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

Call to order

1. City Council orientation

Adjournment

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

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

Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.
February 21, 2019

Council Memorandum No. 10

The Honorable Mayor
and
Members of the City Council

Subject: February 26, 2019, City Council Work Session

Council Members:

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

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

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

Respectfully submitted,

Katie Rodriguez
City Manager

Attachment
KR:kda
Email: Department Directors
I-494 Planning & Project History
How did we get here?

February 26, 2019
1947

- Lyndale grade separated w/ Highway 100
- No I-494 or I-35(W)
1956

- I-35 Highway Interchange
Build it and they will come...

1960

- I-494 Construction
Build it and they will come...

1960

- I-494 Construction
Build it and they will come...

1960

- I-494 Construction
Build it and they will come...

1960

- I-494 Construction
1970s

- I-494 Strip Development
1970s

- I-494 Strip Development
1970s

- I-494 Strip Development
1970s

- I-494 Strip Development
### 1980s

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

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1980s

- I-494 Loop Completion
- Traffic Increases
Planning Begins

- 1987 – I-494 Corridor Study, *Metropolitan Council*
• Interchange Improvements
• Access Removal
• Arterial Parallel Routes
• Cities of Richfield and Bloomington Heavily Involved
• “Crawford Letter”
Study Recommendations
Existing Interchange Spacing
Local Planning

- 1997 Richfield Comprehensive Plan (Sect 6.1):
  - “Completion of 77th Street will allow MnDOT to close two interchanges on I-494 at 12th Avenue and Nicollet Avenue to improve the safety and capacity of the freeway.”

- 2001 Bloomington Land Use Guide Plan
  - Land Use Guide Map in the approved plan showed freeway access removed at Nicollet and 12th Avenues and consolidated at Portland Avenue.
• Completed in 2001

• More in-depth study of the corridor and proposed layouts.

• Incorporated new construction and changes completed in the 1990s.

• Guiding document for Penn Avenue and Lyndale Avenue Bridge Reconstruction.

• Big Proposals, Big Price Tags
Local Planning

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

• 2008 Richfield Comp Plan
  – Goals refer to improving capacity of I-494 and “improvements” to interchanges along the corridor.
2014 Vision Layout
Current Study

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

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

INTRODUCTORY PROCEEDINGS
Call to order
Oath of office of Richfield City Council Member, Ben Whalen
Open forum (15 minutes maximum)

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

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

PRESENTATIONS
1. National Weather Service StormReady City Certification

COUNCIL DISCUSSION
2. Hats Off to Hometown Hits

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

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

   Staff Report No. 32

B. Consideration of the adoption of a resolution authorizing a land exchange with the Minnesota Department of Transportation as part of the completed I-35W/TH62 "Crosstown Commons" reconstruction project.
C. Consideration of the adoption of a resolution supporting the submittal of a grant application to Hennepin County for 2019 Community Works Corridor Planning funds. The grant application will request funds to study improvements to Penn Avenue, north of 66th Street. An award requires a 25 percent match by the local authority (maximum $12,500).

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

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

PUBLIC HEARINGS


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

PROPOSED ORDINANCES

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

OTHER BUSINESS

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

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

CLAIMS AND PAYROLLS

Open forum (15 minutes maximum)

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

13. Adjournment

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

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

Council Members Present: Maria Regan Gonzalez, Mayor; Edwina Garcia; Mary Supple; and Simon Trautmann (arrived at 6:02 p.m.).

Staff Present: Katie Rodriguez, City Manager; Kristin Asher, Public Works Director; Russ Lupkes, Utilities Superintendent; Jack Broz, Transportation Engineer; and Jared Voto, Executive Aide/Analyst.

Item #1 DISCUSS PORTLAND AVE BIKE GAP PROJECT

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

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

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

Item #2 DISCUSS CITYWIDE WATER METER REPLACEMENT PROJECT

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

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

Date Approved: February 26, 2019

Maria Regan Gonzalez
Mayor

Jared Voto
Executive Aide/Analyst

Katie Rodriguez
City Manager
CALL TO ORDER

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

Council Members Present: Maria Regan Gonzalez, Mayor; Edwina Garcia; Mary Supple; and Simon Trautmann.

HRA Members Present: Mary Supple, Chair; Erin Vrieze Daniels; Pat Elliott; and Maria Regan Gonzalez.

HRA Members Absent: Sue Sandahl.

Planning Commission Members Present: Sean Hayford Oleary, Chair; James Rudolph; Kathryn Quam; Allysen Hoberg; and Peter Lavin.

Planning Commission Absent: Bryan Pynn; and Susan Rosenberg.

Staff Present: Katie Rodriguez, City Manager; John Stark, Community Development Director; Julie Urban, Housing Manager; and Jared Voto, Executive Aide/Analyst.

Item #1 DISCUSS PROPOSED HOUSING DEVELOPMENT FOR THE CITY GARAGE SOUTH SITE

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

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

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

Community Development Director Stark stated the developer would be asking for the HRA to sell the property for a lesser amount than it appraised for, possibly zero. This is in an established TIF District and the City could pay itself back the difference using tax increment funds.
Planning Commissioner Rudolph asked why there is a TIF District if the developer wants not looking for TIF.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Community Development Director Stark responded that this is use is what is indicated in the comprehensive plan, currently and the previous plan, so that is the direction they have taken. This proposal is similar to what was proposed in 2011-2012. He stated it received policymaker support.
initially, but had neighborhood opposition. He commented staff is committed to bring the neighborhood and policymakers together at the same time, if there is interest in the proposal.

**ADJOURNMENT**

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

Date Approved: February 26, 2019

__________________________
Maria Regan Gonzalez
Mayor

__________________________
Jared Voto
Executive Aide/Analyst

__________________________
Katie Rodriguez
City Manager
CALL TO ORDER

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

Council Members Present: Maria Regan Gonzalez, Mayor; Edwina Garcia; Mary Supple; and Simon Trautmann.

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

OPEN FORUM

None.

PLEDGE OF ALLEGIANCE

Mayor Regan Gonzalez led the Pledge of Allegiance.

Item #1 MAYOR OF THE DAY ESSAY BY HAZEL BIEGANEK

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

APPROVAL OF MINUTES

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

Motion carried 4-0.
Council Meeting Minutes

February 11, 2019

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

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

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

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

| Item #3 | APPROVAL OF THE AGENDA |

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

Motion carried 4-0.

| Item #4 | CONSENT CALENDAR |

City Manager Rodriguez presented the consent calendar.

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

B. Consideration of the adoption of a resolution to adopt the Richfield Surface Water Management Plan. (S.R. No. 23)

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

C. Consideration of the adoption of a resolution authorizing the City of Richfield to accept grant funds of $10,000 and enter into Source Water Protection Competitive Grant Agreement No. 152466 with Minnesota Department of Health (MDH) to permanently seal unique well no. 206330 (Wood Lake). (S.R. No. 24)
RESOLUTION NO. 11606
RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ACCEPT
GRANT FUNDS IN THE AMOUNT OF $10,000 AND ENTER INTO
SOURCE WATER PROTECTION COMPETITIVE GRANT AGREEMENT
NO. 152466 WITH MINNESOTA DEPARTMENT OF HEALTH TO
PERMANENTLY SEAL UNIQUE WELL NO. 206330

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

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

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

Motion carried 4-0.

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<th>Item #5</th>
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<th>Item #6</th>
<th>CONSIDERATION OF THE SECOND READING OF AN ORDINANCE AMENDING SECTION 300 OF THE RICHFIELD CITY CODE TO FORMALLY ESTABLISH THE OFFICES OF CITY TREASURER AND CITY CLERK. (S.R. NO. 26)</th>
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<td>Council Member Supple presented Staff Report No. 26.</td>
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<td>M/Supple, S/Trautmann to approve the second reading of an ordinance amending Section 300 of the Richfield City Code to formally establish the offices of City Treasurer and City Clerk.</td>
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<th>Item #7</th>
<th>CONSIDERATION OF THE ADOPTION OF A RESOLUTION APPROVING THE CONTRACT WITH THE LABOR AND TRADES LOCAL 49 FOR THE PERIOD JANUARY 1, 2019 THROUGH DECEMBER 31, 2020 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT. (S.R. NO. 27)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Council Member Trautmann presented Staff Report No. 27 and thanked staff for their work, highlighting the great work of all levels of City staff.</td>
</tr>
<tr>
<td></td>
<td>M/Trautmann, S/Garcia to adopt a resolution approving the provisions of the 2019-2020 labor agreement with the Labor &amp; Trades Local 49 bargaining unit and authorize the City Manager to execute the agreement.</td>
</tr>
</tbody>
</table>


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

Motion carried 4-0.

Item #8
CONSIDERATION OF THE ADOPTION OF A RESOLUTION ESTABLISHING A POLICY FOR ADVISORY BOARDS AND COMMISSIONS APPOINTMENT PREFERENCE. (S.R. NO. 28)

Council Member Supple presented Staff Report No. 28.

