



**REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
DECEMBER 13, 2022
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: 2458 331 6772 and password: 1234.

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

Approve the Minutes of the: (1) Special City Council Meeting of November 16, 2022; (2) Special City Council Work Session of November 16, 2022; (3) Special City Council Work Session of November 19, 2022; and (4) Regular City Council Meeting of November 22, 2022.

PRESENTATIONS

1. Presentation of the Edwina Garcia Community Builder Award and proclamation to Emilia Gonzalez Avalos.
2. Recognition of Mayor Maria Regan Gonzalez

AGENDA APPROVAL

3. Approval of the Agenda
4. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
 - A. Consider to approve the renewal of the 2023 licenses for On-Sale 3.2 Percent Malt Liquor, Off-Sale 3.2 Percent Malt Liquor, and Secondhand Goods Dealers doing business in Richfield.

Secondhand Goods Dealers

GameStop

Wedding Day Jewelers

Licenses to sell 3.2 Percent Malt Liquor

La Vaquita Short Stop- Off-Sale

La Vaquita 2- Off-Sale

Portland Food Mart - Off-Sale

Pump & Munch - Off-Sale

Richfield Minnoco - Off Sale
Speedway #4186 - Off-Sale
Speedway #4188 - Off-Sale
Speedway #4191 - Off-Sale
Speedway #4615 - Off-Sale
Target Corporation - Off-Sale

Staff Report No. 171

- B. Consider to approve the renewal of the 2023 licenses for On-Sale Intoxicating/Club, Wine and 3.2 Malt Liquor licenses.

On Sale Intoxicating/Club/Sunday License Holders

El Tejaban
Fireside Foundry
Frenchman's Pub
Giordano's
Los Sanchez Taqueria
Lyndale Smokehouse
Pizza Luce
Protagonist Kitchen and Bar
V.F.W.

On Sale Wine, On Sale 3.2 License Holders

Chipotle
Davanni's
Joy's Pattaya
Millions Crab
My Burger
Patrick's Bakery
Red Pepper
Sandy's Tavern

Staff Report No. 172

- C. Consider the adoption of a resolution authorizing Richfield Public Safety/Police Department to accept donations from the listed agencies, businesses and private individuals for designated uses.

Staff Report No. 173

- D. Consider the adoption of a resolution designating polling places for 2023.

Staff Report No. 174

- E. First Reading of a proposed ordinance amendment modifying the Zoning Code in relation to landscaping requirements.

Staff Report No. 175

- F. Consider the adoption of a resolution accepting grants and donations received by the Richfield Recreation Services Department in 2021 and 2022 and authorizing the Recreation Services Department to administer the funds in accordance with any applicable grant agreements and terms prescribed by donors.

Staff Report No. 176

- G. Consider the approval of setting a public hearing to be held on January 10, 2023, to consider the issuance of new On-Sale Wine and 3.2 Percent Malt Liquor licenses for NTLL Hockey Ventures, LLC., dba Minnesota Whitecaps, located at the Richfield Ice Arena, 636 66th Street E.

Staff Report No. 177

- H. Consider approval of a contract renewal with Adesa Minneapolis for 2022-2023 for auctioning forfeited vehicles from Public Safety/Police.

Staff Report No. 178

- I. Consider a resolution accepting donations to the Affordable Housing Trust Fund.

Staff Report No. 179

- J. Consider the approval of resolutions of support for Public Works' Active Transportation grant applications to MnDOT for the installation of a sidewalk on 73rd St and construction of intersection improvements at the 66th St/Richfield Parkway roundabout.

Staff Report No. 180

- K. Consider the adoption of a resolution to accept a grant of \$2,395.90 from the Office of Justice Programs for bullet proof vests.

Staff Report No. 181

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

PUBLIC HEARINGS

6. Public hearing to consider a resolution adopting a Spending Plan for unobligated tax increment.

Staff Report No. 182

7. Public hearing and consider to approve the renewal of 2023 Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc., 7529 Lyndale Avenue South.

Staff Report No. 183

RESOLUTIONS

8. Consider a resolution accepting the transfer of funds from the Lyndale Gateway / Interchange West, Urban Village, and City Bella Tax Increment Financing Districts to the Affordable Housing Trust Fund and consideration of priorities for the use of Trust Fund resources for affordable housing developments.

Staff Report No. 184

9. Consider resolutions approving the 2022 Revised/2023 Proposed budget and tax levy and related resolutions.

Staff Report No. 185

OTHER BUSINESS

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

Staff Report No. 186

11. Consider the adoption of the City's legislative priorities for 2023.

Staff Report No. 187

12. Consider approval of a new agreement with the Richfield Tourism and Promotion Board (RTPB).

Staff Report No. 189

CITY MANAGER'S REPORT

13. City Manager's Report

CLAIMS AND PAYROLLS

14. Claims and Payroll

COUNCIL DISCUSSION

15. Hats Off to Hometown Hits

16. 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 Special Meeting

November 16, 2022

CALL TO ORDER

The special meeting was called to order by Mayor Regan Gonzalez at 4:00 p.m. in the Bartholomew Room.

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

Council Members Absent: None

Staff Present: Katie Rodriguez, City Manager; and Kari Sinning, City Clerk

ITEM #1

CONSIDER THE ADOPTION OF A RESOLUTION DETERMINING THE RESULTS OF THE CITY GENERAL ELECTION OF TUESDAY, NOVEMBER 8, 2022 (STAFF REPORT NO. 165)

Mayor Regan Gonzalez presented Staff Report No. 165.

M/Regan Gonzalez; S/Whalen to approve the resolution determining the results of the City General Election on Tuesday, November 8, 2022.

Council Member Whalen thanked the City Clerk and the election judges for all their work and commented on the high voter turnout.

Motion carried: 5-0

ADJOURNMENT

The work session was adjourned by unanimous consent at 4:03 p.m.

Date Approved: December 13, 2022

Maria Regan Gonzalez
Mayor

Kari Sinning
City Clerk

Katie Rodriguez
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Work Session

November 19, 2022

CALL TO ORDER

The retreat was called to order by Mayor Regan Gonzalez at 8:00 a.m. held in the Bartholomew Room.

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

Staff Present: Kelly Wynn, Administrative Assistant

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

Adam Burnside
Cole Hooey
Brett Stursa
Dana Specht
Amanda Kueper
Matt Taraldsen
Mara Glubka

Matthew Dobratz
Karole Kelly-Anstedt
Mary Stratton
Patricia Pixler
Janie Mork
Michael Kohout
Carl Woetzel

BJ Skoog
Hayley Tompkins
David Vrieze Daniels
Rory Cook
Adam Kerekes
Maria Anderson

ADJOURNMENT

The work session was adjourned by unanimous consent at 4:15 p.m.

Date Approved: December 13, 2022

Maria Regan Gonzalez
Mayor

Kelly Wynn
Administrative Assistant

Katie Rodriguez
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

City Council Work Session

November 22, 2022

CALL TO ORDER

The work session was called to order by Mayor Regan Gonzalez at 5:48 p.m. in the Bartholomew Room.

Council Members Present: Maria Regan Gonzalez, Mayor; Simon Trautmann (Arrived 5:50); Sean Hayford Oleary; and Ben Whalen

Council Members Absent: Mary Supple

Staff Present: Katie Rodriguez, City Manager; Amy Markle, Recreation Services Director; Rachel Lindholm, Sustainability Specialist; Sack Thongvanh, Assistant City Manager; and Chris Swanson, Management Analyst

Mayor Regan Gonzalez introduced the topic for discussion for the work session and turned it over to Recreation Director Markle.

ITEM #1

ONE YEAR REFLECTIONS ON THE CITY'S ORGANIZED COLLECTION PROGRAM AND THE CITY'S PARTNERS IN ENERGY PROGRESS

Director Markle introduced the first topic for the night. She gave a summary of the organized collection rollout, including issues experienced and implementation process.

Specialist Lindholm went over what the organized collection program currently looks like for residents, city staff, and the haulers. This included an overview of communication, hauler relationship, and more long-term program planning. She provided an overview for what the future will hold for residents including pricing, educational pieces and general underlying improvements to the program and stated the program is in a good place.

Council Member Whalen asked about customer service stipulations in the contract. He was wondering if the standards set in the contract are being followed. Specialist Lindholm said that it depends on the hauler and when you call. She recognized sometimes there is no wait, but sometimes there are longer waiting times. She stated that if there is a large wait, we ask that residents contact the city directly.

Council Member Trautmann said the updates were great to hear. He said he has quit hearing complaints or issues regarding the collection program. He assumes that if people are not reaching out to the council staff must be doing a good job. He asked about how much of staff's time is currently

devoted to customer service. Specialist Lindholm said she probably gets around five calls a day now, some days more and some days less. She acknowledges there are significantly less phone calls than at the start of the program. Council Member Trautmann noted that five calls are still a lot. Specialist Lindholm acknowledged that is true, but noted that she has a good system set up to make the follow up to the calls quick and efficient.

Council Member Hayford O'Leary asked what they should be telling residents if they have an issue? He noted that the initial messaging at the start of the program was to have residents call their hauler. He wondered if that message has changed.

Specialist Lindholm said at this point it's fine to have residents contact her if they have already had issues working with their hauler on the problem. She said at this point the phone call amount is manageable.

Council Member Hayford O'Leary noted that he also has not received a lot of calls recently about the collection program. He thinks he may get one call a month about the organics charge, but he has utilized the time to talk with the callers about this specific program.

Council Member Trautmann also noted he is seeing less complaints regarding the program online. He noted how useful it is for the city to be able to step in and help if a resident is having issues with their hauler.

Specialist Lindholm then presented some general findings from the past year. She provided a summary of the organics collection including the tonnage for the year. Specialist Lindholm went over the contamination rates and weights the haulers are seeing in their collections. She provided a summary of most common contaminants and provided a plan for additional education the city will be doing in the future to address these problems.

Director Markle then provided a summary of the delinquent assessment process for outstanding trash bills. She went over the total amounts of assessments at the start of the process and where the city is at for a final certification list to be sent to the county.

Specialist Lindholm then presented a few final notes on the city's collection program. She wanted to thank council for their continued support for an anaerobic digestion at Hennepin County. She noted that the city needs to ensure we continue to have space to responsibly process our organics. This item is included in the city's 2023 legislative priorities.

Specialist Lindholm provided a summary of the recent recycling commodity study performed by the haulers. She noted there was a lot of positive news from the sorts. The haulers did see contaminants, like plastic bags, but generally the recycling stream was clean. She noted that based on the commodity study results, the city will see a credit on their total recycling bill, leading to a decrease in cost for residents.

Mayor Regan Gonzalez asked about a question raised when this new program was in the planning phases. Specialist Lindholm provided a summary of the resolutions of those conversations.

Council Member Whalen mentioned how he is even learning things about the recycling world. He believes the more we share educational materials on problem items the better.

Specialist Lindholm presented the overall lessons learned from the first year of the program. She went over the continued work that needs to be done on the data management side. She said that move in, move out is challenging, and the city will continue to work with the haulers to improve the process. She also noted that staff has also been contacted by several other cities on how Richfield implemented the process. She feels like other cities view Richfield's experience as a success.

Director Markle provided a final program summary of feedback and concerns staff is still hearing about the program. Mostly the issues are around missed pickups, pricing and the organics charge. Director Markle highlighted areas staff will continue to work on in the future. Specifically, the city plans to do more work on organics and reusing bulky item collection.

Specialist Lindholm mentioned that, based on the contract, residents will see a small increase for 2023 in their collection costs.

Council Member Hayford O'Leary said that with the decrease in staff time spent on residents' complaints, this may be a good time to update the website. He noted there is still a lot of information relating to the implementation of the new program up on the site. He thinks it would be nice to mimic the Hennepin County guide.

Mayor Regan Gonzalez congratulated staff on the amazing job they are doing. She felt the city is the shining example for all the work that has been accomplished. She also felt like this was the smoothest organized process in history! Specialist Lindholm thanked all staff and community members who were involved.

Mayor Regan Gonzalez turned the presentation over to Specialist Lindholm for the second topic of the night.

Specialist Lindholm introduced the topic and provided a recap on the activities and data for the Partners in Energy (PiE) program over the last year. The PiE plan was originally written by staff, community members, and business owners. She provided an overview of some of the programs and successes the city has seen since the PiE plan started. Specialist Lindholm then outlined future programs the city may work on.

Council Member Whalen asked Specialist Lindholm if there was data on why more people were not participating in programs like Xcel Energy's Windsource program. He felt like this program is significantly easier and cheaper than installing solar cells on a home. He talked about how moving to wind source is such a small additional increase in cost, it surprised him that more people do not participate. Specialist Lindholm provided some additional clarification on the programs available to residents. She did not know of any specific research on the subjects but discussed how Xcel is looking at the future of the program. Specialist Lindholm talked about how the city could look at doing more outreach on the Windsource program.

Specialist Lindholm went over some long-term goals outlined in the PiE plan including EV planning and other energy efforts. She said that city staff is committed to continued work on the plan in the future.

Mayor Regan Gonzalez shared a response to Council Member Whalen's prior comments. She said that even she didn't know about the Windsource program. She noted how many of these programs are hidden in the small language on the bill. They are a lot less likely than solar energy to be discussed.

Council Member Hayford O'Leary asked if the city had any estimate for what the average household is doing for energy efficiency in Richfield. Specialist Lindholm said she was unsure if there is a way to identify a base level for energy efficiency work. She noted that many people are doing the small things but far less people are dedicated to more substantial projects. Council Member Hayford O'Leary said that as a consumer it would be good to have some stories on some of this work. He noted that many times the costs savings are spotlighted with these programs but there is a certain level of comfort that comes from many of these upgrades.

Council Member Whalen mentioned the sustainability commission is working on a sustainability resource guide for residents to use. This guide would have basic info on renewable energy programs, links to general info about the programs, and points of contact if residents want to learn more.

Mayor Regan Gonzalez thanked staff for their work.

ADJOURNMENT

Mayor Regan Gonzalez adjourned the work session at 6:46 p.m.

Date Approved: December 13, 2022

Maria Regan Gonzalez
Mayor

Kari Sinning
City Clerk

Katie Rodriguez
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Council Meeting

November 22, 2022

CALL TO ORDER

Mayor Regan Gonzalez called the meeting to order at 7:00 p.m. in the Council Chambers.

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

Council Members Absent: Simon Trautmann

Staff Katie Rodriguez, City Manager; Kristen Asher, Public Works Director; Amy Markle, Recreation Services Director; Jay Henthorne, Public Safety Director/Police Chief; Jennifer Anderson, Support Services Manager; Sack Thongvanh, Assistant City Manager, Rachel Lindholm, Sustainability Specialist; and Chris Swanson, Management Analyst

Others Present: Rebecca Case, Advisory Board of Health Co-chair; Walter Burk, Human Rights Commission Chair; and Amanda Kueper, Sustainability Commission Chair

PLEDGE OF ALLEGIANCE

Mayor Regan Gonzalez led the Pledge of Allegiance.

ITEM #1	APPROVAL OF THE AGENDA
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M/Whalen, S/Hayford Oleary to approve the agenda with an amendment to move the consent calendar and its sub items to before the open forum.

Motion carried: 4-0

ITEM #2	CONSENT CALENDAR
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City Manager Rodriguez presented the consent calendar.

- A. Consider approval for a Temporary On-Sale Intoxicating Liquor license for the Blessed Trinity Catholic School, located at St. Richard's Catholic Church, 7540 Penn Avenue South, for their Grand Gala taking place December 3, 2022. (Staff Report No. 166)
- B. Consider the approval of setting a public hearing to be held on December 13, 2022, to consider the renewal of the Pawnbroker and Secondhand Goods Dealer license for 2023 for Metro Pawn and Gun, Inc. (Staff Report No. 167)
- C. Consider approval of a third amendment to the agreement with the City of Bloomington for the provision of public health services for the City of Richfield for 2023. (Staff Report No. 168)
- D. Consider the adoption of a resolution accepting a Watershed-Based Implementation Funding Grant in the amount of \$20,000 from the Board of Water and Soil Resources for the Sheridan Pond Improvements Project and authorize the Mayor and City Manager to execute the Grant Agreement. (Staff Report No. 169)

RESOLUTION NO. 12027

**RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ENTER
INTO A GRANT AGREEMENT AND ACCEPT A WATERSHED-
BASED IMPLEMENTATION FUNDING GRANT FROM THE BOARD
OF WATER AND SOIL RESOURCES FOR THE SHERIDAN POND
IMPROVEMENTS PROJECT IN THE AMOUNT OF \$20,000**

- E. Consider approval of a resolution establishing a Public Safety Special Revenue Fund to track receipt and spending of the opioid settlement funds. (Staff Report No. 170)

RESOLUTION NO. 12028

**RESOLUTION AUTHORIZING ESTABLISHMENT OF NEW SPECIAL
REVENUE FUND TO TRACK OPIOID SETTLEMENT FUNDS**

M/Supple, S/Hayford Oleary to approve the consent calendar.

Council Member Supple thanked the council for being flexible to amend the order of the agenda.

Motion carried: 4-0

OPEN FORUM

Mayor Regan Gonzalez 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

Ruane Onesirosan, 2421 West 65th Street S, asked several questions about the 2022 elections, specifically about the absentee ballot process and the security of the AB ballots once they are completed by voters. She also mentioned her worries about a multi-unit building that she believes was constructed on a former superfund site.

Kelly Klemme, 7245 Clinton Ave S, discussed issues he is having with his neighbor calling code enforcement on his property. He feels like the attention is unwarranted and urged the city to update the code so residents would not have to deal with issues like this. He thanked Council Member Hayford Oleary for directing him to the open forum.

APPROVAL OF MINUTES

M/Whalen, S/Hayford Oleary to approve the Minutes of the: (1) Joint City Council and HRA Work Session of October 17, 2022; (2) Regular City Council Meeting of November 9, 2022; and (3) City Council Work Session of November 9, 2022.

Motion carried: 4-0

ITEM #3

PROCLAMATION DECLARING NOVEMBER 26 AS SMALL BUSINESS SATURDAY IN RICHFIELD

Mayor Regan Gonzalez invited Kelsey Nagel, President of the Richfield Chamber of Commerce, up to the podium to receive the proclamation for Small Business Saturday. Mayor Regan Gonzalez presented the proclamation and talked about how important small businesses are to Richfield. She urged residents to support our local businesses in Richfield.

Chamber President Nagel talked about how important small businesses are to the community and went over options for residents to find local businesses to support.

ITEM #4

ADVISORY BOARD OF HEALTH COMMISSION ANNUAL PRESENTATION GIVEN BY KATRINA DEVORE

Mayor Regan Gonzalez invited the Chair Katrina Devore to give the yearly presentation of the Richfield Advisory Board of Health. Co-chair Rebecca Case said the Katrina Devore was unable to attend the meeting tonight. Co-chair Case provided an overview of the efforts of the Board of Health during the last year. She thanked staff and other board of health members for their work.

Council Member Whalen thanked the board for all their work during the pandemic. He also wanted to recognize the board for the work they have done and will continue to do on flavored tobacco.

Mayor Regan Gonzalez thanked the board for their work. She said their input is so important; 80% of what creates health is related to our local community. She spotlighted how the boards makes decisions on items that directly impact our community member's health.

ITEM #5

HUMAN RIGHTS COMMISSION ANNUAL PRESENTATION GIVEN BY CHAIR WALTER BURK

Mayor Regan Gonzalez invited Human Rights Commission Chair Walter Burk to give the yearly presentation of the commission's accomplishments. Chair Burk provided an overview of the efforts of the Commission throughout the year and thanked commissioners. This included the legal advice clinic,

tabling at Penn Fest and continued discussion about disparities in policing. He specifically thanked Commissioner Glubka on her work on the Conversion Therapy Ban passed earlier this year. He also thanks staff who have support the commission with their work.

Council Member Hayford O'Leary thanked the chair and the commission for the work they have done over the past year. He was impressed with everything the HRC have been able to accomplish.

Council Member Whalen wanted to echo the thanks. He has been impressed with the Commission ability to identify projects and work to accomplish these goals. He spotlighted the legal clinic as a great example of their work in the community.

Mayor Regan Gonzalez also thanked the Chair and commission for all the work they have done. She is impressed with the successes we've seen and wants to use this momentum to continue to build on the work that has been done. She would like the commission to continue to look at opportunities for partnerships and ways to be out in the community. She suggested the commission look at providing a how to guide for event planning in our city.

ITEM #6	SUSTAINABILITY COMMISSION ANNUAL PRESENTATION GIVEN BY CHAIR AMANDA KUEPER
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Mayor Regan Gonzalez invited Sustainability Commission Chair Amanda Kueper to give an overview of the Sustainability Commission's efforts throughout the year. Chair Kueper provided an overview of the efforts of the Commission throughout the year, including approving the tree species replacement plan, continued work around organized collection and siting a community garden. Chair Kueper thanked everyone who had been involved in the work over the past year. She talked about how the commission is continuing to try and identify youth members.

Council Member Whalen echoed that as the liaison to the groups, he would agree that the commission was busy. He noted how much work the commission has been doing and talked about his excitement for the coming year to review the city's Climate Action Plan.

Council Member Hayford O'Leary thanked the commission for their work and said he is excited to see what they will be doing next.

Mayor Regan Gonzalez talked about how exciting it was to see a new commission making such an impact so soon. She is impressed with how knowledgeable and committed the commission is to this work.

ITEM #7	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR
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None.

ITEM #8	CITY MANAGER'S REPORT
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City Manager Rodriguez responded to the comment submitted during the November 9, 2022, open forum.

ITEM #9	CLAIMS AND PAYROLL
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M/Whalen, S/Hayford Oleary that the following claims and payrolls be approved:

<u>U.S. BANK</u>	<u>11/22/2022</u>
A/P Checks: 310655 – 310934	\$2,734,708.65
Payroll: 174449 – 174751	<u>\$713,844.72</u>
TOTAL	\$3,448,553.37

Motion carried: 4-0

ITEM #10	HATS OFF TO HOMETOWN HITS
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Council Member Whalen wished everyone a happy thanksgiving holiday. He wanted to note that the Metro Transit D line will beginning running soon. He talked about how the new transit line works. He mentioned the opening events Metro Transit will be hosting to celebrate the completion of the project.

Council Member Hayford Oleary wanted to thank all the commissioners. He spotlighted the appointment process that took place the prior weekend. He also wished everyone a happy thanksgiving holiday.

Mayor Regan Gonzalez talked about the excitement and fun she had for the opening MN Whitecaps game the previous Friday. She said it was such an honor to drop the first puck and felt it was so amazing to see so many young women there support their local team. She said it was a wonderful experience and that everyone should go to a game.

ITEM #11	ADJOURNMENT
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The meeting was adjourned by unanimous consent at 7:48 p.m.

Date Approved: December 13, 2022

Maria Regan Gonzalez
Mayor

Chris Swanson
Management Analyst

Katie Rodriguez
City Manager



Proclamation of the City of Richfield

WHEREAS, Emilia Gonzalez Avalos has received the third annual Edwina Garcia Community Builder Award for her commitment to the Richfield community; and

WHEREAS, she is an immigrant born in Mexico City and raised in Minnesota; and

WHEREAS, Ms. Gonzalez Avalos is the executive director of Navigate MN/Unidos MN, a Latinx-based organization that builds momentum for gender, racial and economic justice with a goal to close economic, health and leadership gaps for Latinas across her community; and

WHEREAS, Ms. Gonzalez Avalos has worked tirelessly during her time as executive director to transform the organization from a small networking program to a statewide force; and

WHEREAS, Ms. Gonzalez Avalos has led the organization through a time of growing prejudice against Latinas in the country, along with an unprecedented pandemic; and

WHEREAS, Ms. Gonzalez Avalos worked to ensure she was able to bring all the tools she had available to support her community through those chaotic times; and

WHEREAS, Ms. Gonzalez Avalos did all his as she navigated the world of being a mother, a caregiver, finishing a bachelor's degree, and applying for, and being selected as 2022 Bush Foundation Fellow; and

WHEREAS, Ms. Gonzalez Avalos sees immense opportunity in the future for long-lasting change by leveraging the collectivism and capacity for self-determination of Latina workers, migrants, teens and girls; and

WHEREAS, the Richfield community celebrates Emilia as she has brought pride to our city and community, and support and empowerment to families across Minnesota; and

Now, THEREFORE, I Maria Regan Gonzales, Mayor of the City of Richfield and the Richfield Council Members do hereby award you this Proclamation for your service demonstrating your commitment to the core values of the City of Richfield.

PROCLAIMED this 13th day of December 2022.

Maria Regan Gonzalez, Mayor



STAFF REPORT NO. 171
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director Of Public Safety/Chief of Police
 12/6/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
 12/6/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider to approve the renewal of the 2023 licenses for On-Sale 3.2 Percent Malt Liquor, Off-Sale 3.2 Percent Malt Liquor, and Secondhand Goods Dealers doing business in Richfield.

Secondhand Goods Dealers

GameStop

Wedding Day Jewelers

Licenses to sell 3.2 Percent Malt Liquor

La Vaquita Short Stop- Off-Sale

La Vaquita 2- Off-Sale

Portland Food Mart - Off-Sale

Pump & Munch - Off-Sale

Richfield Minnoco - Off Sale

Speedway #4186 - Off-Sale

Speedway #4188 - Off-Sale

Speedway #4191 - Off-Sale

Speedway #4615 - Off-Sale

Target Corporation - Off-Sale

EXECUTIVE SUMMARY:

A staff report was completed for each business at the time they originally applied for and received Council approval to buy Secondhand Goods, or sell On-Sale 3.2 Percent Malt Liquor and Off-Sale 3.2 Percent Malt Liquor at their business in the City of Richfield. This is simply a request to renew their annual license for 2023. There is not a public hearing requirement for renewals for these types of licenses. The businesses named in this report are presented for Council's approval.

RECOMMENDED ACTION:

By motion:

1. Approve the 2023 renewal of named business licenses for On-Sale 3.2 Percent Malt Liquor and Off-Sale 3.2 Percent Malt Liquor establishments doing business in Richfield.
2. Approve the 2023 renewal of named business licenses for Secondhand Goods Dealer.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The listed businesses current licenses will expire on December 31, 2022.
- The businesses named below with the corresponding licenses are presented for Council's approval on this date.
- Licenses to sell 3.2 Percent Malt Liquor
 - La Vaquita Short Stop- Off-Sale
 - La Vaquita 2- Off-Sale
 - Portland Food Mart - Off-Sale
 - Pump & Munch - Off-Sale
 - Richfield Minnoco - Off-Sale
 - Speedway #4186 - Off-Sale
 - Speedway #4188 - Off-Sale
 - Speedway #4191 - Off-Sale
 - Speedway #4615 - Off-Sale
 - Target Corporation - Off-Sale
- Licenses to hold a Secondhand Goods Dealer
 - GameStop
 - Wedding Day Diamonds

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

- All businesses must annually request renewal of their Secondhand Goods Dealer and 3.2 Percent Malt Liquor licenses to the City Council.
- Businesses must meet the requirements for renewal of their licenses.

