



**SPECIAL CITY COUNCIL, HOUSING AND REDEVELOPMENT AUTHORITY, AND PLANNING
COMMISSION WORKSESSION
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM
OCTOBER 9, 2018
6:15 PM**

Call to order

1. Discussion of potential Multi-Family Development at Lunds & Byerlys (6228 Penn Ave).

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

October 4, 2018

Council Memorandum No. 73

The Honorable Mayor
and
Members of the City Council

HRA Memorandum No. 15
Housing and Redevelopment
Authority Commissioners
City of Richfield

Subject: Potential Development - 6228 Penn Ave

Council Members:

On October 9 at 6:15 p.m., representatives of Lunds and Bylerys will present a preliminary concept to add multi-family housing and additional retail space to their property at 6228 Penn Avenue. The property at 6228 Penn Avenue is zoned and guided for Mixed Use development.

Respectfully submitted,



Steven L. Devich
City Manager

SLD:mdp

Email: Assistant City Manager
Department Directors
Planning Commission



**REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
OCTOBER 9, 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: (1) Special City Council work session of September 17, 2018; (2) Special City Council work session of September 25, 2018; and (3) Regular City Council meeting of September 25, 2018.

COUNCIL DISCUSSION

1. Hats Off to Hometown Hits

AGENDA APPROVAL

2. Approval of the Agenda
3. **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 the purchase of an Elgin street sweeper in 2019 from MacQueen Equipment Inc. in the amount of \$197,701, including trade-in, for use by the Public Works Department.
Staff Report No. 172
 - B. Consideration of the adoption of a resolution authorizing an amendment to extend the expiration date of the partnership agreement with the State of Minnesota Department of Transportation (MnDOT) for the purchase of fuel to June 30, 2019.
Staff Report No. 173
 - C. Consideration of the approval of a license agreement with E-Clan, Inc. d/b/a B&J Trees, to sell trees under the picnic pavilion at Veterans Park.
Staff Report No. 174
 - D. Consideration of the approval of first reading of an ordinance rezoning property at 7301 Penn Avenue S from Single Family Residential (R) to Neighborhood Business (C-1).

Staff Report No. 175

- E. Consideration of the approval of first reading of an ordinance amending the Zoning Code to make tattoo businesses 'permitted' rather than 'conditionally permitted' in the C-2 General Business Zoning District.

Staff Report No. 176

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

PUBLIC HEARINGS

5. Public hearing and consideration of the adoption of resolutions regarding the annual Interstate/Lyndale/Nicollet (ILN) Project Area assessment and proposed work for 2019.

Staff Report No. 177

6. Public hearing and consideration of the adoption of resolutions regarding the annual Lyndale/HUB/Nicollet (LHN) Maintenance District assessment and proposed work for 2019.

Staff Report No. 178

7. Public hearing and consideration of the adoption of a resolution adopting the assessment for removal of diseased trees from private property for work ordered from January 1, 2017, through December 31, 2017.

Staff Report No. 179

8. Public hearing and consideration of the approval of a second reading of a Transitory Ordinance vacating 64th Street right-of-way between 16th Avenue and Richfield Parkway.

Staff Report No. 180

9. Public hearing and consideration of the adoption of a resolution adopting the assessment for unpaid false alarm user fees against private property.

Staff Report No. 181

10. Public hearing and consideration of the adoption of a resolution adopting the assessment for weed elimination from private property and removal or elimination of public health or safety hazards from private property.

Staff Report No. 182

11. Cancel the public hearing and consideration of a resolution for a preliminary plat of the "Cedar Point II" Addition.

Staff Report No. 183

OTHER BUSINESS

12. Consideration of a request for the City Council to confirm the appointment of Pam Dymtrenko as Administrative Services Director/Assistant City Manager for the City of Richfield.

Staff Report No. 184

CITY MANAGER'S REPORT

13. City Manager's Report

CLAIMS AND PAYROLLS

14. 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.

15. 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

Special City Council Work Session

September 17, 2018

CALL TO ORDER

The work session was called to order by Mayor Elliott at 6:18 p.m. in the Bartholomew Room.

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

Council Members Absent: Edwina Garcia and Simon Trautmann.

Staff Present: Steven L. Devich, City Manager; and Kristin Asher, Public Works Director.

Item #1	LYNDALE AVENUE RECONSTRUCTION PROJECT
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Mayor Elliott stated the purpose of the meeting. He stated that he wanted to clarify that when he stated that there were some decisions to be made, that did not include the roundabout. The decision for the roundabout is done and he apologized if his statement confused residents that that decision could be changed.

The general discussion among the residents directed to the City staff and City Council were centered on the following:

- The City's community input process for the project was confusing and didn't provide adequate communication with residents most impacted.
- Several suggestions were made relating to improving the resident input and communications process including but not limited to: City Council should be door-knocking to make sure all of the residents are informed about City initiatives, big glaring signs, door knocking, e-mail surveys, utilizing block captains to get messaging out.
- Several specific questions were asked regarding different elements of the project (i.e. width of the road, right of way clarification, roundabout safety etc.).

The City Council and staff indicated that they heard the issues presented by the residents and would look toward ways to improve the process in the future.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:58 p.m.

Date Approved: October 9, 2018

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Work Session

September 25, 2018

CALL TO ORDER

The work session was called to order by Mayor Elliott at 6:15 p.m. in the Bartholomew Room.

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

Staff Present: Steven L. Devich, City Manager; Mary Tietjen, City Attorney; Kristin Asher, Public Works Director; Chris Link, Operations Superintendent; Jack Broz, Transportation Engineer; and Jared Voto, Executive Aide/Analyst.

Item #1	SNOW AND ICE POLICY
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Operations Superintendent Link presented on the snow and ice control policy, including the no bare-pavement policy (e.g. no salting on residential roads), priority levels for plowing main and residential city streets, sidewalk/trail maintenance, education and outreach, and information on snow emergencies.

Council asked questions about the responsibility of clearing sidewalks, the time and priority for plowing sidewalks, and commented on the quality work of the Public Works Department in clearing snow.

Item #2	RICHFIELD PEDESTRIAN MASTER PLAN
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Transportation Engineer Broz presented on the Richfield Pedestrian Master Plan, which was developed along with the comprehensive plan update. He shared the context of this Plan in relation to other plans that have been developed and are used by City staff, the pedestrian demand throughout the city, pedestrian experience, and pedestrian network of places and routes around the city. He also discussed the plan and policy review and implementation of the Plan.

Council Member Regan Gonzalez asked about the public input process for this Plan.

Transportation Engineer Broz discussed that this Plan was brought together with the Comprehensive Plan and the pedestrian issues brought forward during the planning for reconstruction of Portland Avenue, 66th Street, and Lyndale Avenue.

Public Works Director Asher stated the Plan could put it out for public comment and offered that comments can be directed to public works staff.

Council Member Regan Gonzalez asked about roundabouts and pedestrian issues that have been brought by residents, such as when is the use of flashing beacons warranted.

Public Works Director Asher stated that there isn't a threshold, but they are being put in because residents have asked for them, so they are looked at in a case-by-case basis.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:56 p.m.

Date Approved: October 9, 2018

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

September 25, 2018

CALL TO ORDER

The meeting was called to order by Mayor Elliott at 7:01 p.m. in the Council Chambers.

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

Staff Present: Steven L. Devich, City Manager; Mary Tietjen, City Attorney; John Stark, Community Development Director; Jay Henthorne, Chief of Police; Melissa Poehlman, Planning and Redevelopment Manager/Assistant Community Development Director; Jennifer Anderson, Support Services Manager; Julie Urban, Housing Manager; and Jared Voto, Executive Aide/Analyst.

Mayor Elliott stated that open forum cards received touch on topics on tonight's agenda and those items will be taken up by Council this evening.

PLEDGE OF ALLEGIANCE

Mayor Elliott led the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Elliott, S/Regan Gonzalez to approve the minutes of the: (1) Special City Council work session of September 11, 2018; (2) Special concurrent City Council and Planning Commission work session of September 11, 2018; and (3) Regular City Council meeting of September 11, 2018.

Motion carried 5-0.

Item #1

ANNUAL MEETING WITH THE ADVISORY BOARD OF HEALTH

Kristine Klos, Chair of the Advisory Board of Health, thanked the Council and presented highlights of the Board's work in 2017 and the work they are continuing in 2018.

Council Members thanked the Board for their work and commented on the work of Richfield's public health division and work of the Board.

Item #2	COUNCIL DISCUSSION <ul style="list-style-type: none">• Hats Off to Hometown Hits
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Council Member Regan Gonzalez spoke regarding the fall programming at Wood Lake Nature Center and invited people to attend activities; on October 11 at 6:30 p.m. at Wood Lake Nature Center the Richfield Foundation is hosting an autumn wine tasting; and thanked Richfield Bloomington Honda for donating \$10,000 to Richfield Public Schools.

Council Member Howard thanked everyone who planned and attended Penn Fest; and mentioned the annual pumpkin patch is open every Saturday and Sunday from 10 a.m. to sunset from September 29 through October 28.

Council Member Trautmann thanked all the volunteers who helped make Penn Fest a great event; and discussed winter youth basketball league.

Council Member Garcia wished Mayor Elliott and Council Member Regan Gonzalez a happy birthday; mentioned the Community Center's Santa program where kids can write a letter to Santa; on October 6 the League of Women Voters are having an election forum; the Richfield History Center is having their annual dinner on October 13 at 5:30 p.m. at the American Legion; on October 17 the Richfield Historical Society is hosting an event on "Richfield: From Village to City" at the Community Center; Pilgrim's Dry Cleaners is collecting coats for kids now through October 13; the Richfield Farmers Market continues on Saturday; and discussed an event where Senator Klobuchar, Senator Smith, and Senator Cortez from Nevada presented encouraging people to vote.

Mayor Elliott commented that after reviewing the open forum cards he decided that two of the audience members would be given time to speak as they did not have items that were directly on tonight's agenda.

OPEN FORUM

Lee Ohnesorge, 7717 Chicago Ave S #702, spoke regarding the need for not only affordable housing in Richfield, but also the importance of accessible housing.

Ricardo Perez, 7228 Girard Ave S, spoke regarding changing the narrative about tenants and rental housing.

Item #3	APPROVAL OF THE AGENDA
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M/Howard, S/Trautmann 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 contract renewal with Adesa Minneapolis for 2018-2019 for auctioning forfeited vehicles from Public Safety/Police. (S.R. No. 161)
- B. Consideration of the approval of an agreement between the Hennepin County Human Services and Public Health Department and the City of Richfield Police Department for continuing funds for a Police Cadet and/or Community Service Officer position and Joint Community Police Partnership training in 2019. (S.R. No. 162)
- C. Consideration of the approval of a first reading of a Transitory Ordinance vacating 64th Street right-of-way between 16th Avenue and Richfield Parkway and schedule a public hearing and second reading for October 9, 2018. (S.R. No. 163)
- D. Consideration of the adoption of a resolution certifying delinquent water, sanitary sewer, and storm water charges to the Hennepin County Auditor to be included in the property owner's annual property tax bill. (S.R. No. 164)

RESOLUTION NO. 11545
RESOLUTION AUTHORIZING CERTIFICATION OF UNPAID WATER,
SANITARY SEWER, AND STORM WATER CHARGES TO THE
COUNTY AUDITOR TO BE COLLECTED WITH OTHER TAXES ON
SAID PROPERTIES

This resolution appears as Resolution No. 11545.

- E. Consideration of the approval of rejecting all bids for roof replacement, mechanical cooling units and related electrical work for the municipal liquor store at 7700 Lyndale S. (S.R. No. 165)

M/Elliott, S/Regan Gonzalez 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	PUBLIC HEARING AND CONSIDERATION OF THE ADOPTION OF A RESOLUTION REVOKING A CONDITIONAL USE PERMIT FOR LAKES BUFFET RESTAURANT AT 6601 NICOLLET AVENUE. (S.R. NO. 166)
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Council Member Garcia presented Staff Report No. 166.

Community Development Director Stark added additional background on the approval of the conditional use permit in May 2017. He also discussed the letters sent to the owners and their limited response. He outlined the action before the City Council and provided an alternate consideration of the owners purchasing the equipment by October 26 and having 60 days to install the equipment, because he believed even if the equipment was purchased tomorrow there would not be enough time to install the system by the October 26 deadline.

Council Member Garcia opened the public hearing.

Julie Lapensky, 6621 Stevens Ave S, spoke regarding the heavy cooking smell that comes from the business and is concerned about the lack of response from the business and asked that action be taken to correct the issue.

Cathy Bender, 6637 Stevens Ave S, spoke regarding the smell and stated it is inexcusable to wait this long after citizen complaints.

M/Elliott, S/Regan Gonzalez to close the public hearing.

Motion carried 5-0.

Mayor Elliott spoke regarding accommodating the business through a variance. He also discussed the conversation during about how many complaints are enough to take action. He stated he was inclined to following Community Development Director Stark's recommendation on allowing the owners to purchase the equipment.

Council Member Garcia asked to look at the policy and adjust it to add fines if a business doesn't comply with the ordinance.

City Attorney Tietjen stated they would need to look into the ordinances. In order to impose fines the City needs explicit authority under State law or under City Code and it is something that can be looked into.

Community Development Director Stark commented that it if Council approves his modified suggestion that there cannot be any gray area and that all of the equipment must be purchased in full and evidence provided to the Community Development Director.

Council Member Howard stated its concerning the owners are not here to speak to the Council. He asked for staff guidance on the motion.

M/Garcia, S/Howard to adopt a resolution revoking the conditional use permit for a restaurant at 6601 Nicollet Avenue. Revocation would be effective on October 26, 2018, if the odor control mechanical devices are not purchased in full, as evidenced to City staff and further would be effective 60 days thereafter if such equipment is not completely installed and functioning.

RESOLUTION NO. 11546
RESOLUTION REVOKING A CONDITIONAL USE PERMIT FOR A
RESTAURANT AT 6601 NICOLLET AVENUE S

Motion carried 4-1. (Council Member Regan Gonzalez opposed.) This resolution appears as Resolution No. 11546.

Council Member Regan Gonzalez stated she was in favor of revocation of the conditional use permit.

Item #7	PUBLIC HEARING AND CONSIDERATION OF THE ADOPTION OF A RESOLUTION FOR A FINAL PLAT OF "LYNDALE GARDENS 2ND ADDITION" WHICH WILL INCORPORATE 6328 ALDRICH AVENUE AND RECONFIGURE EXISTING LOTS AND OUTLOTS OF THE LYNDALE GARDEN CENTER SITE TO ALIGN WITH APPROVED DEVELOPMENT PLANS. (S.R. NO. 167)
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Council Member Trautmann presented Staff Report No. 167 and opened the public hearing.

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

Motion carried 5-0.

M/Trautmann, S/Howard to adopt a resolution for a final plat of "Lyndale Gardens 2nd Addition."

RESOLUTION NO. 11547
RESOLUTION GRANTING APPROVAL OF A FINAL PLAT FOR
LYNDALE GARDENS 2ND ADDITION

Motion carried 5-0. This resolution appears as Resolution No. 11547.

Item #8	CONTINUE THE PUBLIC HEARING AND CONSIDERATION OF A PRELIMINARY PLAT OF THE "CEDAR POINT II" ADDITION TO OCTOBER 9, 2018. (S.R. NO. 168)
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Council Member Howard presented Staff Report No. 168.

M/Howard, S/Elliott to continue the public hearing to consider a resolution for a preliminary plat of the "Cedar Point II" Addition to October 9, 2018.

Motion carried 5-0.

Item #9	CONSIDERATION OF THE APPROVAL OF A VARIETY OF LAND USE APPROVALS RELATED TO A PROPOSAL TO CONSTRUCT 218 APARTMENTS AND 72 TOWNHOMES ALONG 16TH AVENUE AND RICHFIELD PARKWAY BETWEEN APPROXIMATELY TAFT PARK AND 65TH STREET. (S.R. NO. 169)
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Council Member Regan Gonzalez presented Staff Report No. 169.

Mayor Elliott stated he was excited for the project.

M/Regan Gonzalez, S/Garcia to approve an ordinance amending Appendix I of the Richfield City Code to change the zoning designation of Blocks 1 and 2, Iversons 2nd Addition from MR-3 (High-Density Residential) to PMR (Planned Multi-Family Residential).

Motion carried 5-0.

M/Regan Gonzalez, S/Howard to adopt a resolution approving a Planned Unit Development, Conditional Use Permit, and Final Development Plan for a multi-family apartment and townhome development to be built on property legally described as Blocks 1 and 2, Iversons 2nd Addition.

RESOLUTION NO. 11548
RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN AND
CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT

Motion carried 5-0. This resolution appears as Resolution No. 11548.

Item #10	CONSIDERATION OF THE APPROVAL OF THE SECOND READING OF AN ORDINANCE ADOPTING A NEW CITY CODE SECTION 409 RELATING TO THE SALE OF AFFORDABLE RENTAL HOUSING AND ESTABLISHING NOTICE AND RELOCATION ASSISTANCE REQUIREMENTS FOR NEW OWNERS. (S.R. NO. 170)
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Council Member Howard presented Staff Report No. 170.

Council Member Howard asked staff to walk through the clarifications made to the ordinance.

Housing Manager Urban discussed each of the changes that were made between the first and second reading, which included clarified relocation assistance, the tenant protection period, defined transfer of ownership, and additional clarifications that assist landlords and tenants to understand the ordinance and staff to enforce the ordinance.

Mayor Elliott commented that one of the first amendments to this ordinance may be to apply this ordinance to accessibility housing as well.

Council Member Regan Gonzalez stated her excitement for this ordinance. She spoke about the affordable housing crisis facing Richfield and our nation and discussions she has had in the community on this topic.

Council Member Trautmann commented on the growth of housing values for homeowners and the fact that renters have not received the same benefit and the importance of assisting Richfield's renters.

Council Member Howard thanked others on the Council for their work at making this a priority. He stated it is an important protection for tenants and there is still work to be done in this area. He thanked the renters for being active and pushing for these steps.

M/Howard, S/Regan Gonzalez to approve the second reading of an ordinance adopting a new City Code Section 409 relating to the sale of affordable rental housing and establishing notice and relocation assistance requirements for new owners.

Motion carried 5-0.

Item #11	CONSIDERATION OF THE ADOPTION OF A RESOLUTION APPROVING AN INCLUSIONARY AFFORDABLE HOUSING POLICY. (S.R. NO. 171)
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Council Member Trautmann presented Staff Report No. 171. He asked for clarification that this policy applies to projects where the City provides a subsidy to the developer.

Community Development Director Stark agreed and stated the subsidy could come in many forms such as tax increment financing or selling a property at a discounted value.

Council Member Howard commented that this is a value statement of how the City will proceed with redevelopment opportunities. He highlighted work that the City has done in the last year on housing. He stated the City is committed to this work.

Mayor Elliott asked for clarification on the subsidy if a property is sold at a discounted value.

Community Development Director Stark, Mayor Elliott, and Council Member Trautmann discussed the policy as it relates to single-family home construction. The discussion concluded with agreement to have the policy relate to developments of five units or more.

M/Trautmann, S/Howard to adopt a resolution approving an Inclusionary Affordable Housing Policy related to developments of five units or more.

RESOLUTION NO. 11549
A RESOLUTION APPROVING THE ADOPTION OF
AN INCLUSIONARY AFFORDABLE HOUSING POLICY

Motion carried 5-0. This resolution appears as Resolution No. 11549.

Community Development Director Stark stated since these are new requirements they may come back to Council in the future with tweaks.

Council Member Trautmann suggested bringing the modified language to the next meeting to be approved.

Community Development Director Stark agreed to bring it back next meeting on the consent calendar.

Council Member Regan Gonzalez commented on this policy as a piece of a number of items the City has been pursuing to ensure we have a wide variety of housing options in Richfield. She also mentioned that City staff is researching and drafting a policy regarding inclusion of physically accessible housing units and amenities.

Item #12	CITY MANAGER'S REPORT
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City Manager Devich stated he had nothing to report.

Item #13	CLAIMS AND PAYROLLS
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M/Garcia, S/Elliott that the following claims and payrolls be approved:

U.S. Bank	09/25/18
A/P Checks: 271252 - 271660	\$ 2,411,556.29
Payroll: 139670 - 139984 ; 42869	<u>640,547.08</u>
TOTAL	\$ 3,052,103.37

Motion carried 5-0.

OPEN FORUM

None.

Item #14	ADJOURNMENT
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The meeting was adjourned by unanimous consent at 8:36 p.m.

Date Approved: October 9, 2018

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



STAFF REPORT NO. 172
CITY COUNCIL MEETING
10/9/2018

REPORT PREPARED BY: Chris Link, Operations Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
10/2/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
10/3/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of the purchase of an Elgin street sweeper in 2019 from MacQueen Equipment Inc. in the amount of \$197,701, including trade-in, for use by the Public Works Department.

EXECUTIVE SUMMARY:

The street sweeper to be replaced is a fully depreciated piece of equipment that was purchased through the Storm Water Budget. This piece of equipment is used by the Public Works Department for street and leaf sweeping, specifically for storm water protection. The storm water protection is provided by reducing the amount of phosphorus and organic debris that enters storm water holding ponds.

Replacement Schedule

The street sweeper that is to be replaced has outlasted its scheduled 15 year replacement date of 2016. Due to its age, replacement parts availability is becoming an issue and it has been determined that it is no longer cost effective to make major repairs to the street sweeper.

Approval to purchase at this meeting will ensure delivery of the vehicle in the year in which it is budgeted.

RECOMMENDED ACTION:

By motion: Approve the purchase of an Elgin street sweeper in 2019 from MacQueen Equipment Inc. in the amount of \$197,701, including trade-in, for use by the Public Works Department.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The Public Works Department utilizes three sweepers for operations.
- The sweeper to be replaced has been extended 3 years past its original replacement schedule.
- The sweepers are scheduled to have a 15 year service life before replacement.

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

- Purchasing supplies, materials, and equipment through a cooperative purchasing program allows the City to purchase items at a lower cost due to the purchasing power of a large group.
- The City of Richfield currently purchases from four cooperative sources:
 - Hennepin County Cooperative Purchasing Program

- State of Minnesota Cooperative Purchasing Program
- National Joint Powers Agreement Cooperative Purchasing Program
- Houston Galveston Area Council
- The State of Minnesota Cooperative Purchasing Program will be used for the purchase of the new street sweeper.
- When the purchase of materials, merchandise, equipment, or construction exceeds \$175,000, authority to purchase shall be submitted to the City Council for consideration.

C. **CRITICAL TIMING ISSUES:**

- Approval at this meeting will ensure delivery of the vehicle in the year in which it is budgeted.

D. **FINANCIAL IMPACT:**

- Purchase of the street sweeper is identified in the 2018R-2019P Storm Water Budget (53000-7400) for \$200,000.
- The purchase price includes \$10,000 trade-in for the current sweeper.
- The total purchase price is \$191,701.00.