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

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

Motion carried 4-0.

Item #9
CONSIDERATION OF THE APPROVAL OF AGREEMENTS WITH NON-PROFIT ORGANIZATIONS TO PROVIDE SOCIAL SERVICES TO THE CITY OF RICHFIELD AND AUTHORIZATION OF THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THOSE AGENCIES. (S.R. NO. 29)

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

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

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

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

Motion carried 4-0.

Item #10
CLOSED SESSION PURSUANT TO MINNESOTA STATUTES, SECTION 13D.05, SUBD. 3(B) FOR AN ATTORNEY-CLIENT PRIVILEGED DISCUSSION OF HENNEPIN COUNTY DISTRICT COURT FILE NO. 27-CV-18-16502 INVOLVING THE CITY’S ACQUISITION OF THE MOTEL 6 PROPERTY LOCATED AT 7636 CEDAR AVENUE SOUTH, RICHFIELD, MINNESOTA.
Mayor Regan Gonzalez moved the meeting into closed session at 7:52 p.m.

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

**Item #11**


Mayor Regan Gonzalez presented Staff Report No. 28.

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

**RESOLUTION NO. 11609**

RESOLUTION AUTHORIZING A STIPULATED AWARD OF COMMISSIONERS FOR THE ACQUISITION OF THE MOTEL 6 PROPERTY AS REQUIRED FOR THE CONSTRUCTION OF THE 77TH STREET/RICHFIELD PARKWAY PROJECT

Motion carried 4-0.

**Item #12**

| CITY MANAGER’S REPORT |

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

**Item #13**

| CLAIMS AND PAYROLLS |

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

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<thead>
<tr>
<th>U.S. Bank</th>
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<tbody>
<tr>
<td>A/P Checks: 274766 - 275229</td>
<td>$1,694,964.66</td>
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<tr>
<td>Payroll: 142574 - 142911 ; 143246 - 143579</td>
<td>$1,353,843.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,048,807.66</td>
</tr>
</tbody>
</table>

Motion carried 4-0.

**OPEN FORUM**

None.
Item #14  ADJOURNMENT

The meeting was adjourned by unanimous consent at 8:15 p.m.

Date Approved: February 26, 2019

Maria Regan Gonzalez
Mayor

Jared Voto
Executive Aide/Analyst

Katie Rodriguez
City Manager
CALL TO ORDER

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

Council Members Present: Maria Regan Gonzalez, Mayor; Edwina Garcia; Mary Supple; and Simon Trautmann.

Staff Present: Katie Rodriguez, City Manager; Elizabeth VanHoose, City Clerk; and Jared Voto, Executive Aide/Analyst.

ITEM #1 SPECIAL MEETING ITEMS

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

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

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

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

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

Motion carried 4-0.

ADJOURNMENT

The meeting was adjourned by unanimous consent at 7:36 a.m.
Date Approved: February 26, 2019

Maria Regan Gonzalez
Mayor

Jared Voto
Executive Aide/Analyst

Katie Rodriguez
City Manager
CALL TO ORDER

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

Council Members Present: Maria Regan Gonzalez, Mayor; Edwina Garcia; Mary Supple; and Simon Trautmann.

Staff Present: Katie Rodriguez, City Manager; Pam Dmytrenko, Administrative Services Director/Assistant City Manager; John Stark, Community Development Director; Kristin Asher, Public Works Director; Wayne Kewitsch, Fire Chief; Kris Weiby, Acting Recreation Services Director; Chris Regis, Finance Director; Joe Griffin, Police Lieutenant; Elizabeth VanHoose, City Clerk; and Jared Voto, Executive Aide/Analyst.

Item #1 DISCUSSION WITH LEGISLATORS

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

ADJOURNMENT

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

Date Approved: February 26, 2019

________________________________________
Maria Regan Gonzalez
Mayor

________________________________________
Jared Voto
Executive Aide/Analyst

________________________________________
Katie Rodriguez
City Manager
ITEM FOR COUNCIL CONSIDERATION:
Consideration of the approval of the citywide water meter replacement project and directing staff to solicit bids.

EXECUTIVE SUMMARY:
Problem
The City of Richfield Public Works Department Water Utility division has been working towards the implementation of a citywide water meter replacement project. Water meters serve a critical role in the City's water utility infrastructure since they serve as the "cash registers" for the utility division. The project is necessary due to the increasing failure rate of our existing water meters as they reach the end of their usable lifespan. Over 10% percent of meters read per week are reading faulty, resulting in:
• Billing based on estimates of past water use resulting in over or under charging our customers;
• Staff time lost in order to notify residents, explain the problem, and schedule an appointment for replacement; and
• Two utilities employees responding to meter replacement service appointments.

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

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

Meter Selection Process
In pursuit of the best water meter for Richfield, staff surveyed other cities and met with multiple meter suppliers to select the best product. Richfield staff prioritized:
• Overall metering accuracy;
• Low-flow reading ability to allow for accurate leak detection to aid in water conservation;
• Low maintenance & ease of repair;
• Battery longevity & warranty; and
• An ability to upgrade to advanced metering infrastructure (AMI).
With these considerations in mind, staff selected Sensus brand water meters for this project, which have a 15-year warranty, including battery.

**Timeline & Resident Outreach**

The project will be a three (3) year program. The schedule is subject to change based on certain factors, but tentatively follows this timeline:
- Year 1 (2019): Pilot program, all commercial properties, failed meters, and 30% of residential meters
- Year 2 (2020): 30-40% of residential meters
- Year 3 (2021): Remaining residential meters & project completion.

General resident outreach will consist of:
- Social media postings;
- Utility billing inserts; and
- Sun Current advertisements.

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

**Contractor’s Staff**

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

**RECOMMENDED ACTION:**

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

**BASIS OF RECOMMENDATION:**

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

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

C. **CRITICAL TIMING ISSUES:**
   - With Council approval, staff expects to advertise for bids March 7, open sealed bids on March 26, and award the contract at the April 9 regular City Council meeting.
   - Council approval will allow staff to stick to the above timeline and ensure the project is ready to
commence for the 2019 replacement schedule.

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

D. **FINANCIAL IMPACT:**

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

E. **LEGAL CONSIDERATION:**

- None

**ALTERNATIVE RECOMMENDATION(S):**

- None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None
ITEM FOR COUNCIL CONSIDERATION:
Consideration of the adoption of a resolution authorizing a land exchange with the Minnesota Department of Transportation as part of the completed I-35W/TH62 "Crosstown Commons" reconstruction project.

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

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

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

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- In 2006, as part of the I-35W/TH62 "Crosstown Commons" reconstruction project, the City of Richfield and MnDOT entered into an agreement, memorialized in MnDOT Contract No. 89064, to exchange certain parcels of land.
- The original agreement with MnDOT expired on its own terms in 2013.
- The Project has been completed and title to the properties involved in the exchange was never conveyed.
- The City of Richfield and MnDOT both desire to complete the land exchange as originally contemplated in the attached MnDOT Contract No. 89064.
B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**
   - Authorizing this land exchange will serve to carry out the original intent of the Richfield City Council in its adoption of the original agreement and resolution on April 11, 2006.
   - The original authorizing resolution and MnDOT Contract No. 89064 from April 11, 2006, are attached for reference.

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

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

E. **LEGAL CONSIDERATION:**
   - The City Attorney has reviewed the agreement and will be available to answer any questions.

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

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
None

**ATTACHMENTS:**

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<tr>
<th>Description</th>
<th>Type</th>
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<tbody>
<tr>
<td>Resolution</td>
<td>Resolution Letter</td>
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<td>Old MnDOT Agmnt #89064</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Resolution - 04-11-2006 Land Exchange</td>
<td>Backup Material</td>
</tr>
<tr>
<td>MnDOT Quitclaim Deed</td>
<td>Contract/Agreement</td>
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<tr>
<td>MnDOT Donation Letter</td>
<td>Contract/Agreement</td>
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<tr>
<td>MnDOT Memorandum of Conditions</td>
<td>Contract/Agreement</td>
</tr>
<tr>
<td>MnDOT Fee Acquisition</td>
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</tr>
</tbody>
</table>
RESOLUTION NO.

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

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

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

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

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

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

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

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

1. That the City shall deed to MnDOT, on behalf of the State, the City-owned land described in MnDOT Contract No. 89064, and shall accept delivery from MnDOT, on behalf of the State, a deed conveying the State-owned land contemplated in MnDOT Contract No. 89064.

2. That the Mayor and City Manager are hereby authorized and directed to execute all appropriate documents to effectuate the transaction contemplated by this Resolution.
3. That the Mayor, City Manager, staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.