C. CRITICAL TIMING ISSUES:

There are no additional critical timing issues.

D. FINANCIAL IMPACT:

All license fees must be paid and application forms submitted in order to be considered for license renewal.

E. LEGAL CONSIDERATION:

There are no additional legal issues.

ALTERNATIVE RECOMMENDATION(S):

Deny the request for the renewal of 2023 licenses On-Sale 3.2 Percent Malt Liquor, Off-Sale 3.2 Percent Malt Liquor, and Secondhand Goods dealers in Richfield. This would result in the applicants not being able to conduct business related to the license within the City in 2023; however, there have been no issues with any of these listed establishments and the Public Safety Department has found no reason to deny any of the requested licenses.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Businesses have been notified of the date of presentation to the City Council but are not required to attend.



STAFF REPORT NO. 172
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
12/7/2022

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/7/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider to approve the renewal of the 2023 licenses for On-Sale Intoxicating/Club, Wine and 3.2 Malt Liquor licenses.

On Sale Intoxicating/Club/Sunday License Holders

El Tejaban
Fireside Foundry
Frenchman's Pub
Giordano's
Los Sanchez Taqueria
Lyndale Smokehouse
Pizza Luce
Protagonist Kitchen and Bar
V.F.W.

On Sale Wine, On Sale 3.2 License Holders

Chipotle
Davanni's
Joy's Pattaya
Millions Crab
My Burger
Patrick's Bakery
Red Pepper
Sandy's Tavern

EXECUTIVE SUMMARY:

Staff completed a staff report for each business at the time they originally applied for and received Council approval to serve On Sale Intoxicating/Club and Sunday, On Sale Wine, On-Sale 3.2 Percent Malt Liquor at their businesses in the City of Richfield. This is simply a request to renew their annual license for 2023. There is not a public hearing requirement for renewals for these types of licenses. The businesses named in

this report are presented for Council's approval.

The Public Safety Director has reviewed the background information and attached documents for said businesses and approves of its contents and sees no basis for denial.

RECOMMENDED ACTION:

By motion:

Approve the 2023 renewal of named business licenses for On Sale Intoxicating/Club and Sunday, On Sale Wine and On-Sale 3.2 Percent Malt Liquor establishments doing business in Richfield.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The listed businesses current licenses will expire on December 31, 2022.
- All named businesses have paid the licensing fee(s).
- All named businesses have liquor liability insurance.
- All named businesses real estate taxes are paid and current.
- All named businesses gave an accountant's statement.

The Public Safety background investigation has been completed for all businesses. The results of the investigations are summarized in an attachment to this report. The Public Safety Director has reviewed the information in the background investigation reports. There is no information in the investigation that shows any cause for recommending denial of the requested licenses.

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

- All businesses must annually request renewal of their On Sale Intoxicating/Club and Sunday, On Sale Wine, On-Sale 3.2 Percent Malt Liquor licenses to the City Council.
- Businesses must meet the requirements for renewal of their licenses.

C. CRITICAL TIMING ISSUES:

There are no additional critical timing issues.

D. FINANCIAL IMPACT:

All license fees must be paid and application forms submitted in order to be considered for license renewal.

E. LEGAL CONSIDERATION:

There are no additional legal issues.

ALTERNATIVE RECOMMENDATION(S):

Deny the request for the renewal of 2023 licenses for On Sale Intoxicating/Club and Sunday, On Sale Wine, On-Sale 3.2 Percent Malt Liquor establishments doing business in Richfield. This would result in the applicants not being able to conduct business related to the license within the City in 2023; however, there have been no issues with any of these listed establishments and the Public Safety Department has found no reason to deny any of the requested licenses.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Businesses have been notified of the date of presentation to the City Council but are not required to attend.

ATTACHMENTS:

Description	Type
□ Background summaries for 2023 liquor renewals	Cover Memo
□ Sandy's Tavern background	Cover Memo
□ Protagonist Background	Cover Memo



**SUMMARY OF BACKGROUND INVESTIGATION REPORT
FOR CHIPOTLE MEXICAN GRILL OF COLORADO, LLC
d/b/a CHIPOTLE MEXICAN GRILL**



Officers:

Helen Kaminski- President
Jvon Gutierrez Mimbrena – General Manager

Criminal History:

The following criminal histories reflect the previous and current year.
Helen Kaminski has no known criminal record. Jvon Gutierrez Mimbrena, who serves as the General Manager, has no known criminal record.

Premises:

Kensington Retail Center, LLC is the owner of the property. All payments are current.

Record of Service Calls:

There were 25 Public Safety/Police contacts with Chipotle Mexican Grill from October 2021 through September 2022. This compares with 27 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There have been no violations for the sale of alcohol to underage youth with Chipotle Mexican Grill.

Routine Information:

On-Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

Chipotle Mexican Grill, LLC

Directors and Officers

Helen Kaminski
Jvon Gutierrez Mimbrena

President
General Manager

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Chipotle Mexican Grill

	<u>2021</u>	<u>2022</u>
<u>TOTAL CONTACTS</u>	27	25
<u>CRIMINAL CONTACTS</u>	13	9
Incidents (see bottom of page for specifics)	(3)	(6)
Alarm	(7)	(1)
Traffic	(3)	(2)
<u>MISC. NON-CRIMINAL</u>	14	16
Assists	(13)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(3)
Miscellaneous	(1)	(13)

The criminal contacts from October 2021 through September 2022 were: 1 commercial alarm, 3 intoxicated persons, 1 theft, 1 driving under influence, 1 driving complaint, 1 fight, and 1 customer trouble.



**SUMMARY OF BACKGROUND INVESTIGATION
FOR DAVANNI'S, INC.
d/b/a DAVANNI'S PIZZA AND HOT HOAGIES**



Officers:

Robert Stupka- Owner/President
Gladstone Stenson- Owner/CEO
Kristina Silva- Owner
Katherine Stenson Elmer- Owner

Criminal History:

The following criminal histories reflect the previous and current year. Robert Stupka has no known criminal record. Gladstone Stenson has no known criminal record. Kristina Silva has no known criminal record. Katherine Stenson Elmer has no known criminal record. Douglas Martin, who serves as the General Manager, has no known criminal record.

Premises:

Rich D, LLC is the owner of the property. All payments are current.

Record of Service Calls:

There were 8 Public Safety/Police contacts with Davanni's from October 2021 through September 2022. This compares with 3 for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Davanni's Pizza and Hot Hoagies was November 3, 2021.

Routine Information:

On-Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owner of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

Davanni's Pizza and Hot Hoagies

Directors and Officers

Robert Stupka	Owner/President
Gladstone Stenson	Owner/CEO
Kristina Silva	Owner
Katherine Stenson	Owner

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Davanni's Pizza and Hot Hoagies

	<u>2021</u>	<u>2022</u>
<u>TOTAL CONTACTS</u>	3	8
<u>CRIMINAL CONTACTS</u>	1	4
Incidents (see bottom of page for specifics)	(0)	(3)
Alarm	(0)	(0)
Traffic	(1)	(1)
<u>MISC. NON-CRIMINAL</u>	2	4
Assists	(2)	(0)
Inspections/Licensing	(0)	(1)
Medical/Fire	(0)	(0)
Miscellaneous	(0)	(3)

The criminal contacts from October 2021 through September 2022 were: 1 driving complaint, 1 auto theft, 1 terroristic threat, and 1 disturbance.



**SUMMARY OF BACKGROUND INVESTIGATION REPORT
FOR EL TEJABAN MEXICAN RESTAURANT, LLC
d/b/a EL TEJABAN MEXICAN GRILL**



Officers:

Rosa Isela Zambrano- Owner
Miguel Angel Hernandez- Owner

Criminal History:

The following criminal histories reflect the previous and current year.
Miguel Hernandez has no known criminal record. Rosa Zambrano, who also serves as the General Manager, has no known criminal record.

Premises:

Brixmor Spe 1, LLC is the owner of the property. All payments are current.

Record of Service Calls:

There were 14 Public Safety/Police contacts with El Tejaban Mexican Grill from October 2021 through September 2022. This compares with 10 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There have been no violations for the sale of alcohol to underage youth for El Tejaban Mexican Grill.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

El Tejaban Mexican Grill

Directors and Officers

Miguel Hernandez
Rosa Zambrano

Owner
Owner

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

El Tejaban Mexican Grill

	<u>2021</u>	<u>2022</u>
<u>TOTAL CONTACTS</u>	10	14
<u>CRIMINAL CONTACTS</u>	3	6
Incidents (see bottom of page for specifics)	(2)	(4)
Alarm	(0)	(1)
Traffic	(1)	(1)
<u>MISC. NON-CRIMINAL</u>	7	8
Assists	(7)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(1)
Miscellaneous	(0)	(7)

The criminal contacts from October 2021 through September 2022 were: 1 commercial alarm, 2 intoxicated persons, 1 traffic violation, 1 fight, and 1 disturbance.



**SUMMARY OF BACKGROUND INVESTIGATION REPORT
FOR THOMPSON'S FIRESIDE PIZZA, INC.
d/b/a FIRESIDE FOUNDRY**



Officers:

Richard Thompson- Owner

Criminal History:

The following criminal histories reflect the previous and current year.
Richard Thompson, who also serves as the General Manager, has no known criminal record.

Premises:

Richard Thompson is the owner of the property. All payments are current.

Record of Service Calls:

There were 5 Public Safety/Police contacts with Fireside Foundry from October 2021 through September 2022. This compares with 9 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

Thompson's Fireside Foundry has received no violations for the sale of alcohol to underage youth.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

Fireside Foundry

Directors and Officers

Richard Thompson

Owner

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Fireside Foundry

	<u>2021</u>	<u>2022</u>
<u>TOTAL CONTACTS</u>	9	5
<u>CRIMINAL CONTACTS</u>	5	4
Incidents (see bottom of page for specifics)	(1)	(3)
Alarm	(4)	(1)
Traffic	(0)	(0)
<u>MISC. NON-CRIMINAL</u>	4	1
Assists	(4)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)
Miscellaneous	(0)	(1)

The criminal contacts from October 2021 through September 2022 were: 1 drug related, 1 intoxicated person, 1 disturbance, and 1 commercial alarm.



**SUMMARY OF BACKGROUND INVESTIGATION REPORT
FOR FRENCHMAN'S PUB, INC.
d/b/a FRENCHMAN'S**



Officers:

Mary Blake- Owner
Patricia Reid – General Manager

Criminal History:

The following criminal histories reflect the previous and current year.
Mary Blake has no known criminal record. Patricia Reid, who serves as the General Manager, has no known criminal record.

Premises:

Mary Christine Blake Trust is the owner of the property. All payments are current.

Record of Service Calls:

There were 25 Public Safety/Police contacts with Frenchman's from October 2021 through September 2022. This compares with 20 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Frenchman's was June 8, 2004.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal on On-Sale Intoxicating and Sunday Liquor sales.

Frenchman's
Directors and Officers

Mary Blake
Patricia Reid

Owner
General Manager

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Frenchman's

	<u>2021</u> 20	<u>2022</u> 25
<u>TOTAL CONTACTS</u>		
<u>CRIMINAL CONTACTS</u>	9	16
Incidents (see bottom of page for specifics)	(6)	(11)
Alarm	(0)	(3)
Traffic	(3)	(2)
<u>MISC. NON-CRIMINAL</u>	11	9
Assists	(7)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(2)	(4)
Miscellaneous	(2)	(5)

The criminal contacts from October 2021 through September 2022 were: 3 intoxicated persons, 2 unwanted guests, 3 commercial alarms, 1 disturbance, 2 customer trouble, 1 fight, 1 assault, 2 traffic violations, and 1 warrant arrest.



**SUMMARY OF BACKGROUND INVESTIGATION
FOR VPC RICHFIELD PIZZA, LLC
d/b/a GIORDANO'S OF RICHFIELD**



Officers:

Yorgo Koutsogiorgas – CEO & President
Steve Baldasti – Secretary
Ehrick Holland – General Manager

Criminal Histories:

The following criminal histories reflect the previous and current year. Yorgo Koutsogiorgas has no known criminal record. Steve Baldasti has no known criminal record. Ehrick Holland, who serves as the General Manager, has no known criminal record.

Premises:

DRFC Southdale Square, LLC is the owner of the property. All payments are current.

Record of Service Calls:

There were 8 Public Safety/Police contacts with Giordano's of Richfield from October 2021 through September 2022. This compares with 5 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth at Giordano's was November 3, 2021.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

Giordano's of Richfield

Directors and Officers

Yorgo Koutsogiorgas	President
Steve Baldasti	Secretary
Ehrick Holland	General Manager

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Giordano's of Richfield

	<u>2021</u>	<u>2022</u>
TOTAL CONTACTS	5	8
CRIMINAL CONTACTS	2	3
Incidents (see bottom of page for specifics)	(1)	(3)
Alarm	(0)	(0)
Traffic	(1)	(0)
<u>MISC. NON-CRIMINAL</u>	3	5
Assists	(2)	(0)
Inspections/Licensing	(0)	(1)
Medical/Fire	(1)	(0)
Miscellaneous	(0)	(4)

The criminal contacts from October 2021 through September 2022 were: 1 auto theft, 1 drug related, and 1 customer trouble.



**SUMMARY OF BACKGROUND INVESTIGATION REPORT
FOR JOY'S PATTAYA THAI RESTAURANT, LLC
d/b/a JOY'S PATTAYA THAI RESTAURANT**



Officers:

Dale Mueller- Owner
Joy Mueller- Owner

Criminal History:

The following criminal histories reflect the previous and current year.
Dale Mueller has no known criminal record. Joy Mueller, who also serves as the General Manager, has no known criminal record.

Premises:

JSB Corporation is the owner of the property. All payments are current.

Record of Service Calls:

There was 1 Public Safety/Police contact with Joy's Pattaya Thai Restaurant from October 2021 through September 2022. This compares with 1 contact for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There have been no violations for the sale of alcohol to underage youth with Joy's Pattaya Thai Restaurant.

Routine Information:

On-Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

Joy's Pattaya Thai Restaurant

Directors and Officers

Dale Mueller
Joy Mueller

Owner
Owner

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Joy's Pattaya Thai Restaurant

	<u>2021</u>	<u>2022</u>
<u>TOTAL CONTACTS</u>	1	1
<u>CRIMINAL CONTACTS</u>	0	0
Incidents (see bottom of page for specifics)	(0)	(0)
Alarm	(0)	(0)
<u>MISC. NON-CRIMINAL</u>	1	1
Assists	(1)	(0)
Traffic	(0)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)
Miscellaneous	(0)	(1)

There were 0 criminal contacts from October 2021 through September 2022.



**SUMMARY OF BACKGROUND INVESTIGATION
FOR LOS SANCHEZ TAQUERIA II, LLC
D/B/A LOS SANCHEZ TAQUERIA**



Officers:

Flor Elena Aguilar Palma - Owner
Santiago Sanchez Ortiz- Owner

Criminal Histories:

The following criminal histories reflect the previous and current year.
Flor Aguilar Palma has no known criminal record. Santiago Sanchez Ortiz, who also serves as the General Manager, has no known criminal record.

Premises:

Brixmor SPE 1, LLC, is the owner of the property. All payments are current.

Record of Service Calls:

There were 16 Public Safety/Police contacts with Los Sanchez Taqueria from October 2021 through September 2022. This compares with 18 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth at Los Sanchez Taqueria was November 9, 2021.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

Los Sanchez Taqueria

Directors and Officers

Flor Elena Aguilar Palma - Owner
Santiago Sanchez Ortiz - Owner

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Los Sanchez Taqueria

	<u>2021</u>	<u>2022</u>
<u>TOTAL CONTACTS</u>	18	16
<u>CRIMINAL CONTACTS</u>	4	8
Incidents (see bottom of page for specifics)	(2)	(7)
Alarm	(2)	(1)
Traffic	(0)	(0)
<u>MISC. NON-CRIMINAL</u>	14	8
Assists	(13)	(0)
Inspections/Licensing	(0)	(1)
Medical/Fire	(0)	(1)
Miscellaneous	(1)	(6)

The criminal contacts from October 2021 through September 2022 were: 2 fights, 3 disturbances, 1 assault, 1 commercial alarm, and 1 customer trouble.



**SUMMARY OF BACKGROUND INVESTIGATION REPORT
FOR LYNDAL SMOKEHOUSE, LLC
d/b/a LYNDAL SMOKEHOUSE**



Officers:

Harshal Patel- President
Minesh Patel- Vice President
Brittany Lallak – General Manager

Criminal History:

The following criminal histories reflect the previous and current year. Harshal Patel has no known criminal record. Minesh Patel has no known criminal record. Brittany Lallak, who serves as the General Manager, has no known criminal record.

Premises:

The property is owned by MOA Hospitality Group, LLC. All payments are current.

Record of Service Calls:

There were 129 Public Safety/Police contacts with Lyndale Smokehouse from October 2021 through September 2022. This compares with 230 contacts for the previous year. These public safety contacts also include the Four Points by Sheraton hotel, in which the restaurant is attached. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth at Lyndale Smokehouse was November 9, 2021.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

Lyndale Smokehouse

Directors and Officers

Harshal Patel
Minesh Patel
Brittany Lallak

President
Vice President
General Manager

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Lyndale Smokehouse

	<u>2021</u>	<u>2021</u>
<u>TOTAL CONTACTS</u>	230	129
<u>CRIMINAL CONTACTS</u>	45	32
Incidents (see bottom of page for specifics)	(39)	(30)
Alarm	(2)	(0)
Traffic	(4)	(2)
<u>MISC. NON-CRIMINAL</u>	185	97
Assists	(157)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(22)	(4)
Miscellaneous	(6)	(93)

The criminal contacts from October 2021 through September 2022 were: 5 disturbances, 1 traffic violation, 1 domestic, 12 unwanted guests, 2 property damage, 3 auto theft, 1 hit and run, 2 customer trouble, 2 warrant arrest, 1 private property, 1 fraud, and 1 driving under influence.



SUMMARY OF BACKGROUND INVESTIGATION REPORT FOR MC RICHFIELD, LLC d/b/a MILLIONS CRAB



Officers:

Zheng Sheng - Owner

Criminal History:

The following criminal histories reflect the previous and current year.
Zheng Sheng has no known criminal record.

Premises:

Park Midwest Management is the owner of the property. All payments are current.

Record of Service Calls:

There were 2 Public Safety/Police contacts with Millions Crab since they opened in March 2022 through September 2022. A breakdown of these contacts is attached to this report.

Violations:

There are no violations for the sale of alcohol to underage youth for Millions Crab.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses, with outside seating and the optional 2 a.m. closing.

Millions Crab

Directors and Officers

Zheng Sheng Owner

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Millions Crab

<u>TOTAL CONTACTS</u>	<u>2022</u> 2
<u>CRIMINAL CONTACTS</u>	0
Incidents (see bottom of page for specifics)	(0)
Alarm	(0)
Traffic	(0)
<u>MISC. NON-CRIMINAL</u>	2
Assists	(0)
Inspections/Licensing	(0)
Medical/Fire	(0)
Miscellaneous	(2)

There were 0 criminal contacts from October 2021 through September 2022.



SUMMARY OF BACKGROUND INVESTIGATION FOR MY BURGER OPERATIONS, LLC d/b/a MY BURGER



Officers:

John Abdo - President
Paul Abdo - Vice President

Criminal Histories:

The following criminal histories reflect the previous and current year.
John Abdo, who also serves as the General Manager, has no known criminal record. Paul Abdo has no known criminal record.

Premises:

Lyndale Station, LLC is the owner of the property. All payments are current.

Record of Service Calls:

There were 10 Public Safety/Police contacts with My Burger from October 2021 through September 2022. This compares with 10 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth at My Burger was November 3, 2021.

Routine Information:

On-Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

My Burger

Directors and Officers

John Lawrence Abdo
Paul Melvin Abdo

President
Vice President

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

My Burger

	<u>2021</u>	<u>2022</u>
<u>TOTAL CONTACTS</u>	10	10
<u>CRIMINAL CONTACTS</u>	6	2
Incidents (see bottom of page for specifics)	(2)	(1)
Alarm	(3)	(0)
Traffic	(1)	(1)
<u>MISC. NON-CRIMINAL</u>	4	8
Assists	(3)	(0)
Inspections/Licensing	(0)	(1)
Medical/Fire	(1)	(4)
Miscellaneous	(0)	(3)

The criminal contacts from October 2021 through September 2022 were: 1 disturbance and 1 property damage accident.



**SUMMARY OF BACKGROUND INVESTIGATION REPORT
FOR PATRICK'S FRENCH BAKERY, INC.
d/b/a PATRICK'S BAKERY & CAFE**



Officers:

Patrick Bernet - Owner

Criminal History:

The following criminal histories reflect the previous and current year. Patrick Bernet, who also serves as the General Manager, has no known criminal record.

Premises:

DRFC Southdale Square, LLC is the owner of the property. All payments are current.

Record of Service Calls:

There were 9 Public Safety/Police contacts with Patrick's Bakery & Cafe from October 2021 through September 2022. This compares with 6 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Patrick's Bakery & Cafe was November 3, 2021.

Routine Information:

On-Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

Patrick's Bakery & Cafe

Directors and Officers

Patrick Bernet

Owner

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Patrick's Bakery & Cafe

	<u>2021</u>	<u>2022</u>
<u>TOTAL CONTACTS</u>	6	9
<u>CRIMINAL CONTACTS</u>	1	4
Incidents (see bottom of page for specifics)	(1)	(2)
Alarm	(0)	(0)
Traffic	(0)	(2)
<u>MISC. NON-CRIMINAL</u>	5	5
Assists	(5)	(0)
Inspections/Licensing	(0)	(1)
Medical/Fire	(0)	(1)
Miscellaneous	(0)	(3)

The criminal contacts from October 2021 through September 2022 were: 2 thefts, 1 traffic violation, and 1 hit and run.



SUMMARY OF BACKGROUND INVESTIGATION REPORT FOR PIZZA LUCE VII, INC. d/b/a PIZZA LUCE



Officers:

Joseph Baier- Owner, President
Scott Nelson- Owner, Vice President
Laura Hansen- Vice President, COO
Julie Haywood- Treasurer/Secretary

Criminal History:

The following criminal histories reflect the previous and current year. Joseph Baier has no known criminal record. Scott Nelson has no known criminal record. Laura Hansen has no known criminal record. Julie Haywood has no known criminal record. Scott Schierman, who serves as the General Manager, has no known criminal record.

Premises:

JBB Properties, LLC is the owner of the property. All payments are current.

Record of Service Calls:

There were 39 Public Safety/Police contacts with Pizza Luce VII, Inc. from October 2021 through September 2022. This compares with 20 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There are no violations for the sale of alcohol to underage youth for Pizza Luce VII, Inc.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses, with outside seating and the optional 2 a.m. closing.

Pizza Luce

Directors and Officers

Joseph Baier
Scott Nelson
Laura Hansen
Julie Haywood

Owner, President
Owner, Vice President
Vice President, COO
Treasurer/Secretary

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Pizza Luce

	<u>2021</u>	<u>2022</u>
<u>TOTAL CONTACTS</u>	20	39
<u>CRIMINAL CONTACTS</u>	9	21
Incidents (see bottom of page for specifics)	(6)	(9)
Alarm	(2)	(0)
Traffic	(1)	(12)
<u>MISC. NON-CRIMINAL</u>	11	18
Assists	(4)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(6)	(4)
Miscellaneous	(1)	(14)

The criminal contacts from October 2021 through September 2022 were: 1 intoxicated person, 3 theft, 3 driving under influence, 1 property damage, 8 traffic violation, 1 hit and run, 1 noise complaint, 1 bike violation, 1 customer trouble, and 1 private property.



**SUMMARY OF BACKGROUND INVESTIGATION
FOR HENRY THOU
d/b/a RED PEPPER CHINESE RESTAURANT**



Officers:

Henry Thou- Owner

Criminal History:

The following criminal histories reflect the previous and current year. Henry Thou, who also serves as the General Manager, has no known criminal record.

Premises:

DRFC Southdale Square, LLC is the owner of the property. All payments are current.

Record of Service Calls:

There were 3 Public Safety/Police contact with Red Pepper Chinese Restaurant from October 2021 through September 2022. This compares with 4 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There have been no violations for the sale of alcohol to underage youth with Red Pepper Chinese Restaurant.

Routine Information:

On-Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owner of the establishment.

There are no distance requirements to notify neighbors of the issuance of new On-Sale Wine and 3.2 Percent Malt Liquor licenses.

Red Pepper Chinese Restaurant

Directors and Officers

Henry Thou

Owner

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Red Pepper Chinese Restaurant

	<u>2021</u>	<u>2022</u>
<u>TOTAL CONTACTS</u>	4	3
<u>CRIMINAL CONTACTS</u>	2	2
Incidents (see bottom of page for specifics)	(2)	(2)
Alarm	(0)	(0)
Traffic	(0)	(0)
<u>MISC. NON-CRIMINAL</u>	2	1
Assists	(2)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)
Miscellaneous	(0)	(1)

The criminal contacts from October 2021 through September 2022 were: 2 theft



SUMMARY OF BACKGROUND INVESTIGATION REPORT FOR FRED BABCOCK V.F.W. POST NO. 5555



Officers:

William McGee- Commander
Richard Storlie – Quarter Master

Criminal History:

The following criminal histories reflect the previous and current year. William McGee has no known criminal record. Richard Storlie has no known criminal record. Jeffrey Husaby, who serves as the General Manager, has no known criminal record.

Premises:

Gramercy Park Cooperative at Lake Shore Drive is the owner of the property. All payments are current.

Record of Service Calls:

There were 19 Public Safety/Police contacts with Fred Babcock VFW 5555 from October 2021 through September 2022. This compares with 21 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth at Fred Babcock VFW 5555 was November 3, 2021.

Routine Information:

Club On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of Club On-Sale and Sunday Liquor licenses.

Fred Babcock VFW 5555

Directors and Officers

William McGee- Commander
Richard Storlie – Quarter Master

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Fred Babcock VFW 5555

	<u>2021</u>	<u>2022</u>
<u>TOTAL CONTACTS</u>	21	19
<u>CRIMINAL CONTACTS</u>	11	7
Incidents (see bottom of page for specifics)	(8)	(5)
Alarm	(3)	(1)
Traffic	(0)	(1)
<u>MISC. NON-CRIMINAL</u>	10	12
Assists	(8)	(0)
Inspections/Licensing	(0)	(1)
Medical/Fire	(2)	(5)
Miscellaneous	(0)	(6)

The criminal contacts from October 2021 through September 2022 were: 2 customer trouble, 1 commercial alarm, 1 theft, 2 unwanted guest, and 1 hit and run.



