



STAFF REPORT NO. 104
CITY COUNCIL MEETING
6/12/2018

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
6/6/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
6/6/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the second 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 and adopt a resolution for summary publication of the Ordinance.

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, nine communities in Minnesota have passed tobacco 21 laws. Those communities are Edina, St. Louis Park, Bloomington, Plymouth, North Mankato, Shoreview, Falcon Heights, Minneapolis and St. Peter.

The first reading of this ordinance amendment was approved by the City Council on May 22, 2018.

RECOMMENDED ACTION:

By motion: Approve the second 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 adopt a resolution for summary publication of the Ordinance.

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:

- N/A

E. LEGAL CONSIDERATION:

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

ALTERNATIVE RECOMMENDATION(S):

- The Council may decide not to approve the second 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 |
| ☐ Resolution | Resolution Letter |

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 allowed s sampling at its licensed premises on or before October 23, 2014 ~~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 ~~18~~ 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 ~~18~~ 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

RESOLUTION NO. _____

**RESOLUTION APPROVING SUMMARY PUBLICATION OF
AN ORDINANCE PERTAINING TO TOBACCO SALES
AND THE REGULATION OF SMOKING**

WHEREAS, the City has adopted the above-referenced ordinance; and

WHEREAS, the verbatim text of the ordinance is cumbersome, and the expense of publication of the complete text is not justified; and

WHEREAS, the following summary clearly informs the public of the intent and effect of the ordinance.

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. 2018- _____**

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

On June 12, 2018, the Richfield City Council adopted an ordinance designated as Bill No. _____, the title of which is stated above. This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter. The purpose of the Ordinance is to: 1) increase the minimum legal age to purchase tobacco, tobacco products and tobacco devices from 18 to 21 and adopt findings supporting the change; 2) update definitions in order to stay compliant with state law and current with new tobacco products on the market; 3) eliminate "purchase, use, and possession" penalties against under-age individuals.

Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours or upon request by calling 612-861-9738.

Adopted by the City Council of the City of Richfield, Minnesota this 12th day of June, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 105
CITY COUNCIL MEETING
6/12/2018

REPORT PREPARED BY: Jack Broz, Transportation Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
6/5/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
6/6/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of approval of the preliminary design layout of Lyndale Avenue Reconstruction Plan from 66th Street to 76th Street as recommended by the Transportation Commission.

EXECUTIVE SUMMARY:

Jack Broz, Transportation Engineer, will give a short presentation on the following process and design features.

Process

The Transportation Commission recommended the preliminary layout for the Reconstruction of Lyndale Avenue for City Council approval at the May 16, 2018 meeting. The recommended Preliminary Layout of Lyndale Avenue ("Lyndale") was developed through many Transportation Commission meetings, four public open houses, multiple business meetings, and technical analysis. Many concerns were identified for pedestrians, bicyclists, parking, and vehicles along the corridor. Through the process the preliminary design was developed to address the corridor issues. The design's effectiveness and impacts were reviewed and modifications to the design were made to limit impacts. The preliminary layout is intended to improve the conditions for each of the modes as described below.

Project Description

Pedestrians - Concerns were identified related to discomfort and safety when crossing and walking along the corridor. The preliminary layout includes:

- Medians to provide refuge and one-way crossing of traffic to improve crossings
- Boulevards/trees for buffer to a new sidewalk along the east side of Lyndale
- Boulevards/trees to buffer a new shared path on the west side of Lyndale

Bicyclists - Concerns were identified due to the lack of facilities for bicyclists. The preliminary layout includes:

- Bicycle cycle track from 66th Street to 67th Street
- On-street buffered bicycle lanes from 67th Street to 70th Street
- On-street bicycle lanes from 70th Street to 76th Street

Parking - Concerns were identified related to a lack of parking in the commercial areas as well as the

residential areas with alley access. The preliminary layout includes:

- On-street parking on the east side of Lyndale north of 67th Street
- On-street parking near the businesses on the west side from 75th Street to south of 76th Street
- On-street parking near the residents on the east side from 72nd Street to 74th Street

Motorists - Concerns were identified with safety and mobility along the corridor. Safety concerns included above average crash and injury rates. In addition, the existing speeds make it uncomfortable and potentially dangerous for pedestrians and bicyclists. Mobility concerns included crossings and the delays at the signals at 77th and 76th Streets. The preliminary design features include:

- 66th Street to 70th Street
 - Two lane roadway with center median
 - Compact roundabouts at 67th, 68th and 70th Streets
 - Lake Shore Drive "right-in/right-out" access
- 70th Street to 76th Street
 - Three lane roadway with left turn lanes and medians at intersections
 - Traffic signal at 73rd Street
 - Close access to Augsburg Avenue

Impacts - The existing right-of-way for Lyndale varies along the corridor from 66 feet to approximately 100 feet. The preliminary design generally fits within the existing right-of-way, but there are impacts at some adjacent properties as described below:

- Sidewalk easements at the compact roundabouts
- Easements and retaining walls at the compact roundabouts along Wood Lake Nature Center
- Temporary grading easements along Wood Lake Nature Center to adjust to the new design
- Temporary grading easements and/or short retaining walls to adjust adjacent properties to the new design
- Driveway easements to adjust driveways to the new design

Additional Considerations - The commission has also recommended that the following items be considered in the detail design of the project:

- Replacement of the fence along the Woodlake Nature Center with an aesthetically pleasing fence
- Consideration of an additional bicycle route along Oak Grove Boulevard/Aldrich Avenue for families to avoid the commercial district driveways
- Further study of the proposed southbound right turn lane length to 76th Street (potentially minimize)

RECOMMENDED ACTION:

By motion: Approve the preliminary design layout for the Lyndale Avenue Reconstruction Project from 66th Street to 76th Street as recommended by the Transportation Commission.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Lyndale Avenue is one of the oldest corridors in the community. Originally, Highway 65 crossed the state along this corridor. The major traffic was shifted to Interstate 35W and Lyndale remains a major corridor connecting Richfield residents to the commercial area at 66th Street, Wood Lake Nature Center, Richfield High School and the History Center. Lyndale also is a significant gateway to the community with access to both Interstate 494 and the Crosstown Highway.
- Currently, the physical condition of the roadway and underground utilities are past their service life and require reconstruction.