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

______________________________
Maria Regan Gonzalez, Mayor

ATTEST:

______________________________
Elizabeth VanHoose, City Clerk
STAFF REPORT

CITY COUNCIL MEETING

APRIL 11, 2006

ITEM FOR COUNCIL CONSIDERATION:

- Consideration of approval of the attached resolution in which Richfield agrees to exchange land at Madison Park for adjacent land parcels and an additional remnant parcel on Lyndale Avenue with the Minnesota Department of Transportation (Mn/DOT) for land necessary to complete the Crosstown Reconstruction project.

- Consideration of approval for the Mayor and City Manager to grant necessary access to Mn/DOT’s contractors in Madison Park and Legion Lake.

I. RECOMMENDED ACTION:

By Motion:

- Adopt the attached resolution approving Agreement No. 89064 between the City of Richfield and the Minnesota Department of Transportation (Mn/DOT).

- Authorize the Mayor and City Manager to approve permits granting necessary access to Mn/DOT’s contractors to complete the Crosstown Reconstruction Project.

II. BACKGROUND

Mn/DOT had determined that it is necessary to acquire a portion of the City Property in order to complete the Crosstown Reconstruction project. Approximately
12,640 square feet of the north edge of Madison Park will be conveyed to Mn/DOT for the reconstruction project in exchange for approximately 13,000 square feet of land, split among three parcels (see attachments). Approximately 7,800 square feet of the replacement land will be located adjacent to the park; the remaining 5,200 square feet will be conveyed with Parcel 341 located in the western corner of Lyndale Avenue and the TH 62 ramp.

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

### III. Basis of Recommendation

#### A. Policy
- Improvements to the 35W/Highway 62 Crosstown have been identified as needed in the City’s Comprehensive Plan.

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

#### C. Financial
- Land exchange only. No funds are exchanged as part of the agreement.

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

### IV. Alternative Recommendation(s)
- Reject the proposed land exchange agreement.
- Deny Mn/DOT’s contractors access to Madison Park and Legion Lake.

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

### VI. Principal Parties Expected at Meeting
- None anticipated.
RESOLUTION AUTHORIZING APPROVAL OF AGREEMENT NO. 89064 AMONG THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MN/DOT) AND THE CITY OF RICHFIELD FOR LAND EXCHANGED AS PART OF THE CROSSTOWN RECONSTRUCTION PROJECT.

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

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

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

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

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

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

______________________________
Martin J. Kirsch, Mayor

ATTEST:

______________________________
Nancy Gibbs, City Clerk
STATE OF MINNESOTA AND CITY OF RICHFIELD
LAND EXCHANGE AGREEMENT

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

Recitals

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

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

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

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

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

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

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

Agreement

1. Term of Agreement; Exhibits Incorporated

1.1 Effective date: This Agreement will be effective on the date signed by all necessary City and State officials as required by Minnesota Statutes § 16C.05, subdivision 2, and other applicable law.

1.2 Expiration date: This Agreement will expire seven years after its Effective Date, or when all obligations have been satisfactorily fulfilled, whichever occurs first.

1.3 Exhibits: Exhibits A, and B are attached and incorporated into this Agreement.

2. Agreement between the Parties

2.1 Description of City Property. The City Property that is the subject of this Agreement is identified as Parcel 58 and is depicted on Exhibit A.

2.2 Description of State Property. The State Property that is the subject of this Agreement is identified as the remnants of parcels 56, 59, and 431, and is depicted on Exhibits A and B.

2.3 Project Schedule. The State has scheduled the construction contract letting for the Project for May 19th, 2006. The State anticipates that construction will commence on July 10, 2006.

2.4 Conveyance of the City Property. The City will convey the City Property to the State by quitclaim

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

2.5 **Conveyance of the State Property.** The State will convey the State Property, as shown on Exhibits A and B, to the City in fee simple estate by quitclaim deed. Approximately 13,007 square feet will be conveyed in fee simple, of which approximately 4,035 square feet (on certain portions of parcels 56 and 59 as shown on Exhibit A) will be conveyed subject to a wall maintenance easement in favor of the State.

2.6 **Conveyance Documents.** The State will be responsible for providing legal descriptions and for preparing conveyance documents. All conveyance documents must be approved, prior to their execution, by the State’s Metro District Right-of-Way Engineer or her designee.

2.7 **Timing of Conveyance.** Following the effective date of this Agreement, the State will seek approval of the land exchange by the Minnesota Land Exchange Board. Upon approval, the City will convey the City Property to the State pursuant to Article 2.4 of this Agreement. The State will convey the State Property to the City within 90 days after filing the final certificate of the parcels in Eminent Domain. The parties will use their best efforts to complete the property conveyances prior to the State’s planned contract-letting date.

2.8 **Recording.** Each party will be responsible for recording the conveyance instruments which it receives as part of the exchange.

2.9 **Rights of Entry.**

2.9.1 Effective upon the execution of this Agreement, the City grants to the State a right of entry on the City Property for purposes of constructing the Project, and operating and maintaining the reconstructed roadway. This right of entry will remain in effect until the conveyance of the City Property is completed.

2.9.2 The State reserves for itself a right of entry onto that portion of the State Property identified as Parcels 56, 59, and 341 for purposes of constructing the Project. This right of entry will remain in effect until construction of the Project is completed.

2.10 **Environmental Liability.** Nothing in this Agreement is intended to alter any responsibility imposed by applicable federal or state environmental protection laws, specifically including but not limited to, laws governing responsibility for cleanup of polluted properties.

2.11 **Approvals**

2.11.1 **Approval by Land Exchange Board.** The State will be responsible for obtaining approval of this transaction from the Minnesota Land Exchange Board. If the Minnesota Land Exchange Board
does not approve this land exchange, this agreement will terminate and neither party will have any further responsibility to the other.

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

3. Payment

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

4. Authorized Representatives. Each party’s Authorized Representative has the responsibility to administer this agreement, to give and receive notices, and to make any other decision authorized or permitted under this Agreement.

4.1 The State’s Authorized Representative is Deb Anderson Sleeper, Metro District Right-of-Way Engineer, or her successor; 1500 W. County Road B2, Roseville, MN 55113; (651) 582-1658.

4.2 The City’s Authorized Representatives are Martin Kirsch (Mayor) and Steven Devich (City Manager) or their successors; 6700 Portland Ave. S., Richfield, MN 55423; 612-861-9700 (Mayor), 612-861-9702 (City Manager).

5. Assignment, Amendments, Waiver, and Contract Complete

5.1 Assignment. Neither party may assign or transfer any rights or obligations under this agreement without the prior consent of the other party and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.

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

5.3 Waiver. If a party fails to enforce any provision of this agreement, that failure does not waive the provision or its right to subsequently enforce it.

5.4 Contract Complete. This agreement contains all negotiations and agreements between the State and the City. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.

6. Liability

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

7. State Audits

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

8. Government Data Practices

The City and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data created, collected, received, stored, used, maintained, or disseminated by
a party under this agreement. The civil remedies of Minnesota Statutes § 13.08 apply to the release of the data referred to in this clause by either the City or the State.

9. **Venue**

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

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

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

Signed: 

Date: 

CFMS Contract No. A-

CITY OF RICHFIELD

The City certifies that the appropriate person(s) have executed this Agreement on behalf of the City as required by applicable resolutions, ordinances, or charter provision.

By: 

Martin Kirsch
Title: Mayor
Date: April 11, 2006

By: 

Steve Devich
Title: City Manager
Date: April 11, 2006

DEPARTMENT OF TRANSPORTATION

By: 

(With delegated authority)

Title: 

Date: 

COMMISSIONER OF ADMINISTRATION

By: 

(With delegated authority)

Date: 

By: 

(With delegated authority)

Date: 

INCLUDE COPY OF RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.
RESOLUTION NO. 9754

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

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

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

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

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

1) That the “State of Minnesota and City of Richfield Land Exchange Agreement” identified as Mn/DOT Agreement Number 89064, a copy of which was before the Council, is hereby approved.

2) That the proper City officers are authorized to execute the Agreement, and any amendments thereto.

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

Martin J. Kirsch, Mayor

ATTEST:

Nancy Gibbs, City Clerk
QUITCLAIM DEED

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

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

That part of Tract A described below:

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

which lies northerly of Line 1 described below:

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

containing 0.29 acre, more or less:
together with all right of access being the right of ingress to and egress from that part of Tract A hereinbefore described, not acquired herein, to Trunk Highway No. 62;

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

containing 0.11 acre, more or less;

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

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

containing 0.84 acre, more or less.

together with all hereditaments and appurtenances belonging hereto.

Check box if applicable:

☐ The Seller certifies that the seller does not know of any wells on the described real property.

☐ A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number ______________________.)

☐ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.
CITY OF RICHFIELD

By ________________________________

Its ______________________________

And ______________________________

Its ______________________________

STATE OF MINNESOTA  
)SS.
COUNTY OF HENNEPIN  

The foregoing instrument was acknowledged before me this _______ day of __________________, _______, by _______________________________ and

______________________________, the ________________________________ and

______________________________ of City of Richfield, a municipal corporation under
the laws of the state of Minnesota, on behalf of the municipal corporation.

