SPECIAL CITY COUNCIL WORKSESSION
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM
MAY 9, 2017
6:15 PM

Call to order

1. Key Financial Strategies

Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.
May 4, 2017

Council Memorandum No. 45

The Honorable Mayor
and
Members of the City Council

Subject: Key Financial Strategies

Council Members:

City Council Members will find attached to this memo the 2017 Key Financial Strategies (KFS) forecast. As in prior years the KFS is comprised of two reports: the Financial Management Plan and the Capital Financing Plan.

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

Staff will be making a short presentation of the KFS at the May 9, 2017, City Council work session.

Respectfully submitted,

Steven L. Devich
City Manager

SLD:cr
Email: Assistant City Manager
Department Directors

Attachments
# Financial Management Plan

## Inflation Assumptions

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.00%</td>
<td>3.00%</td>
</tr>
</tbody>
</table>

## Revenue

1. **General Property Tax**: $12,260,561
2. **Pascal Disparities**: $3,005,246
3. **Licenses & Permits**: $985,367
4. **Local Government Aid**: $440,000
5. **Misc. Revenue**: $1,149,017
6. **Charges for Services**: $2,118,267
7. **Fines & Forfeits**: $377,694
8. **Misc. Revenues**: $98,632
9. **Other Financing Sources**: $274,470

## Total Revenue

$20,729,134

## Expenditures

10. **City of Richfield**
    - 2016: $21,527,968
    - 2017: $23,733,870

11. **Revenue Over (Under) Expenditures**: $1,103

## Total Expenditures

$20,539,859

## Other Financing Sources

- $24,835,686
- $20,701,028

## Total Net Tax Base

$31,550,623

## General Fund

### Revenue

- **Total Revenue**: $20,729,134
- **Add Back Uncollectible**
  - 2017: $1,735,709
  - 2019: $98,632

### Expenditures

- **Revenue Over (Under) Expenditures**: $1,103

### Other Financing Sources

- **Total Operating Levy**: $27,136,471

### Debt/Special Levy

- **From Capital Financing Plan**: $6,490,939

## Financial Management Plan

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**Inflation Assumptions**: Revenue and Expenditures are assumed to increase by 3.00% in each of the years 2016-2025, with the exception of certain years where a different percentage is specified.

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5/3/2017 2:33 PM
# City of Richfield
## Capital Financing Plan

### Existing and Projected Tax Levy Requirements

<table>
<thead>
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<tr>
<td>Richfield Municipal Center</td>
<td>1</td>
<td>997,100</td>
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<td>2008A Bonds</td>
<td>374,199</td>
<td>381,339</td>
<td>382,253</td>
<td>387,980</td>
<td>387,290</td>
<td>391,293</td>
<td>394,669</td>
<td>397,103</td>
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<td>4</td>
<td>2009A Bonds</td>
<td>16,255</td>
<td>15,625</td>
<td>14,943</td>
<td>14,260</td>
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<td>5</td>
<td>2010A Bonds - Alley Paving/Equipment</td>
<td>129,696</td>
<td>127,701</td>
<td>130,956</td>
<td>128,856</td>
<td>126,756</td>
<td>129,906</td>
<td>127,700</td>
<td>130,745</td>
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<td>8</td>
<td>2010A G.O. Street Reconstruction Bonds - 69th St./Portland</td>
<td>518,009</td>
<td>524,024</td>
<td>521,452</td>
<td>518,564</td>
<td>520,612</td>
<td>522,186</td>
<td>523,289</td>
<td>523,919</td>
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<td>9</td>
<td>2016A G.O. Refunding Bonds</td>
<td>721,324</td>
<td>720,379</td>
<td>724,474</td>
<td>728,254</td>
<td>731,719</td>
<td>736,969</td>
<td>736,444</td>
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<td>11</td>
<td>2017A G.O. Street Reconstruction Bonds - 66th Street</td>
<td>358,998</td>
<td>370,722</td>
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<tr>
<td>12</td>
<td>Cedar Point Tax Abatement Levy</td>
<td>770,000</td>
<td>789,000</td>
<td>800,000</td>
<td>825,000</td>
<td>850,000</td>
<td>850,000</td>
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<td>13</td>
<td>Rolling Stock, Equipment, and IT Levy</td>
<td>281,444</td>
<td>281,444</td>
<td>281,444</td>
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<td>14</td>
<td>66th Street Reconstruction ($4.0M over 20 years at 3.5%)</td>
<td>154,794</td>
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<td>65th Street Reconstruction ($6.0M over 20 years at 3.5%)</td>
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<td>16</td>
<td>Penn Avenue Reconstruction ($5.0M over 20 years at 3.5%)</td>
<td>351,805</td>
<td>351,805</td>
<td>351,805</td>
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<td>17</td>
<td>70th Street Reconstruction ($2.5M over 20 years at 3.5%)</td>
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<td>175,903</td>
<td>175,903</td>
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<td>18</td>
<td>76th Street West Reconstruction ($3.5M over 20 years at 3.5%)</td>
<td>246,264</td>
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<tr>
<td>19</td>
<td>Humboldt/Lakeshore Drive Recon ($4M over 20 years at 3.5%)</td>
<td>281,444</td>
<td>281,444</td>
<td>281,444</td>
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<tr>
<td>20</td>
<td>Nicollet Avenue Reconstruction ($5.0M over 20 years at 3.5%)</td>
<td>351,805</td>
<td>351,805</td>
<td>351,805</td>
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<tr>
<td>21</td>
<td>Lyndale Avenue Reconstruction ($7.5M over 20 years at 3.5%)</td>
<td>527,708</td>
<td>527,708</td>
<td>527,708</td>
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<tr>
<td>22</td>
<td>Total Debt/Special Levy</td>
<td>3,408,398</td>
<td>4,066,050</td>
<td>4,283,325</td>
<td>4,997,839</td>
<td>5,429,348</td>
<td>5,974,498</td>
<td>5,853,535</td>
<td>6,497,174</td>
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5/3/2017
2:33 PM
INTRODUCTORY PROCEEDINGS

Call to order

Open forum (15 minutes maximum)

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

Pledge of Allegiance

Approval of the minutes of the: (1) Special City Council Work Session of April 25, 2017; (2) Special Concurrent City Council and HRA Work Session of April 25, 2017; (3) Special City Council Work Session of April 25, 2017; (4) Regular City Council Meeting of April 25, 2017; and (5) Special City Council Work Session of May 2, 2017.

PRESENTATIONS

1. Swearing-in of Firefighter Kevin O’Connell

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.

   A. Consideration of the approval of the first reading of an ordinance rezoning properties currently addressed as: 6601 - 16th Ave, 6609 - 16th Ave, 6615 - 16th Ave, 6600 - 17th Ave, 6608 - 17th Ave, and 6614 - 17th Ave from General Business (C-2) to Planned General Business (PC-2).
      Staff Report No. 71

   B. Consideration of the approval of a resolution authorizing the City to affirm the monetary limits on statutory municipality tort liability.
      Staff Report No. 72
5. Consideration of items, if any, removed from Consent Calendar

**PUBLIC HEARINGS**

6. Public hearing and consideration of the approval of an Enabling Resolution relating to the formation and administration of an Economic Development Authority in, and for, the City of Richfield and approval of a resolution authorizing the Economic Development Authority to levy taxes.
   Staff Report No. 73

**RESOLUTIONS**

7. Consideration of the approval of a resolution granting a conditional use permit and variances to allow a buffet restaurant to operate in the former Old Country Buffet space at 6601 Nicollet Avenue.
   Staff Report No. 74

**CITY MANAGER’S REPORT**

8. City Manager's Report

**CLAIMS AND PAYROLLS**

9. 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.*

10. 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
April 25, 2017

CALL TO ORDER

The work session was called to order by Mayor Elliott at 5:17 p.m. in the Bartholomew Room.

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

Staff Present: Steven L. Devich, City Manager; Mary Tietjen, City Attorney; Pam Dmytrenko, Assistant City Manager/HR Manager; Jared Voto, Executive Aide/Analyst

Item #1 DISCUSSION OF THE PREFERRED COMPOSITION OF THE BOARD OF COMMISSIONERS OF THE PROSPECTIVE ECONOMIC DEVELOPMENT AUTHORITY

City Manager/Executive Director Steve Devich introduced the topic of the composition of the proposed Economic Development Authority (EDA). He stated the two most likely options were the City Council or the Housing and Redevelopment Authority (HRA) as the EDA Board and asked for Council feedback.

Council Members Regan Gonzalez and Howard discussed the work of the EDA would be similar to the HRA and thought that was the best fit.

Council Member Garcia asked about the possibility of the City Council as the EDA Board for a few years and then transfer responsibility it to the HRA. City Manager/Executive Director Devich responded that was a possibility.

Mayor Elliott asked about establishing the EDA with the HRA as the Board and having the City Council “co-sign” on projects. City Attorney Tietjen responded and believed there would be some discretion to do this in the enabling ordinance. City Manager/Executive Director Devich discussed the adoption of the EDA’s tax levy and its selection of projects, as it relates to the City Council “co-signing”. Council Members agreed the EDA should have the sole authority to establish the levy and wanted the joint decision-making on the use of the funds.

Mayor Elliott asked about terms for the EDA Board. City Attorney Tietjen responded that the terms are covered in the Statute. Council Members discussed term limits and decided the leave it open to the City Council’s discretion, as they select the members of the Board.

ADJOURNMENT

The work session was adjourned by unanimous consent at 5:29 p.m.
CALL TO ORDER

The concurrent work session was called to order by Mayor Elliott at 5:37 p.m. in the Bartholomew Room.

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

HRA Members Present: Mary Supple, Chair; Pat Elliott; Michael Howard; Doris Rubenstein; and Sue Sandahl.

