REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
NOVEMBER 12, 2019
7:00 PM

INTRODUCTORY PROCEEDINGS

Call to order

Pledge of Allegiance

Approval of the Minutes of: (1) City Council Work Session of October 22, 2019; (2) Regular City Council meeting of October 22, 2019

AGENDA APPROVAL

1. Approval of the Agenda

2. 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. Consider a resolution granting a conditional use permit to allow small wireless facilities in the right-of-way near 6920 Penn Avenue South.  
      Staff Report No. 133

   B. Consider the adoption of a resolution to accept a grant of $3,114 from the Office of Justice Programs for bullet proof vests.  
      Staff Report No. 134

   C. Consider approval of setting a public hearing to be held on December 10, 2019, to consider issuance of a new On Sale Intoxicating and Sunday Liquor licenses for Los Sanchez Taqueria ll, LLC d/b/a Los Sanchez Taqueria, located at 2 West 66th Street.  
      Staff Report No. 135

   D. Consider approval of the Animal Shelter Agreement with the City of Bloomington.  
      Staff Report No. 136

   E. Consider approval of setting a public hearing to be held on December 10, 2019, for the consideration of the renewal of On-Sale Intoxicating and Sunday Liquor licenses for 2020 for El Tejaban Mexican Grill, LLC d/b/a El Tejaban Mexican Grill, Thompson's Fireside Pizza, Inc. d/b/a Fireside Foundry, Frenchman's Pub, Inc. d/b/a Frenchman's, VPC Richfield Pizza, LLC d/b/a Giordano's of Richfield, Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar, Paisan, Inc. d/b/a Khan's Mongolian Barbeque, Lyn 65, LLC d/b/a Lyn 65 Kitchen & Bar, Lyndale Smokehouse, LLC d/b/a Lyndale Smokehouse, Pizza Luce VII, Inc. d/b/a Pizza Luce, Fred Babcock VFW Post 5555 and American Legion 435 d/b/a Minneapolis-Richfield American Legion Post 435.  
      Staff Report No. 137
F. Consider the approval of setting a public hearing to be held on December 10, 2019, for the consideration of the renewal of Pawnbroker and Secondhand Goods Dealer licenses for 2020 for Metro Pawn and Gun, Inc.

   Staff Report No. 138

G. Consider approval of setting a public hearing to be held on December 10, 2019, for the consideration of the renewal of On-Sale Wine and On-Sale 3.2 Percent Malt Liquor licenses for 2020 for Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, Davanni’s, Inc. d/b/a Davanni’s Pizza & Hot Hoagies, Joy’s Pattaya Thai Restaurant, LLC d/b/a Joy's Pattaya Thai Restaurant, LRFC, LLC d/b/a Local Roots Food & Coffee, Minnesota Junior Hockey Group, LLC d/b/a Minnesota Magicians (located in the Richfield Ice Arena), My Burger Operations, LLC d/b/a My Burger, Patrick’s French Bakery, Inc. d/b/a Patrick’s Bakery & Café, Henry Thou d/b/a Red Pepper Chinese Restaurant.

   Staff Report No. 139

H. Consider approval of a request for a new Therapeutic Massage Enterprise license for Pearl Services, LLC d/b/a I Love Massages, located at 2934 West 66th Street, Suite 14.

   Staff Report No. 140

I. Consider approval of setting a public hearing to be held on December 10, 2019, to consider issuance of a new On-Sale Wine and 3.2 Malt Liquor licenses for O’Reilly Custom 6, LLC d/b/a Sandy’s Tavern, located at 6612 Penn Avenue South.

   Staff Report No. 141

J. Consider the adoption of a resolution approving the undertaking of the Phase 1 Environmental Site Assessment at 7636 Cedar Avenue South as part of the forthcoming 77th Street Underpass project.

   Staff Report No. 142

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

   PUBLIC HEARINGS

4. Public hearing and consider a resolution approving a final plat of the NOVO Addition, in order to allow construction of the previously approved NOVO apartments at 66th Street and Queen Avenue.

