



**SPECIAL CITY COUNCIL WORKSESSION  
RICHFIELD MUNICIPAL CENTER  
DECEMBER 11, 2018  
5:30 PM**

Call to order

1. Reception for Mayor Pat Elliott and Council Member Michael Howard

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.**



**SPECIAL CONCURRENT CITY COUNCIL, PLANNING COMMISSION, AND TRANSPORTATION  
COMMISSION WORKSESSION  
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM  
DECEMBER 11, 2018  
6:00 PM**

Call to order

1. I-494: Airport to 169 project

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

December 6, 2018

Council Memorandum No. 89

The Honorable Mayor  
and  
Members of the City Council  
City of Richfield

Subject: December 11, 2018 City Council Concurrent Work Session

Council Members:

At the December 11, 2018, City Council concurrent work session with the Planning and Transportation commissions, Minnesota Department of Transportation (MnDOT) staff will provide an update on the status of the I-494: Airport to Hwy 169 Project.

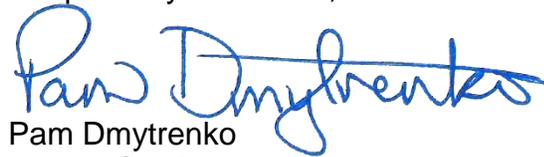
This work session is an opportunity for the Council and Commissioners to provide early input on the access consolidation options. Following this meeting, MnDOT will continue development and refinement of the options, work with the Technical Advisory Committee (TAC) to review and narrow down the alternatives, and then move forward with the public involvement plan to engage the public in evaluating the options.

This work session will focus on the following:

- Update of the purpose and needs investigation and the results of the public survey;
- Explanation of the project elements that will require municipal consent;
- Discussion related to interchange/access consolidation at Nicollet, Portland, and 12th Avenues:
  - Traffic data to demonstrate the congestion and safety concerns driving the need for access consolidation;
  - Interchange options being considered; and
  - Public involvement plan; and
- The Council will be updated on the design alternatives that will be presented to the public and the public meeting schedule.

Please contact Kristin Asher, Public Works Director, at 612-861-9795 with questions.

Respectfully submitted,



Pam Dmytrenko  
Interim City Manager

PD:jp

Email: Department Directors



**REGULAR CITY COUNCIL MEETING  
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS  
DECEMBER 11, 2018  
7:00 PM**

**INTRODUCTORY PROCEEDINGS**

Call to order

Flag Ceremony with Richfield Cub Scout Pack 384

Pledge of Allegiance

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.***

Approval of the minutes of the: (1) Regular City Council meeting of November 27, 2018; and (2) Special City Council meeting of November 28, 2018.

**PRESENTATIONS**

1. Annual meeting with the Transportation Commission
2. Richfield Foundation awarding of grants

**COUNCIL DISCUSSION**

3.
  - Schedule dates for interviewing commission applicants - Jan. 12 and 19
  - Hats Off to Hometown Hits

**AGENDA APPROVAL**

4. Approval of the Agenda
5. **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 adoption of a resolution authorizing Minnesota Department of Transportation Agency Agreement No. 1032616 for Federal Participation in Advance Construction related to the 77th Street Underpass Project.

Staff Report No. 214
  - B. Consideration of the adoption of a resolution approving a Fair Housing Policy.

Staff Report No. 215

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

Staff Report No. 216

- D. Consideration of the adoption of a resolution appointing representatives to the Board of Directors of the Richfield Tourism Promotion Board, Inc.

Staff Report No. 217

- E. Consideration of the adoption of a resolution authorizing an internal loan up to \$900,000 to the Liquor Fund for costs incurred in the remodeling of City municipal stores.

Staff Report No. 218

- F. Consideration of the approval of first reading of a transitory ordinance vacating a right-of-way easement on property at 1401 76th Street West (Seven Hills Academy) and schedule a public hearing and second reading for January 8, 2019.

Staff Report No. 219

- G. Consideration of the approval of the renewal of the 2019 licenses for On-Sale 3.2 Percent Malt Liquor, Off-Sale 3.2 Percent Malt Liquor and taxi companies doing business in Richfield.

Licenses to Operate in Richfield

Gold Star Taxi - 7 vehicles  
Airport Taxi - 6 vehicles

Licenses to sell 3.2 Percent Malt Liquor

La Vaquita Short Stop- Off-Sale  
La Vaquita 2- Off-Sale  
Portland Food Mart - Off-Sale  
Pump & Munch - Off-Sale  
Richfield Minnoco - Off Sale  
Speedway #4186 - Off-Sale  
Speedway #4188 - Off-Sale  
Speedway #4191 - Off-Sale  
Speedway #4615 - Off-Sale  
Target Corporation - Off-Sale  
Sandy's Tavern - On-Sale  
Vina Restaurant - On-Sale

Staff Report No. 220

- 6. Consideration of items, if any, removed from Consent Calendar

**PROPOSED ORDINANCES**

- 7. Consideration of land use approvals related to a proposal for a 183-unit apartment building on the north side of 66th Street between Queen and Russell Avenues (future address: 2400 66th Street West).

Staff Report No. 221

**PUBLIC HEARINGS**

- 8. Public hearing and consideration of the approval of a transitory ordinance vacating Queen Avenue and a portion of Russell Avenue between 65th ½ Street and 66th Street.

Staff Report No. 222

- 9. Public hearing and consideration of the adoption of a resolution approving a preliminary plat of the "Cedar Point 2" Addition that will combine 27 parcels and vacated 64th Street right-of-way into 5 parcels, in order to allow construction of a previously approved housing project.

Staff Report No. 223

- 10. Public hearing and consideration of the approval of second reading of an ordinance amendment to the Richfield City Code Appendix D (Fee Schedule) and adopt a resolution approving summary publication of said ordinance. The proposed ordinance would revise fees related to certain building permit and planning and zoning application fees.

Staff Report No. 224

11. Public hearing and consideration of the approval of the renewal of 2019 Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc. 7529 Lyndale Avenue South.

Staff Report No. 225

12. Public hearing and consideration of the approval of the renewal of 2019 Club On-Sale Intoxicating and Sunday Liquor licenses for Fred Babcock V.F.W. Post No. 5555 d/b/a Four Nickels Food and Drink, 6715 Lakeshore Drive.

Staff Report No. 226

13. Public hearing and consideration of the approval of the renewal of 2019 Club On-Sale and Sunday Liquor licenses for Minneapolis-Richfield American Legion Post No. 435, 6501 Portland Avenue South.

Staff Report No. 227

14. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 7644 Lyndale Avenue South.

Staff Report No. 228

15. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Davanni's, Inc. d/b/a Davanni's Pizza and Hot Hoagies, 6345 Penn Avenue South.

Staff Report No. 229

16. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Joy's Pattaya Thai Restaurant, LLC d/b/a Joy's Pattaya Thai Restaurant, 7545 Lyndale Avenue South.

Staff Report No. 230

17. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses with outside seating for LRFC, LLC d/b/a Local Roots Food & Coffee, 817 66th Street East.

Staff Report No. 231

18. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Los Sanchez Taqueria # 2, LLC d/b/a Los Sanchez Taqueria, 2 66th Street West.

Staff Report No. 232

19. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for My Burger Operations, LLC d/b/a My Burger, 6555 Lyndale Avenue South.

Staff Report No. 233

20. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Minnesota Junior Hockey Group, LLC d/b/a Minnesota Magicians at the Richfield Ice Arena, 636 East 66th Street.

Staff Report No. 234

21. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Patrick's French Bakery, Inc. d/b/a Patrick's Bakery & Cafe, 2928 66th Street West.

Staff Report No. 235

22. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Henry Thou d/b/a Red Pepper Chinese Restaurant, 2910 66th Street West.

Staff Report No. 236

23. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing, for Frenchman's Pub, Inc. d/b/a Frenchman's, 1400 66th Street East.

Staff Report No. 237

24. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing for El Tejaban Mexican Restaurant, LLC d/b/a El Tejaban Mexican Grill, 6519 Nicollet Avenue South.

Staff Report No. 238

25. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses with outside service, for Thompson's Fireside Pizza, Inc. d/b/a Fireside Foundry, 6736 Penn Avenue South.

Staff Report No. 239

26. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses for Lyndale Smokehouse, LLC d/b/a Lyndale Smokehouse, 7745 Lyndale Avenue South.

Staff Report No. 240

27. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with outside service, for VPC Richfield Pizza, LLC d/b/a Giordano's of Richfield, 3000 66th Street West.

Staff Report No. 241

28. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with outside service for Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar, 6601 Lyndale Avenue South.

Staff Report No. 242

29. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses for Paisan Incorporated d/b/a Khan's Mongolian Barbeque, 500 78th Street East.

Staff Report No. 243

30. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses for Lyn 65, LLC d/b/a Lyn 65 Kitchen & Bar, 6439 Lyndale Avenue South.

Staff Report No. 244

31. Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with outside service and the optional 2 a.m. closing, for Pizza Luce VII, Inc. d/b/a Pizza Luce, 800 66th Street West.

Staff Report No. 245

**RESOLUTIONS**

32. Consideration of the adoption of resolutions approving the 2018 Revised/2019 Proposed budget and tax levy and related resolutions.

Staff Report No. 246

33. Consideration of the adoption of a resolution authorizing the Housing and Redevelopment Authority to submit an application to the Brownfield Gap Financing Program for funds to pay for a Phase II Environmental Assessment of 6501 Penn Avenue.

Staff Report No. 247

**OTHER BUSINESS**

34. Consideration of the approval of an employment agreement between the City of Richfield and Catherine Rodriguez, to serve as City Manager of the City of Richfield.

Staff Report No. 248

**CITY MANAGER'S REPORT**

35. City Manager's Report

**CLAIMS AND PAYROLLS**

36. 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.***

37. Adjournment

**Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96**

hours in advance to the City Clerk at 612-861-9738.



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Regular Meeting

November 27, 2018

### CALL TO ORDER

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

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

*Staff Present:* Steven L. Devich, City Manager; Mary Tietjen, City Attorney; Pam Dmytrenko, Administrative Services Director/Assistant City Manager; Wayne Kewitsch, Fire Chief; Melissa Poehlman, Assistant Community Development Director; and Jared Voto, Executive Aide/Analyst.

### OPEN FORUM

Larry Johnson, Minneapolis, spoke regarding an incident with a Richfield Police Officer.

### PLEDGE OF ALLEGIANCE

Mayor Elliott led the Pledge of Allegiance.

### APPROVAL OF MINUTES

M/Garcia, S/Elliott to approve the minutes of the: (1) Special concurrent City Council, Housing and Redevelopment Authority, and Planning Commission work session of November 13, 2018; (2) Regular City Council meeting of November 13, 2018; (3) Special City Council work session of November 16, 2018; and (4) Special City Council meeting of November 17, 2018.

Motion carried 5-0.

Item #1

**PROCLAMATION RECOGNIZING CITY MANAGER STEVEN L. DEVICH**

Mayor Elliott read the proclamation to City Manager Devich, congratulated and thanked him for his 38 years of service to the City of Richfield.

Council Members discussed City Manager Devich's service to the City and thanked him for all that he has done.

City Manager Devich spoke regarding his work in Richfield and thanked the City Council and staff for their support.

<b>Item #2</b>	<b>GORDON VIZECKY, PRESIDENT OF RICHFIELD TOURISM PROMOTION BOARD, INC.</b>
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Gordon Vizecky, President of the Richfield Tourism Promotion Board (RTPB), provided an update on the work of the RTPB and asked the City Council's support in making updates to the relationship between the RTPB and the City.

<b>Item #3</b>	<b>ANNUAL MEETING WITH THE CIVIL SERVICE COMMISSION</b>
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Mary Stratton, Vice Chair of the Civil Service Commission, provided an update of the work completed by the Civil Service Commission in 2018.

Mayor Elliott stated that Steven Hurvitz, Chair of the Civil Service Commission, was unable to attend tonight and asked the Mayor to make a statement on his behalf regarding the Civil Service Commission and the Public Safety/Police Department.

<b>Item #4</b>	<b>COUNCIL DISCUSSION</b> <ul style="list-style-type: none"> <li>• Hats Off to Hometown Hits</li> </ul>
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Council Member Garcia spoke regarding the beautiful decorations throughout the City and hoped the STEM school choir could attend a City Council in the near future.

Council Member Trautmann thanked City Manager Devich and staff for all their work.

Council Member Howard invited residents to get their Christmas tree at Veterans Park.

Council Member Regan Gonzalez spoke regarding a holiday open house at Village Shores on December 2 from 10 a.m. to 2 p.m.; a Red Cross blood drive event for Justice for Jonathan O'Shaughnessy at 6730 Nicollet on December 8 from 10 a.m. to 4 p.m.; and City Commission recruitment process begins on December 1 through December 31 and invited residents to apply for a commission.

Mayor Elliott thanked City Manager Devich for his service and discussed placing a statue of him next to Mayor Kirsch on the bench on Lyndale.

<b>Item #5</b>	<b>APPROVAL OF THE AGENDA</b>
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M/Trautmann, S/ Howard to approve the agenda.

Motion carried 5-0.

<b>Item #6</b>	<b>CONSENT CALENDAR</b>
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City Manager Devich presented the consent calendar.

- A. Consideration of the approval of the first reading of an ordinance amendment to the Richfield City Code Appendix D (Fee Schedule) related to planning and zoning fees and schedule a public hearing and second reading for December 11, 2018. (S.R. No. 210)

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

Motion carried 5-0.

<b>Item #7</b>	<b>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR</b>
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None.

<b>Item #8</b>	<b>CONSIDERATION OF THE APPROVAL OF THE FIRST READING OF AN ORDINANCE REZONING PROPERTIES ON THE NORTH SIDE OF 66TH STREET AT QUEEN AVENUE AS PLANNED MULTI-FAMILY RESIDENTIAL (PMR) AND CONSIDERATION OF THE APPROVAL OF THE FIRST READING OF A TRANSITORY ORDINANCE VACATING QUEEN AVENUE AND A PORTION OF RUSSELL AVENUE BETWEEN 65TH ½ STREET AND 66TH STREET AND SCHEDULE A PUBLIC HEARING AND SECOND READING FOR DECEMBER 11, 2018. (S.R. NO. 211)</b>
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Council Member Trautmann presented Staff Report No. 211. He discussed the comments received from residents near the area and concerns about the project. He also discussed the zoning of the area and that it has been guided for multi-family development.

Mayor Elliott discussed attending the Planning Commission meeting on November 26, the comments he heard at the public hearing, and how they were similar to comments he’s heard from other neighborhoods about their pride in Richfield and their neighborhood.

Council Member Howard asked staff for a review of the action taken by the Planning Commission.

Assistant Community Development Director Poehlman responded that concerns were generally about traffic, height of the building on the north side, and shadow cast by the building. The Planning Commission proposed an amendment to the plans and asked for a reduction in the height on the north side to three stories and increasing the south to five stories. The developer deliberated the change and responded at the meeting that this amendment would be feasible and the Planning Commission approved the amendment.

Todd Olin, Bogart-Pederson & Associates, spoke for the developer and discussed the proposed development.

M/Trautmann, S/Elliott to approve a first reading of an ordinance that amends Richfield Zoning Code Appendix I to change the zoning designation of Blocks 2 and 3, Harry Tickner's Subdivision of Lot 15, Richfield Gardens from High-Density Residential (MR-3) and Single Family Residential (R) to Planned Multi-Family Residential (PMR).

Motion carried 5-0.

M/Trautmann, S/Howard to approve a first reading of a transitory ordinance vacating Queen Avenue and a portion of Russell Avenue between 65th 1/2 Street and 66th Street, and schedule a public hearing and second reading for December 11, 2018

Motion carried 5-0.

Item #9	<b>CONSIDERATION OF THE APPOINTMENT OF ADMINISTRATIVE SERVICES DIRECTOR/ASSISTANT CITY MANAGER PAM DMYTRENKO AS INTERIM CITY MANAGER. (S.R. NO. 212)</b>
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Mayor Elliott presented Staff Report No. 212.

M/Elliott, S/Garcia to appoint Administrative Services Director/Assistant City Manager Pam Dmytrenko as Interim City Manager.

Motion carried 5-0.

Item #10	<b>CITY MANAGER'S REPORT</b>
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City Manager Devich thanked the City Council, residents, and staff for their support of him over the years while serving Richfield.

Item #11	<b>CLAIMS AND PAYROLLS</b>
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M/Garcia, S/Regan Gonzalez that the following claims and payrolls be approved:

<b>U.S. Bank</b>	<b>11/27/18</b>
A/P Checks: 272894 - 273244	\$ 1,239,482.78
Payroll: 140963 - 141297 ; 42874	664,535.29
TOTAL	<u>\$ 1,904,018.07</u>

Motion carried 5-0.

**OPEN FORUM**

None.

<b>Item #12</b>	<b>ADJOURNMENT</b>
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The meeting was adjourned by unanimous consent at 8:18 p.m.

Date Approved: December 11, 2018

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Pat Elliott  
Mayor

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Jared Voto  
Executive Aide/Analyst

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Pam Dmytrenko  
Interim City Manager



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Special City Council Meeting

### November 28, 2018

#### CALL TO ORDER

The meeting was called to order by Mayor Elliott at 6:00 p.m. in the Council Chambers.

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

*Staff Present:* Steven L. Devich, City Manager; Pam Dmytrenko, Assistant City Manager/Administrative Services Director; Chris Regis, Finance Director; Kristin Asher, Public Works Director; John Stark, Community Development Director; Jim Topitzhofer, Recreation Services Director; Jay Henthorne, Public Safety Director; Wayne Kewitsch, Fire Services Director; and Bill Fillmore, Municipal Liquor Operations Director.

Item #1	<b>CONDUCT A TRUTH IN TAXATION PUBLIC HEARING REGARDING THE 2019 PROPERTY TAX LEVY AND 2018 REVISED/2019 PROPOSED BUDGET AND PROPOSED 2019 WATER, WASTEWATER, STORM SEWER UTILITY, AND STREET LIGHT RATES. (S.R. NO. 213)</b>
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Finance Manager Regis made a presentation summarizing the general fund budget and tax levy, the capital budget and utility rates including water, sanitary, and storm sewer.

Mayor Elliott opened the public hearing and asked if there was anyone who wished to speak on the tax levy.

Carl Flick, 1309-1325 E 66th Street, spoke regarding the valuation of his home and the increase in his taxes.

Ray Anderson, 701 E 66th Street, spoke regarding the valuation of her home and the increase in her taxes.

City Manager Devich explained that these increases related to the increase in the market value of their homes and suggested they contact Hennepin County regarding their valuation.

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

Motion carried 3-0.

Item #2	<b>ADJOURNMENT</b>
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The meeting was adjourned by unanimous consent at 6:45 p.m.

Date Approved: December 11, 2018

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Pat Elliott  
Mayor

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Jared Voto  
Executive Aide/Analyst

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Pam Dmytrenko  
Interim City Manager



**STAFF REPORT NO. 214**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jeff Pearson, City Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
12/4/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/5/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the adoption of a resolution authorizing Minnesota Department of Transportation Agency Agreement No. 1032616 for Federal Participation in Advance Construction related to the 77th Street Underpass Project.**

**EXECUTIVE SUMMARY:**

Minnesota Department of Transportation (MnDOT) Agency Agreement No. 1032616 for Federal Participation in Advance Construction allows MnDOT to act as the City's agent in accepting federal aid in connection with the 77th Street Underpass Project.

The project includes construction of new roadway connecting 77th Street to Longfellow Avenue as well as new bridges and ramps for Trunk Highway 77.

The City desires to proceed with the construction of the project in advance of the year it is programmed for the federal funds which requires an agreement for advance of construction. The project will be converted to "real" funds in federal fiscal years 2020 or sooner as funds are available.

It is permissible under Federal Highway Administration Procedures to advance construction of projects with non-federal funds, with the intent to request federal funding in a subsequent fiscal year, if sufficient funding and obligation authority are available.

The City will initially use local, county, and state funds in lieu of the federal funds so that the project may proceed prior to the fiscal year designated in the STIP.

**RECOMMENDED ACTION:**

**By motion: Adopt a resolution authorizing Minnesota Department of Transportation Agency Agreement No. 1032616 for Federal Participation in Advance Construction related to the 77th Street Underpass Project.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The City Council passed Resolution No. 10847 on October 8, 2013 supporting the 77th Street

Underpass Project.

- The City Council passed Bill No. 2013-24 on December 10, 2013 adopting the 77th Street Underpass Official Right-of-Way Map (City Ordinance 551).
- The City applied for and was awarded federal funding for the 77th St Underpass project in 2016.
- The project has also received committed funding from Hennepin County and the State.
- The City Council approved the the Design Layout for the project on September 11, 2018.

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

- Increasing capacity of the I-494 corridor and the 77th Street crossing of TH 77 are identified in the City's Comprehensive Plan (Chapter 6 - Transportation).

**C. CRITICAL TIMING ISSUES:**

- The agreement with MnDOT needs to be completed to stay on track for start of construction in 2019.

**D. FINANCIAL IMPACT:**

- There is no financial impact to enter into the agreement.

**E. LEGAL CONSIDERATION:**

- The City Attorney has reviewed the agreement and will be available at the meeting to address any questions.

**ALTERNATIVE RECOMMENDATION(S):**

- None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

	Description	Type
□	Resolution	Resolution Letter
□	MnDOT Agency Agreement No. 1032616	Contract/Agreement

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING MAYOR AND CITY MANAGER TO EXECUTE  
MINNESOTA DEPARTMENT OF TRANSPORTATION (MnDOT)  
AGENCY AGREEMENT NO. 1032616  
FOR FEDERAL PARTICIPATION IN ADANCE CONSTRUCTION  
FOR THE 77<sup>th</sup> STREET UNDERPASS PROJECT  
STATE PROJECT NO. 157-108-035;  
157-594-002, AND 2758-81;  
SPTF 2719(097)**

**BE IT RESOLVED**, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Richfield to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

**BE IT FURTHER RESOLVED**, the Mayor and City Manager are hereby authorized and directed for and on behalf of the City of Richfield to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 1032616", a copy of which said agreement was before the City Council and which is made a part hereof by reference.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing Resolution is a true and correct copy of the Resolution presented to and adopted by the City of Richfield at a duly authorized meeting thereof held on the 11th day of December, 2018 as shown by the minutes of said meeting in my possession.

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

Notary Public  
My Commission expires \_\_\_\_\_



**STATE OF MINNESOTA**

**AGENCY AGREEMENT**

for

**FEDERAL PARTICIPATION IN ADVANCE CONSTRUCTION**

**State Project Number:** 157-108-035,157-594-002 and 2758-81\_

**FAIN Number:** SPTF 2719(097)

This agreement is entered into by and between the City of Richfield ("Local Government") and the State of Minnesota acting through its Commissioner of Transportation ("MnDOT").

**RECITALS**

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1. MnDOT Contract Number 1029995 which has been executed between the Local Government and MnDOT, appoints MnDOT as the Local Government's agent to receive and disburse transportation related federal funds, and sets forth duties and responsibilities for letting, payment, and other procedures for a federally funded contract let by the Local Government; and
2. Pursuant to Minnesota Statutes Section 161.36, the Local Government desires MnDOT to act as the Local Government's agent to accept and disburse federal funds for the construction, improvement, or enhancement of transportation financed in whole or in part by federal funds, hereinafter referred to as the "Project"; and
3. The Local Government is proposing a federal aid project to construct 0.36 miles of new roadway connection 77<sup>th</sup> Street to Longfellow Avenue as well as new bridges and ramps for Trunk Highway 77 and Interstate 494, hereinafter referred to as the "Project"; and
4. The Project is eligible for the expenditure of federal aid funds and is programmed in the approved federally approved STIP for the fiscal years 2020, and is identified in MnDOT records as State Project 157-108-035,157-594-002 and 2758-81, and in Federal Highway Administration ("FHWA") records as Minnesota Project SPTF 2719(097); and
5. The Local Government desires to proceed with the construction of the project in advance of the year it is programmed for the federal funds; and
6. It is permissible under Federal Highway Administration procedures to perform advance construction of eligible projects with non-federal funds, with the intent to request federal funding for the federally eligible costs in a subsequent federal fiscal year(s), if sufficient funding and obligation authority are available; and
7. The Local Government desires to temporarily provide Local Government State Aid and/or other local funds in lieu of the federal funds so that the project may proceed prior to the fiscal year(s) designated in the STIP; and
8. MnDOT requires that the terms and conditions of this agency be set forth in an agreement.

**AGREEMENT TERMS**

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**1. Term of Agreement**

- 1.1. **Effective Date.** This agreement will be effective upon execution by the Local Government and by

appropriate State officials, pursuant to Minnesota Statutes Section 16C.05, and will remain in effect for five (5) years from the effective date or until all obligations set forth in this agreement have been satisfactorily fulfilled, whichever occurs first.

**2. Local Government's Duties**

- 2.1. The Local Government will perform all of its duties and obligations in MnDOT Contract Number 1029995, which is incorporated herein by reference, in the solicitation, letting, award, and administration of the construction of the Project.

**3. MnDOT's Duties**

- 3.1. MnDOT will perform all of its duties in accordance with MnDOT Contract Number 1029995, which is incorporated herein by reference.
- 3.2. MnDOT will make the necessary requests to the FHWA for authorization to use federal funds for the Project, and for reimbursement of eligible costs pursuant to the terms of this agreement.
- 3.3. MnDOT will request the conversion of the Project to federal funding of eligible costs, when funding and obligation authority are available.
- 3.4. At such time that the project is converted to federal funding and such funding is received by MnDOT, MnDOT will reimburse to the Local Government the federal aid share of the federally eligible costs, previously provided by the Local Government. Reimbursement for Local Government State Aid funds used in lieu of federal funds, will be deposited in the Local Government's State Aid Account. Reimbursement for other Local Government funds used in lieu of federal funds will be forwarded to the Local Government.

**4. Time**

- 4.1. The Local Government must comply with all the time requirements described in this agreement. In the performance of this agreement, time is of the essence
- 4.2. The period of performance is defined as beginning on the date of federal authorization and ending on the date defined in the federal financial system or federal agreement ("end date"). **No work completed** after the **end date** will be eligible for federal funding. Local Government must submit all contract close out paperwork to MnDOT, twenty four months prior to the **end date**.

**5. Payment**

- 5.1. It is estimated that the total cost of the Project is \$ 17,600,000. The remaining share will be paid by the Local Government. 80% of the costs will be eligible for Surface Transportation Program funds in federal fiscal year 2020. This amount is \$7,000,000.
- 5.2. The Local Government will pay any part of the cost or expense of the work that the FHWA does not pay.
- 5.3. Request for reimbursement of the federal aid share of the federally eligible costs can be made any time after the work is completed, however payment may not be made until after October 1, 2019 for federal fiscal year 2020. It could be earlier if funding and obligation authority are available (subject to the Area Transportation Partnership (ATP) policy).
- 5.4. The Local Government will make requests for reimbursement in accordance with the payment provisions in MnDOT Contract Number 1029995, which is incorporated by reference, and will comply with the requirements of 2 CFR Part 200.

**6. Authorized Representatives**

- 6.1. MnDOT's Authorized Representative is:

Name: Lynnette Roshell, or her successor.

Title: State Aid, Special Projects

Phone: 651-366-3822

Email: lynette.roshell@state.mn.us

MnDOT's Authorized Representative has the responsibility to monitor Local Government's performance and the authority to accept the services provided under this agreement. If the services are satisfactory, MnDOT's Authorized Representative will certify acceptance on each invoice submitted for payment.

6.2. The Local Government's Authorized Representative is:

Name: Jeff Pearson \_\_\_\_\_, or his successor.

Title: Richfield City Engineer \_\_\_\_\_

Phone: 612-861-9791 \_\_\_\_\_

Email: jpearson@richfieldmn.gov \_\_\_\_\_

If the Local Government's Authorized Representative changes at any time during this agreement, the Local Government will immediately notify MnDOT.

**7. Assignment Amendments, Waiver, and Agreement Complete**

- 7.1. **Assignment.** The Local Government may neither assign nor transfer any rights or obligations under this agreement without the prior written consent of MnDOT and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.
- 7.2. **Amendments.** Any amendments 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 and approved the original agreement, or their successors in office.
- 7.3. **Waiver.** If MnDOT or the Local Government fails to enforce any provision of this agreement, that failure does not waive the provision or the right of MnDOT or the Local Government to subsequently enforce it.
- 7.4. **Agreement Complete.** This agreement contains all negotiations and agreements between MnDOT and the Local Government. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.
- 7.5. **Severability.** If any provision of this Agreement or the application thereof is found invalid or unenforceable to any extent, the remainder of the Agreement, including all material provisions and the application of such provisions, will not be affected and will be enforceable to the greatest extent permitted by the law.

**8. Liability and Claims**

- 8.1. **Tort Liability.** Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of any others and the results thereof. The Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, governs MnDOT liability.
- 8.2. **Claims.** The Local Government acknowledges that MnDOT is acting only as the Local Government's agent for acceptance and disbursement of federal funds, and not as a principal or co-principal with respect to the Project. The Local Government will pay any and all lawful claims arising out of or incidental to the Project including, without limitation, claims related to contractor selection (including the solicitation, evaluation, and acceptance or rejection of bids or proposals), acts or omissions in performing the Project work, and any *ultra vires* acts. The Local Government will indemnify, defend (to the extent permitted by the Minnesota Attorney General), and hold MnDOT harmless from any claims or costs arising out of or incidental to the Project(s), including reasonable attorney fees incurred by MnDOT. The Local Government's indemnification

obligation extends to any actions related to the certification of DBE participation, even if such actions are recommended by MnDOT.

## 9. Audits

- 9.1. Under Minn. Stat. § 16C.05, Subd.5, the Local Government's books, records, documents, and accounting procedures and practices of the Local Government, or other party relevant to this agreement or transaction, are subject to examination by MnDOT and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later. The Local Government will take timely and appropriate action on all deficiencies identified by an audit.
- 9.2. All requests for reimbursement are subject to audit, at MnDOT's discretion. The cost principles outlined in 2 CFR 200.400-.475 will be used to determine whether costs are eligible for reimbursement under this agreement.
- 9.3. If Local Government expends \$750,000 or more in Federal Funds during the Local Government's fiscal year, the Local Government must have a single audit or program specific audit conducted in accordance with 2 CFR Part 200.

**10. Government Data Practices.** The Local Government and MnDOT must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by MnDOT under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Local Government 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 the Local Government or MnDOT.

**11. Workers Compensation.** The Local Government certifies that it is in compliance with Minn. Stat. §176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Local Government's employees and agents will not be considered MnDOT employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way MnDOT's obligation or responsibility.

**12. Governing Law, Jurisdiction, and Venue.** Minnesota law, without regard to its choice-of-law provisions, governs this agreement. Venue for all legal proceedings out of this agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

## 13. Termination; Suspension

- 13.1. **Termination by MnDOT.** MnDOT may terminate this agreement with or without cause, upon 30 days written notice to the Local Government. Upon termination, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
- 13.2. **Termination for Cause.** MnDOT may immediately terminate this agreement if MnDOT finds that there has been a failure to comply with the provisions of this agreement, that reasonable progress has not been made, that fraudulent or wasteful activity has occurred, that the Local Government has been convicted of a criminal offense relating to a state agreement, or that the purposes for which the funds were granted have not been or will not be fulfilled. MnDOT may take action to protect the interests of MnDOT of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.
- 13.3. **Termination for Insufficient Funding.** MnDOT may immediately terminate this agreement if:
  - 13.3.1. Funding is not obtained from the Minnesota Legislature; or
  - 13.3.2. Funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Local Government. MnDOT is not

obligated to pay for any services that are provided after notice and effective date of termination. However, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. MnDOT will not be assessed any penalty if the agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. MnDOT will provide the Local Government notice of the lack of funding within a reasonable time of MnDOT's receiving that notice.

- 13.4. **Suspension.** MnDOT may immediately suspend this agreement in the event of a total or partial government shutdown due to the failure to have an approved budget by the legal deadline. Work performed by the Local Government during a period of suspension will be deemed unauthorized and undertaken at risk of non-payment.
14. **Data Disclosure.** Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Local Government consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to MnDOT, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Local Government to file state tax returns and pay delinquent state tax liabilities, if any.
15. **Fund Use Prohibited.** The Local Government will not utilize any funds received pursuant to this Agreement to compensate, either directly or indirectly, any contractor, corporation, partnership, or business, however organized, which is disqualified or debarred from entering into or receiving a State contract. This restriction applies regardless of whether the disqualified or debarred party acts in the capacity of a general contractor, a subcontractor, or as an equipment or material supplier. This restriction does not prevent the Local Government from utilizing these funds to pay any party who might be disqualified or debarred after the Local Government's contract award on this Project.
16. **Discrimination Prohibited by Minnesota Statutes §181.59.** The Local Government will comply with the provisions of Minnesota Statutes §181.59 which requires that every contract for or on behalf of the State of Minnesota, or any county, city, town, township, school, school district or any other district in the state, for materials, supplies or construction will contain provisions by which Contractor agrees: 1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no Contractor, material supplier or vendor, will, by reason of race, creed or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; 2) That no Contractor, material supplier, or vendor, will, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause 1 of this section, or on being hired, prevent or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed or color; 3) That a violation of this section is a misdemeanor; and 4) That this contract may be canceled or terminated by the state of Minnesota, or any county, city, town, township, school, school district or any other person authorized to contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this Agreement.
17. **Appendix II 2 CFR Part 200 Federal Contract Clauses.** The Local Government agrees to comply with the following federal requirements as identified in 2 CFR 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, and agrees to pass through these requirements to its subcontractors and third party contractors, as applicable. In addition, the Local Government shall have the same meaning as "Contractor" in the federal requirements listed below.
- 17.1.1. **Remedies.** Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach

contract terms, and provide for such sanctions and penalties as appropriate.

- 17.1.2. **Termination.** All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
- 17.1.3. **Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."
- 17.1.4. **Davis-Bacon Act, as amended.** (40 U.S.C. 3141-3148) When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- 17.1.5. **Contract Work Hours and Safety Standards Act.** (40 U.S.C. 3701-3708) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- 17.1.6. **Rights to Inventions Made Under a Contract or Agreement.** If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research

work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

17.1.7. **Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended.** Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued under the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

17.1.8. **Debarment and Suspension.** (Executive Orders 12549 and 12689) A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

17.1.9. **Byrd Anti-Lobbying Amendment.** (31 U.S.C. 1352) Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

17.1.10. **Procurement of Recovered Materials.** See 2 CFR 200.322 Procurement of Recovered Materials.

17.2. **Drug-Free Workplace.** In accordance with 2 C.F.R. § 32.400, the Local Government will comply with the Drug-Free Workplace requirements under subpart B of 49 C.F.R. Part 32.

17.3. **Nondiscrimination.** The Local Government hereby agrees that, as a condition of receiving any Federal financial assistance under this agreement, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d), related nondiscrimination statutes (i.e., 23 U.S.C. § 324, Section 504 of the Rehabilitation Act of 1973 as amended, and the Age Discrimination Act of 1975), and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap, or age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the Local Government receives Federal financial assistance. The specific requirements of the Department of Transportation Civil Rights assurances (required by 49 C.F.R. §§ 21.7 and 27.9) are incorporated in the agreement.

17.4. **Federal Funding Accountability and Transparency Act (FFATA).**

17.4.1. This Agreement requires the Local Government to provide supplies and/or services that are funded in whole or in part by federal funds that are subject to FFATA. The Local Government is responsible for ensuring that all applicable requirements, including but not limited to those set forth herein, of FFATA are met and that the Local Government provides information to the MnDOT as required.

a. Reporting of Total Compensation of the Local Government’s Executives.

- b. The Local Government shall report the names and total compensation of each of its five most highly compensated executives for the Local Government's preceding completed fiscal year, if in the Local Government's preceding fiscal year it received:
- i. 80 percent or more of the Local Government's annual gross revenues from Federal procurement contracts and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
  - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
  - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

Executive means officers, managing partners, or any other employees in management positions.

- c. Total compensation means the cash and noncash dollar value earned by the executive during the Local Government's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
- i. Salary and bonus.
  - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
  - iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
  - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
  - v. Above-market earnings on deferred compensation which is not tax qualified.
- 17.4.2. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.
- 17.4.3. The Local Government must report executive total compensation described above to the MnDOT by the end of the month during which this agreement is awarded.
- 17.4.4. The Local Government will obtain a Data Universal Numbering System (DUNS) number and maintain its DUNS number for the term of this agreement. This number shall be provided to MnDOT on the plan review checklist submitted with the plans for each project. More information about obtaining a DUNS Number can be found at: <http://fedgov.dnb.com/webform/>
- 17.4.5. The Local Government's failure to comply with the above requirements is a material breach of this agreement for which the MnDOT may terminate this agreement for cause. The MnDOT will not be

obligated to pay any outstanding invoice received from the Local Government unless and until the Local Government is in full compliance with the above requirements.

**[THE REMAINDER OF THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK.]**

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

**DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: State Aid Engineer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**COMMISSIONER OF ADMINISTRATION**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**STAFF REPORT NO. 215**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Julie Urban, Housing Manager

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
11/30/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the adoption of a resolution approving a Fair Housing Policy.**

**EXECUTIVE SUMMARY:**

The federal Fair Housing Act (FHA) prohibits housing discrimination on the basis of race/color, national origin, religion, sex, familial status, and disability. In addition, the Minnesota Human Rights Act (MHRA) adds the following protected classes: sexual orientation, marital status, status with regard to public assistance, and creed.

Cities have two obligations under the FHA. First, cities must refrain from intentional discrimination because of someone's protected class status, called disparate treatment. Second, city policies and practices cannot have a greater effect on protected classes, called disparate impact. If a city receives federal funds related to housing or urban development (e.g., Section 8, Community Development Block Grant funds), it has a third obligation to affirmatively further fair housing.

The Metropolitan Council is recommending that cities adopt local fair housing policies to actively affirm their obligations to furthering fair housing and ensuring access to and availability of housing for all.

Based on that recommendation, staff is proposing the adoption of a local Fair Housing Policy (Policy) in which the City, Housing and Redevelopment Authority (HRA), and Economic Development Authority (EDA) will commit to the following external and internal practices:

1. Intake and referral of fair housing complaints. (Note: the City does not have the authority to process or decide fair housing complaints but can provide links and referrals to appropriate resources.)
2. Make available online and in-person information regarding fair housing in the native languages of its residents.
3. Train staff and officials on fair housing.
4. Conduct periodic analyses of the City's housing inventory and codes.
5. Consider fair housing issues when reviewing development proposals and apply the City's Inclusionary Housing Policy to developments receiving City/HRA/EDA financial assistance.

6. Seek community input, particularly from underrepresented members of the community, with regard to fair housing, zoning, and development issues.

The City, HRA, and EDA currently do many of these activities, and adopting a Policy affirms these practices and makes our intentions transparent. In addition, the Policy furthers the goal of creating a community that advances equity and inclusion for all its residents.

### **RECOMMENDED ACTION:**

**By motion: Adopt a resolution approving a Fair Housing Policy.**

### **BASIS OF RECOMMENDATION:**

#### **A. HISTORICAL CONTEXT**

- Many of the City's residents who are renters fall under one or more of the FHA's protected classes and may be more likely to face issues relating to fair housing. The City, HRA, and EDA have undertaken a variety of efforts in the past year-and-a-half to support renters and strengthen the City's apartment community. To date, the City, HRA and EDA have:
  - Increased funding for the Kids@Home Program.
  - Created an Apartment Remodeling Program.
  - Required projects receiving City/HRA/EDA assistance to not discriminate against Section 8 and provide advanced notice of sale.
  - Adopted building permit fee reductions for affordable housing.
  - Adopted a Tenant Protection Ordinance.
  - Adopted an Inclusionary Housing Policy.
- Adoption of a local Policy continues these efforts.
- The Metropolitan Council is requiring that cities adopt a local fair housing policy if they are to participate in the Council's Livable Communities Act Demonstration Grant Program (Program). This Program is an important source of funding for development projects, and the City has received several grants under this Program in the past and anticipates applying for and receiving grants in the future.
- The proposed Policy is based on a model policy developed by the Housing Justice Center and recommended by the Metropolitan Council.

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

- The FHA prohibits housing discrimination on the basis of race/color, national origin, religion, sex, familial status, and disability. The City is obligated to follow the FHA, and as a recipient of federal housing and community development funds, the City and HRA are required to affirmatively further fair housing.
- For the past two years, one of the goals of the City Council has been to provide an environment of equity and inclusion. The proposed local Fair Housing Policy furthers that goal.

#### **C. CRITICAL TIMING ISSUES:**

- The HRA approved the Policy on November 19, 2019. Because the HRA administers the City's housing programs and provides recommendations on housing-related policies to the City, the HRA was asked to review the Policy first and forward the Policy to the City Council and EDA.
- The EDA will consider adoption of the Policy at its next meeting, anticipated in January 2019.
- The Cedar Point II project received a Livable Communities Development Act (LCDA) grant of \$1.2 million. The funds will not be able to be spent until a local Policy is adopted.

#### **D. FINANCIAL IMPACT:**

- Existing staff will be used to carry out the responsibilities established in the Policy.
- Many of the activities are things the City is already doing and paying for (e.g., periodically reviewing housing inventory).
- Training will have costs associated with it; however, staff have not yet identified what that training and those costs will be. Regional efforts are underway to develop appropriate training that would be available locally at a reasonable cost.
- The Cedar Point II project has been awarded an LCDA grant of \$1.2 million. Failure to adopt a

local Policy will make the City ineligible to receive the grant, which will cause a significant financial hardship for the project.

**E. LEGAL CONSIDERATION:**

- The proposed Policy is consistent with the federal Fair Housing Act and the obligations the City has as a recipient of federal Section 8 and Community Development Block Grant funds.
- The City Attorney has reviewed the Policy.

**ALTERNATIVE RECOMMENDATION(S):**

- Decide not to adopt a local Fair Housing Policy.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

	Description	Type
▢	Resolution	Resolution Letter
▢	Fair Housing Policy	Backup Material

RESOLUTION NO. \_\_\_\_

**A RESOLUTION APPROVING THE ADOPTION OF  
A FAIR HOUSING POLICY**

**WHEREAS**, the Federal Fair Housing Act (FHA) prohibits discrimination in housing because of a person's race/color, sex, national origin, religion, familial status, or disability; and

**WHEREAS**, the City is obligated to comply with the FHA and not discriminate in housing on the basis of someone's protected class and to not adopt programs and policies that cause a disparate impact on a protected class; and

**WHEREAS**, as a recipient of federal housing and community development funds, the City is also obligated to affirmatively further fair housing; and

**WHEREAS**, the City is committed to fair housing and wants to ensure it is effectively serving its citizens that have fair housing concerns; and

**WHEREAS**, the City believes that adoption of a local policy will assist the City in serving its citizens regarding fair housing and achieving its housing goals; and

**NOW, THEREFORE, BE IT RESOLVED** by the Housing and Redevelopment Authority in, and of, the City of Richfield, Minnesota, that:

1. The Fair Housing Policy is hereby approved and adopted.
2. City staff is authorized to carry out the policy effective immediately.

Adopted by the City Council of the City of Richfield, Minnesota, this 11th day of December, 2018.

---

Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

**City of Richfield  
Housing and Redevelopment Authority  
Economic Development Authority  
Fair Housing Policy**

**1. Purpose/Vision**

Title VIII of the Civil Rights Act establishes federal policy for providing fair housing throughout the United States. The intent of Title VIII is to ensure equal housing opportunities for all citizens. Furthermore, the City of Richfield, as a recipient of federal funds, is obligated to certify that it will affirmatively further fair housing.

The City of Richfield strives to advance its commitment to inclusion and equity by developing this Fair Housing Policy to further the goal of creating a community where all residents will thrive.

**2. Fair Housing Policy Statement**

It is the policy and commitment of the City of Richfield to ensure that fair and equal housing opportunities are available to all persons in all housing opportunities and development activities funded by the city regardless of race, color, religion, gender, sexual orientation, marital status, status with regard to public assistances, familial status, national origin, or disability. This is done through external policies to provide meaningful access to fair housing information and referral services for all constituents and through internal practices and procedures that promote fair housing throughout the community.

**3. External Practices**

**a. Intake and Referral**

The City of Richfield has designated the Multi-Family Housing Specialist as the responsible authority for the intake and referral of all fair housing complaints. At a minimum, the Multi-Family Housing Specialist will be familiar with state and federal fair housing laws, the complaint process for filing discrimination complaints, and the state and federal agencies that handle complaints.

The date, time, and nature of the fair housing complaint and the referrals and information given will be fully documented.

The Multi-Family Housing Specialist will advise the City Council on City programs and policies affecting fair housing and identify issues and concerns where appropriate.

**b. Meaningful Access**

- i. **Online Information.** The City of Richfield will display information about fair housing prominently on its website. The website will include links to various fair housing resources, including the Department of Housing and Urban Development, Minnesota Department of Human Rights, Mid-Minnesota Legal Aid, and others, as well as links to state and federal fair housing complaint forms.
- ii. **In-Person Information.** The City of Richfield will provide fair housing information to anyone requesting such information at the city offices. Information provided will include:
  1. A list of fair housing enforcement agencies;
  2. *Fair Housing: Equal Opportunity for All* information booklet; and
  3. Fair housing complaint forms for enforcement agencies.
- iii. **Languages.** The City of Richfield is committed to providing information in the native language of its residents. The City will provide information in languages other than English as needed.

**4. Internal Practices**

The City of Richfield commits to the following steps to promote awareness and competency of fair housing issues in all of its government functions.

- a. **Staff and Officials Training.** The City will access available training to train its staff and housing officials on fair housing considerations.

- b. Housing Analysis.** The City will review its housing inventory and community needs periodically to examine the availability and affordability of both rental and owner-occupied housing for all residents in order to have such information available for future City actions.
- c. Code Analysis.** The City will review its municipal code periodically, to identify impediments to accessing housing and any potential for disparate impact or treatment.
- d. Project Planning and Analysis.** City planning functions and development review will consider whether potential projects may perpetuate segregation or lead to displacement of protected classes, and will apply the City's Inclusionary Housing Policy in the case of developments seeking financial assistance from the City.
- e. Community Engagement.** The City will seek community input, particularly from underrepresented populations in the community, with regard to fair housing issues, development, zoning, and land use changes facilitated by the City.
- f. Affirmatively Furthering Fair Housing.** As a subrecipient of federal funds, the City will, as requested by Hennepin County as the entitlement jurisdiction, participate in the Regional Analysis of Impediments, as organized by the regional Fair Housing Implementation Council (FHIC), an ad hoc coalition of Community Development Block Grant (CDBG) entitlement jurisdictions and others working together to affirmatively further fair housing. The City will review the recommendations from the analysis for potential integration into City planning documents, including the Comprehensive Plan and other applicable documents.

Adopted:

This \_\_\_\_ day of \_\_\_\_\_, 2018 by the Richfield City Council.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Secretary

This \_\_\_\_ day of \_\_\_\_\_, 2018 by the Richfield Housing and  
Redevelopment Authority.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

This \_\_\_\_ day of \_\_\_\_\_, 2019 by the Richfield Economic  
Development Authority.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary



**STAFF REPORT NO. 216**  
**CITY COUNCIL MEETING**  
**12/11/2018**

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

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
12/4/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/5/2018

**ITEM FOR COUNCIL CONSIDERATION:**

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

**EXECUTIVE SUMMARY:**

Throughout the year, donations are received from various agencies, businesses and private individuals to be used for special events or programs sponsored by the Police Department. The donations are for events such as Safety Day, Nite to Unite, Heroes and Helpers, and Unity in the Community and are solicited by the Department. This resolution authorizes the acceptance of \$15,252.15 in donations.

**RECOMMENDED ACTION:**

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

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

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

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

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

**C. CRITICAL TIMING ISSUES:**

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

**D. FINANCIAL IMPACT:**

- Financial donations have been deposited in the funds supporting the designated programs.

- All of the donations listed below were given without obligation to provide any additional matching funds:

**Safety Day & Nite to Unite:**

<b>DONOR</b>	<b>AMOUNT</b>
John Schuneman/Nancy Schuneman	\$25.00
David Carroll/Theresa Carroll	\$100.00
Target Corporation	\$500.00
Richfield Retirees Educators Association	\$50.00
Richfield R.E.A.D.Y.	\$46.00
Best Buy Corporation	\$250.00
American Legion Unit #435	\$100.00
Distribution Personnel Inc.	\$200.00
Richfield Bloomington Credit Union	\$750.00
Richfield Lions Club	\$1,500.00
Richfield Rotary	\$500.00
Target Richfield	\$300.00

**Bullet Proof Vests:**

<b>DONOR</b>	<b>AMOUNT</b>
Frenchman's Pub (2017)	\$1,000.00
American Legion Unit #435	\$50.00

**Heroes & Helpers:**

<b>DONOR</b>	<b>AMOUNT</b>
David James Borrell/Linda Ann Borrell (2017)	\$100.00
Broadway Pizza (2017)	\$242.55
Broadway Pizza Tip Jar (2017)	\$25.15
Robert Maul/Renee Maul (2017)	\$300.00
Target Corporation	\$500.00
Village Shores Pancake Breakfast Fundraiser	\$1,305.01
Janis Anderson	\$25.00
Richfield Police Supervisory Association	\$250.00
M. Patricia/Robert Hall	\$100.00
Tim Fritz	\$25.00
Target Corporation	\$500.00
Target (Richfield) Gift card	\$100.00
Robert Riley	\$150.00
Steve Soucy	\$25.00

**Unity in the Community:**

<b>DONOR</b>	<b>AMOUNT</b>
The Richfield Foundation (2017)	\$1,500.00
Audi Richfield	\$100.00
Target Richfield (Gift card)	\$200.00

**Miscellaneous:**

DONOR	AMOUNT
The Money Source Incorporated (Target Gift cards)	\$300.00
Consulate of Mexico (Donated to JCPP)	\$300.00

**Explorers:**

DONOR	AMOUNT
Northstar Search and Rescue	\$2,500.00
Heggies Pizza Fundraiser	\$1,078.44

**K9:**

DONOR	AMOUNT
South Metro K9 Police Foundation	\$255.00

**E. LEGAL CONSIDERATION:**

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

**ALTERNATIVE RECOMMENDATION(S):**

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

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
▢ Resolution	Resolution Letter

**RESOLUTION NO.**

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

**WHEREAS**, the Department of Public Safety/Police Division, through its Director, received checks from the following for Safety Day, Nite to Unite, Heroes and Helpers, and Unity in the Community:

**Safety Day & Nite to Unite:**

<b>DONOR</b>	<b>AMOUNT</b>
John Schuneman/Nancy Schuneman	\$25.00
David Carroll/Theresa Carroll	\$100.00
Target Corporation	\$500.00
Richfield Retirees Educators Association	\$50.00
Richfield R.E.A.D.Y.	\$46.00
Best Buy Corporation	\$250.00
American Legion Unit #435	\$100.00
Distribution Personnel Inc.	\$200.00
Richfield Bloomington Credit Union	\$750.00
Richfield Lions Club	\$1,500.00
Richfield Rotary	\$500.00
Target Richfield	\$300.00

**Bullet Proof Vests:**

<b>DONOR</b>	<b>AMOUNT</b>
Frenchman's Pub (2017)	\$1,000.00
American Legion Unit #435	\$50.00

**Heroes & Helpers:**

<b>DONOR</b>	<b>AMOUNT</b>
David James Borrell/Linda Ann Borrell (2017)	\$100.00
Broadway Pizza (2017)	\$242.55
Broadway Pizza Tip Jar (2017)	\$25.15
Robert Maul/Renee Maul (2017)	\$300.00
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Village Shores Pancake Breakfast Fundraiser	\$1,305.01
Janis Anderson	\$25.00
Richfield Police Supervisory Association	\$250.00

M. Patricia/Robert Hall	\$100.00
Tim Fritz	\$25.00
Target Corporation	\$500.00

**Unity in the Community:**

DONOR	AMOUNT
The Richfield Foundation (2017)	\$1,500.00
Audi Richfield	\$100.00
Target Richfield (Gift card)	\$200.00

**Miscellaneous:**

DONOR	AMOUNT
The Money Source Incorporated (Target Gift cards)	\$300.00
Consulate of Mexico (Donated to JCPP)	\$300.00

**Explorers:**

DONOR	AMOUNT
Northstar Search and Rescue	\$2,500.00
Heggies Pizza Fundraiser	\$1,078.44

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

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

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

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 217**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jared Voto, Executive Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Pam Dmytrenko, Interim City Manager  
12/4/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/4/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the adoption of a resolution appointing representatives to the Board of Directors of the Richfield Tourism Promotion Board, Inc.**

**EXECUTIVE SUMMARY:**

On June 25, 1990, the City Council approved an ordinance to levy a 3% tax on gross receipts of lodging from Richfield Hotels and Motels pursuant to Minnesota Statutes. The establishment of the Richfield Tourism Promotion Board, Inc. (RTPB) and the appointment of directors was also a part of the resolution. Currently, there are five director positions on the RTPB. The term of each appointment is for three years.