E. **LEGAL CONSIDERATION:**

- The City Attorney will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None



STAFF REPORT NO. 173
CITY COUNCIL MEETING
10/9/2018

REPORT PREPARED BY: Chris Link, Operations Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
10/2/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
10/3/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the adoption of a resolution authorizing an amendment to extend the expiration date of the partnership agreement with the State of Minnesota Department of Transportation (MnDOT) for the purchase of fuel to June 30, 2019.

EXECUTIVE SUMMARY:

The City of Richfield currently does not own/operate a fueling station. The City of Richfield relies on partnerships with Hennepin County and MnDOT to fulfill this need.

The original fuel purchasing agreement with MnDOT has expired. This original partnership agreement was authorized by City Council on May 13, 2014. The proposed amendment to the original agreement would extend the expiration date of the agreement from June 30, 2018 to June 30, 2019. The current agreement is only being extended through June 2019 because a new agreement is anticipated to be negotiated with MnDOT in early 2019.

Entering into these types of partnerships has allowed the City to:

- Build a Maintenance Facility without fuel tanks;
- Show good public relations looking for more efficient and cost effective ways to provide services; and
- Reduce potential for additional pollution problems.

Currently the motor pool uses about 50,000 gallons of gasoline and 35,000 gallons of diesel fuel per year.

RECOMMENDED ACTION:

By motion: Adopt a resolution authorizing an amendment to extend the expiration date of the partnership agreement with the State of Minnesota Department of Transportation (MnDOT) for the purchase of fuel to June 30, 2019.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The City has the opportunity to extend until June 30, 2019 its partnership agreement with MnDOT at the Cedar Avenue Truck Station for the cost of fuel and applicable taxes plus 12.07% handling fee.
- An agreement with MnDOT will serve as an additional source for fuel in case of emergencies.

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

- The City participates in joint purchasing agreements with the State of Minnesota.
- The State of Minnesota solicits bids for all participants in the purchase agreement.
- Council approval is required for expenditures over \$175,000.

C. CRITICAL TIMING ISSUES:

- The City of Richfield does not own/operate a fueling station and the original agreement with MnDOT has expired.
- Multiple sources of fuels are an advantage, especially in emergencies.

D. FINANCIAL IMPACT:

- Fuel costs will include the price of fuel, taxes, and handling fees.
- Funding for fuel is included in the annual operating budget for the Central Garage.

E. LEGAL CONSIDERATION:

- The City Attorney has reviewed this agreement.

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
☐ Resolution	Resolution Letter
☐ MnDOT Fuel Agreement Amendment no.04963A01	Contract/Agreement
☐ Original MnDOT Fuel Agreement 04963	Contract/Agreement

RESOLUTION NO.

RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ENTER INTO MnDOT PARTNERSHIP AGREEMENT AMENDMENT NO 04963A01 WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR PURCHASE OF FUEL UNTIL JUNE 30, 2019

WHEREAS, the City of Richfield does not own/operate a fueling station; and

WHEREAS, the Minnesota Department of Transportation, Cedar Avenue Truck Station is conveniently located next to the City of Richfield Maintenance Facility and has an adequate fueling station for both agencies; and

WHEREAS, the original Partnership Agreement no 04963 authorized by City Council May 13, 2014 between the City of Richfield and the Minnesota Department of Transportation for purchase of fuel has expired.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Richfield hereby authorizes the Mayor and the City Manager to enter into Partnership Agreement Amendment no 04963A01 between the City of Richfield and the Minnesota Department of Transportation for purchase of fuel until June 30, 2019.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of October, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

AMENDMENT # 01 TO MnDOT PARTNERSHIP CONTRACT #: 04963.

Contract Start Date:	06/18/2014	Original Contract Amount:	\$808,585.05
Orig. Contract Exp. Date:	06/30/2018	Prev. Amendment(s) Total:	\$0.00
Amended Exp. Date:	06/30/2019	Current Amendment Amount:	\$0.00
		Current Contract Total:	\$808,585.05

Project Identification: Purchase of Fuel

This amendment is between the State of Minnesota acting through its Commissioner of Transportation ("State") and the City of Richfield acting through its City Council ("City").

Recitals

1. The State has a contract with the City identified as MnDOT Contract No. 04963 ("Original Contract") to provide fuel at the Cedar Avenue Truck Station to serve the needs of the City.
2. The contract has expired and the parties wish to extend the contract for another year.
3. The State and the City are willing to amend the Original Contract as stated below.

Contract Amendment

In this Amendment deleted contract terms will be ~~struck-out~~ and the added contract terms will be underlined.

REVISION 1. Article 1. "**Term of Agreement,**" subarticle 1.2 is amended as follows:

1.2 Expiration date. This Agreement will expire on June 30, ~~2018~~ 2019 unless terminated earlier pursuant to Article 12.

REVISION 2. Article 3. "**Authorized Representatives,**" subarticle 3.2 is deleted in its entirety and replaced in its entirety with:

3.2 State's Authorized Representative is:

Name: John Bieniek or successor.
Title: Maintenance Operations Engineer
MnDOT - Metro District
Street Address: 1500 W. County Road B2, MS 50
City State Zip: Roseville, MN 55113
Telephone: 651-234-7902
Email: john.bieniek@state.mn.us

The terms of the Original Contract are expressly reaffirmed and are incorporated by reference. Except as amended herein, the terms and conditions of the Original Contract and all previous amendments remain in full force and effect.

[THE BALANCE OF THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK]

CITY

The City certifies that the appropriate person(s) have executed the contract on behalf of the City as required by applicable articles, bylaws, resolutions or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

COMMISSIONER OF TRANSPORTATION

By: _____

Title: _____

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____

Date: _____

**PARTNERSHIP AGREEMENT BETWEEN
MINNESOTA DEPARTMENT OF TRANSPORTATION
AND
CITY OF RICHFIELD
FOR
PURCHASE OF FUEL**

This Agreement is between the State of Minnesota acting through its Commissioner of Transportation ("State") and the City of Richfield acting through its City Council ("City").

Recitals

1. Under Minnesota Statutes Section 174.02, subdivision 6, the Commissioner of Transportation may enter into agreements with governmental or nongovernmental entities for research and experimentation, for sharing facilities, equipment, staff, or other means of providing transportation-related services; or for other cooperative programs that promote efficiencies in providing governmental services or that further the development of innovation in transportation for the benefit of the citizens of Minnesota; and
2. The State and City are both responsible for maintaining roads in their respective jurisdictions and have a need for fuel; and
3. The City has a maintenance facility near the State's Cedar Avenue truck station; and
4. The City's maintenance facility does not have adequate fuel storage and dispensing capability; and
5. The State has adequate fuel facilities at its Cedar Avenue truck station to serve the needs of both parties and is willing to accommodate the City's fuel needs; and
6. Both parties are willing to enter this Agreement to set forth their respective rights and duties.

Agreement

1. Term of Agreement; Exhibits

- 1.1 **Effective date.** This Agreement will be effective upon execution and approval by the appropriate State and City officials pursuant to Minnesota law.
- 1.2 **Expiration date.** This Agreement will expire on June 30, 2018 unless terminated earlier pursuant to Article 12.
- 1.3 **Exhibits.** Exhibit A is attached and incorporated into this Agreement.

2. Scope of Work and Responsibilities of Each Party.

2.1 State responsibilities. State will:

- 2.1.1 Provide access to the City to the fueling island at the State's Cedar Avenue truck station, 24 hours a day 7 days a week. When the main access gate is locked, special use vehicles (police; fire) may enter through the southeast security gate. The State will provide up to 10 electronic security gate keys for special use vehicles.

- 2.1.2 Provide fueling access information and identification numbers for all City vehicles and drivers who are authorized to obtain fuel at the Cedar Avenue site. Electronic security gate key information will also be available.
 - 2.1.3 At City's request and no less than monthly, provide electronic records of fuel dispensed to City, including quantities and dates, for both gasoline and diesel.
 - 2.1.4 Maintain fuel composition as determined by the State. Only the State's seasonal specifications for gasoline and diesel will be placed in the storage tanks used by the City. E85 gasoline mixtures will not be dispensed from the shared fuel island.
 - 2.1.5 Promptly notify the City when the fuel island has mechanical or electrical problems that prohibit fueling.
 - 2.1.6 Invoice the City for use of fuel. The State will invoice the price paid when the fuel was delivered. All fuel invoices will include the price of fuel and a material handling fee ("handling fee"). The handling fee is an additive covering the costs associated with handling inventoried items. The handling fee is based upon a rate which the State develops annually. The initial material handling fee for fiscal year 2014 is 12.07%. The handling fee is applied to the price of the fuel including all taxes and delivery charges. The annual handling fee rate may be obtained from State's Office of Financial Management.
- 2.2 **City's responsibilities.** City will:
- 2.2.1 Pay for all of the fuel dispensed to the City since September 30, 2013, when MnDOT Agreement 93443-R expired.
 - 2.2.2 Exercise reasonable care when dispensing fuel from the site.
 - 2.2.3 Train City drivers who use the site on proper fueling procedures and on the hazards of fuel spilled on the ground.
 - 2.2.4 Participate in any usage/environmental training provided by the State or use training materials provided by the State. Ensure that City drivers learn and apply the proper procedures to follow in case of a spill.
 - 2.2.5 Provide all City vehicles that use this site with adequate permanent markings such as a City logo.
 - 2.2.6 Train City drivers on how to operate the electronic fuel dispensing system.
 - 2.2.7 Issue electronic security gate keys for police and fire vehicles to appropriate drivers only. Immediately report to the State the loss of any of the security cards. Any replacement cards will be issued at a cost of \$10.00 per card.
 - 2.2.8 Pay all costs arising from willful spillage or other damages by agents of the City.
 - 2.2.9 Promptly pay to State the invoiced amount for costs under this Agreement.

3. **Authorized Representatives**

- 3.1 **Each party's Authorized Representative** is responsible for administering this Agreement and is authorized to give and receive any notice required or permitted under this Agreement.
- 3.2 **State's Authorized Representative** is
 - Name: Jack PirkI, or his successor.
 - Title: Maintenance Operations Engineer
 - MnDOT - Metro District
 - Street Address: 1500 W. County Road B2, MS 50

City State Zip: Roseville, MN 55113
Telephone: 651-234-7937
Email: jack.pirkkl@state.mn.us

3.3 **City's Authorized Representative is:**

Name: Chris Link, or his successor.
Title: Maintenance Supervisor
Other Party/Local City of Richfield
Gov't Name
Street Address: 6700 Portland Avenue S.
City State Zip: Richfield, MN 55423
Telephone: 612-861-9174
Email: clink@cityofrichfield.org

4. **Payment**

- 4.1 State and City will communicate to determine the approximate cost of fuel during the State's fiscal year, ("fiscal year"). Fuel costs will include the price of the fuel, plus taxes, and handling fee (Article 2.1.6). Exhibit A provides an initial estimate of fuel cost based upon the initial price of fuel and the fiscal year 2014 handling fee rate. The price of fuel and handling fee charge in Exhibit A are subject to change as provided in this Agreement.
- 4.2 State will issue fuel invoices on approximately the first working day of every month.
- 4.3 The first invoice will be for an estimated 2 months' average usage.
- 4.4 Subsequent invoices will be for 1 month's average usage.
- 4.5 At the end of the last month of the fiscal year, State will issue a final reconciliation invoice to account for the difference between average usage and actual fuel usage over the fiscal year. The parties may adjust the monthly amount prior to the end of the fiscal year in order to accommodate any substantial price changes.
- 4.6 Subsequent years' invoices will follow the above procedure. The first invoice of the subsequent fiscal year will overlap the final invoice of preceding fiscal year.
- 4.7 If this Agreement is terminated in the middle of a fiscal year, State will promptly issue a final invoice.
- 4.8 Upon receipt of invoices, City will make payment to the order of the Commissioner of Transportation.
- IMPORTANT NOTE: PAYMENT MUST REFERENCE THE "MNDOT CONTRACT NUMBER" SHOWN BELOW AND AT THE TOP OF THIS CONTRACT. Remit payment to the address below:**

MnDOT
Attn: Cash Accounting
RE: MnDOT Contract Number 04963
Mail Stop 215
395 John Ireland Blvd
St. Paul, MN 55155

1. **Liability**

- 5.1 Each party is solely responsible for its own acts or omissions associated with the maintenance operations covered by this Agreement. The State's liability is governed by Minnesota Statutes §3.736 and other applicable law. The City's liability is governed by Minnesota Statutes Chapter 466 and other applicable law.
- 5.2 Each party is solely responsible for its own employees for any Workers Compensation claims. An employee of one party will not be considered an employee of the other party for any purpose.

5.3 Both parties agree to comply with all applicable laws, regulations and MnDOT policies concerning the possession, storage, use, handling or generation of any pollutant, contaminant, or hazardous waste, substance or material at the site. Each party is solely responsible for all claims associated with the release or threatened release of any pollutant, contaminant or hazardous waste, substance or material where the release or threatened release is due solely to the negligent or intentional acts or omissions of that party.

2. **Ownership**

The State retains ownership of all property and appurtenances at the Cedar Avenue truck station.

3. **Audit**

Under Minnesota Statutes §16C.05, subdivision 5, the books, records, documents and accounting procedures and practices of the City relevant to this Agreement are subject to examination by State and the Legislative Auditor for a minimum of six years.

4. **Jurisdiction and Venue**

Minnesota Law governs the validity, interpretation and enforcement of this Agreement. Venue for all legal proceedings arising out of this agreement, or its breach, must be in Ramsey County, Minnesota.

5. **Government Data Practices**

The parties must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the parties under this agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either of the parties.

6. **Assignment and Amendments**

10.1 *Assignment.* Neither party may assign nor transfer any rights or obligations under this Agreement without the prior consent of the other party and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.

10.2 *Amendments.* Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed this original Agreement, or their successors in office.

11 **Waiver; Contract Complete**

11.1 *Waiver.* If a party fails to enforce any provision of this contract that failure does not waive the provision or the party's right to subsequently enforce it.

11.2 *Contract Complete.* This contract contains all negotiations and agreements between the parties. No other understanding regarding this contract, whether written or oral, may be used to bind either party.

12 **Termination**

This Agreement may be terminated by either party, with or without cause, upon 6 months written notice to the other party.

[The remainder of this page has been intentionally left blank. Signature page follows.]

CITY

The City certifies that the appropriate person(s) have executed the contract on behalf of the City as required by applicable articles, bylaws, resolutions or ordinances.

By: _____

Title: Mayor

By: _____

Title: City Manager

Date: _____

COMMISSIONER OF TRANSPORTATION

By: _____

Title: Division Director

Date: _____

STATE ENCUMBRANCE VERIFICATION

The individual certifies funds have been encumbered as required by Minn. Stat. 16A.15 and 16C.05

By: _____

Date: _____

SWIFT

Contract # _____

SWIFT

Purchase

Order # _____

COMMISSIONER OF ADMINISTRATION

By: _____

Date: _____

* Signed as of 6/18/2014

Date: 4/7/2014

MnDOT Agreement # 04963

Exhibit A
Estimated Cost of Partnership Agreement

Article #	Partnership Article Reference	Materials and Supplies	Unit	Rate	Total Fuel	Material Handling Fee		Maintenance/ Billing Overhead		Materials/ Supplies	
						Percent	Cost	Percent	Cost	Total Cost	Total Cost
One gallon	Average cost		1		\$3.25		\$ 0.39		\$0.00	\$ 3.64	
One month	Fuel average cost per gallon		3,700		\$12,025.00		\$ 1,451.42		\$0.00	\$ 13,476.42	
One year	Fuel average cost per gallon		44,400		\$144,300.00		\$ 17,417.01		\$0.00	\$ 161,717.01	
Five years	Fuel average cost per gallon		222,000	\$3.25	\$721,500.00	12.07%	\$ 87,085.05		\$0.00	\$ 808,585.05	

MnDOT Agre #
04963

RESOLUTION NO. 10931

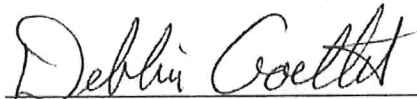
RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ENTER INTO Mn/DOT PARTNERSHIP AGREEMENT NO 04963 WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR PURCHASE OF FUEL UNTIL JUNE 30, 2018

WHEREAS, the City of Richfield does not own/operate a fueling station; and


WHEREAS, the Minnesota Department of Transportation, Cedar Avenue Truck Station is conveniently located next to the City of Richfield Maintenance Facility and has an adequate fueling station for both agencies

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Richfield hereby authorizes the Mayor and the City Manager to enter into Partnership Agreement no 04963 between the City of Richfield and the Minnesota Department of Transportation for purchase of fuel until June 30, 2018.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of May, 2014.


Debbie Goettel, Mayor

ATTEST:


Nancy Gibbs, City Clerk

MNDOT Agt #
04963


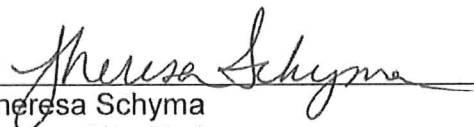
STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN) ss
)
CITY OF RICHFIELD)

I, Theresa Schyma, being the duly qualified deputy clerk of the City of Richfield, Hennepin County, Minnesota, do hereby certify that the foregoing is a true and exact copy of Resolution No. 10931.

And that the same is on file and on record in my office.

Given under my hand and seal

This 15th day of May, 2014.



Theresa Schyma
Deputy City Clerk
City of Richfield
Hennepin County, Minnesota



STAFF REPORT NO. 174
CITY COUNCIL MEETING
10/9/2018

REPORT PREPARED BY: Jim Topitzhofer, Recreation Services Director

DEPARTMENT DIRECTOR REVIEW: Jim Topitzhofer, Recreation Services Director
10/2/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
10/3/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a license agreement with E-Clan, Inc. d/b/a B&J Trees, to sell trees under the picnic pavilion at Veterans Park.

EXECUTIVE SUMMARY:

E-Clan, Inc., doing business as B&J Trees, has been selling trees during the holiday season underneath the picnic pavilion in Veterans Parks for many years. The operation supplies a steady revenue source for the facility every year. Preparation for tree sales takes place just before Thanksgiving Day and sales start no earlier than the day after. Sales terminate no later than December 24th or when all marketable trees have been sold, whichever occurs first.

The term of the agreement is four years, beginning November 10, 2018 and continuing through December 31, 2021. The term of the license begins November 10 of each year through December 31 of each year of the Agreement. On or after December 31 of any year during the term of the Agreement, the City may terminate this License Agreement without cause by giving E-Clan written notice of the termination. E-Clan shall pay to the City a license fee in the amount of \$7,000.00 for the 2018 season. The following year's license fees are as follows:

- 2019 - \$7,245
- 2020 - \$7,480
- 2021 - \$7,741

E-Clan is responsible for garbage removal during term of the license and returning the property to the same condition as it existed before including the removal of all trees, needles, sales materials, the house trailer, light strings, and any other debris from the property.

E-Clan will be utilizing City owned property that is used primarily for the purpose and promotion of outdoor recreation. E-Clan understands and agrees that these spaces collectively are available for traditional recreational and park uses and must remain fully open to the public. Any advertising signs placed by E-Clan must indicate that activities are sponsored by the City of Richfield. E-Clan also understands and agrees that, except as allowed under this Agreement, no other commercial uses are permissible. The City reserves the right to conduct or sponsor additional recreational activities, as well as store recreational equipment, in the areas covered by this Agreement.

RECOMMENDED ACTION:

By motion: Approve a license agreement with E-Clan, Inc. d/b/a B&J Trees, to sell trees under the picnic pavilion at Veterans Park.

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

- E-Clan has been selling trees under the picnic pavilion in Veterans Park for more than 20 years. This well established service provides Richfield residents a steady supply of trees for the holiday and fun winter activities for families such as visits from Santa, sleigh rides and more.

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

- Contracts and agreements of this type are typically reviewed and considered by City Council.

C. CRITICAL TIMING ISSUES:

- There are no critical timing issues for this item other than the start of the season is approaching on November 10, 2018.

D. FINANCIAL IMPACT:

- Under the License Agreement, the City will receive a license fee payment in the amount of \$7,000.00 for the 2018 season. The license fee for 2018 increased considerably over last year's fee of \$5,000. The license fee increases approximately 3.5% each year as follows:
 - 2019 - \$7,245
 - 2020 - \$7,480
 - 2021 - \$7,741
- License fees collected from E-Clan will be credited to the Special Facilities Operating Budget, account #20037-4612.

E. LEGAL CONSIDERATION:

- The City Attorney prepared the amendment and original agreement.
- The license agreement was reviewed and approved by Joe Hiller, Minnesota DNR Grants Manager, for compliance with covenants associated with State Outdoor Recreation Grants Agreement used for funding improvements in Veterans Park.

ALTERNATIVE RECOMMENDATION(S):

- Staff believes that a partnership with E-Clan will continue to provide a steady revenue source and a popular holiday activity for Richfield families; however, the Council may chose not to approve the Agreement and continue to operate the facility without tree sales.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Kris Weiby, Facilities Manager

ATTACHMENTS:

Description	Type
☐ License Agreement	Contract/Agreement
☐ Tree Lot Map	Backup Material

License Agreement for Tree Sales at the Veterans Park

This agreement is made this 9th day of October, 2018, by and between the City of Richfield (the City), a municipal corporation, and E-Clan Inc., D/B/A B&J Trees ("E-Clan"), a Minnesota corporation.

Recitals

- A. City is the owner of certain real estate located at 64th and Portland Avenue in the city of Richfield, which is commonly known as the Farmer's Market (the Property). (See attached map A to define the License space.)
- B. E-Clan Inc desires to use the Property for the storing, displaying and selling of Christmas trees, and the City desires to permit such use, subject to the terms and conditions of this Agreement.

Terms and Conditions

- 1. **Grant of License.** The City grants E-Clan Inc. an exclusive license to enter upon and to use the Property for the purpose of storing, displaying and selling of Christmas trees to the public.
- 2. **Term of License.** This Agreement begins November 10, 2018 and continues through December 31, 2021. The term of the license granted by this Agreement begins November 10 of each year through December 31 of each year of the Agreement. On or after December 31 of any year during the term of the Agreement, the City may terminate this License Agreement without cause by giving E-Clan written notice of the termination.
- 3. **Sales.** Preparations for sales may take place before Thanksgiving and sales shall start no earlier than the day after Thanksgiving. Sales must terminate when all marketable trees have been sold or no later than December 24th, whichever occurs first.
- 4. **License Payment.** E-Clan shall pay to the City a license fee in the amount of \$7,000.00 for the 2018 season. An initial payment of \$500 is due no later than November 10 of each year of this Agreement and the remaining balance is due no later than December 1 of that year. The following year's license fees are as follows:
 - 2019 \$7,245
 - 2020 \$7,480
 - 2021 \$7,741
- 5. **Hours of Operation.** E-Clan may conduct tree sales on the Property only during the hours of 9 AM – 9 PM daily, during the term of the License.
- 6. **Utilities.** E-Clan will have access to electrical outlets on the Property for its operations. The City will have control and supervision over electrical facilities.
- 7. **Garbage Removal.** E-Clan is responsible for garbage removal during the term of the License.
- 8. **Snow Removal.** The City will plow the parking lot and entry to the Property as needed.