Staff Present: Steven L. Devich, City Manager/Executive Director; and John Stark, Community Development Director; Pam Dmytrenko, Assistant City Manager/HR Manager; Mary Tietjen, City Attorney; Jared Voto, Executive Aide/Analyst.

Item #1 PRESENTATION AND DISCUSSION REGARDING AFFORDABLE HOUSING

Mayor Elliott addressed the audience and introduced principals from Aeon to the audience. The members of the Aeon team introduced themselves.

Eric Schnell, Chief Operating Officer for Aeon, spoke about the purchase of Seasons Park and the work they do to keep units affordable.

Christine Hart, Community Developer at Community Action Partnership of Southern Hennepin (CAPSH), introduced herself and other presenters, Lisa Horn, CEO of VEAP, and Lael Robertson, Staff Attorney with the Housing Justice Center. Hart provided an overview of the upcoming discussion on the trends in affordable housing and talked about the consortium of 20 service providers in Hennepin County that came together a year and a half ago, known as the Suburban Hennepin Housing Coalition, which is looking at issues in suburban Hennepin and trying to find gaps in the services they provide.

Horn discussed who VEAP serves as a basic need social service agency. VEAP is an active member of the Suburban Hennepin Housing Coalition and works closely with Hennepin County in providing integrated services. She discussed the issues VEAP are seeing with their clients; the work they do to help clients and working with an affordability and accessibility problem in housing; helping clients navigate with landlords; and keeping people within their communities. She also spoke about the need for a comprehensive approach to this issue.

Hart noted an information guide that was handed out and discussed information on it, including that 73% of rental housing in Richfield was naturally occurring affordable housing.

Robertson discussed the Housing Justice Center, a non-profit law firm, which has been working with cities and counties to keep and create safe, suitable, and dignified affordable housing.
She discussed the rental/housing market is a very tight currently in the Twin Cities area. She discussed options that Richfield could implement, including:

- Identification of buildings and documenting the problem;
- Advance notice period;
- Help preservation to buy at risk buildings;
- Right of first refusal;
- Local programs offering rehab financing in return for affordability commitments;
- 4d property tax program;
- Prohibition of Section 8 discrimination;
- For cause eviction;
- Incentives to address landlords concerns about renting to certain groups of tenants;
- Inclusionary housing;
- Increasing local government leverage through zoning; and
- Rental assistance.

Hart further discussed having strong and proactive language in the comprehensive plan about affordable housing. Robertson added that the comprehensive plan is a tool to layout Richfield’s values and what we want Richfield to look like in the future.

Mayor Elliott invited Hennepin County Commissioner Debbie Goettel to speak from the County’s perspective. Commissioner Goettel spoke regarding the difficulty of instable housing, shared handouts of County programs available to residents, a new program called the Naturally Occurring Affordable Housing Fund, and the need to identify at-risk buildings that provide affordable housing currently. Mayor Elliott commented he thought the County is a more viable partner and better resource in the current political climate.

Council Member/Commissioner Howard thanked everyone for attending, stated we should continue the conversation, and suggested Richfield hold a forum on housing, similar to a forum Eden Prairie held in their community.

Council Member Regan Gonzalez thanked everyone for attending and agreed with the forum on housing and asked the Council and staff to review the list of options available.

Council Member Garcia thanked everyone for attending and agreed that everyone needs to be on the same page to form sound policy moving forward.

Council Members and HRA Commissioners all thanked the presenters for the information and allowing them to look proactively at the issue and thanked those in attendance at the work session.

ADJOURNMENT

The concurrent work session was adjourned by unanimous consent at 6:43 p.m.

Date Approved: May 9, 2017

Pat Elliott
Mayor

Jared Voto
Steven L. Devich
Executive Aide/Analyst
City Manager
CALL TO ORDER

The work session was called to order by Mayor Elliott at 6:45 p.m. in the Fred Babcock Room.

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

Item #1 DISCUSSION OF TRANSPORTATION COMMISSION APPOINTMENT

Council Members reviewed application materials and discussed appointment of one adult member to the Transportation Commission.

ADJOURNMENT

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

Date Approved: May 9, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

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

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

Staff Present: Steven L. Devich, City Manager; Mary Tietjen, City Attorney; John Stark, Community Development Director; Kristin Asher, Public Works Director; and Jared Voto, Executive Aide/Analyst.

Mayor Elliott led the Pledge of Allegiance.

Item #1 PRESENTATION BY THE RICHFIELD STEM/DUAL LANGUAGE SCHOOL COMBINED 5TH GRADE CHOIR

The Richfield STEM/Dual Language Combined 5th Grade Choir sang three songs.

OPEN FORUM

Steve Unowsky, Richfield Public Schools Superintendent, 5018 Emerson, Minneapolis, spoke regarding schools and city partnership and support of residents of Richfield.

Eric Schnell, Aeon, 901 N 3rd St, Suite 150, Minneapolis, spoke regarding Seasons Park apartments.

Camillo DeSantis, 6501 Wood Lake Drive #901, spoke regarding affordable housing and the Richfield Housing and Redevelopment Authority.

Sue Phillips, MICAH Executive Director, 463 Marie, St. Paul, spoke regarding affordable housing.

Eric Hauge, Homeline, 3455 Bloomington Ave, Minneapolis, spoke regarding affordable housing and the Concierge’s Council Memo.
Esmeralda Ponce Gonzalez, 716 E 78th St #202, spoke regarding Homeline and their housing difficulties after a fire.

**APPROVAL OF MINUTES**

M/Garcia, S/Regan Gonzalez to approve the minutes of the Regular City Council Meeting of April 11, 2017.

Motion carried 4-0.

**Item #2** PRESENTATION OF PROCLAMATION DESIGNATING EARTH DAY/ARBOR MONTH/TREE CITY USA

Mayor Elliott read the proclamation. Karen Shragg, Wood Lake Nature Center Manager, stated 82 people attended the event on Sunday, April 23.

**Item #3** PRESENTATION OF THE RICHFIELD TOURISM PROMOTION BOARD, INC. AUDITED FINANCIAL REPORT FOR YEAR-END DECEMBER 31, 2015 AND DECEMBER 31, 2016.

Lori Nelson, RTPB Executive Director presented the audit report to the City Council. She stated it was a clean audit from their auditor, La Fayette, Melssen & Plath, LTD., and stated they were presented best practices from their auditor for Board transparency.

**Item #4** COUNCIL DISCUSSION

- Hats Off to Hometown Hits

Council Member Garcia discussed the study session held earlier in the evening and because of open meeting law requirements she suggested residents reach out to City staff with concerns or issues.

Council Member Regan Gonzalez thanked those in attendance and discussed the sale of Seasons Park.

Council Member Howard thanked those in attendance and discussed the sale of Seasons Park.

Mayor Elliott invited everyone in attendance to the Veterans Park clean-up on Saturday, April 29.

**Item #5** APPROVAL OF THE AGENDA

Council Member Howard requested to add an item.
M/Howard, S/Garcia to add an item to the agenda for the appointment of a member to the Transportation Commission.

Motion carried 4-0.

M/Howard, S/Regan Gonzalez to approve the amended agenda.

Motion carried 4-0.

| Item #6 | CONSENT CALENDAR |

City Manager Devich presented the Consent Calendar.

A. Consideration of the approval of resolutions for reimbursement of certain expenditures from the proceeds of reconstruction bonds to be issued by the City for the 66th Street Reconstruction and 6-Year Mill and Overlay projects. (S.R. NO. 69)

RESOLUTION NO. 11355
A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF RICHFIELD TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY WITH RESPECT TO THE 66TH STREET RECONSTRUCTION PROJECT

This resolution appears as Resolution No. 11355.

RESOLUTION NO. 11356
A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF RICHFIELD TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY WITH RESPECT TO THE 6-YEAR MILL AND OVERLAY PROJECT

This resolution appears as Resolution No. 11356.

M/Garcia, S/Regan Gonzalez to approve the consent calendar.

Motion carried 4-0.

| Item #7 | CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR |

None.

| Item #8 | CONSIDERATION OF THE APPROVAL OF A RESOLUTION DIRECTING XCEL ENERGY TO UNDERGROUND OVERHEAD UTILITIES ALONG 66TH STREET BETWEEN XERXES AVENUE AND 16TH AVENUE AND SUPPORT THE RECOVERY OF $1,325,000 TO XCEL ENERGY THROUGH A SURCHARGE TO THE CITY’S RATEPAYERS. (S.R. NO. 70) |
Mayor Elliott presented Staff Report No. 70.

M/Elliott, S/Garcia to approve a resolution directing Xcel Energy to underground overhead utilities along 66th Street between Xerxes Avenue and 16th Avenue and support the recovery of $1,325,000 to Xcel Energy through a surcharge to the City’s ratepayers.

RESOLUTION NO. 11357
RESOLUTION DIRECTING XCEL ENERGY TO UNDERGROUND OVERHEAD UTILITIES ALONG 66TH STREET BETWEEN XERXES AVENUE TO 16TH AVENUE

Motion carried 4-0. This resolution appears as Resolution No. 11357.

<table>
<thead>
<tr>
<th>Item #9</th>
<th>CONSIDERATION OF THE APPOINTMENT OF AN ADULT MEMBER TO THE TRANSPORTATION COMMISSION</th>
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</thead>
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Motion carried 4-0.

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<tr>
<th>Item #10</th>
<th>CITY MANAGER’S REPORT</th>
</tr>
</thead>
</table>

Public Works Director Asher discussed receiving the Environmental Stewardship Award for Urban Context Sensitive Solutions from the Minnesota Department of Transportation for the Sweet Streets Portland Avenue Reconstruction project.

Council Members commented on the Portland Avenue project and agreed they were proud of the results.

