REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
JULY 10, 2018
7:00 PM

INTRODUCTORY PROCEEDINGS

Call to order

Open forum (15 minutes maximum)

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

Pledge of Allegiance

Approval of the minutes of the: (1) Special City Council work session of June 26, 2018; and (2) Regular City Council meeting of June 26, 2018.

COUNCIL DISCUSSION

1. Hats Off to Hometown Hits

AGENDA APPROVAL

2. Approval of the Agenda

3. Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.

A. Consideration of the adoption of a resolution granting a subdivision waiver, allowing the division of 7428 Bryant Avenue into two lots.

   Staff Report No. 114

B. Consideration of the adoption of a resolution authorizing an interim use permit to allow Richfield Bloomington Honda to use City-owned property at 7700 Pillsbury Avenue for employee parking.

   Staff Report No. 115

C. Consideration of the adoption of a resolution calling for a public hearing on the modification of the Redevelopment Plan for the Richfield Redevelopment Project Area, the modification to the Tax Increment Financing Plan for the Cedar Avenue Tax Increment Financing District, and the establishment of Tax Increment Financing District No. 2018-1.

   Staff Report No. 116

D. Consideration of the adoption of a resolution appointing election judges for the State Primary Election of
4. Consideration of items, if any, removed from Consent Calendar

**PUBLIC HEARINGS**

5. Public hearing and consideration of the adoption of a resolution approving the Five-Year Street Reconstruction Plan (2019-2023) and authorizing the issuance of street reconstruction bonds to finance the 2019-2020 reconstruction projects.
   
   Staff Report No. 118

6. Public hearing and consideration of the adoption of a resolution for a preliminary plat of "Lyndale Gardens 2nd Addition" which will incorporate 6328 Aldrich Avenue and reconfigure existing lots and outlots of the Lyndale Garden Center site to align with approved development plans.
   
   Staff Report No. 119

**RESOLUTIONS**

7. Consideration of the adoption of a resolution granting an amendment to a planned unit development to allow construction of a K-8 school at 6500 Nicollet Avenue (Bremer Bank site).
   
   Staff Report No. 120

**OTHER BUSINESS**

8. Consideration of an appeal of a Therapeutic Massage Therapist License application for Deming Lai.
   
   Staff Report No. 121

**CITY MANAGER'S REPORT**

9. City Manager's Report

**CLAIMS AND PAYROLLS**

10. 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.*

11. 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.
CALL TO ORDER

The work session was called to order by Mayor Elliott at 6:00 p.m. in the Municipal Center.

Council Members Present: Edwina Garcia; Maria Regan Gonzalez; Michael Howard; and Simon Trautmann

Council Members Absent: Pat Elliott, Mayor

Staff Present: Steven L. Devich, City Manager; Pam Dmytrenko, Assistant City Manager/HR Manager; Jim Topitzhofer, Recreation Services Director; Jay Henthorne, Public Safety Director/Police Chief; Wayne Kewitsch, Fire Chief; Melissa Poehlman, City Planner; Jack Broz, Transportation Engineer; Kari Sinning, Deputy City Clerk; Mike Koob, Deputy Public Safety Director; MaryKaye Champa, Recreation Supervisor; and, Jared Voto, Executive Aide/Analyst.

Item #1

COMMISSIONER RECOGNITION EVENT

Mayor and City Council Members hosted members of the City’s Commissions and thanked them for their service.

ADJOURNMENT

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

Date Approved: July 10, 2018

_____________________________
Pat Elliott
Mayor

_____________________________
Jared Voto
Executive Aide/Analyst

_____________________________
Steven L. Devich
City Manager
The meeting was called to order by Mayor Pro Tempore Regan Gonzalez at 7:00 p.m. in the Council Chambers.

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

Council Members Absent: Pat Elliott, Mayor.

Staff Present: Steven L. Devich, City Manager; Mary Tietjen, City Attorney; Pam Dmytrenko, Assistant City Manager/HR Manager; Jay Henthorne, Chief of Police; Kristin Asher, Public Works Director; Melissa Poehlman, Planning & Redevelopment Manager/Assistant Community Development Director; Jennifer Anderson, Support Services Manager; Jack Broz, Transportation Engineer; and Jared Voto, Executive Aide/Analyst.

Kris Johnson, 7045 Oak Grove Boulevard, spoke regarding opposition to the Lyndale Avenue Reconstruction project, specifically the removal of trees, four roundabouts in a ten block area, and the ability to cross Lyndale Avenue.

Larry Koch, 471 Big Horn Drive, Chanhassen, representing Nola Wagner, spoke regarding the opposition to Lyndale Avenue Reconstruction project and specifically the intersection at Lyndale Avenue and 70th Street. He submitted his comments for Council’s consideration.

Carol Anderson, 7052 Oak Grove Boulevard, spoke regarding the intersection of 70th Street and Lyndale Avenue and the proposed roundabout. She stated she is not against roundabouts and asked to keep the traffic light at 70th Street.

Dave Huss, 7028 Oak Grove Boulevard, spoke regarding the proposed roundabout at 70th Street and Lyndale Avenue and stated he could not imagine a safer environment for pedestrian and bikers than with a light at the intersection.

Jackie Hayes, 7024 Oak Grove Boulevard, spoke regarding the Lyndale Avenue Reconstruction project and stated she attended all of the open houses and discussed the ways to make it safest for 70th Street and Lyndale Avenue. She strongly recommended keeping a light at the intersection and requested the process of Council approval be changed in the future.
Kevin Kateley, 7005 Oak Grove Boulevard, spoke regarding the Lyndale Avenue Reconstruction project and specifically the process of the Transportation Commission and their feedback and disagreed with the proposed alignment of Oak Grove Boulevard to Lyndale Avenue. He also commented that he believed the process should be changed.

Public Works Director Asher commented on the approach of reconstruction project is a community-based design. She stated the goals of the project were to make it safer for everyone, pedestrians, bicyclists and vehicles. She discussed the process moving forward and stated a meeting was scheduled with the residents of Oak Grove, but it was postponed and she hoped to still have a meeting with the neighbors.

Mayor Pro Tempore Regan Gonzalez thanked the residents and stated she hoped the residents meet with staff and asked that the Council be invited to the meeting as well.

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Regan Gonzalez led the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Howard, S/Garcia to approve the minutes of the: (1) Special City Council work session of June 12, 2018; and (2) Regular City Council meeting of June 12, 2018.

Motion carried 4-0.

Item #1  SWEARING-IN OF CITY OF RICHFIELD POLICE OFFICERS MACABE STARIHA, HAILEY QUANBECK, CHRISTOPHER BARBER, AND MATTHEW HOTZLER.

Chief Henthorne welcomed staff, residents, and guests. He thanked the family members of the officer in attendance and swore-in Officers Macabe Stariha, Hailey Quanbeck, Christopher Barber, and Matthew Hotzler.

Mayor Pro Tempore Regan Gonzalez thanked the officers and their families.

Council Member Garcia acknowledged the officers and their families stated the Council’s support of the police officers.

Council Member Trautmann welcomed the officers and stated he was proud of them.

Item #2  COUNCIL DISCUSSION
  • Hats Off to Hometown Hits

Council Member Garcia spoke regarding attending the dementia luncheon last week hosted by the Richfield Advisory Board of Health and Bloomington Health Department. She also discussed the
Commissioner Recognition Event earlier in the evening and stated her appreciation of the work of the commissioners.

Council Member Trautmann spoke regarding June being Pride Month and wanted to take the opportunity to state that it is part of the values of the city. He also stated he's recently been able to meet with a lot of the leaders in the city and wanted to thank them for all of their work.

Council Member Howard spoke regarding the upcoming 4th of July activities, taking place July 2-4, and mentioned the Commissioner Recognition Event and thanked the commissioners for their service to the city.

Mayor Pro Tempore Regan Gonzalez spoke regarding the dementia friendly kick-off event and discussed the free lunch program available at our local parks for children 18 years old and younger.

### Item #3  APPROVAL OF THE AGENDA

City Attorney Tietjen stated that Consent Calendar Item 4.E. needed to be revised from a motion to approve the agreements to a motion to adopt a resolution to approve the agreements.

M/Regan Gonzalez, S/Garcia to approve a revise Item 4.E. of the Consent Calendar to adopt a resolution.

Motion carried 4-0.

M/Regan Gonzalez, S/Garcia to approve the agenda, as revised.

Motion carried 4-0.

### Item #4  CONSENT CALENDAR

City Manager Devich presented the consent calendar.

A. Consideration of the adoption of a resolution establishing an absentee ballot counting board for the 2018 State Primary and State General Elections. (S.R. No. 106)

RESOLUTION NO. 11510
RESOLUTION ESTABLISHING AN ABSENTEE BALLOT COUNTING BOARD FOR THE 2018 STATE PRIMARY AND STATE GENERAL ELECTIONS

This resolution appears as Resolution No. 11510.

B. Consideration of the approval of eight (8) solar project agreements with iDEAL Energies for the installation of solar panels on city facilities. (S.R. No. 107)

C. Consideration of the adoption of a resolution approving the submission of the limited use permit with the Minnesota Department of Transportation (MnDOT) for the 66th Street Streetscape elements within MnDOT right-of-way (ROW). (S.R. No. 108)

RESOLUTION NO. 11511
RESOLUTION AUTHORIZING CITY OF RICHFIELD LIMITED USE PERMIT WITH THE STATE OF MINNESOTA DEPARTMENT OF TRANSPORTATION FOR A PEDESTRIAN TRAIL IN THE RIGHT-OF-WAY OF TRUNK HIGHWAY No. 35W AT CSAH 53 (66TH STREET)

This resolution appears as Resolution No. 11511.

D. Consideration of the adoption of a resolution approving an agreement related to the Minnesota Department of Transportation's Landscape Partnership Program. (S.R. No. 109)

RESOLUTION NO. 11512
RESOLUTION APPROVING COOPERATIVE AGREEMENT FOR MNDOT LANDSCAPE PARTNERSHIP PROGRAM

This resolution appears as Resolution No. 11512.

E. Consideration of the adoption of a resolution approving the revised Richfield Parkway Infrastructure Construction Agreement and the Maintenance Parcel Agreement between the City of Richfield and Chamberlain Apartments, LLC. (S.R. No. 110)

RESOLUTION NO. 11517
APPROVING REVISED RICHFIELD PARKWAY INFRASTRUCTURE CONSTRUCTION AGREEMENT AND MAINTENANCE PARCEL AGREEMENT BETWEEN THE CITY OF RICHFIELD AND CHAMBERLAIN APARTMENTS LLC

This resolution appears as Resolution No. 11517.

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

Motion carried 4-0.

<table>
<thead>
<tr>
<th>Item #5</th>
<th>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR</th>
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</table>

None.

