



**SPECIAL CITY COUNCIL WORKSESSION
RICHFIELD MUNICIPAL CENTER, FRED BABCOCK ROOM
MAY 22, 2018
6:15 PM**

Call to order

1. Discussion regarding appointment to the Community Services Commission

Adjournment

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

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

May 17, 2018

Council Memorandum No. 36

The Honorable Mayor
and
Members of the City Council

Subject: Community Services Commission Appointment Discussion

Council Members:

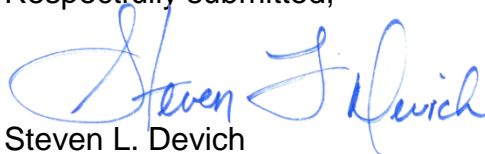
Discussion of appointment to the Community Services Commission is scheduled for Tuesday, May 22, 2018, from 6:15-6:30 p.m. in the Fred Babcock Conference Room in the Municipal Center. You will need your badge to have access to the room.

The following materials are included for your review:

- Applicant list with preference(s) indicated
- Commission applications
 - **NOTE: Only applicants not appointed on January 23, 2018, which indicated a preference for the Community Services Commission, and indicated their continued interest in serving, are included.**

Consideration of the appointment is on the May 22, 2018, Council meeting agenda. Contact me if you have any questions.

Respectfully submitted,



Steven L. Devich
City Manager

SLD:jjv

Email: Assistant City Manager
Department Directors

COMMISSION APPLICANTS WITH PREFERENCE(S) INDICATED

Applicant's Name (alpha order)	Advisory Board of Health	Arts	Civil Service	Community Services	Friendship City	Human Rights	Planning	Transportation
# of Vacancies				<i>1 Adult</i>				
Johnson, Kirsten			3	3		2	1	2
Macklem, Ronald		1		1	1			1

COMMISSION MEETING DAY/TIME

- *Advisory Board of Health* - meets third Monday, January through June, September and October at 6 p.m.
- *Arts Commission* – meets first Thursday of each month at 7 p.m.
- *Community Services Commission* - meets third Tuesday of each month at 7 p.m.
- *Friendship City Commission* - meets third Thursday of each month at 7 p.m.
- *Human Rights Commission* - meets first Tuesday of each month at 6:30 p.m.
- *Transportation Commission* – meets first Wednesday of each month at 7 p.m.



**SPECIAL CITY COUNCIL WORKSESSION
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM
MAY 22, 2018
6:30 PM**

Call to order

1. Key Financial Strategies

Adjournment

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

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

May 17, 2018

Council Memorandum No. 35

The Honorable Mayor
and
Members of the City Council

Subject: Key Financial Strategies

Council Members:

City Council members will find attached to this memo the 2018 Key Financial Strategies (KFS) forecast. As in prior years the KFS is comprised of two reports: the Financial Management Plan and the Capital Financing Plan.

The Financial Management Plan presents a projection of the City's General Fund and the overall tax levy that will help support General Fund operations and capital financing tax levies. The Capital Financing Plan reflects the existing debt service tax levy requirements and projected additional tax levy requirements based on current Capital Improvement Budget and Capital Improvement Plan (CIB/CIP) forecasts.

Staff will be making a short presentation of the KFS at the May 22, 2018, City Council work session.

Respectfully submitted,



Steven L. Devich
City Manager

SLD:cr

Attachments

Email: Assistant City Manager
Department Directors

City of Richfield
FINANCIAL MANAGEMENT PLAN

	Inflation Assumptions	Revenue		0.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
		Expenditures		0.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
GENERAL FUND													
		2016	2017	2018	2018	2019	2020	2021	2022	2023	2024	2025	2026
		Actual	Actual	Adopted	Revised								
REVENUE													
1	GENERAL PROPERTY TAX	12,309,740	12,816,485	12,533,005	12,533,005	13,177,132	13,705,327	14,310,709	15,183,089	15,873,343	16,572,018	17,299,678	18,036,901
2	FISCAL DISPARITIES	2,671,343	2,948,178	3,302,435	3,302,435	3,368,473	3,402,158	3,436,179	3,470,541	3,505,247	3,540,299	3,575,702	3,611,459
3	LICENSES & PERMITS	1,124,025	1,061,107	965,970	965,970	994,949	1,024,798	1,055,542	1,087,208	1,119,824	1,153,419	1,188,021	1,223,662
4	LOCAL GOVERNMENT AID	550,000	550,000	1,150,000	1,150,000	1,000,000	1,000,000	950,000	650,000	550,000	450,000	350,000	250,000
5	OTHER INTERGOVERNMENTAL	1,211,699	1,180,873	1,200,510	1,200,510	1,236,525	1,273,621	1,311,830	1,351,185	1,391,720	1,433,472	1,476,476	1,520,770
6	CHARGES FOR SERVICES	2,246,971	2,145,995	2,201,000	2,201,000	2,267,030	2,335,041	2,405,092	2,477,245	2,551,562	2,628,109	2,706,952	2,788,161
7	FINES & FORFEITS	269,749	312,041	360,000	360,000	370,000	370,000	370,000	370,000	370,000	380,000	380,000	390,000
8	MISC. REVENUE	106,731	113,491	95,550	95,550	105,000	108,150	111,037	114,368	117,799	121,333	124,973	128,722
9	OTHER FINANCING SOURCES	1,037,710	756,580	1,541,540	1,541,540	1,550,550	1,566,056	1,581,716	1,597,533	1,613,509	1,629,644	1,645,940	1,662,399
10	TOTAL REVENUE	21,527,968	21,884,750	23,350,010	23,350,010	24,059,660	24,785,150	25,532,105	26,301,168	27,093,003	27,908,293	28,747,742	29,612,074
11													
EXPENDITURES													
13	LEGISLATIVE/EXECUTIVE	814,724	866,235	902,290	902,290	929,359	957,239	985,957	1,015,535	1,046,001	1,077,381	1,109,703	1,142,994
14	ADMINISTRATIVE	1,323,809	1,274,142	1,466,170	1,466,170	1,510,155	1,555,460	1,602,124	1,650,187	1,699,693	1,750,684	1,803,204	1,857,300
15	PUBLIC SAFETY	8,175,701	8,214,212	9,067,810	9,067,810	9,339,844	9,620,040	9,908,641	10,205,900	10,512,077	10,827,439	11,152,263	11,486,830
16	FIRE	4,056,978	4,140,668	4,274,500	4,274,500	4,402,735	4,534,817	4,670,862	4,810,987	4,955,317	5,103,977	5,257,096	5,414,809
17	COMMUNITY DEVELOPMENT	1,330,766	1,349,571	1,426,480	1,426,480	1,469,274	1,513,353	1,558,753	1,605,516	1,653,681	1,703,292	1,754,390	1,807,022
18	PUBLIC WORKS	3,833,814	3,964,477	4,074,100	4,074,100	4,196,323	4,322,213	4,451,879	4,585,435	4,722,999	4,864,688	5,010,629	5,160,948
19	RECREATION SERVICES	1,827,779	1,847,722	1,943,660	1,943,660	2,001,970	2,062,029	2,123,890	2,187,606	2,253,235	2,320,832	2,390,457	2,462,170
20	TRANSFER OUT	150,000	175,000	195,000	195,000	210,000	220,000	230,000	240,000	250,000	260,000	270,000	280,000
21	TOTAL EXPENDITURES	21,513,571	21,832,027	23,350,010	23,350,010	24,059,660	24,785,150	25,532,105	26,301,168	27,093,003	27,908,293	28,747,742	29,612,074
22													
23	REVENUE OVER (UNDER) EXPENDITURES	14,397	52,723	-	-	(0)	0	(0)	(0)	0	(0)	(0)	0
24													
25	GENERAL FUND OPERATING TAX LEVY(Net of Uncoll)		15,866,030	15,835,440	15,835,440	16,545,605	17,107,485	17,746,889	18,653,630	19,378,589	20,112,317	20,875,379	21,648,360
26	Add Back Uncollectible		160,263	159,954	159,954	165,456	171,075	177,469	186,536	193,786	201,123	208,754	216,484
27	TOTAL OPERATING LEVY		16,026,293	15,995,394	15,995,394	16,711,062	17,278,560	17,924,358	18,840,166	19,572,375	20,313,440	21,084,133	21,864,843
28													
29	DEBT/SPECIAL LEVY(From Capital Financing Plan)		3,408,397	4,626,517	4,626,517	4,935,835	5,570,167	6,286,452	6,338,211	6,220,238	6,252,252	7,250,834	7,272,144
30													
31	TOTAL CERTIFIED LEVY		19,434,690	20,621,911	20,621,911	21,646,897	22,848,727	24,210,809	25,178,377	25,792,613	26,565,692	28,334,967	29,136,987
32	% Increase			6.11%	0.00%	4.97%	5.55%	5.96%	4.00%	2.44%	3.00%	6.66%	2.83%
33													
34	TOTAL CERTIFIED LEVY		19,434,690	20,621,911	20,621,911	21,646,897	22,848,727	24,210,809	25,178,377	25,792,613	26,565,692	28,334,967	29,136,987
35	LESS FISCAL DISPARITIES		(3,604,596)	(3,302,435)	(3,302,435)	(3,368,473)	(3,402,158)	(3,436,179)	(3,470,541)	(3,505,247)	(3,540,299)	(3,575,702)	(3,611,459)
36	NET LOCAL LEVY TO TAXPAYERS		15,830,094	17,319,476	17,319,476	18,278,424	19,446,570	20,774,630	21,707,836	22,287,367	23,025,393	24,759,265	25,525,528
37													
38	EXISTING NET TAX CAPACITY		27,845,963	30,001,418	30,001,418	34,528,869	35,564,735	36,631,677	37,730,627	38,862,546	40,028,423	41,229,275	42,466,154
39	TOTAL TAX CAPACITY		27,845,963	30,001,418	30,001,418	34,528,869	35,564,735	36,631,677	37,730,627	38,862,546	40,028,423	41,229,275	42,466,154
40													
41	TAX RATE ON TAX CAPACITY		56.849%	57.729%	57.729%	52.937%	54.679%	56.712%	57.534%	57.349%	57.523%	60.053%	60.108%
42	TAX RATE % CHANGE			1.55%	0.00%	-8.30%	3.29%	3.72%	1.45%	-0.32%	0.30%	4.40%	0.09%
43													
44	City Taxes		1,103	1,195	1,195	1,212	1,290	1,378	1,440	1,478	1,527	1,642	1,693
45	Percentage tax increase in average home			8.35%	0.00%	1.44%	6.39%	6.83%	4.49%	2.67%	3.31%	7.53%	3.09%
46													
47	Existing Tax Base Inflation Estimate				0.00%	10.60%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
48	Total Net Tax Base % Increase(decrease)			7.74%	0.00%	15.09%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
49	Estimated Average Home Market Value		194,000	207,000	207,000	229,000	235,870	242,946	250,234	257,742	265,474	273,438	281,641

City of Richfield
Capital Financing Plan

	2018	2019	2020	2021	2022	2023	2024	2025	2026
1 Existing and Projected Tax Levy Requirements									
2 Richfield Municipal Center									
3 2008A Bonds	799,200	-	-	-	-	-	-	-	-
4 2009A Bonds	381,339	-	-	-	-	-	-	-	-
5 2010A Bonds - Alley Paving/Equipment	15,625	14,943	14,260	-	-	-	-	-	-
6 2012A G.O. Street Reconstruction Bonds - 76th St E	127,701	130,955	128,855	126,755	129,905	127,700	130,745	128,435	128,436
7 2013A G.O. Improvement Bonds - North Richfield Parkway	159,288	163,380	161,936	160,204	163,432	161,138	158,723	161,438	161,438
8 2015A G.O. Street Reconstruction Bonds - 69th St./Portland	280,501	276,301	282,601	282,496	282,233	280,868	284,570	279,451	279,451
9 2016B G.O. Refunding Bonds	524,024	521,452	518,564	520,612	522,187	523,289	523,919	518,827	518,827
10 2016C G.O. Refunding Bonds	-	721,324	720,379	724,474	728,254	731,719	736,969	736,443	736,444
11 2017A G.O. Street Reconstruction Bonds - 66th Street	622,650	620,550	623,595	620,681	622,650	624,067	621,810	624,488	624,488
12 2017B G.O. Refunding Bonds	-	345,870	351,015	350,700	350,280	355,005	359,520	360,728	361,620
13 2018A G.O. Street Reconstruction Bonds - 66th Street M&O	-	375,563	288,645	283,763	284,130	284,340	284,392	284,288	284,025
14 Cedar Point Tax Abatement Levy	370,722	388,216	388,216	388,216	388,216	-	-	-	-
15 Rolling Stock, Equipment, and IT Levy	785,000	800,000	815,000	830,000	850,000	850,000	850,000	850,000	850,000
16 Economic Development Authority	560,467	577,281	594,599	612,437	630,811	649,735	669,227	689,304	709,983
17 66th Street Reconstruction (\$2.2M over 20 years at 3.5%)	-	-	154,794	154,794	154,794	154,794	154,794	154,794	154,794
18 Lyndale Avenue Reconstruction (\$7.5M over 20 years at 3.5%)	-	-	527,708	527,708	527,708	527,708	527,708	527,708	527,708
19 Lyndale Avenue Reconstruction (\$2.0M over 20 years at 3.5%)	-	-	-	140,722	140,722	140,722	140,722	140,722	140,722
20 65th Street Reconstruction (\$8.0M over 20 years at 3.5%)	-	-	-	562,889	562,889	562,889	562,889	562,889	562,889
21 76th Street West Reconstruction (\$3.5M over 20 years at 3.5%)	-	-	-	-	-	246,264	246,264	246,264	246,264
22 Humboldt/Lakeshore Drive Recon (\$4M over 20 years at 3.5%)	-	-	-	-	-	-	-	281,444	281,444
23 Nicollet Avenue Reconstruction (\$5.0M over 20 years at 3.5%)	-	-	-	-	-	-	-	351,805	351,805
24 Penn Avenue Reconstruction (5.0M over 20 years at 3.5%)	-	-	-	-	-	-	-	351,805	351,805
25 Total Debt/Special Levy	4,626,517	4,935,835	5,570,167	6,286,452	6,338,211	6,220,238	6,252,252	7,250,834	7,272,144



**REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
MAY 22, 2018
7:00 PM**

INTRODUCTORY PROCEEDINGS

Call to order

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

Pledge of Allegiance

Approval of the minutes of the Regular City Council meeting of May 8, 2018.

PRESENTATIONS

1. Three Rivers Park District update by Chair and District 4 Representative John Gunyou
2. Presentation of 2017 Food Safety Awards
3. Receipt of the City of Richfield Comprehensive Annual Financial Report (CAFR) for the fiscal year ended December 31, 2017.

Staff Report No. 84

COUNCIL DISCUSSION

4. Hats Off to Hometown Hits

AGENDA APPROVAL

5. Approval of the Agenda
6. **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. Consideration of the approval of an annual request for a Temporary On Sale Intoxicating Liquor license for the Academy of Holy Angels, located at 6600 Nicollet Avenue South, for their Holy Angels Rock the Lawn event taking place Friday, June 22, 2018.

Staff Report No. 85

- B. Consideration of the approval of a resolution authorizing the City to affirm the monetary limits on statutory

municipality tort liability.

Staff Report No. 86

- C. Consideration of the adoption of a resolution authorizing the City Manager to enter into agreements related to the Minnesota Department of Transportation's Landscape Partnership Program

Staff Report No. 87

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

RESOLUTIONS

8. Consideration of the approval of a resolution amending the Comprehensive Plan designation of a property on 66th Street, between 1st and Stevens Avenues (101 66th Street East).

Staff Report No. 88

PUBLIC HEARINGS

9. Public hearing and consideration of the approval of new On-Sale Wine and 3.2 Percent Malt Liquor licenses for Los Sanchez Taqueria #2, LLC d/b/a Los Sanchez Taqueria located at 2 West 66th Street.

Staff Report No. 89

PROPOSED ORDINANCES

10. Consideration of the approval of the first reading of an ordinance amending the tobacco ordinance to include increasing the minimum legal age to purchase tobacco products and tobacco related devices from eighteen (18) to twenty-one (21) years of age and updating several sections to include new and updated definitions.

Staff Report No. 90

11. Consideration of the approval of an ordinance amending sign regulations and a resolution authorizing summary publication of said ordinance.

Staff Report No. 91

OTHER BUSINESS

12. Consideration of the appointment of an adult member to the Community Services Commission with a term expiring January 31, 2021.

Staff Report No. 92

CITY MANAGER'S REPORT

13. Summary review of the City Manager's annual performance evaluation for 2017, held on May 8, 2018, as required by Minn. Statutes 13D.05 Subd. 3(a).
14. City Manager's Report

CLAIMS AND PAYROLLS

15. Claims and Payrolls

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

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 612-861-9738.



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

May 8, 2018

CALL TO ORDER

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

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Michael Howard; Maria Regan Gonzalez; and Simon Trautmann.

Staff Present: Steven L. Devich, City Manager; Bob Vose, City Attorney; John Stark, Community Development Director; Chris Regis, Finance Manager; and Jared Voto, Executive Aide/Analyst.

OPEN FORUM

Nelson Ward, 7220 Elliot Ave S, representing the Optimist Club of Richfield, spoke regarding the Optimist Club celebrating 60 years in Richfield, their work in the community, and invited anyone interested to attend a meeting.

Erin Springer, 6813 Queen Ave S, representing Girls Scout Troop 11404 spoke regarding the Optimist Club and their Avenues of Flags project. This program fundraises for the troop and allows them to give back to their community.

David Kriesel-Koll, 6845 5th Ave S, representing the Optimist Club of Richfield, spoke regarding their Avenues of Flags fundraising project and the programs it funds to support Richfield youth. He invited residents of Richfield to support the Avenue of the Flags project.

Mayor Elliott thanked the Optimist Club of Richfield for their work in the city.

Council Member Garcia echoed the Mayor's comments and thanked them for their work.

PLEDGE OF ALLEGIANCE

Mayor Elliott led the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Elliott, S/Trautmann to approval of the minutes of the: 1) Special City Council work session of April 24, 2018; (2) Special joint City Council and Transportation Commission work session of April 24, 2018; and (3) Regular City Council meeting of April 24, 2018.

Motion carried 5-0.

Item #1	RICHFIELD STEM/DUAL LANGUAGE SCHOOL COMBINED 5TH GRADE CHOIR
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Councilmember Regan Gonzalez introduced and welcomed the Richfield STEM/Dual Language School combined 5th Grade choir and members of the audience. The choir preformed three songs for the City Council and audience.

Item #2	COUNCIL DISCUSSION <ul style="list-style-type: none">• Hats Off to Hometown Hits
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Council Member Trautmann thanked everyone who attended the Friends of Wood Lake (FOWL) dinner. He also reminded families of the parks and recreation activities during the summer and of the passport program, which subsidizes the costs of recreational programs.

Council Member Garcia spoke regarding events on May 11 from 5-8 p.m. there will be a Latina Women's Fair at House of Prayer; on Saturday, May 12 the United States Post Office will be picking up non-perishable food items for food shelves; on May 12 from 1-3 p.m. at the Wood Lake Nature Center the Lyndale Gardens developer is hosting an open house for their proposed development; on May 15 from 9:30-10:30 a.m. at Wood Lake Nature Center there will be spring story time for children 3-5 years old followed by an activity or hike; and lastly she discussed Donna Peterson's work and contribution to the city of Richfield and offered her condolences to her family.

Mayor Elliott spoke regarding the Memorial Day ceremony at the Honoring All Veterans Memorial in Veterans Park on Monday May 28 at 2 p.m. Featured guest speakers: Dr. Michael Turner and Judge Mitchell Turner, brothers of Naval Veteran Lt. Charles J. Turner, Richfield native and first reported Minnesota casualty of the Gulf War.

Council Member Howard spoke regarding an upcoming joint work session of the City Council and HRA being held on Monday, May 21 at 5:45 p.m. on the topic of naturally occurring affordable housing; 66th Street reconstruction is continuing and he thanked staff and the contractors for their work, and residents for their patience during the project.

Council Member Regan Gonzalez spoke regarding the city-wide garage sale from May 17-19; farmers market season is every Saturday and Veterans Park from 7 a.m. to 12 p.m.; Public Works Department is holding an open house on Saturday, May 19 from 11 a.m. to 1 p.m. at Public Works Facility; on May 19 from 3 to 4:30 p.m. a compost critters activity is being held at Wood Lake Nature Center to explore different types of bugs and bacteria, the cost is \$3; and lastly Unity in the Community is on Thursday, May 24 from 5 to 7:30 p.m. at Veterans Park.

Mayor Elliott invited Pastor Fred Owens and his family to speak. Pastor Owens thanked the Richfield community, police officers, and firefighters for their support and assistance after the tragic loss of their daughter in a car accident.

Item #3	APPROVAL OF THE AGENDA
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M/Elliott, S/Garcia to approve the agenda.

Motion carried 5-0.

Item #4	CONSENT CALENDAR
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City Manager Devich presented the consent calendar.

- A. Consideration of the approval of a resolution appointing Information Technologies Manager Jane Skov as an Alternate Director on the Local Government Information Systems (LOGIS) Board of Directors. (S.R. No. 75)

RESOLUTION NO. 11494
RESOLUTION AUTHORIZING THE APPOINTMENT OF THE
INFORMATION TECHNOLOGIES MANAGER AS AN ALTERNATE
DIRECTOR ON THE LOGIS BOARD OF DIRECTORS

This resolution appears as Resolution No. 11494.

- B. Consideration of the approval of a maintenance agreement with the Minnehaha Creek Watershed District for the specified culvert within Taft Park. (S.R. No. 76)
- C. Consideration of the approval of a first reading of an ordinance amending sign regulations. (S.R. No. 77)
- D. Consideration of the approval of a resolution amending the Richfield Urban Village Planned Unit Development to allow McDonald's to make minor site modifications and replace all menu board signs with dynamic display signs. (S.R. No. 78)

RESOLUTION NO. 11495
RESOLUTION APPROVING AN AMENDED FINAL DEVELOPMENT
PLAN AND CONDITIONAL USE PERMIT FOR THE RICHFIELD URBAN
VILLAGE PLANNED UNIT DEVELOPMENT

This resolution appears as Resolution No. 11495.

- E. Consideration of the approval of a resolution amending a conditional use permit and variance to allow an expansion to increase capacity from 28 beds to 32 beds at Progress Valley, 308 78th Street East. (S.R. No. 79)

RESOLUTION NO. 11496
RESOLUTION GRANTING APPROVAL OF AN AMENDMENT TO A
CONDITIONAL USE PERMIT AND VARIANCE AT 308 78TH STREET
EAST

This resolution appears as Resolution No. 11496.

- F. Consideration of the approval of a resolution for a site plan review and variances for a restaurant at 6600 Penn Avenue. (S.R. No. 80)

RESOLUTION NO. 11497
RESOLUTION GRANTING APPROVAL OF A SITE PLAN AND
VARIANCES AT 6600 PENN AVENUE

This resolution appears as Resolution No. 11497.

M/Garcia, S/Elliott to approve the consent calendar.

Motion carried 5-0.

Item #5	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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None.

Item #6	CONSIDERATION PUBLIC HEARING AND CONSIDERATION OF THE APPROVAL OF A RESOLUTION APPROVING A FINAL PLAT OF "NORA CORNER" THAT WILL COMBINE FOUR PARCELS (6529 AND 6545 PENN AVENUE, AND 2208 AND 2210 66TH STREET WEST) INTO THREE PARCELS, IN ORDER TO ALLOW CONSTRUCTION OF A PREVIOUSLY APPROVED RESTAURANT (DUNKIN DONUTS). (S.R. NO. 81)
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Councilmember Trautmann presented Staff Report No. 81 and opened the public hearing.

M/Howard, S/Elliott to close the public hearing.

M/Trautmann, S/Elliott to approve a resolution granting approval of final plat of "Nora Corner" that will combine four parcels (6529 and 6545 Penn Avenue, and 2208 and 2210 66th Street West) into three parcels, in order to allow construction of a previously approved restaurant (Dunkin Donuts).

Community Development Director Stark provided an update on the site. He stated demolish would likely start in May and could be done by the end of the month. The site owners are contractually obligated to deliver the site to Dunkin Donuts in early August, and Dunkin Donuts plan to open in September. The Flowerama building property owners have applied for funds to improve the building and they have at least one franchise sandwich place has signed a letter of intent.

RESOLUTION NO. 11498
RESOLUTION GRANTING PRELIMINARY APPROVAL OF A PLAT FOR
NORA CORNER

Motion carried 5-0. This resolution appears as Resolution No. 11498.

Item #7	CONSIDERATION OF THE APPROVAL OF A RESOLUTION AWARDDING THE SALE OF \$9,975,000 GENERAL OBLIGATION STREET RECONSTRUCTION BONDS, SERIES 2018A. (S.R. NO. 82)
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Councilmember Garcia presented Staff Report No. 82.

