

# SPECIAL CITY COUNCIL WORKSESSION RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM FEBRUARY 26, 2019 4:00 PM

Call to order

1. City Council orientation

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 CITY COUNCIL WORKSESSION RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM FEBRUARY 26, 2019 6:00 PM

#### Call to order

1. History of the construction and planning along the I-494 Corridor

#### 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

February 21, 2019

Council Memorandum No. 10

The Honorable Mayor and Members of the City Council

Subject: February 26, 2019, City Council Work Session

#### Council Members:

At the February 26, 2019, City Council work session, staff will provide an informational presentation (attached) on the history of the I-494 Corridor. The session will be an open discussion, allowing the Council to ask questions. Staff will not be asking for direction on the project at this time.

Regarding the proposed access consolidation at Nicollet Avenue, staff is in the process of obtaining consultant proposals for a market study to determine what the expected business impacts will be. MnDOT has indicated they will cover the costs of the study.

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

Respectfully submitted,

Katie Rodriguez City Manager

Attachment

KR:kda

**Email: Department Directors** 

# I-494 Planning & Project History How did we get here?



February 26, 2019

### 1947

- Lyndale grade separated w/ Highway 100
- No I-494 or I-35(W)



# <u>1956</u>

 I-35 Highway Interchange



### 1960

• I-494 Construction



### 1960

I-494 Construction



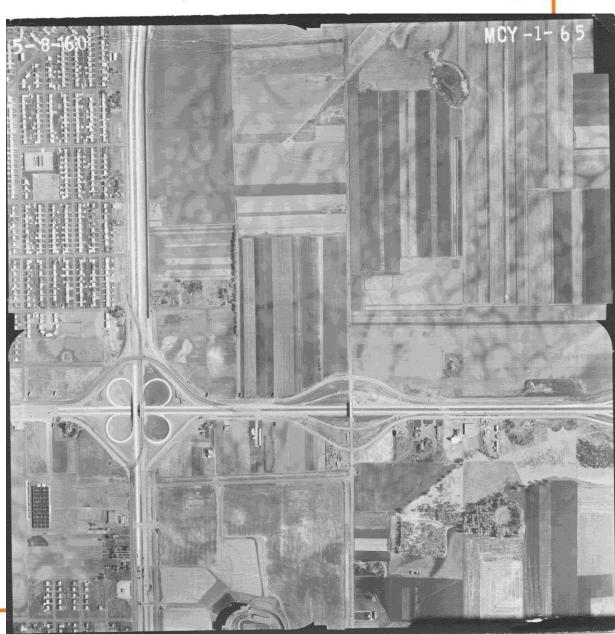
### 1960

I-494 Construction

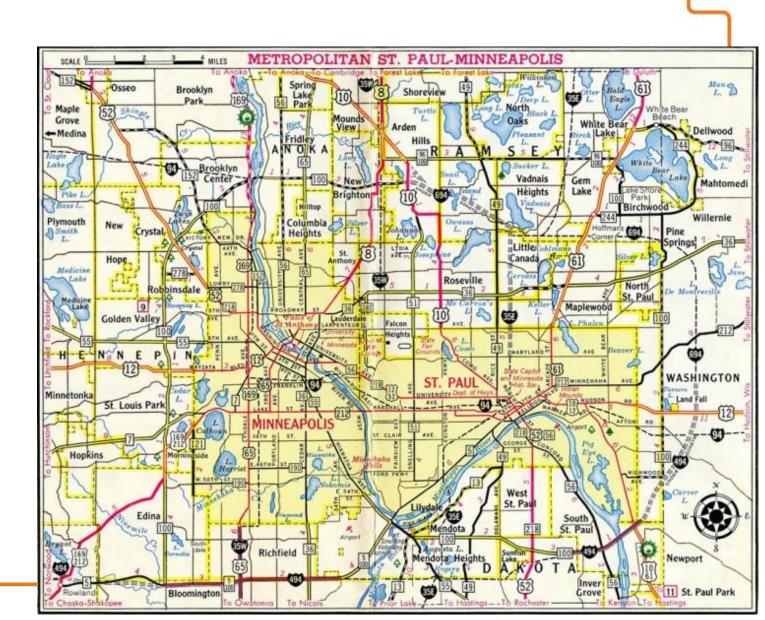


1960

I-494 Construction



### 



## <u>1970s</u>

• I-494 Strip Development



## <u>1970s</u>

• I-494 Strip Development



## 1970s

• I-494 Strip Development

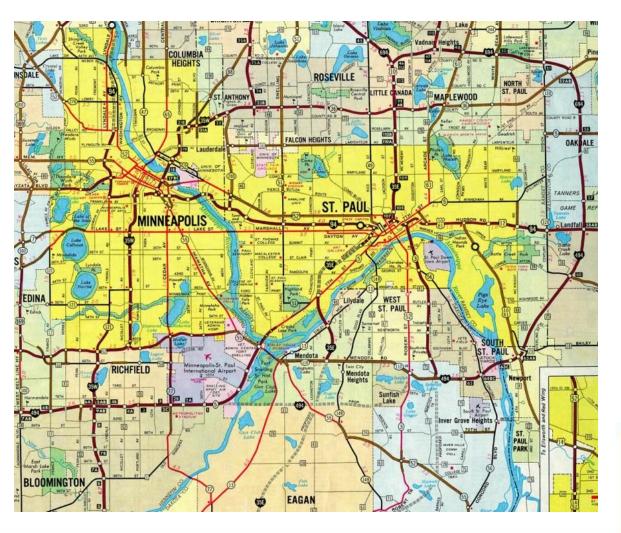


## 1970s

I-494 Strip
 Development



### 





### 1980s

- I-494 Loop Completion (1985)
- Traffic Increases

### **Average Daily Traffic Counts**

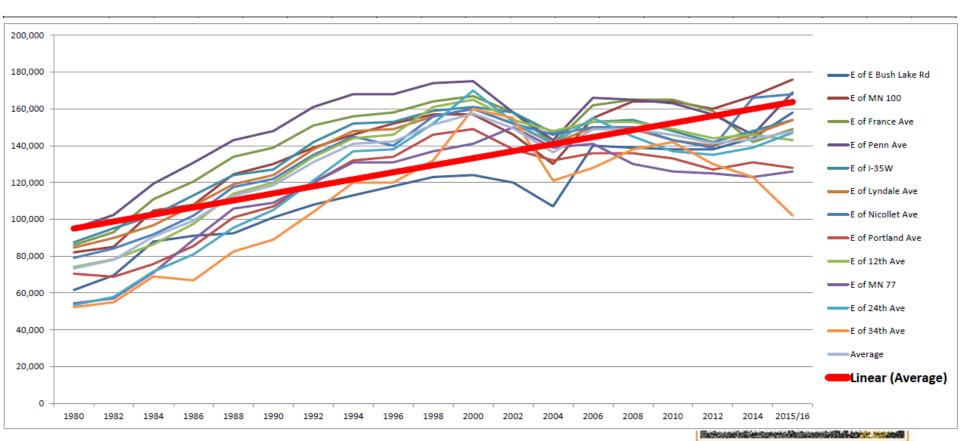
Location	1980	1982	1984	1986	1988	1990	1992	1994	1996	1998	2000	2002	2004	2006	2008	2010	2012	2014	2015/16
E of E Bush Lake Rd	61,500	69,500	87,900	91,000	92,500	101,000	108,000	113,000	118,000	123,000	124,000	120,000	107,000	140,000	139,000	138,000	138,000	144,000	158,000
E of MN 100	82,000	85,000	104,700	108,000	124,500	130,000	139,000	146,000	152,000	157,000	157,000	146,000	130,000	155,000	164,000	164,000	160,000	167,000	176,000
E of France Ave	86,000	93,000	111,000	120,500	134,000	139,000	151,000	156,000	158,000	164,000	167,000	158,000	141,000	162,000	165,000	165,000	159,000	142,000	149,000
E of Penn Ave	95,000	102,400	119,400	130,800	143,000	148,000	161,000	168,000	168,000	174,000	175,000	158,000	143,000	166,000	165,000	163,000	157,000	146,000	169,000
E of I-35W	87,500	95,100	102,000	113,000	124,000	127,000	142,000	152,000	153,000	159,000	161,000	158,000	147,000	153,000	154,000	148,000	142,000	148,000	154,000
E of Lyndale Ave	84,600	89,900	96,800	107,500	119,000	124,000	138,000	148,000	149,000	156,000	160,000	152,000	141,000	150,000	149,000	143,000	140,000	146,000	154,000
E of Nicollet Ave	79,000	84,100	91,800	102,100	117,500	122,000	135,000	145,000	140,000	156,000	160,000	152,000	146,000	150,000	150,000	143,000	139,000	166,000	168,000
E of Portland Ave	70,500	68,800	75,700	85,500	101,000	107,000	120,000	132,000	134,000	146,000	149,000	138,000	132,000	136,000	136,000	133,000	127,000	131,000	128,000
E of 12th Ave	74,000	78,300	86,400	97,500	114,000	120,000	134,000	144,000	146,000	161,000	165,000	154,000	148,000	153,000	153,000	149,000	144,000	146,000	143,000
E of MN 77	54,300	57,100	71,000	89,000	105,800	109,000	120,000	131,000	131,000	137,000	141,000	150,000	139,000	141,000	130,000	126,000	125,000	123,000	126,000
E of 24th Ave	53,400	57,800	71,700	81,000	95,500	105,000	121,000	137,000	138,000	152,000	170,000	153,000	141,000	155,000	145,000	137,000	135,000	139,000	147,000
E of 34th Ave	52,300	55000	69,000	66,800	82,500	89,000	104,000	120,000	120,000	132,000	160,000	155,000	121,000	128,000	138,000	142,000	130,000	123,000	102,000



### 1980s

- I-494 Loop Completion
- Traffic Increases

### **Average Daily Traffic Counts**



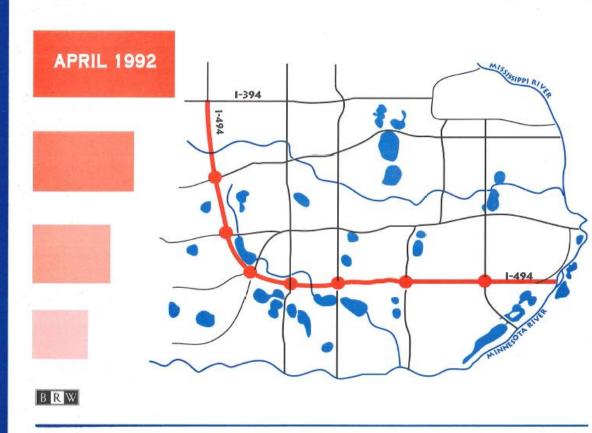
### Planning Begins

- 1987 I-494 Corridor Study, Metropolitan Council
- 1989 I-494 Reconstruction Scoping Document and Draft Scoping Decision Document, MnDOT
- 1990 I-494 Reconstruction Scoping Decision Document, *MnDOT*



- Interchange Improvements
- Access Removal
- Arterial Parallel Routes
- Cities of Richfield and Bloomington Heavily Involved
- "Crawford Letter"

### DRAFT ENVIRONMENTAL IMPACT STATEMENT



**METROPOLITAN** 

COUNCIL

FEDERAL HIGHWAY

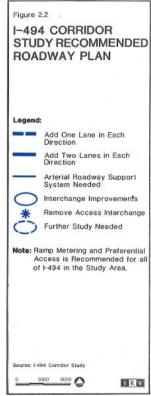
ADMINISTRATION

MINNESOTA DEPARTMENT

OF TRANSPORTATION

### Study Recommendations

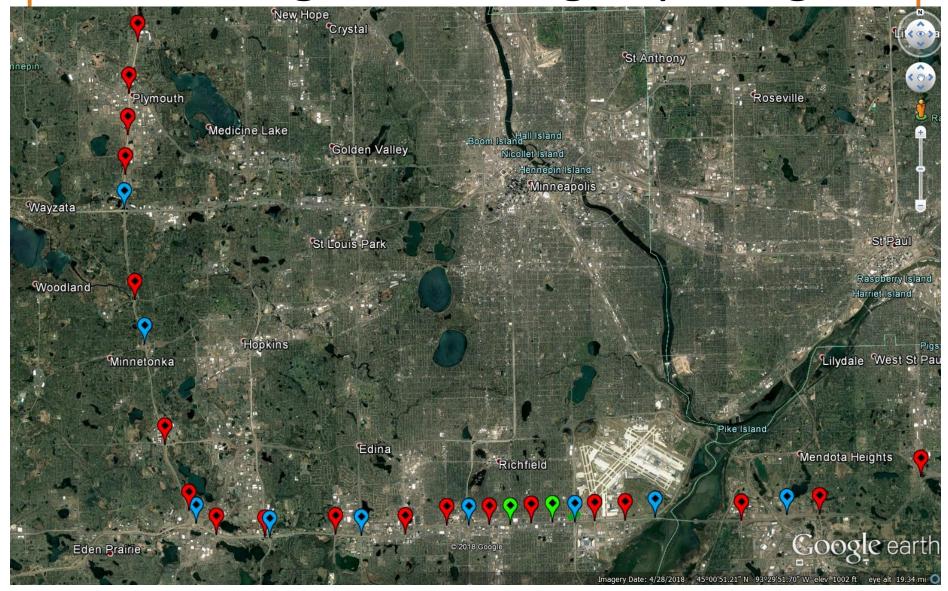




DRAFT ENVIRONMENTAL IMPACT STATEMENT

I-494
RECONSTRUCTION
1-394 TO MINNESOTA RIVER

**Existing Interchange Spacing** 



### **Local Planning**

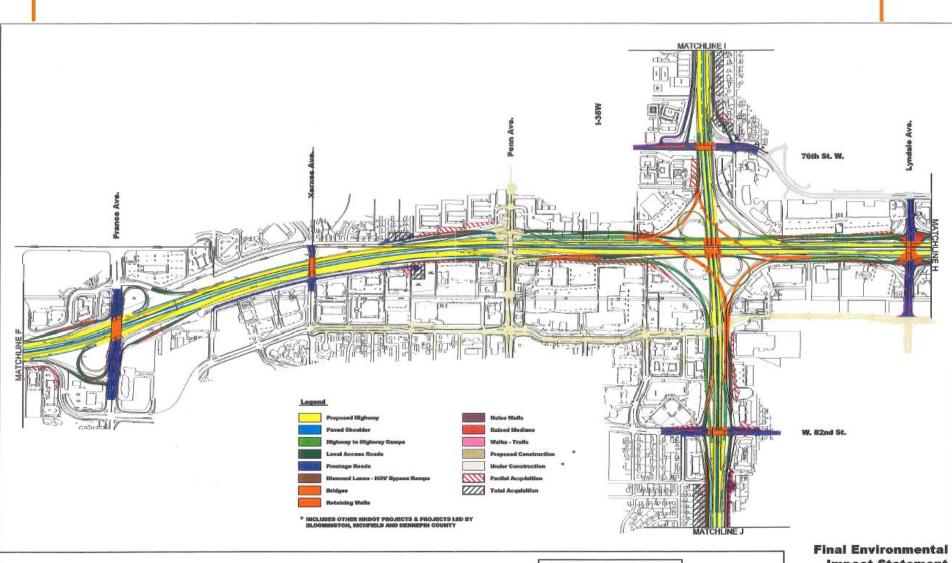
- 1997 Richfield Comprehensive Plan (Sect 6.1):
  - "Completion of 77<sup>th</sup> Street will allow MnDOT to close two interchanges on I-494 at 12<sup>th</sup> Avenue and Nicollet Avenue to improve the safety and capacity of the freeway."
- 2001 Bloomington Land Use Guide Plan
  - Land Use Guide Map in the approved plan showed freeway access removed at Nicollet and 12<sup>th</sup> Avenues and consolidated at Portland Avenue.



- Completed in 2001
- More in-depth study of the corridor and proposed layouts.
- Incorporated new construction and changes completed in the 1990s.
- Guiding document for Penn Avenue and Lyndale Avenue Bridge Reconstruction.
- Big Proposals, Big Price Tags

# Final Environmental Impact Statement |-494 | Reconstruction





Preferred Alternative Layout Sheet 8



Key

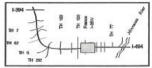
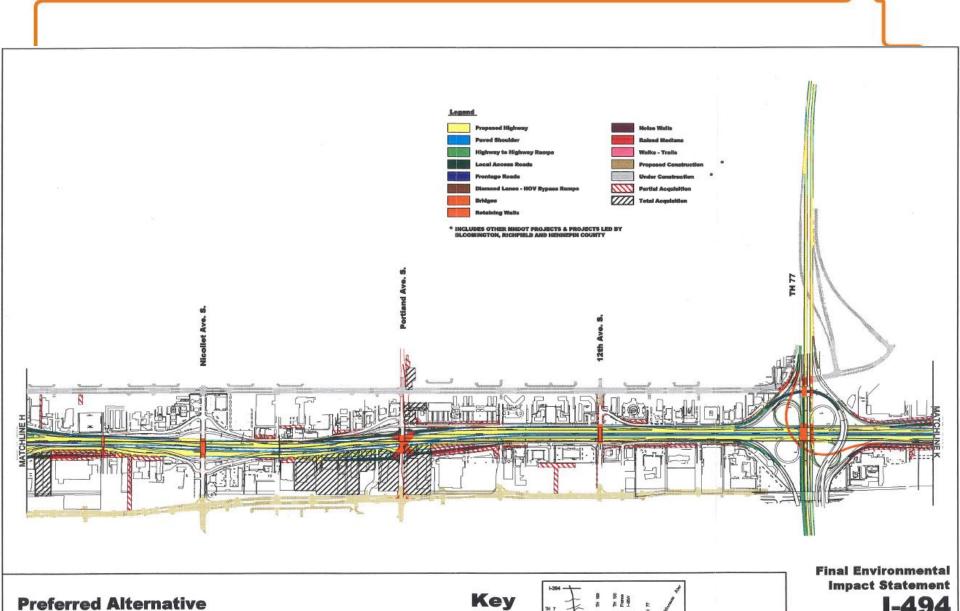


Figure 3.8

Final Environmental
Impact Statement
I-494
Reconstruction
I-394 to the Minnesota River



Reconstruction I-394 to the Minnesota River

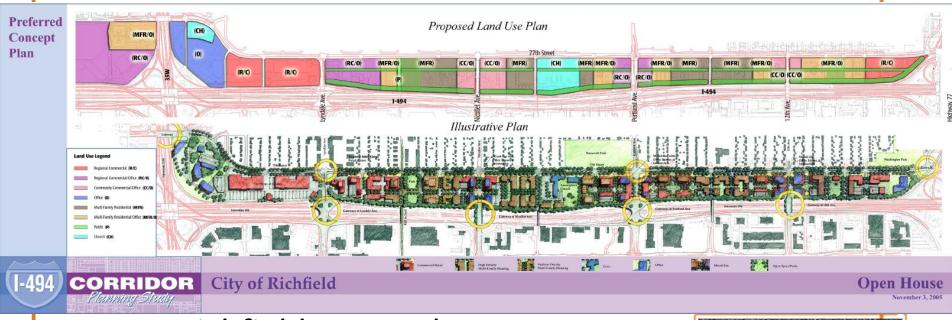
Figure 3.11

**Preferred Alternative** 

**Layout Sheet 11** 

### **Local Planning**

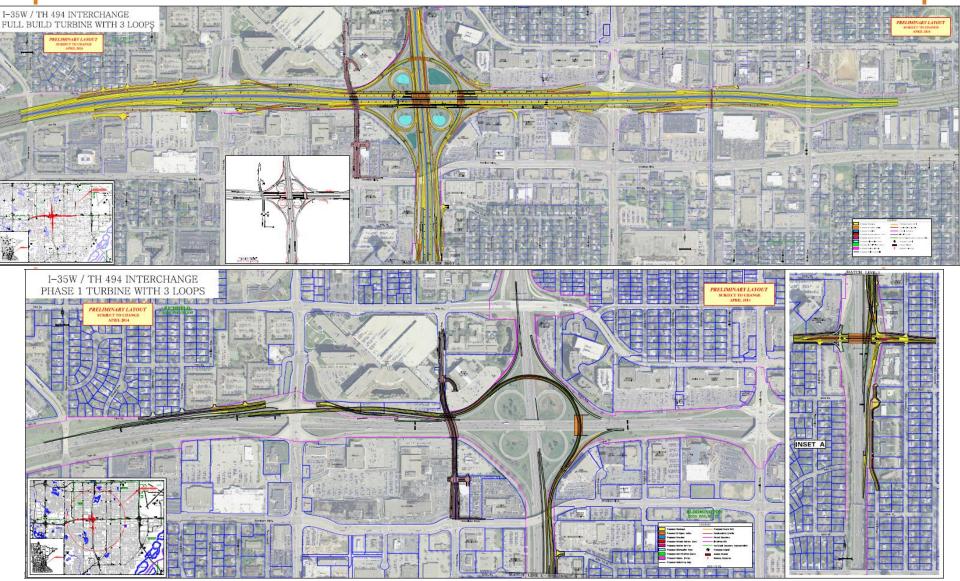
- 2005 Richfield I-494 Corridor Planning Study
  - Access consolidation accounted for in Preferred Concept Plan



- 2008 Richfield Comp Plan
  - Goals refer to improving capacity of I-494 and "improvements" to interchanges along the corridor.



## 2014 Vision Layout



### **Current Study**

- 2018 Corridors of Commerce awarded \$134 million to introduce MnPASS lanes from EB France Ave. to Hwy 77 and from WB Hwy 77 to I-35W.
- Additional \$70 million was awarded to construct a directional ramp for NB I-35W to WB I-494 traffic (Phase 1 Interchange).
- Current stage of the project involves looking at the entire freeway from the Minneapolis-St. Paul International Airport to Hwy 169 to determine the size of the project and begin the environmental review process.
- Project goals:
  - Provide a transit advantage on I-494
  - Improve the reliability of the average rush-hour trip
  - Improve safety
  - Restore pavement to preserve infrastructure and provide a smoother ride
  - Improve drainage systems to reduce localized flooding and reduce run-off into the Minnesota River
  - Preserve infrastructure



### **THANK YOU!**

Questions?





# REGULAR CITY COUNCIL MEETING RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS FEBRUARY 26, 2019 7:00 PM

#### **INTRODUCTORY PROCEEDINGS**

Call to order

Oath of office of Richfield City Council Member, Ben Whalen

Open forum (15 minutes maximum)

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

Pledge of Allegiance

Approval of the minutes of the: (1) special City Council work session of February 11, 2019; (2) special concurrent City Council, HRA, and Planning Commission work session of February 11, 2019; (3) regular City Council meeting of February 11, 2019; (4) special City Council meeting of February 15, 2019; and (5) special City Council work session of February 15, 2019.

#### **PRESENTATIONS**

1. National Weather Service StormReady City Certification

#### **COUNCIL DISCUSSION**

2. Hats Off to Hometown Hits

#### AGENDA APPROVAL

- 3. Approval of the Agenda
- 4. Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.
  - Consideration of the approval of the citywide water meter replacement project and directing staff to solicit bids.

#### Staff Report No. 32

B. Consideration of the adoption of a resolution authorizing a land exchange with the Minnesota Department of Transportation as part of the completed I-35W/TH62 "Crosstown Commons" reconstruction project.

#### Staff Report No. 33

C. Consideration of the adoption of a resolution supporting the submittal of a grant application to Hennepin County for 2019 Community Works Corridor Planning funds. The grant application will request funds to study improvements to Penn Avenue, north of 66th Street. An award requires a 25 percent match by the local authority (maximum \$12,500).

Staff Report No. 34

D. Consideration of the approval of permanent easement agreements with the Metropolitan Council to allow the necessary relocation of utilities as part of the Orange Line Bus Rapid Transit Project.

Staff Report No. 35

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

#### **PUBLIC HEARINGS**

6. Public hearing regarding the City of Richfield's Wellhead and Source Water Protection – Part 2: Wellhead Protection Plan Amendment.