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<tr>
<th>Item #6</th>
<th>CONSIDERATION OF A VARIETY OF LAND USE APPROVALS RELATED TO A PROPOSAL FOR A MIXED USE DEVELOPMENT AT 101 66TH STREET EAST (66TH STREET AND 1ST AVENUE).</th>
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</table>

Council Member Garcia presented Staff Report No. 111. Assistant Community Development Director Poehlman provided additional information related to the comprehensive plan process, the history of the site, and the proposed project. She stated the project meets the objectives of the comprehensive plan amendment and the developer has made a number of modifications to address concerns of the adjacent property owners.

Council Member Garcia stated that although this was not a public hearing and the Council has agreed to allow the developer and a representative of the neighborhood for speak.
Paul Lynch, PLH Associates, stated the project has been worked on for two years and has been a mixed-use development from the beginning and hoped it was a project that could be embraced by the community. He was available to answer any questions on the project.

Council Member Garcia asked about the desire of the developer to place a restaurant in 2,000 square feet of the commercial space.

Mr. Lynch said that no tenants are secured at this time, but if a tenant did come forward he would support it.

Council Member Garcia stated she would like to support the project but did not believe a restaurant would work in the space.

Council Member Trautmann stated and he no longer has concerns about the financing of the project. He stated he was also concerned about a fast food restaurant in this space and asked staff if this is something that can be restricted.

Assistant Community Development Director Poehlman stated there is nothing in the ordinance that can restrict fast food chains and explained restaurant designations by class.

Council Member Howard asked about how convenience stores are treated based on the ordinance.

Assistant Community Development Director Poehlman responded that convenience stores are defined by code and could be identified as prohibited in this location or can be something that is added. She stated the resolution could be amended to add convenience stores since it is defined.

Council Member Howard stated he would be interested in adding that stipulation to prohibit convenience stores.

Council Member Trautmann asked for the definition of a convenience store.

Assistant Community Development Director Poehlman stated she could find and share the definition.

Council Member Howard thanked Mr. Lynch for the letter and appealed to him to continue working with the neighborhood. Council Member Howard and Mr. Lynch discussed the possibility of placing a fence between the project and adjacent property and Mr. Lynch stated he would continue to work with neighbors.

Assistant Community Development Director Poehlman read the definition of a convenience store.

Council Member Howard asked staff about excluding convenience stores as a use.

Assistant Community Development Director Poehlman responded Council could amend the resolution adding a stipulation that prohibits convenience stores.

Julie Lapensky, 6621 Stevens Ave, spoke on behalf of the neighborhood and thanked the Council for the opportunity to speak and for visiting the neighborhood. She stated she understands the benefits of the development to the City and to the developer, but that the neighborhood does not want it. She stated the issues as traffic, parking issues, and screening to neighbors immediately adjacent. She provided detail of solutions that the neighborhood is requesting and provided her written comments and documents for Council’s consideration.
Council Member Garcia stated she had been meeting with the neighbors and stated a convenience store or restaurant would bring so much traffic that it would disrupt the neighborhood and stated she would entertain Council Member Howard’s stipulation. She also discussed the parking and belief that there will be spillover parking and the need for employee parking due to the commercial space. She discussed the landscaping buffering and the modifications that have been made and stated the City needs to be vigilant in ensuring stipulations are adhered to. She stated she would be casting a “no” vote.

Council Member Howard stated globally he is supportive of the project and it adds value to the community. He stated this project represents progress in the city and represents progress on 66th Street and creates a vision for the future of the corridor. He also discussed this project will expand the tax base and give some relief to single-family homeowners and this project expanding the available housing in Richfield. He stated he appreciated the work of the neighborhood and the changes that have been made by the developer throughout the process. He stated he was inclined to support a stipulation barring convenience stores in the development. He commented on the approach to monitoring parking and traffic and asked to put a definition to what triggers a response from the City.

Council Member Trautmann appreciated the neighborhood’s commitment and stated that he would be supporting the project. He stated he doesn’t take it lightly that this could be uncomfortable. He is reminded that there was a time when the Richfield City Council did not want development and single-family homes will not sustain us. He also commented on the placement of the building away from the single-family residences and abutting 66th Street. He stated he was on the fence regarding a stipulation barring convenience stores.

Mayor Pro Tempore Regan Gonzalez asked about what accountability looked like with the developer working with adjacent neighbors as the process moves forward.

Assistant Community Development Director responded there are specific stipulations in the resolution that require the developer to work with adjacent property owners and read specific stipulations.

Mayor Pro Tempore Regan Gonzalez asked for clarification and timeline with regard to traffic counts or studies.

Assistant Community Development Director responded there are stipulations regarding the Public Works Department monitoring traffic counts and patterns following the completion of the development. There is not a timeline because the timeline for the completion of the development is not known, and will be waiting for the 66th Street Reconstruction project to finish. She stated there is a general threshold of 1,000 cars per day along a major arterial; however, the street has a particularly low traffic count now, so that threshold will likely be lower than 1,000 cars per day. She stated the Public Works Department is committed to monitoring the patterns.

Council Member Trautmann stated that without a specific number, if the neighbors are not happy, the City will need to do something about it.

Mayor Pro Tempore Regan Gonzalez asked for clarification on a class 3 restaurant designation and sales of liquor.

Assistant Community Development Director read the definitions of the permitted and non-permitted restaurants for the area.

Mayor Pro Tempore Regan Gonzalez stated Richfield is not in a position to determine if we can accept redevelopment or not. She stated the city has limited opportunities for redevelopment and broaden our tax base. She stated she thinks of her role as a council member is not to say yes or no to
change, but to working together to influence what the change looks like and how it benefits the community as a whole and impact our neighbors. She stated she would be supporting the development and thanked the community members for all the work they have done.

M/Howard, S/Regan Gonzalez to include a stipulation prohibiting convenience stores in the resolution.

Motion carried 3-1. Council Member Trautmann opposed.

M/Regan Gonzalez, S/Howard to approve a second reading of an ordinance rezoning 101 66th Street East from Single-family Residential (R) to Planned Mixed Use (PMU); and adopt a resolution granting a conditional use permit and final development plan for a planned unit development at 101 66th Street East.

RESOLUTION NO. 11513
RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT TO BE BUILT AT 101 66TH STREET EAST

Motion carried 3-1. Council Member Garcia opposed. This resolution appears as Resolution No. 11513.

<table>
<thead>
<tr>
<th>Item #7</th>
<th>CONSIDERATION OF A VARIETY OF LAND USE REQUESTS RELATED TO A PROPOSAL TO CONSTRUCT CONDOMINIUMS, TOWNHOMES, AND APARTMENTS ON THE NORTHERN PORTION OF THE FORMER LYNDALE GARDEN CENTER PROPERTY AND AN ADJACENT SINGLE-FAMILY PROPERTY.</th>
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Mayor Pro Tempore Regan Gonzalez presented Staff Report No. 112.

Council Member Garcia commented that she believed the developers did a good job of holding open houses, receiving comments, and responding to the comments, and commended the developer for their work.

Council Member Howard stated he was excited to see the project moving forward and read a portion of the staff report about diversifying Richfield’s housing options and improving Lyndale Avenue as a gateway to the community, and fits with the vision of where Richfield is headed.

M/Regan Gonzalez, S/Howard to adopt a resolution that amends the Richfield Comprehensive Plan to designate Lots 1-2, Block 1, Lyndale Gardens Addition and 6328 Aldrich Avenue as Mixed Use and allow a housing development that is less than 50 dwelling units per acre

RESOLUTION NO. 11514
RESOLUTION AMENDING THE CITY’S COMPREHENSIVE PLAN CHANGING THE DESIGNATION OF 6328 ALDRICH AVENUE TO “MIXED USE” AND ALLOWING A DENSITY LOWER THAN 50 UNITS PER ACRE

Motion carried 4-0. This resolution appears as Resolution No. 11514.

M/Garcia, S/Trautmann to approve a second reading of an ordinance that amends Richfield Zoning Code Appendix I to designate 6328 Aldrich Avenue as Planned Mixed Use
Motion carried 4-0.

M/Regan Gonzalez, S/Howard to adopt a resolution approving a Conditional Use Permit and Final Development Plans for a Planned Unit Development on Lots 1 and 2, Block 1, Lyndale Gardens 2nd Addition.

RESOLUTION NO. 11515
RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT

Motion carried 4-0. This resolution appears as Resolution No. 11515.

| Item #8 | CONSIDERATION OF THE ADOPTION OF A RESOLUTION OF DENIAL FOR A THERAPEUTIC MASSAGE ENTERPRISE LICENSE FOR LONGSHI, INC. |

Council Member Howard presented Staff Report No. 113.

Support Services Manager Anderson provided additional details on the staff report.

City Attorney Tietjen stated the applicant was notified in writing of the meeting, although he is not present.

M/Howard, S/Trautmann to adopt a resolution of denial of the therapeutic massage enterprise license application of Longshi, Inc.

RESOLUTION NO. 11516
RESOLUTION OF DENIAL OF THE THERAPEUTIC MASSAGE ENTERPRISE LICENSE APPLICATION OF LONGSHI INC.

Motion carried 4-0. This resolution appears as Resolution No. 11516.

| Item #9 | CITY MANAGER’S REPORT |

City Manager Devich stated he had nothing to report.

| Item #10 | CLAIMS AND PAYROLLS |

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

<table>
<thead>
<tr>
<th>U.S. Bank</th>
<th>06/26/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>A/P Checks: 268844 - 269252</td>
<td>$ 3,090,743.68</td>
</tr>
<tr>
<td>Payroll: 137052 - 137415</td>
<td>$ 659,991.49</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 3,750,735.17</td>
</tr>
</tbody>
</table>

Motion carried 4-0.
OPEN FORUM

None.

Item #11  ADJOURNMENT

The meeting was adjourned by unanimous consent at 8:43 p.m.

Date Approved: July 10, 2018

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager
STAFF REPORT NO. 114
CITY COUNCIL MEETING
7/10/2018

ITEM FOR COUNCIL CONSIDERATION:
Consideration of the adoption of a resolution granting a subdivision waiver, allowing the division of 7428 Bryant Avenue into two lots.

EXECUTIVE SUMMARY:
The property at 7428 Bryant Avenue is a double lot, measuring 100 feet wide. The existing house sits entirely on the north half of the property. The property owner would like to divide the lot into two 50 foot wide lots, in order to sell the vacant lot for construction of a new home. Splitting a lot requires City Council approval of a subdivision waiver. Finding that lot dimension requirements are met, staff recommends approval of the subdivision waiver.

RECOMMENDED ACTION:
By motion: Adopt a resolution granting a subdivision waiver for 7428 Bryant Avenue.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
   • None

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   • Subsection 500.05, Subdivision 2. - In cases in which compliance with the city’s platting requirements result in unnecessary hardship and when failure to comply with said requirements does not interfere with the purpose and intent of the regulations, the Council may adopt a resolution authorizing a waiver from the subdivision requirements.
   • Subsection 514.11, Subd. 2. Lot area, dimensions and coverage. The property is located in the Single Family Residential (R) Zoning District. Minimum lot requirements are as follows:

<table>
<thead>
<tr>
<th>Lot Dimensions</th>
<th>Width (ft.)</th>
<th>Depth (ft.)</th>
<th>Area (sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Required</td>
<td>50</td>
<td>100</td>
<td>6,700</td>
</tr>
</tbody>
</table>

Grandfather clause: Lots of record which do not meet these minimum requirements may be used
for single-family home development, provided that the width of such lot is not less than 40 feet and such lot contains at least 5,000 square feet in area. The proposed lots are 50 feet wide and 6,500 square feet in area.