   Staff Report No. 143

5. Consider the approval of:
   1. The updated Five-Year Street Reconstruction Plan (2020-2024) as detailed at the October 22, 2019 City Council Work Session; and
   2. A resolution for reimbursement of certain expenditures from the proceeds of street reconstruction bonds to be issued by the City of Richfield for the Lyndale Avenue Street Reconstruction project.

   Staff Report No. 144

   CITY MANAGER’S REPORT

6. City Manager’s Report

   CLAIMS AND PAYROLLS

7. Claims and Payroll

   Open forum

   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.

   COUNCIL DISCUSSION

8. Hats Off to Hometown Hits

9. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96
hours in advance to the City Clerk at 612-861-9738.
CITY COUNCIL MEETING MINUTES
Richfield, Minnesota
City Council Work Session
October 22, 2019

CALL TO ORDER

The meeting was called to order by Mayor Pro Tempore Garcia at 5:45 p.m. in the Bartholomew Room.

Council Members Present: Edwina Garcia, Mayor Pro Tempore; Mary Supple; Simon Trautmann; and Ben Whalen.

Council Members Absent: Maria Regan Gonzalez, Mayor

Staff Present: Katie Rodriguez, City Manager; Chris Regis, Finance Director; Kristin Asher, Public Works Director; Neil Ruhland, Communication and Engagement Manager; Jack Broz, Transportation Engineer; Scott Kulzer, Public Works Administration; Blanca Martinez Gavina, Executive Analyst.

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<tr>
<th>Item #1</th>
<th>LYNDALE AVENUE RECONSTRUCTION UPDATE AND CAPITAL PROJECT PLANNING</th>
</tr>
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CM Rodriguez introduced the Lyndale Financing and Capital Planning process. She gave a brief overview of the process and welcomed Director of Public Works Asher.

Director Asher reviewed the Lyndale historical budget context from 2017 up to 2019 including changes in the 66th Street project. She also discussed aspects of the budget for 66th Street.

Council Member Supple wanted clarification on the municipal state aid account. Director Asher listed how the funds had been adjusted and applied.

Director Asher discussed the 77th Underpass construction and outlined the process. In addition, Director Asher proposed that the Five Year Plan will need a reimbursement resolution.

Council Member Whalen asked about selling the $1.2 million in bonds. He also inquired if that will be paid back with utility bonds and what the impact would be for the constituents.

Director Asher clarified that when a bond is sold, payments begin the following year. The bond would be paid back with utility costs collected.

Council Member Trautmann asked for explanation on the process of paying for the bond from utilities.

Director Regis spoke to the collection for debt service utility bond and that debt service pays out of utility funds.

City Manager Rodriguez gave an explanation of how utility funds not only pay for operating costs for the infrastructure as well.
Director Asher discussed that selling the bond early helps with cash flow.

Council Member Trautmann expressed concern with the big picture plan and the long term payment plan.

Director Regis clarified the initial plan of $2 million of debt has increased to $3 million concerning the Lyndale project which will affect the tax levy. The new $1.2 million of debt from the water utility bond will be paid out of the utility fund and there will be no effect on the tax levy.

Director Asher explained that 65th Street is in need of repair in the near future and hopefully in 2023 the MSA funds will be back in the black and can be put toward that reconstruction.

Director Regis spoke to the Key Financial Strategies and estimated levy for each year going forward to include the street reconstructions.

Council Member Supple asked if we are approaching the threshold of where the debt load is too high. Director Regis confirmed that there is still room and not in danger of approaching that number. City Manager Rodriguez explained that they are working to smooth out the debt issues.

Council Member Whalen expressed being weary of the increase of the debt but appreciates that none of the future projects are projected to bond at the maximum amount.

Director Regis described the 2021 to 2024 and beyond reconstruction projects of 65th, 69th, 70th and the 77th Underpass.