Rebecca Kurtz, Ehlers & Associates, gave an overview of the bond sale. She stated the bonds were rated prior to the sale and Standard & Poor (S&P) confirmed the AA+ rating for the City's current bond issue and the previous bond issues. She discussed highlights from the S&P Rating Report, including: a strong economy, very strong management and very strong financial policies and

practices, adequate budgetary performance, a very strong budgetary flexibility and available fund balance in 2016 at 27% of operating expenditures, the City's strong liquidity, adequate debt contingent liability position, and the City's rapid amortization. She stated seven bids were received, with a low bid from FTN Financial Capital Markets for 3.069%. She stated they previously estimated the issue size would be \$9,975,000, but they were able to reduce it because they received a premium bid and were able to reduce the bond size.

City Manager Devich asked about the premium price that was received and how much it lowered bond size.

Ms. Kurtz stated the amount of the bond was reduced by \$225,000 due to the premium and lower discount and cost of issuances.

Mayor Elliott commented the interest savings and the importance of noting the savings for taxpayers.

Councilmember Garcia encouraged residents read the entire staff report, available on the City's website, to get a better understanding of the entirety of the award.

M/Garcia, S/Elliott to approve a resolution awarding the sale of General Obligation Street Reconstruction Bonds, Series 2018A, in the original aggregate principal amount of \$9,770,000; fixing their form and specifications; directing their execution and delivery; and providing for their payment.

RESOLUTION NO. 11499
A RESOLUTION AWARDED THE SALE OF GENERAL OBLIGATION
STREET RECONSTRUCTION BONDS, SERIES 2018A, IN THE
ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$9,975,000; FIXING
THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION
AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT

Motion carried 5-0. This resolution appears as Resolution No. 11499.

Item #8	CITY MANAGER'S REPORT
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City Manager Devich commented that the commission recognition event will be held on June 26 to recognize the volunteers of our commissions.

Item #9	CLAIMS AND PAYROLLS
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M/Garcia, S/Elliott that the following claims and payrolls be approved:

U.S. Bank	05/08/18
A/P Checks: 267761 - 268016	\$ 1,152,704.66
Payroll: 136115 - 136416	<u>624,853.42</u>
TOTAL	\$ 1,777,558.08

Motion carried 5-0.

OPEN FORUM

None.

Item #10	SPECIAL CITY COUNCIL CLOSED EXECUTIVE SESSION IN THE BABCOCK ROOM REGARDING THE CITY MANAGER'S ANNUAL PERFORMANCE EVALUATION. THE CLOSED EXECUTIVE SESSION WILL BE CONVENED AS PERMITTED TO EVALUATE AN EMPLOYEE'S PERFORMANCE PURSUANT TO MINN. STAT. 13D.05, SUBD. 3(A).
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The City Council closed to special executive session at 7:50 p.m. m/Elliott; s/Garcia 5-0

The City Council reconvened the meeting at 8:26 p.m.

Item #11	SUMMARY REVIEW OF THE CITY MANAGER'S ANNUAL PERFORMANCE EVALUATION FOR 2017 AND CONSIDERATION OF A RESOLUTION AMENDING EMPLOYMENT AGREEMENT BETWEEN CITY OF RICHFIELD AND CITY MANAGER STEVEN L. DEVICH FOR 2018. (S.R. NO. 83)
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Mayor Elliott provided a brief summary of the City Manager's annual performance evaluation for 2017. He stated he would provide another summary review of the performance evaluation at the next City Council meeting, pursuant to State law.

Mayor Elliott presented Staff Report No. 83.

M/Elliott, S/Howard to adopt a resolution amending the employment agreement between the City of Richfield and City Manager Steven L. Devich for 2018 for a 2.85% salary increase, effective January 1, 2018.

RESOLUTION NO. 11500
RESOLUTION AMENDING THE EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF RICHFIELD AND STEVEN L. DEVICH, CITY
MANAGER

Motion carried 5-0. This resolution appears as Resolution No. 11500.

Item #12	ADJOURNMENT
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The meeting was adjourned by unanimous consent at 8:32 p.m.

Date Approved: May 22, 2018

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



STAFF REPORT NO. 84
CITY COUNCIL MEETING
5/22/2018

REPORT PREPARED BY: Chris Regis, Finance Manager

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager
5/14/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
5/14/2018

ITEM FOR COUNCIL CONSIDERATION:

Receipt of the City of Richfield Comprehensive Annual Financial Report (CAFR) for the fiscal year ended December 31, 2017.

EXECUTIVE SUMMARY:

As required by State law, all general purpose local governments must be audited in accordance with U.S. generally accepted auditing standards by a firm of licensed certified public accountants. In addition, State law also requires that local governments publish within six months of the close of each fiscal year a complete set of financial statements presented in conformance with U.S. generally accepted accounting standards.

The City's auditing firm, BerganKDV, Ltd. has completed the annual audit of the City's financial records and has issued an unqualified opinion on those records for the fiscal year ended December 31, 2017. The financial statements will be published locally and submitted to the State of Minnesota and the Government Finance Officers Association. Staff presents to the City Council the Comprehensive Annual Financial Report (CAFR) for fiscal year ended December 31, 2017.

RECOMMENDED ACTION:

By motion: Accept the Comprehensive Annual Financial Report of the City for the year ended December 31, 2017.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The City's auditing firm, BerganKDV, Ltd. has completed the annual audit of the City's financial records for the fiscal year ended December 31, 2017.
- As part of the audit, BerganKDV, LTD. has issued an unqualified opinion on the City's financial statements for the year ending December 31, 2017.
- A representative of BerganKDV, LTD. will be present at the tonight's Council meeting to make a brief presentation on the 2017 financial information and answer questions.
- In addition, the CAFR will be submitted to the State of Minnesota pursuant to State law and to the Government Finance Officers Association for the Certificate of Achievement for Excellence in

Financial Reporting program.

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

- Action to be taken at the May 22, 2018, City Council meeting is the official receipt of the December 31, 2017, City of Richfield Comprehensive Annual Financial Report by the City Council.
- The City's auditor has performed an audit of the City's financial records for the year ended December 31, 2017, and prepared reports to the City Council concerning legal compliance and internal controls.

C. CRITICAL TIMING ISSUES:

- Action on this item is requested at the May 22, 2018, City Council meeting as there is a June 30, 2018, reporting deadline with the State of Minnesota.

D. FINANCIAL IMPACT:

- N/A

E. LEGAL CONSIDERATION:

- The CAFR will be submitted to the State of Minnesota, pursuant to State law.
- The CAFR will be published in the Sun Current the week of May 28, 2018.

ALTERNATIVE RECOMMENDATION(S):

- The City Council could ask the auditors for further explanations of their findings at a future Study Session.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Caroline Stutsman, CPA, BerganKDV



STAFF REPORT NO. 85
CITY COUNCIL MEETING
5/22/2018

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
5/16/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
5/16/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of an annual request for a Temporary On Sale Intoxicating Liquor license for the Academy of Holy Angels, located at 6600 Nicollet Avenue South, for their Holy Angels Rock the Lawn event taking place Friday, June 22, 2018.

EXECUTIVE SUMMARY:

On April 13, 2018, the City received application materials for a Temporary On Sale Intoxicating Liquor license for the Academy of Holy Angels, located at 6600 Nicollet Avenue South, for their Holy Angels Rock the Lawn event taking place Friday, June 22, 2018. They will serve beer and wine from 5:45 p.m. to 10:30 p.m. No other intoxicating liquor beverages will be permitted.

They will be having food trucks providing food for the event. The Academy of Holy Angels has contacted food sanitarians from the City of Bloomington to ensure proper food handling practices are followed.

The Director of Public Safety has reviewed all required information and documents and has found no basis for denial.

RECOMMENDED ACTION:

By motion: Approve the issuance of a Temporary On Sale Intoxicating Liquor license for the Academy of Holy Angels, located at 6600 Nicollet Avenue South, for their Holy Angels Rock the Lawn event taking place Friday, June 22, 2018.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The applicant has satisfied the following requirements for the issuance of this license:
 - The required licensing fee has been paid.
 - Proof of liquor liability insurance has been provided showing NSI of West Bend Mutual affording the coverage.
 - Along with the application they included a diagram of where the alcohol will be served and consumed as well as how ID's will be checked and how they will be monitoring sales and consumption.
 - They have contracted with the City of Richfield Police to provide security for the event.

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

- Richfield City Code Section 1202.05 requires all applicants to comply with all of the provisions of this code, as well as the provisions of Minnesota Statute Chapter 340A.

C. CRITICAL TIMING ISSUES:

- There are no critical timing issues.

D. FINANCIAL IMPACT:

- The required licensing fees have been received.

E. LEGAL CONSIDERATION:

- There are no legal considerations.

ALTERNATIVE RECOMMENDATION(S):

- The Council could decide to deny the approval of the Temporary On Sale Intoxicating Liquor license for the Academy of Holy Angels. This would mean the applicant would not be able to serve wine or strong beer; however, Public Safety has not found any basis for denial.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Academy of Holy Angels staff has been notified of the date of this meeting.



STAFF REPORT NO. 86
CITY COUNCIL MEETING
5/22/2018

REPORT PREPARED BY: Jesse Swenson, Assistant HR Manager

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager
5/14/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
5/14/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a resolution authorizing the City to affirm the monetary limits on statutory municipality tort liability.

EXECUTIVE SUMMARY:

The City purchases its liability insurance coverage from the League of Minnesota Cities Insurance Trust (LMCIT). Each year, the City must decide to either affirm or waive its statutory limits of liability by July 1. After reviewing cost considerations measured against potential risk, the City has, historically, affirmed the liability limits which are \$500,000 for an individual claimant and \$1,500,000 per occurrence. Staff is recommending the same course of action for the upcoming insurance renewal.

RECOMMENDED ACTION:

By motion: Adopt a resolution authorizing the City Council to affirm the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- A requirement of insurance coverage through the LMCIT is an annual affirmation or waiver of statutory limits of liability.
- The current statutory limits of liability for Minnesota cities are \$500,000 for an individual claimant and \$1,500,000 per occurrence. Cities can waive these limits to allow an individual claimant to recover more than \$500,000, up to the \$1,500,000 per occurrence limit, if excess liability insurance is purchased. However, the cost of the excess liability insurance continues to be very expensive. An additional \$1,000,000 of coverage would cost the City approximately \$65,000 annually.
- Slightly more than half of the cities in Minnesota do not waive its limits of liability.

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

- The State Statute establishes liability limits for cities and the current level is \$1,500,000, which appears to be a reasonable limit.
- Historically, the majority of municipalities in Minnesota do not waive the monetary limits on municipality tort liability as was established by Statutes 466.04.

- The Council could waive its statutory limits in future years if a decision was made to do so.
- The Council may also wish to consider purchasing excess liability in the future. If this is the case it may be purchased at any point in the future.

C. CRITICAL TIMING ISSUES:

- The City's insurance policy with the League of Minnesota Cities Insurance Trust will renew on July 1, 2018. This action must be completed on, or before that time.

D. FINANCIAL IMPACT:

- The City has historically not purchased excess liability coverage because of the cost of such coverage. The annual premium for \$1 million of coverage would be between \$65,000 and \$75,000 if the City decided to waive its liability limits.

E. LEGAL CONSIDERATION:

- The tort liability limits established by Minnesota Statutes have historically protected cities and no Minnesota court has ever established a monetary award in excess of the statutory limits against a municipality.
- Each city must annually decide whether the city would voluntarily waive the statute for both the single claims and each occurrence limit.

ALTERNATIVE RECOMMENDATION(S):

- If the Council determines that any single claimant should receive more than the \$500,000 limit, the Council could elect to waive the statutory monetary limits.
- If the Council determines that the \$1,500,000 per occurrence limit is not adequate, the City could purchase excess liability coverage.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
□ Resolution	Resolution Letter

RESOLUTION NO.

**RESOLUTION AFFIRMING MUNICIPAL TORT LIABILITY LIMITS ESTABLISHED BY
MINNESOTA STATUTES 466.04**

WHEREAS, Minnesota Statute 466.04 provides for Municipal tort liability limits for Minnesota cities; and

WHEREAS, the League of Minnesota Cities Insurance Trust has asked that each city review the tort liability limits and determine if the respective city would choose to waive its limits; and

WHEREAS, such decision to affirm or waive the tort liability limits must be filed with the League of Minnesota Cities Insurance Trust at the insurance renewal date.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is directed to report to the League of Minnesota Cities Insurance Trust that the Richfield City Council does not waive the monetary limits on the municipal tort liability established by Minnesota statutes 466.04.

Adopted by the City Council of the City of Richfield, Minnesota this 22nd day of May, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 87
CITY COUNCIL MEETING
5/22/2018

REPORT PREPARED BY: Matt Brillhart, Associate Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
5/10/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
5/14/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the adoption of a resolution authorizing the City Manager to enter into agreements related to the Minnesota Department of Transportation's Landscape Partnership Program

EXECUTIVE SUMMARY:

In 2017, the City Council approved site plans for an expansion of Seven Hills Preparatory Academy's facilities at 1401 76th Street West. The approved plans included plantings along 76th Street West, on right-of-way owned by the Minnesota Department of Transportation (MnDOT).

MnDOT administers a Landscape Partnership Program, to assist with planning and design of landscaping installations on MnDOT-owned right-of-way. Before Seven Hills can purchase and install plantings in this area, the City must enter into a cooperative agreement with both MnDOT and Seven Hills. The City's role in the agreement is strictly as a pass-through entity, as MnDOT does not enter into agreements with private landowners. MnDOT will continue to own the right-of-way, while Seven Hills will be responsible for the ongoing maintenance of said plantings.

This resolution grants the City Manager the authority to enter into a cooperative agreement(s) with MnDOT and Seven Hills. If approved, MnDOT will draft the agreement(s), which will come before the City Council for approval in June.

Seven Hills plans to install the landscaping this summer, to coincide with the completion of their building addition.

RECOMMENDED ACTION:

By motion: Adopt a resolution authorizing the City Manager to apply to the Minnesota Department of Transportation for funding and enter into cooperative agreements with MnDOT and Seven Hills Preparatory Academy, related to MnDOT's Landscape Partnership Program.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- None

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

- None

C. CRITICAL TIMING ISSUES:

- This is the first of two approvals required for this item. If this resolution is approved, MnDOT will draft a full cooperative agreement that will come back before the City Council for final approval.
- Seven Hills would like to begin installing landscape materials as soon as possible this planting season.

D. FINANCIAL IMPACT:

- There is no financial impact because the City is acting as a pass-through entity between MnDOT and Seven Hills Preparatory Academy. The City will not be responsible for the purchase or maintenance of landscaping related to this agreement.

E. LEGAL CONSIDERATION:

- None

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

Description	Type
☐ Resolution	Resolution Letter
☐ Landscaping plan	Backup Material

RESOLUTION NO.

**RESOLUTION AUTHORIZING APPLICATION
AND PRIMARY CONTACT PERSONS
FOR MNDOT LANDSCAPE PARTNERSHIP APPLICATION**

WHEREAS, on August 8, 2017, the City Council approved site plans for Seven Hills Preparatory Academy at 1401 76th Street West; and

WHEREAS, the approved plan includes plantings along 76th Street West, on right-of-way owned by the Minnesota Department of Transportation (MnDOT); and

WHEREAS, MnDOT administers the Community Roadside Landscape Partnership Program to plan, fund, and manage plantings on MnDOT right-of-way; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota that the City of Richfield will act as sponsoring unit for the project adjacent to the property at 1401 76th Street West, to be conducted during the period of January 1, 2018 through December 31, 2018.

BE IT FURTHER RESOLVED that City Manager Steven L. Devich is hereby authorized to apply to the Minnesota Department of Transportation for funding of this project on behalf of the City of Richfield and Seven Hills Preparatory Academy.

Adopted by the City Council of the City of Richfield, Minnesota this 22nd day of May, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

SEVEN HILLS
PREPARATORY
ACADEMY
GYMNASIUM
ADDITION

1401 W 76TH STREET
RICHFIELD, MN 55423

WELSH
ARCHITECTURE

WELSH COMPANIES

4350 BAKER ROAD SUITE 400
MINNETONKA, MN 55343

LOUCKS

PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL

7200 Hemlock Lane, Suite 300
Maple Grove, MN 55369
763.424.5505
www.loucksinc.com

CADD QUALIFICATION

CADD files prepared by the Consultant for this project are instruments of the Consultant's professional services for use solely with respect to this project. These CADD files shall not be used on other projects, for additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of the CADD drawing files for information and reference only. All intentional or unintentional revisions, additions, or deletions to these CADD files shall be made at the full risk of that party making such revisions, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

SUBMITTAL/REVISIONS

06/26/17	Preliminary City Submittal
07/10/17	City Comment Resubmittal
08/02/17	City Comments
08/23/17	Permit Issue
11/09/17	Revision #1
02/21/18	Revision #2

PROFESSIONAL SIGNATURE

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

License No. 45591
Date 08/23/17

QUALITY CONTROL

Loucks Project No.	17273
Project Lead	MJS
Drawn By	DDL
Checked By	DDL
Review Date	02/21/18

SHEET INDEX

C0-1	COVER SHEET
C1-1	EXISTING CONDITIONS
C1-2	DEMOLITION PLAN
C2-1	SITE PLAN
C3-1	GRADING PLAN
C3-2	SWPPP PLAN
C3-3	SWPPP NOTES
C4-1	UTILITY PLAN
C8-1	DETAILS
C8-2	DETAILS
L1-1	LANDSCAPE PLAN

LANDSCAPE
PLAN

L1-1

GIRARD AVENUE S.

W. 76TH STREET

INTERSTATE 35W

LANDSCAPE REQUIREMENTS:

1 TREE PER 2,500 SQUARE FEET OF DEVELOPABLE LANDSCAPING AREA;

128,158 SF - DEVELOPABLE AREA

128,158 / 2,500 = 51 REQUIRED TREES TOTAL
12 EXISTING TREES TO REMAIN
39 NEW TREES REQUIRED
39 NEW TREES PROPOSED

NOTE: SURVEY WAS PERFORMED BY OTHERS. TREES WERE NOT LOCATED BY SURVEYORS. EXISTING TREES SHOWN ON PLAN WERE LOCATED BY AERIAL PHOTOGRAPHY AND GOOGLE STREETVIEW.

0 30 60
SCALE IN FEET

CALL BEFORE YOU DIG!

Gopher State One Call

TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

PLANT SCHEDULE

DECIDUOUS TREES	QTY	COMMON NAME	BOTANICAL NAME	CONT	SIZE
BL	3	BOULEVARD LINDEN	Tilia americana 'Boulevard'	B & B	2.5" Cal
IH	8	IMPERIAL HONEYLOCUST	Gleditsia triacanthos 'Impcole' TM	B & B	2.5" Cal
NM	4	NORTHWOOD MAPLE	Acer rubrum 'Northwood'	B & B	2.5" Cal
SGM	8	SIENNA GLEN MAPLE	Acer freemanii 'Sienna Glen'	B & B	2.5" Cal
QB	3	SWAMP WHITE OAK	Quercus bicolor	B & B	2.5" Cal

EVERGREEN TREES	QTY	COMMON NAME	BOTANICAL NAME	CONT	SIZE
AP	5	AUSTRIAN PINE	Pinus nigra	B & B	6" HGT
BS	8	BLACK HILLS SPRUCE	Picea glauca 'Densata'	B & B	6" HGT

SHRUBS	QTY	COMMON NAME	BOTANICAL NAME	MIN CONT	MIN SIZE	SPACING
AWS	11	ANTHONY WATERER SPIREA	Spirea x bumalda 'Anthony Waterer'	5 gal	24" HGT	45" o.c.
CV	3	COMPACT AMERICAN VIBURNUM	Viburnum trilobum 'Bailey Compact'	5 gal	24" HGT	60" o.c.
GAC	10	GREEN MOUND ALPINE CURRANT	Ribes alpinum 'Green Mound'	5 gal	24" HGT	48" o.c.
GF	31	GRO-LOW FRAGRANT SUMAC	Rhus aromatica 'Gro-Low'	5 gal	24" SPRD	48" o.c.

GRASSES	QTY	COMMON NAME	BOTANICAL NAME	MIN CONT	MIN SIZE	SPACING
FG	12	FEATHER REED GRASS	Calamagrostis x acutiflora 'Karl Foerster'	1 gal		30" o.c.

PERENNIALS	QTY	COMMON NAME	BOTANICAL NAME	MIN CONT	MIN SIZE	SPACING
BAD	30	BAJA DAYLILY	Hemerocallis x 'Baja'	1 gal		24" o.c.
SD	35	STELLA D' ORO DAYLILY	Hemerocallis x 'Stella de Oro'	1 gal		24" o.c.

GENERAL NOTES

CONTRACTOR SHALL VISIT SITE PRIOR TO SUBMITTING BID. HE SHALL INSPECT SITE AND BECOME FAMILIAR WITH EXISTING CONDITIONS RELATING TO THE NATURE AND SCOPE OF WORK.

VERIFY LAYOUT AND ANY DIMENSIONS SHOWN AND BRING TO THE ATTENTION OF THE LANDSCAPE ARCHITECT ANY DISCREPANCIES WHICH MAY COMPROMISE THE DESIGN AND/OR INTENT OF THE PROJECT'S LAYOUT.

ASSURE COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS GOVERNING THE WORK OR MATERIALS SUPPLIED.

CONTRACTOR SHALL PROTECT ALL EXISTING ROADS, CURBS/GUTTERS, TRAILS, TREES, LAWNS AND SITE ELEMENTS DURING PLANTING OPERATIONS. ANY DAMAGE TO SAME SHALL BE REPAIRED AT NO COST TO THE OWNER.

CONTRACTOR SHALL VERIFY ALIGNMENT AND LOCATION OF ALL UNDERGROUND AND ABOVE GRADE UTILITIES AND PROVIDE THE NECESSARY PROTECTION FOR SAME BEFORE CONSTRUCTION / MATERIAL INSTALLATION BEGINS (MINIMUM 10' - 0" CLEARANCE).

ALL UNDERGROUND UTILITIES SHALL BE LAID SO THAT TRENCHES DO NOT CUT THROUGH ROOT SYSTEMS OF ANY EXISTING TREES TO REMAIN.

EXISTING CONTOURS, TRAILS, VEGETATION, CURB/GUTTER AND OTHER EXISTING ELEMENTS BASED UPON INFORMATION SUPPLIED TO LANDSCAPE ARCHITECT BY OTHERS. CONTRACTOR SHALL VERIFY ANY AND ALL DISCREPANCIES PRIOR TO CONSTRUCTION AND NOTIFY LANDSCAPE ARCHITECT OF SAME.

THE ALIGNMENT AND GRADES OF THE PROPOSED WALKS, TRAILS AND/OR ROADWAYS ARE SUBJECT TO FIELD ADJUSTMENT REQUIRED TO CONFORM TO LOCALIZED TOPOGRAPHIC CONDITIONS AND TO MINIMIZE TREE REMOVAL AND GRADING. ANY CHANGE IN ALIGNMENT MUST BE APPROVED BY LANDSCAPE ARCHITECT.

IRRIGATION NOTES:

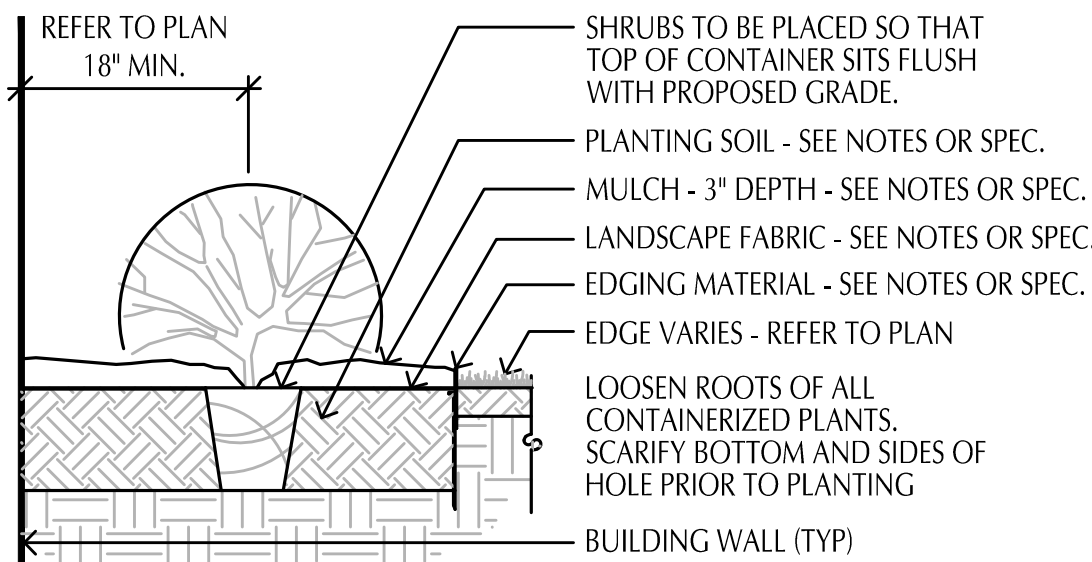
VERIFY EXISTING/PROPOSED IRRIGATION SYSTEM LAYOUT AND CONFIRM COMPLETE LIMITS OF IRRIGATION PRIOR TO SUPPLYING SHOP DRAWINGS.

LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AN IRRIGATION LAYOUT PLAN AND SPECIFICATION AS A PART OF THE SCOPE OF WORK WHEN BIDDING. THESE SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO ORDER AND/OR INSTALLATION. IT SHALL BE THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT ALL SODDED/SEEDED AND PLANTED AREAS ARE IRRIGATED PROPERLY, INCLUDING THOSE AREAS DIRECTLY AROUND AND ABUTTING BUILDING FOUNDATION.

THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE OWNER WITH AN IRRIGATION SCHEDULE APPROPRIATE TO THE PROJECT SITE CONDITIONS AND TO PLANT MATERIAL GROWTH REQUIREMENTS.

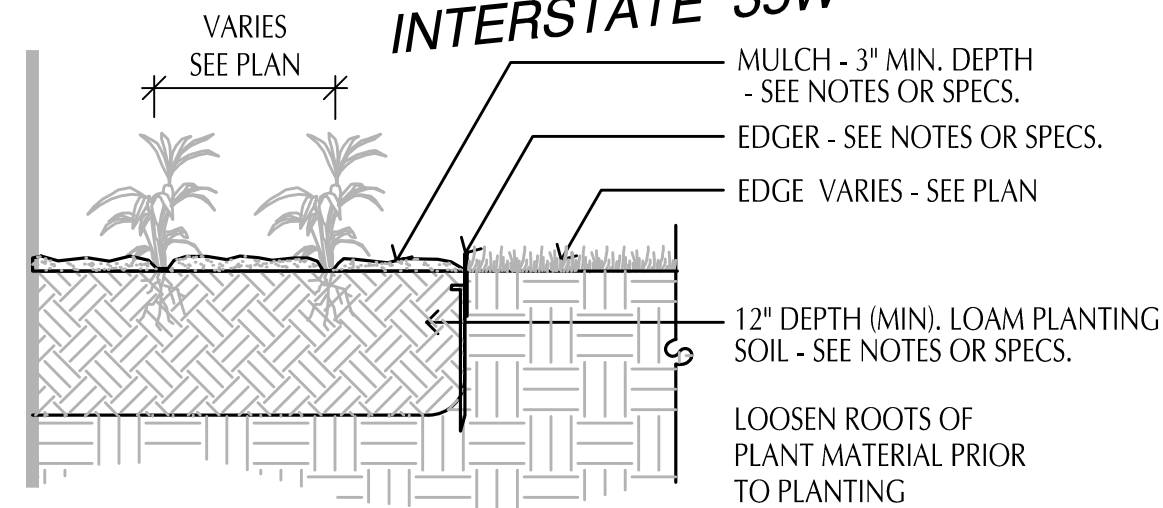
IRRIGATION SYSTEM IS NOT TO SPRINKLE ACROSS PAVEMENT. THE SYSTEM SHALL INCORPORATE A RAIN SENSOR INTO IRRIGATION SYSTEM.

PLANTINGS OUTSIDE THE LIMITS OF IRRIGATION ARE TO BE WATERED REGULARLY UNTIL PLANTING/SOD/SEED HAS BEEN ESTABLISHED.



1 SHRUB PLANTING DETAIL

SCALE: 3/4" = 1'-0"



2 PERENNIAL PLANTING

SCALE: 3/4" = 1'-0"

THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ALL TREES IN A PLUMB POSITION THROUGH THE WARRANTY PERIOD. STAKING IS SUGGESTED, BUT NOT REQUIRED. ANY STAKING MUST CONFORM WITH PRACTICES AS DEFINED IN A.N.A. GUIDELINES FOR STANDARD PRACTICES

CUT BACK WIRE BASKET

PRUNE DAMAGED AND CROSSING BRANCHES AFTER PLANTING IS COMPLETE.

WATER TREE THOROUGHLY DURING PLANTING OPERATIONS. PLACE BACKFILL IN 8-12" LIFTS AND SATURATE SOIL WITH WATER. DO NOT COMPACT MORE THAN NECESSARY TO MAINTAIN PLUMB.

16"x2" POLYPROPYLENE OR POLYETHYLENE STRAP

TREE WRAP TO FIRST BRANCH

SAFETY FLAGGING - ONE PER WIRE

ROOT FLARE EVEN WITH OR JUST ABOVE GRADE.

MULCH - 4" DEEP. NO MULCH IN CONTACT WITH TRUNK - SEE NOTES OR SPECS.

BACKFILL WITH IN SITU TOPSOIL

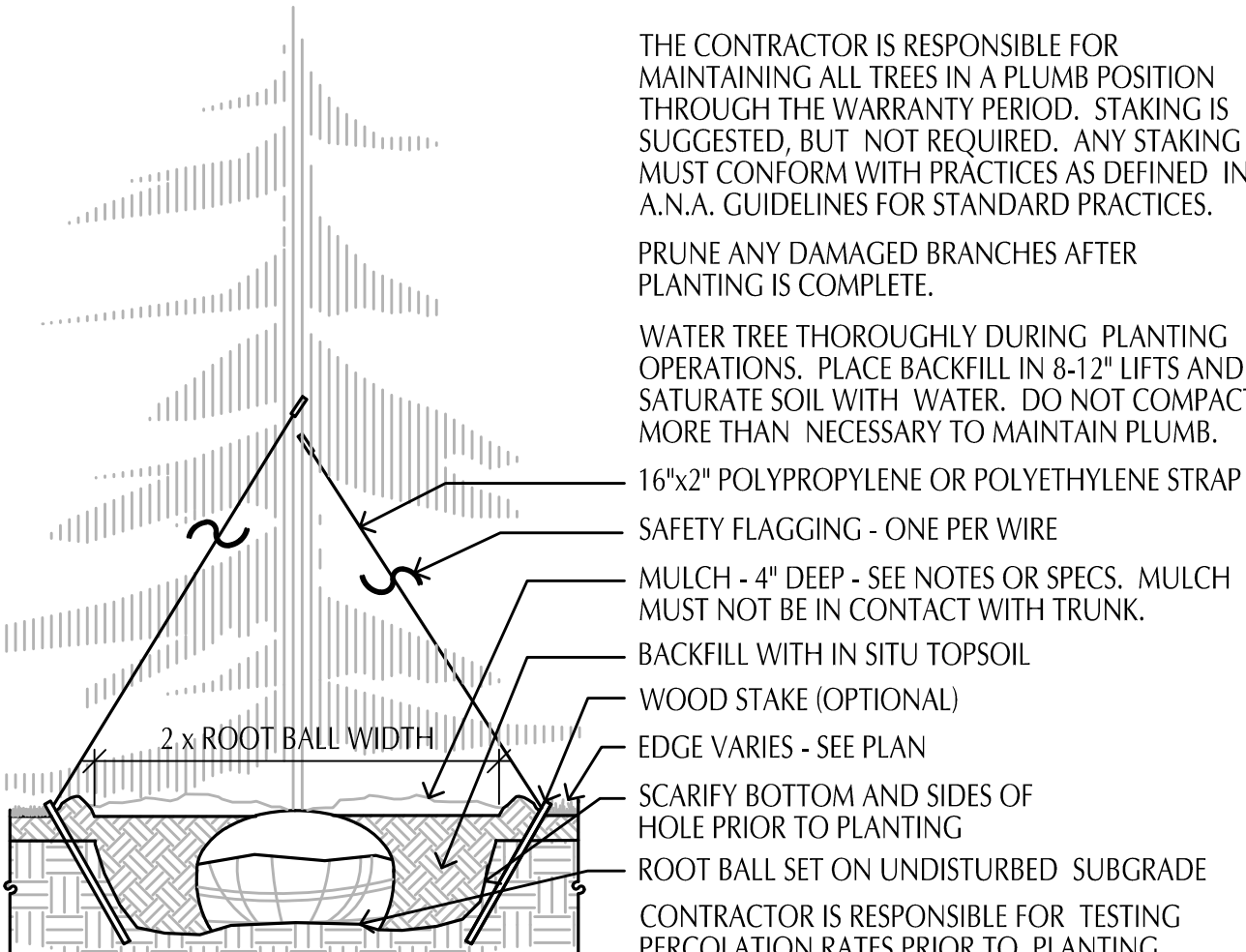
WOOD STAKE (OPTIONAL)

EDGE VARIES - SEE PLAN

SCARIFY BOTTOM AND SIDES OF HOLE PRIOR TO PLANTING

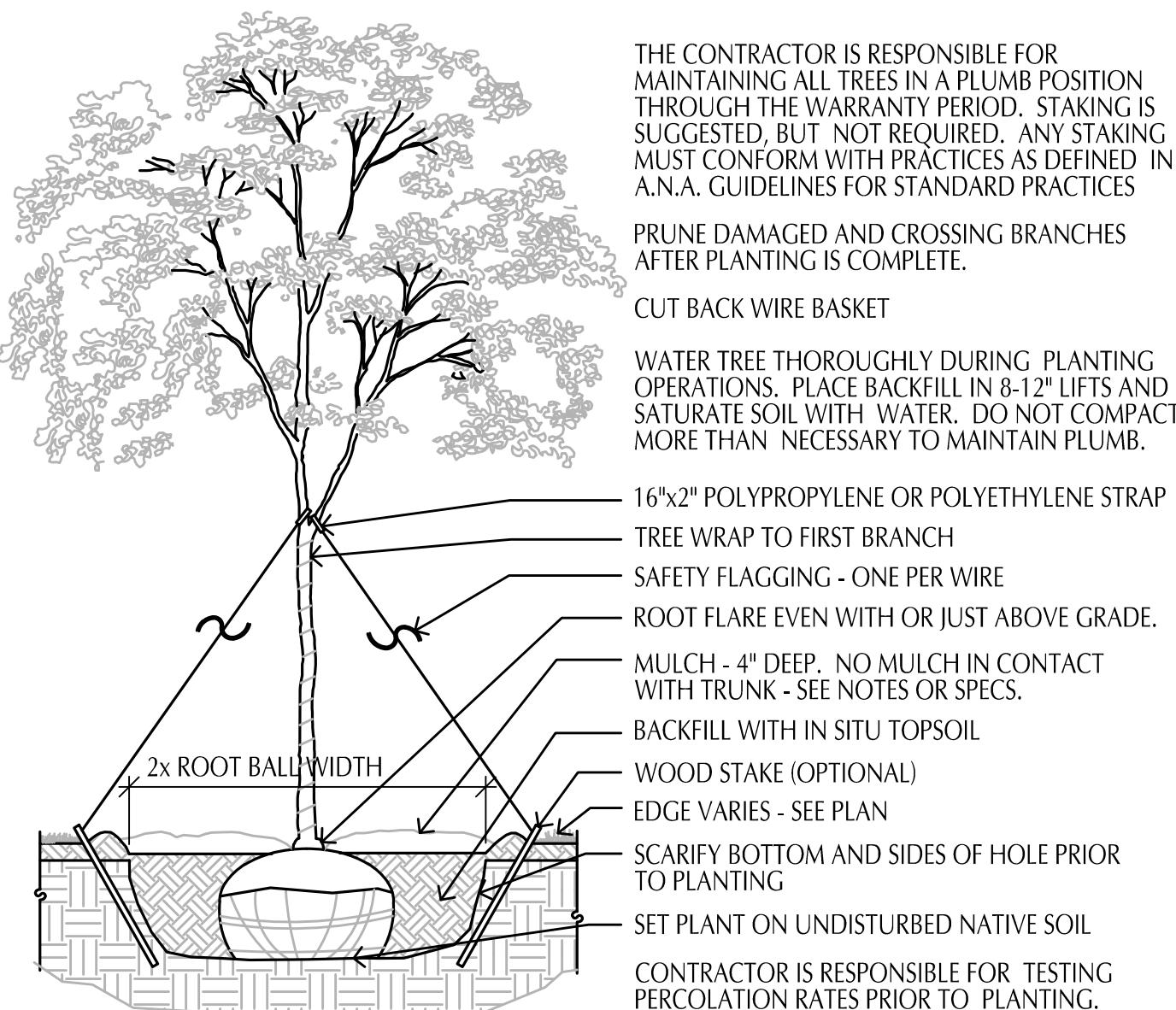
SET PLANT ON UNDISTURBED NATIVE SOIL

CONTRACTOR IS RESPONSIBLE FOR TESTING PERCOLATION RATES PRIOR TO PLANTING. NOTIFY LANDSCAPE ARCHITECT IMMEDIATELY IF POOR DRAINAGE EXISTS.



3 CONIFEROUS TREE PLANTING DETAIL

SCALE: 1/2" = 1'-0"



4 DECIDUOUS TREE PLANTING DETAIL

SCALE: 1/2" = 1'-0"



STAFF REPORT NO. 88
CITY COUNCIL MEETING
5/22/2018

REPORT PREPARED BY: Melissa Poehlman, Asst. Director / Matt Brillhart, Associate Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
5/14/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
5/16/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a resolution amending the Comprehensive Plan designation of a property on 66th Street, between 1st and Stevens Avenues (101 66th Street East).

EXECUTIVE SUMMARY:

Over the past 18 months, the City has been engaging the community to update the Comprehensive Plan. As part of this update, a small area plan for the 66th Street and Nicollet Avenue area was prepared. Given its proximity to the intersection and the fact that it had been vacant for many years, the property at 101 66th Street East was included in the small area study. A market study identifying the types of uses that the area could support was prepared as part of this work. That study indicated that larger format retail, prominent in the HUB Shopping Center, was unlikely to regain prominence due to the migration of this type of retail to freeway corridors. The study also confirmed the strength of the Richfield housing market; indicating that there was an opportunity to build some additional higher income multi-family units in this area. A small amount of additional office space was also indicated as a possibility for the area, specifically as a complement to the introduction of new residential buildings in a mixed-use development pattern. A variety of options for the HUB area were presented to the community. Based on the market study and the input of the community, the site has been recommended for mixed use development in the Comprehensive Plan Update. Statutory review periods for the Comprehensive Plan as a whole mean that the Update will not be adopted in final form for a number of months.

PLH & Associates (the Applicant) purchased the property at 101 66th Street East in August 2016. The property consists of the former Southview Baptist Church building and two single-family homes that were owned by the church, all of which have been vacant since 2013. At work sessions on August 23, 2016, and November 20, 2017, the applicant presented concept plans to the City Council and Planning Commission for a mixed-use building on the property. Based on feedback received at these meetings, the applicant has submitted a proposal for a 3-story mixed-use building including 31 residential units and approximately 6,000 square feet of commercial space. The applicant has applied for an amendment to the Comprehensive Plan that would change the designation of the property to Mixed Use. This application for a change to a single parcel could be approved more quickly by the Metropolitan Council than the entire Comprehensive Plan Update.

Policies in the Comprehensive Plan that support this amendment include the following:

- Expand the vision of the Lakes at Lyndale (Lyndale & 66th) area to include the HUB and Nicollet Shoppes.
- Promote development that broadens the tax base.
- Encourage and support the development of strong commercial districts that respect the values and standards of the citizens of Richfield.
- Encourage the development of viable and responsive neighborhood commercial services.

The proposal is also consistent with historical development patterns along 66th Street East. The attached map depicts the non-single family residential properties along this main thoroughfare.

A public hearing for this application was held at the Planning Commission meeting on April 23. A number of neighbors spoke against the proposed amendment and project. The Planning Commission opted to vote on the amendment and table further consideration of the specific development. The Commission voted (7-0) to recommend approval of the amending the Comprehensive Plan designation of the property to Mixed Use.

RECOMMENDED ACTION:

By motion: Approve a resolution amending the Comprehensive Plan designation of 101 66th Street East from Quasi-Public and Low Density Residential to Mixed Use.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- As part of the Comprehensive Plan (Plan) update process, the Nicollet Avenue and 66th Street area was studied in further detail, including a market study and concept plans. The draft Plan guides the area as Mixed Use, including this site. A map of the draft Plan for this area is attached. The Comprehensive Plan update process began in late 2016, and has included numerous open house events and other opportunities for public engagement. On May 8, 2018, the City Council voted to send the draft Plan to surrounding jurisdictions for comment, as required by the Metropolitan Council.
- This site (formerly three separate parcels) have been vacant and for sale since 2013.

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

- Approval of the proposed Comprehensive Plan amendment does not obligate the City Council to approve the applicant's development plans.

C. CRITICAL TIMING ISSUES:

- A complete application was received and the "60-day clock" started on April 9, 2018. The Council must make a decision, or extend the deadline by an additional 60 days, by June 8, 2018.

D. FINANCIAL IMPACT:

- None

E. LEGAL CONSIDERATION:

- A public hearing was held before the Planning Commission on April 23, 2018.
- Notice of the public hearing was published in the Sun Current Newspaper and mailed to properties within 350 feet of the site.
- The Planning Commission voted (7-0) to recommend approval of amending the Comprehensive Plan designation to Mixed Use. The Planning Commission also voted (4-3) to continue consideration of applications for rezoning the property and for a Planned Unit Development to its May 29, 2018, meeting.
- Schedule of future Planning Commission and City Council actions:
 - May 29 Planning Commission - consideration of Planned Unit Development & Final Development Plans.
 - June 12 City Council - 1st Reading of rezoning.
 - June 26 City Council - 2nd Reading of rezoning and consideration of Planned Unit

Development & Final Development Plans.

ALTERNATIVE RECOMMENDATION(S):

- Deny the requested amendment and direct staff to change the designation of this property in the Draft Comprehensive Plan Update.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Paul Lynch, PLH & Associates

ATTACHMENTS:

Description		Type
▣	Resolution	Resolution Letter
▣	66th Street East - Development Pattern Map	Backup Material
▣	66th Street & Nicollet Ave Market Study	Backup Material
▣	Proposed Comp Plan Designation Map	Backup Material
▣	Correspondence	Exhibit

RESOLUTION NO.

**RESOLUTION AMENDING THE CITY'S COMPREHENSIVE PLAN
CHANGING THE DESIGNATION OF 101 66TH STREET EAST
TO "MIXED USE"**

WHEREAS, the City's Comprehensive Plan provides a Guide Plan establishing particular planning needs for specific segments of the City; and

WHEREAS, 101 66th Street East ("subject property") comprises four previously separate lots, formerly addressed as 6601 and 6605 1st Avenue (herein "west half"), and 6600 and 6608 Stevens Avenue (herein "east half"); and

WHEREAS, the Comprehensive Plan designates the west half of the subject property as "Quasi-Public" and the east half as "Low Density Residential"; and

WHEREAS, the draft Comprehensive Plan update, Richfield 2040, designates the subject property as "Mixed Use"; and

WHEREAS, the City has reviewed the Guide Plan classification and determined that it would be appropriate to designate the subject property as "Mixed Use"; and

WHEREAS, the Planning Commission conducted a public hearing and recommended approval of amending the Comprehensive Plan at its April 23, 2018 meeting; and

WHEREAS, the City Council considered the amendment to the Comprehensive Plan on May 22, 2018; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota that the City's Comprehensive Plan is hereby amended to designate 101 66th Street East as "Mixed Use" contingent upon the following:

1. The revision is submitted to and approved by the Metropolitan Council.

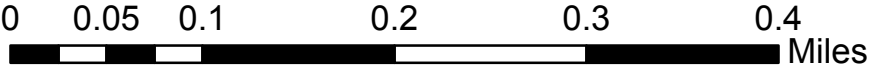
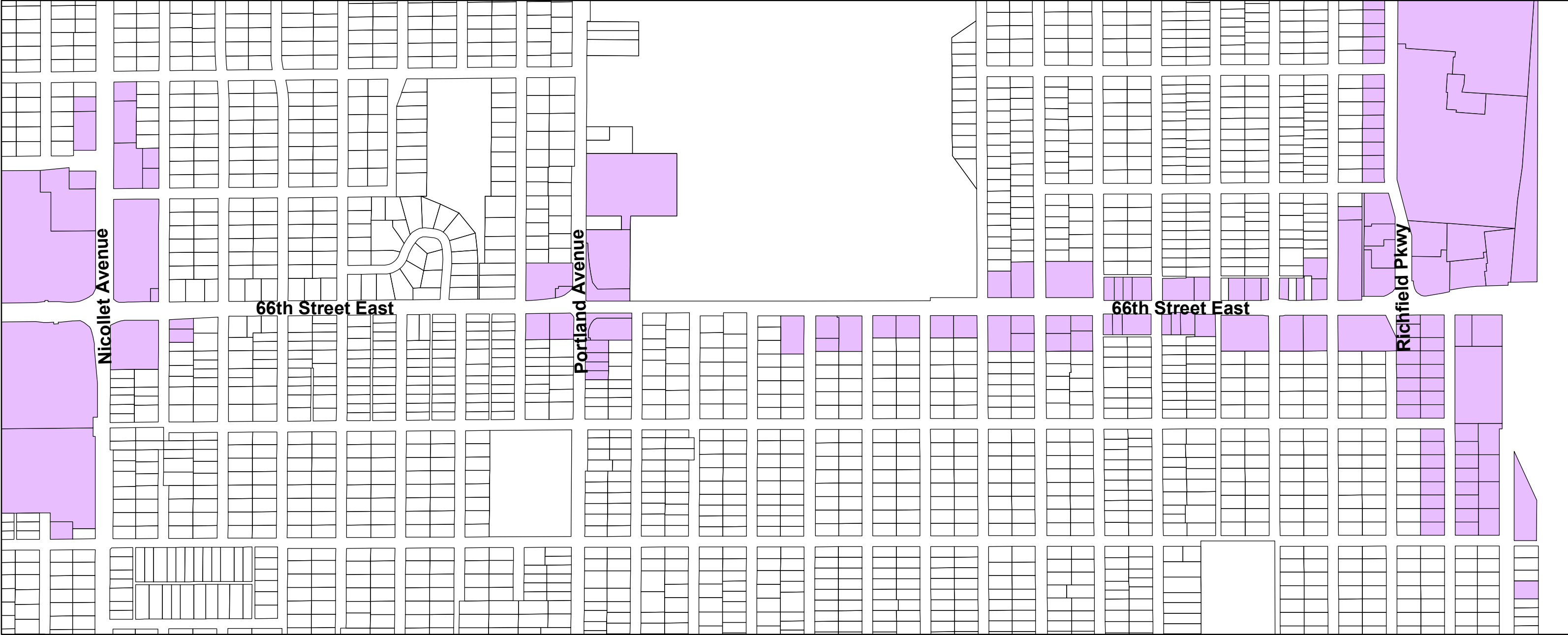
Adopted by the City Council of the City of Richfield, Minnesota this 22nd day of May, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

66th Street East Development Pattern



Landuse

 Non-Single Family Residential Land Use

MEMORANDUM

Hoisington Koegler Group Inc.



To: SRF Consulting Team
From: Britt Palmberg
Subject: Market Analysis – 66th and Nicollet area, Richfield
Date: 11 May 2017

This memo documents the findings of a market analysis focusing on determining the potential for various land uses (including retail, office, and residential) for the 66th and Nicollet sub-area in Richfield, Minnesota. This study area includes the “Hub” shopping center at the northwest corner of 66th and Nicollet, the Richfield Shops (to the north and south of 66th Street, and east of Nicollet), and nearby parcels on the southwest corner of 66th and Nicollet, in front of Holy Angels.