________________________________
NOTARY PUBLIC

My commission expires: ____________________

This instrument was drafted by the
State of Minnesota, Department of
Transportation, Metro Right of Way,
1500 W. County Road B2
Roseville, MN  55113

Send tax statements to Grantee:
State of Minnesota
Department of Transportation
METRO District Right of Way
1500 W. County Road B2
Roseville, MN  55113
December 3, 2018

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

RE:  State Project #:  2782-281
     Control Section #:  2774 (62=384) 906
     Project Job #:  TRW216070
     County:  Hennepin
     Parcel #:  58 - City of Richfield

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

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

That part of Tract A described below:

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

which lies northerly of Line 1 described below:

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

containing 0.29 acre, more or less:

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

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

containing 0.11 acre, more or less;

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

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

containing 0.84 acre, more or less.

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

Signature ________________________  Date ____________

Signature ________________________  Date ____________
OFFER TO SELL AND MEMORANDUM OF CONDITIONS

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

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

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

The undersigned parties have this day executed an instrument for the conveyance of the aforesaid real estate or an interest therein to the State of Minnesota, and have conditionally delivered the same to the State of Minnesota, which instrument shall have no effect until and unless this offer to sell and convey is accepted in writing by the Office of Land Management of the Minnesota Department of Transportation within 90 days from the date of this offer. Such notice of acceptance shall be by certified mail directed to the address appearing after our signatures hereto. If this offer is not so accepted within the time limited herein such conveyance shall be of no effect, and said instrument shall forthwith be returned to the undersigned owners.

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

(1) Possession of the real estate shall transfer to the State _______ days after the date of acceptance. The owners shall have the right to continue to occupy the property or to rent same to the present occupants or others until the date of transfer of possession. Any change in occupancy shall be subject to approval and concurrence by the State. On or before the date for transfer or possession the owners will vacate the real estate and the improvements (if any) located thereon, or cause same to be vacated, remove all personal effects therefrom and have all utilities (if any) shut off by the supplier of same. No buildings appurtenances or other non-personal items or fixtures will be removed from the premises by the owners or renters, including plumbing and heating fixtures, etc. The owners shall notify the Department of Transportation as soon as the improvements are vacated. The owners will maintain the improvements during their period of occupancy and will make all necessary repairs at their own expense. The State's prospective bidders for the purchase or demolition of the improvements on the property shall have the right of entry for inspection purposes during the last 10 days of possession by the owners.

(2) Title to said real estate shall pass to the State of Minnesota as of the date of said acceptance subject to conditions hereinafter stated.

(3) Buildings (if any) on said real estate shall be insured by the owners against loss by fire and windstorm in the amount of present coverage or if none in force then in an amount not less than the current market value during the entire period of the owners' occupancy of the buildings on the real estate,
such policy or policies of insurance to be endorsed to show the State's interest.

(4) If the State of Minnesota is acquiring all or a major portion of the property, mortgages (if any) on the property shall be satisfied in full by the State of Minnesota. The amount paid by the State of Minnesota to satisfy said mortgage(s) shall be deducted from the amount to be paid to the owners under the terms of this agreement. The amount paid by the State of Minnesota to satisfy the mortgage(s) shall include interest on the mortgage(s) to date that payment is made to the mortgage holder.

(5) If the State of Minnesota is acquiring only a minor portion of the property, and the property is encumbered by a mortgage, it shall be the responsibility of the owners to furnish a partial release of mortgage. The mortgage holder will be included as a payee along with the owners on the check drawn in payment for the property. Any fee charged by the mortgage holder for the partial release of mortgage must be paid for by the owners.

(6) The owners will pay all delinquent (if any) and all current real estate taxes, whether deferred or not, which are a lien against the property. Current taxes shall include those payable in the calendar year in which this document is dated. The owners will also pay in full any special assessments, whether deferred or not, which are a lien against the property. The owners will also be responsible for and will pay in full any pending special assessments. The owners' obligation to pay deferred and pending taxes and assessments shall continue after the sale and shall not merge with the delivery and acceptance of the deed.

(7) If encumbrances, mechanics liens or other items intervene before the date the instrument of conveyance is presented for recording and same are not satisfied or acknowledged by the owners as to validity and amount and payment thereof authorized by the owners, said instrument of conveyance shall be returned to the owners.

(8) Payment to the owners shall be made in the due course of the State's business after payment of taxes, assessments, mortgages and all other liens or encumbrances against said real estate. The owners will not be required to vacate the property until the owners have received payment.

(9) No payments shall be made of any part of the consideration for said sale until marketable title is found to be in the owners and until said instrument of conveyance has been recorded.

(10) The owners hereby acknowledge receipt of a copy of the instrument of conveyance executed by them on this date, and a copy of this offer and memorandum.

(11) It is understood that unless otherwise hereinafter stated the State acquires all appurtenances belonging to the premises including:

OWNERS
CITY OF RICHFIELD

By ____________________________________________

Its ____________________________________________

And ____________________________________________

Its ____________________________________________

(Address of Owner where acceptance is to be mailed.)
November 14, 2018

FEE ACQUISITION

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

S.P. 2782-281

Legal Description

That part of Tract A described below:

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

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

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

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containing 0.84 acre, more or less.
ITEM FOR COUNCIL CONSIDERATION:
Consideration of the adoption of a resolution supporting the submittal of a grant application to Hennepin County for 2019 Community Works Corridor Planning funds. The grant application will request funds to study improvements to Penn Avenue, north of 66th Street. An award requires a 25 percent match by the local authority (maximum $12,500).

EXECUTIVE SUMMARY:
The Hennepin County Community Works Corridor Planning grant offers financial and technical resources for plans and studies that advance Community Works’ program goals. The primary goals are as follows:
- Enhance the tax base;
- Stimulate economic development and job growth;
- Strengthen and connect places and people;
- Innovate and advance sustainability; and
- Lead collaborative planning and implementation.

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

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

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

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

BASIS OF RECOMMENDATION:
A. HISTORICAL CONTEXT

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

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

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

C. CRITICAL TIMING ISSUES:

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

D. FINANCIAL IMPACT:

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

E. LEGAL CONSIDERATION:

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

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Resolution</td>
<td>Resolution Letter</td>
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<tr>
<td>Map</td>
<td>Exhibit</td>
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</table>
RESOLUTION NO.

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

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

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

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

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

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

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

__________________________
Maria Regan Gonzalez, Mayor

ATTEST:

_________________________
Elizabeth VanHoose, City Clerk
ITEM FOR COUNCIL CONSIDERATION:
Consideration of the approval of permanent easement agreements with the Metropolitan Council to allow the necessary relocation of utilities as part of the Orange Line Bus Rapid Transit Project.

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

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

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

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

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

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   - The METRO Orange Line is consistent with the City's Comprehensive Plan.
   - City Council passed a resolution of support for the Orange Line on March 27, 2018.

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

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

E. LEGAL CONSIDERATION:
   - The City Attorney has reviewed the easements and will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):
   - None

PRINCIPAL PARTIES EXPECTED AT MEETING:
   - None

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Orange Line Permanent Storm Sewer Easement</td>
<td>Contract/Agreement</td>
</tr>
<tr>
<td>Orange Line Permanent Water Main Easement</td>
<td>Contract/Agreement</td>
</tr>
</tbody>
</table>
PERMANENT EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made this _____ day of _________________, 20____, by and between the City of Richfield, a Minnesota municipal corporation (“Grantor”) and the Metropolitan Council, a public corporation and political subdivision of the State of Minnesota (“Grantee”) hereinafter collectively referred to as the “Parties”.

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

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

   Permanent Storm Water Utility Easement

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

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

   Subsequent to the date of the Easement Agreement, Grantor, its heirs, successors and assigns, will not erect, construct, or create any building, improvement, obstruction, perpendicular utility crossing, or structure of any kind, either above or below the surface of the Easement area or plant any trees, or stockpile construction debris or construction equipment, or change the grade thereof of the Easement area without the express written consent of the Grantee.
2. **Restoration.** Unless otherwise agreed to in writing by Grantor, Grantee will make reasonable efforts to restore the Easement area to its original condition, as near as possible, matching the original surface grade as far as practicable, and restoration of the surface to like condition, either grass seeding or sodding, either paved or gravel surface restoration.

3. **Covenant of Ownership.** Grantor covenants that it is the lawful owner and is in lawful possession of the Property and has lawful right and authority to convey and grant the Easement described herein.