<table>
<thead>
<tr>
<th>Item #11</th>
<th>CLAIMS AND PAYROLLS</th>
</tr>
</thead>
</table>

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

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<th>U.S. Bank</th>
<th>04/25/17</th>
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<tr>
<td>A/P Checks: 258309 - 258650</td>
<td>$1,241,713.32</td>
</tr>
<tr>
<td>Payroll: 127032 - 127343</td>
<td>$677,961.89</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,919,675.21</td>
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</tbody>
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Motion carried 4-0.

OPEN FORUM

Adam Burnside, 6314 12th Ave, spoke regarding the termination of police officer Nate Kinsey.
Arely Naranjo Zavala, 7720 4th Ave S, spoke regarding Homeline and Seasons Park apartments.

Linda Soderstrom, 5277 W 82nd St #235, Bloomington, spoke regarding affordable housing and being a former tenant of Crossroads at Penn.

Owen Duckworth, Coalition Organizer for Alliance for Metropolitan Stability, 2525 E Franklin Ave, Minneapolis, spoke regarding Seasons Park and affordable housing in Richfield.

Cristal Vargas, 728 E 78th St #203, spoke regarding Seasons Park.

Lisa Hendricks, Executive Director of Partnership Academy, 205 E 77th St, spoke regarding affordable housing in Richfield.

Jonathan Ceballos Gonzalez, educator at Partnership Academy, 6431 Grand Ave S, spoke regarding Seasons Park.

Kellen Roberts, teacher at Partnership Academy, 3124 Columbus Ave, Minneapolis, spoke regarding Seasons Park.

Bernard Campbell, 800 W 65th St, spoke regarding being a former tenant of Crossroads at Penn and the problem of displacement when it became the Concierge apartments.

Itzel Naranjo Zavala, 7720 4th Ave S, spoke regarding living in Seasons Park apartments.

<table>
<thead>
<tr>
<th>Item #12</th>
<th>ADJOURNMENT</th>
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</table>

The City Council Meeting was adjourned by unanimous consent at 8:39 p.m.

Date Approved: May 9, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager
CALL TO ORDER

The work session was called to order by Mayor Elliott at 5:00 p.m. in the Bartholomew Room.

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

**Staff Present:** Steven L. Devich, City Manager; Pam Dmytrenko, Assistant City Manager/HR Manager; Kristin Asher, Public Works Director; John Stark, Community Development Director; Jay Henthorne, Public Safety Director/Police Chief; Jim Topitzhofer, Recreation Services Director; Wayne Kewitsch, Fire Services Director; Fire Chief; Mike Dobesh, Assistant Fire Chief; and, Chris Regis, Finance Manager.

| Item #1 | 2017 Council Goal Setting |

The City Council and City staff met to discuss annual goal setting and strategic planning.

ADJOURNMENT

The work session was adjourned by unanimous consent at 8:52 p.m.

Date Approved: May 9, 2017

____________________________
Pat Elliott
Mayor

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Jared Voto
Executive Aide/Analyst

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Steven L. Devich
City Manager
ITEM FOR COUNCIL CONSIDERATION:
Consideration of the approval of the first reading of an ordinance rezoning properties currently addressed as: 6601 - 16th Ave, 6609 - 16th Ave, 6615 - 16th Ave, 6600 - 17th Ave, 6608 - 17th Ave, and 6614 - 17th Ave from General Business (C-2) to Planned General Business (PC-2).

EXECUTIVE SUMMARY:
The properties south of 66th Street between 16th and 17th Avenues have been zoned and guided for commercial use since 1968. At work sessions on February 9, 2016, April 12, 2016, and January 24, 2017, Interstate Development (the Developer) presented concept plans to the City Council, Housing and Redevelopment Authority, and Planning Commission for a multi-tenant commercial building on these properties. Based on feedback received at these meetings, the Developer has submitted a plan that includes an attractive building with access and interest along 66th Street, Richfield Parkway, and adjacent to the Three Rivers Regional Trail.

This first reading is an administrative requirement and approval does not obligate the Council to approve the ordinance upon second reading; nor does it obligate the Council to approve the specific land use plans. The second reading of this ordinance and final development plans are scheduled for consideration by the Council on May 24.

Although no tenants have been announced, the Developer has indicated that a coffee tenant would occupy the western-most space with the drive-thru and that negotiations are underway with a smaller restaurant chain that is not currently operating in or near Richfield for the eastern-most space with patio seating. The proposed plans are consistent with all but two Zoning Code requirements:

1. Businesses with drive-thru service are conditionally permitted in this District; however, the proposed drive-thru window is 3 feet closer to the adjacent residential property line than permitted by Code (147 feet vs. 150 feet).
2. The proposed buffer between the parking lot and the adjacent residential property line is 4.5 feet narrower than required (10.5 feet vs. 15 feet).

These requirements are intended to protect adjacent residential property owners from nuisances related to headlights and noise. Staff believes that the proposed combination of fencing and landscaping adequately
addresses these issues.

A neighborhood meeting was held on April 20 to discuss the proposal. A number of area residents also spoke at the public hearing held before the Planning Commission on April 24. The primary concern mentioned was potential traffic increases on 16th Avenue. Noise and light pollution were also mentioned. Community Development, Public Works, and Fire Department staff are exploring options related to traffic on 16th Avenue and will have a recommendation by the May 24 meeting.

**RECOMMENDED ACTION:**
By Motion: Approve a first reading of an ordinance rezoning of Lots 1, 2, 3, 14, 15, and 16, Block 1, Cedar Sunrise Addition from General Business (C-2) to Planned General Business (PC-2).

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**
   - The six properties south of 66th Street between 16th Avenue and 17th Avenue have been zoned for commercial development since 1968.
   - The properties have been guided for commercial development in the Comprehensive Plan since 1982.
   - The construction of the roundabout at Richfield Parkway and 66th Street resulted in the closing of the northern end of 17th Avenue. Redevelopment of this area would eliminate the need for much of this right-of-way and the Developer has requested its vacation. The Public Works Department is supportive of this request.

B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**
   - There are a number of sets of review criteria that apply to this proposal. A full discussion of all requirements is included as an attachment to this report. Generally, the criteria require that the Council find that the proposal conforms to the goals and policies of the Comprehensive Plan and Zoning Code without having undue adverse impacts on public health, safety, and welfare.

C. **CRITICAL TIMING ISSUES:**
   - A complete application was received and the "60-day clock" started on April 10, 2017. The Council must make a decision, or extend the deadline by an additional 60 days, by June 9, 2017.

D. **FINANCIAL IMPACT:**
   - The required application fees have been paid.
   - The HRA is scheduled to consider the sale of 6608 - 17th Ave and the remnant parcels to the developer on May 15, 2017. Sale would be for the appraised market value of $450,000.

E. **LEGAL CONSIDERATION:**
   - The Planning Commission held a public hearing related to this item on April 27, 2017.
   - Notice of the public hearing was published in the Sun Current Newspaper and mailed to properties with 350 feet of the proposal.
   - Draft Planning Commission minutes are attached.
   - Other Actions: Tentative Schedule
     - May 15, 2017
       - HRA: Public Hearing to consider sale of 6608 - 17th Avenue South and remnant parcels to Interstate Development.
     - May 24, 2017
       - Council: 2nd reading of rezoning and consideration of Final Development Plans.
       - Council: 1st reading of ordinance to vacate adjacent right-of-way and utility easements.
     - June 13, 2017
       - Public Hearing to consider preliminary/final plat.

**ALTERNATIVE RECOMMENDATION(S):**
- Approve a first reading of the proposed ordinance amendment with modifications.
- Deny a first reading of the proposed ordinance amendment with findings that detail how the proposal does not meet City requirements.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
Lonnie Provencher, Interstate Development

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Ordinance</td>
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<tr>
<td>Required Findings</td>
<td>Exhibit</td>
</tr>
<tr>
<td>Proposed Plans</td>
<td>Exhibit</td>
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<td>Planning &amp; Zoning Maps</td>
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<td>04-24-17 Draft PC Minutes</td>
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ORDINANCE NO. ______

AN ORDINANCE RELATING TO ZONING;
AMENDING APPENDIX I TO THE RICHFIELD CITY
CODE BY REZONING
LOTS 1-3 AND 14-16, BLOCK 1, CEDAR SUNRISE
ADDITION AS PLANNED GENERAL BUSINESS
(PC-2)

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Section 3, Paragraph (75) of Appendix I of the Richfield Zoning Code is amended to read as follows:

(75) M-9 (15th to Cedar 16th Avenue and East 66th Street). That area lying between the center lines of 15th and a line 33 feet east of the center line of Cedar Avenue 16th Avenues, and between the center line of 66th Street and a line distant 250 feet southerly thereof and parallel thereto; except that area where zone PC-2 (5) overlaps with said zone in the block bounded by Cedar and 18th Avenues and by 66th and 67th Streets.

Sec. 2. Section 3, of Appendix I of the Richfield Zoning Code is amended by adding new Paragraphs (93) and (94) as follows:

(93) M-9 (17th Avenue/Richfield Parkway to 18th Avenue, South of 66th). Lots 1-3 and 14-16, Block 2, Wexlers Addn.

(94) M-9 (18th Avenue to Cedar Avenue, South of 66th). That area lying between the center lines of 18th Avenue and a line 33 feet east of the center line of Cedar Avenue, and between the center line of 66th Street and a line distant 250 feet southerly thereof and parallel thereto; except that area where zone PC-2 (5) overlaps with said zone.

Sec. 3. Section 7, of Appendix I of the Richfield Zoning Code is amended by adding new Paragraph (13) as follows:

(13) M-9 (16th to 17th Avenue, South of 66th). Lot 1, Block 1, Plaza 66 in Richfield Addition.

Sec. 4. This ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.
ATTEST:

______________________________
Pat Elliott, Mayor

______________________________
Elizabeth VanHoose, City Clerk
Required Findings

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

1. The proposed development conforms to the goals and objectives of the City’s Comprehensive Plan and any applicable redevelopment plans. The City’s Comprehensive Plan has designated these parcels as a spot for Community Commercial Business since 1982. In 2011, the City and Hennepin County developed a revitalization plan for the East 66th Street Corridor (66th Street Corridor Revitalization Plan). The Plan identified this southwest corner of the roundabout as a potential area of change, even leaving open the possibility for regional commercial development on a portion of this site. The plans are consistent with City plans that have been in place for many years.