C. **CRITICAL TIMING ISSUES:**
   - 60-DAY RULE: The 60-day clock started when a complete application was received on June 15, 2018. A decision must be given by August 14, 2018, or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days in total) for issuing a decision.

D. **FINANCIAL IMPACT:**
   - None

E. **LEGAL CONSIDERATION:**
   - None

**ALTERNATIVE RECOMMENDATION(S):**
   - None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
Dustin Endres, applicant on behalf of property owner

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>Resolution Letter</td>
</tr>
<tr>
<td>Survey</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Zoning Map</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
RESOLUTION NO.

RESOLUTION AUTHORIZING A SUBDIVISION WAIVER
FOR 7428 BRYANT AVENUE

WHEREAS, an application has been filed with the City of Richfield which requests approval of a subdivision waiver for the division of property commonly known as 7428 Bryant Avenue, legally described as:

Lots 8 and 9, Block 12, IRWIN SHORES, Hennepin County, Minnesota

WHEREAS, the applicant proposes to divide the above-described property into two parcels, legally described as:

Parcel A: Lot 8, Block 12, IRWIN SHORES, Hennepin County, Minnesota

Parcel B: Lot 9, Block 12, IRWIN SHORES, Hennepin County, Minnesota

WHEREAS, the City has fully considered the request for approval for the subdivision waiver; and

WHEREAS, the City Council finds that compliance with City Code Section 500.05, Subdivision 1 would result in unnecessary hardship and that failure to comply therewith will not interfere with the purposes of the platting regulations of Section 500.01.

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

1. A waiver for the subdivision of the Subject Property legally described above is hereby granted.

2. City staff is authorized and directed to take any action necessary to effectuate this Resolution and to authorize the recording of conveyances complying with the terms of this Resolution.

Adopted by the City Council of the City of Richfield, Minnesota this 10th day of July, 2018.

_______________________
Pat Elliott, Mayor

ATTEST:

___________________________
Elizabeth VanHoose, City Clerk
Lot Split Survey for:

ENDRES CUSTOM HOMES, INC.
at 7428 Bryant Avenue South

EXISTING PROPERTY DESCRIPTION
Lots 8 and 9, Block 12, IRWIN SHORES, according to the recorded plat thereof, Hennepin County, Minnesota.

PARCEL A DESCRIPTION
Lot 8, Block 12, IRWIN SHORES, according to the recorded plat thereof, Hennepin County, Minnesota.

PARCEL B DESCRIPTION
Lot 9, Block 12, IRWIN SHORES, according to the recorded plat thereof, Hennepin County, Minnesota.

LEGEND
- Iron Monument Set
- Iron Monument Found
- Concrete Surface
- Bituminous Surface
- S - Sanitary Sewer
- W - Watermain
- Inv. - Invert Elevation
- PP - Power Pole
- Fence

Scale: 1 Inch = 20 feet
Total Area = 13,000 square feet (0.30 acre)
Parcel A = 6,500 square feet (0.15 acre)
Parcel B = 6,500 square feet (0.15 acre)

I hereby certify that this survey was prepared by me or under my direction and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 31st day of May, 2018

REHDER & ASSOCIATES, INC.

Gary C. Huber, Land Surveyor
Minnesota License No. 22036

Rehder and Associates, Inc.

3440 Federal Drive • Suite 110 • Eden Prairie, Minnesota • Phone (651) 452-5051

JOB: 184-2200.089
7428 Bryant Ave - SUBD 7/2018

Surrounding Zoning and Comp Plan

Zoning:
R - Single Family Residential

Comp Plan:
LDR - Low Density Residential
ITEM FOR COUNCIL CONSIDERATION:
Consideration of the adoption of a resolution authorizing an interim use permit to allow Richfield Bloomington Honda to use City-owned property at 7700 Pillsbury Avenue for employee parking.

EXECUTIVE SUMMARY:
Due to parking constraints on their property, Richfield Bloomington Honda (Honda) has been using the City-owned property at 7700 Pillsbury Avenue since 2013. Honda is requesting to continue leasing the property for temporary use as an employee parking lot. 7700 Pillsbury Avenue is the portion of the former City Garage site that lies south of 77th Street. This property is zoned Mixed-Use Neighborhood (MU-N) and parking as a standalone use is not permitted; therefore an interim use permit (IUP) is necessary. Honda’s current interim use permit expires on July 31, 2018. They have applied for a new three year interim use permit. Staff is recommending approval of an 18 month IUP, effective August 1, 2018 and terminating on January 31, 2020. At the discretion of the Community Development Director, the IUP may be extended up to three times, in six month periods, not to exceed a total length of three years. A proposal for apartments on this site went to a Council Work Session in August 2017, but that proposal has not progressed further. No other redevelopment plans are proposed for the property at this time. Should the Council grant approvals for a code compliant land use, terms of the IUP and lease allow the City to terminate these agreements. In order to approve the IUP, the Council must find that the temporary nature of the permit warrants waiving certain provisions of the Zoning Code, in this case the prohibition of parking lots as a standalone use.

RECOMMENDED ACTION:
By motion: Adopt a resolution authorizing an interim use permit to allow a standalone parking facility at 7700 Pillsbury Avenue.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
   - Honda’s prior land use approvals include the addition of a parking structure to fully accommodate their parking needs, to be built by 2020. If a building permit application for the parking structure has not been received by June 1, 2020, Honda must return to the Council to request an extension or amendment to the approved final development plans.
B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**

- The purpose of an IUP is to allow a use that may not be compatible with the Comprehensive Plan to operate for a limited period of time. The Council may waive ordinance provisions upon a finding that the temporary nature of the interim use will eliminate the adverse effects the provisions were intended to prevent. The Council must find that the temporary nature of this permit makes the nonconforming use permissible.
- In evaluating a request for an IUP, the Planning Commission and City Council shall also consider its compliance with the criteria outlined in Subsection 547.15 of the City Code, further articulated in the attached document.
- By Ordinance, IUP’s terminate upon the occurrence of any of the following events, whichever first occurs:
  a) The date or event stated in the permit (e.g. approval of redevelopment plans); or
  b) Upon violation of conditions under which the permit was issued.
- The lot is to be used for employee parking only. No parking of inventory vehicles or customer vehicles shall be permitted at any time. A maximum of 77 vehicles shall be stored on site and no vehicles shall be parked or stored on grass or buffer areas. The parking lot shall be kept in a good state of repair, with sealcoating and/or patch repair as necessary, and kept clear of any debris.

C. **CRITICAL TIMING ISSUES:**

60-DAY RULE: The 60-day clock started when a complete application was received on May 29, 2018. A decision is required by July 28, 2018 or the Council must notify the applicant that is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. **FINANCIAL IMPACT:**

- The required application fees have been paid.
- City staff are drafting a lease extension agreement with Honda for continued use of the City-owned property.

E. **LEGAL CONSIDERATION:**

- A public hearing was held at the Planning Commission meeting on June 25, 2018.
- Notice of the public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site. No members of the public spoke at the public hearing.
- The Planning Commission voted (6-0) to recommend approval of the IUP.

**ALTERNATIVE RECOMMENDATION(S):**

- Approve an interim use permit for a different length of time (up to five years maximum) or with additional conditions.
- Deny the request with a finding that the requirements necessary to issue an IUP are not met.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Tim Carter, Richfield Bloomington Honda

**ATTACHMENTS:**

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<td>Site plan &amp; Zoning Map</td>
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RESOLUTION NO.

RESOLUTION APPROVING AN
INTERIM USE PERMIT
TO ALLOW A STANDALONE PARKING FACILITY
BY RICHFIELD BLOOMINGTON HONDA
AT 7700 PILLSBURY AVENUE

WHEREAS, the City of Richfield adopted a Comprehensive Plan in 2009 to guide the development of the community; and

WHEREAS, the City has adopted a Zoning Ordinance or other official controls to assist in implementing the Comprehensive Plan; and

WHEREAS, an application has been filed with the City of Richfield which requests an interim use permit to allow Richfield Bloomington Honda (the “Applicant”) to conduct off-site employee parking at 7700 Pillsbury Avenue; and

WHEREAS, the Property is zoned Mixed Use – Neighborhood (MU-N) and the requested interim use of the property is not permitted in the MU-N District; and

WHEREAS, the Planning Commission held a public hearing on June 25, 2018 to review the application for an interim use permit; and

WHEREAS, notice of the public hearing was mailed to properties within 350 feet of the subject property, and published in the Sun Current newspaper on June 14, 2018; and

WHEREAS, the City Council finds that the temporary nature of the proposed interim use eliminates the adverse effects the prohibition was intended to prevent. Termination of the permit in 18 months, or upon granting land use approvals for code-compliant redevelopment plans, eliminates the detriment that a standalone parking facility will have on the area; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

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

1. The proposed interim use permit request meets all applicable conditions and restrictions stated in Zoning Ordinance Subsection 547.15.

2. An interim use permit for a standalone parking facility by Richfield Bloomington Honda at 7700 Pillsbury Avenue, as described in City Council Staff Report No. ______ is approved with the following conditions:
   a. The interim use permit will expire on January 31, 2020, or upon violation of the conditions under which the permit was issued, whichever occurs first.
b. The Community Development Director shall hold discretion to grant a maximum of three (3) six-month extensions of the interim use permit, to expire no later than July 31, 2021.

c. The City may terminate the interim use permit 30 days following City Council approval of code-compliant redevelopment plans for the property.

d. The parking lot is to be used for employee parking only. No parking of inventory vehicles or customer vehicles shall be permitted at any time. A maximum of 77 vehicles shall be stored on site, and vehicles shall not be parked or stored on grass or buffer areas.

e. The parking lot shall be kept in a good state of repair, with sealcoating and/or patch repair as necessary, and kept clear of any debris.

Adopted by the City Council of the City of Richfield, Minnesota this 10th day of July 2018.