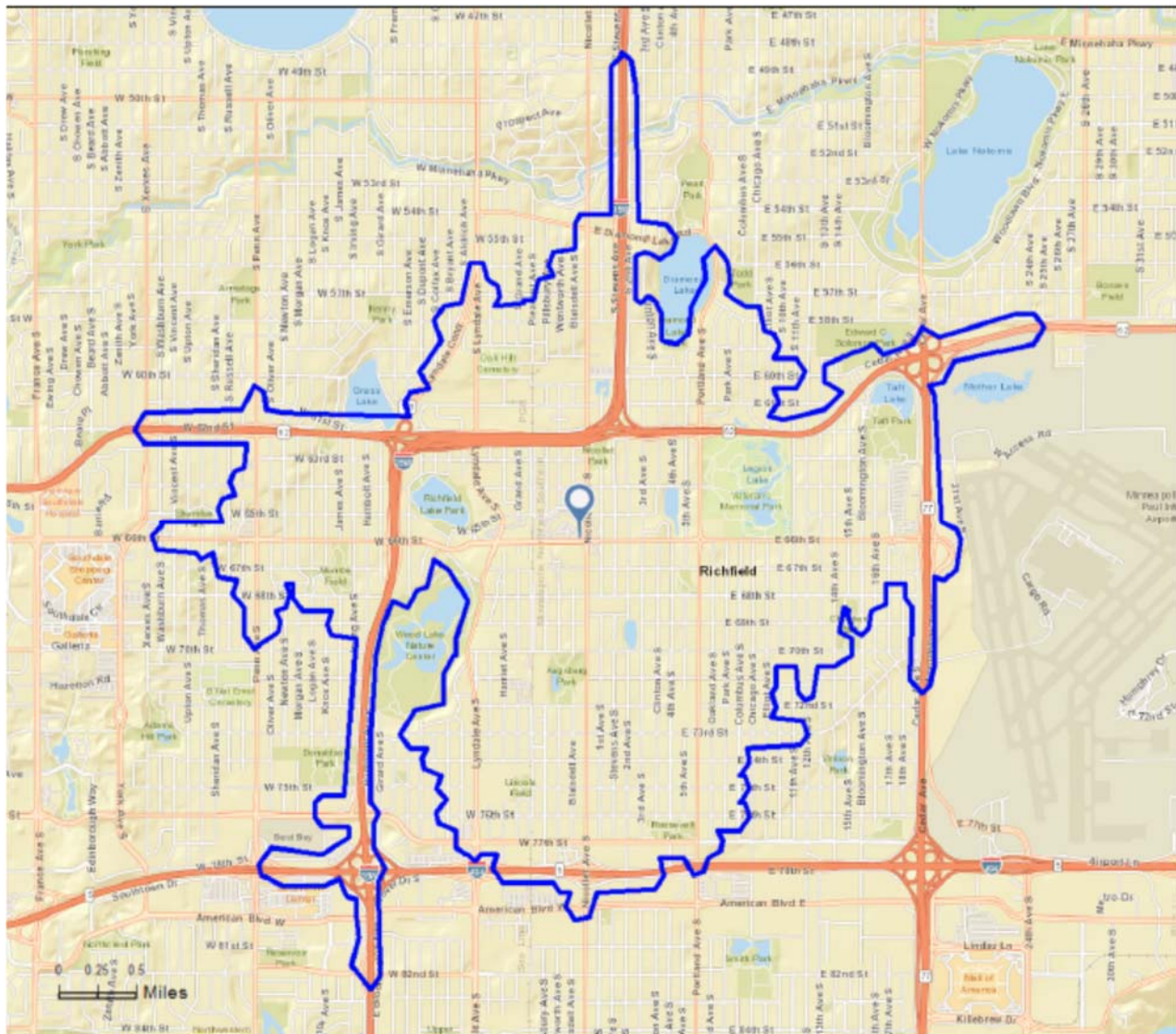
The market analysis outlines some of the key demographic and market factors impacting the 66th and Nicollet area, overall, and then concludes with some general land use recommendations for the study area. The findings of this memo and subsequent conversations with stakeholders informs the creation of two options for a land use plan for the 66th and Nicollet subarea, to be included in the update to the Richfield Comprehensive Plan in 2017.

This market analysis draws from a review of demographic and market data compiled by ESRI and CoStar. ESRI is a national database service that gathers demographic and economic data, primarily from the U.S. Census, for any geographic area defined by the user. ESRI provides five year projections for the growth of population, households, and a variety of other demographic and economic data based upon an analysis of trends at the national and local levels. CoStar is a national research database that gathers, more specifically, data concerning the performance of real estate in various categories (including retail, office, and multi-family), drawing from information provided by local and regional brokerages and local CoStar staff that contact local property owners and representatives. CoStar gathers a range of real estate information, including data concerning lease rates, vacancies, inventory, and (where available) the names of tenants in various properties. While CoStar does not provide data for every property in a given local market, information provided by CoStar helps in outlining overall current real estate market conditions in a local area. The market analysis also draws from a site visit to Richfield and the 66th and Nicollet area and phone discussions with local brokers and representatives of property owners in the study area.

Demographic Background

The following provides an overview of demographic trends in and around the study area that affect the viability of development or redevelopment in the 66th and Nicollet vicinity. Importantly, in considering the potential market for various land uses, the analysis looks beyond the city limits of Richfield. The markets for retail, office, and residential space will draw from an area, primarily

determined by drive times. As outlined in the map, the following tables summarize demographic information and projections for the area located within a five minute drive time of 66th and Nicollet.



Source: ESRI

The five-minute drive time includes most of the City of Richfield, with the exception of some neighborhoods along the 494 corridor, and to the west of Interstate 35W. It also includes parts of South Minneapolis on either side of Interstate 35W, as far north as the Diamond Lake Road corridor.

Demographic Trends, 5 Minute Drive Time Radii			
	2010	2016	2021 (Projected)
Population	13,398	13,666	14,010
Households	5,784	5,843	5,973
Average Household Size	2.26	2.28	2.29
Median Age	36.4	37.8	38.0

Source: ESRI

As outlined in the table, as the areas near 66th and Nicollet are built out, the population of the area has increased slowly, by only a few hundred people, over the last six years. The construction of some newer apartment complexes in the Richfield area and south Minneapolis appears to have resulted in the small increase in population over the last six years. ESRI projects that the population of the area within a five minute drive of 66th and Nicollet will increase by over 300 people over the next five years as well, given a trend toward infill development in the local area. In line with local and regional trends, the median age of the area will continue to increase over the next five years, reaching 38 years of age by 2021.

Population by Age, 5 Minute Drive Time Radius						
	2010		2016		2021 (Projected)	
	Number	Percent	Number	Percent	Number	Percent
0 - 4	1,107	8.3%	1,004	7.3%	1,010	7.2%
5 - 9	815	6.1%	935	6.8%	887	6.3%
10 - 14	653	4.9%	784	5.7%	856	6.1%
15 - 19	619	4.6%	679	5.0%	699	5.0%
20 - 24	637	4.8%	831	6.1%	872	6.2%
25 - 34	2,563	19.1%	1,950	14.3%	2,080	14.8%
35 - 44	2,089	15.6%	2,174	15.9%	2,038	14.5%
45 - 54	1,890	14.1%	1,864	13.6%	1,800	12.8%
55 - 64	1,467	10.9%	1,599	11.7%	1,645	11.7%
65 - 74	646	4.8%	953	7.0%	1,159	8.3%
75 - 84	516	3.9%	496	3.6%	575	4.1%
85 +	396	3.0%	397	2.9%	389	2.8%

Source: ESRI

The breakdown of ages within the five minute drive time indicates that adults in their prime earning and child rearing years, between 25 and 54 years of age, represent the most dominant age segments in the local population, as of 2016. The population segments most commonly associated with “Empty Nester” households, between the ages of 55 and 74, exhibited increases in population over the 2010 to 2016 timeframe. The area includes a broad distribution of children and young adults under the age of 19. In line with national trends, the proportion of the population age 55 or older is expected to continue to increase through 2021.

Median Household Income, 5 Minute Drive Time				
Households by Income				
	2016		2021	
	Number	Percent	Number	Percent
Under \$15,000	456	7.8%	469	7.9%
\$15K - \$25K	356	6.1%	337	5.6%
\$25K - \$35K	487	8.3%	440	7.4%
\$35K - \$50K	680	11.6%	740	12.4%
\$50K - \$75K	964	16.5%	661	11.1%
\$75K - \$100K	801	13.7%	810	13.6%
\$100K - \$150K	1,196	20.5%	1,414	23.7%
\$150K - \$200K	507	8.7%	653	10.9%
Over \$200,000	396	6.8%	449	7.5%

Source: ESRI

The breakdown of household incomes in the area within five minutes of 66th and Nicollet reveals that while there is a fairly broad representation of households with incomes between \$35,000 and \$100,000, a significant proportion of the households in the area (over 35 percent) report household incomes in excess of \$100,000, as of 2016. While many of the neighborhoods in Richfield report more modest household incomes, the broader area within five minutes of 66th and Nicollet has a greater concentration of higher income households. Some of the neighborhoods in south Minneapolis, in particular, report higher household incomes. While these individuals may not live in Richfield, their spending power may affect the viability of real estate development options in the 66th and Nicollet vicinity. Data from ESRI also projects that the number of households earning in excess of \$100,000 will continue to increase through 2021, and will represent an even larger proportion of the total number of households in the immediate area by 2021.

Overview of Local Real Estate Conditions

The following outlines local market conditions, including CoStar data and observations from site visits and discussions with local brokers and real estate representatives.

Retail:

Data from CoStar indicate that the area within two miles of 66th and Nicollet (which includes essentially all of Richfield, plus some portions of south Minneapolis) reports somewhat higher vacancy rates than the overall Interstate 494 corridor (which includes areas from the International Airport west to the Eden Prairie area). However, the vacancy rates reported in the local market are generally favorable, given historic trends. Lease rates are generally in line with those of the broader 494 corridor.

Retail Metrics						
	2 Mile Radius Surrounding 66th & Nicollet				494 Corridor Submarket	
	Total SF	Vacancy Rate	Average Rent / SF		Vacancy Rate	Average Rent / SF
2007 Q4	4,332,054	3.8%	\$19.95		2.1%	\$19.84
2008 Q4	4,442,818	4.1%	\$20.05		2.8%	\$18.49
2009 Q4	4,442,818	7.2%	\$19.15		3.6%	\$17.27
2010 Q4	4,387,669	6.0%	\$19.13		3.5%	\$16.98
2011 Q4	4,386,925	6.5%	\$13.12		3.4%	\$16.25
2012 Q4	4,291,928	3.6%	\$16.45		2.6%	\$16.89
2013 Q4	4,269,323	3.6%	\$14.75		2.0%	\$15.35
2014 Q4	4,285,112	3.1%	\$13.66		2.1%	\$15.19
2015 Q4	4,390,595	4.5%	\$15.01		2.3%	\$15.44
2016 Q4	4,288,335	3.0%	\$16.74		1.7%	\$17.01

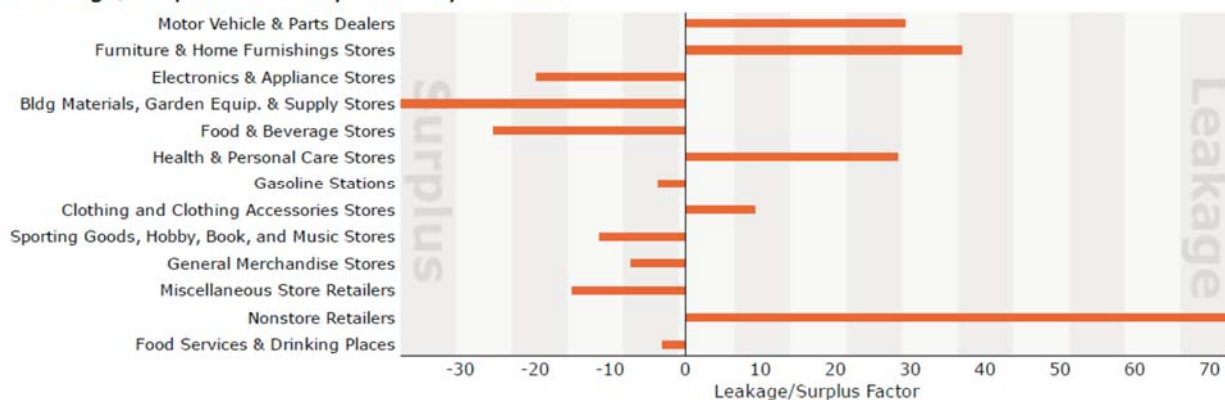
Source: CoStar

According to CoStar, the local market, within two miles of 66th and Nicollet, has maintained around the same levels of retail square footage (on net) over the last several years.

Data from ESRI indicate that the area within a five minute drive of 66th and Nicollet is “leaking” (or, losing retail spending to outside areas) in the retail categories of Motor Vehicles and Parts Dealers; Furniture and Home Furnishings Stores; Health and Personal Care Stores; Clothing and Clothing

Accessories Stores; and Non-Store Retailers. In general, the local area near 66th and Nicollet has a surplus (or, draws retail spending from other areas in addition to absorbing the retail spending generated from local residents) in terms of electronics goods, building materials, food and beverage stores (including grocery stores, liquor stores, and other specialty food stores), sporting goods stores, general merchandise stores, and eating and drinking places. The opening of the new Target and Home Depot at 66th and Cedar, along with other in-line retail spaces in the vicinity, coupled with the strength of other shopping areas in the local area, has contributed to the excess capacity of several categories of retail in the Richfield area. A portion of retail spending that had gone to the 66th and Nicollet area has migrated to the newer shopping areas along Cedar Avenue, over time.

Leakage/Surplus Factor by Industry Subsector



Source: ESRI

The subarea around 66th and Nicollet has witnessed some deterioration of local retail market conditions in recent years. The Richfield Shops, on either side of 66th Street, has several vacancies for in-line spaces, as of April 2017, and a number of the tenants at the center cater to down-market segments (including check cashing, for example). The Hub development has two or three vacancies as of April 2017, as well. The area around 66th and Nicollet now represents some of the very oldest retail space in the Richfield and south Minneapolis area, dating to the late 1950s. Although renovations to the two shopping centers have occurred over the years, both developments appear dated and may face difficulties in leasing to tenants, as a result. Both shopping centers also lack the visibility to regional freeways and expressways enjoyed by the Target and Home Depot projects at 66th and Cedar, as well as various developments along the 494 corridor in Bloomington and Richfield. Spending for groceries, for example, has migrated to some extent to the 66th and Cedar area, and spending for some general goods has migrated from the area to the 494 corridor, including several larger box stores on the Bloomington side of the 494 corridor. The changes in the local retail marketplace have left the retailers at 66th and Nicollet catering primarily to local neighborhood residents in Richfield. While south Minneapolis is only a few blocks away, the area lacks developments that would logically attract business from outside the immediate area.

In general, the retail properties around 66th and Nicollet may move forward in one of two trajectories. In one scenario, the area around 66th and Nicollet may simply be able to support a smaller footprint (and square footage) of retail space than originally constructed, given the changes in the local market, and the less favorable connectivity of the site to the broader region, compared to shopping areas located along freeways in the Richfield vicinity. In another scenario, the area could redevelop into a shopping area that features unique tenants or experiences that conceivably could draw people from south Minneapolis, in addition to Richfield, as well as other residents from the general area. The areas around Richfield are relatively affluent, and Richfield continues to attract migration from new residents, seeking out the community for its prime location in the metro area and the relative affordability of its housing stock. As Richfield continues to attract residents with higher incomes over time, the area around 66th and Nicollet could reposition to serve a higher income demographic, with appropriate tenants and concepts over time.

Office:

The areas within two miles of 66th and Nicollet include around three million square feet of office space, including a number of larger office buildings along the 494 corridor in Richfield. The area immediately around 66th and Nicollet, however, features relatively smaller offices and office buildings, including a number of smaller and older buildings along 66th Street, between Nicollet and Cedar Avenue, and some newer office space in the vicinity of 66th and Lyndale. The immediate area tends to include the offices of local professional services (including dental, insurance, etc.) and other smaller spaces, serving smaller companies and tenants. Given its orientation away from freeway corridors, the heart of Richfield has never represented a key node of office development. Many of the offices in the immediate area are older and tend to command lower lease rates compared to newer space in this part of the metro area. In addition, a number of vacancies for office space exist along the 66th Street corridor, to the east of the study area, between Nicollet and Cedar Avenue.

Office Metrics					
	2 Mile Radius Surrounding 66th & Nicollet			494 Corridor Submarket	
	Total SF	Vacancy Rate	Average Rent / SF	Vacancy Rate	Average Rent / SF
2007 Q4	3,047,653	3.9%	\$12.12	9.4%	\$14.40
2008 Q4	3,021,668	3.2%	\$14.38	8.8%	\$15.11
2009 Q4	3,021,668	4.6%	\$14.90	10.4%	\$15.02
2010 Q4	3,015,508	2.3%	\$12.74	9.6%	\$14.70
2011 Q4	3,015,508	2.2%	\$12.79	8.8%	\$14.02
2012 Q4	3,015,508	1.5%	\$12.63	8.8%	\$13.36
2013 Q4	3,009,806	3.9%	\$12.69	10.0%	\$13.79
2014 Q4	3,084,806	4.2%	\$13.03	10.7%	\$14.09
2015 Q4	3,084,806	2.9%	\$13.37	9.6%	\$13.94
2016 Q4	3,084,806	2.4%	\$13.06	9.1%	\$14.68

Source: CoStar

Outside of the immediate area, the City of Bloomington has plans for significant office development in the South Loop area, defined as the area surrounding the Mall of America. Over the last few years, the City has approved preliminary plans for Phase I and Phase II of the Mall of America's (MOA) expansion. The approval includes a total of 3 million square feet of additional retail construction, 546,000 square feet of office space and a total of 1,650 hotel rooms. The MOA's office product is geared to appeal to higher-end office tenants and in particular to the Millennial generation, which desires work spaces that offer a range of amenities nearby. The MOA's expansion is part of the overall South Loop area plan for the eastern end of Bloomington, which calls for a variety of infill residential, retail, and office development to the south and east of the existing Mall of America, toward the Minnesota Valley riparian zone. Overall, as South Loop continues to build out over time, the area could generate at least a few thousand additional jobs in the Bloomington community.

Overall Conclusions, Office:

The area around 66th and Nicollet is unlikely to develop as a major office or employment area, given the lack of direct connectivity to surrounding freeways. The Interstate 494 corridor has traditionally attracted larger office users, including a variety of corporate style campus buildings. Instead, the area around 66th and Nicollet is more likely to remain a focal point for smaller scale or neighborhood-oriented office uses. The area could accommodate, over time, a relatively small quantity of smaller office space, geared to professional offices (including medical office, professional services, etc.). This office space could orient above retail spaces (in the case of mixed-use development) or behind more

active retail frontages in the 66th and Nicollet area. Office development in the study area is more likely to include a collection of smaller offices (perhaps as small as a few thousand square feet per office), as opposed to medium or larger scale footprints.

Multi-Family and Residential:

The multi-family market in the Twin Cities region has demonstrated considerable strength over the last five years, with developers completing a variety of projects around the region. A significant number of these projects have focused on the urban core areas in Minneapolis and St. Paul. However, the multi-family boom has expanded to suburban communities over the last few years, as the region has continued to gain employment and population. The metro area added an impressive 28,000 jobs from 2015 to 2016, and continues to benefit from the presence of sixteen Fortune 500 companies in the region. The significant strength of the for-sale residential market in the Twin Cities has led many would-be buyers to rent apartments, instead of purchasing homes. In addition, the tendency of the Millennial generation to delay home purchases or to avoid home purchases altogether has contributed to the multi-family construction boom witnessed in metro areas around the country, including the Twin Cities. Furthermore, homeownership rates for the Baby Boomer generation have continued to decline, as more residents choose the maintenance-free aspects of rental living. From the fourth quarter of 2015 to the fourth quarter of 2016, the metro area added around 5,000 new apartment units, and the region expects the delivery of another 4,000 units in 2017.¹ Data from Colliers indicate that the market for tenants among Class A apartment communities has become more competitive, with operators offering concessions over the last few quarters. The rents for Class B and Class C apartments, however, have increased more than those of Class A, as the overall multi-family market has tightened and rising rents across the metro have forced many people to consider Class B and Class C apartment living options.

Data from CoStar indicate that the area within two miles of 66th and Nicollet has added a few hundred additional multi-family units over the last decade, in the form of infill construction. In line with regional trends, average rents per square foot have continued to escalate over the last several years of the economic recovery, as vacancy rates have continued to decline. The multi-family market within two miles of the Hub reported a vacancy rate of around three percent at the end of 2016, reflecting a market that has very limited excess capacity and would likely absorb additional units of construction. The areas near 66th and Nicollet have even lower vacancies than the overall vacancy reported in the Interstate 494 submarket.

¹ Minneapolis-St. Paul Research & Forecast Report, Fall 2016, Colliers International

Multi-Family Metrics						
	2 Mile Radius Surrounding 66th & Nicollet				494 Corridor Submarket	
	Total Units	Vacancy Rate	Average Rent / SF		Vacancy Rate	Average Rent / SF
2007 Q4	5,668	6.4%	\$1.00		5.8%	\$1.03
2008 Q4	5,668	6.0%	\$1.01		5.6%	\$1.04
2009 Q4	5,782	6.8%	\$1.00		6.2%	\$1.01
2010 Q4	5,782	5.8%	\$1.01		5.2%	\$1.02
2011 Q4	5,782	5.4%	\$1.02		4.9%	\$1.04
2012 Q4	5,876	5.3%	\$1.06		4.7%	\$1.07
2013 Q4	5,876	4.5%	\$1.08		4.7%	\$1.12
2014 Q4	5,876	3.9%	\$1.09		4.8%	\$1.17
2015 Q4	5,876	3.2%	\$1.14		4.4%	\$1.23
2016 Q4	5,920	3.1%	\$1.21		5.5%	\$1.29

Source: CoStar

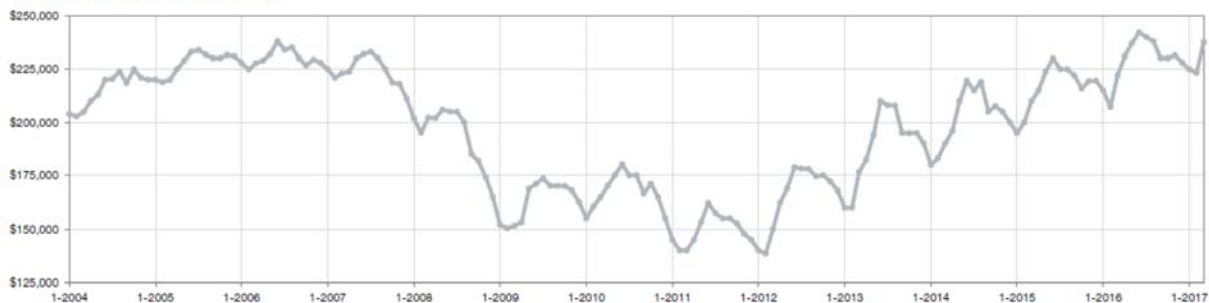
The for-sale residential market in the Twin Cities region has largely recovered to pre-Recession levels in terms of sales prices and activity, following four to five years of price appreciation and ongoing increases in single family residential construction. As outlined in the tables that follow, the median home prices in the overall region have increased significantly over the last year. The number of days on market and the months supply of inventory have also improved significantly over the last year. Overall, the housing market in the Twin Cities has remained very tight, in particular for homes in the \$200,000 to \$300,000 price range, as builders continue to struggle to keep pace with demand.

Local Housing Market Data, March 2017			
	Twin Cities Region		
	March '16 YTD	March '17 YTD	% Change
Closed Sales	9,556	9,867	3.3%
Median Home Price	\$216,000	\$230,000	6.5%
Price / Square Foot	\$126	\$136	8.0%
Days on Market Until Sale	88	77	-12.5%
Months Supply of Inventory	2.6	2.0	-23.1%

Source: Minneapolis Area Association of Realtors

The graph below from the Minneapolis Area Association of Realtors reveals that the median home sales price in the region has returned to the peaks last experienced in 2006, before the Great Recession.

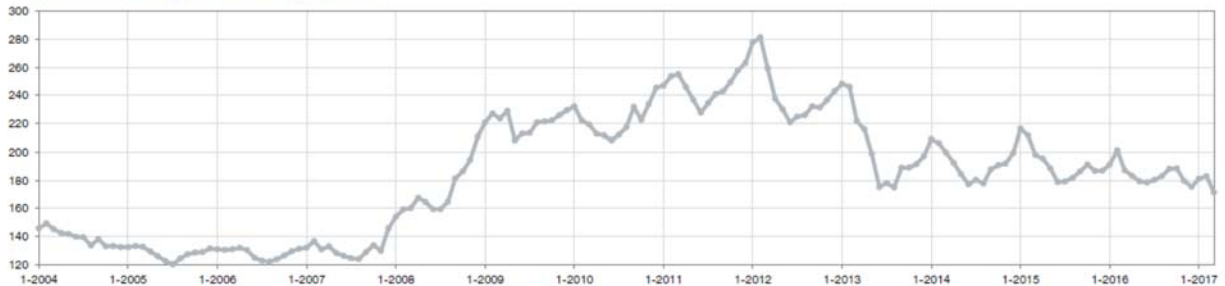
Historical Median Sales Price



Source: Minneapolis Area Association of Realtors

However, as incomes have increased over the last ten years across the region, the level of affordability has remained above the levels experienced prior to the last recession, as outlined in the following table.

Historical Housing Affordability Index



Source: Minneapolis Area Association of Realtors

Housing affordability peaked during and following the Great Recession, as home values declined across the Twin Cities (and across many parts of the nation). Affordability has decreased over the last four years as home prices have continued to escalate. The increases in home sales prices have impacted both single-family detached and townhome / condo attached products, across the Twin Cities region.