2. The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries. This requirement is met. Drive-thru traffic is limited, pedestrian connections to 66th Street are strong, and bicycle parking is provided throughout the development.

3. The development is in substantial conformance with the purpose and intent of the guiding district, and departures from the guiding district regulations are justified by the design of the development. The development is in substantial compliance with the intent of the guiding C-2 District. Departures from requirements are minimal and the proposal meets the intent of requirements.

4. The development will not create an excessive burden on parks, schools, streets or other public facilities and utilities that serve or area proposed to serve the development. The City’s Public Works, Engineering, and Recreation Departments have reviewed the proposal and do not anticipate any issues.

5. The development will not have undue adverse impacts on neighboring properties. Undue adverse impacts are not anticipated. The site and the conditions of the resolution are designed to minimize any potential negative impacts on neighboring properties. Exiting the development through the neighborhood would be much slower than exiting via 66th Street or Richfield Parkway; however, increased traffic by residents of the neighborhood to the south coming to or leaving from the development could increase traffic on 16th Avenue. Options to limit left turns from the development onto 16th Avenue include channelization and signage within the driveway apron or modifications to the right-of-way itself. City staff will discuss options with the neighborhood, as some options could limit desired movements by residents.

6. The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interest. The final development plan and
conditional use permit resolution establish conditions sufficient to protect the public interest.

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

1. The proposed use is consistent with the goals, policies, and objectives of the City’s Comprehensive Plan. See above – Part 1, #1.

2. The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use. The use is consistent with the intent of the Planned General Business District and the underlying General Business Districts.

3. The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines. See above – Part 1, #1

4. The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code. The proposed development is in substantial compliance with City performance standards. Deviation from Code requirements is requested as follows:

   - Parking lot setback – The applicant has proposed a 10.5-ft. setback from the south property line; the Code requires a 15-ft. setback. The intent of this provision is to provide adequate area to attractively screen the parking lot. The proposed buffer provides 100% screening of the parking lot through a combination of fencing and landscaping. The buffer area is large enough to support the plants selected and will provide an attractive barrier between the development and the homes to the south.

5. The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements. The City’s Public Works and Engineering Departments have reviewed the proposal and do not anticipate any adverse impacts.

6. The use will not have undue adverse impacts on the public health, safety, or welfare. Adequate provisions have been made to protect the public health, safety and welfare from undue adverse impacts.

7. There is a public need for such use at the proposed location. See above – Part 1, #1.

8. The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit. This requirement is met.
_Existing Conditions_:

- Found monuments
- Set monuments
- Marked LS 47481
- Electric meter
- Light
- Watermain
- Flared end section
- Electric transformer
- Air conditioner
- Guy anchor
- Handicap stall
- Utility pole
- Post
- Sign
- Telephone pedestal
- Gas meter
- Easement line
- Setback line
- Restricted access
- Building line
- Building canopy
- Concrete curb
- Bituminous surface
- Concrete surface
- Landscape surface
- Deciduous tree
- Coniferous tree
- Overhead wire
- Chain link fence
- Iron fence
- Wire fence
- Wood fence

_Legend_

- 1. SUBJECT PROPERTY'S ADDRESSES AND PROPERTY IDENTIFICATION NUMBERS ARE SHOWN ON THE SURVEY.
- 2. THE GROSS AREA OF THE SUBJECT PROPERTY AND AREA OF PROPOSED LOT 1, BLOCK 1 IS 1.417 ACRES OR 61,742 SQUARE FEET.
- 3. LOTS 1, 2, 3, 14, 15, AND 16, BLOCK 1, CEDAR-SUNRISE ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, HENNEPIN COUNTY, MINNESOTA.
- 4. A GOPHER STATE ONE CALL (GSOC) REQUEST WAS PLACED ON 02/16/2017, UNDER TICKET NUMBER 170470481 FOR UTILITY LOCATES ON THIS SITE. THE UNDERGROUND LOCATIONS, SHOWN HEREON, IF ANY, ARE BASED UPON LOCATES FROM THOSE UTILITY PROVIDERS THAT ACTUALLY PERFORMED A LOCATE AS A RESULT OF THIS REQUEST. UTILITY SUPPLIERS OFTEN DO NOT RESPOND TO THESE REQUESTS BUT MAY PROVIDE AMBIGUOUS MAPS, PLANS, AND INFORMATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN HEREON, IF ANY, ARE IN THE EXACT LOCATION AS INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. PURSUANT TO MS 216.D CONTACT GOPHER STATE ONE CALL AT (651-454-0002) PRIOR TO ANY EXCAVATION.
- 5. FIELD WORK WAS COMPLETED ON 02/23/2017.
- 6. THE BUILDING(S) AND EXTERIOR DIMENSIONS OF THE OUTSIDE WALL AT GROUND LEVEL ARE SHOWN ON THE SURVEY. IT MAY NOT BE THE FOUNDATION WALL.

_Property Survey:_

- The vertical datum is based on NAVD88. The originating bench marks are 2785 D and BR 7269 SE, both referenced from the MnDOT Geodetic Database.

_Benchmarks:_

- BENCHMARK #1: Sanitary sewer manhole rim elevation at northwest corner of property. Elev. = 846.81
- BENCHMARK #2: Sanitary sewer manhole rim elevation at northeast corner of property. Elev. = 846.29

_Survey Notes:_

- The bearing system for this survey is based on the north line of Block 1, CEDAR-SUNRISE ADDITION having an assumed bearing of North 89 degrees 55 minutes 57 seconds West.
- The surveyor further does not warrant that the underground utilities shown hereon, if any, are in the exact location as indicated, although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. Pursuant to MS 216.D contact Gopher State One Call at (651-454-0002) prior to any excavation.
IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER. IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD). UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTORS AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY SUBSURFACE UTILITY DATA. THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL.
EVERGREEN TREES

PERIMETER PLANTINGS  = 8
INTERIOR PLANTING ISLAND  = 4
DEVELOPABLE AREA REQUIREMENT  = 24

PLANT TYPE
LIST CODE HERE

ORNAMENTAL TREES

OVER STORY TREES

1.5" RIVER ROCK PER CIVIL DETAIL IRRIGATED
CEDAR FENCE 6' HEIGHT, OPAQUE
SOD - ALL SOD TO BE IRRIGATED
RIVER ROCK BOULDERS 6"-12" (10) AT EACH CUB INLET AND PIPE OUTLET
RIVER ROCK BOULDERS 18"-36" (7) PLACED AROUND CURB

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### General Notes

A. PULSE PRODUCTS DOES NOT ASSUME RESPONSIBILITY FOR THE INTERPRETATION OF THIS CALCULATION OR COMPLIANCE TO THE LOCAL, STATE, OR FEDERAL LIGHTING CODES OR ORDINANCES.

B. LIGHTING LAYOUT IS NOT INTENDED FOR CONSTRUCTION DOCUMENTS BUT ONLY TO ILLUSTRATE THE PERFORMANCE OF THE PRODUCT.

C. ALL READING CALCULATIONS SHOWN ARE SHOWN ON OBJECTS/SURFACES.

---

**PLAZA 66**

RICHFIELD, MN

PAGE 1 OF 1

Drawn By: SANDY

**Scale:** 1 inch = 30 Ft.
KNOW ALL PERSONS BY THESE PRESENTS:  That Interstate Industrial, LLC, a Minnesota limited liability company, fee owner, of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Lots 1, 2, 3, 14, 15, and 16, Block 1, CEDAR-SUNRISE ADDITION

TOGETHER WITH

That part of vacated 17th Avenue South described as follows:

Beginning at the northeast corner of Block 1, CEDAR-SUNRISE ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, thence on an assumed bearing of South 00 degrees 06 minutes 08 seconds East, along the west line of said vacated 17th Avenue South, a distance of 200.47 feet to the southeast corner of Lot 3 of said Block 1; thence North 89 degrees 57 minutes 16 seconds East, along the easterly prolongation of the south line of said Lot 3, a distance of 60.00 feet to the intersection of the easterly prolongation of the south line of said Lot 3 with the north line of vacated 17th Avenue South; thence North 00 degrees 06 minutes 08 seconds West, along said north line of said vacated 17th Avenue South, a distance of 73.86 feet; thence North 25 degrees 26 minutes 49 seconds West a distance of 140.17 feet to the point of beginning.

Has caused the same to be surveyed and platted as PLAZA 66 IN RICHFIELD, and does hereby dedicate to the public for public use forever the drainage and utility easements as shown on this plat.

In witness whereof said Interstate Industrial, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _______ day of ____________________, 20___.

SIGNED:  Interstate Industrial, LLC

By:

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this _______ day of ____________________, 20___, by

Rick M. Blom, a Licensed Land Surveyor.  
Notary Public,

My Commission Expires

RICHFIELD, MINNESOTA

This plat of PLAZA 66 IN RICHFIELD was approved and accepted by the City Council of Richfield, Minnesota, at a regular meeting thereof held this _______ day of ____________________, 20___.  If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30-day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

City Council, Richfield, Minnesota

By:

Mayor

By:

Manager

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that taxes payable in 20___ and prior years have been paid for land described on the plat, dated this _______ day of ___________________, 20___.

Mark V. Chapin, County Auditor

DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET AND MARKED BY LICENSE NO. 21729.

DENOTES 1/2 INCH PINCHED TOP IRON MONUMENT FOUND, UNLESS OTHERWISE NOTED.

DENOTES FOUND HENNEPIN COUNTY CAST IRON MONUMENT, UNLESS OTHERWISE NOTED.