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

- The reconstruction of Lyndale Avenue is consistent with the following approved plans:
 - 5 Year Street Reconstruction Plan
 - Comprehensive Plan (Chapter 6 - Transportation)
 - Bicycle Master Plan

- Street Reconstruction Guiding Principles Document
- Complete Streets Policy
- Arterial Roads Study
- The City Council approved the preliminary design contract for Lyndale at the August 8, 2017 City Council Meeting.

C. CRITICAL TIMING ISSUES:

- The preliminary design needs to be approved in order to complete final design for a 2019 construction timeline.

D. FINANCIAL IMPACT:

- The estimated cost of the project is \$10,000,000. The costs includes the replacement of city utilities. The project is financed by:
 - Street Reconstruction Bonds: \$9,500,000
 - Municipal State Aid: \$450,000
 - Xcel Rate Payer Fees: \$50,000

E. LEGAL CONSIDERATION:

- None

ALTERNATIVE RECOMMENDATION(S):

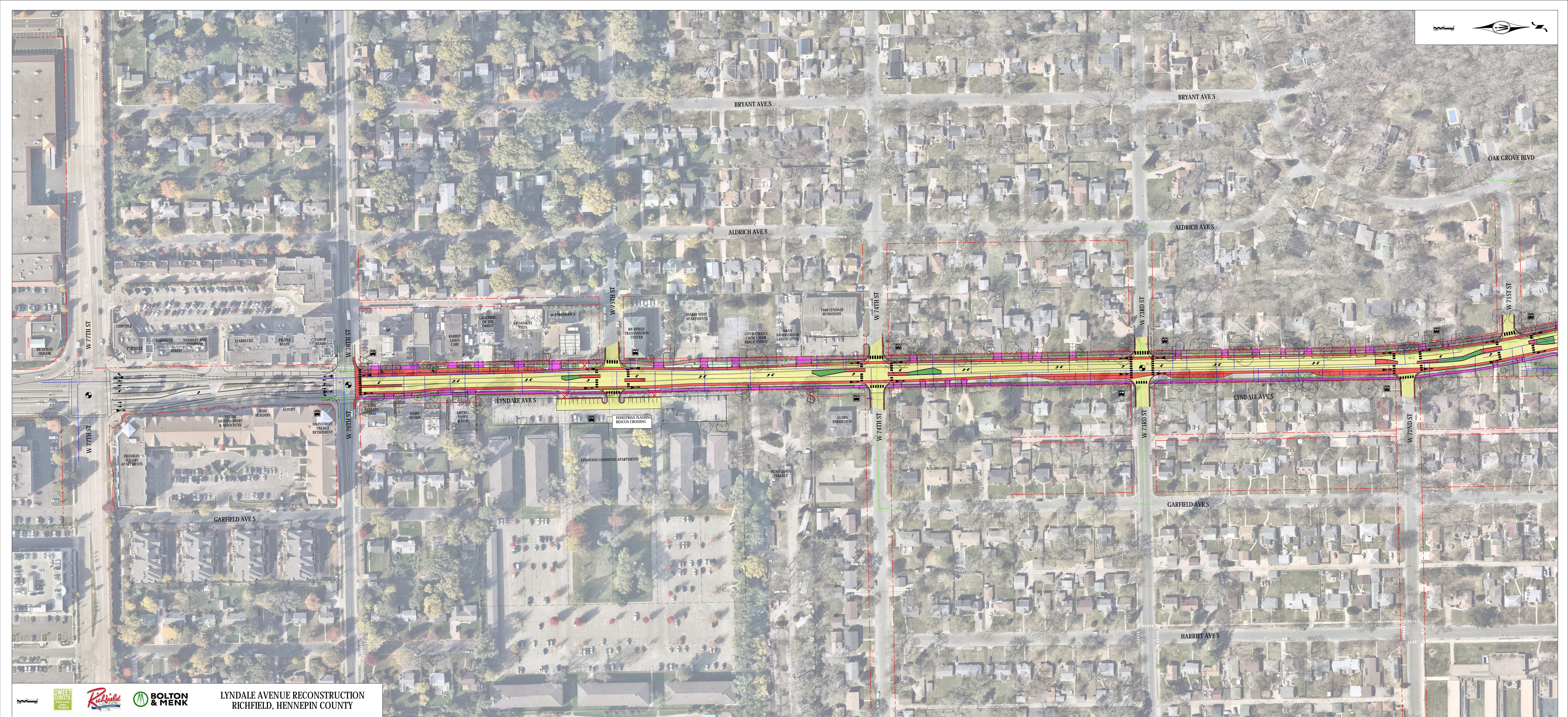
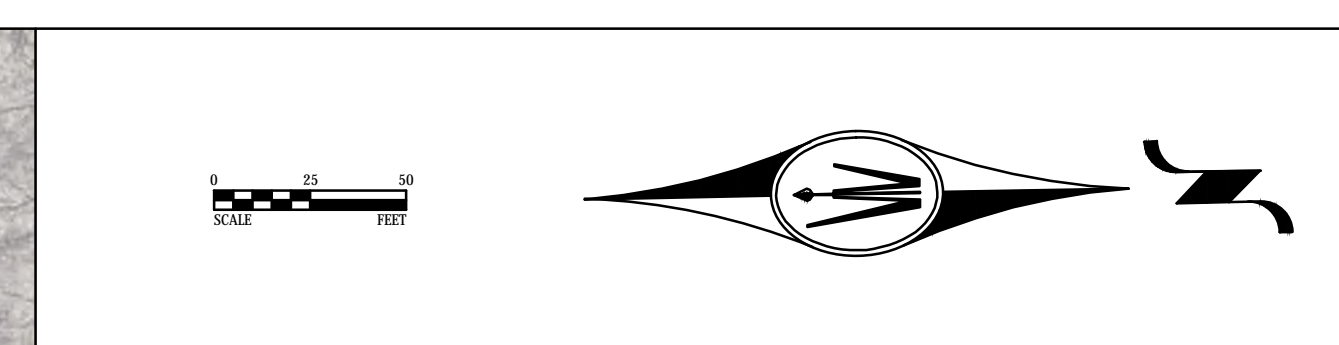
- Council may choose to not approve the preliminary design and direct staff on how to proceed.