The current appointments to the RTPB and the ending dates of their terms are as follows:

1. Gordon Vizecky, representing the Richfield Chamber of Commerce, term ending on December 31, 2019.
2. Raj Bhakta, General Manager of Baymont Suites, term ending December 31, 2018.
3. Whitney Bain, General Manager of Candlewood Suites, term ending December 31, 2018.
4. Vacant.
5. Vacant.

Additionally, the owners of the Four Points by Sheraton are seeking to fill their vacant seat through the appointment of Tony Lawler. Mr. Lawler has been in the hotel industry since 2002, the majority of which has been with hotels in the Bloomington, MN market, and has held positions within hotels from sales & marketing to operations in both limited service and full service hotels. Most recently in his career, he has been in a regional management and ownership role and is currently the Regional Operations Manager for Empire Hotels Group, which owns and operates the Four Points by Sheraton in Richfield. He has served as a member of the La Crosse, WI Convention and Visitors Bureau (CVB) from 2007-2012, as a member and Vice Chairman of the Apple Valley, MN Chamber of Commerce from 2014-2017, and as Chairman of the Apple Valley, MN CVB from 2012-2017.

This action is to appoint these members that represent hotel-motel properties to terms ending December 31, 2021.

**RECOMMENDED ACTION:**

**By motion: Adopt a resolution appointing representatives to the Board of Directors of the Richfield Tourism Promotion Board, Inc.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- This information is contained in the Executive Summary.

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

- The City Council has the authority to make appointments to the RTPB.
- The RTPB Board includes a representative from each of the hotel properties and a member of the Richfield Chamber of Commerce.

**C. CRITICAL TIMING ISSUES:**

- The terms expire on December 31, 2018. The Council should make appointments before that date to ensure a quorum of the Board, allowing the RTPB to continue to conduct their business.

**D. FINANCIAL IMPACT:**

- There is no cost to the City.

**E. LEGAL CONSIDERATION:**

- The appointments conform to City ordinance and bylaws of the RTPB.

**ALTERNATIVE RECOMMENDATION(S):**

- None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

	Description	Type
□	Resolution	Resolution Letter

**RESOLUTION NO.**

**RESOLUTION APPOINTING REPRESENTATIVES TO THE  
BOARD OF DIRECTORS OF THE RICHFIELD TOURISM  
PROMOTION BOARD, INC.**

**WHEREAS**, the City of Richfield has levied a 3% tax on the gross receipts of lodging from hotels and motels in the City pursuant to Minnesota Statute Section 169.190; and

**WHEREAS**, Minnesota Statute Section 169.190 authorizes the proceeds of the tax to fund a Tourism Promotion Board for the purpose of marketing and promoting the City as a tourist or convention center; and

**WHEREAS**, the articles and bylaws of the Richfield Tourism Promotion Board, Inc. provide the City Council of the City of Richfield appoint five (5) directors to the Board representing the Richfield hotel-motel properties and the Richfield Chamber of Commerce; and

**WHEREAS**, each director shall serve as a director until his or her successor has been appointed and has qualified, or until his or her earlier disqualification, death, resignation, or removal; and

**WHEREAS**, the terms of the hotel-motel properties representatives are expiring and each property has indicated their desire to reappointed representatives to the Richfield Tourism Promotion Board.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Richfield, Minnesota, that the Richfield Tourism Promotion Board directors be modified as follows:

Appoint the following hotel representatives to the Richfield Tourism Promotion Board to complete a three-year term:

- **Raj Bhakta**, General Manager of Baymont Inn & Suites, term ending December 31, 2021.
- **Whitney Bain**, General Manager of Candlewood Suites, term ending December 31, 2021.
- **Tony Lawler**, Regional Operations Manager, Empire Hotels Group, owner and operator of Four Points by Sheraton, term ending December 31, 2021.

Adopted by the City Council of the City of Richfield, Minnesota, this 11th day of December, 2018.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 218**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Chris Regis, Finance Director

DEPARTMENT DIRECTOR REVIEW: Chris Regis, Finance Director  
11/28/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the adoption of a resolution authorizing an internal loan up to \$900,000 to the Liquor Fund for costs incurred in the remodeling of City municipal stores.**

**EXECUTIVE SUMMARY:**

Beginning in 2013, the City began the process to reinvest in its municipal liquor operation. This reinvestment would entail the remodeling and improvement of its four municipal liquor stores. The first store to be remodeled was the north Lyndale store in 2013, with the Cedar location in 2015, and the Penn location in 2018.

In addition, improvements are underway at the south Lyndale location that will continue into 2019. Cumulative costs incurred to date for the remodeling process total approximately \$3.7 million, with an expected additional \$240,000 for the improvements at the south Lyndale location.

It was determined at the beginning of the process that liquor operation revenues would be used to fund the remodeling, with an internal loan also being a possibility to fund any final costs.

At this time, the Liquor Fund is in a cash deficit balance of approximately \$800,000. However, it should be noted that year to date the operation is reflecting a modest increase in sales, positive net income, and a solid gross profit margin.

Therefore, staff is proposing an internal loan from the City's Capital Improvement Reserve Fund in an amount up to \$900,000, to fund the existing cash deficit balance.

**RECOMMENDED ACTION:**

**By motion: Adopt a resolution authorizing an internal loan up to \$900,000 to the Liquor Fund for costs incurred in the remodeling of City municipal stores.**

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

- N/A

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

- Pursuant to Section 7.12, Subd. 7, of the City Charter, the City Council may make internal loans by resolution.

**C. CRITICAL TIMING ISSUES:**

- N/A

**D. FINANCIAL IMPACT:**

- Funding for the internal loan will be provided from the Capital Improvement Reserve Fund.
- The loan amount will up to \$900,000.
- The loan will be repaid from the revenues of the Liquor operation.
- The loan period will be for seven years.
- Interest will be charged at a rate of 2.25%.

**E. LEGAL CONSIDERATION:**

- Procedures related to City Charter Section 7.12 have been followed and completed.

**ALTERNATIVE RECOMMENDATION(S):**

- None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

	Description	Type
▢	Resolution	Resolution Letter

**RESOLUTION NO.**

**AUTHORIZING AN INTERNAL LOAN UP TO \$900,000 FOR COSTS INCURRED IN THE REMODELING OF CITY MUNICIPAL LIQUOR STORES**

**WHEREAS**, the City Charter allows for the City Council to make internal loans by resolution; and

**WHEREAS**, the City Council has approved the remodeling of City municipal liquor stores, and

**WHEREAS**, the additional funding of the project will be from an internal loan from the City's Capital Improvement Reserve Fund, and

**WHEREAS**, repayment of the internal loan will be provided by revenues generated by the municipal liquor operations, and

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

1. The City Manager is authorized to execute an internal loan from the City's Capital Improvement Reserve Fund to the Liquor Operations Fund to provide additional funding for the remodeling of municipal liquor stores.
2. The term of the loan will be seven (7) years in an amount up to \$900,000 at 2.25% interest.
3. The internal loan will be effective as of December 31, 2018.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 219**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Matt Brillhart, Associate Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
11/30/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of first reading of a transitory ordinance vacating a right-of-way easement on property at 1401 76th Street West (Seven Hills Academy) and schedule a public hearing and second reading for January 8, 2019.**

**EXECUTIVE SUMMARY:**

Seven Hills Preparatory Academy, a public charter school, purchased the former Minnesota School of Business property in 2017. The property, located at 1401 76th Street West, is subject to City and MnDOT roadway easements for 76th Street. While conducting title work on the property, representatives for Seven Hills discovered that the building's parking garage extends over the lot line and into the City's roadway easement area. Seven Hills is now requesting that the City vacate a portion of the roadway easement. City staff have reviewed the proposal and see no reason to maintain the full width of this roadway easement. Vacating a portion of the easement area will have no impact on the 76th Street roadway. Utility easements will be preserved for existing underground utilities in the area.

**RECOMMENDED ACTION:**

**By motion: Approve first reading of a transitory ordinance vacating a right-of-way easement on property at 1401 76th Street West (Seven Hills Academy) and call for a public hearing and second reading to be held on January 8, 2019.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The City historically vacates right-of-way easements as a matter of policy, whenever that easement does not contain any current or planned roadway infrastructure.

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

- The City Council may vacate public easements in accordance with MN Statutes 412.851.
- On November 13, 2018, the City received a petition from Seven Hills Preparatory Academy (SHPA ABC) requesting partial vacation of this easement.
- The City's current roadway easement area extends 30 feet beyond the lot line. Seven Hills is requesting the vacation of a 35-foot strip of the easement (30 feet of which is inside their lot line,

plus an additional 5 feet to the north). Effectively, this will move the lot line 5 feet to the north.

- MnDOT and the various public utility companies were consulted and none have objections to the removal of this portion of the easement. Utility easement(s) will be preserved.
- Normally, staff would not schedule one City Council to consider a first reading and a Council with a different membership to consider the second reading. In this case, however, this issue at hand is so administrative and non-controversial in nature that it has been scheduled in this manner.

**C. CRITICAL TIMING ISSUES:**

60-DAY RULE: The 60-day clock started when a complete application was received on November 13, 2018. The Council must render a decision or extend this deadline (up to an additional 60 days) by January 12, 2019.

**D. FINANCIAL IMPACT:**

- None

**E. LEGAL CONSIDERATION:**

- Notice of the January 8 public hearing will be published in the Sun Current newspaper, as required.

**ALTERNATIVE RECOMMENDATION(S):**

- None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

	Description	Type
▢	Transitory Ordinance	Ordinance
▢	Context map	Exhibit

**DRAFT BILL NO.**

**TRANSITORY ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING PART OF A STREET EASEMENT**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1: The plat of Bourbon and Basin First Addition dedicates land lying north of the north line of Lot 1, Block 1 as public right of way for West 76<sup>th</sup> Street.

Sec. 2. The owner of Lot 1, Block 1, Bourbon and Basin Addition has petitioned for a partial vacation of that street easement.

Sec. 3. The City of Richfield held the first reading on December 11, 2018, and the second reading on January 8, 2019. Legal notice was published in the City's official newspaper as required by ordinance.

Sec.. 4. The Council finds that there is no public need for a street easement over that part of the platted street that is the subject of the petition.

Sec. 5. The Council finds that various utility lines lie underground within that part of the platted street being vacated (including gas and electric lines). This ordinance is not intended to affect or vacate any existing utility easement, and the Council specifically reserves any existing utility easements from the ordinance vacating part of the street easement.

Sec. 6: Upon the effective date of this Ordinance, that part of West 76<sup>th</sup> Street dedicated in the plat of Bourbon and Basin First Addition lying within the parcel described on the attached Exhibit A, and depicted on the attached Exhibit B, is vacated.

Sec. 7. This ordinance shall be effective on the day following publication pursuant to Sections 3.09 and 5.01 of the City Charter.

Sec. 8. 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 \_\_\_\_\_, 2019.

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Maria Regan Gonzalez, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

## EXHIBIT A

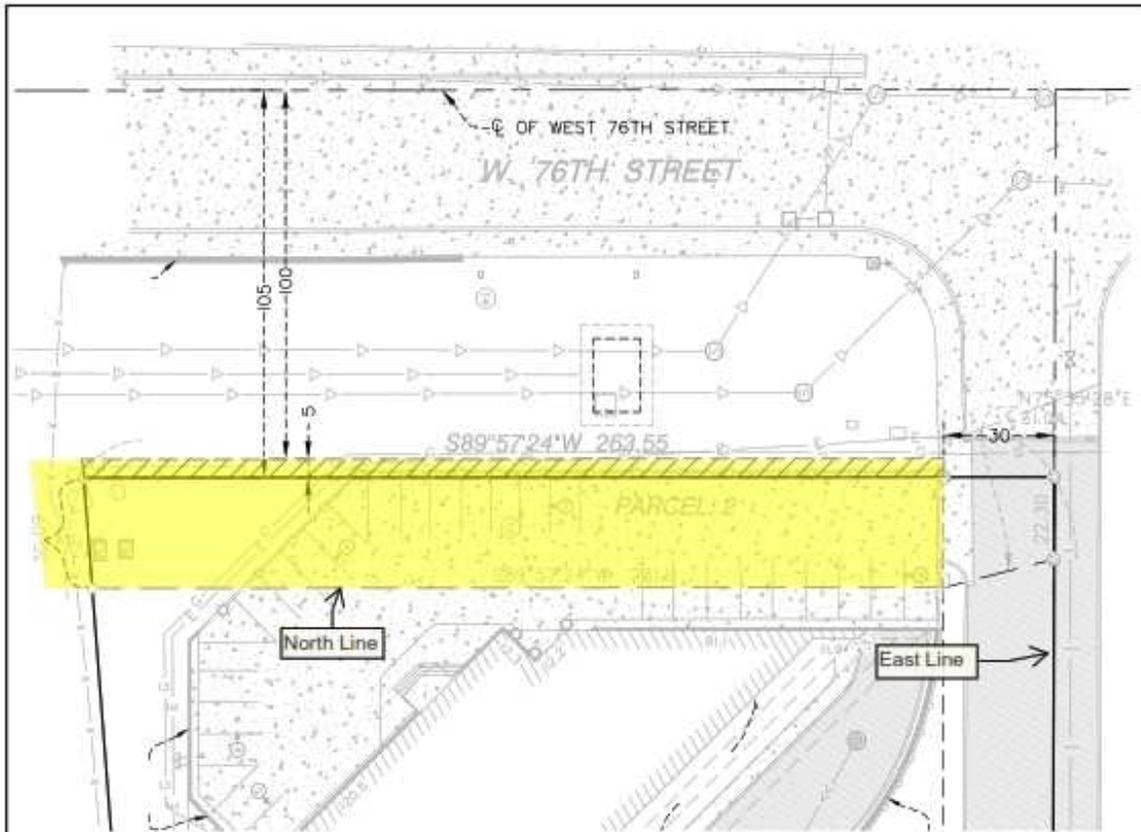
Legal Description of the part of the Street Easement being vacated:

All that part of the public way dedicated as West 76<sup>th</sup> Street on the plat of Bourbon and Basin First Addition, Hennepin County, Minnesota, lying southerly of a line run parallel with and distant 100.00 feet southerly of the centerline of West 76<sup>th</sup> Street (said centerline also being the north line of the Southwest Quarter of the Southeast Quarter of Section 33, Township 28, Range 24), and lying westerly of a line run parallel with and 30.00 feet westerly of the east line of Lot 1, Block 1, Bourbon and Basin First Addition.

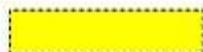
(Abstract Property)

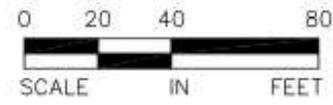
# EXHIBIT B

Sketch of the part of the Street Easement being vacated:



Lot 1, Block 1, Bourbon and Basin First Addition

 PROPOSED CONVEYANCE AREA



Design File: 180274	Checked By: DBO
Draw Name: roadway conveyance	Drawn By: DPE
Date: 03/31/18	Scale: 1" = 40'

MINNESOTA SCHOOL OF BUSINESS  
MNDOT CONVEYANCE  
RICHFIELD, MINNESOTA

 Allent Engineering, Inc.  
733 Marquette Ave, Ste 700  
Minneapolis, MN 55402  
612.758.3080 MMH  
612.758.3099 FAX  
www.allent-inc.com



**1401 76th Street W – context map for proposed ROW vacation**



**STAFF REPORT NO. 220**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

Consideration of the approval of the renewal of the 2019 licenses for On-Sale 3.2 Percent Malt Liquor, Off-Sale 3.2 Percent Malt Liquor and taxi companies doing business in Richfield.

**Licenses to Operate in Richfield**

Gold Star Taxi - 7 vehicles

Airport Taxi - 6 vehicles

**Licenses to sell 3.2 Percent Malt Liquor**

La Vaquita Short Stop- Off-Sale

La Vaquita 2- Off-Sale

Portland Food Mart - Off-Sale

Pump & Munch - Off-Sale

Richfield Minnoco - Off Sale

Speedway #4186 - Off-Sale

Speedway #4188 - Off-Sale

Speedway #4191 - Off-Sale

Speedway #4615 - Off-Sale

Target Corporation - Off-Sale

Sandy's Tavern - On-Sale

Vina Restaurant - On-Sale

**EXECUTIVE SUMMARY:**

Staff completed a staff report for each business at the time they originally applied for and received Council approval to operate their taxi business or to sell On-Sale 3.2 Percent Malt Liquor and Off-Sale 3.2 Percent Malt Liquor at their business in the City of Richfield. This is simply a request to renew their annual license for 2019. There is not a public hearing requirement for renewals for these types of licenses. The businesses named in this report are presented for Council's approval.

**RECOMMENDED ACTION:**

By motion:

1. Approve the 2019 renewal of named business licenses for On-Sale 3.2 Percent Malt Liquor and Off-Sale 3.2 Percent Malt Liquor establishments doing business in Richfield.
2. Approve the 2019 renewal of named business licenses for taxi companies doing business in

Richfield.

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The listed businesses current licenses will expire on December 31, 2018.
- The businesses named below with the corresponding licenses are presented for Council's approval on this date.
- Licenses to Operate in Richfield
  - Gold Star Taxi - 7 vehicles
  - Airport Taxi - 6 vehicles
- Licenses to sell 3.2 Percent Malt Liquor
  - La Vaquita Short Stop- Off-Sale
  - La Vaquita 2- Off-Sale
  - Portland Food Mart - Off-Sale
  - Pump & Munch - Off-Sale
  - Richfield Minnoco - Off-Sale
  - Speedway #4186 - Off-Sale
  - Speedway #4188 - Off-Sale
  - Speedway #4191 - Off-Sale
  - Speedway #4615 - Off-Sale
  - Target Corporation - Off-Sale
  - Sandy's Tavern - On-Sale
  - Vina Restaurant - On-Sale

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

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

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

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

**E. LEGAL CONSIDERATION:**

- There are no legal issues.

**ALTERNATIVE RECOMMENDATION(S):**

- Deny the request for the renewal of 2019 licenses for On-Sale 3.2 Percent Malt Liquor, Off-Sale 3.2 Percent Malt Liquor and taxi companies doing business in Richfield. This would result in the applicants not being able to conduct business within the City in 2019; however, there have been no issues with any of these listed establishments and the Public Safety Department has found no reason to deny any of the requested licenses.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

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



**STAFF REPORT NO. 221**  
**CITY COUNCIL MEETING**  
**12/11/2018**

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

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director and Melissa Poehlman, Ass't CD Director  
12/4/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/4/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of land use approvals related to a proposal for a 183-unit apartment building on the north side of 66th Street between Queen and Russell Avenues (future address: 2400 66th Street West).**

**EXECUTIVE SUMMARY:**

Broadway Investors, LLC (Developer) has submitted an application for a planned unit development of a 183-unit apartment building on the north side of 66th Street, between Queen and Russell Avenues. This site has been designated for high-density housing for many years, dating back to the 1982 Comprehensive Plan.

The Developer first presented preliminary concepts to the Planning Commission and City Council at a Work Session on August 20, 2018. Policymakers indicated a desire for the Developer to seek neighborhood input, to consider connectivity from the neighborhood to 66th Street, and the potential impact of headlights entering and exiting the parking area. At a September 8 neighborhood open house, the Developer presented a revised plan that reoriented the parking entrance away from the adjacent neighborhood and introduced a roadway connection via Russell Avenue. Based on feedback from these two meetings, the Developer submitted preliminary plans for a 4-story, 179-unit apartment building for staff review in early October. Incorporating staff's technical and design feedback, revised plans were submitted along with land use applications on October 25. These plans were presented at a second neighborhood open house on November 3. After incorporating additional suggestions from the neighborhood and staff, the developer submitted revised plans for consideration by the Planning Commission.

After taking testimony at a public hearing on November 26, the Planning Commission recommended approval of the proposed development with a stipulation lowering the building height from 4 stories to 3 stories along 65th 1/2 Street. In exchange, the Planning Commission consented to a building height increase to 5 stories along the south and east elevations where it is not adjacent to single-

family homes. The Developer has submitted revised plans for Council consideration that meet this condition. While earlier plans included 179 dwelling units, revised plans include 183 units. The change from an all 4-story building to one that is a composite of 3-story and 5-story sections necessitates a change in construction type, which significantly increases building costs. The inclusion of four additional units will help offset the increased project costs.

The proposed development site and building are attractively designed, with tree-lined streets and minimal views of surface parking, and building materials that are contemporary, but complementary to the surrounding area. The proposed building provides a number of amenities to its residents, including a pool, fitness center, bicycle storage room, community rooms, and outdoor dog run. The Developer is also working with adjacent non-profit owner/operator Fraser to provide eight fully-accessible units within the project. In response to the grade changes throughout the site which leave the below-ground parking level exposed along 66th Street, the proposal includes a “storefront” appearance to the bicycle and fitness amenity areas to help activate the streetscape. Two underground parking levels provide parking at ratios that meet Code requirements. A study of how traffic in the area is expected to flow is attached to this report. In addition to meeting the technical requirements of the City and policies identified by the recently-approved Comprehensive Plan, the proposed development meets a number of policies discussed in the attached "Market Rate Multi-Family Housing Policy Statement," adopted by the Richfield Housing and Redevelopment Authority in 2015. This includes a preference for projects located in areas near commercial and retail uses, projects that provide a mix of unit sizes and amenities, those that promote community and an active lifestyle via gathering spaces, pet areas, access to trails, bicycle amenities, etc.

The current proposal is the result of an iterative process that has allowed for feedback from policy makers, neighbors, and staff. Staff finds that the proposed project meets the intent of the Comprehensive Plan and Code requirements, and therefore recommends approval of the proposed project.

### **RECOMMENDED ACTION:**

By motion:

1. **Approve an ordinance amending Appendix I of the Richfield City Code to change the zoning designation of Blocks 2 and 3, Harry Tickner's Subdivision of Lot 15, Richfield Gardens from High-Density Residential (MR-3) and Single Family Residential (R) to Planned Multi-Family Residential (PMR).**
2. **Adopt a resolution approving a Planned Unit Development, Conditional Use Permit, and Final Development Plan for a 183-unit apartment development on the north side of 66th Street between Queen and Russell Avenues (future address 2400 66th Street West).**

### **BASIS OF RECOMMENDATION:**

#### **A. HISTORICAL CONTEXT**

- Nearby blocks of Queen Avenue to the north and south of this site (64th Street to 67th Street) have included apartment buildings since the 1960s.
- The Comprehensive Plan has called for higher density housing on this site since (at least) 1982.
- Richfield-based nonprofit Fraser owns and operates Sheridan Court, an affordable multi-family housing development immediately west of the development site at 2500 66th Street West.
- The proposed development would be the first new multi-family apartment building constructed on the city's west side since Sheridan Court in 1987, and the first market-rate apartment development on the west side since the 1970s.

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

##### **Comprehensive Plan**

The Comprehensive Plan is an expression of the community's vision for the future. Since 1982 or earlier, the City's Comprehensive Plan has called for higher density housing in this area, which

would serve as a buffer between commercial uses on Penn Avenue and 66th Street and single-family homes to the west. Subsequent updates of the Comprehensive Plan in 1997, 2008, and 2018 have maintained that high density designation in this area. The block directly north of the project site, between 65th and 65th 1/2 Streets, is also designated as high density residential. The proposed density of 82 units per acre is within the range of 35 to 100 units per acre permitted in high density residential areas.

### **Zoning**

Of the seven properties that make up the site, three are currently zoned as High-Density Residential (MR-3) and four are zoned Single Family Residential (R). The Developer has requested that the property zoning be changed to a Planned Unit Development District - Planned Multi-Family Residential (PMR). Planned unit developments are intended to encourage the efficient use of land and resources and to encourage innovation in planning and building. In exchange for these efficiencies and superior design, flexibility in the application of dimensional requirements is available. A full discussion of all applicable review criteria is provided as an attachment to this report.

The following variations from standard requirements are requested:

- **Building height** - Due to the varied elevation of the site, the actual height from grade to roof varies significantly from one corner to another. Some elevations of the proposed building exceed the maximum allowable height of 50 feet in the guiding MR-3 District. The north elevation along 65th 1/2 Street, where the building height was lowered to three stories, measures 39-40 feet from grade. However, in areas where the grade drops and the underground parking ramp is partially exposed (along 66th Street), the 5-story height of the building ranges from 59 feet 6 inches at the southwest corner, to 73 feet at the southeast corner (adjacent to CVS). The average height above grade along 66th Street is 66 feet 3 inches. The proposed building height along 66th Street is consistent with the adjacent Mixed Use Community Zoning District along Penn Avenue, which allows buildings up to 8 stories.
- **Maximum lot coverage** - Approximately 52 percent of the site is covered by building. This exceeds the 30 percent maximum in the MR-3 District, but is more consistent with the City's more modern zoning districts (Mixed Use) that encourage larger buildings and less surface parking, in exchange for locating nearly all parking underground. While the building coverage exceeds maximums, only 66% of the site is impervious surfaces, below the maximum allowed 75%. The proposal includes approximately 14,000 square feet of usable open space (10% of site required; 14% provided between the outdoor courtyard, activity area, and dog run).
- **Setbacks** - Setbacks are reduced from the required 40 feet in the guiding MR-3 District. Proposed setbacks range from 23 to 26 feet from property lines, except along 66th Street where the building would be set back 20 feet from the property line. These setbacks are in line with requirements for the Mixed Use Neighborhood district, which range from 15 to 25 feet.

The purposes of the MR-3 District regulations are to reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities; to preserve as many as possible of the desirable characteristics of the single-family district, while permitting higher densities; to provide space for semi-public facilities to complement urban residential areas; to minimize traffic congestion; and generally, to provide multi-family residential areas that are safe and attractive. Finding that the proposed development achieves these goals, staff recommends approval of the proposed plans.

### **C. CRITICAL TIMING ISSUES:**

- **60-DAY RULE:** The 60-day clock 'started' when a complete application was received on November 13, 2018. A decision is required by January 12, 2019 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

### **D. FINANCIAL IMPACT:**

- The required application fees have been paid.

### **E. LEGAL CONSIDERATION:**

- A public hearing was held before the Planning Commission on November 26, 2018.

- Notice of the public hearing was published in the Sun Current Newspaper and mailed to properties within 500 feet of the site on November 15th.
- The Planning Commission voted (4-2) to recommend approval of the rezoning and planned unit development.

**ALTERNATIVE RECOMMENDATION(S):**

- Deny the requested land use approvals with findings that requirements are not met.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Broadway Investors, LLC representatives

**ATTACHMENTS:**

Description	Type
▢ Ordinance - Rezoning properties 66th-Queen	Ordinance
▢ PUD Resolution	Resolution Letter
▢ Requirements attachment	Backup Material
▢ HRA Market-Rate Housing Policy	Exhibit
▢ Planning & Zoning Maps	Exhibit
▢ Developer narrative	Backup Material
▢ Site Plans	Exhibit
▢ Elevations	Exhibit
▢ Floor Plans	Exhibit
▢ Traffic study	Backup Material
▢ DRAFT Planning Commission minutes	Backup Material

**ORDINANCE NO.**

**AN ORDINANCE RELATING TO ZONING;  
AMENDING APPENDIX I TO THE RICHFIELD CITY  
CODE BY REZONING LAND NORTH OF  
66TH STREET AT QUEEN AVENUE  
AS PLANNED MULTI-FAMILY RESIDENTIAL**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. Section 9 of Appendix 1 of the Richfield Zoning Code is amended to add a new Paragraph 10 to read as follows:

(10) M-2 (NE corner, 66th and Russell) Blocks 2-3, Harry Tickner's Subdivision of Lot 15, Richfield Gardens. Also, that part of Lot 1, Block 1, Richfield Gardens 2nd Addition, described as lying westerly of the following described line; Commencing at the Southwest Corner of said Lot 1, Block 1, thence South 89 degrees 45 minutes 12 seconds East, assumed bearing along the south line of said Lot 1, Block 1, a distance of 125.10 feet, to the Point of Beginning of the line to be described; thence North 00 degrees 14 minutes 25 seconds West, parallel with the west line of said Lot 1, Block 1, a distance of 70.00 feet more or less, to the angle point on the westerly line of said Lot 1, Block 1 and there terminating.

Sec. 2. Section 8, Paragraph 1 is amended to read as follows:

(1) M-2 (Northwest corner 66th and Penn). Lot 1, Block 1, Richfield Gardens Second Addition-, except that part described as lying westerly of the following described line; Commencing at the Southwest Corner of said Lot 1, Block 1, thence South 89 degrees 45 minutes 12 seconds East, assumed bearing along the south line of said Lot 1, Block 1, a distance of 125.10 feet, to the Point of Beginning of the line to be described; thence North 00 degrees 14 minutes 25 seconds West, parallel with the west line of said Lot 1, Block 1, a distance of 70.00 feet more or less, to the angle point on the westerly line of said Lot 1, Block 1 and there terminating.

Sec. 3. Section 14, Paragraphs 26 and 34 are repealed.

(26) M-2 (NW corner, 66th and Queen). Lot 4, Block 2 of Harry Tickner's Subdivision of Lot 15, Richfield Gardens.  
(34) M-2 (Queen Ave, N of 66th). Lot 1, Block 3, Harry Tickner's Subdivision of Lot 15 Richfield Gardens Addition.

Sec. 4. 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 11th day of December, 2018.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN  
AND CONDITIONAL USE PERMIT  
FOR A PLANNED UNIT DEVELOPMENT**

**WHEREAS**, an application has been filed with the City of Richfield which requests approval of a final development plan and conditional use permit for a planned unit development to include 183 apartments, on land that is legally described in the attached Exhibit A; and

**WHEREAS**, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested final development plan and conditional use permit at its November 26, 2018 meeting; and

**WHEREAS**, notice of the public hearing was published in the Sun-Current and mailed to properties within 500 feet of the subject property on November 13, 2018; and

**WHEREAS**, the requested final development plan and conditional use permit meets those requirements necessary for approving a planned unit development as specified in Richfield's Zoning Code, Section 542.09, Subd. 3 and as detailed in City Council Staff Report No. \_\_\_\_\_; and

**WHEREAS**, the request meets those requirements necessary for approving a conditional use permit as specified in Richfield's Zoning Code, Section 547.09, Subd. 6 and as detailed in City Council Staff Report No. \_\_\_\_\_; and

**WHEREAS**, the City has fully considered the request for approval of a planned unit development, final development plan and conditional use permit; and

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

1. The City Council adopts as its Findings of Fact the **WHEREAS** clauses set forth above.
2. A planned unit development, final development plan and conditional use permit are approved for a multi-family residential development as described in City Council Report No. \_\_\_\_\_.
3. The approved planned unit development, final development plan and conditional use permit are subject to the following conditions:
  - A recorded copy of this approved resolution must be submitted to the City prior to the issuance of a building permit.
  - A preliminary plat must be approved prior to the issuance of a building permit
  - A final plat must be approved and recorded prior to the issuance of a certificate of occupancy.
  - This approval does not constitute approval of specific signs. Sign permits are required and must be applied for separately.

- Final lighting plans must be submitted to and approved by the Community Development and Public Works Directors. Pedestrian scale lighting shall highlight building entrances.
  - Final landscaping plans noting the species, quantity, and sizes of trees and shrubs must be submitted to and approved by the Community Development Director. Additional landscaping and/or public art are required in areas where a significant amount of underground parking structure is visible from public right-of-way. The property owner is responsible for the ongoing maintenance and tending of all landscaping in accordance with approved plans.
  - Final plans for sidewalks and improvements in and along the right-of-way must be submitted to and approved by the Community Development and Public Works Directors.
  - Final stormwater management plans must be submitted to and approved by the Public Works Director. All applicable stormwater fees must be paid to the Public Works Department.
  - Final utility plans must be submitted to and approved by the Public Works Director. All new utilities must be underground.
  - A maintenance agreement related to sidewalks and landscaping must be executed prior to issuance of a Certificate of Occupancy.
  - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report, and compliance with all other applicable City and State regulations.
  - Prior to the issuance of a Certificate of Occupancy, the Developer must submit a surety equal to 125% of the value of any improvements not yet complete.
  - As-builts or \$7,500 cash escrow must be submitted to the Public Works Department prior to issuance of a final certificate of occupancy.
  - Prior to construction, the applicant shall hire an independent firm to conduct pre-construction condition surveys of properties abutting Russell Avenue between 65th Street and 66th Street, and properties abutting 65th 1/2 Street between Queen and Russell Avenues.
  - During construction, the applicant shall work to minimize parking and traffic impacts on public streets related to worker/construction vehicles. Solutions could include parking worker vehicles off-site and shuttling workers to the construction site.
4. The approved planned unit development, final development plan and conditional use permit shall expire one year from issuance unless the use for which the permit was granted has commenced, substantial work has been completed or upon written request by the Developer, the Council extends the expiration date for an additional period of up to one year, as required by the Zoning Ordinance, Section 547.09, Subd. 9.
  5. The approved planned unit development, final development plan and conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

## **EXHIBIT A**

### **LEGAL DESCRIPTIONS**

Blocks 2 and 3, Harry Tickner's Subdivision of Lot 15, Richfield Gardens, according to the plat thereof, Hennepin County Minnesota.

That part of Lot 1, Block 1, Richfield Gardens 2nd Addition, according to the plat thereof, Hennepin County, Minnesota, described as lying westerly of the following described line; Commencing at the Southwest Corner of said Lot 1, Block 1, thence South 89 degrees 45 minutes 12 seconds East, assumed bearing along the south line of said Lot 1, Block 1, a distance of 125.10 feet, to the Point of Beginning of the line to be described; thence North 00 degrees 14 minutes 25 seconds West, parallel with the west line of said Lot 1, Block 1, a distance of 70.00 feet more or less, to the angle point on the westerly line of said Lot 1, Block 1 and there terminating.

## Required Findings

**Part 1:** The following findings are necessary for approval of a PUD application (542.09 Subd. 3):

1. *The proposed development conforms to the goals and objectives of the City's Comprehensive Plan and any applicable redevelopment plans.* The City's Comprehensive Plan designates this area for high-density residential development. The Comprehensive Plan calls for multifamily housing to be located between commercial areas and single-family neighborhoods. Further, the Comprehensive Plan calls for the creation of a balanced housing stock that is available to range of incomes and serves families at all stages of their life-cycle. The proposed plans achieve/further these goals and objectives.
2. *The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries.* This requirement is met. A mix of unit sizes is provided, as are a number of tenant amenity areas. High quality building materials are proposed. The proposed building centralizes vehicle traffic to one access point off the Russell Avenue extension, while providing multiple pedestrian access points. Despite the challenges of grade variations on the site, the proposed development provides pedestrian entrances and a "storefront" look to the bicycle and fitness amenity areas facing 66th Street.
3. *The development is in substantial conformance with the purpose and intent of the guiding district, and departures from the guiding district regulations are justified by the design of the development.* The development is in substantial compliance with the intent of the guiding MR-3 and Mixed Use Districts. Departures from requirements are minimal and, in general, have been deliberately done in order to achieve specific results.
4. *The development will not create an excessive burden on parks, schools, streets or other public facilities and utilities that serve or area proposed to serve the development.* The City's Public Works, Engineering, and Recreation Departments have reviewed the proposal and do not anticipate any issues.
5. *The development will not have undue adverse impacts on neighboring properties.* Undue adverse impacts are not anticipated. The site and the conditions of the resolution are designed to minimize any potential negative impacts on neighboring properties.
6. *The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interest.* The final development plan and conditional use permit resolution establish conditions sufficient to protect the public interest.

**Part 2:** All uses are conditional uses in a Planned Unit Development District. The findings necessary to issue a Conditional Use Permit (CUP) are as follows (Subd. 547.09, Subd. 6):

1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan. See above – Part 1, #1.*
2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use. The use is consistent with the intent of the Planned Multi-Family Residential District and the underlying High-Density Multi-Family Residential (MR-3) and Mixed Use Districts.*
3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines. See above – Part 1, #1*
4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code. The proposed development is in substantial compliance with City performance standards.*
5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements. The City's Public Works and Engineering Departments have reviewed the proposal and do not anticipate any adverse impacts.*
6. *The use will not have undue adverse impacts on the public health, safety, or welfare. Adequate provisions have been made to protect the public health, safety and welfare from undue adverse impacts.*
7. *There is a public need for such use at the proposed location. See above – Part 1, #1.*
8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit. This requirement is met.*

**RICHFIELD HOUSING AND REDEVELOPMENT AUTHORITY  
MARKET RATE MULTI-FAMILY HOUSING  
POLICY STATEMENT**

Adopted: July 20, 2015

When considering proposals for market rate, multi-family housing, the Housing and Redevelopment Authority and City shall give priority to projects that address one or more of the following criteria:

1. Rather than being located in single-family residential neighborhoods, projects should be located in areas near commercial and retail uses, such as the Penn Avenue Corridor, or in underutilized commercial/retail areas, to serve as a transition between the commercial/retail uses and the single-family neighborhood.
2. Projects that have a complementary size and style to the community:
  - Preference for projects limited to no more than 4 stories, such as townhomes, twinhomes and garden homes.
  - Taller developments would be considered in areas adjacent to other tall developments, such as: along the I-494 Corridor and/or in the “downtown” area near Lyndale Avenue and 66th Street, provided a healthy buffer between the high density housing and single-family homes exists or is anticipated as part of the project.
3. Projects that will include a mix of unit sizes and amenities, offering options for all stages of life and families, including young professionals and retirees, and larger families.
4. Include amenities to build community and encourage active lifestyles, such as:
  - Communal gathering spaces, both indoors and outdoors
  - Inclusivity of pets and space to accommodate a dog park or other pet-friendly facilities.
  - Access to trails and parks.

## **MARKET RATE MULTI-FAMILY HOUSING POLICY, continued**

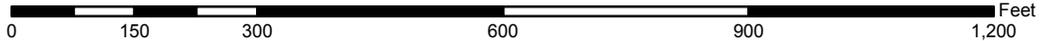
- Transportation amenities, such as: Van or car-share, electric car charging capability, bike-share, airport shuttle, located near public transit.
  - Bicycle-friendly amenities.
  - Workout facilities to encourage wellness.
  - Greenspace for community gardens.
  - Designated spaces for outdoor cooking and barbeque.
5. Projects that are mixed-use and include complimentary retail or commercial uses.
  6. Projects that embody and preserve the feel of “the Urban Hometown” in their design, layout, and interactions with the community.
  7. Projects that offer flexibility in their design to accommodate market changes between the rental and ownership-market, and future housing needs.

This Market Rate Multi-family Housing Policy is intended to guide housing in a comprehensive manner that is consistent with the City’s Senior Housing Policy and Affordable Housing Policy.

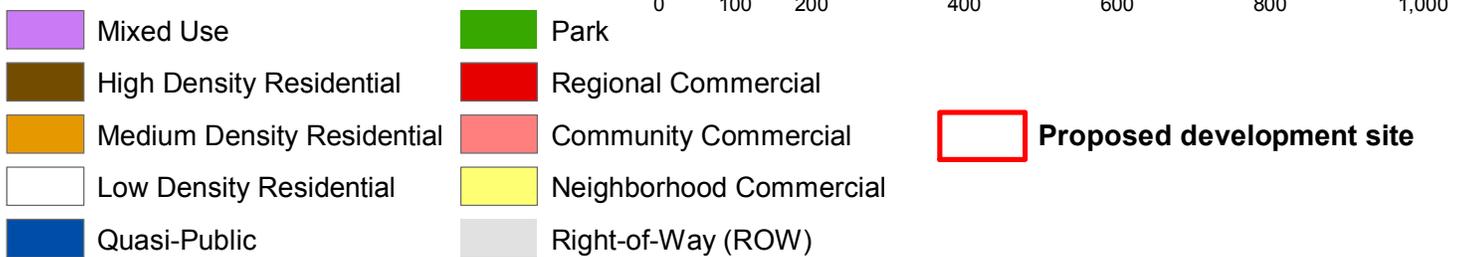
# NOVO Apartments - 66th & Queen - surrounding area context



 Proposed development site



# 66th & Queen 11/2018 Comprehensive Plan



# 66th & Queen 11/2018

## Zoning - current



- |                                |                                   |
|--------------------------------|-----------------------------------|
| R Single-Family                | PMR Planned Multi-Family          |
| MR-2 Multi-Family              | PMU Planned Mixed Use             |
| MR-3 High-Density Multi-Family | MU-C/PAC Mixed Use + Penn Overlay |
| C-2 General Commercial         | <b>Proposed development site</b>  |

# 66th & Queen 11/2018

## Zoning - proposed



- |                                |                                   |
|--------------------------------|-----------------------------------|
| R Single-Family                | PMR Planned Multi-Family          |
| MR-2 Multi-Family              | PMU Planned Mixed Use             |
| MR-3 High-Density Multi-Family | MU-C/PAC Mixed Use + Penn Overlay |
| C-2 General Commercial         | <b>Proposed development site</b>  |



**Bogart, Pederson  
& Associates, Inc.**

LAND SURVEYING  
CIVIL ENGINEERING  
MAPPING

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November 30, 2018

Mr. Matt Brillhart, Associate Planner  
City of Richfield Planning Department  
6700 Portland Avenue  
Richfield, MN 55423

**RE: Request for Review and Consideration of the Proposed NOVO Apartment Project  
on 66<sup>th</sup> Street in the City of Richfield, Hennepin County, Minnesota**

Dear Mr. Brillhart:

We are writing on behalf of Broadway Investors, LLC. to present the proposed NOVO Apartment Project for your review and consideration for site plan review and to revise the zoning designation to Planned Multi-Family Residential (PMR).

The onset of this project began in June of 2016. It began by researching properties available in the area, review of the City Zoning Ordinance, review of the comprehensive plan, zoning designations and associated regulations. As the dream materialized, we coordinated with your Department to investigate alternatives for the subject properties. Once we developed a concept, we held our first neighborhood meeting on September 8, 2018. We contemplated the various concerns heard at the neighborhood meeting, revised the plans accordingly and submitted the drawings to the City of Richfield with a request to perform a Conceptual Project Review on October 12, 2018 and attended an Administrative Review Committee (ARC) meeting on October 18, 2018. Since then, we submitted applications to request vacation of a portion of the Queen Avenue right-of-way and to revise the zoning designation of the subject properties to PMR-Planned Multi-Family Residential. Shortly after the application was submitted, the project team held a neighborhood meeting on Saturday November 3, 2018 to share project details with area residents and receive comments and reactions to the proposed project. We met with the City of Richfield ARC a second time on November 1, 2018 and received written comments through the Planning Department on November 2, 2018. We revised the drawings to reflect design revisions and re-submitted the drawings on November 12, 2018.

Following is a description of the existing conditions, an outline of our approach to the design and a description of the proposed project.

### Existing Conditions:

The subject properties are situated on the north side of 66<sup>th</sup> Street between Sheridan Avenue S. and Penn Avenue S. in the City of Richfield. The project includes the following properties:

<u>Address</u>	<u>PID #</u>	<u>Zone Designation</u>
2412 66 <sup>th</sup> Street W.	2902824140055	MR-3 High Density Residential
2415 65 ½ Street W.	2902824140054	R Single Family
2409 65 ½ Street W.	2902824140053	R Single Family
2401 65 ½ Street W.	2902824140052	R Single Family
6529 Queen Avenue S.	2902824140056	MR-3 High Density Residential
6533 Queen Avenue S.	2902824140057	MR-3 High Density Residential
6539 Queen Avenue S.	2902824140058	R Single Family

Including a portion of the following parcel:

6540 Penn Avenue S.	2902824140060	C-2 General Commercial
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The project area includes approximately 2.12 acres of land. The subject properties are currently occupied by single-family frame homes, driveways, and accessory buildings. There is significant relief through the site, which rises and falls, but generally, the elevation along the east is approximately twelve feet (12') lower than the western edge of the property.

Access to the existing properties is provided via 66<sup>th</sup> Street W., Queen Avenue S. and 65<sup>th</sup> ½ Street. Public sanitary sewer and domestic water and fire protection are provided via existing utilities within the adjacent public rights-of-way.

## Proposed Configuration:

The proposed NOVO Apartment project includes a new apartment building structure with surface parking for guests and visitors in the center courtyard area. The building is “C” shaped and includes two (2) parking levels below grade and five (5) levels for apartments along 66<sup>th</sup> Street and three (3) levels above the parking levels along 65<sup>th</sup> ½ Street. The building height transitions between 3 and 5 levels above the parking levels from 65<sup>th</sup> ½ Street and 66<sup>th</sup> Street.

Access to the main entrance, the center courtyard area, and community activities are accessed via Russell Avenue S. extended. The proposed configuration minimizes traffic impacts, potential noise and light glare to the neighbors in the community. Please note, Russell Avenue S. extension is approximately twelve feet (12') below the existing grade to the west, which further screens the adjacent property owners from potential impacts.

The proposed building is planned to offer one hundred and eighty three (183) new residential units, which includes twenty-eight (28) studio apartments, seventy-one (71) one-bedroom apartments, twenty-four (24) one-bedroom plus den apartments and sixty (60) two-bedroom/two bath units. The apartments are generously sized by market standards and include individual heating/cooling units, washer & dryers in each unit, nine-foot (9') ceilings, granite countertops and walk-in closets. The majority of the units are designed to include a private balcony. Eight units will be fully barrier free and the balance of the units can be adaptable per the standards established by the Minnesota State Building Code.

Several amenities will be available to all apartment residents, which include a multi-purpose community room, a theater, fitness center, a dog run, interior bike storage and exterior plaza as part of the proposed courtyard area.

The exterior plaza includes activities and design elements such as a pergola and entrance canopy, raised planters, gas grills, bike rack, hot tub/whirlpool, tables & chairs, outdoor pool and a fire pit. It will serve as a community common space to enjoy the weather, read a book or partake in various activities.

A great deal of emphasis was placed on the exterior design of the building to complement the neighborhood character, provide a modern feel and to incorporate the goals of the City’s comprehensive plan. Bump-outs and height variations were utilized to reduce the scale and to create an inviting front-door facing the roads. In addition to the various architectural features, materials common to turn-of-the century neighborhoods were utilized such as brick, stucco and simulated stone.

The proposed parking includes seventeen (17) surface parking stalls for visitor and short-term parking, which is located in the courtyard. In addition, there are two levels of parking proposed below grade, which is accessed north and south from the proposed entrance drive from/to Russell Avenue extended. The proposed design includes 259 spaces, which includes eight (8) barrier free spaces, fourteen (14) electric charge station spaces, and 237 standard spaces, which provides 1.42 spaces per unit.

In accordance with the City's Comprehensive Plan, we utilized the MR-3 zoning as a design guide and are requesting that the subject parcels be rezoned to Planned Multi-Family residential (PMR). Based on our review of the character of the area, the subject parcels can be defined as "transitional" and can serve as a buffer between the traffic along 66<sup>th</sup> Street W. and the single-family residential to the north. In addition, this development serves as a transition from the general commercial and retail uses to the east and is consistent with the existing multi-family use to the west.

We incorporated a neighborhood design around the exterior perimeter of the development. Street trees were utilized to frame the street and we utilized retaining walls to provide a terraced effect to minimize the differences in elevation at the lower corners of the site. The building orientation is placed relatively close to the adjacent sidewalks to mimic the urban neighborhood feel. In addition, front entrances were added to the north elevation and community uses were incorporated into the south elevation with larger windows along 66<sup>th</sup> Street W. to provide a retail/office feel to pedestrians that wander by.

As part of the proposed configuration, a portion of Queen Avenue S. is planned to be vacated and Russel Avenue S., along the west is planned to be extended to 66<sup>th</sup> Street. We have coordinated with the property owner to the west of the proposed development (2500 66<sup>th</sup> Street W-LW Fraser Independent Living) and they agreed to grant an easement to the City for the west ½ of the proposed Russell Avenue S. extension. The east ½ of the proposed Russel Avenue extension will be dedicated to the City by Broadway Investors, LLC. (refer to the preliminary plat submitted for proposed limits of the vacation and extension of Russell Avenue S.).

The design team considered several options regarding the height of the proposed façade, offsets from the adjacent rights-of-way, varying building bump-outs/setbacks, etc., revisions to the elevations, and review of the comprehensive plan, we determined the most fitting configuration includes a more consistent roofline and consistent neighborhood street design. The comprehensive plan also designates the property to the north, if/when it is redeveloped, to be a MR-3 zone as well, which will serve as the transition property to the north.

After review by the City Planning Department and obtaining neighbor concerns, we revised the west and north building elevations as follows:

- Revised color schemes utilizing a dark iron spot brick, lighter stucco and a muted panelized sheet metal.
- Added a canopy to the north entrance.
- Reduce the number of hanging balconies along the west building face, north of the entrance from 12 to 6 balconies.
- Stepped two fourth-floor units back from the building face near the northwest corner of the building.
- Stepped three fourth-floor units away from the north building face along the north elevation.

Please refer to the revised architectural elevations, renderings and material samples submitted, which illustrate the most recent design and configuration.

In addition, to the architectural design revisions, we revised the site and landscape plan, which now reflects approximately fifty (50) canopy and deciduous trees (39 required), and approximately 200 shrubs (98 required).

We limited the access to the building from the north to one door, which will serve as a secondary means of access and limited the lighting to security lighting over the access doors. No site lighting or balcony lighting will be included in an effort to minimize light-wash onto adjoining properties. The only exception to this is the required street light improvements as part of the Russell Road extension to/from the cul-de-sac to 66<sup>th</sup> Street.

We provided additional detail on the outdoor activity/plaza area and enhanced the area to include an outdoor pool. The pool will be fenced, as is required for safety and will be accessed from the plaza level.

In summary, we have incorporated the design elements requested by the City Planning Department into the plans and revised the architectural and site design to address various concerns from the neighbors. We believe this collaborative effort resulted in an overall improved design to benefit all involved. In addition, the proposed NOVO Apartment project will be a positive addition to the City and will serve as a focal point along 66<sup>th</sup> Street W. as it provides an attractive, comfortable, market-rate alternative for young families, empty-nesters and professionals to live, work and play in the City of Richfield.

We respectfully request your review and consideration for this project and pray you determine it is a positive investment in the future for this community. Please don't hesitate to contact our office if there are questions or concerns.

Sincerely,

**Bogart, Pederson & Associates, Inc.**

A handwritten signature in blue ink, appearing to read "Todd J. Olin".