Twin Cities Metro Region Median Sales Price: Single Family Detached Homes			Twin Cities Metro Region Median Sales Price: Townhome or Condo Attached Homes		
	Median Price	% Increase		Median Price	% Increase
2012	\$184,000	-	2012	\$125,000	-
2013	\$211,000	14.7%	2013	\$147,000	17.6%
2014	\$225,000	6.6%	2014	\$159,000	8.2%
2015	\$238,000	5.8%	2015	\$165,000	3.8%
2016	\$251,000	5.5%	2016	\$173,000	4.8%

Source: Minneapolis Area Association of Realtors

Like most areas around the country, the Twin Cities region experienced a significant decrease in housing construction activity during and after the Great Recession. The total number of residential building permits issued in the seven-county region decreased from around 21,000 in 2003 and 2004 to around 4,400 in 2009, but returned to a range of 10,000 to 12,000 annual permits from 2012 through 2015. While the region continued to permit 4,000 to 5,000 single family detached residential building permits on average, from 2012 through 2015, multi-family construction has accounted for over half of all residential construction during this period of economic recovery. Townhome permits, which had accounted for over 20 percent of all permit activity prior to the housing crash (from 2003 through 2007), now represent from 4 to 7 percent of all residential permits, over the last four years. The focus on multi-family construction in the Twin Cities region mirrors similar trends in other larger metro areas around the country. Developers in the local region have added a significant pool of multi-

family units to local inventories, particularly in the two major downtown areas and in other urban neighborhoods that feature a variety of amenities and good access to the rest of the city. The supply of single-family detached homes has not caught up with demand over the last few years, contributing to increases in the median home price in the Twin Cities region.

Twin Cities Region - Residential Building Permit History									
	Single Family Detached	Percentage of Total	Townhome	Percentage of Total	Duplex	Percentage of Total	Multi-Family	Percentage of Total	Total
2003	9,034	42.4%	4,619	21.7%	216	1.0%	7,414	34.8%	21,283
2004	8,244	38.6%	5,126	24.0%	579	2.7%	7,401	34.7%	21,350
2005	6,877	39.0%	3,795	21.5%	572	3.2%	6,375	36.2%	17,619
2006	5,252	41.6%	2,961	23.4%	229	1.8%	4,185	33.1%	12,627
2007	3,648	42.9%	1,851	21.7%	84	1.0%	2,929	34.4%	8,512
2008	2,281	44.4%	957	18.6%	27	0.5%	1,867	36.4%	5,132
2009	2,412	54.2%	597	13.4%	26	0.6%	1,412	31.8%	4,447
2010	2,776	47.7%	589	10.1%	36	0.6%	2,420	41.6%	5,821
2011	2,821	44.7%	526	8.3%	21	0.3%	2,938	46.6%	6,306
2012	4,271	39.0%	621	5.7%	28	0.3%	6,032	55.1%	10,952
2013	5,207	41.9%	678	5.5%	19	0.2%	6,520	52.5%	12,424
2014	4,559	42.4%	684	6.4%	86	0.8%	5,414	50.4%	10,743
2015	4,746	37.1%	554	4.3%	43	0.3%	7,437	58.2%	12,780

Source: Metropolitan Council

The Richfield area, and nearby areas of south Minneapolis, in particular have experienced a very strong housing market over the last few years. The Richfield area benefits from its close-in location to the heart of Minneapolis, coupled with its access to the Mall of America, the airport, and the employment centers along the 494 corridor. Local observers have called Richfield the “hottest” housing market in the metro area in recent months. A significant number of younger buyers, including families, have sought out Richfield as an option to live more affordably than in Minneapolis, while enjoying the benefits of a single family home in a strategic location.

The following table outlines the changes in home prices for Richfield, Edina, Bloomington, the region overall, and for the four neighborhoods in south Minneapolis that border onto Richfield (Armatage, Diamond Lake, Kenny, and Windom). The median home price in Richfield increased 43 percent from 2012 to 2016, and prices in two south Minneapolis neighborhoods (Diamond Lake, and Windom) increased by over 40 percent during this period, as well.

Changes in Median Home Prices, 2012 - 2016							
	2012	2013	2014	2015	2016	Change from 2015	Change from 2012 - 2016
Minneapolis							
Armatage Neighborhood	\$218,000	\$250,000	\$265,000	\$286,600	\$277,500	4.5%	39.4%
Diamond Lake	\$210,000	\$245,000	\$257,000	\$272,000	\$300,000	10.3%	42.9%
Kenny	\$246,950	\$256,850	\$272,500	\$313,672	\$302,500	-3.6%	22.5%
Windom	\$185,915	\$218,900	\$216,850	\$262,225	\$271,450	3.5%	46.0%
Richfield	\$155,000	\$174,950	\$183,750	\$205,000	\$221,625	8.1%	43.0%
Edina	\$344,000	\$350,000	\$380,000	\$397,000	\$436,430	9.9%	26.9%
Bloomington	\$171,000	\$193,100	\$201,000	\$218,000	\$232,000	6.4%	35.7%
Overall Twin Cities Region	\$167,900	\$192,000	\$205,600	\$220,000	\$232,000	5.5%	38.2%

Source: Minneapolis Area Association of Realtors

Increasingly, buyers are migrating from south Minneapolis and other areas around the city to Richfield, in order to take advantage of the lower overall sales price in the community. While Richfield has experienced significant growth in home prices, as of 2016 its median home price remains lower than those of neighboring communities.

The Richfield area, and surrounding communities to the south of the City of Minneapolis, should remain highly attractive for both multi-family and for-sale residential products for the foreseeable future, given its orientation in the metro area. While the area may experience a softening in the market with the next downturn, the geographic advantages of Richfield relative to the rest of the metro area and its relative affordability should continue to drive the viability of residential projects in the Richfield vicinity.

OVERALL CONCLUSIONS / DEVELOPMENT RECOMMENDATIONS FOR 66TH AND NICOLLET:

While this market analysis does not provide detailed forecasts or absorption estimates for different types of development components, for the 66th and Nicollet area, the following summarizes the takeaways from the analysis, as it relates to potential redevelopment in the study area.

- The area around 66th and Nicollet will likely remain as a neighborhood oriented retail area in the future. Due to the arrival of additional retail space at 66th and Cedar and other retail

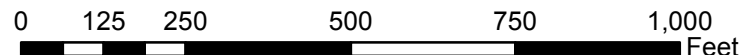
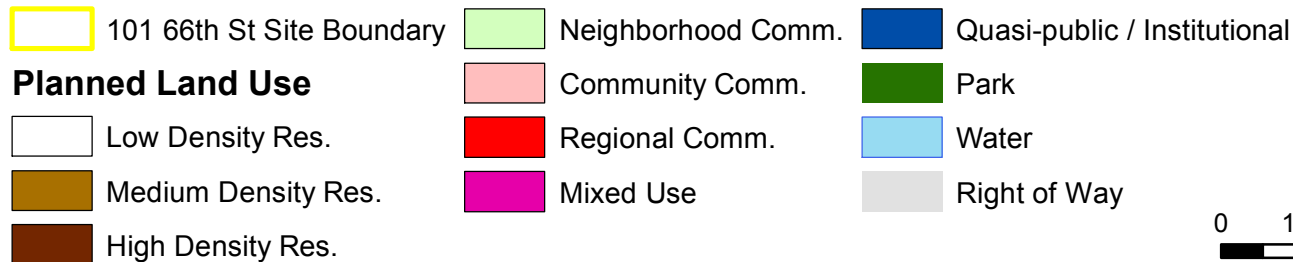
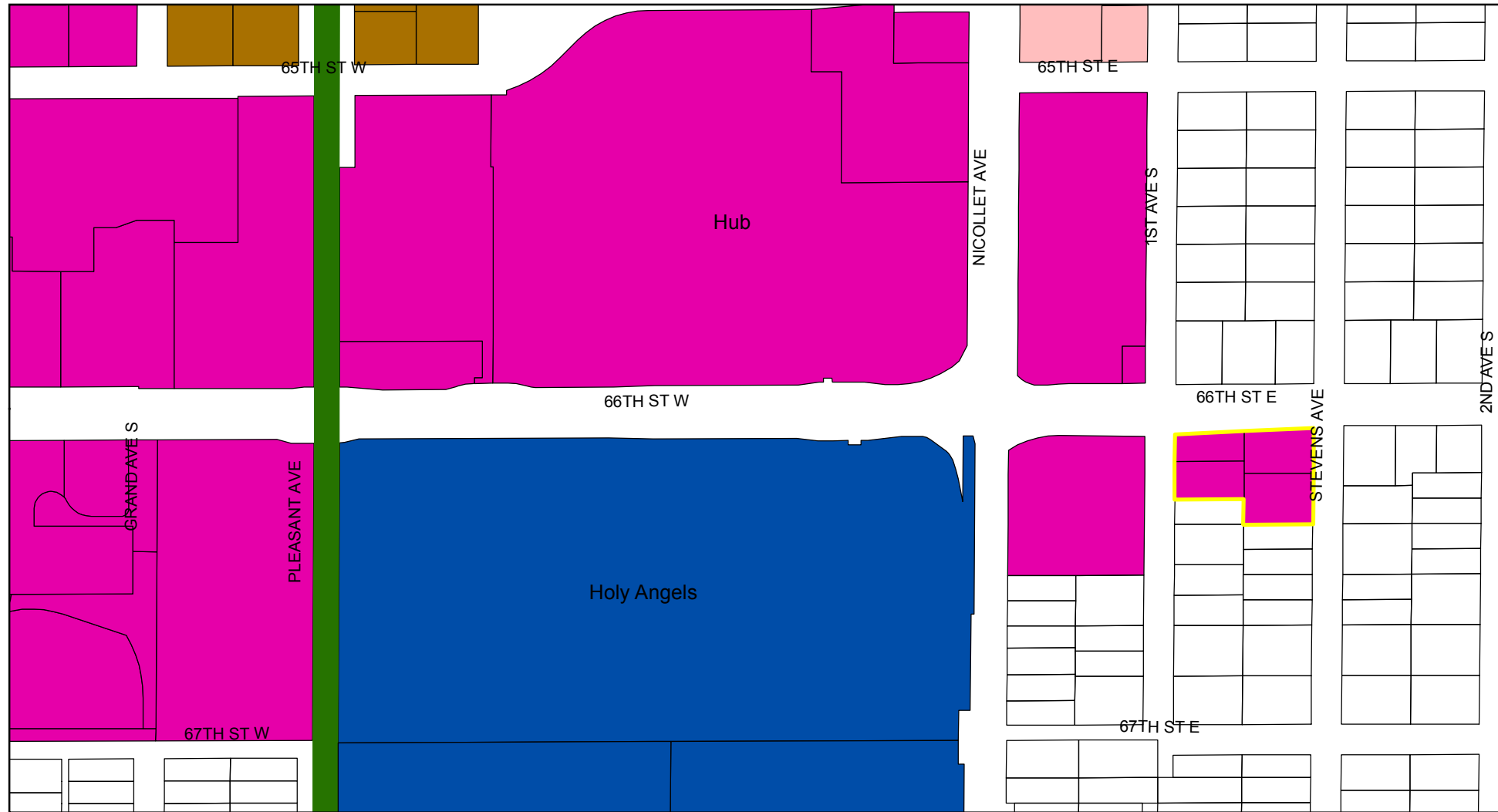
projects along and near the 494 corridor, the 66th and Nicollet area may never regain the retail dominance it had (in terms of size) in the 1950s and 1960s. Larger format retail uses (including junior boxes and bigger boxes) will likely continue to migrate to the 494 corridor, Cedar Avenue, and other locations in the vicinity with better access to other communities. The quantity of overall retail space in the 66th and Nicollet area may in fact decline over time.

- Retail offerings in the 66th and Nicollet area may be able to reposition to serve more upscale household types, as Richfield continues to evolve. As more families and other buyers from around the metro area move into Richfield, help escalate home prices, and bring more spending power with them, the mix of retail and services at 66th and Nicollet may move more upmarket over time. The introduction of the Lyndale Cooperative market on Lyndale Avenue, to the west, reflects this trend. The 66th and Nicollet area may be able to offer more attractive eating and drinking places and unique, more neighborhood oriented retail tenants over time that could begin to attract more business from south Minneapolis. The area will continue to serve some everyday needs (for pharmacies, some groceries, and casual dining) but may be able to add some better restaurants and more unique retail shops over time, as potential redevelopment may move forward.
- As mentioned, the local housing market in Richfield remains very strong and is changing to serve a higher income demographic. The area around 66th and Nicollet will likely be able to attract additional multi-family construction, as well as potentially townhomes or similar forms of attached housing. Given the size of the parcels around 66th and Nicollet, developing single family detached products is less likely. All of the parcels in the area could develop with a mixture of multi-family and attached properties. The Academy of Holy Angels could develop a portion of its property as multi-family or townhome as well.
- The area around 66th and Nicollet could develop a relatively small amount of additional office space, geared to professional services and other local uses, as part of mixed-use development. The area will likely not develop as a more significant area of office space or employment centers. However, office space could complement the introduction of higher quality residential or retail space in the vicinity of 66th and Nicollet, as part of a mixed-use orientation (with office located either above or to the rear of retail space).
- In terms of forms and orientations of development, future development may proceed as follows:
 - The northeast corner of the Holy Angels property (at the southwest corner of 66th and Nicollet) may develop as purely residential, with attached homes or multi-family units oriented and developed to preserve the character and aesthetic qualities of the school

campus and to attract minimal traffic or additional activity to the Holy Angels property.

- The Richfield Shops, along the east side of Nicollet, could develop with a mixture of retail / restaurant space on ground floors, with residential space above. The redevelopment of these spaces could resemble other successful infill projects around the Minneapolis area in recent years, in which below-grade parking serves residents, the first floors contain a mixture of limited retail space, coupled with amenity spaces for residents, and upper floors contain either multi-family units or condominiums. The shape and scale of the parcels on the east side of Nicollet logically orient toward a mixed-use configuration that has worked well in the Twin Cities over the last ten years.
- The Hub property is larger and would, logically, provide a developer with greater flexibility. A developer may choose to keep parts of the existing footprints for retail operational while developing other portions of the site. For example, the Rainbow grocery property could continue to operate while a developer proceeded with the demolition and reconstruction of the actual Hub building as a property with a mixture of office, residential, and some retail uses. In addition, a developer could explore options to keep part of the Hub building intact, and to infill underutilized parking spaces and underutilized portions of the Hub with mixed use space as well. The Hub could be developed in phases, over time. The overall Hub could support a mixture of neighborhood retail, various residential forms (including attached product and multi-family) and limited quantities of office space.

DRAFT Comprehensive Plan Designations - 66th Street & Nicollet Avenue Area



Matt Brillhart

From: Husniyah Dent Bradley <dent_h@hotmail.com>
Sent: Thursday, April 26, 2018 11:29 AM
To: Melissa Poehlman; John Stark; Matt Brillhart; Pat Elliott; Michael Howard; Edwina Garcia; Simon Trautmann; Maria Regan Gonzalez; J Dent
Subject: Comments about Zoning Ordinance Change on 66th between Stevens Ave and 1st Ave in Richfield

Hello,

I wanted to send along several of the comments that I made at the community section of the Richfield Planning Commission held on Monday, April 23, 2018, concerning the mixed use zoning ordinance for the property at 66th Street between 1st Avenue and Stevens Avenue in Richfield.

I am a long time resident of 66th and Stevens Avenue in Richfield and have driven down that street at different times of the day and night.

Things to consider for this project:

-) It is a fairly quiet street and does not have a lot of traffic driving down it. We do have children that walk down the street from time-to-time due to there being no sidewalks
-) Proper notice of the public meeting was not done - residents complained of receiving the notice a day before or after the date, typically a notice is sent 10 days in advance
-) When there was construction on 66th street last year more traffic drove down the street in order to get around the barriers that were placed in the middle of 66th street.
-) If a mixed use complex is built on that corner it will cause a lot more traffic in the area
-) It is currently sometimes difficult to see oncoming traffic when you are stopped at the stop sign, especially when a driver is driving fast or the sun is blocking the view, a lot of vehicles do not see who is at that corner until they reach the top of the hill driving East towards Portland
-) Traffic speeds up after they leave Nicollet Avenue and it is sometimes hard to make a stop before turning right on to 66th and Stevens - when snow is on the ground or ice, your vehicle will slide into the turn
-) If a large building is built on that corner then it will make it even more difficult to see on-coming traffic at the stop sign and snow removal will be a problem
-) As you drive from East to West on 66th street you can tell that there is a hill and the top of the hill meets on 1st avenue - is the building going to level this area out or will the hill remain?
-) There are people that live on the street that sleep during the day and work at night - a lot of noise will disrupt their sleep and sleep patterns
-) If a popular restaurant leases space in the complex then there will be parking issues as seen in St. Paul and Minneapolis, where residents are complaining about the patrons taking all of the parking spaces on the street so they do not have spaces for their family or guests - the same thing will occur if the complex has a meeting room or hospitality room
-) If people are not able to find parking on the same street as the complex then they will park on 65th and Stevens or 65th and 1st Avenue
-) If residents or customers of the complex take up all of the street parking on Stevens Ave on both sides then there will not be a lot of room for EMS - the other week when EMS had to respond to an incident

they had to park in between two vehicles that were parked on either side of the street and could not make it up the driveway of the home.

-) The mixed use complex will have an open ended driveway where people can drive through the driveway and this could cause an issue
-) The parking lot entrance and underground parking entrance is across the street from other driveways - this could make it difficult for the homeowner to get out of their driveway at peak times of the day
-) On 1st Ave and 66th they are about to allow restaurant patrons from Lakeside Grill to park on that side of the street so they will be competing for parking spots as well
-) Can the lot on 1st Ave and 66th be turned into a parking lot?
-) Brixmor Properties has had a tough time leasing spaces at the Hub (maybe due to high lease rates and building issues - roof, upkeep, etc.) - how are the developers going to ensure that their spaces will be leased?
-) There are no affordable housing units planned for the project, not even 10%
-) The developers are asking for additional changes to the space that were not initially disclosed when the project was presented - building it out to the corner, etc.
-) The developers do not know exactly where trash will be collected, where deliveries for commercial space will come in through or other delicate details that need to be ironed out
-) It is great that the developers want to redevelop the property. They are not from MN and are not connected to the community but they have purchased the property and are eager to get started. Hopefully this project will not have a huge impact on the value of the homes in the area, etc.

I hope that everyone is able to visit the location and observe it for 10 minutes or so to get a feel of the type of area it is.

Thanks,

Husniyah Dent Bradley

Matt Brillhart

From: Cynthia Norton <cnorton54@comcast.net>
Sent: Tuesday, April 24, 2018 11:51 AM
To: Pat Elliott; Michael Howard; Edwina Garcia; Maria Regan Gonzalez; John Stark; Melissa Poehlman; Matt Brillhart
Subject: Post 04/23 Meeting Re Mixed-Use Development at 6601 & 6605 1st Ave & 6600 & 6608 Stevens Ave

If the Planning Commission approves the **highly opposed** zoning change to multi-use for the parcel at 66th Street and Stevens and First Ave. South after receiving numerous phone calls, emails and after listening to 3 hours of heartfelt opposition from longtime and new homeowners directly impacted by changing zoning to this parcel it will be clear **none of you** sitting on the volunteer Planning Commission or the elected City Council care about the long-time loyal homeowner's in Richfield.

Remember **we** are the citizens who pay the taxes that support Richfield. It is our tax dollars that allow volunteers and elected officials to sit like stoic statues with your eyes glued to monitor screens instead of looking into the eyes and faces of citizens whose daily lives are impacted by the unwanted decisions you impose upon us.

*Since Sean, the volunteer Commission Chair does not have an email address please forward my email to him.

Cynthia Norton

132 E. 66th St.

Richfield, MN 55423

Matt Brillhart

From: Nancy Norton <nnorton9977@gmail.com>
Sent: Tuesday, April 24, 2018 12:29 AM
To: Pat Elliott; Michael Howard; Edwina Garcia; Maria Regan Gonzalez; John Stark; Melissa Poehlman; Matt Brillhart; Michael Howard; Edwina Garcia; Simon Trautmann
Subject: Re: NO Mixed-Use Development at 6601 & 6605 1st Ave & 6600 & 6608 Stevens Ave

One more very important item the Richfield taxpaying residents said:

1. Home prices will go DOWN as people don't want to live next to apartment buildings.
2. People who purchased homes within the last 1-3 years said they WOULD NOT HAVE PURCHASED if they knew about the mixed use development.

This alone is a HUGE reason to NOT approve the mixed use development. Richfield will not only have 35% - 45% of commercial buildings vacant at The Hub but Richfield homes may also sit vacant or the Richfield house prices may get so low and will negatively impact Richfield.

Don't approve the mixed use development, it will negatively impact Richfield.

Nancy Norton

On Mon, Apr 23, 2018, 11:05 PM Nancy Norton <nnorton9977@gmail.com> wrote:

Hi, You missed a great Planning Commission Meeting tonight. The taxpaying Richfield residents learned the City Members have been working with this Wisconsin builder since 2015 and has known about the Zoning Changes for years and only sent out a small card to the Richfield residents a few weeks ago. The builder sent out a letter a few days ago, which I received the day AFTER the meeting, that the builder wanted to share his building plans with the Richfield residents.

It was VERY CLEAR the Richfield taxpaying residents DON'T WANT mixed use development as about 15-20 Richfield residents spoke tonight AGAINST mixed use development and how they would APPROVE single family homes built on this property. Not one Richfield resident had anything positive to say about mixed use development, everyone is AGAINST it.

We also learned traffic volumes at peak times will increase to about 91 vehicles per hour from our current volume 10-15 vehicles per hour. There is also not enough parking for residents, workers, handicapped, visitors of residents and Stevens Avenue & 1st Avenue should expect both sides of our streets to be used as additional parking. This will cause issues for Emergency Vehicles and Police as well as residents trying to get into their own driveway. In the winter it will be awful for residents as the snow plows will not be able to clear our streets. Residents are also concerned about the volume of vehicles making turns out of Stevens Avenue & 1st Avenue to 66th Street and not being able to clearly see traffic, bikers and pedestrian with the huge cement building blocking the view.

PLEASE, don't approve Mixed Use Development for this area, as it's very clear, this is not the correct location, Richfield taxpaying residents don't want the additional traffic and congestion.

Thank You
Nancy Norton

On Fri, Apr 20, 2018, 10:40 AM Nancy Norton <nnorton9977@gmail.com> wrote:

CRIME will also be increased with additional unnecessary businesses and traffic. We had crime already at the Dairy Queen, Country Buffet, Best Buy and other businesses. Richfield should be making efforts to eliminate crime not bring it into our neighborhood.

Single family homes would be the best use for this property.

Nancy Norton
132 East 66th Street

On Fri, Apr 20, 2018, 10:09 AM Nancy Norton <nnorton9977@gmail.com> wrote:

I should also add the additional noise, traffic and congestion this huge ugly dark chunk of cement will attract will NOT be welcomed. The taxpaying homeowners living access the street do NOT want this.

We would be much happier with single family homes on this property.

Nancy Norton
132 East 66th Street
Richfield, MN 55423

On Fri, Apr 20, 2018, 8:52 AM Nancy Norton <nnorton9977@gmail.com> wrote:

I live across the street and **DO NOT WANT** to look at this huge cement building. **I DO NOT WANT** to have semi-trucks delivering and unloading product to the businesses anytime 24 hours a day 7 days a week, disturbing me. This cement building will only provide shade to 66th street. There is no place for snow removal and not enough parking space available. I only see NEGATIVE from this proposed mixed-use development. As a Richfield homeowner for over 50 years living across the street on Stevens Avenue and 66th Street.

The Hub commercial buildings are 35%-45% EMPTY. Commercial buildings on Nicollet Avenue from 66th Street to 64th Street are 45%-50% EMPTY. YOU should be spending your time getting the empty commercial buildings filled with businesses. Richfield certainly does not need more EMPTY commercial buildings.

I PROPOSE you build 4 (four) beautiful Richfield style **single family homes** that will enhance the area between 1st Avenue and Stevens Avenue on 66th Street. This will enrich Richfield and will not negatively impact the long time tax paying Richfield residents.

Again I say, **ABSOLUTELY NO** Mixed-Use Development at 6601 & 6605 1st Ave & 6600 & 6608 Stevens Ave.

Nancy Norton
132 East 66th Street
Richfield, MN 55423

Matt Brillhart

From: Nancy Norton <nnorton9977@gmail.com>
Sent: Tuesday, April 24, 2018 11:31 AM
To: Pat Elliott; Michael Howard; Edwina Garcia; Maria Regan Gonzalez; John Stark; Melissa Poehlman; Matt Brillhart; Michael Howard; Edwina Garcia; Simon Trautmann
Subject: NO Zoning Change for 6601 & 6605 1st Ave & 6600 & 6608 Stevens Ave

If the Planning Commission approves the zoning change to multi-use development for the parcel at Stevens Avenue and 1st Avenue South on 66th Street after receiving numerous phone calls, emails and additionally listening to 3 hours of heartfelt opposition from longtime and new Richfield homeowners who will be directly negatively impacted by the zoning changes it will be very clear none of you sitting on the Planning Commission or the Richfield City Council care about the taxpaying Richfield residents.