Staff Report No. 36

7. Public hearing and consideration of the adoption of a resolution specifying the use of funds from the Urban Hennepin County Community Development Block Grant allocation for 2019 and authorizing execution of a Subrecipient Agreement with Hennepin County and any required third party agreements.

Staff Report No. 37

#### PROPOSED ORDINANCES

8. Consideration of the approval of a second reading of an ordinance amending Section 617 of the Richfield City Code regulating food establishments for consistency with recently updated State regulations and adoption of a resolution approving summary publication of said ordinance.

Staff Report No. 38

#### **OTHER BUSINESS**

9. Consideration of the approval of the preliminary design layout for the Portland Avenue bicycle and pedestrian link project from 66th Street to Trunk Highway 62 (Crosstown) as recommended by the Transportation Commission.

Staff Report No. 39

10. Consideration of designating representatives to serve as the 2019 liaisons to various metropolitan agencies and City commissions.

Staff Report No. 40

#### **CITY MANAGER'S REPORT**

11. City Manager's Report

#### **CLAIMS AND PAYROLLS**

12. 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.

13. Adjournment

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



### CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

### Special City Council Work Session February 11, 2019

#### CALL TO ORDER

The meeting was called to order by Mayor Regan Gonzalez at 6:00 p.m. in the Bartholomew Room.

Council Members
Present:

Maria Regan Gonzalez, Mayor; Edwina Garcia; Mary Supple; and Simon

Trautmann (arrived at 6:02 p.m.).

Staff Present:

Katie Rodriguez, City Manager; Kristin Asher, Public Works Director; Russ Lupkes, Utilities Superintendent; Jack Broz, Transportation Engineer; and

Jared Voto, Executive Aide/Analyst.

Item #1

#### **DISCUSS PORTLAND AVE BIKE GAP PROJECT**

Transportation Engineer Broz provided a presentation on the Portland Ave Bikeway at Crosstown (Hwy 62). He discussed the bicycle lane gap between 66th Street in Richfield and 60th Street in Minneapolis. He highlighted the project goals, engagement strategies, the proposed bike lane and layout through re-striping, and project timeline.

Mayor and Council Members asked questions about the project location, the cost of the project, the Transportation Commission's recommendation, pedestrian signals, and passive detectors for pedestrians.

Transportation Engineer Broz responded to questions explaining the work is north of the roundabout, which was not reconstructed as part of the recently completed Portland Avenue project. He also responded that the project is a mill and overlay, with no curbs being removed, so there are no additional costs for the project based on reconfiguration of the roundabout or lanes. He added that a traffic study of the roundabout would be completed once traffic counts have been done and then options for roundabout will be discussed based on the outcomes of the study. Lastly, he also discussed adding pedestrian activated crossing signals or rapid flashing beacons (RFBs) to the roundabout and could look into passive detectors during final design.

Item #2

#### DISCUSS CITYWIDE WATER METER REPLACEMENT PROJECT

Public Works Director Asher presented on the problem of a high failure rate with the current water meters and the solution of completing a citywide meter replacement. She proposed a 3-year replacement plan for the entire city, starting with a pilot program in 2019, and project completion in in 2021. She also discussed the outreach campaign to contact residents about the replacement program. Lastly, she discussed the timeline for the project, with seeking Council approval to move forwad with the project at the February 26 City Council meeting.

### **ADJOURNMENT**

The work session was adjourned by unanimous consent at 6:29 p.m.

Date Approved: February 26, 2019

Maria Regan Gonzalez
Mayor

Jared Voto
Executive Aide/Analyst

Katie Rodriguez
City Manager



### CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

### Special Concurrent City Council, Housing and Redevelopment Authority and **Planning Commission Work Session**

**February 11, 2019** 

#### **CALL TO ORDER**

The work session was called to order by Mayor Regan Gonzalez at 6:31 p.m. in the Bartholomew Room.

Council Members

Present:

Maria Regan Gonzalez, Mayor; Edwina Garcia; Mary Supple; and Simon

Trautmann.

HRA Members

Present:

Mary Supple, Chair; Erin Vrieze Daniels; Pat Elliott; and Maria Regan

Gonzalez.

HRA Members

Absent.

Sue Sandahl.

Members Present:

Planning Commission Sean Hayford Oleary, Chair; James Rudolph; Kathryn Quam; Allysen Hoberg;

and Peter Lavin.

Absent:

Planning Commission Bryan Pynn; and Susan Rosenberg.

Staff Present: Katie Rodriguez, City Manager; John Stark, Community Development

Director; Julie Urban, Housing Manager; and Jared Voto, Executive

Aide/Analyst.

Item #1

DISCUSS PROPOSED HOUSING DEVELOPMENT FOR THE CITY GARAGE **SOUTH SITE** 

Julie Urban, Housing Manager, introduced representatives from MWF Properties.

Chris Stokka, MWF Properties, presented the development team that includes the developer, builder and property manager. He provided a development summary of the proposed project, with a four story building with underground parking, a mix of 1, 2, and 3-bedroom units. Lastly, he discussed the proposed development schedule.

Council Member Supple asked for a definition of a "land write down".

Community Development Director Stark stated the developer would be asking for the HRA to sell the property for a lesser amount than it appraised for, possibly zero. This is in an established TIF District and the City could pay itself back the difference using tax increment funds.

Planning Commissioner Rudolph asked why there is a TIF District if the developer want not looking for TIF.

Community Development Director Stark stated it is a faster pay back than the City/HRA would receive from the city allotment of the tax revenues.

Council Member Garcia asked about staff's review of the proposed project and if the neighborhood has heard about this project.

Community Development Director Stark responded it has generally been reviewed by staff for its fit in planning and zoning but specifics, like setbacks, have not been reviewed. He also stated a notice has not been sent out for this work session; if policymakers were interested in the proposal then the next step would be to engage the neighbors.

Planning Commissioner Hoberg asked if there are any environmental concerns since this was a previous industrial site.

Mr. Stokka responded it would be something they would look into, but they have developed sites previously used as dry cleaners.

Community Development Director Stark responded that environmental reports have been done on the entire site and there shouldn't be many issues on this site, other than possible soil removal and clean fill brought in.

Commissioner Elliott commented that it is nice to see workforce housing brought back as he thinks it is needed in Richfield. He discussed the figures shown and the City Council and HRA's decision to know what the buy down would be. He also asked about the size of the units and discussed the need for affordable housing for families.

Mr. Stokka responded that about 25% are 1-bedrooms and the rest are 2- or 3-bedrooms.

Planning Commission Chair Hayford Oleary asked about the public storage site to the south and the possibility of redevelopment of that site.

Department Director Stark responded he did not know if there was possibility of redeveloping that site.

Commissioner Quam commented that she was impressed that they had never sold a property and headquartered in Richfield.

Commissioner Lavin asked about the financing and if there was a difference between standard affordable housing and workforce housing.

Mr. Stokka responded there are a lot of different terms for housing that are financed with tax credits and affordability levels can go from 20-80%. Their housing is more toward the 50-70%, which they classify as workforce housing.

Council Member Trautmann commented about his concerns on family housing in this particular location due to the railroad and I-494.

Community Development Director Stark responded that this is use is what is indicated in the comprehensive plan, currently and the previous plan, so that is the direction they have taken. This proposal is similar to what was proposed in 2011-2012. He stated it received policymaker support

initially, but had neighborhood opposition. He commented staff is committed to bring the neighborhood and policymakers together at the same time, if there is interest in the proposal.

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The work session was adjourned by unanimous consent at 7:01 p.m.

Date Approved: February 26, 2019

Maria Regan Gonzalez
Mayor

Jared Voto
Executive Aide/Analyst

Katie Rodriguez
City Manager



#### CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## **Regular Meeting**

February 11, 2019

#### **CALL TO ORDER**

The meeting was called to order by Mayor-for-a-Day Hazel Bieganek and Mayor Regan Gonzalez at 7:04 p.m. in the Council Chambers.

Council Members

Maria Regan Gonzalez, Mayor; Edwina Garcia; Mary Supple; and Simon

Present: Trau

Trautmann.

Staff Present:

Katie Rodriguez, City Manager; Brian Lehinger, City Attorney; Pam Dmytrenko, Administrative Services Director/Assistant City Manager; Chris Regis, Finance Director; John Stark, Community Development Director; Kristin Asher, Public Works Director; Jennifer Anderson, Support Service Supervisor; and Jared

Voto, Executive Aide/Analyst.

#### **OPEN FORUM**

None.

#### PLEDGE OF ALLEGIANCE

Mayor Regan Gonzalez led the Pledge of Allegiance.

Item #1

#### MAYOR OF THE DAY ESSAY BY HAZEL BIEGANEK

Mayor Regan Gonzalez welcomed Hazel Bieganek who received an honorable mention from the League of Minnesota Cities for her Mayor for a Day essay. Ms. Bieganek read her essay.

#### **APPROVAL OF MINUTES**

M/Garcia, S/Supple to <u>approve the minutes of the regular City Council meeting of January 22, 2019.</u>

Motion carried 4-0.

Item #2	COUNCIL DISCUSSION  • Hats Off to Hometown Hits

Council Member Trautmann spoke regarding beginning of registration for spring youth sports with soccer, softball, and baseball, and invited everyone to sign-up their children using the City of Richfield's website.

Council Member Supple spoke regarding the Richfield Arts Commission's display at the community center and invited people to submit their art for display; and thanked the Public Works Department and Public Safety Department for their work during the recent weather events.

Council Member Garcia mentioned the passing of Lorraine Nilsen, whose family runs the Nilsen funeral home, and offered her condolences to the family; and spoke regarding the City Council meeting with legislators on Friday, February 15 at 7:45 a.m.; on Tuesday, February 19 at 10 a.m. at Holy Angels Academy is a naturalization ceremony; on Wednesday, February 20 at 12:30 p at the Richfield Community Center a fraud and scam event for seniors hosted by the Richfield Police Department; and thanked the Public Works Department for their work handling all the snow.

Mayor Regan Gonzalez thanked Mayor Hazel Bieganek for her wonderful essay and asked for her autograph on the essay; commended and thanked all the City staff members, including the Public Works, Public Safety, and Fire Departments, for their work during the polar vortex and snow events; on Wednesday, February 20, at 5:30 p.m. will be the State of the Community at the Richfield Middle School; and reminded residents of Ward 3 that tomorrow (February 12) is special election.

# Item #3 APPROVAL OF THE AGENDA

M/Trautmann, S/Supple to approve the agenda.

Motion carried 4-0.

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

- A. Consideration of the approval of a Small Wireless Facility Collocation Agreement with New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, that sets forth the terms and conditions of collocation on wireless support structures within City right-of-way. (S.R. No. 22)
- B. Consideration of the adoption of a resolution to adopt the Richfield Surface Water Management Plan. (S.R. No. 23)

# RESOLUTION NO. 11605 RESOLUTION ADOPTING THE CITY OF RICHFIELD SURFACE WATER MANAGEMENT PLAN

C. Consideration of the adoption of a resolution authorizing the City of Richfield to accept grant funds of \$10,000 and enter into Source Water Protection Competitive Grant Agreement No. 152466 with Minnesota Department of Health (MDH) to permanently seal unique well no. 206330 (Wood Lake). (S.R. No. 24)

# RESOLUTION NO. 11606 RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$10,000 AND ENTER INTO SOURCE WATER PROTECTION COMPETITIVE GRANT AGREEMENT NO. 152466 WITH MINNESOTA DEPARTMENT OF HEALTH TO PERMANENTLY SEAL UNIQUE WELL NO. 206330

D. Consideration of the approval of the first reading of an ordinance amending Section 617 of the Richfield City Code regulating food establishments for consistency with recently updated State regulations. (S.R. No. 25)

M/Trautmann, S/Supple to approve the consent calendar.

Council Member Supple shared information related to Item 4.A.

Motion carried 4-0.

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

Item #6	CONSIDERATION OF THE SECOND READING OF AN ORDINANCE AMENDING SECTION 300 OF THE RICHFIELD CITY CODE TO FORMALLY ESTABLISH THE OFFICES OF CITY TREASURER AND CITY CLERK. (S.R. NO. 26)

Council Member Supple presented Staff Report No. 26.

M/Supple, S/Trautmann to <u>approve the second reading of an ordinance amending Section 300 of the Richfield City Code to formally establish the offices of City Treasurer and City Clerk.</u>

Motion carried 4-0.

Item #7	CONSIDERATION OF THE ADOPTION OF A RESOLUTION APPROVING THE CONTRACT WITH THE LABOR AND TRADES LOCAL 49 FOR THE PERIOD JANUARY 1, 2019 THROUGH DECEMBER 31, 2020 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT. (S.R. NO. 27)
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Council Member Trautmann presented Staff Report No. 27 and thanked staff for their work, highlighting the great work of all levels of City staff.

M/Trautmann, S/Garcia to <u>adopt a resolution approving the provisions of the 2019-2020 labor agreement with the Labor & Trades Local 49 bargaining unit and authorize the City Manager to execute the agreement.</u>

# RESOLUTION NO. 11607 RESOLUTION APPROVING LABOR AGREEMENT BETWEEN THE CITY OF RICHFIELD AND INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 49 BARGAINING UNIT FOR YEARS 2019 AND 2020

#### Motion carried 4-0.

	CONSIDERATION OF THE ADOPTION OF A RESOLUTION ESTABLISHING A POLICY FOR ADVISORY BOARDS AND COMMISSIONS APPOINTMENT PREFERENCE. (S.R. NO. 28)

Council Member Supple presented Staff Report No. 28.

M/Supple, S/Trautmann to <u>adopt a resolution establishing a policy for advisory boards and commissions appointment preference.</u>

# RESOLUTION NO. 11608 RESOLUTION ESTABLISHING A POLICY FOR ADVISORY BOARD AND COMMISSIONS APPOINTMENT PREFERENCE

Motion carried 4-0.

#### Item #9

CONSIDERATION OF THE APPROVAL OF AGREEMENTS WITH NON-PROFIT ORGANIZATIONS TO PROVIDE SOCIAL SERVICES TO THE CITY OF RICHFIELD AND AUTHORIZATION OF THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THOSE AGENCIES. (S.R. NO. 29)

Council Member Garcia presented Staff Report No. 28 and thanked those recipients who were in attendance.

Council Member Trautmann discussed the value of these non-profits in the services they provide to members of the community.

M/Garcia, S/Supple to <u>approve the agreements between the recommended non-profit organizations and the City of Richfield and authorize the City Manager to execute agreements for services with those agencies.</u>

Mayor Regan Gonzalez thanked those that volunteered to review and recommend the organizations to receive funding and thanked those organizations that offer services to the community.

#### Motion carried 4-0.

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CLOSED SESSION PURSUANT TO MINNESOTA STATUTES, SECTION 13D.05, SUBD. 3(B) FOR AN ATTORNEY-CLIENT PRIVILEGED DISCUSSION OF HENNEPIN COUNTY DISTRICT COURT FILE NO. 27-CV-18-16502 INVOLVING THE CITY'S ACQUISITION OF THE MOTEL 6 PROPERTY LOCATED AT 7636 CEDAR AVENUE SOUTH, RICHFIELD, MINNESOTA.

Mayor Regan Gonzalez moved the meeting into closed session at 7:52 p.m.

The City Council reconvened the meeting at 8:12 p.m.

#### Item #11

CONSIDERATION OF THE ADOPTION OF A RESOLUTION AUTHORIZING A STIPULATED AWARD OF COMMISSIONERS FOR THE ACQUISITION OF THE MOTEL 6 PROPERTY AS REQUIRED FOR THE CONSTRUCTION OF THE 77TH STREET/RICHFIELD PARKWAY PROJECT. (S.R. NO. 30)

Mayor Regan Gonzalez presented Staff Report No. 28.

M/Supple, S/Trautmann to <u>adopt a resolution authorizing a stipulated award of commissioners</u> for the acquisition of the Motel 6 Property as required for the construction of the 77th Street/Richfield Parkway project.

RESOLUTION NO. 11609
RESOLUTION AUTHORIZING A STIPULATED AWARD OF
COMMISSIONERS FOR THE ACQUISITION OF THE MOTEL 6
PROPERTY AS REQUIRED FOR THE CONSTRUCTION OF THE 77TH
STREET/RICHFIELD PARKWAY PROJECT

Motion carried 4-0.

Item #12	CITY MANAGER'S REPORT
----------	-----------------------

City Manager Rodriguez spoke regarding attending the Minnesota Independence College & Community family weekend and stated that the results of the special election will be posted on the City's website tomorrow evening.

Item #13	CLAIMS AND PAYROLLS
----------	---------------------

M/Garcia, S/Trautmann that the following claims and payrolls be approved:

U.S. Bank	02/11/19
A/P Checks: 274766 - 275229	\$ 1,694,964.66
Payroll: 142574 - 142911 ; 143246 - 143579	 1,353,843.00
TOTAL	\$ 3,048,807.66

Motion carried 4-0.

**OPEN FORUM** 

None.

Item #14	ADJOURNMENT		
The meeting was adjourned by unanimous consent at 8:15 p.m.			
Date Approve	Date Approved: February 26, 2019		
	Maria Regan Gonzalez Mayor		
Jared Voto Executive Aid	Katie Rodriguez de/Analyst City Manager		



### **CITY COUNCIL MEETING MINUTES**

Richfield, Minnesota

# Special City Council Meeting February 15, 2019

#### **CALL TO ORDER**

The meeting was called to order by Mayor Regan Gonzalez at 7:32 a.m. in the Council Chambers.

**Council Members** 

Maria Regan Gonzalez, Mayor; Edwina Garcia; Mary Supple; and Simon

Present:

Trautmann.

Staff Present:

Katie Rodriguez, City Manager; Elizabeth VanHoose, City Clerk; and Jared

Voto, Executive Aide/Analyst.

ITEM #1

#### **SPECIAL MEETING ITEMS**

• CONSIDERATION OF THE APPROVAL OF A RESOLUTION DETERMING THE RESULTS OF THE CITY SPECIAL ELECTION HELD ON TUESDAY, FEBRUARY 12, 2019. (S.R. NO. 31)

Mayor Regan Gonzalez presented Staff Report No. 31 and read the election results.

M/Trautmann, S/Supple to <u>adopt a resolution determining the results of the City Special</u> Election held on Tuesday, February 12, 2019.

RESOLUTION NO. 11610
RESOLUTION DETERMINING RESULTS OF THE CITY SPECIAL ELECTION HELD ON TUESDAY, FEBRUARY 12, 2019

The Mayor and Council Members congratulated Ben Whalen for his election, welcomed him to the City Council, and thanked the other candidates.

Motion carried 4-0.

#### **ADJOURNMENT**

The meeting was adjourned by unanimous consent at 7:36 a.m.

Date Approved: February 26, 2019

Maria Regan Gonzalez

Mayor

Jared Voto Executive Aide/Analyst Katie Rodriguez City Manager



## **CITY COUNCIL MEETING MINUTES**

Richfield, Minnesota

# Special City Council Work Session February 15, 2019

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The meeting was called to order by Mayor Regan Gonzalez at 7:45 a.m. in the Bartholomew Room.

Council Members

Maria Regan Gonzalez, Mayor; Edwina Garcia; Mary Supple; and Simon

Present:

Trautmann.

Staff Present: Katie Rodriguez, City Manager; Pam Dmytrenko, Administrative Services

Director/Assistant City Manager; John Stark, Community Development Director; Kristin Asher, Public Works Director; Wayne Kewitsch, Fire Chief; Kris Weiby, Acting Recreation Services Director; Chris Regis, Finance Director; Joe Griffin, Police Lieutenant; Elizabeth VanHoose, City Clerk; and

Jared Voto, Executive Aide/Analyst.

Item #1

#### **DISCUSSION WITH LEGISLATORS**

The City Council and City staff met with the local Legislators to discuss items of mutual interest to the City of Richfield.

#### **ADJOURNMENT**

The work session was adjourned by unanimous consent at 8:47 a.m.

Date Approved: February 26, 2019

- s.to		
	Maria Regan Gonzalez Mayor	
Jared Voto	Katie Rodriguez	_
Executive Aide/Analyst	City Manager	

4.A.



## STAFF REPORT NO. 32 CITY COUNCIL MEETING 2/26/2019

REPORT PREPARED BY: Russ "Butch" Lupkes, Utilities Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director

2/19/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager

2/19/2019

#### ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of the citywide water meter replacement project and directing staff to solicit bids.

#### **EXECUTIVE SUMMARY:**

#### **Problem**

The City of Richfield Public Works Department Water Utility division has been working towards the implementation of a citywide water meter replacement project. Water meters serve a critical role in the City's water utility infrastructure since they serve as the "cash registers" for the utility division. The project is necessary due to the increasing failure rate of our existing water meters as they reach the end of their usable lifespan. Over 10% percent of meters read per week are reading faulty, resulting in:

- Billing based on estimates of past water use resulting in over or under charging our customers;
- Staff time lost in order to notify residents, explain the problem, and schedule an appointment for replacement; and
- Two utilities employees responding to meter replacement service appointments.

The City of Richfield has 10,534 residential water meters and 236 commercial water meters.

#### Solution

Staff surveyed other municipalities with similar meter troubles and worked with engineering firm SEH, Inc., to identify a solution to this problem and it was determined that a citywide meter replacement project was the best option, since the margin of failing meters is expected to increase as time goes on. A citywide project rather than piecemeal replacement ensures that the meter and reading technology will be uniform throughout the City and will return stability to our water utility department and our customers' utility service.

#### **Meter Selection Process**

In pursuit of the best water meter for Richfield, staff surveyed other cities and met with multiple meter suppliers to select the best product. Richfield staff prioritized:

- Overall metering accuracy;
- Low-flow reading ability to allow for accurate leak detection to aid in water conservation;
- Low maintenance & ease of repair;
- · Battery longevity & warranty; and
- An ability to upgrade to advanced metering infrastructure (AMI).

With these considerations in mind, staff selected Sensus brand water meters for this project, which have a 15-year warranty, including battery.

#### Timeline & Resident Outreach

The project will be a three (3) year program. The schedule is subject to change based on certain factors, but tentatively follows this timeline:

- Year 1 (2019): Pilot program, all commercial properties, failed meters, and 30% of residential meters
- Year 2 (2020): 30-40% of residential meters
- Year 3 (2021): Remaining residential meters & project completion.

General resident outreach will consist of:

- Social media postings;
- · Utility billing inserts; and
- Sun Current advertisements.

Individual resident outreach by contractor will consist of:

- Mailing an initial appointment notice;
- Door knocking & door hanger notice;
- Mailing a second notice;
- Certified letter to the property owner; and
- Turning account over to Public Works for replacement by PW staff.

#### **Contractor's Staff**

As part of the project bid specifications, the contractor will be required to have all project staff undergo BCA background checks and wear the required ID badges that include the Richfield logo. The contractor is also required to have staff available to conduct all scheduling related to the replacement, a licensed plumber on staff and available, and supervisors in place to respond to customer concerns or complaints. At no point will the contractor's staff be allowed to enter a home if a competent adult over the age of 18 is not present at the property.

#### **RECOMMENDED ACTION:**

By motion: Approve the citywide water meter replacement project and direct staff to solicit bids.

#### BASIS OF RECOMMENDATION:

#### A. HISTORICAL CONTEXT

- The City's current water meters were installed as part of a similar project that was completed from 2007-2009.
- The meters have reached the end of their expected lifespan and the batteries are prone to failure.
- Significant staff time and resources are being dedicated to replace these failed meters on a caseby-case basis.
- The city has 10,534 residential water meters and 236 commercial meters in total.
- Public Works staff held a work session to brief Council on the project on February 11, 2019.

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

- Minnesota Statutes 471.345: For City contracts or purchases estimated to exceed \$175,000, sealed bids shall be solicited by public notice in the manner and subject to the law governing contracts or purchases by the City of Richfield.
- The scope of the project 10,858 meters means the contract cost will exceed the statutory threshold requiring sealed bids.
- The project has been identified in the 2019-2023 Capital Improvement Budget/Capital Improvement Plan.