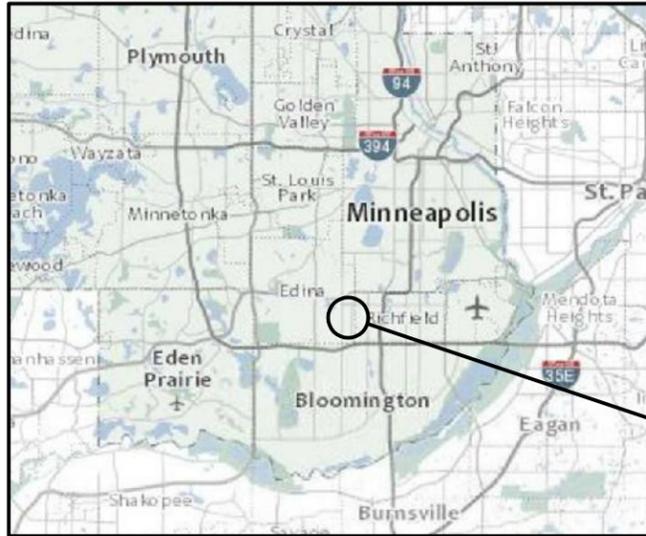
Todd J. Olin, Project Manager



# Proposed Novo Apartment Project by: Broadway Investors, LLC 2400 66th Street West

Part of Section 28, T. 28N., R 24 W.,  
City of Richfield, Hennepin County  
Minnesota

CALL 48 HOURS BEFORE DIGGING:  
**GOPHER STATE ONE CALL**  
TWIN CITY AREA 651-454-0002  
MINNESOTA TOLL FREE 1-800-252-1166



HENNEPIN COUNTY, MINNESOTA

## SHEET INDEX

CI – Project Title & Sheet Index	A0a – Southwest View (to be issued separately)
CI.1 – Enlarged Vicinity Map	A0b – Northwest View (to be issued separately)
C2.1 – Certificate of Survey (Map of Survey)	A1 – First Floor Plan
C2.2 – Certificate of Survey (Legal Descriptions)	A2 – Second Floor Plan
C3 – Demolition/Removals Plan	A2a – Third Floor Plan
C4.1 – Site Dimension Plan	A3 – Fourth Floor Plan
C4.2 – Site Plan (Clean)	A3a – Fifth Floor Plan
C5 – Landscape Plan	A4 – Upper Level Garage Plan
C6 – Utility Plan	A5 – Lower Level Garage Plan
C7 – Grading & Erosion Control Plan	A6 – South and West Exterior Elevations
C8 – Storm Water Pollution Prevention Plan (SWPPP)	A7 – North and East Exterior Elevations
C9 – Russell Avenue S. Extension Plan & Profile	A8 – Entry Elevation, Entry Plaza Plan
CI0 – Construction Details	A9 – Sample Materials
CI1 – Construction Details	A10 – Sun and Shadow Study
CI2 – Construction Details	SVI – Preliminary Plat–For Information Only
CI3 – Construction Details	



VICINITY MAP

PROJECT LOCATION



REV. NO.	DATE	DESCRIPTION
1	10/11/2018	City Conceptual Plan Review
2	10/24/2018	Submital to City SPR/PMR Review
3	11/12/2018	Submit revised drawings per City ARC review
4	11/30/2018	Submit per City Planning Commission Comments

DATE: 10/10/2018  
 DESIGN BY: TJO  
 DRAWN BY: TJO  
 CHECKED BY: NAA  
 DWG FILE: 1-Cover  
 FILE NO.: 18353.00

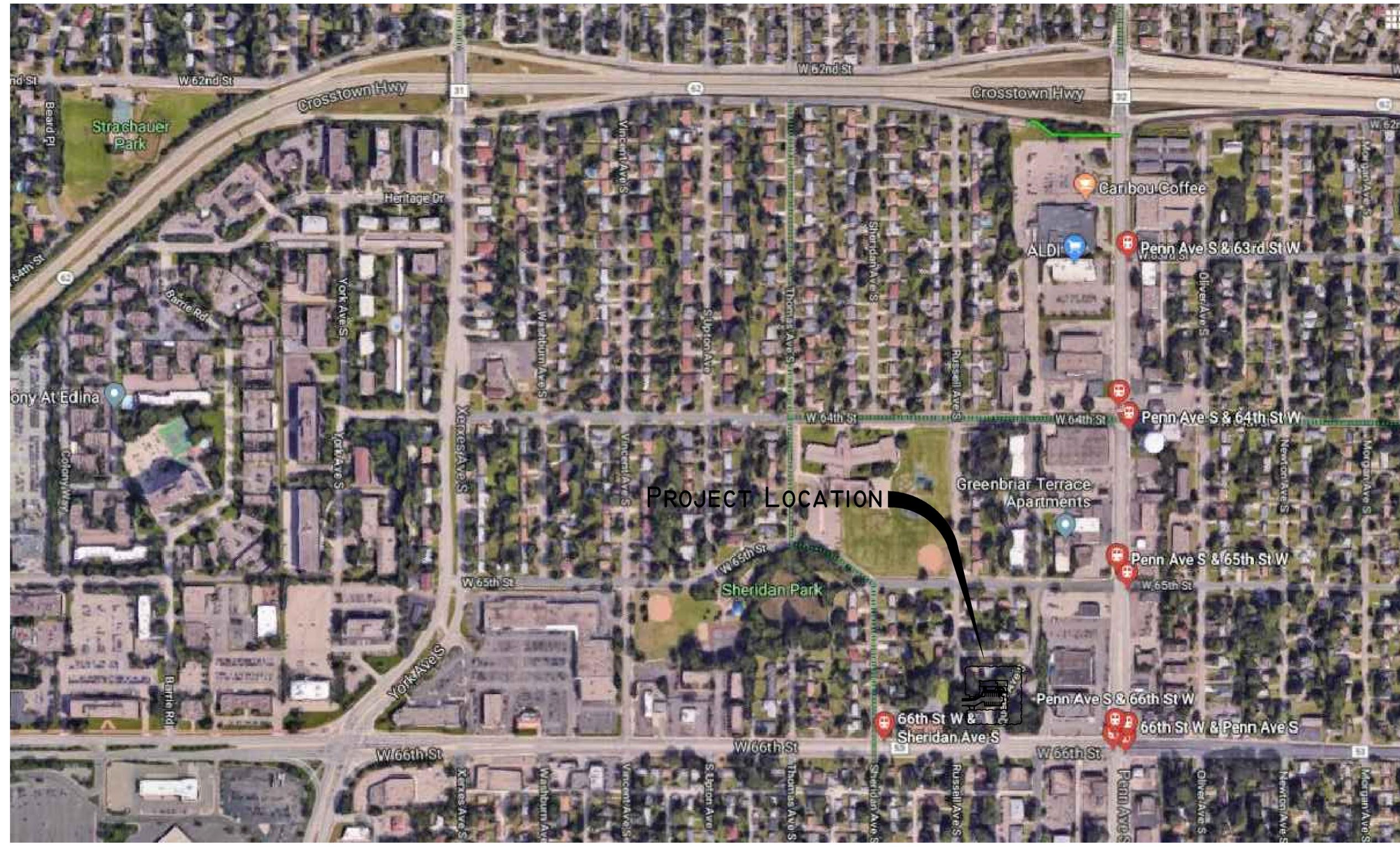
**BOGART, PEDERSON & ASSOCIATES, INC.**  
 LAND SURVEYING  
 ENGINEERING  
 MAPPING  
 13076 FIRST STREET, BECKER, MN 55308-9322  
 TEL: 763-262-8822 FAX: 763-262-8844

Novo Apartments, 2400 66th St.  
 City of Richfield, Min.  
 Part of Sec. 28, T. 28, R. 24  
 Hennepin County, Minnesota  
 Project Title & Sheet Index

SHEET NO.  
**C1**

**DISTANCE REFERENCE**

Destination	Dist. from NOVO
Grocery Store	- 1,400' (Aldi's)
Pharmacy	- 100' (CVS Pharmacy)
Gas Station/C-Store	- 1,700' (Super America)
Regional Mall	- 2,300' (Southdale Center)
Bus Stop	- 100'



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DATE:	10/10/2018
DESIGN BY:	TJO
DRAWN BY:	TJO
CHECKED BY:	NAA
DWG FILE:	1-Cover
FILE NO.:	18353.00

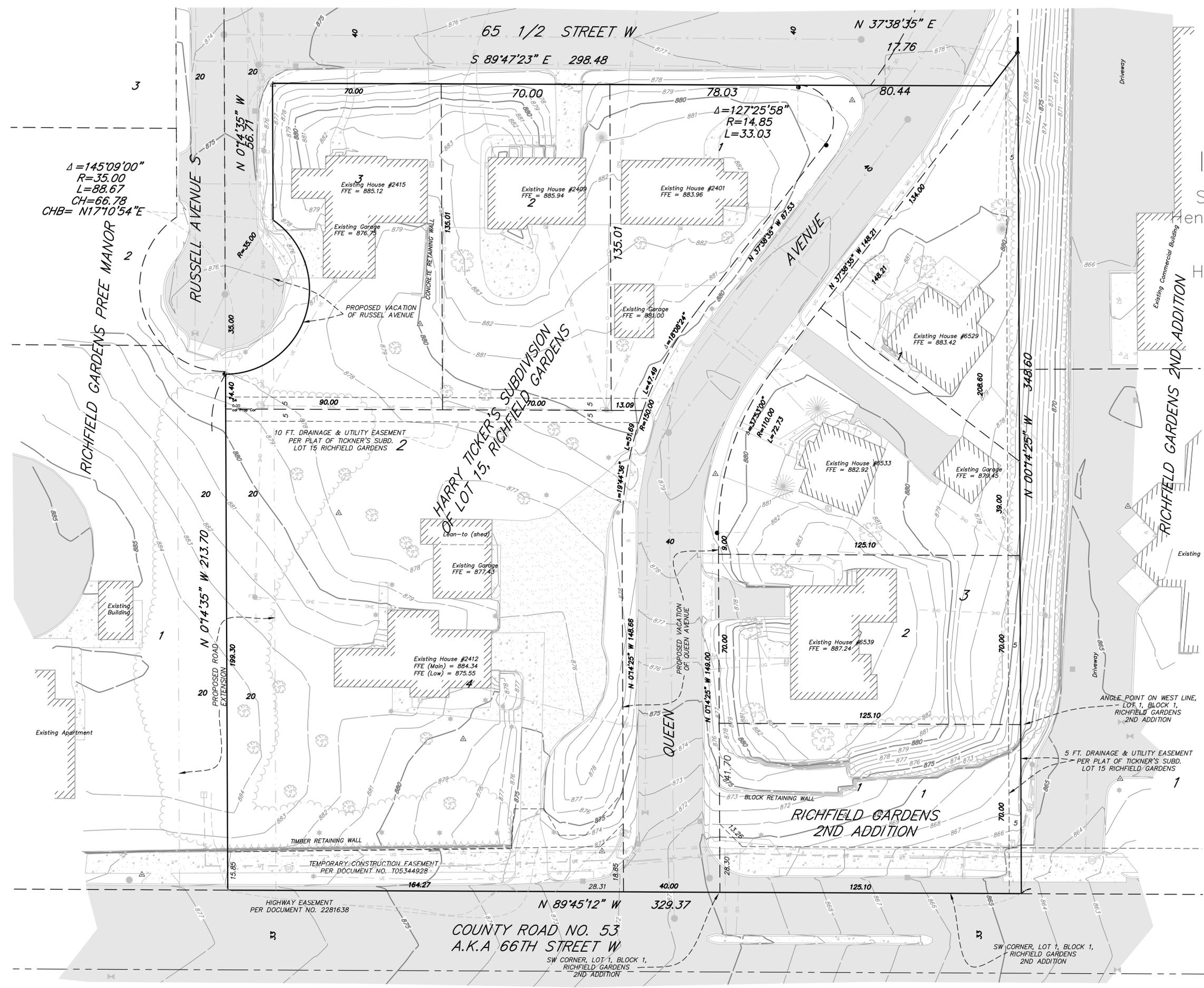
**BOGART, PEDERSON & ASSOCIATES, INC.**  
 LAND SURVEYING  
 ENGINEERING  
 MAPPING  
 13076 FIRST STREET, BECKER, MN 55308-9322  
 TEL: 763-262-8832 FAX: 763-262-8844

Novo Apartments, 2400 66th St.  
 City of Richfield, Mn.  
 Part of Sec. 28, T. 28, R. 24  
 Hennepin County, Minnesota  
 Enlarged Vicinity Map

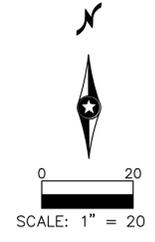
# Certificate of Survey for Broadway Investors, LLC

Sec. 28, T. 28, R. 24,  
Hennepin County, Minnesota

Blocks 2 & 3,  
HARRY TICKNER'S SUBD.  
LOT 15, RICHFIELD GARDEN



- LEGEND:**
- Denotes found iron monument
  - Denotes set iron monument
  - Denotes catch basin
  - ▣ Denotes electrical cabinet
  - Denotes water service
  - Denotes sanitary manhole
  - Denotes water valve
  - Denotes sign
  - Denotes telephone pedestal
  - Denotes electric meter
  - Denotes cable television box
  - Denotes underground gas
  - Denotes telephone vault
  - Denotes hydrant
  - Denotes water curb stop
  - Denotes gas meter
  - Denotes tree, coniferous
  - Denotes tree, deciduous
  - Denotes bituminous surface
  - Denotes concrete surface
  - Denotes gravel surface
  - Denotes wood fence
  - Denotes chainlink fence
  - Denotes underground telephone
  - Denotes overhead electric
  - Denotes underground gas line
  - Denotes underground electric
  - Denotes tree line
  - Denotes easement
  - Denotes major contour
  - Denotes minor contour
  - Denotes sanitary sewer
  - Denotes storm sewer
  - Denotes waterline
  - Denotes existing adjoiners



REV. NO.	DATE	DESCRIPTION
1	10/11/2018	City Conceptual Plan Review
2	10/24/2018	Submital to City SFR/PMR Review
3	11/12/2018	Submit revised drawings per City ARC review

DATE:	10/5/18
DESIGN BY:	BRD
DRAWN BY:	BRD
CHECKED BY:	BRD
DWG FILE:	18-0553.COS.dwg
FILE NO.:	18-0353.00

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

Signed: \_\_\_\_\_ Lic. No. 000000  
Date: \_\_\_\_\_

**BOGART, PEDERSON & ASSOCIATES, INC.**  
LAND SURVEYING & ENGINEERING  
MAPPING  
13076 FIRST STREET, BECKER, MN 55308-9322  
TEL: 763-262-8852 FAX: 763-262-8844

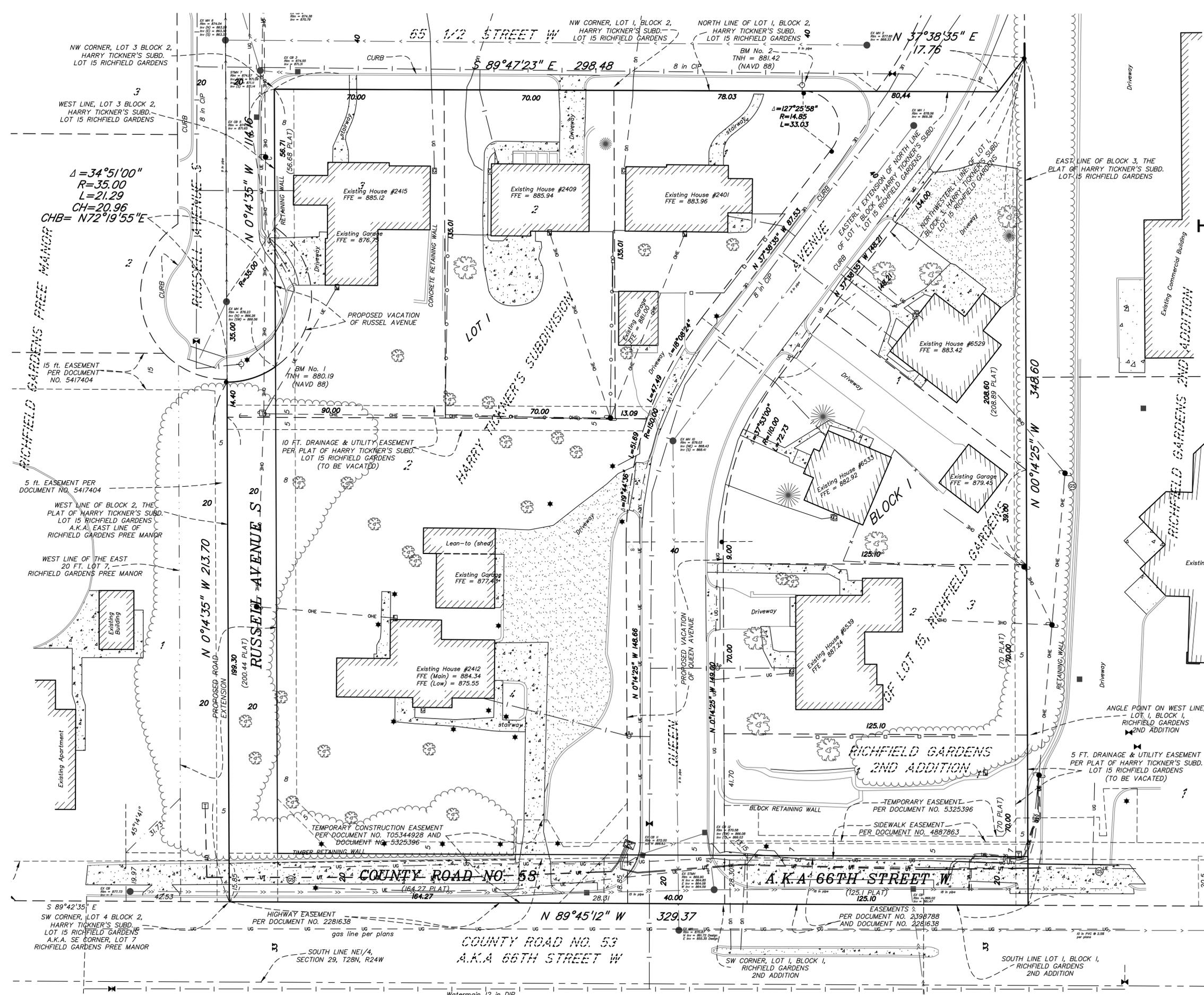
Novo Apartments, 2400 66th St.  
City of Richfield, Mn.  
Part of Sec. 28, T. 28, R. 24  
Hennepin County, Minnesota  
Certificate of Survey (Map of Survey)

SHEET NO. **C2.1**

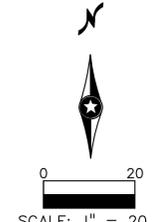
# Preliminary Plat of NOVO

Sec. 29, T. 28, R. 24,  
Hennepin County, Minnesota

Blocks 2 & 3,  
HARRY TICKNER'S SUBD.  
OF LOT 15, RICHFIELD  
GARDEN & Part of Lot 1,  
Block 1, RICHFIELD  
GARDENS 2ND ADDITION



- LEGEND:**
- Denotes found iron monument
  - Denotes set iron monument
  - Denotes catch basin
  - Denotes electrical cabinet
  - ⊕ Denotes water service
  - ⊙ Denotes sanitary manhole
  - ⊖ Denotes water valve
  - ⊛ Denotes sign
  - ⊜ Denotes telephone pedestal
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  - ▨ Denotes bituminous surface
  - ▩ Denotes concrete surface
  - Denotes gravel surface
  - Denotes wood fence
  - ▬ Denotes chainlink fence
  - UT Denotes underground telephone
  - UE Denotes underground electric
  - UG Denotes underground gas line
  - UL Denotes underground electric
  - TL Denotes tree line
  - TE Denotes easement
  - TM Denotes major contour
  - TL Denotes minor contour
  - TS Denotes sanitary sewer
  - TS Denotes storm sewer
  - WL Denotes waterline
  - EA Denotes existing adjoiners
  - PR Denotes proposed ROW



REV. NO.	DATE	DESCRIPTION

DATE: 10/5/18  
 DESIGN BY: BRD  
 DRAWN BY: BRD  
 CHECKED BY: BRD  
 DWG FILE: 18-0553\_COS.dwg  
 FILE NO.: 18-0353.00

hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and in accordance with the laws of the State of Minnesota.

Signed: \_\_\_\_\_  
 Date: 10-16-18 Lic. No. 23044

**BOGART, PEDERSON & ASSOCIATES, INC.**  
 LAND SURVEYING & ENGINEERING  
 13076 FIRST STREET, BECKER, MN 55308-9322  
 TEL: 763-262-8822 FAX: 763-262-8844

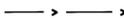
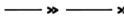
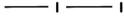
Novo Apartment  
 Broadway Investors, LLC  
 7365 Kirkwood Court N  
 Suite 200  
 Maple Grove, MN 55369

SHEET NO. SV2

Existing Conditions



**LEGEND:**

-  REMOVE AS INDICATED
-  REMOVE PAVEMENT (AS INDICATED ON PLAN)
-  REMOVE BUILDING
-  REMOVE (AS INDICATED)
-  REMOVE GAS LINE (AS INDICATED)
-  REMOVE SANITARY SEWER LINE (AS INDICATED)
-  REMOVE STORM SEWER LINE (AS INDICATED)
-  REMOVE WATER LINE (AS INDICATED)
-  REMOVE CONCRETE CURB (AS INDICATED)
-  REMOVE TREE BOUNDARY (AS INDICATED)
-  REMOVE CHAINLINK FENCE (AS INDICATED)
-  REMOVE WOOD FENCE (AS INDICATED)
-  REMOVE UNDERGROUND ELECTRIC LINE (AS INDICATED)
-  REMOVE OVERHEAD ELECTRIC LINE (AS INDICATED)
-  REMOVE OVERHEAD TELEPHONE LINE (AS INDICATED)
-  REMOVE UNDERGROUND TELEPHONE LINE (AS INDICATED)
-  DENOTES CONSTRUCTION LIMITS
-  DENOTES SAW CUT BITUMINOUS

**DEMOLITION GENERAL NOTES**

1. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PERFORM OR COORDINATE ALL UTILITY CONNECTIONS AND RELOCATIONS FROM EXISTING UTILITY LOCATIONS TO THE PROPOSED BUILDING, AS WELL AS TO ALL ONSITE AMENITIES. THESE CONNECTIONS INCLUDE BUT ARE NOT LIMITED TO WATER, SANITARY SEWER, UNDERGROUND GAS, ETC.
2. ALL SERVICE CONNECTIONS SHALL BE PERFORMED IN ACCORDANCE WITH STATE AND LOCAL STANDARD SPECIFICATIONS FOR CONSTRUCTION. UTILITY CONNECTIONS (UNDERGROUND GAS, WATERMAIN, AND STORM SEWER) MAY REQUIRE A PERMIT FROM THE CITY.
3. THE CONTRACTOR SHALL VERIFY THE ELEVATIONS AT PROPOSED CONNECTIONS TO EXISTING UTILITIES PRIOR TO ANY DEMOLITION.
4. IF DEWATERING IS REQUIRED FOR THIS PROJECT, THE PUMP DISCHARGE SHALL BE TREATED PRIOR TO BEING DISCHARGED OFF-SITE OR INTO A SURFACE WATER. THE DISCHARGE SHALL BE VISUALLY CHECKED TO ENSURE THAT IT IS VISIBLY CLEAN WATER. NO DEWATERING IS EXPECTED FOR THIS SITE DUE TO SANDY SOIL CONDITIONS.
5. TEMPORARY SEDIMENT CONTROL PRACTICE SHALL BE INSTALLED AS NECESSARY DURING THE DEMOLITION PORTION OF THIS PROJECT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO IMPLEMENT THE APPROPRIATE BMP. BMP'S FOR DUST CONTROL AND PERIMETER CONTROL SHALL BE PLACED TO MANAGE DEMOLITION WASTE.
6. ABANDONMENT OR EXISTING WATER SERVICE LINES: COORDINATION OF WATER SHUT OFF TO INCLUDE; IDENTIFYING AGREEABLE TIMEFRAME WITH LOCAL BUSINESS; NOTIFICATION OF WATER DISRUPTION IN WRITING TO ALL; 24 HOUR NOTIFICATION TO PUBLIC UTILITIES DEPARTMENT, WHO WILL OPERATE ALL VALVES; PLUMBING INSPECTION FOR ABANDONMENT OF WATER LINES WILL NEED TO BE SCHEDULED WITH BUILDING SAFETY DEPARTMENT.
7. ACCEPTABLE ABANDONMENT OPTIONS FOR WATER SERVICES: REMOVAL FOR CORPORATION STOP FROM THE MAINLINE, INSERTION OF LL/NL BRASS PLUG. REMOVAL OF VALVES FROM TEE, CROSS, ETC. AT THE MAIN, INSERTION OF RESTRAINED PLUG.

REV. NO.	DATE	DESCRIPTION
1	10/11/2018	City Conceptual Plan Review
2	10/24/2018	Submital to City SFR/PMR Review
3	11/12/2018	Submit revised drawings per City ARC review

DATE: 10/24/18  
 DESIGN BY: TJO  
 DRAWN BY: TJO  
 CHECKED BY: NAA  
 DWG FILE: 3-DEMOLITION  
 FILE NO.: 18-353.00

**BOGART, PEDERSON & ASSOCIATES, INC.**  
 LAND SURVEYING  
 ENGINEERING  
 MAPPING

13076 FIRST STREET, BECKER, MN 55308-9322  
 TEL: 763-262-8852 FAX: 763-262-8844

Novo Apartments, 2400 66th St.  
 City of Richfield, Mn.  
 Part of Sec. 28, T. 28, R. 24  
 Hennepin County, Minnesota

DEMOLITION PLAN

SHEET NO.  
**C3**

**EXISTING ZONE REGULATIONS**

R-1 SINGLE FAMILY  
 (PROPERTIES INCLUDED: 2415 RUSSELL, 2409 65 1/2, 2401 QUEEN, 6539 QUEEN)  
 MIN. LOT SIZE = 6700 S.F.  
 MIN. LOT WIDTH = 50'  
 MAX. LOT COVERAGE = 35%  
 MAX. IMPERVIOUS SURFACE = 45%

BUILDING SETBACKS  
 FRONT = 30'  
 REAR = 25'  
 SIDE = 10'  
 MAX. HEIGHT = 35'

MR-3 MULTI-UNIT RESIDENTIAL  
 (PROPERTIES INCLUDED: 2412 66TH STREET)  
 MIN. LOT SIZE = 60,000 s.f.  
 MIN. LOT WIDTH = 150'  
 MAX. BUILDING HEIGHT = 50'

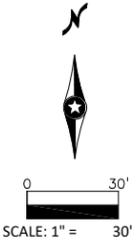
BUILDING SETBACKS  
 FRONT = 40'  
 REAR = 35'  
 SIDE = 30'

PMR PLANNED MULTI-UNIT RESIDENTIAL  
 (PROPERTIES INCLUDED: 2500 66TH STREET)

PMU PLANNED MIXED USE  
 (PROPERTIES INCLUDED: 6540 66TH STREET)

**LEGEND:**

- PROPOSED ASPHALT PAVEMENT- ON SITE SPECIFICATIONS
- PROPOSED ASPHALT PAVEMENT- RUSSELL AVENUE EXTENSION
- PROPOSED CONCRETE SIDEWALK
- PROPOSED CONCRETE SIDEWALK - THICKENED EDGE
- CONCRETE CURB AND GUTTER - INFLOW
- PROPOSED SITE SIGNAGE
- PROPOSED BOLLARD



**SITE PLAN NOTES:**

1. PAVEMENT MARKING DIMENSIONS SHOWN ARE TO FACE OF CURB. ALL OTHER DIMENSIONS ARE TO BACK OF CURB, UNLESS SHOWN OTHERWISE.
2. ALL CONCRETE RAMPS, SIDEWALKS AND ACCESSIBLE HANDICAPPED PARKING STALLS TO CONFORM TO CURRENT A.D.A. REQUIREMENTS.

**SUMMARY OF IMPERVIOUS SURFACES:**

FEATURE	EXISTING	PROPOSED
BUILDING	11,359 S.F.	50,911 S.F.
CONC./BIT. PAVT./CURB	9,256 S.F.	13,366 S.F. (66% IMP.)
LAWN/LANDSCAPE AREA	71,655 S.F.	33,297 S.F.

SUBJECT PARCEL SIZE 92,270 S.F. (2.12 AC.)  
 97,574 S.F. (2.24 AC.)

PROP. USABLE OPEN SPACE PROVIDED = (14,000 S.F.) 14%  
 (Activity Area + Court Yard + Dog Run)

**SUMMARY OF IMPERVIOUS SURFACES:**

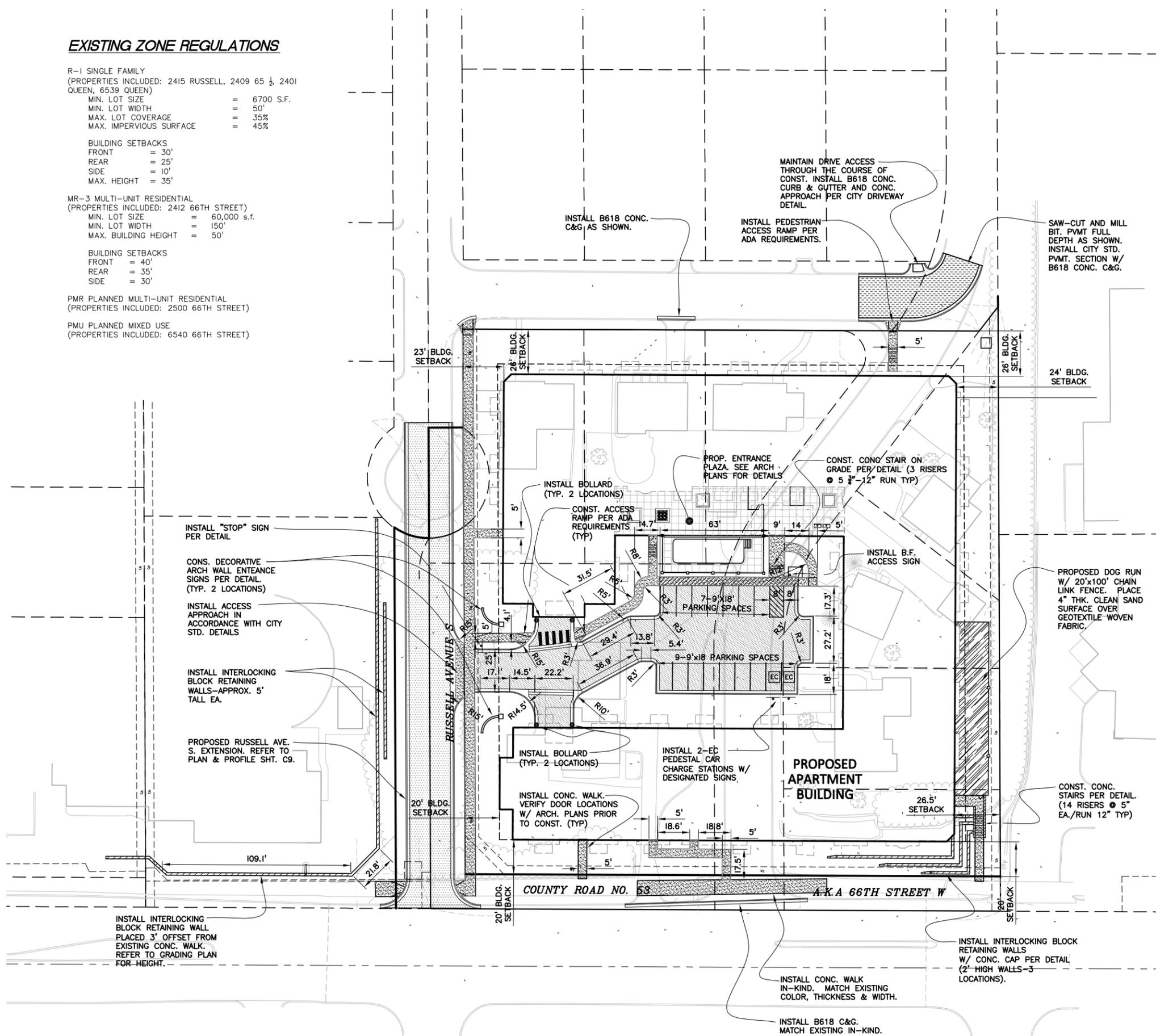
PROPOSED ZONING DESIGNATION: PMR - PLANNED MULTI-UNIT RESIDENTIAL

BUILDING SETBACKS:  
 FRONT (66th STREET) = 20'  
 FRONT (RUSSELL AVENUE) = 20'  
 FRONT (65 1/2 STREET) = 26'  
 REAR (EAST) = 24'

PROPOSED LOT COVERAGE = 52% (PRINCIPAL BUILDING)

NUMBER OF PROPOSED UNITS = 183

PARKING SUMMARY  
 PARKING PROVIDED = 8  
 BARRIER FREE SPACES = 8  
 SPACE W/ ELECTRIC CHARGE = 14  
 STANDARD PARKING SPACES = 237  
 TOTAL = 259 SPACES (1.42 SPACE/UNIT)



REV. NO.	DATE	DESCRIPTION
1	07/15/18	City Conceptual Plan Review
2	10/11/2018	TJO Submital to City SPR/PMR Review
3	10/24/2018	TJO Submit revised drawings per City ARC review
4	11/12/2018	TJO Submit revised drawings per City ARC review
5	11/30/2018	NAA Submit per City Planning Commission Comments
6		DWG FILE: 4-Site Plan
7		FILE NO.: 18-0353

**NOVO APARTMENTS, 2400 66th St.**  
 City of Richfield, Mn.  
 Part of Sec. 28, T. 28, R. 24  
 Hennepin County, Minnesota

**BOGART, PEDERSON & ASSOCIATES, INC.**  
 LAND SURVEYING & ENGINEERING  
 MAPPING

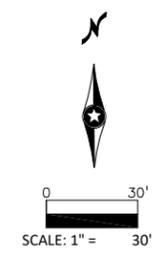
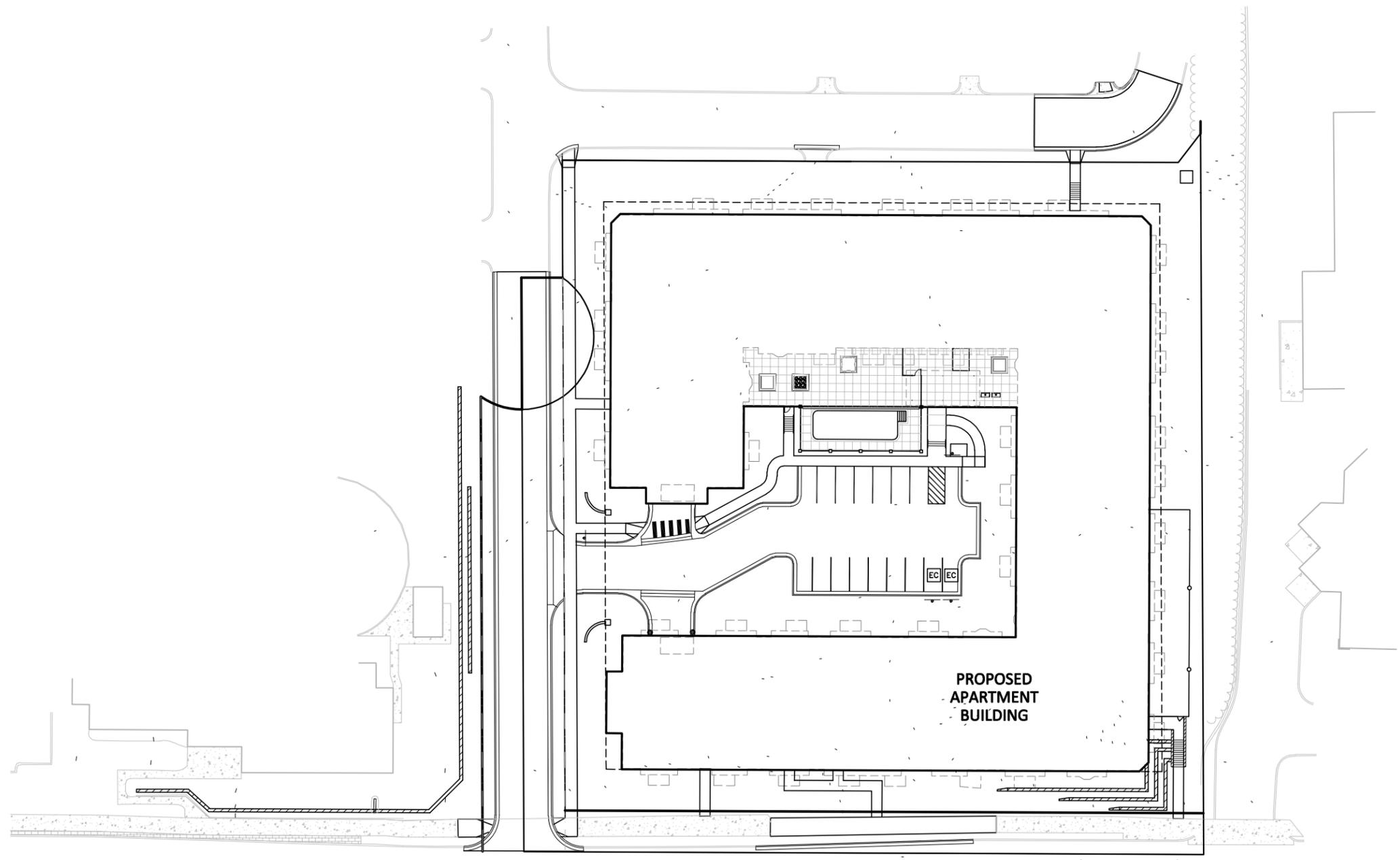
13076 FIRST STREET, BECKER, MN 55308-9322  
 TEL: 763-262-8822 FAX: 763-262-8844

**Site Dimension Plan**

SHEET NO.

**C4.1**

CALL 48 HOURS BEFORE DIGGING:  
**GOPHER STATE ONE CALL**  
 TWIN CITY AREA 651-454-0002  
 MINNESOTA TOLL FREE 1-800-252-1166



CALL 48 HOURS BEFORE DIGGING:  
**GOPHER STATE ONE CALL**  
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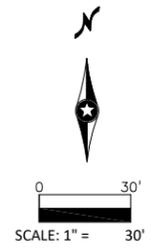
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DATE: 07/15/18  
 DESIGN BY: TJO  
 DRAWN BY: TJO  
 CHECKED BY: NAA  
 DWG FILE: 4-Site Plan  
 FILE NO.: 18-0353

**BOGART, PEDERSON & ASSOCIATES, INC.**  
 LAND SURVEYING  
 ENGINEERING  
 MAPPING  
 13076 FIRST STREET, BECKER, MN 55308-9322  
 TEL: 763-262-8822 FAX: 763-262-8844

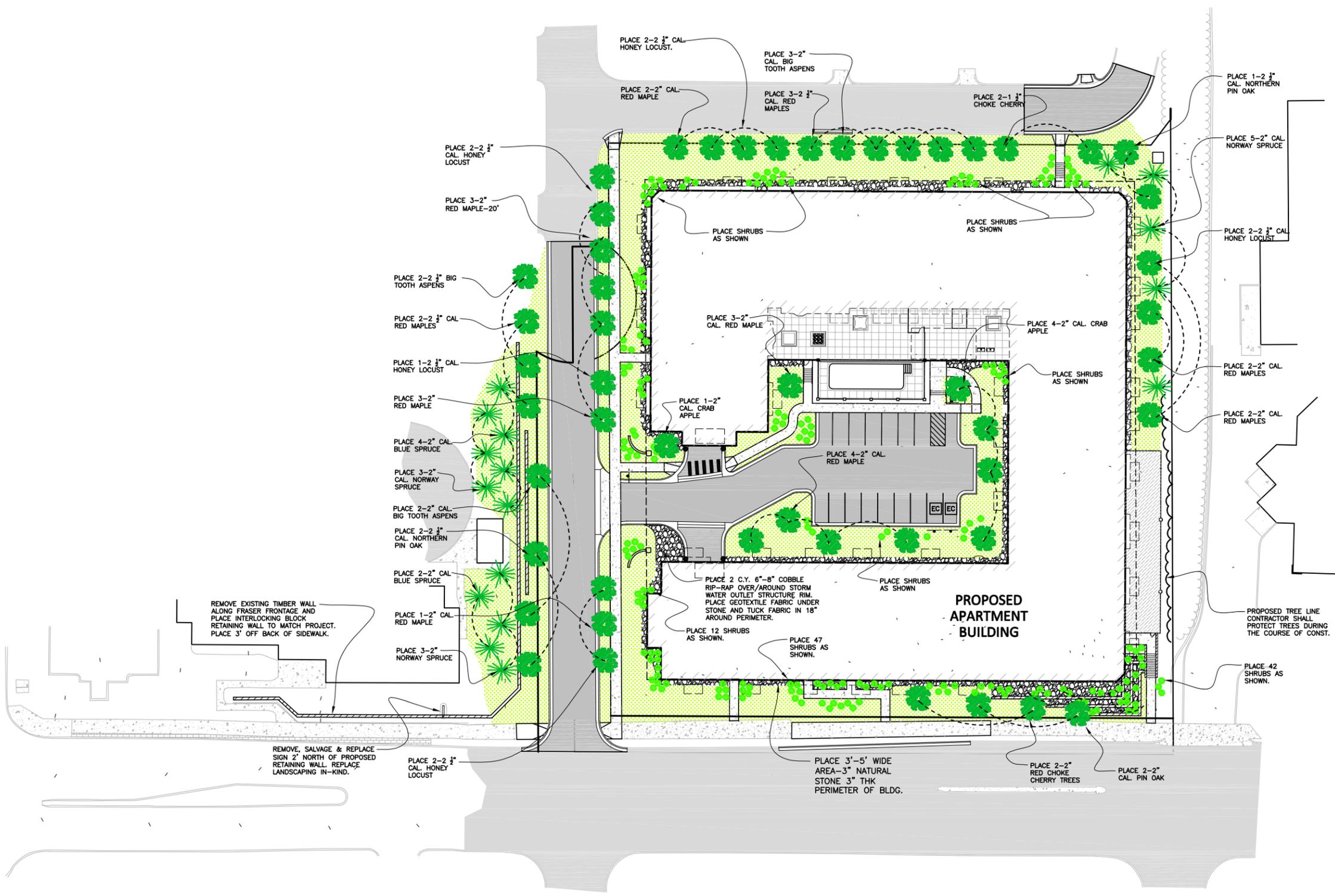
**Novo Apartments, 2400 66th St.**  
 City of Richfield, Mn.  
 Part of Sec. 28, T. 28, R. 24  
 Hennepin County, Minnesota  
 Site Plan (clean)

SHEET NO.  
**C4.2**



**LEGEND:**

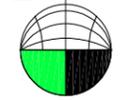
-  PLACE 2"-3" DECORATIVE STONE MAINTENANCE STRIP OVER GEOTEXTILE FABRIC
-  PROPOSED ASPHALT PAVEMENT- RUSSELL AVENUE EXTENSION
-  PROPOSED SHRUBS. REFER TO PLAN FOR OCATIONS. (TYPICAL 200 LOCATIONS)
-  PROPOSED DECIDUOUS TREE-REFER TO PLAN FOR LOCATION, SIZE, AND SPECIES. (TYPICAL 50 LOCATIONS)
-  PROPOSED CONIFEROUS TREE-REFER TO PLAN FOR LOCATION, SIZE, AND SPECIES. (TYPICAL 17 LOCATIONS)



REV. NO.	DATE	DESCRIPTION
1	10/11/2018	City Conceptual Plan Review
2	10/24/2018	Submital to City SFR/PMR Review
3	11/12/2018	Submit revised drawings per City ARC review
4	11/30/2018	Submit per City Planning Commission Comments

DATE: 07/15/18  
 DESIGN BY: TJO  
 DRAWN BY: TJO  
 CHECKED BY: NAA  
 DWG FILE: 4-Site Plan  
 FILE NO.: 18-0353

**BOGART, PEDERSON & ASSOCIATES, INC.**  
 LAND SURVEYING  
 ENGINEERING  
 MAPPING



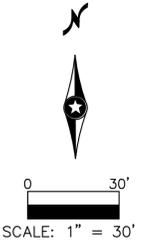
13076 FIRST STREET, BECKER, MN 55308-9322  
 TEL: 763-262-8822 FAX: 763-262-8844

Novo Apartments, 2400 66th St.  
 City of Richfield, Mn.  
 Part of Sec. 28, T. 28, R. 24  
 Hennepin County, Minnesota

Landscape Plan

SHEET NO.  
C5

CALL 48 HOURS BEFORE DIGGING:  
**GOPHER STATE ONE CALL**  
 TWIN CITY AREA 651-454-0002  
 MINNESOTA TOLL FREE 1-800-252-1166

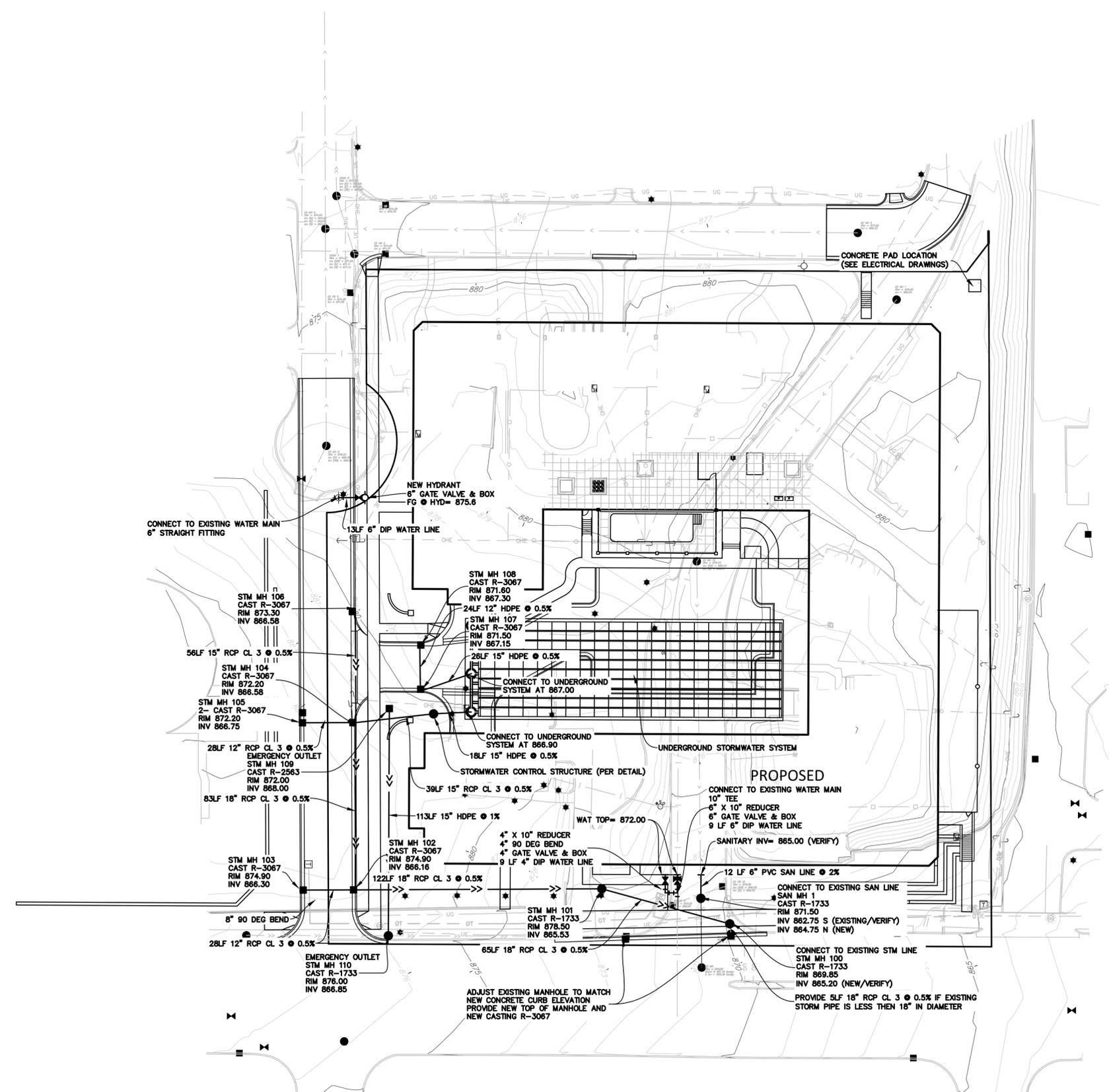


**LEGEND:**

- << — PROPOSED STORM SEWER
- | — PROPOSED WATER LINE
- < — PROPOSED SANITARY SEWER
- | | — PROPOSED FITTING
- PROPOSED MANHOLE — INLET CASTING
- PROPOSED MANHOLE — SOLID COVER
- ✕ NEW GATEVALVE & BOX

**UTILITY GENERAL NOTES**

- CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL UTILITY RELOCATIONS.
- CONTRACTOR SHALL LOCATE AND VERIFY ALL UTILITIES WHICH MAY AFFECT THIS WORK AND NOTIFY OWNER OF ANY CHANGES. CONTACT LOCAL UTILITY COMPANIES FOR EXACT LOCATIONS PRIOR TO BIDDING THE PROJECT AND COMMENCING WORK.
- CONTRACTOR SHALL VERIFY CRITICAL ELEVATIONS TO ENSURE CONFORMANCE WITH GRADING PLAN AND EXISTING UTILITIES, PARTICULARLY WITH EXISTING STRUCTURES AND/OR PAVEMENTS TO REMAIN.
- THE CONTRACTOR SHALL NOTE ANY DISCREPANCIES BETWEEN EXISTING CONDITIONS AS EXIST IN THE FIELD AND AS REPRESENTED WITHIN THE PLANS AS SHOWN AND ALERT THE ENGINEER BEFORE BIDDING THE PROJECT AND BEGINNING CONSTRUCTION.
- CONTRACTOR SHALL LOCATE AND VERIFY ALL UTILITIES WHICH MAY AFFECT THIS WORK AND NOTIFY OWNER OF ANY CHANGES. CONTACT LOCAL UTILITY COMPANIES FOR EXACT LOCATIONS PRIOR TO BIDDING THE PROJECT AND COMMENCING WORK.
- WATER LINE TO BE MINIMUM 8.0 FEET DEPTH.
- VERIFY INVERT ELEVATIONS OF EXISTING SANITARY LINE AT POINT OF CONNECTION WITH NEW SANITARY LINE PRIOR TO INSTALLING ANY NEW UTILITIES.
- ALL CROSSING ELEVATIONS OF NEW UTILITIES & SIZES OF EXISTING UTILITIES ARE BASED ON ASSUMED ELEVATIONS AND SIZES PROVIDED BY THE SURVEY.
- ALL WATER MAIN TAPS COMPLETED BY CITY, WITH VERIFICATION ALL REQUIRED PERMITS ARE PULLED AND PAID. REFER TO CITY OF RICHFIELD SUPPLEMENTAL SPECIFICATION NO. XXXX. WATER MAIN AND SERVICE LINE INSTALLATION, FOR ADDITIONAL REQUIREMENTS TO INCLUDE DISINFECTION AND VERIFICATION SAMPLING.
- ALL SANITARY SERVICE PIPE AND FITTINGS WILL BE PVC SDR 26.
- ALL WATER PIPE AND FITTINGS WILL BE DIP CLASS 52.
- IF DEWATERING IS REQUIRED FOR THIS PROJECT, THE PUMP DISCHARGE SHALL BE TREATED PRIOR TO BEING DISCHARGED OFF-SITE OR INTO A SURFACE WATER. THE DISCHARGE SHALL BE VISUALLY CHECKED TO ENSURE THAT IT IS VISIBLY CLEAN WATER. NO DEWATERING IS EXPECTED FOR THIS SITE DUE TO SANDY SOIL CONDITIONS.



REV. NO.	DATE	DESCRIPTION
1	10/11/2018	City Conceptual Plan Review
2	10/24/2018	Submital to City SFR/PMR Review
3	11/12/2018	Submit revised drawings per City ARC review

DATE: 10/24/18  
 DESIGN BY: TJO  
 DRAWN BY: TJO  
 CHECKED BY: NAA  
 DWG FILE: Utility Plan  
 FILE NO.: 18-353.00

**BOGART, PEDERSON & ASSOCIATES, INC.**  
 LAND SURVEYING & ENGINEERING  
 MAPPING  
 13076 FIRST STREET, BECKER, MN 55308-9322  
 TEL: 763-262-8852 FAX: 763-262-8844

Novo Apartments, 2400 66th St.  
 City of Richfield, Mn.  
 Part of Sec. 28, T. 28, R. 24  
 Hennepin County, Minnesota

SHEET NO.