_______________________
Pat Elliott, Mayor

ATTEST:

___________________________
Elizabeth VanHoose, City Clerk
Interim Use Permit Requirements
Subsection 547.15 Subd. 3.

a) The period of time for which the interim use permit is to be granted will terminate before any adverse impacts are felt upon adjacent properties. Staff recommends that the permit expire in 18 months. At the discretion of the Community Development Director, the interim use permit may be extended up to three times, in six (6) month periods, not to exceed a total length of three years. At that time, if conditions continue to warrant, the Council may issue a new interim use permit.

b) The use will terminate upon a date or event that can be identified with certainty. Interim use permits may not be granted for a period greater than five (5) years. Staff recommends termination on January 31, 2020. As stated above, the Community Development Director may issue three extensions of six (6) month periods, and terminate no later than July 31, 2021.

c) The use will not adversely impact the health, safety and welfare of the community during the period of the interim use. It is not anticipated that employee parking will adversely impact the community or this area within the next six months.

d) The use is similar to existing uses in the area. Surface parking lots are a common feature in the area, due to the proximity to Richfield Bloomington Honda’s main campus.

e) An interim use shall conform to zoning regulations except the City Council may waive ordinance provisions upon a finding that the temporary nature of the interim use will eliminate the adverse effects the provisions were intended to prevent. The site is zoned Mixed-Use Neighborhood (MU-N) and is currently vacant. The short-term nature of the permit will not prevent future mixed-use redevelopment of the site. Should the Council grant approvals for a code compliant land use, terms of the interim use permit and lease allow the City to terminate these agreements.

f) There is adequate assurance that the property will be left in suitable condition after the use is terminated. The property owner has signed a consent agreement agreeing to this condition.

g) By agreement, the use will not impose additional costs on the public if it is necessary for the public to take the property in the future. Not applicable. The property is owned by the Housing and Redevelopment Authority.

h) The property owner, by agreement, agrees to any conditions that the City Council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and interim structures upon the expiration of the interim use permit. The applicant must continue to comply with all conditions of the current interim use permit.

i) The property owner agrees to abide by any additional conditions that the Council deems appropriate for permission of the use. Additional conditions are detailed in the attached Resolution.
CONSENT AGREEMENT

WHEREAS, on November 13, 2007 the City Council of the City of Richfield adopted Ordinance No. 2007-19, which establishes a framework for regulating temporary use of land through the issuance of interim use permits; and

WHEREAS, Section 547.15 Subdivision 2 of this Ordinance requires an applicant for an interim use permit to sign a Consent Agreement wherein the applicant acknowledges and agrees that the proposed interim use will not impose additional costs on the public if there is a future need for public acquisition of the applicant’s property through eminent domain, that the applicant has no entitlement to future reapproval of the interim use permit and that the applicant will abide by the conditions of approval that the City Council attaches to the interim use permit;

NOW, THEREFORE, Richfield Bloomington Honda, as applicant for

an interim use permit for ___________ Parking ___________ at ___________ 7700 Pillsbury ___________ (use of property) (location)

, agree as follows:

1. The applicant acknowledges that the proposed use is temporary and terminates upon expiration of the interim use permit. The applicant has no legal or equitable right to future reapproval of the interim use permit and must file a new application for that purpose.

2. The applicant will comply with all conditions imposed by the City Council on the interim use permit.

3. This Consent Agreement shall be binding on any owner, operator, tenant and/or user of the property for which the interim use permit has been granted and the applicant is authorized to sign this Consent Agreement on behalf of said owner, operator, tenant and/or user of the property.

DATED: ________________

__________________________
Applicant

STATE OF MINNESOTA )
) SS
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this ___ day of ______________, 2018, by Thomas Patton, the ___________ manager ___________ of Richfield Bloomington Honda, a Minnesota ___________, on behalf of said company.

__________________________
Notary Public
ITEM FOR COUNCIL CONSIDERATION:
Consideration of the adoption of a resolution calling for a public hearing on the modification of the Redevelopment Plan for the Richfield Redevelopment Project Area, the modification to the Tax Increment Financing Plan for the Cedar Avenue Tax Increment Financing District, and the establishment of Tax Increment Financing District No. 2018-1.

EXECUTIVE SUMMARY:
In March 2018, the Housing and Redevelopment Authority (HRA) entered into a preliminary development agreement with NHH Companies, LLC to develop a multi-family housing project in the Cedar Point II area (bounded by 63rd Street to the north, Richfield Parkway to the east, 65th Street to the south, and 16th Avenue to the west). The proposed development includes 218 market-rate apartments on Richfield Parkway and up to 80 for-sale townhomes along 16th Avenue.

The financial feasibility analysis indicates a substantial gap in the project. Significant acquisition costs for the existing single-family homes on 16th Avenue; the high cost of structured parking, stormwater improvements, and construction materials required to meet sound attenuation standards, and the desire to include affordable townhome units necessitate the need for public assistance to bridge the gap.

The development currently sits within the Cedar Avenue Tax Increment Financing District (District) that was established in 2005 and extended in 2017. Under the proposed modification, the east half of the site and the proposed apartment development would remain in the existing District, and a new Housing TIF district would be established to cover the west half of the site and the proposed affordable townhomes.

RECOMMENDED ACTION:
By motion: Adopt a resolution calling for a public hearing by the City Council on the proposed adoption of a modification to the redevelopment plan for the Richfield redevelopment project area, the modification to the Tax Increment Financing Plan for the Cedar Avenue Tax Increment Financing District, and the proposed establishment of Tax Increment Finance District No. 2018-1 Housing therein and the adoption of the Tax Increment Financing Plan therefor.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
A 1999-2000 study commissioned by the City of Richfield and the Metropolitan Airports Commission (MAC) concluded that many of the structures in this area, including all single-family homes, were not capable of withstanding the negative impacts of low frequency noise. As a result of the study, this area was identified as a Redevelopment Area in 2000.

In 2004, the Minnesota Legislature approved the creation of a special Redevelopment TIF District to provide a funding mechanism for redevelopment of the area.

During the economic downturn from 2007-2011, there was little interest in developing this area due to weak market conditions.

Upon conclusion of the recession, HRA staff concentrated their development efforts on the Cedar Point II area. The challenge of property acquisitions and the significant financial gap in the project made it difficult to find a developer and project that could succeed.

In 2014, homes along 17th Avenue were purchased for the construction of Richfield Parkway from 63rd to 66th Streets leaving 14 fewer homes to be purchased in the development area.

In 2015, the HRA signed a pre-development agreement with Boisclair Corporation to redevelop the area with single family homes and townhomes. In 2017, the HRA cancelled the agreement with Boisclair due to slow progress in solving the acquisition and other development issues.

In the Fall of 2017, NHH Properties and Boisclair Corporation approached the HRA and Council with a new development team and plan for acquiring the remaining single family homes and closing the financial gap.

In March of 2018, the HRA signed a pre-development agreement with NHH Properties (dba NHH Companies, LLC) to redevelop the area with 218 market-rate apartments and up to 80 townhomes affordable to households earning 100/115% of the area median income.

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

- The project has considered a variety of ways to include a minimum of 20% affordable units. The proposed plan to provide 100% market-rate apartments and 100% affordable townhome units has proven to be the most feasible. Establishment of a Housing TIF District will ensure that the affordable units will be included in the project.
- The 2008 Comprehensive Plan housing goals and policies include:
  - Maintain an appropriate mix of housing types in each neighborhood based on available amenities, transportation resources, and adjacent land uses;
  - Promote the development of a balanced housing stock that is available to a range of income levels;
  - Promote housing diversity to serve families at all stages of their life-cycle, and
  - Promote the development, management, and maintenance of affordable housing in the City through assistance programs, alternative funding sources, and the creation of partnerships whose mission is to promote low to moderate income housing.
- The Cedar Corridor Master Plan, approved in 2004 and amended in 2016, calls for development in the area that responds to the challenges of the area's proximity to the airport and provides a diversity of housing types.
- Richfield Affordable Housing Policy encourages the development of projects that:
  - Contain a mix of market-rate and affordable units, with a higher proportion of market-rate units.
  - Include attributes such as townhome/row style housing

C. CRITICAL TIMING ISSUES:

- State Statute require that the County, School Districts, and other taxing jurisdictions receive notice of the proposed Tax Increment Plan and other information on fiscal impacts related to the modification/establishment of a Redevelopment Project Area and/or TIF District at least 30 days prior to the hearing.
- The HRA must also consider the modifications and the plan. This is tentatively scheduled for August 20, 2018.
- The Planning Commission must determine whether the establishment of such a district would be consistent with Richfield's Comprehensive Plan. This is tentatively scheduled for the July 23, 2018, Planning Commission meeting.
- A public hearing before the Council is tentatively scheduled for August 21, 2018.
D. **FINANCIAL IMPACT:**
   - The estimated tax increment available through the existing Redevelopment TIF District is approximately $6.9 million over the life of the District.
   - The estimated tax increment available through the creation of a new Housing TIF District is approximately $6 million over the life of the District.
   - Without the TIF, this project would be unable to proceed.

E. **LEGAL CONSIDERATION:**
   - The City’s financial advisor and HRA attorney have reviewed the required documents.

**ALTERNATIVE RECOMMENDATION(S):**
   - Do not adopt the resolution.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
Representative of NHH Properties.

**ATTACHMENTS:**

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Resolution calling for a public hearing by the City Council on the Modification to the Redevelopment Plan for the Richfield Redevelopment Project Area, the Modification to the Tax Increment Financing Plan for the Cedar Avenue Tax Increment Financing District and the proposed establishment of Tax Increment Financing District No. 2018-1 and the adoption of the Tax Increment Financing Plan therefor.

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

Section 1. Public Hearing. This Council shall meet on August 21, 2018, at approximately 7:00 P.M., to hold a public hearing on the proposed adoption of a Modification to the Redevelopment Plan for the Richfield Redevelopment Project Area, the proposed modification of the Tax Increment Financing Plan for the Cedar Avenue Tax Increment Financing District, and the proposed establishment of Tax Increment Financing District No. 2018-1 (a housing district), and the proposed adoption of a Tax Increment Financing Plan therefor (together, the “Plans”), all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 to 469.047, and Sections 469.174 to 469.1794, inclusive, as amended, in an effort to encourage the development and redevelopment of certain designated areas within the City; and

Section 2. Notice of Public Hearing, Filing of Plans. City staff is authorized and directed to work with Ehlers to prepare the Plans and to forward documents to the appropriate taxing jurisdictions including Hennepin County and Independent School District No. 280. The Community Development Director is authorized and directed to cause notice of the hearing, together with an appropriate map as required by law, to be published at least once in the official newspaper of the City not later than 10, nor more than 30, days prior to August 21, 2018, and to place a copy of the Plans on file in the Community Development Director's office at City Hall and to make such copy available for inspection by the public.

Adopted by the City Council of the City of Richfield, Minnesota this 10th day of July, 2018.

_________________________________
Pat Elliott, Mayor

ATTEST:

_________________________________
Elizabeth Van Hoose, Clerk
ITEM FOR COUNCIL CONSIDERATION:
Consideration of the adoption of a resolution appointing election judges for the State Primary Election of August 14, 2018, and General Election of Tuesday, November 6, 2018.

EXECUTIVE SUMMARY:
The State Primary Election is on August 14, 2018 and the General Election is on Tuesday, November 6, 2018.

Election Judges
The City Clerk’s office is updating and verifying the City’s election judge availability list. All individuals who have previously served as an election judge were on the list submitted to the County Auditor by the major political parties, or have expressed an interest in serving as an election judge were asked to complete an online election judge application.

Election judges will be assigned to the precincts based on availability, party balance, and the number required for each election.