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

- With Council approval, staff expects to advertise for bids March 7, open sealed bids on March 26, and award the contract at the April 9 regular City Council meeting.
- Council approval will allow staff to stick to the above timeline and ensure the project is ready to

commence for the 2019 replacement schedule.

- Implementing the project as soon as possible will ensure accurate billings for customers and accurate revenue for the City.
- The rate of meter failure is accelerating and will continue to do so until the project is complete.

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

- The project is estimated to cost in the range of \$4,100,000 and has been accounted for in the current year's Water Utility budget and in the coming years' budgets.
- The project is identified in the 2019-2023 Capital Improvement Budget/Capital Improvement Plan.

#### E. <u>LEGAL CONSIDERATION:</u>

None

#### **ALTERNATIVE RECOMMENDATION(S):**

None

#### PRINCIPAL PARTIES EXPECTED AT MEETING:

None

AGENDA SECTION: AGENDA ITEM# CONSENT CALENDAR

4.B.



# STAFF REPORT NO. 33 CITY COUNCIL MEETING 2/26/2019

REPORT PREPARED BY: Scott Kulzer, Administrative Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director

2/19/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager

2/20/2019

#### ITEM FOR COUNCIL CONSIDERATION:

Consideration of the adoption of a resolution authorizing a land exchange with the Minnesota Department of Transportation as part of the completed I-35W/TH62 "Crosstown Commons" reconstruction project.

#### **EXECUTIVE SUMMARY:**

In 2006, as part of the I-35W/TH62 "Crosstown Commons" reconstruction project, the City of Richfield and MnDOT entered into an agreement, memorialized in MnDOT Contract No. 89064, to exchange certain parcels of land. The project has been completed and the 2006 agreement has since expired, without the land exchange being officially executed. The Agreement calls for an exchange of deeds to transfer title to the parcels of land to be exchanged, with the City conveying to the State a strip of land along Highway 62 on the north side of Madison Park, in return for a deed from the State conveying two parcels of land adjacent to Madison Park, and a third parcel of land adjacent to Highway 62 on Lyndale Avenue.

The City has determined that granting a deed conveying the City-owned land covered in the Agreement, and accepting delivery of a deed from MnDOT conveying the State-owned land covered in the Agreement, is in the interest of the public.

#### RECOMMENDED ACTION:

By motion: Adopt a resolution authorizing a land exchange with the Minnesota Department of Transportation as part of the completed I-35W/TH 62 "Crosstown Commons" reconstruction project.

#### **BASIS OF RECOMMENDATION:**

#### A. HISTORICAL CONTEXT

- In 2006, as part of the I-35W/TH62 "Crosstown Commons" reconstruction project, the City of Richfield and MnDOT entered into an agreement, memorialized in MnDOT Contract No. 89064, to exchange certain parcels of land.
- The original agreement with MnDOT expired on its own terms in 2013.
- The Project has been completed and title to the properties involved in the exchange was never conveyed.
- The City of Richfield and MnDOT both desire to complete the land exchange as originally contemplated in the the attached MnDOT Contract No. 89064.

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

- Authorizing this land exchange will serve to carry out the original intent of the Richfield City Council in its adoption of the original agreement and resolution on April 11, 2006.
- The original authorizing resolution and MnDOT Contract No. 89064 from April 11, 2006, are attached for reference.

#### C. CRITICAL TIMING ISSUES:

 Completion of the land exchange is a "housekeeping" measure related to the completed I-35W/TH62 "Crosstown Commons" reconstruction project and is in the best interest of the City and the State.

#### D. FINANCIAL IMPACT:

- This agreement represents a land exchange only. No funds are exchanged as part of the agreement.
- For MnDOT's own internal reasons, and because the original agreement expired in 2013, MnDOT needs to process this exchange as a "direct purchase." Therefore, this staff report also includes an offer to sell and a donation letter. Ultimately, it's the same land exchange as agreed to in 2006, but in a slightly different form.

#### E. LEGAL CONSIDERATION:

• The City Attorney has reviewed the agreement and will be available to answer any questions.

#### **ALTERNATIVE RECOMMENDATION(S):**

None

#### PRINCIPAL PARTIES EXPECTED AT MEETING:

None

#### **ATTACHMENTS:**

	Description	Type
	Resolution	Resolution Letter
ם	Old MnDOT Agmnt #89064	Backup Material
D	Resolution - 04-11-2006 Land Exchange	Backup Material
ם	MnDOT Quitclaim Deed	Contract/Agreement
ם	MnDOT Donation Letter	Contract/Agreement
	MnDOT Memorandum of Conditions	Contract/Agreement
ם	MnDOT Fee Acquisition	Backup Material

#### **RESOLUTION NO.**

#### AUTHORIZING A LAND EXCHANGE WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION AS PART OF THE COMPLETED CROSSTOWN RECONSTRUCTION PROJECT

WHEREAS, the City of Richfield (City) and the Minnesota Department of Transportation (MnDOT) entered into an agreement in 2006, memorialized in MnDOT Contract No. 89064 (Agreement), to exchange certain parcels of land as part of the Crosstown Reconstruction Project (Project); and

WHEREAS, the Agreement calls for an exchange of deeds to transfer title to the parcels of land to be exchanged thereunder, with the City conveying to the State a strip of land along Highway 62 and lying on the north side of Madison Park, in return for a deed from the State conveying two parcels of land adjacent to Madison Park, and a third parcel of land adjacent to Highway 62 on Lyndale Avenue; and

WHEREAS, the Agreement, by its own terms, expired in 2013; and

**WHEREAS**, the Project has been completed and title to the properties involved in the exchange was never conveyed; and

WHEREAS, the City and MnDOT both desire to complete the land exchange and grant deeds conveying title to each party's respective properties, as originally contemplated in the Agreement; and

**WHEREAS**, the City has determined that granting a deed conveying the Cityowned land covered in the Agreement, and accepting delivery of a deed from MnDOT conveying the State-owned land covered in the Agreement, is in the interest of the public;

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

- 1. That the City shall deed to MnDOT, on behalf of the State, the City-owned land described in MnDOT Contract No. 89064, and shall accept delivery from MnDOT, on behalf of the State, a deed conveying the State-owned land contemplated in MnDOT Contract No. 89064.
- 2. That the Mayor and City Manager are hereby authorized and directed to execute all appropriate documents to effectuate the transaction contemplated by this Resolution.

	3.	That the Mayor, City Manager, staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.
Februa		opted by the City Council of the City of Richfield, Minnesota this 26 <sup>th</sup> day of , 2019.
ATTE	ST:	Maria Regan Gonzalez, Mayor
Elizab	eth	VanHoose, City Clerk

AGENDA SECTION:
AGENDA ITEM #
REPORT #

Resolutions 10 78



## STAFF REPORT

### **CITY COUNCIL MEETING**

**APRIL 11, 2006** 

REPORT PREPARED BY:	KRISTIN ASHER, ASSISTANT CITY ENGINEER
Council Presenter:	Name, Title
DEPARTMENT DIRECTOR REVIEW:  REVIEWED BY CITY MANAGER:	SIGNATURY SIGNATURY

#### ITEM FOR COUNCIL CONSIDERATION:

- Consideration of approval of the attached resolution in which Richfield agrees to exchange land at Madison Park for adjacent land parcels and an additional remnant parcel on Lyndale Avenue with the Minnesota Department of Transportation (Mn/DOT) for land necessary to complete the Crosstown Reconstruction project.
   Consideration of approval for the Mayor and City Manager to grant necessary access to Mn/DOT's contractors in Madison Park and Legion Lake.
- I. RECOMMENDED ACTION:

### By Motion:

- Adopt the attached resolution approving Agreement No. 89064 between the City of Richfield and the Minnesota Department of Transportation (Mn/DOT).
- Authorize the Mayor and City Manager to approve permits granting necessary access to Mn/DOT's contractors to complete the Crosstown Reconstruction Project.
- II. BACKGROUND

Mn/DOT had determined that it is necessary to acquire a portion of the City Property in order to complete the Crosstown Reconstruction project. Approximately

12,640 square feet of the north edge of Madison Park will be conveyed to Mn/DOT for the reconstruction project in exchange for approximately 13,000 square feet of land, split among three parcels (see attachments). Approximately 7,800 square feet of the replacement land will be located adjacent to the park; the remaining 5,200 square feet will be conveyed with Parcel 341 located in the western corner of Lyndale Avenue and the TH 62 ramp.

In addition to the land exchange, Mn/DOT will need access to portions of both Madison Park and Legion Lake in order to complete the reconstruction project. The permits allow Mn/DOT's contractors access to the portion of Madison Park indicated as a temporary easement and permission to construct on the area of Legion Lake where indicated to build a pedestrian bridge and dredge a drainage channel into Legion Lake.

#### III. BASIS OF RECOMMENDATION

#### A. POLICY

 Improvements to the 35W/Highway 62 Crosstown have been identified as needed in the City's Comprehensive Plan.

#### B. CRITICAL ISSUES

- The agreement is necessary in order for Mn/DOT to move forward with the Crosstown Reconstruction.
- The permits allowing Mn/DOT's contractor to do work on City property (Legion Lake & Madison Park) is necessary for Mn/DOT to move forward with the Crosstown Reconstruction.

#### C. FINANCIAL

 Land exchange only. No funds are exchanged as part of the agreement.

#### D. LEGAL

 The City Attorney will be available at the Council meeting to answer any questions about the agreement.

### IV. ALTERNATIVE RECOMMENDATION(S)

Reject the proposed land exchange agreement.

Deny Mn/DOT's contractors access to Madison Park and Legion Lake.

#### V. ATTACHMENTS

- Resolution approving the proposed land exchange agreement.
- Mn/DOT Contract No. 89064
- Graphics defining land exchange parcels
- Permits granting immediate access to Madison Park and Legion Lake
- Graphics defining temporary easement area

### VI. PRINCIPAL PARTIES EXPECTED AT MEETING

None anticipated.

|O - |
RESOLUTION NO.

# RESOLUTION AUTHORIZING APPROVAL OF AGREEMENT NO. 89064 AMONG THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MN/DOT) AND THE CITY OF RICHFIELD FOR LAND EXCHANGED AS PART OF THE CROSSTOWN RECONSTRUCTION PROJECT.

**WHEREAS**, Mn/DOT wishes to acquire certain property, a portion of Madison Park, from the City for highway purposes; and

**WHEREAS**, the City wishes to acquire certain property in the vicinity of Madison Park from Mn/DOT for use for park and trail purposes; and

**WHEREAS**, the City and Mn/DOT deem it mutually advantageous to exchange the property referenced in the attached agreement and maps.

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

- 1) That the "State of Minnesota and City of Richfield Land Exchange Agreement" identified as Mn/DOT Agreement Number 89064, a copy of which was before the Council, is hereby approved.
- 2) That the proper City officers are authorized to execute the Agreement, and any amendments thereto.

Adopted by the City Council of the City of Richfield, Minnesota on this 11th day of April 2006.

ATTEST:		Martin J. Kirsch, Mayor
	ATTEST:	

10-2

# STATE OF MINNESOTA AND CITY OF RICHFIELD LAND EXCHANGE AGREEMENT

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

#### Recitals

The parties are authorized to enter into this Agreement by Minnesota Statutes §§471.59, subd. 10; and 161.202; and;

The State is planning to reconstruct Trunk Highway number 62 and Interstate 35W, within the Richfield city limits, under State Project Number 2782-281 (the "Project"); and

The City is the fee owner of property currently maintained and operated as Madison Park (the "City Property"); and

The State has determined that is necessary to acquire a portion of the City Property for purposes of constructing the Project and operating and maintaining the reconstructed roadway; and

The City will convey the City Property to the State, provided that such property is replaced in a suitable manner; and

The State has acquired certain property and will acquire certain additional property (collectively the "State Property") and convey it to the City; and

The Parties are entering into this Agreement to define the terms and conditions of the above-referenced land xchange.

#### Agreement

#### 1. Term of Agreement; Exhibits Incorporated

- 1.1 *Effective date*: This Agreement will be effective on the date signed by all necessary City and State officials as required by Minnesota Statutes §16C.05, subdivision 2, and other applicable law.
- 1.2 *Expiration date*: This Agreement will expire seven years after its Effective Date, or when all obligations have been satisfactorily fulfilled, whichever occurs first.
- 1.3 Exhibits: Exhibits A, and B are attached and incorporated into this Agreement.

### 2. Agreement between the Parties

- 2.1 **Description of City Property**. The City Property that is the subject of this Agreement is identified as Parcel 58 and is depicted on Exhibit A.
- 2.2 Description of State Property. The State Property that is the subject of this Agreement is identified as the remnants of parcels 56, 59, and 431, and is depicted on Exhibits A and B.
- 2.3 *Project Schedule.* The State has scheduled the construction contract letting for the Project for May 19<sup>th</sup>, 2006. The State anticipates that construction will commence on July 10, 2006.
- 2.4 Conveyance of the City Property. The City will convey the City Property to the State by quitclaim

deed, in such estates as are designated on Exhibit A. Approximately 12,642 square feet will be conveyed in fee simple, approximately 4,934 square feet will be conveyed as wall maintenance easement, and a temporary easement will be granted for approximately 36,469 square feet. The temporary easement will expire on December 1, 2010.

- 2.5 Conveyance of the State Property. The State will convey the State Property, as shown on Exhibits A and B, to the City in fee simple estate by quitclaim deed. Approximately 13,007 square feet will be conveyed in fee simple, of which approximately 4,035 square feet (on certain portions of parcels 56 and 59 as shown on Exhibit A) will be conveyed subject to a wall maintenance easement in favor of the State.
- 2.6 *Conveyance Documents*. The State will be responsible for providing legal descriptions and for preparing conveyance documents. All conveyance documents must be approved, prior to their execution, by the State's Metro District Right-of-Way Engineer or her designee.
- 2.7 *Timing of Conveyance*. Following the effective date of this Agreement, the State will seek approval of the land exchange by the Minnesota Land Exchange Board. Upon approval, the City will convey the City Property to the State pursuant to Article 2.4 of this Agreement. The State will convey the State Property to the City within 90 days after filing the final certificate of the parcels in Eminent Domain. The parties will use their best efforts to complete the property conveyances prior to the State's planned contract-letting date.
- 2.8 *Recording*. Each party will be responsible for recording the conveyance instruments which it receives as part of the exchange.

#### 2.9 Rights of Entry.

- 2.9.1 Effective upon the execution of this Agreement, the City grants to the State a right of entry on the City Property for purposes of constructing the Project, and operating and maintaining the reconstructed roadway. This right of entry will remain in effect until the conveyance of the City Property is completed.
- 2.9.2 The State reserves for itself a right of entry onto that portion of the State Property identified as Parcels 56, 59, and 341 for purposes of constructing the Project. This right of entry will remain in effect until construction of the Project is completed.
- 2.10 *Environmental Liability*. Nothing in this Agreement is intended to alter any responsibility imposed by applicable federal or state environmental protection laws, specifically including but not limited to, laws governing responsibility for cleanup of polluted properties.

#### 2.11 Approvals

2.11.1 Approval by Land Exchange Board. The State will be responsible for obtaining approval of this transaction from the Minnesota Land Exchange Board. If the Minnesota Land Exchange Board

does not approve this land exchange, this agreement will terminate and neither party will have any further responsibility to the other.

2.11.2 *Approval by City Council*. The agreement is contingent upon City Council approval and will be void if such approval is not obtained. The City will be responsible for obtaining such approval.

#### 3. Payment

1

The parties agree that the interests in real property to be exchanged pursuant to this Agreement are of equivalent value and that neither party will be obligated to pay cash compensation to the other.

- 4. Authorized Representatives. Each party's Authorized Representative has the responsibility to administer this agreement, to give and receive notices, and to make any other decision authorized or permitted under this Agreement.
  - 4.1 The State's Authorized Representative is Deb Anderson Sleeper, Metro District Right-of-Way Engineer, or her successor; 1500 W. County Road B2, Roseville, MN 55113; (651) 582-1658.
  - 4.2 The City 's Authorized Representatives are Martin Kirsch (Mayor) and Steven Devich (City Manager) or their successors; 6700 Portland Ave. S., Richfield, MN 55423; 612-861-9700 (Mayor), 612-861-9702 (City Manager).

#### 5. Assignment, Amendments, Waiver, and Contract Complete

- Assignment. Neither party may assign or transfer any rights or obligations under this agreement without the prior consent of the other party and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.
- 5.2 Amendments. Any amendment to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.
- 5.3 Waiver. If a party fails to enforce any provision of this agreement, that failure does not waive the provision or its right to subsequently enforce it.
- 5.4 **Contract Complete.** This agreement contains all negotiations and agreements between the State and the City. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.

#### 6. Liability

In connection with the performance of this Agreement, each party will be solely responsible for its own acts and omissions and the results thereof to the extent authorized by law. The State's liability is governed by Minnesota Statutes §3.736 and other applicable law. The City's liability is governed by Minnesota Statutes chapter 466 and other applicable law.

#### 7. State Audits

Under Minnesota Statutes § 16C.05, subd. 5, the City 's books, records, documents, and accounting procedures and practices relevant to this agreement are subject to examination by the State and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this agreement.

#### . Government Data Practices

The City and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data created, collected, received, stored, used, maintained, or disseminated by

10-5

a party under this agreement. The civil remedies of Minnesota Statutes § 13.08 apply to the release of the data referred to in this clause by either the City or the State.

#### 9. Venue

Venue for all legal proceedings arising out of this agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

10. **Termination.** Except as provided in Article 2.11, this agreement may be terminated only by the mutual written agreement of the parties.

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

DEPARTMENT OF TRANSPORTATION

10-6

### STATE ENCUMBRANCE VERIFICATION

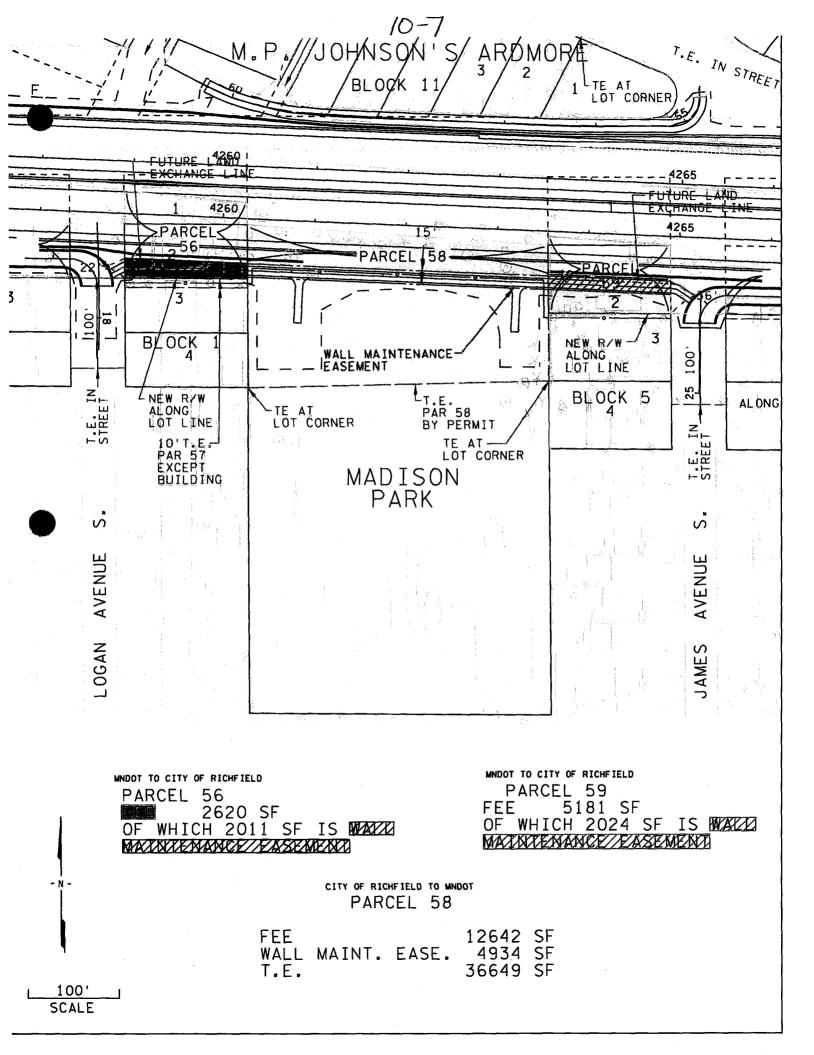
Individual certifies that funds have been encumbered as required by Minnesota Statutes § 16A 15 and 16C 05

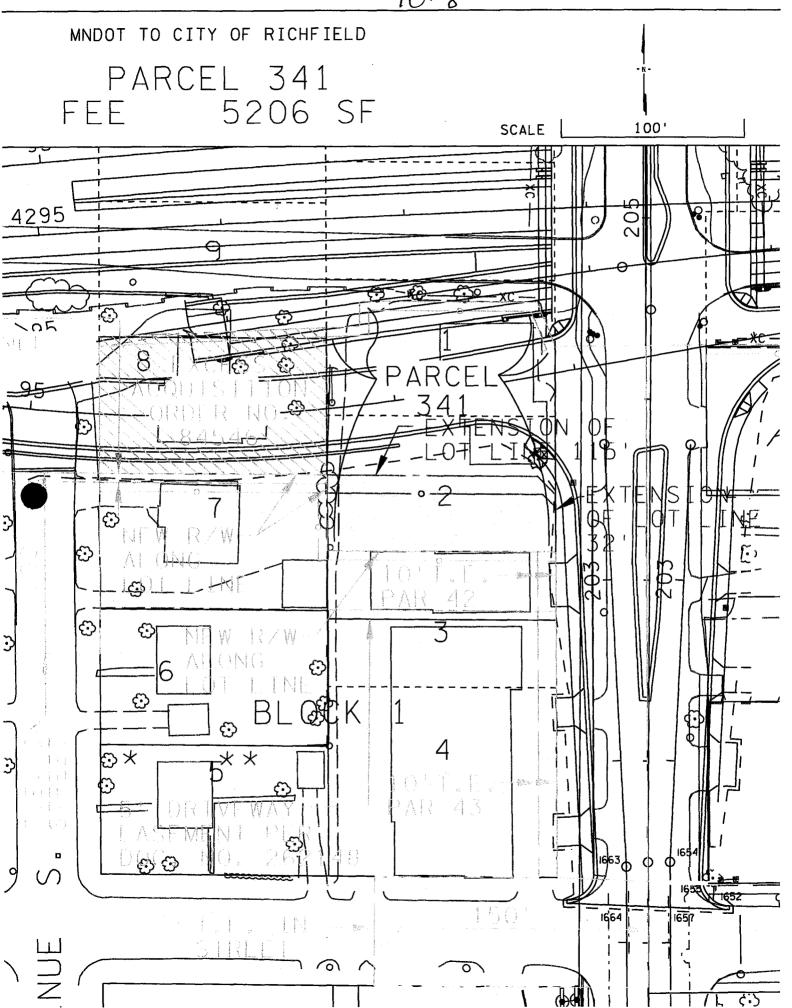
10/4.13	and 100.03.		
Signed:		By:	
			(With delegated authority)
Date:		Title:	
CFMS	Contract No. A-	Date:	
CITY	OF RICHFIELD	COM	MISSIONER OF ADMINISTRATION
have ex	ry certifies that the appropriate person(s) recuted this Agreement on behalf of the City		
	ired by applicable resolutions, ordinances, or provision.	By:	
			(With delegated authority)
ву:		Date:	
	Martin Kirsch		
Title:	Mayor ,		
Date:	April 11, 2006	By:	
			(With delegated authority)
Ву:		Date:	
	Steve Devich		
Title:	City Manager		

INCLUDE COPY OF RESOULUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.

April 11, 2006

Date:





#### **RESOLUTION NO. 9754**

# RESOLUTION AUTHORIZING APPROVAL OF AGREEMENT NO. 89064 AMONG THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MN/DOT) AND THE CITY OF RICHFIELD FOR LAND EXCHANGED AS PART OF THE CROSSTOWN RECONSTRUCTION PROJECT.