9. **Advertising.** The City will advertise E-Clan tree sales in the Farmer's Market bulletin and by distributing flyers. The extent of advertising assistance provided by the City is entirely within the discretion of the City. E-Clan will reimburse the City for any out-of-pocket costs incurred in advertising tree sales that had prior approval by E-Clan.
10. **Property Clean UP.** E-Clan will return the Property to the City in substantially the same condition as it existed before this Agreement. After each sales period has ended, E-Clan must remove all trees, needles, sales materials, the house trailer, light strings, and any other debris from the property.
11. **Insurance.** At all times during the term of this License, E-Clan will keep in force a public liability insurance policy in the amount of at least two million dollars. The City must be named as an additional name insured on the policy. E-Clan must provide the City with a certificate of insurance evidencing that the required insurance is in force and effect before any activities allowed by this Agreement may commence.
12. **Premises Use.** E-Clan may only utilize vehicles on the Property for loading and unloading merchandise. E-Clan employees must use the adjacent lot to park their vehicles during hours of operation. E-Clan must maintain an area approximately 20 feet x 30 feet, as defined in the attached map A, to be used and available to the public as a seating area. The Facility, Building, and Operating Space are city facilities used primarily for the purpose and promotion of outdoor recreation. Manager understands and agrees that these spaces collectively are available for traditional recreational and park uses and must remain fully open to the public. Any advertising signs placed by Manager must indicate that activities are sponsored by the City of Richfield. Manager also understands and agrees that, except as allowed under this Agreement, no other commercial uses are permissible. The City reserves the right to conduct or sponsor additional recreational activities, as well as store recreational equipment, in the areas covered by this Agreement.
13. **Publicity.** The facility will be identified as publicly owned and operated in all signs, literature, and advertising to eliminate the perception that the facility is privately owned.
14. **Indemnification.** E-Clan agrees that it will defend, indemnify, and hold harmless the City, its officers, employees, and agents, against any and all liabilities, claims, damages, costs and expenses (including reasonable attorneys' fees) resulting directly or indirectly from an act or omission of E-Clan's employees, or others under its control, relating to the activities and obligations under this Agreement.

E-Clan Inc, D/B/A B&J Trees

City of Richfield

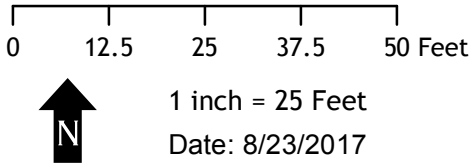
By: _____
Owner Date

by: _____
City Mayor Date

By: _____
City Manager Date



The City of Richfield makes no representation or warranties, express or implied, with respect to the reuse of the data provided herewith, regardless of its format or the means of its transmission. There is no guarantee or representation to the user as to the accuracy, currency, suitability, or reliability of this data for any purpose. The user accepts the data "as is", and assumes all risks associated with its use.



 Resident Space
 Tree Space

E/Clan Lease Agreement





STAFF REPORT NO. 175
CITY COUNCIL MEETING
10/9/2018

REPORT PREPARED BY: Matt Brillhart, Associate Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
10/3/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
10/3/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of first reading of an ordinance rezoning property at 7301 Penn Avenue S from Single Family Residential (R) to Neighborhood Business (C-1).

EXECUTIVE SUMMARY:

The property at 7301 Penn Avenue S, currently home to the Drapery Place business, is designated as Low Density Residential in the Comprehensive Plan, and zoned Single Family Residential (R). The property owner is applying to change that designation to Neighborhood Commercial, and to rezone the property to Neighborhood Business (C-1).

As part of a citywide zoning evaluation prepared for the Comprehensive Plan update, this property was among several commercial properties identified for reclassification to commercial designations. The draft 2040 Comprehensive Plan proposes redesignating this property from Low Density Residential to Neighborhood Commercial. Following approval of the Comprehensive Plan this November, staff would then begin work on a citywide zoning update to bring zoning designations into conformance with the Comprehensive Plan.

The property is currently on the market for sale or lease, and the current residential zoning designation has been a hindrance to attracting a potential buyer or lessee. While the property owner could wait for the property to be rezoned as part of this citywide update, that process is not anticipated to be complete for 6-12 months. The property owner has submitted applications to redesignate and rezone 7301 Penn Avenue S now. Given that the property is already planned to be redesignated and rezoned to Neighborhood Commercial, staff recommends approval of changing those designations at this time.

This first reading of rezoning is an administrative requirement and does not obligate the Council to approve the ordinance upon second reading. The second reading will be considered by the Council on October 23, 2018.

RECOMMENDED ACTION:

By motion: Approve first reading of an ordinance rezoning property at 7301 Penn Avenue S from

Single Family Residential (R) to Neighborhood Business (C-1)

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The 1997-2007 Comprehensive Plan designated the property as Single Family Residential-High Density.
- Zoning of the property remained C-1 at that time.
- The 2008 (current) Comp Plan designation is Low Density Residential.
- In 2010, the property was rezoned from C-1 to R, in order to conform with Comprehensive Plan, per Minnesota Statutes.

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

- See Executive Summary.

C. CRITICAL TIMING ISSUES:

- 60-DAY RULE: A complete application was received and the "60-day clock" started on August 27, 2018. The Council must make a decision, or extend the deadline by an additional 60 days, by October 26, 2018.
- A second reading of the proposed ordinance is scheduled for October 23, 2018.

D. FINANCIAL IMPACT:

- None

E. LEGAL CONSIDERATION:

- A public hearing was held before the Planning Commission on September 24, 2018. Notice of the public hearing was mailed to properties within 500 feet of the subject property and published in the Sun Current Newspaper. No members of the public spoke at the hearing.
- The Planning Commission recommended approval of the proposed Comp Plan amendment, rezoning, and resolution (7-0).

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

Keith Glanzer, property owner

ATTACHMENTS:

Description	Type
□ Ordinance	Ordinance
□ Zoning Maps & Aerial Photo	Backup Material

ORDINANCE NO. _____

**AN ORDINANCE RELATING TO ZONING;
AMENDING APPENDIX I TO THE RICHFIELD CITY CODE
BY REZONING PROPERTY AT 7301 PENN AVENUE S
AS NEIGHBORHOOD BUSINESS (C-1)**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Section 2, of Appendix I of the Richfield Zoning Code is amended by adding new Paragraph (18) as follows:

(18) M-11 (SE corner, 73rd and Penn). WEST 1/2 OF THAT PART
OF THE NORTH 10 RODS OF SOUTH 40 RODS OF WEST 1/4 OF
SOUTHWEST 1/4 OF NORTHWEST 1/4 LYING BETWEEN THE
WEST LINE OF OLIVER AVE S AND THE EAST LINE OF PENN
AVE S EX STREET

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

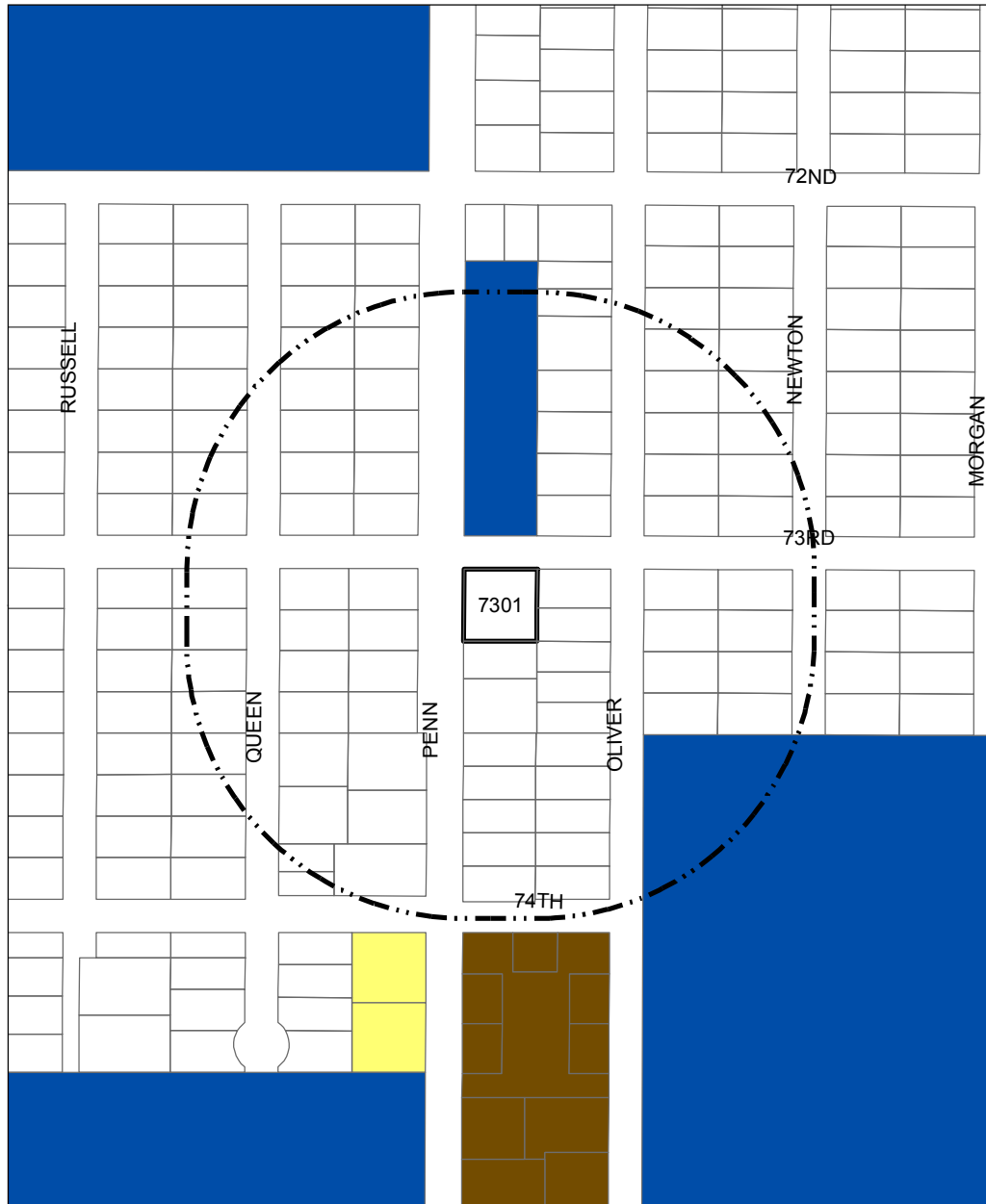
Passed by the City Council of the City of Richfield, Minnesota this 23rd day of October, 2018.

Pat Elliott, Mayor

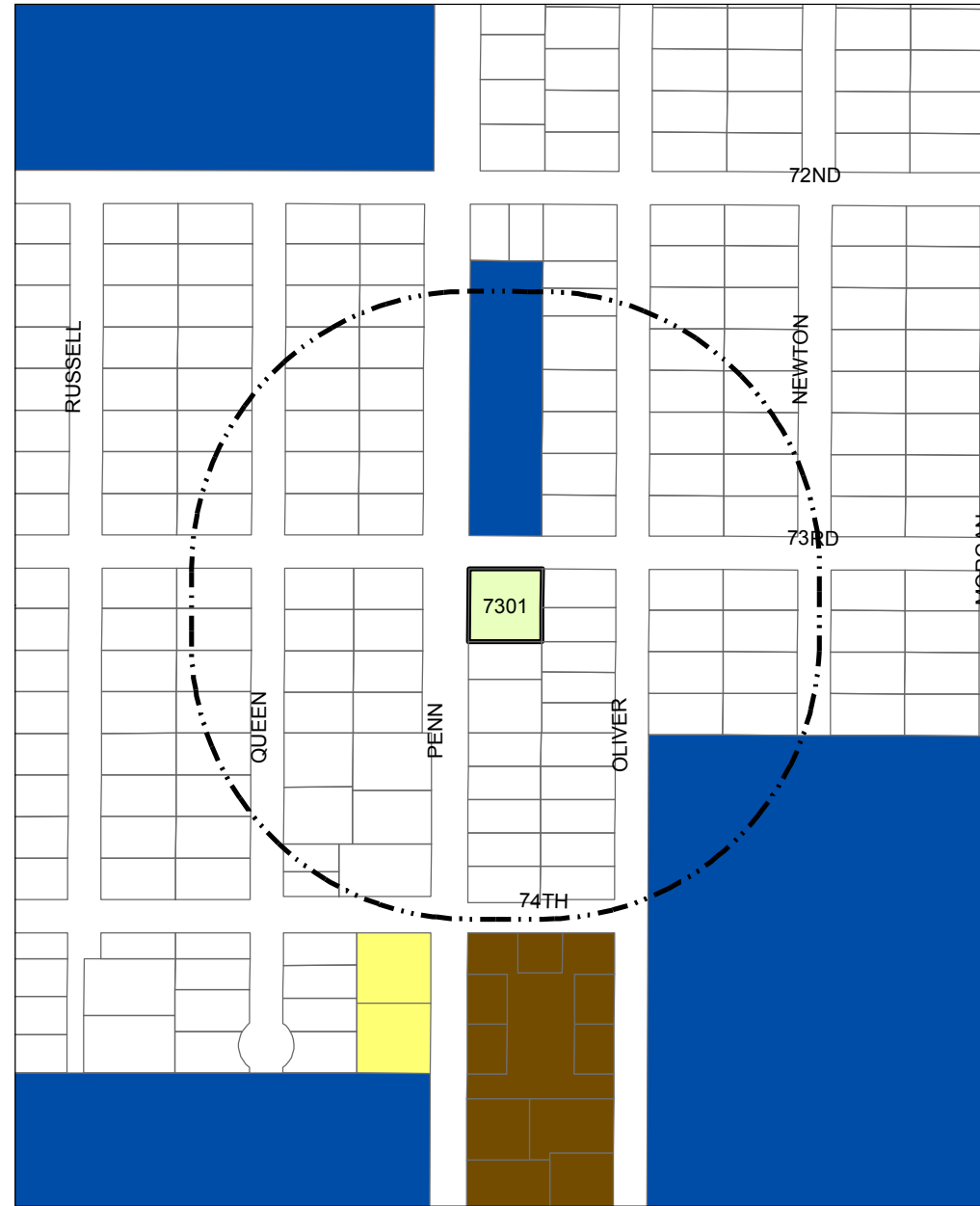
ATTEST:

Elizabeth VanHoose, City Clerk

7301 Penn Ave S - Comp Plan Amendment



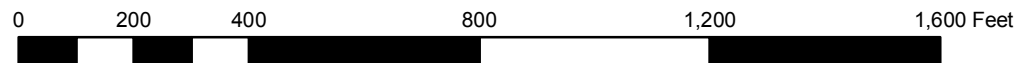
Current



Proposed

Comp Plan Designation

- 500' mailed notice boundary
- Regional Commercial
- Regional Commercial/Office
- Comm Commercial
- Comm Commercial/Office
- Neighborhood Commercial
- Office
- High Density Res
- High Density Res/Office
- Medium-High Density Res
- Medium Density Res
- Low Density Res
- Mixed Use
- Park
- Public
- Quasi-Public
- School/QP
- Church / QP
- ROW

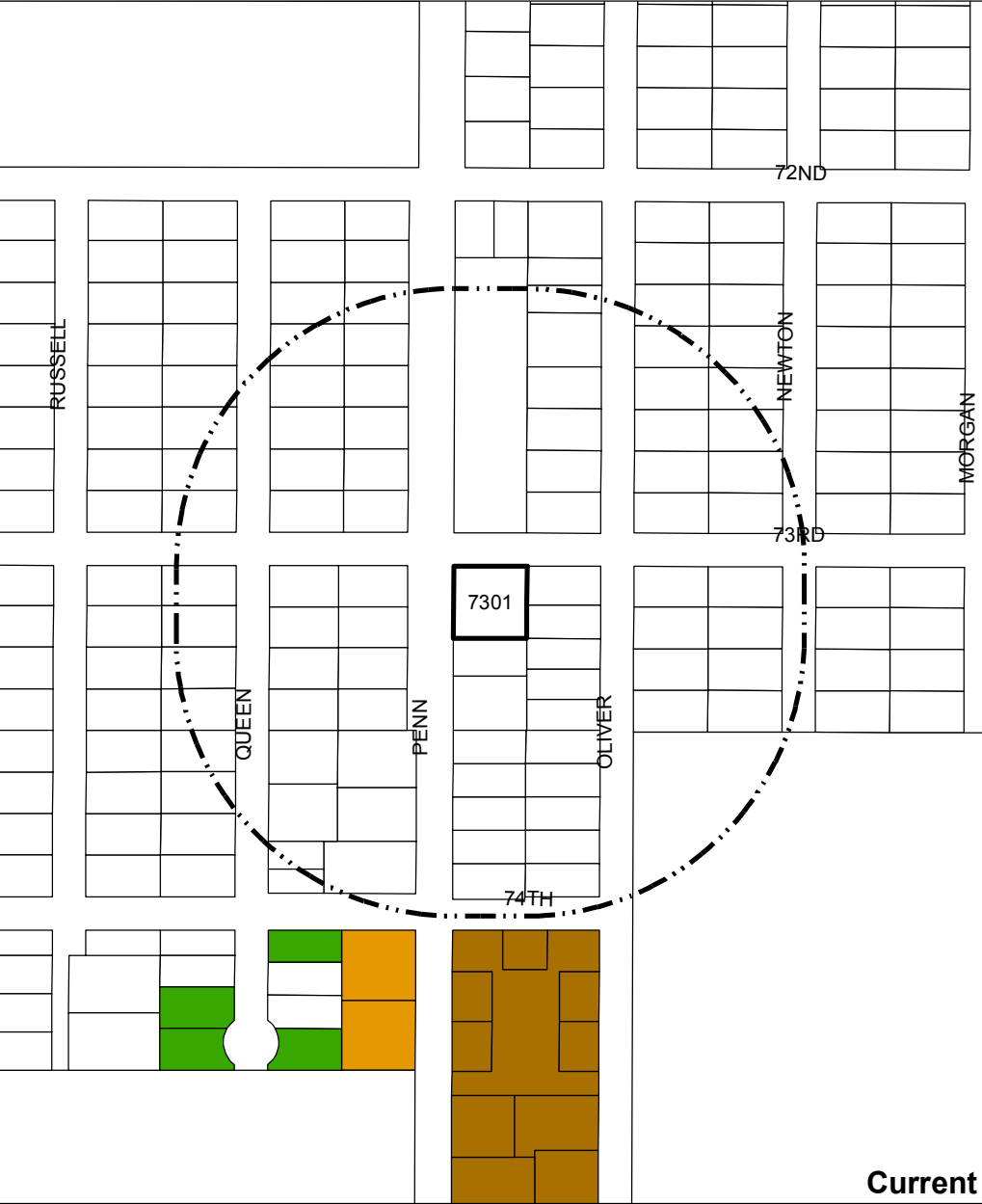


7301 Penn Ave S - Rezone from R to C-1

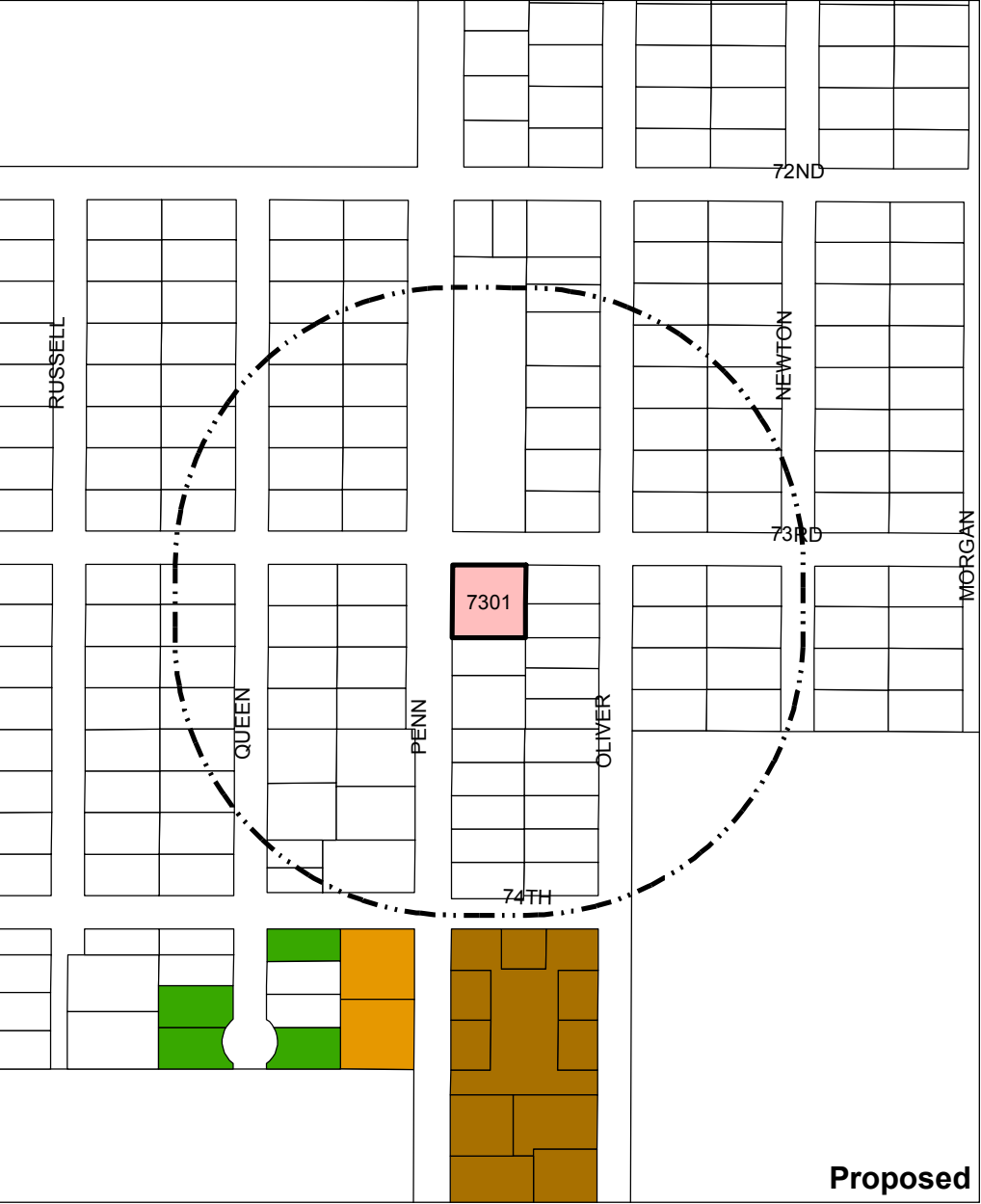


Zoning Designation

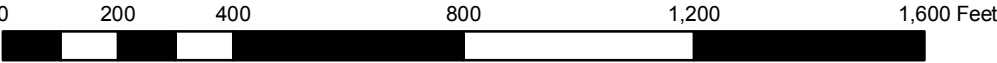
- 500' mailed notice boundary
- Park (Zoning District is R)
- R Single-Family
- R-1 Low-Density Single-Family
- MR-1 Two-Family
- PMR Planned Multi-Family
- MR-2 Multi-Family
- MR-2/CAC Multi-Fam + Cedar Overlay
- MR-3 High-Density Multi-Family
- SO Service Office
- C-1 Community Commercial
- C-2 General Commercial
- PC-2 Planned General Commercial
- I Industrial
- MU-N Mixed Use-Neighborhood
- MU-C Mixed Use-Community
- MU-C/CAC Mixed Use + Cedar Overlay
- MU-C/PAC Mixed Use + Penn Overlay
- MU-R Mixed Use-Regional
- PMU Planned Mixed Use



Current



Proposed



7301 PENN AVE S & SURROUNDING PROPERTIES – AERIAL PHOTO (2015)



7301 PENN AVE S – Google Street View (2016)





STAFF REPORT NO. 176
CITY COUNCIL MEETING
10/9/2018

REPORT PREPARED BY: Matt Brillhart, Associate Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
10/3/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
10/3/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of first reading of an ordinance amending the Zoning Code to make tattoo businesses 'permitted' rather than 'conditionally permitted' in the C-2 General Business Zoning District.