RECOMMENDED ACTION:
By motion: Adopt a resolution appointing election judges for the State Primary Election of August 14, 2018, and General Election of Tuesday, November 6, 2018.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
   • Minnesota Statute 204B.21 Subd. 2 provides that election judges for precincts in a municipality shall be appointed by the governing body of the municipality and that the appointments be made at least 25 days before the election at which the election judges will serve.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   • The City Council is required by State Statute to make election judge appointments at least 25 days prior to the election. The proposed resolution contains names of those qualified individuals who have indicated a willingness and ability to serve as an election judge for the State Primary Election of August 14, 2018, and General Election of Tuesday, November 6, 2018.
C. **CRITICAL TIMING ISSUES:**
   - If the City Council does not appoint election judges, the conduct of the election would not be valid.

D. **FINANCIAL IMPACT:**
   - N/A

E. **LEGAL CONSIDERATION:**
   - The City Council must appoint election judges to serve at these elections to comply with Minnesota Statute 204B.21, Subd. 2. The names come from a list of people who have indicated their interest in serving as an election judge to the County Auditor pursuant to the provisions of M.S. 204B.21 Subd. 1 and those who have previously served or indicated interest in serving.

**ALTERNATIVE RECOMMENDATION(S):**
- The City Council may choose to appoint other individuals as election judges who are not named in the resolution.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
None

**ATTACHMENTS:**

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RESOLUTION NO.

RESOLUTION APPOINTING ELECTION JUDGES FOR THE STATE PRIMARY ELECTION OF AUGUST 14, 2018 AND THE GENERAL ELECTION OF NOVEMBER 6, 2018

WHEREAS, a State Primary Election will be held on Tuesday, August 14, 2018 and a General Election will be held on Tuesday, November 6, 2018.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, that the following are hereby appointed as judges for said elections:

Yvonne Atkins          Carol Athey          Nancy Lindberg
Donna Englert          Mary Barnes          Holly Rhodes
Angie Faison           David Clark          Roger Swanson
Nancy Gibbs            Judy Goebel          Mark Tic
John Holter            Sita Johnson         Lancetta Allen
Kari Sinning           Richard Morey        Donald Anderson
Julie Smith            Christopher Okey      Andrew Atkins
Marlys Solt            Robert Olson         Pat Bailey
Judy Wood              Marjorie Cain        Kimberly Blomberg
Mary Ann Ashmead       Doris Christine      Mary Boespflug
Sara Boothe            Liz Ekholm           Linda Boyd
Jorina Andrews         Lawrence Martin      Crystal Brakke
Barbara Bauer          Monica Petrov        Asa Brill Beck
Rosemary Bernau        Jeffrey Rundgren     Nancy Buck
Jack Exline            Joyce Anderson       Hazel Burnside
Robert Hall            Rosalie Bjorkman     Virginia Cain
Lester Loney           Janette Holter       Leslie Carey
Robert Amundson        Andrew May          Kathy Collias
Jan Anderson           Linda Nemitz         Michele Cromer-Poiré
Ellen Cutter           Doris Thorson        Julie Danielson
Carolyn Engeldinger   Elaine Wetsch        Charles Dilliard
Francie Fletcher       James Atkins         Catherine Dinndorf
Claire Gahler          Terri Behrends-Singer Marguerite Dozois
Jamie Lane             Ryan Fluege          Cindy Dubansky
Sarah Musgrave         Ruth Hiland          Dee Dee Edlund
Stephen Aus            Rick Loney           Lisha Fairbairn
Scott Dahlquist        John Twisk           Sheila Fitzgerald
Ed Fletcher            Sandra Decker        Dean Gade
Janell Joyner          Wallis Durhamn III  Bridget Gaeleigh
Helen Nachicas         Denise Famodu        Joe Garcia
Margaret Schow         Sharon Foster        Dennis Gillespie
James Alagna           Roger Guarino        Jim Grant
Andrew Boeke           Mary Hayden          Rebecca Guarino
Jeanne Exline          Brad Obert           James Harding
Grant Gartland         Bob Wells            Abdulkadir Hashi
Thomas Keegan          John Ashmead         Adrienne Hayes
Marilyn Nienkerk       Brenda Kupfer         Iryche Hickenbotham
Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk
ITEM FOR COUNCIL CONSIDERATION:
Public hearing and consideration of the adoption of a resolution approving the Five-Year Street Reconstruction Plan (2019-2023) and authorizing the issuance of street reconstruction bonds to finance the 2019-2020 reconstruction projects.

EXECUTIVE SUMMARY:
Jeff Pearson, City Engineer, will present the Five-Year Reconstruction Plan prior to the public hearing.

The City is authorized under Minnesota Statutes to prepare a five-year plan for street reconstruction in order to issue general obligation bonds to finance the cost of the reconstruction described in the plan (Street Reconstruction Bonds).

Staff has prepared a Five-Year Reconstruction Plan for the purposes of utilizing the Street Reconstruction Bonds to finance the work in place of special assessments or other funding options. There are two projects included in the proposed plan and resolution identified for utilizing up to $12,500,000 in Street Reconstruction Bonds, they are:

- 66th Street Reconstruction
- Lyndale Avenue Reconstruction

For planning purposes the proposed plan also identifies the following projects for reconstruction within the next 5 years:

- 77th Street Underpass (Underpass of Trunk Highway 77) - funded
- 65th Street Central
- 76th Street West Reconstruction
- 70th Street Reconstruction

The proposed plan includes the replacement of the City’s underground utilities (storm, sewer, water) when a road is reconstructed.

A courtesy mailer was sent out city-wide on June 29, 2018.

RECOMMENDED ACTION:
Conduct and close the public hearing and by motion: Adopt a resolution approving the Five-Year Street Reconstruction Plan and authorizing the issuance of street reconstruction bonds to finance the 2019-2020 reconstruction projects.

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**
   - The Five-Year Street Reconstruction Plan was last updated in April 2016
   - Changes from the previous plan include the addition of the following projects:
     - Reconstruction of Lyndale Avenue between 67th Street and 76th Street. Lyndale Avenue had previously only been identified in the Capital Improvement Plan as a pavement rehabilitation and preservation project. Rapidly deteriorating utilities and pavement base has made the project a priority for reconstruction.
     - Reconstruction of 76th Street between Penn Avenue and Xerxes Avenue. 76th Street received a mill and overlay in 2016 to address failing surface pavement. The poor base condition of the roadway continues to be an issue and requires full reconstruction.
     - Reconstruction of 70th Street between 2nd and 5th Avenues. During the reconstruction of Portland Avenue it was determined that the 84" storm sewer line below 70th Street is failing. The City will continue to monitor the condition of the pipe but a full reconstruction is expected to be required within the next five years.
     - Construction of Richfield Parkway South from 68th Street to 66th Street. The Parkway will be funded and constructed as part of the Chamberlain Development Project.
     - The reconstruction of Penn Avenue has been removed from the 5-year plan. Although the project remains a priority for the City and is included in our CIP, Hennepin County will need to commit to funding before the City can include it in it's 5-year plan.
     - At this time, staff is seeking approval to move forward with financing for the projects proposed for 2019 reconstruction (with the exception of the Richfield Parkway South and 77th Street Underpass projects which identify alternative financing sources).

B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**
   - In order to utilize the Street Reconstruction Bonds, the following must occur:
     - Creation of a Five Year Street Reconstruction Plan
     - Public Hearing regarding the Five Year Street Reconstruction Plan and Issuance of Bonds, notification published June 28, 2018.
     - Adoption of a resolution approving the Plan and giving preliminary approval for the issuance of Bonds
     - City Council must unanimously approve the plan and resolution by a vote of all members present at the meeting
     - Within 30 days of the public hearing, voters may petition for a referendum, or vote, on issuing the bonds.

C. **CRITICAL TIMING ISSUES:**
   - The public hearing, adoption of the plan, resolution and reverse referendum period need to stay on track in order to provide sufficient time for final approvals to complete the projects identified for 2019 reconstruction.

D. **FINANCIAL IMPACT:**
   - The adoption of the proposed resolution provides preliminary approval for the issuance of street reconstruction bonds totaling a maximum of $12,500,000 to finance the projects identified for completion in 2019.
   - The bond sales, which are limited to a maximum of $10,000,000 per year, would occur over two years.
   - The current estimates for the bonding portion of the project are:
     - **66th Street and Utility Reconstruction** $2,200,000
     - **Lyndale Avenue and Utility Reconstruction** $9,500,000
E. **LEGAL CONSIDERATION:**

- Minnesota Statute requires the City to hold a public hearing on the plan and issuance of the bonds.
- All of the members of the City Council present at the meeting must vote to approve the plan and the issuance of the bonds.
- The bond issuance is subject to a 30-day reverse referendum period upon approval.
- The City Attorney will be available to answer questions.

**ALTERNATIVE RECOMMENDATION(S):**

- None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

City residents

**ATTACHMENTS:**

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<td>5-Year Recon Plan</td>
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CITY OF RICHFIELD, MINNESOTA

RESOLUTION NO. ____

RESOLUTION ADOPTING A STREET RECONSTRUCTION PLAN AND AUTHORIZING ISSUANCE OF STREET RECONSTRUCTION BONDS THEREUNDER

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

Section 1. Background.

1.01. The City is authorized under Minnesota Statutes, Section 475.58, subdivision 3b (the “Act”) to prepare a plan for street reconstruction in the City over the next five years that will be financed under the Act, including a description of the proposed work and estimated costs, and to issue general obligation bonds to finance the cost of street reconstruction activities described in the plan.

1.02. Before the issuance of any bonds under the Act, the City is required to hold a public hearing on the plan and issuance of the bonds.

1.03. Pursuant to the Act, the City, in consultation with its City engineer, has caused preparation of a 5-Year Street Reconstruction Plan dated June 15, 2018 (the “Plan”), which describes certain street reconstruction activities in the City for the years 2019 through 2023. The reconstruction activities described in the Plan include, but are not limited to, the reconstruction of the following projects identified for completion during 2019-2020 for which it seeks to issue general obligation bonds to finance in part the costs of the following projects:

- 66th Street Reconstruction (2019)
- Lyndale Avenue Reconstruction (2019 – 2020)

1.04. The City has determined that it is in the best interests of the City to authorize the issuance and sale of general obligation street reconstruction bonds pursuant to the Act in the maximum principal amount of $12,500,000 (the “Bonds”). The purpose of the Bonds is to finance the costs of the Project as described in the Plan.

1.05. On this date, the City Council held a public hearing on the Plan and the issuance of the Bonds, after publication in the City’s official newspaper of a notice of public hearing at least 10 days but no more than 28 days before the date of the hearing.

Section 2. Plan Approved.

2.01. The City Council finds that the Plan will improve the City’s street system, which serves the interests of the City as a whole.

2.02. The Plan is approved in the form on file in City Hall.

Section 3. Bonds Authorized.
3.01. The City is authorized to issue the Bonds in a maximum principal amount of $12,500,000, in order to finance the Project described in the Plan. City staff, its financial advisor, and its legal counsel are authorized to take all actions needed to call for the sale of the Bonds, subject to the contingency described in Section 3.02 hereof.