**WHEREAS**, Mn/DOT wishes to acquire certain property, a portion of Madison Park, from the City for highway purposes; and

**WHEREAS**, the City wishes to acquire certain property in the vicinity of Madison Park from Mn/DOT for use for park and trail purposes; and

**WHEREAS**, the City and Mn/DOT deem it mutually advantageous to exchange the property referenced in the attached agreement and maps.

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

- 1) That the "State of Minnesota and City of Richfield Land Exchange Agreement" identified as Mn/DOT Agreement Number 89064, a copy of which was before the Council, is hereby approved.
- 2) That the proper City officers are authorized to execute the Agreement, and any amendments thereto.

Adopted by the City Council of the City of Richfield, Minnesota on this 11th day of April 2006.

Martin J. Kirsch, Mayor

ATTEST:

Nancy Gibbs, City Clerk

#### **QUITCLAIM DEED**

STATE DEED TAX DUE HEREON: \$	*	C.S. 2774 (62=384) 906
		Parcel 58
Date:		County of Hennepin

For valuable consideration, City of Richfield, a municipal corporation under the laws of the state of Minnesota, Grantor, hereby conveys and quitclaims to the State of Minnesota, Grantee, real property in Hennepin County, Minnesota, described as follows:

That part of Tract A described below:

Tract A. That part of the North Half of the North Half of the Northwest Quarter of Section 28, Township 28 North, Range 24 West, Hennepin County, Minnesota, lying between the plats "GRASS LAKE TERRACE" and HENRY THERNELL'S 2<sup>ND</sup> ADDITION and south of a line running from the southeast corner of Lot 1, Block 1, said HENRY THERNELL'S 2<sup>ND</sup> ADDITION to the southwest corner of Lot 1, Block 5, said "GRASS LAKE TERRACE", according to the plats thereof on file and of record in the office of the County Recorder in and for said county, the title thereto being registered as evidenced by Certificate of Title No. 341719;

which lies northerly of Line 1 described below:

Line 1. Beginning at a point on the west line of Lot 2, Block 1, said HENRY THERNELL'S 2<sup>ND</sup> ADDITION, distant 22 feet north of the southwest corner thereof; thence easterly to a point on the east line of Lot 2, Block 5, said "GRASS LAKE TERRACE", distant 36 feet north of the southeast corner thereof and there terminating;

containing 0.29 acre, more or less:

together with all right of access being the right of ingress to and egress from that part of Tract A hereinbefore described, not acquired herein, to Trunk Highway No. 62;

together with a wall maintenance easement in perpetuity on that part of Tract A hereinbefore described, adjoining and southerly of the above described strip and northerly of a line run parallel with and distant 15 feet southerly of Line 1 described above;

containing 0.11 acre, more or less;

also the right to use the following described strip for highway purposes, which right shall cease on December 1, 2010, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes:

A strip being that part of Tract A hereinbefore described, adjoining and southerly of the last above described strip and northerly of the following described line: Beginning at the southeast corner of Lot 4, Block 1, said HENRY THERNELL'S 2<sup>ND</sup> ADDITION; thence easterly to the southwest corner of Lot 3, Block 5, said "GRASS LAKE TERRACE", and there terminating;

containing 0.84 acre, more or less.

together with all hereditaments and appurtenances belonging hereto.

t box if applicable:
The Seller certifies that the seller does not know of any wells on the described real
property.
A well disclosure certificate accompanies this document or has been electronically
filed. (If electronically filed, insert WDC number)
I am familiar with the property described in this instrument and I certify that the status
and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

CITY	OF RICHFIELD
Ву	
I	ts
And	
I	ts
STATE OF MINNESOTA )	
)SS. COUNTY OF HENNEPIN )	
,, by	owledged before me this day of and and
the laws of the state of Minnesota, on beha	City of Richfield, a municipal corporation under
,	
NOTARY	PUBLIC
My comn	nission expires:
This instrument was drafted by the State of Minnesota, Department of Transportation, Metro Right of Way, 1500 W. County Road B2 Roseville, MN 55113	Send tax statements to Grantee: State of Minnesota Department of Transportation METRO District Right of Way 1500 W. County Road B2 Roseville, MN 55113

Page 3 of 3



December 3, 2018

Joseph D. Pignato, Director Minnesota Department of Transportation 395 John Ireland Boulevard – MS 630 St. Paul, MN 55155

RE:

State Project #:

2782-281

Control Section #: 2774 (62=384) 906

Project Job #:

TRW216070

County:

Hennepin

Parcel #:

58 - City of Richfield

We are aware of the provisions of State and Federal laws that would allow us to be paid just compensation (State certified appraised value) as well as obtain an appraisal with State reimbursement for the above referenced parcel.

As a contribution to the State of Minnesota, Department of Transportation, we hereby agree to donate, without compensation, an interest in real property legally described as follows:

That part of Tract A described below:

Tract A.

That part of the North Half of the North Half of the Northwest Quarter of Section 28, Township 28 North, Range 24 West, Hennepin County, Minnesota, lying between the plats "GRASS LAKE TERRACE" and HENRY THERNELL'S 2ND ADDITION and south of a line running from the southeast corner of Lot 1, Block 1, said HENRY THERNELL'S 2ND ADDITION to the southwest corner of Lot 1, Block 5, said "GRASS LAKE TERRACE", according to the plats thereof on file and of record in the office of the County Recorder in and for said county, the title thereto being registered as evidenced by Certificate of Title No. 341719;

which lies northerly of Line 1 described below:

Line 1. Beginning at a point on the west line of Lot 2, Block 1, said HENRY THERNELL'S 2ND ADDITION, distant 22 feet north of the southwest corner thereof; thence easterly to a point on the east line of Lot 2, Block 5, said "GRASS LAKE TERRACE", distant 36 feet north of the southeast corner thereof and there terminating;

containing 0.29 acre, more or less:

together with all right of access being the right of ingress to and egress from that part of Tract A hereinbefore described, not acquired herein, to Trunk Highway No. 62;

together with a wall maintenance easement in perpetuity on that part of Tract A hereinbefore described, adjoining and southerly of the above described strip and northerly of a line run parallel with and distant 15 feet southerly of Line 1 described above;

containing 0.11 acre, more or less;

also the right to use the following described strip for highway purposes, which right shall cease on December 1, 2010, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes:

A strip being that part of Tract A hereinbefore described, adjoining and southerly of the last above described strip and northerly of the following described line: Beginning at the southeast corner of Lot 4, Block 1, said HENRY THERNELL'S 2<sup>ND</sup> ADDITION; thence easterly to the southwest corner of Lot 3, Block 5, said "GRASS LAKE TERRACE", and there terminating;

containing 0.84 acre, more or less.

The above described tract being conveyed has a current assessed market value(or)an appraised value of .

Signature	Date
Signature	 Date

Office of Land Management (2-98)
STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

OFFER	TO	SE	LL	AND	)
MEMORAND	UM	OF	CC	NDI.	TIONS

REC	COMMENDED FOR APPROVAL
Supe	ervisor of Direct Purchase APPROVED
Ву	

C.S.: 2774 (62=384) 906 Parcel: 58 County: Hennepin

Owners and addresses: City of Richfield, Mayor, Richfield City Hall, 6700 Portland Avenue South, Richfield, Minnesota, 55423;

For a valuable consideration, on this \_\_\_\_\_\_ day of \_\_\_\_\_\_, \_\_\_\_\_, the undersigned owners hereby offer to sell and convey to the State of Minnesota a fee simple title to the real estate or an interest therein situated in Hennepin County, Minnesota, described in the copy of the instrument of conveyance hereto attached.

If this offer is accepted it is mutually agreed by and between the owners and the State as follows:

- (2) Title to said real estate shall pass to the State of Minnesota as of the date of said acceptance subject to conditions hereinafter stated.
- (3) Buildings (if any) on said real estate shall be insured by the owners against loss by fire and windstorm in the amount of present coverage or if none in force then in an amount not less than the current market value during the entire period of the owners' occupancy of the buildings on the real estate,

such policy or policies of insurance to be endorsed to show the State's interest.

- (4) If the State of Minnesota is acquiring all or a major portion of the property, mortgages (if any) on the property shall be satisfied in full by the State of Minnesota. The amount paid by the State of Minnesota to satisfy said mortgage(s) shall be deducted from the amount to be paid to the owners under the terms of this agreement. The amount paid by the State of Minnesota to satisfy the mortgage(s) shall include interest on the mortgage(s) to date that payment is made to the mortgage holder.
- (5) If the State of Minnesota is acquiring only a minor portion of the property, and the property is encumbered by a mortgage, it shall be the responsibility of the owners to furnish a partial release of mortgage. The mortgage holder will be included as a payee along with the owners on the check drawn in payment for the property. Any fee charged by the mortgage holder for the partial release of mortgage must be paid for by the owners.
- (6) The owners will pay all delinquent (if any) and all current real estate taxes, whether deferred or not, which are a lien against the property. Current taxes shall include those payable in the calendar year in which this document is dated. The owners will also pay in full any special assessments, whether deferred or not, which are a lien against the property. The owners will also be responsible for and will pay in full any pending special assessments. The owners' obligation to pay deferred and pending taxes and assessments shall continue after the sale and shall not merge with the delivery and acceptance of the deed.
- (7) If encumbrances, mechanics liens or other items intervene before the date the instrument of conveyance is presented for recording and same are not satisfied or acknowledged by the owners as to validity and amount and payment thereof authorized by the owners, said instrument of conveyance shall be returned to the owners.
- (8) Payment to the owners shall be made in the due course of the State's business after payment of taxes, assessments, mortgages and all other liens or encumbrances against said real estate. The owners will not be required to vacate the property until the owners have received payment.
- (9) No payments shall be made of any part of the consideration for said sale until marketable title is found to be in the owners and until said instrument of conveyance has been recorded.
- (10) The owners hereby acknowledge receipt of a copy of the instrument of conveyance executed by them on this date, and a copy of this offer and memorandum.
- (11) It is understood that unless otherwise hereinafter stated the State acquires all appurtenances belonging to the premises including:

OWNERS CITY OF RICHFIELD	
Ву	
Its	
And	*
Its	
(Address of Owner where acceptance	is to be mailed.)

#### FEE ACQUISITION

Parcel 58 C.S. 2774 (62=384) 906

S.P. 2782-281

Legal Description

That part of Tract A described below:

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containing 0.84 acre, more or less.

Tax & Assessment Data DP1022 11/14/2018

AGENDA SECTION: AGENDA ITEM# CONSENT CALENDAR

4.C.



# STAFF REPORT NO. 34 CITY COUNCIL MEETING 2/26/2019

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

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director

2/19/2019

OTHER DEPARTMENT REVIEW: Jack Broz, Transportation Engineer

CITY MANAGER REVIEW: Katie Rodriguez, City Manager

2/19/2019

#### ITEM FOR COUNCIL CONSIDERATION:

Consideration of the adoption of a resolution supporting the submittal of a grant application to Hennepin County for 2019 Community Works Corridor Planning funds. The grant application will request funds to study improvements to Penn Avenue, north of 66th Street. An award requires a 25 percent match by the local authority (maximum \$12,500).

#### **EXECUTIVE SUMMARY:**

The Hennepin County Community Works Corridor Planning grant offers financial and technical resources for plans and studies that advance Community Works' program goals. The primary goals are as follows:

- Enhance the tax base;
- · Stimulate economic development and job growth;
- Strengthen and connect places and people;
- Innovate and advance sustainability; and
- Lead collaborative planning and implementation.

Awards of up to \$50,000 are available and applications must be submitted by February 28, 2019.

City staff is proposing to submit an application for funds that will allow an expansion of work done in the 2008 Penn Avenue Revitalization Plan by looking specifically at right-of-way challenges and opportunities. As development interest in the Penn Avenue Corridor increases, roadway configuration (including pedestrian and bicycle facilities) will be an important piece to integrating these new uses into the area. We believe that this project will meet a number of the goals of the program; County Commissioner Goettel has encouraged the City to apply for these funds.

If awarded the full \$50,000, the City must provide a 25 percent match (\$12,500). The Community Development and Public Works budgets have sufficient funds to provide this match.

#### **RECOMMENDED ACTION:**

By motion: Adopt a resolution supporting the submittal of a grant application to Hennepin County for 2019 Community Works Corridor Planning funds to be used for a study of Penn Avenue, north of 66th Street.

#### **BASIS OF RECOMMENDATION:**

#### A. HISTORICAL CONTEXT

- The revitalization of the Penn Avenue commercial corridor has been a priority for the city for more than a decade.
- In 2008, the city approved the Penn Avenue Revitalization Plan to guide private redevelopment; focusing on design elements that would encourage pedestrian activity and aesthetically improve the corridor.
- The Penn Central business group puts on one of the community's most successful annual events -Open Streets on Penn.
- The City has invested in its properties within the area (Fire Station and Liquor Store), as well as
  providing two different grant programs to encourage existing businesses to improve facades and
  curb appeal.
- A major hurdle to investment in this area is the condition and configuration of the roadway and sidewalks. While Penn Avenue reconstruction in this area has remained a priority for the City, Hennepin County has removed this road from its Capital Improvement Plan.
- In 2013, the City approved Guiding Principles for development of transportation projects that considers the future of the city through improving the following:
  - Multimodal Design
  - · Connectivity and Public Realm
  - Local Economy
  - Design for People
  - Community Character and Identity
  - Sustainable Solutions
  - Healthy and Active Lifestyles
  - Unique Location

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

- Letters or resolutions of support are recommended as part of the application.
- It is the city's policy to seek grant funding when available and appropriate.

#### C. CRITICAL TIMING ISSUES:

- Grant applications are due by February 28, 2019.
- Funds will be awarded in April 2019.
- Projects must begin no later than July 1, 2019 and be completed within 15 months.

#### D. FINANCIAL IMPACT:

• The city would be requesting \$50,000 in grant funds. This requires a \$12,500 match by the city.

#### E. LEGAL CONSIDERATION:

- The city will be required to enter into a grant agreement with Hennepin County if funds are awarded.
- The city attorney will review the grant agreement prior to execution.

#### **ALTERNATIVE RECOMMENDATION(S):**

None

#### PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

#### **ATTACHMENTS:**

Description
Type
Resolution
Resolution Letter
Map
Exhibit

#### **RESOLUTION NO.**

# RESOLUTION SUPPORTING THE SUBMITTAL OF AN APPLICATION TO HENNEPIN COUNTY FOR CORRIDOR PLANNING PROGRAM FUNDS FOR PENN AVENUE

**WHEREAS**, the City of Richfield (the "City") is a city located within Hennepin county and is therefore eligible to access the Community Works Corridor Planning Grant funds; and

**WHEREAS**, the City has identified certain property for redevelopment and revitalization within the Penn Avenue Corridor, north of 66th Street; and

**WHEREAS**, current roadway and pedestrian infrastructure in this area is an impediment to economic development, private investment, job growth, and also to public safety; and

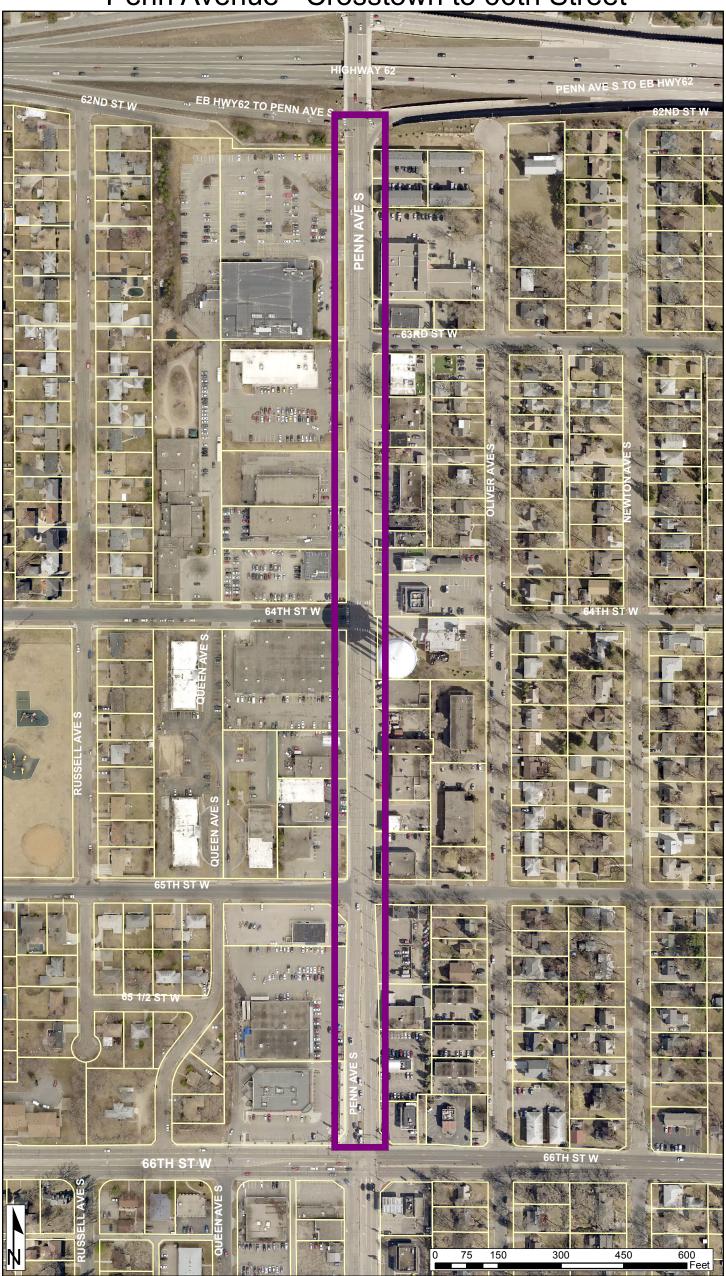
**WHEREAS**, the City recognizes the need for, and benefit of, additional study of this area to support investment, improved connections, and an enhanced tax base in the Penn Avenue Corridor.

**NOW, THEREFORE BE IT RESOLVED,** that the City Council supports and otherwise affirms and ratifies the submittal of application for the Corridor Planning Grant administered by Hennepin County Community Works and authorizes the Mayor and City Manager to execute any agreements as are necessary to implement the project on behalf of the applicant.

Adopted by the City Council of the City of Richfield, Minnesota this 26<sup>th</sup> day of February, 2019.

	Maria Regan Gonzalez, Mayor		
ATTEST:			
Elizabeth VanHoose, City Clerk			

## Penn Avenue - Crosstown to 66th Street



AGENDA SECTION: AGENDA ITEM# CONSENT CALENDAR

4.D.



### STAFF REPORT NO. 35 CITY COUNCIL MEETING 2/26/2019

REPORT PREPARED BY: Jeff Pearson, City Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director

2/21/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager

2/22/2019

#### ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of permanent easement agreements with the Metropolitan Council to allow the necessary relocation of utilities as part of the Orange Line Bus Rapid Transit Project.

#### **EXECUTIVE SUMMARY:**

#### **Orange Line Bus Rapid Transit**

The METRO Orange Line is a 17-mile planned highway Bus Rapid Transit (BRT) line that will connect Minneapolis, Richfield, Bloomington, and Burnsville along I-35W that will operate with the service, quality, and reliability of rail transit while benefiting from the cost savings and flexibility of bus transit. The Orange Line will provide frequent, all-day service in both directions, seven days a week.

#### **Easement Need**

Construction of the Orange Line's Knox Avenue Transitway requires the project to relocate an existing MnDOT storm sewer that runs parallel to I-494, and to relocate a Bloomington water main that runs perpendicular to I-494. The storm sewer is being rerouted to the north through the parking lot of Dick's Sporting Goods, across Knox Avenue, and then south on a city-owned parcel (identified as Orange Line Parcel 8) to tie back into existing infrastructure. The water main will be relocated to the west of the existing location at I-494. The Orange Line project seeks to obtain these as no-cost permanent easements from the City.

#### **Land Parcel**

The City-owned parcel, in which the easements are needed, will eventually be sold to MnDOT to be used for I-494 expansion. The parcel was purchased through the Met Council's Right-of-way Acquisition Loan Fund (RALF) that provides loan funding to cities to purchase right-of-way for future highway projects. MnDOT is unable to purchase highway right-of-way until projects are programmed for construction. When MnDOT needs the land for highway construction, it buys the property from the City at the price paid for the property. The City then uses that money to repay the loan to the RALF account.

#### **RECOMMENDED ACTION:**

By motion: Approve the Permanent Storm Sewer Easement Agreement with the Metropolitan Council on "Parcel 8" as described in the easement documents and approve the Permanent Water Main Easement Agreement with the Metropolitan Council on "Parcel 8" as described in the easement documents.

#### **BASIS OF RECOMMENDATION:**

#### A. HISTORICAL CONTEXT

- The METRO Orange Line is a 17-mile planned highway Bus Rapid Transit (BRT) line that will connect Minneapolis, Richfield, Bloomington, and Burnsville along I-35W that will operate with the service, quality, and reliability of rail transit while benefiting from the cost savings and flexibility of bus transit. The Orange Line will provide frequent, all-day service in both directions, seven days a
- The Orange Line will use roadway improvements, upgraded transit stations, Park & Ride facilities, and improved bus routes to provide fast, frequent, and reliable all-day service along I-35W.
- Richfield will have Orange Line stations at 66th Street & I-35W and at 76th Street & Knox Avenue.
- Final plans have been completed for these stations as well as for the Knox Avenue Transitway underneath I-494.
- Both the station plans and Transitway layout were presented to the City Council at the February 27, 2018, council work session.
- Council approved a resolution of support for the METRO Orange Line at the March 27, 2018 council meeting.
- Construction on the Knox Avenue Transitway is expected to begin in 2019.

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

- The METRO Orange Line is consistent with the City's Comprehensive Plan.
- City Council passed a resolution of support for the Orange Line on March 27, 2018.

#### C. CRITICAL TIMING ISSUES:

- Metropolitan Council hopes to have final plans approved in March and all right-of-way and easement acquisition must be complete by that time for 2019 construction.
- Metropolitan Council is asking for the easements as soon as possible to keep the project on track.

#### D. FINANCIAL IMPACT:

- There are no financial impacts in providing the easement for the project.
- The future use of highway right-of-way for this parcel will not be impacted by the easements.

#### E. LEGAL CONSIDERATION:

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

#### **ALTERNATIVE RECOMMENDATION(S):**

None

#### PRINCIPAL PARTIES EXPECTED AT MEETING:

None

#### ATTACHMENTS:

	Description	Туре
D	Orange Line Permanent Storm Sewer Easement	Contract/Agreement
D	Orange Line Permanent Water Main Easement	Contract/Agreement

#### PERMANENT EASEMENT AGREEMENT

	THIS EASEMI	ENT AGRE	EMENT is	made this	d	lay of		<b></b> ,
20	, by and between	en the City of	of Richfield	, a Minnes	ota munic	ipal corporat	ion ("C	Grantor")
and t	he Metropolitan	Council, a p	oublic corpo	ration and	political	subdivision	of the	State of
Minn	esota ("Grantee")	hereinafter o	collectively i	referred to a	as the "Par	rties".		

NOW THEREFORE, for valuable consideration, the Parties agree as follows:

1. <u>Grant of Easement</u>. Grantor, the owner of the property described on the attached **Exhibit A**, (the "Property") in consideration of One Dollar and other good and valuable consideration to it in hand paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to Grantee, its permittees, successors and assigns, the following described easement:

#### Permanent Storm Water Utility Easement

A Permanent Storm Water Utility Easement legally described on the attached **Exhibit B** (the "Easement") over, under and across the Property for, without limitation, the location, installation, construction, repair, replacement, maintenance, use, and operation of a storm water sewer and other related improvements. The Easement includes the rights of ingress and egress over and across the Property by Grantee and its agents, employees, permittees and contractors, for the use of the Easement area as may be necessary in the exercise of the rights and privileges herein granted.