EXECUTIVE SUMMARY:

In August 2018, representatives from MN Luxury Laser Education contacted City staff about relocating their facilities to Richfield Shoppes, located at 6501 Nicollet Avenue. MN Luxury Laser Education, currently based in Bloomington, is a private career school providing instruction in laser hair removal, skin tightening, tattoo removal, and cosmetic tattoo services, also known as microblading or permanent makeup. The definition of tattooing in the City's Public Health Code includes all forms of cosmetic tattooing. In addition to Public Health regulations under City Code Section 630, tattoo businesses are also regulated through the Zoning Code.

Tattoo businesses are currently permitted only in the Mixed Use Zoning Districts (Community and Regional), which are generally located along 77th Street, the Cedar Avenue Corridor, and Penn Central. In the General Business (C-2) District, tattoo businesses are conditionally permitted, when these five buffer distance conditions are met:

- *Such uses shall be located not less than 100 feet from any residentially zoned property;*
- *Such uses shall be located not less than 350 feet from any school, church, park, day care center, or public library;*
- *Such uses shall be located not less than 350 feet from any establishment selling and/or serving alcoholic beverages;*
- *Such uses shall be located not less than 100 feet from the right-of-way of an entry street to the City. For purposes of this subdivision, an entry street is defined as Penn Avenue, Lyndale Avenue, Nicollet Avenue, Portland Avenue, Cedar Avenue and 12th Avenue; and*
- *Such uses shall be located not less than 1,000 feet from other tattoo establishments.*

These regulations would prohibit MN Luxury Laser, or any other tattooing business, from locating in many commercial properties within the C-2 Zoning District. In the specific case of Richfield Shoppes, the space the applicant intends to lease is adjacent to El Tejaban restaurant, which holds a full liquor license. Additionally, the "entry street" 100-foot setback would apply, as the Richfield Shoppes building is within 100 feet of Nicollet Avenue. In order for MN Luxury Laser to locate within

Richfield Shoppes, they would need to apply for a conditional use permit, as well as variances from four of the five buffer criteria. Rather than directing MN Luxury Laser request a conditional use permit and multiple variances, staff recommended that the applicant request an ordinance amendment to reevaluate these regulations.

Staff is recommending an ordinance amendment that would make tattoo businesses permitted, rather than conditional, in the C-2 Zoning District. While the City could take a narrower approach to the matter, such as making minor adjustments to the buffer conditions or specifically allowing only cosmetic tattoo businesses, staff's research into Richfield's Zoning Code and the codes of peer cities indicated that a broader change to zoning regulations for tattoo business may be more appropriate. Making tattoo businesses permitted would bring the C-2 Zoning District into conformance with the Mixed Use Districts (Commercial and Regional), where tattoo businesses are permitted without any buffer distance requirements. Under the proposed amendment, tattoo businesses would remain prohibited in the Neighborhood Commercial (C-1) and Mixed Use Neighborhood (MU-N) Zoning Districts. A map is attached to this report, showing the Mixed Use Districts where tattoo businesses are permitted currently, as well as the C-2/PC-2 Districts that are proposed to be amended to make tattoo businesses permitted, rather than conditionally permitted.

In researching peer cities, staff found that Bloomington, St. Louis Park, and Hopkins all permit tattoo businesses in their commercial districts. St. Louis Park and Hopkins consider them as "service" and "art" businesses, respectively. In Bloomington, tattoo businesses formerly required a conditional use permit, but they were made permitted in recent years. Bloomington staff cited that the City's strict controls on the licensing of body art establishments had made it onerous to regulate such businesses through the zoning code. For the past several years, there has been just one tattoo business operating in Richfield, located in Penn Central. Based on this recent history and the low number of annual requests staff receives relating to tattoo businesses, staff finds that the market is capable of determining the appropriate locations and quantity of tattoo businesses in the City. The regulation and licensure of tattoo establishments remains tightly regulated by Richfield Public Health Code Section 630, which is attached to this report for reference. No changes are proposed to Section 630.

This first reading is an administrative requirement and does not obligate the Council to approve the ordinance upon second reading. The second reading will be considered by the Council on October 23, 2018.

RECOMMENDED ACTION:

By motion: Approve first reading of an ordinance amendment, making tattoo businesses 'permitted' rather than 'conditionally permitted' in the C-2 General Business District.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- This is the second such request that the City has received in recent years. A previous request in 2016 sought to locate a scalp micropigmentation (cosmetic tattooing) business at Woodlake Centre, although the application was ultimately withdrawn.
- Societal perceptions of tattoos have changed over the years. While once considered to be undesirable uses, tattoo and body art businesses, including cosmetic procedures such as microblading and micropigmentation, have become accepted and commonplace local businesses in many communities.

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

The ordinance amendment is quite simple in terms of text changes to the code:

- In Section 534.07 (Conditional uses in the C-2 General Business District), Subdivision 18 relating to tattoo businesses is repealed.

- In Section 512.07, which is a table of the permitted, conditional, accessory, and prohibited uses in the Commercial Districts (SO, C-1, and C-2), tattoo businesses are now 'permitted', rather than 'conditional'.

If these changes are adopted, tattoo businesses will become permitted uses in the C-2 and PC-2 Zoning Districts. Tattoo businesses would remain prohibited in the Neighborhood Commercial (C-1) and Mixed Use Neighborhood (MU-N) Zoning Districts.

The regulation and licensure of tattoo establishments remains tightly regulated under City Code Chapter VI (Public Health), Section 630: Tattoo, body piercing, body branding and body painting establishments. No changes are proposed to City Code Section 630. Body art establishments are also regulated by Minnesota State Statutes.

C. CRITICAL TIMING ISSUES:

- None

D. FINANCIAL IMPACT:

- None

E. LEGAL CONSIDERATION:

- A public hearing was held before the Planning Commission on September 24, 2018. Notice of the public hearing was mailed to properties within 500 feet of the subject property and published in the Sun Current Newspaper. No members of the public spoke at the hearing.
- The Planning Commission recommended approval of the zoning ordinance amendment (6-1).
- If this reading is approved, a second reading of the proposed ordinance amendment will be held on October 23, 2018.

ALTERNATIVE RECOMMENDATION(S):

- Approve the ordinance amendment with modifications.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Carly Williams, MN Luxury Laser

ATTACHMENTS:

Description	Type
▢ Ordinance	Ordinance
▢ Luxury Laser - Executive Summary	Backup Material
▢ City Code Section 630 - Tattoo, Body Piercing establishments	Backup Material
▢ Zoning map - Tattoo Businesses in C2, MU districts	Backup Material

BILL NO. _____

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE
TO ALLOW TATTOO ESTABLISHMENTS
IN THE GENERAL BUSINESS (C-2) ZONING DISTRICT**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Section 534 of the Richfield City Code is amended by repealing Subsection 534.07, Subdivision 18 as follows:

- ~~**Subd. 18.** Tattoo establishments, provided the following conditions are met:~~
- ~~a) Such uses shall be licensed under Section 630 of the City Code;~~
 - ~~b) Such uses shall be located not less than 100 feet from any residentially zoned property;~~
 - ~~c) Such uses shall be located not less than 350 feet from any school, church, park, day care center, or public library;~~
 - ~~d) Such uses shall be located not less than 350 feet from any establishment selling and/or serving alcoholic beverages;~~
 - ~~e) Such uses shall be located not less than 100 feet from the right-of-way of an entry street to the City. For purposes of this subdivision, an entry street is defined as Penn Avenue, Lyndale Avenue, Nicollet Avenue, Portland Avenue, Cedar Avenue and 12th Avenue; and~~
 - ~~f) Such uses shall be located not less than 1,000 feet from other tattoo establishments.~~

Section 2 Subsection 512.07 of the Richfield City Code relating to Permitted, Conditional, Accessory and Prohibited Uses in Commercial Districts is amended to read as follows:

512.07. - Permitted, Conditional, Accessory and Prohibited Uses in Commercial Districts.

The following table summarizes which land uses are classified as permitted, accessory, conditional or prohibited in the Commercial Districts. Refer to Sections 529 through 534 for complete regulations. (Amended, Bill No. 2011-19)

P: Permitted
A: Accessory
C: Conditional
N: Null or not Permitted

Land Use	S-O	C-1	C-2
Adult businesses	N	N	P
Animal kennels	N	N	P/C
Apartments within a commercial building	A	A/C	C
Assembly, light manufacturing, warehouse	N	N	A
Auction houses	N	N	P

Land Use	S-O	C-1	C-2
Auto mechanical/body repair	N	N	C
Auto detailing	N	N	C
Auto or boat sales	N	N	C
Auto stereo installation service	N	N	P
Auto washes	N	N	C
Barber or beauty shops	P/C	P/C	P/C
Bicycle stores	N	P/C	P/C
Bicycle repair shops	P/C	P/C	P/C
Bowling alleys	N	N	P
Carpet or paint stores	N	P/C	P/C
Cemeteries	N	N	C
Convenience store	N	P	P
Day care facilities	C	P	P
Drug stores without drive-up facility	N	P/C	P/C
Drug stores with drive-up window	N	N	C
Emergency shelter	N	N	C
Enclosed storage	A	A	A
Fences, walls and hedges	A	A	A
Financial institutions without drive-up service	N	N	P
Financial institutions with drive-up service	N	N	C
Firearms related uses	N	N	C
Fortune telling	N	N	P
Funeral homes, mortuaries	N	N	C
Furniture or appliance stores	N	P/C	P/C
Governmental buildings	P	P	P
Grocery stores	N	P/C	P/C
Health club or studio, spa	N	P	P
Hospital or 24-hour urgent care	P/C	P/C	P/C
Hotel or motel (6 or more units)	N	N	C
Junk yard	N	N	N
Libraries, public	P	P	P
Liquor store, municipal	N	N	P
Marijuana (medical) dispensaries	N	N	C
Marijuana (recreational) sales outlets	N	N	N
Micro-production facility (micro-brewery/micro-distillery)	N	N	C
Nursing home	P	P	N

Land Use	S-O	C-1	C-2
Office, single-tenant, professional, executive or business	P/C	P/C	P/C
Office, multi-tenant, professional, executive, or business	P/C	P/C	P/C
Outdoor merchandising or storage (except as allowed by Section 1135 of the City Code)	N	N	N
Parking	A	A	A
Pawn shops and second hand goods dealers licensed under Section 1186 or 1187 of the City Code	N	N	C
Public utility, minor	A	A	A
Public utility, major	C	C	C
Religious institutions	N	N	P
Restaurant, take-out only (Class IV)	N	C	P
Restaurant, fast food/convenience food (Class III) or any restaurant with drive-up service	N	N	C
Restaurant, traditional or cafeteria (Class II)	N	C	C
Restaurant, full service (Class I)	N	N	C
Retail, general (single or multi-tenant)	N	P/C	P/C
Schools, public or private	N	N	P
Service station	N	N	C
Service station/convenience store	N	N	C
Service or non-auto repair shop	P/C	P/C	P/C
Taproom/cocktail room	N	N	A/C
Tattoo shops	N	N	PG
Taxi or limousine service	N	N	P
Theater, movie or live entertainment	N	N	C
Veterinary clinic	N	N	P

(Amended, Bill No. 2011-13; 2011-19; 2014-4; 2015-5; 2015-15)

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 23rd day of October, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

Our Mission

Luxury Laser Medspa offers superior aesthetic services, including microblading. We also hold the only licensed Laser Certification course in the state. Our team provides top-notch services to our guests and ensures that every experience with us is outstanding. We have a team of results-driven laser technicians and estheticians who are experienced instructors as well.

The Company and Management

Luxury Laser is currently located in Bloomington, MN, but will potentially be relocating to Richfield. The company is owned by Carly Williams, who has over seven years of experience in the medical aesthetic industry. She is a Board Certified Esthetics Instructor, Medical Laser Safety Officer, as well as apart of the Associated Skincare Professionals. We are medical directed by Dr. Yasmin Orandi.

Our Services

Luxury Laser's aesthetic services include laser hair removal, cellulite removal, photo-rejuvenation, lesions removal, micro-needling, facial skin tightening, body skin tightening, scar removal, stretch mark removal, freckle removal, vein removal, tattoo removal, medical grade chemical peels, and microdermabrasion.

Luxury Laser Edu is held within the same facility and is MN's only licensed laser certification program, and only 1 of 6 in the country. Students attend 40 hours of class time and then complete their internship, which consists of bringing in clients. This program will bring many clients into Richfield every week. We remain quite busy and keep our calendar booked weeks out in advance.

Another important aspect of Luxury Laser Edu is our microblading program. This semi-permanent makeup application course will bring in clients weekly as well.

Body Art in Richfield

We are requesting that body art be permitted in Richfield. Microblading is a very in-demand body art service that brings us a large percentage of our revenue. Microblading is tattooing eyebrows, which is a very sought after service by men and women of all ages. This is a high-end service that can only be administered by experienced professionals.

We are seeking to relocate to Richfield because it is a central location. We have students and clients that come to us from all over the state, as well as Wisconsin and Iowa.

We hope that the city will consider this awesome opportunity to bring body art to Richfield.
Thank you.

SECTION 630. - TATTOO, BODY PIERCING, BODY BRANDING AND BODY PAINTING ESTABLISHMENTS

(Added, Bill No. 1997-21)

630.01. - Regulation of body art establishments .

Subdivision 1. Purpose statement. The purpose of this section is to regulate the business of body art in order to protect the health and welfare of the general public. The principal objectives of this Section are:

- (a) To prevent disease transmission;
- (b) To correct and prevent conditions that may adversely affect persons utilizing body art establishments;
- (c) To provide standards for the design, construction, operation, and maintenance of body art establishments; and
- (d) To meet consumer expectations of the safety of body art establishments.

Subd. 2. Scope. This Section shall apply to all persons performing body art procedures and all body art establishments where tattooing and body piercing are conducted.

Subd. 3. Exemptions. Board-certified medical or dental personnel that tattoo, pierce or remove tattoos as part of a medical or dental procedure are exempt from this Section. Persons piercing only the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear-piercing system are exempt from this Section's license requirement.

Subd. 4. Prohibitions. No person shall:

- (a) Conduct branding, cutting, subdermal implantation, microdermal, suspension, tongue bifurcation, or scarification of another person;
 - (b) Tattoo a minor;
 - (c) Pierce or tattoo the genitalia or nipples of a minor;
 - (d) Practice tattooing or piercing while under the influence of alcohol, controlled substances as defined in Minnesota Statutes, section 152.01, subd. 4, or hazardous substances as defined in the rules adopted under Minnesota Statutes, Chapter 182; or
 - (e) Operate a body art establishment or perform body art procedures as described in this Section without a license.
- (Amended, Bill No. 2013-15)

630.03. - Definitions .

For purposes of this subsection, the terms defined in this subsection have the meanings given them.

Subdivision 1. "Aftercare" means written instructions given to the client, specific to the procedure(s) rendered, on caring for the body art and surrounding area. These instructions must include information on when to seek medical treatment.

Subd. 2. "Antiseptic" means an agent that destroys disease-causing microorganisms on human skin or mucosa.

Subd. 3. "Apprentice" means a person working under the direct supervision of a licensed technician(s), in a licensed body art establishment to learn the skills of the trade.

Subd. 4. "Apprenticeship" means an agreement an apprentice has with a licensed technician(s) learning the skills of tattooing or piercing while working under the direct supervision of a licensed technician(s) in a licensed establishment.

Subd. 5. "Body Art" means physical body adornment using, but not limited to, the following techniques: body piercing, tattooing, and cosmetic tattooing. This definition does not include practices that are considered part of a medical procedure performed by board certified medical or dental personnel, such as, but not limited to, implants under the skin. Such medical procedures shall not be performed in a body art establishment. This definition does not include piercing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear piercing system.

Subd. 6. "Body Art Establishment" means any structure or venue, whether permanent, temporary, or mobile, where the practices of body art, whether or not for profit, are performed. Mobile establishments include vehicle-mounted units, either motorized or trailered, and readily moveable without disassembling and where body art procedures are regularly performed in more than one (1) geographic location.

Subd. 7. "Body Piercing" means the penetration or puncturing of human skin by any method, for the purpose of inserting jewelry or other objects, in or through the human body. Body Piercing shall not refer to any medical procedure performed by board certified medical or dental personnel. Also, Body Piercing shall not refer to the puncturing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear-piercing system.

Subd. 8. "Body Scarification" or "Scarring" means any method of applying a scar to the body for the purpose of creating a permanent mark or design on the skin.

Subd. 9. "Branding" means any method using thermal cautery, radio hyfrecation, striking or any other method using heat, cold, or any chemical compound to apply a scar to the body for the purpose of creating a permanent mark or design on the skin.

Subd. 10. "Clean" means the absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter.

Subd. 11. "Contaminated Waste" means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in Code 29 of Federal Regulations Part 1910, 1030, known "Occupational Exposure to Bloodborne Pathogens."

Subd. 12. "Cosmetic Tattooing" - also called micropigmentation or permanent makeup. See definition of tattooing.

Subd. 13. "Cutting" means the practice of cutting the skin, mucosa or part of the body to create a permanent scar or division of tissue for the purpose of body art. Cutting shall not refer to any medical procedure performed by board certified medical or dental personnel.

Subd. 14. "Disinfection" means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering the objects safe for use or handling.

Subd. 15. "Equipment" means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, storage areas, sinks, and all other apparatus and appurtenances used in the operation of a body art establishment.

Subd. 16. "Establishment Plan" means a to-scale drawing of the establishment's layout illustrating the requirements of this ordinance.

Subd. 17. "Good Repair" means free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

Subd. 18. "Guest Artist" means a person who performs body art procedures under a current technician license or meets the apprenticeship requirements of subsection 630.07, subd. 8.

Subd. 19. "Handsink" means a lavatory equipped with hot and cold water held under pressure, used solely for washing hands, wrists, arms or other portions of the body.

Subd. 20. "Health Authority" means the designated agent of the City to perform health and safety inspections and other delegated duties.

Subd. 21. "Issuing Authority" means the Director of Public Safety or designee.

Subd. 22. "Hot Water" means water at least 110 degrees Fahrenheit.

Subd. 23. "Implanting" means to fix or set securely an object in or under tissue and includes, but is not limited to, three-dimensional body art applications. Implanting does not include medical procedures including, but not limited to, pacemaker insertion, cosmetic surgery, and reconstructive surgery performed by board certified medical and dental personnel.

Subd. 24. "Jewelry" means any personal ornament inserted into a newly pierced area.

Subd. 25. "Liquid Chemical Germicide" means a tuberculocidal disinfectant or sanitizer registered with the Environmental Protection Agency.

Subd. 26. "Microdermal" means a single-point perforation of any body part other than an earlobe for the purpose of inserting an anchor with a step either protruding from or flush with the skin.

Subd. 27. "Operator" means any person who controls, operates, or manages body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not.

Subd. 28. "Person" means any individual, partnership, corporation, or association.

Subd. 29. "Procedure Area" means the physical space or room used solely for conducting body art procedures.

Subd. 30. "Procedure Surface" means the surface area of furniture or accessories that may come into contact with the client's clothed or unclothed body during a body art procedure and the area of the client's skin where the body art procedure is to be performed and the surrounding area, or any other associated work area requiring sanitizing.

Subd. 31. "Remodel" means any change to the current establishment requiring either a building or trades permit for the work to proceed. Remodel does not include changes to the front desk area, waiting area, painting, wallpapering, or carpeting, even if a permit is otherwise required. Adding a new workstation, plumbing changes, or expanding into an adjacent space to add workstations are examples of remodeling. Remodeling also means any changes to an establishment plan previously submitted to the Health Authority.

Subd. 32. "Sanitization" means a process of reducing the numbers of microorganisms on clean surfaces and equipment to a safe level.

Subd. 33. "Safe Level" means not more than 50 colonies of microorganisms per four (4) square inches of equipment or procedure surface.

Subd. 34. "Scarification" means an indelible mark fixed on the body by the production of scars.

Subd. 35. "Sharps" means any object, sterile or contaminated, that may purposefully or accidentally, cut or penetrate the skin mucosa including, but not limited to, pre-sterilized single use needles, scalpel blades, and razor blades.

Subd. 36. "Sharps Container" means a closed, puncture-resistant, leak-proof container labeled with the international biohazard symbol, used for handling, storage, transportation and disposal of sharps.

Subd. 37. "Single Use" means products or items intended for one (1) time use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, tattoo needles, scalpel blades, stencils, ink cups, and protective gloves.

Subd. 38. "Standard Precautions" means guidelines and controls published by the Center for Disease Control (CDC) as guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as "recommendation for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures," in MMWR, July 12, 1991, Vol. 40, No. RR-Subd. T. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HVB and other blood pathogens. Precautions include handwashing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

Subd. 39. "Sterilization" means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

Subd. 40. "Subdermal implantation" means the implantation of an object entirely below the dermis.

Subd. 41. "Suspension" means the piercing of human tissue with large gauge fishing hooks or other piercing apparatus to raise or lower a person with pulleys or other apparatus.

Subd. 42. "Tattooing" means any method of placing ink or other pigments into or under the skin or mucosa with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This definition includes all forms of cosmetic tattooing.

Subd. 43. "Technician" means any person licensed by the Minnesota Department of Health and registered with the City under this Section who conducts or practices body art procedures at a body art establishment.

Subd. 44. "Temporary body art establishment" means any place or premise operating at a fixed location where an operator or technician performs body art procedures for no more than four (4) continuous days, in conjunction with a single event and not more than four (4) events in a calendar year.

Subd. 45. "Tongue bifurcation" means the cutting of the tongue from the tip to the base, forking at the end. (Amended, Bill No. 2013-15)

630.05. - License required.