SUMMARY OF BACKGROUND INVESTIGATION FOR MOS EISLEY CANTINA, LLC, d/b/a SANDY'S TAVERN



Officers:

Jahn Brink-- Owner
Christopher Pejmon - Owner

Criminal Histories:

The following criminal histories reflect the previous and current year. Jahn Brink has no known criminal record. Christopher Pejmon has no known criminal record.

Premises:

The applicant has provided a copy of the rental agreement showing Arbor Sandy's Properties, LLC, holding financial interest as lessor of the property.

Record of Service Calls:

There were 7 Public Safety/Police contacts with Sandy's Tavern from October 2021 through September 2022. This compares with 5 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There have been no violations for the sale of alcohol to underage youth with Sandy's Tavern.

Routine Information:

On Sale Wine and 3.2 Percent Malt liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On Sale Wine and 3.2 Percent Malt Liquor licenses.

Sandy's Tavern

Directors and Officers

Jahn Brink-- Owner
Christopher Pejmon - Owner

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Sandy's Tavern

	<u>2021</u>	<u>2022</u>
<u>TOTAL CONTACTS</u>	5	7
<u>CRIMINAL CONTACTS</u>	1	4
Incidents (see bottom of page for specifics)	(1)	(3)
Alarm	(0)	(0)
Traffic	(0)	(1)
<u>MISC. NON-CRIMINAL</u>	4	3
Assists	(4)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(2)
Miscellaneous	(0)	(1)

The criminal contact from October 2021 through September 2022 was: 1 property damage, 1 traffic violation, and 2 theft.



SUMMARY OF BACKGROUND INVESTIGATION REPORT FOR DAGOBAD, LLC d/b/a PROTAGONIST KITCHEN & BAR



Officers:

Jahn Abraham Brink - Owner, President
Christopher Pejmon - Owner

Criminal History:

The following criminal histories reflect the previous and current year.
Jahn Abraham Brink has no known criminal record.

Premises:

Woodlake Centre Mob LLC, Ryan Companies US Inc. is the owner of the property.
All payments are current.

Record of Service Calls:

There were 18 Public Safety/Police contacts with Protagonist Kitchen & Bar since they opened in November 2021 through September 2022. A breakdown of these contacts is attached to this report.

Violations:

There are no violations for the sale of alcohol to underage youth for Protagonist Kitchen & Bar.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses, with outside seating and the optional 2 a.m. closing.

Protagonist Kitchen & Bar

Directors and Officers

Jahn Abraham Brink
Christopher Pejmon

Owner, President
Owner

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Protagonist Kitchen & Bar

<u>TOTAL CONTACTS</u>	<u>2022</u> 18
<u>CRIMINAL CONTACTS</u>	6
Incidents (see bottom of page for specifics)	(5)
Alarm	(0)
Traffic	(1)
<u>MISC. NON-CRIMINAL</u>	12
Assists	(0)
Inspections/Licensing	(0)
Medical/Fire	(2)
Miscellaneous	(10)

The criminal contacts from October 2021 through September 2022 were: 2 auto theft, 2 unwanted guest, 1 property damage, and 1 traffic violation.



STAFF REPORT NO. 173
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Jay Henthorne, Director of Public Safety/Chief of Police

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
12/7/2022

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/7/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider the adoption of a resolution authorizing Richfield Public Safety/Police Department to accept donations from the listed agencies, businesses and private individuals for designated uses.

EXECUTIVE SUMMARY:

Throughout the year, donations are received from various agencies, businesses and private individuals to be used for special events or programs sponsored by the Police Department. The donations are for community engagement events and are solicited by the Department. This resolution authorizes the acceptance of \$75,206.33 in donations.

RECOMMENDED ACTION:

By motion: Adopt a resolution authorizing Richfield Public Safety/Police Department to accept donations from the listed agencies, businesses and private individuals for designated uses.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The Department of Public Safety/Police holds several annual events that require outside funding to occur. Staff members solicit donations from business and/or individuals to support these programs.

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

- Minnesota Statute 465.03 requires that every acceptance of a grant or devise of real or personal property on terms prescribed by the donor be made by resolution of the City Council adopted by a two-thirds majority of its members.
- The Administrative Services Department issued a memo on November 9, 2004, requiring that all grants and restricted donations to departments be received by resolution and adopted by two-thirds majority of the City Council in accordance with Minnesota Statute 465.03.

C. CRITICAL TIMING ISSUES:

Donations have been received and applied to the designated areas as indicated by the donors.

D. FINANCIAL IMPACT:

- Financial donations have been deposited in the funds supporting the designated programs.
- All of the donations listed below were given without obligation to provide any additional matching

funds:

Community Engagement:

DONOR	AMOUNT
Distribution Personnel Inc	\$250.00
R. Jeffrey Knutson	\$250.00
Audi Richfield	\$500.00
Hope Presbyterian Church	\$500.00
Optimist Club of Richfield Youth Fund	\$500.00
Richfield Lions Club	\$4,000.00
My Credit Union	\$500.00
Richfield American Legion Auxiliary (#435)	\$100.00
Associated Bank (gift cards)	\$100.00
Lyndale Pump and Munch	\$500.00
Penny Becker Memorial fund	\$1,000.00
Fred Babcock	\$200.00
UCare (Bike Helmets)	\$1,000.00
Target Corporate (Gift Cards)	\$2,500.00
Dick Sporting Goods	\$2,850.00
Frito Lay (Bikes and Chips)	\$700.00
Hennepin County Sheriff Office (Bikes)	\$450.00
Erik's Bike (Gift Cards)	\$50.00
Associated (Gift Cards)	\$100.00
Target Richfield (gift card)	\$149.00

Unity in the Community:

DONOR	AMOUNT
Richfield Bloomington Honda	\$1,500.00
Phuoc Tran and Family	\$100.00
Richfield Tourism Board	\$2,500.00
Lisalan Thai/Counselor Realty Inc	\$100.00
MPLS Riverview Lions	\$1,000.00
Oasis for Youth	\$50.00
Hope Presbyterian Church Community Members	\$805.00
Hope Presbyterian Church	\$1,500.00
Studione-Eight	\$50.00
Minnesota Brain Injury Alliance	\$50.00
Richfield Leadership Network (School Supplies)	\$1,075.00
Richfield Leadership Network (United Health Care and Best Buy)	\$2,709.00
Salvation Army (School Supplies)	\$3,000.00
Victory in Praise (Sponsored Performance)	\$200.00
Home Depot (Gift Card)	\$350.00
Community Action (Backpacks)	\$19,217.00
Ha Tuong	\$110.00
Raising Canes (Free Meal Certificates)	\$11,980.00
Three Rivers Park District (Slacklining)	\$285.00
Medica (Notebooks)	\$700.00
Associated Bank (Pens)	\$468.00

Dairy Queen Lyndale (400 Dilly Bars)	\$803.33
Dairy Queen Grill and Chill (Coupons)	\$100.00

K9 Program:

DONOR	AMOUNT
David and Theresa Carroll	\$100.00
Frenchmans Pub Inc.	\$5,000.00
Richfield Lions Club	\$5,000.00

Explorers:

DONOR	AMOUNT
Anonymous Donation	\$175.00
Anonymous Donation	\$80.00

E. LEGAL CONSIDERATION:

Minnesota Statute 465.03 requires every acceptance of a grant or devise of real or personal property be received by resolution and adopted by two-thirds majority of the City Council.

ALTERNATIVE RECOMMENDATION(S):

Council could disapprove the acceptance of the donations for the events and the monetary donations would have to be returned to the issuing agency/business/individual.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
□ Resolution	Resolution Letter

RESOLUTION NO.

**RESOLUTION AUTHORIZING RICHFIELD PUBLIC SAFETY/POLICE DEPARTMENT
TO ACCEPT DONATIONS FROM THE LISTED AGENCIES, BUSINESSES AND
PRIVATE INDIVIDUALS FOR DESIGNATED USES**

WHEREAS, the Department of Public Safety/Police Division, through its Director, received checks from the following for Community Engagement

Community Engagement:

DONOR	AMOUNT
Distribution Personnel Inc	\$250.00
R. Jeffrey Knutson	\$250.00
Audi Richfield	\$500.00
Hope Presbyterian Church	\$500.00
Optimist Club of Richfield Youth Fund	\$500.00
Richfield Lions Club	\$4,000.00
My Credit Union	\$500.00
Richfield American Legion Auxiliary (#435)	\$100.00
Associated Bank (gift cards)	\$100.00
Lyndale Pump and Munch	\$500.00
Penny Becker Memorial fund	\$1,000.00
Fred Babcock	\$200.00
UCare (Bike Helmets)	\$1,000.00
Target Corporate (Gift Cards)	\$2,500.00
Dick Sporting Goods	\$2,850.00
Frito Lay (Bikes and Chips)	\$700.00
Hennepin County Sheriff Office (Bikes)	\$450.00
Erik's Bike (Gift Cards)	\$50.00
Associated (Gift Cards)	\$100.00
Target Richfield (gift card)	\$149.00

Unity in the Community:

DONOR	AMOUNT
Richfield Bloomington Honda	\$1,500.00
Phuoc Tran and Family	\$100.00
Richfield Tourism Board	\$2,500.00
Lisalan Thai/Counselor Realty Inc	\$100.00
MPLS Riverview Lions	\$1,000.00
Oasis for Youth	\$50.00
Hope Presbyterian Church Community Members	\$805.00
Hope Presbyterian Church	\$1,500.00
Studione-Eight	\$50.00
Minnesota Brain Injury Alliance	\$50.00

Richfield Leadership Network (School Supplies)	\$1,075.00
Richfield Leadership Network (United Health Care and Best Buy)	\$2,709.00
Salvation Army (School Supplies)	\$3,000.00
Victory in Praise (Sponsored Performance)	\$200.00
Home Depot (Gift Card)	\$350.00
Community Action (Backpacks)	\$19,217.00
Ha Tuong	\$110.00
Raising Canes (Free Meal Certificates)	\$11,980.00
Three Rivers Park District (Slacklining)	\$285.00
Medica (Notebooks)	\$700.00
Associated Bank (Pens)	\$468.00
Dairy Queen Lyndale (400 Dilly Bars)	\$803.33
Dairy Queen Grill and Chill (Coupons)	\$100.00

K9 Program:

DONOR	AMOUNT
David and Theresa Carroll	\$100.00
Frenchmans Pub Inc.	\$5,000.00
Richfield Lions Club	\$5,000.00

Explorers:

DONOR	AMOUNT
Anonymous Donation	\$175.00
Anonymous Donation	\$80.00

WHEREAS, Minnesota Statute requires every acceptance of a grant or devise of real or personal property on terms prescribed by the donor be made by resolution of more than two-thirds majority of the City Council; and,

WHEREAS, the donated funds will be used towards the designated events sponsored by Richfield Police.

NOW, THEREFORE, BE IT RESOLVED that the Director of Public Safety/Chief of Police will accept the donations to be placed in the accounts as specified.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December, 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk



STAFF REPORT NO. 174
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Kari Sinning, City Clerk

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/6/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider the adoption of a resolution designating polling places for 2023.

EXECUTIVE SUMMARY:

Minnesota Statute section 204B.16, subd 1 requires the City Council, by ordinance or resolution, to designate polling places for the upcoming year by December 31. The designated polling places (as identified in the attached resolution) are unchanged from the polling locations from previous elections.

RECOMMENDED ACTION:

By motion: Adopt a resolution designating polling places for 2023.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

This is an annual requirement that was passed in the 2017 legislative session.

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

Minnesota Statute section 204B.16, subd 1 requires the City Council, by ordinance or resolution, to designate polling places for the upcoming year by December 31.

C. CRITICAL TIMING ISSUES:

Must be approved by December 31.

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

None

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

Description	Type
 Polling Place Resolution	Resolution Letter

RESOLUTION NO.

RESOLUTION DESIGNATING POLLING PLACES FOR 2023

WHEREAS, Minnesota Statute 204B.16, subd 1 requires the City Council, by ordinance or resolution, to designate polling places for the upcoming year; and

WHEREAS, changes to the polling places locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

WHEREAS, changes to the polling place locations may be made in the case of an emergency when it is necessary to ensure a safe and secure location for voting; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Richfield hereby designates the following polling places for elections conducted in the city in 2023;

<u>Precinct No. 1</u> Ward 1	Church of Peace 6345 Xerxes Avenue
<u>Precinct No. 2</u> Ward 1	St. Richard's Catholic Church 7540 Penn Avenue
<u>Precinct No. 3</u> Ward 1	Woodlake Lutheran Church 2120 W. 76 th St.
<u>Precinct No. 4</u> Ward 2	St. Peter's Catholic Church 6730 Nicollet Avenue
<u>Precinct No. 5</u> Ward 2	Richfield Community Center 7000 Nicollet Avenue
<u>Precinct No. 6</u> Ward 2	Bethel's Rock Church 7601 Girard Avenue
<u>Precinct No. 7</u> Ward 3	Mt. Calvary Education Building 6541 16 th Avenue
<u>Precinct No. 8</u> Ward 3	Hope Presbyterian Education Facility 7132 Portland Avenue
<u>Precinct No. 9</u> Ward 3	House of Prayer 7625 Chicago Avenue

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield that the nine locations listed above are the designated 2023 polling locations in Richfield.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December, 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk



STAFF REPORT NO. 175
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Sam Crosby, Planner II

DEPARTMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director
12/1/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/6/2022

ITEM FOR COUNCIL CONSIDERATION:

First Reading of a proposed ordinance amendment modifying the Zoning Code in relation to landscaping requirements.

EXECUTIVE SUMMARY:

Recent redevelopment projects and a comparison to other cities show that the City's current planting requirement of two trees per multi-family unit is unreasonable and largely impossible for any development to meet. In addition to proposing a revision to required quantities, staff is recommending an alternative option to planting trees on site (when required plantings are not feasible). This option would allow developers to plant trees in public parks, or to pay into a fund that would allow the City to plant trees in boulevards or public parks at a future date. Through the review of these proposed amendments, two other modifications were identified. Consequently, staff is proposing the following four updates to the "Landscaping and screening requirements" section of the Zoning Code. The revisions include:

- Increasing flexibility by establishing the ability to pay cash-in-lieu of planting;
- Increasing the diversity of trees by reducing the amount of any one species that may be planted;
- Right-sizing the tree planting requirements for multi-family residential projects; and
- Referencing to the Department of Natural Resources (DNR) list of invasive species for prohibited trees.

In October, the proposed regulations were discussed with the Sustainability Commission and in November, they were recommended for approval by the Planning Commission.

RECOMMENDED ACTION:

By motion: Approve a first reading of an ordinance amendment modifying the Zoning Code in relation to landscaping requirements.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Public Tree Planting Fund

Due to underground utilities and other site constraints, the Rya apartment buildings at 6300-6400 Richfield Parkway was unable to plant all of the trees shown on the approved landscape plan. The City already has a provision that allows planting standards to be met through boulevard plantings, and the developer has planted five trees in the Richfield Parkway right-of-way. Staff would have

liked to be able to offer other alternatives, such as the option to plant the missing trees in public parks, or to pay into a fund that would allow the City to plant the missing trees in boulevards or public parks at a future date.

- The option for a cash-in-lieu of planting is not a new concept. Both the City of Bloomington and the City of Roseville have a cash-in-lieu provision for trees. Staff recommends establishing such a fund and allowing both the Recreation Services Department and the Public Works Department to be able to pull from the account, for either park trees or boulevard trees, respectively. The pay-in amount was determined by analyzing the average cost of a tree, at the size required by the Zoning Code, plus labor to install. The proposed language is written so that the option may only be utilized when all on site planting has been maximized.

- Increasing Diversity

For a new development, the Zoning Code currently requires that not more than 50% of the trees may be composed of one species. Staff finds that this does not provide sufficient resiliency. Therefore, staff recommends that the percentage be reduced to 25%. Ensuring a variety of species will help reduce the vulnerability of tree canopies to pests, disease and climatic stressors. Landscape architects are usually very good at designing a plan with a wide variety of tree types; nevertheless, on the rare occasion that they don't, if the provision is not in the Zoning Code, it is difficult to enforce.

- Correcting Tree Quantities for Multi-Family Projects

For multi-family projects, the Zoning Code currently requires one deciduous over-story tree and one ornamental tree per unit (coniferous trees may be substituted on a one-for-one basis for an over-story tree). This two trees per unit requirement is quite excessive and has consistently been flexed through the Planned Unit Development (PUD) process. Consequently, staff is proposing to change Richfield's requirement to 0.5 trees per unit for all projects over 6 units in size (standard rounding would apply), and one tree per unit for projects with three to six units (multi-family is defined as three or more units). The following table provides some recent examples:

Project Name:	# of Units:	# of Trees Required:	# of Trees Provided:	*Proposed:
Chamberlin	190	380	43	95
Landsby	132	264	23	66
Richfield Flats	55	110	13	26
Riley	82	164	29	41
Novo	192	384	54	96
Enclave	159	318	8	79.5

* Number of trees the proposed revision would require

- The Cities of Roseville and St. Louis Park both require only one canopy or evergreen tree per dwelling unit. The City of Bloomington requires approximately 17 trees per acre. The American Planning Association points to Olympia, WA as an exemplary urban forest City. Olympia requires 30 trees per acre. Richfield's Medium and High-Density Residential land use categories range between 8 and 100 dwelling units per acre, which under the proposed amendment would translate to anywhere between 4 and 50 trees per acre, with the mid-range being 15 to 30 trees per acre.
- What's required by the Zoning Code cannot be so excessive that it is not reasonable; such an extreme requirement is not defensible. By changing the Zoning Code to a more realistic number, staff will have a stronger position against further decreases; particularly with an alternative pay-in option available. This may seem like a reduction in the City's requirements, but as you can see from the table above, with the need for negotiation eliminated, it will almost always results in a greater number of trees being planted.

- Sustainability Commission / Prohibited Trees

The Sustainability Commission reviewed and discussed the proposed ordinance at their October 27th meeting. The Commission recommended adding the word "planting" to the name of the tree

fund, since the funds may only be used for initial establishment of trees, not long-term maintenance. The Commission recommended that the City prohibit the planting of known invasive species, as determined by the DNR, the list of which can be found at: www.dnr.state.mn.us/invasives/terrestrialplants/index.html, and is attached for reference. The Commission discussed the idea of limiting the number of conifers, but decided against it due to the occasional need for screening between uses. Finally, the Commission encouraged City staff to work with an arborist to tweak landscape plans to increase on-site plantings as much as possible. Staff agrees with all of these suggestions. Consequently, the two that affect the proposed ordinance language have been incorporated into the document.

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

- The City already has a provision that allows planting standards to be met through boulevard plantings. The proposed ordinance expands upon that provision to also allow the standards to be met in public parks and through a pay-in option.
- The Comprehensive Plan states that there is a desire for passive areas of parks to be restored to a more natural character, and for existing natural areas to be better preserved. The proposed Zoning Code amendment is in alignment with the City's Comprehensive plan and policies, examples include:
 - Encourage innovative solutions to land use and transportation problems.
 - Maintain and enhance the "urban hometown" character of Richfield.
 - Reduce pollutants through public transit, car-pooling, traffic control, use of berms and trees, and stronger enforcement of pollution policies.
 - Establishing a pay-in option complies with State Statutes so long as there are other options available to the applicant.

C. CRITICAL TIMING ISSUES:

The developer of The Rya apartment building has placed funds in escrow with the hopes that the proposal will be approved and the money can be transferred to the newly established budget upon adoption of the amended Zoning Code.

D. FINANCIAL IMPACT:

- The City budget does not currently have a line item where both the streets department and the recreation department can pull from. Creating a separate line item in the budget will ensure that the funds do not get inadvertently pulled for resources other than tree planting. The line item will be in the capital budget.
- The flexibility provided to developers by an increase of options will likely help streamline projects, which has the potential to reduce overall costs. Increasing the options available to developers also helps to ensure that all trees will get planted somewhere, rather than foregoing canopy due to unforeseen circumstances or events. Trees are an important resource and an increased tree canopy generally increases property values and general quality of life.

E. LEGAL CONSIDERATION:

Notice of the public hearing was published in the Sun Current newspaper on October 13, 2022. At the October 24 Planning Commission meeting, the item was continued by the Planning Commission to allow the Sustainability Commission time to review the request. At the November 28 Planning Commission meeting, no one from the public spoke to the item and the Commission voted unanimously (6-0) to recommend approval as presented. Because the City is the applicant, the 60-day rule does not apply. The item is scheduled for second reading on January 10, 2023.

ALTERNATIVE RECOMMENDATION(S):

- Recommend approval of the text amendment with additional and/or modified stipulations.
- Recommend denial of the text amendment, thus maintaining the Zoning Code as currently written.

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

	Description	Type
▣	Ordinance	Ordinance
▣	Fund Establishment Resolution	Resolution Letter
▣	MnDNR Invasive List	Backup Material

BILL NO. _____

**AN ORDINANCE AMENDMENT MODIFYING SECTION 544 OF THE ZONING CODE IN
RELATION TO LANDSCAPING REQUIREMENTS**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Subsection 544.03, Subdivision 4 of the Richfield Zoning Code is amended to revise only item c) as it relates to percentages of tree species, all subsequent items to remain unchanged, to read as follows:

Subd. 4. General landscaping requirements. The City intends that each new landscaping and screening plan be designed to a high level of quality because of the needs imposed by the relatively high development densities and land values in Richfield. Designers shall strive to meet the standards outlined in Subdivisions 4 through 7, below. However, the Director shall review and decide the adequacy of each landscaping and screening design based on whether or not it meets the intent of this ordinance. The Director shall advise the Planning Commission as part of Site Plan Review.

- a) Area to be landscaped: All open areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, understory trees, shrubs, flowers and ground cover materials.
- b) Materials: The plan for landscaping shall include ground cover, shrubs, trees, public art, walls, fences, decorative walks or other features or materials acceptable to the Director.
- c) Tree types and species: For sites requiring ten (10) trees or more as determined by Subd.5 for residential sites and Subd.6 for commercial sites, not more than ~~50~~ 25 percent of the required trees shall be composed of one species. No required tree or shrub shall be any of the following:
 - i. A species of the genus Ulmus (elm), except those elms bred to be immune to Dutch elm disease;
 - ii. ~~Box-elder~~ Those trees and shrubs listed by the DNR as invasive; or
 - iii. Female ginko.
- d) through k): no change

Section 2 Subsection 544.03, Subdivision 5 of the Richfield Zoning Code is amended to modify tree requirements for multi-family dwellings, to read as follows:

Subd. 5. Residential sites. Residential sites shall be landscaped to improve the livability, beauty and value of housing; to screen and mitigate views of large parking areas; to reduce the effect of traffic noise; to provide shade; and to help protect water quality.

- a) Quantities. These requirements are in addition to any plantings in the public street right-of-way whether installed by the land developer or the City.

	Single- and Two-Family Dwellings	Multiple-Family Dwellings	
Overstory deciduous trees	1 per dwelling unit	3 to 6 units: 1 tree per dwelling unit	4 more than 6 units: 0.5 trees per dwelling unit.
Coniferous trees	May be substituted on a one-for-one basis for the overstory deciduous trees.		
Ornamental deciduous trees	1 per dwelling unit	None required.	May be substituted on a 1.5-for-one basis for a max of 25% of the overstories planted on site.
Understory shrubs	Foundation plantings are required in all areas visible from the public street.	Foundation plantings are required in all visible areas.	

- b) Commercial edges. The density and initial size of plantings shall be increased along nonresidential edges and may be combined with berms, walls and fences to achieve the objective of protecting the values, quietude and privacy of the housing. Landscaping on the adjacent nonresidential property may not be substituted for plantings on the residential property.

Section 3 Subsection 544.03, Subdivision 8 of the Richfield Zoning Code is amended to expand alternatives to on-site tree planting, to read as follows:

Subd. 8. Streetscape plans and boulevard alternative plantings.

a) Streetscape plans. In areas where a district or street-specific planting plan has been adopted by the City Council for the public street right-of-way, development must provide landscaping as set forth in that streetscape plan. Streetscape plantings located within the property lines of the site may be credited toward the required number of trees and shrubs but plantings in the public right-of-way shall not. Landscaping placed or removed in the public right-of-way must receive City approvals for right-of-way plantings and must conform to City right-of-way planting policies.

~~b) Boulevard plantings. In instances of constrained sites (509.25 Subd.6), landscape standards may be met through boulevard plantings under a permit from the Richfield Public Works Department.~~

b) Alternative plantings. If the development property does not contain sufficient area or it is otherwise not practical to plant the required trees on the development property as determined by the Community Development Director (or designee), then the trees may be planted on public property (e.g.: parks, boulevards, right-of-way). Plantings

must be approved by either the Recreation Services Director (or designee) or the Public Works Director (or designee). Alternatively, an equivalent amount may be paid into the City's Public Tree Planting Fund for planting of trees on public property on behalf of the development. The rate shall be per caliper inch and shall be set by Appendix D of the City Code."

Section 4 Appendix D of the Richfield Municipal Code is amended to add the public tree fund amount, to read as follows:

Appendix D – License, Permit and Miscellaneous Fees
ZONING, LAND USE AND RELATED CHARGES

Type of Permit or License	Section Requiring	Description	Fee
<u>(18) Public Tree Planting Fund</u>	<u>544.03 Subd.8</u>	<u>For the planting of trees in public parks or public boulevards.</u>	<u>\$160.00 per caliper inch.</u>

Section 5 This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 10th day of January, 2023.

Mary B. Supple, Mayor

ATTEST:

City Clerk

RESOLUTION NO. ____

**RESOLUTION AUTHORIZING ESTABLISHMENT OF A NEW SPECIAL REVENUE
FUND FOR PUBLIC TREE PLANTINGS**

WHEREAS, the City of Richfield desires to increase flexibility for land use applicants and developers by establishing the option to pay funds in lieu of tree planting; and

WHEREAS, the option would only be available when all other on-site tree planting options have been exhausted; and

WHEREAS, the Zoning Code already allows for planting standards to be met through boulevard plantings, and the proposed fund would allow for the City to plant the trees on behalf of the applicant/developer at a later date, thereby allowing projects that would not otherwise be completed over the winter to be closed-out in a more timely fashion; and

WHEREAS, it is the intent that the funds will be available to both the Recreation Services Department (for planting trees in City parks) and the Public Works Department (for planting trees in City right-of-ways); and

WHEREAS, the establishment of the fund is a sustainable initiative that complies with the goals and objectives of the 2040 Comprehensive Plan; and

WHEREAS, for transparency and accurate tracking of revenue and expenditures, staff recommends the establishment of a new fund; and

WHEREAS, these funds will have the following name: Public Tree Planting Fund (line item #47150); and

WHEREAS, Section 7.12 of the City Code requires Council approval by resolution of the establishment of new funds in the City of Richfield budget;

NOW, THEREFORE, BE IT RESOLVED the City Council hereby approves the establishment of the Public Tree Planting Fund, for transparent and accurate tracking of financial activity.