Council Member Trautmann questioned the margin on the outstanding debt and wanted clarification of the city retaining its credit rating and how the debt is affecting the residents. Director Regis and City Manager spoke to the concern of utility fees and/or property taxes going up for residents.

Director Asher renewed the process for moving forward and the updated standard operating procedures to avoid going over budget.

Council Member Supple asked if they have added an internal audit process. City Manager Rodriguez confirmed that the procedure is more robust so overages are avoided.

Council Member Whalen showed his appreciation to the staff for finding ways to mitigate the $3 million gap.

| Item #2 | PRESENTATION OF THE PUBLIC WORKS DEPARTMENT PUBLIC ENGAGEMENT PROCESS FOR STREET RECONSTRUCTION PROJECTS |

Mayor Pro Tempore Garcia introduced the item and Jack Broz, Transportation Engineer.

Transportation Engineer Broz reviewed the Sweet Streets process and the changes they have made to include the community.

Public Works Administrative Aid Analyst, Scott Kulzer walked through a mock public engagement case study with a recent open house. He also touched on how they alert the public, legal notices, open houses and social media outreach.
Mayor Pro Tempore Garcia expressed her appreciation with the effort to reach out and contact the public.

**ADJOURNMENT**

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

Date Approved: November 12, 2019

_____________________________
Edwina Garcia  
Mayor Pro Tempore

_____________________________
Kelly Wynn  
Senior Administrative Assistant

_____________________________
Katie Rodriguez  
City Manager
The meeting was called to order by Mayor Pro Tempore Garcia at 7:01 p.m. in the Council Chambers.

**Council Members Present:** Edwina Garcia, Mayor Pro Tempore; Mary Supple; Simon Trautmann; and Ben Whalen.

**Council Members Absent:** Maria Regan Gonzalez, Mayor

**Staff Present:** Katie Rodriguez, City Manager; Neil Ruhland, Communications Manager; Blanca Martinez Gavina, Executive Analyst; Amy Markle, Recreation Services Director; Jay Henthorne, Chief of Police; John Stark, Community Development Director; Kris Weiby, Facilities Manager; David Anderson, Assistant City Attorney

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**OPEN FORUM**

Candace Johnson, 6712 Pleasant Ave, expressed her solidarity with the Quinones family and reviewed a series of questions about the officers involved. Ms. Johnson demanded that the officers be removed immediately from active duty.

Keith McCarron, Minneapolis resident, stated his opinions on the release of what he referred to as public records and other materials related to Mr. Brian Quinones’ officer involved shooting.

Ashley Quinones, 508 E 73rd, spoke about her concerns and what she stated as ongoing anger and frustration with the City’s handling of Mr. Brain Quinones’ officer involved shooting.

Sumaya Aden, stated her perceived fear and frustration with the officers and city officials.

M/Supple for 15 minute recess of meeting (7:34pm)

Motion carried 4-0

Dinni Aden, asked why the tapes and all materials involving Mr. Brian Quinones had not been released.

Council Member Trautmann conveyed his condolences to the family of Brian Quinones.

Mayor Pro Tempore Garcia called for a recess of the meeting.

Council Member Supple thanked everyone for coming and confirmed that the council is listening to their comments and concerns.
City Manager Rodriguez said that she would communicate with Ashley Quinones.

Don Williams, Minnesota resident, spoke about his belief on the lack of transparency with the officer involved shooting of Mr. Brian Quinones.

Allyson Hoberg, 6837 James Ave South, suggested improvements for data requests. She also was concerned with how officers dealt with Mr. Brian Quinones' incident.

Richfield resident spoke to his concern of what believed to be police harassment.

Katy Cummins Bakko, St. Paul resident, conveyed her thoughts on what she thought was a lack of energy put forth in the officer involved shooting of Mr. Brian Quinones.

Chara Blanch, Richfield resident, shared her beliefs on the release of videos, asked for clarification on the officer involved shooting and demanded a series of items from both city council and leadership.