No person shall own or operate any body art establishment without a body art establishment license, nor shall any person engage in the practice of body art without first procuring technician registration from the Issuing Authority. Licenses must be prominently displayed in a public area of the establishment. (Amended, Bill No. 2013-15)

630.07. - Contents of application for license.

Subdivision 1. Forms. Every application for a license under this subsection shall be made on a form supplied by the Issuing Authority.

Subd. 2. Contents of application. In addition to information which may be required, the applicant shall state whether the applicant is a natural person, corporation, partnership, or other form of organization.

Subd. 3. Additional information: natural persons. If the applicant is a natural person, the following information shall be furnished:

- (a) The name, place and date of birth, street residence address, and phone number of the applicant.
- (b) Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places where used.
- (c) The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant, and a certified copy of the certificate as required by Minnesota Statutes, section 333.01.
- (d) The street addresses at which the applicant has lived during the preceding five (5) years.
- (e) The type, name and location of every business or occupation in which the applicant has been engaged during the preceding five (5) years, and the name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding five (5) years.
- (f) Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a petty misdemeanor. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.

Subd. 4. Additional information: partnership. If the applicant is a partnership, the following information shall be furnished:

- (a) The name(s) and address(es) of all general and limited partners and, for each general partner, require the information under subdivisions 3 and 6 of this subsection.
- (b) The name(s) of the managing partner(s) and the interest of each partner in the business to be licensed.
- (c) A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, section 333.01, a certified copy of such certificate shall be attached to the application.

Subd. 5. Additional information: corporation. If the applicant is a corporation or other organization, the following information shall be furnished:

- (a) The name of the corporation or business formed, and if incorporated, the state of incorporation.
- (b) A true copy of the certificate of incorporation. If the applicant is a foreign corporation, a certificate of authority as required by Minnesota Statutes, section 303.06, shall be attached to the application.
- (c) The name of the manager(s) proprietor(s), or other agent(s) in charge of the business and, for each such person, the information required under subdivisions 3 and 6 of this subsection.

Subd. 6. All applicants. All applicants must furnish the following information:

- (a) Whether the applicant holds a current tattooing, body piercing, body branding or body painting license from any other

governmental unit.

- (b) Whether the applicant has previously been denied a tattooing, body piercing, body branding or body painting license from any other governmental unit.
- (c) The location of the business premises and the legal description thereof.
- (d) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid.
- (e) Whenever the application is for premises either already in existence, planned or under construction or undergoing substantial alterations, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. If the plans of design are on file with the City of Richfield, building and inspection division, no plans need be submitted to the Issuing Authority.
- (f) Whether the applicant has had a license for body art revoked or denied by the City or any other governmental body within three (3) years before the application date.
- (g) The applicant's hours of operation, on-site management and parking facilities.
- (h) An executed data privacy advisory and consent form authorizing the release of criminal history information for each of the individuals, partners and corporate officers having an interest in the business.
- (i) Proof of Worker's Compensation Insurance as required by Minnesota Statutes, section 176.182 and the applicant's Minnesota business tax identification number, as required by Minnesota Statutes, section 270C.72.
- (j) The website and electronic mail address for the business and each of the individuals, partners, and corporate officers having an interest in the business.
- (k) Such other information the City Council or the Department of Public Safety may require.

Subd. 7. Technician registration. An application for a body art technician registration shall be made on a form supplied by the Issuing Authority and shall request the following information:

- (a) The applicant's name and current address.
- (b) The applicant's current employer.
- (c) The applicant's employers for the previous five (5) years, including the employer's name, address and dates of employment.
- (d) The applicant's addresses for the previous five (5) years.
- (e) The applicant's date of birth, home telephone number, weight, height, color of eyes, and color of hair.
- (f) Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense and, if so, the time, place, and offense for which convictions were had.
- (g) Whether the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used.
- (h) Description of body art procedures to be performed.
- (i) Name and business address of licensed body art establishment(s) where body art procedures will be performed.
- (j) Current proof of successful completion of an approved course on bloodborne pathogens and prevention of disease transmission. Courses considered approved may include those administered by the following: the American Red Cross, United States Occupational Safety and Health Administration (OSHA), or the Alliance of Professional Tattooists.
- (k) Each technician registration application shall include proof of training and experience, which may include a signed affidavit as proof of completion of supervised apprenticeship for a minimum of 200 hours in the area which the applicant is seeking a license or current license issued from another health agency.
- (l) Proof of licensure by the State of Minnesota Department of Health.
- (m) Such other information as the City Council or Issuing Authority shall require.

Subd. 8. Apprenticeship and guest artist procedures.

- (a) No person shall start an apprenticeship or conduct body art procedures as a guest artist, until a licensed and registered technician registers the apprenticeship or guest artist with the Issuing Authority on forms provided by the Issuing Authority. The following information is required for registration:

- (1) The name and address of the licensed establishment where the apprentice or guest artist will be training or working;
 - (2) The name of the apprentice or guest artist.
- (3) The name(s) of the licensed and registered technician(s) conducting the apprenticeship or sponsoring the guest artist. If more than one (1) person is conducting the apprenticeship, then a lead technician must be identified on the application;
- (4) The starting date of the apprenticeship or guest artist;
- (5) The anticipated completion date of the apprenticeship or guest artist; and
- (6) Proof of licensure by the State of Minnesota Department of Health.
- (b) At least one of the licensed and registered technician(s) listed in (a)(3) above, shall be present at all times when the apprentice is conducting body art procedures.
- (c) The sponsoring licensed and registered technician is not required to be present at all times when a guest artist is conducting body art procedures if the guest artist provides to the Issuing Authority, upon registration, the information required in subsection 630.07, subd. 7(j) and (k).
- (d) An apprentice shall complete a minimum of 200 hours of training under the direct supervision of licensed and registered technician(s) before becoming eligible for a technician license and registration.
- (e) The length of time the guest artist may conduct body art procedures shall not exceed 30 days per calendar year per licensed establishment. If the length of time exceeds this, then the guest artist shall apply for a technician license with the Minnesota Department of Health and register as a technician with the Issuing Authority.
- (f) If the apprenticeship or guest artist procedure is not followed, the person, apprentice, or guest artist and/or licensed technician(s) conducting the apprenticeship may be subject to penalties.

Subd. 9. Execution. The application must be executed as follows:

- (a) An application by a natural person, by that person;
- (b) An application by a corporation, by an officer of the corporation;
- (c) An application by a partnership, by a partner;
- (d) An application by an incorporated association, by the manager or managing officer.

Any falsification on a license application shall result in the denial of a license. (Amended, Bill No. 2013-15)

630.09. - Application verification and consideration.

Subdivision 1. All applications shall be referred to the Issuing Authority for verification and investigation of the facts set forth in the application, including any necessary criminal background checks to assure compliance with this subsection.

Subd. 2. Consideration. Within a reasonable period of time after the completion of the license verification process by the Issuing Authority, the Issuing Authority shall accept or deny the license application in accordance with this subsection. The notice shall be mailed by regular mail to the applicant at the address provided in the application and it shall inform the applicant of the applicant's right, within 20 days after receipt of the notice by the applicant to request an appeal of the Issuing Authority's determination to the City Council. If an appeal to the City Council is timely received by the Issuing Authority, the hearing before the City Council shall take place within a reasonable period of time after receipt of the appeal by the Issuing Authority. (Amended, Bill No. 2013-15)

630.11. - License period and fees.

Subdivision 1. Fees and term. The license fees are fixed in appendix D. The term of a license is the calendar year or the remaining portion thereof. Licenses will not be prorated. Licenses expire on December 31 of each year.

Subd. 2. Payment. At the time of an original application for a license, the license fee shall be paid when the application is filed. At the time of renewal of a license, the total license fee shall be paid when the application is filed.

Subd. 3. Investigation fee. At the time of each original application for a license, the applicant shall also pay an investigation fee set by appendix D. If the expenses of the investigation exceed the investigation fee, the Issuing Authority shall so notify the applicant and shall require the applicant to pay an additional investigation fee as provided in appendix D which the Public Safety Director deems necessary to

complete the investigation of the applicant. The applicant shall pay such an additional investigation fee within five (5) days after notification. If such additional investigation fee is not paid within the five-day period, the City will give no further consideration to the application.

Subd. 4. Refunds. No part of a license or investigation fee shall be refunded except in accordance with this subsection. (Amended, Bill No. 2013-15)

630.13. - Persons ineligible for license.

Subdivision 1. No license shall be issued to an applicant who is a natural person if such applicant:

- (a) Is a minor at the time the application is filed;
- (b) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation as prescribed by Minnesota Statutes, section 364.03, subd. 3;
- (c) Does not have the legal authority to be employed in the United States;
- (d) Is not of good moral character or repute;
- (e) Knowingly falsifies or misrepresents information on the license application;
- (f) Owes taxes or assessments to the State, County, School District or City that are due and delinquent;
- (g) Is not the real party in interest in the business to be licensed; or
- (h) Has had a license for body art revoked or denied by the City or another governmental body within three (3) years before the application date.

Subd. 2. No license shall be issued to a partnership if such partnership has any general partner or managing partner:

- (a) Who is a minor at the time the application is filed;
- (b) Who has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subd. 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness, to perform the duties of the licensed occupation as prescribed by Minnesota Statutes, section 364.03, subd. 3;
- (c) Does not have the legal authority to be employed in the United States;
- (d) Is not of good moral character or repute;
- (e) Knowingly falsifies or misrepresents information on the license application;
- (f) Owes taxes or assessments to the State, County, School District or City that are due and delinquent;
- (g) Is not the real party in interest in the business to be licensed; or
- (h) Has had a license for body art revoked or denied by the City or another governmental body within three (3) years before the application date.

Subd. 3. No license shall be issued to a corporation or other organization if such applicant has any manager, proprietor, or agent in charge of the business to be licensed:

- (a) Who is a minor at the time the application if filed;
- (b) Who has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subd. 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation as prescribed by Minnesota Statutes, section 364.03, subd. 3;
- (c) Does not have the legal authority to be employed in the United States;
- (d) Is not of good moral character or repute;
- (e) Knowingly falsifies or misrepresents information on the license application;
- (f) Owes taxes or assessments to the State, County, School District or City that are due and delinquent;
- (g) Is not the real party in interest in the business to be licensed; or
- (h) Has had a license for body art revoked or denied by the City or another governmental body within three (3) years before the application date. (Amended, Bill No. 2013-15)

630.14. - Locations ineligible for a license.

The following locations shall be ineligible for a license under this Section.

Subdivision 1. Taxes due on property. No license shall be granted or renewed for operation on any property on which taxes, assessments, or other financial claims of the State, County, School District, or City are past due, delinquent, or unpaid. In the event a suit has been commenced under Minnesota Statutes, Chapter 278, questioning the amount or validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one (1) year after becoming due.

Subd. 2. Improper zoning. No license shall be granted if the property is not properly zoned for body art establishments unless the business is a legal, nonconforming use.

Subd. 3. Premises licensed for alcoholic beverages. No license shall be granted or renewed if the premises is licensed for the furnishing of alcoholic beverages or is licensed as a sexually-oriented business. (Added, Bill No. 2013-15)

630.15. - General license requirements.

Subdivision 1. General licensing requirements are as follows:

- (a) **Minors.** No person shall tattoo any person under the age of 18. No person shall pierce, brand or paint any person under the age of 18 except in the presence of, and with the written permission of, the parent or legal guardian of such minor.
- (b) **Prohibition on license transfer.** The license granted is for the person and the premises named on the approved license application. No transfer of a license shall be permitted from place-to-place or from person-to-person without first complying with the requirements of an original application, except in the case in which an existing noncorporate licensee is incorporated and incorporation does not affect the ownership, control, and interest of the existing licensed establishment.
- (c) **Hours of operation.** A licensee shall not be open for business for tattooing before 7:00 a.m. nor after 11:00 p.m.
- (d) **Licensed premises.** The body art establishment license is only effective for the compact and contiguous space specified in the approved license application. If the licensed premises is enlarged, altered, or extended, the licensee shall inform the Issuing Authority.
- (e) **Effect of license suspension or revocation.** No person shall solicit business or offer to perform body art procedures while under license suspension or revocation by the City.
- (f) **Maintenance of order.** The licensee shall be responsible for the conduct of the business being operated and shall at all times maintain conditions of order.
- (g) **Employee lists.** The licensee shall provide to the Issuing Authority a list of employees who perform body art procedures at the licensed establishment and shall verify that each employee has received a copy of Section 630.
- (h) **Liability insurance.** All licensees of establishments shall have at all times a valid certificate of insurance issued by an insurance company licensed to do business in the State of Minnesota indicating that the licensee has current coverage of \$1,000,000.00 for professional liability in the practice of body art.

Such insurance shall be kept in force during the term of the license and shall provide for notification to the City prior to termination or cancellation. A certificate of insurance shall be filed with the City.

Subd. 2. Renewal of license or registration. An application for the renewal of an existing license or registration shall be made at least 30 days prior to the expiration date of the license or registration and shall be made in such form as the Issuing Authority requires. Within a reasonable period after the completion of the renewal license or registration verification process, the Issuing Authority shall accept or deny the license or registration application in accordance with this Section. If the application is denied, the Issuing Authority shall notify the applicant of the determination in writing and by regular mail to the address provided on the application form. The notice shall inform the applicant of the right, within 20 days after receipt of the notice by the applicant, to request an appeal of the Issuing Authority's denial to the City Council. If an appeal to the City Council is timely received by the Issuing Authority, the hearing before the City Council shall take place within a reasonable period of receipt of the appeal by the Issuing Authority. (Amended, Bill No. 2013-15)

630.17. - Standards for health and safety.

Subdivision 1. No person shall perform body art procedures in the City without complying with the following regulations:

(a) Clients.

- (1) Minors. No person shall tattoo any person under the age of 18. Additionally, no person shall pierce a minor without written permission from a custodial parent given in person at the body art establishment. Nipple and genital piercing is prohibited on minors regardless of parental consent.
- (2) Client identification. Technicians shall require proof of age prior to performing procedures on any client. Proof of age is established by one (1) of the following:
 - (A) A valid driver's license or identification card issued by the State of Minnesota, or other state, and including the photograph and date of birth of the person;
 - (B) A valid military identification card issued by the United States Department of Defense;
 - (C) A valid passport;
 - (D) A resident alien card; or
 - (E) A tribal identification card.
- (3) Release form. Before performing a body art procedure, the client must sign and date a release form detailing if the client has any of the following conditions:
 - (A) Diabetes;
 - (B) A history of hemophilia;
 - (C) A history of skin diseases, skin lesions, or skin sensitivities to soap, disinfectants, etc.;
 - (D) A history of allergies to metals;
 - (E) A history of epilepsy, seizures, fainting or narcolepsy;
 - (F) A condition where the client takes medications, such as anticoagulants, that thin the blood and/or interferes with blood clotting; or
 - (G) Any other information that would aid the technician in body art procedure process evaluation.
- (4) Consent form. Before performing a body art procedure, the client must sign and date a consent form. The consent form shall disclose:
 - (A) That any tattoo should be considered permanent; it may only be removed with a surgical procedure; and any effective removal may leave scarring; or
 - (B) That any piercing may leave scarring.
- (5) Client record management. The body art establishment operator shall maintain proper records for each client. The records of the procedure shall be kept for two (2) years and shall be available for inspection by the Health Authority and Issuing Authority. The records shall include the following:
 - (A) The date of the procedure.
 - (B) Record of information on picture identification showing name, age, and current address of the client.
 - (C) Copy of the release form signed and dated by the client.
 - (D) The nature of the body art procedure performed.
 - (E) The name and license number of the technician performing the procedure.
 - (F) A copy of the consent form to perform the body art procedure on a minor with required signatures as defined in (a)(1) above, if applicable.

(b) Technician information. The following information shall be kept on file for three (3) years on the premises and available for inspection by the Health Authority and Issuing Authority for each technician, guest artist or apprentice:

- (1) Full name;
- (2) Home address;
- (3) Home phone number;
- (4) Date of birth;
- (5) Identification photo;
- (6) Exact duties; and

- (7) Proof of a registration from the Issuing Authority, guest artist registration or current apprenticeship registration.
- (c) Establishment information. The following information shall be kept on file for three (3) years on the premises and available for inspection by the Health Authority and Issuing Authority:
- (1) A description of all body art procedures performed.
 - (2) An inventory of instruments, body jewelry, sharps, and inks or pigments used for all procedures including the names of manufacturers, serial and lot numbers. Invoices or orders shall satisfy this requirement.
 - (3) Copies of spore tests conducted on the sterilizer.
 - (4) A copy of this Section shall be available at all times on premises.
- (d) Under the influence. No technician shall perform body art procedures while under the influence of alcohol, controlled substances as defined in Minnesota Statutes, Section 152.01, subd. 4, or hazardous substances as defined in the rules adopted under Minnesota Statutes, Chapter 182.
- (e) Aftercare. Upon completion of the body art procedure, technicians shall provide each client with verbal and printed instructions on recommended care of the body art during the healing process. The printed instructions must advise the client of the difference between normal skin or tissue irritation and infection and to consult a health care professional upon indication of infection of the skin or tissue.
- (f) Notification. Operators and technicians shall notify the Health Authority immediately of any reports they receive of a potential bloodborne pathogen transmission.
- (g) Industry self-survey and training responsibility. Every licensee of a body art establishment shall arrange for and maintain a program of sanitation self-inspection conducted by the owner, operator, technician, or apprentice and approved by the Health Authority. The self-inspection program shall include written policies, appropriate forms for logging self-inspections, and evidence that routine self-inspection of all aspects of the body art establishment takes place. A description of the body art establishment self-inspection program shall be available for review.
- (h) Facilities.
- (1) Plans. Any new or remodeled establishment shall submit to the Health Authority a to-scale establishment plan in sufficient detail to ascertain compliance with conditions in this Section.
 - (2) Procedure areas. There shall be no less than 45 square feet of floor space for each procedure area. The procedure area(s) must be separated from the bathroom, retail sales area, hair salon area, or any other area that may cause potential contamination of work surfaces. For clients requesting privacy, dividers, curtains, or partitions at a minimum shall separate multiple procedure areas.
 - (3) Handsinks. Each establishment shall have a readily accessible handsink that is not in a public restroom and is equipped with:
 - (A) Hot and cold running water under pressure;
 - (B) No touch faucet controls such as wrist or foot operated;
 - (C) Liquid hand soap;
 - (D) Single use paper towels or a mechanical hand dryer or blower;
 - (E) A nonporous washable garbage receptacle with a foot-operated lid or without a lid and a removable liner; and
 - (F) A sign reminding technicians to properly wash their hands.
 - (4) Bathrooms. Every establishment shall have at least one available bathroom equipped with a toilet and a hand lavatory. The hand lavatory shall be supplied with:
 - (A) Hot and cold running water under pressure;
 - (B) Liquid hand soap;
 - (C) Single use paper towels or mechanical hand drier/blower;
 - (D) A garbage can;
 - (E) A door that closes; and
 - (F) Adequate ventilation.
 - (5) Lighting. The establishment shall have an artificial light source equivalent to 20 foot-candles at three (3) feet above the floor. At least 100 foot-candles of light shall be provided at the level where body art procedures are performed, where sterilization takes place, and where instruments and sharps are assembled.

- (6) Procedure surfaces. All procedure surfaces shall be smooth, nonabsorbent and easily cleanable. Procedure surfaces shall be sanitized after each client.
- (7) Ceilings. All ceilings shall be in good condition.
- (8) Walls and floors. All walls and floors shall be maintained in good repair free of open holes or cracks and washable. Floors of procedure areas shall not be carpeted.
- (9) Facilities maintenance. All facilities shall be maintained in good working order and in good condition.
- (10) Clean facilities. All facilities shall be maintained in a clean and sanitary condition.
- (11) Facilities use. No establishment shall be used or occupied for living or sleeping quarters.
- (12) Animals. Only service animals may be allowed in the establishment. No animals shall be allowed in the procedure area(s).
- (13) Pest control. Effective measures shall be taken by the operator to prevent entrance, breeding, and harborage of insects, vermin, and rodents in the establishment.
- (i) Equipment and instruments.
 - (1) Sterile jewelry and instruments. All jewelry used as part of a piercing procedure shall be sterilized before use. All reusable instruments shall be thoroughly washed to remove all organic matter, rinsed, and sterilized before and after use. All needles shall be single use needles and sterilized before use. All sterilization shall be conducted using steam heat or chemical vapor. Steam heat and chemical vapor sterilization units shall be operated according to the manufacturer's specifications and the sterilizer operations shall be recorded in a written log that includes at a minimum the following information:
 - (A) Date of sterilizer operation;
 - (B) Name of the person operating the sterilizer;
 - (C) Contents or items sterilized; and
 - (D) Run temperature, pressure and duration in minutes.
 - (2) Spore testing. At least once a month, but not to exceed 30 days between tests, a spore test shall be conducted on the sterilizer to ensure that it is working properly. If a positive spore test result is received, the sterilizer cannot be used until a negative result is obtained. This may result in ceasing operation until the situation is corrected.
 - (3) Jewelry. Jewelry must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, and/or a dense low-porosity plastic. Jewelry must be free of nicks, scratches or irregular surfaces and must be properly sterilized prior to use. Use of jewelry that is constructed of wood, bone, or other porous material is prohibited.
 - (4) Inks, dyes, and pigments. All inks, dyes, and other pigments shall be specifically manufactured for tattoo procedures. The mixing of approved inks, dyes, or pigments, or their dilution with distilled water or alcohol is acceptable.
 - (5) Single use ink cups. Immediately before applying a tattoo, the quantity of the dye used shall be transferred from the dye bottle and placed into single use paper or plastic cups. Upon completion of the tattoo, these single use cups and their contents shall be discarded.
 - (6) Procedure surfaces and sanitization. All tables, chairs, furniture or other procedure surfaces that may be exposed to blood or body fluids during the tattooing or piercing procedure shall be constructed of stainless steel, or other suitable material that will allow complete sanitization, and shall be sanitized between uses with a liquid chemical germicide.
 - (7) Single use towels. Single use towels or wipes shall be provided to the client. These towels shall be dispensed in a manner that precludes contamination and disposed of in a cleanable garbage container with a liner.
 - (8) Storage of bandages. All bandages and surgical dressings used shall be sterile or bulk-packaged clean and stored in a clean, closed nonporous container.
 - (9) Equipment and instrument maintenance. All equipment and instruments shall be maintained in a good working order and in a clean and sanitary condition.
 - (10) Supply storage. All instruments and supplies shall be stored clean and dry in covered containers stored up off the floor.
 - (11) Single-use disposable barriers or a chemical germicide must be used on all equipment that cannot be sterilized as

part of the procedure as required under this section, including but not limited to, spray bottles, procedure light fixture handles, and tattoo machines.

(j) Skin preparation.