Remember we are the citizens who pay the taxes that support your paycheck. The paycheck that allows you sit like stoic statues with your eyes glued to monitor screens instead of looking into the eyes and faces of the Richfield taxpayers who are speaking directly to you and who've elected you.

Thank You,
Nancy Norton
132 East 66th Street

Matt Brillhart

From: Cynthia Norton <cnorton54@comcast.net>
Sent: Friday, April 20, 2018 1:54 PM
To: Pat Elliott; Michael Howard; Edwina Garcia; STrautman@RichfieldMN.gov; Maria Regan Gonzalez; John Stark; Matt Brillhart; Melissa Poehlman
Subject: Mixed-Use Development at 6601 & 6605 1st Ave & 6600 & 6608 Stevens Ave

As a long time resident and homeowner in Richfield, I am opposed to changing the zoning on the parcel that is across 66th St. from my residence.

I DO NOT WANT this huge cement building that will house commercial and residential. **I DO NOT WANT** the noise and pollution of semi-trucks delivering and unloading product to the businesses anytime 24 hours a day 7 days a week. **I DO NOT WANT** the residential single-family nature of my neighborhood changed to become a place where families are unfamiliar and will change monthly as they move in and out.

This unattractive cement monstrosity that resembles a non-descript Soviet Union styled high-rise will block the sunshine. 66th Street will look dark and shaded and the view will be blocked towards the southwest.

There is not enough space for snow removal. This terrible idea will only add more traffic and congestion to an already busy crime-ridden area of 66th St and Nicollet Ave.

I see nothing positive for me from this proposed mixed-use development. As a Richfield homeowner for over 50 years I embrace the suburban feeling of single-family homes with a yard for kids to play. I do not want my quaint suburb to feel like it is a busy noisy downtown corner.

The Hub commercial buildings are 35%-45% EMPTY. Commercial buildings on Nicollet from 66th Street to 64th Street are 45%-50% EMPTY. Spending your time getting the empty commercial buildings filled with businesses that will provide you with the tax dollars this city needs would be time better spent by the city council. Richfield does not need additional EMPTY commercial buildings.

The Dairy Queen, Best Buy, Rainbow Foods, and The Country Buffet were recent victims of robbery and vandalism. More commercial shops closer to my home only puts me at higher risk of being robbed, raped and/or killed in my own home.

I PROPOSE you build 4 (four) new **single-family homes with a yard** that will enhance the area between 1st Avenue and Stevens Avenue on 66th Street. This will enrich Richfield. It will not negatively impact the long time and loyal tax paying Richfield residents.

I am 100% against changing the zoning classification. I vote **ABSOLUTELY NO** to Mixed-Use Development at 6601 & 6605 1st Ave & 6600 & 6608 Stevens Ave.

Cynthia Norton

132 East 66th Street

Richfield, MN55423



STAFF REPORT NO. 89
CITY COUNCIL MEETING
5/22/2018

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
5/15/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
5/16/2018

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of the approval of new On-Sale Wine and 3.2 Percent Malt Liquor licenses for Los Sanchez Taqueria #2, LLC d/b/a Los Sanchez Taqueria located at 2 West 66th Street.

EXECUTIVE SUMMARY:

On March 13, 2018, the City received the application materials for new On-Sale Wine and 3.2 Percent Malt Liquor licenses for Los Sanchez Taqueria #2, LLC d/b/a Los Sanchez Taqueria located at 2 West 66th Street.

Los Sanchez Taqueria (f/k/a Rosa's Kitchen) will be operating in the city under the new name.

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

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 background investigation report. There is nothing in the report that would cause the Public Safety Director to recommend denial of the requested licenses.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve the issuance of new On-Sale Wine and 3.2 Percent Malt Liquor licenses for Los Sanchez Taqueria #2, LLC d/b/a Los Sanchez Taqueria located at 2 West 66th Street.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The applicant has satisfied the following requirements for issuance of licenses:
 - The required license fees have been paid.
 - Real estate taxes are current.
 - Proof of commercial and liquor liability insurance have been received showing Travelers Casualty Insurance Company Of America as affording coverage.
- As a result of this being a new request for On-Sale Wine and 3.2 Percent Malt Liquor licenses,

there is no need for an accountant's statement regarding food/alcohol ratio.

- As stated in the Executive Summary, the Public Safety Director has reviewed the background information and sees no basis for denial.
- 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 of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

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

- Richfield City Code Section 1202 requires owners of On-Sale Wine and 3.2 Percent Malt Liquor license establishments to comply with all the provisions of both City Code and State Statutes.

C. CRITICAL TIMING ISSUES:

- There are no critical timing issues.

D. FINANCIAL IMPACT:

- Licensing fees have been received.

E. LEGAL CONSIDERATION:

- The requirements of Resolution No. 9511 must be met which outlines the discipline they can expect if any on-going problems occur. A copy of this resolution has been given to the owners of the establishment.
- The Notice of Public Hearing was published in the Richfield Sun Current on May 10, 2018.

ALTERNATIVE RECOMMENDATION(S):

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to serve On-Sale Wine and 3.2 Percent Malt Liquor; however, Public Safety has found no basis to deny the license.
- Schedule the hearing for another date; however, this will delay the licensing process.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Rosa Sheehan - President/On Premise Manager

ATTACHMENTS:

Description	Type
▢ Los Sanchez Taqueria- Background Summary	Cover Memo

SUMMARY OF BACKGROUND INVESTIGATION FOR LOS SANCHEZ TAQUERIA # 2, LLC D/B/A LOS SANCHEZ TAQUERIA

Officers:

Rosa Sheehan – President

Criminal Histories:

Criminal history checks were conducted on the applicant. Rosa Sheehan who is the President and is also serving as the On-Premise Manager, has no known criminal record.

Premises:

The applicant has provided a copy of the rental agreement showing Brixmor SPE 1, LLC, holding financial interest as lessor of the property.

Record of Service Calls:

Being this is a new business, there are no records of service calls.

Violations:

Being this is a new business, there are no violations for sale of alcohol to underage youth.

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.

The notice of Public Hearing was published in the Richfield Sun Current on May 10, 2018.



STAFF REPORT NO. 90
CITY COUNCIL MEETING
5/22/2018

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
5/16/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
5/16/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of the first reading of an ordinance amending the tobacco ordinance to include increasing the minimum legal age to purchase tobacco products and tobacco related devices from eighteen (18) to twenty-one (21) years of age and updating several sections to include new and updated definitions.

EXECUTIVE SUMMARY:

Tobacco 21, a movement aimed at raising the minimum legal age for tobacco and nicotine sales age to 21 has seen recent success in Minnesota and nationwide. A work session occurred on March 27, 2018, with the Advisory Board of Health, related to increasing the tobacco sales age from 18 to 21 years. The presentation highlighted the benefits of a Tobacco 21 policy and the protections it provides for younger tobacco users.

In addition to raising the legal age to purchase tobacco products from 18 to 21 and adopting findings to support that change, the proposed ordinance updates and incorporates new definitions in order to stay compliant with state law and current with new products on the market. The proposed ordinance also eliminates "purchase, use, and possession" penalties against under-age individuals as studies indicate that such penalties are not effective in preventing tobacco use by young people.

To date, seven communities in Minnesota have passed tobacco 21 laws. Those communities are Edina, St. Louis Park, Bloomington, Plymouth, North Mankato, and most recently Shoreview and Falcon Heights.

RECOMMENDED ACTION:

By motion: Approve the first reading of an ordinance amending the tobacco ordinance to include increasing the minimum legal age to purchase tobacco products and tobacco-related devices from 18 to 21 and schedule the second reading of the ordinance for June 12, 2018.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The Richfield Advisory Board of Health has a strong track record of supporting policies that protect the health of its community from the harms of tobacco. The tobacco ordinance has been amended in the past to keep up with the constant flow of new products released into the market.

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

- A formal public hearing is not required, but the City Council could allow public comment on the proposed ordinance changes.
- City code states that it is a violation for any person to sell or offer to sell any tobacco, tobacco product, tobacco-related device, or electronic cigarette to any person under the age of 18 years.
- The City currently has 22 licensed establishments selling tobacco products.

C. CRITICAL TIMING ISSUES:

- N/A

D. FINANCIAL IMPACT:

- None

E. LEGAL CONSIDERATION:

- The City Attorney has reviewed the ordinance and approves of its content.

ALTERNATIVE RECOMMENDATION(S):

- The Council may decide to not approve the first reading of the ordinance and direct staff how to proceed.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Proponents and opponents of the Tobacco 21 initiative, including community members and business owners.

ATTACHMENTS:

Description	Type
Ordinance	Ordinance

BILL NO. _____

**AN ORDINANCE AMENDING SECTION 1146 OF THE CITY CODE
PERTAINING TO TOBACCO SALES AND THE
REGULATION OF SMOKING**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Subsection 840.13 of the Richfield City Code is amended as follows:

No person may use tobacco, tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products, as these items are defined in section 1146 of this Code, ~~or electronic cigarettes~~ on City-owned parks, conservation areas, open spaces, or recreational facilities, including without limitation: trails within parks used for walking and biking, picnic shelters, athletic fields, and play areas. This subsection does not apply to the use of tobacco, tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products ~~or electronic cigarettes~~ inside motor vehicles parked on the premises of City-owned parks, conservation areas, open spaces or recreational facilities.

Sec. 2. Subsection 1146.01 of the Richfield City Code is amended as follows:

1146.01. – Findings and Purpose.

~~The Richfield City Council recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, tobacco-related devices, and electronic cigarettes, and that such sales, possession, and use are violations of both State and Federal laws. Studies have shown that most smokers begin smoking before they reach the age of 18 years and that those persons have been shown to have several serious health problems which subsequently place a financial burden on all levels of government. This section is intended to regulate the sale, possession, and use of tobacco, tobacco products, tobacco-related devices, and electronic cigarettes, for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, tobacco-related devices, and electronic cigarettes, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minn. Stat. 144.391.~~

Subdivision 1. The Richfield City Council makes the following Findings in support of this section intended to regulate the sale, possession, and use of tobacco and related devices and products and to protect young people against the serious effects associated with the use of tobacco and related devices and products:

- (a) The City Council recognizes that the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products to persons under the age of 18 violates both state and federal laws;

- (b) Studies, which the city hereby accepts and adopts, have shown that 95% of smokers initiate use before the age of 21; and that almost no one starts smoking after age 25;
- (c) Tobacco use has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government;
- (d) Raising the legal purchasing age to 21 will take legal purchasers out of the social circles of underage users and studies have concluded that raising the legal purchasing age for tobacco to 21 would result in a 12 percent decrease in tobacco use and approximately 223,000 fewer premature deaths for those born between 2000 and 2009;
- (e) Raising the legal purchasing age to 21 is in line with the minimum age to buy alcohol and simplifies ID checks for retailers;
- (f) There is evidence to suggest that enforcement of possession, use, or purchase (PUP) laws against youth detract from the enforcement of penalties against retailers and that youth of color in Minnesota are disproportionately over-represented in similar status-level offenses, increasing their interactions with law enforcement and the juvenile justice systems;
- (g) Enforcement of PUP laws has not been shown to reduce youth smoking significantly and because PUP laws do not sufficiently take into account the tobacco industry's responsibility for targeting youth with its marketing practices, this section is intended to regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, to protect minors and young adults against the serious effects associated with use and initiation, and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in Minn. Stat. § 144.391, as it may be amended from time to time.

Subd. 2. Studies. In making these findings, the City Council accepts the conclusions and recommendations of: the Institute of Medicine's report, "Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products" (2015), the U.S. Surgeon General reports, "E-cigarette Use Among Youth and Young Adults" (2016), "The Health Consequences of Smoking—50 Years of Progress" (2014) and "Preventing Tobacco Use Among Youth and Young Adults" (2012); the Centers for Disease Control and Prevention in their studies, "Tobacco Use Among Middle and High School Students — United States, 2011– 2015," and "Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997"; and of the following scholars in these scientific journals: Xin Xu et al., Annual Healthcare Spending Attributable to Cigarette Smoking: An Update, *Am. J. Prev. Med.* 48(3): 326-33 (Mar. 2015); Giovino GA, "Epidemiology of Tobacco Use in the United States," *Oncogene* (2002) 21, 7326-40; Khuder SA, et al., "Age at Smoking Onset and

its Effect on Smoking Cessation," *Addictive Behavior* 24(5):673-7, September-October 1999; D'Avanzo B, et al., "Age at Starting Smoking and Number of Cigarettes Smoked," *Annals of Epidemiology* 4(6):455-59, November 1994; Chen, J & Millar, WJ, "Age of Smoking Initiation: Implications for Quitting," *Health Reports* 9(4):39-46, Spring 1998; Everett SA, et al., "Initiation of Cigarette Smoking and Subsequent Smoking Behavior Among U.S. High School Students," *Preventive Medicine*, 29(5):327-33, November 1999, copies of which are adopted by reference; Wakefield, M & Giovino, G "Teen Penalties for Tobacco Possession, Use, and Purchase: Evidence and Issues," *Tobacco Control* (2003) 12, i6 – i13; the Minnesota Juvenile Justice Advisory Committee's report, "2016 Annual report to Governor Mark Dayton and the Minnesota State Legislature (2016).

Sec. 3. Subsection 1146.03 of the Richfield City Code is amended as follows:

1146.03. – Definitions.

Subdivision 1. For the purposes of this section, the terms defined in this subsection have the following meanings given them:

Subd. 2. Tobacco or tobacco products. "Tobacco" means ~~Any substance or item containing tobacco leaf, including but not limited to~~ cigarettes, and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to; cigars; pipe tobacco; ~~snuff, fine cut or other chewing tobacco,~~ cheroots; stogies; perique; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff; snuff flour; ~~flowers,~~ cavendish; ~~shorts,~~ plug and twist tobaccos; fine cut and other chewing tobaccos; ~~shorts;~~ dipping tobaccos; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco ~~leaf prepared in such manner as to be suitable for chewing, sniffing or smoking.~~ This term excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Subd. 3. Tobacco-related devices. "Tobacco-related devices" shall mean ~~any tobacco product as well as a pipes,~~ cigarette rolling papers, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, ~~or smoking,~~ or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

Subd. 4. Tobacco-Related Product. Any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product, as those terms are defined in this section.

Subd. 4 5. Self-service merchandising. "Self-service merchandising" shall mean open displays of tobacco, tobacco products, tobacco-related devices, ~~or electronic delivery devices or nicotine or lobelia delivery products cigarettes,~~ in any manner where any person has access to ~~the tobacco, tobacco products tobacco-related devices, or electronic cigarettes,~~ such items without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention entails the actual physical exchange of the tobacco, tobacco product, tobacco-related device, ~~or electronic delivery device, or nicotine or lobelia delivery product cigarettes,~~ between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

Subd. 5 6. Vending machine. "Vending machine" shall mean any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products, tobacco-related devices, ~~or electronic delivery devices, or nicotine or lobelia delivery products cigarettes,~~ upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase such items. ~~the tobacco, tobacco product, tobacco-related device, or electronic cigarettes.~~

Subd. 6 7. Loosies. "Loosies" shall mean the common term used to refer to a single or individually-packaged cigarette.

Subd. 7. Minor. ~~"Minor" shall mean any person who has not yet reached the age of 18 years.~~

Subd. 8. Retail establishment. "Retail establishment" shall mean any place of business where tobacco, tobacco products, tobacco-related devices, ~~or electronic delivery devices, or nicotine or lobelia delivery products cigarettes,~~ are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.

Subd. 9. Moveable place of business. "Moveable place of business" shall mean motorized vehicles, mobile sales kiosks, kiosks, trailers or other structure or equipment not permanently attached to the ground.

Subd. 10. Sale. A "sale" shall mean any transfer of goods for money, trade, barter, or other consideration.

Subd. 11. Compliance checks. "Compliance checks" shall mean the system the City of Richfield uses to investigate and ensure that those authorized to sell tobacco, tobacco products, tobacco-related devices, ~~and electronic delivery devices, and nicotine and lobelia delivery products cigarettes,~~ are following and complying with the requirements of this section. Compliance checks shall involve the use of ~~minors persons under the age of 21~~ as authorized by this section to attempt to purchase such items. ~~tobacco, tobacco products, tobacco-related devices, and electronic cigarettes, for educational, research and training purposes as authorized by State and Federal laws.~~ Compliance checks may also be conducted by other units of government for educational, research and training purposes or for the purpose of enforcing

appropriate Federal, State or local laws and regulations relating to tobacco, tobacco products, tobacco-related devices, ~~and electronic delivery devices, and nicotine and lobelia delivery products. cigarettes.~~

Subd. 12. Electronic cigarette Delivery Device. "Electronic cigarette delivery device" shall mean any ~~electronic-smoking-device product or electronic device~~ that can be used to deliver nicotine, lobelia or any other substances to the person inhaling from the device. The term shall include such devices whether they are manufactured, marketed, or sold as electronic delivery devices ~~cigarettes~~, electronic cigars, electronic pipes, vape pens, mods, tank systems, or under any other product name or descriptor and includes any component part of such a product whether or not sold separately. This term excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose

Subd. 13. Cigar. A "cigar" shall mean any roll of tobacco that is wrapped in tobacco leaf or in any substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stat. § 297F.01, subdivision 3 as amended from time to time.

Subd. 14. Smoking. "Smoking" shall mean inhaling or exhaling from, or carrying, any lighted or heated tobacco, tobacco product, ~~or tobacco-related device or any other lighted or heated product~~, whether natural, synthetic, containing, made or derived from nicotine, tobacco marijuana or other plant. Smoking also includes the inhaling or exhaling of vapor from any electronic delivery device or nicotine or lobelia delivery product ~~cigarette~~, as well as carrying ~~an electronic delivery~~ such device or product ~~cigarette~~ that is turned on or otherwise activated.

. . .

Subd. 18. Sampling. "Sampling" shall mean the lighting of tobacco, tobacco products, tobacco-related devices or the activation of and inhaling of vapor from electronic delivery devices or nicotine or lobelia delivery products ~~cigarettes~~ in a retail establishment by a customer or potential customer for the purpose of sampling the product or device before a purchase.

Subd.19. Nicotine or Lobelia Delivery Product. Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined in this section. Nicotine or Lobelia Delivery Product does not include any product that has been approved or otherwise verified for legal sale by the United States Food and Drug Administration for tobacco use cessation or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Sec. 4. Subsection 1146.05 of the Richfield City Code is amended as follows:

1146.05. – Sale and distribution of tobacco.

Subdivision 1. License required. No person or establishment shall sell or offer to sell any tobacco, tobacco products, tobacco-related devices, ~~or electronic cigarettes~~ delivery devices, or nicotine or lobelia delivery products without first having obtained a license to do so from the City of Richfield. All licenses issued under this section shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid

Subd. 2. Application. An application for a license to sell tobacco, tobacco products, tobacco-related devices, ~~or electronic cigarettes~~ delivery devices, or nicotine or lobelia delivery products shall be made on a form provided by the Public Safety Director or the Public Safety Director's designee. The fee shall accompany the application. The application shall be reviewed and action taken on it by either the Public Safety Director or the Director's designee.

Subd. 3. Action. The Public Safety Director or the Public Safety Director's designee may either approve or deny the license, or may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the Public Safety Director or the Public Safety Director's designee denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the decision.

Subd. 4. License term. All licenses shall expire on December 31 of the year in which the license is issued. The annual license fee will not be prorated.

Subd. 5. Denial, revocation or suspension. A license under this section may be denied, suspended or revoked by the council, after an investigation and public hearing where the licensee is granted the opportunity to be heard, for one (1) or more of the following reasons:

- (a) The operation of the business is in conflict with any provision of this code.
- (b) The operation of the business is in conflict with any health, fire, building, building maintenance, zoning, or any other applicable codes or laws.
- (c) The applicant or licensee has failed to comply with one (1) or more provisions of this section or any statute, rule or ordinance pertaining to the sale of tobacco, tobacco products, tobacco-related device, ~~or electronic cigarettes~~ delivery devices or nicotine or lobelia delivery products.
- (d) The applicant has committed fraud, misrepresentation or bribery in securing or renewing a license.
- (e) The owner of the premises licensed or to be licensed would not qualify for a license under the terms of this section.
- (f) The applicant is under the age of ~~48~~ 21 years.

- (g) The applicant has been convicted within the past five (5) years of any violation of a Federal, State, or local law ordinance provision, or other regulation relating to tobacco, tobacco products, tobacco-related devices, ~~or electronic delivery devices, or nicotine or lobelia delivery products, cigarettes.~~
- (h) The applicant has had a license to sell tobacco, tobacco products, tobacco-related devices, ~~or electronic delivery devices, or nicotine or lobelia delivery products cigarettes,~~ revoked within the 12 months preceding the date of application.
- (i) The applicant is prohibited by Federal, State, or other local law, ordinance, or other regulation, from holding such a license.

...

Sec. 5. Subsection 1146.09 of the Richfield City Code is amended as follows:

1146.09. – Prohibitions.

Subdivision 1. Prohibited Sales. It shall be a violation of this section for any person to sell or offer to sell any tobacco, tobacco product, tobacco-related device, ~~or electronic delivery device or nicotine or lobelia delivery product cigarettes;~~

- (a) To any person under the age of ~~18~~ 21 years.

(i) Age verification. Licensees must verify by means of government-issued photographic identification that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.

(ii) Signage. Notice of the legal sales age and age verification requirement must be posted at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the city, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

- (b) By anyone under the age of 18 years.
- (c) By means of any type of vending machine.
- (d) By means of self-service merchandising.
- (e) By means of loosies.

(f) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.

(g) By any other means prohibited by Federal, State, or other local law, ordinance provision, or other regulation.

Subd. 2. Child-Resistant Packaging. The sale of any liquid, whether or not such liquid contains nicotine, that is intended for human consumption and used in an electronic delivery device or nicotine or lobelia delivery product cigarette or that is not contained in child-resistant packaging, is prohibited. All licensees under this Section must ensure that any such liquid is sold in child-resistant packaging, as defined in Minn. Stat. § 461.20, as amended from time to time.

Subd. 3. Cigar Sales. No person shall sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one-get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents (\$2.60) per cigar contained within. In addition, no person shall sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one-get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents (\$10.40) per package. This subdivision does not apply to premium cigars as defined in Minn. Stat. § 297F.01, subdivision 13a. This subdivision shall become effective January 1, 2016.

Subd. 4. Smoking and Sampling Prohibited.

~~{a} Smoking shall be prohibited, and no person shall smoke, in a public place, at a public meeting, or in a place of employment. This subdivision also prohibits the sampling of tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products cigarettes and products used in electronic delivery devices and nicotine or lobelia delivery products cigarettes.~~

~~A licensee under this Section that allows sampling at its licensed premises on or before the effective date of this ordinance may continue to allow sampling, but only while that certain licensee operates at that certain licensed premises.~~

Subd. 5. Smoking permitted. Except sampling, which is expressly prohibited under subd. 4, smoking is permitted as identified in Minn. Stat. § 144.4167.

Sec. 6. Subsection 1146.11 of the Richfield City Code is amended as follows:

1146.11. – Vending machines.

It shall be unlawful for any person licensed under this section to allow the sale of tobacco, tobacco products, tobacco-related devices, ~~or~~ electronic delivery devices or nicotine or lobelia delivery products ~~cigarettes~~, by the means of a vending machine.

Sec. 7. Subsection 1146.13 of the Richfield City Code is amended as follows:

1146.13. – Self-service sales.

It shall be unlawful for a licensee under this section to allow the sale of tobacco, tobacco products, tobacco-related devices, ~~or~~ electronic delivery devices or nicotine or lobelia delivery products ~~cigarettes~~, by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the item ~~tobacco, tobacco product, tobacco-related device, or electronic cigarettes~~, between the licensee or licensee's employee and the customer. All tobacco, tobacco products, tobacco-related devices, ~~and~~ electronic delivery devices and nicotine or lobelia delivery products ~~cigarettes~~, shall either be stored behind a counter or other area not freely accessible to customers. ~~Any retailer selling tobacco, tobacco products, tobacco-related devices, or electronic cigarettes, at the time this section is amended shall comply with this section within 30 days of the passage of the amendments.~~ A license holder who operates an establishment or fully enclosed portion of an establishment that sells at least 90 percent of its products in tobacco, or tobacco products, tobacco-related devices, ~~or~~ electronic delivery devices or nicotine or lobelia delivery products ~~cigarettes~~, is exempt from the self-service merchandising provision if the license holder prohibits anyone under ~~48~~ 21 years of age from entering the establishment or fully enclosed portion of an establishment and the license holder conspicuously displays a notice prohibiting persons under ~~48~~ 21 years of age from entering the establishment.

