the project design. According to state law, the City has a right to review and approve or disapprove the project's proposed final layout. More information on the municipal consent process is included in the "I-494: Airport to Highway 169 Project 1 Municipal Consent" brief attached to this staff report.

DIRECTION NEEDED:

No specific direction is needed at this time. The intent of the work session is to provide City Council with the necessary background information leading up to the November 23, 2021 I-494 Project 1 public hearing and the municipal consent approval or disapproval vote in early 2022 as required by state law. This is also an opportunity for the City Council to ask questions and voice any concerns.

BACKGROUND INFORMATION:

A. HISTORICAL CONTEXT

See Executive Summary and attached "I-494: Airport to Highway 169 Project 1 Municipal Consent" document.

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

Minnesota Statutes, sections 161.162 through 161.167 govern the municipal consent process for MnDOT projects that involve the construction, reconstruction, or improvement of any route on the trunk highway system lying within any municipality which alter access, increase or reduce traffic capacity, or require acquisition of permanent rights-of-way.

The proposed I-494: Airport to 169 Project 1 triggers the statutory municipal consent process because it alters highway access, adds additional capacity, and requires the acquisition of permanent rights-of-way.

C. CRITICAL TIMING ISSUES:

I494 "Project 1" Municipal Consent Schedule:

September 24: City receives final layout from MnDOT

October 13: Public Information Open House, Bartholomew room, 3:30-6:30pm

October 20: City Council Work Session, 5:00pm

November 23: Public Hearing: City Council Meeting 7:00pm

February 8: (Option 1) City Council Municipal Consent Approval/Disapproval

February 22: (Option 2) LATEST City Council Municipal Consent Approval/Disapproval

February 23: Statutory deadline for Municipal Consent Approval/Disapproval (Day 150)

D. FINANCIAL IMPACT:

- None as it relates to the municipal consent process.
- The City will have some local cost-share for the project as a whole, and for City-requested features such as enhanced/additional pedestrian and bicycle amenities, visual quality elements, pavement rehabilitation on local roads, and City utility improvements beyond those required for the project. The local cost share is preliminarily estimated to be about \$1.5 million which could be paid for using Municipal State Aid Funds.

E. LEGAL CONSIDERATION:

The municipal consent process is governed by Minnesota Statutes, sections 161.162 through 161.167.

ALTERNATIVE(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

MnDOT Project Staff Amber Blanchard and/or Andrew Lutaya.

ATTACHMENTS:

Description	Type
☐ Municipal consent process background	Exhibit

I-494: Airport to Highway 169

Project 1 Municipal Consent

Request for Municipal Consent

Attached you'll find MnDOT's request for Municipal Consent (MC) of Project 1 as approved by the Policy Advisory Committee. The submittal of their MC package triggers the MC statute requiring local agencies to either approve or disapprove the project by February 22, 2022.

Statutory Trigger for Municipal Consent

[Minnesota Statutes, sections 161.162 through 161.167](#) governs the MC process for MnDOT projects that involve the construction, reconstruction, or improvement of any route on the trunk highway system lying within any municipality which alter access, increase or reduce traffic capacity, or require acquisition of permanent rights-of-way.

The proposed I-494: Airport to 169 Project 1 triggers the statutory MC process because it alters highway access, adds additional capacity, and requires the acquisition of permanent rights-of-way.

Minnesota Statutes, section 161.164 describes the City's responsibilities and timeline for action for a project that triggers the MC statute:

1. The Municipality receives the final project layout and other required items from MnDOT;
2. Within 15 days of receiving the final layout, schedule a public hearing;
3. Provide at least 30 days' notice of the public hearing;
4. Within 60 days of receiving the final layout, conduct the public hearing; and
5. Within 90 days of the public hearing, approve or disapprove the layout by resolution (must be complete on or by day 150 from the receipt of final layout).

Role of City Council

The role of the City Council is to thoroughly vet the project with the interests of their Ward, the City, and the Region in mind. While the opportunity for public input and changes to most of the detailed project elements has passed, the City Council is now tasked with approving or disapproving the larger project as a whole on behalf of these stakeholders.

If the City Council approves the final layout or does not disapprove the final layout via resolution within 90 days from the date of the public hearing (item 5 above), the final layout is deemed approved and MnDOT may continue with project development.

If the City Council disapproves the final layout via resolution, MnDOT may make changes requested by the City, decide to not proceed with the project, or appeal the

final layout rejection via an appeal board. This appeal board process is described at length in Minnesota Statutes section [161.164, subdivision 2 & 3](#), & section [161.165](#).