Mayor Pro Tempore Garcia called for a recess of the meeting.

Chara Blanch refused to follow the council process and continued to question city council.

Council Member Trautmann moved to adjourn the meeting until Wednesday October 23rd at 4:00 pm. He then amended his motion to 5:00 pm. After some discussion, he tabled the motion to adjourn.

Mary Smith, 7044 Oliver Ave S, voiced concerns of how the public hearings process works. She also spoke of her distaste of the project near Sheridan Hills Elementary.

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Garcia led the Pledge of Allegiance.

APPROVAL OF MINUTES

Minutes of the: (1)City Council Work Session for October 08, 2019; and (2) City Council Meeting Minutes for October 08, 2019.

M/Supple, S/Trautmann to approve the minutes

Motion carried 4-0.

ITEM #1 | PRESENTATION OF SOUTHWEST SUBURBAN CABLE COMMISSION

Due to a prolonged Open Forum, the presentation of the Southwest Suburban Cable Commission was not made and has been postponed.
ITEM #2 PRESENTATION FROM PLANNING COMMISSION CHAIR

Due to a prolonged Open Forum, the presentation from the Planning Commission Chair was not made and has been postponed.

Item #3 COUNCIL DISCUSSION

- Hats Off to Hometown Hits

All members of the council passed on discussion.

Item #4 APPROVAL OF THE AGENDA

M/Supple, S/Trautmann to approve the agenda

Motion carried 4-0.

Item #5 CONSENT CALENDAR

A. Continue a public hearing to consider approval of a final plat of the NOVO Addition to November 12, 2019 (Staff Report No. 126).
B. Consider the adoption of a resolution designating polling places for 2020 (Staff Report No. 127).

RESOLUTION NO. 11668
RESOLUTION DESIGNATING POLLING PLACES FOR 2020

C. Consider the approval of a joint powers agreement for the storm water system between the cities of Edina and Richfield in Adams Hill Park. In conjunction with the agreement, also consider approval of the permanent and temporary easement for the area so construction can take place on the Yorktown Park Sanitary Sewer Trunk Pipe Extension (Staff Report No. 128).
D. Consider the approval of the Hennepin County Sports Facilities Grant Resolution to submit a grant for the Universally Inclusive Playground at Augsburg Park and authorize staff to execute the grant agreement if awarded (Staff Report No. 129).

RESOLUTION NO. 11669
A RESOLUTION AUTHORIZING CITY STAFF TO FILE AN APPLICATION AND EXECUTE AGREEMENTS WITH HENNEPIN YOUTH SPORTS PROGRAM TO DEVELOP A UNIVERSALLY INCLUSIVE PLAYGROUND

E. Consider the adoption of a resolution granting a one-year extension of land use approvals for a Planned Unit Development at 2400 66th Street West (NOVO apartments) (Staff Report No. 130).

RESOLUTION NO. 11670
RESOLUTION GRANTING AN EXTENSION OF A FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT
FOR A PLANNED UNIT DEVELOPMENT AT 2400 66TH STREET WEST

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

Motion carried 4-0.

Council Member Whalen spoke to the upcoming updates for change of polling places for 2020.

Council Member Supple clarified to resident, Mary Smith, that the public hearing referred to in the Open Forum is postponed to the next meeting.

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<thead>
<tr>
<th>Item #6</th>
<th>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR</th>
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<tbody>
<tr>
<td>None.</td>
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<tr>
<th>Item #7</th>
<th>RESOLUTIONS</th>
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<tbody>
<tr>
<td>Consider the adoption of a resolution ordering the securing of a vacant building at 7100 Oliver Avenue South (Staff Report No. 131).</td>
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RESOLUTION NO. 11671
RESOLUTION ORDERING THE SECURING OF A VACANT BUILDING AT 7100 OLIVER AVENUE SOUTH

<table>
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<tr>
<th>Item #8</th>
<th>OTHER BUSINESS</th>
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<tbody>
<tr>
<td>Consider the approval of the Richfield Ice Arena Refrigeration Project that includes the renovation of the refrigeration system for both sheets of ice, HVAC system, roof improvements, ADA upgrades, and turf for dryfloor athletics with the use of existing city funds.</td>
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Council Member Supple discussed the positive feedback from the public in the use of a dryfloor.