Adopted by the City Council of the City of Richfield, Minnesota this 10th day of January, 2023

Mayor

ATTEST:

Kari Sinning, City Clerk

Minnesota Department of Natural Resources Invasive Terrestrial Plants

Trees and shrubs

- [Amur cork tree](#)
- [Amur maple](#)
- [Autumn olive](#)
- [Black locust](#)
- [Buckthorn](#)
- [Japanese barberry](#)
- Multiflora rose
- [Non-native bush honeysuckles](#)
- [Non-native knotweeds](#)
- [Norway maple](#)
- [Russian olive](#)
- [Siberian elm](#)
- [Siberian peashrub](#)
- [Tree of heaven*](#)
- [Winged burning bush](#)

Click on the links for individual species to learn more about identification, distribution, impacts, management, regulatory status, and native plant alternatives for those particular species. This is an educational list of plants that can be invasive in natural areas. Some plants are regulated by the Minnesota Department of Agriculture as Noxious Weeds and that is noted in their descriptions. An * next to the plant name indicates it is an early detection species.



STAFF REPORT NO. 176
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: John Evans, Executive Analyst

DEPARTMENT DIRECTOR REVIEW: Amy Markle, Recreation Services Director
 12/5/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
 12/7/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider the adoption of a resolution accepting grants and donations received by the Richfield Recreation Services Department in 2021 and 2022 and authorizing the Recreation Services Department to administer the funds in accordance with any applicable grant agreements and terms prescribed by donors.

EXECUTIVE SUMMARY:

The Richfield Recreation Services Department received funds through grants and donations in 2021 and 2022 from various individuals and organizations to fund different events and projects and require acceptance of these grants by the City Council. The Department received the following grants and donations in 2021 and 2022:

DATE	DONOR	PURPOSE	AMOUNT
Jan through Dec 2021	Market Bucks	Hunger Solutions MN	\$2,475.00
July 4, 2021	Hunger Solutions Administrative Grant 2021	Hunger Solutions MN	\$1850.00
Nov and Dec 2021	Richfield Liquor Store Customers	Round Up for Richfield Parks	\$752.18
Through Nov 2022	Richfield Liquor Store Customers	Round Up for Richfield Parks	\$6,360.49
April 2022	Hennepin County Youth Sports Grant	Accessible Picnic Tables	\$10,000.00
April 2022	Hennepin County Youth Sports Grant	Outdoor Curling Equipment	\$8,574.41
July 2022	Hunger Solutions Administrative Grant 2022	Hunger Solutions MN	\$700.00
July 2022	Pandemic Response and Safety Grant (PRS)	United States Department of Agriculture (USDA)	\$9,693.00
Jan through Nov 2022	Market Bucks	Hunger Solutions MN	\$9,058.00

RECOMMENDED ACTION:

By motion: Adopt a resolution accepting grants and donations received by the Richfield Recreation Services Department in 2021 and 2022 and authorizing Recreation Services Department staff to administer the funds in accordance with any applicable grant agreements and terms prescribed by donors.

BASIS OF RECOMMENDATION:**A. HISTORICAL CONTEXT**

Provided in the Executive Summary.

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

- Minnesota Statute 465.03 requires every acceptance of a grant or devise of real or personal property on terms prescribed by donor be made by resolution and adopted by two-thirds majority of the City Council.
- The Administrative Services Department issued a memo on November 9, 2004, requiring that all grants and restricted donations to departments be received by resolution and adopted by two-thirds majority of the City Council in accordance with Minnesota Statute 465.03.

C. CRITICAL TIMING ISSUES:

None

D. FINANCIAL IMPACT:

All of the donations listed were given without obligation to provide any additional matching funds.

E. LEGAL CONSIDERATION:

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

ALTERNATIVE RECOMMENDATION(S):

Should Council not accept the grants, the Recreation Services Department would be required to locate alternate funding sources to cover the grant amounts.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
□ Resolution accepting grants and donations	Resolution Letter

RESOLUTION NO.

RESOLUTION AUTHORIZING ACCEPTANCE OF GRANTS RECEIVED BY THE CITY OF RICHFIELD-RECREATION SERVICES DEPARTMENT AND TO AUTHORIZE THE CITY TO ADMINISTER THE FUNDS IN ACCORDANCE WITH GRANT AGREEMENTS AND TERMS PRESCRIBED BY DONORS

WHEREAS, Minnesota Statute 465.03 reads in part as follows:

Any city, county, school district or town may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every acceptance shall be by resolution of the council adopted by two-thirds majority of its members, expressing such terms in full, and

WHEREAS, the City of Richfield has received grants and donations as described below:

DATE	DONOR	PURPOSE	AMOUNT
Jan through Dec 2021	Market Bucks	Hunger Solutions MN	\$2,475.00
July 4, 2021	Hunger Solutions Administrative Grant 2021	Hunger Solutions MN	\$1850.00
Nov and Dec 2021	Richfield Liquor Store Customers	Round Up for Richfield Parks	\$752.18
Through Nov 2022	Richfield Liquor Store Customers	Round Up for Richfield Parks	\$6,360.49
April 2022	Hennepin County Youth Sports Grant	Accessible Picnic Tables	\$10,000.00
April 2022	Hennepin County Youth Sports Grant	Outdoor Curling Equipment	\$8,574.41
July 2022	Hunger Solutions Administrative Grant 2022	Hunger Solutions MN	\$700.00
July 2022	Pandemic Response and Safety Grant (PRS)	United States Department of Agriculture (USDA)	\$9,693.00
Jan through Nov 2022	Market Bucks	Hunger Solutions MN	\$9,058.00

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

That the City Council of the City of Richfield hereby accepts the grants and donations as listed above, received in 2021 and 2022, and authorizes the City to administer the funds in accordance with grant agreements and terms prescribed by donors.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December, 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk



STAFF REPORT NO. 177
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director Of Public Safety/Chief of Police
12/5/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/6/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider the approval of setting a public hearing to be held on January 10, 2023, to consider the issuance of new On-Sale Wine and 3.2 Percent Malt Liquor licenses for NTLL Hockey Ventures, LLC., dba Minnesota Whitecaps, located at the Richfield Ice Arena, 636 66th Street E.

EXECUTIVE SUMMARY:

On October 19, 2022, the City received the application materials for new On-Sale Wine and 3.2 Percent Malt Liquor licenses for NTLL Hockey Ventures, LLC., dba Minnesota Whitecaps, located at the Richfield Ice Arena, 636 66th Street E.

All required information and documents have been received. All licensing fees have been paid.

RECOMMENDED ACTION:

By motion: Approve the setting of a public hearing to be held on January 10, 2023, to consider the issuance of new On-Sale Wine and 3.2 Percent Malt Liquor licenses for NTLL Hockey Ventures, LLC., dba Minnesota Whitecaps, located at the Richfield Ice Arena, 636 66th Street E.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

This is a notice to set the public hearing. Staff will provide a more detailed historical context in the report submitted for the public hearing on January 10, 2023.

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

- City ordinance requires the City Council to conduct a public hearing to consider all On-Sale Wine and 3.2 Percent Malt Liquor license applications and set a date for the public hearing.
- The hearing must be scheduled and held before a new license may be considered.
- The new process has been initiated.

C. **CRITICAL TIMING ISSUES:**

Holding the public hearing on January 10, 2023 will provide ample time to complete the licensing process.

D. FINANCIAL IMPACT:

All licensing fees have been received.

E. LEGAL CONSIDERATION:

There are no legal considerations.

ALTERNATIVE RECOMMENDATION(S):

- Reject the applications for new On-Sale Wine and 3.2 Percent Malt Liquor licenses for NTLL Hockey Ventures, LLC., dba Minnesota Whitecaps.
- Schedule the public hearing for another date; however, this will delay the licensing process.

PRINCIPAL PARTIES EXPECTED AT MEETING:

There are no parties expected at this meeting.



STAFF REPORT NO. 178
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Jay Henthorne, Director Of Public Safety/Chief of Police

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
12/5/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/6/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider approval of a contract renewal with Adesa Minneapolis for 2022-2023 for auctioning forfeited vehicles from Public Safety/Police.

EXECUTIVE SUMMARY:

Adesa is a company used by the Public Safety Department to store and auction-off seized vehicles. The City currently has a contract with Adesa and would like to renew the contract for the year 2022-2023.

RECOMMENDED ACTION:

By motion: Approve the renewal of the 2022-2023 auction service contract between the City of Richfield and Adesa Minneapolis, for the auctioning of forfeited vehicles from Public Safety/Police.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Adesa's performance during the past year of the contract period was satisfactory. They auction forfeiture vehicles for many cities, including the City of Bloomington.
- Adesa Minneapolis has submitted the new contract for 2022-2023. No changes were made to the services they provide.

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

- Adesa Minneapolis notified the City that they wish to renew their contract with the City.
- The Public Safety Department wishes to renew the contract with Adesa Minneapolis. The contract has numerous conditions that must be met.
- Adesa Minneapolis is a reputable, established auction company that meets all contract requirements.

C. CRITICAL TIMING ISSUES:

- A 30-day written notice must be given by either party to terminate the contract.
- Public Safety must have a company to store and auction forfeited vehicles.
- Adequate space is not available in the City to store forfeited vehicles.

D. FINANCIAL IMPACT:

The fees remain the same and are detailed in the contract. There is adequate funding in the Public

Safety budget to cover the costs of Adesa Minneapolis services.

E. **LEGAL CONSIDERATION:**

The City Attorney has reviewed and approved the past contract with Adesa Minneapolis and there are no contract changes under the new contract.

ALTERNATIVE RECOMMENDATION(S):

Do not approve the contract; however, Public Safety would need to find other means to auction forfeited vehicles.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
□ Adesa Contract	Contract/Agreement

**AGREEMENT BETWEEN THE CITY OF RICHFIELD
AND ADESA MINNEAPOLIS**

THIS AGREEMENT is made and entered into this 29th day of October, 2020 by and between the City of Richfield, a Minnesota municipal corporation located at 6700 Portland Ave., S., Richfield, Minnesota 55423 (hereinafter referred to as the "City"), and ADESA Minnesota, LLC dba ADESA Minneapolis, a Minnesota limited, liability company with its principle business offices located at 18270 Territorial Road, Dayton, Minnesota 55369 (hereinafter referred to as "ADESA").

WITNESSETH

WHEREAS, the City comes into possession of and is authorized to retain various motor vehicles which are identified as potentially being subject to forfeiture of other civil processes under the laws of the State of Minnesota as a result of their having been used in the connection with a criminal act (hereinafter referred to as "Forfeiture Vehicles") and upon successful completion of the forfeiture or civil process the City is authorized to dispose of said vehicles in accordance with Section 315 of the Richfield City Code; and

WHEREAS, ADESA represents that it has the professional expertise and knowledge to perform its duties as an automobile dealer, and is licensed by the State of Minnesota in that capacity; and

WHEREAS, THE City desires to hire ADESA to transport, store, repair, maintain and sell its Forfeiture Vehicles;

NOW, THEREFORE, in consideration of the terms and conditions expressed herein, the parties agree as follows:

I. **TERM OF AGREEMENT** ~~OCTOBER 29th 2021~~

The term of this Agreement shall begin October 29, 2020 and shall continue until December 31, 2021, subject to termination as provided in Article IV.

~~DECEMBER 31st 2022~~

II. **DUTIES OF ADESA**

A. Upon specific authorization from the City, ADESA agrees to drive or transport those vehicles identified by the City as one of its Forfeiture Vehicles to a secure location to be determined and managed by ADESA.

REVISED: OCTOBER 29th 2022

EXPIRES: DECEMBER 31st 2023

 DAVID CLAXTON, GENERAL MGR.

B. Upon receipt of a City Forfeiture Vehicle and except for fire, storm, flood, war, civil disturbance, riot, act of God, lightning, earthquake, or other similar casualty, which is not within the control of ADESA or any act/omission of City or its officers, employees or agents, ADESA accepts full responsibility for it and agrees to exercise due diligence in its care, maintenance and storage of said vehicle until the time that it is sold or released; so as to avoid waste and obtain a reasonable sale price at auction.

C. Upon specific authorization from the City, ADESA agrees to perform such minor repair work on the City's Forfeiture Vehicles so as to prepare them for auction and maximize the City's return at auction, but in no event shall such repair work exceed the cost of TWO HUNDRED AND NO/100 DOLLARS (\$200.00) without prior, written authorization by the Richfield City Manager or his/her designee.

D. Upon specific authorization from the City, ADESA agrees to release the City's Forfeiture Vehicles prior to auction on such terms and conditions as the City may direct.

E. ADESA agrees to box and store personal property that is not affixed to, but located within, the City's Forfeiture Vehicles and upon specific authorization from the City to release such property on such terms and conditions as the City may direct.

F. Upon specific authorization from the City, ADESA agrees to promptly sell the City's Forfeiture Vehicles in a commercially reasonable manner by an open and competitive automobile dealer or salvage auction.

G. ADESA agrees to defend, indemnify and hold harmless the City, its officials, employees and agents from any and all claims, causes of action, lawsuits, damages, losses or expenses, including attorney fees, arising out of or resulting from ADESA's (including its officials, agents or employees) performance of the duties required under this Agreement, provided that any such claim, damage, loss or expense is attributable to bodily injury, sickness, diseases or death or to injury to or destruction of property including the loss of use resulting therefrom and is caused in whole or in part by any negligent act or omission or willful misconduct of ADESA.

H. During the term of this Agreement ADESA agrees to maintain general comprehensive liability insurance in the amount of \$1,000,000 for any damage to property, theft, loss or other claims as a result of ADESA's negligence or malfeasance in performing this Agreement. In addition, ADESA agrees to maintain such motor vehicle liability insurance as required by state and federal laws.

I. ADESA shall be licensed and bonded in the State of Minnesota to perform its duties under this Agreement and shall provide a certificate of licensure, bonding and insurance to the City.

J. ADESA agrees to comply with all applicable local, state and federal laws, rules and regulations in the performance of the duties of this Agreement.

K. It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing the relationship of copartners between the parties hereto or as constituting ADESA's staff as the agents, representatives or employees of the City for any purpose in any manner whatsoever. ADESA and its staff are to be and shall remain an independent contractor with respect to all services performed under this Agreement. ADESA represents that it has, or will secure at its own expense, all personnel required in performing services under this Agreement. Any and all personnel of ADESA or other persons, while engaged in the performance of any work or services required by ADESA under this Agreement, shall have no contractual relationship with the City and shall not be considered employees of the City, and any and all claims that may or might arise under the Workers' Compensation Act of the State of Minnesota on behalf of said personnel or other persons while so engaged, and any and all claims whatsoever on behalf of any such person or person or personnel arising out of employment or alleged employment including, without limitation, claims of discrimination against ADESA, its officers, agents, contractors or employees shall in no way be the responsibility of the City; and ADESA shall defend, indemnify and hold the City, its officers, agents and employees harmless from any and all such claims regardless of any determination of any pertinent tribunal, agency, board commission or court. Such personnel or other persons shall not require nor be entitled to any compensation, rights or benefits of any kind whatsoever from the City, including, without limitation, tenure rights, medical and hospital care, sick and vacation leave, Workers' Compensation, Unemployment Compensation, disability, severance pay and PERA.

L. The books, records, documents, and accounting procedures of the Contractor, relevant to this Agreement, are subject to examination by the City, and either the legislative or state auditor as appropriate, pursuant to Minnesota Statutes, Section 16C.05, Subdivision 5.

M. ADESA agrees to comply with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 and not discriminate on the basis of disability in the admission or access to, or treatment of employment in its services, programs or activities. ADESA agrees to hold harmless and indemnify the City from, costs, including by not limited to damages, attorney's fees and staff time, in any action or proceeding brought alleging a violation of ADA and/or Section 504 caused by the ADESA. Upon request, accommodation will be provided to allow individuals with disabilities to participate in all services, programs and activities. The City has designated coordinators to facilitate compliance with the Americans With Disabilities Act of 1990, as required by Section 35.107 of the U.S. Department of Justice regulations, and to coordinate compliance with Section 504 of the Rehabilitation Act of 1973, as mandated by Section 8.53 of the U.S. Department of Housing and Urban Development regulations.

N. The Contractor will comply with all applicable provisions of the Minnesota Government Data Practices Act., Chapter 13 of the Minnesota Statutes.

O. Any Forfeiture Vehicles which ADESA has been authorized and directed to sell but was unable to under the terms of this Agreement shall be returned to the City at a site designated by it as soon as reasonably practicable but in no event more than sixty (60) days from the occurrence of the event making sale under this Agreement impossible.

III. DUTIES OF THE CITY

A. The City shall consign specifically identified Forfeiture Vehicles to ADESA to sell to the highest bidder at public dealer or salvage auctions.

B. The City shall certify that it has good title and right to sell those of its Forfeiture Vehicles which it directs and specifically authorizes ADESA to sell at public dealer or salvage auctions and shall provide and deliver merchantable title to the purchaser upon notification from ADESA.

C. The City shall defend, indemnify and hold harmless the ADESA, its officials, employees and agents from any and all claims, causes of action, lawsuits, damages losses or expenses, including attorney fees, arising out of or resulting from the City's performance of the duties required under this Agreement, provided that any such claim, damages, loss or expense is attributable to bodily injury, sickness, diseases or death or to injury to or destruction of

property including the loss of use resulting therefrom and is caused in whole or in part by any negligent act or omission or willful misconduct of City.

Notwithstanding the above, City shall also fully defend, indemnify and hold ADESA harmless for and against any and all claims, expenses (including reasonable attorney's fees), suits and demands arising out of, based upon and resulting from alleged or actual damage caused by the forfeiture process or from inaccuracy of the odometer reading on any Forfeiture Vehicle prepared in connection with the sale at auction, unless such inaccuracy is caused by an employee, agent or officer of ADESA.

D. The City shall pay to ADESA and ADESA shall deduct from the sale proceeds of the Forfeiture Vehicle, the following amounts as and for its services properly authorized and provided pursuant to this Agreement:

1. Transportation of an operable Forfeiture Vehicle to or from the City of Richfield to ADESA's designated storage within a 50-mile metro Minneapolis location site. If outside of metro Minneapolis within 50-mile radius, standard auction rates will apply: **\$50.00.**
2. Tow of an inoperable Forfeiture Vehicle (tow or trailer) to or from the City of Richfield to ADESA's designated storage within a 50-mile metro Minneapolis location site. If outside of metro Minneapolis within 50-mile radius, standard auction rates will apply site: **Not to Exceed \$100.00.**
3. Basic cleaning (Wash and Vacuum) of a Forfeiture Vehicle: **\$37.00.**
4. Complete detail of a Forfeiture Vehicle (vacuum and shampoo carpets, detail interior, etc.): **\$85.00.**
5. Repair of a Forfeiture Vehicle: Shop Rates.
6. Sale by auction of a Forfeiture Vehicle: **\$125.00.**
7. Release of a Forfeiture Vehicle prior to auction: **\$50.00** redemption, fee plus any charges (i.e., transportation).
8. Storage fee if car is not sold within 90 days: **\$3.00/day. If vehicle is stored at auction for beyond 12 months: \$5.00/day, after 24 months \$10.00/day.**
9. Inventory fee for lease of personal property: **\$25.00.**

IV. TERMINATION

Either party may terminate this Agreement for any reason upon thirty (30) days advance written notice to either party. The City reserves the right to cancel this Agreement at any time in the event of default or violation by ADESA of any provision of this Agreement. The City may

take whatever action at law or in equity that may appear necessary or desirable to collect damages arising from a default or violation or to enforce performance of this Agreement.

V. MISCELLANEOUS

A. Any material alterations, variations, modifications or waivers of provisions of this Agreement shall be valid only when they have been reduced to writing as an amendment to this Agreement and signed by both parties.

B. This Agreement shall not be assignable except at the written consent of the City.

C. This Agreement represents the entire Agreement between ADESA and the City and supersedes and cancels any and all prior agreements or proposals, written or oral, between the parties relating to the subject matter hereof, and amendments, addenda, alterations, or modifications to the terms and conditions of this Agreement shall be in writing and signed by both parties.

D. The parties agree to comply with the Minnesota State Human Rights Act, Minnesota Statutes, Section 363.

E. The parties hereto agree to comply with Section 504 of the Rehabilitation Act of 1973/31 CFR Part 51. This Act states in part that, "...all recipients of federal funds, whether in the form of a grant or a contract, review, and if necessary, modify their programs and activities so that discrimination based on handicap is eliminated."

F. The terms and conditions of this Agreement shall be binding on ADESA's successors and assigns and to the extent any assignee of ADESA.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF RICHFIELD

DATED: _____

BY: _____
Director of Public Safety Printed Name

DATED: _____

BY: _____
Director of Public Safety Signature

ADESA MINNEAPOLIS General Manager

~~11/15/2021~~
DATED: 11/7/2022

BY: David CLAXTON

ADESA Minneapolis General Manager Name

~~11/15/2021~~
DATED: 11/7/2022

BY: 
ADESA Minneapolis Signature



STAFF REPORT NO. 179
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Nellie Jerome, Planner I

DEPARTMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director
12/2/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/6/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider a resolution accepting donations to the Affordable Housing Trust Fund.

EXECUTIVE SUMMARY:

The City created an Affordable Housing Trust Fund in 2020 to construct, preserve and rehabilitate affordable housing in the community. Over the past year, donations totaling \$32 have been collected in exchange for Just Deeds lawn signs.

Just Deeds is an ongoing project to bring awareness to historic racial discrimination in housing. Yard signs are given freely to property owners who have participated in the Just Deeds program and non-participants who are interested in a yard sign have been asked for a suggested donation of \$10 to the Affordable Housing Trust Fund for each yard sign.

RECOMMENDED ACTION:

By motion: Adopt a resolution accepting \$32 in donations for the Affordable Housing Trust Fund for affordable homeownership activities.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The City Council created the Trust Fund in May of 2020 as a tool that allows the City to create, preserve, and rehabilitate affordable housing.

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

None.

C. CRITICAL TIMING ISSUES:

Donations collected in 2022 are included in this resolution.

D. FINANCIAL IMPACT:

A total of \$32 will be added into the Affordable Housing Trust Fund.

E. LEGAL CONSIDERATION:

State Statute allows Affordable Housing Trust Fund money to be spent on down payment

assistance and other affordable homeownership activities.

ALTERNATIVE RECOMMENDATION(S):

None.

PRINCIPAL PARTIES EXPECTED AT MEETING:

NA

ATTACHMENTS:

Description	Type
□ Resolution	Resolution Letter

CITY COUNCIL RESOLUTION NO.

**RESOLUTION ACCEPTING DONATIONS TO
THE AFFORDABLE HOUSING TRUST FUND**

WHEREAS, The City of Richfield created an Affordable Housing Trust Fund, pursuant to Minnesota Statutes Section 462C.16, on May 26, 2020, to promote the development of new affordable housing within the City, to promote the development and preservation of existing affordable housing in the community, and to support individuals with rental and down payment assistance; and

WHEREAS, City staff has been directed to participate in the work of the Just Deeds Coalition to educate the community about racially restrictive covenants in housing and other historically discriminatory practices; to identify contemporary discriminatory systems, policies, and practices; and to take action to dismantle racist systems, practices, and policies in the City of Richfield to create equity for all; and

WHEREAS, the City has made lawn signs available for residents to show their support for discharging racially restrictive covenants, which are given away to participants of the Just Deeds program and which are also made available for the public for a suggested donation of \$10 each.

NOW, THEREFORE, BE IT RESOLVED

1. The City Council hereby accepts the \$32 in donation proceeds to the City's Affordable Housing Trust Fund for affordable homeownership opportunities.
2. The City shall deposit such funds into the Affordable Housing Trust Fund to be used for affordable housing purposes.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk



STAFF REPORT NO. 180
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Scott Kulzer, Administrative Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
12/6/2022

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/6/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider the approval of resolutions of support for Public Works' Active Transportation grant applications to MnDOT for the installation of a sidewalk on 73rd St and construction of intersection improvements at the 66th St/Richfield Parkway roundabout.

EXECUTIVE SUMMARY:

Active Transportation Program

The Minnesota Legislature established the Active Transportation program in 2018, which is administered by MnDOT. The program aims to increase the number of people walking and biking by providing planning and infrastructure grants. Active Transportation funding can be used for construction costs and does not require any local match. Local agencies are required to pay for engineering and construction administration costs related to the grant projects. Grant requests must be between \$50,000 and \$500,000 and applications are due by December 30, 2022. The Minnesota Legislature appropriated a total of \$3.5 million for infrastructure projects across the state.

Richfield Active Transportation Grant Applications

- **73rd St Sidewalk:** The City of Richfield is requesting \$210,000 in Active Transportation infrastructure grant dollars to construct a sidewalk on the north side of 73rd St from Lyndale Ave to Humboldt Ave/35W. The total estimated project cost is \$245,000 of which \$210,000 is for construction and \$35,000 is for administration and engineering.
- **66th St/Richfield Parkway Intersection Improvements:** The City of Richfield is requesting \$255,000 in Active Transportation infrastructure grant dollars to construct intersection improvements including pedestrian crossing beacons at the 66th St/Richfield Parkway roundabout. The total estimated project cost is \$300,000 of which \$255,000 is for construction and \$45,000 is for administration and engineering.

RECOMMENDED ACTION:

By Motion: Approve the resolutions of support for Public Works' Active Transportation grant applications to MnDOT for the installation of a sidewalk on 73rd St and construction of intersection improvements at the 66th St/Richfield Parkway roundabout.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

73rd St Sidewalk

The proposed project will fill a gap in the pedestrian and bicycle network and connect to an existing pedestrian bridge over 35W. This project has been identified as a community need in past citywide planning efforts, including the City of Richfield's Pedestrian Master Plan and Bicycle Master Plan. Closing the 73rd St pedestrian and bicycle gap will increase the safety and improve the experience of students traveling to and from the Richfield Middle School and Richfield High School. Today, 10% (Middle School) and 12% (High School) of students from the schools live within the walk zone of their school and on average, 13% (Middle School) and 14% (High School) of those students respectively walk or bike to school.

The proposed project will also help improve pedestrian and bicycle connections between neighborhoods, parks (e.g., Woodlake Nature Center, Augsburg Park, and Donaldson Park), and other key destinations (e.g., Augsburg Library, religious institutions, jobs, shops, and services). Neighborhoods on each side of 35W are diverse. For example, 32% of residents within a half-mile of the project are Black and Indigenous People of Color (9% are Black and 13% are Latino) and 21% of residents are younger than 17. Furthermore, 19% of residents are within 185% of the Federal poverty line, and south of 73rd St, 10.6% of residents don't have a vehicle.