PRINCIPAL PARTIES EXPECTED AT MEETING:

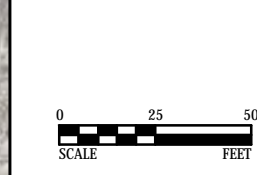
Residents impacted by the project

ATTACHMENTS:

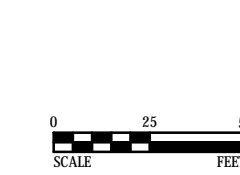
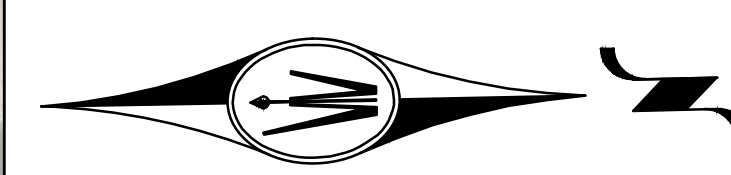
| Description | Type |
|---|---------|
| ▢ Layout Section #1 | Exhibit |
| ▢ Layout Section #2 | Exhibit |
| ▢ Open House #1 Summary | Exhibit |
| ▢ Open House #2 Summary | Exhibit |
| ▢ Open House #3 Summary | Exhibit |
| ▢ Open House #4 Summary | Exhibit |
| ▢ Performance Measures and Design Recommendations | Exhibit |



LYNDALE AVENUE RECONSTRUCTION
RICHFIELD, HENNEPIN COUNTY



LYNDALE AVENUE RECONSTRUCTION
RICHFIELD, HENNEPIN COUNTY



LYNDALE AVENUE RECONSTRUCTION
RICHFIELD, HENNEPIN COUNTY



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Lyndale Avenue Reconstruction City of Richfield

Open House Summary

October 25, 2017 – 4:00 to 7:00 PM
Wood Lake Nature Center

Purpose:

The purpose of this open house was to share the purpose of the Lyndale Avenue reconstruction project, project goals and objectives, project history, and solicit public input. This open house was geared toward building a common understanding of current conditions, opportunities, and potential impacts in the corridor and project area.

Staff Attendees:

BOLTON & MENK – Tim Lamkin, Sarah Rippke Lloyd, Haila Maze, Zachary Parsons.

CITY OF RICHFIELD – Jeff Pearson, Jack Broz, Kristin Asher, Liz Finnegan, Logan Vlasaty

RICHFIELD TRANSPORTATION COMMISSION MEMBERS – Wesley Dunser, Phil Chillman, Ken Severson, Gary Ness

Richfield Public Attendees:

There were approximately fifty (50) interested participants who attended the open house to review the materials and provide comments.

Materials Presented:

The material was set in a format allowing attendees the opportunity to view and visit with project staff at their leisure. Materials included

- Several boards with information on project overview, goals and objectives, related plans and policies, and community context
- Two large layouts of the corridor, with the opportunity to discuss and provide comments
- Surveys and comment cards to solicit input from participants

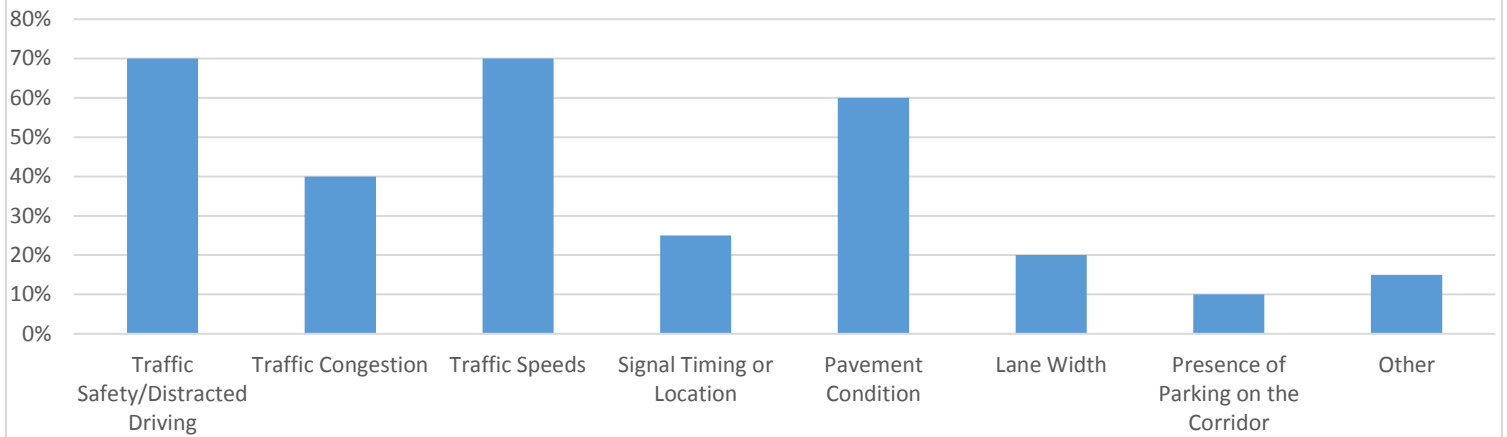
Comments Received:

Public input was collected through discussions with staff and through surveys and comment cards. The following summarizes the most frequently mentioned themes in the public comments collected:

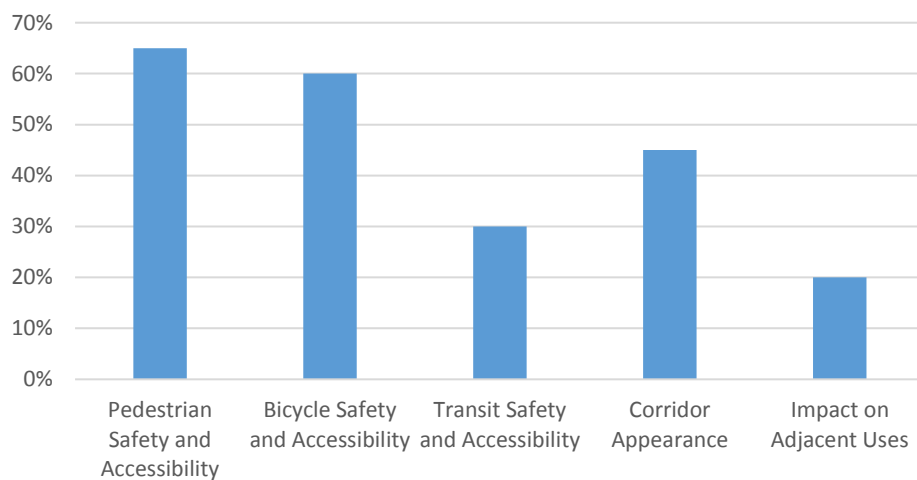
- Safe and improved pedestrian facilities, particularly sidewalks and crossings (19 mentions)
- Safe and dedicated bike lanes on corridor, with connections to other facilities (13 mentions, though 4 opposed)
- Address speeding, including via traffic calming (5 mentions)
- Maintain existing trees and green space (4 mentions)
- Improve signal at 73rd Street (4 mentions)
- Convert the road from 4 to 3 lanes (3 mentions, though 2 opposed)