The above-described Easement further includes the right to cut, trim, or remove from the Easement area any trees, shrubs, undergrowth or other vegetation as in the Grantee's judgment unreasonably interferes with the use of the Easement area by Grantee, its permittees, successors and assigns, provided that Grantee shall take all reasonable precautions to prevent any damage to the Grantor's property.

Subsequent to the date of the Easement Agreement, Grantor, its heirs, successors and assigns, will not erect, construct, or create any building, improvement, obstruction, perpendicular utility crossing, or structure of any kind, either above or below the surface of the Easement area or plant any trees, or stockpile construction debris or construction equipment, or change the grade thereof of the Easement area without the express written consent of the Grantee.

- 2. <u>Restoration</u>. Unless otherwise agreed to in writing by Grantor, Grantee will make reasonable efforts to restore the Easement area to its original condition, as near as possible, matching the original surface grade as far as practicable, and restoration of the surface to like condition, either grass seeding or sodding, either paved or gravel surface restoration.
- 3. <u>Covenant of Ownership</u>. Grantor covenants that it is the lawful owner and is in lawful possession of the Property and has lawful right and authority to convey and grant the Easement described herein.
- 4. <u>Notices and Demands</u>. All notices, requests, demands, consents, and other communications required or permitted under this Easement Agreement shall be in writing and shall be deemed to have been duly and properly given three (3) business days after the date of mailing if deposited in a receptacle of the United States mail, first class postage prepaid, addressed to the intended recipient as follows:

Grantor: City of Richfield

6700 Portland Avenue Richfield, MN 5423

Attn:

Grantee: Metropolitan Council

390 Robert Street North St. Paul, MN 55101-1805 Attn: Real Estate Office

5. The provisions and conditions of this Easement Agreement shall be binding upon and inure to the benefit of the parties hereto and their successors and assigns and shall constitute a covenant running with the land.

#### GRANTOR:

CITY OF RICHFIELD, a Minnesota municipal corporation

	By:
	Its:
	Date:
	By:
	Its:
	Date:
STATE OF MINNESOTA )	
COUNTY OF)ss.	
)	
The foregoing instrument was ackn, 20, by_	owledged before me this day of its, its Richfield, a Minnesota municipal corporation, on
	Richfield, a Minnesota municipal corporation, on
its behalf.	

	GRANTEE:
	Metropolitan Council, a public corporation and political subdivision of the State of Minnesota
	By:  Meredith Vadis  Its: Regional Administrator
STATE OF MINNESOTA ) )ss. COUNTY OF RAMSEY )	
The foregoing instrument was acknown of, 2019, by Meredith Vadis, Council, a public corporation and political subdivision.	Regional Administrator of the Metropolitan
	Notary Public

DRAFTED BY: Real Estate Office Metropolitan Council 390 Robert Street North St. Paul, MN 55101-1805

#### **EXHIBIT A**

#### **Legal Description of the Property**

That part of the following described property:

Outlot C, BEST BUY CAMPUS, Hennepin County, Minnesota, according to the recorded plat thereof.

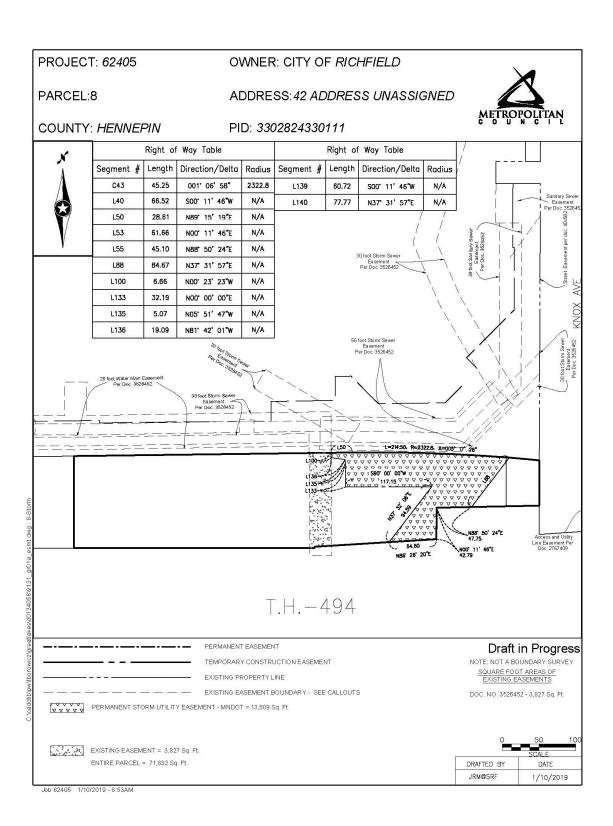
#### **EXHIBIT B**

#### Legal Description and Graphic Depiction of the

#### **Permanent Storm Utility Easement Area**

#### **STORM UTILITY EASEMENT**

That part of Outlot C, BEST BUY CAMPUS, Hennepin County, Minnesota, according to the recorded plat thereof, described as commencing at the northwest corner of said Outlot C; thence North 89 degrees 15 minutes 19 seconds East, assumed bearing, along the north line of said Outlot C a distance of 350.54 feet to the actual point of beginning; thence South 00 degrees 23 minutes 23 seconds East a distance of 6.66 feet; thence South 81 degrees 42 minutes 01 seconds East a distance of 19.09 feet; thence South 05 degrees 51 minutes 47 seconds East a distance of 5.07 feet; thence South a distance of 32.19 feet; thence East a distance of 117.15 feet; thence South 37 degrees 32 minutes 06 seconds West a distance of 94.59 feet to the southerly line of said Outlot C; thence easterly, northerly and easterly along the southerly, easterly and southerly lines of said Outlot C to a point on the southerly line of said Outlot C distant 92.28 feet westerly of the most easterly southeast corner of said Outlot C; thence North 37 degrees 31 minutes 57 seconds East a distance of 84.67 feet to the north line of said Outlot C; thence westerly along said north line a distance of 243.11 feet to the point of beginning.



7

PROJECT: 62405

OWNER: CITY OF RICHFIELD

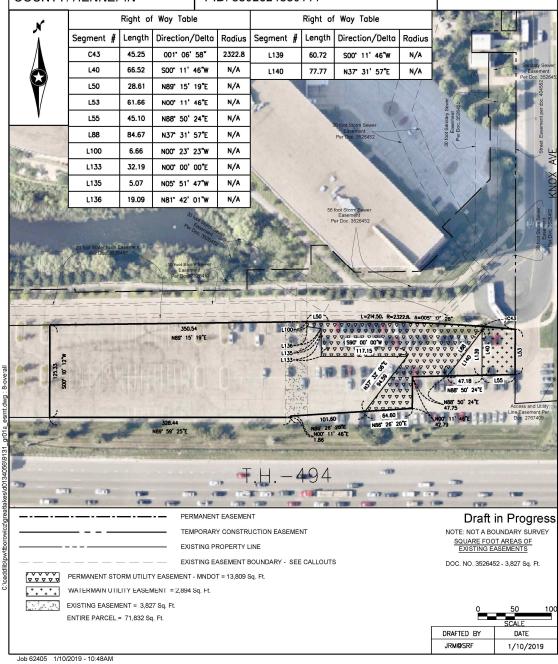
PARCEL:8

ADDRESS:42 ADDRESS UNASSIGNED



COUNTY: HENNEPIN

PID: 3302824330111



#### PERMANENT EASEMENT AGREEMENT

THIS EASEMENT	AGREEMENT is made this	day of	,
20, by and between th	ne City of Richfield, a Minneso	ota municipal corporation	on ("Grantor")
and the Metropolitan Cour	ncil, a public corporation and	political subdivision of	of the State of
Minnesota ("Grantee") here	inafter collectively referred to a	s the "Parties".	

NOW THEREFORE, for valuable consideration, the Parties agree as follows:

1. <u>Grant of Easement</u>. Grantor, the owner of the property described on the attached **Exhibit A**, (the "Property") in consideration of One Dollar and other good and valuable consideration to it in hand paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to Grantee, its permittees, successors and assigns, the following described easement:

#### Permanent Watermain Utility Easement

A Permanent Watermain Utility Easement legally described on the attached **Exhibit B** (the "Easement") over, under and across the Property for, without limitation, the location, installation, construction, repair, replacement, maintenance, use, and operation of a watermain and other related improvements. The Easement includes the rights of ingress and egress over and across the Property by Grantee and its agents, employees, permittees and contractors, for the use of the Easement area as may be necessary in the exercise of the rights and privileges herein granted.

The above-described Easement further includes the right to cut, trim, or remove from the Easement area any trees, shrubs, undergrowth or other vegetation as in the Grantee's judgment unreasonably interferes with the use of the Easement area by Grantee, its permittees, successors and assigns, provided that Grantee shall take all reasonable precautions to prevent any damage to the Grantor's property.

Subsequent to the date of the Easement Agreement, Grantor, its heirs, successors and assigns, will not erect, construct, or create any building, improvement, obstruction, perpendicular utility crossing, or structure of any kind, either above or below the surface of the Easement area or plant any trees, or stockpile construction debris or construction equipment, or change the grade thereof of the Easement area without the express written consent of the Grantee.

- 2. <u>Restoration</u>. Unless otherwise agreed to in writing by Grantor, Grantee will make reasonable efforts to restore the Easement area to its original condition, as near as possible, matching the original surface grade as far as practicable, and restoration of the surface to like condition, either grass seeding or sodding, either paved or gravel surface restoration.
- 3. <u>Covenant of Ownership</u>. Grantor covenants that it is the lawful owner and is in lawful possession of the Property and has lawful right and authority to convey and grant the Easement described herein.
- 4. <u>Notices and Demands</u>. All notices, requests, demands, consents, and other communications required or permitted under this Easement Agreement shall be in writing and shall be deemed to have been duly and properly given three (3) business days after the date of mailing if deposited in a receptacle of the United States mail, first class postage prepaid, addressed to the intended recipient as follows:

Grantor: City of Richfield

6700 Portland Avenue Richfield, MN 5423

Attn:

Grantee: Metropolitan Council

390 Robert Street North St. Paul, MN 55101-1805 Attn: Real Estate Office

5. The provisions and conditions of this Easement Agreement shall be binding upon and inure to the benefit of the parties hereto and their successors and assigns and shall constitute a covenant running with the land.

#### GRANTOR:

CITY OF RICHFIELD, a Minnesota municipal corporation

	By:
	Its:
	Date:
	By:
	Its:
	Date:
STATE OF MINNESOTA )	
)aa	
COUNTY OF)ss.	
	nowledged before me this day of
of the City of	Richfield, a Minnesota municipal corporation, on
its behalf.	Themsel, a minicipal corporation, on

	GRANTEE:
	Metropolitan Council, a public corporation and political subdivision of the State of Minnesota
	By:  Meredith Vadis  Its: Regional Administrator
STATE OF MINNESOTA ) )ss. COUNTY OF RAMSEY )	
The foregoing instrument was acknown of, 2019, by Meredith Vadis, Council, a public corporation and political subdivision.	Regional Administrator of the Metropolitan
	Notary Public

DRAFTED BY: Real Estate Office Metropolitan Council 390 Robert Street North St. Paul, MN 55101-1805

#### **EXHIBIT A**

#### **Legal Description of the Property**

That part of the following described property:

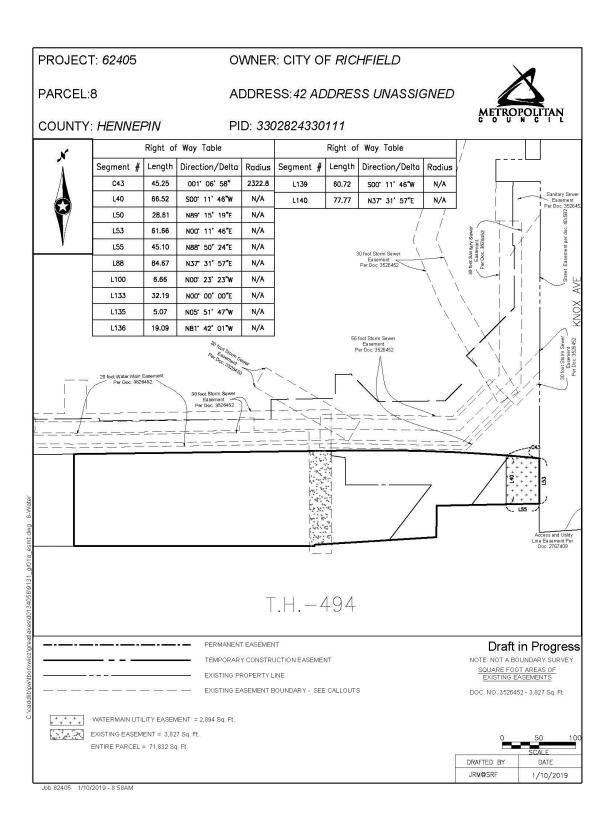
Outlot C, BEST BUY CAMPUS, Hennepin County, Minnesota, according to the recorded plat thereof.

#### **EXHIBIT B**

#### Legal Description and Graphic Depiction of the Permanent Watermain Utility Easement Area

#### WATERMAIN UTILITY EASEMENT

The most Easterly 45.09 feet of Outlot C, BEST BUY CAMPUS, Hennepin County, Minnesota, according to the recorded plat thereof.



7

PROJECT: 62405

OWNER: CITY OF RICHFIELD

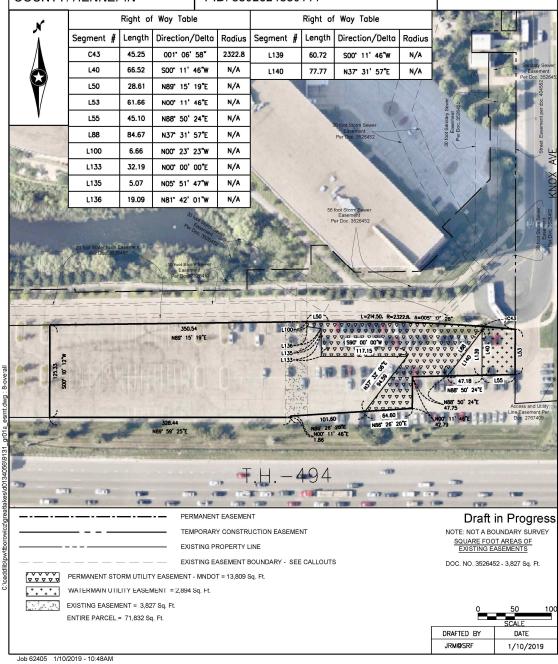
PARCEL:8

ADDRESS:42 ADDRESS UNASSIGNED



COUNTY: HENNEPIN

PID: 3302824330111



AGENDA SECTION: AGENDA ITEM# PUBLIC HEARINGS

6.



# STAFF REPORT NO. 36 CITY COUNCIL MEETING 2/26/2019

REPORT PREPARED BY: Russ "Butch" Lupkes, Utilities Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director

2/19/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager

2/20/2019

#### ITEM FOR COUNCIL CONSIDERATION:

Public hearing regarding the City of Richfield's Wellhead and Source Water Protection – Part 2: Wellhead Protection Plan Amendment.

#### **EXECUTIVE SUMMARY:**

The City of Richfield Public Works Water Utility operates under the rules and regulations established by the Minnesota Department of Health (MDH).

The Wellhead Protection Plan (WHPP) for the City of Richfield addresses the seven municipal water supply wells operated by the City. The previous City of Richfield WHPP Parts 1 and 2 were prepared in 2005-2007. The MDH issued final approval of the previous Part 2 WHPP in 2007. In accordance with the Minnesota Wellhead Protection Rules (Minnesota Rules 4720.5100 through 4720.5590), amendment of the City's WHPP was initiated based on the age of the Plan. The Part 1 WHPP amendment was approved by the MDH in April 2018. A public information meeting on the Part 1 WHPP amendment was held on May 17, 2018.

The City's source water aquifers are currently not adversely impacted by contaminants (i.e., the water supplied to customers meets or exceeds the water quality requirements of the Federal Safe Drinking Water Act).

The attached document comprises Part 2 of the Plan amendment and includes the following information:

- A review of data elements identified by the MDH as applicable to the drinking water supply management area (DWSMA).
- Results of an inventory of potential contaminant sources within the DWSMA.
- A review of changes, issues, problems, and opportunities related to the public water supply and the identified potential contaminant sources.
- A discussion of potential contaminant source management strategies and the goals, objectives, and action plans associated with these management strategies.
- A review of the Wellhead and Source Water Protection evaluation program.
- Richfield's alternative water supply contingency strategy specified in the City's Water Supply Plan (incorporated by reference).

The engineering firm Barr Engineering prepared the Part 2 WHPP amendment. John Greer with the firm Barr Engineering will be giving a brief presentation on the Part 2 WHPP amendment.

Due to the size of the Part 2 WHPP, only the Executive Summary and Introduction are included in this report. To review the plan in its entirety, please visit: http://www.richfieldmn.gov/departments/public-works/draft-part-2-wellhead-protection-plan

#### **RECOMMENDED ACTION:**

Conduct and close a public hearing regarding the City of Richfield's Wellhead and Source Water Protection – Part 2: Wellhead Protection Plan Amendment.

#### **BASIS OF RECOMMENDATION:**

#### A. HISTORICAL CONTEXT

- The City of Richfield Public Works Water Utility division operates under the rules and regulations established by MDH.
- The previous City of Richfield WHPP Parts 1 and 2 were prepared in 2005-2007.
- The Part 1 WHPP amendment was approved by the MDH in April 2018.
- A public information meeting on the Part 1 WHPP amendment was held on May 17, 2018.
- The Draft Part 2 WHPP was reviewed by the Metropolitan Council and approved in December 2018.
- The Metropolitan Airports Commission (MAC) reviewed and commented on the Draft Part 2 W HPP in February 2019.

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

- Required under the Federal Safe Drinking Water Act.
- Minnesota Rules 4720.5100 through 4720.5590 require the development and implementation of a WHPP and its update via amendment every ten years following approval of the plan by MDH.
- City Council will be asked to formally adopt the Part 2 WHPP by resolution once MDH gives their final approval.
- A copy of the required public hearing notice published in the Sun Current on February 14, 2019 is attached to this report.

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

- In conducting the Part 2 WHPP amendment public hearing, the City of Richfield is fulfilling its final obligation before submission of the WHPP to MDH for their approval.
- The City applied for and was granted an extension of the deadline for completion of the Part 2 W HPP and approval by Council ensures adherence to that deadline.

#### D. FINANCIAL IMPACT:

- In early 2018, the City of Richfield entered into an agreement with Barr Engineering for \$24,496.00 for assistance in developing its Part 2 WHPP and the funding was accounted for in the Water Utility budget.
- The projects identified in the Part 2 WHPP are not schduled nor funded at this time.

#### E. LEGAL CONSIDERATION:

None

#### **ALTERNATIVE RECOMMENDATION(S):**

None

#### PRINCIPAL PARTIES EXPECTED AT MEETING:

None

#### ATTACHMENTS:

Description Type

Part 2 WHPP Public Hearing Presentation

Part 2 WHPP Exec. Summary & Intro

Part 2 WHPP Met. Council Review Memo

Part 2 WHPP Public Hearing Notice

Presentation

Executive Summary

Backup Material

Backup Material



## Wellhead Protection Plan (WHPP)

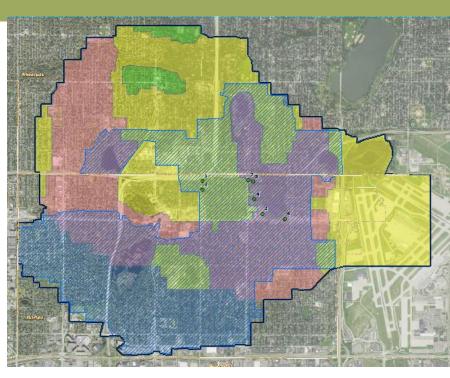
- Required under Federal Safe Drinking Water Act and Minnesota Rules (4720.5100-4720.5590)
- WHPPs have 2 parts
  - Part 1: delineations of Wellhead Protection Area (WHPA),
     Drinking Water Supply Management Area (DWSMA), well and aquifer vulnerability
  - Part 2: potential contaminant source inventory (PCSI), associated issues/opportunities, and management plan
- Minnesota Rules require that WHPPs be amended at least every 10 years
- Richfield' previous plan approved by MDH in 2007



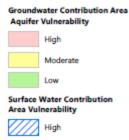


# Part 1 – WHPA/DWSMA Extent & Vulnerability Assessments

- □ 7 wells (primary) in 4 aquifers
  - Wells 1-6 vulnerable
  - Well 7 not vulnerable
- WHPA = GWCA + SWCA
- DWSMA encompasses WHPA
  - Delineated using property parcel boundaries and roads
  - DWSMA extends outside Richfield
  - GWCA vulnerability: High (40%), Moderate (52.5%), Low (7.5%)
  - SWCA vulnerability: High
- Part 1 amendment approved by MDH 4/10/2018











### WHPP - Part 2 Amendment

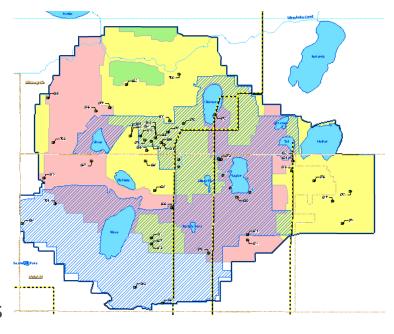
- Data elements MDH identified as applicable to DWSMA
- Inventory of potential contaminant sources in the DWSMA
- Discussion of changes, issues, problems, and opportunities related to the municipal water supply and the identified potential contaminant sources
- Potential contaminant source management strategies
- Wellhead protection evaluation program
- Alternative water supply contingency strategy





## **PCSI**

- □ 316 wells (+6,868 sealed wells)
- 39 potential Class V well properties
- 129 storage tank properties (includes 76 LUST properties)
- 37 chemical storage properties (1 is Richfield water treatment plant)
- 2 properties with wastewater permits
- 4 old dump sites
- 1 other contaminant spill property
- 44 potential contaminant location properties
   (49 brownfield sites + 4 State Superfund sites)
- 155 hazardous waste generator properties
- 3 natural gas pipelines







## Wellhead Protection Program Goals

- Maintain or improve the quality of the City's water supply
- Work with Minneapolis to protect source water aquifers
- Provide information & promote activities that protect the aquifers used by the City
- Compile data to support future wellhead and source water protection work





## Wellhead Protection Management Actions

- Categories of actions for protecting the source water aquifers within the DWSMAs include:
  - Well management
  - Information for owners of potential contaminant source properties
  - Maintain up to date PCSI database
  - Provide information on DWSMA to emergency responders
  - Land use planning
  - Public education
  - Data collection







# Wellhead and Source Water Protection – Part 2: Wellhead Protection Plan Amendment

Prepared for



December 2018

# Wellhead and Source Water Protection – Part 2: Wellhead Protection Plan Amendment

Prepared for



December 2018

### Wellhead and Source Water Protection – Part 2: Wellhead Protection Plan Amendment

### December 2018

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- Appendix E Written Comments from Local Units of Government
- Appendix F Wellhead Protection Program Evaluation Template
- Appendix G Water Supply Plan Documentation

# Public Water Supply Profile

The following persons are the contacts for the Richfield Wellhead Protection Plan:

# Public Water Supply Contact

Fawn Kinsman Utilities Supervisor City of Richfield 1901 East 66<sup>th</sup> Street Richfield, Minnesota 55423 Telephone: 612-861-9165

email: FKinsman@richfieldmn.gov

# Wellhead Protection Manager

Russ Lupkes
Utility Superintendent
City of Richfield
1901 East 66<sup>th</sup> Street
Richfield, Minnesota 55423
Telephone: 612-861-9175
email: RLupkes@richfieldmn.gov

# Wellhead Protection Consultant

John Greer, PG Barr Engineering Company 4300 MarketPointe Drive Suite 200 Minneapolis, Minnesota 55435 Telephone: 952-832-2600 Fax: 952-832-2601

# General Information

email: jgreer@barr.com

UNIQUE WELL NUMBER(S) 206353, 206354, 206361, 206276, 206280, 206279, 133362

SIZE OF POPULATION SERVED 36,544 (2017 Metropolitan Council preliminary estimate)

COUNTY Hennepin

# Documentation List

Step	Date Performed
Scoping Meeting 2 Held (4720.5340, subp. 1)	May 21, 2018
Scoping 2 Decision Notice Received (4720.5340, subp. 2)	June 11, 2018
Remaining Portion of Plan Submitted to Local Units of Government (LUGs) (4720.5350)	December 11, 2018
Review Received From Local Units of Government (4720.5350, subp. 2)	December 12, 2018 to February 10, 2019
Review Comments Considered (4720.5350, subp. 3)	December 12, 2018 to February 11, 2019
Public Hearing Conducted (4720.5350, subp.4)	February 12, 2019
Remaining Portion WHP Plan Submitted (4720.5360, subp. 1)	February, 2019
Final WHP Plan Review Received (4720.5360, subp. 4)	

# Certification

I hereby certify that this plan, document, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Geologist under the laws of the state of Minnesota.