Utility Plan  
**C6**

CALL 48 HOURS BEFORE DIGGING:  
**GOPHER STATE ONE CALL**  
 TWIN CITY AREA 651-454-0002  
 MINNESOTA TOLL FREE 1-800-252-1166



0 30'  
SCALE: 1" = 30'

**LEGEND:**

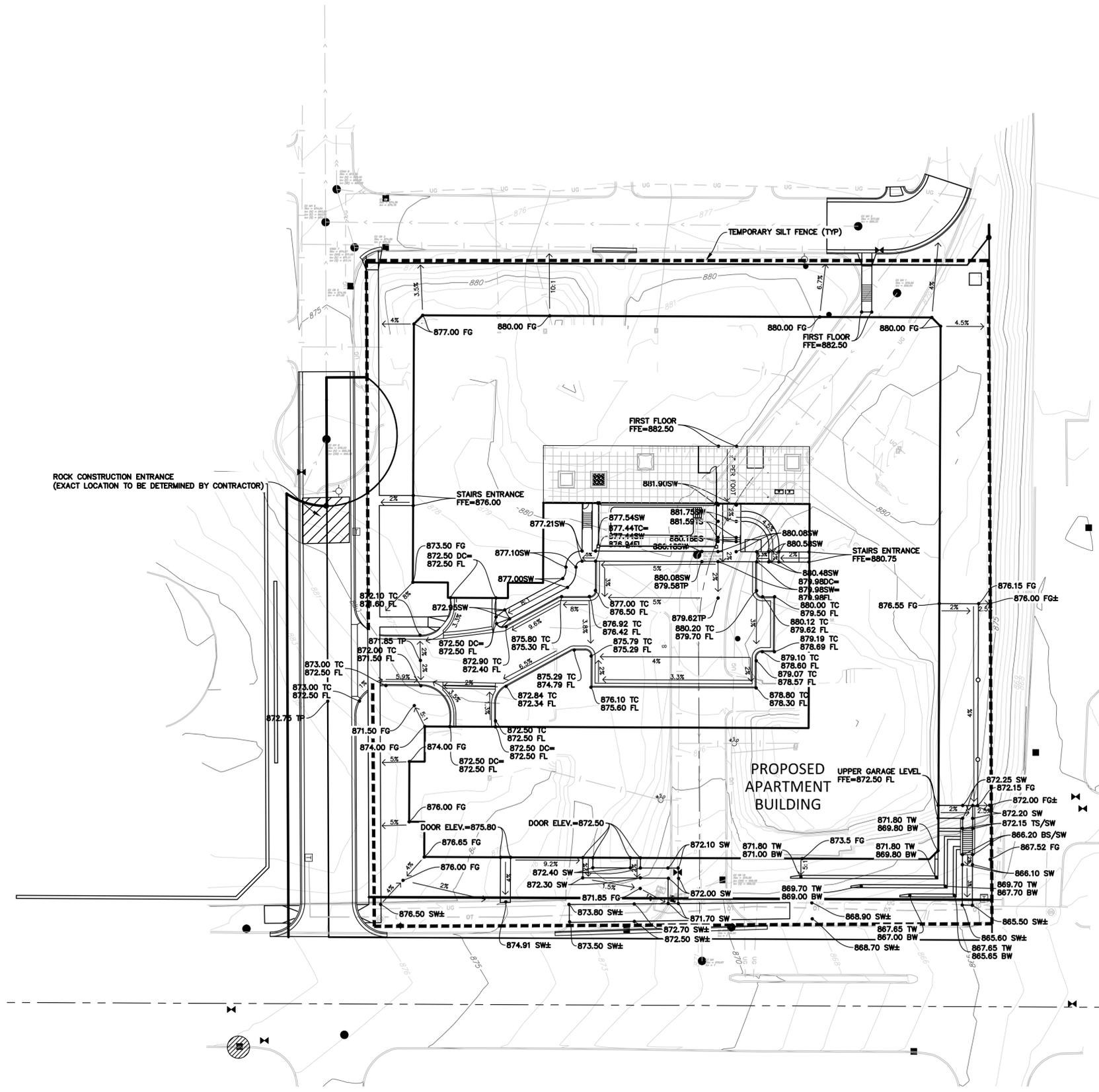
- 65.50SW NEW TOP OF SIDEWALK ELEVATION = 1065.50
- 65.50TC NEW TOP OF CURB ELEVATION = 1065.50
- 65.50FL NEW FLOWLINE ELEVATION = 1065.50
- 65.50TP NEW TOP OF PAVEMENT ELEVATION = 1065.50
- 65.50FG NEW FINISH GRADE ELEVATION = 1065.50
- 65.50DC=65.50FL NEW DROP CURB ELEVATION = FLOWLINE ELEVATION
- (ME) MATCH EXISTING ELEVATION
- 1% → NEW FINISH GRADE SLOPE AND DIRECTION OF FLOW
- (H.P.) HIGH POINT
- TEMPORARY SEDIMENT FILTER- HIGH FLOW
- PROPOSED TEMPORARY SEDIMENT LOGS
- TEMPORARY ROCK CONSTRUCTION ENTRANCE

**GRADING GENERAL NOTES**

- THE CONTRACTOR SHALL NOTE ANY DISCREPANCIES BETWEEN EXISTING CONDITIONS AS EXIST IN THE FIELD AND AS REPRESENTED WITHIN THE PLANS AS SHOWN AND ALERT THE ENGINEER BEFORE BIDDING THE PROJECT AND BEGINNING CONSTRUCTION.
- CONTRACTOR SHALL LOCATE AND VERIFY ALL UTILITIES WHICH MAY AFFECT THIS WORK AND NOTIFY OWNER OF ANY CHANGES. CONTACT LOCAL UTILITY COMPANIES FOR EXACT LOCATIONS PRIOR TO BIDDING THE PROJECT AND COMMENCING WORK.
- CONTRACTOR SHALL TAKE NECESSARY PRECAUTIONS TO PREVENT SILT AND DEBRIS RUN-OFF DURING GRADING OPERATIONS (I.E. SILT FENCE, STRAW BALES, ETC.).
- CONTRACTOR SHALL VERIFY CRITICAL ELEVATIONS TO ENSURE CONFORMANCE WITH GRADING PLAN, PARTICULARLY WITH EXISTING STRUCTURES AND/OR PAVEMENTS TO REMAIN. MEET EXISTING GRADES ALONG STREETS, PROPERTY LINES AND DRIVEWAY ENTRANCES. RESTORE ALL PAVEMENTS THAT REMAIN TO THEIR ORIGINAL IF NOT BETTER CONDITION. NOTIFY OWNER OF ANY CONFLICTS PRIOR TO BIDDING THE PROJECT.
- TURF ESTABLISHMENT AREAS SHALL RECEIVE MINIMUM OF 4" DEPTH AS MEASURED IN PLACE OF TOPSOIL. TOPSOIL FURNISHED AND INSTALLED BY CONTRACTOR. ALL GRADED SLOPES GREATER THEN OR EQUAL TO 5:1 SHALL BE HYDROSEEDDED, EROSION CONTROL BLANKETED, OR MULCHED TO HELP STABILIZE THE SLOPES BY GENERAL CONTRACTOR.

**EROSION CONTROL NOTES**

- CONTRACTOR SHALL CONFINE CONSTRUCTION OPERATIONS TO THE CONSTRUCTION/GRADING LIMITS SHOWN.
- ALL WORK SHALL CONFORM TO THE MINNESOTA POLLUTION CONTROL AGENCY'S STORM WATER PERMIT REQUIREMENTS. CONTRACTOR SHALL OBTAIN ALL PERMITS AND COMPLY WITH ALL PERMIT REQUIREMENTS.
- THE SITE SOIL EROSION AND SEDIMENT CONTROL FACILITIES SHALL BE INSTALLED PRIOR TO ANY DEMOLITION OR GRADING OPERATIONS AND MAINTAINED TO CONFORM WITH THE STANDARDS SPECIFIED BY THE PERMIT.
- CONTRACTOR SHALL INSPECT TEMPORARY EROSION CONTROL MEASURES ON THE ENTIRE SITE AT LEAST EVERY 7 DAYS AND WITHIN 24 HOURS OF ANY MEASURABLE RAINSTORM. DAMAGED SILT FENCE OR OTHER EROSION CONTROL DEVICE OR PRACTICES SHALL BE REPAIRED IMMEDIATELY. INSPECTION AND MAINTENANCE OF DEVICES SHALL CONTINUE UNTIL THE SITE HAS UNDERGONE FINAL STABILIZATION AND A NOTICE OF TERMINATION IS SUBMITTED TO THE MPCA.
- ALL GRADING OPERATIONS SHALL BE CONDUCTED IN A MANNER TO MINIMIZE THE POTENTIAL FOR SITE EROSION.
- THE SITE SOIL EROSION AND SEDIMENT CONTROL FACILITIES SHALL BE INSTALLED AND MAINTAINED TO CONFORM WITH THE STANDARDS SPECIFIED BY THE CITY OF RICHFIELD AND THE MPCA.
- EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR THE DISTURBANCE OF ANY AREAS AND MAINTAINED UNTIL ALL TRIBUTARY DISTURBED AREAS ARE RESTORED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL EROSION CONTROL MEASURES, INCLUDING SILT FENCE AND BALES, UPON ESTABLISHMENT OF PERMANENT VEGETATION IN SAID AREAS.
- ALL SOILS TRACKED ONTO PAVEMENT OR ANY OTHER OFF-SITE AREA SHALL BE REMOVED DAILY.
- THE SITE SEDIMENT CONTROL FACILITIES FOR THE PROJECT MUST BE INSTALLED PRIOR TO ANY GRADING OPERATION. ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED AND VEGETATED AS SOON AS POSSIBLE. ANY FINISHED AREAS SHALL BE SEEDDED AND MULCHED WITHIN 7 DAYS AFTER FINISHED GRADING IS COMPLETED IN ACCORDANCE TO MN/DOT 2575.
- ALL INLET PROTECTION MUST BE HIGH FLOW INLET PROTECTION.
- ALL DISTURBED AREAS SHALL BE REVEGETATED WITH SOD OR MN/DOT SEED MIX, MULCHED, FERTILIZED & DISK ANCHORED, PER THE FOLLOWING SCHEDULE:  
SEED MIX 25-131: 220 LB/AC.  
FERTILIZER 22-5-10: 350 LB/AC.  
MULCH TYPE 3: 2 TONS/AC.



ROCK CONSTRUCTION ENTRANCE  
(EXACT LOCATION TO BE DETERMINED BY CONTRACTOR)

TEMPORARY SILT FENCE (TYP)

FIRST FLOOR  
FFE=882.50

PROPOSED APARTMENT BUILDING

UPPER GARAGE LEVEL  
FFE=872.50 FL

CALL 48 HOURS BEFORE DIGGING:  
**GOPHER STATE ONE CALL**  
 TWIN CITY AREA 651-454-0002  
 MINNESOTA TOLL FREE 1-800-252-1166

REV NO.	DATE	DESCRIPTION
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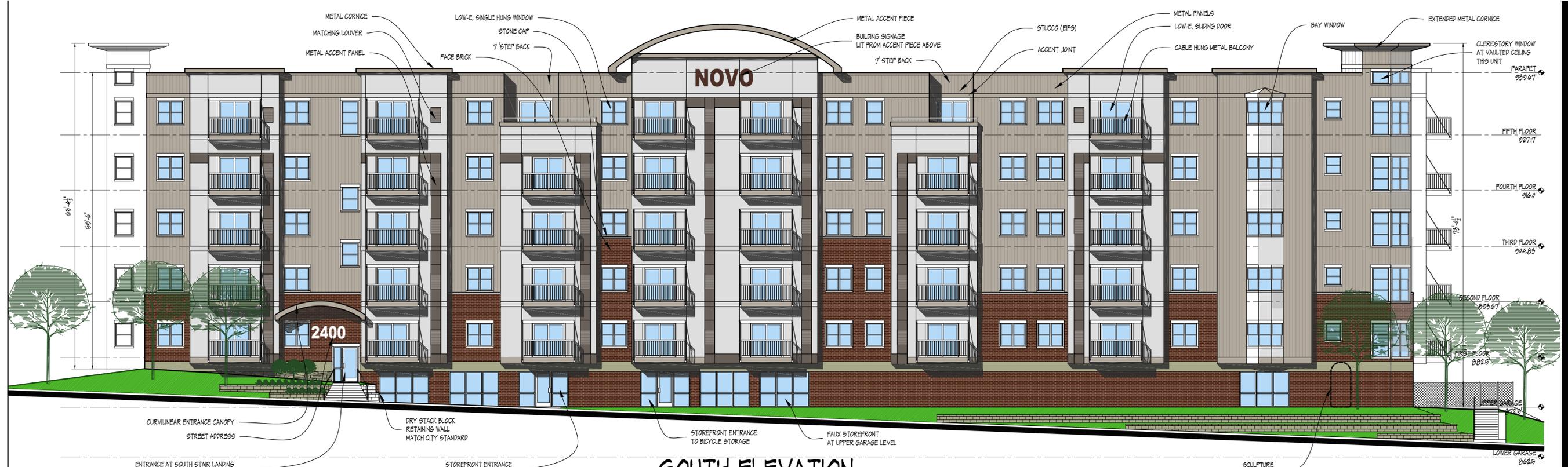
DATE:	10/24/18
DESIGN BY:	TJO
DRAWN BY:	IJO
CHECKED BY:	NAA
DWG FILE:	7-Grad Plan
FILE NO.:	18-353.00

**BOGART, PEDERSON & ASSOCIATES, INC.**  
 LAND SURVEYING  
 MAPPING  
 13076 FIRST STREET, BECKER, MN 55308-9322  
 TEL: 763-262-8852 FAX: 763-262-8844

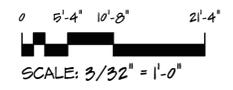
Novo Apartments, 2400 66th St.  
 City of Richfield, Mn.  
 Part of Sec. 28, T. 28, R. 24  
 Hennepin County, Minnesota  
 Grading & Erosion Control Plan

SHEET NO.

C7



**SOUTH ELEVATION**  
(AVERAGE HEIGHT ABOVE GRADE: 66'-3")

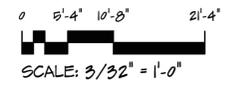


(AVERAGE HEIGHT ABOVE GRADE: 38'-7")

**WEST ELEVATION**

REFER TO SOUTH ELEVATION FOR TYPICAL BUILDING MATERIALS

(AVERAGE HEIGHT ABOVE GRADE: 61'-10")



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: \_\_\_\_\_  
NAME: \_\_\_\_\_  
DATE: XX/XX/XX RES. NO.: \_\_\_\_\_

ISSUE DATA

24-OCT-2018	= CITY SUBMITAL
01-NOV-2018	= REVISIONS
12-NOV-2018	= CITY SUBMITAL
30-NOV-2018	= REVISIONS

**NOVO APARTMENTS**  
2400 66TH STREET WEST  
RICHFIELD, MN

**NORTH & EAST EXTERIOR ELEVATIONS**

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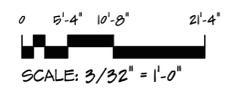
COMMISSION NO. 1707  
FILE NO. 1707-66Q

SHEET NO. **A7**



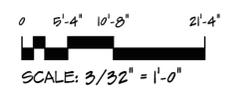
**NORTH ELEVATION**  
(AVERAGE HEIGHT ABOVE GRADE: 38'-8")

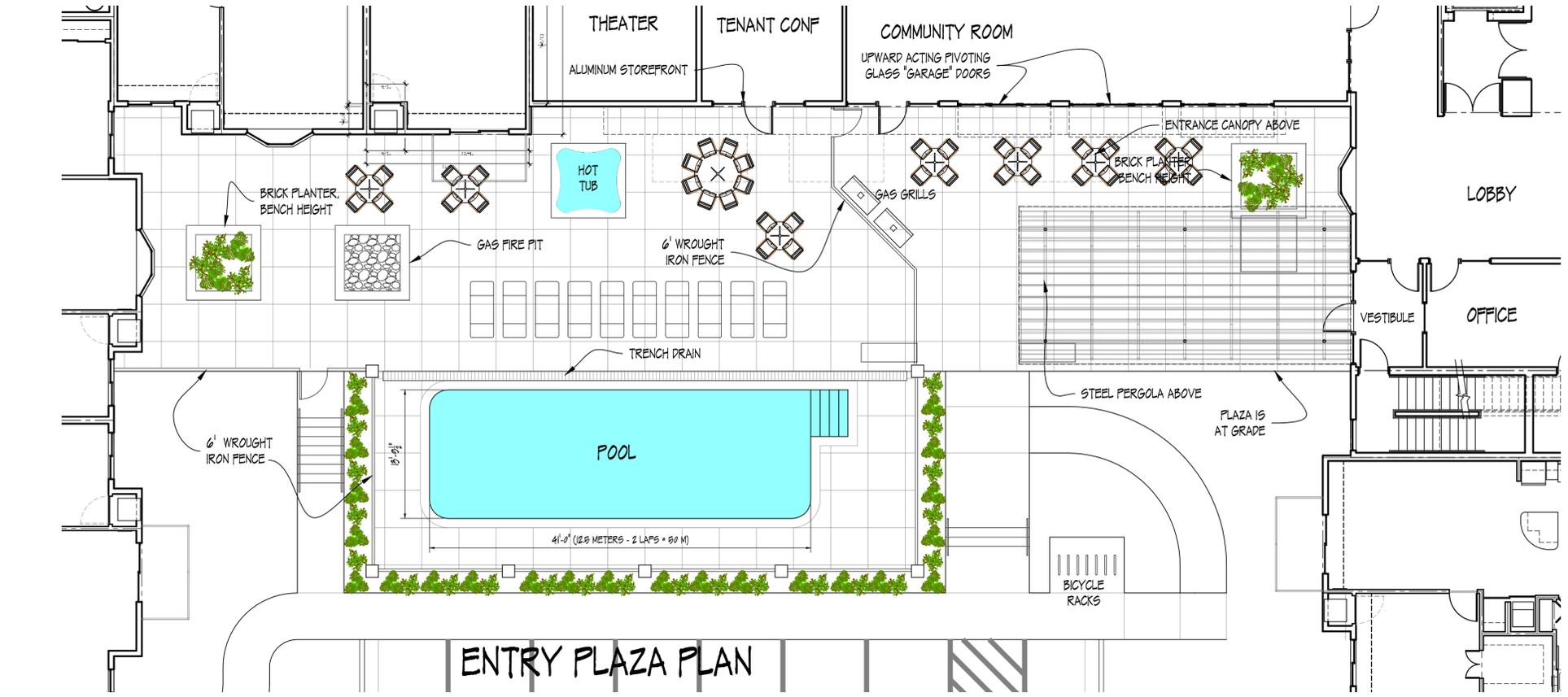
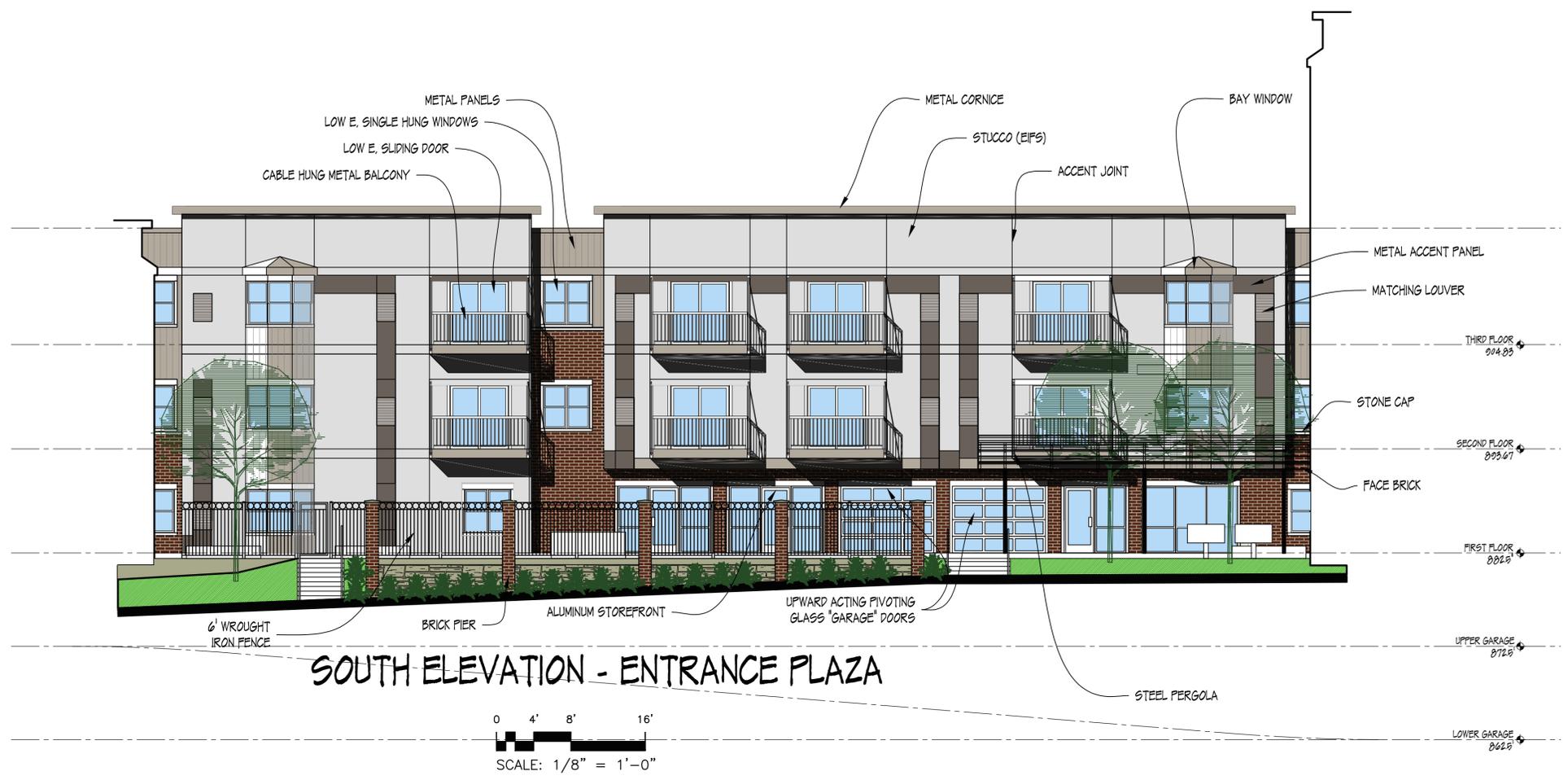
REFER TO SOUTH ELEVATION FOR TYPICAL BUILDING MATERIALS

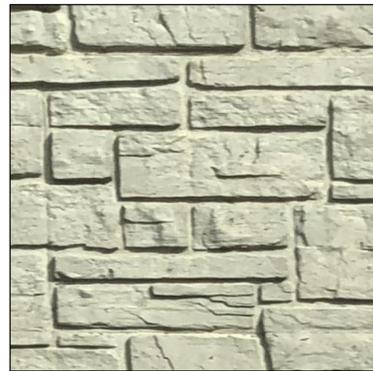


**EAST ELEVATION**  
(AVERAGE HEIGHT ABOVE GRADE: 61'-8")

REFER TO SOUTH ELEVATION FOR TYPICAL BUILDING MATERIALS



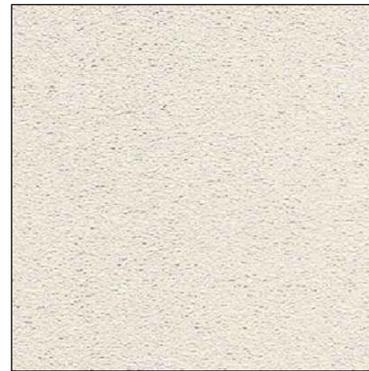




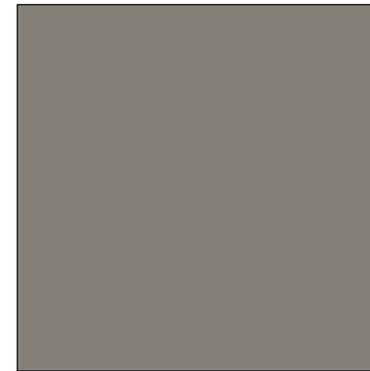
CONCRETE  
(FORM LINER)



FACE BRICK



STUCCO (EIFS)  
OYSTER SHELL



METAL WALL PANELS  
ASH GRAY



METAL ACCENT PANELS  
MEDIUM BRONZE

**SAMPLE MATERIALS**

Sun and Shadow Study of previous 4-story proposal - See next page for revised Winter Solstice comparison



10:15 A.M. - ALTITUDE: 47.79° DEGREES, AZIMUTH: 105.20°, SHADOW LENGTH 0.91



1:15 P.M. - ALTITUDE: 68.56° DEGREES, AZIMUTH: 179.41°, SHADOW LENGTH 0.39



4:15 P.M. - ALTITUDE: 47.77° DEGREES, AZIMUTH: 254.83°, SHADOW LENGTH 0.91



10:20 A.M. - ALTITUDE: 30.28° DEGREES, AZIMUTH: 124.94°, SHADOW LENGTH 1.70



1:20 P.M. - ALTITUDE: 45.47° DEGREES, AZIMUTH: 179.89°, SHADOW LENGTH 0.98



4:20 P.M. - ALTITUDE: 30.45° DEGREES, AZIMUTH: 234.98°, SHADOW LENGTH 1.70



9:11 A.M. - ALTITUDE: 10.37° DEGREES, AZIMUTH: 138.69°, SHADOW LENGTH 5.45

3 HOURS PRIOR TO CULMINATION



12:11 P.M. - ALTITUDE: 21.72° DEGREES, AZIMUTH: 179.92°, SHADOW LENGTH 2.51

CULMINATION



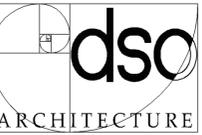
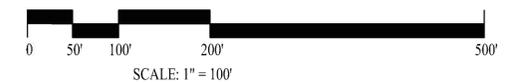
3:11 P.M. - ALTITUDE: 10.44° DEGREES, AZIMUTH: 234.98°, SHADOW LENGTH 5.45

3 HOURS AFTER TO CULMINATION

SUMMER SOLSTICE

EQUINOX

WINTER SOLSTICE



15703 BOULDER CREEK DRIVE  
MINNETONKA, MN 55345  
(612)242-0593  
ob@cosarch.com

**BROADWAY INVESTORS, LLC**

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: \_\_\_\_\_  
NAME: \_\_\_\_\_  
DATE: XX/XX/XX REG. NO: \_\_\_\_\_

ISSUE DATA

12-NOV-2018 - CITY SUBMITTAL

**NOVO APARTMENTS**  
2400 66TH STREET WEST  
RICHFIELD, MN

SUN AND SHADOW STUDY

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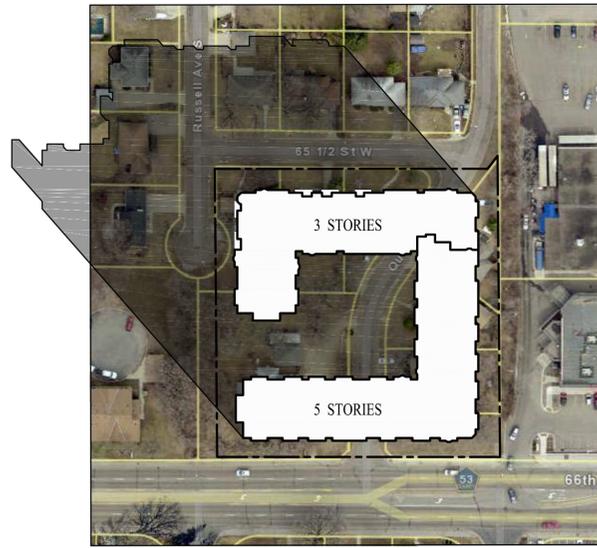
COMMISSION NO. 1707

FILE NO. 1707-66Q

SHEET NO.

A10

**Winter Solstice comparison of revised proposal and previous proposal**



9:11 A.M. - ALTITUDE: 10.37° DEGREES, AZIMUTH: 138.69°, SHADOW LENGTH 5.45



12:11 P.M. - ALTITUDE: 21.72° DEGREES, AZIMUTH: 179.92°, SHADOW LENGTH 2.51



3:11 P.M. - ALTITUDE: 10.44° DEGREES, AZIMUTH: 234.98°, SHADOW LENGTH 5.45

REVISED DESIGN  
3 STORY  
NORTHWEST WING  
5 STORY  
SOUTHEAST WING

THIS STUDY DEPICTS THEORETICAL SHADOWS CAST ON A FLAT SURFACE AND DOES NOT TAKE INTO ACCOUNT THE HIGHER ELEVATIONS OF THE EXISTING HOMES TO THE NORTH NOR THE HEIGHT OF WINDOWS IN THOSE HOMES. WITH THE REVISED DESIGN THE SUN WILL BE VISIBLE WITHIN THOSE HOMES DURING THE WINTER SOLSTICE.



9:11 A.M. - ALTITUDE: 10.37° DEGREES, AZIMUTH: 138.69°, SHADOW LENGTH 5.45

3 HOURS PRIOR TO CULMINATION



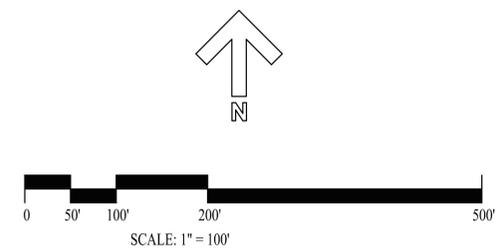
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CULMINATION



3:11 P.M. - ALTITUDE: 10.44° DEGREES, AZIMUTH: 234.98°, SHADOW LENGTH 5.45

3 HOURS AFTER TO CULMINATION

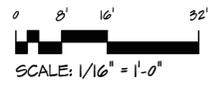




BALCONY ABOVE TYP.

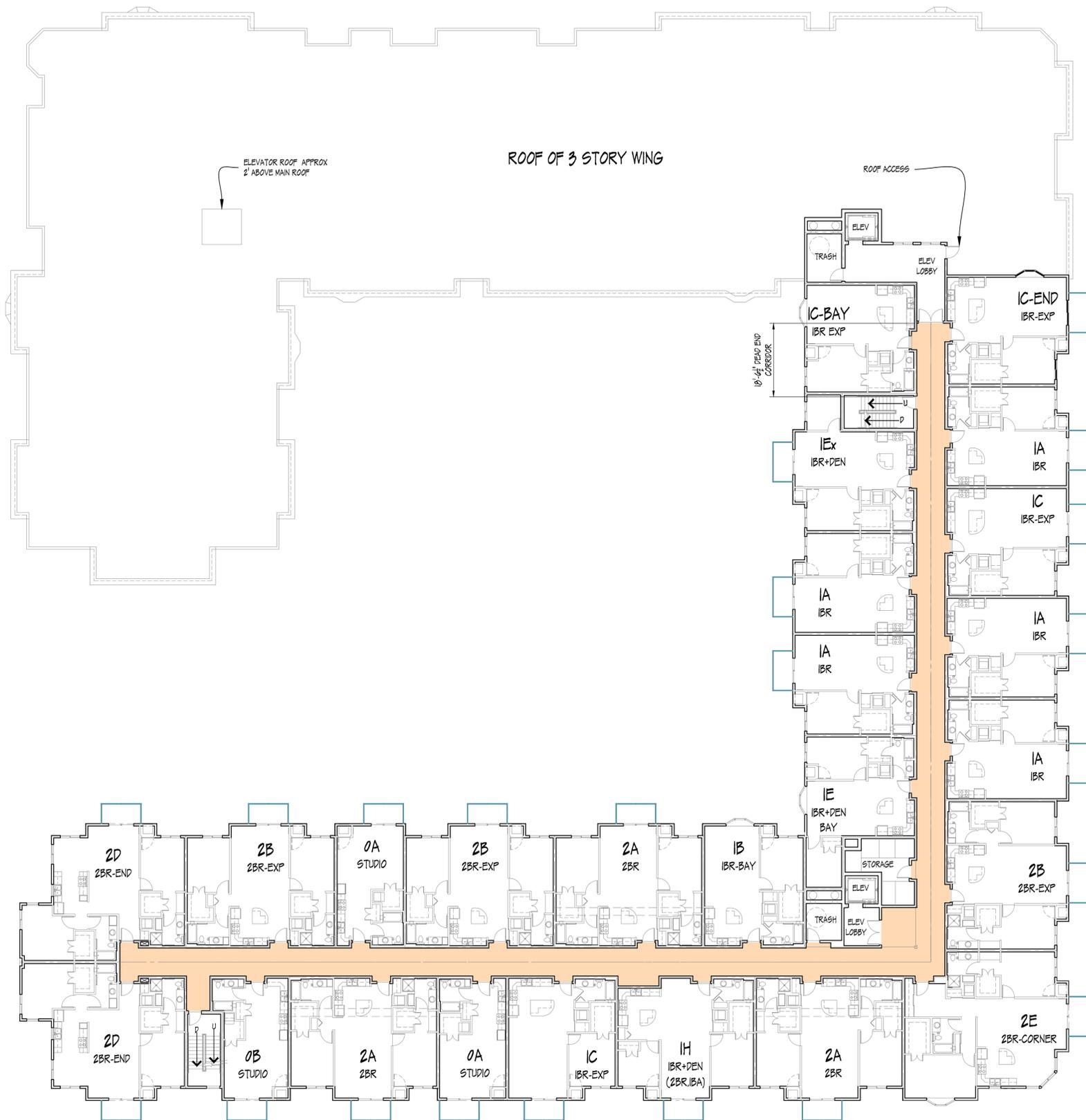
DOG RUN- SEE SHEET A3

**FIRST FLOOR PLAN**  
1/16" = 1'-0"









FOURTH FLOOR PLAN

1/16" = 1'-0"

0 5' 16' 32'

SCALE: 1/16" = 1'-0"

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: \_\_\_\_\_  
NAME: \_\_\_\_\_  
DATE: XX/XX/XX RES. NO.: \_\_\_\_\_

ISSUE DATA

NO.	DATE	REVISIONS
1	30-NOV-2018	= REVISIONS

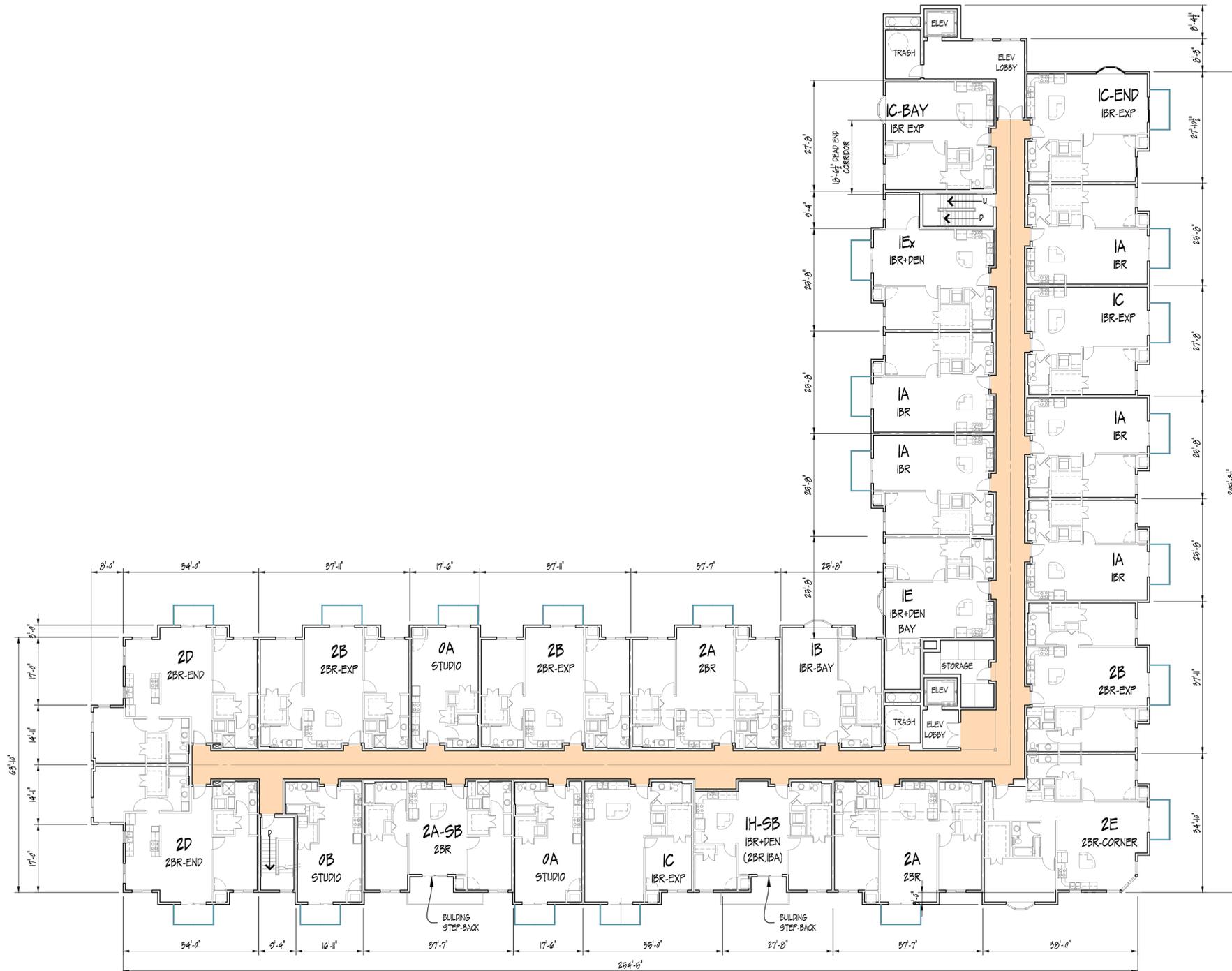
**NOVO APARTMENTS**  
2400 66TH STREET WEST  
RICHFIELD, MN

**FIFTH FLOOR PLAN**

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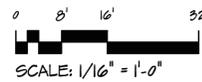
COMMISSION NO. 1707  
FILE NO. 1707-66Q

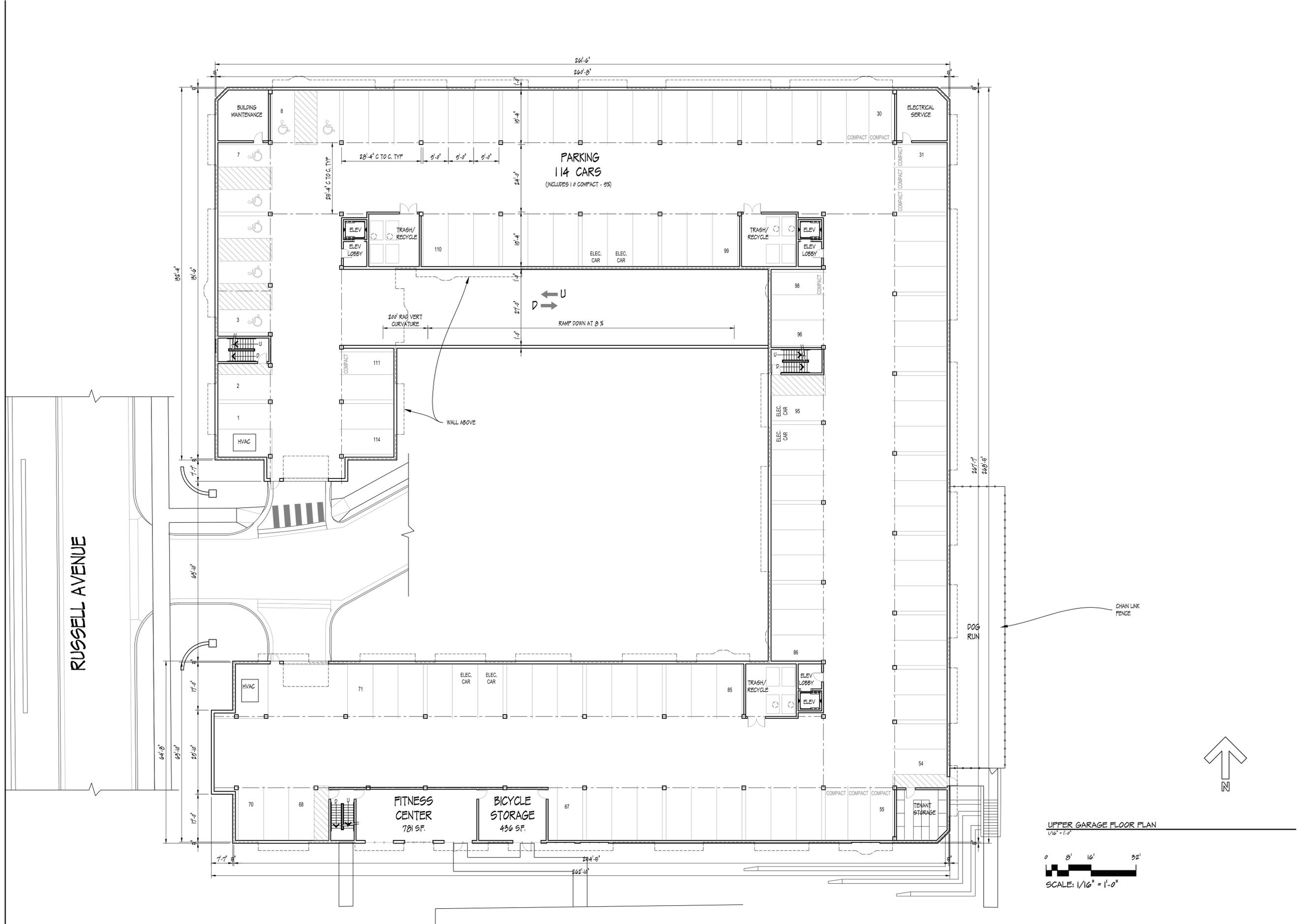
SHEET NO. **A3a**



FIFTH FLOOR PLAN

1/16" = 1'-0"





UPPER GARAGE FLOOR PLAN  
1/16" = 1'-0"  
0 5' 16' 32'  
SCALE: 1/16" = 1'-0"

ISSUE DATA

24-OCT-2018	- CITY SUBMITTAL
01-NOV-2018	- REVISIONS
12-NOV-2018	- CITY SUBMITTAL
30-NOV-2018	- REVISIONS

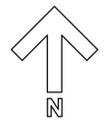
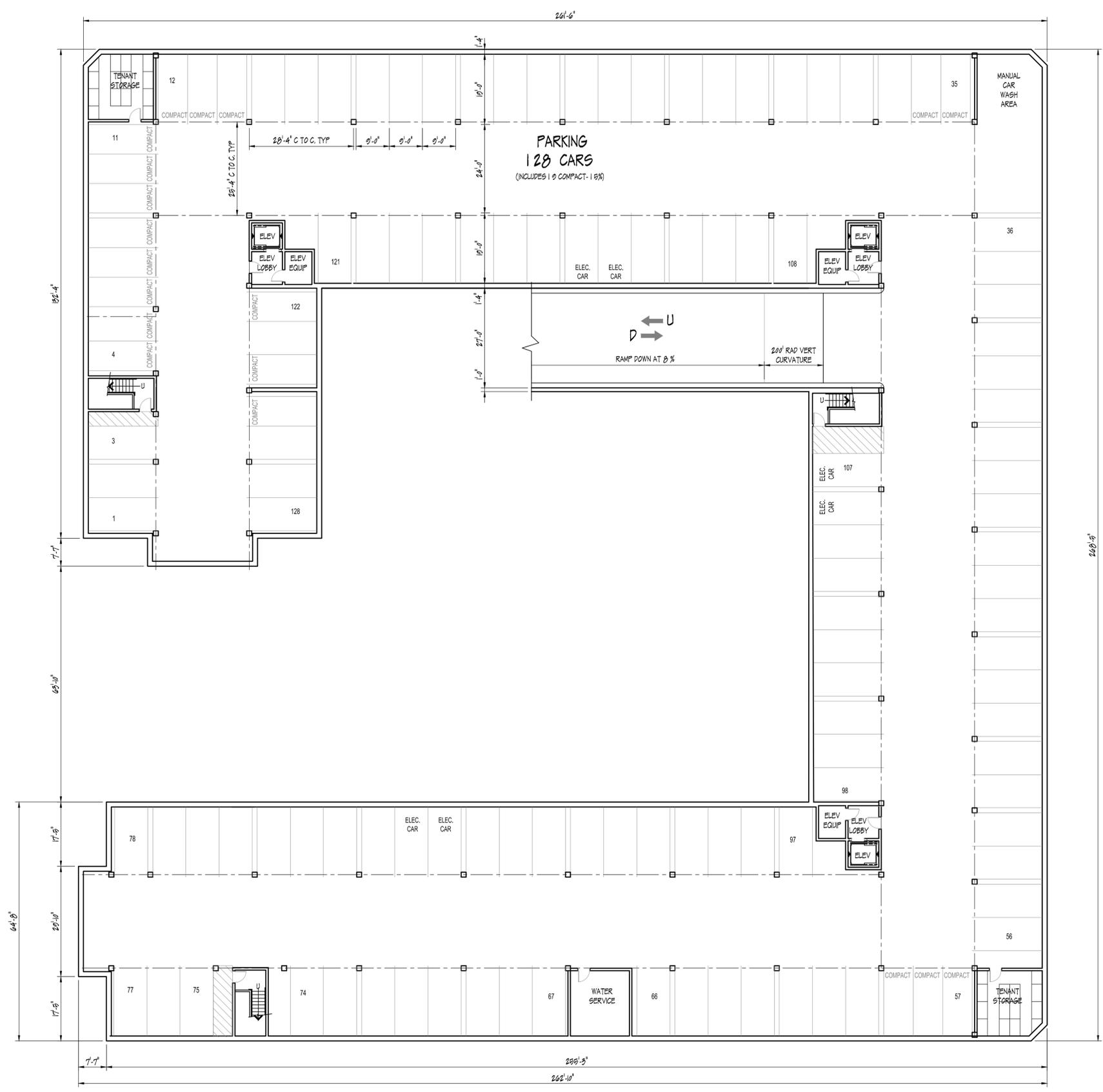
**NOVO APARTMENTS**  
2400 66TH STREET WEST  
RICHFIELD, MN

**LOWER GARAGE FLOOR PLAN**

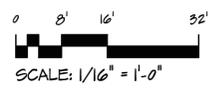
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COMMISSION NO. 1707  
FILE NO. 1707-66Q

SHEET NO. **A5**



LOWER GARAGE FLOOR PLAN  
1/16" = 1'-0"





**To:** Erik Winegarden  
EXP Realty

**From:** Emily Gross, PE, Associate  
Matt Pacyna, PE, Principal

**Date:** November 9, 2018

**Subject:** 2412 West 66th Street Traffic Study

## Introduction

SRF has completed a traffic study for the proposed multi-family residential development located at 2412 West 66th Street in Richfield (see Figure 1: Project Area). As part of the proposed development, Queen Avenue between 66th Street and 65th 1/2 Street would be vacated, and Russell Avenue would be extended to 66th Street (currently Russell Avenue dead-ends via a cul-de-sac south of 65th 1/2 Street). Thus, the main objectives of this study are to review existing operations within the study area, evaluate traffic impacts to the adjacent roadway network due to the proposed development and planned roadway changes, and identify potential improvements to accommodate or enhance the proposed development. The following information provides the assumptions, analysis, and study recommendations offered for consideration.

## Existing Conditions

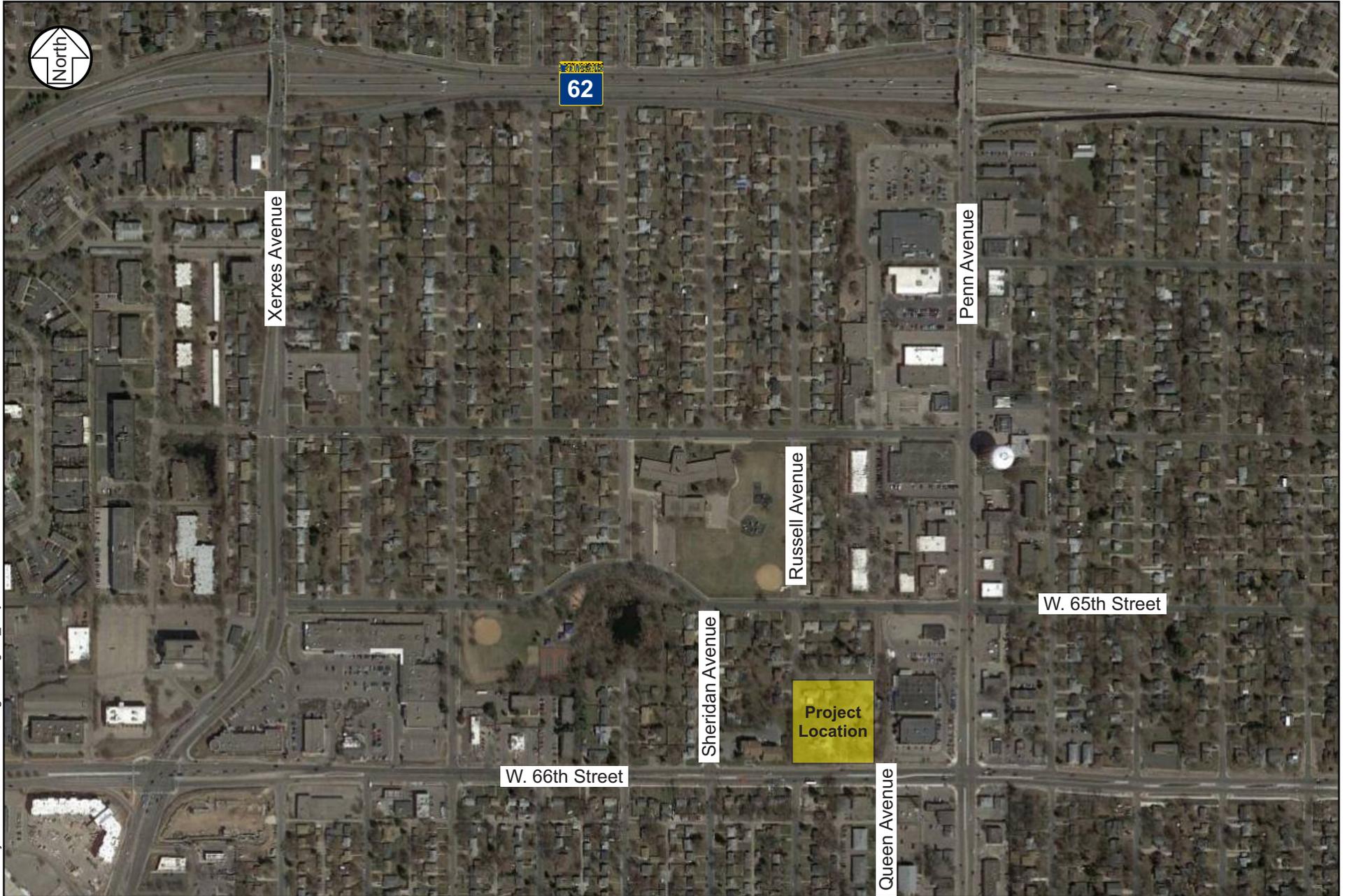
Existing conditions were reviewed to establish a baseline to compare and determine any future impacts associated with the proposed development. The evaluation of existing conditions includes various data collection efforts and an intersection capacity analysis.

## Data Collection

SRF collected weekday a.m. and p.m. peak period intersection turning movement and pedestrian/bicyclist counts in October 2018 at the following study intersections:

- 66th Street/Russell Avenue
- 66th Street/Queen Avenue
- 65th Street/Sheridan Avenue
- 65th Street/Russell Avenue
- 65th Street/Queen Avenue
- 65th Street/Penn Avenue

Note that the 66th Street corridor was under construction and closed to thru traffic between Xerxes Avenue and Cedar Avenue (Highway 77) during the data collection efforts. Therefore, traffic counts collected in year 2015 at the 66th Street/Penn Avenue and 66th Street/Sheridan Avenue intersections were utilized for this study. Also note that based on previous studies completed along the 66th Street corridor, area traffic volumes can fluctuate based on the level of congestion on Highway 62 during the peak periods.



Average daily traffic (ADT) volumes were also collected along both Russell Avenue and Queen Avenue south of 65th Street, in October 2018. The ADT volumes collected were approximately 30 vehicles per day on Russell Avenue and 135 vehicles per day on Queen Avenue.

In addition to the traffic volumes, observations were completed to identify roadway characteristics within the study area. Currently, 66th Street is a four-lane divided roadway with turn lanes and a 35-mph posted speed limit. Penn Avenue is a four-lane divided roadway with a 30-mph posted speed limit, while other study area roadways are two-lane undivided roadways with 30-mph speed limits. The 66th Street intersections at Sheridan Avenue and Penn Avenue are signalized. The remaining study intersections are unsignalized with side-street stop control, except the 65th Street/Sheridan Avenue intersection, which has all-way stop control. Existing geometrics traffic controls, and traffic volumes are shown in Figure 2.