3.02. If a petition requesting a vote on the issuance of the Bonds, signed by voters equal to five percent (5%) of the votes cast in the last municipal general election, is filed with the City Clerk within 30 days after the date of the public hearing, the City may issue the Bonds only after obtaining approval of a majority of voters voting on the question at an election. The authorization to issue the Bonds is subject to expiration of the 30-day period without the City’s receipt of a qualified petition under the Act, or if a qualified petition is filed, upon the approving vote of a majority of the voters voting on the question of issuance of the Bonds.

3.03. City staff are authorized and directed to take all other actions necessary to carry out the intent of this resolution.

Adopted by the City Council of the City of Richfield, Minnesota this 10th day of July, 2018.

Pat Elliott, Mayor

ATTEST:

Elisabeth VanHoose, City Clerk
Five-Year Street Reconstruction Plan

2019 – 2023 Projects

77th Street Underpass (2019-2020, Approved and Funded)
Construction of a new 77th Street underpass of T.H. 77. The Underpass will be the final piece of the 77th Street corridor, designed as an arterial reliever to I-494 in order to reduce congestion. The underpass will improve access to and from the Metro Transit South Garage, and provide direct access for cars, bicyclists, pedestrians and transit users from Richfield to MSP and the Mall of America.

66th Street (2018-2020, Approved and Funded)
Reconstruction of 66th Street (CR53) from Xerxes Avenue to Richfield Parkway. This project includes reconstruction of failing pavement, replacement of City utilities, undergrounding of parallel overhead utility lines, and improved bicycle and pedestrian accommodations. The project also addresses safety and traffic flow concerns through the use of additional medians and roundabouts.

Residential Mill & Overlay (2018-2020, Approved and Funded)
As part of a 6-year initiative to perform major maintenance to extend the life of the City’s residential roads, originally constructed in the mid-70s, asphalt streets will receive a mill and overlay. To date, approximately 60 miles of the City’s residential roads have been completed with the remaining 40 miles to be resurfaced over the course of the project. The project also includes catch basin and curb repairs, along with replacement of City utility manholes. The bonding required to complete the project is financed through the increase in Franchise Fees effective April 2014.

Lyndale Avenue Reconstruction (2019-2020, Layout Approved and Funding Consideration 7/10/18)
Reconstruction of Lyndale Avenue between 66th Street and 76th Street. The roadway layout design was determined through a public involvement process led by the City’s Transportation Commission. The design is consistent with the recommended alternative identified in the 2009 Arterial Roads Study. This project includes reconstruction of failing pavement, replacement of City utilities, undergrounding of parallel overhead utility lines, and improved bicycle and pedestrian accommodations.

65th Street Central (2020, Tentative and Unfunded)
Reconstruction of 65th Street between Nicollet Avenue and 66th Street. This project will replace the failing concrete road surface with new asphalt. The project will also replace City utilities. Consistent with the City Complete Streets Policy, a public involvement process would be used to determine the future design of the roadway.

70th Street Reconstruction (2021, Tentative and Unfunded)
Reconstruction of 70th Street between 2nd Avenue to 5th Avenue, including sidewalk, curb, and gutter as well as undergrounding of parallel utilities. The reconstruction will include replacement of City utilities including an 84” storm sewer pipe that will connect to the storm system installed.
with the Portland Avenue project. Design of the roadway will include a public involvement process.

76th Street Reconstruction (2022, Tentative and Unfunded)
Reconstruction of 76th Street between Sheridan Avenue and Xerxes Avenue, including replacement of City utilities, undergrounding of overhead utilities, retaining wall and sidewalk replacement. The exact design of the roadway will be determined through a public involvement process. A mill & overlay took place in 2016 that upgraded pavement condition until the full reconstruction can take place.
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<th>2018 (Approved in 2017)</th>
<th>2019</th>
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</table>
5-Year Street Reconstruction Plan

A public hearing will take place on

July 10 at 7:00 p.m.

at Richfield City Hall Council Chambers
regarding a 5-year street reconstruction plan
and the issuance of street reconstruction bonds
for Lyndale Avenue.

A street reconstruction plan is designed to
anticipate street reconstruction expenditures
and schedule them over a five-year period.

PROJECTS

77th Street Underpass (2019-2020, Approved and Funded)
Construction of a new 77th Street underpass of Trunk Highway 77.

66th Street Reconstruction (2018-2020, Approved and Funded)

Residential Mill & Overlay (2018-2020, Approved and Funded)
(funded by Gas & Electric Franchise Fee increase effective April 2014)

Richfield Parkway Reconstruction (2018-2019, Approved and Funded)
Reconstruction of Richfield Parkway from 66th Street to 68th Street.

Lyndale Avenue Reconstruction (2019-2020, Layout Approved and
Funding Consideration 7/10/18)
Reconstruction between 67th Street and 76th Street, and replacement of
underground utilities.

65th Street Central (2020-2021, Tentative and Unfunded)
Reconstruction between Nicollet Avenue and 66th Street.

70th Street Reconstruction (2022, Tentative and Unfunded)
Reconstruction of 70th Street between 2nd Avenue and 5th Avenue.

76th Street Reconstruction (2022, Tentative and Unfunded)
Reconstruction of 76th Street between Sheridan Avenue and Xerxes Avenue.
5-Year Street Reconstruction Plan

Estimated Annual Property Tax Increase (20 year)

<table>
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<th>Property Value</th>
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<td>$89.20</td>
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Public Hearing: Tuesday, July 10, 2018
7 p.m. City Council Meeting
Richfield Municipal Center – Council Chambers
6700 Portland Avenue, Richfield, MN 55423

Comments or questions: Jeff Pearson, City Engineer,
612-861-9791 or jpearson@richfieldmn.gov

Visit www.richfieldsweetstreets.org/overview for Proposed 5-Year Plan
ITEM FOR COUNCIL CONSIDERATION:
Public hearing and consideration of the adoption of a resolution for a preliminary plat of “Lyndale Gardens 2nd Addition” which will incorporate 6328 Aldrich Avenue and reconfigure existing lots and outlots of the Lyndale Garden Center site to align with approved development plans.

EXECUTIVE SUMMARY:
The City Council approved land use plans for the former Lyndale Garden Center site and an adjacent single-family home at 6328 Aldrich Avenue on June 26, 2018. Lyndale Gardens LLC ("Applicant" and property owner) is now proposing to plat land to align with approved development plans.

The proposed plat of “Lyndale Gardens 2nd Addition” has been reviewed by the City Attorney’s Office and staff. Prior to consideration of a final plat application, the applicant will be required to satisfactorily address all comments. No major issues are anticipated.

RECOMMENDED ACTION:
Conduct and close a public hearing and by motion: Adopt a resolution for a preliminary plat of “Lyndale Gardens 2nd Addition.”

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
   ♦ None

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   ♦ All plats or subdivisions of land must be approved by City Council resolution, pursuant to the provisions of Minnesota State Statutes 462.357.

C. CRITICAL TIMING ISSUES:
   ♦ Per State Statute, the City has 120 days from the date of submittal of a complete application to issue a decision regarding plat unless the applicant agrees to an extension.
   ♦ A complete application was received on April 25, 2018. The Council must render a decision by August 23, 2018.

D. FINANCIAL IMPACT:
E. **LEGAL CONSIDERATION:**  
   ♦ Notice of this public hearing was published in the Richfield Sun Current newspaper.

**ALTERNATIVE RECOMMENDATION(S):**  
♦ None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**  
Representative(s) of Lyndale Gardens LLC

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
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<tbody>
<tr>
<td>Resolution</td>
<td>Resolution Letter</td>
</tr>
<tr>
<td>Preliminary Plat</td>
<td>Exhibit</td>
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</table>
RESOLUTION NO.
RESOLUTION GRANTING PRELIMINARY APPROVAL
OF A PLAT FOR
LYNDALE GARDENS 2ND ADDITION

WHEREAS, Lyndale Gardens, LLC ("Applicant") has requested preliminary approval of a plat that combines and resubdivides properties legally described in the attached Exhibit A; and

WHEREAS, the proposed subdivision is to be known as LYNDALE GARDENS 2ND ADDITION; and

WHEREAS, a public hearing was held on the proposed preliminary plat of LYNDALE GARDENS 2ND ADDITION on Tuesday, July 10, 2018 at which all interested persons were given the opportunity to be heard; and

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

1. The proposed preliminary plat of LYNDALE GARDENS 2ND ADDITION satisfies the requirements of the City’s subdivision ordinances.
2. Approval of the preliminary plat of LYNDALE GARDENS 2ND ADDITION is granted with the following conditions:
   a. The applicant must address to the City Attorney’s satisfaction all items listed in the plat opinion letter prepared by the City Attorney’s office.
   b. The applicant must address any/all comments by the City Engineering Department.
   c. Easements described by Doc. Nos. 2928405 and 2917948 shall not be vacated.
   d. The Applicant must apply for final approval once construction of improvements has been completed or construction of said improvements has been secured by contract and bond.
   e. The Applicant must submit a completed application for final plat within one year of preliminary plat approval.

Adopted by the City Council of the City of Richfield, Minnesota this 10th day of July, 2018:

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk
Parcel A:

The South 45.00 feet of the North 225.00 feet of that part of Government Lot 3, Section 28, Township 28, Range 24, lying south of the south line of Lot 4, Block 2, Ray’s Lyndhurst 2nd Addition, which lies between the southerly extension of the East line of said Block 2 and the East line of the alley in said Block 2 and its southerly extension.

AND

Lots 1 and 2, Block 2, Lyndale Gardens

AND

Outlot C, Lyndale Gardens
LEGAL DESCRIPTIONS

Parcel A
- South 225.00 feet of the North 325.00 feet of the SE 1/4 of Section 28, Township 24, Range 24. South 225.00 feet of the South line of Lot 4, Block 2, Sec. 24, Lyndale Gardens 2nd Addition, which line between the southern line of the SE 1/4 and the line of said Block 2 and said Section 24.

Parcel B
- South 225.00 feet of the North 325.00 feet of the SE 1/4 of Section 28, Township 24, Range 24. South 225.00 feet of the South line of Lot 4, Block 2, Sec. 24, Lyndale Gardens 2nd Addition, which line between the southern line of the SE 1/4 and the line of said Block 2 and said Section 24.

PARCEL C
- South 225.00 feet of the North 325.00 feet of the SE 1/4 of Section 28, Township 24, Range 24. South 225.00 feet of the South line of Lot 4, Block 2, Sec. 24, Lyndale Gardens 2nd Addition, which line between the southern line of the SE 1/4 and the line of said Block 2 and said Section 24.

NOTES:
1. All distances are from electronic files and survey data provided by the above from D.R. Carlson, Inc. and C. A. Pino and Associates. Topographic Survey and Capture data, Preliminary Plat, Showing Survey numbers 180329025, 180329002, 180329004, 180329003, and 180329005 and are verified where possible.
2. Watermain located on Lyndale Ave was drawn at scaled off for City of Richfield to build plant, as no surveys were located at the field.
3. All distances are in feet.
4. The lines of boundaries as shown.
5. Exemplars are shown as filed in Secretary's Office numbers 1372581, 1372582, 1372583, 1372584, 1372585, and 1372586.
6. Survey was conducted under water conditions.
7. Ground elevations to be set after grading.