- Safer pedestrian and auto access for apartments and businesses at southern end of corridor, particularly Lyndale Commons (3 mentions)

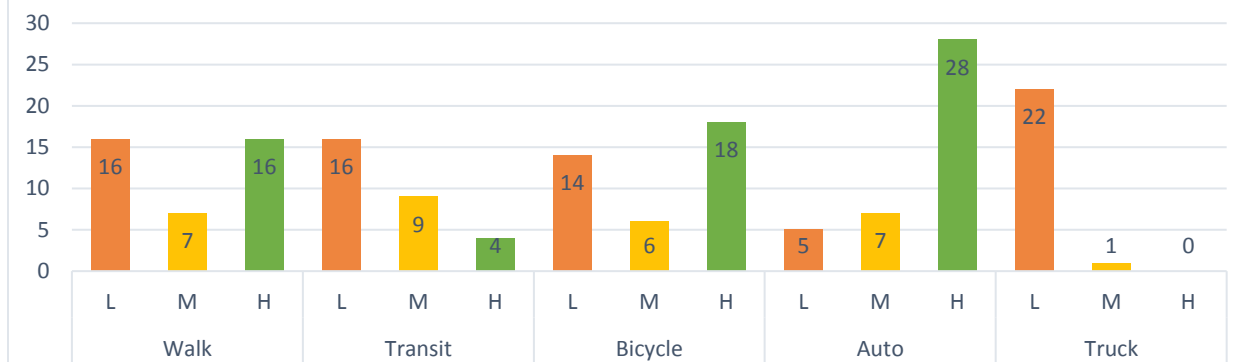
Traffic-Related Concerns Along the Corridor Today



Other Concerns About the Corridor Today



How is the Corridor Used





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Lyndale Avenue Reconstruction City of Richfield

Open House Summary

November 29, 2017 – 4:00 to 7:00 PM

Wood Lake Nature Center

Purpose:

The purpose of this open house was to reflect back feedback received to date, present a draft problem statement and goals, provide information on the corridor's existing issues, and educate on safety tools design elements that will address the corridor's issues. Feedback was collected on whether the process has been responsive to feedback to date, and whether the safety tool and design elements would be preferred on the corridor.

Staff Attendees

BOLTON & MENK

- Tim Lamkin, Sarah Rippke Lloyd, Haila Maze, Zachary Parsons

CITY OF RICHFIELD

- Jeff Pearson, Jack Broz, Kristin Asher, Liz Finnegan, Logan Vlasaty

RICHFIELD TRANSPORTATION COMMISSION MEMBERS

- Ken Severson, Jeffrey Walz, Gary Ness, Jack Wold, Sean Heyford-Oleary, Art Felgate

RICHFIELD CITY COUNCIL MEMBERS

- Maria Regan Gonzalez

Meeting Notification

The following notifications were done regarding the November 26 Open House:

- Approximately 900 mailers were sent to residents within proximity of the project, advertising both open houses.
- An ad in the Sun Current paper was printed in the November 23, 2017 publication.
- An ad on Facebook was promoted from November 22 – November 29, targeted towards those in Richfield.
- Multiple Facebook posts were created on both the City Facebook page as well as the Sweet Streets Facebook page.

Richfield Public Attendees:

There were approximately sixty (60) interested participants who attended the open house to review the materials and provide comments.

Materials Presented:

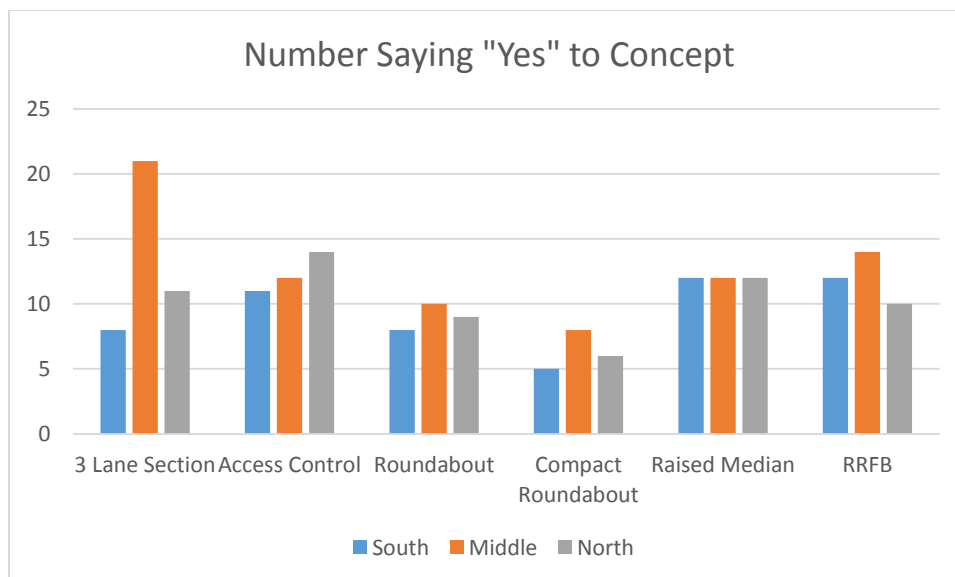
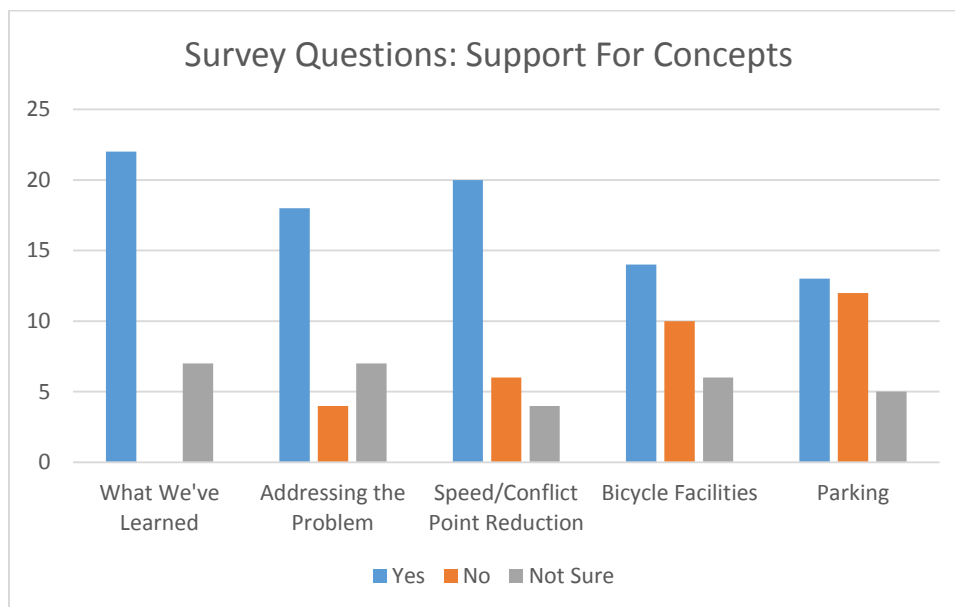
The material was set in a format allowing attendees the opportunity to view and visit with project staff at their leisure. Materials included