THE NORTH LINE OF BLOCK 1, CEDAR-SUNRISE ADDITION IS ASSUMED TO HAVE A BEARING OF NORTH 89 DEGREES 55 MINUTES 57 SECONDS EAST.

SCALE MEASURED IN FEET

SAMBATEK, INC.

PLAZA 66 IN RICHFIELD

DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET AND MARKED BY LICENSE NO. 21729.
MEMBERS PRESENT: Chairperson Erin Vrieze Daniels, Commissioners Sean Hayford Oleary, Gordon Vizecky, Susan Rosenberg, Dan Kitzberger, Bryan Pynn and Allysen Hoberg

STAFF PRESENT: Melissa Poehlman, City Planner
Matt Brillhart, Associate Planner
Jeff Pearson, City Engineer
John Stark, Community Development Director

OTHERS PRESENT: Lonnie Provencher, Interstate Development
See Item #2 and attached sign-in sheet for additional speakers

Chairperson Vrieze Daniels called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES
M/Vizecky, S/Rosenberg to approve the minutes of the March 27, 2017 meeting.
Motion carried: 7-0

OPEN FORUM
No members of the public spoke.

PUBLIC HEARING(S)
ITEM #1
17-CUP-02, 17-VAR-01 – Consider a request for a conditional use permit and variances to allow a buffet restaurant to operate in the former Old Country Buffet space at 6601 Nicollet Avenue.

Associate Planner Matt Brillhart presented the staff report and shared a letter from a nearby property owner.

In response to a question from Commissioner Hayford Oleary regarding the odor control complaint process, Brillhart stated that the Zoning Code does not specify a set number of complaints. Staff and the City Attorney concurred that at a minimum, the City would require two unique complaints related to odors from verified addresses within 150 feet of the property before taking action to require installation of odor control equipment.

Nikki Bodurtha (6633 1st Avenue) expressed concerns with the lack of a set process for addressing complaints related to odors.

M/Vizecky, S/Rosenberg to close the public hearing.
Motion carried: 7-0

Commissioner Rosenberg stated concerns with granting a variance justified on the length of time the space had been vacant and stated that the one year rule should be upheld.
M/Vizecky, S/Hayford Oleary to recommend approval of the CUP and variances. 
Motion carried:  6-1 (Rosenberg dissenting)

ITEM #2
17-RZN-01, 17-CUP-01, 17-FDP-01, 17-PUD-01 – Consider approval of a multi-tenant commercial development at 66th Street East, between 16th and 17th Avenues. The proposal would replace four existing single-family homes and eliminate approximately 120 feet of 17th Avenue (in front of 6608 and 6614 - 17th Avenue). This area is currently zoned for commercial development.

City Planner Melissa Poehlman presented the staff report. City Engineer Jeff Pearson gave an overview of potential traffic impacts and possible mitigation solutions. Community Development Director John Stark summarized the recent neighborhood meeting regarding the proposal and noted that the proposed 6 foot tall fence could be increased to 8 feet.

In response to a question from Chairperson Vrieze Daniels, Pearson stated that completely eliminating the access onto 16th Avenue could put too much pressure on the entrance on Richfield Parkway. The effects would have to be studied further.

In response to questions from Commissioner Hayford Oleary, Poehlman stated that lighting levels could not exceed 1 footcandle at the property line and the proposal meets this requirement. Poehlman stated that the proposal meets the City’s parking requirements.

Ten speakers expressed concerns with the potential for the development to generate additional traffic on 16th Avenue and expressed concerns with the drive-thru related to noise and privacy. Several suggested closing off 16th Avenue south of the development. One speaker adjacent to the development expressed support for the project, conditioned on support for an 8-foot fence. One speaker expressed concern with the loss of residences.

The following individuals spoke at the public hearing:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>Dan Hinrichs</td>
<td>6638 16th Ave</td>
</tr>
<tr>
<td>Jane Peterson</td>
<td>6639 16th Ave</td>
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<tr>
<td>Rissa Pahl</td>
<td>6645 16th Ave</td>
</tr>
<tr>
<td>Rosie Hinrichs</td>
<td>6638 16th Ave</td>
</tr>
<tr>
<td>Larry Nelson</td>
<td>6633 16th Ave</td>
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<tr>
<td>Liz Berres</td>
<td>6732 17th Ave</td>
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<tr>
<td>Bill Killian</td>
<td>6620 17th Ave</td>
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<tr>
<td>Courtney Zellmer</td>
<td>6621 16th Ave</td>
</tr>
<tr>
<td>Kim Houle</td>
<td>7001 15th Ave</td>
</tr>
<tr>
<td>Tyler Hoyt</td>
<td>6621 16th Ave</td>
</tr>
<tr>
<td>David Vrchota</td>
<td>6614 17th Ave</td>
</tr>
<tr>
<td>Terry Straub</td>
<td>7430 Portland Ave</td>
</tr>
</tbody>
</table>

Lonnie Provencher of Interstate Development presented a sketch of possible options for traffic control modifications on 16th Avenue.

M/Vizecky, S/Rosenberg to close the public hearing.
April 24, 2017

Motion carried: 7-0

In response to a question from Chair Vrieze Daniels, Engineer Pearson stated that the City was not prepared to take a position on the full closure of 16th Avenue at this time, as it would need to be reviewed by the Engineering, Maintenance, Public Safety, and Fire Departments. Chair Vrieze Daniels suggested tabling the item until the May Planning Commission meeting so those questions could be resolved. Commissioner Hoberg concurred. Commissioners Hayford Oleary and Vizecky countered that the development had been in the works for some time and had already made revisions to improve the project. Vizecky stated that the development itself was unlikely to change and that traffic flow and street closures were not the function of the Planning Commission. Poehlman stated that the resolution as written included a stipulation that the access on 16th be channelized in some way, and stated that revisions could be included when the item goes before the City Council for a second reading.

M/Vizecky, S/Hayford Oleary to recommend approval of the land use applications.

Commissioner Hayford Oleary inquired if tenants were required to use doors facing 66th Street. Poehlman responded in the affirmative and noted there might be one tenant in the middle of the building that does not have a door facing the street. Commissioner Hayford Oleary also noted the lack of a pedestrian connection from the 16th Avenue sidewalk.

Motion carried: 6-1 (Hoberg dissenting)

OTHER BUSINESS
ITEM #3
PC LETTER #5 – Consider the attached resolution finding that the sale of 6608 17th Avenue and the adjacent remnant parcels by the Housing and Redevelopment Authority for future redevelopment as a commercial property is consistent with the Richfield Comprehensive Plan.
Poehlman presented the staff report.

M/Vizecky, S/Hayford Oleary to approve the resolution.
Motion carried: 7-0

LIAISON REPORTS
Community Services Advisory Commission: Chairperson Vrieze Daniels – parks master plan
City Council: Commissioner Rosenberg – No report
HRA: Commissioner Hoberg – Seasons Park apartments sold to Aeon
Richfield School Board: Commissioner Kitzberger – No report
Transportation Commission: Commissioner Hayford Oleary – No report
Chamber of Commerce: Commissioner Vizecky – Salute to Small Businesses event on 4/26

CITY PLANNER’S REPORT
There is a survey/map online regarding the Comprehensive Plan update.

ADJOURNMENT
M/Vizecky, S/Rosenberg to adjourn the meeting.

The meeting was adjourned by unanimous consent at 8:34 p.m.
April 24, 2017

_____________________
Gordon Vizecky
Secretary
STAFF REPORT NO. 72
CITY COUNCIL MEETING
5/9/2017

AGENDA
SECTION: CONSENT CALENDAR
AGENDA ITEM #: 4.B.

ITEM FOR COUNCIL CONSIDERATION:
Consideration of the approval of a resolution authorizing the City to affirm the monetary limits on statutory municipality tort liability.

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

RECOMMENDED ACTION:
By Motion: Approve a resolution authorizing the City Council to affirm the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

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

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   • The State Statute establishes liability limits for cities and the current level is $1,500,000, which appears to be a reasonable limit.
   • Historically, the majority of municipalities in Minnesota do not waive the monetary limits on municipality tort liability as was established by Statutes 466.04.
• The Council could waive its statutory limits in future years if a decision was made to do so.
• The Council may also wish to consider purchasing excess liability in the future. If this is the case it may be purchased at any point in the future.

C. CRITICAL TIMING ISSUES:
• The City’s insurance policy with the League of Minnesota Cities Insurance Trust will renew on July 1, 2017. This action must be completed on, or before that time.

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

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

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

PRINCIPAL PARTIES EXPECTED AT MEETING:
None

ATTACHMENTS:

<table>
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<th>Description</th>
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<tr>
<td>Resolution</td>
<td>Resolution Letter</td>
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RESOLUTION NO.

RESOLUTION AFFIRMING MUNICIPAL TORT LIABILITY LIMITS ESTABLISHED BY MINNESOTA STATUTES 466.04

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

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

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

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

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of May, 2017.

_______________________________
Pat Elliott, Mayor

ATTEST:

_______________________________
Elizabeth VanHoose, City Clerk
ITEM FOR COUNCIL CONSIDERATION:
Public hearing and consideration of the approval of an Enabling Resolution relating to the formation and administration of an Economic Development Authority in, and for, the City of Richfield and approval of a resolution authorizing the Economic Development Authority to levy taxes.

EXECUTIVE SUMMARY:
At both the 2016 goal setting and budget presentations, City staff had recommended the consideration of the formation of an Economic Development Authority (EDA). Based on that recommendation, the City Council and Housing and Redevelopment Authority (HRA) held joint work sessions on March 20, 2017 and April 25, 2017 to discuss the topic.

At each of those meetings, there was a general consensus that the creation of an EDA would provide both the authority and a funding mechanism (through an EDA levy) to provide beneficial economic development, business assistance, and housing assistance programing. In particular, an EDA would provide a long-term funding solution to continuing the Kids@Home and Transformation Loan programs. Staff was directed to take the necessary administrative steps in order to bring action steps to the City Council and/or HRA for formal consideration of the creation of an EDA.