Overall, adding a pedestrian facility to 73rd St will increase accessibility for people. It is also an opportunity to increase the "findability" of the pedestrian crossing over I-35W.

66th St/Richfield Parkway Intersection Improvements

The proposed improvements include Rectangular Rapid Flashing Beacons (RRFBs) at all legs of the roundabout and upgrades to the pedestrian refuges and approaches to meet ADA guidelines on the north, east, and south legs. According to the MnDOT Traffic Control Signal Design Manual, RRFBs can enhance safety by reducing crashes between vehicles and pedestrians at unsignalized intersections by increasing driver awareness of potential pedestrian conflicts. RRFBs have been installed throughout the community including at the 66th St roundabouts at Portland Ave, Nicollet Ave, and Lyndale Ave.

The 66th St and Richfield Parkway intersection has experienced three pedestrian or bicyclist crashes since the development of the City's Pedestrian Master Plan in 2018. One involved a driver failing to yield to a bicyclist already in the roundabout. The other two crashes involved drivers failing to yield to people attempting to cross at the marked crosswalks. City staff has received multiple requests for improvements from pedestrians and bicyclists.

Overall, the proposed improvements should help increase the yielding rate of drivers, providing a safer environment for people to cross at the intersection. It will also enhance and improve a vital crossing for the Nokomis-Minnesota River Regional Trail and connections to community destinations (e.g., church, multifamily housing, a pre-COVID high frequency bus route, and many commercial areas) from a public health perspective.

Hennepin County supports this funding application and agrees to operate and maintain the new roadway infrastructure along 66th St (CSAH 53) for the useful life of improvements.

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

These Active Transportation program grant applications are consistent with the City's:

- Pedestrian Master Plan
- Bicycle Master Plan
- Safe Routes to School Comprehensive Plan
- Strategic Priorities 3a & 3b:
 - City infrastructure supports the needs of the community
 - Sustainable infrastructure financing

C. CRITICAL TIMING ISSUES:

Active Transportation program grant applications are due by December 30, 2022.

D. FINANCIAL IMPACT:

- Active Transportation funding can be used for construction costs and does not require any local

match.

- Local agencies are required to pay for engineering and construction administration costs related to the grant projects:
 - \$35,000 anticipated City cost for the 73rd St Sidewalk project to be paid with Franchise Fees. The total estimated project cost is \$245,000.
 - \$45,000 anticipated City cost for the 66th St/Richfield Parkway intersection improvements to be paid with Franchise Fees. The total estimated project cost is \$300,000.

E. LEGAL CONSIDERATION:

None

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
▣ AT 73rd St Resolution	Resolution Letter
▣ AT RRFB Resolution	Resolution Letter
▣ 73rd Sidewalk Map	Exhibit
▣ RRFB Map	Exhibit

RESOLUTION NO.

**RESOLUTION OF SUPPORT FOR THE
73RD ST ACTIVE TRANSPORTATION
GRANT APPLICATION**

WHEREAS, The Minnesota Legislature established the Active Transportation program in 2018 which is administered by MnDOT; and

WHEREAS, The program aims to increase the number of people walking and biking by providing planning and infrastructure grants; and

WHEREAS, Active Transportation infrastructure funding is for construction costs and does not require a local match, however, the City will be required to pay administration and engineering expenses; and

WHEREAS, Grant requests must be between \$50,000 and \$500,000 and are due by December 30, 2022; and

WHEREAS, there is a pedestrian and bicycle gap on 73rd St from I-35W to Lyndale Ave; and

WHEREAS, Richfield Middle School and Richfield High school are both within a half mile of the project corridor; and

WHEREAS, the gap on 73rd St was identified in the 2012 Bicycle Master Plan and the 2018 Pedestrian Master Plan; and

WHEREAS, closing the 73rd St pedestrian and bicycle gap will increase the safety and improve the experience of students traveling to and from schools and community members traveling in their neighborhood; and

WHEREAS, if the above project is selected for funding in the amount of \$210,000, construction is tentatively scheduled for 2024; and

WHEREAS, the City of Richfield invests in infrastructure to best serve today's and tomorrow's residents, businesses, and visitors; and

WHEREAS, the City of Richfield ensures that City services are accessible to people of all races, ethnicities, incomes, and abilities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Richfield supports Public Works' 2022 Active Transportation application for 73rd St sidewalk improvements.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

**RESOLUTION OF SUPPORT FOR THE
66TH STREET AND RICHFIELD PARKWAY
INTERSECTION IMPROVEMENTS ACTIVE
TRANSPORTATION GRANT APPLICATION**

WHEREAS, The Minnesota legislature established the Active Transportation program in 2018 which is administered by MnDOT; and

WHEREAS, The program aims to increase the number of people walking and biking by providing planning and infrastructure grants; and

WHEREAS, Active Transportation infrastructure funding is for construction costs and does not require a local match, however, the City will be required to pay administration and engineering expenses; and

WHEREAS, Grant requests must be between \$50,000 and \$500,000 and are due by December 30, 2022; and

WHEREAS, Public Works is looking to upgrade the pedestrian crossings at the 66th Street (CSAH 53) and Richfield Parkway intersection that operates as a roundabout; and

WHEREAS, The proposed improvements will include Rectangular Rapid Flashing Beacons (RRFB) at all legs of the roundabout, and upgrades to the pedestrian refuges and approaches to meet ADA guidelines on the north, east, and south legs; and

WHEREAS, RRFBs will provide high visibility to motorists approaching pedestrian crosswalks at the roundabout; and

WHEREAS, RRFBs will help enhance safety by reducing crashes between vehicles and pedestrians at the roundabout; and

WHEREAS, Hennepin County supports this funding application and agrees to operate and maintain the new roadway infrastructure along CSAH 53 for the useful life of the improvements; and

WHEREAS, if the above project is selected for funding in the amount of \$255,000, construction is tentatively scheduled for 2024; and

WHEREAS, the City of Richfield invests in infrastructure to best serve today's and tomorrow's residents, businesses, and visitors; and

WHEREAS, the City of Richfield ensures that City services are accessible to people of all races, ethnicities, incomes, and abilities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Richfield supports Public Works' 2022 Active Transportation application for 66th St. and Richfield Parkway intersection improvements.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December, 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

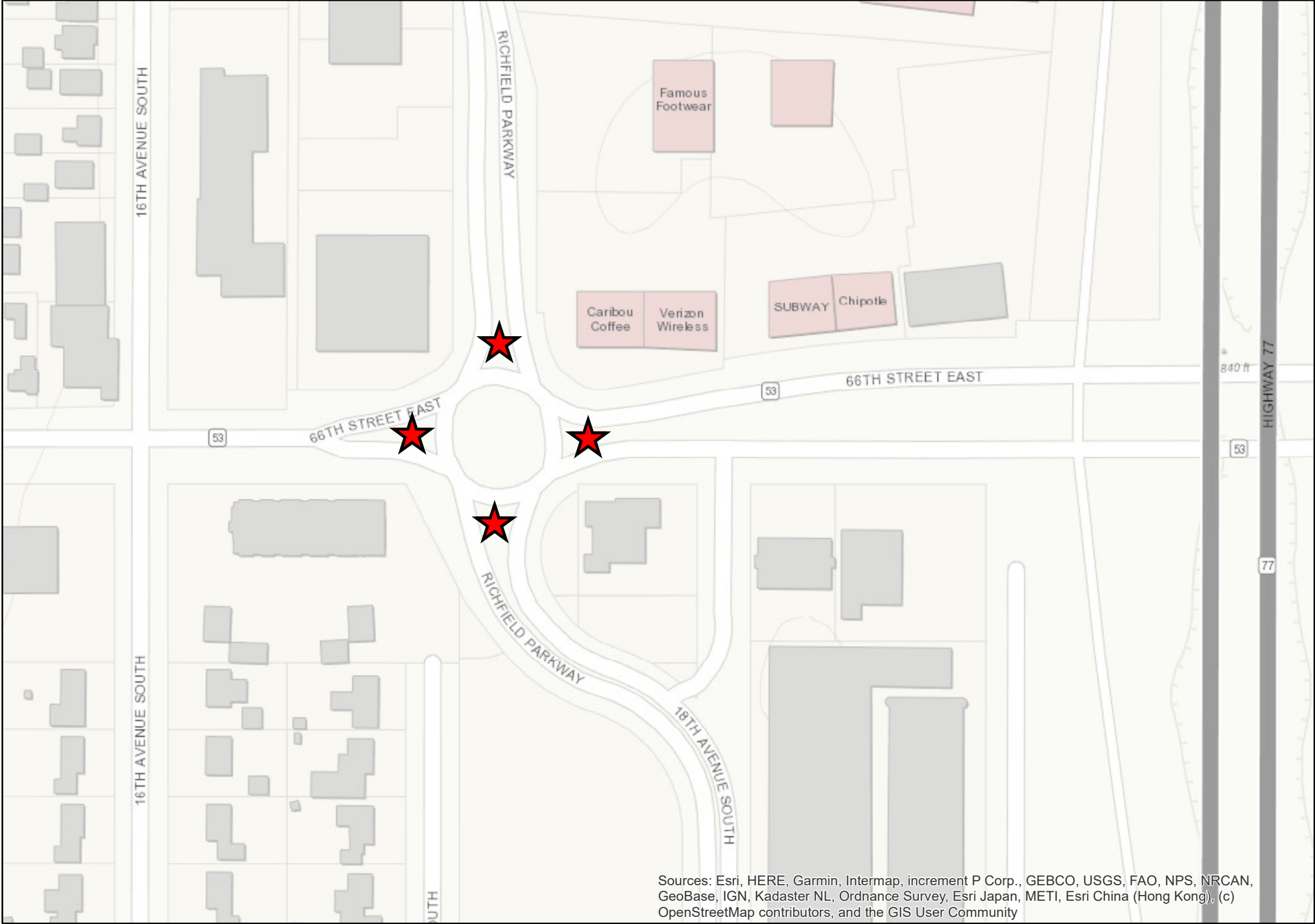
Kari Sinning, City Clerk

AT Grant: 73rd Street Sidewalk—Humboldt/35W to Lyndale Ave



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

AT Grant: 66th St/Richfield Parkway RRFBs



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



STAFF REPORT NO. 181
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Jay Henthorne, Public Safety Director/Chief of Police

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
12/6/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/6/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider the adoption of a resolution to accept a grant of \$2,395.90 from the Office of Justice Programs for bullet proof vests.

EXECUTIVE SUMMARY:

The U.S Department of Justice, Office of Justice Programs, through their Bulletproof Vest Partnership/Body Armor Safety Initiative (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998, is designed to provide a critical resource to state and local law enforcement. The Richfield Department of Public Safety has participated in this grant since 2003. This grant allows the department to continually replace bulletproof vests that are out of warranty coverage.

RECOMMENDED ACTION:

By motion: Adopt a resolution accepting the grant of \$2,395.90 from the Office of Justice Programs for bullet proof vests.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Since 1999, the BVP program has awarded more than 13,000 jurisdictions a total of \$522 million for the purchase of over one million vests (1,395,976 as of February 2020).
- Based on data collected and recorded by BJA staff, following 2 years of decline in law enforcement officer line-of-duty deaths, the country realized a dramatic 37% increase in officer deaths in 2010. Fifty-nine (59) of the 160 officers killed in 2010 were shot during violent encounters: a 20% increase over 2009 numbers.
- BVP funds cover 50% of the cost of an individual vest.

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

- Minnesota Statute 465.03 requires that every acceptance of a grant of devise of real or personal property on terms prescribed by the donor be made by resolution of more than two-thirds majority of the City Council.
- The Administrative Services Department issued a memo on November 9, 2004, requiring that all grants and restricted donations to departments be received by resolution and passed by more than two-thirds majority of the City Council in accordance with Minnesota Statute 465.03.

C. **CRITICAL TIMING ISSUES:**

The Bulletproof Vest Partnership requires that the vests are ordered on or after April 1, 2022. The deadline to request payments from the FY 2022 award funds is August 31, 2024, or until all available FY 2022 funds have been exhausted.

D. **FINANCIAL IMPACT:**

The amount of the grant is \$2,395.90.

E. **LEGAL CONSIDERATION:**

There are no legal considerations.

ALTERNATIVE RECOMMENDATION(S):

Council could deny the resolution to accept the grant from the Department of Justice, Office of Justice Programs; however, the contributions would help defray the costs of replacing the bulletproof vests for the Department of Public Safety.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
D Resolution	Resolution Letter

RESOLUTION NO.

RESOLUTION APPROVING THE GRANT WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS AND RICHFIELD POLICE FOR BULLETPROOF VESTS

WHEREAS, following two years of declining law enforcement officer line-of-duty deaths, the country realized a dramatic 37 percent increase in officer deaths in 2010. Fifty-nine of the 160 officers killed in 2010 were shot during violent encounters; a 20 percent increase over 2009 numbers; and,

WHEREAS, the U.S. Department of Justice is committed to improving officer safety and has undertaken research to review and analyze violent encounters and law enforcement officer deaths and injuries; and,

WHEREAS, the Bulletproof Vest Partnership (BVP) was created by the Bulletproof Vest Partnership Grant Act of 1998 and is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement; and,

WHEREAS, the Richfield Department of Public Safety has been informed that a grant has been awarded to the department by the U.S. Department of Justice, Office of Justice Programs under their Bulletproof Vest Partnership (BVP) program, for \$2,395.90 for the purchase of ballistic vests; and,

WHEREAS, the BVP grant is under the Fiscal Year 2022 BVP awards, allowing purchases beginning on or after April 1, 2022 until August 31, 2024, or until all available 2022 award funds have been requested.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota, that the Public Safety Department and the Deputy Director of Public Safety will enter into an agreement to receive grant money for Richfield's bulletproof vest expenditures as outlined in the agreement.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk



STAFF REPORT NO. 182
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Melissa Poehlman, Community Development Director

DEPARTMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director
12/2/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/6/2022

ITEM FOR COUNCIL CONSIDERATION:

Public hearing to consider a resolution adopting a Spending Plan for unobligated tax increment.

EXECUTIVE SUMMARY:

In 2022, the Housing and Redevelopment Authority (HRA) approved the preparation of a Tax Increment Management Review & Analysis report by HRA financial consultant Ehlers. This analysis identified a significant amount of pooled tax increment that is available to invest in the community in the next few years. There are three separate statutory authorities under which the money can be spent; all with different timelines and authorized uses. These options are described in the Policies Section below. A preliminary plan to maximize the effectiveness of these monies was introduced to the HRA on September 19 and presented jointly to the City Council and HRA at a work session on October 17.

As previously presented, staff is recommending the adoption of a Spending Plan (Plan) for up to \$6,346,000 in unobligated tax increment from the Lyndale Gateway / Interchange West, Urban Village, and City Bella Tax Increment Financing (TIF) Districts. Per 2021 legislative authority, this Plan would allow unobligated tax increment to be spent on projects that spur development and create or retain jobs (including construction jobs). Available increment may be used to provide improvements, loans, interest rate subsidies, or assistance in any form to private development consisting of the construction or substantial rehabilitation of buildings and ancillary facilities, which will create or retain jobs in the state. The attached Plan stipulates that preference for financing assistance shall be based on goals identified by the Comprehensive Plan and the following priorities identified by the City's Strategic Plan:

- A vibrant downtown that includes both new housing and business;
- Increased tax base through redevelopment that advances the Comprehensive Plan;
- Maintaining Richfield as an affordable place to live; and
- Climate resilience through the support of projects that advance the Climate Action Plan and sustainability goals.

The attached Plan was adopted by the HRA on November 21 and must also be adopted by the City Council. The Plan does not approve any specific project, but rather makes these funds available to

spend on projects that will be individually considered by the HRA when identified.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Approve the attached resolution and Spending Plan for unobligated tax increment.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- On September 19, 2002, Senior Municipal Advisor Rebecca Kurtz presented the Tax Increment Management Review & Analysis to the HRA. Approximately \$10 million in pooled tax increment was identified and a preliminary recommendation for the allocation of these funds was introduced.
- On October 11, 2022, staff discussed opportunities to spend this pooled increment with the HRA and City Council.
- The attached Spending Plan and a similar resolution were approved by the HRA on November 21.

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

- Minnesota State Statute 469.1763 Subd. 2(a) allows the HRA to retain a maximum of 25% of its annual tax increment from its redevelopment TIF Districts and use it for other redevelopment activities outside of the District's boundaries. This 25% maximum includes the amount retained for administration.
- In 2021 the City obtained special legislation allowing the City and HRA to transfer 10% of increment pooled for housing to an affordable housing trust fund. In May of 2022, policymakers modified the TIF plans of the Lyndale Gateway / Interchange West, Urban Village, and City Bella TIF Districts to allow for this transfer.
- In 2021 the State Legislature provided temporary authority to use unobligated TIF from existing TIF Districts to help stimulate private development that would not otherwise occur without assistance prior to December 31, 2025.

C. CRITICAL TIMING ISSUES:

- Authority granted by the temporary legislation expires December 31, 2025. Only increment that is not obligated as of December 31, 2022 (or within the following six months) may be spent. A Spending Plan for money to be used under this authority must be adopted by December 31, 2022.
- If there is money that is not spent prior to December 31, 2025, these funds could be transferred to the Affordable Housing Trust Fund or spent under regular pooling rules per Statute.
- Special legislation allows the transfer of pooled TIF to the Affordable Housing Trust Fund (AHTF) through December 31, 2026. There is no deadline to spend monies once in the AHTF.
- Regular pooling must be spent prior to the decertification of the TIF District from which it is generated. The TIF Districts in question expire in 2025 (Lyndale Gateway / Interchange West & Urban Village) and 2030 (City Bella).

D. FINANCIAL IMPACT:

- Approximately \$10 million in pooled increment is anticipated over the next 8 years.
- Some of these money have been committed to current projects (e.g. Enclave, Woodlawn Terrace).

E. LEGAL CONSIDERATION:

The attached resolution was prepared by the HRA Attorney.

ALTERNATIVE RECOMMENDATION(S):

Do not approve the attached Spending Plan and resolution.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description

Type

- ▣ Resolution
- ▣ Spending Plan
- ▣ 101622 Work Session Presentation

Resolution Letter
Contract/Agreement
Presentation

CITY OF RICHFIELD, MINNESOTA

RESOLUTION NO. _____

**APPROVING A SPENDING PLAN FOR CERTAIN TAX INCREMENT
FINANCING DISTRICTS LOCATED IN THE CITY OF RICHFIELD**

WHEREAS, the City of Richfield, Minnesota (the “City”) and the Housing and Redevelopment Authority in and for the City of Richfield, Minnesota (the “Authority”) have previously established the following tax increment financing districts located within the Richfield Redevelopment Project in the City and adopted tax increment financing plans therefor, pursuant to Minnesota Statutes, Sections 469.001 through 469.047, as amended, and Minnesota Statutes, Sections 469.174 through 469.1794, as amended (the “TIF Act”): the Interchange West and Lyndale Gateway Tax Increment Financing District, the Urban Village Tax Increment Financing District, and the City Bella Tax Increment Financing District (collectively, the “TIF Districts”); and

WHEREAS, Section 469.176, subdivision 4n of the TIF Act (the “Temporary TIF Authority Act”) authorizes the Authority to spend available tax increment from any existing tax increment financing district, notwithstanding any other law to the contrary, to provide improvements, loans, interest rate subsidies, or assistance in any form to private development consisting of construction or substantial rehabilitation of buildings and ancillary facilities, if the following conditions exist:

- (1) Such assistance will create or retain jobs in the State of Minnesota, including construction jobs;
- (2) Construction commences before December 31, 2025;
- (3) The construction would not have commenced before the dates specified above without the assistance;
- (4) Tax increments under the spending plan are spent by December 31, 2025;
and
- (5) The City Council of the City approves a written spending plan (after a duly noticed public hearing) that specifically authorizes the Authority to take such actions; and

WHEREAS, the Authority has proposed to apply available tax increments from the TIF Districts for various uses in accordance with the Temporary TIF Authority Act, and to that end has caused to be prepared a spending plan for the TIF Districts (the “Spending Plan”); and

WHEREAS, the assistance authorized under the Spending Plan expressly includes but is not limited to assistance for private development that provides for job creation or development of housing, including but not limited to market rate and affordable multifamily, townhomes, and single-family units; and

WHEREAS, on the date hereof, the City Council conducted a public hearing regarding the Spending Plan, for which notice was published in a newspaper of general circulation in the City and on the City’s public website at least ten (10) days but not more than thirty (30) days

prior to the date of the public hearing, in accordance with the Temporary TIF Authority Act, and at which public hearing all persons were given the opportunity to be heard; and

WHEREAS, at its meeting on November 21, 2022, the Board of Commissioners of the Authority adopted a resolution approving the Spending Plan; and

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

1. The Spending Plan is hereby approved in substantially the form on file in City Hall.
2. The City makes all the findings set forth in the Spending Plan, which are incorporated herein by reference.
3. Authority staff and consultants are hereby authorized to take actions necessary to carry out the terms of the Spending Plan.

Adopted by the City Council of the City of Richfield, Minnesota, this 13th day of December, 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

RC125-392 (JAE)
838635v1

HRA Consideration: November 21, 2022
City Public Hearing: December 13, 2022



Richfield Housing and Redevelopment Authority

**City of Richfield,
Hennepin County, Minnesota**

Spending Plan

Lyndale Gateway / Interchange West TIF District

Urban Village TIF District

City Bella TIF District



Prepared by:

Ehlers
3060 Centre Pointe Drive
Roseville, Minnesota 55113

BUILDING COMMUNITIES. IT'S WHAT WE DO.

Spending Plan for Lyndale Gateway / Interchange West, Urban Village and City Bella Tax Increment Financing Districts

PURPOSE

The Richfield Housing and Redevelopment Authority (the “Authority”) administers the Tax Increment Financing Districts listed above (the “TIF Districts”) in the City of Richfield, Minnesota (the “City”), and proposes to adopt a Spending Plan for the TIF Districts in accordance with Minnesota Statutes, Section 469.176 Subd. 4n (the “Act”).

The purpose of the Spending Plan is to develop or redevelop sites, lands or areas within the City in conformity with the City’s Comprehensive Plan or other City plans or objectives by using available tax increments from the TIF Districts to provide improvements, loans, interest rate subsidies, or assistance in any form to private development consisting of the construction or substantial rehabilitation of buildings and ancillary facilities, which will create or retain jobs in this state, including construction jobs.

UNOBLIGATED TIF FUNDS

The HRA has identified a total of \$6,346,000 in unobligated funds on hand within the TIF Districts (“Unobligated Tax Increments”):

- \$771,000 of unobligated funds of the Urban Village Tax Increment Financing District;
- \$5,121,000 of unobligated funds of the Lyndale Gateway / Interchange West Tax Increment Financing District; and
- \$454,000 of unobligated funds of the City Bella Tax Increment Financing District.

PLAN

The Authority is authorized as follows:

- (a) To use Unobligated Tax Increments from the TIF Districts to provide improvements, loans, interest rate subsidies, or assistance in any form to private development consisting of the construction or substantial rehabilitation of buildings and ancillary facilities (the "Projects") in financing assistance to further the goals in the City’s Comprehensive Plan or other City plans or objectives, if doing so will create or retain jobs in the state, including construction jobs.

Preference for financing assistance shall be based on the City of Richfield Strategic Plan FY 2023-2026, adopted in July 2022. These priorities include: (1) a vibrant downtown that includes both new housing and business; (2) increased tax base through redevelopment that advances the Comprehensive Plan; (3) maintaining Richfield as an affordable place to live; (4) climate resilience through the support of projects that advance the Climate Action Plan and sustainability

goals; and (5) additional goals as identified by the Comprehensive Plan or other City plans or objectives.

The Projects shall commence before December 31, 2025 (unless a later commencement date is authorized by law) and shall constitute Projects that would not commence by such date without the assistance provided pursuant to this Spending Plan.

(b) To amend the budget set forth in the Tax Increment Financing Plans for the TIF Districts as necessary to provide for the assistance authorized by this Spending Plan.

(c) To take any other action necessary and authorized under the Act in connection with the construction or substantial rehabilitation of facilities of the type described in clause (a) above.

The assistance provided pursuant to this Plan shall be subject to Minnesota Statutes, Sections 116J.993 to 116J.995 (the "Business Subsidy Law"), if applicable, and shall be subject to the City's Business Subsidy Policy.

ADOPTED: December 13, 2022

ATTEST:

Mayer

City Clerk



Pooled Tax Increment



Why we're here

- Ehlers TIF Management Plan complete
- Significant pooled increment to spend
- Three tools - various limitations, timelines, requirements
- Proposed next steps

TIF Management Plan

- Detailed analysis
- Obligations will be met
- Impact on market value +400%
- Approx. \$10 million in pooled TIF

3 Pooling Options

- Special Legislation – Limited uses, longest timeline.
- Temporary Legislation – Most flexible, shortest timeline.
- Regular Pooling – Limited uses, medium-term timeline.

Details

	Temporary Leg.	Special Leg.	Regular Pooling
Alt. Name	Spending Plan	Affordable Housing Trust Fund (AHTF)	Housing & Redevelopment Fund + Admin.
Timing	'22 Adopt Plan '25 Spend	'26 Transfer to Fund No deadline to spend	Spend prior to decertification of contributing district
\$ Limit	No limit	10%	25% (incl. 10% Admin.)
Uses	Spur development & create/retain jobs	Development/rehab of affordable housing. Matching funds.	Acquisition, demo, site improvements, infrastructure, structured parking – blighted sites

Next steps

- Transfer \$750,000 to AHTF
- Adopt Spending Plan (Temporary Legislation) for up to \$6.4 million by December 31, 2022
- Craft AHTF and Spending Plan guidelines to articulate priorities

Spending Plan

- Based on Strategic Plan
 - Vibrant downtown
 - Increased tax base
 - Maintain affordability
 - Climate resilience
 - Add'l goals of Comp Plan or other city plans

AHTF Priorities

- Further the goals of the Inclusionary Housing Policy (IHP):
 - Larger bedroom sizes
 - Deeper affordability
 - Accessibility
- Plus:
 - Leverage other funds
 - Energy-efficiency
 - Housing with supportive services
 - Housing with resident subsidies
- Projects going above and beyond the IHP and Housing TIF District requirements.

Requested Feedback

- Does proposal for pooled money make sense?
- Discuss draft AHTF and Spending Plan guidelines.



STAFF REPORT NO. 183
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
12/7/2022

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/7/2022

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consider to approve the renewal of 2023 Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc., 7529 Lyndale Avenue South.

EXECUTIVE SUMMARY:

On November 3, 2022, the City received the application materials for the renewal of Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc., 7529 Lyndale Avenue South. All required information and documents have been provided. All licensing fees have been received.

The Public Safety Director has reviewed the background information and attached documents and approves of its contents and sees no basis for denial.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve the renewal of 2023 Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc., 7529 Lyndale Avenue South.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

On November 3, 2022, the City received the application and other required documents for Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc.