4. **Notices and Demands.** All notices, requests, demands, consents, and other communications required or permitted under this Easement Agreement shall be in writing and shall be deemed to have been duly and properly given three (3) business days after the date of mailing if deposited in a receptacle of the United States mail, first class postage prepaid, addressed to the intended recipient as follows:

   **Grantor:** City of Richfield  
   6700 Portland Avenue  
   Richfield, MN 5423  
   Attn:

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

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

CITY OF RICHFIELD, a Minnesota municipal corporation

By: ________________________________

Its: ________________________________

Date: _______________________________

By: ________________________________

Its: ________________________________

Date: _______________________________

STATE OF MINNESOTA )
COUNTY OF _____________ )ss.

The foregoing instrument was acknowledged before me this _______ day of
___________________, 20___, by ________________________________, its
______________________________ of the City of Richfield, a Minnesota municipal corporation, on
its behalf.
GRANTEE:

Metropolitan Council, a public corporation
and political subdivision of the State of Minnesota

By: ______________________________
    Meredith Vadis
    Its: Regional Administrator

STATE OF MINNESOTA   )
   )ss.
COUNTY OF RAMSEY     )

The foregoing instrument was acknowledged before me this ______ day
of ____________, 2019, by Meredith Vadis, Regional Administrator of the Metropolitan
Council, a public corporation and political subdivision of the State of Minnesota, on its behalf.

________________________________
Notary Public

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

Legal Description of the Property

That part of the following described property:

Outlot C, BEST BUY CAMPUS, Hennepin County, Minnesota, according to the recorded plat thereof.
EXHIBIT B
Legal Description and Graphic Depiction of the
Permanent Storm Utility Easement Area

STORM UTILITY EASEMENT

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

THIS EASEMENT AGREEMENT is made this _____ day of ________________, 20____, by and between the City of Richfield, a Minnesota municipal corporation (“Grantor”) and the Metropolitan Council, a public corporation and political subdivision of the State of Minnesota (“Grantee”) hereinafter collectively referred to as the “Parties”.

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

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

   Permanent Watermain Utility Easement

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

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

   Subsequent to the date of the Easement Agreement, Grantor, its heirs, successors and assigns, will not erect, construct, or create any building, improvement, obstruction, perpendicular utility crossing, or structure of any kind, either above or below the surface of the Easement area or plant any trees, or stockpile construction debris or construction equipment, or change the grade thereof of the Easement area without the express written consent of the Grantee.
2. **Restoration.** Unless otherwise agreed to in writing by Grantor, Grantee will make reasonable efforts to restore the Easement area to its original condition, as near as possible, matching the original surface grade as far as practicable, and restoration of the surface to like condition, either grass seeding or sodding, either paved or gravel surface restoration.

3. **Covenant of Ownership.** Grantor covenants that it is the lawful owner and is in lawful possession of the Property and has lawful right and authority to convey and grant the Easement described herein.

4. **Notices and Demands.** All notices, requests, demands, consents, and other communications required or permitted under this Easement Agreement shall be in writing and shall be deemed to have been duly and properly given three (3) business days after the date of mailing if deposited in a receptacle of the United States mail, first class postage prepaid, addressed to the intended recipient as follows:

   **Grantor:** City of Richfield  
   6700 Portland Avenue  
   Richfield, MN 5423  
   Attn:  

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

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

CITY OF RICHFIELD, a Minnesota municipal corporation

By:________________________________
Its:________________________________
Date:_______________________________

By:________________________________
Its:________________________________
Date:_______________________________

STATE OF MINNESOTA )
)ss.
COUNTY OF ____________ )

The foregoing instrument was acknowledged before me this _______ day of _______________, 20____, by__________________________, its __________________________ of the City of Richfield, a Minnesota municipal corporation, on its behalf.
GRANTEE:

Metropolitan Council, a public corporation and political subdivision of the State of Minnesota

By: ________________________________

Meredith Vadis
Its: Regional Administrator

STATE OF MINNESOTA )

)ss.
COUNTY OF RAMSEY )

The foregoing instrument was acknowledged before me this ________ day of ______________, 2019, by Meredith Vadis, Regional Administrator of the Metropolitan Council, a public corporation and political subdivision of the State of Minnesota, on its behalf.

______________________________
Notary Public

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

Legal Description of the Property

That part of the following described property:
   Outlot C, BEST BUY CAMPUS, Hennepin County, Minnesota, according to the
   recorded plat thereof.
EXHIBIT B

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

WATERMAIN UTILITY EASEMENT

The most Easterly 45.09 feet of Outlot C, BEST BUY CAMPUS, Hennepin County, Minnesota, according to the recorded plat thereof.
ITEM FOR COUNCIL CONSIDERATION:
Public hearing regarding the City of Richfield’s Wellhead and Source Water Protection – Part 2: Wellhead Protection Plan Amendment.

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

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

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

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

- A review of data elements identified by the MDH as applicable to the drinking water supply management area (DWSMA).
- Results of an inventory of potential contaminant sources within the DWSMA.
- A review of changes, issues, problems, and opportunities related to the public water supply and the identified potential contaminant sources.
- A discussion of potential contaminant source management strategies and the goals, objectives, and action plans associated with these management strategies.
- A review of the Wellhead and Source Water Protection evaluation program.
- Richfield’s alternative water supply contingency strategy specified in the City’s Water Supply Plan (incorporated by reference).
The engineering firm Barr Engineering prepared the Part 2 WHPP amendment. John Greer with the firm Barr Engineering will be giving a brief presentation on the Part 2 WHPP amendment.

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

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

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**
- The City of Richfield Public Works Water Utility division operates under the rules and regulations established by MDH.
- The previous City of Richfield WHPP Parts 1 and 2 were prepared in 2005-2007.
- The Part 1 WHPP amendment was approved by the MDH in April 2018.
- A public information meeting on the Part 1 WHPP amendment was held on May 17, 2018.
- The Draft Part 2 WHPP was reviewed by the Metropolitan Council and approved in December 2018.

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

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

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

**E. LEGAL CONSIDERATION:**
- None

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

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
None

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
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Wellhead Protection Plan (WHPP)

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

- 7 wells (primary) in 4 aquifers
  - Wells 1-6 vulnerable
  - Well 7 not vulnerable
- WHPA = GWCA + SWCA
- DWSMA encompasses WHPA
  - Delineated using property parcel boundaries and roads
  - DWSMA extends outside Richfield
  - GWCA vulnerability: High (40%), Moderate (52.5%), Low (7.5%)
  - SWCA vulnerability: High
- Part 1 amendment approved by MDH 4/10/2018
WHPP – Part 2 Amendment

- Data elements MDH identified as applicable to DWSMA
- Inventory of potential contaminant sources in the DWSMA
- Discussion of changes, issues, problems, and opportunities related to the municipal water supply and the identified potential contaminant sources
- Potential contaminant source management strategies
- Wellhead protection evaluation program
- Alternative water supply contingency strategy
- 316 wells (+6,868 sealed wells)
- 39 potential Class V well properties
- 129 storage tank properties (includes 76 LUST properties)
- 37 chemical storage properties (1 is Richfield water treatment plant)
- 2 properties with wastewater permits
- 4 old dump sites
- 1 other contaminant spill property
- 44 potential contaminant location properties (49 brownfield sites + 4 State Superfund sites)
- 155 hazardous waste generator properties
- 3 natural gas pipelines
Wellhead Protection Program Goals

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

- Categories of actions for protecting the source water aquifers within the DWSMAs include:
  - Well management
  - Information for owners of potential contaminant source properties
  - Maintain up to date PCSI database
  - Provide information on DWSMA to emergency responders
  - Land use planning
  - Public education
  - Data collection
Wellhead and Source Water Protection –
Part 2: Wellhead Protection Plan Amendment

Prepared for

Richfield
The Urban Hometown

December 2018
Wellhead and Source Water Protection –
Part 2: Wellhead Protection Plan Amendment

Prepared for

Richfield
The Urban Hometown

December 2018
Wellhead and Source Water Protection – Part 2: Wellhead Protection Plan Amendment

December 2018

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Public Water Supply Profile

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

Public Water Supply Contact
Fawn Kinsman
Utilities Supervisor
City of Richfield
1901 East 66th Street
Richfield, Minnesota 55423
Telephone: 612-861-9165
email: FKinsman@richfieldmn.gov

Wellhead Protection Manager
Russ Lupkes
Utility Superintendent
City of Richfield
1901 East 66th Street
Richfield, Minnesota 55423
Telephone: 612-861-9175
email: RLupkes@richfieldmn.gov

Wellhead Protection Consultant
John Greer, PG
Barr Engineering Company
4300 MarketPointe Drive
Suite 200
Minneapolis, Minnesota 55435
Telephone: 952-832-2600
Fax: 952-832-2601
email: jgreer@barr.com

General Information

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Certification

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

John C. Greer
PG #: Date
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<td>MDH</td>
<td>Minnesota Department of Health</td>
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<tr>
<td>MDNR</td>
<td>Minnesota Department of Natural Resources</td>
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<td>MGS</td>
<td>Minnesota Geological Survey</td>
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<td>MnOPS</td>
<td>Minnesota Office of Pipeline Safety</td>
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<td>MPCA</td>
<td>Minnesota Pollution Control Agency</td>
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<td>Potential Contaminant Source Inventory</td>
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Executive Summary

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

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

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

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

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

- A review of data elements identified by the Minnesota Department of Health as applicable to the DWSMA.
- Results of an inventory of potential contaminant sources within the DWSMA.
- A review of changes, issues, problems, and opportunities related to the public water supply and the identified potential contaminant sources.
- A discussion of potential contaminant source management strategies and the goals, objectives, and action plans associated with these management strategies.
- A review of the Wellhead and Source Water Protection evaluation program.
- Richfield’s alternative water supply contingency strategy specified in the City’s Water Supply Plan (incorporated by reference).
The types of potential contaminant sources that must be inventoried depends on the vulnerability classification within the DWSMA. Potential contaminant sources identified in the DWSMA include non-municipal wells, potential Class V well locations, properties with storage tanks, chemical storage sites, wastewater treatment and disposal sites, old dump sites, properties where contaminants were or may have been released, and hazardous waste generators.