Facilities Manager Weiby explained they are trying to shrink down the amount of time the ice will be out of the arena to minimize revenue loss.

M/Supple, S/Garcia to approve the Consider the approval of the Richfield Ice Arena Refrigeration Project

Motion carried 4-0.
Item #9  CITY MANAGER’S REPORT

City Manager Rodriguez had nothing to report.

Item #10  CLAIMS AND PAYROLLS

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

<table>
<thead>
<tr>
<th>U.S. Bank</th>
<th>10/22/19</th>
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<tbody>
<tr>
<td>A/P Checks: 281655-282052</td>
<td>$1,656,864.19</td>
</tr>
<tr>
<td>Payroll: 149484-149811 43068</td>
<td>$665,361.23</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,322,225.42</td>
</tr>
</tbody>
</table>

Motion carried 4-0.

Item #11  ADJOURNMENT

The meeting was adjourned by unanimous consent at 9:47 p.m.

Date Approved: November 12, 2019

Edwina Garcia  
Mayor Pro Tempore

Kelly Wynn  
Senior Administrative Assistant

Katie Rodriguez  
City Manager
ITEM FOR COUNCIL CONSIDERATION:
Consider a resolution granting a conditional use permit to allow small wireless facilities in the right-of-way near 6920 Penn Avenue South.

EXECUTIVE SUMMARY:
SAC Wireless, on behalf of AT&T ("Applicant"), is requesting approval of a conditional use permit (CUP) to allow the installation of a small wireless facility in a residential area. The Applicant is proposing to replace a City-owned light pole adjacent to 6920 Penn Avenue South with a new pole that will accommodate the attachment of the small wireless facility. This site was identified by AT&T’s radio-frequency engineers as an area where cellular coverage is lacking and where light poles, utility poles, or other structures that could feasibly hold a small wireless facility are present. The proposed small wireless facility is able to fill a "pocket" of poor cellular coverage that signals from a traditional tower cannot reach.

In order to approve a CUP, the Council must find that the request is consistent with the purpose and goals of the City's Comprehensive Plan and Zoning Code; complies with applicable performance standards; and will not cause "undue adverse impacts" on governmental facilities, utilities, or services; or on the public health, safety, or welfare. The proposed installation does not conflict with the City’s Comprehensive Plan or Zoning Code. The placement on an existing (or replacement) light pole limits aesthetic impacts in the Single-Family Zone, and the supplied frequency study indicates that radio-frequency emissions will be within the acceptable limits for the general public set by the Federal Communications Commission. A full discussion of CUP requirements can be found in an attachment to this report. Finding that the proposal meets requirements, staff recommends approval of the CUP for a small wireless facility at 6920 Penn Avenue South.

RECOMMENDED ACTION:
By motion: Approve a resolution granting a conditional use permit to allow small wireless facilities in the right-of-way near 6920 Penn Avenue South.

BASIS OF RECOMMENDATION:
A. HISTORICAL CONTEXT

State law gives "telecommunications right-of-way users" the right to install facilities in the right-
of-way. This right is subject to local governmental authority to manage right-of-way permitting. In 2017, the Minnesota Legislature amended the definition of a "telecommunications right-of-way user" to include persons deploying facilities to provide "wireless service." Wireless providers may deploy a "small wireless facility" or a "wireless support structure" in the right-of-way.

While the City's authority to deny permits in the right-of-way is limited, cities may make such facilities or structures a conditional use in right-of-way located in "a district or area zoned for single-family residential use or within a historic district." The City Council held a work session to discuss this issue on July 25, 2017 and directed City staff to move forward with an amendment to make these facilities a conditional use in single-family residential areas.