The applicant has satisfied the following requirements for issuance of a license:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- The \$5,000 bond has been submitted.
- Environmental Health staff has received no complaints regarding Metro Pawn & Gun in the previous year.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. The Public Safety Director has reviewed the information in the background investigation report. There is no information in the investigation that shows any cause for

recommending denial of the requested licenses.

The Pawnbroker and Secondhand Goods Dealer licenses will expire on December 31, 2022.

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

Richfield City Code Sections 1186 and 1187 require owners of Pawnbroker and Secondhand Goods Dealer establishments to comply with all of the provisions of both City Code and State Statutes.

C. CRITICAL TIMING ISSUES:

There are no additional critical timing issues.

D. FINANCIAL IMPACT:

The required licensing fees have been received.

E. LEGAL CONSIDERATION:

There are no additional legal issues.

ALTERNATIVE RECOMMENDATION(S):

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain Pawnbroker and Secondhand Goods Dealer licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Metro Pawn & Gun, Inc. representative.

ATTACHMENTS:

Description	Type
▢ Metro Pawn & Gun background summary	Cover Memo



SUMMARY OF BACKGROUND INVESTIGATION REPORT FOR METRO PAWN & GUN, INC.



Officers:

Mark Nichols - Owner

Elizabeth Nichols - Owner

Criminal History:

The following criminal histories reflect the previous and current year.

Mark Nichols has no known criminal record. Elizabeth Nichols has no known criminal record. John Kunst, who serves as the General Manager, has no known criminal record.

Premises:

Lynrich Properties, LLC is the owner of the property. All payments are current.

Record of Service Calls:

There were 28 Public Safety/Police contacts with Metro Pawn & Gun, Inc. from October 2021 through September 2022. This compares with 12 contacts for the previous year. A breakdown of these contacts is attached to this report.

Routine Information:

The owner of the business continues to act in a cooperative manner with the Public Safety Department on the recovery of stolen articles.

The Notice of Public Hearing was published in the Richfield Sun Current on December 29, 2022.

Metro Pawn & Gun, Inc.

Directors and Officers

Mark Nichols	Owner
Elizabeth Nichols	Owner

PUBLIC SAFETY CONTACTS

October 2021 through September 2022

Metro Pawn & Gun, Inc.

	<u>2021</u>	<u>2022</u>
<u>TOTAL CONTACTS</u>	12	28
<u>CRIMINAL CONTACTS</u>	5	3
Incidents (see bottom of page for specifics)	(3)	(2)
Alarm	(2)	(0)
Traffic	(0)	(1)
<u>MISC. NON-CRIMINAL</u>	7	25
Assists	(7)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)
Miscellaneous	(0)	(25)

The criminal contacts from October 2021 through September 2022 were: 1 disturbance, 1 traffic violation, and 1 customer trouble.



STAFF REPORT NO. 184
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Julie Urban, Assistant Community Development Director

DEPARTMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director
12/6/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/6/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider a resolution accepting the transfer of funds from the Lyndale Gateway / Interchange West, Urban Village, and City Bella Tax Increment Financing Districts to the Affordable Housing Trust Fund and consideration of priorities for the use of Trust Fund resources for affordable housing developments.

EXECUTIVE SUMMARY:

The City created the Affordable Housing Trust Fund (Trust Fund) in 2020 to construct, preserve, and rehabilitate affordable housing in the community. Since its creation, staff have been seeking revenue sources for the Trust Fund. In 2021, the State Legislature passed special legislation that allows the Housing and Redevelopment Authority (HRA) to transfer pooled tax increment collected for housing purposes to the City's Trust Fund. The Tax Increment Financing Management Plan (TIF Plan) prepared for the HRA by the HRA's financial consultants identified pooled Tax Increment Financing (TIF) available in three TIF Districts as eligible to be transferred to the Trust Fund under the special legislation. These three Districts are Lyndale Gateway / Interchange West, Urban Village, and City Bella. The HRA has designated \$250,000 from each of these Districts for transfer to the Trust Fund.

The special legislation allows these funds to be used to make grants, loans, and loan guarantees for the development, rehabilitation or financing of housing. The 2023 Trust Fund budget commits \$200,000 of the funds to Richfield Flats, an affordable apartment development proposed to be built at 7700 Pillsbury Avenue South. Additional funds can be budgeted in future years for activities such as single-family acquisition/rehabilitation through the land trust or other affordable apartment developments.

In deciding whether or not to provide funding to affordable apartment developments, the HRA will consider the following priorities for the Trust Fund:

- Housing with three and four bedroom units;
- Housing with units affordable at 30% of the Area Median Income;
- Housing with accessible units;
- Housing with supportive services;
- Housing with resident rental subsidies; and/or
- The preservation and rehabilitation of naturally occurring affordable housing (NOAH);
- Projects that also improve energy-efficiency and/or use Trust Fund money to leverage other funding will be strongly considered.

Trust Fund awards will only be made to projects that exceed the minimum requirements of the City's Inclusionary Housing Policy or the statutory requirements for a Housing TIF District.

RECOMMENDED ACTION:

By motion:

1. Adopt a resolution accepting the transfer of \$750,000 from the Lyndale Gateway / Interchange West, Urban Village and City Bella Tax Increment Financing Districts to the Affordable Housing Trust Fund.
2. Adopt priorities for the use of Trust Fund resources when assisting affordable housing developments.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The City Council created the Trust Fund in May of 2020. The Trust Fund is a tool that allows the City to create, preserve, and rehabilitate affordable housing.
- Since the Trust Fund's creation, staff have been exploring various revenue sources. Special legislation was approved by the State Legislature in June of 2021 that allows the HRA to transfer pooled tax increment collected for housing purposes into the Trust Fund for the development of affordable housing.
- In May of 2022, the City Council and HRA authorized the collection of 10% of TIF to be pooled for affordable housing purposes. Those pooled funds may be transferred to the Trust Fund.
- In September of 2022, Ehler's, the City's financial consultants, presented the TIF Management Plan to the HRA, which included several recommendations for using the HRA's available pooled TIF. One of those recommendations was to transfer funds to the Trust Fund under the authorization of the special legislation.
- A joint HRA and City Council work session was held on October 17, reviewing the TIF Plan and discussing the transfer of funds to the Trust Fund.

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

- The City's Trust Fund provides resources to construct, preserve, and rehabilitate affordable housing in the community.
- A copy of the priorities for use of the Trust Fund to fund affordable housing developments, in the form that will be shared with developers, is attached to the staff report.

C. CRITICAL TIMING ISSUES:

- The special legislation allows transfers of the HRA's pooled TIF through December 31, 2026.
- If awarded federal tax credits, the \$200,000 committed to Richfield Flats will be needed at the start of construction in 2023.

D. FINANCIAL IMPACT:

\$250,000 is available in each of the three TIF Districts for transfer to the Trust Fund.

E. LEGAL CONSIDERATION:

- Individual funds will be established within the Trust Fund to track revenues and expenditures easily to meet the statutory reporting requirements relating to TIF.
- Special legislation allows pooled TIF transferred to the Trust Fund to be used to make grants, loans, and loan guarantees for the development, rehabilitation, or financing of housing. The funds cannot be used for rental or down payment assistance.

ALTERNATIVE RECOMMENDATION(S):

Decide not to accept the transfer of funds from the HRA.

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

	Description	Type
▣	Resolution	Resolution Letter
▣	Trust Fund Priorities	Backup Material

CITY OF RICHFIELD, MINNESOTA

RESOLUTION NO. _____

**ACCEPTING POOLED TAX INCREMENT FROM TAX INCREMENT
FINANCING DISTRICTS WITHIN THE CITY OF RICHFIELD FOR THE
AFFORDABLE HOUSING TRUST FUND**

WHEREAS, the Legislature of the State of Minnesota passed a special law authorizing the City of Richfield, Minnesota (the "City") or the Housing and Redevelopment Authority in and for the City of Richfield, Minnesota (the "Authority") to transfer tax increment accumulated for housing development purposes under Minnesota Statutes, Section 469.1763, subdivision 2(b) or (d) to the housing trust fund established by the City, all as provided in Laws of Minnesota 2021, First Special Session, Chapter 14, Article 9, Section 5 (the "Special Law"), in particular subdivision 1(b) thereof; and

WHEREAS, pursuant to the Special Law, the authority to make such transfers shall expire on December 31, 2026; and

WHEREAS, on November 21, 2022, the Board of Commissioners of the Authority adopted a resolution approving the transfer of pooled tax increment from the following tax increment financing districts within the Richfield Redevelopment Project (collectively, the "TIF Districts") to the City for purposes of funding the Affordable Housing Trust Fund:

(a) from the Interchange West and Lyndale Gateway Tax Increment Financing District, the amount of \$250,000;

(b) from the Urban Village Tax Increment Financing District, the amount of \$250,000;
and

(c) from the City Bella Tax Increment Financing District, the amount of \$250,000;
and

WHEREAS, the pooled tax increment transferred to the Affordable Housing Trust Fund may be returned to the appropriate Authority tax increment fund if the funds are not spent on or before December 31, 2026; and

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

1. The City hereby accepts the transfer of pooled tax increment from the TIF Districts as set forth herein.

2. The City shall deposit such transferred pooled tax increment into the Affordable Housing Trust Fund to be used for affordable housing purposes.

3. The tax increment transferred to the Affordable Housing Trust Fund must be accounted for separately and may be used only for the following purposes: making grants, loans, and loan guarantees for development, rehabilitation or financing of housing or providing matches for other federal, state, or private resources for housing projects.

4 This resolution is effective upon approval.

Adopted by the City Council of the City of Richfield, Minnesota, this 13th day of December, 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk



Richfield Affordable Housing Trust Fund Priorities and Procedures

The City of Richfield established an Affordable Housing Trust Fund in 2020 to preserve and create affordable housing opportunities for households with the lowest incomes. Funds are available through the City's Trust Fund on a rolling basis to assist developers in the construction and rehabilitation of affordable housing.

Priorities

Multi-family projects that address the following city priorities will be considered for funding:

- ♦ Housing with three and four bedroom units
- ♦ Housing with units affordable at 30% of the Area Median Income
- ♦ Housing with accessible units
- ♦ Housing with supportive services
- ♦ Housing with resident rental subsidies
- ♦ Preservation and rehabilitation of naturally occurring affordable housing (NOAH)

Projects that also improve energy-efficiency and/or use Trust Fund money to leverage other funding will be strongly considered.

❖ Trust Fund awards are made only to projects that *exceed* the minimum requirements of the City's Inclusionary Housing Policy and the statutory requirements for a Housing Tax Increment Financing (TIF) District, if applicable.

Forms of Assistance and Eligible Activities

Funding may be provided in the form of grants, loans, and/or loan guarantees for the development, rehabilitation or financing of housing and/or to serve as a match for other funds from federal, state, or private resources.

❖ Funds are *not* available for rental assistance.

Process

Projects seeking a Trust Fund award must submit an Application for Financial Assistance, or if also seeking TIF, complete the Trust Fund section on the TIF Application. A \$500 application fee is required at the time of the application submittal.

The Trust Fund is administered by the City's Housing and Redevelopment Authority (HRA). HRA staff, along with the City's financial consultants, will review the application for consistency with the City's priorities, viability of the project, demonstrated need for funding, and reasonableness of the request. There is no minimum or maximum award amount; however, the amount may be

limited by the amount of funds available. Projects will be required to cover the costs of the City's financial and legal consultants, as well as up to \$2,000 in staff costs.

Affordability Term

Projects receiving an award from the Trust Fund must agree to a minimum of 25 years of affordability.

Compliance

A Declaration of Restrictive Covenants will be filed against the property to ensure ongoing compliance. Applicants will be required to demonstrate that they have the capacity to conduct income compliance and collect and maintain appropriate documentation. A certificate of compliance must be submitted on an annual basis. Property managers who are unfamiliar with income compliance will be required to take appropriate training.

Section 8

During the period of affordability, Trust Fund award recipients shall not adopt any policies specifically prohibiting or excluding the renting of units to tenants holding rental vouchers or similar forms of rental assistance.

This policy is intended to set forth the general priorities and guidelines regarding the use of the Affordable Housing Trust Fund. The City Council and HRA may modify the terms at any time.

Questions: Contact Julie Urban, Assistant Community Development Director, at 612-861-9777 or jurban@richfieldmn.gov.



STAFF REPORT NO. 185
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Kumud Verma, Finance Manager

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/7/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider resolutions approving the 2022 Revised/2023 Proposed budget and tax levy and related resolutions.

EXECUTIVE SUMMARY:

On September 13, 2022, the City Council approved and certified a preliminary tax levy of \$26,784,573 which included a levy for general fund operations of \$21,236,477, a debt service levy of \$4,100,600, an equipment and technology levy of \$868,400, and an Economic Development Agency levy of \$579,096. Accordingly, the 2023 preliminary gross levy represents a 6.60% increase from the 2022 gross levy.

The final tax levy of \$26,784,573 must now be considered and approved by the City Council. Taxpayers have received individual parcel specific tax notices in anticipation of the truth-in-taxation hearing.

The City of Richfield has scheduled its 2022 truth-in-taxation hearing on December 13, 2022 at 6:00 p.m. At this meeting, there will be discussion around the proposed City budget and levy. Information will also be presented by staff regarding the proposed levy and budget.

Included for your consideration are salary increases for non-represented employee pay plans. The proposed increases are 3.00% increase for the Management and General Services, and the Specialized pay plans. The increases are effective the first full pay period of January 2023.

RECOMMENDED ACTION:

By Motion: Adopt the resolutions approving the 2022 Revised/2023 Proposed budget and tax levy and related resolutions.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

N/A

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

A revised 2022 budget and final 2023 budget and tax levy must be adopted on or before December 28, 2022.

Cities have ten working days after December 13 or no later than December 28 to prepare all the documentation necessary to certify a final levy to the County Auditor and State Department of Revenue.

A proposed 2023 tax levy has been submitted to the City Council for consideration.

Several related resolutions included within the total budget document need to be considered. These related resolutions are itemized in the attachment section of this staff report.

C. CRITICAL TIMING ISSUES:

N/A

D. FINANCIAL IMPACT:

The proposed gross tax levy for 2023 is \$26,784,573, which includes levies for general fund operations, debt service, the Richfield EDA, equipment and technology and a tax abatement levy. The gross tax levy for 2023 reflects a 6.60% increase from the previous year's gross levy.

The City's tax capacity rate is anticipated to decrease from 53.68% in 2022 to 50.563% in 2023.

A 3.00% wage increase for Management, General Services, and Specialized pay plan employees effective January 2023.

E. LEGAL CONSIDERATION:

A truth-in-taxation public hearing for the 2023 proposed budget and tax levy is scheduled for December 13, 2022 at 6:00p.m.

ALTERNATIVE RECOMMENDATION(S):

The City Council could adopt a final 2023 budget and tax levy in any amount, which does not exceed the levy of \$26,784,573.

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

Description	Type
▢ 2023 Levy Resolution	Resolution Letter
▢ Resolution Authorizing Budget Revisions	Resolution Letter
▢ Resolution Revising 2022 Budget of Various Depts	Resolution Letter
▢ 2023 CIB Budget	Resolution Letter
▢ 2024-2027 CIP Resolution	Resolution Letter
▢ 2023 On Call Rates Resolution	Resolution Letter
▢ 2023 Car Allowance Resolution	Resolution Letter
▢ 2023 Utility Rates Resolution	Resolution Letter
▢ 2023 Specialized Pay Plan Resolution	Resolution Letter
▢ 2023 General Services Pay Plan Resolution	Resolution Letter
▢ 2023 Management Pay Plan Resolution	Resolution Letter
▢ 2023 Cell Phone Reimbursement Policy	Resolution Letter

RESOLUTION NO.

RESOLUTION ADOPTING A BUDGET AND TAX LEVY FOR THE YEAR 2023

WHEREAS, the Minnesota Truth in Taxation law provides for a proposed tax levy to be certified to the County Auditor by September 30, 2022, and then recertified before December 28, 2022.

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

1. The budget for the City of Richfield for the year 2023 is hereby approved and adopted with appropriations for each of the departments to be as follows:

General Fund

Legislative/Executive	\$ 1,148,816
Administrative Services	1,000,852
Finance	886,071
Public Safety	11,332,622
Fire Services	5,335,950
Community Development	1,781,890
Public Works	4,946,140
Recreation Services	2,251,430
Transfers Out	260,000
TOTAL GENERAL FUND	<u>\$28,943,771</u>

2. The estimated gross revenue of the City of Richfield from all sources, including general ad valorem tax levies as hereinafter set forth for the year 2023 which are more fully detailed in the City Manager's official copy of the 2023 budget, are hereby found and determined to be as follows:

TOTAL GENERAL FUND \$28,943,771

3. There is hereby levied upon all taxable property in the City of Richfield a direct ad valorem tax in the year 2022, payable in 2023 for the following purposes and in the following amounts:

<u>PURPOSE</u>	<u>AMOUNT</u>
General Fund ¹	\$21,236,477 ²
Equipment	868,400
Economic Development Authority	579,096
Debt Service	4,100,600

¹ Provision has been made in the General Fund for the payment of the City's contributory share to Public Employees' Retirement Association.

² General Fund Levy includes all fiscal disparities distribution amounts.

4. The debt service tax levy is included as established in the bond documents for each of the bonds.
5. The budget for the Housing and Redevelopment Authority of Richfield for the year 2023 is hereby ratified and approved. There is hereby levied upon all taxable property in the City of Richfield a direct ad valorem tax in the year 2022, payable in 2023 for the following purposes:

PURPOSE

AMOUNT

Housing and Redevelopment Authority

\$675,960

6. A certified copy of this resolution shall be transmitted to the County Auditor.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

RESOLUTION NO.

RESOLUTION AUTHORIZING BUDGET REVISIONS

WHEREAS, the City Charter and Minnesota Statutes provide for a process for adopting an annual budget and tax levy; and

WHEREAS, the City Charter provides certain authority for the City Manager and/or City Council to revise the annual budget; and

WHEREAS, it would be beneficial to restate such authority with the adoption of the budget.

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

1. The City Manager may increase the budget by City Council action provided that unbudgeted receipts will be available to equal or exceed the increased expenditures.
2. The City Manager may authorize transfers between divisions within a department providing the transfers do not increase or decrease the department or total budget.
3. The City Manager may transfer budgeted amounts between departments only with the approval of the City Council.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December, 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

RESOLUTION NO.

RESOLUTION AUTHORIZING REVISION OF 2022 BUDGET OF VARIOUS DEPARTMENTS

WHEREAS, Resolution No. 11910 appropriated funds for personal services, other expenses and capital outlays for each department of the City for the year of 2022; and

WHEREAS, The City Charter, Chapter 7, Section 7.09, gives the Council authority to transfer unencumbered appropriation balances from one department to another within the same fund at the request of the City Manager; and

WHEREAS, The City Manager has requested a revision of the 2022 budget appropriations in accordance with Charter provisions and as detailed in the Proposed 2023 budget document.

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

1. That the 2022 appropriations for each department of the General Fund be amended to establish the following totals:

General Fund

Legislative/Executive	\$ 1,067,967
Administrative Services	1,042,318
Finance	1,015,664
Public Safety	10,755,360
Fire Services	5,130,730
Community Development	1,651,380
Public Works	4,716,520
Recreation Services	2,150,070
Transfers Out	250,000
TOTAL GENERAL FUND	<u>\$ 27,780,009</u>
DECREASE	\$ 88,321

2. Estimated 2022 gross revenue of the City of Richfield from all sources, as the same are more fully detailed in the City Manager's official copy of the proposed 2023 budget, are hereby revised as follows:

DECREASE \$88,321

3. That the City Manager bring into effect the provisions of this resolution.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

RESOLUTION NO. XXXX

RESOLUTION ADOPTING THE 2023 CAPITAL IMPROVEMENT BUDGET

WHEREAS, a proposed Capital Improvement Budget for 2023 has been prepared and submitted for review by the City Council in accordance with charter requirements; and

WHEREAS, the City Council has received the recommendations and benefit of review of these proposed documents by the Planning Commission and has itself reviewed these proposals.

NOW, THEREFORE, BE IT RESOLVED that the 2023 Capital Improvement Budget in the sum total of \$22,353,336 is hereby approved as amended and adopted with full recognition of the fact that the cost estimates are approximate and are subject to final cost estimates and that all awards of contracts for these projects are subject to necessary hearings and must be approved by the City Council in accordance with established laws and practices governing such action, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to initiate the procedures which will lead to more formal and detailed consideration of these projects in accordance with the aforementioned laws and practices.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December, 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

RESOLUTION NO. xxxx

RESOLUTION ADOPTING THE 2024-2027 CAPITAL IMPROVEMENT PROGRAM

WHEREAS, a proposed Capital Improvement Program 2024-2027 has been prepared for review by the Planning Commission in accordance with charter requirements; and

WHEREAS, the City Council has received the recommendations and benefit of review of these proposed documents by the Planning Commission and has itself reviewed these proposals.

NOW, THEREFORE, BE IT RESOLVED that the 2024-2027 Capital Improvement Program is hereby approved and adopted subject to annual review and revision;

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to initiate the procedures which will lead to more formal and detailed consideration of these projects in accordance with the aforementioned laws and practices.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December, 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

RESOLUTION NO.

**RESOLUTION ESTABLISHING PUBLIC WORKS ON-CALL COMPENSATION
RATES FOR 2023**

WHEREAS, the City Council has determined to provide Public Works Superintendent/Managers/Supervisors compensation for being on-call for possible Public Works emergencies; and

WHEREAS, the good judgment of a Public Works Superintendent/Managers/Supervisors is needed to provide quality response to Public Works emergencies such as water main breaks, street light knock downs, and sewer main backups; and

WHEREAS, the City Council found it necessary to establish a policy to provide such employees with on-call compensation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richfield hereby adopts the following On-call Compensation Rates:

Public Works Superintendents/Managers/Supervisors who remain on-call by carrying the emergency cell phone (or similar device) for a period of one week will be compensated at a rate of \$120 a month in 2023.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December, 2022.

Maria Regan Gonzalez, Mayor

ATTEST

Kari Sinning, City Clerk

RESOLUTION NO.

RESOLUTION AUTHORIZING A CAR ALLOWANCE REIMBURSEMENT POLICY

WHEREAS, the City Council has determined not to provide certain positions with a City vehicle for the performance of the employee's official City duties; and

WHEREAS, said employees are required to use their own personal vehicle in the performance of their official duties; and

WHEREAS, such employees are responsible for the fuel, maintenance, insurance and all other expenses required for the upkeep of their personal vehicles; and

WHEREAS, the City Council finds it necessary to establish a policy to provide such employees with a car allowance reimbursement; and

WHEREAS, the car allowance is an estimated amount intended to reimburse such employees for the reasonable expenses that they will incur in the performance of their official duties; and

WHEREAS, the car allowance reimbursement represents the City's full obligation and responsibility regarding the provision of automobile transportation to such employees.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richfield hereby adopts the following car allowance reimbursement schedule at the amount of \$225 per month:

Public Works Director
Superintendents

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

RESOLUTION NO. 11916

RESOLUTION ESTABLISHING WASTEWATER SERVICE RATES AND CHARGES, WATER RATES AND CHARGES, SPECIAL WATER SERVICE CHARGES, STORM SEWER RATES AND CHARGES, STREET LIGHT RATES AND CHARGES, AND 6.5% PENALTY ON PAST DUE ACCOUNTS

BE IT RESOLVED by the City Council of the City of Richfield, Minnesota, as follows:

SANITARY SEWER SERVICE RATES AND CHARGES FOR 2023

1. Pursuant to the provisions of Section 705.0 of the Ordinance Code of the City of Richfield, the rates and charges for use and service of the sanitary sewer system are hereby established to be those set forth in the following paragraphs of this resolution which rescinds Resolution No. 11916
2. Where the rate is not based upon the metered use of water, the following quarterly flat charges are established effective January 1, 2023 for each billing district as defined in paragraph 3 of this resolution.

		<u>2023</u>
A)	Residential per unit	\$123.46
B)	Commercial -	
	For the equivalent of 10 or less persons	\$123.46
	More than 10, less than 15	\$224.87
	More than 15, less than 20	\$314.99
	More than 20, less than 26	\$420.34
C)	Institutional -	
	For each public or private school, the quarterly flat charge shall be charged whether the school is in session or not (rates being charged upon average yearly use); shall be based upon the number of students enrolled at the beginning of the quarterly billing period or the preceding period if school is not then in session; and shall be as follows:	
	For each 100 grade school students or fraction in excess thereof	\$129.27
	For each 100 junior high school students or high School students or fraction thereof	\$189.93
D)	In addition to the above flat rates there shall be a customer Charge on each invoice as determined in paragraph 4 of this resolution and a certification charge as determined in Section 705.0 of the City Ordinance Code.	

3. Where the rate for sanitary sewer service is based upon the metered use of water on the premises, such rates shall be as follows:

2023

- A) For all residential premises the rate shall be based on the actual use, or less of water for the preceding winter quarter, per thousand gallons with a minimum of 7,000 gallons, effective January 1, 2023, for each customer billing district and shall be as follows: \$6.15

For the purpose of this paragraph A), the winter quarter shall be the winter quarter as specified in Subdivision 3 of said section 705.0.

- B) For all commercial, institutional, industrial, and other premises, the rate per thousand gallons of water effective January 1, 2023, shall be as follows: \$6.15

- C) A customer charge shall be made for each invoice rendered effective January 1, 2023 as follows: \$10.00

If the invoice is for water service, as well as sanitary sewer service, the customer charge, when collected, shall be allocated proportionally between the City's water fund, sewer fund, and its storm sewer fund based on the user fees billed for by each fund.

- D) Where the metered use of water on the premises for the preceding winter quarter was not normal, the rate may be adjusted as provided in Subdivision 3 of said Section 705.0

4. The foregoing rates and charges are in addition to, and not in lieu of, other rates and charges established by ordinance or resolution.
5. The Metropolitan Airports Commission (MAC) will be charged a sanitary sewer rate based on the Met Council Environmental Services (MCES) rate plus 15% for Inflow/Infiltration and \$1,000.00 per quarter for administration costs.

WATER RATES AND CHARGES FOR 2023

Pursuant to the provisions of Section 715.0 of the Ordinance Code of the City of Richfield, the rates and charges for City water and water service are hereby established to be those set forth in the following paragraphs of this resolution:

The charges due and payable to the City by each water customer of the City, during any quarter shall be based upon the Conservation Rate Structure.

Water-Tier 1: The first-tier rate is (\$4.61 per thousand) charged for consumption of the first 15,000 gallons.

Water-Tier 2: The second-tier rate is (\$5.53 per thousand) charged for consumption of 15,001 gallons but less or equal to 25,000 gallons.