- Several boards with information on project overview, goals and objectives, related plans and policies, community context, problem statement, work done to date, and feedback summary
- Series of boards with information on specific design elements and safety tools
- Large layout of the corridor, with the opportunity to discuss and provide comments
- Surveys and comment cards to solicit input from participants

Comments Received:

Public input was collected through discussions with staff and through surveys and comment cards. The following summarizes public comments collected:

- Address ways to accommodate bicycles safety, and make connections to other facilities; difference of opinion if needed on Lyndale
- Pedestrian and business access improvements south of 74th
- Need better pedestrian facilities – sidewalks and crosswalks
- Difference of opinion on need for on-street parking





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**Lyndale Avenue Reconstruction
City of Richfield**

Open House Summary

**February 20, 2018 – 4:00 to 7:00 PM
Oak Grove Lutheran Church**

Purpose:

The purpose of this open house was to review what has been done to date to respond to community feedback and complete supporting technical analysis, and to provide input on potential design concepts for the corridor and for key intersections.

Staff Attendees:

BOLTON & MENK – Tim Lamkin, Sarah Lloyd, Zachary Parsons

CITY OF RICHFIELD – Jeff Pearson, Jack Broz, Logan Vlasaty

RICHFIELD TRANSPORTATION COMMISSION MEMBERS – Ken Severson, Paul Chillman, Jack Wold

Richfield Public Attendees:

There were approximately ninety (90) interested participants who attended the open house to review the materials and provide comments.

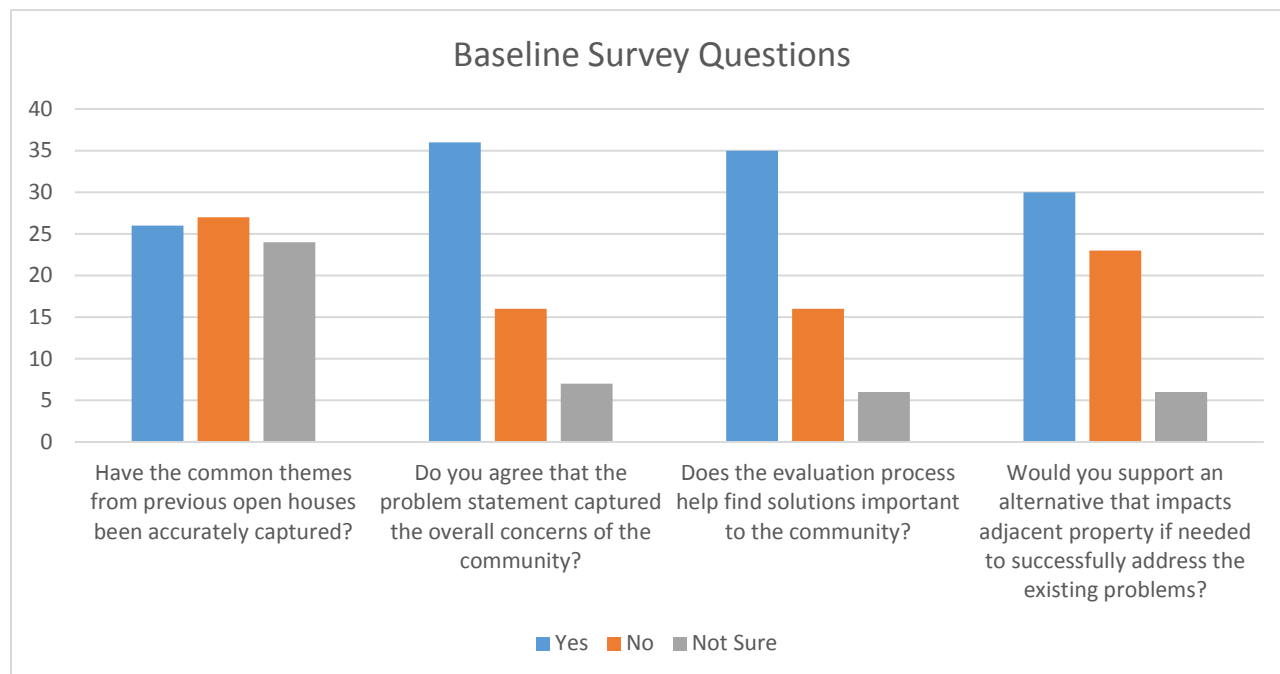
Materials Presented:

The material was set in a format allowing attendees the opportunity to view and visit with project staff at their leisure. Materials included:

- Several boards with information on project overview, goals and objectives, related plans and policies, community context, problem statement, work done to date, feedback summary, and evaluation process
- Boards outlining the different roadway, intersection, and bicycle alternatives
- Series of boards with information on specific design elements and safety tools
- Large layout of the corridor, with the opportunity to discuss and provide comments
- Surveys and comment cards to solicit input from participants

Comments Received:

Public input was collected through discussions with staff and through surveys and comment cards. In total, there were 65 comment cards and surveys submitted. The following summarizes public comments collected:



76th Street to 74th Street

- Concept 1: Many supported this concept – those that commented opposing the concept seem to dislike 3-lane concept.
- Concept 2: Many supported the compact roundabout with median— Concern with business/ driveway access if a median would be installed
- Concept 3: Decent support for the 4 lane concept—but many disliked it and did not see it as a change to what is there already.