In July 2019, the Planning Commission reviewed applications for wireless facilities at 6 other sites throughout the City. The City Council approved CUPs for those locations on August 13, 2019.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   - Small wireless facilities are a conditionally permitted use in the Single-Family Residential (R) District.
   - The Federal Communications Commission (FCC) has established guidelines for human exposure to Radio Frequency Electromagnetic Fields. All antenna sites must comply with established FCC guidelines.
   - The City Attorney's Office has advised that in order to reject an application based on health impacts, the City would have to show (with evidence) that the Federal Government's ruling on the allowable exposure limits is wrong.
   - A policy to prevent a proliferation of installations in residential neighborhoods was discussed at the Planning Commission meeting on October 28, 2019. The Director of RAN Engineering at AT&T has indicated that the required spacing to avoid signal interference between small cell facilities is approximately a one to two block radius. A policy related to spacing seems unnecessary at this time.
   - A full discussion of general CUP requirements and required findings can be found as an attachment to this report.

C. CRITICAL TIMING ISSUES:
   60-DAY RULE: The 60-day clock 'started' when a complete application was received on October 15, 2019. A decision is required by December 14, 2019 or the Council must notify the Applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:
   None. Installation and maintenance will be the responsibility of the Applicant.

E. LEGAL CONSIDERATION:
   - A public hearing was held on October 28, 2019. Notice of the public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site on October 17, 2019. No members of the public spoke.
   - The Planning Commission recommended approval (6-1).

ALTERNATIVE RECOMMENDATION(S):
   - None

PRINCIPAL PARTIES EXPECTED AT MEETING:
   SAC Wireless representative, on behalf of AT&T

ATTACHMENTS:

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<th>Type</th>
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<tr>
<td>Resolution</td>
<td>Resolution Letter</td>
</tr>
<tr>
<td>Required Findings</td>
<td>Backup Material</td>
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<tr>
<td>Site Plans</td>
<td>Backup Material</td>
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RESOLUTION NO.

RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A SMALL WIRELESS FACILITY IN THE RIGHT-OF-WAY ADJACENT TO 6920 PENN AVENUE SOUTH

WHEREAS, an application has been filed with the City of Richfield which requests a conditional use permit for a small wireless facility to be co-located on a city-owned light pole in the right-of-way on land generally located at 6920 Penn Avenue South, legally described as:

That part of Penn Avenue South adjacent to Lot 6, Block 16, “Tingdale Bros.’ Lincoln Hills 3rd Addition”, Hennepin County, Minnesota

WHEREAS, the Planning Commission of the City of Richfield held a public hearing for the requested conditional use permit at its October 28, 2019 meeting; and

WHEREAS, the Planning Commission recommended approval of the conditional use permit for a small wireless facility; and

WHEREAS, notice of the public hearing was published in the Sun Current and mailed to properties within 350 feet of the subject property on October 17, 2019;

WHEREAS, the requested conditional use permit meets the requirements necessary for issuing a conditional use permit as specified in Richfield’s Zoning Code, Subsection 547.09; and

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

1. The City Council adopts as its Findings of Fact the WHEREAS clauses set forth above.

2. A conditional use permit is issued to allow a small wireless facility on the Subject Property legally described above.

3. This conditional use permit is subject to the following conditions in addition to those specified in Section 547.09 of the City’s Zoning Ordinance:
   a) The recipient of this approval shall record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City’s Zoning Ordinance Section 547.11, Subd. 7; and
   b) The applicant is responsible for obtaining all required permits, and for compliance with all other City and State regulations.
   c) Approval does not constitute approval of the Small Cell Pole Attachment permit required by the Public Works Department or the Electrical Permit required by the Inspections Department.
   d) Separate approval of an antenna permit is not required.

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

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

Adopted by the City Council of the City of Richfield, Minnesota this 12th day of November, 2019.