SITE LEGEND

- PROPOSED WATERMAIN EASEMENT
- REQUESTING VACATION OF EASEMENT
- PARCEL B
- PARCEL A
- PARCEL C
- PARCEL E

PRELIMINARY PLAT - LYNDALE GARDENS 2ND ADDITION
For: The Cornerstone Group
Richfield, Minnesota

1 of 1
ITEM FOR COUNCIL CONSIDERATION:
Consideration of the adoption of a resolution granting an amendment to a planned unit development to allow construction of a K-8 school at 6500 Nicollet Avenue (Bremer Bank site).

EXECUTIVE SUMMARY:
Partnership Academy, a public charter school, has been based in Richfield since 2002, operating out of leased space at Church of the Assumption (305 77th Street East). Partnership Academy (Applicant) has been searching for a site to build a new school facility in Richfield for several years, and currently has the Bremer Bank property at 6500 Nicollet Avenue under contract. The Applicant proposes to demolish the bank building and construct a two-story school facility on the site. The proposed building and outdoor play area would have frontage along Nicollet Avenue, with parking provided in surface lots to the west of the building and adjoining existing parking areas for Hub Shopping Center. Bus circulation would make use of an existing driveway south of the building. The new school facility will allow the Applicant to increase enrollment from the current 284 students in grades K-5 up to a maximum enrollment of approximately 470 students in grades K-8. If approved, demolition of the bank building would begin this fall, with the new school building projected to be complete by May 2019.

The Bremer Bank building was constructed in 1967 and is part of a larger planned unit development (PUD) along with the Hub Shopping Center and vacant grocery store site. The Applicant is requesting an amendment to this PUD to allow construction of the school building. No other changes are proposed elsewhere in the Hub PUD at this time. Deviations from code requirements are minimal and primarily relate to adequate on-site parking supply for school staff. The Applicant has provided a narrative addressing their parking needs, and a detailed discussion of parking requirements is included in the "Policies" section of this report. Finding that the proposal meets requirements, staff recommends approval of the amended planned unit development, conditional use permit and final development plan.

RECOMMENDED ACTION:
By motion: Adopt a resolution granting an amended planned unit development, conditional use permit, and final development plans for a K-8 school at 6500 Nicollet Avenue.

BASIS OF RECOMMENDATION:
A. HISTORICAL CONTEXT
Prior to construction of the bank building in 1967, Richfield Theater stood on this site from 1947-1967. 65th Street was realigned to its current route in 1979-1980, and its original alignment was vacated. The site includes a portion of the vacated 65th Street, which formerly ran between the bank property and the medical clinic building at 6440 Nicollet Avenue.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
Comprehensive Plan:
As part of the Comprehensive Plan update (Richfield 2040) a market study and small area plan were completed for the Nicollet & 66th area, including the Hub and Bremer Bank properties. The Comprehensive Plan designates the area as ‘Mixed Use’. The addition of a school to this area is consistent with the Comprehensive Plan, as schools are permitted in the Mixed Use and General Commercial zoning districts. Existing businesses and potential future businesses in the immediate area could be positively impacted by the influx of school employees and parents shopping and/or dining in the area.

Planned Unit Development / Conditional Use Permit / Final Development Plan: 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. The following variations from standard requirements are requested:

Parking requirements for a K-8 school are one space per employee, plus eight visitor spaces. 50 parking spaces are proposed on site. The applicant has indicated in the attached narrative that the projected staffing level will be 63 employees at the time of opening in fall of 2019, and could grow to a maximum of 75 employees by 2024. Parking requirements can be reduced by 10% at this location for proximity to frequent public transit service. The projected employee counts result in an initial requirement of 64 spaces, and 75 spaces at full capacity in 2024. The applicant's narrative states that the 50 spaces provided on-site will be sufficient for current staffing levels, and that they are working with Hub Shopping Center ownership to obtain a cross-access agreement to use surplus parking on the Hub site. A stipulation in the attached resolution requires the applicant to provide a minimum of 64 parking spaces (either through on-site construction, an agreement with adjacent property owners, or some combination thereof) prior to opening. Increased enrollment (above 380 students) will require either a parking utilization study to confirm excess parking or the securing of additional off-site parking, as approved by the Community Development Director.

C. CRITICAL TIMING ISSUES:
60-DAY RULE: The 60-day clock started when a complete application was received on June 11, 2018. A decision is required by August 10, 2018 or the Council must notify the Applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:
The required application fees have been paid.

E. LEGAL CONSIDERATION:
- A public hearing was conducted at the Planning Commission meeting on June 25, 2018.
- Notice of the public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site.
- The Planning Commission voted (5-1) to recommend approval.

ALTERNATIVE RECOMMENDATION(S):
- Approve the proposed PUD amendment with additional and/or modified stipulations.
- Deny the amendment with a finding that the proposal does not meet City requirements.

PRINCIPAL PARTIES EXPECTED AT MEETING:
Lisa Hendricks, Partnership Academy

ATTACHMENTS:
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RESOLUTION NO. ______

RESOLUTION APPROVING AN AMENDED FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A K-8 SCHOOL AT THE HUB SHOPPING CENTER PLANNED UNIT DEVELOPMENT

WHEREAS, an application has been filed with the City of Richfield which requests approval of an amended final development plan and conditional use permit to allow construction of a new K-8 public school building to replace the Bremer Bank building in the planned unit development at Hub Shopping Center, located at 6500 Nicollet Avenue, property legally described as:

Lot 1, Block 1, RICHFIELD HUB SUPERBLOCK, according to the recorded plat thereof, Hennepin County, Minnesota

WHEREAS, the public school would initially serve approximately 380 students in grades K-5, expanding to a projected enrollment of 470 students in grades K-8; and

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested amendment to the final development plan and conditional use permit at its June 25, 2018 meeting; and

WHEREAS, notice of the public hearing was mailed to properties within 350 feet of the subject property on June 12, 2018 and published in the Sun Current newspaper on June 14, 2018 and; and

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

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

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

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

1. The City Council adopts as its Findings of Fact the WHEREAS clauses set forth above.
2. An amended planned unit development, final development plan and conditional use permit are approved to allow a new K-8 public school building at 6500
Nicollet Avenue, as described in City Council Report No._____, on the Subject
Property legally described above.

3. The approved planned unit development, final development plan and conditional
use permit are subject to the following conditions:

- A recorded copy of the approved resolution must be submitted to the City
  prior to the issuance of a building permit.
- Fence height shall not exceed six (6) feet. Fence material shall be a
decorative metal style. Chain link or vinyl fence shall not be used in areas
visible from public right-of-way. Along Nicollet Avenue, fence shall not extend
into the required five (5) foot front yard setback.
- The property owner is responsible for the ongoing maintenance and tending
  of all landscaping in accordance with approved plans.
- Prior to the issuance of a Certificate of Occupancy, the applicant must provide
  proof to the City that a minimum of 64 parking spaces are available to staff
  and visitors. Parking may be provided through a combination of any of the
  following: (i) constructing additional parking on site or (ii) securing additional
  parking on adjacent property. Plans for construction of additional on-site
  parking must be approved by the Community Development Department.
- All required parking spaces shall remain available year round and shall not be
  used for snow storage.
- A parking study shall be completed prior to any increase in enrollment beyond
  380 students. A parking utilization study may also be used to reduce required
  parking at the Community Development Director’s discretion.
- Separate sign permits are required. This resolution does not constitute
  approval of any signs.
- The applicant is responsible for obtaining all required permits, compliance
  with all requirements detailed in the City’s Administrative Review Committee
  Report dated May 10, 2018 and compliance with all other City and State
  regulations.
- Prior to the issuance of an occupancy permit the developer must submit a
  surety equal to 125% of the value of any improvements not yet complete.
- Unless specifically modified by this resolution, all previous conditions of
  approval remain in place.

4. The approved planned unit development, final development plan and conditional
use permit shall expire one year from issuance unless the use for which the
permit was granted has commenced, substantial work has been completed or
upon written request by the developer, the Council extends the expiration date
for an additional period of up to one year, as required by the Zoning Ordinance,
Section 547.09, Subd. 9.

5. The approved planned unit development, final development plan and conditional
use permit shall remain in effect for so long as conditions regulating it are
observed, and the conditional use permit shall expire if normal operation of the
use has been discontinued for 12 or more months, as required by the Zoning
Ordinance, Section 547.09, Subd. 10.
Adopted by the City Council of the City of Richfield, Minnesota this 10th day of July, 2018.

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.* This requirement is met. The Comprehensive Plan guides this area for mixed use development. The proposed building and use would replace a bank building.

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. The proposed building has been designed to function in a substantially similar manner as the building it replaces, incorporating bus circulation into the existing Nicollet Avenue drive aisle shared with Hub Shopping Center.

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.* This requirement is met. The purpose of the guiding C-2 (General Commercial) District is to allow a wide variety of uses serving Richfield and the surrounding area. These uses are expected to be attractive in appearance from all sides and compatible with adjacent properties through compliance with the Performance Standards specified in Zoning Code Section 544.

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.* No undue adverse impacts are anticipated.

6. *The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interest.* This requirement is met; appropriate stipulations have been incorporated into the final resolution.

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 (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 purpose of the Zoning Code is to protect and promote the general welfare of the City. The proposal does not conflict with this purpose. The purpose of Planned Unit Developments is to provide an opportunity for innovative and creative development. The proposed building will replace an existing building within the PUD and does not conflict with this purpose.
3. The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines. The proposed use is similar to the previous use and is consistent with the previously adopted Planned Unit Development for this area.

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, except the following deviations from requirements:

5. Parking requirements for a K-8 school are one space per employee, plus eight visitor spaces. 50 parking spaces are proposed on site. The applicant has indicated in the attached narrative that the projected staffing level will be 63 employees at the time of opening in fall of 2019, and could grow to a maximum of 75 employees by 2024. Parking requirements can be reduced by 10% at this location for proximity to frequent public transit service. The projected employee counts result in an initial requirement of 64 spaces, and 75 spaces at full capacity in 2024. The applicant’s narrative states that the 50 spaces provided on-site will be sufficient for current staffing levels, and that they are working with Hub Shopping Center ownership to obtain a cross-access agreement to use surplus parking on the Hub site. A stipulation in the attached resolution requires the applicant to provide a minimum of 64 parking spaces (either through on-site construction, an agreement with adjacent property owners, or some combination thereof) prior to opening.

While the amount of open space and pervious area is increased, the proposal provides six fewer trees than required for a site of this size. This shortfall is due to preserving much of the existing parking lot in the northwest corner of the site as-is, and a desire to provide usable open space for play. Due to shared parking lot drive aisles with the abutting Hub Shopping Center, the property does not include landscaped areas along its western and southern perimeter. Hub Shopping Center itself is nonconforming in regards to parking lot landscaping standards.