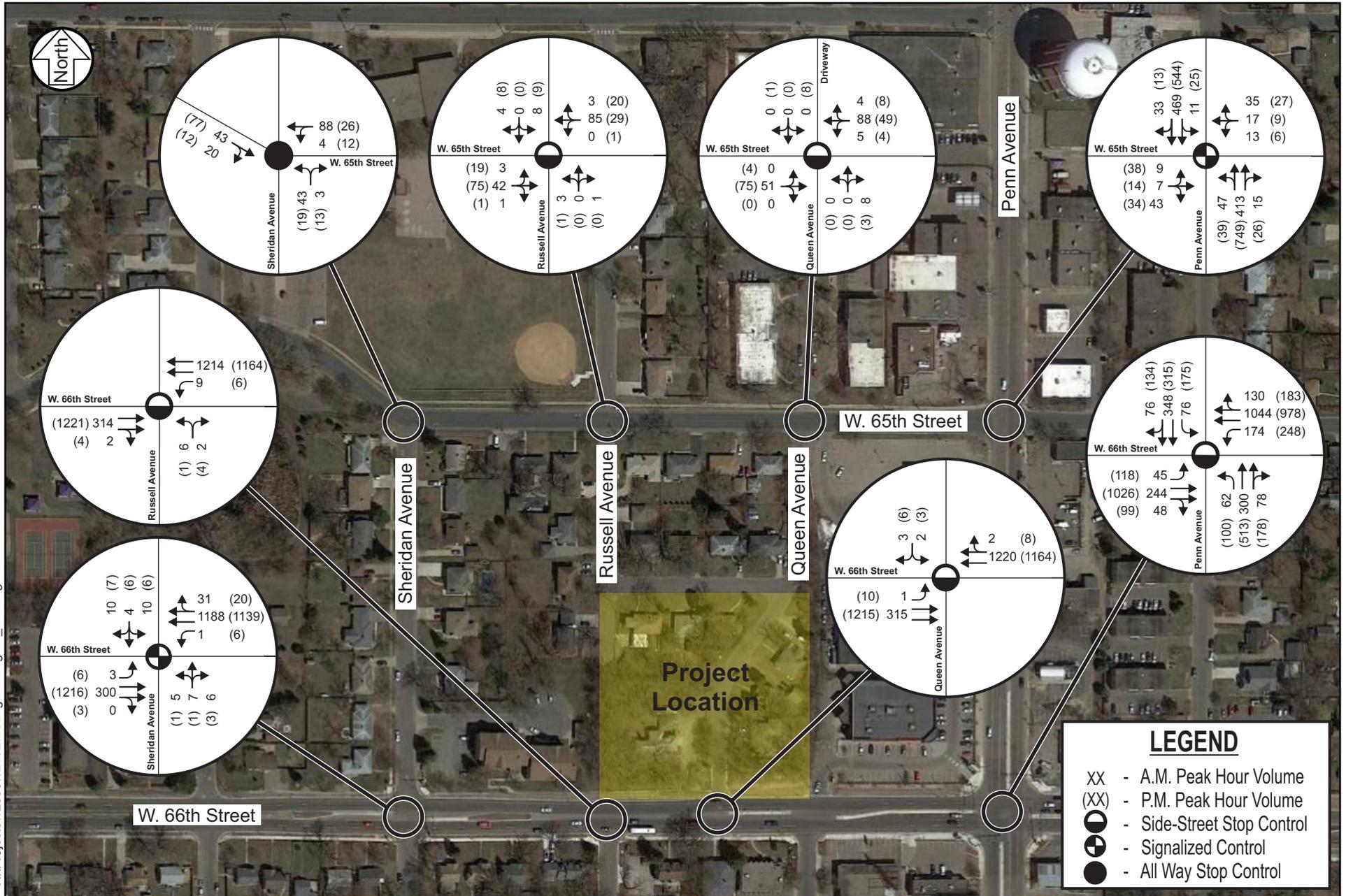
### Intersection Capacity Analysis

An intersection capacity analysis was conducted to determine how traffic is currently operating at the study intersections. All intersections were analyzed using Synchro/SimTraffic and the Highway Capacity Manual (HCM). Capacity analysis results identify a Level of Service (LOS) which indicates how well an intersection is operating. Intersections are ranked from LOS A through LOS F. The LOS results are based on average delay per vehicle results from SimTraffic, which correspond to the delay threshold values shown in Table 1. LOS A indicates the best traffic operation and LOS F indicates an intersection where demand exceeds capacity. Overall intersection LOS A through D is generally considered acceptable by drivers in the Twin Cities Metropolitan Area.

**Table 1. Level of Service Criteria for Signalized and Unsignalized Intersections**

LOS Designation	Signalized Intersection Average Delay/Vehicle (seconds)	Unsignalized Intersection Average Delay/Vehicle (seconds)
A	≤ 10	≤ 10
B	> 10 - 20	> 10 - 15
C	> 20 - 35	> 15 - 25
D	> 35 - 55	> 25 - 35
E	> 55 - 80	> 35 - 50
F	> 80	> 50

For side-street stop controlled intersections, special emphasis is given to providing an estimate for the level of service of the side-street approach. Traffic operations at an unsignalized intersection with side-street stop control can be described in two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support these volumes.



Second, it is important to consider the delay on the minor approach. Since the mainline does not have to stop, the majority of delay is attributed to the side-street approaches. It is typical of intersections with higher mainline traffic volumes to experience high levels of delay (poor levels of service) on the side-street approaches, but an acceptable overall intersection level of service during peak hour conditions.

Results of the existing capacity analysis shown in Table 2 indicate that all study intersections currently operate at an acceptable overall LOS C or better during the a.m. and p.m. peak hours with the existing traffic control and geometric layout, except the 66th Street/Penn Avenue intersection which operates at LOS E during the p.m. peak hour. The 66th Street/Russell Avenue intersection currently operates at LOS A/F during the p.m. peak hour, with side-street delays approaching one-minute. However, given the relatively low traffic volumes at this side-street approach during the p.m. peak hour, this side-street delay is considered acceptable and does not warrant mitigation. No significant queueing issues were observed, although based on the year 2015 traffic volumes at the 66th Street/Penn Avenue intersection, eastbound and westbound queues occasionally extend into adjacent intersections during the p.m. peak hour.

**Table 2. Existing Peak Hour Capacity Analysis**

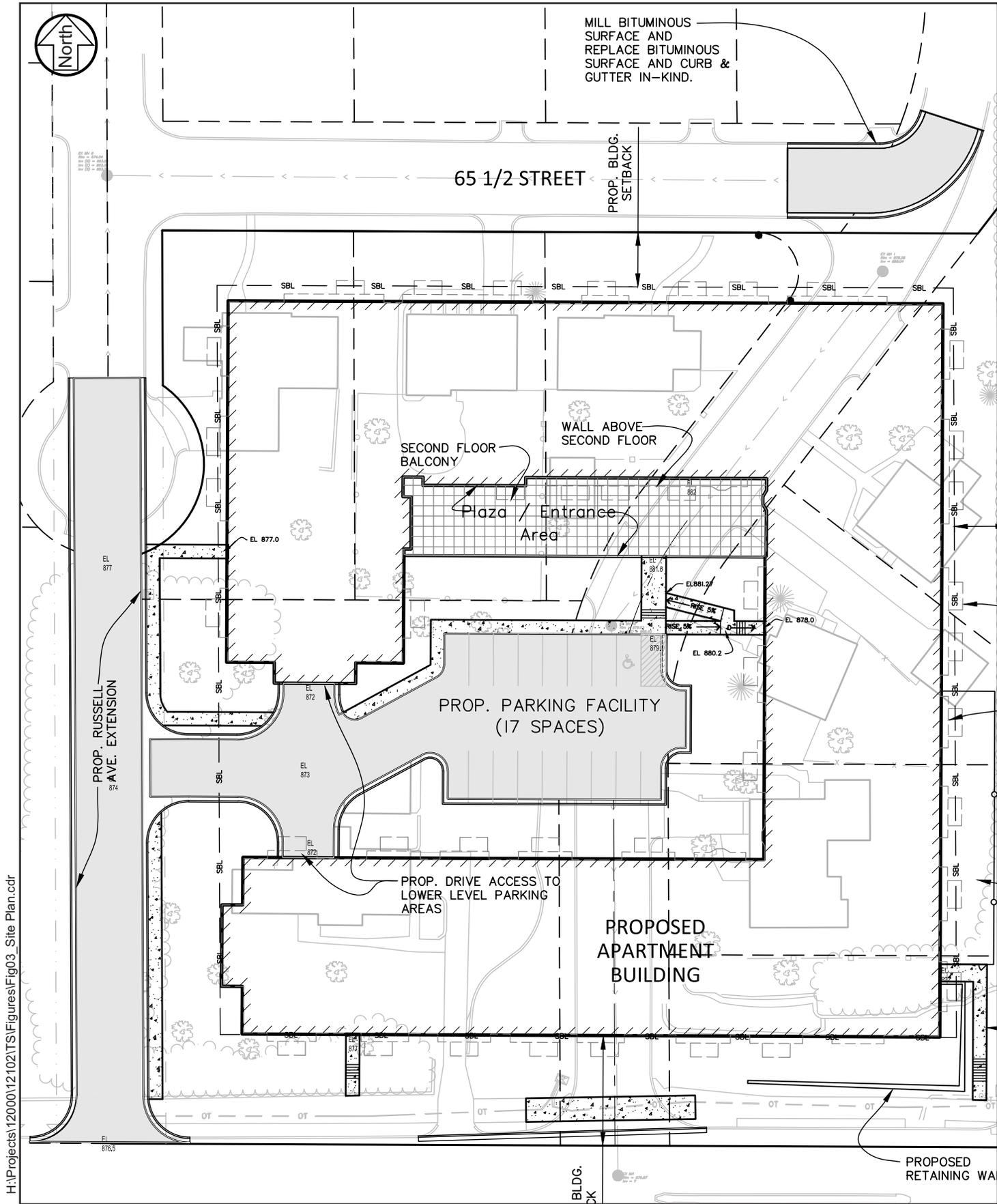
Intersection	Level of Service (Delay)	
	A.M. Peak Hour	P.M. Peak Hour
66th Street and Sheridan Avenue	A (2 sec)	A (4 sec)
66th Street and Russell Avenue <sup>(1)</sup>	A/B (13 sec)	A/F ( <b>50 sec</b> )
66th Street and Queen Avenue <sup>(1)</sup>	A/C (16 sec)	A/C (23 sec)
66th Street and Penn Avenue	C (32 sec)	<b>E (56 sec)</b>
65th Street and Sheridan Avenue <sup>(2)</sup>	A (5 sec)	A (5 sec)
65th Street and Russell Avenue <sup>(1)</sup>	A/A (5 sec)	A/A (4 sec)
65th Street and Queen Avenue <sup>(1)</sup>	A/A (3 sec)	A/A (4 sec)
65th Street and Penn Avenue <sup>(1)</sup>	A/A (8 sec)	A/B (13 sec)

(1) Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.

(2) Indicates an unsignalized intersection with all-way stop control, where the overall level of service and delay is shown.

## Proposed Development

The proposed development consists of a 179-unit apartment complex and is illustrated in Figure 3. The proposed apartment complex will remove seven (7) existing single-family homes. As part of the proposed development, Queen Avenue is proposed to be vacated between 66th Street and 65th 1/2 Street, while Russell Avenue is proposed to be extended to 66th Street. Access to the proposed development is planned along Russell Avenue approximately 120 feet north of 66th Street. The proposed development is expected to be constructed and open in year 2020.



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**Site Plan**

2412 West 66th Street Traffic Study  
City of Richfield

**Figure 3**

## Traffic Forecasts

Traffic forecasts were developed for year 2021 conditions (one year after construction) and include both general background growth within the study area and trips generated by the proposed development. To account for general background growth in the area, an annual growth rate of one-half (0.5) percent was applied to the existing peak hour traffic volumes to develop year 2021 background traffic forecasts. This growth rate is consistent with recent traffic volume trends and projected traffic volumes in the study area. Area traffic volumes were also modified to reflect travel pattern changes associated with the proposed Russell Avenue and Queen Avenue modifications. Further information regarding these roadway changes is provided later in this study.

Trips for the proposed development were estimated using the *Institute of Transportation Engineers (ITE) Trip Generation Manual, Tenth Edition*. ITE has collected driveway count data at locations with similar land uses around the nation to develop trip rates for the a.m. peak hour, p.m. peak hour, and on a daily basis. These trip rates were compared to local data in the Twin Cities for mid-rise multifamily apartments to provide an additional reference.

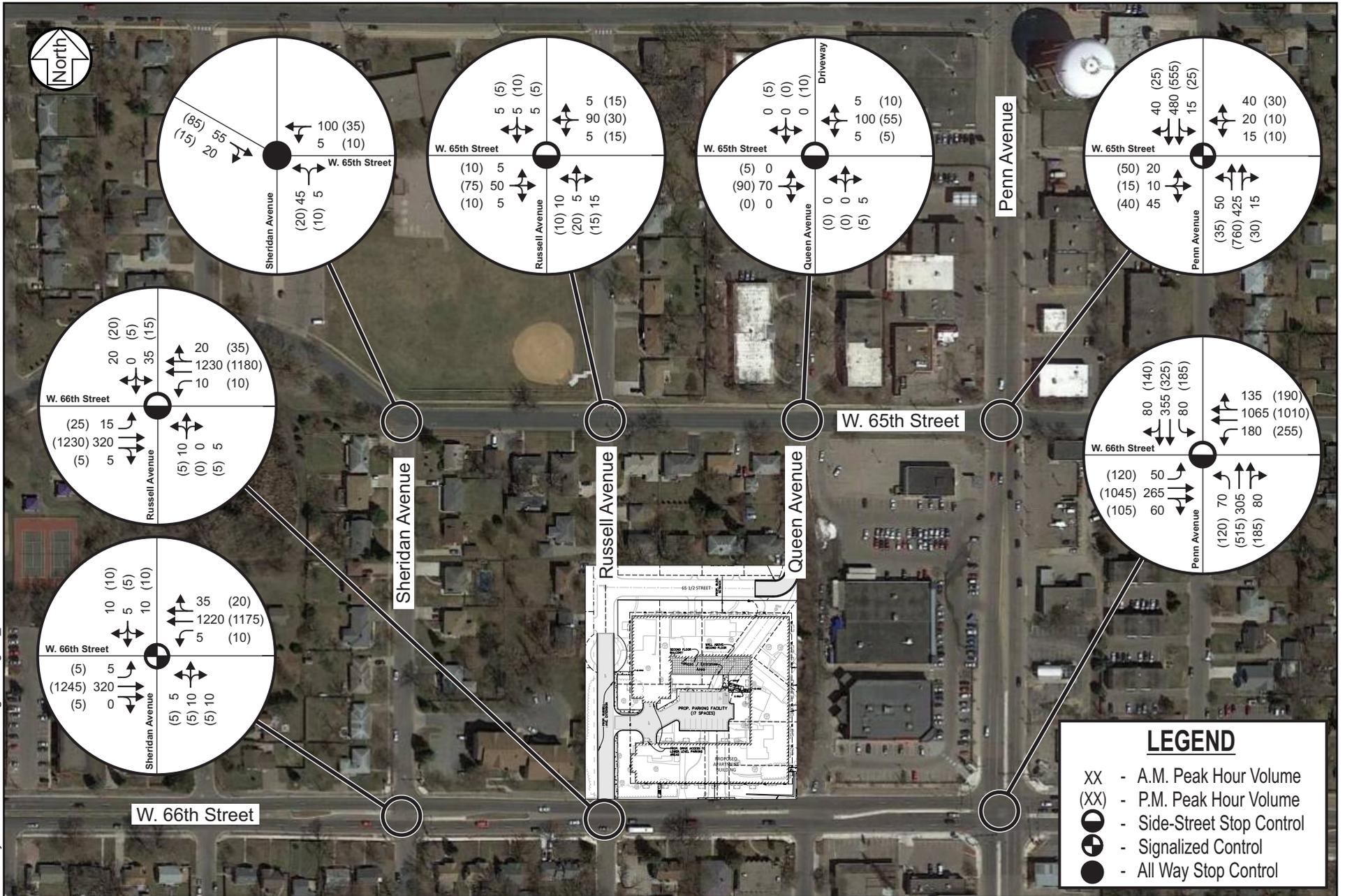
Results of the trip generation analysis shown in Table 3 below indicate that the proposed development is expected to generate 65 a.m. peak hour, 79 p.m. peak hour, and 974 daily trips. Trips generated by the current seven (7) residential homes located in the project area were also provided in the table below, which equates to approximately 5 a.m. peak hour, 7 p.m. peak hour, and 66 daily trips. The total change in site generated trips is approximately 60 a.m. peak hour, 72 p.m. peak hour, and 908 daily trips.

**Table 3. Trip Generation Estimate**

Land Use Type (ITE Code)	Size	A.M. Peak Hour		P.M. Peak Hour		Daily Trips
		In	Out	In	Out	
<i>Existing Land Use</i>						
Single-Family Detached Housing (210)	7 DU	1	4	4	3	66
<i>Proposed Land Use</i>						
Mid-Rise Multi-Family Housing (221)	179 DU	17	48	48	31	974
<b>Total Change in Site Trips</b>		<b>+16</b>	<b>+44</b>	<b>+44</b>	<b>+28</b>	<b>+908</b>

Trips were distributed to the study area based on the directional distribution shown in Figure 4, which was developed based on existing traffic volumes, travel patterns, and engineering judgement. The travel pattern routes for vehicles entering/exiting the proposed development were developed based on current and expected travel times. The resultant year 2021 build conditions traffic volumes are shown in Figure 5.





## Year 2021 Build Condition

### Intersection Capacity Analysis

To determine how the existing roadway network and proposed access locations will operate under future year 2021 build conditions, an intersection capacity analysis was completed for the a.m. and p.m. peak hours. Results of the intersection capacity analysis shown in Table 4 indicate that all study intersections are expected to operate at an overall acceptable LOS C or better under year 2021 build conditions during the a.m. and p.m. peak hours, except the 66th Street/Penn Avenue intersection which is expected to continue to operate at LOS E during the p.m. peak hour. The queueing noted under existing conditions is expected to continue under build conditions but is not expected to significantly increase as a result of the proposed development.

**Table 4. Year 2021 Build Peak Hour Capacity Analysis**

Intersection	Level of Service (Delay)	
	A.M. Peak Hour	P.M. Peak Hour
66th Street and Sheridan Avenue	A (3 sec)	A (5 sec)
66th Street and Russell Avenue <sup>(1)</sup>	A/C (21 sec)	A/F (67 sec)
66th Street and Queen Avenue	---	—
66th Street and Penn Avenue	C (32 sec)	<b>E (61 sec)</b>
65th Street and Sheridan Avenue <sup>(2)</sup>	A (6 sec)	A (5 sec)
65th Street and Russell Avenue <sup>(1)</sup>	A/A (6 sec)	A/A (5 sec)
65th Street and Queen Avenue <sup>(1)</sup>	A/A (2 sec)	A/A (4 sec)
65th Street and Penn Avenue <sup>(1)</sup>	A/A (9 sec)	A/C (16 sec)

(1) Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.

(2) Indicates an unsignalized intersection with all-way stop control, where the overall level of service and delay is shown.

Note that the southbound left-turn movement at the future 66th Street/Russell Avenue intersection is expected to be challenging during the p.m. peak hour (i.e. the average southbound approach daily is expected to be over one-minute). However, the southbound approach is expected to average less than one-vehicle per minute during the p.m. peak hour. Southbound queues along Russell Avenue are not expected to extend beyond two vehicles (i.e. 50 feet) during the peak hours.

From a traffic capacity perspective, the proposed development is expected have minimal impact on traffic operations in the study area. The current traffic control and roadway capacities are expected to be able to accommodate trips generated by the proposed development. However, as discussed in the next section, traffic volumes along Russell Avenue between 65th Street and 66th Street are expected to increase from current conditions.

## Neighborhood Travel Patterns

As previously mentioned, Russell Avenue currently dead-ends at 65th 1/2 Street. As part of the proposed development, Russell Avenue is planned to be extended to 66th Street, providing a direct north/south local connection between 62nd Street to the north and 70th Street to the south. Sheridan Avenue, which is a north-south roadway one block west currently ends at 65th Street and does not provide the same thru connectivity that Russell Avenue would if extended. Connecting Russell Avenue would provide a more direct route for residents along Russell Avenue (north of 65th Street) to access 66th Street.

Regardless of the proposed development, if the Russell Avenue connection between 65th Street and 66th Street was constructed, residents that are destined for Russell Avenue to the north or south of the proposed development would be expected to utilize Russell Avenue rather than current routes such as Sheridan Avenue. In addition, the proposed vacation of Queen Avenue between 66th Street and 65th 1/2 Street, the majority of existing Queen Avenue users would be expected to utilize the proposed Russell Avenue extension.

To help quantify potential area traffic volumes that result from the proposed roadway changes and development, existing and estimated year 2021 traffic volumes along Russell Avenue (north and south of 65th Street) are summarized in Table 5 for the a.m. and p.m. peak hours and on a daily basis. A range was provided for the year 2021 non-development daily traffic volumes since it is difficult to quantify the exact number of motorists that would be expected to change their route to Russell Avenue if the proposed extension was constructed. These estimates leveraged existing traffic volumes and patterns on both Sheridan Avenue and Queen Avenue, as well as other ADT volume data available for other north-south residential roadways similar to Russell Avenue along the 66th Street corridor. A typical ADT volume for a local street such as Russell Avenue is recommended to be less than 1,000 vehicles per day based on the *City of Richfield's 2040 Transportation Plan*. As shown in Table 5, traffic volumes along Russell Avenue are expected to be 650 vehicles a day or less, which is well within the acceptable range.

**Table 5. Russell Avenue Traffic Volume Estimates**

Timeframe	Existing	Year 2021 (Non-Development)	Year 2021 (Development)	Year 2021 Build
<b>A.M. Peak Hour</b>				
North of 65th Street	20	25	5	30
South of 65th Street	5	25	20	45
<b>P.M. Peak Hour</b>				
North of 65th Street	55	60	5	65
South of 65th Street	5	45	35	80
<b>Daily</b>				
North of 65th Street	400	450 to 500	50	500 to 550
South of 65th Street	30	200 to 350	305	500 to 650

It should be noted that if Russell Avenue is extended to 66th Street, there is the potential for motorists to use Russell Avenue as a cut-through route to avoid the eastbound left- or southbound right-turn movements at the 66th Street/Penn Avenue intersection. While not observed or quantified under existing conditions, based on the number of households along and/or near Queen Avenue, approximately 25 to 50 daily vehicles are estimated to currently use Queen Avenue that do not live on Queen Avenue or 65th 1/2 Street. Vehicles that currently use Queen Avenue to cut-through are likely to use Russell Avenue in the future. However, the amount of cut-through traffic is relatively low and not expected to have a noticeable impact to area roadway capacity.

## Site and Access Review

A review of the proposed development site plan was completed to identify any issues and recommend potential improvements with regard to site distance, traffic control, and circulation. On-street parking will be restricted on the east side of Russell Avenue generally between 66th Street and 65th 1/2 Street. Special consideration should also be made to limit any sight distance impacts from future landscaping and signing. No other traffic control or circulation issues are expected.

Bus stops for Metro Transit Route 4, which provides access to New Brighton, Downtown Minneapolis, South Minneapolis, and the Southtown Shopping Center, is located less than a quarter mile away from the proposed development at the Penn Avenue/65th Street intersection. Bus stops for Route 515, which provides access to Southtown Shopping Center, Veterans Medical Center and Mall of America, is provided less than one-tenth a mile away from the proposed development at the 66th Street/Sheridan Avenue intersection. Sidewalk is currently provided along both sides of 66th Street, both sides of Penn Avenue, and the north side of 65th Street. Currently no sidewalk is provided along Russell Avenue, although the proposed development plans to construct sidewalk on the east side of Russell Avenue between 66th Street and 65th 1/2 Street.

## Trip Generation Comparison

An additional trip generation analysis was conducted to compare the magnitude of driveway trips generated by an apartment complex to other common land uses. This analysis does not account for new trips to the study area, rather, this reviews the estimated trips for the other land uses during the a.m. and p.m. peak hour and on a daily basis. The land use comparisons included a “pharmacy” land use with a similar size to the CVS Pharmacy located in the northwest quadrant of the 66th Street/Penn Avenue intersection and a “fast-food restaurant with a drive-thru.” Trips were once again estimated using the *Institute of Transportation Engineers (ITE) Trip Generation Manual, Tenth Edition*. As shown in Table 6, the proposed development is expected to generate fewer peak hour and daily trips than other common land uses.

**Table 6. Trip Generation Estimate**

Land Use Type (ITE Code)	Size	A.M. Peak Hour		P.M. Peak Hour		Daily Trips
		In	Out	In	Out	
Proposed Apartment (221)	179 DU	17	48	48	31	974
Pharmacy w/ Drive Thru (881)	14,000 SF	28	25	72	72	1,528
Fast Food w/ Drive Thru (934)	4,500 SF	92	89	76	71	2,119

## Summary and Conclusions

Based on the analysis completed, the following conclusions and recommendations are offered for consideration:

1. Results of the existing capacity analysis indicate that all study intersections currently operate at an acceptable overall LOS C or better during the a.m. and p.m. peak hours, except the 66th Street/Penn Avenue intersection which operates at LOS E during the p.m. peak hour.
2. The proposed development consists of a 179-unit apartment complex.
  - a. Queen Avenue is proposed to be vacated between 66th Street and 65th 1/2 Street, while Russell Avenue is proposed to be extended to 66th Street. Access to the proposed development is planned along Russell Avenue.
3. Results of the trip generation analysis indicate that the proposed development is expected to generate 65 a.m. peak hour, 79 p.m. peak hour, and 974 daily trips.
4. Results of the year 2021 build intersection capacity analysis indicate that all study intersections are expected to operate at an overall acceptable LOS C or better during the a.m. and p.m. peak hours, except the 66th Street/Penn Avenue intersection which is expected to continue to operate at LOS E during the p.m. peak hour.
  - a. The southbound left-turn movement at the future 66th Street/Russell Avenue intersection is expected to be challenging during the p.m. peak hour. However, the southbound approach is expected to average less than one-vehicle per minute during the p.m. peak hour and queues along Russell Avenue are not expected to extend beyond two vehicles during the peak hours.
  - b. From a traffic capacity perspective, the proposed development is expected have minimal impact on traffic operations in the study area.
5. To help quantify potential area traffic volumes that result from the proposed roadway changes and development, existing and estimated year 2021 traffic volumes along Russell Avenue (north and south of 65th Street) were developed for the a.m. and p.m. peak hours and on a daily basis.
  - a. A typical ADT volume for a local street such as Russell Avenue is recommended to be less than 1,000 vehicles per day based on the *City of Richfield's 2040 Transportation Plan*. Since traffic volumes along Russell Avenue are expected to be 650 vehicles a day or less, the project traffic volumes are within the acceptable range.



# Planning Commission Minutes

**DRAFT** November 26, 2018

MEMBERS PRESENT: Chairperson Sean Hayford Oleary, Commissioners James Rudolph, Bryan Pynn, Susan Rosenberg, Kathryn Quam, and Dan Kitzberger

MEMBERS ABSENT: Commissioner Allysen Hoberg

STAFF PRESENT: Melissa Poehlman, Assistant Community Development Director  
Matt Brillhart, Associate Planner

OTHERS PRESENT: Erik Winegarden, David Lundy, Todd Olin, and Dan O'Brien; development team

Chairperson Hayford Oleary called the meeting to order at 7:00 p.m.

## APPROVAL OF MINUTES

M/Pynn S/Rosenberg to approve the minutes of the October 22, 2018 meeting.

*Motion carried: 6-0*

## OPEN FORUM

No members of the public spoke.

## ITEM #1 APPROVAL OF AGENDA

M/Rosenberg, S/Quam to approve the agenda.

*Motion carried: 6-0*

## PUBLIC HEARING(S)

### ITEM #2

**Conduct a public hearing and consider a variety of land use approvals related to a proposal to construct a 179-unit apartment building on the north side of 66<sup>th</sup> Street between Queen and Russell Avenues.**

Associate Planner Matt Brillhart presented the staff report.

Brillhart clarified the term 'vacate' for Commissioner Quam and provided clarification to Chair Hayford Oleary on easements and right of way for the proposed changes to Russell Avenue.

Project manager Todd Olin introduced the project.

Commissioner Pynn inquired about the possibility of a building step back on 65<sup>th</sup> ½ Street.

Mr. Olin commented that a 10 minute recess would allow the development team to respond. Brillhart clarified and Chair Hayford Oleary concurred on the appropriate procedure for the public hearing and allowing the developer time to respond.

In response to Commissioner Quam, developer Eric Winegarden explained why they chose the largest version of their three different proposals. Commissioner Quam expressed concern over the loss of the mature trees. Olin confirmed that all trees would be removed.

Olin confirmed for Commissioner Rosenberg that they have signed purchase agreements for all 6 properties. Rosenberg inquired further how this development could impact water pressure, to which Poehlman responded that the Utility Department has reviewed the plans.

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In response to Rosenberg, Poehlman explained why it is not desirable to leave the 3 houses on the east side of Queen.

In response to Commissioner Rudolph, Olin explained that they explored a variety of heights and options using a market study, vacancy rates and the Comprehensive Plan as guides.

Chair Hayford Oleary opened the public hearing.

Ruane Onesirosan - 2421 65th St W - expressed concern over disruption, quiet, and tree loss.

Wesley Webber – 2501 65th St W – expressed traffic concerns with Russell Ave connection, and asked why not straighten Queen Ave instead. He also commented on increased shadows.

Luci Peterson – 2500 66th St W (Sheridan Court) – expressed concerns with noise and impacts on people with sensory issues and disabilities as well as traffic concerns.

Patty Bergren – 2414 65th ½ St W – asked the city to reduce the building height by one story along 65th 1/2 Street to reduce traffic and shadow impacts.

Kathryn Cahill – 6528 Russell Ave – expressed concern for mitigating effects of construction.

Colleen Webber – 2501 65th St W – commented that Russell is narrow and would be unsafe to turn left onto 66th in PM rush hour. She also gave a 3 story height comparison.

Nick Seibert – 6904 Logan Ave – expressed concern over the size of development and the impact it will have on Sheridan Hills Elementary.

Manzar Khan – 6539 Queen Ave – Family has owned their home for 40 years and has fixed it up and wants to continue to live there.

Patty Bergren asked how “undue adverse impacts” are determined.

M/Rosenberg, S/Rudolph to close the public hearing.

*Motion carried: 6-0*

Brillhart addressed the questions regarding parking and street width on Russell Avenue.

Chair Hayford Oleary brought up the concerns raised about mitigating construction impacts on the surrounding residents. Poehlman responded that a stipulation could be added requiring the developer to survey the existing conditions of the properties prior to the start of construction.

Poehlman responded to the question regarding the term “undue adverse impacts” stating that it is a legal term that generally means that something is of “great harm”.

In response to Chair Hayford Oleary, Poehlman provided details about the traffic study.

Poehlman provided clarification in response to questions about purchase agreements.

In response to Commissioner Pynn, Olin explained why it was decided to vacate Queen. Dan O'Brien, the architect, provided further explanation for their design considerations.

Olin addressed Commissioner Pynn's question regarding proposing 4 stories, stating that they used the City's Comprehensive Plan and City Code as guides. Brillhart responded to Commissioner Pynn's question about density standards in relation to height.

In response to Commissioner Rudolph, Brillhart stated that the proposal does not need a Comprehensive Plan amendment and clarified what aspects require variations from Code. Commissioner Rudolph further inquired about the building coverage and how that would impact storm water management, to which Brillhart stated that more pervious area is provided than is required.

Commissioner Quam asked for clarification on the property status at 6539 Queen Ave to which Poehlman explained that private property negotiations could not be discussed at the hearing.

Poehlman responded to Commissioner Quam regarding the grade change to the east. Olin clarified further how the building height compares to the Fraser building. Quam inquired about the high-density range, to which Brillhart responded that the range is 50-100 units per acre and that this project is approximately 80 units per acre. Quam commented further that a 3-story building could still meet density requirements.

Commissioner Pynn introduced a proposed amendment regarding height and step backs. Commissioner Rudolph expressed support for the amendment. Commissioner Quam commended the work of Commissioner Pynn but thought it was too tall on the south side.

M/Rudolph, S/Pynn - Continue consideration to 8:40 p.m. to allow the applicant time to discuss the proposed changes.

*Motion carried: 6-0*

*The meeting was resumed at 8:40 p.m.*

David Lundy of the development team stated that they are willing to consider the proposal put forth by Commissioner Pynn.

In response to Commissioner Kitzberger, Brillhart clarified how increasing the height of the building on the south and east side would compare to Sheridan Court.

In response to Commissioner Rosenberg, Poehlman stated that the building setback along 66th Street was similar or slightly greater than that of Sheridan Court. Rosenberg expressed support for Commissioner Pynn's amendment and reasoning for allowing five stories on 66th.

In response to Chair Hayford Oleary, Lundy stated that the goal would be to keep roughly the same unit count with the height and stepback amendment.

In response to Commissioner Rudolph, Brillhart commented that staff did not believe that allowing 5 stories would set a precedent that would be out of line with what other nearby zoning districts allow. Commissioner Rudolph stated his preference for three stories.

M/Pynn, S/Kitzberger to recommend rezoning from High-Density Residential (MR-3) and Single-Family Residential (R) to Planned Multi-Family Residential (PMR).

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Chair Hayford Oleary expressed support for the rezoning as it is in line with the Comprehensive Plan. Commissioner Kitzberger commended Commissioner Pynn for bringing his amendment idea forward.

*Motion carried: 6-0*

M/Pynn, S/Kitzberger to recommend approval of a resolution approving a Planned Unit Development, Conditional Use Permit and Final Development Plan for an apartment development on the north side of 66<sup>th</sup> St between Queen and Russell Avenues.

M/Pynn, S/Rudolph to require the north and northwest faces of the building to be lowered to 3 floors in exchange for increasing to 5 floors along 66<sup>th</sup> Street and the eastern side of the building.

Commissioner Rosenberg expressed that it is still too big but understands that they have to follow the regulations guiding land use and will support the proposal. She further expressed that she understands the neighbors' concerns but asked for tolerance of those who rent. Commissioner Quam restated her preference for three stories and would not support the proposal as is. Commissioner Rudolph expressed agreement with Commissioner Quam. Chair Hayford Oleary expressed support for the amendment because it likely won't have an impact on unit count. Commissioner Quam expressed that she is in favor of more housing but wants to do it thoughtfully.

*Motion carried: 5-1(Quam opposed)*

In response to Commissioner Rudolph, Poehlman stated that he could make an amendment to require preconstruction surveys of the surrounding properties by an independent inspector.

M/Rudolph, S/Pynn to recommend an amendment to require preconstruction surveys by an independent contractor of the surrounding homes within 100 feet of the property including all properties on the 6500 block on the west side of Russell Avenue, excluding properties on the south side of 66<sup>th</sup> Street.

*Motion carried: 5-1 (Kitzberger opposed)*

Chair Hayford Oleary summarized the motion recommending approval of a Planned Unit Development, Conditional Use Permit and Final Development Plan, as amended.

*Motion carried: 4-2 (Quam & Rudolph opposed)*

In response to Chair Hayford Oleary, Brillhart stated when the City Council would be voting.

### **ITEM #3**

**Consider the attached resolution finding that the acquisition of 6701 17<sup>th</sup> Avenue South by the Housing and Redevelopment Authority in order to eliminate 145 feet of roadway and create additional greenspace is consistent with the Richfield Comprehensive Plan.**

Melissa Poehlman, Assistant Community Development Director, presented the staff report.

Chair Hayford Oleary inquired which version of the Comprehensive Plan is currently in effect. Poehlman clarified that staff reviewed both Comprehensive Plans for this item and provided further clarification on questions related to the right of way.

Commissioner Rudolph thanked staff for pursuing this item.

November 26, 2018

M/Rudolph, S/Pynn to approve a resolution finding that the acquisition of 6701 17<sup>th</sup> Avenue is consistent with the Comprehensive Plan.

*Motion carried: 6-0*

### **OTHER BUSINESS**

None.

### **LIAISON REPORTS**

Community Services Advisory Commission: No report

City Council: No report

HRA: Commissioner Rudolph – private development of new homes under Richfield Rediscovered

Richfield School Board: No report

Transportation Commission: Chair Hayford O'Leary – 65<sup>th</sup> St reconstruction open house 12/12/18.

### **CITY PLANNER'S REPORT**

Poehlman notified commissioners of a date change for the December meeting to December 10<sup>th</sup> as well as a work session on December 11<sup>th</sup> at 6:00 pm. MnDOT will be present to talk about local impacts of the I-494 project.

### **ADJOURNMENT**

M/Pynn, S/Rudolph to adjourn the meeting.

The meeting was adjourned by unanimous consent at **9:21 p.m.**

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Planning Commission Secretary

NOVO - Queen Ave Development (2400 66<sup>th</sup> St West)

Bryan Pynn, Planning Commission

11/26/2018

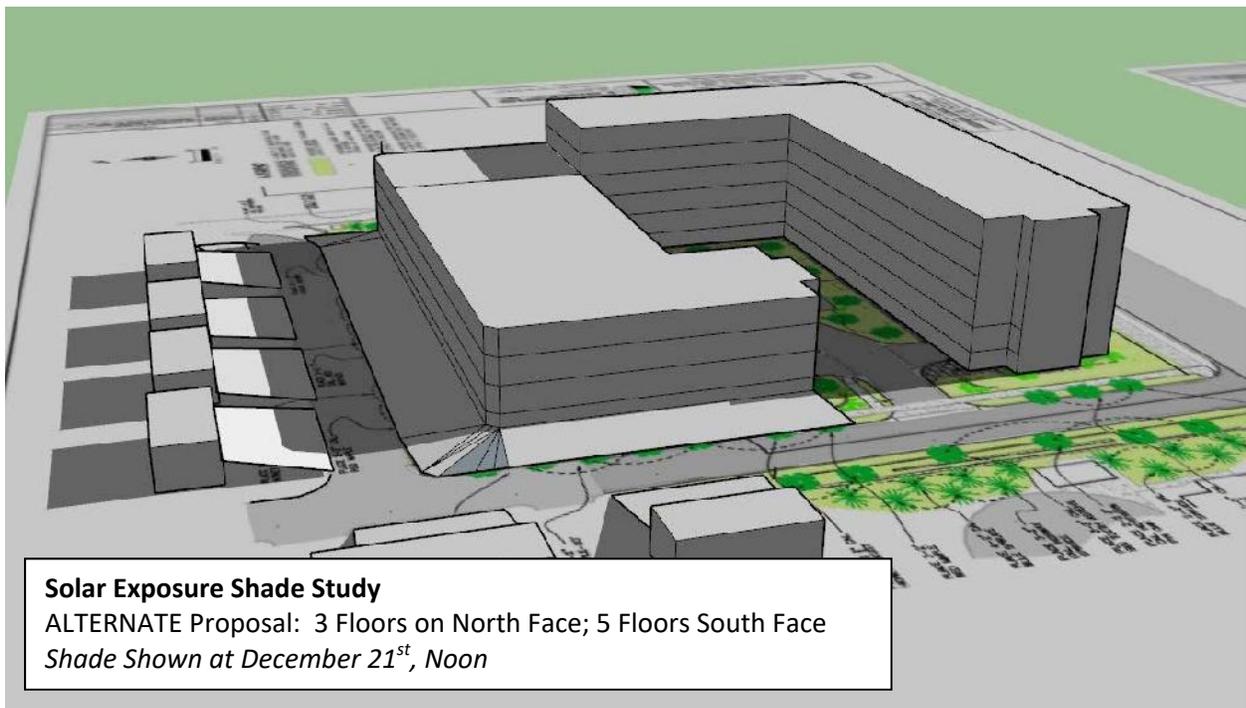
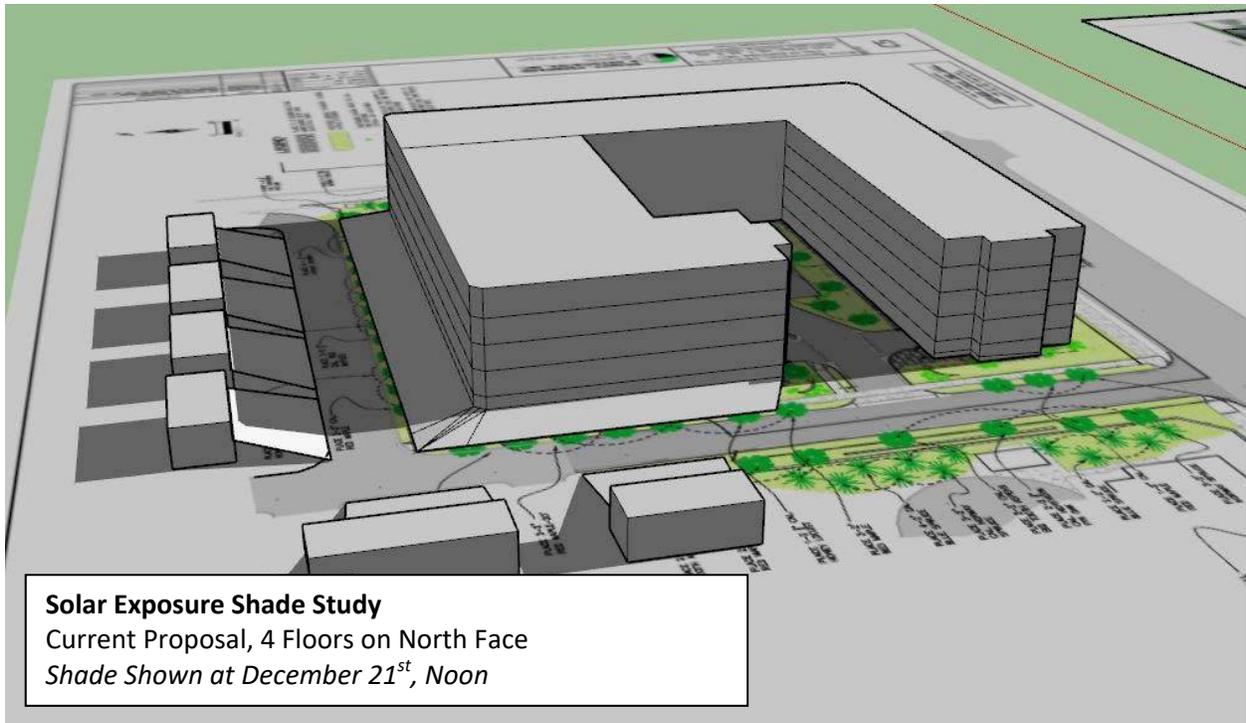
**PROPOSED AMENDMENT:**

Approve variances as requested if the north and northwest faces of the structure can be lowered to 3 floors IN EXCHANGE FOR allowing 5 floors along 66<sup>th</sup> street and the eastern side of the building to make up for lost units.

**RATIONALE:**

Southern solar exposure in the winter months is incredibly important in Minnesota for energy efficiency, road safety, and mental health. Residents along 65<sup>th</sup> ½ will be shaded up to their front windows of their home for up to 2 months during the winter if 4 floors are allowed along the north and northwest faces. If the building height were lowered to 3 floors on these 2 faces (removing 18-22 units), then the loss in units could be made up on the south and east sides of the building if we allow for 5 floors to make up for lost units. Lowering to 3 floors would allow for more solar access across the majority of the yards during peak hours near the winter solstice. This height change will also reflect city policies that call for 'step-down' architecture wherever possible to make a smoother transition to lower density land uses. It will also be more desirable to future developers and residents of that development if their first floor residents were not bathed in shade for much of the winter.

**See next page for shade study examples**





**STAFF REPORT NO. 222**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Matt Brillhart, Associate Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director and Melissa Poehlman, Ass't CD Director  
12/4/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/4/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of a transitory ordinance vacating Queen Avenue and a portion of Russell Avenue between 65th ½ Street and 66th Street.**

**EXECUTIVE SUMMARY:**

Broadway Investors, LLC (Developer) has submitted applications requesting approval of an apartment building on the north side of 66th Street, between Queen and Russell Avenues. On November 26, the Planning Commission held a public hearing and recommended approval of the proposed development with additional conditions. The Council will consider approval of the planned unit development (PUD) application as a separate agenda item that is not subject to an additional public hearing.

In conjunction with the planned unit development application, the Developer is requesting to vacate Queen Avenue between 65th 1/2 Street and 66th Street. In exchange for removing Queen Avenue through the site, the Developer would extend Russell Avenue approximately 200 feet to the south, intersecting 66th Street. Without the vacation of Queen Avenue, three parcels that are guided for high-density residential development would remain on the east side of the road. These three parcels on their own are unlikely to be redeveloped due to their size and unusual shape. The proposed change in roadway alignments would allow a development on the combined site to move forward, while maintaining local traffic circulation via the Russell Avenue extension. Russell Avenue would include a tree-lined sidewalk between 65th 1/2 and 66th Streets. The proposed roadway changes have been reviewed by Richfield and Hennepin County Public Works Departments. Richfield Engineering staff will work with the Developer on the specific design of the Russell Avenue extension.

**RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion: Approve a transitory ordinance vacating Queen Avenue and a portion of Russell Avenue between 65th ½ Street and 66th Street.**

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

- Since 1982 or earlier, the City's Comprehensive Plan has called for higher density housing in this

area, which would serve as a buffer between commercial uses on Penn Avenue and 66th Street and single-family homes to the west. Subsequent updates of the Comprehensive Plan in 1997, 2008, and 2018 have maintained that high density designation in this area.

- In the fall of 2017, the Developer contacted City staff to discuss a multi-family development proposal on this property. The Developer again contacted staff in summer of 2018, and preliminary development concepts were shared with the City Council and Planning Commission at a Work Session on August 20. In response to feedback from that Work Session, the Developer revised the site layout to include the Russell Avenue connection. The Developer held neighborhood open house meetings on September 8 and November 3. The Planning Commission held a public hearing and recommended approval of the proposed development with additional conditions, on November 26, 2018.

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

**Roadway Vacation**

- 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. 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. When re-plating the property, the Developer must dedicate utility and drainage easements as necessary. All new utilities must be underground. The proposed street vacation will not become effective until the City Council approves a Final Plat application, which will dedicate the right-of-way necessary for the Russell Avenue extension.

**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 November 13, 2018. A decision is required by January 12, 2019 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

**D. FINANCIAL IMPACT:**

- The required application fees have been paid.

**E. LEGAL CONSIDERATION:**

- Notice of this public hearing was mailed to properties within 500 feet of the proposed development and published in the Sun Current newspaper.
- The City Council conducted a first reading of the ordinance on November 27, 2018.

**ALTERNATIVE RECOMMENDATION(S):**

- Deny the attached ordinance, finding that the roadway vacation would not be in the public interest.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Representatives of Broadway Investors, LLC

**ATTACHMENTS:**

Description	Type
□ Ordinance	Ordinance
□ ROW Vacation Exhibit	Exhibit

**BILL NO.**

**TRANSITORY ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY EASEMENTS  
(QUEEN AVENUE BETWEEN 65TH ½ STREET AND 66TH STREET AND  
A PORTION OF A RUSSELL AVENUE SOUTH OF 65TH ½ STREET)**

**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"):

The part of Queen Avenue South, Harry Tickner's Subdivision of Lot 15, Richfield Gardens, according to the recorded plat thereof, Hennepin County, Minnesota, lying Southwesterly and Southerly of the following described line: Beginning at the Northwest Corner of Lot 1, Block 2, Harry Tickner's Subdivision of Lot 15, Richfield Gardens, thence Easterly along the North line of said Lot 1, Block 2, and its Easterly extension to the Northwesterly line of Lot 1, Block 3, Harry Tickner's Subdivision of Lot 15, Richfield Gardens, and there terminating.

The part of Russell Avenue South, Harry Tickner's Subdivision of Lot 15, Richfield Gardens, according to the recorded plat thereof, Hennepin County, Minnesota, lying East of the following described line: Commencing at the Northwest Corner Lot 3, Block 2, Harry Tickner's Subdivision of Lot 15, Richfield Gardens, thence South along the West line, a distance of 56.71 feet more or less, to point of curve on the West line of said Lot 3, Block 1, thence continue Southerly along the last described straight line to the intersection of curve on the Westerly line of said Lot 3, Block 2 and there terminating.

Sec. 2: The City Council approved redevelopment plans for the properties surrounding the "Street Easement" on December 11, 2018. These redevelopment plans include a southerly extension of Russell Avenue, which will connect to 66th Street and maintain local traffic circulation.

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: sanitary sewer, storm sewer, and water.

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: gas, electric, 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 November 27, 2018 and second reading on December 11, 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 street (Russell Avenue), drainage and utility easements in the plat.

Sec. 9: The vacation of the Street Easement is effective 30 days following publication of the ordinance. The ordinance will be published after a plat has been approved by the City Council.

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, following publication.

Passed by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

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Pat Elliott, Mayor

ATTEST:

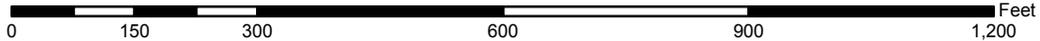
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Elizabeth VanHoose, City Clerk

# NOVO Apartments - 66th & Queen - surrounding area context



 Proposed development site



# Preliminary Plat of NOVO

Sec. 29, T. 28, R. 24,  
Hennepin County, Minnesota

Blocks 2 & 3,  
HARRY TICKNER'S SUBD.  
OF LOT 15, RICHFIELD  
GARDEN & Part of Lot 1,  
Block 1, RICHFIELD  
GARDENS 2ND ADDITION

REV. NO.	DATE	DESCRIPTION

DATE: 10/5/18  
DESIGN BY: BRD  
DRAWN BY: BRD  
CHECKED BY: BRD  
DWG FILE: 18-0553\_COS.dwg  
FILE NO.: 18-0353.00

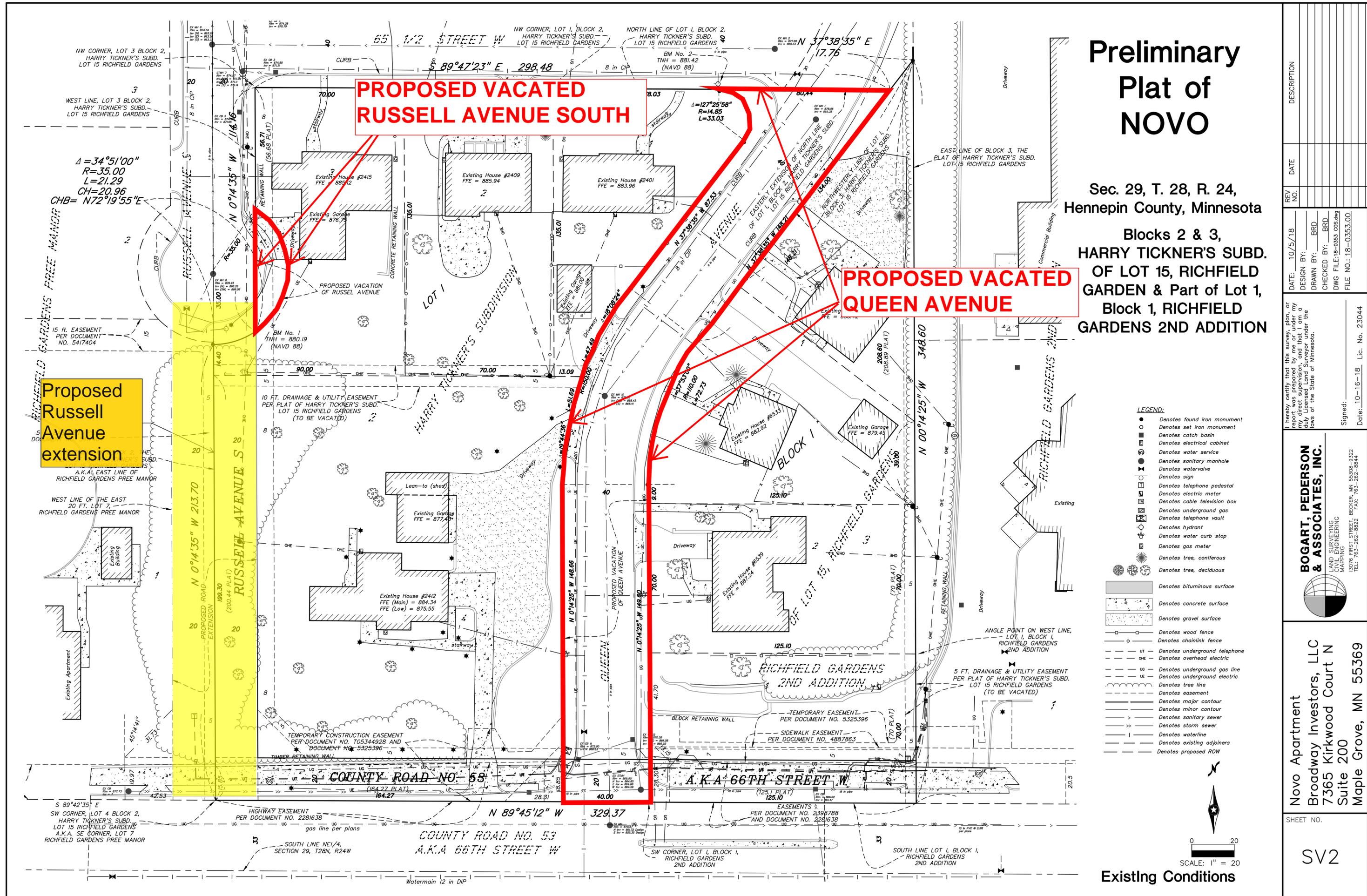
hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and in accordance with the laws of the State of Minnesota.  
Signed: \_\_\_\_\_  
Date: 10-16-18 Lic. No. 23044

**PROPOSED VACATED  
RUSSELL AVENUE SOUTH**

**PROPOSED VACATED  
QUEEN AVENUE**

**Proposed  
Russell  
Avenue  
extension**

- LEGEND:**
- Denotes found iron monument
  - Denotes set iron monument
  - Denotes catch basin
  - Denotes electrical cabinet
  - Denotes water service
  - Denotes sanitary manhole
  - Denotes water valve
  - Denotes sign
  - Denotes telephone pedestal
  - Denotes electric meter
  - Denotes cable television box
  - Denotes underground gas
  - Denotes telephone vault
  - Denotes hydrant
  - Denotes water curb stop
  - Denotes gas meter
  - Denotes tree, coniferous
  - Denotes tree, deciduous
  - Denotes bituminous surface
  - Denotes concrete surface
  - Denotes gravel surface
  - Denotes wood fence
  - Denotes chainlink fence
  - UT Denotes underground telephone
  - UG Denotes underground gas line
  - UE Denotes underground electric
  - Denotes tree line
  - Denotes easement
  - Denotes major contour
  - Denotes minor contour
  - Denotes sanitary sewer
  - Denotes storm sewer
  - Denotes waterline
  - Denotes existing adjoiners
  - Denotes proposed ROW



**BOGART, PEDERSON  
& ASSOCIATES, INC.**  
LAND SURVEYING  
MAPPING  
ENGINEERING  
13076 FIRST STREET, BECKER, MN 55308-9322  
TEL: 763-262-8822 FAX: 763-262-8844

Novo Apartment  
Broadway Investors, LLC  
7365 Kirkwood Court N  
Suite 200  
Maple Grove, MN 55369

SHEET NO.