John C. Greer
PG #:

Date

# Acronyms

Acronym	Description
DWSMA	Drinking Water Supply Management Area
GWCA	Groundwater Catchment Area
MGD	Million Gallons per Day
MGY	Million Gallons per Year
MDH	Minnesota Department of Health
MDNR	Minnesota Department of Natural Resources
MGS	Minnesota Geological Survey
MnOPS	Minnesota Office of Pipeline Safety
MPCA	Minnesota Pollution Control Agency
PCSI	Potential Contaminant Source Inventory
SWCA	Surface Water Catchment Area
WHPA	Wellhead Protection Area
WHPP	Wellhead Protection Plan

# **Executive Summary**

The Wellhead and Source Water Protection Plan (the Plan) for the City of Richfield (the City) addresses the seven municipal water supply wells operated by the City. The City's previous Wellhead Protection Plan was approved by the Minnesota Department of Health in 2008. This Plan amendment was prepared in accordance with the applicable portions of the State of Minnesota Wellhead Protection Rules (Minnesota Rules 4720.5100 through 4720.5590) due to the age of the Plan.

The City's municipal water supply system includes seven primary water supply wells (Wells 1, 2, 3, 4, 5, 6, and 7) and no seasonal or emergency water supply wells. In total, these wells pump from four different aquifers: the Mt. Simon Sandstone aquifer, the Wonewoc Sandstone aquifer, the Jordan Sandstone aquifer, and the Prairie du Chien Group aquifer. In accordance with Minnesota Rules 4720.5550, Well 7 is classified as not vulnerable to contamination from the surface and Wells 1, 2, 3, 4, 5, and 6 are classified as vulnerable to contamination.

This Plan amendment consists of two parts. In Part 1 of the Plan amendment, wellhead protection areas (WHPAs) for the City's water supply wells were delineated as were the associated drinking water supply management area (DWSMA). The DWSMA encompasses the WHPAs (also referred to as the groundwater contribution area or GWCA) and a surface water contribution area (SWCA), which is the area from which surface water runoff can flow into portions of the WHPAs where aquifer vulnerability is classified as High. The DWSMA extends north into Minneapolis (see Figure 1).

In Part 1 of this Plan amendment, assessment of geologic conditions in and around the City's DWSMA and available water quality data for the City's wells was done to determine the vulnerability to contamination of the uppermost source water aquifer. The aquifer vulnerability was classified as High in approximately 40 percent of the area encompassed by the GWCA portion of the DWSMA. The aquifer vulnerability is classified as Moderate in approximately 52.5 percent of the area in the GWCA. The aquifer vulnerability is classified as Low in approximately 7.5 percent of the area in the GWCA. The vulnerability of 100 percent of the area within the SWCA portion of the DWSMA is classified as High.

This document comprises Part 2 of the Plan amendment and includes the following information:

- A review of data elements identified by the Minnesota Department of Health as applicable to the DWSMA.
- Results of an inventory of potential contaminant sources within the DWSMA.
- A review of changes, issues, problems, and opportunities related to the public water supply and the identified potential contaminant sources.
- A discussion of potential contaminant source management strategies and the goals, objectives, and action plans associated with these management strategies.
- A review of the Wellhead and Source Water Protection evaluation program
- Richfield's alternative water supply contingency strategy specified in the City's Water Supply Plan (incorporated by reference).

The types of potential contaminant sources that must be inventoried depends on the vulnerability classification within the DWSMA. Potential contaminant sources identified in the DWSMA include non-municipal wells, potential Class V well locations, properties with storage tanks, chemical storage sites, wastewater treatment and disposal sites, old dump sites, properties where contaminants were or may have been released, and hazardous waste generators.

The goals and objectives of this WHPP will focus on reducing the potential contaminant pathways to the source water aquifers that may be provided by private wells and educating property owners and water supply users to ensure proper management of the portions of the DWSMA.

The following goals have been identified for implementation of this WHPP:

- The City will work to maintain or improve the current level of water quality so that the municipal
  water supply will continue to meet or exceed all applicable state and federal water quality
  standards.
- Work with the city of Minneapolis to protect the source water aquifers
- The City will provide information and promote activities that protect the source water aquifers that provide water to the municipal system. This will include increasing public awareness of the Wellhead and Source Water Protection Program and groundwater-related issues, and management of the identified potential contaminant sources within the DWSMA.
- The City will continue to collect data to support future wellhead and source water protection efforts.

Actions identified to accomplish these goals include the following:

- Wells
  - Promoting proper management of existing active wells in the DWSMA
  - o Encouraging the proper sealing of all unused wells within the DWSMA
  - o Identification of new high capacity wells in or near the DWSMA
  - Maintaining current IWMZ potential contaminant source inventories for the City's water supply wells
- Potential contaminant source properties
  - Notifying owners of potential Class V well properties of requirements related to Class V wells
  - Encouraging proper handling of chemicals/wastes
  - o Encouraging proper operation and maintenance of storage tanks
  - Tracking the status of identified brownfields sites and other properties where contaminant releases may have occurred in the DWSMA
  - Periodically obtaining updated information on potential contaminant sources in the DWSMA from the regulating agencies to maintain an up-to-date potential contaminant source database for the DWSMA and allow timely recognition of potential issues that could affect the Richfield municipal water supply or DWSMA.

- Public education
  - o Distribution of the Richfield Annual Water Quality Report for the water supply system,
  - Posting Wellhead Protection Program information on the City of Richfield website <a href="http://www.richfieldmn.gov/departments/public-works/utilities/water-quality">http://www.richfieldmn.gov/departments/public-works/utilities/water-quality</a>
  - Using the City's social media outlets and other means of distribution to distribute information related to wellhead protection
  - o Inclusion of wellhead and source water protection in the City's planning process,
- Continued data collection
  - o Recording static and pumping water levels in the Richfield municipal wells,
  - Collection of additional local geologic and hydrogeologic data as it becomes available from public sources or from City-sponsored projects.
- Sampling the City's municipal wells for tritium and the stable isotopes along with sampling of surface water bodies in Richfield for stable isotopes.



# 1.0 Introduction

# 1.1 Background

The City of Richfield (City) currently has seven municipal water supply wells. All the wells are classified as primary water supply wells. In total, these wells pump from four different aquifers: the Mt. Simon Sandstone aquifer, the Wonewoc Sandstone aquifer, the Jordan Sandstone aquifer, and the Prairie du Chien Group aquifer. Minnesota unique well number along with well construction, well status, aquifer(s), and well vulnerability classification for each of Richfield's municipal water supply wells is presented in Table 1. Well locations, the Richfield Drinking Water Supply Management Area (DWSMA), along with the portions of the Bloomington and Edina DWSMAs that overlap the Richfield DWSMA are shown on Figure 1. Minnesota Department of Health (MDH) well records for all the Richfield municipal wells are presented in Appendix A.

The previous Richfield Wellhead Protection Plan (WHPP) Parts 1 and 2 were prepared in 2005-2007. The MDH issued final approval of the previous Part 2 WHPP in 2007. In accordance with the Minnesota Wellhead Protection Rules (Minnesota Rules 4720.5100 through 4720.5590), amendment of the City's WHPP was initiated based on the age of the Plan. The Part 1 WHPP amendment (Stantec, 2018) was approved by the Minnesota Department of Health (MDH) in April 2018 (MDH, 2018a). A public information meeting on the Part 1 WHPP amendment was held on May 17, 2018.

In the Part 1 WHPP amendment, one DWSMA was delineated for Richfield that encompasses the groundwater catchment area (GWCA) and surface water contribution area (SWCA) delineated for the Richfield water supply wells. In addition to the delineation of the GWCA, SWCA, and DWSMA, Part 1 of the WHPP amendment includes an assessment of the vulnerability to contamination of the Richfield municipal wells and the vulnerability of the source water aquifers in the GWCA and the vulnerability to contamination in the SWCA. In accordance with Minnesota Rules 4720.5550, Wells 1, 2, 3, 4, 5, and 6 are classified as vulnerable to contamination from the surface and Well 7 is classified as not vulnerable to contamination (see Table 1 and Appendix B). In the Part 1 amendment report, the vulnerability to contamination of the uppermost source water aquifer within the DWSMA was identified as ranging from Low to High (Stantec, 2018). Vulnerability of the SWCA is classified as High (Stantec, 2018). Figure 1 shows the aquifer and SWCA vulnerability zones in the Richfield DWSMA. The Richfield Part 1 WHPP amendment is presented in Appendix B.

# 1.2 Description of the Public Water Supply System

Richfield is located in Hennepin County. The City currently has seven primary water supply wells in the municipal water supply and distribution system for Public Water Supply #1270045. Locations of the wells are shown on Figure 1 and general construction details for the Richfield municipal wells are summarized in Table 1. Copies of the MDH well records for the Richfield municipal wells are presented in Appendix A.

The 2010 census counted 35,228 people in Richfield. The Metropolitan Council estimated the 2017 population of Richfield to be 36,544 (Metropolitan Council, 2018a). As of January 2018, the Metropolitan Council has projected Richfield's population to reach 37,100 in 2020 and 37,300 in 2030 (Metropolitan Council, 2018b).

Current daily water demand (based on the period 2012-2016) averages approximately 3.0 MGD (SEH, 2018). Maximum day demand (the largest daily water use in a given year) ranged from approximately 4.80 MGD to 6.81 MGD in the period 2012-2016 (SEH, 2018). Richfield's permitted annual appropriation volume is 1.9 billion gallons per year (BGY). The City's draft Comprehensive Water System Plan (SEH, 2018) projects the daily average water demand in 2030 will be 3.3 MGD (approximately 2,300 gpm). The draft Water System Plan also projects the 2030 maximum day water demand will be 7.0 MGD (approximately 4,900). The City currently has no plans to construct any additional water supply wells to meet projected future water demand.

The City has one water treatment plant that treats water from the City's wells. Lime softening is done in the treatment plant. The softened water is fluoridated and disinfected with chlorine before it enters the distribution system.

Richfield currently has three water storage facilities consisting of two elevated towers and a clearwell at the water treatment plant. These facilities have a combined storage capacity of 5 million gallons.

As discussed by Stantec (2018), pumping information from the City for the period 2012 through 2016 and City water use projections were used to develop pumping rate projections for use in delineating the WHPA. Annual volume of water pumped by each of the City's municipal water supply wells during the period 2012 through 2016 is shown in Table 2

# 1.3 DWSMA

The DWSMA delineated in the Part 1 WHPP amendment encompasses the 10-year groundwater time of travel WHPA around the City's wells and the SWCA. The DWSMA includes all or parts of Township 28N, Range 24W, Sections 14, 15, 16, 20, 21, 22,23, 24, 25, 26,27, 28, 29, 32, 33, 34, 35, and 36. As shown on Figure 1, the DWSMA extends into Minneapolis and the Minneapolis-St. Paul International Airport. The DWSMA overlaps the Bloomington and Edina DWSMAs (Figure 1).

In the Part 1 amendment report, the aquifer vulnerability in approximately 40 percent of the area encompassed by the GWCA portion of the DWSMA was classified as High. Aquifer vulnerability in approximately 52.5 percent of the area in the GWCA was classified as Moderate. The aquifer vulnerability in approximately 7.5 percent of the area in the GWCA was classified as Low. The vulnerability of 100 percent of the area within the SWCA portion of the DWSMA was classified as High.

December 21st, 2018

Russ Lupkes, Wellhead Protection Manager City of Richfield 1901 E 66<sup>th</sup> Street Richfield, MN 55423

Re: Richfield Wellhead Protection Plan, Part 2 Metropolitan Council District 5 Referral File No. 21945-2

Dear Mr. Lupkes,

Thank you for submitting Part 2 of the City of Richfield wellhead protection plan (WHPP). Metropolitan Council (Council) staff review completed plans under the provisions of Minnesota Rules, Chapter 4720.

The Council evaluates wellhead protection plans in comparison with information reported in the Council's Master Water Supply Plan including: population and water demand information, predicted issues associated with water supply development, and identified opportunities for inter-jurisdictional cooperation. This wellhead protection plan provides a good overview of the supply source and measures to protect it. Council staff offer the following comments to highlight how the plan could be made even stronger.

The City of Richfield WHPP contains excellent information and demonstrates a significant understanding of wellhead protection issues. The City's plan also does an outstanding job of identifying risks, issues, goals, and measures of success. The plan identifies communities and organizations that Richfield's drinking water supply management area (DWSMA) overlaps. Creating a forum for these groups to work together to identify issues, share information, and coordinate source water protection activities could assist the City to implement its plan and to achieve the goals outlined in Chapter 7. The Council's West Metro Water Supply Planning Working Group, which includes the DWSMA overlapping communities of Edina and Bloomington, has expressed interest in coordinating wellhead protection plan development and planning activities.

The integration of the WHPP with the City's planning process is a critical task in strengthening source water protection. There are a number of resources available to communities to aid in the wellhead and source water planning and protection effort. Some examples include:

- 2015 Richfield Systems Statement
- 2015 Master Water Supply Plan
- Water Conservation Toolbox
- Stormwater Reuse Guide
- Metropolitan Council 2010 Report: Evaluation of Groundwater and Surface Water Interactions
- The Minnesota Technical Assistance Program
- University of Minnesota Extension: Lawn and Turfgrass Management Program
- Thrive MSP 2040 Regional Plan



Please let us know if you are interested in learning more about these tools or any other resources.

This letter completes the Council's review process. On behalf of the Council, I thank you for your efforts in preparing this plan. Please send us a copy of the finalized WHPP if any revisions are made. Should any questions arise regarding the Council's review comments, please feel free to contact John Clark of the Council's Environmental Services Division at (651) 602-1452 or johnd.clark@metc.state.mn.us.

Sincerely,

Sam Paske

Assistant General Manager Environmental Quality Assurance

cc: Steve Elkins, Council Member, Metropolitan Council District 5

Michael Larson, Sector Representative, Metropolitan Council Community Development

John Freitag, Planner, Minnesota Department of Health



# CITY OF RICHFIELD Public Hearing Notice

# **REGARDING:**

The City of Richfield is providing notice that a public hearing will be held on Tuesday, February 26, 2019 to review the draft Part 2 Wellhead Protection Plan. This public hearing will be held at 7:00pm at the Richfield Municipal Center (6700 Portland Avenue) as part of the regular City Council meeting.

The Wellhead Protection Plan is designed to continue the City's efforts to prevent human-caused contamination from entering the municipal water supply wells. The plan identifies of the area of the groundwater aquifer that supplies water to the City's wells over a 10-year period. Based on the level of vulnerability of the aquifer within this area, potential sources of contamination were identified and a management plan was created for this area.

#### WHEN:

Tuesday, February 26, 2019 7:00 p.m.

## WHERE:

Richfield Municipal Center – City Council Chambers 6700 Portland Avenue S

# **SUBJECT ADDRESS:**

City-wide

## **LEGAL DESCRIPTION:**

N/A

# **QUESTIONS:**

For more information call Utilities Superintendent Butch Lupkes at 612-861-9175.

#### **HOW TO COMMENT:**

Attend the hearing and you will be heard or submit written comments.

ELIZABETH VANHOOSE City Clerk

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.

PUBLISH IN RICHFIELD SUN CURRENT: FEBRUARY 14, 2019

AGENDA SECTION: AGENDA ITEM# PUBLIC HEARINGS

7.



# STAFF REPORT NO. 37 CITY COUNCIL MEETING 2/26/2019

REPORT PREPARED BY: Kate Aitchison/Celeste McDermott, Housing Specialists

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director

2/19/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager

2/20/2019

# ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of the adoption of a resolution specifying the use of funds from the Urban Hennepin County Community Development Block Grant allocation for 2019 and authorizing execution of a Subrecipient Agreement with Hennepin County and any required third party agreements.

# **EXECUTIVE SUMMARY:**

Hennepin County (County) is annually awarded federal Community Development Block Grant (CDBG) funding on a formula basis from the Department of Housing and Urban Development (HUD). The County, in turn, allocates a portion of these funds to the City of Richfield to address local needs relating to affordable housing, community development, and public services.

Staff is proposing to use the City's 2019 direct allocation of \$192,100 (estimated) as follows:

- \$47,100 Deferred Loan Rehabilitation Program
- \$95,000 Single Family Scattered Site Acquisition & Rehabilitation or New Construction
- \$50,000 First Time Homebuyer Down Payment Assistance

Each city in the Hennepin County CDBG Program will set aside 15 percent of their allocation to fund public services that will be distributed through a single combined process covering all the cities in the County CDBG Program. For Richfield, the amount set aside for public services will be \$33,900 (estimated) and is separate from the City's direct allocation.

# **RECOMMENDED ACTION:**

Conduct and close the public hearing and by motion: Adopt a resolution authorizing the use of funds for the 2019 Urban Hennepin County Community Development Block Grant Program and authorizing execution of a Subrecipient Agreement with Hennepin County and any required third party agreements.

#### **BASIS OF RECOMMENDATION:**

#### A. HISTORICAL CONTEXT

• \$47,100 is proposed to be allocated to the Housing and Redevelopment Authority (HRA) for the Deferred Loan Program (Program), which provides no interest, 30-year loans up to \$30,000 to

low-income homeowners to address health, safety, and property maintenance needs. This Program has been in existence since 1984 and is administered for the City by Hennepin County. In the past year, one loan was completed and eight loans were started, 20 households are currently on the waiting list for the Program. Additional funding for loans is available through loan repayments (i.e., when a property is sold).

- \$95,000 is proposed to be allocated to the HRA to either purchase and demolish a substandard property and work with a non-profit developer to construct a new, affordable home or to purchase and rehabilitate an existing home. The newly constructed or rehabilitated property would be sold to a household earning 80 percent of the area median income or less (\$71,900 for a family of four).
- \$50,000 is proposed to be allocated to the HRA for a First Time Homebuyer Down Payment Assistance Program administered by city staff. This is a pilot program aimed at low and moderate income Richfield renters who are looking to buy homes in Richfield. It will provide no interest, deferred loans of up to \$10,000 to use towards down payment and closing costs.
- Previously, each city was required to individually allocate the public service funds. Beginning in
  the 2018 funding cycle, 15 percent of each city's allocation was set aside and distributed through
  a single combined process covering all the cities in the County CDBG Program. For Richfield,
  the amount set aside for public services will be \$33,900 (estimated) and is separate from the City's
  direct allocation. Public service agencies that have received funds from the City in the past
  (HOME, Homeline, CAP-HC, and Bridging) have been notified of the new process. City staff will
  participate in the County review of public service requests.

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

- All funded activities must meet one of three national objectives: benefiting low and moderate
  income persons, preventing or eliminating slums and/or blight, or meet an urgent need. In
  addition, activities must be consistent with priorities identified in the County's Consolidated Plan.
  Those priorities include a variety of housing activities such as housing rehabilitation, preserving
  and creating homeownership opportunities, public services to maintain or increase selfsufficiency, and neighborhood revitalization activities.
- Under the CDBG funding guidelines, no more than 15 percent (\$33,900) of the allocation can be spent on Public Services. This amount will be set aside for allocation through a single, combined competitive process covering all the cities in the Hennepin County CDBG Program.

#### C. CRITICAL TIMING ISSUES:

- The application for 2019 funds is due to Hennepin County by February 28, 2019.
- Public Service agencies must submit applications to the County by February 28, 2019.
   Applications will be reviewed in March, and the County Board will act on recommendations in May or June.
- The 2019 Federal Fiscal Year will begin on July 1, 2019. Funds must be spent by June 30, 2020.

### D. FINANCIAL IMPACT:

- The City's estimated direct allocation for 2019 is \$192,100.
- In the event of a change in the final allocation, the amount of funds allocated to the Deferred Loan Program will be increased or decreased, accordingly.

# E. **LEGAL CONSIDERATION:**

- A local public hearing must be held prior to submission of the 2019 application.
- Notice of the public hearing was published in the Richfield Sun Current on February 14, 2019.

# **ALTERNATIVE RECOMMENDATION(S):**

 Council may modify the amount of funds allocated to each project in a way that still meets funding guidelines.

#### PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

## **ATTACHMENTS:**

Description Type

Resolution Resolution Letter

#### **RESOLUTION NO.**

RESOLUTION APPROVING PROPOSED USE OF 2019 URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS AND AUTHORIZING EXECUTION OF SUBRECIPIENT AGREEMENT WITH HENNEPIN COUNTY AND ANY REQUIRED THIRD PARTY AGREEMENTS

**WHEREAS**, the City of Richfield, Minnesota, through execution of a Joint Cooperation Agreement with Hennepin County, is participating in the Urban Hennepin County Community Development Block Grant (CDBG) Program; and

**WHEREAS**, the City of Richfield has developed a proposal for the use of 2019 CDBG funds made available to it; and

**WHEREAS**, the City held a public hearing on February 26, 2019 to obtain the views of citizens on local and Urban Hennepin County housing and community development needs and priorities for the City's proposed use of \$192,100 from the 2019 Urban Hennepin County CDBG Program; and

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

1. Approves the following projects for funding from the 2019 Urban Hennepin County Community Development Block Grant Program and authorizes submittal of the proposal to Hennepin County.

Activity	Budget	
1. Deferred Loan Rehabilitation Program	\$47,100	
2. Single Family Acquisition & Rehabilitation	\$95,000	
3. First Time Homebuyer Down Payment Assistance	\$50,000	
TOTAL CDBG ALLOCATION	\$192,100	

- That the Mayor and City Council hereby authorize and direct the execution of the Subrecipient Agreement with Hennepin County and any required Third Party Agreements on behalf of the City to implement the 2019 CDBG Program.
- 3. That should the final amount of FY 2019 CDBG available to the City be different from the preliminary amount provided to the City, the City Council hereby authorizes the City Manager to adjust the project budget of the Deferred Loan Rehabilitation Program to reflect an increase or decrease in funding.

Adopted by the City Council of the City of Richfield, Minnesota this 26th day of February, 2019.

	Maria Regan Gonzalez, Mayor
Elizabeth VanHoose, City Clerk	-

PROPOSED ORDINANCES

AGENDA ITEM#

8



# STAFF REPORT NO. 38 CITY COUNCIL MEETING 2/26/2019

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

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

2/19/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager

2/20/2019

# **ITEM FOR COUNCIL CONSIDERATION:**

Consideration of the approval of a second reading of an ordinance amending Section 617 of the Richfield City Code regulating food establishments for consistency with recently updated State regulations and adoption of a resolution approving summary publication of said ordinance.

### **EXECUTIVE SUMMARY:**

The State of Minnesota Food Code was recently updated after twenty years, with implementation taking place January 1, 2019. Local jurisdictions are required to adopt changes by March 2019. A sampling of changes include updates to definitions and terminology, food handling practices, health and hygiene standards, and equipment certification. Adoption of the amendments to the Food Code will ensure the City of Richfield can continue to protect the health, safety and general welfare of the public pursuant to the powers granted under Minnesota Statutes, Chapter 145A. Bloomington Environmental Health staff - who are experts in this area - worked closely with Richfield staff in preparing the proposed ordinance amendments.