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

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

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

Actions identified to accomplish these goals include the following:

- **Wells**
  - Promoting proper management of existing active wells in the DWSMA
  - Encouraging the proper sealing of all unused wells within the DWSMA
  - Identification of new high capacity wells in or near the DWSMA
  - Maintaining current IWMZ potential contaminant source inventories for the City’s water supply wells
- **Potential contaminant source properties**
  - Notifying owners of potential Class V well properties of requirements related to Class V wells
  - Encouraging proper handling of chemicals/wastes
  - Encouraging proper operation and maintenance of storage tanks
  - Tracking the status of identified brownfields sites and other properties where contaminant releases may have occurred in the DWSMA
  - Periodically obtaining updated information on potential contaminant sources in the DWSMA from the regulating agencies to maintain an up-to-date potential contaminant source database for the DWSMA and allow timely recognition of potential issues that could affect the Richfield municipal water supply or DWSMA.
• Public education
  o Distribution of the Richfield Annual Water Quality Report for the water supply system,
  o Posting Wellhead Protection Program information on the City of Richfield website http://www.richfieldmn.gov/departments/public-works/utilities/water-quality
  o Using the City’s social media outlets and other means of distribution to distribute information related to wellhead protection
  o Inclusion of wellhead and source water protection in the City’s planning process,

• Continued data collection
  o Recording static and pumping water levels in the Richfield municipal wells,
  o Collection of additional local geologic and hydrogeologic data as it becomes available from public sources or from City-sponsored projects.

• Sampling the City’s municipal wells for tritium and the stable isotopes along with sampling of surface water bodies in Richfield for stable isotopes.
1.0 Introduction

1.1 Background

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

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

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

1.2 Description of the Public Water Supply System

Richfield is located in Hennepin County. The City currently has seven primary water supply wells in the municipal water supply and distribution system for Public Water Supply #1270045. Locations of the wells are shown on Figure 1 and general construction details for the Richfield municipal wells are summarized in Table 1. Copies of the MDH well records for the Richfield municipal wells are presented in Appendix A.
The 2010 census counted 35,228 people in Richfield. The Metropolitan Council estimated the 2017 population of Richfield to be 36,544 (Metropolitan Council, 2018a). As of January 2018, the Metropolitan Council has projected Richfield’s population to reach 37,100 in 2020 and 37,300 in 2030 (Metropolitan Council, 2018b).

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

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

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

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

### 1.3 DWSMA

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

In the Part 1 amendment report, the aquifer vulnerability in approximately 40 percent of the area encompassed by the GWCA portion of the DWSMA was classified as High. Aquifer vulnerability in approximately 52.5 percent of the area in the GWCA was classified as Moderate. The aquifer vulnerability in approximately 7.5 percent of the area in the GWCA was classified as Low. The vulnerability of 100 percent of the area within the SWCA portion of the DWSMA was classified as High.
December 21st, 2018

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

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

Dear Mr. Lupkes,

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

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

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

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

- 2015 Richfield Systems Statement
- 2015 Master Water Supply Plan
- Water Conservation Toolbox
- Stormwater Reuse Guide
- The Minnesota Technical Assistance Program
- University of Minnesota Extension: Lawn and Turfgrass Management Program
- Thrive MSP 2040 Regional Plan
Please let us know if you are interested in learning more about these tools or any other resources.

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

Sincerely,

\[Signature\]

Sam Paske
Assistant General Manager Environmental Quality Assurance

cc: Steve Elkins, Council Member, Metropolitan Council District 5
    Michael Larson, Sector Representative, Metropolitan Council Community Development
    John Freitag, Planner, Minnesota Department of Health
CITY OF RICHFIELD
Public Hearing Notice

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

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

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

WHERE:
Richfield Municipal Center – City Council Chambers
6700 Portland Avenue S

SUBJECT ADDRESS:
City-wide

LEGAL DESCRIPTION:
N/A

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

HOW TO COMMENT:
Attend the hearing and you will be heard or submit written comments.

ELIZABETH VANHOOSE
City Clerk

AUXILIARY AIDS FOR INDIVIDUALS WITH DISABILITIES ARE AVAILABLE UPON REQUEST. REQUESTS MUST BE MADE AT LEAST 96 HOURS IN ADVANCE TO THE CITY CLERK AT 612-861-9738.

PUBLISH IN RICHFIELD SUN CURRENT: FEBRUARY 14, 2019
ITEM FOR COUNCIL CONSIDERATION:
Public hearing and consideration of the adoption of a resolution specifying the use of funds from the Urban Hennepin County Community Development Block Grant allocation for 2019 and authorizing execution of a Subrecipient Agreement with Hennepin County and any required third party agreements.

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

Staff is proposing to use the City's 2019 direct allocation of $192,100 (estimated) as follows:
- $47,100 - Deferred Loan Rehabilitation Program
- $95,000 - Single Family Scattered Site Acquisition & Rehabilitation or New Construction
- $50,000 - First Time Homebuyer Down Payment Assistance

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

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

BASIS OF RECOMMENDATION:
A. HISTORICAL CONTEXT
   - $47,100 is proposed to be allocated to the Housing and Redevelopment Authority (HRA) for the Deferred Loan Program (Program), which provides no interest, 30-year loans up to $30,000 to
low-income homeowners to address health, safety, and property maintenance needs. This Program has been in existence since 1984 and is administered for the City by Hennepin County. In the past year, one loan was completed and eight loans were started, 20 households are currently on the waiting list for the Program. Additional funding for loans is available through loan repayments (i.e., when a property is sold).

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

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

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

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

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

ALTERNATIVE RECOMMENDATION(S):
- Council may modify the amount of funds allocated to each project in a way that still meets funding guidelines.

PRINCIPAL PARTIES EXPECTED AT MEETING:
N/A

ATTACHMENTS:
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<td>Resolution</td>
<td>Resolution Letter</td>
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RESOLUTION NO.

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

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

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

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

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

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

<table>
<thead>
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<th>Activity</th>
<th>Budget</th>
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<tr>
<td>1. Deferred Loan Rehabilitation Program</td>
<td>$47,100</td>
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<tr>
<td>2. Single Family Acquisition &amp; Rehabilitation</td>
<td>$95,000</td>
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<tr>
<td>3. First Time Homebuyer Down Payment Assistance</td>
<td>$50,000</td>
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<tr>
<td><strong>TOTAL CDBG ALLOCATION</strong></td>
<td><strong>$192,100</strong></td>
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2. That the Mayor and City Council hereby authorize and direct the execution of the Subrecipient Agreement with Hennepin County and any required Third Party Agreements on behalf of the City to implement the 2019 CDBG Program.

3. That should the final amount of FY 2019 CDBG available to the City be different from the preliminary amount provided to the City, the City Council hereby authorizes the City Manager to adjust the project budget of the Deferred Loan Rehabilitation Program to reflect an increase or decrease in funding.

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

Elizabeth VanHoose, City Clerk
ITEM FOR COUNCIL CONSIDERATION:
Consideration of the approval of a second reading of an ordinance amending Section 617 of the Richfield City Code regulating food establishments for consistency with recently updated State regulations and adoption of a resolution approving summary publication of said ordinance.

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

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

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

BASIS OF RECOMMENDATION:

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

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   - The principal objectives of the Food Establishment Code are to prevent illness, to correct and
prevent conditions that may adversely affect persons utilizing licensed establishments, to provide consistent standards for design, construction, operation and maintenance of licensed establishments, and to meet the consumer expectations of health and safety of licensed establishments.

C. **CRITICAL TIMING ISSUES:**
   - The State of Minnesota has required all Community Health Boards to adopt updated ordinance language by March 2019.