Sec. 8. Subsection 1146.15 of the Richfield City Code is amended as follows:

1146.15. – Responsibility.

All licensees under this section shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, tobacco-related devices, ~~or~~ electronic delivery devices or nicotine or lobelia delivery products ~~cigarettes~~ on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the City from also subjecting the employee to whatever penalties are appropriate under this section, State or Federal law, or other applicable law or regulation.

Sec. 9. Subsection 1146.17 of the Richfield City Code is amended as follows:

1146.17. – Compliance checks and inspections.

All licensed premises shall be open to inspection by Richfield law enforcement or other authorized City officials during regular business hours. From time to time, but at least twice per year, the City shall conduct compliance checks. One check will be conducted by engaging, with the written consent of their parents or guardians, minors a person over the age of 15 years, but less than 17 years of age, to enter the licensed premise to attempt to purchase tobacco, tobacco products, tobacco-related devices, or electronic delivery devices or nicotine or lobelia delivery products cigarettes. A second check will be conducted by engaging a person over the age of 18 but less than 21 years of age, to enter the licensed premise to attempt to purchase such items. ~~Minors~~ Persons used for the purpose of compliance checks shall be supervised by the Public Safety Director or the Public Safety Director's designee. ~~Minors used for compliance checks shall not be guilty of the unlawful purchase or attempted purchase, nor the unlawful possession of tobacco, tobacco products, tobacco-related devices, or electronic cigarettes, when such items are obtained or attempted to be obtained as a part of the compliance check. No minor person used in compliance checks shall attempt to use a false identification misrepresenting the minor's person's age and all minors persons lawfully engaged in a compliance check shall answer all questions about the minor's person's age, asked by the licensee or licensee's employee and shall produce any identification, if any exists, for which the minor person is asked. Nothing in this subdivision shall prohibit compliance checks authorized by State or Federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.~~

Sec. 10. Subsection 1146.19 of the Richfield City Code is amended as follows:

1146.19. – Other illegal acts.

Subdivision 1. Unless otherwise provided, the following acts shall be a violation of this section.

Subd. 2. Illegal sales. It shall be a violation of this section for any person to sell or otherwise provide any tobacco, tobacco products, tobacco-related devices, or electronic delivery devices or nicotine or lobelia delivery products cigarettes, to any ~~minor~~ person under the age of 21.

Subd. 3. Illegal possession. ~~It shall be a violation of this section for any minor to have in their possession any tobacco, tobacco product, tobacco-related device, or electronic cigarettes. This subdivision shall not apply to minors lawfully involved in a compliance check.~~

Subd. 4. Illegal use. ~~It shall be a violation of this section for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, tobacco-related device, or electronic cigarettes.~~

Subd. 5. Illegal procurement. ~~It shall be a violation of this section for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco products, tobacco-related devices, or electronic cigarettes, and it shall be a violation of this section for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, tobacco-related device, or electronic cigarettes. This subdivision shall not apply to minors lawfully involved in a compliance check.~~

Subd. 6 3. Use of false identification. It shall be a violation of this section for any ~~minor~~ person under the age of 21 to attempt to disguise their true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

Sec. 11. Subsection 1146.23 of the Richfield City Code is amended by deleting the following subdivision 3 relating to penalties:

1146.23. – Penalties.

Subd. 3. Minors. ~~Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, tobacco-related devices, or electronic cigarettes, shall be given the option of participating in a diversion program rather than paying the violation fine.~~

Sec. 12. Subsection 1146.25 of the Richfield City Code is amended as follows:

1146.25. – Exceptions and defenses.

Subdivision 1. Nothing in this ~~ordinance~~ section shall prevent the provision of tobacco, tobacco products, tobacco-related devices, ~~or~~ electronic delivery devices ~~cigarettes, or nicotine or lobelia delivery products to a minor person under the age of 21~~ as part of a lawfully recognized religious, spiritual, or cultural ceremony.

Subd. 2. It shall be an affirmative defense to the violation of this section for a person to have reasonably relied on proof of age as described by State law.

Subd. 3. It shall be a defense to a violation of the section that a licensee did not intentionally aid, advise, hire, counsel or conspire with another to sell tobacco, tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to ~~minors~~ persons under the age of 21 or otherwise procure the sale of ~~tobacco~~ such items to ~~minors~~ persons under the age of 21.

Sec. 13. This Ordinance will be effective in accordance with Section 3.09 of the City Charter.

Adopted this ____ of _____, 2018.

By: _____
Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 91
CITY COUNCIL MEETING
5/22/2018

REPORT PREPARED BY: Matt Brillhart, Associate Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
5/14/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
5/16/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of an ordinance amending sign regulations and a resolution authorizing summary publication of said ordinance.

EXECUTIVE SUMMARY:

Over the past few months, staff has been researching potential modifications to sign regulations. This study effort began due to requests from the community for the limited use of portable signs, and for greater flexibility in the design and illumination of freestanding signs on Penn Avenue. The goal of this ordinance amendment is to address those issues by providing some flexibility, while simultaneously strengthening regulations related to the height, size, and quantity of signs.

Portable Signs

Current regulations prohibit the use of any portable signs, and staff annually receives a small number of complaints regarding this policy. A blanket policy prohibiting all portable signs has been perceived by businesses and community organizations as being too rigid. This blanket policy is also frequently ignored, creating a heavy workload for code enforcement. A side effect of prohibiting all portable signs is that businesses have instead opted to display an unlimited number of small yard signs. The current ordinance does not explicitly define small yard signs as portable signs, and does not include any restrictions on quantity.

To remedy those related issues, staff proposes amending the ordinance to allow limited use of portable signs, with restrictions on quantity, size, placement, and hours of display, as follows:

- A-frame "sandwich board" signs, T-frame signs, and small yard signs shall be the only portable signs allowed.
- One portable sign permitted per business, with a maximum of two per lot (large shopping centers would allowed a higher number based on street frontage).
- Limited to 4 feet in height and 6 square feet in area.
- Portable signs shall not be displayed between 10:00 p.m. and 6:00 a.m. (small yard signs exempted).
- Existing regulations will continue to apply: signs must be located on private property (not permitted in right-of-way), signs must be located on the premises to which they refer (off-site signage is prohibited) and signs with wheels and/or attached to vehicles or trailers remain

prohibited. Freestanding banner signs (including flag or sail type signs) also continue to be prohibited. Temporary banners are only permitted when attached to a structure.

Penn Avenue Design Guidelines

Additional sign regulations apply in the Penn Central area (Crosstown to 68th Street), prohibiting internally lit box signs on building walls and freestanding signs. Staff has interpreted this prohibition to include dynamic displays (electronic changeable message boards). These regulations have made nearly all freestanding signs on Penn Avenue nonconforming in some way, and have been perceived as being too great of a departure from regulations affecting the rest of the City. The Penn Avenue Design Guidelines acknowledged that size and quantity of signs can be a visual blight, but did not propose any specific changes to regulations.

Staff proposes amending the ordinance to allow dynamic display signs and to re-allow internally lit freestanding signs on Penn Avenue, with new restrictions on the height and size of freestanding signs. Freestanding signs including a dynamic display or internal illumination will be limited to 100 square feet in area in the Penn Central area. Freestanding signs greater than 100 square feet in area would be permitted on larger properties, but would remain ineligible for a dynamic display or internal illumination.

Reducing Freestanding Sign Height and Size Citywide

Based on staff's research of peer cities' sign ordinances, a review of many existing signs in the community, and policymaker feedback from the April 10, 2018 Work Session, staff is proposing to introduce new restrictions on sign height, size, and quantity that would apply citywide. The maximum sign height for many commercial properties would be reduced from 27 feet to 20 feet. The maximum area per sign surface would be reduced from the current 200 square feet to a sliding scale based on site acreage, and the cumulative area of all freestanding signs on a site would be reduced as well. Under the current ordinance, there is no specific limit on the number of tall signs per site. Staff proposes amending the ordinance to allow just one sign exceeding 8 feet in height per site. Exceptions to these new regulations would apply to Planned Unit Developments over 2 acres in area (e.g. large shopping centers such as Lyndale Station or The Shops at Lyndale) and properties abutting highways (e.g. car dealerships, hotels). Please refer to the chart in the "Policy" section below for details.

Other proposed changes to sign regulations:

- The Community Development Director shall have the authority to suspend permit fees and time limits on temporary banner signs during major road construction projects. This would make permanent what was permitted through an interim ordinance for 66th Street construction, which has since expired.
- Clarify regulations for fixed temporary ground signs (typically displayed during the development, construction, sale, or leasing of commercial property).
- Clarify sign setback regulations. The current ordinance states that freestanding signs shall be set back 5 feet from lot lines. Staff proposes to add a clause further clarifying that no freestanding sign shall be located within 14 feet of the curbline, for situations where property lines and right-of-way vary, such as when sidewalks are located on private property with an easement.
- There shall be a minimum distance of 100 feet between any internally illuminated or dynamic display freestanding sign and any residential property. Signs located on a wall that faces an abutting residential property line and within 100 feet of said residential property line shall not be illuminated between 10:00 p.m. and 6:00 a.m.
- Freestanding signs greater than 6 feet in height will be required to provide landscaping around the sign base.

Generally speaking, the proposed changes better reflect the quantity and dimensions of many existing signs throughout the community, and will primarily serve to prevent the addition of new oversized signage in the future. Benefits of limiting the quantity, size and height of freestanding signs include: minimizing visual clutter and distractions to motorists, improving the pedestrian experience by bringing signs closer to a human scale, limiting freeway-scale signage to appropriate locations, and protecting and improving the overall appearance of the community.

RECOMMENDED ACTION:

By motion: Approve an ordinance amending sign regulations and approve a resolution authorizing summary publication of said ordinance.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Sign regulations were last overhauled in 2007, along with minor amendments made over the past decade. The City Council recently held a work session to discuss sign regulations, as detailed in the attached Council Memo No. 23 and presentation.

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

Regarding the proposed changes to freestanding sign height, size, and quantity, the chart in Subsection 549.23, Subdivision 2 is proposed to be amended as follows (revisions underlined, deletions strike-through):

Within commercial, mixed-use neighborhood, mixed-use community, mixed-use regional, and industrial zoning districts, one (1) freestanding sign per site ~~is signs are~~ permitted as follows ¹:

District	Maximum sign area of single sign	Maximum height	Total area of all freestanding signs
SO, C-1, MU-N	60 square feet per surface	15 feet	<u>1-2</u> square feet per foot of lot frontage
<u>C-2, MU-C</u> <u>Sites <1 acre</u>	<u>100 square feet per surface</u>	<u>20 feet</u> ²	<u>1 square feet per foot of lot frontage</u>
<u>C-2, MU-C</u> <u>Sites 1-2 acres</u>	<u>150 square feet per surface</u>	<u>20 feet</u> ²	<u>1 square feet per foot of lot frontage</u>
<u>C-2, MU-C</u> <u>Sites >2 acres</u>	200 square feet per surface	<u>20 feet</u> ² 27 feet	<u>1-4</u> -square feet per foot of lot frontage
I, MU-R	250 square feet per surface	27 feet	<u>1-4</u> -square feet per foot of lot frontage

¹Additional freestanding signs on a site shall not exceed 8 feet in height and 50 square feet in area. Planned Unit Development sites greater than 2 acres may request additional signs exceeding 8 feet in height and 50 square feet in area.

²On properties abutting an interstate or state highway or the adjacent frontage road, one freestanding sign with a maximum height of 27 feet may be located within 100 feet of the lot line abutting the highway or frontage road.

See the attached Ordinance amending Zoning Code Sections 549 (Sign Regulations) and 541.21 (Penn Avenue Corridor Overlay District) for all proposed changes.

C. CRITICAL TIMING ISSUES:

- None

D. FINANCIAL IMPACT:

- None

E. LEGAL CONSIDERATION:

- A public hearing to consider this ordinance was held before the Planning Commission on April 23, 2018. Notice of the public hearing was published in the *Sun Current* newspaper on April 12, 2018. No members of the public spoke at the public hearing.
- The Planning Commission recommended approval of the attached ordinance (7-0).

ALTERNATIVE RECOMMENDATION(S):

Approve the ordinance with modifications.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
☐ Ordinance	Ordinance
☐ Resolution	Resolution Letter
☐ Work Session Memo & Presentation	Backup Material

BILL NO. _____

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE
TO UPDATE SIGN REGULATIONS**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Section 549 of the Richfield City Code relating to sign regulations is amended to read as follows:

549.01. - Findings, purpose and effect.

Subdivision 1. Findings. The City hereby finds as follows:

- a) Signs have a direct impact on and relationship to the image of the community;
- b) Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
- c) The manner of installation, location and maintenance of signs has a substantial impact on the character and quality of the environment;
- d) Signs provide an important medium through which individuals may convey a variety of messages;
- e) Signs help citizens find their way to intended destinations;
- f) The safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
- g) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare;
- h) Uncontrolled and unlimited signs, particularly portable signs when~~which are commonly~~ located within or adjacent to public right-of-way or ~~are located at~~ driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians; and
- i) The City's zoning regulations have, since as early as 1944, included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would have an adverse impact upon the aesthetics of the community and threaten its health, safety and welfare. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

Subd. 2. Purpose and intent. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this ordinance is to:

- a) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety and welfare;

- b) Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community;
- c) Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics; and
- d) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the City.

Subd. 3. Effect. A sign may be erected, mounted, displayed or maintained in the City if it is in conformance with the provisions of this ordinance. The effect of this ordinance, as more specifically set forth herein, is to:

- a) Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance;
- b) Allow signs which are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
- c) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance;
- d) Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare; and
- e) Provide for the enforcement of the provisions of this sign ordinance.

549.03. - Severability.

If any section, subsection, sentence, clause, or phrase of this sign ordinance is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portion of this sign ordinance. The City Council hereby declares that it would have adopted the sign ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one (1) or more section, subsections, sentences, clauses, or phrases be declared invalid.

549.05. - Definitions.

Subdivision 1. The following words and phrases, when used in this Section 549 shall have the following meanings, unless the context clearly indicates otherwise. The definitions set forth in this Section 549.05 are in addition to the definitions set forth in Section 507.07, which shall apply to this Section 549, except that in the event of a conflict between the Sections, the definition in Section 549 shall apply:

Subd. 2. "Abandoned sign." Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. ~~Signs that are present because of being legally~~ Legally established nonconforming signs or signs that have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

Subd. 3. "Awning." A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects

from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning that also projects over a door shall be counted as an awning.

Subd. 4. "Awning sign." A sign or graphic printed on or in some fashion attached directly to the awning material.

Subd. 5. "Balloon sign." A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than 24 inches in diameter.

Subd. 6. "Banner." A sign made of fabric or any nonrigid material with no enclosing framework.

Subd. 7. "Canopy." A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Subd. 8. "Canopy sign." Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service station canopy signs that are governed by Section 534.07, Subd. 11 of this Code.

Subd. 9. "Changeable message." A message that is not permanently attached to the sign face but that is not a dynamic display.

Subd. 10. "Commercial speech." Speech advertising a business, profession, commodity, service or entertainment.

Subd. 11. "Dynamic display." Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display or structural element and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

Subd. 12. "Erect." Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

Subd. 13. "Freestanding sign." Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Subd. 14. "Grade." The average elevation or level of the centerline of the closest street which the sign abuts.

Subd. 15. "Height of sign." The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Subd. 16. "Illuminated sign." Any sign that contains an element designed to emanate artificial light internally or externally.

Subd. 17. "Legally established nonconforming sign." Any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this section and which does not comply with this section shall be deemed to be a legal nonconforming sign. A sign that was unlawfully erected shall be deemed to be an illegal sign.

Subd. 18. "Marquee." Any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Subd. 19. "Marquee sign." Any sign painted, mounted, constructed or attached in any manner, on a marquee.

Subd. 20. "Monument sign." Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

Subd. 21. "Noncommercial speech." Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and information topics.

Subd. 22. "On-premise messages." Identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Subd. 23. "Outdoor advertising sign." Any sign that is located outdoors and that advertises a product, business, service, event, or any other matter that is not available, or does not take place, on the same premises as the sign (off-premise sign). For the purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such premises and any sign located or proposed to be located in an easement or other appurtenance shall be considered an outdoor advertising sign.

Subd. 24. "Owner." In the case of a lot, the legal owner of the lot as officially recorded by Hennepin County, and including fee owners, contract for deed purchasers and ground lessees. In the case of a sign, the owner of the sign including any lessees.

Subd. 25. "Portable sign." A sign with or without copy and graphic that is designed or intended to be moved or transported. By way of example and not by limitation, portable signs include:

- a) A- or T- frame signs, including sandwich board signs;
- b) Yard-Sandwich board signs anchored only by stakes;
- c) Signs designed to be transported by trailer or on wheels;
- d) Signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business;

A sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign.

Subd. 26. "Projecting sign." Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface or such building or wall face.

Subd. 27. "Public right-of-way." Public right-of-way has the meaning given it by Minnesota Statutes, Section 237.162, Subdivision 3.

Subd. 28. "Pylon sign." Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Subd. 29. "Roof sign." A sign located above the eave or parapet wall of a building and/or located within the projected roof area.

Subd. 30. "Scoreboard Panel." A nonilluminated sign which is affixed to an electric scoreboard at an outdoor sports arena or complex.

Subd. 31. "Sign." Any letter, word or symbol, poster picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Subd. 32. "Sign area." The area shall be the area of the smallest rectangle enclosing the extreme limits of the actual sign surface excluding structural elements outside the limits of such sign which do not form an integral part of the display; or in the case of wall signs, figures, symbols, canopy or awning signs, the sign area shall be the area of the smallest rectangle that encloses the sign message or logo. For multi-face signs, the area shall include the maximum number of single display surfaces visible from any ground position at one (1) time. Multi-face signs with display surfaces at an angle to one another shall have an interior angle no greater than thirty-five (35) degrees, unless the total area of both sides does not exceed the maximum allowable sign area for that district.

Subd. 33. "Sign face." The surface of the sign upon, against, or through which the message of the sign is exhibited.

Subd. 34. "Sign structure." Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Subd. 35. "Site." A lot or combination of contiguous lots that are intended, designated, and/or approved to function as an integrated unit.

Subd. 36. "Stringer." A line of string, rope, cording or an equivalent to which is attached a number of pennants, balloons, propellers, banners or similar devices.

Subd. 37. "Temporary fixed ground sign." A sign which is supported by posts imbedded in the ground and is designed to not be readily movable.

Subd. ~~38~~ 37. "Visible." Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Subd. ~~39~~ 38. "Wall." Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of 60 degrees or greater with the horizontal plane.

Subd. ~~40~~ 39. "Wall sign." Any sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Subd. ~~41~~ 40. "Window sign." Any building sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

549.07. - Permit required.

Subdivision 1. No sign shall be installed, constructed, erected, altered, revised, reconstructed or relocated in the City without first obtaining a permit and license from the City. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

Subd. 2. Application. Application shall be made on forms provided by the City. The form shall include the following information:

- a) The name, address and telephone number of the applicant;
- b) The name, address and telephone number of the person, firm, corporation or other organization erecting the sign;
- c) The name, address, telephone number and written consent of the property owner on which the sign is to be erected;
- d) Site plans indicating the exact location of the sign on the site including its position relative to buildings, structures, streets and property lines;
- e) ~~Two (2) copies of sign~~ Sign plans and specifications with the following information:
 - i. Number of sign faces;
 - ii. Sign colors and construction materials;
 - iii. Sign dimensions;
 - iv. Type, direction, location and intensity of illumination and name of electrical contractor;
 - v. Method of attachment to building or ground; and
 - vi. Stress sheets and calculations showing that the structure is designed to meet the dead load and wind pressure requirements of the Building Code.
- f) If the proposed sign is along interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the State for the sign.

Subd. 3. Review. The City shall approve or deny the sign permit application within the time period required by State law. If the permit is denied, the issuing authority shall prepare a written notice of denial within 15 days of its decision, describing the applicant's appeal right under Section 547.05, and send it by certified mail, return receipt requested, to the applicant.

Subd. 4. Additional permits.

- a) Electrical signs must be installed in accordance with the current electrical code and a separate permit from the building official must be obtained prior to placement; and
- b) Building permits (as required) must be obtained from the building official prior to placement.

549.09. - Exemptions.

The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same, unless otherwise noted: (Amended, Bill No. 2008-16)

- a) The changing of a changeable message as defined in Subsection 549.05 or a dynamic display message.
- b) The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building;
- c) Signs six (6) square feet or less in size, including portable signs defined by Section 549.05, Subd. 25 (a) and (b) in accordance with the following:
 - i. Portable signs shall be limited to 4 feet in height and 6 square feet in area;

- ii. No more than one portable sign shall be displayed per business and no more than two portable signs per site. On Planned Unit Development sites greater than two acres, the total number of portable signs shall not exceed one (1) per 200 feet of lot frontage. Portable signs located at building entrances which are more than 100 feet from the right-of-way shall not count towards this total, though the limitation of one portable sign per business still applies;
 - iii. Portable signs other than yard signs shall not be displayed between the hours of 10:00 p.m. and 6:00 a.m.;
- d) Window signs;
 - e) Street identification numbers/address signs;
 - f) Bench signs complying with Subsection 805.19, Subd. 4 of the City Code;
 - g) Signs on vehicles when the vehicle is being used in the normal day-to-day operation of that business as described in Subsection 549.05, Subd. 30; and
 - h) Traffic signs and/or signs erected by public officials in performance of official duties for the purpose of traffic control and public safety. Traffic signs are also exempt from size, setback and dynamic display regulations.

549.11. - Fees.

The application for a sign permit shall be accompanied by the fee provided in Appendix D of the City Code. The fee required in this paragraph is separate from and in addition to any other fees required by this Code.

549.13. - Variances.

Requests for a variance from the requirements of this section shall be processed by the Planning Commission~~Board of Adjustments and Appeals~~ in accordance with Section 547.1105.

549.15. - Violations.

Violation of this section is a misdemeanor. Each day that the violation continues is a separate offense.

549.17. - Enforcement.

Employees of the Community Development~~Inspections Division~~ of the Department of Public Safety and additional persons designated by the Director are hereby authorized to enforce the provisions of this section in the manner provided in Subsection 115.11 of the City Code.

549.19. - Expiration.

Sign permits are valid for one (1) year from the permit issuance date.

549.20. - Retroactive effect.

This sign ordinance shall apply to all sign applications applied for and/or pending prior to its enactment.

549.21. - General regulations.

Subd. 1. The following regulations shall apply to all signs permitted in all districts:

Subd. 2. Signs prohibited.

- a) Any sign located, designed or maintained in a manner which is likely to cause confusion or interfere with the visibility of traffic signs, traffic control devices,

crossroads, driveways, ~~or crosswalks~~ or pedestrian, bicycle or wheelchair accessible routes;

- b) Roof signs;
- c) Portable signs, except those listed exemptions in Section 549.09;
- d) Searchlights, beacons, strobe lights or other illuminated signs emitting a beam consisting of a collection or concentration of rays of light;
- e) Outdoor advertising signs;
- f) Stringers;
- g) Balloon signs; and
- h) Abandoned signs.

Subd. 3. Required wall signs. One (1) wall sign containing the street address of the building is required on each building or portion of a building with a separate address. The sign must be of sufficient size and located to be clearly visible from the street on which the address is assigned. These signs do not reduce permitted sign area.

Subd. 4. Banners and other temporary signs. Banners and other temporary signs, where permitted, are subject to the following standards: (Amended, Bill No. 2011-13) (Amended, Bill No. 2014-4)

- a) Banners shall be attached to a structure, shall be strongly constructed, and shall be securely attached to their supports;
- b) Banners and other temporary signs shall be removed (including all framework and supports) as soon as damaged or torn;
- c) There shall be no more than one (1) banner per tenant on any building frontage (see Subsection 549.23 for size allowances);
- d) Due to the construction methods of banners and other temporary signs and their tendency toward damage, none may be displayed for more than 28 days. Temporary fixed ground signs are permitted only during the sale, lease, or construction of a property. Temporary fixed ground signs may be displayed for a period not to exceed one year and must be removed within seven days of the sale, lease, or conclusion of construction on the property. One temporary fixed ground sign is permitted for each street upon which a lot has frontage. The area of any one temporary fixed ground sign shall not exceed 32 square feet and 8 feet in height. On sites greater than 2 acres, signs shall not exceed 64 square feet and 10 feet in height. Wherever possible, temporary fixed signs should be attached to an existing freestanding sign on a site; and
- e) No more than four (4) temporary sign permits shall be issued to any business organization or institution within any calendar year; and;
- f) During major road construction projects impacting the access or visibility of properties adjacent to the right-of-way under construction, the Director of Community

Development may waive the application fee and extend the time limit for display of banners and other temporary signs, not to exceed one year.