- (1) Whenever it is necessary to shave the skin, a new disposable razor must be used for each client.
- (2) The skin area subject to a body art procedure must be thoroughly cleaned with soap and water, rinsed thoroughly, and swabbed with an antiseptic solution. Only single use towels or wipes shall be used in the skin cleaning process.
- (3) No body art procedure shall be performed on any area of the skin where there is an evident infection, irritation, or open wound.

(k) Hand washing and hygiene.

- (1) Each technician shall scrub his or her hands and wrists thoroughly using soap, warm water and a nail brush for 20 seconds before and after performing a body art procedure.
- (2) Technicians with skin infections of the hand or open sores visible or in a location that may come in contact with the client shall not perform body art procedures.
- (3) The technician must wash his or her hands after contact with the client receiving the procedure or after contact with potentially contaminated articles.
- (4) Technicians shall wear clean clothing and use a disposable barrier such as a lap cloth when performing body art procedures.
- (5) For each client, single use disposable barriers shall be provided on all equipment used as part of the procedure that cannot be sterilized according to (i)(1) above. Examples may include, but not limited to spray bottles, procedure light fixture handles, and tattoo machines.
- (6) Technicians shall not smoke, eat, or drink while performing body art procedures.
- (7) Technicians shall not allow clients to leave the procedure area without first covering the tattooed area with a bandage or other clean covering.

(l) Glove use.

- (1) Single use gloves of adequate size and quality as to preserve dexterity shall be used for touching clients, for handling sterile instruments, or for handling blood or body fluids.
- (2) Gloves must be changed if:
 - (A) They become damaged;
 - (B) They come in contact with any non-clean surface or objects; or
 - (C) They come in contact with a third person.
- (3) At a minimum, gloves shall be discarded after the completion of a procedure on a client.
- (4) Hands and wrists must be washed before putting on a clean pair of gloves and after removing a pair of gloves.
- (5) Gloves shall not be reused.
- (6) Nonlatex gloves must be used with clients or employees who request them or when petroleum products are used.

(m) Proper handling and disposal of needles, other sharp instruments, blood, other body fluids, and contaminated products.

- (1) Contaminated waste that may release liquid blood or body fluids when compressed or that may release dried blood or body fluids when handled, must be placed in an approved "red" bag that is marked with the international biohazard symbol. It must be disposed of by a licensed waste hauler at an approved site, or at a minimum, in accordance with the requirements contained in 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.
- (2) Contaminated waste that does not release liquid blood or body fluids when compressed or handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods.
- (3) Sharps ready for disposal shall be disposed of in an approved sharps container.
- (4) Storage of contaminated waste on-site shall not exceed the period specified by 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.
- (5) Maintain proof of proper disposal service at the establishment in the form of invoices or bills for three (3) years.
(Amended, Bill No. 2013-15)

630.18. - Inspection and plan review.

Subdivision 1. Inspection required. The Health Authority shall inspect each body art establishment:

- (a) Before a license is issued for a new establishment;
- (b) As part of a construction or remodeling plan review;
- (c) As part of a complaint investigation; or
- (d) At least once a year for a routine inspection.

Subd. 2. Construction inspections. The body art establishment shall be constructed in conformance with the approved plans. No building permit for a body art establishment or remodeling or alteration permit for such establishment may be issued until such plans have the approval of the Health Authority and the City of Richfield. The Health Authority shall inspect the body art establishment as frequently as necessary during the construction to ensure that the construction occurs in conformance with this Section. The Health Authority and the City of Richfield shall conduct a final construction inspection prior to the start of operations and issuance of a license.

Subd. 3. Access to premises and records. The operator of the body art establishment shall, upon request of the Health Authority or Issuing Authority, and after proper identification, permit access to all parts of the establishment at any reasonable time, for the purpose of inspection. The operator shall allow review of any records necessary for the Health Authority or Issuing Authority to ascertain compliance to this Section.

Subd. 4. Interference with the health authority. No person shall interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make such inspections.

Subd. 5. Removal and correction of violations. Operator(s) or technician(s) shall correct or remove each violation upon receipt of an inspection report giving notification of one (1) or more violations of this Section in a reasonable length of time as determined by the Health Authority. The length of time for the correction or removal of each such violation shall be noted on the inspection report. Failure to remove or correct each violation within the time period noted on the inspection report shall constitute a separate violation of this Section. The Health Authority or the City of Richfield may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this Section.

Subd. 6. Grounds for emergency closure.

- (a) **Single violations.** If any of the following conditions exist, the operator(s) or technician(s) may be ordered to discontinue all operations of the body art establishment. Body art establishments shall only reopen with permission from the Health Authority and the City of Richfield.
 - (1) Failure to possess a license or registration required by this Section;
 - (2) Evidence of a sewage backup in an area of the establishment where body art activities are conducted;
 - (3) Lack of potable, plumbed, hot or cold water to the extent that hand washing, or toilet facilities are not operational;
 - (4) Lack of electricity or gas service to the extent that hand washing, lighting, or toilet facilities are not operational;
 - (5) Significant damage to the body art establishment due to tornado, fire, flood, or other disasters;
 - (6) Evidence of an infestation of rodents or other vermin;
 - (7) Evidence of contamination, filthy conditions, untrained staff or poor personal hygiene;
 - (8) Any time a public health nuisance exists;
 - (9) Using instruments or jewelry that are not sterile;
 - (10) Failure to maintain required records;
 - (11) Failure to use gloves as required;
 - (12) Failure to properly dispose of sharps, blood or body fluids, or blood or body fluid contaminated items;
 - (13) Failure to report complaints of potential bloodborne pathogen transmission to the Health Authority;
 - (14) Evidence of violations of subsection 630.01, subd. 4; or
 - (15) Evidence of a positive spore test on the sterilizer or an inoperable sterilizer. (Added, Bill No. 2013-15)

630.19. - Penalties and sanctions.

Subdivision 1. Suspension or revocation. The City Council may revoke or suspend a license if the licensee submitted false information or omitted material information in the license process required. The City Council may also suspend or revoke a license for the violation of any provision or condition of this section or any other local law governing the same activity during the license period or any criminal law during the license period which adversely affects on the ability to honestly, safely, or lawfully conduct a body art establishment.

Subd. 2. Notice. A revocation or suspension shall be preceded by written notice to the licensee and a hearing before the City Council. The notice shall give at least eight (8) days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed to the licensee at the most recent address listed on the application.

Subd. 3. Criminal penalties. A violation of this Section shall be a misdemeanor or gross misdemeanor as defined under Minnesota law. (Amended, Bill No. 2013-15)

630.21. - Issuance of temporary body art event license.

Subdivision 1. The Issuing Authority may issue a temporary body art event license, provided that the following license requirements are met:

- (a) Duration of event. The event is no longer than four (4) continuous days.
- (b) Number of events. The same person or organization has had no more than four (4) body art events in the same calendar year.
- (c) Security measures. The Director of Public Safety or designee has approved the security measures for the event.
- (d) Health inspection. The Health Authority has reviewed the health and sanitation measures for the event and has inspected each vendor space for the event.
- (e) Liability insurance. Liability insurance coverage of \$1,000,000.00 has been obtained to cover the event or in the alternative each vendor has procured insurance to cover the vendor's operations at the event for professional liability in the practice of body art.
- (f) A certificate of insurance shall be filed with the City.
- (g) The licensee must comply with the requirements at subsection 630.15(a), (c), (f), and subsection 630.17, subdivision 1.

Subd. 2. Temporary application. The temporary license application shall request the following information:

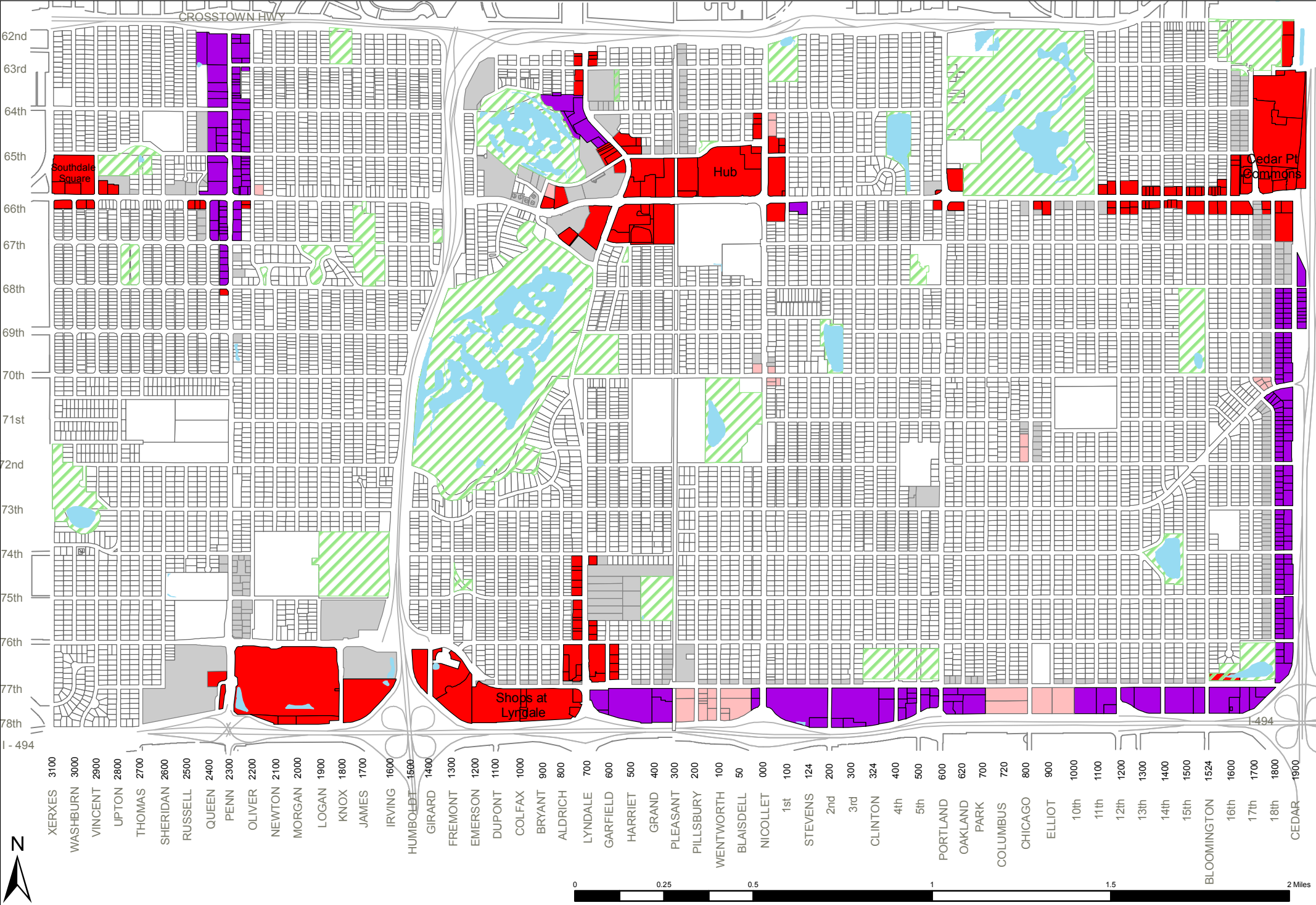
- (a) The applicant's name and current address.
- (b) The applicant's current employer.
- (c) The applicant's addresses for the previous five (5) years.
- (d) The applicant's date of birth, home telephone number, weight, height, color of eyes, and color of hair.
- (e) Whether the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used.
- (f) The location where the event will be conducted.
- (g) The number of body art booths that will be operational at the event.
- (h) The names and addresses of persons in charge of the event.
- (i) A list of names of body art technicians who will be working the event.

Subd. 3. Background investigation. The Issuing Authority shall verify the information supplied on the temporary license application and shall investigate the background, including the current background of the applicant. Within seven (7) days of receipt of a complete application, the Issuing Authority shall grant or deny the application. An applicant who is denied a license shall have a right to appeal to the City Council. (Amended, Bill No. 2013-15)

630.23. - Severability .

If any subsection, subdivision, paragraph, or clause of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. (Added, Bill No. 2013-15)

Tattoo Businesses - Permitted, Conditional, Not Permitted Zones



Not Permitted Zones

- Park (Zoning District is R)
- All other commercial/multifamily districts
- R/R1 Single-Family
- MR-1 Two-Family
- C-1 Community Commercial
- MU-N Mixed Use Neighborhood

Permitted Zones

- MU-C Mixed Use-Community
- MU-R Mixed Use-Regional

current: Conditionally Permitted
proposed: Permitted

- C-2 General Commercial
- PC-2 Planned General Commercial



STAFF REPORT NO. 177
CITY COUNCIL MEETING
10/9/2018

REPORT PREPARED BY: Chris Link, Operations Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
10/2/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
10/3/2018

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of the adoption of resolutions regarding the annual Interstate/Lyndale/Nicollet (ILN) Project Area assessment and proposed work for 2019.

EXECUTIVE SUMMARY:

The ILN Project Area assessment was established to recover special maintenance expenses in the 77th Street area in 1988. The current services include:

- Maintenance and operation of irrigation systems
- Weed control
- Mowing
- Fertilization
- Trash and litter removal
- Re-plantings

These current services are provided on both sides of the 77th Street wall. The maintenance functions are funded through a maintenance assessment on 77th Street commercial properties.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion:

- 1. Adopt a resolution adopting the assessment on the ILN Project Area for costs incurred to maintain the area for 2017.**
- 2. Adopt a resolution ordering the undertaking of the current service project within the ILN Project Area for 2019.**

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- City staff has determined the actual assessment costs of current services for 2017 for this area to be \$77,790.83.
- The estimate for 2019 maintenance is \$80,000.
- Fluctuations in expenditures for maintenance of the 77th Street Project Area are caused by a number of factors:
 - Changes in water use and irrigation costs;

- Concrete repair variations;
- Demand for aging infrastructure updates; and
- Need for re-plantings.

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

- Section 825 of the City Code indicates “current services” mean one or more of the following:
 - (a) snow, ice, or rubbish removal from sidewalks;
 - (b) weed elimination from streets or private property;
 - (c) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes, sections 463.15 to 463.26;
 - (d) installation or repair of water service lines;
 - (e) street sprinkling, sweeping, or other dust treatment of streets;
 - (f) the trimming and care of trees and the removal of unsound trees from any street;
 - (g) the treatment and removal of insect-infested or diseased trees on private property;
 - (h) the repair of sidewalks and alleys;
 - (i) the operation of a street lighting system;
 - (j) the maintenance of landscaped areas, decorative parks and other public amenities on or adjacent to street right-of-way; and,
 - (k) snow removal and other maintenance of streets in commercial redevelopment areas.
- Council ordered the work and the work was completed for 2017.
- Resolution No. 7405, adopted in 1988, established a policy for assessing the costs.
- Commercial property owners will be assessed on a per-square-foot basis; however, all single family and multi-family residential properties, plus the two churches in the area, would be exempt from the special assessment levy.
- The proposed assessment was properly filed with the City Clerk.
- Notice of the public hearing was mailed to all owners described on the assessment roll on September 13, 2018.
- The public hearing notice was published in the official newspaper on September 20, 2018.

C. CRITICAL TIMING ISSUES:

- Each year the City shall list the total unpaid charges for current services against each separate lot or parcel to which they are attributable under Section 825 of the City Code. This list is available at the offices of the City Clerk, Assessing, and Public Works.
- The assessment roll is submitted to the County Auditor and is due to Hennepin County by November 30, 2018.

D. FINANCIAL IMPACT:

- All costs to the City will be recovered through this assessment.
- Estimated and actual costs for the ILN Project Area maintenance services from 2003-2017 are:

<u>Year</u>	<u>Estimate</u>	<u>Actual</u>
2003	\$80,000	\$59,831.07
2004	\$80,000	\$63,842.79
2005	\$80,000	\$64,841.54
2006	\$80,000	\$69,606.52
2007	\$80,000	\$77,441.46
2008	\$80,000	\$77,000.01
2009	\$80,000	\$62,894.55
2010	\$80,000	\$64,124.81
2011	\$80,000	\$72,427.48
2012	\$80,000	\$78,286.46
2013	\$80,000	\$59,779.82
2014	\$80,000	\$71,499.01
2015	\$80,000	\$59,557.56
2016	\$80,000	\$71,489.33

2017 \$80,000 \$77,790.83

E. LEGAL CONSIDERATION:

- The City Attorney has reviewed the resolutions and will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):

- Council may make any changes to the assessment roll, as deemed necessary, after the public hearing.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Property owners on the assessment roll.

ATTACHMENTS:

Description	Type
▢ ILN Resolution 2017	Backup Material
▢ ILN Resolution 2019	Backup Material
▢ ILN Assessment Roll	Backup Material
▢ ILN Assessment District	Backup Material

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENT ON
INTERSTATE-LYNDAL-NICOLLET (ILN) PROJECT AREA MAINTENANCE FOR
THE PERIOD JANUARY 1, 2017 TO DECEMBER 31, 2017**

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and passed upon all objections to the proposed assessment for current services related to maintenance of the ILN Project Area, which is approximately bounded east of I-35W and west of Cedar Avenue.

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

1. Such proposed assessment roll in the total amount of \$77,790.83 is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of assessment levied against it.
2. Such assessment shall be payable before or during 2018 and shall bear interest at the rate of five percent (5%) from the date of adoption of this assessment resolution.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment, to the City's Finance Division, except that no interest shall be charged if the entire assessment is paid by November 8, 2018. A property owner may, at any time prior to November 15, pay to the City's Finance Division the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which payment is made.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the proper tax lists of the County and such assessment shall be collected and paid over in the same manner in other municipal taxes.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of October, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

RESOLUTION NO.

RESOLUTION ORDERING THE UNDERTAKING OF CURRENT SERVICE PROJECT WITHIN THE INTERSTATE-LYNDALE-NICOLLET (ILN) PROJECT AREA FOR THE PERIOD JANUARY 1, 2019 TO DECEMBER 31, 2019

WHEREAS, pursuant to ordinance, the City Council of the City of Richfield did establish a special assessment district and did propose that certain current services be undertaken by the City in the ILN Project Area, approximately bounded by I-35W, 77th Street, I-494 and Cedar Avenue and that the cost of such services be specially assessed against benefited property; and

WHEREAS, the City Council of the City of Richfield did also by such resolution set the date of the public hearing on the undertaking of such current service project and the levying of special assessment to bear the cost thereof; and

WHEREAS, following due notice, such public hearing was held on October 9, 2018, at which time all interested parties desiring to be heard were given an opportunity to be heard.

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

1. That the following examples of current services of the City shall be undertaken by the City within the ILN Project Area, which area constitutes the special assessment district with the exception of residential properties, plus the two churches in the area, with the cost of such services to be specially assessed against the benefited property within the district:
 - a. Snow, ice or rubbish removal;
 - b. Weed elimination;
 - c. Elimination or removal of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes Section 463.15 to 463.26;
 - d. Installation and repair of water service lines;
 - e. Street sprinkling or other dust treatment of streets;
 - f. The treatment and removal of insect-infested or diseased trees on private property;
 - g. Trimming and care of trees and the removal of unsound trees;
 - h. Repair of sidewalks, crosswalks and other pedestrian walkways;
 - i. Operation of the street lighting system;
 - j. Maintenance of landscaped areas and other public amenities on or adjacent to street right-of-way; and
 - k. Snow removal and other maintenance of streets.

2. The work to be performed may be by day labor, by City force, by contract, or by any combination thereof.
3. The designated period of the project shall be from January 1, 2019, through December 31, 2019. Costs of the project shall be in the manner provided in the Richfield Ordinance Code.

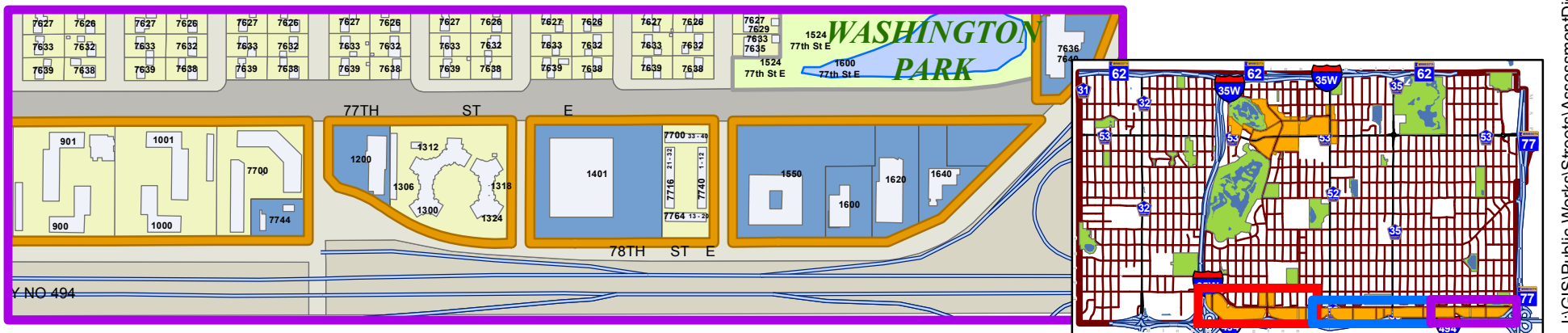
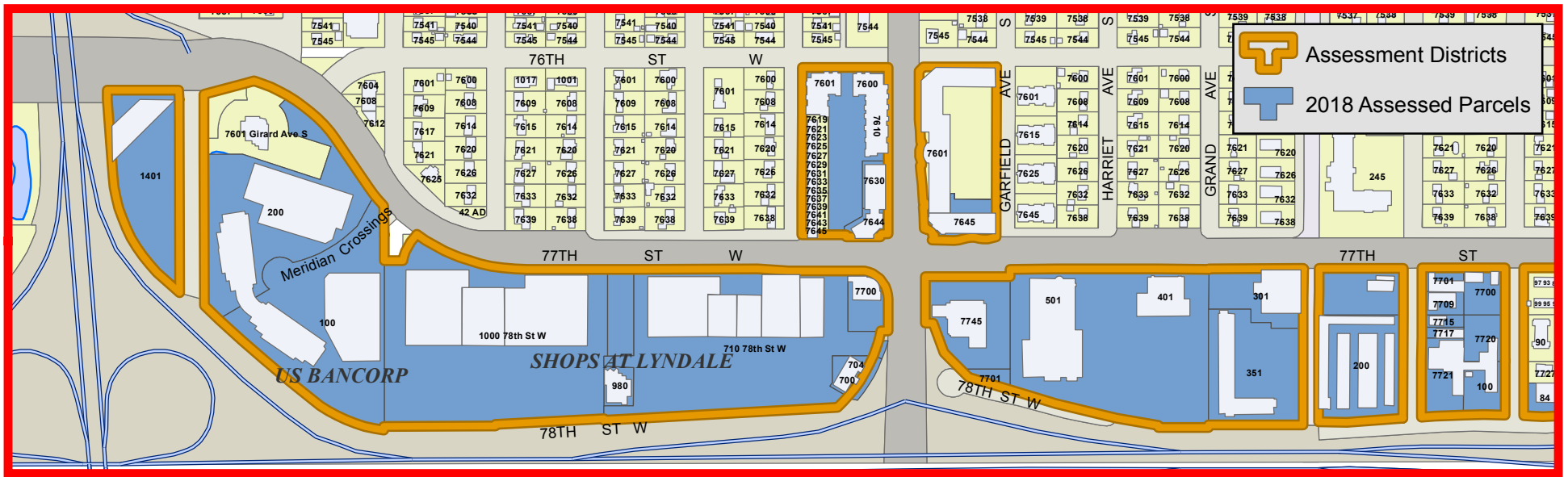
Adopted by the City Council of the City of Richfield, Minnesota this 9th day of October, 2018.