The first reading of this ordinance amendment was approved by the City Council on February 11, 2019.

#### **RECOMMENDED ACTION:**

By Motion: Approve the second reading of an ordinance amending Section 617 of the Richfield City code regulating food establishments and adopt a resolution approving summary publication of said ordinance.

# **BASIS OF RECOMMENDATION:**

#### A. HISTORICAL CONTEXT

The Minnesota Food Code (Minnesota Rules Chapter 4626) has not been updated since 1999
and over that period, the industry has undergone immense change; improved food handling
techniques, the introduction of food trucks, pop-up restaurants and increased interest in where
food comes from. Much of the food code update addresses food sanitation and safety measures
necessary to prevent food-borne illness outbreaks.

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

The principal objectives of the Food Establishment Code are to prevent illness, to correct and

prevent conditions that may adversely affect persons utilizing licensed establishments, to provide consistent standards for design, construction, operation and maintenance of licensed establishments, and to meet the consumer expectations of health and safety of licensed establishments.

# C. CRITICAL TIMING ISSUES:

• The State of Minnesota has required all Community Health Boards to adopt updated ordinance language by March 2019.

# D. FINANCIAL IMPACT:

N/A

# E. **LEGAL CONSIDERATION:**

• The City Attorney has reviewed the ordinance and approves of its contents.

# **ALTERNATIVE RECOMMENDATION(S):**

• There are no alternatives. The City is required to update its Code for consistency with State law.

# PRINCIPAL PARTIES EXPECTED AT MEETING:

Lynn Moore, Environmental Health Manager, City of Bloomington

#### **ATTACHMENTS:**

DescriptionType□ OrdinanceOrdinance□ ResolutionResolution Letter

<b>BILL</b>	NO.			

# AN ORDINANCE AMENDING SECTION 617 OF THE CITY CODE PERTAINING TO PUBLIC HEALTH AND THE REGULATION OF FOOD ESTABLISHMENTS

# THE CITY OF RICHFIELD DOES ORDAIN:

<u>Section 1</u>. That the following Subsections of Section 617 of the Richfield City Code are hereby amended by deleting those words stricken through and adding those words that are underlined, to read as follows:

Section 2. Subsection 617.01 in the Richfield City Code is amended as follows:

This section is enacted to establish standards for the regulation of food establishments in Richfield in order to protect the health, safety and general welfare of the public pursuant to the powers granted under Minnesota Statutes, Chapter 145A. The principal objectives of this section of the City Code are to prevent illness, to correct and prevent conditions that may adversely affect persons utilizing licensed establishments, to provide consistent standards for design, construction, operation and maintenance of licensed establishments, and to meet the consumer expectations of health and safety of licensed establishments.

For the purpose of prescribing regulations governing food establishments, the City of Richfield hereby adopts the following rules and statutes as may be amended or recodified from time to time:

- (a) Minnesota Statutes, chapters 157 except for 157.16; and
- (b) Minnesota Rules, chapter 4626, except for <u>4626.0033</u>, <u>subparts G through O</u>, 4626.1715, subpart B, 4626.1720, subparts B <u>and F</u>, and 4626.17<del>55 through</del><u>60</u> and 4626.17<del>80</del>70.

<u>Section 3</u>. Subsection 617.03 in the Richfield City Code is amended as follows:

Subdivision 1. "Certified food protection manager" (CFPM) is defined in Minnesota Rules Chapter 4626 as an individual who has a valid Minnesota food protection manager's certification under Minnesota Rules part 4626.0033 or an individual who is certified under Minnesota Rules 2015, parts 4626.2005 to 4626.2020.

- Subd. 42. "Food catering vehicle" is a commercial vehicle used only to transport or store food, tableware, utensils or food equipment with temperature control and is used as part of a food catering or food retail operation. This does not include personal vehicles used only to deliver foods intended for immediate consumption like pizza, boxed lunches, etc.
- Subd. <u>23</u>. "Food establishment" is defined in Minnesota Rules, chapter 4626, as amended. Food establishments include, but are not limited to, restaurants, cafeterias,

bars, clubs, cafes, coffee shops, grocery stores, delicatessens, convenience stores, lodges, resorts, retail bakeries, retail meat markets, produce stands, group childcare centers, group adult care centers, institutions, public and private schools, satellite or catered serving locations, catering food vehicles, carts, packaged retail food sales, vending machines, mobile food units, special event food stands or other short-term food operations, and similar businesses established for the service or retail distribution of food and beverages where consumption is on or off the premises and regardless of whether there is a charge for the food or beverages.

Subd. <u>34</u>. "Health Authority" means the City of Richfield Public Safety Department and its qualified designated employees or agents as the Richfield City Council may designate. The term "regulatory authority" in the Minnesota Food Code, Minnesota Rules, Chapter 4626 shall mean the Health Authority.

Subd. 4<u>5</u>. "Issuing Authority" means the City of Richfield Public Safety Department and its qualified designated agents as the Richfield City Council may designate.

Subd. <u>56</u>. "Potentially hazardous Time/temperature control for safety food" (TCS) is defined in Minnesota Rules, Chapter 4626. It also means food that requires <u>time or</u> temperature control for safety to <u>limit pathogenic microorganism growth or toxin</u> formation.

Section 4. Subsection 617.07 in the Richfield City Code is amended as follows:

# 617.07. - License required and posted.

No person shall operate a food establishment within the City of Richfield or engage in any enterprises described in this Code, without first obtaining and having a valid license as provided herein. The application for such license shall be made on forms furnished by the City of Richfield and shall describe the general nature of the business, its location, and any other information deemed necessary by the City. The application must be in the name of the owner of the real property on which the licensed premises are situated and bear the signature of the owner or that of the owner's authorized agent. The license must be posted in a location conspicuous to customers.

<u>Section 5</u>. Subsection 617.15 in the Richfield City Code is amended as follows:

Subdivision 1. Type I means those food establishments serving on average 500 or more meals per day; having 175 or more seats; or having 500 or more customers per day. Type I establishments include those:

- (a) Preparing for retail sale potentially hazardoustime/temperature control for safety (TCS) foods that require extensive processing and handling on premises;
- (b) Cooking or cooling potentially hazardous TCS foods;

- (c) Offering as a menu item, or an ingredient of a menu item, raw or undercooked [potentially hazardous ]meats, poultry products, eggs, fish, shellfish or similar foods[with raw potentially hazardous items as ingredients];
- (d) Transporting potentially hazardous TCS foods as a catering service; or
- (e) Conducting food processing that involves smoking, curing, or reduced oxygen packaging.

Type I food establishments require a certified food <u>protection</u> manager as specified in Minnesota Rules, chapter 4626. They include, but are not limited to, full-service restaurants; counter-service restaurants; food retail delis; institutional kitchens; food manufacturing, packaging, and processing plants; bakeries preparing potentially hazardous foods or detailed decorating; and meat markets with complex processing. A supplemental license shall be required for each additional separate and distinct food facility such as a bakery, kitchen, meat market, grocery store, bar, or serving area facility on the same premises.

Subd. 2. Type II means a Type I 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 II establishments require a certified food <u>protection</u> manager as specified in Minnesota Rules, chapter 4626.

Subd. 3. Type III means those food establishments serving or preparing:

- (a) Mainly non-potentially hazardous TCS foods and a limited amount of TCS foods that require minimal processing and handling;
- (b) Potentially hazardous TCS foods prepared elsewhere and only heated or held cold onsite; and
- (c) Serving or retailing limited potentially hazardous TCS foods, such as pizza, requiring handling followed by heat treatment.

Type III establishments require a certified food <u>protection</u> manager as specified in Minnesota Rules, <u>chapter part</u> 4626.0033 <u>unless specifically exempted</u>. They include, but are not limited to, such operations as pizza carry-out and delivery; ice cream dipping; heating for hot holding pizzas, precooked bagged soups and wrapped sandwiches made elsewhere intended for customer self-service; <del>bake off only bakeries; produce departments; meat markets that only cut or grind meat; buffet-style breakfasts with hot held foods or waffle stations; <u>coffee shops with frothed milk, juice bars with blended drinks and assembling yogurt parfaits;</u> and serving kitchens receiving meals prepared elsewhere.</del>

Subd. 4. Type IV means those food establishments having minimal food handling. [Type IV establishments are not required to have a certified food manager as specified in Minnesota Rules, chapter 4626.] They include, but are not limited to such operations as, retail sales of cold or frozen packaged potentially hazardous foods: packaged foods

where customers may heat the food onsite; hotdogs; preparing or packaging non-TCS food that are made from ingredients that are not TCS; heating or serving precooked hot dog or sausage products, popcorn, nachos, pretzels, or frozen pizza; childcare with snacks and milk; ready-to-eat pizzas and sandwiches made elsewhere delivered for immediate resale according to federal regulations; coffee shops with frothed milk; unpackaged baked goods made elsewhere; continental breakfasts with rolls, juice, coffee, cold cereal, and milk; juice bars with blended drinks; and on-sale bars with mixed drinks.

- Subd. 5. Type V means those food establishments where non—potentially hazardous TCS food or food products are sold at retail or served in the original container including snack bars, bottled beverages and packaged food products. Type V food establishments are not required to have a certified food protection manager as specified in Minnesota Rules, Chapter 4626.
- Subd. 6. Supplemental facility means any additional distinct or separate food retail or food service facility on the same premises as a Type I, II, III, IV, or V[H] establishment, including catering food vehicles. Supplemental facilities are categorized as:
- (a) High Supplemental Facility having similar food handling operations specified under Type I establishment;
- (b) Medium Supplemental Facility having similar food handling operations specified under Type III or IV establishment; or
- (c) Low Supplemental Facility having similar food handling operations specified under Type V establishment.
- Subd. 7. Temporary food establishment is defined in Minnesota Rules, Chapter 4626 and includes special event food stands as defined in Minnesota Statutes, Chapter 157. Temporary Food Establishments are categorized as:
- (a) Complex Temporary Food Establishment having similar food handling operations specified under Type I and Type III establishments; or
- (b) Simple Temporary Food Establishment having similar food handling operations specified under Type IV and V establishments.
- Subd. 8. Farmers' market stands meaning those food establishments operating at farmers' markets and not exempt from licensing under Minnesota Statutes, Section 28A.
- Subd. 9. Vending machines means devices dispensing unit servings of food that are either a food or beverage machine or a nut, gum ball, or unwrapped candy machine.
  - Section 6. Subsection 617.17 in the Richfield City Code is amended as follows:

# 617.17. - Reserved. Exemptions or Exclusions.

This section shall not include food service operations conducted in and for a house of worship when the food service is limited to preparation, service, or consumption by the members of the house of worship and not advertised to the public.

<u>Section 7</u>. Subsection 617.19 in the Richfield City Code is amended as follows:

This section specifically adopts the following additional standards for health and safety to Minnesota Rules, chapter 4626:

- Subdivision 1. Minnesota Rules, chapter 4626.0225 Preventing Contamination From Hands, D is amended to read as follows: Food employees not serving a highly susceptible population may contact exposed, ready to eat food with their bare hands if:
- (a) Written procedures are maintained in the food establishment and made available to the Health Authority upon request that include for each bare hand contact procedure, a listing of the specific ready-to-eat foods that are touched by bare hands.
- (b) A written employee health policy that details:
- (i) Documentation that food employees and conditional employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through food;
- (ii) Documentation that food employees and conditional employees acknowledge their responsibilities; and
- (iii) Documentation that the person in charge acknowledges his/her responsibilities.
- (c) Documentation that food employees acknowledge that they have received training according to Minnesota Rules, Chapter 4626 in:
  - (i) The risks of contacting the specific ready-to-eat foods with bare hands;
  - (ii) Proper handwashing including when and where to wash their hands;
  - (iii) Proper fingernail maintenance;
  - (iv) Prohibition of jewelry; and
  - (v) Good hygienic practices.
- (d) Documentation that hands are washed before food preparation and as necessary to prevent cross contamination by food employees during all hours of operation when the specific ready to eat foods are prepared.
- (e) Documentation that food employees contacting ready to eat food with bare hands use two (2) or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:

- (i) Double handwashing, such as after using the bathroom and returning to work, handling raw meat products, or other high risk activities;
  - (ii) A hand antiseptic after washing;
  - (iii) Programs to encourage food employees not to work when they are ill; or
  - (iv) Other control measures approved by the Health Authority.
- Subd. 2. Minnesota Rules, Chapter 4626.0410 TIME AS PUBLIC HEALTH CONTROL, subpart 2. Notification. The food establishment licensee must submit written notification to the Health Authority of his/her intention to use the procedures provided under this part and receive approval from the Health Authority prior to implementation of the provisions of this part.
- Subd. 3. Subdivision 1. Minnesota Rules, Chapter 4626.1050, A is amended to read as follows: A hand washing lavatory shall sink must be equipped to provide water to the user through a mixing valve or combination faucet, at a temperature of at least 43 degrees C (110 degrees F), but not more than 54 degrees C (130 degrees F) in a food establishment and not more than 48 degrees C (120 degrees F), in a sink that is used by children such as at a school, day care, or preschool, to allow handwashing for at least 20 seconds through a mixing valve or combination faucet.
- Subd.  $4\underline{2}$ . Minnesota Rules, Chapter 4626.1325, A is amended to read: Except as specified in item  $2\underline{B}$ , materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:
- (a) Smooth, durable and easily cleanable for areas where food establishment operations are conducted;
- (b) Closely woven and easily cleanable carpet where carpeting is permitted; and
- (c) Non-absorbent for areas subject to moisture and resistant to the wear and abuse to which they are subjected. Materials such as, but not limited to, quarry tile, or ceramic tile are approved for floors in food preparation areas, toilet rooms, hand washing areas, wait stations, kitchens, bars, walk-in refrigeration, ware washing areas, janitorial areas, laundry rooms, areas subject to flushing or spray cleaning methods, and other areas subject to moisture. Materials such as, but not limited to, ceramic tile are approved for walls subject to splash or moisture in food preparation areas, ware washing areas, toilet rooms, etc.
- Subd.  $\underline{53}$ . Minnesota Rules, Chapter 4626.1465 TOILET TISSUE, AVAILABILITY. A supply of toilet tissue in a mounted dispenser shall be available at each toilet.
- Subd. 64. A food establishment shall have in place and use a system of risk-based self-inspection. The self-inspection program shall include written policies, appropriate forms for logging self-inspections, and evidence that routine self-inspection of all aspects of the food establishment takes place.

Subd. 5. Minnesota Rules, Chapter 4626.0123 Clean-up of vomiting and diarrheal events. A food establishment must have written procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. The procedures must address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

Section 8. Subsection 617.21 in the Richfield City Code is amended as follows:

Subdivision 1. Administrative variance request. Relief from the strict compliance with the requirements of section 617.19 and those parts of Minnesota Rules, Chapter 4626 hereof may be granted in the form of a variance. Variance requests shall not be considered from those specifically listed in Minnesota Rules, chapter 4626.1690, subpart A.(1) through ([7]4). The variance application must be from the party to whom the requirement applies and must be in writing and submitted to the Health Authority, including, at a minimum, the following information:

- (a) The full name, address, daytime and evening telephone numbers of the party requesting a variance;
- (b) The address of the licensed premises;
- (c) The relationship of the party requesting a variance to the licensed premises;
- (d) The specific reasons why the requirements of City Code or State Rule cannot be met:
- (e) A description of alternative measures that will be taken to ensure a comparable degree of protection to the health or the environment if a variance is granted;
- (f) The length of time for which the variance is requested;
- (g) A statement that the person applying for the variance will comply with the terms of the variance and maintain a copy, if granted;
- (h) A HACCP plan, if required under part 4626.1730, that includes the information in part 4626.1735 that is relevant to the variance requested; and
- (i) Other relevant information the City determines necessary to properly evaluate the request for a variance.
- Subd. 2. Criteria for variance. The Health Authority may grant a variance request upon making all of the following findings of fact in writing:
- (a) The variance was requested in the manner prescribed by this section of City Code;
- (b) Science-based evidence that tThe variance will have no potential adverse effect or impact on public health, safety or the environment;

Section 9. Subsection 617.25 in the Richfield City Code is amended as follows:

Construction shall not commence on any new or remodeled food establishment or any existing structure converted to a food establishment until the Health Authority has reviewed and approved the plans and specifications. Those construction projects being expedited under the fast track building permit process, shall not have any equipment or floor, wall or ceiling finish materials installed until the Health Authority has reviewed and approved the plans and specifications.

Subdivision 1. Submission of plans.

(a) Two complete sets of <u>printed or one set of digital</u> of plans and specifications shall be submitted to the Health Authority for review.

Section 10. Subsection 617.27 in the Richfield City Code is amended as follows:

Subdivision 1. The Health Authority shall inspect each food establishment prior to issuing a license and as deemed necessary by the Health Authority. The Health Authority shall not issue a license until the food establishment complies with the standards of this section as demonstrated by a satisfactory inspection.

- Subd. 2. The Health Authority, after proper identification, shall have the right to enter and have access to the food establishment at any time during the conduct of business.
- Subd. 3. The Health Authority shall inspect each food establishment as frequently as necessary during construction, and prior to opening for service to the public, to ensure that construction and operations are in conformance with this section.
- Subd. 4. The Health Authority shall inspect each food establishment at a frequency no less often than State law requires.
- Subd. 5. The licensee, owner, or operator of a food establishment upon receipt of a health inspection report giving notice of violations of this section shall correct or remove each violation in the length of time determined by the Health Authority. [Critical]Priority 1 and priority 2 food code violations shall be complied with immediately or within 24 hours if not otherwise specified by the Health Authority. Failure to remove or correct each violation within the specified time period shall constitute a separate violation of this section. The Health Authority may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this section.

<u>Section 11</u>. This Ordinance will be effective in accordance with Section 3.09 of the City Charter.

Adopted this of	, 2019.
	Ву:
	Maria Regan Gonzalez, Mayor
ATTEST:	
Catherine Rodriguez, Manager	

# RESOLUTION NO. \_\_\_\_

# RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE PERTAINING TO PUBLIC HEALTH AND THE REGULATION OF FOOD ESTABLISHMENTS

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

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

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

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

# SUMMARY PUBLICATION BILL NO. 2019-\_\_\_\_

# AN ORDINANCE AMENDING SECTION 617 OF THE CITY CODE PERTAINING TO PUBLIC HEALTH AND THE REGULATION OF FOOD ESTABLISHMENTS

On February, 2019, the Richfield City Council adopted an ordinance designated as Bill No, the title of which is stated above. This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter. The purpose of the Ordinance is to: update definitions and terminology, as well as the body of the Ordinance, to reflect recent changes in State law governing food handling practices, health and hygiene standards, and equipment certification in food establishments.
Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours or upon request by calling 612-861-9738.
Adopted by the City Council of the City of Richfield, Minnesota this day of February, 2019.
Maria Regan Gonzalez, Mayor
ATTEST:

Elizabeth VanHoose, City Clerk

AGENDA SECTION: AGENDA ITEM# OTHER BUSINESS

9.



# STAFF REPORT NO. 39 CITY COUNCIL MEETING 2/26/2019

REPORT PREPARED BY: Jack Broz, Transportation Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director

2/14/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager

2/19/2019

# ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of the preliminary design layout for the Portland Avenue bicycle and pedestrian link project from 66th Street to Trunk Highway 62 (Crosstown) as recommended by the Transportation Commission.

# **EXECUTIVE SUMMARY:**

#### <u>Overview</u>

Hennepin County is the lead agency on the Portland Avenue bicycle and pedestrian link project. The proposed improvements will be accomplished in conjunction with a mill and overlay of Portland Avenue (north of 66th Street) and new street striping. Minor curb construction will occur at the eastbound Trunk Highway 62 (Crosstown) & Portland ramp intersection.

#### **Process**

The recommended preliminary layout of Portland Avenue was developed by Hennepin County and presented at two Transportation Commission meetings and one public open house. Concerns were identified for bicyclists, pedestrians, and motorists along the corridor. Through the process, the preliminary design was developed to address the identified corridor issues. The preliminary layout is intended to improve the conditions for each of the modes as described below. At the February 6, 2019 Transportation Commission meeting, the preliminary layout for the Portland Avenue bicycle and pedestrian link project was recommended for City Council approval.

### **Design Features**

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

- On-street buffered bicycle lanes from 66th Street to Trunk Highway 62 (Crosstown).
- Improved crossings at 66th Street and the Trunk Highway 62 (Crosstown) ramp intersection.

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

- Median at the freeway ramp intersection to provide refuge and one-way crossing of traffic to improve crossing safety.
- Pedestrian activated flashing crosswalk lights at the roundabout at 66th Street and Portland Avenue.

Parking - The existing condition allows for on-street parking on Sundays only. A visual survey of Sunday parking did not identify any use by residents and no comments were received that expressed concerns about the potential loss of Sunday parking on Portland Avenue. The preliminary layout proposes the prohibition of all on-street parking on the east and west sides of Portland Avenue.

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

- Three lane roadway via a 4-to-3 lane conversion similar to Portland Avenue South of 66th Street, with left turn lanes at intersections.
- Traffic signal at 64th Street (same as existing).

*Impacts* - The preliminary design generally fits within the existing right-of-way, however, as proposed, it will require a sidewalk easement at the City of Richfield Water Plant.

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

- Add pedestrian flashing lights to the median at pedestrian crossings at the roundabout at 66th Street and Portland (Commission).
- Further study of the proposed lane configuration of the roundabout at 66th Street and Portland to consider single lane exits and potential single lane circulation (Commission).

### RECOMMENDED ACTION:

By motion: Approve the the preliminary design layout for the Portland Avenue bicycle and pedestrian link project from 66th Street to Trunk Highway 62 (Crosstown) as recommended by the Transportation Commission.

# **BASIS OF RECOMMENDATION:**

### A. HISTORICAL CONTEXT

- The Portland Avenue bicycle and pedestrian link project will connect existing bicycle lanes south of 66th Street and existing bicycle lanes north of 60th Street in the City of Minneapolis, eliminating the existing "bike gap".
- This gap in the Hennepin County bicycle network was ranked by the County as the highest priority to connect.
- The project received Federal funding and was the top ranked bicycle project as determined by the Metropolitan Council.
- The Richfield Bicycle Master plan identifies Portland Avenue as a future bicycle route.

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

- The preliminary layout for Portland Avenue is consistent with the following approved plans:
  - Comprehensive Plan (Chapter 6 Transportation)
  - o Bicycle Master Plan
  - Complete Streets Policy
  - Arterial Roads Study

# C. **CRITICAL TIMING ISSUES:**

 The preliminary design needs to be approved in order to complete final design for a 2020 construction timeline.

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

• The estimated cost to the City for the project is \$42,000 and is to be financed by Municipal State Aid.

#### E. LEGAL CONSIDERATION:

None

#### **ALTERNATIVE RECOMMENDATION(S):**

• None

# **PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

# **ATTACHMENTS:**

	Description	Type
D	Public Comments - emailed	Backup Material
D	Project Map	Backup Material
D	Portland Avenue Project Info Sheet	Backup Material
D	Project Layout	Backup Material

# **Comments Received on Portland Ave Bike Gap**

# **Email August 11, 2018:**

Jason,

I live at 6308 Portland and wasn't able to make it to the Farmers Market to talk to design staff regarding the Portland Avenue project. I did take a look at the project map online and have a few questions.

- 1. Will the right turn lane at Portland coming off 62 from the west now have to wait for the light? I hope so because the cars come through there really fast right now without a light and it's really dangerous crossing the street without walking down to 64th and crossing at the light.
- 2. I was concerned about how steep my driveway would be if the road was widened. Looking at the project map it looks like my property (the west side of Portland) won't be impacted very much. Am I interpreting that correctly?
- 3. Will there be times during the project that we will not be able to access our homes from Portland? If so, do you know yet how long?