70th Street

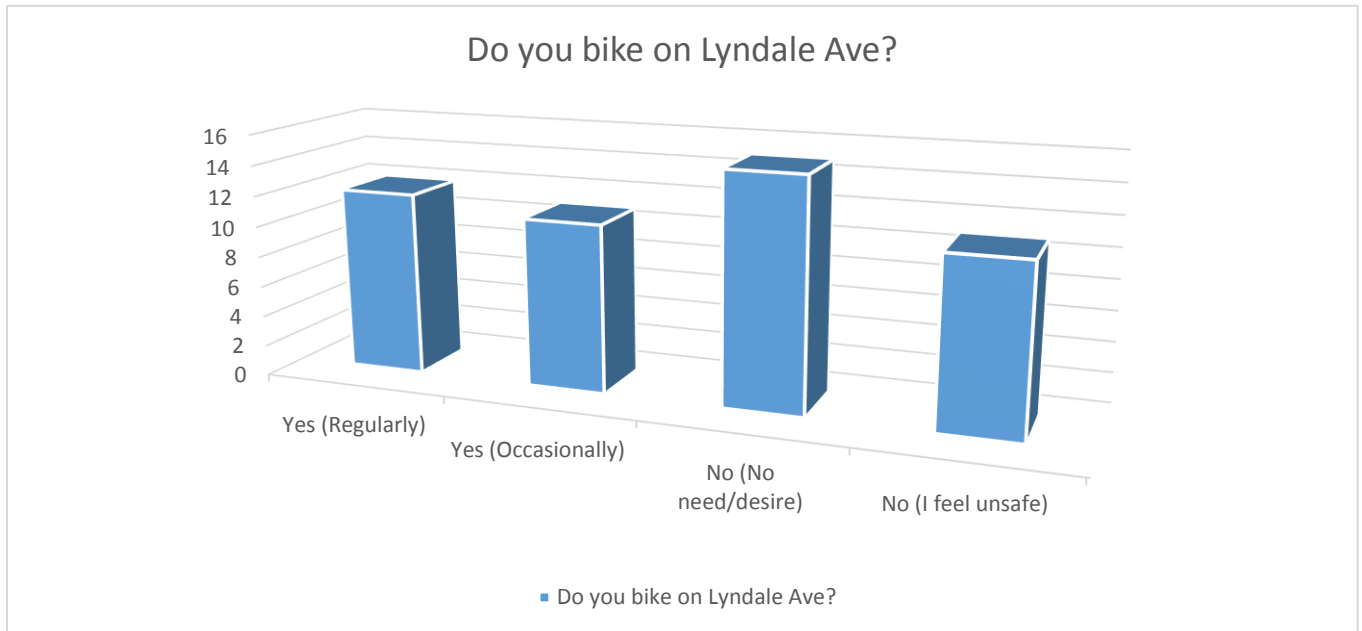
Most people preferred the roundabout. There was an overall pedestrian crossing safety concern.

- Concept 1: Most people preferred the compact roundabout as it would continue to move school traffic and reduce backups. The only worry here was pedestrian crossing safety.
- Concept 2: Most who supported this option requested faster signal times and generally said yes to this because they did not like the concept of a roundabout.

Lakeshore Drive to 67th Street

- Concept 1: People tended to support the compact roundabout concept more frequently than the signal. The main concerns were driveway access if a median were to be installed and safety crossing the intersection.

- Concept 2: People who supported this generally did so because they did not prefer roundabouts.



Bicycle Facilities

People liked the cycle track and moving the route to Aldrich the best.

- Concept 1 Traditional Bike Lane: many thought this option is unsafe and hazardous to drivers and bikers
- Concept 2 Buffered Bike Lane: People who liked this option liked how it was out of the way a bit, and that the area would be plowed in the winter
- Concept 3 Cycle Track: Most preferred option
- Concept 4 Move Route: Many people preferred this option as well, but people who preferred it also answered with the “No need/desire” when asked if they bike on Lyndale.

Parking

The concept of adding spaces was generally well received. Concerns were right of way issues, losing trees, and “not needing” it.

- Concept 1 Pocket: People liked pocket parking
- Concept 2 Parallel: People were neutral on this one.
- Concept 3 Back In: Either they loved it or hated it. The main concern was the actual task of backing into a spot. They said that is not only difficult, but would hold up traffic.



**Lyndale Avenue Reconstruction
City of Richfield
Open House Summary
May 1, 2018 – 4:00 to 7:00 PM
Oak Grove Lutheran Church**

Purpose:

The purpose of this open house was to provide the public an opportunity to review and comment on the recommended alternative for the corridor, prior to final approval by the City of Richfield.

Staff Attendees:

BOLTON & MENK – Tim Lamkin, Sarah Lloyd, Zachary Parsons

CITY OF RICHFIELD – Jack Broz, Logan Vlasaty, Liz Finnegan

RICHFIELD TRANSPORTATION COMMISSION MEMBERS – Ken Severson, Wesley Dunser

Richfield Public Attendees:

There were approximately seventy (70) interested participants who attended the open house to review the materials and provide comments.

Materials Presented:

The material was set in a format allowing attendees the opportunity to view and visit with project staff at their leisure. Materials included:

- Several boards with information on project overview, goals and objectives, related plans and policies, community context, problem statement, work done to date, feedback summary, and evaluation process
- Series of boards with information on specific design elements and safety tools
- Series of boards on traffic impacts of different intersection alternatives
- Large layout of the recommended alternative for the corridor, with the opportunity to discuss and provide comments
- One page handout summarizing project status
- Comment cards to solicit input from participants

Comments Received:

Public input was collected through discussions with staff and through comment cards. In total, there were 12 comment cards submitted. The following summarizes public comments collected:

- Generally positive response to recommended alternative, including improved bicycle and pedestrian crossings and safety
- Some remaining concerns about the safety of using roundabouts on this street
- Need to adequate turn restrictions and signalization to protect bicycles and pedestrians, with a few specific suggestions
- Specifics related to impacts of construction on individual properties, and how this should be addressed



Design Recommendations

Corridor

Improve Pedestrian Experience

WHAT?