At the April 25 meeting, the City Council and HRA discussed the Memorandum (City Council Memo No. 39 and HRA Memo No. 11) that provided the next steps for the creation of an EDA, including the consideration of the attached resolutions. Staff was directed to bring those resolutions forward for formal consideration at this City Council meeting.

RECOMMENDED ACTION:
Conduct and close a public hearing and by motion:
1. Approve an Enabling Resolution establishing the Richfield Economic Development Authority; and
2. Approve a resolution approving a present intent to levy a tax for Economic Development purposes pursuant to Minnesota Statutes, Section 469.107.

BASIS OF RECOMMENDATION:
A. HISTORICAL CONTEXT
City staff and the City Council have discussed the creation of an Economic Development Authority (EDA) on a number of occasions, including:

- The 2016 City Council Goal Setting Session on March 3, 2016;
- The presentations of the Proposed Budget to the City Council on August 31, 2016;
- A joint work session of the City Council and HRA on March 20, 2017; and
- A joint work session of the City Council and HRA on April 25, 2017.

At each of those meetings, there was a general consensus that the creation of an EDA, and the programming that an EDA could administer, would be beneficial to the community. In particular, an EDA would provide a long-term funding solution to continuing the Kids@Home and Transformation Loan programs.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
- An EDA is established by the City Council holding a public hearing and adopting an Enabling Resolution per State Statute 469.091 (2).
- The City may levy taxes up to .01813% of taxable market value per State Statute 469.107

C. CRITICAL TIMING ISSUES:
- Staff has since leaned that, in order to impose an EDA levy in 2018, the City must form an EDA prior to July 1, 2017. The resolutions under consideration constitute the steps that are necessary for that action.

D. FINANCIAL IMPACT:
- According to an analysis conducted by Rebecca Kurtz of Ehlers Associates, Inc. (the City/HRA financial consultant), the impact of the maximum EDA Levy on a Richfield homeowner with a home value of $175,000 - $200,000 would be 28 to 33 cents per year.

E. LEGAL CONSIDERATION:
- The attached resolutions were prepared by Julie Eddington of Kennedy and Graven (legal counsel to both the City of Richfield and the Richfield HRA).
- Notice of the public hearing was required to be published twice. It was published in the Richfield Sun Current on April 13, 2017 and April 20, 2017.

ALTERNATIVE RECOMMENDATION(S):
- Deny the vote on the attached resolutions and defer consideration of this matter to 2018.

PRINCIPAL PARTIES EXPECTED AT MEETING:
Legal Counsel

ATTACHMENTS:

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<tr>
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<td>Resolution Letter</td>
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<tr>
<td>Resolution - Intent to Levy</td>
<td>Resolution Letter</td>
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<tr>
<td>City Council Memo No. 39</td>
<td>Backup Material</td>
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CITY OF RICHFIELD, MINNESOTA

RESOLUTION NO. __________

ENABLING RESOLUTION ESTABLISHING THE RICHFIELD ECONOMIC DEVELOPMENT AUTHORITY

BE IT RESOLVED by the City Council of the City of Richfield, Minnesota (the “City”) as follows:

Section 1. Background and Findings.

1.01. The City is authorized by Minnesota Statutes, Sections 469.090 through 469.1082, as amended (the “Act”), to establish an economic development authority for the City to coordinate and administer economic development and redevelopment plans and programs in the community.

1.02. It is found and determined by the City Council that the encouragement and financial support of economic development and redevelopment in the City is vital to the orderly development of the City and in the best interests of the health, safety, prosperity and general welfare of the citizens of the City.

1.03. It is further found and determined that the economic development and redevelopment of the City can best be accomplished by the establishment of an economic development authority as authorized by the Act.

1.04. The City Council, in accordance with the requirements of the Act, provided public notice and conducted a public hearing on May 9, 2017 concerning the establishing of an economic development authority at which hearing all persons desiring to express their views were heard.

Section 2. Enabling Resolution.

2.01. The Richfield Economic Development Authority (“REDA”) is hereby established pursuant to this enabling resolution (the “Enabling Resolution”). REDA is a public body corporate and politic and a political subdivision of the State of Minnesota.

2.02. REDA shall have all the powers under the Act, and the powers of a housing and redevelopment authority under Minnesota Statutes, Sections 469.001 through 469.047, and of a city under Minnesota Statutes, Sections 469.124 through 469.133, as such laws may be amended from time to time, except as limited by this Enabling Resolution.

2.03. REDA shall consist of a governing body of five commissioners. Two commissioners shall be members of the City Council and three commissioners shall be members at large. The terms of the commissioners who are also members of the City Council shall coincide with their terms of office as members of the City Council. The three at large commissioners shall be the three at large commissioners of the Housing and Redevelopment Authority in and for the City of Richfield, Minnesota (the “HRA”). The terms of the commissioners at large shall be six years. At any time an at large commissioner of REDA is not also a commissioner of the HRA, such commissioner’s term on REDA shall terminate.
Section 3. Limits of Powers.

3.01. REDA shall be subject to the following limitations in the exercise of its authority:
   a. The sale of all bonds or other obligations issued by REDA must be approved by the City Council before issuance.
   b. REDA must follow the budget process for City departments in accordance with City policies, resolutions and ordinances.
   c. All actions of REDA must be consistent with the City comprehensive plan and official controls implementing the comprehensive plan.
   d. REDA must obtain approval of its proposed plans for development and redevelopment from the City Council.

3.02. This Enabling Resolution may be modified from time to time by the City Council in the manner prescribed by the Act.

3.03. As provided in the Act, it is the intention of the City Council that nothing in this Enabling Resolution nor any activities of REDA be construed to impair the obligations of the City under any of its contracts or to affect in any detrimental manner the rights and privileges of a holder of a bond or other obligation heretofore issued by the City. REDA shall not modify any covenant or obligation in effect at the time any bonds or obligations were issued or contracts executed to the detriment of the holder of the bonds or obligations or any contracting party.

Section 4. Officers, Organization.

4.01. REDA may adopt bylaws and rules of procedure and shall adopt an official seal.

4.02. REDA shall elect a president, vice-president, treasurer, secretary, and assistant treasurer who shall have such duties and powers as prescribed by the Act. The president, treasurer, and secretary shall be elected annually. No commissioner shall serve as president and vice-president at the same time. The offices of secretary and assistant treasurer need not be held by a commissioner.

4.03. REDA shall appoint an executive director and secure the services of such other persons as it deems necessary or convenient to perform its functions. Initially, the executive director of REDA shall be the City Manager.

Section 5. Audit.

5.01. The financial statements of REDA must be prepared, audited, filed, and published or posted in the manner required for the financial statements of the City.

5.02. The report must be filed with the state auditor by June 30 of each year.
Section 6. **Bonds.**

6.01. REDA may issue its general obligation bonds in the principal amounts authorized by two-thirds majority vote of the City Council.

   a. The bonds may be issued in anticipation of income from any source and used to secure funds needed to pay for acquired property or for other purposes authorized by the Act.

   b. The bonds must be in the amount and form and bear interest at the rate set by the City Council.

   c. The first installment shall be due in not more than 3 years and the last in not more than 30 years from the date of issuance.

   d. The bonds shall not impose any personal liability on a member of REDA.

   e. The bonds shall be secured by the full faith, credit and resources of the City only if the City Council specifically authorizes REDA to do so.

6.02. REDA may issue revenue bonds for such purposes and following such procedures as are specified in the Act.

Section 7. **Tax Levy.**

7.01. The City may, at the request of REDA, levy a tax in any year for the benefit of REDA in an amount not more than 0.01813 percent of estimated market value of taxable property within the City or such other amount as allowed by the Act. The levy may be increased by resolution of the City Council following a public hearing and published notice in accordance with the Act.

7.02. REDA may not, when exercising its powers as a housing and redevelopment authority, levy a tax in accordance with Section 469.033 of the Act.

Section 8. **Implementation.**

8.01. The City Council may from time to time adopt such ordinances and resolutions as may be necessary or convenient to give full effect to this Enabling Resolution.

8.02. The Mayor, City Manager and other City officials are authorized and directed to take such actions and execute and deliver such documents necessary or convenient to give full effect to this Enabling Resolution.
Adopted by the City Council of the City of Richfield, Minnesota, this 9th day of May, 2017.

ATTEST:

____________________________________
Pat Elliott, Mayor

____________________________________
Elizabeth VanHoose, City Clerk
BE IT RESOLVED BY the City Council (the “City Council”) of the City of Richfield, Minnesota (the “City”) as follows:

1. Pursuant to Minnesota Statutes, Sections 469.090 through 469.1082, as amended (the “Act”), the City established the Richfield Economic Development Authority (the “EDA”).

2. Section 469.107, subdivision 1 of the Act authorizes the City to levy and collect a tax of up to 0.01813% of the estimated market value of taxable property within the City, levied upon all taxable real property within the City, for economic development authority purposes.

3. The EDA intends to request that the City approve such a levy in the amount of 0.01813% of the estimated market value of taxable property within the City, and the City finds that such a levy is in the best interest of the City and EDA because it will facilitate economic development.

4. The City Council hereby approves the levy of a tax for economic development purposes pursuant to Section 469.107, subdivision 1 of the Act in the amount equal to 0.01813% of the estimated market value of taxable property within the City (expected to be approximately $600,000) with respect to taxes payable in calendar year 2018.

Adopted by the City Council of the City of Richfield, Minnesota, this 9th day of May, 2017.