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

E. **LEGAL CONSIDERATION:**
   - The City Attorney has reviewed the ordinance and approves of its contents.

**ALTERNATIVE RECOMMENDATION(S):**
- There are no alternatives. The City is required to update its Code for consistency with State law.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
Lynn Moore, Environmental Health Manager, City of Bloomington

**ATTACHMENTS:**

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

THE CITY OF RICHFIELD DOES ORDAIN:

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

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

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

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

(a) Minnesota Statutes, chapters 157 except for 157.16; and

(b) Minnesota Rules, chapter 4626, except for 4626.0033, subparts G through O, 4626.1715, subpart B, 4626.1720, subparts B and F, and 4626.1755 through 4626.1780.

Section 3. Subsection 617.03 in the Richfield City Code is amended as follows:

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

Subd. 2. "Food catering vehicle" is a commercial vehicle used only to transport or store food, tableware, utensils or food equipment with temperature control and is used as part of a food catering or food retail operation. This does not include personal vehicles used only to deliver foods intended for immediate consumption like pizza, boxed lunches, etc.

Subd. 3. "Food establishment" is defined in Minnesota Rules, chapter 4626, as amended. Food establishments include, but are not limited to, restaurants, cafeterias,
bars, clubs, cafes, coffee shops, grocery stores, delicatessens, convenience stores, lodges, resorts, retail bakeries, retail meat markets, produce stands, group childcare centers, group adult care centers, institutions, public and private schools, satellite or catered serving locations, catering food vehicles, carts, packaged retail food sales, vending machines, mobile food units, special event food stands or other short-term food operations, and similar businesses established for the service or retail distribution of food and beverages where consumption is on or off the premises and regardless of whether there is a charge for the food or beverages.

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

Subd. 45. "Issuing Authority" means the City of Richfield Public Safety Department and its qualified designated agents as the Richfield City Council may designate.

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

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

617.07. - License required and posted.

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

Section 5. Subsection 617.15 in the Richfield City Code is amended as follows:

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

(a) Preparing for retail sale potentially hazardous time/temperature control for safety (TCS) foods that require extensive processing and handling on premises;

(b) Cooking or cooling potentially hazardous TCS foods;
(c) Offering as a menu item, or an ingredient of a menu item, raw or undercooked [potentially hazardous] meats, poultry products, eggs, fish, shellfish or similar foods [with raw potentially hazardous items as ingredients];

(d) Transporting potentially hazardous TCS foods as a catering service; or

(e) Conducting food processing that involves smoking, curing, or reduced oxygen packaging.

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

Subd. 2. Type II means a Type I food establishment serving on average fewer than 500 meals per day; having fewer than 175 seats; or having fewer than 500 customers per day. Type II establishments require a certified food protection manager as specified in Minnesota Rules, chapter 4626.

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

(a) Mainly non-potentially hazardous TCS foods and a limited amount of TCS foods that require minimal processing and handling;

(b) Potentially hazardous TCS foods prepared elsewhere and only heated or held cold onsite; and

(c) Serving or retailing limited potentially hazardous TCS foods, such as pizza, requiring handling followed by heat treatment.

Type III establishments require a certified food protection manager as specified in Minnesota Rules, chapter part 4626.0033 unless specifically exempted. They include, but are not limited to, such operations as, retail sales of cold or frozen packaged potentially hazardous foods; packaged foods

Subd. 4. Type IV means those food establishments having minimal food handling. [Type IV establishments are not required to have a certified food manager as specified in Minnesota Rules, chapter 4626.] They include, but are not limited to such operations as, retail sales of cold or frozen packaged potentially hazardous foods; packaged foods
where customers may heat the food onsite; hotdogs; preparing or packaging non-TCS food that are made from ingredients that are not TCS; heating or serving precooked hot dog or sausage products, popcorn, nachos, pretzels, or frozen pizza; childcare with snacks and milk; ready-to-eat pizzas and sandwiches made elsewhere delivered for immediate resale according to federal regulations; coffee shops with frothed milk; unpackaged baked goods made elsewhere; continental breakfasts with rolls, juice, coffee, cold cereal, and milk; juice bars with blended drinks; and on-sale bars with mixed drinks.

Subd. 5. Type V means those food establishments where non-potentially hazardous TCS food or food products are sold at retail or served in the original container including snack bars, bottled beverages and packaged food products. Type V food establishments are not required to have a certified food protection manager as specified in Minnesota Rules, Chapter 4626.

Subd. 6. Supplemental facility means any additional distinct or separate food retail or food service facility on the same premises as a Type I, II, III, IV, or V establishment, including catering food vehicles. Supplemental facilities are categorized as:

(a) High Supplemental Facility having similar food handling operations specified under Type I establishment;

(b) Medium Supplemental Facility having similar food handling operations specified under Type III or IV establishment; or

(c) Low Supplemental Facility having similar food handling operations specified under Type V establishment.

Subd. 7. Temporary food establishment is defined in Minnesota Rules, Chapter 4626 and includes special event food stands as defined in Minnesota Statutes, Chapter 157. Temporary Food Establishments are categorized as:

(a) Complex Temporary Food Establishment having similar food handling operations specified under Type I and Type III establishments; or

(b) Simple Temporary Food Establishment having similar food handling operations specified under Type IV and V establishments.

Subd. 8. Farmers’ market stands meaning those food establishments operating at farmers’ markets and not exempt from licensing under Minnesota Statutes, Section 28A.

Subd. 9. Vending machines means devices dispensing unit servings of food that are either a food or beverage machine or a nut, gum ball, or unwrapped candy machine.

Section 6. Subsection 617.17 in the Richfield City Code is amended as follows:

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

Section 7. Subsection 617.19 in the Richfield City Code is amended as follows:

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

Subdivision 1. Minnesota Rules, chapter 4626.0225 Preventing Contamination From Hands, D is amended to read as follows: Food employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands if:

(a) Written procedures are maintained in the food establishment and made available to the Health Authority upon request that include for each bare hand contact procedure, a listing of the specific ready-to-eat foods that are touched by bare hands.

(b) A written employee health policy that details:

   (i) Documentation that food employees and conditional employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through food;

   (ii) Documentation that food employees and conditional employees acknowledge their responsibilities; and

   (iii) Documentation that the person in charge acknowledges his/her responsibilities.

(c) Documentation that food employees acknowledge that they have received training according to Minnesota Rules, Chapter 4626 in:

   (i) The risks of contacting the specific ready-to-eat foods with bare hands;

   (ii) Proper handwashing including when and where to wash their hands;

   (iii) Proper fingernail maintenance;

   (iv) Prohibition of jewelry; and

   (v) Good hygienic practices.

(d) Documentation that hands are washed before food preparation and as necessary to prevent cross contamination by food employees during all hours of operation when the specific ready-to-eat foods are prepared.

(e) Documentation that food employees contacting ready-to-eat food with bare hands use two (2) or more of the following control measures to provide additional safeguards to hazards associated with bare-hand contact:
(i) Double handwashing, such as after using the bathroom and returning to work, handling raw meat products, or other high risk activities;

(ii) A hand antiseptic after washing;

(iii) Programs to encourage food employees not to work when they are ill; or

(iv) Other control measures approved by the Health Authority.

Subd. 2. Minnesota Rules, Chapter 4626.0410 TIME AS PUBLIC HEALTH CONTROL, subpart 2. Notification. The food establishment licensee must submit written notification to the Health Authority of his/her intention to use the procedures provided under this part and receive approval from the Health Authority prior to implementation of the provisions of this part.

Subd. 3. Subdivision 1. Minnesota Rules, Chapter 4626.1050, A is amended to read as follows: A hand washing lavatory shall must be equipped to provide water to the user through a mixing valve or combination faucet, at a temperature of at least 43 degrees C (110 degrees F), but not more than 54 degrees C (130 degrees F) in a food establishment and not more than 48 degrees C (120 degrees F), in a sink that is used by children such as at a school, day care, or preschool to allow handwashing for at least 20 seconds through a mixing valve or combination faucet.

Subd. 4. Minnesota Rules, Chapter 4626.1325, A is amended to read: Except as specified in item 2B, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

(a) Smooth, durable and easily cleanable for areas where food establishment operations are conducted;

(b) Closely woven and easily cleanable carpet where carpeting is permitted; and

(c) Non-absorbent for areas subject to moisture and resistant to the wear and abuse to which they are subjected. Materials such as, but not limited to, quarry tile, or ceramic tile are approved for floors in food preparation areas, toilet rooms, hand washing areas, wait stations, kitchens, bars, walk-in refrigeration, ware washing areas, janitorial areas, laundry rooms, areas subject to flushing or spray cleaning methods, and other areas subject to moisture. Materials such as, but not limited to, ceramic tile are approved for walls subject to splash or moisture in food preparation areas, ware washing areas, toilet rooms, etc.

Subd. 5. Minnesota Rules, Chapter 4626.1465 TOILET TISSUE, AVAILABILITY. A supply of toilet tissue in a mounted dispenser shall be available at each toilet.