6. 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.

7. 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.

8. There is a public need for such use at the proposed location. See above – Part 1, #1. Partnership Academy has been located in Richfield since 2002 and has sought to construct a new school facility for many years.

9. 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.
June 11, 2018

Dear Melissa,

Attached are the final documents related to the expectations outlined in the Administrative Review Committee (ARC) Report dated May 11, 2018. Thank you to you and your team for working with us to make the needed changes in order meet the requirements and expectations outlined in the report.

Additionally, below I have included the specifics related to parking that was discussed last Friday, June 8, 2018 with Karl Jentoft and Ben Ford over the phone.

**Narrative regarding Staffing and Parking:**

**Staffing:**
*Partnership Academy currently has 57 full-time employees and 1 part-time employee. We anticipate we will have 63 employees when we open at 6500 Nicolette Avenue South in the fall of 2019. At full capacity, in 2024, we project we may have up to 75 employees.*

**Parking:**
*While we can accommodate all the required parking on our property, we prefer to build 50 parking spaces and use some of our current parking lot as a playground. We currently have 8-10 staff members who use public transportation and do not park a car at our facility. With the new location at 6500 Nicolette Avenue South, we anticipate this number will increase to about 15 due to the improved public transportation options in the area. We are also in discussions with Brixmor, the developer who owns the HUB, to obtain a cross parking agreement. They have been very supportive and we hope to have something in writing shortly. While they thought we may currently have a prescriptive right to park in the lot already, we have asked to obtain something in writing. If the 50 proposed parking spaces do not meet our needs and we are not able to find additional parking offsite, we are willing to create more parking spaces on our current lot.*

If there is anything further that we can provide regarding our development project please let me know.

Sincerely,

Lisa Hendricks
Executive Director
Partnership Academy is a Preschool - 5th grade public charter school that has been operating in Richfield at the Church of the Assumption at 305 East 77th Street since 2002. Partnership Academy also operates a preschool program at a separate location in Minneapolis at 2539 Pleasant Avenue South due to limited space at its current site. Partnership Academy serves a total of 284 students from predominately low-income communities. Partnership Academy is currently in its sixteenth year of operation and is authorized by the Audubon Center of the North Woods.

Partnership Academy’s current facility does not have the capacity to meet the needs of the preschool program and the growing Partnership Academy program. Additionally, the current space has very limited green and play space and students have been limited to a black top parking lot for play space. The existing facility also needs significant updates and improvements that the current landlord has been unwilling to pay for.

Partnership Academy, through the Partnership Academy Association Building Company, has been looking for a permanent home since 2007. Partnership Academy Association Building Company is under contract to purchase and develop the Bremmer Bank property located next to the HUB shopping center at 6500 Nicollet Avenue South to become the permanent campus for Partnership Academy. This site is affordable and works within the school’s budget. Partnership Academy Association Building Company is planning to finance this project using tax exempt bonds with Piper Jaffray as its bond underwriter and hopes to close on the purchase by the end of June 2018. Development management and consulting is being provided by TenSquare.

The new facility will enable the Partnership Academy to consolidate its preschool program and elementary school into one facility. Additionally, the school plans to expand its program from 5th grade to 8th grade in order to meet the demands of current families. The school plans to add one grade level each school year, retaining current fifth graders for sixth grade in the 2018-2019 school year. By expanding organically to eighth grade, Partnership Academy projects a maximum enrollment of 470 students by the 2023-2024 school year.

The new facility will be located on a 1.8 acre site at 6500 Nicolette Avenue South in Richfield, Minnesota. The site is close to current Partnership Academy families, is close to a large city park, is easily accessible for families and provides adequate parking. Partnership Academy Building Corporation will demolish the existing building late this summer and plans to start construction early in the fall. The planned 40,022 square foot building will be new, ground up construction with 23 classrooms, 18 pullout spaces for small group learning, a 6,480 sf gymnasium, a serving kitchen, outdoor play space, associated office and administrative space, and restrooms.
Partnership Academy Association Building Corporation has engaged RMD Architects for initial architectural services. RMD has completed a conceptual site plan and conceptual drawings based on the programmatic and physical needs of Partnership Academy. RMD is currently developing full architectural plans for the Project that are scheduled to be completed by May 15, 2018. The Project is projected to begin construction by September 2018 and be completed by May 2019.

True to its namesake, Partnership Academy has built many strong community partnerships over the last sixteen years. Most notably in the last year, Partnership Academy:

- Played a key role during the Seasons Park apartment transition to a new owner, Aeon, last fall
- In partnership with the City and other community organizations, Partnership Academy held several listening sessions at the school for current residents regarding the Seasons Park sale
- Assisted City Council Woman Maria Regan Gonzalez with organizing a bus tour and site visit to some of Aeon’s other properties for current residents to become more familiar with the new owner’s rental properties
- Provided several bilingual staff to provide support to residents at Season’s Park/Aeon during the transition process
- Partnered with the City of Richfield Park and Recreation Department and Recreation Services Director Jim Topitzhofer to secure the US Bank Places to Play grant in the amount of $38,000 to support the completion of the Richfield Community Band Shell at Veteran’s Park

Partnership Academy believes this project is a great opportunity to meet the needs of its current students and allows the school to meet the demands for growth from its stakeholders. Additionally, the project will be an opportunity to bring new families into the city and the projected growth plans will provide additional jobs and resources to the community. Some of these resources include: ESL classes for adults, La Red Childcare Network training, healthy living classes with Fairview Southdale Hospital, University of Minnesota, CLUES and continued community service partnerships with City of Richfield officials.

This project is a great fit for Partnership Academy and will greatly benefit the overall Richfield Community.
From: Ken Erickson <Ken.Erickson@brixmor.com>
Sent: Tuesday, June 12, 2018 3:57 PM
To: Karl Jentoft <karl@thetensquaregroup.com>
Subject: Partnership Academy, Richfield, MN

Mr. Jentoft:

We are in receipt of your plans for the proposed Partnership Academy Association at 6500 Nicollet Avenue South, Richfield, Minnesota.

As you are aware, we own the immediately adjacent shopping center known as “The Hub”. As we discussed, Brixmor is evaluating a redevelopment of the The Hub. Such redevelopment will be a long term, multi-phased development.

The reason for this email is to let Partnership Academy know we look forward to being their neighbors and look forward to working with you in the future. Brixmor realizes that we both synergistically utilize a shared ingress/egress drive and that cross-parking occurs between our respective properties without a formal cross-access & parking agreement.

We foresee no reason that such activity cannot continue to occur temporarily until such time we formalize an agreement in the future.

Any questions, please do not hesitate to call.

Ken Erickson
VP, Re/Development
Direct (847) 562-4101 Cell (224) 651-4725
6500 Nicollet Ave APUD 6/2018
Surrounding Zoning and Comprehensive Plan

Zoning:
C-1 - Neighborhood Commercial
C-2 - General Commercial
PC-2 - Planned Commercial
R - Single-family Residential
MR-2 - Multi-family Residential

Comp Plan:
MIXED - Mixed Use
CCO - Community Commercial/Office
MHD - Medium-High Density Residential
LDR - Low Density Residential

Legend
- 350 foot notification area
- 6500 Nicollet Ave
ITEM FOR COUNCIL CONSIDERATION:
Consideration of an appeal of a Therapeutic Massage Therapist License application for Deming Lai.

EXECUTIVE SUMMARY:
On May 14, 2018, staff received a Therapeutic Massage Therapist License application for Deming Lai. It is unlawful to practice or provide massage services in the City without a therapist license.

The required background investigation was completed and the Public Safety Director denied the Therapeutic Massage Therapist License application on June 6, 2018 for failure to meet the eligibility criteria under City Code. The applicant did not provide the required evidence of good standing with the American Massage Therapy Association, the Associated Bodywork and Massage Professionals or other organization of therapeutic massage professionals having a similar code of ethics, as approved by the Public Safety Director. In addition, the applicant does not have the required two years of experience practicing massage therapy and submitted a copy of a diploma from a New Jersey institution that misrepresents dates of attendance, based on information obtained by staff during the background check.

Section 1188.15 subd. 2 states the Public Safety Director must grant or deny the application and send notice to the applicant upon denial informing the applicant of the right to appeal to the City Council within 14 days. Staff sent a letter stating reasons for the denial on June 6, 2018. Mr. Lai provided a written notice of appeal on June 20, 2018.

RECOMMENDED ACTION:
By motion: Support the denial of the Therapeutic Massage Therapist License application submitted by Deming Lai.

BASIS OF RECOMMENDATION:
A. HISTORICAL CONTEXT
On May 14, 2018, staff received a Therapeutic Massage Therapist License application for Deming Lai.

The required background information revealed the following:
- The applicant provided a copy of a diploma in Advanced Massage Therapy from US PC Tech, Jersey
City, NJ., dates of attendance from July 9, 2010 - September 13, 2011. US PC Tech closed in February 2010 per the Department of Labor and Workforce Development located in the State of New Jersey.

- According to the training Evaluation Unit from the Department of Labor and Workforce Development located in New Jersey, all transcripts need to have a raised seal. The certificate provided in the application documents did not have a raised seal. The reason for this, according to the Department of Labor, is that they have seen an increase in fraudulent transcripts and documents from Massage Therapy schools throughout the state.

- The applicant is not listed as a member of the American Massage Therapy Association.

- The applicant then supplied a certificate of completion from The American Academy of Acupuncture and Oriental Medicine located in Roseville, MN. Date of graduation is January 2018. The National Certification Board of Therapeutic Massage and Bodywork has revoked the American Academy of Acupuncture and Oriental Massage as an assigned school status.

- The applicant does not have the minimum required two years of experience practicing massage therapy.

By way of background, Mr. Lai also submitted an application for a therapeutic massage enterprise license (for Longshi, Inc.) at the same time he submitted the application for an individual therapist license. The Council accepted staff recommendation and denied the enterprise license at its meeting on June 26, 2018.

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

- Richfield City Code Subsection 1188.15 requires the Public Safety Director to verify the information supplied on the Therapeutic Massage Therapist license application and investigate the background, including the criminal background of the applicant to assure compliance with this section. Within 21 days of receipt of a complete application and fee, the Public Safety Director must grant or deny the application.

- Section 1188.11 subd 2. states Therapeutic Massage Therapist license application must contain the following: (i) Evidence that the applicant (1) is a member in good standing of the American Massage Therapy Association, the Associated Bodywork and Massage Professionals or other organizations of therapeutic massage professionals which has similar written and enforceable code of ethics and has been currently approved by the Public Safety Director.

- Additionally, Section 1188.11 also states an applicant must have two years of experience practicing massage therapy.

C. CRITICAL TIMING ISSUES:

- N/A

D. FINANCIAL IMPACT:

- N/A

E. LEGAL CONSIDERATION:

- N/A

ALTERNATIVE RECOMMENDATION(S):

- The City Council could choose to allow the issuance of the Therapeutic Massage Therapist License.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Deming Lai, Applicant