ATTEST:

Pat Elliott, Mayor

Elizabeth VanHoose, City Clerk
April 20, 2017

Council Memorandum No. 39

HRA Memorandum No. 11

The Honorable Mayor

Housing and Redevelopment

And

Authority Commissioners

Members of the City Council

City of Richfield

Subject: Further Information on the Formation of an Economic Development Authority

Council Members:

Based on prior discussions during the 2016 Goal Setting and budgeting processes, City staff had recommended the consideration of the formation of an Economic Development Authority (EDA). Based on that recommendation, the City Council and Housing and Redevelopment Authority (HRA) held a joint Work Session on March 20, 2017 to discuss the topic.

At that meeting, there was general consensus that the formation of an EDA would provide both the authority and a funding mechanism (through an EDA levy) to provide beneficial economic development, business assistance and housing assistance programming. Staff was directed to take the necessary administrative steps in order to bring action steps to the City Council and/or HRA for formal consideration of the creation of an EDA.

Staff has since leaned that, in order to impose an EDA levy in 2018, the City must form an EDA prior to July 1, 2017. The procedure for creation of an EDA calls for:

- Holding a Public Hearing to adopt an enabling resolution for the creation of an EDA (tentatively scheduled for May 9);
- An initial meeting of the EDA to create bylaws, elect officers, etc. and to request the City impose an EDA levy (not scheduled, but should take place in late May/early June), and;
- The City Council would approve the imposition of an EDA levy (tentatively scheduled for June 13).

One item that was not resolved at the March 20 Work Session was the preferred composition of an EDA. The two choices that were discussed were either having the membership be coincidental to HRA membership or coincidental to the City Council. In the legal notices that were required to be published for the May 9 Public Hearing, staff wrote, “The Authority will be governed by a five-member board of commissioners. At
least two commissioners shall be members of the City Council.” This would describe an EDA membership that reflected either the City Council or HRA.

A City Council Work Session has been scheduled for 5:15 p.m. on April 25 to discuss the preferred composition of the Board of Commissioners for the prospective EDA.

Respectfully submitted,

Steven L. Devich  
City Manager

SLD:jcs

Email: Assistant City Manager  
Department Directors
ITEM FOR COUNCIL CONSIDERATION:
Consideration of the approval of a resolution granting a conditional use permit and variances to allow a buffet restaurant to operate in the former Old Country Buffet space at 6601 Nicollet Avenue.

EXECUTIVE SUMMARY:
After operating a restaurant at 6601 Nicollet Avenue for several decades, Old Country Buffet closed for business in February 2016 and the space has remained vacant since. Earlier this year a new buffet restaurant, Lakes Buffet, approached the City about occupying this space. Because the space has been vacant for more than one year, all prior approvals for a restaurant have expired. Traditional or cafeteria-style restaurants are a conditional use in the C-2 General Business Zoning District. In order to operate a restaurant in this location, the applicant is requesting approval of a conditional use permit and a variance from the City’s odor control regulations.

The Zoning Code establishes requirements for odor control equipment for commercial kitchens that abut residential property and differentiates between new and pre-existing restaurant sites. Because this space has been vacant for more than one year, the Code views this as a “new” restaurant site rather than a “pre-existing” site. New restaurant sites must install odor control equipment, whereas pre-existing sites are instead required to provide plans for a professionally-designed odor control remedy. For pre-existing sites, complaints of odor impacts may result in requiring that the planned odor control device be installed. The applicant is requesting a variance to be considered a pre-existing site rather than a new restaurant site. By requiring professionally drawn and engineered plans now, both the City and the applicant are assured that the building could accommodate odor control equipment, should it be necessary in the future.

The applicant is also requesting a variance to reduce the off-street parking requirement. Approximately 13 parking stalls will be lost due to construction of a roundabout at the corner of 66th Street and Nicollet Avenue in 2018. This pending modification to the parking lot is a unique circumstance not created by the applicant, and affects the property as a whole rather than this particular restaurant tenant. A preliminary plan to reconfigure the parking lot is attached to this report. A revised site plan meeting all City requirements is required to be submitted for approval by City staff within one year, including a pedestrian route to the public sidewalk and bicycle parking for a minimum of 6 bikes.

Finding that the proposal meets requirements, staff recommends approval of the conditional use permit and variances.
RECOMMENDED ACTION:
By motion: Approve a resolution granting a conditional use permit and variances to allow a buffet restaurant at 6601 Nicollet Avenue.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The property at 6601 Nicollet Avenue was originally constructed as a Red Owl supermarket in the 1950s and later subdivided into a multi-tenant commercial building that is currently home to Best Buy Mobile, Hot Comics and Collectibles, and an Army recruiting office. After operating a restaurant at this location for several decades, Old Country Buffet closed for business in February 2016.

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

- Traditional or cafeteria-style restaurants are a conditional use in the C-2 General Business Zoning District. The applicant is requesting variances from Zoning Code Subsections 544.13 and 544.27, as described in the Executive Summary. A full discussion of general CUP requirements, and additional information related to the requested variances and required findings can be found as an attachment to this report.

- While Subsection 544.27 states that "subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed," the Code does not specify a number, frequency or severity of complaints that would trigger this requirement. Community Development staff and the City Attorney have discussed this matter, finding that two unique complaints from verified addresses within a 30-day period would be the minimum threshold necessary to effectuate the requirement.

C. CRITICAL TIMING ISSUES:

- The 60-day clock 'started' when a complete application was received on April 10, 2017. A decision is required by June 9, 2017 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:

- None

E. LEGAL CONSIDERATION:

- A public hearing was held before the Planning Commission on April 24, 2017.

- Notice of the public hearing was published in the Sun Current on April 13, 2017 and mailed to properties within 350 feet of the site. Staff received correspondence from one resident via email, expressing concerns about restaurant odors. One resident expressed similar concerns at the public hearing.

- The Planning Commission recommended approval of the conditional use permit and variances (6-1).

ALTERNATIVE RECOMMENDATION(S):

- Approve the proposal with modifications.

- Deny the conditional use permit and/or variances with a finding that requirements are not met.

PRINCIPAL PARTIES EXPECTED AT MEETING:
Jin Chan, applicant

ATTACHMENTS:

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<tr>
<th>Description</th>
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<tr>
<td>Resolution</td>
<td>Resolution Letter</td>
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<td>Requirements attachment</td>
<td>Backup Material</td>
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<tr>
<td>Site plans, zoning maps</td>
<td>Backup Material</td>
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<td>Letter from nearby property owner</td>
<td>Backup Material</td>
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RESOLUTION NO.

RESOLUTION APPROVING A
CONDITIONAL USE PERMIT AMENDMENT AND VARIANCES
FOR A RESTAURANT
AT 6601 NICOLLET AVENUE

WHEREAS, an application has been filed with the City of Richfield which requests approval of a conditional use permit amendment and variances to allow a Class II (traditional/cafeteria) restaurant at property commonly known as 6601 Nicollet Avenue and legally described as follows:

Lots 10, 11, and 12 except road, GOODSPEED’S FIRST PLAT, Hennepin County, Minnesota

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested conditional use permit and variances at its April 24, 2017 meeting; and

WHEREAS, notice of the public hearing was published in the Sun-Current and mailed to properties within 350 feet of the subject property on April 13, 2017; and

WHEREAS, the requested conditional use permit meets the requirements necessary for issuing a conditional use permit as specified in Richfield’s Zoning Code, Subsection 547.09 and as detailed in City Council Staff Report No.____; and

WHEREAS, the Zoning Code states that new restaurant sites abutting or adjacent to existing residential properties shall install professionally-designed odor control remedies, Subsection 544.27, Subd. 1; and

WHEREAS, the Zoning Code states that off-street parking for shopping centers shall be provided at a ratio of 3.5 spaces per 1,000 square feet of gross floor area and that restaurants in shopping centers shall be calculated separately, at a ratio of 10 spaces per 1,000 square feet of gross floor area, Subsection 544.13, Subd. 6; and

WHEREAS, Minnesota Statutes Section 462.357, Subdivision 6, provides for the granting of variances to the literal provisions of the zoning regulations in instances where their enforcement would cause “practical difficulty” to the owners of the property under consideration; and

WHEREAS, based on the findings below, the Richfield City Council approves the requested variances from Richfield Zoning Code Subsections 544.27, Subd. 1; and 544.13, Subd. 6; and

WHEREAS, the City has fully considered the request for approval of the conditional use permit;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota, as follows:
1. The City Council makes the following general findings:

   a. The Property is zoned General Business (C-2).
   b. The Zoning Code states that new restaurant sites abutting or adjacent to existing residential properties shall install professionally-designed odor control remedies. A variance from Subsection 544.27, Subd. 1 is necessary.
   c. The Zoning Code states that off-street parking for shopping centers shall be provided at a ratio of 3.5 spaces per 1,000 square feet of gross floor area and that restaurants in shopping centers shall be calculated separately, at a ratio of 10 spaces per 1,000 square feet of gross floor area. A variance from Subsection 544.13, Subd. 6 is necessary.