Water-Tier 3: The third-tier rate is (\$6.66 per thousand) charged for consumption in excess of 25,001 gallons.

Irrigation Accounts: All consumption will be charged at the (\$6.66 per thousand) water-tier 3 rate.

The Conservation Rate Structure applies to multi-unit and residential premises. Commercial, institutional or industrial will only be subject to the Water-tier 1 rates for domestic use, irrigation accounts will be subject to the Water-tier 3 rate.

Water charges shall be payable quarterly, and all bills issued after January 1, 2023 shall be at this rate.

SPECIAL WATER SERVICE CHARGES FOR 2023

Pursuant to the provisions of Section 715.0 of the Ordinance Code of the City of Richfield, the rates and charges for special customer services are hereby established to be those set forth in the following paragraphs of this resolution:

1. The charge for establishing a new customer account shall be \$15.00 per account.
2. The charge for installation of meters shall be \$50.00 per installation.
3. The charge to flush and maintain fire hydrants located on privately owned property within the City shall be \$50.00 per hydrant per year plus any required parts.
4. The charge to thaw and service water pipes on customer property shall be actual cost to the City plus thirty percent.
5. The charge for any other services not covered by the above shall be based on actual hourly cost to the City plus thirty percent.
6. The MN lab fee is \$9.72.

STORM SEWER RATES AND CHARGES FOR 2023

Pursuant to the provisions of Section 720.0 of the Ordinance Code of the City of Richfield, the rates and charges for City storm sewer service are hereby established to be those set forth in the following paragraphs of this resolution:

1. The rates and charges for the use and availability of the system are determined through the use of a "Residential Equivalent Factor" (REF). One REF is defined as the ratio of the average volume of surface runoff coming from one acre of land and subjected to a particular use, to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the City during a standard one year rainfall event. The REF's for the following land uses within the City and the billing classifications for such land uses are as follows:

<u>LAND USES</u>	<u>REF</u>	<u>CLASSIFICATION</u>
Cemeteries	.25	1
Parks and railroads	.75	2
Two-family residential	1.00	3
Single-family residential	1.00	4
Public and private schools and institutional uses	1.25	5
Multiple-family residential uses and churches	3.00	6
Commercial, industrial, and Warehouse uses	5.00	7

2. The basic system quarterly rate for storm sewer service is \$114.45 per acre of land. \$22.89 is the quarterly rate for a single-family residence, which is considered to have an acreage of one-fifth acre. The charge made against each parcel of land is then determined by multiplying the REF for the parcel's land use classification times the parcel's acreage times the basic system rate.

STREET LIGHT RATES AND CHARGES FOR 2023

Pursuant to the provisions of Minnesota State Statutes, Section 429.101 and Section 825 of the Ordinance Code of the City of Richfield, the rates and charges for city street light service are hereby established to be those set forth in the following paragraphs of this resolution:

1. The street light fee for residential single-family property is \$5.77 per quarter.
2. Rates for other land uses will be determined by land use types based on the following table:

STREET LIGHT LAND USES:

COM All commercial properties, to include multifamily residents (apartments) and industrial parcels.

RES All residentially coded parcels.

PUB Public buildings, i.e. City Hall, City Garage, and Fire Stations

CHURCH All Churches also to include cemeteries and activity buildings associated with a Church

SCH All schools, to include private and public schools.

PRK All parks owned by the City of Richfield, also to include Nature Centers and all "properties" located within city park parcels

DPLX Addresses that split a residential lot, to include townhomes, 3-plexes, and 4-plexes

LAND USE CODE	MULTIPLIER	To Bill FACTOR
COM (acres>0.2)	5*	(5 x ACREAGE)
if acres≤0.2	----	1
RES	----	1
PUB (acres>0.2)	5	(5 x ACREAGE)
if acres ≤0.2	----	1
CHURCH (acres>0.2)	1.25**	(1.25 x ACREAGE)
if acres ≤0.8	----	1
if acres ≤0.2	----	1
SCH (acres>0.2)	1.25	(1.25 x ACREAGE)
if acres ≤0.8	----	1
if acres ≤0.2	----	1
PRK	1.25	(1.25 x ACREAGE)
DPLX	----	0.5

3. The multiplier of "5" is based on the definition that a residential lot is 1/5 of an acre; hence multiplying acreage by 5 produces the equivalent number of residential lots.
4. The multiplier of "1.25" is based on the definition that a residential lot is 1/5 of an acre and multiplying acreage by 5 produces the equivalent number of residential lots. However, the total area of each parcel is not proportional to the number of street lights in an equivalent residential area so the factor of 5 is reduced by 75%, producing 1.25.

6.5% PENALTY ON PAST DUE ACCOUNTS

1. Customers will have twenty-eight (28) days to pay their water, sanitary sewer, storm sewer, and street light quarterly bills from the date of the mailing by the City. Any unpaid amount will be added to the next quarterly bill along with a 6.5% penalty on the delinquent amount.

2. The penalty charge when billed on past due accounts shall be allocated proportionally between the City's water fund, sewer fund, and storm sewer fund based on the user fees billed for each fund.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December, 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

RESOLUTION NO.

RESOLUTION RELATING TO THE 2023 SPECIALIZED PAY PLAN

WHEREAS, the compensation personnel policy of the City of Richfield provides that the pay grades, the number of steps or range of each pay grade, the compensation rates in each pay grade and the method of normal progression through the pay grade be established by Council resolution; and

WHEREAS, the City administration has prepared a 2023 pay plan for the positions for which there are no essentially similar position classification in other regular pay plans. The City Manager is authorized to add or reclassify positions as necessary. Examples of positions in each pay grade are attached.

NOW, THEREFORE, BE IT RESOLVED that the City Council do and hereby does establish for the year 2023 the following pay plan which is to be effective the first full pay period of January 2023 and subject to the provisions of the personnel policy and City Code:

EFFECTIVE THE FIRST FULL PAY PERIOD OF JAN 2023 SPECIALIZED PAY PLAN INTERMITTENT AND SEASONAL

Pay Grade		Step 1	Step 2	Step 3	Step 4
SP1-NE	HR	LEFT INTENTIONALLY BLANK			
SP2-NE	HR	LEFT INTENTIONALLY BLANK			
SP3-NE	HR		11.63	12.28	12.84
SP4-NE	HR	12.01	12.65	13.24	13.89
SP5-NE	HR	12.92	13.64	14.26	15.01
SP6-NE	HR	14.01	14.73	15.43	16.23
SP7-NE	HR	15.11	15.88	16.66	17.48
SP8-NE	HR	16.33	17.16	17.99	18.88
SP9-NE	HR	17.63	18.54	19.43	20.40
SP10-NE	HR	19.09	20.01	21.05	22.12
SP11-NE	HR	20.53	21.62	22.68	23.79
SP12-NE	HR	22.26	23.30	24.44	25.76
SP13-NE	HR	23.82	25.10	26.38	27.77

Normal Progression Through the Specialized Pay Plan

Individual employees will be eligible to received increases to the next higher-grade step based on individual performance and the following progression:

Step 1 - Start

Step 2 – Minimum 500 hours worked per year from anniversary start date or two years from anniversary date

Step 3 – Minimum 500 hours worked per year from anniversary date or two years from last increase

Step 4 – Minimum 500 hours worked per year from anniversary date or two years from last increase

Passed by the City Council of the City of Richfield, Minnesota this 13th day of December 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

1

2

3 NE48 Concession I or Facility Cashier or Cashier/Concessions/Skate Guard
 NE48 Concession I Pool, Vets, Taft or Pool Attendant/Cashier&Concessions
 NE48 Warming House Attendant

4 NE Arena Event Attendant
 NE Dance Coordinator
 NE Skate Coordinator

5 NE Adaptive Leader/Specialist
 NE Inclusion Facilitator
 NE Intern
 NE48 Pool Lead Cashier/Concession
 NE48 Lifeguard
 NE48 Playground Leader

6

7 NE Ice Resurfacers Operator
 NE Liquor Sales Associate
 NE Naturalist I
 NE48 Head Lifeguard

8 NE Adaptive Program Coordinator
 NE Farmers Market Coordinator
 NE Maintenance Laborer/Worker
 NE Office Assistant-WLNC
 NE48 Playground Coordinator
 NE Summer Food Program Coordinator
 NE48 Tennis Coordinator

9 NE Audio Technician
 NE Code Enforcement Technician
 NE48 Pool Supervisor
 NE Video Production Assistant

10

11 NE City Services Receptionist

12

Instructors

NE	Building Inspector
NE	Figure Skating
NE	Hockey (Arena)
NE	Sports Official
NE	Substitute Naturalist
NE	Dance
NE48	Cross Country Ski
NE48	Hockey (outside)
NE48	Tennis
NE	WSI

OTHER

Instructor's Range: \$5.75 - \$50

Election Judge \$10.00

Election Co-Chair \$12.00

Election Chairperson \$13.00

NE=Non-Exempt, may work up to 40 hours per week without overtime pay.

NE48=Non-Exempt, may work up to 48 hours per week without overtime pay.

All Pool positions may work up to 48 hours/week without overtime, even Concessions.

All Playground and Outdoor Rink positions may work up to 48 hours/week without overtime.

All Community Center, Wood Lake Nature Center, Ice Arena and Maintenance positions are non-exempt.

RESOLUTION NO.
RESOLUTION RELATING TO THE 2023 GENERAL SERVICES
SALARY COMPENSATION PLAN

WHEREAS, the compensation personnel policy of the City of Richfield provides for the adoption of a pay plan for General Services employees from time-to-time, and

WHEREAS, the City administration has prepared a 2023 pay plan for position classifications for General Services employees. The City Manager is authorized to add or reclassify positions as necessary. Examples of positions in each pay grade are attached.

NOW, THEREFORE, BE IT RESOLVED that the City Council do and hereby does establish for the year 2023 the following pay plan, which is to be effective the first full pay period of January 2023, and subject to all applicable provisions of the personnel policy and City Code:

Effective the first full pay period of January 2023						
STEP		2	3	4	5	6
RANGE						
GS1	YR		47,904.06	50,539.22	53,560.00	55,145.38
	MO		3,992.01	4,211.60	4,463.33	4,595.45
	BW		1,842.46	1,943.82	2,060.00	2,120.98
	HR		23.03	24.30	25.75	26.51
GS2	YR		52,038.90	54,631.20	57,437.74	60,329.98
	MO		4,336.57	4,552.60	4,786.48	5,027.50
	BW		2,001.50	2,101.20	2,209.14	2,320.38
	HR		25.02	26.27	27.61	29.00
GS3	YR	55,252.50	58,230.43	61,101.25	64,207.73	67,871.23
	MO	4,604.37	4,852.54	5,091.77	5,350.64	5,655.94
	BW	2,125.10	2,239.63	2,350.05	2,469.53	2,610.43
	HR	26.56	28.00	29.38	30.87	32.63
GS4	YR	60,329.98	63,415.04	66,628.64	69,906.51	73,591.44
	MO	5,027.50	5,284.59	5,552.39	5,825.54	6,132.62
	BW	2,320.38	2,439.04	2,562.64	2,688.71	2,830.44
	HR	29.00	30.49	32.03	33.61	35.38
GS5	YR	66,628.64	69,906.51	73,591.44	77,233.52	81,132.69
	MO	5,552.39	5,825.54	6,132.62	6,436.13	6,761.06
	BW	2,562.64	2,688.71	2,830.44	2,970.52	3,120.49

	HR	32.03	33.61	35.38	37.13	39.01
GS5E	YR	71,556.16	75,112.54	78,926.02	82,889.46	91,073.42
	MO	5,963.01	6,259.38	6,577.17	6,907.45	7,589.45
	BW	2,752.16	2,888.94	3,035.62	3,188.06	3,502.82
	HR	34.40	36.11	37.95	39.85	43.79
GS6	YR	73,591.44	77,233.52	81,132.69	85,288.94	94,008.51
	MO	6,132.62	6,436.13	6,761.06	7,107.41	7,834.04
	BW	2,830.44	2,970.52	3,120.49	3,280.34	3,615.71
	HR	35.38	37.13	39.01	41.00	45.20
GS6E	YR	78,926.02	82,910.88	87,109.98	91,501.90	101,057.01
	MO	6,577.17	6,909.24	7,259.17	7,625.16	8,421.42
	BW	3,035.62	3,188.88	3,350.38	3,519.30	3,886.81
	HR	37.95	39.86	41.88	43.99	48.59

- a. Step 2 - Start
- b. Step 3 - One year from anniversary date.
If an employee successfully passes probationary period.
- c. Step 4 - One year since last increase.
If an employee is rated Below Expectations, the employee may not advance to Step 4 until performance is rated Meets Expectations or higher.
- d. Step 5 - One year since last increase.
An employee must achieve a Meets Expectations rating or better in all areas of responsibility before advancing to Step 5.
- e. Step 6 - One year since last increase.
An employee must achieve a Meets Expectations rating or better in all areas of responsibility before advancing to Step 6.

Employees whose competency level and/or performance are rated Below Expectations may not advance to the next step until their performance improves.

Passed by the City Council of the City of Richfield, Minnesota this 13th day of December 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

GENERAL SERVICES POSITION CLASSIFICATION STRUCTURE

GRADE	POSITION TITLES	CLASS
1	Office Assistant	Non-Exempt
2	Community Development Technician	Non-Exempt
	Community Service Officer	Non-Exempt
	Custodian	Non-Exempt
	Liquor Operations Shift Leader	Non-Exempt
	Licensing Clerk- Motor Vehicles/ Business	Non-Exempt
	Senior Office Assistant	Non-Exempt
3	Accounting Clerk	Non-Exempt
	Environmental Health Specialist	Non-Exempt
	Housing Inspections Clerk	Non-Exempt
	Lead Licensing Clerk	Non-Exempt
	Permit Technician	Non-Exempt
	Utility Billing Clerk	Non-Exempt
	Utility Maintenance Clerk	Non-Exempt
4	Administrative Assistant	Non-Exempt
	Engineering Assistant	Non-Exempt
	Forester	Non-Exempt
	Planner I	Non-Exempt
	Project Sustainability Specialist	Non-Exempt
	Records Technician	Non-Exempt
	Water Resources/GIS Specialist	Non-Exempt
5	Code Compliance Officer	Non-Exempt
	Housing Specialist	Non-Exempt
	Information Technologies Technician/AV Help Desk	Non-Exempt
	Information Technologies Technician/Help Desk	Non-Exempt
	Recreation Specialist	Non-Exempt
	Communications Specialist, Part-Time	Non-Exempt
	Police Media and Data Specialist	Non-Exempt
	Engineering Technician	Non-Exempt
	Human Resources Specialist	Non-Exempt
	Community Development Accountant Part-Time	Non-Exempt
5E	Administrative Analyst	Exempt
	Management Analyst	Exempt
	Crime Prevention Specialist	Exempt
	Executive Analyst	Exempt
	Naturalist	Exempt
	Payroll Accountant	Exempt
	Records Supervisor	Exempt
	Recreation Supervisor	Exempt
	Planner II	Exempt
	Motor Vehicle Licensing Supervisor	Exempt
	Equity Coordinator	Exempt
6	Civil Engineer	Non-Exempt
	Water Resources Engineer	Non-Exempt
	GIS Coordinator	Non-Exempt
	Information Technologies Technician	Non-Exempt

	Mechanical/Plumbing Inspector	Non-Exempt
	Trade/Building Inspector or Trade/Electrical Inspector	Non-Exempt
6E	Accountant	Exempt
	Multifamily Housing Program Administrator	Exempt
	City Clerk	Exempt
	Senior Building/Trade Inspector	Exempt

RESOLUTION NO.

**RESOLUTION RELATING TO THE 2023 MANAGEMENT
SALARY COMPENSATION PLAN**

WHEREAS, the compensation personnel policy of the City of Richfield provides for the adoption of a pay plan for Management employees from time-to-time; and

WHEREAS, the City administration has prepared a 2023 pay plan for position classifications for Management employees.

WHEREAS, the City Council recognizes that adjustments to the pay plan may be necessary at times to address inequities or other issues due to external and internal factors,

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to make adjustments to the pay plan to: add or reclassify positions as necessary; make equity adjustments to individual positions when warranted; and, resolve other issues that may arise to aid in the fair and equitable implementation of the pay plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council do and hereby does establish for the year 2023 the following pay plan, which is to be effective the first full pay period of January 2023, and subject to all applicable provisions of the personnel policy and City Code:

MANAGEMENT COMPENSATION PLAN				
PAY GRADE		MINIMUM	MID-RANGE	MAXIMUM
M-L	YR	73,998.50	84,496.26	94,908.32
	MO	6,166.54	7,041.35	7,909.03
	BW	2,846.10	3,249.86	3,650.32
	HR	35.58	40.62	45.63
M-1	YR	85,396.06	97,672.02	109,819.42
	MO	7,116.34	8,139.33	9,151.62
	BW	3,284.46	3,756.62	4,223.82
	HR	41.06	46.96	52.80

M-2	YR	96,279.46	110,055.09	123,809.30
	MO	8,023.29	9,171.26	10,317.44
	BW	3,703.06	4,232.89	4,761.90
	HR	46.29	52.91	59.52
M-3	YR	104,956.18	119,952.98	134,885.50
	MO	8,746.35	9,996.08	11,240.46
	BW	4,036.78	4,613.58	5,187.90
	HR	50.46	57.67	64.85
M-4L	YR	110,719.23	126,551.57	142,298.21
	MO	9,226.60	10,545.96	11,858.18
	BW	4,258.43	4,867.37	5,473.01
	HR	53.23	60.84	68.41
M-4	YR	117,939.12	132,143.23	148,682.56
	MO	9,828.26	11,011.94	12,390.21
	BW	4,536.12	5,082.43	5,718.56
	HR	56.70	63.53	71.48
M-5A	YR	124,966.19	142,019.70	159,608.80
	MO	10,413.85	11,834.97	13,300.73
	BW	4,806.39	5,462.30	6,138.80
	HR	60.08	68.28	76.74
M-5B	YR	129,293.84	147,697.06	166,207.39
	MO	10,774.49	12,308.09	13,850.62
	BW	4,972.84	5,680.66	6,392.59
	HR	62.16	71.01	79.91

Normal Progression Through Management Compensation Plan

The Range Adjustment shall be applied to Management employees who have achieved at least a *Meets Expectations* performance evaluation during the preceding year. Employees who have received a *Below Expectations* performance evaluation are eligible for ½ of the following year's range adjustment. The Range Adjustment is effective January 1, 2023. Individual Merit adjustments will normally be made effective on an employee's anniversary date and will vary in size, depending on the individual's performance rating and current position in the salary range in line with the following criteria.

PERFORMANCE RATING	POSITION IN SALARY RANGE		
	UNDER 95% MIDPOINT	95-105% OF MIDPOINT	OVER 105% OF MIDPOINT
Outstanding	3.5 to 5%	2.5 to 4%	1 to 2%
Above Average	1.5 to 3.5%	.5 to 2.5%	.5 to 1%
Satisfactory	.5 to 1.5%	No Merit Increase	No Merit Increase
Needs Improvement	No Merit Increase. Requires mandatory 6-month evaluation.		
Not Satisfactory	No future increases until performance improves to at least Satisfactory. Performance and employee status subject to mandatory review every 3 months.		

Passed by the City Council of the City of Richfield, Minnesota this 13th day of December 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

MANAGEMENT POSITION CLASSIFICATION STRUCTURE

GRADE	POSITION TITLES	CLASS
M-L	Liquor Store Manager	Exempt
M-1	Assistant Finance Manager	Exempt
	Assistant IT Manager/ Business Analyst	Exempt
	Facility/Program Manager	Exempt
	Operations Supervisor (Pks/Gar and Str/For)	Exempt
	Project Engineer	Exempt
	Recreation Program Manager	Exempt
	Support Services Supervisor	Exempt
	Utilities Supervisor	Exempt
M-2	Assistant Utilities Superintendent	Exempt
	Chief Building Official	Exempt
	Liquor Operations Manager	Exempt
	Transportation Engineer	Exempt
	Communications & Engagement Manager	Exempt
	Utilities Supervisor/Engineer	Exempt
M-3	Assistant Fire Chief	Exempt
	Human Resources Manager	Exempt
	Information Technologies Manager	Exempt
	Operations Superintendent	Exempt
	Housing & Redevelopment Manager/Asst. CD Director	Exempt
	Utilities Superintendent	Exempt
	Government Buildings Superintendent	Exempt
	City Engineer	Exempt
M-4	Deputy Public Safety Director	Exempt
	Deputy Public Works Director	Exempt
	Finance Manager	Exempt
M-5A	Assistant City Manager	Exempt
	Finance Director	Exempt
	Fire Services Director/Fire Chief	Exempt
	Recreation Services Director	Exempt
M-5B	Community Development Director	Exempt
	Public Safety Director/Police Chief	Exempt
	Public Works Director	Exempt

RESOLUTION NO.

RESOLUTION AUTHORIZING A CELL PHONE REIMBURSEMENT POLICY

WHEREAS, the City of Richfield's Mobile Device Policy establishes the City's expectations regarding personal and city provided cell phones, collectively referred to as "Cell Phone(s)," including eligibility, responsibilities and reimbursement for use; and

WHEREAS, the Policy defines the standards on appropriate business use of electronic communication devices operated onsite and offsite that are connecting to the City's network. This Policy includes, but is not limited, to cell phones, smart phones, iPads, and tablets.; and

WHEREAS, all device connections to the City's network must be coordinated through IT and must be approved by Department Directors and may be withdrawn at any time. Authorization will be based on a specific set of needs; and

WHEREAS, the City Council finds it necessary to establish a policy to provide such employees who use their personal phone for performance of their official duties; and

WHEREAS, the Cell Phone reimbursement is an estimated amount intended to compensate such employees for the reasonable expenses that they will incur in the performance of these duties; and

WHEREAS, currently, eligible employees are reimbursed every month at \$25 for cell phone service and \$45 for smart phones. The reimbursement is processed through Accounts Payable; and

WHEREAS, current IRS guidance is that the reimbursement is taxable and should be processed through payroll; and

WHEREAS, recognizing that increase in cost, beginning 2023, to ensure our employees are compensated for the use of their personal phone for work related matters, the City will raise the monthly reimbursement rate to \$60 for all eligible employees who use their personal phone for work related matters; and

WHEREAS, the Cell Phone reimbursement represents the City's full obligation and responsibility regarding the provision of Mobile Device Policy to employees who use their personal phone for work related matters.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richfield hereby adopts the following Cell Phone reimbursement schedule at the amount of \$60 per month for all eligible employees.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of December 2022.

ATTEST:

Maria Regan Gonzalez, Mayor

Kari Sinning, City Clerk



STAFF REPORT NO. 186
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Kelly Wynn, Administrative Assistant

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/6/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider the appointments to City advisory board and commissions.

EXECUTIVE SUMMARY:

Terms of several City advisory board and commission members are set to expire on January 31, 2023. In addition, due to resignations there are mid-term vacancies that should be filled. Terms for advisory board and commissions are for three years. Please refer to the attached list of appointments for reference.

The City Council directs the City Manager's office to conduct an annual recruitment seeking applicants to fill the vacancies. This recruitment includes a press release and information on the City's website and social media platforms. Applicants were interviewed at a special work session held on November 19, 2022.

To ensure a quorum at future advisory board and commission meetings, the City Council should make appointments to fill vacant positions.

RECOMMENDED ACTION:

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

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

This information is contained in the Executive Summary.

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

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

C. CRITICAL TIMING ISSUES:

- Several terms of City advisory board and commission members expired on January 31, 2023.
- To ensure a quorum at future advisory board and commission meetings, the City Council should make appointments to fill vacant positions.

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

None

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

Description	Type
☐ Commission/Board appointments	Backup Material

Commission/Board	Commissioner	Term Expires	
Advisory Board of Health	Katrina DeVore	January 31, 2026	
	Patricia (Pixie) Pixler	January 31, 2026	
	Hawo Abdullahi Jama	January 31, 2026	
		January 31, 2024	Mid-term vacancy
		January 31, 2024	Mid-term vacancy
Arts Commission	Janie Mork	January 31, 2026	
	Stephanie Kopp	January 31, 2026	
Civil Service Commission	Mary Stratton	January 31, 2026	
Community Services Commission	Hayley Tompkins	January 31, 2026	
	BJ Skoog	January 31, 2026	
	Adam Kerekes	January 31, 2026	
	David Vrieze Daniels	January 31, 2025	Mid-term vacancy
Human Rights Commission	Karole Kelly-Anstedt	January 31, 2026	
	Mara Glubka	January 31, 2026	
	Dana Specht	January 31, 2025	Mid-term vacancy
	Maria Anderson	January 31, 2025	Mid-term vacancy
Planning Commission	Brett Stursa	January 31, 2026	
	Cole Hooey	January 31, 2026	
	Matt Taraldsen	January 31, 2024	Mid-term vacancy
Sustainability Commission	Amanda Kueper	January 31, 2026	
	Adam Burnside	January 31, 2026	
	Matthew Dobratz	January 31, 2026	
	Bryan Beltran	January 31, 2025	Mid-term vacancy
Transportation Commission	Kyle Schmidt	January 31, 2026	
	Rory Cook	January 31, 2026	
	Michael Kohout	January 31, 2026	
	Carl Woetzel	January 31, 2024	Mid-term vacancy



STAFF REPORT NO. 187
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Chris Swanson, Management Analyst

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/6/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider the adoption of the City's legislative priorities for 2023.

EXECUTIVE SUMMARY:

Annually, the City of Richfield legislative priorities have been compiled in collaboration with various City departments and stakeholders. The priorities are a list of policy positions and measures the city supports at the state and regional level and bonding requests for city projects. This list of priorities is a summary document to help steer the City's legislative advocacy and outreach in the coming year.

City staff has pulled together a proposed list of legislative priorities for the City Council to review. Based on prior discussions with the League of Minnesota Cities (LMC) and Richfield's contracted lobbyist, it is recommended the City's legislative platform includes to 3-5 top priorities, that all items are within the scope of the City's purview, and that the City Council adopt the legislative priorities formally.

City staff is available to answer any questions City Council has on the 2023 legislative priorities.

Proposed Top Legislative Priorities

Support a bonding bill that includes item H.F. 664 / S.F. 1308 that appropriates \$12,000,000 to deconstruct the existing nature center building at Wood Lake Nature Center and renovate the site, and to predesign, design, construct, furnish, and equip a new nature center building. The project also includes landscaping around the new center and renovation of the trails. This beloved and vital regional asset is 50 years old and is in need of a new building and improved trail system that meets the demands of its high-use, award-winning environmental education program and essential urban green space.

Support legislation which would provide the City of Richfield the authorization to propose a local sales tax (LST) to support regionally significant park projects. If the LST legislation is approved, the regionally significant park projects will be sent to voters for approval via referendum.