Subd. 5. Setbacks. Unless specifically noted otherwise, all signs shall maintain a five-foot setback from all lot lines. The City may require a greater or lesser setback because of public safety reasons that may include the following conditions: vehicle sight distance (see Subsection 925.01, Subd. 4), distance from intersection, designation of adjacent right-of-way. In no case shall any part of a freestanding sign be located less than 14 feet behind the curb adjacent to a street. (Amended, Bill No. 2011-13)

Subd. 6. Changeable messages. A message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.

Subd. 7. Illumination. External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property. There shall be a minimum distance of 100 feet between any internally illuminated or dynamic display freestanding sign and any residential property. Signs located on a wall that faces an abutting residential property line and within 100 feet of said residential property line shall not be illuminated between 10:00 p.m. and 6:00 a.m. Illumination of signs in the Penn Avenue Corridor is further restricted by Section 541.21 of this Code.

Subd. 8. Noncommercial speech. Any noncommercial message may be substituted for any commercial message on any sign allowed under this Code, subject to the same regulations applicable to such signs. Notwithstanding any provisions of this section to the contrary, all noncommercial signs of any size may be posted in a general election year from a date that is 46 days prior to the state primary election until ten (10) days following the state election. (Amended Bill No. 2010-5)

Subd. 9. Maintenance. All signs shall be maintained in a safe, presentable and good state of repair at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of monument signs for a distance of ten (10) feet shall be neatly trimmed and free of weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

Subd. 10. Landscaping required. Freestanding signs located in parking areas shall be separated by curb or similar means from the traveled portion of the parking lot. Freestanding signs greater than six (6) feet in height shall have landscaping around the base of the sign.

549.23. - Permitted signs by district.

Subd. 1. Residential Districts.

a) Within residential zoning districts, freestanding signs are permitted as follows:

District	Maximum sign area of single sign	Maximum height	Total area of all freestanding signs
R, R-1, MR-1	6 square feet	6 feet	12 square feet
MR-2, MR-3	24 square feet	8 feet	36 square feet
Permitted Nonresidential Uses	50 square feet	<u>20</u> 25 feet	100 square feet

b) Within residential zoning districts, wall signs are permitted as follows:

District	Maximum sign area of single sign
R, R-1, MR-1	Not permitted except as required by Section 549.21, Subd. 3.
MR-2, MR-3	10 percent of total wall area of the wall to which sign is attached
Permitted Nonresidential Uses	<u>10</u> 45 percent of the total wall area of the wall to which sign is attached

c) Within residential zoning districts, the following types of signs are prohibited:

- i. Dynamic displays, except for nonresidential uses; and
- ii. Marquee signs; and
- iii. Any sign not expressly permitted by this subdivision is prohibited in residential districts.

d) Scoreboards for public parks and public or private schools are permitted as follows:

- i. One (1) scoreboard not exceeding 18 feet in height or 100 square feet in surface area is allowed per playing field, not including fields used only for practice; and
- ii. Commercial or noncommercial speech shall be permitted on the scoreboard as follows:
 1. Commercial and noncommercial messages shall not comprise more than 25 percent of the area of the scoreboard; and
 2. Commercial and noncommercial messages shall not be illuminated.

Subd. 2. Commercial, Mixed-Use Neighborhood, Mixed-Use Community, Mixed-Use Regional, and Industrial Districts.

a) Within commercial, mixed-use neighborhood, mixed-use community, mixed-use regional, and industrial zoning districts, one (1) freestanding sign per site ~~is signs are~~ permitted as follows ¹:

District	Maximum sign area of single sign	Maximum height	Total area of all freestanding signs
SO, C-1, MU-N	60 square feet per surface	15 feet	<u>1</u> 2 square feet per foot of lot frontage
<u>C-2, MU-C Sites <1 acre</u>	<u>100 square feet per surface</u>	<u>20 feet</u> ²	<u>1 square feet per foot of lot frontage</u>
<u>C-2, MU-C Sites 1-2 acres</u>	<u>150 square feet per surface</u>	<u>20 feet</u> ²	<u>1 square feet per foot of lot frontage</u>
<u>C-2, MU-C Sites >2 acres</u>	200 square feet per surface	<u>20 feet</u> ² 27 feet	<u>1</u> 4 -square feet per foot of lot frontage
I, MU-R	250 square feet per surface	27 feet	<u>1</u> 4 -square feet per foot of lot frontage

¹ Additional freestanding signs on a site shall not exceed 8 feet in height and 50 square feet in area. Planned Unit Development sites greater than 2 acres may request additional signs exceeding 8 feet in height and 50 square feet in area.

² On properties abutting an interstate or state highway or the adjacent frontage road, one freestanding sign with a maximum height of 27 feet may be located within 100 feet of the lot line abutting the highway or frontage road.

- b) Within commercial, mixed-use neighborhood, mixed-use community, mixed-use regional, and industrial zoning districts, wall signs may not exceed 15 percent of the total wall area of the wall to which sign is attached. In the case of multiple occupancy, the total area of wall signs which each occupant may display shall not exceed 15 percent of the exterior wall of the portion of the building occupied by that tenant. (Amended, Bill No. 2011-13)
- c) Window signs that do not exceed 30 percent of the window area;
- d) Canopies, marquees, projecting signs and fixed awnings that are an integral part of the structure to which they are attached are allowed in the Commercial, Mixed-Use and Industrial districts if they meet the following requirements:
 - i. An awning, canopy, marquee or projecting sign may not project into the public right-of-way;
 - ii. Awnings, canopies, marquees and projecting signs may have no part of the structure other than supports nearer the ground surface than seven (7) feet;
 - iii. The architectural style on the awning, canopy or marquee must be consistent with the building being served;
 - iv. For the purposes of size limitation calculations, awning, canopy, marquee and projecting signs shall be counted as wall signs; ~~and~~
 - v. Awnings, canopies or marquees projecting into required yards may not be enclosed; ~~and~~
 - vi. Awnings or canopies shall not be internally illuminated.
- e) Any sign not expressly permitted by this subdivision is prohibited in commercial, mixed-use and industrial districts.

Subd. 3. (Repealed, Bill No. 2011-13)

549.25. - Dynamic Displays.

Subdivision 1. Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one (1) look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent change.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays shall generally ~~should~~ not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the City finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

Subd. 2. Regulations. Dynamic displays on signs are allowed subject to the following conditions:

- a) Dynamic displays are allowed only on monument and pylon signs for nonresidential uses in the residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area, ~~and must be~~ contiguous to the static copy and graphic area, and must include an enclosing framework of not less than three (3) inches around the dynamic display. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one (1) contiguous dynamic display area is allowed on a sign face, except when installed as part of a scoreboard for public parks and public or private schools; (Amended, Bill No. 2010-4)
- b) Only one (1) dynamic display sign is permitted on any individual site;
- c) A dynamic display may not change or move more often than once every 60 seconds, except one (1) for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date or temperature information is considered one (1) dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 60 seconds before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three (3) seconds; (Amended, Bill No. 2008-16)
- d) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;
- e) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;

- f) (Repealed, Bill No. 2008-16)
- g) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the City that it is not complying with the standards of this ordinance;
- h) Dynamic displays must comply with the brightness standards contained in subdivision 3 below; and
- i) Dynamic displays existing on the effective date of this ordinance must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause a) may continue as a nonconforming structure subject to Section 509.25. An existing dynamic display that cannot meet the minimum size requirements of clause e) must use the largest size possible for one line of copy to fit in the available space.

Subd. 3. Brightness standards.

- a) All signs and dynamic displays must meet the following brightness standards in addition to any other requirements of this Code.
 - i. No sign may be brighter than is necessary for clear and adequate visibility;
 - ii. No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle;
 - iii. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
- b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the City's instructions. The adjustment must be made immediately upon notice of noncompliance from the City. The person owning or controlling the sign may appeal the City's determination through the appeal procedure set forth in Section 547.05 of this Code.
- c) All signs installed after December 22, 2007, that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the City that it is not complying with the standards in this section.

549.27. - Nonconforming signs.

Subdivision 1. In addition to the standards established by Section 509.23, the following shall apply to nonconforming signs:

Subd. 2. Relocation. Any legally nonconforming sign may be relocated, subject to compliance with the other provisions of this Code and subject to the limitations hereinafter contained, to another location provided that such alternate location is first approved by the Council. The Council may approve relocation if it finds that the relocation will lessen any adverse impact of the sign upon traffic safety and aesthetics. If a conforming location is available, the Council shall not approve relocation to a nonconforming location.

Subd. 3. Incentives regarding outdoor advertising displays. Outdoor advertising signs do not need to serve the same way-finding function as do on-premise signs. Further, outdoor advertising signs are no longer allowed in the City, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The City is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one (1) or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

- a) A person may obtain a permit for an enhanced dynamic display on one (1) face of an outdoor advertising sign if the following requirements are met:
 - i. The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two (2) other faces of an outdoor advertising sign in the City that are owned or leased by the applicant, each of which must satisfy the criteria of parts ii through iv of this subsection. This removal must include the complete removal of the structure and the foundation supporting each sign face. The applicant must agree that the City may remove the sign if the applicant does not do so within the time frame agreed upon by the applicant and the City, and the application must be accompanied by a cash deposit or letter of credit acceptable to the City Attorney sufficient to pay the City's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law;
 - ii. The City has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application;
 - iii. Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two (2) or more of the following additional criteria:
 - 1) The removed sign is located adjacent to a highway with more than two (2) regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to that of an interstate highway;
 - 2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;
 - 3) The removed sign is located in a noncommercial zoning district;
 - 4) The removed sign is located in a special planning area designated in the comprehensive plan; or
 - 5) The removed copy and graphic area is equal to or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.

- iv. If the removed sign face is one (1) for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.
- b) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight (8) seconds. The designated sign must meet all other requirements of this ordinance.

Section 2 Subsection 541.21, Subdivision 3 of the Richfield City Code relating to applicable regulations in the Penn Avenue Corridor Overlay District is amended by adding a letter (e) as follows:

- e) Sign Regulations. All sign regulations applicable in the MU-C District, as found in Section 549 of this Code, shall apply in the PAC District with the following additions, qualifications and/or exceptions:
 - (i) Freestanding signs with an area greater than 100 square feet shall not be internally illuminated or contain a dynamic display.
 - (ii) Wall signs may include internally illuminated individual channel letters, and internally illuminated logos not exceeding 25% of the overall wall sign area. Internally illuminated or backlit box signs are prohibited as wall signs in the PAC District.

Section 3 This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 22nd day of May, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

RESOLUTION NO. _____

**RESOLUTION APPROVING SUMMARY PUBLICATION
OF AN ORDINANCE TO UPDATE
SIGN REGULATIONS**

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

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

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

**SUMMARY PUBLICATION
BILL NO. _____**

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE
TO UPDATE SIGN REGULATIONS**

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

This ordinance revised Zoning Code Section 549 – Sign Regulations, affecting all zoning districts. The ordinance reduces the maximum allowable sign height and sign area for many commercial properties and limits the quantity of tall signs per lot or site. The ordinance also allows limited use of portable signs. Sign regulations relating to the Penn Avenue Design Guidelines are added to Section 541.21 – Penn Avenue Overlay District

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

Adopted by the City Council of the City of Richfield, Minnesota this 22nd day of May, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

April 5, 2018

Council Memorandum No. 23

The Honorable Mayor
and
Members of the City Council

Planning Commission Memorandum No. 2

Members of the Planning Commission
City of Richfield

Subject: Sign Regulations – Proposed changes to Zoning Code Section 549

Council Members and Commissioners:

On Tuesday, April 10, planning staff will brief policymakers on efforts to update the City's Sign Ordinance, which was last overhauled in 2007. Staff has been considering changes to two sets of regulations – those concerning portable signs and the Penn Avenue Design Guidelines, particularly as they relate to freestanding signs, internally lit signs, and dynamic displays (changeable message signs).

Portable signs – Under the current sign ordinance, portable signs of any kind are prohibited. Staff is looking to gauge policymaker interest in allowing limited types of portable signs, with restrictions on size, placement, and hours of display.

Penn Avenue Design Guidelines – In the Penn Central business district, there are a set of design guidelines that further restrict certain types of signs. These guidelines prohibit internally lit box signs, and staff has interpreted this prohibition to include electronic changeable message signs (also known as dynamic displays). The Penn Avenue Design Guidelines document acknowledges that the size and quantity of signs is perceived to be a visual blight, but these guidelines do not currently include restrictions on height, size or quantity of freestanding signs. Staff is looking to gauge interest in modifying these regulations to allow the use of dynamic displays, while simultaneously introducing stricter limitations on the height, size and quantity of freestanding signs. Staff would also like to discuss if those regulations should apply only in the Penn Central business district, or be applied more broadly to all commercial zoning districts.

Respectfully submitted,



Steven L. Devich
City Manager

SLD:mrbb

Email: Assistant City Manager
Department Directors
Assistant Community Development Director



Sign Regulations Update

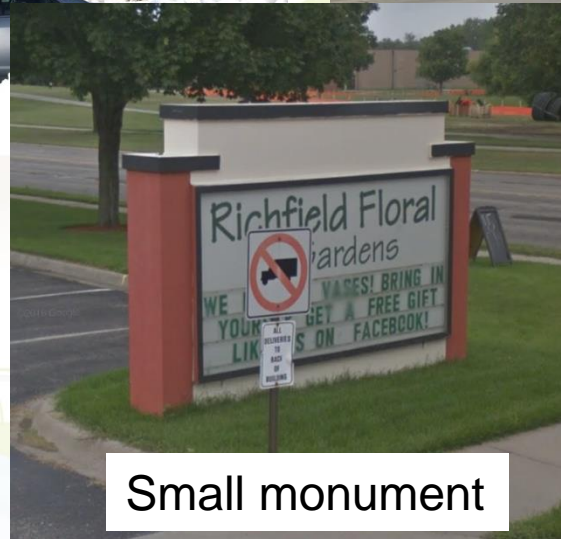
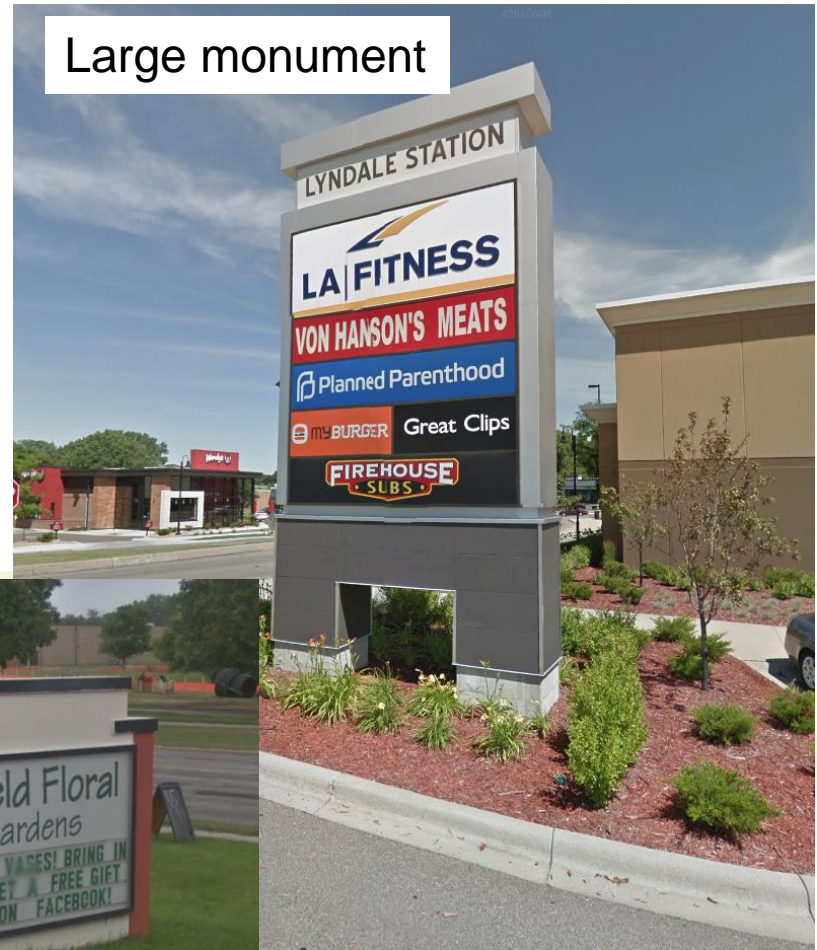
Work Session – April 10, 2018



Table of Contents

- Signs 101 – types of signs
- Current sign regulations
- Proposed portable sign regulations
- Penn Avenue Design Guidelines & proposed changes
- New regulations: citywide vs. districts
- Discussion / questions

Freestanding signs



Portable signs are prohibited

- Sandwich board / A-frame signs
- Sail / flag signs
- Businesses and community orgs have requested flexibility in this blanket policy



Why prohibit portable signs?



Why prohibit portable signs?



Side effect of current policies

- Unlimited ground signs are a nuisance
- Propose limit of two ground signs per lot



Proposed portable sign regulations

- One portable sign permitted per business
- Signs must be located on site of business, no off-premise signs allowed (per current ordinance)
- Signs must be located on private property – Not permitted in public right-of-way (sidewalks, boulevards or medians)
- Signs shall not block any accessible routes for pedestrians/mobility devices, including on private property
- Limited to 4 feet in height and 6 square feet in area, preventing oversized boards or other tall portables (like flag/sail signs, which will remain prohibited)
- Signs shall not be displayed between 10:00pm and 6:00am
- Permit not required

Penn Avenue Design Guidelines

- Additional sign regulations apply in the Penn Central district (Crosstown to 68th St)
- Adopted in 2008
- Internally lit “box” signs are prohibited
- Staff has interpreted this prohibition to include dynamic displays (LED boards)
- Guidelines do not include any limitations on height or size

Internally lit “box” signs



Oversized and out of scale



Proper scale for Penn Avenue



Adaptation to guidelines

- Internally lit letters
- External lighting



Possible adverse effects of Penn Avenue Design Guidelines

- Nearly all freestanding signs on Penn were made nonconforming in some way
- Externally lit freestanding signs are perceived to be too dimly lit for businesses open in the evening
- Concerns with uniformity of all future signs using “gooseneck” lamp lighting? (i.e. Davanni’s, Fraser, etc.)

Changes to Penn Guidelines

- Propose to allow dynamic displays (LED boards) with new size restrictions on size
- Re-allow internally lit freestanding signs on Penn Avenue, with restrictions on size



Reduce sign height

- Maximum height – currently 27 feet is the limit for all commercial property regardless of size
- Propose to reduce height to 20 feet
- Exceptions for Planned Unit Developments (Shops at Lyndale, Southdale Square, Lyndale Station, The Hub, etc.)
- Exceptions for properties adjacent to highway (Honda, Audi, backside of Target/Home Depot)

Reduce sign size

- Maximum sign area – currently 200 square feet is the limit for most commercial property regardless of lot size
- Propose to reduce sign size:
 - 100 square feet for properties < 1 acre
 - 150 square feet for properties 1-2 acres
 - 200 square feet for properties >2 acres
- Similar exceptions as outlined for sign height

Reduce quantity of large signs

- There is currently no maximum number of tall freestanding signs
- Propose limit of one tall sign (>8 feet) per lot. No limit on signs below that limit (small monument, directional signs, menu boards, etc.)
- Similar exceptions as outlined for sign height

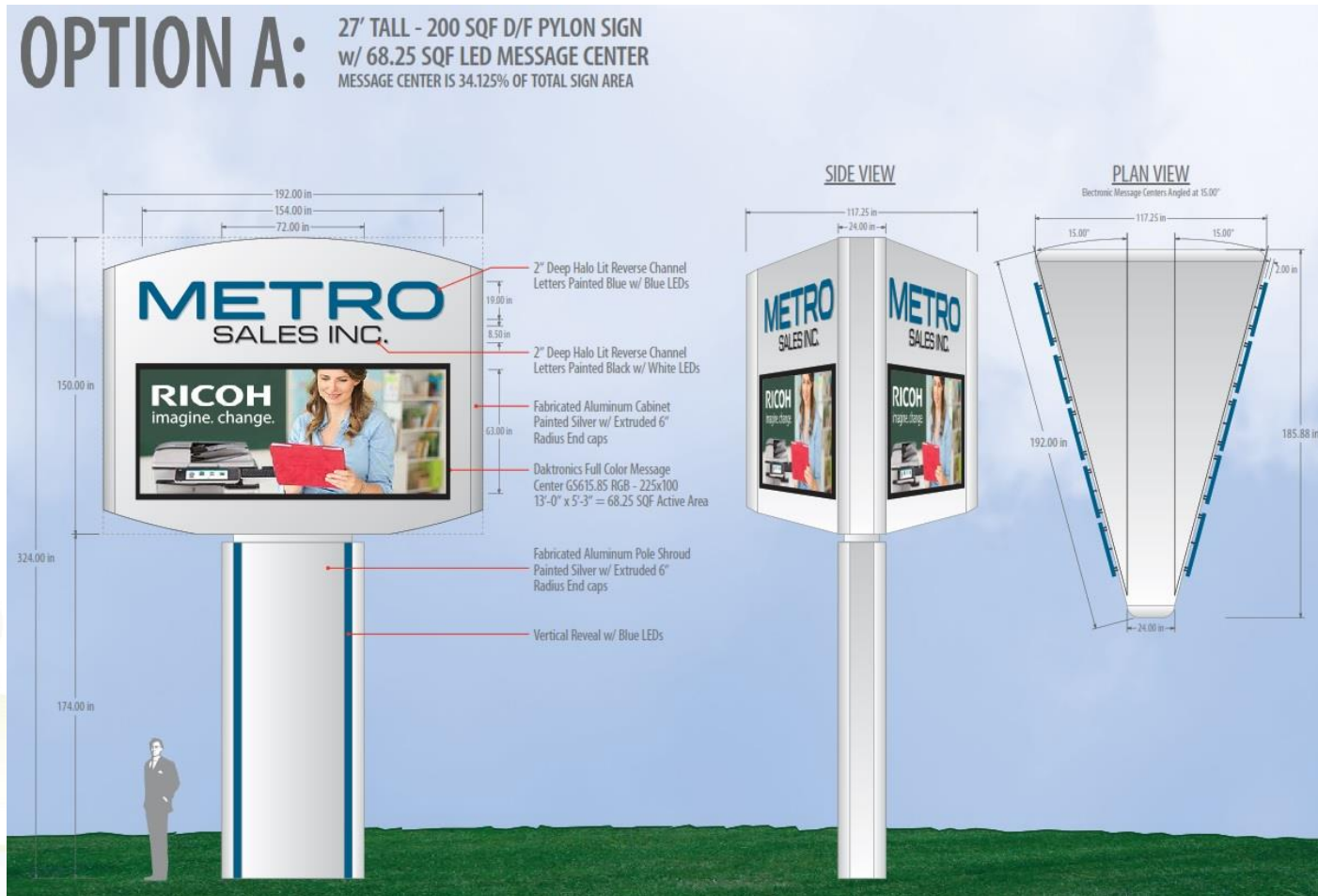
CVS on Penn



- Lyndale Liquor – 124 square feet



Example of a proposed sign with dynamic display – along 494



Citywide vs. districts

- Staff recommends implementing size and height reductions citywide
- Generally, these updated regulations better reflect the dimensions of most existing signs and avoid the addition of new oversized signage

Not changing

- Maximum sign height or size on large properties (>2 acres), Planned Unit Developments, shopping centers, and properties along highways
- Prohibition on internally lit “box” signs on buildings
- Prohibition on portable signs other than A-frame/sandwich board signs



STAFF REPORT NO. 92
CITY COUNCIL MEETING
5/22/2018

REPORT PREPARED BY: Jared Voto, Executive Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager
5/14/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
5/14/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the appointment of an adult member to the Community Services Commission with a term expiring January 31, 2021.

EXECUTIVE SUMMARY:

On May 2, a commissioner on the Community Services Commission submitted their resignation from the Commission due to relocation outside of Richfield.

During the December 2017/January 2018 recruitment period for the advisory commissions, four residents submitted applications and listed a preference for the Community Services Commission, but were not selected for appointment to a commission. Staff emailed these applicants asking if they were still interested in serving on the Community Services Commission and heard back from two applicants. A City Council work session was held earlier tonight to review the applications and discuss appointment of an applicant.

RECOMMENDED ACTION:

By motion: Appoint a person to the Community Services Commission with a term expiring January 31, 2021.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- This information is contained in the Executive Summary.

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

- City advisory commissions were established by City ordinance or resolution.
- This term is greater than one and one half years, so it is considered a full term and applies to the three term limit (City Code Section 305.01, subd. 3.).

C. CRITICAL TIMING ISSUES:

- Appointment should be made at the May 22, 2018, City Council meeting so the new member may participate at the next commission meeting.

D. FINANCIAL IMPACT:

- N/A

E. LEGAL CONSIDERATION:

- None

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None