2. With respect to the application for variances from the above-listed requirements, the City Council makes the following findings:

   a. Strict enforcement of Richfield Zoning Code Subsection 544.27, Subd. 1 would cause a practical difficulty by requiring costly odor control equipment at a site that has been a similar restaurant use for several decades and discontinued only recently. The Code establishes requirements for odor control equipment for commercial kitchens that abut residential property and differentiates between new and pre-existing restaurant sites. Because this space has been vacant for more than one year, all prior approvals for a restaurant have expired, and the Code views this as a “new” restaurant site rather than “pre-existing.” New restaurant sites must install odor control equipment, whereas pre-existing sites are required to provide plans for a professionally-designed odor control remedy. The applicant is requesting a variance to be considered a pre-existing site rather than a new restaurant site. Strict enforcement of Richfield Zoning Code Subsection 544.13, Subd. 6 would cause a practical difficulty. The site as it exists today is in compliance with minimum parking requirements. However, in 2018 Hennepin County will construct a roundabout at the intersection of 66th Street and Nicollet Avenue, requiring the acquisition of right-of-way from this property. This loss of property and subsequent reconfiguring of the parking lot will result in a loss of approximately 13 parking spaces. Depending on the final configuration of the parking lot, this will leave the property anywhere from one to six spaces short of the minimum number required.
   b. The intent of the odor control regulation is to protect neighbors from possible nuisance created by cooking odors. The restaurant use having been discontinued for more than one year is a unique circumstance not created by the applicant. Had this restaurant user come in three months sooner, they would have been considered a pre-existing site and odor control would not be required. The pending loss of parking spaces is a unique circumstance, not created by the applicant.
   c. Granting the requested variances will not alter the character of the neighborhood. The applicant will be required to comply with the odor control ordinance for pre-existing restaurant sites abutting residential property. Subsequent complaints of odor impacts may result in requiring that the planned odor control device be installed. With regards to parking, adverse impacts are not anticipated. On-street parking is allowed on 1st Avenue, in the event there is a parking shortage. However, given the existing mix of tenants in the shopping center, staff does not anticipate that any shortages will occur. Furthermore, the intersection of 66th Street and Nicollet...
Avenue has the highest level of public transit service available in the City, providing a viable alternative to driving alone.

d. The variances requested are the minimum necessary to alleviate the practical difficulties.

e. The proposed variances do not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.

3. Based on the above findings, a variance is hereby approved to regulate this use as a pre-existing restaurant site, as described in Subsection 544.27, Subivision 1, Part (c). The applicant shall provide plans for a professionally-designed odor control remedy and a statement by a structural engineer that the building design could accommodate the planned odor control and associated screening in the future. Subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed.

4. Based on the above findings, a variance is hereby approved to reduce the off-street parking requirement for the Subject Property to not less than 100 stalls.

5. A conditional use permit is issued to allow a Class II (traditional/cafeteria) restaurant, as described in City Council Letter No. __________, on the Subject Property legally described above.

6. This conditional use permit is subject to the following conditions in addition to those specified in Section 547.09 of the City’s Zoning Ordinance:

- That the recipient of this conditional use permit record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City’s Zoning Ordinance Section 547.09, Subd. 8. A recorded copy of the approved resolution must be submitted to the City prior to the issuance of an occupancy permit.
- A revised, complete site plan meeting all City requirements is required to be submitted for approval by City staff within one year of this approval. The parking lot must be re-striped in accordance with said plan, including a pedestrian connection substantially in compliance with Subsection 544.15. Bicycle parking for a minimum of 6 bikes (3 hoops/posts) is required near the main entrance.
- The existing dumpster enclosure for the restaurant must be repaired to comply with Subsection 544.05 and screening must be provided for the non-compliant dumpsters on the south side of the building. All rooftop or ground mechanical equipment must be screened, per Subsection 544.05.
- Separate sign permits are required.
- The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City’s Administrative Review Committee Report dated April 3, 2017, and compliance with all other City and State regulations.
- Prior to the issuance of an occupancy permit the applicant must submit a surety equal to 125% of the value of any improvements and/or requirements not yet complete. This surety shall be provided in the manner specified by the Zoning Code.

7. The conditional use permit and variances shall expire one year after issuance unless 1) the use for which the permit was granted has commenced; or 2) Building permits have been issued and substantial work performed; or 3) Upon written request of the
applicant, the Council extends the expiration date for an additional period not to exceed one year. Expiration is governed by the City Zoning Ordinance, Section 547.09, Subdivision 9.

8. This conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the City’s Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of May 2017.

_______________________
Pat Elliott, Mayor

ATTEST:

___________________________
Elizabeth VanHoose, City Clerk
Code Requirements / Required Findings

Part 1 – Conditional Use Permit: The findings necessary to issue a Conditional Use Permit (CUP) are as follows (547.09, Subd. 6):

1. The proposed use is consistent with the goals, policies, and objectives of the City’s Comprehensive Plan. The proposed use of the property is consistent with the guiding “Community Commercial / Office” designation. The Comprehensive Plan identifies a number of goals and policies related to economic development and support for business and employment growth. The proposal is consistent with these goals and policies.

2. The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use. The purpose of the Zoning Code is to protect and promote the public health, safety, comfort, aesthetics, economic viability, and general welfare of the City. The purpose of the General Business (C-2) District is to allow a wide variety of commercial businesses that are attractive and compatible with nearby residential properties. The proposal is consistent with these purposes.

3. The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines. There are no specific redevelopment plans that apply to the property.

4. The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code. The proposed use will either maintain the status quo or improve compliance with performance standards requirements. The applicant must submit a complete site plan, showing the revised parking lot layout. The applicant is requesting variances from Subsections 544.13 and 544.27, described in Part 2.

5. The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements. The City’s Public Works and Engineering Departments have reviewed the proposal and do not anticipate any issues.

6. The use will not have undue adverse impacts on the public health, safety, or welfare. Adequate provisions have been made to protect the public health, safety and welfare.

7. There is a public need for such use at the proposed location. Investment and improvement in vacant sites is necessary to maintain a thriving community.

8. The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit. This requirement is met.
Part 2 - Variances: The findings necessary to approve a variance are as follows (Subd. 547.11):

1. There are “practical difficulties” that prevent the property owner from using the property in a reasonable manner.
2. There are unusual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.
3. The variance would not alter the character of the neighborhood or the locality.
4. The variance is the minimum necessary to alleviate the practical difficulty.
5. The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.

Commercial Kitchen Odor Control (544.27, Subd. 1)
The Zoning Code establishes requirements for odor control equipment for commercial kitchens that abut residential property and differentiates between new and pre-existing restaurant sites. Because this space has been vacant for more than one year, all prior approvals for a restaurant have expired, and the Code views this as a “new” restaurant site rather than “pre-existing.” New restaurant sites must install odor control equipment, whereas pre-existing sites are required to provide plans for a professionally-designed odor control remedy. At pre-existing sites, subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed. The applicant is requesting a variance to be considered a pre-existing site rather than a new restaurant site.

Criteria 1: Strict enforcement of this requirement would create a practical difficulty by requiring costly odor control equipment at a site that has been a similar restaurant use for several decades and discontinued only recently.

Criteria 2: The intent of the odor control regulation is to protect neighbors from possible nuisance created by cooking odors. The restaurant use having been discontinued for more than one year is a unique circumstance not created by the applicant. Had this restaurant user come in three months sooner, they would have been considered a pre-existing site and odor control would not be required.

Criteria 3: Granting the requested variances will not alter the character of the neighborhood. The applicant will be required to comply with the odor control ordinance for pre-existing restaurant sites abutting residential property. Subsequent complaints of odor impacts may result in requiring that the planned odor control device be installed.

Criteria 4: The variance requested is the minimum necessary to alleviate the practical difficulty.

Criteria 5: The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.
Reduced Parking Requirement (Subsection 544.13, Subd. 6)
The applicant is requesting a variance to reduce the off-street parking requirement from 106 stalls to 100 stalls.

Criteria 1: Strict enforcement of this requirement would cause a practical difficulty. The site as it exists today is in compliance with minimum parking requirements. However, in 2018 Hennepin County will construct a roundabout at the intersection of 66th Street and Nicollet Avenue, requiring the acquisition of right-of-way from this property. This loss of property and subsequent reconfiguring of the parking lot will result in a loss of approximately 13 parking spaces. Depending on the final configuration of the parking lot, this will leave the property anywhere from one to six spaces short of the minimum number required (106 stalls). Staff recommends a reduction of the parking requirement to not less than 100 stalls, in order to provide some flexibility in redesigning the parking lot while still meeting all City requirements.

Criteria 2: The pending loss of parking spaces is a unique circumstance, not created by the applicant.

Criteria 3: With regards to parking, adverse impacts are not anticipated. On-street parking is allowed on 1st Avenue, in the event there is a parking shortage. However, given the existing mix of tenants in the shopping center, staff does not anticipate that any shortages will occur. Furthermore, the intersection of 66th Street and Nicollet Avenue has the highest level of public transit service available in the City, providing a viable alternative to driving alone.

Criteria 4: The variance requested is the minimum necessary to alleviate the practical difficulty.

Criteria 5: The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.
EXHIBIT TO SHOW TENANT SPACE BREAKDOWN. NOT AN ACCURATE DEPICTION OF EXISTING PARKING LOT LAYOUT.
Preliminary layout of revised parking lot adjacent to 66th Street. This plan is not final or approved by city staff.
Ms. Poehlman,

We won’t be able to make it to the 4/24/17 Planning Commission meeting where an item on the agenda is the buffet restaurant who is interested in the former OCB site. Would you please forward this email to the commissioners for their review?

We live at 6627 1st Ave. Overall, we are happy that a business is wanting to move into that site, but we have concerns regarding the odor variance requested by the applicant. We understand that with the variance they would be subject to the same regulations that OCB had to follow and that the only reason they need a variance is because it’s been more than a year since OCB was in operation.

In some aspects, it’s similar to the Fireside Foundry issue, but it’s not an apples-to-apples comparison. With Fireside Foundry, their neighborhood was aware of the odors that existed before the remodel. Even though the site was remodeled, the same type of food & the same owner existed after the change. That is not the case in this instance. A different type of food, which will produce different types of odors, is being introduced to the neighborhood. Because of this, we feel the applicant should comply with new restaurant standards & not be granted a variance.

We understand that if the odor variance is granted, the applicant is required to provide plans that the building is able to accommodate odor control equipment should odors prove to be a nuisance to the neighborhood. Should odors prove to be a problem, we are wondering at what point are they deemed a nuisance? Is it based on number of complaints from the neighborhood or is it based on something else?

In the interest of full disclosure, we are listing our house in June, so whatever decision is made, it will not impact us. However, assuming the restaurant will not yet be in operation by then, the prospective buyer of our property will not have an opportunity to observe the odors prior to making their decision.

Thank you.

Rob & Lin Shurtleff