I think it will look really nice and be much safer all around.

Thank you,

Lori Brown

# **Email August 14, 2018:**

Dave,

I got a call from a concerned resident who was wondering if there could be anything done to the free right at TH 62 EB Ramp to Portland Ave in the short term. It is a blind spot. As you know we are planning on removing the free right in 2020.

https://www.google.com/maps/@44.8903449,-93.2686302,3a,75y,90.2h,69.91t/data=!3m6!!e1!3m4!!sA6oWT3f4lqje2\_eaPrycSA!2e0!7i13312!8i6656?hl=en

Would it make sense for MnDOT to add some sort of Pedestrian crossing ahead on the signs on the ramp. I know a sign does not stop bad decisions.

Let me know if you want to discuss.

**Thanks** 

# Jason Staebell, P.E.

Senior Project Manager - Design Hennepin County Transportation Project Delivery 1600 Prairie Drive · Medina, MN 55340 Ph: 612.596.0371

jason.staebell@hennepin.us

# **Email January 18, 2019:**

Hi Jason,

Is there a way we can move the cross walk at 64<sup>th</sup> and Portland. If you cross/bike there, you run right in into the traffic light. That is also where the bike path starts – right at the traffic light. There is a dirt path right at that space. If you have any questions, please email me at <a href="clairekillian22@gmail.com">clairekillian22@gmail.com</a> or call me at 612/554-8254.

Claire Killian

Resident of Richfield

# Email January 30, 2019:

Jason and Jordan,

First of all, I am excited for this project and the better connections it will provide between South Minneapolis where I live and Richfield where I often go to shop, visit friends, etc. This will make bicycling a safer choice for me, especially for family trips.

I do have one concern, which is the newest plan I saw for the 66th/Portland roundabout with double lanes in all directions. Traffic volumes on all legs of this intersection are relatively low, and three legs of the intersection now have a three lane profile. Portland north to 62 could easily have a three lane profile in the future as well. So it's particularly confounding to see the newer roundabout plans have double lanes in all directions.

I support returning to a single-lane roundabout, first and foremost for the safety of bicyclists and pedstrians crossing this intersection. There's no reason to have a "double threat" configuration on any leg of this roundabout, and the newer plans add more of these and reduce safety.

I also support returning to a single-lane roundabout since it would further improve the likelihood of redevelopment on this corner. The Portland/66th intersection has major development opportunities on all four corners, and it would be great to see low-setback urban development fronting this corner in a form that encourages neighbors and visitors to park once even if making stops at multiple corners of the intersection. This is similar to what Richfield has pursued for Lyndale or eventually at Nicollet. Having double-lane roundabouts unnecessarily reinforces the

current status of this corner as a "place to get through" rather than a "place to go to." Richfield deserves better than that!

I hope you can return to the single-lane roundabout configuration at 66th and Portland.

Thanks Matt Steele

# Email February 7, 2019:

I commute often through that intersection [Portland and 66<sup>th</sup>]. The only safe way to cross that intersection is to walk across. One or two lane, won't make of a difference. There are always drivers who want to "sneak" through any delay..if that makes sense...if one does not anticipate those kinds of drivers, one is in trouble.

Two lanes would be the worst because Americans are not used to traffic circles, and there will be drivers who will try to move from the inside to outside and then exit. Traffic circles are nerve wracking and a driver could be so distracting by the outer lane, while trying to exit that they may not notice a cyclist.

My vote is for a sign that tells cyclists to dismount....and walk through the intersection.

It's great to see that there will be a bike lane from the crosstown to 66th....it is one of the most nerve wracking part of my commute when I return from downtown.

David Petersen



HENNEPIN COUNTY
MINNESOTA

Bicycle and Pedestrian Link Chester St **MINNEAPOLIS** 60th St E 60th St E Dakland Ave Chicago Ave Wentworth Ave Clinton Ave Pillsbury Ave 12th Ave S Blaisdell Ave 10th Ave S 11th Ave S 5th Ave S Elliot Ave Columbus Ave 1st Ave 61st St E 61st St E Nicollet Ave 62 Park Ave 35W Ramp 62 Nicollet Stevens Ave S Park Clinton Ave S 94 Pillsbury Ave S 2nd Ave S Vets 3rd Ave S 63rd St F Nicollet Ave S Memorial Slaisdell Ave S LEGION LAKE 14th Ave S 13th Ave S Park 64th St E 64th St E Pleasant Ave S RICHFIELD -65th St.W Bloomington Ave S 65th St E 65th St E 12th Ave S 66th St E 66th St E h St W Columbus Ave Oakland Ave Chicago Ave Hennepin Elliot Ave S **Project Limits** 

**Disclaimer:** This map (i) is furnished "AS IS" with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this map.







# Portland Avenue bicycle and pedestrian link

County Road 35 in Richfield and Minneapolis

Hennepin County is preparing to reconfigure a segment of Portland Avenue (County Road 35) between 60th Street and 66th Street (County Road 53). This is the segment of Portland Avenue near the I-35W/Crosstown (Highway 62) Exchange.

# Project overview

Portland Avenue is among the county's most biked corridors. It connects downtown Minneapolis with the Interstate 494 employment corridor and the southeast metro.

The project, which is scheduled to begin in 2020, will complete a critical bicycle transportation link on Portland Avenue. It will improve protected bikeways and facilities for pedestrians and convert a portion of the road from four to three lanes.

# Project features

For people walking and needing accessibility features:

- Americans with Disabilities Act (ADA) compliant ramps and sidewalk
- accessible Pedestrian Signals (APS)
- durable crosswalk markings
- countdown timers

# For people on bikes

new dedicated trail

# For people using transit

- enhanced bus shelters
- · enhanced wayfinding signage

Safety improvements and updates for all users

- · additional dedicated turn lanes
- new traffic signal mast arms

2020

# Hennepin County

Jason Staebell
Project manager
jason.staebell@hennepin.us
612-596-0371

# Project website

www.hennepin.us/portlandavecrosstown

August 2018











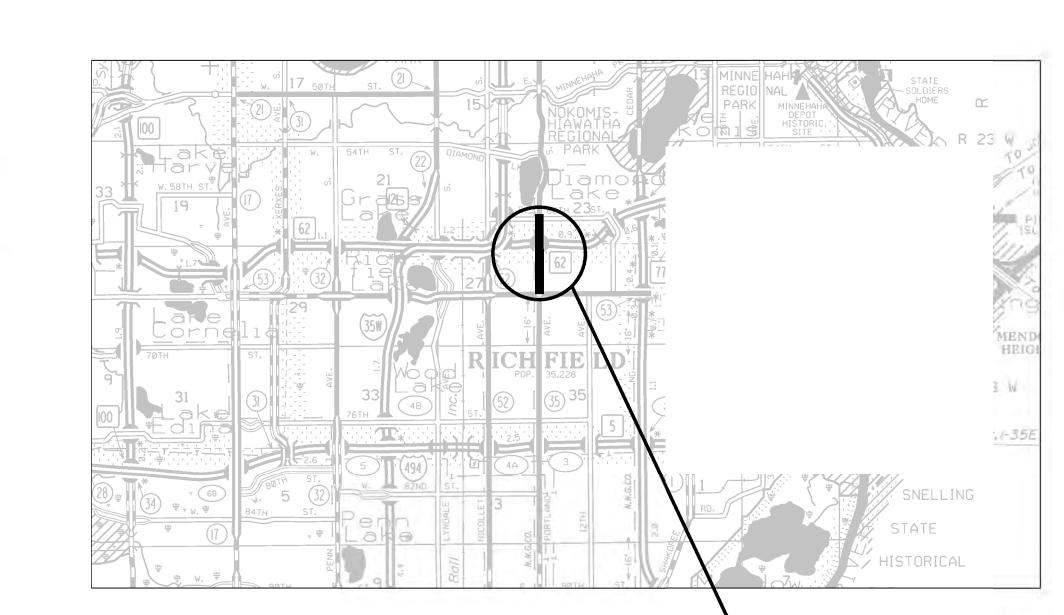


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4		

RELIMINARY - SUBJECT TO CHANGE

35/1543 LAYOUT HISTORY				
DATE	DESCRIPTION			
4/3/2018	CONCEPT LAYOUT			
8/2/2018	OPEN HOUSE LAYOUT			
10/17/2018	REVISED LAYOUT			
1				
1				

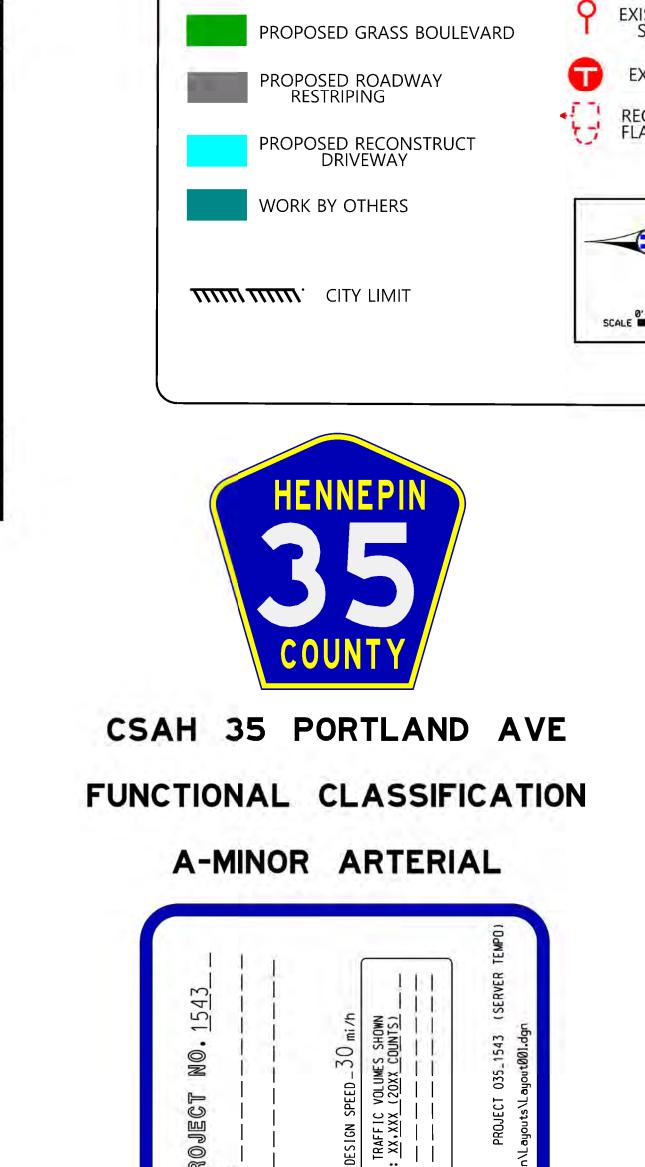
SIGNALIZED INTERSECTION TITINITINI. CITY LIMIT



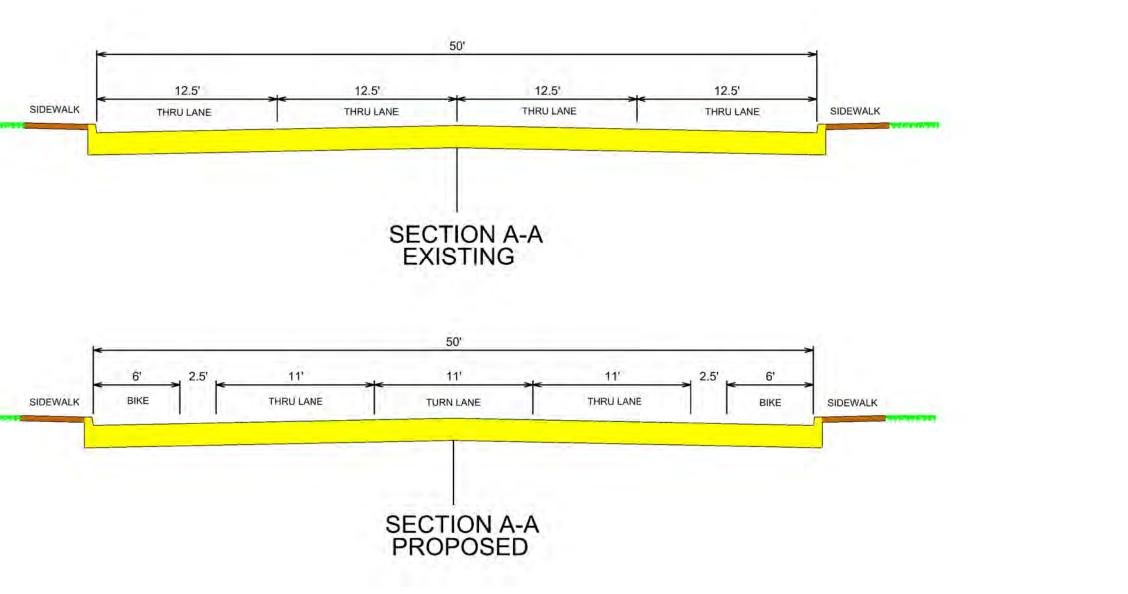
PROJECT LOCATION

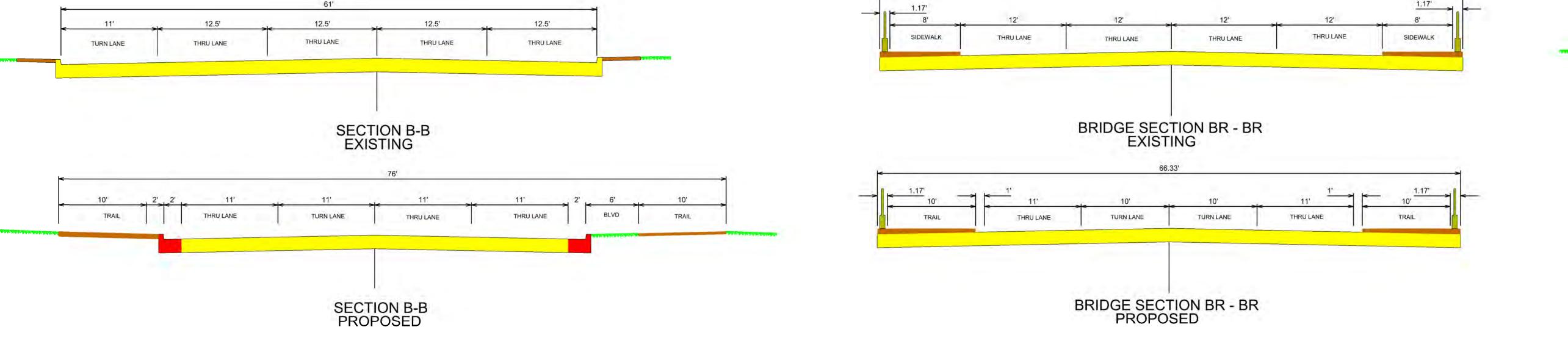
City of RICHFIELD

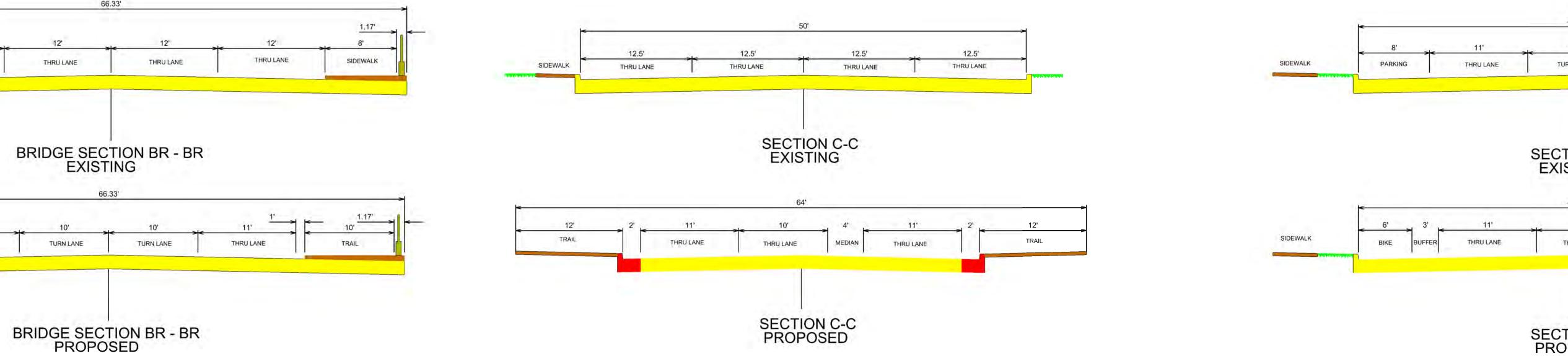
City of MINNEAPOLIS

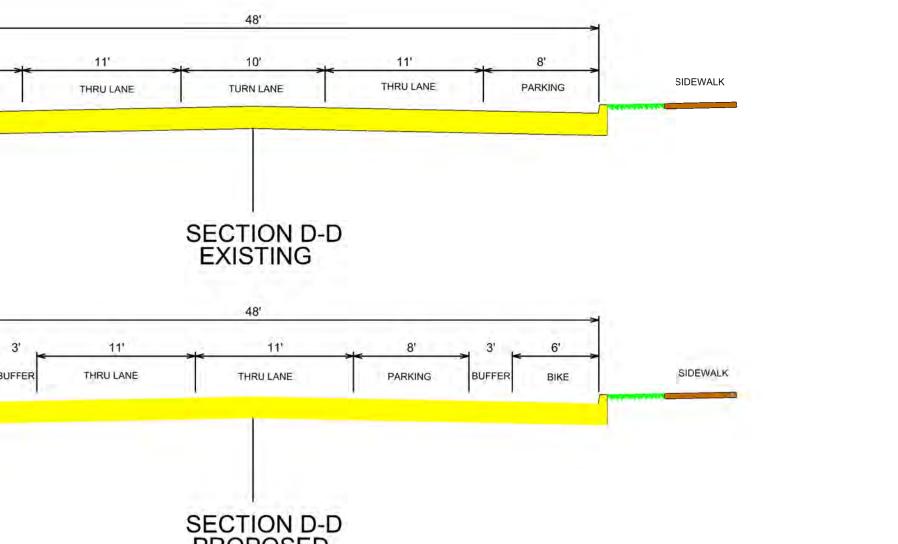












AGENDA SECTION: AGENDA ITEM# OTHER BUSINESS

10.



# STAFF REPORT NO. 40 CITY COUNCIL MEETING 2/26/2019

REPORT PREPARED BY: Jared Voto, Executive Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Katie Rodriguez, City Manager

2/20/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager

2/20/2019

# ITEM FOR COUNCIL CONSIDERATION:

Consideration of designating representatives to serve as the 2019 liaisons to various metropolitan agencies and City commissions.

# **EXECUTIVE SUMMARY:**

Members of the City Council serve as the City's representatives on various metropolitan agencies and City commissions. Each year, the City Council appoints these representatives. With the election of Ben Whalen as City Council Member for Ward 3, the Council should consider his appointment to these agencies and commissions.

# **RECOMMENDED ACTION:**

By motion: Designate City Council liaison appointments to various metropolitan agencies and City commissions for 2019.

# **BASIS OF RECOMMENDATION:**

#### A. HISTORICAL CONTEXT

This information is contained in the Executive Summary.

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

• The City Council designated liaisons at the first meeting in January, with the intent to make adjustments after the special election for City Council - Ward 3.

# C. CRITICAL TIMING ISSUES:

None

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

None

# E. **LEGAL CONSIDERATION:**

None

# **ALTERNATIVE RECOMMENDATION(S):**

• The City Council may defer the designations to a future City Council meeting.

# PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

# **ATTACHMENTS:**

Description Type

2019 Liaison Appointment List Backup Material

<b>AGENCY</b>	<b>2018 LIAISON</b>	<b>2019 LIAISON</b>
METRO CITIES	PAT ELLIOTT, REP. MICHAEL HOWARD; EDWINA GARCIA; MARIA REGAN GONZALEZ, ALTS.	SIMON TRAUTMANN, REP. MARIA REGAN GONZALEZ, ALT.
LEAGUE OF MINNESOTA CITIES	PAT ELLIOTT, REP. MICHAEL HOWARD, ALT.	MARIA REGAN GONZALEZ, REP. SIMON TRAUTMANN, ALT.
NOISE OVERSIGHT COMMITTEE	PAM DMYTRENKO, REP. MARIA REGAN GONZALEZ, ALT.	PAM DMYTRENKO, REP. MARIA REGAN GONZALEZ, ALT.
I-35W SOLUTIONS ALLIANCE	MICHAEL HOWARD, LIA. PAT ELLIOTT, ALT. JEFF PEARSON, STAFF LIA.	MARIA REGAN GONZALEZ, LIA. EDWINA GARCIA, ALT. JEFF PEARSON, STAFF LIA.
494 CORRIDOR COMMISSION	MICHAEL HOWARD, LIA. SIMON TRAUTMANN, ALT. JACK BROZ, STAFF LIA.	SIMON TRAUTMANN, LIA. MARIA REGAN GONZALEZ, ALT. JACK BROZ, STAFF LIA.
RICHFIELD SCHOOL DISTRICT	MARIA REGAN GONZALEZ, REP. MICHAEL HOWARD, ALT.	MARIA REGAN GONZALEZ, REP. MARY SUPPLE, ALT.
FOWL BOARD	SIMON TRAUTMANN, REP. MARIA REGAN GONZALEZ, ALT.	SIMON TRAUTMANN, REP. MARIA REGAN GONZALEZ, ALT.
SOUTHWEST CABLE COMMISSION	PAT ELLIOTT, REP. STEVE DEVICH, REP. MICHAEL HOWARD, ALT.	MARIA REGAN GONZALEZ, REP. KATIE RODRIGUEZ, REP. EDWINA GARCIA, ALT.
RICHFIELD COMMUNITY HUMAN SERVICES PLANNING COUNCIL	EDWINA GARCIA, REP. MARIA REGAN GONZALEZ, ALT.	EDWINA GARCIA, REP. MARY SUPPLE, ALT.
ADVISORY BOARD OF HEALTH	MARIA REGAN GONZALEZ, LIA. EDWINA GARCIA, ALT.	MARIA REGAN GONZALEZ, LIA. EDWINA GARCIA, ALT.
ARTS COMMISSION	PAT ELLIOTT, LIA. MICHAEL HOWARD, ALT.	MARY SUPPLE, LIA. SIMON TRAUTMANN, ALT.
CIVIL SERVICE COMMISSION	MARIA REGAN GONZALEZ, REP.	MARIA REGAN GONZALEZ, REP.
COMM. SERVICES COMMISSION	EDWINA GARCIA, LIA. MICHAEL HOWARD, ALT.	EDWINA GARCIA, LIA. MARY SUPPLE, ALT.
FRIENDSHIP CITY COMMISSION	MICHAEL HOWARD, LIA. PAT ELLIOTT, ALT.	MARIA REGAN GONZALEZ, LIA. EDWINA GARCIA, ALT.
HUMAN RIGHTS COMMISSION	MICHAEL HOWARD, LIA. MARIA REGAN GONZALEZ, ALT.	SIMON TRAUTMANN, LIA. MARIA REGAN GONZALEZ, ALT.
PLANNING COMMISSION	EDWINA GARCIA, LIA. PAT ELLIOTT, ALT.	EDWINA GARCIA, LIA. SIMON TRAUTMANN, ALT.
TRANSPORTATION COMMISSION	SIMON TRAUTMANN, LIA. MICHAEL HOWARD, ALT.	MARY SUPPLE, LIA. SIMON TRAUTMANN, ALT.

RICHFIELD HISTORICAL SOCIETY	EDWINA GARCIA, REP. PAT ELLIOTT, ALT.	EDWINA GARCIA, REP. MARY SUPPLE, ALT.
BEYOND THE YELLOW RIBBON	MARIA REGAN GONZALEZ, REP.	MARIA REGAN GONZALEZ, REP. SIMON TRAUTMANN, ALT.

**2018 LIAISON** 

**2019 LIAISON** 

**AGENCY**