Maria Regan Gonzalez, Mayor

ATTTEST:

Elizabeth VanHoose, City Clerk
Code Requirements / Required Findings

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

1. *The proposed use is consistent with the goals, policies, and objectives of the City’s Comprehensive Plan.* This requirement is met. The location of the facility is designated as “Low Density Residential”. The Utilities section of the Comprehensive Plan states that the provision of public and private utilities is essential to a thriving, healthy community. This proposal to upgrade privately owned wireless equipment is consistent with the Comprehensive Plan.

2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.* This requirement is met. The purpose of the Zoning Code is to protect and promote the public health, safety, comfort, aesthetics, economic viability, and general welfare of the City. The proposed use is not inconsistent with these intentions. The property is in the Single-Family Residential (R) District. The purpose of the R District is to provide residential locations that are safe, attractive and quiet. The proposed use of attaching a small wireless facility to an existing pole in the right-of-way does not pose threat to this and is conditionally permitted in this district. Given that there is not currently an excessive concentration of small wireless facilities at this location, this requirement is met.

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

4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code.* Section 544 of the code does not apply to small wireless facilities in the Single-Family Residential Districts.

5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements.* Small wireless facilities located in the right-of-way require a permit from Public Works and are required to meet certain conditions. The facility will be co-located with existing utilities. The City’s Public Works and Engineering Departments have reviewed the proposal and do not anticipate any issues.

6. *The use will not have undue adverse impacts on the public health, safety, or welfare.* No adverse impacts are anticipated. The supplied frequency study indicates that radiofrequency emissions will be within the acceptable limits for the general public set by the Federal Communications Commission.

7. *There is a public need for such use at the proposed location.* Maintaining and providing up-to-date wireless facilities at multiple locations is necessary to maintain a thriving community.

8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit.* This requirement is met.
SAC Wireless, LLC on behalf of AT&T Mobility, LLC
Site FA – 14826408
USID – 215061
Site Name – CRAN_RUMW_SDALE_009 (MRUMW030809)
6920 PENN AVENUE SOUTH
RICHFIELD, MN 55423

Latitude: N44-52-38.50
Longitude: W93-18-31.36
Structure Type: Light Pole

Report generated date: May 3, 2019
Report by: Scott Broyles
Customer Contact: Ryan Peck

AT&T Mobility, LLC will be compliant when the remediation recommended in Section 5.2 or other appropriate remediation is implemented.

Sitesafe logo is a registered trademark of Site Safe, LLC. All rights reserved.
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1 General Site Summary

1.1 Report Summary

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<th>AT&amp;T Mobility, LLC</th>
<th>Summary</th>
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<tr>
<td>Max Cumulative Simulated RFE Level on the Ground</td>
<td>&lt;1% General Public Limit</td>
</tr>
<tr>
<td>Compliant per FCC Rules and Regulations?</td>
<td>Will Be Compliant</td>
</tr>
<tr>
<td>Compliant per AT&amp;T Mobility, LLC's Policy?</td>
<td>No</td>
</tr>
</tbody>
</table>

The following documents were provided by the client and were utilized to create this report:

**RFDS:** 215061_CRAN_RUMW_SDALE_009_MRRUMW030809_RFDS 4.16.19

**CD's:** 215061_CRAN_RUMW_SDALE_009_MRRUMW030809_CDS REV_A

**RF Powers Used:** Customer power used

1.2 Fall Arrest Anchor Point Summary

<table>
<thead>
<tr>
<th>Fall Arrest Anchor &amp; Parapet Info</th>
<th>Parapet Available (Y/N)</th>
<th>Parapet Height (Inches)</th>
<th>Fall Arrest Anchor Available (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof Safety Info</td>
<td>N</td>
<td>N/A</td>
<td>N</td>
</tr>
</tbody>
</table>
1.3 Signage Summary

a. Pre-Site Visit AT&T Signage (Existing Signage)