- Bike Lanes, Trail/Sidewalk, Green Space, and On-street Parking

WHY?

PEDESTRIAN The goal of the pedestrian network is to provide for safe, secure and efficient movement along across the roadways. The following performance measures are used to evaluate the Pedestrian success of any alternative.

- ☒ Speed of traffic (slower)
- ☒ Offset to traffic (buffer zone)
- ☒ Crossing distances
- ☒ Median refuge
- ☒ Traffic controlled intersections
- ☒ Crosswalk visibility (i.e. pavement markings, signage)
- ☒ Number of conflict points with vehicles and bicycles
- ☒ Minimize circuitous routing
- ☒ Shade
- ☒ Lighting
- ☒ Resting areas (benches, short walls, drinking fountains)

BICYCLE The goal of the Bicycle network is to provide for a safe and efficient movement along and across the roadways. Considerations of the various bicycle skill level needs to be considered (i.e. commuter, recreational or young). The following performance measures will be used to evaluate the Bicycle success of any alternative.

- ☒ Speed of traffic (slower)
- ☒ Space allocated for bicycle lane or cycle-track
- ☐ Space allocated at intersections for left turning bicycles
- ☒ Buffer to traffic
- ☒ Signal "call button" access
- ☒ Conflict points reduced (vehicle, bus, pedestrian)
- ☒ Circuitous routing reduced
- Bicycle parking



Design Recommendations

Corridor

WHAT? 3-lane Section

WHY? Reduces excessive speeding.

- Speed study show's 40% of traffic speeds along Lyndale Ave during the core hours of the day.

- ✓ **PEDESTRIAN** Improve pedestrian experience both along & across the roadway
- ✓ **RECREATIONAL BICYCLING** Provide space comfortable for recreational bicycling
- ✓ **COMMUTER BICYCLING** Provide dedicated space for commuter bicyclists
- ✓ **VEHICLE SAFETY** Provide left turn lanes, narrow lanes, consolidate accesses to minimize conflict & reduce speeds
- ✓ **ENVIRONMENT** Add green space
- ✓ **MAINTENANCE** Add snow storage
- ✓ **BUSINESS/RESIDENTS** Add parking for better access to businesses & homes along the corridor

Proven to Reduce Crashes

- Half of the intersections have injury crash rates 3 times the state average. Lakeshore Dr & Lyndale Ave is 12 times the state average.

Narrows Roadway Footprint to allow for other Features

- Common theme from all open houses was to add biking, green space and parking throughout the corridor.

VEHICLE

The goal of the Vehicle network is to provide for safe and efficient movement along and across the roadways. Critical issues include pavement condition, crash frequency and severity, accommodating the other modes along with operations along the corridor. The following performance measures will be used to evaluate the Vehicle success of any alternative.

- ✓ Reduce the frequency and severity of crashes
- ✓ Reduce speeds
- ✓ Corridor travel time
- ✓ Queue lengths (i.e. no impact to other arterials)

TRANSIT

The goal of the Transit network is to provide for a safe and efficient pedestrian movement along and across the roadways to the transit waiting areas and efficient transit operations. The following performance measures will be used to evaluate the Transit success of any alternative.

- ✓ Speed of traffic (slower)
- ✓ Space for waiting and proximity to boarding
- ✓ Offset to traffic (buffer zone)
- ✓ Bench or shelter (heated shelter)
- ✓ Shade
- ✓ Trash receptacle
- ☐ Bicycle parking (secure)
- ☐ Park and Ride
- ☐ Real-time transit information
- ☐ Corridor travel time
- ☐ Travel predictability
- Frequency of service



Design Recommendations

South Business Area: 77th St – 74th St

77th St. to 76th St.

WHAT?

- Add dedicated turn lanes and reduce to one thru lane approaching 76th St.
- Add bike lanes and eight on-street parallel parking stalls along Kensington property.

WHY?

- Parking need at Kensington property.
- Consistency throughout the corridor.

- | | | |
|---|-------------------------------|--|
| ✓ | PEDESTRIAN | Improve pedestrian experience both along & across the roadway |
| ✓ | RECREATIONAL BICYCLING | Provide space comfortable for recreational bicycling |
| ✓ | COMMUTER BICYCLING | Provide dedicated space for commuter bicyclists |
| ✓ | VEHICLE SAFETY | Provide left turn lanes, narrow lanes, consolidate accesses to minimize conflict & reduce speeds |
| ✓ | ENVIRONMENT | Add green space |
| ✓ | MAINTENANCE | Add snow storage |
| ✓ | BUSINESS/RESIDENTS | Add parking for better access to businesses & homes along the corridor |

76th St. to 74th St.

WHAT?

- Add a raised median at 76th St and 75th St and consolidate entrances at 75th St.
- Add pedestrian flashing system to south side of 75th St. Intersection.

WHY?

- Reduces conflicts points, which reduces number and severity of crashes.
- Provides refuge and shorter crossing for pedestrian and bicycle along and across the corridor.

Features Considered, but not recommended

- Eliminating right turn lanes at 77th St and 76th St. Traffic would likely back up past 75th St to the north and 77th St to the south during morning and afternoon commutes.
- Roundabout at 75th St. Initially reviewed in conjunction with a center median to 76th St. But even without the median, the impacts to the properties at 75th St and impacts to business access was greater than the benefits of a roundabout at this location.
- Four lane undivided roadway. This option was reviewed in the case that driveways could not be consolidated. That is not the case and this option does not meet any of the project goals.



Design Recommendations

Residential Area - 74th St – 70th St

74th St Intersection

- WHAT?**
- Add a raised median
- WHY?**
- Reduces conflicts points, which reduces number and severity of crashes.
 - Provides refuge for pedestrian and bicycle crossing.