SV2

Existing Conditions



**STAFF REPORT NO. 223**  
**CITY COUNCIL MEETING**  
**12/11/2018**

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

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
12/4/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/4/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the adoption of a resolution approving a preliminary plat of the "Cedar Point 2" Addition that will combine 27 parcels and vacated 64th Street right-of-way into 5 parcels, in order to allow construction of a previously approved housing project.**

**EXECUTIVE SUMMARY:**

In conjunction with an application for a Planned Unit Development (Cedar Point 2), NHH Properties, LLC (the "Applicant") must replat the site. Approval of a preliminary plat is required prior to the issuance of building permits; a final plat is required prior to the issuance of certificates of occupancy.

At the time the Preliminary Plat application was submitted, the Applicant had been unable to come to an agreement with two property owners within the project boundary. The proposed preliminary plat does not include these two parcels and the design of the project will allow construction to work around them. In the past few days, however, the Applicant has signed a purchase agreement with one of the remaining homeowners and is optimistic about purchasing the last home. If the final property is not purchased prior to critical construction deadlines, the Applicant will return to the City for approval of an amended site plan that excludes townhomes on that property. This possibility was discussed with policy makers when land use approvals were considered.

Ultimately, the Final Plat would be brought back to the City Council for consideration at a later date. That Final Plat would reflect the final property configuration.

**RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion: Adopt a resolution for a preliminary plat of the "Cedar Point 2" 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.
- Final Development Plans for the project were approved by the City Council on September 25, 2018. Final approvals require the Applicant to acquire all parcels in the development area or return

to the City Council for approval of an amendment.

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

- All plats or subdivisions of land must be approved by City 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 a plat unless the applicant agrees to an extension.
- A complete application was received on November 1, 2018. The Council must render a decision by March 1, 2019.

**D. FINANCIAL IMPACT:**

- None

**E. LEGAL CONSIDERATION:**

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

**ALTERNATIVE RECOMMENDATION(S):**

- None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Representative(s) of NHH Companies, LLC

**ATTACHMENTS:**

	Description	Type
☐	Resolution	Resolution Letter
☐	Preliminary Plat	Exhibit

**RESOLUTION NO.**

**RESOLUTION GRANTING PRELIMINARY APPROVAL  
OF A PLAT FOR  
CEDAR POINT 2 ADDTION**

**WHEREAS**, NHH Properties, LLC (“Applicant”) has requested preliminary approval of a plat that combines and resubdivides properties located between Taft Park and 65th Street East and 16th Avenue and Richfield Parkway, legally described as:

Lots 2 through 14, Block 1 and Lots 1, 2, 3, 5, and Lots 7 through 16, Block 2, Iverson’s Second Addition, Hennepin County, Minnesota.

Together with

All that part of vacated East 64th Street lying between the easterly line of 16th Avenue South and the westerly line of 17th Avenue South (known as Richfield Parkway), Hennepin County, Minnesota.

**WHEREAS**, the proposed subdivision is to be known as Cedar Point 2; and

**WHEREAS**, a public hearing was held on the proposed preliminary plat of CEDAR POINT 2 on Tuesday, December 11, 2018 at which all interested persons were given the opportunity to be heard; and

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

1. The proposed preliminary plat of CEDAR POINT 2 satisfies the requirements of the City’s subdivision ordinances.
2. Approval of the preliminary plat of CEDAR POINT 2 is granted with the following conditions:
  - a. The applicant must address to the City Attorney’s satisfaction all items listed in the plat opinion letter prepared by the City Attorney’s office.
  - b. The applicant must address any/all comments by the City Engineering Department.
  - c. The Applicant must obtain approval of a final plat prior to the issuance of a certificate of occupancy for any units within the platted area.

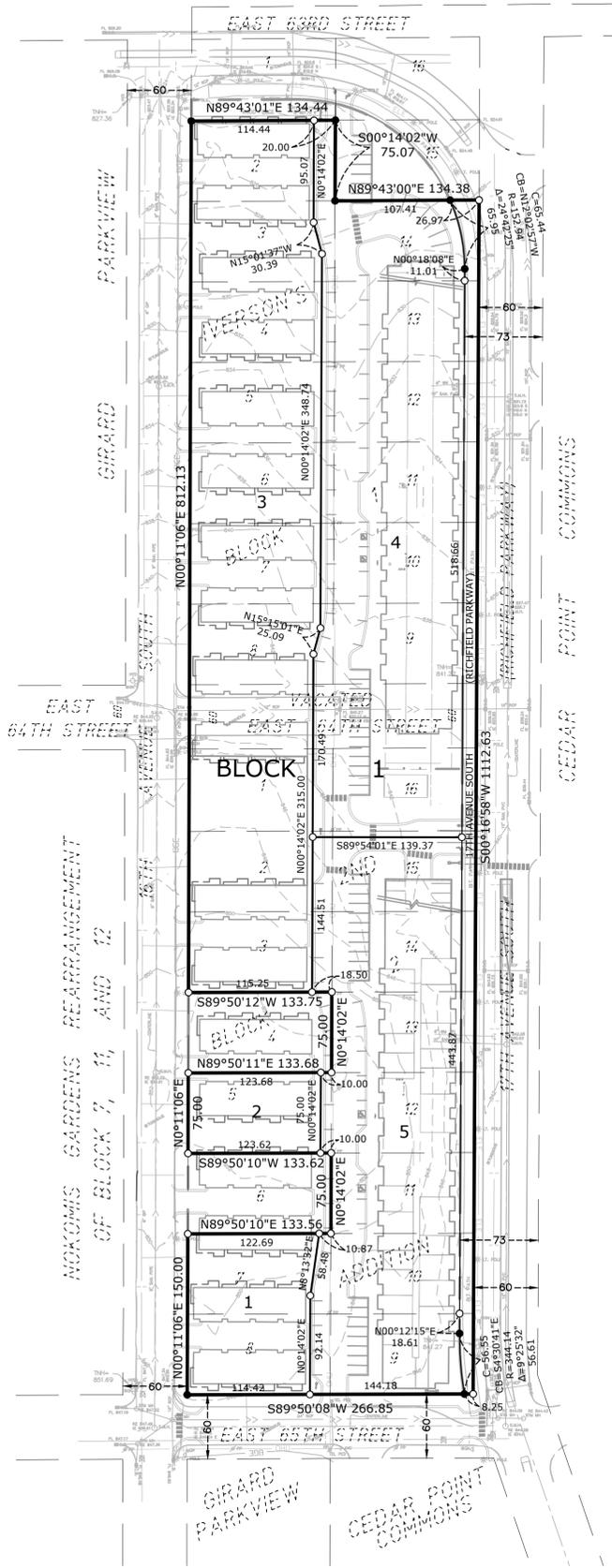
Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

# PRELIMINARY PLAT: CEDAR POINT 2



**PRELIMINARY PLAT GENERAL NOTES**

**LEGAL DESCRIPTION:**  
Lots 2 through 14, Block 1 and Lots 1, 2, 3, 5, and Lots 7 through 16, Block 2, IVERSON'S SECOND ADDITION, Hennepin County, Minnesota.  
Together With  
All that part of vacated East 64th Street lying between the easterly line of 16th Avenue South and the westerly line of 17th Avenue South (also known as Richfield Parkway), Hennepin County, Minnesota.

**DATE OF PREPARATION:**  
11-1-2018

**BENCHMARKS:**  
BM#1 = Top nut hydrant located at the southwest quadrant of the intersection of 17th Ave S and E 63rd St.  
Elevation = 827.36

**EXISTING ZONING:**  
MR3- High Density

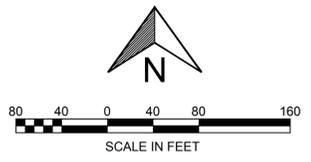
**AREAS:**  
Lot 1 = 17,408 Sq. Ft. or 0.400 Acres  
Lot 2 = 9,274 Sq. Ft. or 0.213 Acres  
Lot 3 = 96,167 Sq. Ft. or 2.208 Acres  
Lot 4 = 81,652 Sq. Ft. or 1.874 Acres  
Lot 5 = 68,762 Sq. Ft. or 1.579 Acres

Dedicated Right of Way = 14,666 Sq. Ft. or 0.337 Acres

Total Property Area = 287,928 Sq. Ft. or 6.610 Acres

**FLOOD ZONE DESIGNATION:**  
This property is contained in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0369F, effective date of November 4th, 2016.

Rory L. Synsteliem  
rory@civilsitegroup.com  
Minnesota License No. 44565



**Linetype & Symbol Legend**

— FD —	FIBER OPTIC	—	SIGN	□	AIR CONDITIONER
— GAS —	GAS MAIN	⊙	UTILITY MANHOLE	⊙	BOLLARD
— W —	WATER MAIN	⊙	SANITARY MANHOLE	⊙	ELECTRIC MANHOLE
— S —	SANITARY SEWER	⊙	STORM MANHOLE	⊙	FLAG POLE
— SS —	STORM SEWER	⊙	CATCH BASIN	⊙	FLARED END SECTION
— OHU —	OVERHEAD UTILITIES	⊙	TELEPHONE BOX	⊙	GAS VALVE
— TEL —	TELEPHONE LINE	⊙	TELEPHONE MANHOLE	⊙	HANDICAP SYMBOL
— ELE —	ELECTRIC LINE	⊙	ELECTRIC TRANSFORMER	⊙	HYDRANT
— CTV —	CABLE LINE	⊙	TRAFFIC SIGNAL	⊙	WATER MANHOLE
— X —	CHAINLINK FENCELINE	⊙	CABLE TV BOX	⊙	WATER VALVE
▢	CONCRETE SURFACE	⊙	ELECTRICAL METER	⊙	POWER POLE
▤	PAVER SURFACE	⊙	GAS METER	⊙	GUY WIRE
▥	BITUMINOUS SURFACE	●	FOUND IRON MONUMENT	⊙	CONIFEROUS TREE
▦	GRAVEL SURFACE	○	SET IRON MONUMENT	⊙	DECIDUOUS TREE
		●	CAST IRON MONUMENT		

**SUBDIVIDER:**  
NHH Companies, LLC  
5353 Wayzata Blvd, Suite 400  
Minneapolis, MN 55416

**ARCHITECT:**  
Kass Wilson Architects  
1301 American Blvd. E, Suite 100  
Bloomington, MN 55425

**CIVIL ENGINEER:**  
Civil Site Group  
4931 W 35th St, #200  
St. Louis Park, MN 55416

**SURVEYOR:**  
Civil Site Group  
4931 W 35th St, #200  
St. Louis Park, MN 55416

**PROJECT**  
**Cedar Point 2 Apartments & Townhomes**  
16th Ave S., Richfield, Hennepin County, Minnesota, 55423  
**Simmons Group/NHH Properties**  
317 2nd Ave S., Suite 800, Minneapolis, MN, 55401

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

RORY L. SYNSTELIEM  
DATE 11-1-2018 LICENSE NO. 44565



**REVISION SUMMARY**

DATE	DESCRIPTION

PROJECT NO.: 18137

PRELIMINARY PLAT

**V1.0**



**STAFF REPORT NO. 224**  
**CITY COUNCIL MEETING**  
**12/11/2018**

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

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
11/30/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of second reading of an ordinance amendment to the Richfield City Code Appendix D (Fee Schedule) and adopt a resolution approving summary publication of said ordinance. The proposed ordinance would revise fees related to certain building permit and planning and zoning application fees.**

**EXECUTIVE SUMMARY:**

City staff conducts an annual review to determine whether its fees for permits and services are appropriate. Among other criteria, the intent of the review is to determine whether the fees collected are adequate to cover the staff time and costs related to performing the services associated with those fees. At the same time, staff tries to ensure that costs for City services are in line with our peer communities and are not excessive or onerous.

Fees related to building permits, zoning, and other land use permits are established by Appendix D of the City's Code. Staff is recommending the following changes to the fees and permits included in this section.

**Building and Related Permits:** Staff is proposing increasing the minimum fee for permits from \$35 to \$40. Also, the City does not have a specific electrical permit fee for solar photovoltaic systems. Staff is proposing a fee table that is used by the Minnesota Department of Labor for State electrical permits based on the size of the proposed system.

**Planning & Zoning Fees:** Fees for complex land use applications have not been raised since at least 2005. Staff has proposed to increase both minimum and maximum fees to better align with the costs related to the processing of these applications. Minimum fees for planned unit development applications have been increased from \$500 to \$1,000 and maximum from \$3,500 to \$5,000. The sliding fee scale will remain, thus larger projects that require more staff time will continue to pay more than smaller, simpler projects. Variance fees have been adjusted as well; better-reflecting actual staff time and costs. Residential variance application fees have been increased from \$250 to \$350 and non-residential from \$450 to \$500. Additional minor adjustments have been made and are reflected in the proposed ordinance amendment.

**RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion:**

- 1. Approve a second reading of an ordinance amendment to Richfield City Code**

**Appendix D (Fee Schedule) related to building permit and planning and zoning application fees; and**

- 2. Adopt a resolution authorizing summary publication of an ordinance amending Richfield City Code Appendix D (Fee Schedule) related to building permit and planning and zoning application fees.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- While fees are reviewed annually, it has been over a decade since significant changes to planning and zoning fees have been made.

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

- State Statutes require municipal fees and permits to be determined in accordance with actual staff time and costs that are incurred in providing related services.
- City staff has determined that the fees in question should be modified in order to better reflect actual time and costs incurred.
- In instances where the full text of an amendment is cumbersome and the expense of publication of the full text is not justified, the City is permitted to publish a summary of the approved text.

**C. CRITICAL TIMING ISSUES:**

- If approved, new fees will take effect 30 days following publication.

**D. FINANCIAL IMPACT:**

- City staff has determined that current fees for some applications are insufficient to cover the costs related to processing those applications.
- Staff also reviews similar fees in our peer communities to ensure that Richfield's fees are not onerous or excessive. With the proposed changes, Richfield's fees remain in line with these peer communities.

**E. LEGAL CONSIDERATION:**

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

**ALTERNATIVE RECOMMENDATION(S):**

- Reject the proposed ordinance.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

Description	Type
☐ Ordinance	Ordinance
☐ Resolution	Resolution Letter

**BILL NO.  
TRANSITORY ORDINANCE NO.**

**AN ORDINANCE AMENDING APPENDIX D  
TO THE RICHFIELD CITY CODE; ESTABLISHING A FEE SCHEDULE  
FOR CERTAIN PERMITS AND APPLICATIONS**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. Background

- 1.01 Appendix D to the Richfield City Code consists of the schedule of fees adopted by the City Council, including those adopted by resolution and those adopted by Ordinance.
- 1.02 Minnesota Statutes, Section 462.353 requires that certain fees be adopted by Ordinance. The City Council has previously established certain fees by Transitory Ordinance No. 19.03. The City Council has established other fees by resolution, which resolution is also part of Appendix D.
- 1.03 The City Council has determined the need to update the schedule of fees under Transitory Ordinance No. 19.03.

Section 2. Fee Schedule Adopted

- 2.01 The fees set forth in the attached Exhibit A are hereby adopted by Ordinance.
- 2.02 The fees adopted at Section 2.01 of this Ordinance shall be amended only by Ordinance. Any fees established by resolution, other than those adopted at Section 2.01 of this Ordinance, may be amended from time to time by resolution of the City Council.

Section 3. Effective date; codification.

- 3.01 This Ordinance is effective in accordance with Section 3.09 of the City Charter.
- 3.02 A copy of this Ordinance shall be included in Appendix D to the Richfield City Code, immediately prior to the resolution establishing fees.
- 3.03 This Ordinance supersedes Transitory Ordinance No. 19.03.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

**EXHIBIT A**

**CONSTRUCTION AND RELATED PERMIT FEES AND CHARGES**

**A. Investigation Fees: Work without a Permit:**

Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Section 2. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

**B. Permit fee refunds:**

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permitted not later than 180 days after the date of fee payment.

Type of Permit or License	Section Requiring	Description	Fee
		(a) Inspections outside of normal business hours (minimum charge - two hours)	\$60.00 per hour
		(b) Reinspection fees (minimum charge \$35.00)	\$60.00per hour
		(c) Inspections for which no fee is specifically indicated (minimum charge - one-half hour)	\$60.00 per hour
		(d) Additional plan review required by changes, additions or revision to plans (minimum charge two hours)	\$60.00 per hour
		(e) Fee to reissue building inspection record card	\$35.00

\*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employee involved.

(1) Building Permits	400.03— 400.09	\$1 to \$500 (includes one inspection)	<del>\$35.00</del> <u>\$40.00</u>
		Each additional inspection	<del>\$35.00</del> <u>\$40.00</u>
		\$501 to \$2,000	\$26.25 for the first \$500 plus \$3.50 each additional \$100, or fraction thereof, to and including \$2,000 with a minimum fee of <del>\$35.00</del> <u>\$40.00</u> .
		\$2,001 to \$25,000	\$77.25 for the first \$2,000 plus \$15.50 for each additional \$1,000, or fraction thereof, to and including \$25,000.
		\$25,001 to \$50,000	\$436.50 for the first \$25,000 plus \$11.25 for each additional \$1,000, or fraction thereof, to and including \$50,000.
		\$50,001 to \$100,000	\$716.75 for the first \$50,000 plus \$7.75 for each additional \$1,000, or fraction thereof, to and including \$100,000.
		\$100,001 to \$500,000	\$1,106.25 for the first \$100,000 plus \$6.25 for each additional \$1,000, or fraction thereof, to and including \$500,000.
		\$500,001 to \$1,000,000	\$3,599.25 for the first \$500,000 plus \$5.25 for each additional \$1,000, or fraction thereof, to and including \$1,000,000.
		1,000,001 and up	\$6,242.50 for the first \$1,000,000 plus \$4.25 for each additional \$1,000, or fraction thereof.
(2) Driveway, Parking Area Permits	515.05	(no permit fee for sidewalks)	<del>\$35.00</del> <u>\$40.00</u>
(3) Swimming	420.00	Permanent or portable pools are based on building permit fees with a minimum of	<del>\$35.00</del> <u>\$40.00</u>

(4) Plan Review Fee	400.03— 400.09	35% of building permit fee for one and two family dwelling and basement remodels	
		65% of building permit fee for all other building permits, except no fee for the following:	
		(a) Existing single family dwelling minor nonstructural alterations.	
		(b) Single and two family dwelling repairs and maintenance work.	
		(c) Commercial and industrial repair and maintenance work not exceeding \$1,000 or where plans are not required.	
Plan review fee for similar buildings		Maximum 25% of permit fee based on Minnesota State Building Code 1300.0160	
(5) Contractors License Verification Fee		Charged once each time a contractor applies for permit(s)	\$5.00
(6) Moving-Buildings	845	Moving Permit Fee	\$50.00
(7) Structure Demolition	400.00— 400.09	(a) Commercial Demolition cost as per Building Permit Schedule with a minimum of	\$50.00
		(b) Dwelling One or two story Residential - Garage and lesser structure	\$50.00 <del>\$35.00</del> <u>\$40.00</u>
(8) Plumbing Permit	400.03— 400.09	Residential Minimum Fee 2% of Total Job cost with a minimum of (includes one inspection)	<del>\$35.00</del> <u>\$40.00</u>
		Each additional inspection	<del>\$35.00</del> <u>\$40.00</u>

(9) Plumbing Permit	400.03— 400.09	Commercial/Industrial/Multi-family Based on Total Job cost 2% of Estimated Job cost with a minimum of (includes one inspection)	\$45.00
		Each additional inspection	<del>\$35.00</del> <u>\$40.00</u>
(10) Electrical Permit	400.03— 400.09	Residential (a) Minimum Fee which includes one inspection	<del>\$35.00</del> <u>\$40.00</u>
		(b) Each additional Inspection	<del>\$35.00</del> <u>\$40.00</u>
		(c) Complete Wiring Fee: Single Family Dwelling and each dwelling unit of a two family dwelling and includes not more than three inspections.	<del>\$150.00</del> <u>\$165.00</u>
		(d) New Service - up to 200 amps	<del>\$55.00</del> <u>\$100.00</u>
		(e) Temporary Service - (for construction)	\$45.00
		(f) <u>Sub Panel</u>	<u>\$55.00</u>
		(g) Installation, addition alteration, or repair of each circuit or feeder	\$8.00
		(h) Swimming pool or exterior hot tub	\$55.00
(11) Electrical Permit Commercial	400.03— 400.09	Commercial, Industrial and multiple dwellings (more than two units) and Technology systems: Minimum Fee which includes one inspection	\$45.00

		Each additional inspection	<del>\$35.00</del> <u>\$40.00</u>
		(a) Based on total job cost - 2% of estimated job cost with a minimum of - Over \$50,000 - Fee/ \$1,000.00 plus 1% of cost over \$50,000.00	\$45.00
		(b) Traffic Signals: Per Intersection	\$185.00
		(c) Fire Alarm: Based on ¾% of cost of electrical job to customer with a minimum of	\$45.00
		(d) Carnivals, festivals and similar events plus \$35.00 for each service on generator	\$110.00
(12) Electrical Permit Sign	400.03— 400.09	Based on 2% of cost of electrical job to customer with a minimum of (separate electrical permit required for signs	\$45.00
(13) Solar Photovoltaic System Rating*		<u>0 – 5,000 watts</u>	<u>\$60.00</u>
		<u>5,001 – 10,000 watts</u>	<u>\$100.00</u>
		<u>10,001 – 20,000 watts</u>	<u>\$150.00</u>
		<u>20,001 – 30,000 watts</u>	<u>\$200.00</u>
		<u>30,001 – 40,000 watts</u>	<u>\$250.00</u>
		<u>40,001 and over</u>	<u>\$250 and \$10 for each additional watts over 40,000 watts</u>

(14) Residential Heating, Ventilating, Air Conditioning and Refrigeration	400.03— 400.09	Central Systems and Additions, Alterations and Repairs 1½% estimated cost with a minimum of (Includes one inspection)	<del>\$35.00</del> <u>\$40.00</u>
		Each additional inspection	<del>\$35.00</del> <u>\$40.00</u>
Commercial Heating, Ventilating, Air Conditioning and Refrigeration		Central Systems and Additions, Alterations and Repairs 1½% estimated cost with a minimum of	\$45.00
(15) Sign Installation	415.01— 415.11	(a) Temporary sign permit (b) Permanent sign (any size) Building permit is required for sign support structures Fees based on building permit fee schedule	<del>\$35.00</del> <u>\$40.00</u> \$100.00
(16) Temporary Certificate of Occupancy	400	A temporary Certificate of Occupancy may be issued before completion of the entire work covered by the permit, provided the Chief Building Official deems that the building is safe to occupy	\$200.00 Plus a letter of credit or cash escrow equal to 125% of remaining City Code requirements

ZONING, LAND USE AND RELATED CHARGES

Type of Permit or License	Section Requiring	Description	Fee
(1) Planned Unit Development	542	(a) <del>\$500</del> <u>\$1000</u> plus \$5/\$1,000 of project value (construction cost) up to a maximum fee of	<del>\$3,500</del> <u>\$5,000</u>
		(b) Major PUD Plan Amendment - <del>\$500</del> <u>\$1,000</u> plus \$5/\$1,000 of project value (construction cost) up to a maximum fee of	<del>\$3,500</del> <u>\$5000</u>
		(c) Minor PUD Plan Amendment	<del>\$350.00</del> <u>\$400.00</u>
(2) Site Plan Review	547	(a) \$500 plus <del>\$.50</del> <u>\$5</u> /\$1,000 of project value (construction cost) to a maximum fee of	\$3,500.00
		(b) Major amendment - \$500 plus <del>\$.50</del> <u>\$5</u> /\$1,000 of project value (construction cost) to a maximum fee of	\$3,500
		(c) Minor amendment	\$350.00
(3) Variance	547	Residential	<del>\$250.00</del> <u>\$350.00</u>
		Non Residential	<del>\$450.00</del> <u>\$500.00</u>
Variance Appeal		Residential and Non Residential	<del>\$150.00</del> <u>\$350.00</u>
(4) Conditional Use Permit	547	(a) \$500 + <del>\$.50</del> <u>\$5</u> /\$1,000 of project value (construction cost) up to a maximum fee of	\$3,500.00
		(b) Major amendment - \$500 + <del>\$.50</del> <u>\$5</u> /\$1,000 of project value (construction cost) up to a maximum fee of	\$3,500
		(c) Minor amendment	\$350.00
(5) Interim Use Permit	547	\$500 plus \$100/year monitoring fee up to a maximum fee of	\$1,000

(6) *Zoning District or Code Text Change	547		<del>\$600.00</del> <u>\$1,000</u>
(7) *Subdivision Approval	500.01— 500.05		\$500.00
Subdivision Waiver	500.05- Subd. 2		\$350.00
(8) Street/Easement Vacation	820/State Statute		\$500.00
(9) Appeal to Board of Adj. & Appeals	547		\$350.00
(10) Special Request to City Council			\$350.00
(11) Zoning Compliance Letter			\$50.00
(12) Comprehensive Plan Amend.			<del>\$600.00</del> <u>\$1,000</u>
(13) Plats	500	Preliminary Plat	\$500.00
		Final Plat	\$250.00
(14) Sketch Plan Review			<del>\$250.00</del> <u>\$350.00</u>
(15) Extension		Extension of a Land Use Approval (rezoning, site plan approval, conditional use permit, variance, etc.) beyond its original approval period	<del>\$125.00</del> <u>\$250.00</u>
(16) Escrow Administration Fee			\$50.00
*Any additional expenses-incurred by the City in the course of processing a request will be charged to the applicant.			

**FIRE SERVICES FEES**

Type of Permit or License	Section Requiring	Description	Fee
(6) Fire Extinguishing System Permit		Based on Building Permit fee schedule with a minimum of: Plan review fee: 65% of building permit fee, except no fee for the following: (a) no charge for valuation of \$1,000 or less	\$50.00
(7) Fire Alarm Systems		Based on Building Permit fee schedule with a minimum of: Plan review fee: 65% of building permit fee, except no fee for the following:(a) no charge for valuation of \$1,000 or less	\$50.00
(8) Flammable or Combustible Liquid or Gas Storage Tanks and Piping		Tanks (installation or modification)	\$150.00
		Installation or alteration of piping Each unit or dispenser	\$50.00
		Underground Tank Removal	\$100.00/Tank

**MISCELLANEOUS FEES**

Type of Permit or License	Section Requiring	Description	Fee
(3) Antenna Commercial Wireless Telecommunication Service(CWTS)	425 & 544	(a) CWTS antenna permit application fee	\$100.00
		(b) Antenna permit fee for additional antennas added to an existing antenna location or replacement of existing antennas at a location	\$35.00

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE  
AMENDING APPENDIX D TO THE RICHFIELD CITY CODE; ESTABLISHING A FEE  
SCHEDULE FOR CERTAIN PERMITS AND APPLICATIONS**

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

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

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

**SUMMARY PUBLICATION  
BILL NO. \_\_\_\_\_**

**APPENDIX D TO THE RICHFIELD CITY CODE; ESTABLISHING A FEE SCHEDULE  
FOR CERTAIN PERMITS AND APPLICATIONS**

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

This ordinance revises fees for certain building permits and land use applications. The minimum fee for any type of building permit fee has been raised from \$35 to \$40 and fees related to solar panel installations have been established. Fees for the following land use applications have been raised in order to better reflect the costs associated with processing said applications: Planned Unit Development, Site Plan Review, Variance, Conditional Use Permit, Zoning Amendment, Comprehensive Plan Amendment, Sketch Plan Review, and Land Use Approval Extension.

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

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 225**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc. 7529 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On October 29, 2018, the City received the application materials for the renewal of Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc. 7529 Lyndale Avenue South. All required information and documents have been provided. All licensing fees have been received.

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

This agenda item is the only request for the renewal of Pawnbroker and Secondhand Goods Dealer licenses.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc. 7529 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 29, 2018, the City received the application and other required documents for Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc.

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

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

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. The Public Safety Director has reviewed the information in

the background investigation report. There is no information in the investigation that shows any cause for recommending denial of the requested licenses.

The Pawnbroker and Secondhand Goods Dealer licenses will expire on December 31, 2018.

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

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

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- There are no legal issues.

**ALTERNATIVE RECOMMENDATION(S):**

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

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Metro Pawn & Gun, Inc. representative.

**ATTACHMENTS:**

Description	Type
▢ Metro Pawn's summary of background	Cover Memo

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

Officers:

Mark Nichols, Owner  
Elizabeth Nichols, Owner

Criminal History:

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

Premises:

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

Record of Service Calls:

There were 12 Public Safety/Police contacts with Metro Pawn & Gun, Inc. from October 2017 through September 2018. This compares with 10 contacts for the previous year. A breakdown of these contacts is attached to this report.

Routine Information:

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

## Metro Pawn & Gun, Inc.

### Directors and Officers

Mark Nichols	Owner
Elizabeth Nichols	Owner

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Metro Pawn & Gun, Inc.

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>10</b>	<b>12</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>4</b>	<b>10</b>
Incidents (see bottom of page for specifics)	(3)	(6)
Alarm	(1)	(4)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>6</b>	<b>2</b>
Assists	(2)	(1)
Traffic	(4)	(1)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2017 through September 2018 were: one property damage, one disturbance, two suspicious vehicles, two miscellaneous and four commercial alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 226**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 Club On-Sale Intoxicating and Sunday Liquor licenses for Fred Babcock V.F.W. Post No. 5555 d/b/a Four Nickels Food and Drink, 6715 Lakeshore Drive.**

**EXECUTIVE SUMMARY:**

On October 30, 2018, the City received the application materials for the renewal of Club On-Sale and Sunday Liquor licenses, for Fred Babcock V.F.W. Post No. 5555 d/b/a Four Nickels Food and Drink. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 Club On-Sale and Sunday Liquor licenses for Fred Babcock V.F.W. Post No. 5555 d/b/a Four Nickels Food and Drink, 6715 Lakeshore Drive.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 30, 2018, the City received the application and other required documents for Club On-Sale and Sunday Liquor licenses for Four Nickels Food and Drink.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Integrity Mutual Insurance Co. affording coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 54% of the total sales, while liquor accounted for 46% of the total sales. Due to the fact they are a club/veterans organization, they are exempt from meeting the code requirement that states, "more

than 50% of business activities must be related to the service of food".

- Environmental Health staff has received no complaints regarding Fred Babcock V.F.W. Post No. 5555 d/b/a Four Nickels Food and Drink for the previous year.

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

The Club On-Sale and Sunday Liquor licenses will expire on December 31, 2018.

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

- Richfield City Code Section 1202 requires owners of Club On-Sale and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the Resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean that the current applicants would not be able to obtain Club On-Sale and Sunday Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Four Nickels Food & Drink representative

**ATTACHMENTS:**

Description	Type
□ Four Nickels Food & Drink- Summary of Background	Cover Memo

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR FRED BABCOCK V.F.W. POST NO. 5555 d/b/a FOUR NICKELS FOOD AND  
DRINK

Officers:

John Dahlquist, Quarter Master

Criminal History:

John Dahlquist has no known criminal record. Patricia Loberg, who serves as the General Manager has no known criminal record.

Premises:

Gramercy Park Cooperative at Lake Shore Drive is the owner of the property. The lease between the applicant and the property owner is in effect. All payments are current.

Record of Service Calls:

There were 21 Public Safety/Police contacts with Four Nickels Food & Drink from October 2017 through September 2018. This compares with 12 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Four Nickels Food & Drink was April 3, 2008.

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

## Four Nickels Food and Drink

### Directors and Officers

John Dahlquist

Quarter Master

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Four Nickels Food and Drink

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>12</b>	<b>21</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>8</b>	<b>9</b>
Incidents (see bottom of page for specifics)	(8)	(9)
Alarm	(0)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>4</b>	<b>12</b>
Assists	(3)	(10)
Traffic	(0)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(1)	(2)

The criminal contacts from October 2017 through September 2018 were: three hit and runs, one intoxicated person, one miscellaneous public, one DWI, one fire-vehicle and two thefts.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 227**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 Club On-Sale and Sunday Liquor licenses for Minneapolis-Richfield American Legion Post No. 435, 6501 Portland Avenue South.**

**EXECUTIVE SUMMARY:**

On November 6, 2018, the City received the application materials for the renewal of Club On-Sale and Sunday Liquor licenses for Minneapolis-Richfield American Legion Post No. 435, 6501 Portland Avenue South. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 Club On-Sale and Sunday Liquor licenses for the Minneapolis-Richfield American Legion Post No. 435, 6501 Portland Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- On November 6, 2018, the City received the application materials for the renewal of Club On-Sale and Sunday Liquor licenses for Minneapolis-Richfield American Legion Post No. 435.
- The applicant has satisfied the following requirements for issuance of a license:
  - The required license fees have been paid.
  - Real estate taxes are paid and current.
  - Proof of liquor liability insurance coverage has been received showing Integrity Mutual Insurance Co. affording coverage.
  - Workers' compensation insurance has also been supplied.
  - An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 28%, while liquor accounted for 72% of the total sales. Due to the fact they are a club/veterans organization, they are exempt from meeting the code requirement that states, "more than 50% of business activities must be related to the service of food".

- Environmental Health staff received two complaints regarding the Minneapolis-Richfield American Legion for the previous year.
- The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. The Public Safety Director has reviewed the information in the background investigation report. There is no information in the investigation that shows any cause for recommending denial of the requested licenses.
- The Club On-Sale and Sunday Liquor licenses will expire on December 31, 2018.

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

- Richfield City Code Section 1202 requires owners of Club On-Sale and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution No. 9511 must be met, which outlines the discipline expected if any ongoing problems occur. A copy of the Resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain Club On-Sale and Sunday Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

American Legion representative

**ATTACHMENTS:**

Description	Type
□ American Legion Summary of Background	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR MINNEAPOLIS-RICHFIELD AMERICAN LEGION POST No. 435

Officers:

Thomas Hendrickson, Finance Officer  
Mark Barthel, Commander

Criminal History:

Thomas Hendrickson has no known criminal record. Mark Barthel has no known criminal record. Richard Hervieux, who serves as the General Manager has no known criminal record.

Premises:

Minneapolis-Richfield American Legion Post 435 is the owner of the property. All payments are current.

Record of Service Calls:

There were 40 Public Safety/Police contacts with Minneapolis-Richfield American Legion Post 435 from October 2017 through September 2018. This compares with 48 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Minneapolis-Richfield American Legion was March 19, 2010.

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

# Minneapolis-Richfield American Legion Post No. 435

## Directors and Officers

Thomas Eckhoff  
Robert Newcomb

Commander  
Finance Officer

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Minneapolis-Richfield American Legion Post No. 435

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>48</b>	<b>40</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>23</b>	<b>17</b>
Incidents (see bottom of page for specifics)	(15)	(12)
Alarm	(8)	(5)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>25</b>	<b>23</b>
Assists	(12)	(10)
Traffic	(9)	(9)
Inspections/Licensing	(0)	(1)
Medical/Fire	(4)	(3)

The criminal contacts from October 2017 through September 2018 were: one damage to property, four disturbances, one burglary, two suspicious vehicles, one hit and run, two thefts, one fight call and five commercial alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 228**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 7644 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On October 29, 2018, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 7644 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 29, 2018, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Chipotle Mexican Grill.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Safety National Casualty Corporation affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period for October 2017 through September 2018. The statement indicates food sales accounted for 99% of the total sales, while liquor accounted for 1% of the total sales.
- Environmental Health staff has received no complaints regarding Chipotle Mexican Grill for the

previous year.

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

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2018.

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

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

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution No. 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicant would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Chipotle Mexican Grill representative.

**ATTACHMENTS:**

Description	Type
□ Chipotle's Summary of background	Cover Memo

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

Officers:

Matthew Eells, President  
John Hartung, Vice President

Criminal History:

Matthew Eells has no known criminal record. John Hartung has no known criminal record. Cesar Hernandez, who serves as the General Manager has no known criminal record.

Premises:

Kensington Retail Center, LLC is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were 24 Public Safety/Police contacts with Chipotle Mexican Grill from October 2017 through September 2018. This compares with 22 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

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

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

# Chipotle Mexican Grill, LLC

## Directors and Officers

Matthew Ells  
John Hartung

President  
Vice President

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Chipotle Mexican Grill

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>22</b>	<b>24</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>13</b>	<b>17</b>
Incidents (see bottom of page for specifics)	(8)	(10)
Alarm	(5)	(7)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>9</b>	<b>7</b>
Assists	(3)	(5)
Traffic	(5)	(2)
Inspections/Licensing	(0)	(0)
Medical/Fire	(1)	(0)

The criminal contacts from October 2017 through September 2018 were: three hit and runs, two suspicious vehicles, one property damage, one disturbance, one theft, one intoxicated person, one miscellaneous and seven commercial alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 229**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Davanni's, Inc. d/b/a Davanni's Pizza and Hot Hoagies, 6345 Penn Avenue South.**

**EXECUTIVE SUMMARY:**

On October 29, 2018, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Davanni's, Inc. d/b/a Davanni's Pizza and Hot Hoagies. All required information and documents have been received. All licensing fees have been paid.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Davanni's, Inc. d/b/a Davanni's Pizza and Hot Hoagies, 6345 Penn Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 29, 2018, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for Davanni's Pizza and Hot Hoagies.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been provided showing West Bend Mutual affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 99% of the total sales, while the liquor accounted for 1% of the total sales.
- Environmental Health staff has received no complaints regarding Davanni's Pizza and Hot

Hoagies for the previous year.

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

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2018.

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

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

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicant would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Davanni's representative

**ATTACHMENTS:**

Description	Type
▢ Davanni's Summary of background	Cover Memo

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

Officers:

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

Criminal History:

Robert Stupka has no known criminal record. Gladstone Stenson has no known criminal record. Kristina Silva has no known criminal record. Katherine Stenson has no known criminal record. Melissa Morrissette, who serves as the General Manager, has no known criminal record.

Premises:

Rich D, LLC is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were two Public Safety/Police contacts with Davanni's from October 2017 through September 2018. This compares with two contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Davanni's Pizza and Hot Hoagies was 2007.

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

## Davanni's Pizza and Hot Hoagies

### Directors and Officers

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

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Davanni's Pizza and Hot Hoagies

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>2</b>	<b>2</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>1</b>	<b>1</b>
Incidents (see bottom of page for specifics)	(1)	(1)
Alarm	(0)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>1</b>	<b>1</b>
Assists	(0)	(1)
Traffic	(1)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contact from October 2017 through September 2018 was: one suspicious vehicle.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 230**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Joy's Pattaya Thai Restaurant, LLC d/b/a Joy's Pattaya Thai Restaurant, 7545 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On October 30, 2018, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Joy's Pattaya Thai Restaurant, LLC d/b/a Joy's Pattaya Thai Restaurant. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Joy's Pattaya Thai Restaurant, LLC d/b/a Joy's Pattaya Thai Restaurant, 7545 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 30, 2018, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for Joy's Pattaya Thai Restaurant.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Travelers Casualty Insurance Company of America affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 97% of the total sales, while liquor accounted for 3% of the total sales.

- Environmental Health staff received three complaints regarding Joy's Pattaya Thai Restaurant for the previous year.

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

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2018.

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

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

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the Resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicant would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Joy's Pattaya Thai Restaurant representative

**ATTACHMENTS:**

Description	Type
☐ Joy's Summary of Background	Cover Memo

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

Officers:

Dale Mueller, Owner  
Joy Mueller, Owner

Criminal History:

Dale Mueller has no known criminal record. Joy Mueller, who also serves as the General Manager, has no known criminal record.

Premises:

JSB Corporation is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There was one Public Safety/Police contact with Joy's Pattaya Thai Restaurant from October 2017 through September 2018. This compares with one contact for the previous year. A breakdown of these contacts is attached to this report.

Violations:

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

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

# Joy's Pattaya Thai Restaurant

## Directors and Officers

Dale Mueller	Owner
Joy Mueller	Owner

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Joy's Pattaya Thai Restaurant

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>1</b>	<b>1</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>1</b>	<b>0</b>
Incidents (see bottom of page for specifics)	(1)	(0)
Alarm	(0)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>0</b>	<b>1</b>
Assists	(0)	(0)
Traffic	(0)	(0)
Inspections/Licensing	(0)	(1)
Medical/Fire	(0)	(0)

The criminal contact from October 2017 through September 2018 was: There were no criminal contacts found.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 231**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses with outside seating for LRFC, LLC d/b/a Local Roots Food & Coffee, 817 66th Street East.**

**EXECUTIVE SUMMARY:**

On November 1, 2018, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses with outside seating for LRFC, LLC d/b/a Local Roots Food & Coffee, 817 66th Street East. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses with outside seating for LRFC, LLC d/b/a Local Roots Food & Coffee, 817 66th Street East.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 1, 2018, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses with outside seating for Local Roots Food & Coffee.

The applicant has satisfied the following requirements for issuance of licenses:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of commercial and liquor liability insurance have been received showing Travelers Casualty as affording coverage. Workers' compensation insurance has also been supplied.
- Due to this establishment not obtaining their alcohol license until May of 2018, there is no need for an accountant's statement regarding food/alcohol ratio.

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

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2018.

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

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

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- Licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution No. 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Local Roots Food & Coffee representative

**ATTACHMENTS:**

Description	Type
□ Local Roots Food & Coffee Summary of Background	Cover Memo

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR LRFC, LLC d/b/a LOCAL ROOTS FOOD & COFFEE

Officers:

Courtney Norgaard, Owner  
Marcus Hampton, Owner

Criminal History:

Courtney Norgaard, who serves as the General Manager has no known criminal record. Marcus Hampton has a DWI conviction from 2003.

Premises:

Arrangements Unlimited, LLP is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There was one Public Safety/Police contact with Local Roots Food & Coffee from October 2017 through September 2018. Because this is a new ownership, there are no records to compare. A breakdown of these contacts is attached to this report.

Violations:

There are no violations for the sale of alcohol to underage youth for Local Roots Food & Coffee.

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

## Local Roots Food & Coffee

### Directors and Officers

Courtney Norgaard	Owner
Marcus Hampton	Owner

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Local Roots Food & Coffee

	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>1</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>1</b>
Incidents (see bottom of page for specifics)	(0)
Alarm	(1)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>0</b>
Assists	(0)
Traffic	(0)
Inspections/Licensing	(0)
Medical/Fire	(0)

The criminal contact from October 2017 through September 2018 was: one fire alarm.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 232**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Los Sanchez Taqueria # 2, LLC d/b/a Los Sanchez Taqueria, 2 66th Street West.**

**EXECUTIVE SUMMARY:**

On November 8, 2018, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Los Sanchez Taqueria # 2, LLC d/b/a Los Sanchez Taqueria, 2 66th Street West. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Los Sanchez Taqueria # 2, LLC d/b/a Los Sanchez Taqueria, 2 66th Street West.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 8, 2018, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for Los Sanchez Taqueria.

The applicant has satisfied the following requirements for issuance of licenses:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of commercial and liquor liability insurance have been received showing Travelers Casualty as affording coverage. Workers' compensation insurance has also been supplied.
- Due to this establishment not obtaining their alcohol license until May of 2018, there is no need for an accountant's statement regarding food/alcohol ratio.
- Environmental Health staff received one complaint regarding Los Sanchez Taqueria since opening in January of this year.

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

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2018.

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

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

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- Licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution No. 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Los Sanchez Taqueria representative

**ATTACHMENTS:**

Description	Type
□ Los Sanchez Taqueria- Summary of Background	Cover Memo

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR LOS SANCHEZ TAQUERIA # 2, LLC d/b/a LOS SANCHEZ TAQUERIA

Officers:

Rosa Sheehan, Owner

Criminal History:

Rosa Sheehan, who also serves as the General Manager has no known criminal record.

Premises:

Brixmor Spe 1 LLC, is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were 10 Public Safety/Police contacts with Los Sanchez Taqueria from October 2017 through September 2018. Because this is a new ownership, there are no records to compare. A breakdown of these contacts is attached to this report.

Violations:

There are no violations for the sale of alcohol to underage youth for Los Sanchez Taqueria.

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

# Los Sanchez Taqueria

## Directors and Officers

Rosa Sheehan      Owner

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Los Sanchez Taqueria

<b><u>TOTAL CONTACTS</u></b>	<b><u>2018</u></b> <b>10</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>9</b>
Incidents (see bottom of page for specifics)	(3)
Alarm	(6)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>1</b>
Assists	(1)
Traffic	(0)
Inspections/Licensing	(0)
Medical/Fire	(0)

The criminal contacts from October 2017 through September 2018 were: one burglary, one miscellaneous, one suspicious vehicle and six commercial alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 233**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for My Burger Operations, LLC d/b/a My Burger, 6555 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On October 30, 2018, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for My Burger Operations, LLC d/b/a My Burger. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for My Burger Operations, LLC d/b/a My Burger, 6555 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

On October 30, 2018, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for My Burger.

The applicant has satisfied the following requirements for issuance of licenses:

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of commercial and liquor liability insurance have been received showing Ohio Casualty Insurance Company as affording coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 98% of the total sales, while liquor accounted for 2% of the total sales.

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

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2018.

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

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

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- Licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution No. 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

My Burger representative

**ATTACHMENTS:**

Description	Type
▢ My Burger Summary of Background	Cover Memo

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

### Officers:

John Abdo – President  
Paul Abdo – Vice President

### Criminal Histories:

John Abdo, who also serves as the General Manager, has no known criminal record. Paul Abdo has no known criminal record.

### Premises:

Lyndale Station, LLC is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

### Record of Service Calls:

There were 13 Public Safety/Police contacts with My Burger from October 2017 through September 2018. This compares with eight contacts for the previous year. A breakdown of these contacts is attached to this report.

### Violations:

There was one violation for sale of alcohol to underage youth in March of 2016.

### Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

**Directors and Officers**

John Lawrence Abdo  
Paul Melvin Abdo

President  
Vice President

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**PUBLIC SAFETY CONTACTS**

**October 2017 through September 2018**

**My Burger**

	<b><u>2017</u></b>	<b><u>2018</u></b>
<b><u>TOTAL CONTACTS</u></b>	<b>8</b>	<b>13</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>5</b>	<b>5</b>
Incidents (see bottom of page for specifics)	(3)	(2)
Alarm	(2)	(3)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>3</b>	<b>8</b>
Assists	(0)	(6)
Traffic	(2)	(1)
Inspections/Licensing	(0)	(0)
Medical/Fire	(1)	(1)

The criminal contacts from October 2017 through September 2018 were: one intoxicated person, one theft and three commercial alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 234**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Minnesota Junior Hockey Group, LLC d/b/a Minnesota Magicians at the Richfield Ice Arena, 636 East 66th Street.**

**EXECUTIVE SUMMARY:**

On October 26, 2018, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Minnesota Junior Hockey Group, LLC d/b/a Minnesota Magicians. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Minnesota Junior Hockey Group, LLC d/b/a Minnesota Magicians at the Richfield Ice Arena, 636 East 66th Street.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 26, 2018, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for Minnesota Magicians.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Scottsdale Insurance Company affording the coverage. Workers' compensation insurance has also been supplied.
- Alcohol sales at the Richfield Ice Arena fall under Minnesota 2014 Law Chapter 240, Section 22, therefore, there is no requirement of a food/alcohol sales ratio for the Minnesota Magicians.
- Environmental Health staff has received no complaints regarding Minnesota Magicians for the previous year.

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

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2018.

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

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

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the Resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicant would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Minnesota Magicians representative

**ATTACHMENTS:**

Description	Type
▢ MN Magicians' Summary of Background	Cover Memo

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR MINNESOTA JUNIOR HOCKEY GROUP, LLC d/b/a MINNESOTA MAGICIANS  
RICHFIELD ICE ARENA LOCATION

Officers:

Joe Pankratz – Owner  
Kevin Ingvalson – Vice President

Criminal History:

Joe Pankratz, who also serves as the General Manager has no known criminal record. Kevin Ingvalson was convicted for a DWI in 1995.

Premises:

The City of Richfield is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were 29 Public Safety/Police contacts located at the Richfield Ice Arena from October 2017 through September 2018. It is difficult to differentiate between Minnesota Magicians and the ice arena in terms of which calls belonged to whom. A breakdown of these contacts is attached to this report.

Violations:

There are no violations for the sale to underage youth for Minnesota Magicians located at the Richfield Ice Arena.

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

## MN Magicians

### Directors and Officers

Joe Pankratz  
Kevin Ingvalson

Owner  
Vice President

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### MN Magicians

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>56</b>	<b>29</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>9</b>	<b>14</b>
Incidents (see bottom of page for specifics)	(4)	(12)
Alarm	(5)	(2)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>47</b>	<b>15</b>
Assists	(17)	(10)
Traffic	(29)	(4)
Inspections/Licensing	(0)	(0)
Medical/Fire	(1)	(1)

The criminal contacts from October 2017 through September 2018 were: three suspicious vehicles, three thefts, two intoxicated people, three miscellaneous, one graffiti and two commercial alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 235**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Patrick's French Bakery, Inc. d/b/a Patrick's Bakery & Cafe, 2928 66th Street West.**

**EXECUTIVE SUMMARY:**

On October 29, 2018, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Patrick's French Bakery, Inc. d/b/a Patrick's Bakery & Café. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Patrick's French Bakery, Inc. d/b/a Patrick's Bakery & Café, 2928 66th Street West.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 29, 2018, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for Patrick's Bakery & Café.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Ohio Security Insurance Company affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 97% of the total sales, while liquor accounted for 3% of the total sales.
- Environmental Health staff has received no complaints regarding Patrick's Bakery & Café for the

previous year.

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

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2018.

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

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

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicant would not be able to obtain On-sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Patrick's Bakery & Café representative

**ATTACHMENTS:**

Description	Type
□ Patrick's Summary of Background	Cover Memo

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

Officers:

Patrick Bernet, President  
Azita Bernet, Vice-President

Criminal History:

Patrick Bernet has no known criminal record. Azita Bernet, who also serves as the General Manager has no known criminal record.