Subd. 6. A food establishment shall have in place and use a system of risk-based self-inspection. The self-inspection program shall include written policies, appropriate forms for logging self-inspections, and evidence that routine self-inspection of all aspects of the food establishment takes place.
Subd. 5. Minnesota Rules, Chapter 4626.0123 Clean-up of vomiting and diarrheal events. A food establishment must have written procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. The procedures must address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

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

Subdivision 1. Administrative variance request. Relief from the strict compliance with the requirements of section 617.19 and those parts of Minnesota Rules, Chapter 4626 hereof may be granted in the form of a variance. Variance requests shall not be considered from those specifically listed in Minnesota Rules, chapter 4626.1690, subpart A. Variance requests shall be in writing and submitted to the Health Authority, including, at a minimum, the following information:

(a) The full name, address, daytime and evening telephone numbers of the party requesting a variance;

(b) The address of the licensed premises;

(c) The relationship of the party requesting a variance to the licensed premises;

(d) The specific reasons why the requirements of City Code or State Rule cannot be met;

(e) A description of alternative measures that will be taken to ensure a comparable degree of protection to the health or the environment if a variance is granted;

(f) The length of time for which the variance is requested;

(g) A statement that the person applying for the variance will comply with the terms of the variance and maintain a copy, if granted;

(h) A HACCP plan, if required under part 4626.1730, that includes the information in part 4626.1735 that is relevant to the variance requested; and

(i) Other relevant information the City determines necessary to properly evaluate the request for a variance.

Subd. 2. Criteria for variance. The Health Authority may grant a variance request upon making all of the following findings of fact in writing:

(a) The variance was requested in the manner prescribed by this section of City Code;

(b) Science-based evidence that the variance will have no potential adverse effect or impact on public health, safety or the environment;
Section 9. Subsection 617.25 in the Richfield City Code is amended as follows:

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

Subdivision 1. Submission of plans.

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

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

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

Subd. 2. The Health Authority, after proper identification, shall have the right to enter and have access to the food establishment at any time during the conduct of business.

Subd. 3. The Health Authority shall inspect each food establishment as frequently as necessary during construction, and prior to opening for service to the public, to ensure that construction and operations are in conformance with this section.

Subd. 4. The Health Authority shall inspect each food establishment at a frequency no less often than State law requires.

Subd. 5. The licensee, owner, or operator of a food establishment upon receipt of a health inspection report giving notice of violations of this section shall correct or remove each violation in the length of time determined by the Health Authority. Critical Priority 1 and priority 2 food code violations shall be complied with immediately or within 24 hours if not otherwise specified by the Health Authority. Failure to remove or correct each violation within the specified time period shall constitute a separate violation of this section. The Health Authority may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this section.

Section 11. This Ordinance will be effective in accordance with Section 3.09 of the City Charter.
Adopted this ____ of __________________, 2019.

By: ___________________________

Maria Regan Gonzalez, Mayor

ATTEST:

________________________

Catherine Rodriguez, Manager
RESOLUTION NO. ____

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

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

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

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

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

SUMMARY PUBLICATION
BILL NO. 2019- ______

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

On February ___, 2019, the Richfield City Council adopted an ordinance designated as Bill No. __________, the title of which is stated above. This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter. The purpose of the Ordinance is to: update definitions and terminology, as well as the body of the Ordinance, to reflect recent changes in State law governing food handling practices, health and hygiene standards, and equipment certification in food establishments.

Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours or upon request by calling 612-861-9738.

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

______________________________
Maria Regan Gonzalez, Mayor

ATTEST:

______________________________
Elizabeth VanHoose, City Clerk
ITEM FOR COUNCIL CONSIDERATION:
Consideration of the approval of the preliminary design layout for the Portland Avenue bicycle and pedestrian link project from 66th Street to Trunk Highway 62 (Crosstown) as recommended by the Transportation Commission.

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

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

Design Features
Bicyclists - Concerns were identified due to the lack of facilities for bicyclists. The preliminary layout includes:
- On-street buffered bicycle lanes from 66th Street to Trunk Highway 62 (Crosstown).
- Improved crossings at 66th Street and the Trunk Highway 62 (Crosstown) ramp intersection.

Pedestrians - Concerns were identified related to discomfort, vehicle speeds, and safety when crossing and walking along the corridor. The preliminary layout includes:
- Median at the freeway ramp intersection to provide refuge and one-way crossing of traffic to improve crossing safety.
- Pedestrian activated flashing crosswalk lights at the roundabout at 66th Street and Portland Avenue.
Parking - The existing condition allows for on-street parking on Sundays only. A visual survey of Sunday parking did not identify any use by residents and no comments were received that expressed concerns about the potential loss of Sunday parking on Portland Avenue. The preliminary layout proposes the prohibition of all on-street parking on the east and west sides of Portland Avenue.

Motorists - Concerns were identified with safety and mobility along the corridor. Safety concerns included above average crash and injury rates. In addition, the existing speeds make it uncomfortable and potentially dangerous for pedestrians and bicyclists. The preliminary design features include:
   - Three lane roadway via a 4-to-3 lane conversion similar to Portland Avenue South of 66th Street, with left turn lanes at intersections.
   - Traffic signal at 64th Street (same as existing).

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

Additional Considerations - The commission has also recommended that the following items be considered in the detail design of the project:
   - Add pedestrian flashing lights to the median at pedestrian crossings at the roundabout at 66th Street and Portland (Commission).
   - Further study of the proposed lane configuration of the roundabout at 66th Street and Portland to consider single lane exits and potential single lane circulation (Commission).

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

BASIS OF RECOMMENDATION:

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

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   - The preliminary layout for Portland Avenue is consistent with the following approved plans:
     - Comprehensive Plan (Chapter 6 - Transportation)
     - Bicycle Master Plan
     - Complete Streets Policy
     - Arterial Roads Study

C. CRITICAL TIMING ISSUES:
   - The preliminary design needs to be approved in order to complete final design for a 2020 construction timeline.

D. FINANCIAL IMPACT:
   - The estimated cost to the City for the project is $42,000 and is to be financed by Municipal State Aid.

E. LEGAL CONSIDERATION:
   - None

ALTERNATIVE RECOMMENDATION(S):
PRINCIPAL PARTIES EXPECTED AT MEETING:
None

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Comments Received on Portland Ave Bike Gap

Email August 11, 2018:

Jason,

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

1. Will the right turn lane at Portland coming off 62 from the west now have to wait for the light? I hope so because the cars come through there really fast right now without a light and it's really dangerous crossing the street without walking down to 64th and crossing at the light.

2. I was concerned about how steep my driveway would be if the road was widened. Looking at the project map it looks like my property (the west side of Portland) won't be impacted very much. Am I interpreting that correctly?

3. Will there be times during the project that we will not be able to access our homes from Portland? If so, do you know yet how long?

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

Thank you,
Lori Brown

Email August 14, 2018:

Dave,

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

https://www.google.com/maps/@44.8903449,-93.2686302,3a,75y,90.2h,69.91t/data=!3m6!1e1!3m4!1sA6oWT3f4lqje2_eaPrycSA!2e0!7i13312!8i6656?hl=en

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

Let me know if you want to discuss.

Thanks
Email January 18, 2019:

Hi Jason,

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

Claire Killian
Resident of Richfield

Email January 30, 2019:

Jason and Jordan,

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

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

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

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

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

Thanks
Matt Steele

Email February 7, 2019:

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

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

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

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

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

Publication date: 5/15/2018
Portland Avenue bicycle and pedestrian link
County Road 35 in Richfield and Minneapolis

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

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

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

Project features
For people walking and needing accessibility features:
• Americans with Disabilities Act (ADA) compliant ramps and sidewalk
• accessible Pedestrian Signals (APS)
• durable crosswalk markings
• countdown timers

For people on bikes
• new dedicated trail

For people using transit
• enhanced bus shelters
• enhanced wayfinding signage

Safety improvements and updates for all users
• additional dedicated turn lanes
• new traffic signal mast arms

2020
Hennepin County
Jason Staebell
Project manager
jason.staebell@hennepin.us
612-596-0371

Project website
www.hennepin.us/portlandave-crosstown

August 2018
ITEM FOR COUNCIL CONSIDERATION:
Consideration of designating representatives to serve as the 2019 liaisons to various metropolitan agencies and City commissions.

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

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

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
   ♦ This information is contained in the Executive Summary.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   ♦ The City Council designated liaisons at the first meeting in January, with the intent to make adjustments after the special election for City Council - Ward 3.

C. CRITICAL TIMING ISSUES:
   ♦ None

D. FINANCIAL IMPACT:
   ♦ None

E. LEGAL CONSIDERATION:
   ♦ None

ALTERNATIVE RECOMMENDATION(S):
   ♦ The City Council may defer the designations to a future City Council meeting.
**PRINCIPAL PARTIES EXPECTED AT MEETING:**
N/A

**ATTACHMENTS:**

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