Pat Elliott, Mayor

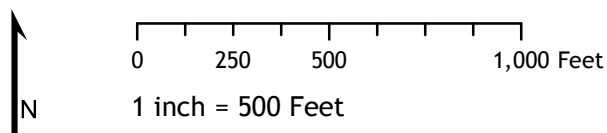
ATTEST:

Elizabeth VanHoose, City Clerk

BLDG_NUM			
M	STREETNAME	PID ASSESSMENT	
1	MERIDIAN CROSSINGS	3302824430050	\$4,420.34
2	MERIDIAN CROSSINGS	3302824430049	\$4,029.79
42	ADDRESS UNASSIGNED	3302824440114	\$17.75
42	ADDRESS UNASSIGNED	3502824440032	\$35.50
42	ADDRESS UNASSIGNED	3302824440236	\$479.31
42	ADDRESS PENDING	3502824430077	\$3,337.45
84	78TH ST W	3402824340001	\$292.91
100	78TH ST W	3402824340056	\$470.44
200	78TH ST W	3402824340053	\$1,899.50
301	77TH ST W	3402824330087	\$994.13
308	78TH ST E	3402824440037	\$656.84
345	77TH ST E	3402824440032	\$745.60
351	77TH ST W	3402824330088	\$2,130.28
401	77TH ST W	3402824330156	\$6,097.93
415	77TH ST E	3402824440028	\$213.03
500	78TH ST E	3402824440023	\$594.70
616	78TH ST E	3502824330009	\$514.82
700	78TH ST W	3302824440234	\$346.17
710	78TH ST W	3302824440232	\$6,692.64
980	78TH ST W	3302824440235	\$239.66
1000	78TH ST W	3302824440231	\$7,642.39
1200	78TH ST E	3502824430008	\$949.75
1401	76TH ST W	3302824430019	\$2,334.43
1550	78TH ST E	3502824440010	\$2,849.25
1600	78TH ST E	3502824440031	\$683.47
1620	78TH ST E	3502824440008	\$1,100.65
1640	78TH ST E	3502824440007	\$807.73
1710	78TH ST E	3502824440006	\$665.71
7610	LYNDALE AVE S	3302824440110	\$1,890.63
7630	LYNDALE AVE S	3302824440113	\$248.53
7636	CEDAR AVE S	3502824440004	\$1,109.52
7644	LYNDALE AVE S	3302824440115	\$195.28
7645	LYNDALE AVE S	3402824330155	\$514.82
7645	LYNDALE AVE S	3402824330151	\$514.82
7645	LYNDALE AVE S	3402824330152	\$514.82
7645	LYNDALE AVE S	3402824330154	\$514.82
7645	LYNDALE AVE S	3402824330153	\$514.82
7645	LYNDALE AVE S	3402824330150	\$514.82
7700	NICOLLET AVE S	3402824340065	\$381.68
7700	WENTWORTH AVE S	3402824340054	\$408.30
7700	PORTLAND AVE S	3402824440006	\$292.91
7700	LYNDALE AVE S	3302824440233	\$479.31
7700	PILLSBURY AVE S	3402824340073	\$834.36
7701	PORTLAND AVE S	3502824330006	\$452.69
7701	5TH AVE S	3402824440027	\$275.16
7701	PILLSBURY AVE S	3402824340061	\$204.15
7701	NICOLLET AVE S	3402824430078	\$8,325.86
7701	LYNDALE AVE S	3402824330082	\$133.14
7708	5TH AVE S	3402824440024	\$204.15
7709	PILLSBURY AVE S	3402824340060	\$204.15
7714	5TH AVE S	3402824440025	\$204.15
7715	PILLSBURY AVE S	3402824340058	\$106.51
7717	PILLSBURY AVE S	3402824340059	\$97.64
7720	WENTWORTH AVE S	3402824340055	\$408.30
7720	NICOLLET AVE S	3402824340066	\$355.06
7721	PILLSBURY AVE S	3402824340057	\$683.47
7727	PORTLAND AVE S	3502824330007	\$603.58
7730	PORTLAND AVE S	3402824440007	\$470.44
7731	4TH AVE S	3402824440029	\$426.06
7733	PORTLAND AVE S	3502824330008	\$559.20
7740	2ND AVE S	3402824430005	\$825.48
7744	5TH AVE S	3402824440031	\$621.33
7744	12TH AVE S	3502824340002	\$505.94
7745	LYNDALE AVE S	3402824330081	\$1,482.32
7745	2ND AVE S	3402824430077	\$470.44
			\$77,790.83



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Interstate-Lyndale-Nicollet (ILN)
Assessment District
Richfield, Minnesota





STAFF REPORT NO. 178
CITY COUNCIL MEETING
10/9/2018

REPORT PREPARED BY: Chris Link, Operations Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
10/2/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
10/3/2018

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of the adoption of resolutions regarding the annual Lyndale/HUB/Nicollet (LHN) Maintenance District assessment and proposed work for 2019.

EXECUTIVE SUMMARY:

The Lyndale/HUB/Nicollet (LHN) maintenance assessment was established to recover special maintenance expenses in the LHN area in 1981. The current services include:

- Maintenance and operation of irrigation
- Weed control
- Mowing
- Trash and litter removal
- Maintenance of street lighting system

The LHN Redevelopment Area is approximately bounded by 64th Street, First Avenue, 67th Street, and Emerson Avenue (map attached).

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion:

- 1. Adopt a resolution adopting the assessment on the Lyndale/HUB/Nicollet (LHN) district for costs incurred to maintain the area for 2017.**
- 2. Adopt a resolution ordering the undertaking of the current service project within the Lyndale/HUB/Nicollet (LHN) district for 2019.**

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- City staff has determined actual costs of current services to be assessed for the 2017 maintenance of this area to be \$24,107.92, and the estimated cost for 2019 maintenance to be \$50,000.
- Fluctuations in expenditures for maintenance of LHN are caused by a number of factors:
 - Changes in water use and irrigation costs;
 - Concrete repair variations; and
 - Demand of aging infrastructure updates.

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

- Section 825 of the City Code indicates “current services” mean one or more of the following:
 - (a) snow, ice, or rubbish removal from sidewalks;
 - (b) weed elimination from streets or private property;
 - (c) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes, sections 463.15 to 463.26;
 - (d) installation or repair of water service lines;
 - (e) street sprinkling, sweeping, or other dust treatment of streets;
 - (f) the trimming and care of trees and the removal of unsound trees from any street;
 - (g) the treatment and removal of insect-infested or diseased trees on private property;
 - (h) the repair of sidewalks and alleys;
 - (i) the operation of a street lighting system;
 - (j) the maintenance of landscaped areas, decorative parks and other public amenities on or adjacent to street right-of-way; and,
 - (k) snow removal and other maintenance of streets in commercial redevelopment areas.
- Council ordered the work and the work was done for 2017.
- Commercial property owners will be assessed on a per-square-foot basis.
- The proposed assessment was properly filed with the City Clerk.
- Notice of assessment and the public hearing was mailed to all property owners on the assessment roll on September 13, 2018.
- Notice of the public hearing was published in the official newspaper on September 20, 2018.

C. CRITICAL TIMING ISSUES:

- Each year the City shall list the total unpaid charges for current services against each separate lot or parcel to which they are attributable under Section 825 of the City Code. This list is available at the offices of the City Clerk, Assessing, and Public Works.
- The list is submitted to the County Auditor and due to Hennepin County by November 30, 2018.

D. FINANCIAL IMPACT:

- All costs to the City will be recovered through this assessment.
- Estimated and actual costs for the LHN maintenance services from 2003-2017 are:

<u>Year</u>	<u>Estimated</u>	<u>Actual</u>
2003	\$50,000	\$37,785.67
2004	\$50,000	\$44,031.39
2005	\$50,000	\$45,385.31
2006	\$50,000	\$45,648.56
2007	\$50,000	\$51,605.29
2008	\$50,000	\$49,999.99
2009	\$50,000	\$49,747.02
2010	\$50,000	\$32,459.40
2011	\$50,000	\$39,090.87
2012	\$50,000	\$32,244.51
2013	\$50,000	\$25,522.16
2014	\$50,000	\$29,415.52
2015	\$50,000	\$27,321.07
2016	\$50,000	\$26,025.24
2017	\$50,000	\$24,107.92

E. LEGAL CONSIDERATION:

- The City Attorney has reviewed the resolutions and will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):

- Council may make any changes to the assessment roll, as deemed necessary, after the public hearing.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Property owners on the assessment roll.

ATTACHMENTS:

Description	Type
☐ LHN Assessment Resolution 2017	Resolution Letter
☐ LHN Assessment Resolution 2019	Resolution Letter
☐ LHN Assessment Roll	Backup Material
☐ LHN Assessment District	Backup Material

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENT FOR THE
LYNDALE/HUB/NICOLLET (LHN) MAINTENANCE FOR
THE PERIOD JANUARY 1, 2017 TO DECEMBER 31, 2017**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and passed upon all objections to the proposed assessment for current services related to maintenance of the Lyndale/Hub/Nicollet (LHN) Redevelopment Area, which is approximately bounded by 64th Street, First Avenue, 67th Street, and Emerson Avenue in the City of Richfield.

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

1. Such proposed assessment roll, in the total amount of \$24,107.92 is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of assessment levied against it.
2. Such assessment shall be payable before or during 2019 and shall bear interest at the rate of five percent (5%) from the date of adoption of this assessment resolution.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment, to the City's Finance Division, except that no interest shall be charged if the entire assessment is paid before November 8, 2018. A property owner may, at any time prior to November 15 pay to the City's Finance Division the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which payment is made.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the proper tax lists of the County and such assessment shall be collected and paid over in the same manner as other municipal taxes.

Passed by the City Council of the City of Richfield, Minnesota, this 9th day of October, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

RESOLUTION NO.

RESOLUTION ORDERING UNDERTAKING OF CURRENT SERVICE PROJECT LYNDALDE/HUB/NICOLLET (LHN) MAINTENANCE FOR THE PERIOD JANUARY 1, 2019 TO DECEMBER 31, 2019

WHEREAS, pursuant to ordinance, the City Council of the City of Richfield did establish a special assessment district and did propose that certain services be undertaken by the City in the Lyndale/HUB/Nicollet Redevelopment Area approximately bounded by 64th Street, First Avenue, 67th Street and Emerson Avenue and that the cost of such services be specially assessed against benefited property; and

WHEREAS, the City Council of the City of Richfield did also by such resolution set the date of public hearing on the undertaking of such current service project and the levying of special assessment to bear the cost thereof; and

WHEREAS, following due notice, such public hearing was held on October 9, 2018, at which time all interested parties desiring to be heard were given an opportunity to be heard.

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

1. That the following examples of current services of the City shall be undertaken by the City within the LHN Redevelopment Project Area, which area constitutes the special assessment district with the exception of single family, two family and multifamily residential properties, with the cost of such services to be specially assessed against the benefited property within the district:
 - a. Snow, ice or rubbish removal;
 - b. Weed elimination;
 - c. Elimination or removal of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes Section 463.15 to 463.26;
 - d. Installation and repair of water service lines;
 - e. Street sprinkling or other dust treatment of streets;
 - f. The treatment and removal of insect-infested or diseased trees on private property;
 - g. Trimming and care of trees and the removal of unsound trees;
 - h. Repair of sidewalks, crosswalks and other pedestrian walkways;
 - i. Operation of the street lighting system;
 - j. Maintenance of landscaped areas and other public amenities on or adjacent to street right-of-way; and
 - k. Snow removal and other maintenance of streets.

2. The work to be performed may be by day labor, by City force, by contract, or by any combination thereof.
3. The designated period of the project shall be from January 1, 2019, through December 31, 2019. Costs of the project shall be collected in the manner provided in the Richfield Ordinance Code.

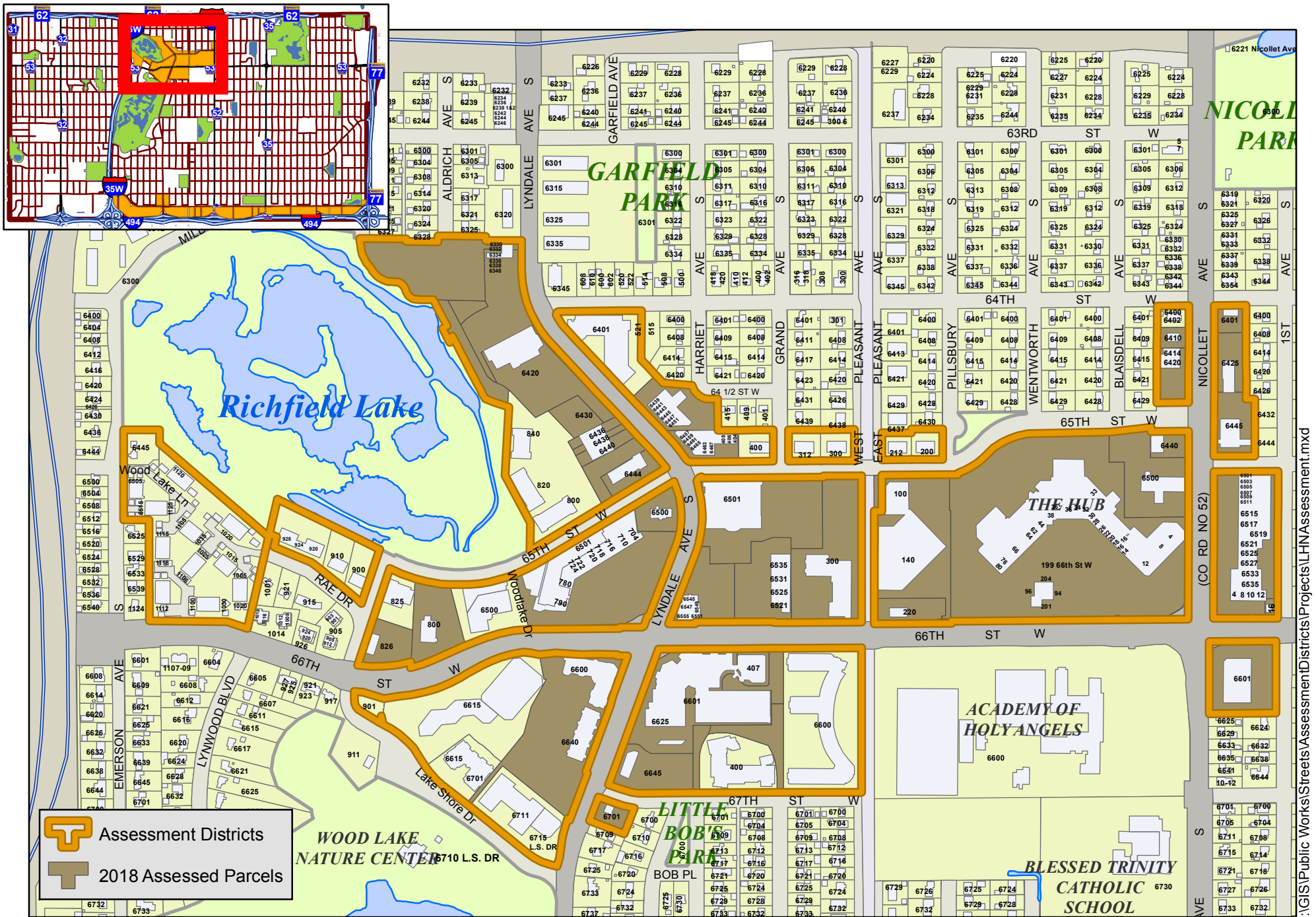
Passed by the City Council of the City of Richfield, Minnesota, this 9th day of October, 2018.

Pat Elliott, Mayor

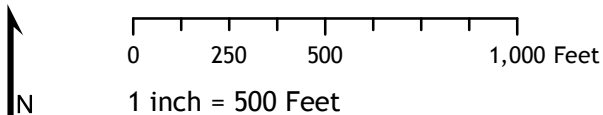
ATTEST:

Elizabeth VanHoose, City Clerk

BLDG_			
NUM	STREETNAME	PID ASSESSMENT	
16	66TH ST E	2702824130115	\$30.08
42	ADDRESS UNASSIGNED	2802824140371	\$71.45
42	ADDRESS UNASSIGNED	2702824230115	\$165.46
42	ADDRESS UNASSIGNED	2702824320132	\$78.97
42	ADDRESS PENDING	2802824110090	\$575.34
42	ADDRESS UNASSIGNED	2702824320133	\$221.86
42	ADDRESS UNASSIGNED	2702824320134	\$161.70
42	ADDRESS UNASSIGNED	2802824140370	\$236.91
42	ADDRESS PENDING	2802824110089	\$910.02
100	66TH ST W	2702824240064	\$1,278.54
199	65TH ST W	2702824240061	\$4,944.92
220	66TH ST W	2702824240063	\$221.86
300	66TH ST W	2702824230082	\$1,071.71
407	66TH ST W	2702824320138	\$157.94
700	66TH ST W	2702824230106	\$18.80
704	66TH ST W	2702824230107	\$1,568.09
800	66TH ST W	2802824140010	\$447.48
826	66TH ST W	2802824410039	\$248.19
6401	NICOLLET AVE S	2702824130052	\$116.57
6410	NICOLLET AVE S	2702824240040	\$90.25
6412	NICOLLET AVE S	2702824240065	\$233.14
6420	LYNDALE AVE S	2702824230114	\$737.04
6425	NICOLLET AVE S	2702824130053	\$255.71
6436	LYNDALE AVE S	2702824230084	\$71.45
6438	LYNDALE AVE S	2702824230085	\$52.65
6439	LYNDALE AVE S	2702824230074	\$432.45
6440	LYNDALE AVE S	2702824230086	\$105.29
6440	NICOLLET AVE S	2702824240057	\$127.85
6444	LYNDALE AVE S	2702824230088	\$199.30
6444	LYNDALE AVE S	2702824230087	\$188.02
6445	NICOLLET AVE S	2702824130001	\$345.96
6467	LYNDALE AVE S	2702824230010	\$266.99
6500	LYNDALE AVE S	2702824230090	\$236.91
6500	NICOLLET AVE S	2702824240060	\$673.11
6501	WOODLAKE DR	2702824230105	\$75.21
6501	NICOLLET AVE S	2702824130116	\$1,218.37
6501	LYNDALE AVE S	2702824230111	\$1,210.85
6525	LYNDALE AVE S	2702824230112	\$571.58
6545	LYNDALE AVE S	2702824230113	\$458.77
6601	LYNDALE AVE S	2702824320137	\$1,289.81
6601	NICOLLET AVE S	2702824420078	\$631.74
6640	LYNDALE AVE S	2702824320452	\$1,538.00
6645	LYNDALE AVE S	2702824320127	\$439.97
6701	LYNDALE AVE S	2702824320126	\$131.61
			\$24,107.92



The City of Richfield makes no representation or warranties, express or implied, with respect to the reuse of the data provided herewith, regardless of its format or the means of its transmission. There is no guarantee or representation to the user as to the accuracy, currency, suitability, or reliability of this data for any purpose. The user accepts the data "as is", and assumes all risks associated with its use.



Lyndale-Hub-Nicollet (LHN)

Assessment District

Richfield, Minnesota





STAFF REPORT NO. 179
CITY COUNCIL MEETING
10/9/2018

REPORT PREPARED BY: Chris Link, Operations Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
10/2/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
10/3/2018

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of the adoption of a resolution adopting the assessment for removal of diseased trees from private property for work ordered from January 1, 2017, through December 31, 2017.

EXECUTIVE SUMMARY:

The health of trees within municipal limits is threatened by shade tree diseases and it is the City's responsibility to control and prevent the spread of these diseases.

If the City deems it necessary to remove a diseased tree on private property, the property owners have three options available:

1. Remove the tree themselves;
2. Hire and pay for their own contractor; or
3. Hire their own contractor and request the cost of the tree removal be assessed against their property tax.

In the period from January 1, 2017, through December 31, 2017, eleven (11) property owners chose the third option. The total amount to be assessed is \$36,144.71.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Adopt a resolution adopting the assessment for removal of diseased trees from private property for work ordered from January 1, 2017, through December 31, 2017.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

In the early 1970's, the City of Richfield began a shade tree disease program to assist homeowners in the removal of diseased trees on private property. The following process is how the City ensures property owners are aware of their diseased tree(s).

Notification to Property Owners

At time of marking for removal, paperwork is left at the property which includes:

- Removal deadline;
- Reason the tree was marked for removal;
- Assessment information;
- Information regarding private contractors;
- A card postmarked to the City informing the City of owner's removal plans; and
- City staff contacts for more information.

If the tree becomes hazardous or is past the removal deadline the City sends an additional deadline letter to the property owner. The letter is sent to the last known owner as obtained from Hennepin County Property Records and verified by our utility billing records.

Occupied Properties

On confirmed occupied properties, property owners with diseased private trees have three options available for tree removal:

1. Remove the tree themselves;
2. Hire and pay their own contractor; or
3. Hire their own contractor and request the cost of the tree removal be assessed against their property tax.

Vacant Properties

In cases where the property is vacant and no owner can be found, removals must be ordered when trees have passed the removal deadline or become hazardous. A contractor then performs the removal and the cost is assessed to the property.

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

- The work has been completed with prior approval from the affected residents; except in cases of vacant properties.
- Minnesota State Statute requires the County be notified of all special assessments.
- The proposed assessment was properly filed with the City Clerk.
- Notices of the assessment hearing were mailed to the owner of each parcel described in the assessment roll on September 13, 2018.
- The public hearing notice was published in the official newspaper on September 20, 2018.

C. CRITICAL TIMING ISSUES:

- The unpaid charges for the removal of the diseased trees must be special assessed for certification to the County Auditor along with current taxes as stated in City Code 910.23.
- The assessment role is submitted to the County Auditor and must be reported to Hennepin County by November 30, 2018.

D. FINANCIAL IMPACT:

- The costs to be assessed for the removal of diseased trees on private property for work ordered during the period January 1, 2017, through December 31, 2017, have been determined to be \$36,144.71.
- The property owner may pay the original principal amount without interest within 30 days from the date the Council adopts the assessment. The unpaid balance will be spread over five (5) years with a five percent (5%) interest rate.
- The original source of funding to have the work done is through the City's Permanent Improvement Revolving Fund.

E. LEGAL CONSIDERATION:

- The City Attorney has reviewed the resolution and will be available to answer any questions.