- ✓ **PEDESTRIAN** Improve pedestrian experience both along & across the roadway
- ✓ **RECREATIONAL BICYCLING** Provide space comfortable for recreational bicycling
- ✓ **COMMUTER BICYCLING** Provide dedicated space for commuter bicyclists
- ✓ **VEHICLE SAFETY** Provide left turn lanes, narrow lanes, consolidate accesses to minimize conflict & reduce speeds
- ✓ **ENVIRONMENT** Add green space
- ✓ **MAINTENANCE** Add snow storage
- ✓ **BUSINESS/RESIDENTS** Add parking for better access to businesses & homes along the corridor

73rd St. to 72nd St.

- WHAT?**
- Add Pocket Parking & Bus Pull-out
- WHY?**
- Common theme from open house to provide bus pull out.
 - Provide parking for residents short alley-only driveways.

73rd St. Intersection

- WHAT?**
- Replace Signal
- WHY?**
- Provides better access to Lyndale Ave during peak hours.
 - Existing Signal.
- WHY?**
- Close Access to Lyndale Ave.
 - Reduces conflicts points, which reduces number and severity of crashes.

Oak Grove Blvd Intersection

- WHAT?**
- Realign Intersection.
- WHY?**
- Reduces speeds of turning vehicles
 - Reduces potential cut-thru traffic.
 - Improves sight lines

72nd St. Intersection

- WHAT?**
- Provide for School Bus Traffic.
- WHY?**
- Heavily used intersection by Richfield School.

Augsburg Ave Intersection

Features Considered, but not recommended

- Roundabout and 73rd St. One of the trade-offs with a 3-lane section is that turning and crossing traffic onto Lyndale Ave may experience increased delay. There were also significant property impacts to the four corner properties at 73rd St.



- Close Access to Oak Grove Blvd from Lyndale Ave. Policy is that the entire neighborhood would need to agree and request the closure, which is not the case at this time.

Design Recommendations

Wood Lake Area - 70th St – 68th St

70th St Intersection

WHAT?

- Compact Roundabout

WHY?

- Reduces vehicular speeds.
- Reduces conflict points

| | | |
|-------------------------------------|-------------------------------|--|
| <input checked="" type="checkbox"/> | PEDESTRIAN | Improve pedestrian experience both along & across the roadway |
| <input checked="" type="checkbox"/> | RECREATIONAL BICYCLING | Provide space comfortable for recreational bicycling |
| <input checked="" type="checkbox"/> | COMMUTER BICYCLING | Provide dedicated space for commuter bicyclists |
| <input checked="" type="checkbox"/> | VEHICLE SAFETY | Provide left turn lanes, narrow lanes, consolidate accesses to minimize conflict & reduce speeds |
| <input type="checkbox"/> | ENVIRONMENT | Add green space |
| <input type="checkbox"/> | MAINTENANCE | Add snow storage |
| <input checked="" type="checkbox"/> | BUSINESS/RESIDENTS | Add parking for better access to businesses & homes along the corridor |

70th St to 69th St

WHAT?

- Narrowed Section with Buffered Bike Lanes

WHY?

- Reduces impacts to Wood Lake area.
- Left turn not needed, but adds space for bike lane
- Maintains adequate space for maintenance and emergency vehicles.

69th St to 68th St

WHAT?

- Narrowed Section with Median & Buffered Bike Lanes

WHY?

- Reduces impacts to Wood Lake area.
- Residents have access through alley.
- Adds space for bike lane and maintains adequate space for maintenance.

Features Considered, but not recommended

- Boulevard along Wood Lake area. Impacts to Wood Lake were considered too great to include a green boulevard in this area. There will be a narrow 2-ft paved boulevard, which will allow minimal snow storage. The trail is also buffered from traffic by the bike lane.
- Shifting the entire section to the east. Impacts were too great to residential properties with other options available.
- Two-way center left turn lane between 69th St and 68th St. The additional space the left turn lane would impact the residential properties and/or Wood Lake. These impacts



were considered too great with other options available. This was a common theme at previous open houses. Residents in this area have alley access to their properties.



Design Recommendations

North Business Area: 68th St – 66th St

68th St Intersection

WHAT?

- Compact Roundabout

WHY?

- Reduces vehicular speeds.
- Reduces conflict points
- Provides U-turn access for residents

Lakeshore Dr. Intersection

WHAT?

- Right In/Out Access
- Pedestrian flashing system

WHY?

- Reduces conflict points. Injury crash rate is 12 times the state average.
- Median will help slow vehicular traffic and provide refuge for pedestrian and bicycle crossings

67th St Intersection

WHAT?

- Compact Roundabout

WHY?

- Reduces vehicular speeds.
- Reduces conflict points
- Provides U-turn access to Lakeshore Dr.

Features Considered, but not recommended

- One-way stop, tee intersection at 68th St. Residents on the west side between 68th st and 67th St do not have an alley or through access on Garfield Ave. A roundabout provides a safe U-turn for access to their driveways. A roundabout also provides safer crossings for pedestrians as compared to the one-way stop.
- Full access at Lakeshore Dr. Injury crash rate is twelve times the state average at this intersection. Limiting vehicle turns will reduce the number and severity of crashes.
- Signal at 67th St. 40-50% of traffic speeds along the corridor, especially dangerous in this area with an older demographic. Roundabouts are proven to reduce traffic speeds. Roundabouts also reduce the number of conflict points for vehicles and pedestrians creating a safer environment.
- Back-in diagonal parking along City Bella property. This would provide an additional 15 parking stalls. This alternative is still be reviewed with the property and city planning staff and may be incorporated if a benefit is seen.

- ✓ **PEDESTRIAN** Improve pedestrian experience both along & across the roadway
- ✓ **RECREATIONAL BICYCLING** Provide space comfortable for recreational bicycling
- ✓ **COMMUTER BICYCLING** Provide dedicated space for commuter bicyclists
- ✓ **VEHICLE SAFETY** Provide left turn lanes, narrow lanes, consolidate accesses to minimize conflict & reduce speeds
- ✓ **ENVIRONMENT** Add green space
- ✓ **MAINTENANCE** Add snow storage
- ✓ **BUSINESS/RESIDENTS** Add parking for better access to businesses & homes along the corridor

68th St to 67th St

WHAT?

- Buffered Bike Lanes

WHY?

- Adds space for bike lane and maintains adequate space for maintenance.

67th St to 66th St

WHAT?

- Cycle Track & On-street Parking

WHY?

- Cycle track keeps consistency with 66th St.
- Addition of on-street parking was a common theme at all the open houses.