Actions Following Disapproval

Disapproval of the project would almost certainly result in MnDOT referring the final layout to the Appeal Board laid out in Minnesota Statutes, section [161.165](#) which would trigger a hearing within 30 days of referral. The Appeal Board would consist of one member appointed by MnDOT, one member appointed by the City, and one member appointed by mutual agreement of the City and MnDOT. In short, the Appeal Board could recommend:

1. Approval of the final layout and MnDOT would proceed with project development;
2. Approval of the final layout with changes and MnDOT could:
 - I. agree to the changes;
 - II. decide not proceed with the project; or
 - III. decide to move forward with the final layout and explain why to the City and Appeal Board in a report stating fully the reasons for doing so; or
3. Disapproval of the final layout and MnDOT could:
 - I. decide not to proceed with the project; or
 - II. decide to move forward with the final layout and explain why to the City and Appeal Board in a report stating fully the reasons for doing so.

If at any time in the Appeal Board process MnDOT agrees to layout changes that affect highway access, traffic capacity, or require additional acquisition of permanent rights-of-way, the final layout would be required to restart the entire Municipal Consent process described in the section titled “Statutory Trigger for Municipal Consent” above.

Considerations

It is important that the City Council recognize the regional, State, and Federal significance of this project when considering authorizing MC. Staff is confident and genuinely believes that after years of work towards the larger “I-494 Vision” and Project 1 specifically, MnDOT has been responsive to Richfield’s concerns and that the final layout is agreeable to the future of our City. The collaborative nature of the intergovernmental I-494 Technical Advisory Committee (TAC) and Policy Advisory Committee (PAC) has resulted in a Project 1 that is beneficial to all involved but perfect for none.



Metropolitan District
1500 West County Road B2
Roseville, MN 55113

September 24, 2021

Kristin Asher, P.E.
City of Richfield – Public Works Director
6700 Portland Ave
Richfield, MN 55423

Dear Ms. Asher,

MnDOT is in the process of developing Project 1 of the I-494 Corridor Vision. Project 1 will construct an E-ZPass lane on I-494 from TH 100 to I-35W in each direction, a turbine interchange at the I-494 over I-35W interchange, and change access at Nicollet, Portland, and 12th Avenues. This work will also include the replacement of the bridges at Nicollet, Portland, and 12th Avenues, as well as construct a new pedestrian/bicycle bridge near Chicago Avenue. Construction will include replacement of existing pavement, drainage, construction of retaining walls, sidewalks, bike lanes, signing, lighting, and traffic management. Project 1 is being developed for a letting on April 19, 2023 as a design-build project.

Project 1 proposes the following benefits to the region:

- Reduce traffic congestion and improve reliability of the average rush-hour trip
- Improve safety for all modes
- Provide a transit advantage to increase the number of people who can be efficiently moved through the area
- Restore pavement to preserve infrastructure and provide a smoother ride
- Preserve existing bridges
- Improve drainage systems to reduce localized flooding and reduce run-off into the Minnesota River
- Improve connectivity for pedestrians and bicyclists crossing I-494

Project 1 is the first of four phases of the I-494 Corridor Vision Implementation Plan which looks to construct managed lanes from Highway 169 to the Minneapolis/St. Paul International Airport. The Implementation Plan was determined using a set of criteria which included constructability, community support, equity, asset management, cost/funding, and operations/safety.

MnDOT is asking the City of Richfield to approve the proposed layout as it requires the acquisition of right of way and is adding additional capacity. Municipal consent of MnDOT projects is described in Minnesota Statutes 161.162 through 161.167 (attached).

The deadlines (per MN Statute 161.164) for the City's responsibilities regarding municipal consent of the attached layout are as follows:

- Within 15 days of receiving the final layout, schedule a public hearing.
- Within 60 days of receiving the final layout, conduct the public hearing.
- Provide at least 30 days' notice of the public hearing.
- Within 90 days of the public hearing, approve or disapprove the layout by resolution.

MnDOT will attend the public hearing to present the final layout and answer questions, as required by statute.

At this point, the total participation required by the city is estimated to be approximately \$1,145,385 as identified in the attached estimate which is still being discussed with the cities and Hennepin County.

Any cost participation and identified maintenance responsibilities will be handled as part of a cooperative construction agreement developed between MnDOT and the City. I would be happy to work with you as we traverse our way through this process. MnDOT will be available to give presentations and/or answer any questions that you may have regarding Project 1 or this process.

Sincerely,

Amber Blanchard, P.E.

MnDOT Metro District Major Projects Manager/I494 Corridor Director

CC: Andrew Lutaya, MnDOT West Area Engineer/Project Manager
April Crockett, MnDOT West Area Manager
file

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