ALTERNATIVE RECOMMENDATION(S):

- Council may revise the special assessment roll, as deemed necessary, following the public hearing.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Property owners on the assessment roll.

ATTACHMENTS:

	Description	Type
▢	Resolution	Resolution Letter

RESOLUTION NO.

RESOLUTION ADOPTING ASSESSMENT FOR THE REMOVAL OF DISEASED TREES FROM PRIVATE PROPERTY FOR WORK ORDERED DURING JANUARY 1, 2017 THROUGH DECEMBER 31, 2017

WHEREAS, costs have been determined for the removal of diseased trees from private properties in the City of Richfield and the expenses incurred or to be incurred for such work ordered during the period of January 1, 2017 through December 31, 2017 amount to \$36,144.71.

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and passed upon all objections to the proposed assessment for current services related to the removal of diseased trees from private properties in the City of Richfield and the expenses incurred or to be incurred for such work ordered during the period of January 1, 2017 through December 31, 2017. The costs to the properties are as follows:

Address	PID	Amount
809 E 70th St	3502824210003	\$2,681.88
2312 W 70th St	3202824110011	\$3,647.35
6221 5th Ave	2702824110027	\$3,900.00
6520 15th Ave	2602824130080	\$7,200.00
7214 13th Ave	3502824130114	\$858.20
7236 1st Ave	3402824130062	\$4,183.73
7300 12th Ave	3502824240017	\$804.56
7308 Columbus Ave	3502824230026	\$4,877.00
7321 Knox Ave	3302824240051	\$4,559.19
7333 Upton Ave	3202824130048	\$1,555.49
7401 Wentworth	3402824310032	\$1,877.31
TOTAL		\$36,144.71

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

1. Such proposed assessment roll, in the amount of \$36,144.71, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of the assessment levied against it.
2. Such assessment shall be payable in no more than one annual installment and shall bear interest at the rate of five (5%) percent from the date of adoption of this assessment resolution.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment, to the City's Assessing Division, except that no interest shall be charged if the entire assessment is paid by November 8, 2018. A property owner may, at any time prior to November 15, pay to the City's Assessing Division the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the property tax lists of the County and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of October, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 180
CITY COUNCIL MEETING
10/9/2018

REPORT PREPARED BY: Melissa Poehlman, Asst. Community Development Director

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
10/3/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
10/3/2018

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of the approval of a second reading of a Transitory Ordinance vacating 64th Street right-of-way between 16th Avenue and Richfield Parkway.

EXECUTIVE SUMMARY:

In conjunction with site plan approvals related to the Cedar Point II development, NHH Properties, LLC (the "Developer") is requesting to vacate a portion of 64th Street between 16th Avenue and Richfield Parkway. The eastern half of this section of road was removed when Richfield Parkway was constructed, the western half is currently a dead end. The proposed multi-family project will remove any need for this roadway and all utilities within and above the right-of-way will be relocated as part of the project.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve the Transitory Ordinance vacating 64th Street right-of-way between 16th Avenue and Richfield Parkway.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- 64th Street currently provides access to a garage at 6401 16th Avenue. This property is owned by the Housing and Redevelopment Authority (HRA), currently vacant, and proposed to be sold to the Developer.

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

- The Council may by ordinance vacate a street, alley, public grounds, or a part thereof, on its own motion or upon the petition of the owners half of the land abutting the street, alley, public grounds, or part thereof to be vacated.
- On July 16, 2018, the HRA approved submittal of a petition requesting the vacation of 64th Street in the area of the proposed development.
- No vacation may be made unless it appears in the interest of the public to do so.
- The Developer will be responsible for the relocation of all utilities within and above the existing right-of-way. All new utilities must be underground.

C. CRITICAL TIMING ISSUES:

60-DAY RULE: The 60-day clock started when a complete application (including a legal description of the area to be vacated) was received on September 13, 2018. The Council must render a decision or extend this deadline (up to an additional 60 days) by November 12, 2018.

D. FINANCIAL IMPACT:

- None

E. LEGAL CONSIDERATION:

- Notice of the public hearing was published in the Sun Current newspaper, as required.

ALTERNATIVE RECOMMENDATION(S):

- Deny the vacation, finding that it would not be in the public interest.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Representative(s) of NHH Properties, LLC

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Ordinance	Ordinance
<input type="checkbox"/>	Proposed Vacation Area	Exhibit

BILL NO.

TRANSITORY ORDINANCE NO. _____

**AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY EASEMENTS
(64TH STREET BETWEEN 16TH AVENUE AND RICHFIELD PARKWAY)**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1: The following described lands are subject to the easements as described below for public street right-of-way purposes ("Street Easement"):

That part of East 64th Street as dedicated on the plat of, IVERSON'S SECOND ADDITION, Hennepin County, Minnesota which lies easterly of the southerly extension of the westerly line of Block 1 said IVERSON'S SECOND ADDITION; and which lies westerly of the southerly extension of the easterly line of said Block 1.

Sec. 2: The City Council approved redevelopment plans for the properties surrounding the "Street Easement" on September 25, 2018.

Sec. 3: The Street Easement is not required for access to the abutting properties.

Sec. 4: The following public facilities are located in the Street Easement: storm sewer.

Sec. 5: The City has notified the service providers for gas, electric, telephone, and cable communications services of the proposed vacation; the following facilities are reported to be located in the Street Easement: telephone and cable.

Sec. 6: The Council finds that there is not a public need for the Street Easement.

Sec. 7: The City of Richfield held the first reading on September 25, 2018 and second reading on October 9, 2018. Legal notice was published in the City's official newspaper as required by ordinance.

Sec. 8: The Street Easement is vacated conditioned upon the dedication of drainage and utility easements in the plat.

Sec. 9: The vacation of the Street Easement is effective 30 days following publication of the ordinance.

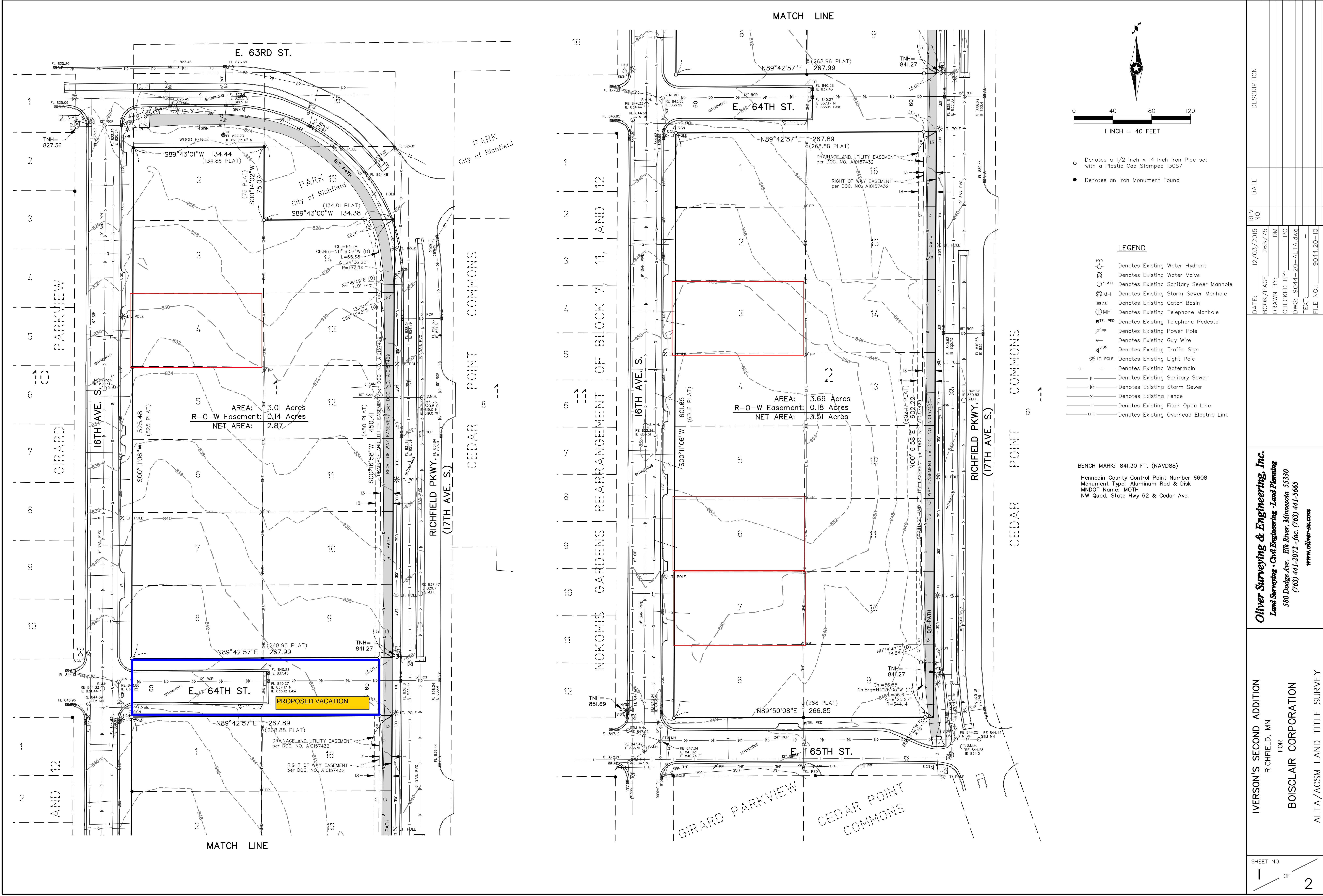
Sec. 10: The City Clerk is directed to prepare a certificate of completion of vacation proceedings and to record the vacation in the office of the Hennepin County Registrar of Titles or Hennepin County Recorder, as appropriate.

Passed by the City Council of the City of Richfield, Minnesota this 9th day of October, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk





STAFF REPORT NO. 181
CITY COUNCIL MEETING
10/9/2018

REPORT PREPARED BY: Chris Regis, Finance Director

DEPARTMENT DIRECTOR REVIEW: Chris Regis, Finance Director
10/2/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
10/3/2018

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of the adoption of a resolution adopting the assessment for unpaid false alarm user fees against private property.

EXECUTIVE SUMMARY:

Richfield City Code and City Charter allow the City to specially assess delinquent false alarm user fees against the respective properties. State Statutes provide that the City may levy a special one year assessment for these costs.

Unpaid alarm user fees must be paid to the City within 30 days from the date of written notice by the City to the alarm user. Fees not paid within the time specified will be subject to a 10% penalty charge.

The special assessment for unpaid false alarm user fees assessed to private properties provides a means for the City to recover costs incurred with the response by public safety to an alarm call on certain properties in the City that turns out to be false.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Adopt a resolution adopting the assessment for unpaid false alarm user fees against private property.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- N/A

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

- Richfield City Code section 915.07 Subd. 3 and chapter 8.02 of the City Charter allows the City to specially assess delinquent false alarm user fees against the respective properties.
- Minnesota State Statutes provide that the City may levy a special one-year assessment for these costs.
- Notice of the certification was published in the Sun Current on September 20, 2018.

C. CRITICAL TIMING ISSUES:

- N/A

D. FINANCIAL IMPACT:

- A 10% penalty charge is applied to all properties which have not paid within the time specified.
- The proposed special assessment for unpaid false alarm user fees from private property is \$880.00 with an additional 5% interest charge on the assessment.
- The affected property owner may prepay the original principal amount without interest within 30 days from the date the Council adopts the assessment. If the original principal amount is not paid, the assessment will be charged 5% interest.

E. LEGAL CONSIDERATION:

- No legal issues are apparent at this time. The City Attorney will be in attendance at the Council meeting should a legal question arise.

ALTERNATIVE RECOMMENDATION(S):

- Do not approve the resolution and have the costs absorbed by the City.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
▣ Resolution	Resolution Letter

RESOLUTION NO.
RESOLUTION ADOPTING ASSESSMENT FOR
UNPAID FALSE ALARM FEES FROM PRIVATE PROPERTY.

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and passed upon all objections to the proposed assessment for unpaid false alarm fees from private property in the City of Richfield:

Property Address	Property ID Number	Unpaid False Alarm Fee
1732 66th Street E	26-028-24-14-0130	110.00
700 78th Stre W	33-028-24-44-0234	220.00
7200 17th Ave S	35-028-24-14-0018	330.00
740 78th Street W	33-028-24-44-0232	110.00
7529 18th Ave S	35-028-24-41-0061	110.00
	Total	<u>\$880.00</u>

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

1. Such proposed assessment roll, in the amount of \$880.00, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of the assessment levied against it.
2. Such assessment shall be payable in no more than one annual installment and shall bear interest at the rate of five (5%) percent from the date of adoption of this assessment resolution.
3. The owner of any property so assessed may at any time prior to certification of the assessment to the County Auditor and within 30 days of the date the City Council adopts the assessment, pay the whole assessment on such property to the City's Assessing Division without interest. Payments received after the expiration of the 30 day prepayment period, but received prior to November 15, 2018 will be charged interest through the date of payment. Payments will not be accepted between November 15, 2018 and January 1, 2019.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the property tax lists of the County and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Richfield this 9th day of October, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 182
CITY COUNCIL MEETING
10/9/2018

REPORT PREPARED BY: Chris Regis, Finance Director

DEPARTMENT DIRECTOR REVIEW: Chris Regis, Finance Director
10/2/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
10/3/2018

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of the adoption of a resolution adopting the assessment for weed elimination from private property and removal or elimination of public health or safety hazards from private property.

EXECUTIVE SUMMARY:

Minnesota State Statutes provide that the City may levy a special one year assessment for the elimination of public health or safety hazards or the elimination of weeds from private properties. The special assessments are based on costs incurred by the City in connection with the abatement of weeds or public health or safety hazards on certain properties in the city, which are not properly maintained. The owners of the subject properties are notified by the City to take corrective action with regard to the issue with the property. If the specific property issues were not abated within the proper time limit the City would take the corrective action necessary and bill the property owner.

In all cases, property owners have been notified that any unpaid charges or fees may be assessed against the property.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Adopt a resolution adopting the assessment for weed elimination from private property and removal or elimination of public health or safety hazards from private property.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- N/A

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

- The nuisance properties were not maintained by the owners and the City incurred costs to abate the nuisance.
- Minnesota State Statutes provide that the City may levy a special one-year assessment for these costs.
- Notice of the certification was published in the Sun Current on September 20, 2018.

C. CRITICAL TIMING ISSUES:

- N/A

D. FINANCIAL IMPACT:

- The proposed special assessment for the elimination of public health or safety hazards from private property is \$10,734.67 with an additional 5% interest penalty.
- The proposed special assessment for weed elimination from private property is \$1,500.00 with an additional 5% interest penalty.
- Costs incurred for city staff time in the cleanup of the properties or to remove the weeds are included in the special assessment amount.
- A \$25.00 administrative fee is charged to all properties.
- The affected property owner may prepay the original principal amount without interest within 30 days from the date the Council adopts the assessment. If the original principal amount is not paid, the assessment will be charged 5% interest.

E. LEGAL CONSIDERATION:

- No legal issues are apparent at this time. The City Attorney will be in attendance at the Council meeting should a legal question arise.

ALTERNATIVE RECOMMENDATION(S):

- Do not approve the resolution and have the costs absorbed by the City.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
□ Resolution	Resolution Letter

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENT FOR
WEED ELIMINATION FROM PRIVATE PROPERTY AND REMOVAL OR
ELIMINATION OF PUBLIC HEALTH OR SAFETY HAZARDS FROM PRIVATE
PROPERTY.**

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and passed upon all objections to the proposed assessment for current services related to weed elimination from private property and removal or elimination of public health or safety hazards from private property in the City of Richfield:

Property Address	Property ID Number	Weed Elimination	Public Health or Safety Hazards
1820 66th Street W	28-028-24-24-0089	125.00	-
2601 66th Street W	29-028-24-41-0049	-	110.00
6319 Humboldt Ave	28-028-24-12-0055	125.00	-
6600 4th Ave S	27-028-24-41-0044	250.00	572.20
6633 Elliot Ave	26-028-24-31-0040	125.00	-
6735 Portland Ave S	26-028-24-32-0134	125.00	-
6821 Xerxes Ave	29-028-24-43-0091	250.00	-
6944 Pleasant Ave S	27-028-24-33-0027	-	9,535.06
7026 17th Ave S	35-028-24-11-0049	125.00	-
7028 Oakland Ave S	35-028-24-22-0092	125.00	-
7115 18th Ave S	35-028-24-11-0017	-	517.41
7438 Clinton Ave S	34-028-24-41-0081	125.00	-
7525 Emerson Ave	33-028-24-42-0135	125.00	-
Total		\$1,500.00	\$10,734.67

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

1. Such proposed assessment roll, in the amount of \$12,234.67, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of the assessment levied against it.
2. Such assessment shall be payable in no more than one annual installment and shall bear interest at the rate of five (5%) percent from the date of adoption of this assessment resolution.
3. The owner of any property so assessed may at any time prior to certification of the assessment to the County Auditor and within 30 days of the date the City Council adopts the assessment, pay the whole assessment on such property to the City's Assessing Division without interest. Payments received after the expiration of the 30 day prepayment period, but received prior to November 15, 2018 will be charged interest through the date of payment. Payments will not be accepted between November 15, 2018 and January 1, 2019.

4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the property tax lists of the County and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Richfield this 9th day of October, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 183
CITY COUNCIL MEETING
10/9/2018

REPORT PREPARED BY: Melissa Poehlman, Asst. Community Development Director

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
10/3/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
10/3/2018

ITEM FOR COUNCIL CONSIDERATION:

Cancel the public hearing and consideration of a resolution for a preliminary plat of the "Cedar Point II" Addition.

EXECUTIVE SUMMARY:

In conjunction with an application for a Planned Unit Development (Cedar Point II), NHH Properties, LLC (the "Applicant") will be re-platting the site. The plat will combine up to 29 parcels and vacated right-of-way to allow for construction of a multi-family apartment and townhome project along the 6300 and 6400 blocks of 16th Avenue and Richfield Parkway. Negotiations with one of the two remaining private owners remain underway. If negotiations are successful, the Applicant will be able to include this property in the preliminary plat and reduce additional work and permitting complications. For this reason, the Applicant has requested that consideration be delayed. This item will be rescheduled for the near future, but a definitive date is unknown at this time. A preliminary plat is required prior to the issuance of building permits.

RECOMMENDED ACTION:

By motion: Cancel the public hearing to consider a resolution for a preliminary plat of the "Cedar Point II" Addition.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The development area is comprised of 29 individual parcels and 64th Street right-of-way between 16th Avenue and Richfield Parkway.
- The Housing and Redevelopment Authority (HRA) currently owns 18 of the 29 parcels, and upon approval of a Contract for Private Development, will sell these parcels to the Applicant.
- Of the 11 privately-owned parcels, the Applicant has either purchased or has an agreement to purchase 9 of the homes, and is currently negotiating with 1 additional owner.

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

- All plats or subdivisions of land in the City must be approved by council resolution pursuant to the provisions of Minnesota State Statutes 462.357.

C. CRITICAL TIMING ISSUES:

- Per State Statute, the City has 120 days from the date of submittal of a complete application to

issue a decision regarding plat unless the applicant agrees to an extension.

- A complete application was received on August 20, 2018. The Council must render a decision by December 18, 2018.
- A public hearing regarding vacation of the 64th street right-of-way is scheduled for October 9, 2018. Vacation of this right-of-way is conditioned upon approval of a final plat and will not be effective until a final plat has been approved by the Council and filed with the County.

D. FINANCIAL IMPACT:

- None

E. LEGAL CONSIDERATION:

- Notice of this public hearing was published in the Sun Current newspaper.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None



STAFF REPORT NO. 184
CITY COUNCIL MEETING
10/9/2018

REPORT PREPARED BY: Steven L. Devich, City Manager

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager
10/3/2018

OTHER DEPARTMENT REVIEW: None

CITY MANAGER REVIEW: Steven L. Devich, City Manager
10/4/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of a request for the City Council to confirm the appointment of Pam Dymtrenko as Administrative Services Director/Assistant City Manager for the City of Richfield.

EXECUTIVE SUMMARY:

The department structure of the City of Richfield has been modified periodically to fit the needs of the organization. In late 1979, the department structure of the City was changed featuring the combination of several departments into a few large departments. This change included the establishment of the Administrative Services Department which incorporated the Finance, City Clerk/Deputy Registrar, Human Resources, Assessing, and Central Services/Data Processing functions (Divisions) into one department.

Over the years, some of the functions and their associated divisions have changed, been renamed or moved from one department to another. The Administrative Services Department has also had changes, but remained structured relatively the same since its creation. However, there has not been an Administrative Services Director, since 2004 when then Administrative Services Director/Assistant City Manager Steven Devich was promoted to the position of City Manager. The practical impact of that continued vacancy is that some of the division managers have reported directly to the City Manager for the past 14 years.

In more recent years, Pam Dymtrenko, who served as the Human Resources Manager/Assistant City Manager took over supervision of the Human Resources, (a portion of) Risk Management, Government Buildings and Media functions. In addition, Ms. Dymtrenko also took over the supervision of the Information Technologies Division about six months ago. Finance Manager Regis took on the Assessing function, as they shared staffing and the City Manager retained Supervision of the Information Technologies, City Clerk/Deputy Registrar and some of the Risk Management Divisions.

With the recent establishment of the Finance Department and pending retirement of the City Manager, it is the perfect opportunity to fill the Administrative Services Director position.

The appointment of Pam Dmytrenko to the Administrative Services Director position is formally promoting her into a position that she has partially done over the past few years. She is fully qualified and capable of performing the duties of this position for the City of Richfield. In addition, the position also includes the title of Assistant City Manager, which Ms. Dmytrenko has held for the past several years.

RECOMMENDED ACTION:

By motion: Confirm the appointment of Pam Dmytrenko as Administrative Services Director/Assistant City Manager for the City of Richfield.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- This section is contained in the Executive Summary.

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

- According to Richfield City Charter Section 6.02, Powers and Duties of the City Manager, subsection 3, and under Richfield City Code Section 310.01 Subd. 3, Charter authority, appointment or removal of department heads shall be made final only upon a majority vote of the Council.

C. CRITICAL TIMING ISSUES:

- While there is no deadline for this proposed change, the actual manner that the Administrative Services Department has been managed for the past couple of years, the elimination of the Assessing Division, and the establishment of the Finance Department make this an opportune time to make this change.
- The City Manager would like to deal with this issue before leaving.

D. FINANCIAL IMPACT:

- The Administrative Services Director position is contained in the 2018/2019 Budget and has been contained in all previous budgets since 2004. There are sufficient funds to cover the costs of filling this position.

E. LEGAL CONSIDERATION:

- The position was posted and selected in accordance with the Richfield City Code.
- According to Richfield City Code, the City Council must approve the City Manager's appointment of any Department Head in the City.

ALTERNATIVE RECOMMENDATION(S):

- The City Council may reject the City Manager's appointment and direct the City Manager to undertake a new selection process.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None