Support local control of Emergency Medical Services (EMS). The current laws do not provide meaningful oversight of the ambulance service providers. There are no response time requirements or control of ambulance billing rates within the Primary Service Areas. We support local control to determine who is best able to provide EMS services in our community.

Legislative Breakfast

- We will present the City's adopted legislative platform to elected representatives at the annual legislative breakfast scheduled from 7:45 a.m. through 9:15 a.m. on January 12th. The representatives will have time to ask staff follow up questions about the City's platform and present their priorities for the 2023 legislative session.

RECOMMENDED ACTION:

By Motion: Adopt the proposed legislative priorities for 2023. By adopting the legislative platform formally, the City Council shows these priorities are in the best interest of the community and provides increased visibility for the issues.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

A Council work session was held on 11/9/22 where staff presented the City's proposed legislative priorities for 2023. City Council was able to review and discuss the 2023 legislative priorities before final adoption. Staff has made changes to the legislative priorities reflecting the discussion at the work session.

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

C. CRITICAL TIMING ISSUES:

D. FINANCIAL IMPACT:

There may be public expenditures associated with the priorities if specific projects are selected to receive the requested funding from the State. If that occurs, the actual funding structure will be presented at a future City Council meeting.

E. LEGAL CONSIDERATION:

ALTERNATIVE RECOMMENDATION(S):

City Council may choose to not adopt the legislative priorities as a whole or adopt a modified list of priorities.

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

Description	Type
Richfield's 2023 Legislative Priorities and Positions	Backup Material



CITY OF RICHFIELD

2023 LEGISLATIVE POSITIONS

THE CITY OF RICHFIELD...

Support legislation that addresses the widening existing economic, racial, health and education gaps, and the adverse impacts a warming climate will have on our most vulnerable communities. As a city, we are providing local tools and support for residents, but there is need for more relief and legislation beyond city-level jurisdiction. We continue to support collaborative efforts with its representatives on legislation that expands labor rights, housing affordability and protections, as well as access to affordable healthcare.

Support local officials who know what tools and programs best support our residents. We support local decision-making authority and oppose statutory changes that erode local authority and decision making.

Oppose the imposition of legislative mandates that increase local costs without a corresponding state appropriation or funding mechanism. Unfunded mandates may increase local property taxes and this additional cost impedes cities' ability to fund traditional services.

Contact: *Mary Supple, Mayor, 612-866-8829, Msupple@richfieldmn.gov*
Katie Rodriguez, City Manager, 612-861-9702, KRodriguez@richfieldmn.gov

TOP LEGISLATIVE PRIORITIES-

Support a bonding bill that includes item H.F. 664 / S.F. 1308 that appropriates \$12,000,000 to deconstruct the existing nature center building at Wood Lake Nature Center and renovate the site, and to predesign, design, construct, furnish, and equip a new nature center building. The project also includes landscaping around the new center and renovation of the trails. This beloved and vital regional asset is 50 years old and is in need of a new building and improved trail system that meets the demands of its high-use, award-winning environmental education program and essential urban green space.

Support legislation which would provide the City of Richfield the authorization to propose a local sales tax (LST) to support regionally significant park projects. If the LST legislation is approved, the regionally significant park projects will be sent to voters for approval via referendum.

Support local control of Emergency Medical Services (EMS). The current laws do not provide meaningful oversight of the ambulance service providers. There are no response time requirements or control of ambulance billing rates within the Primary Service Areas. We support local control to determine who is best able to provide EMS services in our community.

Contact: *Katie Rodriguez, City Manager, 612-861-9702, KRodriguez@richfieldmn.gov*
Chris Swanson, Management Analyst, 612-861-9712, CSwanson@richfieldmn.gov



CITY OF RICHFIELD

2023 LEGISLATIVE POSITIONS

EXECUTIVE

- The city supports legislation which allows cities greater flexibility for remote participation for city council, board and commission members under the Open Meeting Law, while addressing the public's needs to be fully informed of city decision-making. Specifically the Legislature should amend the Open Meeting Law to allow city council, board and commission members to participate in meetings without making their remote location open and accessible to the public, allow the medical exception to be used without a declaration of a state of emergency, and remove the cap for the medical and military exceptions.

Contact: *Katie Rodriguez, City Manager, 612-861-9702, KRodriguez@richfieldmn.gov*

ADMINISTRATIVE SERVICES

- **Oppose** the elimination of current Minnesota Law (Coleman Act) that allows an open wholesale system for alcoholic beverages (spirits). Elimination of the Coleman Act would result in exclusivity brand ownership and ultimately raise wholesale and retail consumer prices, compress the municipal liquor store's profit margins, and lower service levels in all distribution channels.
- **Support** full reimbursement to cities for the cost of providing continued health insurance coverage for police and firefighters disabled or killed in the line of duty. From 7/1/17 to today, the City paid \$302,498 towards continued health insurance benefits, of which only \$ 64,037 was reimbursed by the State.
- **Support** reimbursement to cities for the cost of covering employees who are out on military leave. While employees are out, cities have to pay for 5 paid military leave days in a calendar year. Additionally, cities are obligated to pay for employee coverage for military leave through overtime expenses. The City of Richfield has seen a number of employees out on military leave for an extended period of time, which leads to increased cost with no reimbursement.
- **Support** legislative action to address increasing workers' compensation costs and the presumptive clause for coverage for Police Officers and Firefighters for Post-Traumatic Stress Disorder (PTSD). Due to the rise in employee PTSD cases and their associated cost, we request a revision of the language currently in the Senate Bill and Department of Labor regulations in order to review the presumption in worker's compensation cases.
- **Support** policies that provide opportunities for employees diagnosed with PTSD to receive treatment for PTSD that could result in continued employment with the local government. We also support the League of Minnesota Cities duty disability working group recommendations relating to mental health wellness within local government.
- **Support** splitting revenue from mail or online vehicle transactions with deputy registrars and increase both filing fees and appropriations to the vehicle services operating account. This increased must be redistributed as processing revenue for deputy registrars.

Contact: *Sack Thongvanh, Assistant City Manager, 612-861-9708, SThongvanh@richfieldmn.gov*



CITY OF RICHFIELD

2023 LEGISLATIVE POSITIONS

COMMUNITY DEVELOPMENT

- **Oppose** legislation or rule change that limits local authority related to the decision-making functions performed by cities when setting city budgets to provide city services. The City supports authority for cities to charge fees that are reasonably related to the cost of providing the service, permit or license. We oppose legislation that would require specific methods to pay for city services or would place caps on city fees.
- **Support** Housing Infrastructure Bonds for affordable housing.
- **Support** legislation for the preservation and rehabilitation of naturally occurring affordable housing properties.
- **Support** local autonomy in the development and approval of comprehensive plans and official controls.
- **Support** an amendment the Minnesota State Building Code to allow cities to require electric vehicle infrastructure in new construction.
- **Support** amendment to the TIF statute to allow 10% of units at 30% of the Area Median Income in a Housing TIF District.

Contact: Melissa Poehlman, Community Development Director, 612-861-9766, MPoehlman@richfieldmn.gov

FINANCE

- **Support** maintaining and increasing Local Government Aid.
- **Support** current formula and distribution of Fiscal Disparities and oppose shifting to fund projects.
- **Support** state action to identify and strengthen state and local cybersecurity capabilities. We support funding to evaluate local government cyber vulnerabilities, single points of failure, and fixes, and, the ability for municipal governments to apply for grant funding or assistance to solve these weaknesses.

Contact: Kumud Verma, Finance Manager, 612-861-9723, KVerma@richfieldmn.gov

FIRE

- **Support** continued funding of the Hometown Hero's Assistance Program.
- **Oppose** efforts to limit the use of residential fire sprinklers. We support working collaboratively with the stakeholders to provide the safest and most cost effective homes.
- **Oppose** efforts to legalize and expand fireworks within the state.

Contact: Mike Dobesh, Fire Chief, 612-243-4502, MDobesh@richfieldmn.gov

PUBLIC SAFETY

- **Support** additional regulation of products containing hemp-derived THC or cannabinoid products. There is a need for more legislation to address regulatory, public safety, employment, taxation, and public health concerns arising from the new law enacted during the 2022 legislative session allowing the sale of certain edible products containing hemp-derived THC. As the legislature addresses future issues related to cannabinoids cities must be included in the discussion and regulatory framework of these products.

Richfield staff is available to provide detailed information on any of the items listed on this handout and to provide testimony.



CITY OF RICHFIELD

2023 LEGISLATIVE POSITIONS

- **Support** Police Officer Safety, Health, and Wellness (Protecting the Protectors) legislation. This legislation is similar to the Hometown Heroes Act that was recently passed to protect the fire personnel. This legislation would provide law enforcement agencies with training for emotional resiliency and understanding of trauma. Additionally, it would create peer support groups, provide mental health checks/therapy, suicide prevention/awareness and family support.
- **Support** legislation that provides a way for all persons to obtain a Driver License (regardless of citizenship status.) Individuals will learn the rules of the road and become qualified to safely operate a motor vehicle. Auto insurance is required to be a licensed driver.
- **Support** the **Arbitration Revision Act**, creating a more objective arbitration process by having the Office of Administrative Hearings handle all the police officer termination grievances.
- **Support** the **Officer Integrity Act**, allowing for a Minnesota Licensed Peace Officer to be terminated from public employment without opportunity to challenge the remedy of termination should the basis for termination be willful or intentional dishonesty, deception, or similar unethical or illegal conduct that is deemed sufficient to imperil their credibility in court testimony. We oppose limiting an officer's due process right to arbitration.
- **Support** legislation focused on retention and recruitment of law enforcement officers.

Contact: Jay Henthorne, *Public Safety Director*, 612-861-9828, JHenthorne@richfieldmn.gov

PUBLIC WORKS

- **Introduce/Support** a maximum local contribution to County and State projects and limit long-term ownership and major maintenance responsibility placed on local agencies. Cost participation requirements related to trunk highways and county state aid projects place too high of a burden on local agencies, promoting inequality and disparities in cities like Richfield.
- **Support** a state-wide, comprehensive, and stable water, wastewater and stormwater infrastructure funding source to address Minnesota's aging infrastructure to ensure Minnesota communities remain a great place to live and competitive place to do business.
- **Introduce/Support** legislation that would create or increase grant programs for local agencies statewide to combat Emerald Ash Borer on public and private property.
- **Oppose** any legislation that would eliminate or reduce the ability to use State Aid funds for local projects, including lane reductions.
- **Oppose** any legislation or rule change that limits local authority related to use of public rights-of-way (small cell, for example).
- **Support** state laws that provide limited liability to commercial salt applicators that are certified through an established voluntary salt applicator certification program.

Contact: Kristin Asher, *Public Works Director*, 612-861-9795, KAsher@richfieldmn.gov

RECREATION AND SUSTAINABILITY

- **Support** efforts for the proper labeling of compostable products and not allow products with misleading claims to be sold or distributed in the State (H.F.1165 / S.F. 2243).

Richfield staff is available to provide detailed information on any of the items listed on this handout and to provide testimony.



CITY OF RICHFIELD

2023 LEGISLATIVE POSITIONS

- **Support** Hennepin County funding that would expand infrastructure at the local level for the creation of compost processing sites and/or anaerobic digesters.
- **Support** legislation that would designate all solid waste taxes generated to the state's SCORE fund to support sustainability efforts.

Contact: Amy Markle, Recreation Services Director, 612-861-9354, AMarkle@richfieldmn.gov



STAFF REPORT NO. 189
CITY COUNCIL MEETING
12/13/2022

REPORT PREPARED BY: Katie Rodriguez, City Manager

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/7/2022

ITEM FOR COUNCIL CONSIDERATION:

Consider approval of a new agreement with the Richfield Tourism and Promotion Board (RTPB).

EXECUTIVE SUMMARY:

At the September 14, 2021 work session the City Council directed staff to update the agreement with the Richfield Tourism and Promotion Board (RTPB) to provide marketing and promotional services.

The updated agreement includes the following governance structure and goals identified at the work session.

The governing board would consist of the following:

- 3 members to represent Richfield hotels.
- 1 member appointed by the Richfield Chamber of Commerce.
- 1 resident member recruited and appointed by the City Council.
- 1 member to represent Richfield restaurants recruited and appointed by the City Council.
- Ex-officio member-Richfield City Manager or their designee.

A 3 year review requirement to ensure that the agreement is regularly reviewed and updated.

A specific scope of services, including goals and progress indicators.

Require annual presentation to the City Council summarizing services, results and financial reporting.

Updated and clarified fiscal and insurance requirements.

RECOMMENDED ACTION:

By motion: Approve the updated agreement with the Richfield Tourism and Promotion Board.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

On June 25, 1990, the City approved an ordinance to levy a 3% tax on gross receipts of lodging from Richfield Hotels and Motels pursuant to Minnesota Statutes. The City then executed an agreement with

the Richfield Tourism and Promotion Board (RTPB) to provide marketing and promotional services (the Agreement) on July 5, 1990. The current RTPB consists of a representative of each Richfield hotel (3), a representative of the Richfield Chamber of Commerce and a newly added resident representative.

The RTPB used to be housed within the Richfield Chamber of Commerce but separated from the Chamber several years ago to maintain a focus on tourism. The RTPB contracted with Katy Epler to serve as Executive Director several years ago and she has been leading some new initiatives to better promote Richfield and expand our tourism. One example is partnering with the University of Minnesota's Office of Tourism for a year long Tourism Assessment. Richfield has also increased its profile in the last few years which is an additional opportunity for RTPB to lead a robust and effective promotion and tourism program. Updating and strengthening our agreement with RTPB will build on these positive developments.

In September 2019 staff presented research on several other convention and tourism boards (CVBs) on their governance structure, agreement with their city and best practices. Based on the research, staff recommended updating the agreement and addressing some inconsistencies with RTPB's current governance and practices compared with the surveyed CVBs:

- The surveyed CVBs have 2 city representatives (Edina has one representative from the city and one from the school district). RTPB has no city representation on the governing board, but staff do regularly attend meetings.
- The surveyed CVBs provide for more citizen representatives and more representatives from the general business community. The current RTPB only has one each.
- The surveyed CVBs do not directly reimburse hotels for expenses with minor exceptions.
- Some of the surveyed CVB agreements have a regular review or expiration dates, more specific scope of services and reporting requirements.

City staff, RTPB President Gordon Vizecky and Executive Director Katy Epler met several times to find consensus on the basic elements of a future agreement.

Staff and RTPB presented several recommendations to update the agreement at the September 14, 2021 work session including the following governance structure that addresses previous concerns. The governing board would consist of the following:

- 3 members to represent Richfield hotels.
- 1 member appointed by the Richfield Chamber of Commerce.
- 1 resident member recruited and appointed by the City Council.
- 1 member to represent Richfield restaurants recruited and appointed by the City Council.
- Ex-officio member-Richfield City Manager or their designee.

It has been inefficient to have the City approve all members since the hotel representatives can change outside of the city's commission recruitment and appointment process. In addition, most other CVB's do not require all members to be approved by the city council. The resident and restaurant representatives will be recruited and appointed as part of the annual City process but will need to be initially recruited early in 2023 if the new agreement is approved.

RTPB sought guidance from the Minnesota Association of Convention and Visitors Bureaus (MACVB) on best practices on governance and spending to grow tourism in the City. MACVB confirmed that most tourism boards do not have most of their members approved by the city council. They also provided the following guidance on spending:

If the tourism organization chooses to offer grants to their partners to help cover marketing/promotion expenses that benefit the destination as a whole, a well-defined, competitive process should be established by the board of directors. Grantees should be able to demonstrate the value and key performance indicators that will benefit the community as a whole. The dollars provided via grants should be designated as a line item in the budget and the process well-documented in the organizational policies.

President Vizecky and Executive Director Epler have included implementing a grant program in their

future work plans.

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

The City of Richfield has levied a 3% tax on the gross receipts of lodging from hotels and motels in the City pursuant to Minnesota Statute Section 469.190 which authorizes the proceeds of the tax to fund a Tourism Promotion Board for the purpose of marketing and promoting the City as a tourist or convention center. The City has an Agreement with the Richfield Tourism and Promotion Board, Inc., dated July 5, 1990, to provide marketing and promotional services permissible under Minnesota Statute Section 469.190.

C. CRITICAL TIMING ISSUES:

Council directed staff to work with RTPB to update the agreement in 2022.

D. FINANCIAL IMPACT:

The City's hotel/motel lodging tax totaled \$211,000 in 2019. The pandemic significantly impacted the tourism industry and lodging tax revenues fell to \$75,000 in 2020. Revenues have continued to improve but are not yet at pre-pandemic levels: \$87,777 in 2021 and \$108,716 YTD in 2022.

E. LEGAL CONSIDERATION:

Staff worked with the City Attorney to update the Agreement with RTPB.

ALTERNATIVE RECOMMENDATION(S):

The Council can choose not to update the Agreement with RTPB and continue with the current governance structure. Or, the Council can choose to terminate the Agreement with RTPB and seek a new local tourism board to provide services.

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

Description	Type
▢ RTPB Agreement	Cover Memo

AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into this ____ day of _____, 2022 by and between the CITY OF RICHFIELD, Minnesota, a Municipal Corporation, 6700 Portland Avenue, Richfield, Minnesota 55123 ("City"), and the RICHFIELD TOURISM PROMOTION BOARD, INC., a Minnesota nonprofit corporation, _____, _____, Minnesota 55____ ("RTPB").

RECITALS

WHEREAS, the hospitality industry forms an important component of the City's business and tax base;

WHEREAS, a healthy and vital hospitality industry is important to the overall well-being of the City and its residents and businesses;

WHEREAS, the City deems it in the public interest to support the hospitality industry by promoting the City as tourist, meeting and visitors' destination;

WHEREAS, RTPB is organized for the purpose of performing such promotion;

WHEREAS in accordance with Minnesota Statutes section 469.190, as it may be amended from time to time, the City has imposed by City Code Section 1400 a local lodging tax to fund a tourism and convention bureau;

WHEREAS, RTPB has the professional resources and experience to carry out their objectives; and

WHEREAS, the City and RTPB are currently parties to an agreement dated July 5, 1990 ("the 1990 agreement") and wish to terminate that agreement and enter into this new Agreement for services.

NOW THEREFORE, BASED ON THE FOREGOING, THE PARTIES AGREE AS FOLLOWS:

1. TERM OF AGREEMENT; TERMINATION.

1.1 The parties mutually agree to terminate the 1990 agreement.

1.2 The term of this Agreement begins January 1, 2023 and will continue until cessation by mutual agreement or until termination by one of the parties in accordance with this Agreement.

1.3 The parties may terminate this Agreement only as follows:

- a) At the end of any calendar year provided the terminating party provides at least four months' written notice to the other party.

- b) If the local lodging tax is eliminated, then the City may terminate this Agreement immediately by delivering written notice of termination to RTPB. For purposes under this Section, termination shall be effective upon delivery of the notice.
- 1.4 Upon termination, all funds allocated to or held by RTPB, which remain in accounts for the purpose of RTPB operations must be remitted to the City, less such amounts as are necessary to cover obligations and expenses incurred by RTPB prior to receiving notice of termination to carry out obligations of this Agreement in accordance with the budget approved by the City.
- 1.5 Beginning in 2026 and at least every third year thereafter, the City and RTPB will conduct a joint and complete review of this Agreement.

2. SCOPE OF SERVICES

- 2.1 RTPB will provide marketing support for events which promote the city as a destination for visitors and will provide marketing services to attain the following goals:
 - a) Goal 1 is increased hospitality spending within the city, including lodging, restaurants and events, recognizing that RTPB has limited tools to overcome regional or state economic trends. Progress toward this goal will be indicated by the amount of lodging tax received by the City, restaurant sales, and event attendance.
 - b) Goal 2 is increased visibility for Richfield's hospitality businesses, attractions, events and venues via the Visit Richfield website and social-media channels. Progress toward this goal will be indicated by measurements of website traffic, and impressions, engagements, and leads resulting from social-media activity.
 - c) Goal 3 is to support the City's lodging businesses, restaurants, attractions, events and venues. Progress toward this goal will be indicated by City, community and industry participation in cooperative promotions and projects.
- 2.2 During the first year of this Agreement RTPB and the City Manager or their designee will develop specific measurement indicators to assess progress toward these goals and to determine methods for collecting and reporting performance data. Such data will include measures of website activities and media relations. Thereafter the measurements will be integrated into the RTPB's annual work plan and reported in annual reports provided to the City by the RTPB.

3. ORGANIZATIONAL GOALS MARKETING PLAN AND BUDGET.

- 3.1 RTPB will prepare an annual work plan and budget.

- 32 Annually, RTPB will submit a report on its progress toward goals for the previous year to the City Council.
- 33 In performing the obligations under this Agreement, employees of RTPB or any other persons engaged in the performance of any service required by RTPB will act as independent entities and not as agents, representatives or employees of the City. No employee of the RTPB is eligible for any benefits, rights or privileges accorded to City employees.
- 34 RTPB will provide such other information and reports as reasonably requested by the City.

4. COLLECTION AND DISTRIBUTION OF THE LODGING TAX.

- 41 The City, in its sole discretion, will determine the rate of tax imposed upon lodging.
- 42 The City bears sole responsibility for collection of the lodging tax.
- 43 The City will distribute to RTPB 95% of the lodging tax collected and retain 5% for administration costs. Distribution will be accomplished on a timely basis, ordinarily monthly, after actual receipt of payments. At the time of each monthly distribution, and to the extent allowed by law, the City will notify RTPB of all delinquencies in lodging tax collections.

5. FISCAL

- 51 The RTPB will maintain its accounting records in accordance with generally accepted accounting principles, practices, and procedures. Invoices, contracts, vouchers, and other documentation evidencing the nature and propriety of the charges and costs paid must support all expenditures.
- 52 RTPB must maintain all financial records, including supporting documentation, for a period not less than seven (7) years.
- 53 RTPB will, at any time during normal business hours and as often as the City Manager or their designee may deem necessary, make its records with respect to all things covered by this Agreement available to the City representatives and shall permit representatives to examine, copy or audit its records, or make excerpts or transcripts from such records.
- 54 RTPB will provide to the City a copy of the RTPB's monthly financial statement.
- 55 Annually, RTPB will submit to the City an audited or reviewed financial report for the fiscal year just ended, prepared by an independent certified public accountant.

56 No employee or contract position of RTPB will be paid a bonus, wages or commissions based on an incentive plan in connection with the services rendered under this Agreement. Except as provided in a Board approved policy, the RTPB will not distribute gifts in exchange for services rendered under this Agreement. The RTPB will require all employees Directors and contracted positions to sign an annual conflict of interest disclosure.

6. INDEPENDENT CONTRACTOR, HOLD HARMLESS AND INDEMNIFICATION, INSURANCE/BOND

61 RTPB will, for all purposes including for purposes of this Agreement, be deemed to be an independent contractor, and not an employee of the City. All employees or contract positions of RTPB, and all other persons, while engaged in the performance of any service for or on behalf of RTPB, will be employees or agents of RTPB and will not be considered employees of the City. As such, employees and agents of RTPB will not be entitled to any benefits or privileges from the City. All claims that may or might arise under the Workers' Compensation Act of the State of Minnesota on behalf of said employees or other persons while so engaged, and all claims made by a third party as a consequence of any act or omission on the part of RTPB, its agents, or employees or other persons while so engaged in any of the services provided will not be the obligation or responsibility of the City.

62 Each party agrees to indemnify, save and hold harmless, and defend the other party and all of its officers, agents and employees from any and all third-party claims, demands, or causes of action, of whatever nature or character arising out the indemnifying party's acts or omissions in the execution or performance of the services provided for in this Agreement.

63 RTPB will carry comprehensive general liability (CGL) covering RTPB for bodily injury and property damage claims in an amount of not less than \$1,000,000 per occurrence. To meet the CGL requirement, RTPB may use a combination of excess and umbrella coverage. Before commencing services under this Agreement, RTPB must provide the City with a current certificate of insurance which must list the City as an additional insured on the CGL policy and contain a statement that the policy will not be canceled or amended unless thirty (30) days written notice is provided to the City.

64 In addition to the insurance requirements set forth above, RTPB will obtain a fidelity bond in the minimum amount of \$100,000 covering the person or persons on a position or name-scheduled basis that handles any money pursuant to this Agreement. The amount of such bond shall be reviewed annually and modified to be consistent with the lodging tax dollars paid to RTPB pursuant to this Agreement.

7. STRUCTURE OF ORGANIZATION

- 7.1 RTPB will maintain its non-profit tax status in compliance with state and federal law.
 - 7.2 RTPB will operate under the organization and procedures specified in its Articles of Incorporation and Bylaws as may be amended from time to time and filed with the Minnesota Secretary of State. RTPB will solicit the City's input before amending its Articles of Incorporation and Bylaws.
 - 7.3 No employee or contract position of RTPB may serve on the Board of Directors of RTPB.
 - 7.4 No member of the City Council or any employee of the City may have any interest in any contract made by RTPB in performing its services.
 - 7.5 The Board will consist of the following members:
 - 3 Hotel Representatives-recruited and appointed by the Board; and
 - 1 Chamber Representative-recruited and appointed by the Richfield Chamber of Commerce; and
 - 1 Resident Representative-recruited and appointed by the City; and
 - 1 Restaurant Representative-recruited and appointed by the City (must have restaurant experience, preference for a Richfield restaurant owner or manager and does not need to be a Richfield resident); andCity Manager or their designee shall be a voting ex-officio member.
 - 7.6 All RTPB members (except ex-officio members) will serve staggered 3 year terms.
8. DISCRIMINATION. In providing services hereunder, RTPB must comply with the provisions of Minnesota Statutes Section 181.59, as the same may be amended from time to time. RTPB will not discriminate against any person or firm in any activities pursuant to Minnesota Statutes Section 181.59, which is incorporated into this Agreement as though set forth in its entirety.
9. ASSIGNMENT. RTPB may not assign this Agreement without the prior written approval of the City.
10. NOTICE. All notices, requests, demands and other communications hereunder must be in writing and will be deemed given if personally delivered or mailed, certified mailed, return receipt requested, to the other party, or to any successors or assigns of the City or RTPB, at the addresses identified above, or any future assigns or addresses of the City or RTPB, if the City or RTPB gives the other party notice of such change of address as provided pursuant to the provisions for notice herein.

11. RECITALS. The recitals set forth above the terms and definitions therein are hereby made a part hereof as though they were set forth in the body hereof.
12. MODIFICATION. This Agreement may be changed only by written agreement between both parties.
13. GOVERNING LAW. The laws of the State of Minnesota govern this Agreement.
14. ENTIRE AGREEMENT. This Agreement is fully integrated and embodies the entire Agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first written above.

CITY OF RICHFIELD

By _____
Maria Regan Gonzalez
Its: Mayor

And _____
Katie Rodriguez
Its: City Manager

RICHFIELD TOURISM AND PROMOTION BOARD, INC.

By _____

and _____