Premises:

DRFC Southdale Square, LLC is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were six Public Safety/Police contacts with Patrick's Bakery & Cafe from October 2017 through September 2018. This compares with two contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Patrick's Bakery & Cafe was in June 2012.

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

# Patrick's Bakery & Cafe

## Directors and Officers

Patrick Bernet  
Azita Bernet

President  
Vice-President

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Patrick's Bakery & Cafe

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>2</b>	<b>6</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>2</b>	<b>3</b>
Incidents (see bottom of page for specifics)	(2)	(3)
Alarm	(0)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>0</b>	<b>3</b>
Assists	(0)	(3)
Traffic	(0)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2017 through September 2018 were: one theft, one DWI and one property damage.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 236**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Henry Thou d/b/a Red Pepper Chinese Restaurant, 2910 66th Street West.**

**EXECUTIVE SUMMARY:**

On November 2, 2018, the City received the application materials for the renewal of On-Sale Wine and 3.2 Percent Malt Liquor licenses for Henry Thou d/b/a Red Pepper Chinese Restaurant. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Wine and 3.2 Percent Malt Liquor licenses for Henry Thou d/b/a Red Pepper Chinese Restaurant, 2910 66th Street West.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 2, 2018, the City received the application and other required documents for On-Sale Wine and 3.2 Percent Malt Liquor licenses for Red Pepper Chinese Restaurant.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Burns & Wilcox affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 98% of the total sales, while liquor accounted for 2% of the total sales.
- Environmental Health staff has received no complaints regarding Red Pepper Chinese Restaurant for the previous year.

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

The On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2018.

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

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

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the Resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicant would not be able to obtain On-Sale Wine and 3.2 Percent Malt Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Red Pepper representative

**ATTACHMENTS:**

Description	Type
▢ Red Pepper Summary of background	Cover Memo

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

Officer(s):

Henry Thou, Owner

Criminal History:

Henry Thou has no known criminal record.

Premises:

DRFC Southdale Square, LLC is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were five Public Safety/Police contacts with Red Pepper Chinese Restaurant from October 2017 through September 2018. This compares with two contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

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

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

# Red Pepper Chinese Restaurant

## Directors and Officers

Henry Thou

Owner

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## **PUBLIC SAFETY CONTACTS**

**October 2017 through September 2018**

### **Red Pepper Chinese Restaurant**

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>2</b>	<b>5</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>1</b>	<b>4</b>
Incidents (see bottom of page for specifics)	(1)	(4)
Alarm	(0)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>1</b>	<b>1</b>
Assists	(1)	(1)
Traffic	(0)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2017 through September 2018 were: three suspicious vehicles and one DWI.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 237**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing, for Frenchman's Pub, Inc. d/b/a Frenchman's, 1400 66th Street East.**

**EXECUTIVE SUMMARY:**

On October 11, 2018, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing, for Frenchman's Pub, Inc. d/b/a Frenchman's. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing, for Frenchman's Pub, Inc. d/b/a Frenchman's, 1400 66th Street East.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 11, 2018, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses for Frenchman's.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Scottsdale Insurance affording coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 52% of the total sales, while liquor accounted for 48% of the total sales.
- Environmental Health staff has received no complaints regarding Frenchman's for the previous

year.

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

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2018.

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

- Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Frenchman's representative

**ATTACHMENTS:**

Description	Type
□ Frenchman's summary of background	Cover Memo

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

Officers:

Mary Blake, Owner

Criminal History:

Mary Blake has a DWI conviction from 2008. Brant Ostlund, who serves as the General Manager, has a drug conviction from 1996 and 2006, a DWI conviction from 2000, 2002, 2006, and 2008 and a reckless driving conviction from 2004.

Premises:

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

Record of Service Calls:

There were 22 Public Safety/Police contacts with Frenchman's from October 2017 through September 2018. This compares with 15 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

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

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

## Frenchman's

### Directors and Officers

Mary Blake

Owner

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Frenchman's

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>15</b>	<b>22</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>10</b>	<b>11</b>
Incidents (see bottom of page for specifics)	(9)	(10)
Alarm	(1)	(1)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>5</b>	<b>11</b>
Assists	(5)	(9)
Traffic	(0)	(0)
Inspections/Licensing	(0)	(1)
Medical/Fire	(0)	(1)

The criminal contacts from October 2017 through September 2018 were: one assault, one disturbance, one DWI, three fights, two hit and runs, one suspicious vehicle, one theft and one commercial alarm.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 238**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing for El Tejaban Mexican Restaurant, LLC d/b/a El Tejaban Mexican Grill, 6519 Nicollet Avenue South.**

**EXECUTIVE SUMMARY:**

On October 30, 2018, the City received the application and other required documents for the renewal of On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing for El Tejaban Mexican Restaurant, LLC d/b/a El Tejaban Mexican Grill. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing for El Tejaban Mexican Restaurant, LLC d/b/a El Tejaban Mexican Grill, 6519 Nicollet Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 30, 2018, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses, with optional 2 a.m. closing for El Tejaban Mexican Grill.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been provided showing Travelers Casualty Insurance Company of America affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 86% of the

total sales, while liquor accounted for 14% of the total sales.

- Environmental Health staff has received no complaints regarding El Tejaban Mexican Grill for the previous year.

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

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2018.

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

- Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor, with optional 2 a.m. closing, establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

El Tejaban representative

**ATTACHMENTS:**

Description	Type
□ El Tejaban Summary of Background	Cover Memo

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

Officers:

Miguel Hernandez-Cruz, Owner  
Rosa Zambrano, Owner

Criminal History:

Miguel Hernandez-Cruz has a disorderly conduct conviction from 2011. Rosa Zambrano, who also serves as the General Manager has no known criminal record.

Premises:

Brixmor Spe 1, LLC is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were eight Public Safety/Police contacts with El Tejaban Mexican Grill from October 2017 through September 2018. This compares with 11 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

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

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

## El Tejaban Mexican Grill

### Directors and Officers

Miguel Hernandez-Cruz	Owner
Rosa Zambrano	Owner

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### El Tejaban Mexican Grill

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>11</b>	<b>8</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>7</b>	<b>5</b>
Incidents (see bottom of page for specifics)	(7)	(5)
Alarm	(0)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>4</b>	<b>3</b>
Assists	(3)	(3)
Traffic	(1)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2017 through September 2018 were: two private properties (tow or repo), one assault, one disturbance and one suspicious vehicle.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 239**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses with outside service, for Thompson's Fireside Pizza, Inc. d/b/a Fireside Foundry, 6736 Penn Avenue South.**

**EXECUTIVE SUMMARY:**

On October 29, 2018, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses with outside service, for Thompson's Fireside Pizza, Inc. d/b/a Fireside Foundry. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses with outside service, for Thompson's Fireside Pizza, Inc. d/b/a Fireside Foundry, 6736 Penn Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 29, 2018, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses with outside service for Fireside Foundry.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance has been received showing West Bend Mutual as affording coverage. Worker's compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 69% of the total sales, while liquor accounted for 31% of the total sales.
- Environmental Health staff received no complaints regarding Fireside Foundry for the previous

year.

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

The On-Sale Intoxicating and Sunday liquor licenses will expire on December 31, 2018.

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

- Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution No. 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Fireside Foundry representative

**ATTACHMENTS:**

Description	Type
□ Fireside Foundry- Summary of Background	Cover Memo

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

Officers:

Richard Thompson, Owner

Criminal History:

Richard Thompson has no known criminal record. Storm Thompson, who serves as the General Manager has no known criminal record.

Premises:

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

Record of Service Calls:

There were five Public Safety/Police contacts with Fireside Foundry from October 2017 through September 2018. This compares with nine contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

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

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

## **Fireside Foundry**

### **Directors and Officers**

Richard Thompson

Owner

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## **PUBLIC SAFETY CONTACTS**

**October 2017 through September 2018**

### **Fireside Foundry**

	<b><u>2017</u></b>	<b><u>2018</u></b>
<b><u>TOTAL CONTACTS</u></b>	<b>9</b>	<b>5</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>7</b>	<b>3</b>
Incidents (see bottom of page for specifics)	(7)	(3)
Alarm	(0)	(0)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>2</b>	<b>2</b>
Assists	(1)	(2)
Traffic	(1)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2017 through September 2018 were: one damage to property, one hit and run and one suspicious vehicle.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 240**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses for Lyndale Smokehouse, LLC d/b/a Lyndale Smokehouse, 7745 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On October 30, 2018, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses for Lyndale Smokehouse, LLC d/b/a Lyndale Smokehouse. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses for Lyndale Smokehouse, LLC d/b/a Lyndale Smokehouse, 7745 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 30, 2018, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses for Lyndale Smokehouse.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance has been received showing Cincinnati Insurance affording the coverage. Workers' compensation insurance has also been supplied.
- Due to this establishment opening in March of 2018, there is no need for an accountant's statement regarding food/alcohol ratio.
- Environmental Health staff has received no complaints regarding Lyndale Smokehouse.

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

On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2018.

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

- Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Lyndale Smokehouse representative

**ATTACHMENTS:**

Description	Type
□ Lyndale Smokehouse Summary of Background	Cover Memo

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

Officers:

Harshal Patel, President  
Minesh Patel, Vice-President

Criminal History:

Harshal Patel has no known criminal record. Minesh Patel has no known criminal record. Scott Chisholm, who serves as the General Manager, has no known criminal record.

Premises:

The property is owned by MOA Hospitality Group, LLC. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were 76 Public Safety/Police contacts with Lyndale Smokehouse from October 2017 through September 2018. Because this is a new ownership, there are no records to compare. A breakdown of these contacts is attached to this report.

Violations:

There are no violations for the sale of alcohol to underage youth for Lyndale Smokehouse.

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

# Lyndale Smokehouse

## Directors and Officers

Harshal Patel  
Minesh Patel

President  
Vice-President

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Lyndale Smokehouse

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>0</b>	<b>76</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>0</b>	<b>40</b>
Incidents (see bottom of page for specifics)	(0)	(38)
Alarm	(0)	(2)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>0</b>	<b>36</b>
Assists	(0)	(30)
Traffic	(0)	(5)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(1)

The criminal contacts from October 2017 through September 2018 were: one auto theft, one fight, three intoxicated people, four miscellaneous, five property damage, seven suspicious vehicles, one order-protection violation, two domestics, one drug related, one terroristic threat, five thefts, seven disturbances, one fire alarm and one commercial alarm.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 241**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with outside service, for VPC Richfield Pizza, LLC d/b/a Giordano's of Richfield, 3000 66th Street West.**

**EXECUTIVE SUMMARY:**

On November 1, 2018, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses, with outside service, for VPC Richfield Pizza, LLC d/b/a Giordano's of Richfield, 3000 66th Street West. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with outside service, for VPC Richfield Pizza, LLC d/b/a Giordano's of Richfield, 3000 66th Street West.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 1, 2018, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses, with outside service for Giordano's of Richfield.

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

- The required license fees have been paid.
- Real estate taxes are current.
- Proof of commercial and liquor liability insurance have been received showing Employers Insurance Company of Wausau as affording coverage.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 89% of the total sales, while liquor accounted for 11% of the total sales.

- Environmental Health staff has received no complaints regarding Giordano's of Richfield for the previous year.

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

On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2018.

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

- Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- Licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution No. 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Giordano's of Richfield representative

**ATTACHMENTS:**

Description	Type
□ Giordano's Summary of Background	Cover Memo

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

Officers:

Yorgo Koutsogiorgas – President  
Brent Johnson - Secretary

Criminal Histories:

Yorgo Koutsogiorgas has no known criminal record. Brent Johnson has no known criminal record. Ehrick Holland, who serves as the General Manager has no known criminal record.

Premises:

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

Record of Service Calls:

There were four Public Safety/Police contacts with Giordano's of Richfield from October 2017 through September 2018. This compares with eight contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

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

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

# Giordano's of Richfield

## Directors and Officers

Yorgo Koutsogiorgas      President  
Brent Johnson              Secretary

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Giordano's of Richfield

	<u>2017</u>	<u>2018</u>
<b>TOTAL CONTACTS</b>	<b>8</b>	<b>4</b>
<b>CRIMINAL CONTACTS</b>	<b>4</b>	<b>2</b>
Incidents (see bottom of page for specifics)	(3)	(0)
Alarm	(1)	(2)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>4</b>	<b>2</b>
Assists	(3)	(1)
Traffic	(1)	(0)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(1)

The criminal contacts from October 2017 through September 2018 were: two commercial alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 242**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with outside service for Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar, 6601 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On October 29, 2018, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses, with outside service for Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with outside service for Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar, 6601 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 29, 2018, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses, with outside service for Houlihan's Restaurant & Bar.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing General Casualty Company of Wisconsin affording coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 68% of the total sales, while liquor accounted for 32% of the total sales.

- Environmental Health staff has received no complaints regarding Houlihan's Restaurant & Bar for the previous year.

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

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2018.

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

- Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Houlihan's representative

**ATTACHMENTS:**

Description	Type
□ Houlihan's Summary of Background	Cover Memo

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR WILTSHIRE RESTAURANTS, LLC d/b/a HOULIHAN'S RESTAURANT & BAR

Officers:

Paul Kirwin, President

Criminal History:

Paul Kirwin has no known criminal record. Lois Fillmore, who serves as the General Manager, has no known criminal record.

Premises:

Woodlake Partners, LLC is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were 74 Public Safety/Police contacts with Houlihan's Restaurant & Bar from October 2017 through September 2018. This compares with 32 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Houlihan's was July 16, 2001.

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

# Houlihan's Restaurant & Bar

## Directors and Officers

Paul Smith Kirwin                      President

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Houlihan's Restaurant & Bar

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>32</b>	<b>74</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>19</b>	<b>30</b>
Incidents (see bottom of page for specifics)	(19)	(29)
Alarm	(0)	(1)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>13</b>	<b>44</b>
Assists	(10)	(38)
Traffic	(3)	(3)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(3)

The criminal contacts from October 2017 through September 2018 were: four auto thefts, one disturbance, five drug related, one hit and run, three intoxicated people, two miscellaneous, eleven suspicious vehicles, one trespassing, one order for protection violation and one alarm.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 243**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses for Paisan Incorporated d/b/a Khan's Mongolian Barbeque, 500 78th Street East.**

**EXECUTIVE SUMMARY:**

On November 1, 2018, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses for Paisan Incorporated d/b/a Khan's Mongolian Barbeque. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses for Paisan Incorporated d/b/a Khan's Mongolian Barbeque, 500 78th Street East.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 1, 2018, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses for Khan's Mongolian Barbeque.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing State Auto P&C affording coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 94% of the total sales, while liquor accounted for 6% of the total sales.
- Environmental Health staff has received no complaints regarding Khan's Mongolian Barbeque for

the previous year.

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

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2018.

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

- Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Khan's Mongolian Barbeque representative

**ATTACHMENTS:**

Description	Type
□ Khan's Summary of Background	Cover Memo

SUMMARY OF BACKGROUND INVESTIGATION REPORT  
FOR PAISAN, INC. d/b/a KHAN'S MONGOLIAN BARBEQUE

Officers:

Mitchal Law, Owner/President  
Paisan Law, Vice President

Criminal History:

Mitchal Law, who also serves as the On Premise Manager, has a DWI conviction from 2010. Paisan Law has a DWI conviction and a misdemeanor careless driving conviction from 2007.

Premises:

A G Bogen Company is the owner of the property. The lease between the property owner and the applicant is in effect. All payments are current.

Record of Service Calls:

There were six Public Safety/Police contacts with Khan's Mongolian Barbeque from October 2017 through September 2018. This compares with nine contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth for Khan's Mongolian Barbeque was on September 30, 2005.

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

# Khan's Mongolian Barbeque

## Directors and Officers

Mitchal Wellington Law  
Paisan Shieh Law

Owner/President/Secretary  
Vice President/Treasurer

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## **PUBLIC SAFETY CONTACTS**

**October 2017 through September 2018**

### **Khan's Mongolian Barbeque**

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>9</b>	<b>6</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>8</b>	<b>2</b>
Incidents (see bottom of page for specifics)	(7)	(1)
Alarm	(1)	(1)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>1</b>	<b>4</b>
Assists	(0)	(1)
Traffic	(1)	(3)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(0)

The criminal contacts from October 2017 through September 2018 were: one miscellaneous and one commercial alarm.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 244**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses for Lyn 65, LLC d/b/a Lyn 65 Kitchen & Bar, 6439 Lyndale Avenue South.**

**EXECUTIVE SUMMARY:**

On November 6, 2018, the City received the application and other required documents for the renewal of On-Sale Intoxicating and Sunday Liquor licenses for Lyn 65, LLC d/b/a Lyn 65 Kitchen & Bar. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses for Lyn 65, LLC d/b/a Lyn 65 Kitchen & Bar, 6439 Lyndale Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On November 6, 2018, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses for Lyn 65 Kitchen & Bar.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing Illinois Casualty Company affording the coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 57% of the total sales, while liquor accounted for 43% of the total sales.
- Environmental Health staff has received no complaints regarding Lyn 65 Kitchen & Bar for the previous year.

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

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2018.

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

- Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Lyn 65 representative

**ATTACHMENTS:**

Description	Type
▢ Lyn 65- Summary of Background	Cover Memo

SUMMARY OF BACKGROUND INVESTIGATION FOR LYN 65, LLC  
d/b/a LYN 65 KITCHEN & BAR

Officers:

Bruce Hinks, President  
Ken Clark, Vice-President  
Ben Rients, Secretary

Criminal Histories:

Bruce Hinks has no known criminal record. Ken Clark has no known criminal record. Ben Rients, who also serves as the General Manager was convicted for a DWI in 2005 and convicted for intent to escape motor vehicle tax in 2012.

Premises:

HNC Properties, LLC is the owner of the property. The lease between the property owner and the applicant is in effect. All payments are current.

Record of Service Calls:

There were nine Public Safety/Police contacts with Lyn 65 from October 2017 through September 2018. This compares with 16 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

There have been no violations for the sale of alcohol to underage youth for Lyn 65 Kitchen & Bar.

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

## Lyn 65 Kitchen & Bar

### Directors and Officers

Bruce Hinks	President
Ken Clark	Vice-President
Ben Rients	Secretary

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Lyn 65 Kitchen & Bar

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>16</b>	<b>9</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>9</b>	<b>3</b>
Incidents (see bottom of page for specifics)	(8)	(1)
Alarm	(1)	(2)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>7</b>	<b>6</b>
Assists	(6)	(2)
Traffic	(1)	(3)
Inspections/Licensing	(0)	(0)
Medical/Fire	(0)	(1)

The criminal contacts from October 2017 through September 2018 were: one DWI, one fire alarm and one commercial alarm.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 245**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
11/19/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with outside service and the optional 2 a.m. closing, for Pizza Luce VII, Inc. d/b/a Pizza Luce, 800 66th Street West.**

**EXECUTIVE SUMMARY:**

On October 30, 2018, the City received the application materials for the renewal of On-Sale Intoxicating and Sunday Liquor licenses, with outside service, and the optional 2 a.m. closing, for Pizza Luce VII, Inc. d/b/a Pizza Luce. All required information and documents have been provided. All licensing fees have been received.

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the renewal of 2019 On-Sale Intoxicating and Sunday Liquor licenses, with outside service and the optional 2 a.m. closing, for Pizza Luce VII, Inc. d/b/a Pizza Luce, 800 66th Street West.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

On October 30, 2018, the City received the application and other required documents for On-Sale Intoxicating and Sunday Liquor licenses, with outside service and the optional 2 a.m. closing, for Pizza Luce.

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

- The required license fees have been paid.
- Real estate taxes are paid and current.
- Proof of liquor liability insurance coverage has been received showing State Auto Insurance Company affording coverage. Workers' compensation insurance has also been supplied.
- An accountant's statement has been prepared and submitted. This statement covers the period from October 2017 through September 2018, and indicates food sales accounted for 82% of the

total sales, while liquor accounted for 18% of the total sales.

- Environmental Health staff has received no complaints regarding Pizza Luce for the previous year.

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

The On-Sale Intoxicating and Sunday Liquor licenses will expire on December 31, 2018.

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

- Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues.

**D. FINANCIAL IMPACT:**

- The required licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution 9511 must be met, which outlines the discipline they can expect if any ongoing problems occur. A copy of the resolution has been given to the owners of the establishment.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could deny the requested licenses, which would mean the current applicants would not be able to obtain On-Sale Intoxicating and Sunday Liquor licenses, with outside seating and the optional 2 a.m. closing.
- Schedule the hearing for another date; however, this may delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Pizza Luce representative

**ATTACHMENTS:**

Description	Type
□ Pizza Luce Summary of Background	Cover Memo

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

Officers:

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

Criminal History:

Joseph Baier has no known criminal record. Scott Nelson has no known criminal record. Laura Hansen has no known criminal record. Julie Haywood has no known criminal record. Scott Schierman, who serves as the General Manager, has no known criminal record.

Premises:

JBB Properties, LLC is the owner of the property. The lease between the applicant and the landlord is in effect. All payments are current.

Record of Service Calls:

There were 49 Public Safety/Police contacts with Pizza Luce VII, Inc. from October 2017 through September 2018. This compares with 49 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

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

Routine Information:

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

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

The Notice of Public Hearing was published in the Richfield Sun Current on November 29, 2018.

## Pizza Luce

### Directors and Officers

Joseph Baier  
Scott Nelson  
Laura Hansen  
Julie Haywood

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

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## PUBLIC SAFETY CONTACTS

October 2017 through September 2018

### Pizza Luce

	<u>2017</u>	<u>2018</u>
<b><u>TOTAL CONTACTS</u></b>	<b>49</b>	<b>49</b>
<b><u>CRIMINAL CONTACTS</u></b>	<b>28</b>	<b>33</b>
Incidents (see bottom of page for specifics)	(25)	(27)
Alarm	(3)	(6)
<b><u>MISC. NON-CRIMINAL</u></b>	<b>21</b>	<b>16</b>
Assists	(5)	(7)
Traffic	(15)	(7)
Inspections/Licensing	(0)	(0)
Medical/Fire	(1)	(2)

The criminal contacts from October 2017 through September 2018 were: four theft auto, five disturbances, three fraud/credit card fraud, six intoxicating people, three suspicious activities, one hit-an-run, three DWIs, one fight, one miscellaneous, two commercial alarms and four fire alarms.

(Numbers in parenthesis are included in total contact figures)



**STAFF REPORT NO. 246**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Chris Regis, Finance Director

DEPARTMENT DIRECTOR REVIEW: Chris Regis, Finance Director  
11/27/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/3/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the adoption of resolutions approving the 2018 Revised/2019 Proposed budget and tax levy and related resolutions.**

**EXECUTIVE SUMMARY:**

On September 11, 2018, the City Council approved and certified a preliminary tax levy of \$21,626,692 which included an Economic Development Authority (EDA) levy of \$567,281 to Hennepin County.

The final tax levy of \$21,626,692 must now be considered and approved by the City Council. Taxpayers have received individual parcel specific tax notices in anticipation of the truth-in-taxation hearing.

The City of Richfield has conducted and closed its 2018 truth-in-taxation hearing on November 28, 2018. During the course of the public hearing, there was an opportunity for testimony from the general public. Information was also presented by staff regarding the proposed levy and budget. No official City Council action to act on the levy was permissible on the day of the public hearing.

Included for your consideration are salary increases for non-represented employee pay plans. The proposed increases are 3.00% increase for the Management and General Services, and the Specialized pay plans. The increases are effective the first full pay period of January 2019.

**RECOMMENDED ACTION:**

**By motion: Adopt resolutions approving the 2018 Revised/2019 Proposed budget and tax levy and related resolutions.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- N/A

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

- A revised 2018 budget and final 2019 budget and tax levy must be adopted on or before December 28, 2018.
- Cities then have five working days after December 20 or no later than December 28 to prepare all

the documentation necessary to certify a final levy to the County Auditor and State Department of Revenue.

- A proposed 2019 tax levy has been submitted to the City Council for consideration.
- Several related resolutions included within the total budget document need to be considered. These related resolutions are itemized in the attachment section of this staff report.

**C. CRITICAL TIMING ISSUES:**

- N/A

**D. FINANCIAL IMPACT:**

- The proposed gross tax levy for 2018 is \$21,626,692, which includes an EDA levy of \$567,281.
- The gross tax levy for 2019 reflects a 4.87% increase from the previous year's gross levy.
- The City's tax capacity rate will decrease from 57.729% in 2018 to 52.855% in 2019.
- 3.00% wage increase for Management, General Services, Specialized pay plan employees effective January 2019.

**E. LEGAL CONSIDERATION:**

- A truth-in-taxation public hearing for the 2019 proposed budget and tax levy was conducted on November 28, 2018.

**ALTERNATIVE RECOMMENDATION(S):**

- The City Council may adopt a final 2019 budget and tax levy in any amount, which does not exceed the levy of \$21,626,692.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

Description	Type
▢ 2019 Resolution Adopting Budget and Tax Levy	Resolution Letter
▢ Resolution Authorizing Budget Revisions	Resolution Letter
▢ Resolution Authorizing Revision of 2018 Budget of Various Departments	Resolution Letter
▢ Resolution Authorizing City's Mileage Reimbursement	Resolution Letter
▢ Resolution Adopting 2019 Capital Improvement Budget	Resolution Letter
▢ Resolution Adopting 2020-2023 Capital Improvement Plan	Resolution Letter
▢ Resolution Authorizing Purchasing Practices	Resolution Letter
▢ Resolution Establishing 2019 Utility Rates	Resolution Letter
▢ Resolution Establishing Public Works On-Call Compensation	Resolution Letter
▢ Resolution Adopting Appendix D 2019 Fees	Resolution Letter
▢ Resolution Relating to 2019 Pay Plans	Resolution Letter
▢ Resolution Approving Car Allowance Policy	Resolution Letter

**RESOLUTION NO.  
RESOLUTION ADOPTING A BUDGET AND TAX LEVY  
FOR THE YEAR 2019**

**WHEREAS**, the Minnesota Truth in Taxation law provides for a proposed tax levy to be certified to the County Auditor by October 1, 2018 and then recertified before December 28, 2018.

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

1. The budget for the City of Richfield for the year 2019 is hereby approved and adopted with appropriations for each of the departments to be as follows:

General Fund

Legislative/Executive	\$ 928,660
Administrative Services	746,390
Finance	657,700
Public Safety	9,516,580
Fire Services	4,441,800
Community Development	1,574,280
Public Works	4,187,140
Recreation Services	1,968,070
Transfers Out	210,000
<b>TOTAL GENERAL FUND</b>	<u><u>\$24,230,620</u></u>

2. The estimated gross revenue of the City of Richfield from all sources, including general ad valorem tax levies as hereinafter set forth for the year 2019 which are more fully detailed in the City Manager's official copy of the 2019 budget, are hereby found and determined to be as follows:

<b>TOTAL GENERAL FUND</b>	<u><u>\$24,230,620</u></u>
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3. There is hereby levied upon all taxable property in the City of Richfield a direct ad valorem tax in the year 2018, payable in 2019 for the following purposes and in the following amounts:

<u>PURPOSE</u>	<u>AMOUNT</u>
General Fund <sup>1</sup>	\$16,716,313 <sup>2</sup>
Equipment	800,000
Economic Development Authority	567,281
Debt Service	3,170,338
Cedar Point Tax Abatement	372,760

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

<sup>2</sup> General Fund Levy includes all fiscal disparities distribution amounts.

4. The debt service tax levy as established in the bond documents for the G.O. Street Reconstruction Bonds, Series 2012A, will be reduced from \$143,336 to \$130,955 due to the use surplus bond proceeds from the issue.
5. The debt service tax levy as established in the bond documents for the G.O. Street Reconstruction Bonds, Series 2015A will be reduced from \$625,203 to \$276,301 due to the utilization of gas and electric franchise fees.
6. The debt service tax levy established in the bond documents for the G.O. Street Reconstruction Bonds, Series 2018A will be reduced from \$703,474 to \$375,563 due to the utilization of gas and electric franchise fees.
7. The budget for the Housing and Redevelopment Authority of Richfield for the year 2019 is hereby ratified and approved. There is hereby levied upon all taxable property in the City of Richfield a direct ad valorem tax in the year 2018, payable in 2019 for the following purposes:

<u>PURPOSE</u>	<u>AMOUNT</u>
Housing and Redevelopment Authority	\$594,781

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

Adopted by the City Council of the City of Richfield, Minnesota this 11<sup>th</sup> day of December 2018.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

**RESOLUTION NO.  
RESOLUTION AUTHORIZING BUDGET REVISIONS**

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

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

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

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

The City Manager may increase the budget by City Council action provided that unbudgeted receipts will be available to equal or exceed the increased expenditures.

The City Manager may authorize transfers between divisions within a department providing the transfers do not increase or decrease the department or total budget.

The City Manager may transfer budgeted amounts between departments only with the approval of the City Council.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING REVISION OF 2018 BUDGET OF VARIOUS DEPARTMENTS**

**WHEREAS**, Resolution No. 11445 appropriated funds for personal services, other expenses and capital outlays for each department of the City for the year of 2018; and

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

**WHEREAS**, The City Manager has requested a revision of the 2018 budget appropriations in accordance with Charter provisions and as detailed in the Proposed 2019 budget document.

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

1. That the 2018 appropriations for each department of the General Fund be amended to establish the following totals:

<u>General Fund</u>	
Legislative/Executive	\$ 900,870
Administrative Services	694,420
Finance	690,270
Public Safety	9,008,680
Fire Services	4,270,910
Community Development	1,476,220
Public Works	4,085,980
Recreation Services	1,925,140
Transfer Out	195,000
TOTAL GENERAL FUND	<u>\$23,247,490</u>
DECREASE	<u>\$ 102,520</u>

2. Estimated 2018 gross revenue of the City of Richfield from all sources, as the same are more fully detailed in the City Manager's official copy of the proposed 2019 budget, are hereby revised as follows:

DECREASE	<u>\$102,520</u>
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3. That the City Manager and the Finance Manager bring into effect the provisions of this resolution.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December 2018.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

**RESOLUTION NO.  
RESOLUTION AUTHORIZING ADJUSTMENT TO CITY'S MILEAGE  
REIMBURSEMENT RATE TO CONFORM TO INTERNAL REVENUE SERVICE  
STATUTORY MILEAGE REIMBURSEMENT RATE**

**WHEREAS**, the Internal Revenue Service periodically adjusts the business mileage reimbursement rate; and

**WHEREAS**, the City of Richfield's present mileage reimbursement is in conformance with the Internal Revenue Service business mileage reimbursement rate; and

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

1. That the City Manager of Richfield is hereby authorized and directed to adjust the City's mileage reimbursement rate to be in conformance with Internal Revenue Service guidelines.
2. That the City's mileage reimbursement rate is not to exceed the Internal Revenue Service guidelines.

Approved by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

**RESOLUTION NO.**

**RESOLUTION ADOPTING THE 2019 CAPITAL IMPROVEMENT BUDGET**

**WHEREAS**, a proposed Capital Improvement Budget for 2019 has been prepared and submitted for review by the City Council in accordance with charter requirements; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the 2019 Capital Improvement Budget in the sum total of \$31,075,000 is hereby approved as amended and adopted with full recognition of the fact that the cost estimates are approximate and are subject to final cost estimates and that all awards of contracts for these projects are subject to necessary hearings and must be approved by the City Council in accordance with established laws and practices governing such action, and

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

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

**RESOLUTION NO.  
RESOLUTION ADOPTING THE 2020-2023 CAPITAL IMPROVEMENT PROGRAM**

**WHEREAS**, a proposed Capital Improvement Program 2020-2023 has been prepared for review by the Planning Commission in accordance with charter requirements; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the 2020-2023 Capital Improvement Program is hereby approved and adopted subject to annual review and revision;

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

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

**RESOLUTION NO.**

**RESOLUTION RELATING TO PURCHASING PRACTICES IN THE CITY OF  
RICHFIELD AMENDING RESOLUTION NO. 11451**

**WHEREAS**, the City Manager of the City of Richfield has purchasing authority pursuant to the City Charter and Administrative Ordinance Code; and

**WHEREAS**, the City Charter and Administrative Ordinance Code expressly state a purchasing authority limit for the City Manager, and

**WHEREAS**, all purchases in excess of \$100,000 will require approval by City Council.

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

That the City Manager of the City of Richfield is hereby granted the authority to enter into contracts or approve purchases on behalf of the City of Richfield up to, but not to exceed \$100,000.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

**RESOLUTION NO.**

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

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

SANITARY SEWER SERVICE RATES AND CHARGES FOR 2019

1. Pursuant to the provisions of Section 705.0 of the Ordinance Code of the City of Richfield, the rates and charges for use and service of the sanitary sewer system are hereby established to be those set forth in the following paragraphs of this resolution which rescinds Resolution No. 11452
2. Where the rate is not based upon the metered use of water, the following quarterly flat charges are established effective January 1, 2019 for each billing district as defined in paragraph 3 of this resolution.

A) Residential per unit	<u>2019</u> \$113.02
B) Commercial -	
For the equivalent of 10 or less persons	\$113.02
More than 10, less than 15	205.85
More than 15, less than 20	288.33
More than 20, less than 26	384.78
C) Institutional -	
For each public or private school the quarterly flat charge shall be charged whether the school is in session or not (rates being charged upon average yearly use); shall be based upon the number of students enrolled at the beginning of the quarterly billing period or the preceding period if school is not then in session; and shall be as follows:	
For each 100 grade school students or fraction in excess thereof	<u>2019</u> \$ 118.33
For each 100 junior high school students or high School students or fraction thereof	173.87
D) In addition to the above flat rates there shall be a customer Charge on each invoice as determined in paragraph 4 of this resolution and a certification charge as determined in Section 705.0 of the City Ordinance Code.	

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

- A) For all residential premises the rate shall be based on The actual use, or less of water for the preceding winter quarter, per thousand gallons with a minimum of 7,000 gallons, effective January 1, 2019, for each customer billing district and shall be as follows: 2019

\$ 5.63

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

- B) For all commercial, institutional, industrial, and other premises, the rate per thousand gallons of water effective January 1, 2019, shall be as follows: \$ 5.63

- C) A customer charge shall be made for each invoice rendered effective January 1, 2019 as follows: \$ 10.00

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

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

4. The foregoing rates and charges are in addition to, and not in lieu of, other rates and charges established by ordinance or resolution.

5. The Metropolitan Airports Commission (MAC) will be charged a sanitary sewer rate based on the Met Council Environmental Services (MCES) rate plus 15% for Inflow/Infiltration and \$1,000.00 per quarter for administration costs.

#### WATER RATES AND CHARGES FOR 2019

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

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

- Water-Tier 1: The first tier rate is (\$3.90 per thousand) charged for consumption of the first 15,000 gallons.
- Water-Tier 2: The second tier rate is (\$4.69 per thousand) charged for consumption of 15,001 gallons but less or equal to 25,000 gallons.
- Water-Tier 3: The third tier rate is (\$5.64 per thousand) charged for consumption in excess of 25,001 gallons.

Irrigation accounts: All consumption will be charged at the (\$5.64 per thousand) water-tier 3 rate.

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

Water charges shall be payable quarterly, and all bills issued after January 1, 2019 shall be at this rate.

#### SPECIAL WATER SERVICE CHARGES FOR 2019

1. Pursuant to the provisions of Section 715.0 of the Ordinance Code of the City of Richfield, the rates and charges for special customer services are hereby established to be those set forth in the following paragraphs of this resolution:
2. The charge for establishing a new customer account shall be \$15.00 per account.
3. The charge for installation of meters shall be \$50.00 per installation.
4. The charge to flush and maintain fire hydrants located on privately owned property within the City shall be \$50.00 per hydrant per year plus any required parts.
5. The charge to thaw and service water pipes on customer property shall be actual cost to the City plus thirty percent.
6. The charge for any other services not covered by the above shall be based on actual hourly cost to the City plus thirty percent.
7. The MN lab fee will is \$6.36.

#### STORM SEWER RATES AND CHARGES FOR 2019

1. Pursuant to the provisions of Section 720.0 of the Ordinance Code of the City of Richfield, the rates and charges for City storm sewer service are hereby established to be those set forth in the following paragraphs of this resolution:
2. The rates and charges for the use and availability of the system are determined through the use of a "Residential Equivalent Factor" (REF). One REF is defined as the ratio of the average volume of surface runoff coming from one acre of land and subjected to a particular use, to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the City during a standard one year rainfall event. The REF's for the following land uses within the City and the billing classifications for such land uses are as follows:

<u>LAND USES</u>	<u>REF</u>	<u>CLASSIFICATION</u>
Cemeteries	.25	1
Parks and railroads	.75	2
Two-family residential	1.00	3
Single-family residential	1.00	4
Public and private schools and institutional uses	1.25	5

Multiple-family residential uses and churches	3.00	6
Commercial, industrial, and Warehouse uses	5.00	7

- The basic system quarterly rate for storm sewer service is \$95.12 per acre of land. \$19.02 is the quarterly rate for a single-family residence, which is considered to have an acreage of one-fifth acre. The charge made against each parcel of land is then determined by multiplying the REF for the parcel's land use classification times the parcel's acreage times the basic system rate.

### STREET LIGHT RATES AND CHARGES FOR 2019

- Pursuant to the provisions of Minnesota State Statutes, Section 429.101 and Section 825 of the Ordinance Code of the City of Richfield, the rates and charges for City street light service are hereby established to be those set forth in the following paragraphs of this resolution:
- The street light fee for residential single family property is \$5.77 per quarter.
- Rates for other land uses will be determined by land use types based on the following table:

#### STREET LIGHT LAND USES:

COM	All commercial properties, to include multifamily residents (apartments) and industrial parcels.
RES	All residentially coded parcels.
PUB	Public buildings, i.e. City Hall, City Garage, and Fire Stations
CHURCH	All Churches also to include cemeteries and activity buildings associated with a Church
SCH	All schools, to include private and public schools.
PRK	All parks owned by the City of Richfield, also to include Nature Centers and all "properties" located within city park parcels
DPLX	Addresses that split a residential lot, to include townhomes, 3-plexes, and 4-plexes.

LAND USE CODE	MULTIPLIER	To Bill FACTOR
COM (acres>0.2)	5*	(5 x ACREAGE)
if acres≤0.2	----	1
RES	----	1
PUB (acres>0.2)	5	(5 x ACREAGE)
if acres ≤0.2	----	1
CHURCH (acres>0.2)	1.25**	(1.25 x ACREAGE)
if acres ≤0.8	----	1
if acres ≤0.2	----	1
SCH (acres>0.2)	1.25	(1.25 x ACREAGE)
if acres ≤0.8	----	1
if acres ≤0.2	----	1
PRK	1.25	(1.25 x ACREAGE)
DPLX	----	0.5

4. The multiplier of "5" is based on the definition that a residential lot is 1/5 of an acre; hence multiplying acreage by 5 produces the equivalent number of residential lots.
5. The multiplier of "1.25" is based on the definition that a residential lot is 1/5 of an acre and multiplying acreage by 5 produces the equivalent number of residential lots. However, the total area of each parcel is not proportional to the number of street lights in an equivalent residential area so the factor of 5 is reduced by 75%, producing 1.25.

#### 6.5% PENALTY ON PAST DUE ACCOUNTS

1. Customers will have twenty eight (28) days to pay their water, sanitary sewer, storm sewer, and street light quarterly bills from the date of the mailing by the City. Any unpaid amount will be added to the next quarterly bill along with a 6.5% penalty on the delinquent amount.
2. The penalty charge when billed on past due accounts shall be allocated proportionally between the City's water fund, sewer fund, and storm sewer fund based on the user fees billed for each fund.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

**RESOLUTION NO.**

**RESOLUTION ESTABLISHING A PUBLIC WORKS ON-CALL COMPENSATION  
POLICY**

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

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

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

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

Public Works Superintendents/Managers/Supervisors who remain on-call by carrying the emergency cell phone (or similar device) for a period of one week will be compensated at a rate established annually as part of the budget preparation process, beginning with \$120 a month in 2019.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December 2018.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

**RESOLUTION NO.**

**RESOLUTION ESTABLISHING 2019 LICENSE, PERMIT AND MISCELLANEOUS FEES  
PURSUANT TO THE PROVISIONS OF APPENDIX D OF THE ORDINANCE CODE OF THE  
CITY OF RICHFIELD RESCINDING RESOLUTION NO. 11454**

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

**Section 1. - Establishing Fees.**

- A. License, permit and miscellaneous fees required under the ordinances of the City of Richfield shall be as stated in the sections of this resolution.
- B. A period of no less than 30 days will be allowed for the remittance of City Business license renewal fees contained in Sections 5, 6, 7, 8 and 9 of this resolution.
- C. A 10% administrative surcharge will be assessed upon all renewals contained in Section 5, 6, 7, 8 and 9 of the resolution if not received by the City on or before December 31st of each year. The 10% surcharge will be based upon the cost of the license.
- D. Nothing in this section shall be deemed to require the City to issue or renew any license for which the fee has not been paid in a timely manner.

**Section 2. - Construction and Related License Fees.**

Type of Permit or License	Section Requiring	Description	Fee
(1) Heating and Ventilating Installer	400.07	1 Year	\$ 80.00
(2) Sign Installer	416.01—416.13	1 Year	\$ 80.00
(3) Electrical Installer	400.03—400.09	State License Required	
(4) Plumber	400.03—400.09	State License Required	
(5) Well Driller	620	State License Required	

**Section 3. - Public Works Fees.**

Type of Permit or License	Section Requiring	Description	Fee
(1) Benches	805.01—805.27	First Year	\$ 80.00

		Renewal	\$ 30.00
(2) Boulevard feature Permit	811.07	a) Application to place a privately owned feature in the boulevard	\$ 30.00
		b) If applied for after installation of feature has begun	\$ 60.00
(3) Excavation in Public Right of way	800.01— 800.15	a) For each transverse excavation and each 100 feet or portion thereof longitudinal excavation and for each 100 feet of curb and gutter or portion thereof installed or driveway apron installed, except when survey and grade stakes are set by City	\$ 125.00
		b) If applied for after excavation has begun	\$ 250.00
		c) For each pothole	\$ 20.00
(4) Pole Attachment /Small Cell Facilities Permit	802	a) Application to attach, collocate, or construct pole or pole attachment on City facilities in the City Right-of-way	\$1,500/unit
		a) Annual rental fee per attachment to collocate on the city structure, per agreement	Up to \$150/unit
		a) Annual maintenance fee associated with the collocation, per agreement	Up to \$25/unit
		Monthly Electrical Fees a) Radio node less than or equal to 100 maximum watts b) Radio node over 100 maximum watts c) The actual cost of electricity	\$73.00/node \$182.00/node
(5) Forestry Permit	810	Applies only to trees on City property and public ROW	\$ 50.00
(6) Seasonal Load Limit		a) Per load	\$ 25.00

Exemption			
		b) If applied for after delivery	\$ 50.00
(7) Obstruction Permit	802.17	(a) Short term, temporary single lane closure of less than four hours	No fee
		(b) Lane closures longer than four hours' duration (or if between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m.)	
		Arterial	
		Day (per block or portion thereof)	\$ 60.00
		Full Closure (per block or portion thereof)	\$ 300.00
		Collector	
		Day (per block or portion thereof)	\$ 30.00
		Full Closure (per block or portion thereof)	\$ 75.00
		Local/Residential	
		Day (per block or portion thereof)	\$ 15.00
		Full Closure (per block or portion thereof)	\$ 45.00
		Sidewalk/Bike Lanes	
		Day	\$ 30.00
		If applied for after obstruction closure has begun	
		(c) Short term, temporary single lane closure less than four hours	No fee
		(d) Lane closures longer than four hours' duration (or if between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m.)	

		Arterial	
		Day (per block or portion thereof)	\$ 120.00
		Full Closure (per block or portion thereof)	\$ 300.00
		Collector	
		Day (per block or portion thereof)	\$ 60.00
		Full Closure (per block or portion thereof)	\$ 150.00
		Local/Residential	
		Day (per block or portion thereof)	\$ 30.00
		Full Closure (per block or portion thereof)	\$ 90.00
		Sidewalk	
		Day	\$ 60.00
		If the closures are not removed by the permitted completion date, then additional Days will be charged at double the rate	
(8) Noise Ordinance Exemption	930.35	(a) With conditions added as required	\$ 50.00
		(b) If applied for after violation	\$ 100.00
(9) Certification Charge	705.03— 705.21	All delinquent accounts	\$ 50.00
(10) NSF Check Charge			\$ 30.00
(11) Utility Services			

Sanitary Sewer	700.05	All land uses	
New Service			\$ 125.00
Repair			\$ 125.00
Disconnect			\$ 125.00
Replacement			\$ 125.00
Sewer Service Line Televising			\$ 75.00
Water Service	715.01	All land uses	\$ 125.00
New Service			\$ 125.00
Repair			\$ 125.00
Disconnect			\$ 125.00
Replacement			
Turn on/off			\$ 50.00
Meter Installation			\$ 50.00
Private Hydrant			\$ 50.00
Storm Sewer	720	All land uses	
New Service			\$ 125.00
Repair			\$ 125.00
Disconnect			\$ 125.00
Replacement			\$ 125.00

(12) Street Light Banners	855.05	First time applicant to hang street light banners within a district of for an event.	\$ 50.00
		Per street light banner installation (no existing hardware)	\$ 20.00
		Per street light banner installation if supporting hardware exists on the light pole.	\$ 10.00
		Per street light banner removal	\$ 10.00
		Permit Renewal: Annually for both decorative and event banners, unless banner design has changed, then full application fee is charged. If annual renewal is not completed, the permittee risks removal of all banners at the permittee's expense.	\$ 10.00

**Section 4. - Fire Services Fees.**

Type of Permit or License	Section Requiring	Description	Fee
(1) Fire Prevention Code	400.21— 400.29	For initial fee required under code Per Year	\$ 80.00
		For each additional fee required under code	\$ 20.00
		Penalty If not renewed within 2 months of notification Per Year	\$ 75.00
(2) Daycare/Adult Foster Care Facility Inspection			\$ 80.00
(3) Reimbursement Fee for Fire/Rescue Unit		Per Hour	\$ 375.00
(4) Sale of Consumer	1131	(a) License per location selling only	\$ 350.00

Fireworks		consumer fireworks Per Year	
		(b) License per location of each other retail seller Per Year	\$ 100.00

**Section 5. - Amusement and Recreation Licenses and Permits.**

Type of Permit or License	Section Requiring	Description	Fee
(1) Arcade	1105	1 Year	\$ 576.00
(2) Amusement Device	1100.01	(a) Mechanical Amusement Device (Pinball) 1 Year	\$ 15.00
		(b) Mechanical Music Box 1 Year	\$ 15.00
		(c) Video Games 1 Year	\$ 15.00
(3) Lawful Gambling	1100.13	Bingo, Tipboard, Paddle Wheel, Raffle, Pull Tabs	State Fee
(4) Itinerant Place of Amusement	1100.05— 1100.11	1 Day	\$ 310.00
(5) Public Dance	1110.03	For each day dances are held: 1 month:	\$ \$3.00 \$ 49.00
		No fee for locations holding tavern licenses.	
(6) General Amusement	1100.03	(a) Billiard, Pool or Pigeonhole table (each) 1 Year	\$ 15.00

		1. Coin operated 1 Year	\$ 15.00
		(b) Bowling Alley (per lane) 1 Year	\$ 47.00
		(c) Circus 1 Year	\$ 202.00
		(d) Dance Hall 1 Day	\$ 202.00
		(e) Golf	
		1. Miniature 1 Year	\$ 47.00
		2. Driving Tee 1 Year	\$ 47.00
		(f) Mountback 1 Day	\$ 193.00
		(g) Rides, mechanical/animal of any kind (ea) 1 Year	\$ 15.00
		(h) Shows, any kind 1 Day	\$ 193.00
		(i) Shuffleboard (each lane) 1 Year	\$ 16.00
		(j) Other games 1 Day	\$ 15.00
(7) Musical Concert	1110.01	Per event	\$ 49.00
(8) Theatre Cinema	1120	1 Year	\$ 242.00
		Plus a notice publication fee	\$ 7.00
(9) Roller Rink	1115	1 Year or portion thereof	\$ 242.00
(10) Commercial Adult- Oriented Enterprises	605	1 Year	\$ 2,876.00

		Investigation fee 1 Year	\$ 2,876.00
(11) Masseur/Masseuse	605	Certificate fee 1 Year	\$ 97.00
		Investigation fee 1 Year	\$ 242.00
(12) Public Baths	610	1 Year	\$ 3,331.00
		Investigation fee (actual cost minimum)	\$ 3,331.00
(13) Fortune Teller and related trade	1130.05— 1130.07	1 Day	\$ 193.00
		1 Week	\$ 574.00
		1 Month	\$ 1,147.00
		1 Year	\$ 1,918.00
(14) Adult Establishments	1196	Annual license 1 Year	\$ 2,876.00
		Investigation fee (new license)	\$ 2,876.00

**Section 6. - Animal Licenses and Permits.**

Type of Permit or License	Section Requiring	Description	Fee
(1) Animals	905.01— 905.29	(a) Animals (Spayed or Neutered) with option to purchase a multi-year license 1 Year	\$ 15.00
		(b) Animals (Not Spayed or Neutered) 1 Year	\$ 25.00
		(c) Duplicate Animal License	\$ 7.00
		(d) Late Penalty	\$ 10.00
	905.31— 905.33	(e) Commercial Kennel 1 Year	\$ 217.00
		(f) Residential Kennel 1 Year	\$ 100.00

		(g) Veterinary	\$ 217.00
	905.37— 905.39	(h) Pigeons 1 Year	\$ 43.00
	905.41	(i) Non-domestic Animals (Temporary Permit)	\$ 30.00
	905.01— 905.29	(j) Impounding (each animal) 1st time	\$ 64.00
		2nd Time	\$ 127.00
		3rd time (each impound after)	\$ 191.00
		(k) Dangerous dog registration fee State Statute 347.51)	\$ 500.00
	906.13	(l) Beekeeping Registration fee	\$ 30.00

**Section 7. - Vehicle and Transportation License and Permit Fees.**

Type of Permit or License	Section Requiring	Description	Fee
(1) Aircraft	1340	1 Day	\$ 56.00
(2) Garbage and Refuse Collection	601.01— 601.33	Commercial and Residential	
		First vehicle 1 Year	\$ 287.00
		Each additional vehicle 1 Year	\$ 61.00
(3) Motor Vehicle Dealer	1155	Per place of business 1 Year	\$ 430.00
		Each additional place of business 1 Year	\$ 163.00
(4) Motor Bicycle	1160	Per place of business 1 Year	\$ 249.00

Business			
		Per place of business to sell, rent or lease 1 Year	\$ 114.00
(5) Sound Truck	1165	Per vehicle 1 Year	\$ 249.00
		Per vehicle 1 Day	\$ 38.00
(6) Taxicab	1170	First vehicle or auto livery 1 Year	\$ 622.00
		Each additional vehicle or auto livery operated at any time within license period 1 Year	\$ 77.00
(7) Taxicab Driver	1175	1 Year	\$ 58.00
(8) Rental or Utility Trailers and Trucks	1185	Each place of business 1 Year	\$ 114.00

**Section 8. - Commercial Business and Trade Licenses and Permits.**

Type of Permit or License	Section Requiring	Description	Fee
(1) Firearms Dealer	920.01— 920.05	1 Year	\$ 1,918.00
(2) Food Establishments	617	(A) Type I Establishment, a large 1 year high-risk food establishment serving on average 500 or more meals per day; having 175 or more seats; or having 500 or more customers per day	
		(1) Food service or retail food establishment	\$ 861.00
		(2) School, kindergarten through grade 12	\$ 632.00

		(3) Daycare Center or Preschool	\$ 632.00
		(B) Type II Establishment, a small high-risk food establishment serving on average fewer than 500 meals per day; having fewer than 175 seats; or having fewer than 500 customers per day	
		(1) Food service or retail food establishment	\$ 739.00
		(2) School, kindergarten through grade 12	\$ 492.00
		(3) Daycare Center or Preschool	\$ 492.00
		(C) Type III Establishment, a medium risk food establishment serving mainly non-potentially hazardous foods and potentially hazardous foods prepared elsewhere and only heated or held cold onsite; or serving or retailing foods such as pizza carryout or delivery, requiring handling followed by heat treatment	
		(1) Food service or retail food establishment	\$ 632.00
		(2) School, kindergarten through grade 12	\$ 317.00
		(3) Daycare Center or Preschool	\$ 317.00
		(D) Type IV Establishment, a food establishment with minimal food handling such as preparing coffee, hot dogs, blended or mixed drinks, packaged foods customers heat onsite, continental breakfasts, unpackaged baked goods made elsewhere	
		(1) Food service or retail food establishment	\$ 412.00
		(2) School, kindergarten through grade 12	\$ 191.00

		(3) Daycare Center or Preschool	\$ 191.00
		(E) Type V Establishment, a food establishment with non-potentially hazardous food or food products sold in the original packaging	
		(1) Food service or retail food establishment	\$ 253.00
		(2) School, kindergarten through grade 12	\$ 158.00
		(3) Daycare Center or Preschool	\$ 158.00
		(F) Supplemental Facility	
		(1) High Supplemental Facility (like Type I and II)	\$ 158.00
		(2) Medium Supplemental Facility (like Type III and IV)	\$ 126.00
		(3) Catering Supplemental Facility (for Food Catering Vehicle(s) and equipment)	\$ 191.00
		(4) Low Supplemental Facility (like Type V)	\$ 94.00
		(G) Temporary Food Establishment	
		(1) Complex Temporary 1 to 3 days (like Type I and II)	\$ 158.00
		(2) Complex Temporary 4 to 21 days (like Type I and II)	\$ 285.00
		(3) Simple Temporary 1 to 3 days (like Type III, IV and V)	\$ 66.00
		(4) Simple Temporary 4 to 21 days (like Type III, IV and V)	\$ 152.00
		(5) Temporary Food Multi-Vendor	\$ 800.00

		(H) Farmer's Market Stand (stands not exempted from licensing in Minnesota Statue Chapter 28A)	\$ 191.00
		(I) Vending Machines	
		(1) Food and beverage (except items in 2)	\$ 20.00
		(2) Nuts, gum balls, hard candy and unsorted confections	\$ 15.00
(3) Automobile Washing Establishment	1125	Per calendar Year or fraction thereof	\$ 191.00
(4) Scavenger	601.17	Each vehicle 1 Year	\$ 56.00
		Permit fee for opening cesspool or dumping contents of each cesspool into City sewer	\$ 29.00
(5) Incinerator	601.29— 601.31	1 Year	\$ 56.00
(6) Tobacco	1146.01(MS 461.12)	Retail Sale and Distribution - License issued on calendar Year (cigarette vending machines prohibited) (Bill No. 1998-19)	\$ 481.00
(7) Transient Merchant	1181.01— 1181.09	1 Day	\$ 122.00
(8) Wagon Peddler	1181	1 Year	\$ 288.00
(9) State hawker or Peddler license	1181	6 month/per person covered	\$ 72.00
(10) Canvasser or Solicitor	1181	6 month/per person covered	\$ 72.00
(11) Christmas Tree Sale	1130.03	1 Year	\$ 156.00
(12) Lodging	618	(A) Hotel/Motel	\$ 266.00

Establishments			
		(1) Each Guestroom	\$ 20.00
		(B) Lodging House, lodging accommodation for 5 or more regular roomers, no food provided	
		(1) Five to 25 beds	\$ 253.00
		(2) 26 or more beds, each bed	\$ 11.00
		(C) Small Boarding House, food and lodging accommodations for 5 to 10 regular boarders. Food license included.	
		(1) Five to 10 beds	\$ 253.00
		(D) Large Boarding House, food and lodging accommodations for 11 or more. A separate food license is required.	
		(1) 11 to 25 beds	\$ 253.00
		(2) 26 or more beds, each bed	\$ 11.00
		(E) Bed and Breakfast, food license is included	\$ 253.00
(13) Outdoor Merchandising	1135	Permit	\$ 121.00
(14) Storage Enclosure	1135	Per Enclosure	\$ 105.00
(15) Pawnbroker	1187	(a) Pawnbroker 1 Year	\$ 4,999.00
		(b) Owner investigation fee 1 Year (nonrefundable)	\$ 2,874.00
		(c) Manager investigation fee 1 Year (nonrefundable)	\$ 1,040.00

		(d) Employee investigation fee 1 Year (nonrefundable)	\$ 100.00
		(e) Transaction fee - per transaction	\$ 2.00
(16) Secondhand Goods Dealer	1186	(a) Secondhand Goods Dealer 1 Year	\$ 549.00
		(b) Initial investigation fee (nonrefundable) actual costs in excess of above with total not exceeding	\$ 2,298.00
		Applicant shall deposit \$1,200.00 with Licensing Clerk along with application. Amount in excess of actual application costs shall be refunded.	
(17) Auto Detailing Establishment	1195.01	1 Year	\$ 427.00
(18) Tattoo, Body Piercing, Body Painting or Body Branding	630	(a) Tattoo, body piercing, body painting or body branding 1 Year	\$ 957.00
		(b) Initial investigation fee (nonrefundable) 1 Year	\$ 2,874.00
(19) Temporary Tattoo, Body Piercing, Body Branding and Body painting events	630	Per booth	\$ 56.00
(20) Massage Therapy Enterprise License (Business license)	1188	Annual license 1 Year	\$ 957.00
		Investigation fee (new license)	\$ 957.00
Massage Therapist (Individual		Annual license 1 Year	\$ 97.00

License)			
		Investigation fee (new license)	\$ 97.00
Temporary Massage Therapist License		Per temporary location	\$ 192.00
(21) Public Swimming Pools	619	(A) Indoor	
		(1) First pool	\$ 253.00
		(2) Each additional pool	\$ 126.00
		(B) Outdoor	
		(1) First pool	\$ 253.00
		(2) Each additional pool	\$ 126.00
		(C) School, K through grade 12, pools	
		(1) First pool	\$ 165.00
		(2) Each additional pool	\$ 94.00
(22) Motion pictures and commercial photography permit	1197	Per event Photography Motion picture (based on application)	\$ 50.00 \$ 200.00

**PLAN REVIEW FEE FOR FOOD, THERAPEUTIC MASSAGE AND LODGING**

**PERCENTAGE OF FACILITY INVOLVED WILL BE DETERMINED BY STAFF**

Descriptions:

Type I Establishment, a large high-risk food establishment serving on average 500 or more meals per day; having 175 or more seats; or having 500 or more customers per day.

Type II Establishment, a small high-risk food establishment serving on average fewer than 500 meals per day; having fewer than 175 seats; or having fewer than 500 customers per day.

Type III Establishment, a medium risk food establishment serving mainly non-potentially hazardous foods and potentially hazardous foods prepared elsewhere and only heated or held cold onsite; or serving or retailing foods such as pizza carryout or delivery, requiring handling followed by heat treatment.

Type IV Establishment, a food establishment with minimal food handling such as preparing coffee, hot dogs, blended mixed drinks, packaged foods customers heat onsite, continental breakfasts, unpackaged baked goods made elsewhere.

Type V Establishment, a food establishment with non-potentially hazardous food or food products sold in the original packaging.

Environmental plan review—includes the physical remodeling, updating, equipment replacement, equipment additions and the general overall review of all plans/work. This also includes all new development projects.

	New Construction and/or Major Remodel (over 50% of facility involved)	Extensive Remodel (25—50% of facility)	Minor Remodel 0—24% of facility)	Non-remodel approval consultation \$5,000 or less in costs)
Type I	\$3,056.00	\$1,593.00	\$860.00	\$146.00
Type II	\$2,105.00	\$1,153.00	\$641.00	\$146.00
Type III	\$1,153.00	\$642.00	\$383.00	\$146.00
Type IV	\$565.00	\$220.00	\$111.00	No fee
Type V	New project or change of owner - \$ 134.00		Minor remodel - permit but no plan check fee	
Therapeutic Massage	\$ 146.00	\$ 146.00	\$146.00	\$146.00
Lodging	\$2,547.00	\$1,371.00	\$714.00	\$146.00

**Section 9. - Liquor and Related License and Permit Fees.**

Type of Permit or License	Section Requiring	Description	Fee
(1) 3.2 Malt Liquor	1202.05	(a) On-Sale 1 Year	\$ 912.00
		(b) Tavern (dance) 1 Year	\$ 745.00
		(c) Wholesale 1 Year	\$ 44.00
		(d) Growler (Micro Brewery Off-Sale Malt Liquor) 1 Year	\$ 175.00
		(e) Off-Sale 1 Year	\$ 264.00
		(f) Club (Bottle Club) 1 Year	\$ 603.00
		(g) Temporary per event	\$ 67.00
(2) Liquor	1202.05	(a) On-Sale 1 Year	\$ 15,036.00
		(b) Sunday (Fee set by state law) 1 Year	\$ 200.00
		(c) Wine 1 Year	\$ 1,325.00
		(d) Taproom (Micro Brew On-Sale Malt Liquor) 1 Year	\$ 700.00
		(e) Cocktail Room (Micro Distillery On Sale) 1 Year	\$ 800.00
		(f) Micro Distillery Off Sale 1 Year	\$ 600.00
		(g) Veterans' Organization (Ex-Sunday) 1 Year	\$ 863.00
		(h) Temporary per event	\$ 137.00
(3) Employee License On-Sale Liquor Establishments	1208.01	Effective 10/1/95 all licenses issued shall be valid for a period of two years from the date of initial application	\$ 37.00

(4) Investigation Fee	1202.01— 1202.21	(a) On-Sale liquor including Veterans' Organization	\$ 824.00 and
		Each person shown on application	\$ 247.00
		Each additional investigation for each person not listed on original or renewal application (excluding Veteran's Organizations)	\$ 247.00
	1202.11	(b) Wine, Taproom, Brewpub, Distillery, and	\$ 824.00
		Each person shown on application	\$ 247.00
		Each additional investigation for each person not listed on original or renewal application	\$ 247.00
	1202.11	Investigation of substitute manager	\$ 103.00

**Section 10. - Housing Inspection and Rental License Fees.**

Type of Permit or License	Section Requiring	Description	Fee
(1) License for Apartment Houses and Rental Homes	405	(a) Apartment House 1 Year	\$ 145.00
		Each unit	\$ 15.00
		(b) Rental Home - single family dwelling 1 Year	\$ 145.00
		(c) Duplexes/double bungalows/townhouses	
		First unit 1 Year	\$ 145.00
		Each additional rental unit 1 Year	\$ 85.00

		(d) Late Fee—To be charged each month the license is late	10% of the annual license fee, with a minimum monthly fee of \$50.00 and a maximum monthly fee of \$500.00, charged each month the fee is late
		(e) License Transfer Fee	\$ 50.00
		(f) Reinstatement of suspended license	100% of license fee (minimum \$80.00)
		(g) Reinstatement of Revoked license	200% of license fee
		(h) Re-Inspection Fee	
		1. multi-family	\$80.00 for each building with 4 to 11 units \$100.00 for each building with 12 or more units
		2. single family & duplex	\$50.00 ea.
		(Inspection over standard 2 inspections) Reinspection fees shall be payable at the time of license renewal and no renewal license shall be issued unless all inspection fees are paid	
		(i) Provisional license for apartment house Includes first unit	\$ 290.00
		Each additional unit	\$ 30.00
		Provisional license for Rental Home—single family dwelling 1 Year	\$ 290.00
		Provisional license for duplex	\$ 290.00

		First unit	
		Each additional unit	\$ 170.00
		(j) Investigation fee for operating a rental property without a license	\$ 500.00
(2) Certificate of Housing maintenance Compliance	405.26	Single family home (includes one reinspection)	\$ 150.00
		2-family home (includes one reinspection)	\$ 230.00
		Condominium (includes one reinspection)	\$ 100.00
		Reinspection Fee	\$ 50.00
		Fee to process cash escrow agreement	\$ 50.00
		Fee to process Agreement to Comply	\$ 50.00
(3) Permit Fee for Rooming House	405.15-16	1 Year	\$ 170.00

**Section 11. - Miscellaneous Fees.**

Type of Permit or License	Section Requiring	Description	Fee
(1) Permit to reside	1190	In motel for more than six Months	\$ 17.00
(2) Permit to Carry a Gun		Permit Issued By County	
(3) False Alarms (billable)		(a) in excess of 2 for calendar Year	\$ 100.00

		(b) in excess of 10 for calendar Year	\$ 200.00
		(c) in excess of 20 for calendar Year	\$ 300.00
(4) Nuisance Conduct Fee	925	Third call to a property for nuisance conduct within a 365-day period	\$ 250.00
(5) Copying Services Provided		Flat rate (per page)	\$ .25
		Special rate	
		(a) Black & White Photocopy rate	
		8.5 x 11 (per side)	\$ .25
		8.5 x 14 (per side)	\$ .25
		MN Statute 13.03C	
		11 x 17 (each)	\$ .50
		24 x 36 (each)	\$ 2.50
		X-large	\$ 2.50
		Color Photocopy rate	
		8.5 x 11 (per side)	\$ 1.00
		8.5 x 14 (per side)	\$ 2.00
		11 x 17 (each)	\$ 4.00
		24 x 36 (each)	\$ 18.00
		X-large	\$ 3.00/ sq. ft.
		(b) Labor	hourly wage

			& 33%
		(c) Postage	prevailing rate
		(d) Fax per page	\$ .50
		(e) CD of meeting (per CD)	\$ 5.00
		(f) DVD of meeting (per DVD)	\$ 15.00
		(g) Electronic copies (CD or disk)	\$ 5.00
		(h) As built (per image)	\$ .50
(6) Notary Fee		Fee Set By State	
(7) Candidate Filing Fee	City Charter 4.04		\$ 25.00
(8) Photo Fee		Includes 2 photos	\$ 16.00 including tax
(9) Assessing Fees	Special	Special Assessment Searches	
		- One free property identification number (PID) search per Day	
		- if more than one search per Day (per search)	\$ 3.00
		Special Assessment Search Report	
		- per PID	\$ 15.00
		Creation of New or Special Report	
		- Fees to be based on time and materials to create report	

		- Minimum Fee	\$ 25.00
		Review of Comparable Property Records	
		Residential Field Card Report	\$ .25
		- for up to five comparable properties (per copy)	
		Commercial/Industrial/Apartment Field	
(10) Domestic Partnership	120	Registration	\$ 30.00
(11) Certified copy of various documents		To certify documents i.e. resolutions, ordinances, minutes, registration forms, etc. on file (per copy)	\$ 5.00
(12) Vacant Building Registration Fee	925	Single Family Home or Duplex - Vacant less than one Year	\$ 100.00
		Single Family Home or Duplex - Vacant one Year or longer	\$ 200.00
		Any other type of property of less than 20,000 square feet in building size AND less than 1 acres of lot size - Vacant less than one Year	\$ 500.00
		Any other type of property of less than 20,000 square feet in building size AND less than 1 acres of lot size - Vacant one Year or longer	\$ 1,000.00
		Any other type of property larger than 20,000 square feet in building size OR more than 1 acres of lot size - Vacant less than one Year	\$ 1,250.00
		Any other type of property larger than 20,000 square feet in building size OR more than 1 acres of lot size - Vacant one year or longer	\$ 2,500.00

**Section 12. - Room and Park Shelter Rental Fees.**

LOCATION	DESCRIPTION	FEE CLASSIFICATION	FEE
Richfield Municipal Center	Bartholomew Room	Civic and non-profit groups and governmental agencies	\$ 75.00/Hr (2-hour minimum)
		Resident groups	\$ 100.00/Hr (2-hour minimum)
		Non-Resident and other groups	\$500.00/4-hour block
Richfield Municipal Center	Heredia Room	Civic and non-profit groups and governmental agencies	\$ 65.00/Hr (2-hour minimum)
		Resident groups	\$ 80.00/Hr (2-hour minimum)
		Non-Resident and other groups	\$400.00/4-hour block
Richfield Municipal Center	Fred Babcock Room	Civic and non-profit groups and governmental agencies	\$ 65.00/Hr (2-hour minimum)
		Resident groups	\$ 80.00/Hr (2-hour minimum)
Richfield Community Center	Augsburg Room Fireside Room Nicollet Room Ruth Johnson Room	Non-Profit	\$ 37.00/Hr
		Resident Private	\$ 47.00/Hr
		Non-Resident: Private	\$ 53.00/Hr
	Combined Nicollet/Augsburg or Richfield Room	Non-Profit	\$ 65.00/Hr
		Resident: Private	\$ 80.00/Hr
		Non-Resident: Private	\$ 90.00/Hr

	Kitchen	All Renters	\$ 35.00/booking Free with combined Nicollet/Augsburg room rental
Wood Lake Nature Center	Auditorium	Non-Profit	\$ 37.00/Hr
		Resident: Private	\$ 47.00/Hr
		Non-Resident: Private	\$ 53.00/Hr
Park Buildings (depending on availability)	Augsburg, Christian, Donaldson (East), Jefferson, Madison, Taft, Washington Park Buildings	All Renters	\$ 27.90/Hr (2hr min)
Park Shelters	Wood Lake Nature Center - Emily Day Pavilion		\$ 74.40/4-hour block
	Fairwood, Monroe, Augsburg Park Shelters		\$ 37.20/4-hour block
	Sheridan Park Shelter		\$ 74.40/4-hour block
	Veterans Park Shelter	<u>Monday – Thursday</u> Day: 4-Hour Block (Includes Tax)	1 Section: \$120.90 2 Sections: \$190.65 3 Sections: \$260.40
		Evening: 3-Hour Block (Includes Tax)	1 Section: \$93.00 2 Sections: \$148.80 3 Sections: \$195.30
	Veterans Park Shelter	<u>Weekend</u> Day: 4-Hour Block (Includes Tax)	1 Section: \$125.55 2 Sections: \$195.30 3 Sections: \$260.40
		Evening: 3-Hour Block	1 Section: \$97.65 2 Sections: \$153.45

		(Includes Tax)	3 Sections: \$199.95
Athletic Fields	Premium Baseball Fields	Resident	\$ 43.00/hr \$ 250.00/day (first 8 hrs)
	Donaldson, Roosevelt	Non-Resident	\$ 54.00/hr \$ 310.00/day (first 8 hrs)
	Premium Softball Fields	Resident	\$ 24.00/hr \$ 118.00/day (first 8 hrs)
	Lincoln, Taft	Non-Resident	\$ 34.00/hr \$ 170.00/day (first 8 hrs)
	General Baseball/Softball Fields	Resident	\$ 18.00/hr \$ 88.00/day (first 8 hrs)
All other	Non-Resident	\$ 34.00/hr \$ 170.00/day (first 8 hrs)	
Soccer/Football Fields	Christian, Donaldson, Taft, Washington	Resident	\$ 50.00/hr
		Non-Resident	\$ 75.00/hr
Broomball/Hockey Rink	All broomball/hockey rinks	Resident	\$ 17.00/hr
		Non-Resident	\$ 25.00/hr
Tennis Courts	All parks	Resident	\$ 5.00/court/hr
		Non-Resident	\$ 6.00/court/hr
Open Space	All parks	Resident	\$ 17.00/hr
		Non-Resident	\$ 22.00/hr
Athletic Facility Light Use	Softball, Baseball, Soccer, Football, Hockey, Tennis	All renters	\$ 28.00/hr

Passed by the City Council of the City of Richfield this 11<sup>th</sup> day of December, 2018.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

**RESOLUTION NO.**

**RESOLUTION RELATING TO THE 2019 GENERAL SERVICES  
SALARY COMPENSATION PLAN**

**WHEREAS**, the compensation personnel policy of the City of Richfield provides for the adoption of a pay plan for General Services employees from time-to-time, and

**WHEREAS**, the City administration has prepared a 2019 pay plan for position classifications for General Services employees. The City Manager is authorized to add or reclassify positions as necessary. Examples of positions in each pay grade are attached.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council do and hereby does establish for the year 2019 the following pay plan, which is to be effective the first full pay period of January 2019, and subject to all applicable provisions of the personnel policy and City Code:

<b>Effective the first full pay period of January 2019</b>						
STEP		2	3	4	5	6
RANGE						
GS1	YR		42,577.60	44,886.40	47,569.60	48,984.00
	MO		3,548.13	3,740.53	3,964.13	4,082.00
	BW		1,637.60	1,726.40	1,829.60	1,884.00
	HR		20.47	21.58	22.87	23.55
GS2	YR		46,217.60	48,547.20	51,022.40	53,601.60
	MO		3,851.47	4,045.60	4,251.87	4,466.80
	BW		1,777.60	1,867.20	1,962.40	2,061.60
	HR		22.22	23.34	24.53	25.77
GS3	YR	49,088.00	51,729.60	54,288.00	57,054.40	60,299.20
	MO	4,090.67	4,310.80	4,524.00	4,754.53	5,024.93
	BW	1,888.00	1,989.60	2,088.00	2,194.40	2,319.20
	HR	23.60	24.87	26.10	27.43	28.99
GS4	YR	53,601.60	56,347.20	59,196.80	62,108.80	65,395.20
	MO	4,466.80	4,695.60	4,933.07	5,175.73	5,449.60
	BW	2,061.60	2,167.20	2,276.80	2,388.80	2,515.20
	HR	25.77	27.09	28.46	29.86	31.44
GS4SNE	YR	57,595.20	60,528.00	63,585.60	66,809.60	70,137.60
	MO	4,799.60	5,044.00	5,298.80	5,567.47	5,844.80
	BW	2,215.20	2,328.00	2,445.60	2,569.60	2,697.60
	HR	27.69	29.10	30.57	32.12	33.72
GS5	YR	59,196.80	62,108.80	65,395.20	68,619.20	72,092.80
	MO	4,933.07	5,175.73	5,449.60	5,718.27	6,007.73
	BW	2,276.80	2,388.80	2,515.20	2,639.20	2,772.80
	HR	28.46	29.86	31.44	32.99	34.66
GS5E	YR	63,585.60	66,747.20	70,137.60	73,652.80	80,912.00
	MO	5,298.80	5,562.27	5,844.80	6,137.73	6,742.67
	BW	2,445.60	2,567.20	2,697.60	2,832.80	3,112.00
	HR	30.57	32.09	33.72	35.41	38.90
GS6	YR	65,395.20	68,619.20	72,092.80	75,774.40	83,532.80
	MO	5,449.60	5,718.27	6,007.73	6,314.53	6,961.07
	BW	2,515.20	2,639.20	2,772.80	2,914.40	3,212.80
	HR	31.44	32.99	34.66	36.43	40.16
GS6E	YR	70,137.60	73,673.60	77,396.80	81,307.20	89,793.60
	MO	5,844.80	6,139.47	6,449.73	6,775.60	7,482.80
	BW	2,697.60	2,833.60	2,976.80	3,127.20	3,453.60
	HR	33.72	35.42	37.21	39.09	43.17

- a. Step 2 - Start
- b. Step 3 - One year from anniversary date.  
If an employee successfully passes probationary period.
- c. Step 4 - One year since last increase.  
If an employee is rated Below Expectations, the employee may not advance to Step 4 until performance is rated Meets Expectations or higher.
- d. Step 5 - One year since last increase.  
An employee must achieve a Meets Expectations rating or better in all areas of responsibility before advancing to Step 5.
- e. Step 6 - One year since last increase.  
An employee must achieve a Meets Expectations rating or better in all areas of responsibility before advancing to Step 6.

Employees whose competency level and/or performance are rated Below Expectations may not advance to the next step until their performance improves.

Passed by the City Council of the City of Richfield, Minnesota this 11<sup>th</sup> day of December 2018.

\_\_\_\_\_  
Pat Elliott Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose City Clerk

(Revised 12-2018)

**GENERAL SERVICES POSITION CLASSIFICATION STRUCTURE**

<b>GRADE</b>	<b>POSITION TITLES</b>	<b>CLASS</b>
1	Office Assistant	Non-Exempt
	Customer Service Representative	Non-Exempt
2	Community Development Technician	Non-Exempt
	Community Service Officer	Non-Exempt
	Custodian	Non-Exempt
	Liquor Operations Shift Leader	Non-Exempt
	Licensing Clerk	Non-Exempt
	Police Cadet	Non-Exempt
	Senior Office Assistant	Non-Exempt
3	Accounting Clerk	Non-Exempt
	Assistant Planner	Non-Exempt
	Environmental Health Specialist	Non-Exempt
	Housing Inspections Clerk	Non-Exempt
	Lead Licensing Clerk	Non-Exempt
	Secretary (Closed as of 1-1-16)	Non-Exempt
	Utility Billing Clerk	Non-Exempt
4	Administrative Assistant	Non-Exempt
	Associate Planner	Non-Exempt
	Deputy City Clerk	Non-Exempt
	Engineering Assistant	Non-Exempt
	Forester	Non-Exempt
	Records Technician	Non-Exempt
	Water Resources/GIS Specialist	Non-Exempt
4SNE	Administrative Assistant (Closed as of 1-1-12)	Non-Exempt
5	Code Compliance Officer	Non-Exempt
	Housing Specialist Part-time	Non-Exempt
	Information Technologies Technician	Non-Exempt
	Recreation Supervisor Part-time	Non-Exempt
5E	Administrative Aide/Analyst	Exempt
	Crime Prevention Specialist	Exempt
	Executive Aide/Analyst	Exempt
	Media Coordinator	Exempt
	Multifamily Housing Program Coordinator	Exempt
	Naturalist	Exempt
	Payroll Accountant	Exempt
	Records Supervisor	Exempt
	Recreation Supervisor	Exempt
6	Civil Engineer	Non-Exempt
	Project Civil Engineer	Non-Exempt
	Trade/Building Inspector or Trade/Electrical Inspector	Non-Exempt
6E	Accountant	Exempt
	Community Development Accountant	Exempt
	Network Administrator	Exempt

## RESOLUTION NO.

### RESOLUTION RELATING TO THE 2019 MANAGEMENT SALARY COMPENSATION PLAN

**WHEREAS**, the compensation personnel policy of the City of Richfield provides for the adoption of a pay plan for Management employees from time-to-time; and

**WHEREAS**, the City administration has prepared a 2019 pay plan for position classifications for Management employees. The City Manager is authorized to add or reclassify positions as necessary. Examples of positions in each pay grade are attached.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council do and hereby does establish for the year 2019 the following pay plan, which is to be effective the first full pay period of January 2019, and subject to all applicable provisions of the personnel policy and City Code:

MANAGEMENT COMPENSATION PLAN				
PAY GRADE		MINIMUM	MID-RANGE	MAXIMUM
M-L	YR	65,728.00	75,067.20	84,323.20
	MO	5,477.33	6,255.60	7,026.93
	BW	2,528.00	2,887.20	3,243.20
	HR	31.60	36.09	40.54
M-1	YR	75,878.40	86,777.60	97,572.80
	MO	6,323.20	7,231.47	8,131.07
	BW	2,918.40	3,337.60	3,752.80
	HR	36.48	41.72	46.91
M-2	YR	85,550.40	97,780.80	110,011.20
	MO	7,129.20	8,148.40	9,167.60
	BW	3,290.40	3,760.80	4,231.20
	HR	41.13	47.01	52.89
M-3	YR	93,246.40	106,579.20	119,849.60
	MO	7,770.53	8,881.60	9,987.47
	BW	3,586.40	4,099.20	4,609.60
	HR	44.83	51.24	57.62
M-4L	YR	98,363.20	112,444.80	126,443.20
	MO	8,196.93	9,370.40	10,536.93
	BW	3,783.20	4,324.80	4,863.20
	HR	47.29	54.06	60.79
M-4	YR	102,835.20	117,416.00	132,100.80
	MO	8,569.60	9,784.67	11,008.40
	BW	3,955.20	4,516.00	5,080.80
	HR	49.44	56.45	63.51
M-5A	YR	111,030.40	126,193.60	141,793.60
	MO	9,252.53	10,516.13	11,816.13
	BW	4,270.40	4,853.60	5,453.60
	HR	53.38	60.67	68.17
M-5B	YR	114,857.60	131,227.20	147,680.00
	MO	9,571.47	10,935.60	12,306.67
	BW	4,417.60	5,047.20	5,680.00
	HR	55.22	63.09	71.00

## Normal Progression Through Management Compensation Plan

The Range Adjustment shall be applied to Management employees who have achieved at least a *Meets Expectations* performance evaluation during the preceding year. Employees who have received a *Below Expectations* performance evaluation are eligible for ½ of the following year's range adjustment. The Range Adjustment is effective January 1, 2019. Individual Merit adjustments will normally be made effective on an employee's anniversary date and will vary in size, depending on the individual's performance rating and current position in the salary range in line with the following criteria.

PERFORMANCE RATING	POSITION IN SALARY RANGE		
	UNDER 95% MIDPOINT	95-105% OF MIDPOINT	OVER 105% OF MIDPOINT
Outstanding	3.5 to 5%	1.6 to 4%	1 to 2%
Above Average	1.6 to 3.5%	.5 to 1.5%	.5 to 1%
Satisfactory	.5 to 1.5%	No Merit Increase	No Merit Increase
Needs Improvement	No Merit Increase. Requires mandatory 6-month evaluation.		
Not Satisfactory	No future increases until performance improves to at least Satisfactory. Performance and employee status subject to mandatory review every 3 months.		

Passed by the City Council of the City of Richfield, Minnesota this 11<sup>th</sup> day of December 2018.

\_\_\_\_\_  
Pat Elliott

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose

\_\_\_\_\_  
City Clerk

**MANAGEMENT POSITION CLASSIFICATION STRUCTURE**

<b>GRADE</b>	<b>POSITION TITLES</b>	<b>CLASS</b>
M-L	Liquor Store Manager	Exempt
M-1	City Clerk	Exempt
	Engineer	Exempt
	Facility/Program Manager	Exempt
	Housing Manager	Exempt
	Operations Supervisor	Exempt
	Support Services Supervisor	Exempt
	Utilities Supervisor	Exempt
M-2	Chief Building Official	Exempt
	Operations Manager (Parks/Fleet, Gov't Buildings)	Exempt
	Transportation Engineer	Exempt
M-3	Assistant Fire Chief	Exempt
	City Engineer	Exempt
	Human Resources Manager	Exempt
	Information Technologies Manager	Exempt
	Operations Superintendent	Exempt
	Planning & Redevelopment Manager/Asst CD Director	Exempt
	Utilities Superintendent	Exempt
M-4L	Liquor Operations Director	Exempt
M-4	Deputy Public Safety Director	Exempt
M-5A	Administrative Services Director/Assistant City Manager	Exempt
	Finance Director	Exempt
	Fire Services Director/Fire Chief	Exempt
	Recreation Services Director	Exempt
M-5B	Community Development Director	Exempt
	Public Safety Director/Police Chief	Exempt
	Public Works Director	Exempt

(Rev. 12-18)

**RESOLUTION NO.**

**RESOLUTION RELATING TO THE 2019 SPECIALIZED PAY PLAN**

**WHEREAS**, the compensation personnel policy of the City of Richfield provides that the pay grades, the number of steps or range of each pay grade, the compensation rates in each pay grade and the method of normal progression through the pay grade be established by Council resolution; and

**WHEREAS**, the City administration has prepared a 2019 pay plan for the positions for which there are no essentially similar position classification in other regular pay plans. The City Manager is authorized to add or reclassify positions as necessary. Examples of positions in each pay grade are attached.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council do and hereby does establish for the year 2019 the following pay plan which is to be effective the first full pay period of January 2019 and subject to the provisions of the personnel policy and City Code:

**EFFECTIVE THE FIRST FULL PAY PERIOD OF  
JAN 2019 SPECIALIZED PAY PLAN INTERMITTENT AND  
SEASONAL**

Pay Grade		Step 1	Step 2	Step 3	Step 4
SP1-E/NE	HR	LEFT INTENTIONALLY BLANK			
SP2-E/NE	HR	LEFT INTENTIONALLY BLANK			
SP3-E/NE	HR		10.33	10.90	11.42
SP4-E/NE	HR	10.67	11.23	11.77	12.35
SP5-E/NE	HR	11.48	12.12	12.67	13.34
SP6-E/NE	HR	12.45	13.09	13.71	14.42
SP7-E/NE	HR	13.43	14.11	14.80	15.53
SP8-E/NE	HR	14.50	15.24	15.99	16.78
SP9-E/NE	HR	15.67	16.48	17.26	18.13
SP10-E/NE	HR	16.96	17.78	18.70	19.65
SP11-E/NE	HR	18.24	19.21	20.16	21.15
SP12-E/NE	HR	19.78	20.70	21.72	22.88
SP13-E/NE	HR	21.17	22.30	23.44	24.67

Normal Progression Through the Specialized Pay Plan

Individual employees will be eligible to received increases to the next higher-grade step based on individual performance and the following progression:

Step 1 - Start

Step 2 – Minimum 500 hours worked per year from anniversary start date or two years from anniversary date

Step 3 – Minimum 500 hours worked per year from anniversary date or two years from last increase.

Step 4 – Minimum 500 hours worked per year from anniversary date or two years from last increase

Passed by the City Council of the City of Richfield, Minnesota this 11<sup>th</sup> day of December 2018.

\_\_\_\_\_  
Pat Elliott

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose

\_\_\_\_\_  
City Clerk

- 1
- 2
- 3 E Cashier/Concession  
E Winter Sports Attendant
- 4 NE Arena Event Attendant  
NE Dance Coordinator  
NE Skate Coordinator  
NE Sports Event Attendant
- 5 NE Adaptive Leader/Specialist  
NE Custodian  
NE Inclusion Facilitator  
NE Intern  
E Lead Concession  
E Lifeguard  
E Outdoor Skating/Winter Sports  
Supv  
E Playground Leader  
NE Teen Leader
- 6 NE Building Attendant  
NE Liquor Sales Associate  
NE Receptionist
- 7 NE Accounting Clerk – Int. & Sub.  
NE Housing Intern  
NE Ice Resurfacers Operator  
NE Maintenance Worker  
NE Naturalist I
- 8 NE Adaptive Coordinator  
NE Farmers Market Coordinator  
NE Office Assistant - Int. & Substitute  
E Playground Coordinator  
E Summer Food Program Coord.  
NE Teen Coordinator  
E Tennis Coordinator
- 9 NE Administrative Services Clerk  
NE Code Enforcement Tech  
E Pool Supervisor  
NE Video Production Assistant
- 10 NE Engineering Aide/Intern
- 11 NE Motor Vehicle Licensing Clerk
- 12 E Pool Coordinator

13 NE Utility Billing Assistant

**Instructors**

- NE Building Inspector
- NE Figure Skating
- NE Hockey (Arena)
- NE Sports Official
- NE Substitute Naturalist
- NE Dance
- E Cross Country Ski
- E Hockey (outside)
- E Tennis
- E WSI

**OTHER**

- Instructor's Range: \$5.75 - \$50
- Election Judge \$10.00
- Election Co-Chair \$12.00
- Election Chairperson \$13.00

NE=Non-Exempt, may work up to 40 hours per week without overtime pay.  
E-Exempt may work up to 48 hours per week without overtime pay.

All Pool positions are exempt from overtime, even Concessions.

All Playground and Outdoor Rink positions are exempt.

All Community Center, Wood Lake Nature Center, Ice Arena and Maintenance positions are non-exempt.

(Revised 12-18)

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION AUTHORIZING A CAR ALLOWANCE REIMBURSEMENT POLICY**

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

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

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

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

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

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

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

Community Development Director  
Public Works Director  
Liquor Operations Director  
Superintendents

Adopted by the City Council of the City of Richfield, Minnesota this 11<sup>th</sup> day of December 2018.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 247**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Julie Urban, Housing Manager

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
12/11/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/11/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the adoption of a resolution authorizing the Housing and Redevelopment Authority to submit an application to the Brownfield Gap Financing Program for funds to pay for a Phase II Environmental Assessment of 6501 Penn Avenue.**

**EXECUTIVE SUMMARY:**

On August 20, 2018, the Housing and Redevelopment Authority (HRA) approved a purchase agreement to purchase 6501 Penn Avenue for future mixed use redevelopment. As part of its due diligence, the HRA had a Phase I Environmental Site Assessment prepared. Because of the many years of automotive-related uses on the site, the Phase I recommended that a Phase II environmental assessment be prepared to determine whether or not any environmental contamination exists.

Hennepin County provides funding through its Brownfields Gap Financing Program (Program) to cities and non-profit organizations for environmental assessment. Staff has prepared an application to this Program to cover the \$12,690 cost of the Phase II assessment. A City Council resolution authorizing the application submittal is required.

**RECOMMENDED ACTION:**

**By motion: Adopt a resolution authorizing the Housing and Redevelopment Authority to submit an application to the Brownfield Gap Financing Program to pay for a Phase II Environmental Assessment of 6501 Penn Avenue.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The property at 6501 Penn Avenue had been marketed for sale for several years. The HRA expressed interest in purchasing the property and authorized staff to purchase the property on August 20, 2018.

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

- The City and HRA continually seek outside sources of funds to assist with redevelopment and other activities whenever possible.
- The Comprehensive Plan identifies the Penn Avenue Corridor as an area in need of revitalization

for many years.

**C. CRITICAL TIMING ISSUES:**

- While grant funds are available on a rolling basis, closing of the property is set to occur in January 2019, and the results of the Phase II are needed before closing can occur. In order to take advantage of the grant funds, a resolution is needed.

**D. FINANCIAL IMPACT:**

- The Program will pay the \$12,690 cost of a Phase II assessment.
- If contamination is found, additional clean-up funds may be available through the County's Environmental Response Fund.

**E. LEGAL CONSIDERATION:**

- Assessing environmental conditions is part of the due diligence followed when purchasing a property. The HRA Attorney recommends that the investigation be completed before closing on the property.

**ALTERNATIVE RECOMMENDATION(S):**

- Decide not to apply for funds and direct the HRA to use its own funds to pay for the assessment.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

Description	Type
□ Resolution	Resolution Letter

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO  
MINNESOTA BROWNFIELDS FOR ENVIRONMENTAL INVESTIGATION AT  
6501 PENN AVENUE**

**WHEREAS**, the Housing and Redevelopment Authority (HRA) has signed a purchase agreement to purchase 6501 Penn Avenue; and

**WHEREAS**, as part of its due diligence, the HRA is having a Phase II Environmental Site Assessment prepared; and

**WHEREAS**, Hennepin County provides funds to cities and non-profit organizations for such environmental assessment of property through its Brownfield Gap Financing Program; and

**NOW, THEREFORE, BE IT RESOLVED** the City of Richfield approves the submittal of an application by the HRA to the Minnesota Brownfields Brownfield Gap Financing program funded with an Environmental Response Fund grant from Hennepin County Department of Environmental Services.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of December, 2018.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 248**  
**CITY COUNCIL MEETING**  
**12/11/2018**

REPORT PREPARED BY: Jared Voto, Executive Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Pam Dmytrenko, Interim City Manager  
12/4/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Pam Dmytrenko, Interim City Manager  
12/4/2018

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of an employment agreement between the City of Richfield and Catherine Rodriguez, to serve as City Manager of the City of Richfield.**

**EXECUTIVE SUMMARY:**

City Manager Steve Devich announced his retirement in June, effective November 30, 2018. In August, the City Council approved the hiring of Richard Fursman, of HueLife, to complete the executive recruitment process to hire a new City Manager.

Mr. Fursman received 33 applications for the position. He reviewed the applications, vetted the candidates, and prepared a report of the top 13 candidates for the Council to consider at the October 30 work session. The City Council invited six finalists for interviews over a two day process on November 16 and 17. The Council, along with a City staff group, interviewed four finalists who chose to participate in the process. The Council voted to extend an offer of employment as City Manager to Catherine (Katie) Rodriguez and authorized Mr. Fursman to begin contract negotiations.

Ms. Rodriguez accepted the City's offer of employment as City Manager and will begin employment on January 2, 2019. Mr. Fursman negotiated a contract with Ms. Rodriguez with a annual salary of \$150,000 and other benefits, as outlined in the employment agreement.

**RECOMMENDED ACTION:**

**By motion: Approve an employment agreement between the City of Richfield and Catherine Rodriguez, to serve as City Manager of the City of Richfield.**

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

- This information is contained in the Executive Summary.

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

- None

C. **CRITICAL TIMING ISSUES:**

- December 11 is the final meeting of the City Council in 2018 and approval is needed if it is the Council's intention for Ms. Rodriguez to start on January 2, 2019.

**D. FINANCIAL IMPACT:**

- None. The City Manager position is budgeted in the 2018R/2019A Budget.

**E. LEGAL CONSIDERATION:**

- The City Attorney has reviewed and approved the employment agreement.

**ALTERNATIVE RECOMMENDATION(S):**

- None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Catherine Rodriguez

**ATTACHMENTS:**

Description	Type
☐ Employment Agreement	Contract/Agreement

## EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT (hereinafter "Agreement"), is made and entered into this 11th day of December, 2018, by and between the City of Richfield, State of Minnesota, a municipal corporation, (hereinafter called "City" or "Employer"), and Catherine Rodriguez (hereinafter called "Employee"), both of whom understand and agree as follows:

### Recitals

WHEREAS, Employer desires to employ the services of said Catherine Rodriguez as City Manager of the City of Richfield, as provided by the Home Rule Charter of the City of Richfield; and

WHEREAS, it is the desire of the Governing Board (hereinafter called "Council") to provide certain benefits, establish certain conditions of employment and to set working conditions of said Employee; and

WHEREAS, it is the desire of the Council to (1) secure and retain the services of Employee and to provide inducement for her to remain in such employment, (2) to make possible full work productivity by assuring Employee's morale and peace of mind with respect to future security, (3) to act as a deterrent against malfeasance or dishonesty for personal gain on the part of the Employee, and (4) to provide a just means for terminating Employee's services at such time as she may be unable to fully discharge her duties or when Employer may otherwise desire to terminate her employment; and

WHEREAS, Employee desires to accept employment as City Manager of said City under terms and conditions acceptable to Employee.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

### Agreement

#### **Section 1. Position**

Employer hereby agrees to employ Catherine Rodriguez as City Manager of City. Employee agrees to serve in this position in accordance with state statutes and city ordinances and to perform the functions and duties specified in the Home Rule Charter of the City and the City Code, and to perform other legally permissible and proper duties and functions as the Council shall from time to time assign to her.

#### **Section 2. Salary**

Employer agrees to pay Employee for her services an annual base salary of \$150,000.00, payable in installments at the same time as other employees of the Employer are paid. In addition, Employer agrees to increase said base salary and/or other benefits of Employee in such amounts and to such extent as the Council may determine that it is desirable to do so during the review at 6 months and thereafter on an annual basis, based on a performance and salary review of Employee.

#### **Section 3. Term**

A. This Agreement is effective and Employee shall begin her duties as City Manager with the City on January 2, 2019.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Council to terminate the services of Employee at any time, subject only to the provisions set forth in Section 4, paragraphs A and B, of this Agreement.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from her position with Employer, subject only to the provision set forth in Section 4, paragraph C, of this Agreement.

D. Employee agrees to serve in the employ of Employer on an "at will" basis subject to provisions set forth in Section 4, paragraphs A, B, C of this Agreement.

#### **Section 4. Termination and Severance Pay**

A. In the event the Employer desires to terminate the Employee during such time that Employee is willing and able to perform her duties under this Agreement, then, in that event, Employer agrees to give the Employee three months' notice of termination, during which time the Employee will continue to perform her duties. The Employer further agrees to pay Employee a lump sum cash payment equal to three (3) months' aggregate salary at the time of receipt of her last paycheck plus compensation for all accrued hours of all forms of paid leave, including vacation, sick and holiday leave times and continue to provide and pay for the benefits set forth in paragraph 10 for a period of three (3) months following the date of termination. The Employer may at its option, pay a six-month severance benefit at the first notification of termination. If Employer exercises this option, the severance benefits shall include salary plus all accrued hours of all forms of paid leave, including vacation, sick and holiday leave times and continue to provide and pay for the benefits set forth in paragraph 10 for a period of three (3) months following the date of termination. If the Employee is terminated because of her conviction of any Illegal act involving personal gain to her or for other conduct involving malfeasance or willful neglect of duties, then the Employer shall have no obligation to provide the notice or severance payment provided in this paragraph.

B. In the event Employer at any time during the term of this Agreement reduces the salary or other financial benefits of Employee in a greater percentage than an applicable across-the-board reduction for all employees of Employer, or in the event Employer refuses, following written notice, to comply with any other provision benefiting Employee herein, or the Employee resigns following a request, whether formal or informal, by the Council that she resign, then, in that event, Employee may, at her option, be deemed to be "terminated" on the effective date of Employee's resignation and Employee shall be entitled to receive the termination benefits set forth in paragraph A above.

C. If Employee voluntarily resigns her position, the Employee shall give Employer forty-five (45) days' notice in advance, unless the parties otherwise agree to mutual termination. The Employee will not be paid any severance pay if she voluntarily resigns, but the Employee shall be entitled to accrued but unused personal leave, vacation, holidays and other accrued benefits. If the parties agree to a mutual termination, Employee shall be entitled to the termination benefits set forth in paragraph A above.

#### **Section 5. Disability**

If Employee is permanently disabled or is otherwise unable to perform her duties because of sickness, accident, injury, mental incapacity or health for a period of four successive weeks beyond any accrued personal leave, or for twenty working days over a thirty working day period, Employer shall have the option to terminate this Agreement, subject to the severance pay requirements of Section 4, paragraph A. This section is not intended to affect the Employee's rights relating to short-term disability, long-term disability, workers' compensation or other benefits, which may accrue to disabled employees.

## **Section 6. Performance Evaluation**

A. The Council shall review and evaluate the performance of the Employee six months after the Employee assumes the full-time duties of City Manager and thereafter annually. Said review and evaluation shall be in accordance with specific criteria developed jointly by Employer and Employee. Said criteria may be added to or deleted from as the Employer may from time to time determine, in consultation with the Employee. A comprehensive feedback process, including feedback from Council and staff will be a part of the Employee's Performance Evaluation.

B. Annually, the Council and Employee shall define such goals and performance objectives which they determine necessary for the proper operation of the City in the attainment of the Council's policy objectives. Council shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limitation as specified and the annual operating and capital budgets and appropriations provided.

C. The Employer shall provide the Employee with a written performance review and provide adequate opportunity for the Employee to discuss the review with the Employer in closed session as allowed by Minnesota state statutes. The failure of the Employer to conduct the annual review shall not affect the parties' respective rights to terminate this Agreement or any other rights in the Agreement.

D. In effecting the provisions of this Section, the Council and Employee mutually agree to abide by the provisions of applicable law.

## **Section 7. Hours of Work**

It is mutually understood the Employee is a FLSA-exempt employee without set hours of work, but is expected to be available at all times and to engage in those hours of work, subject only to illness, injury and scheduled annual vacations, that are necessary to fulfill the obligations of the City Manager's position. It is understood that the position of City Manager requires attendance at evening meetings and occasionally at weekend meetings. It is understood by Employee that additional compensation and compensatory time shall not be allowed for such additional expenditures of time. It is further understood that Employee may absent herself from the office to a reasonable extent as compensatory time off in consideration of extraordinary time expenditures for evening and weekend meetings at other than normal working hours.

## **Section 8. Outside Activities**

Employee may engage in teaching, consulting, speaking or perform other non-City connected activities for which she is compensated without consent of the Employer provided the activities do not diminish the Employee's ability to perform the essential duties of the City Manager position, and provided the activities do not conflict with the interests of the Employer. Employee agrees to provide written notice to Employer of activities conducted under this paragraph and agrees that such activities shall not exceed ten (10) hours per week without the prior approval of the Council.

## **Section 9. Automobile**

The Employer shall reimburse the Employee for use of her personal automobile for City related business on a per mile basis and at a rate equal to what the Employer reimburses all other employees for business use of a personal automobile, which is the standard mileage rate established by the Internal Revenue Service (IRS).

## **Section 10. Benefits**

Employer agrees to provide the same benefits to Employee that are offered to the other City employees. Including but not limited to, Vacation, Holidays, Personal Leave, Bereavement Leave, short-term disability, long-term disability, life insurance, health insurance, dental insurance, flexible spending

account, paid parental leave, health care savings plan, retirement, 457 (b) deferred compensation plans and educational assistance. For purposes of calculating longevity-based benefits, the Employee shall be considered to be a 15-year employee on the date she begins her duties with the City as shown in Section 3 hereof.

**Section 11. Retirement**

Employer and Employee agree to make the required contributions to the Public Employees Retirement Association (PERA).

**Section 12. Dues and Subscriptions**

Employer agrees to budget and to pay for the professional dues and subscriptions of Employee necessary for her continuation and full participation in national, regional, state and local associations and organizations necessary and desirable for her continued professional participation, growth and advancement and for the good of the Employer.

**Section 13. Professional Development and Travel**

A. Employer hereby agrees to budget for and to pay for all the travel and subsistence expenses of Employee for professional and official travel, meetings and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official and other functions for Employer, including but not limited to the annual conference of the International City/County Management Association, the state league of municipalities and such other national, regional, state and local governmental groups and committees thereof which Employee serves as a member.

B. Employer also agrees to budget and to pay for all the travel and subsistence expenses of Employee for short courses, institutes and seminars that are necessary for her professional development and for the good of the Employer.

**Section 14. General Expenses**

Employee shall be reimbursed in a manner consistent with City Ordinance and personnel policies applicable to all other City Employees.

Employer recognizes the desirability of representation in and before local civic and other organizations, and Employee is encouraged and authorized to become a member of such civic clubs or organizations, for which Employer shall pay all expenses.

Employee shall report to the Employer on each membership that she has taken out at Employer's expense.

**Section 15. Indemnification**

Except for claims arising out of Employee's malfeasance in office, willful neglect of duty or bad faith, Employer shall defend, save harmless and indemnify Employee against any and all losses including, but not limited to, any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Manager. Employer will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon, to the extent permitted by law. In the event the Employee serves on any boards of directors of City-related legal entities, the Employer shall extend the same indemnification benefits and protections to Employee for the City-related entity as is provided for the Employee for actions taken on behalf of the Employer. This entire indemnification provision shall survive any termination of the Agreement.

**Section 16. Bonding**

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

**Section 17. Work Tools**

Employer agrees to provide Employee with contemporary technology devices such as a mobile telephone, computer and other devices which are, in the judgment of the parties, necessary to accomplish the work of the Employee. Employee's personal use of the devices must comply with applicable City policies. Employee recognizes that devices and tools provided to the Employee by the Employer under this section of this Agreement are and remain property of the Employer. Employee agrees to return said property to the Employer no later than the Employee's final date of employment.

**Section 18. Other Terms and Conditions of Employment**

A. The Council, in consultation with the Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement the City Charter or any other law.

B. All provisions of the City Charter and Code, and regulations and rules of the Employer relating to vacation and personal leave, retirement and pension system contributions, holidays and other fringe benefits and working conditions as they now exist or hereafter may be amended, also shall apply to Employee as they would to other employees of Employer, in addition to said benefits enumerated specifically for the benefit of Employee except as herein provided.

**Section 19. No Reduction of Benefits**

Employer shall not at any time during the time of this Agreement reduce the salary, compensation or other financial benefits of Employee, except to the degree of such a reduction across-the-board for all employees of the Employer.

**Section 20. Notices**

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

(1) EMPLOYER: City of Richfield  
Office of the Mayor  
6700 Portland Avenue S  
Richfield, MN 55423

(2) EMPLOYEE: Catherine Rodriguez  
At her home address on file with the City

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit in the United States Postal Service.

**Section 21. General Provisions**

A. This Agreement shall constitute the entire agreement between the parties.

B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

C. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion hereof, shall be deemed severable, shall not be affected and shall remain in full force and effect. It is the express intent of the parties that the provisions of this Agreement comply with Minnesota Statutes, Section 43A.17, to the extent applicable.

D. Subject to any amendments, the City's ordinances, City Employee policies and state statutes, are all incorporated herein except to the extent that they conflict with this Agreement, wherein the terms and conditions of this Agreement shall be controlling.

E. This Agreement may be amended at any time by mutual consent of Employer and Employee.

F. This Agreement may be executed in any number of counterparts.

G. This Agreement shall be interpreted pursuant to Minnesota law and the ordinances of the City.

**IN WITNESS WHEREOF**, the City of Richfield has caused this Agreement to be signed and executed on its behalf by its Mayor and duly attested by its City Clerk, and the Employee has signed and executed this Agreement both in duplicate, the day and year first above written.

**EMPLOYER  
CITY OF RICHFIELD**

\_\_\_\_\_  
Pat Elliott  
Mayor

**ATTEST:**

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mary Tietjen, City Attorney

**EMPLOYEE**

\_\_\_\_\_  
Catherine Rodriguez, City Manager