<table>
<thead>
<tr>
<th>AT&amp;T Signage Locations</th>
<th>Information 1</th>
<th>Information 2</th>
<th>Notice</th>
<th>Notice 2</th>
<th>Caution</th>
<th>Caution 2</th>
<th>Warning</th>
<th>Warning 2</th>
<th>Barriers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access Point(s)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Alpha</td>
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<td></td>
<td></td>
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<tr>
<td>Beta</td>
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<td></td>
<td></td>
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<tr>
<td>Gamma</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Delta</td>
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</tr>
</tbody>
</table>

b. Proposed AT&T Signage

<table>
<thead>
<tr>
<th>AT&amp;T Signage Locations</th>
<th>Information 1</th>
<th>Information 2</th>
<th>Notice</th>
<th>Notice 2</th>
<th>Caution</th>
<th>Caution 2</th>
<th>Warning</th>
<th>Warning 2</th>
<th>Barriers</th>
</tr>
</thead>
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<td>Access Point(s)</td>
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<td></td>
<td></td>
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<tr>
<td>Alpha</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Beta</td>
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<td></td>
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<tr>
<td>Gamma</td>
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<td>Delta</td>
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<tr>
<td>Epsilon</td>
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<td></td>
</tr>
</tbody>
</table>
2 Scale Maps of Site

The following diagrams are included:

- Site Scale Map
- RF Exposure Diagram
- RF Exposure Diagram – Elevation View
3 Antenna Inventory

The following antenna inventory was obtained by the customer and was utilized to create the site model diagrams:

<table>
<thead>
<tr>
<th>Antenna Make &amp; Model</th>
<th>Type</th>
<th>TX Freq (MHz)</th>
<th>Technology</th>
<th>Az (Deg)</th>
<th>Hor BW (Deg)</th>
<th>Ant Len (ft)</th>
<th>Power</th>
<th>Power Type</th>
<th>Power Unit</th>
<th>Misc Loss</th>
<th>TX Count</th>
<th>Total ERP (Watts)</th>
<th>Ant (d)</th>
</tr>
</thead>
<tbody>
<tr>
<td>.C Ace Technology ACOM-2F15D-12P</td>
<td>Omni</td>
<td>1900</td>
<td>LTE</td>
<td>0</td>
<td>360</td>
<td>2</td>
<td>57.25</td>
<td>TPO</td>
<td>dBmW</td>
<td>0</td>
<td>1</td>
<td>2636.3</td>
<td>6</td>
</tr>
<tr>
<td>.C Ace Technology ACOM-2F15D-12P</td>
<td>Omni</td>
<td>2100</td>
<td>LTE</td>
<td>0</td>
<td>360</td>
<td>2</td>
<td>57.95</td>
<td>TPO</td>
<td>dBmW</td>
<td>0</td>
<td>1</td>
<td>3243.4</td>
<td>7</td>
</tr>
<tr>
<td>.C Ace Technology ACOM-2F15D-12P</td>
<td>Omni</td>
<td>5150</td>
<td>LTE</td>
<td>0</td>
<td>360</td>
<td>2</td>
<td>34.95</td>
<td>TPO</td>
<td>dBmW</td>
<td>0</td>
<td>1</td>
<td>5.4</td>
<td>2</td>
</tr>
</tbody>
</table>

Note: The Z reference indicates the bottom of the antenna height above the main site level unless otherwise indicated. Effective Radiated Power (ERP) is provided by the operator or based on Sitesafe experience. The values used in the modeling may be greater than are currently deployed.
4 Emission Predictions

In the RF Exposure Simulations below all heights are reflected with respect to main site level. In most rooftop cases this is the height of the main rooftop and in other cases this can be ground level. Each different height area, rooftop, or platform level is labeled with its height relative to the main site level. Emissions are calculated appropriately based on the relative height and location of that area to all antennas. The total analyzed elevations in the below RF Exposure Simulations are listed below.

- Ground = 0'

The Antenna Inventory heights are referenced to the same level.
5 Site Compliance

5.1 Site Compliance Statement
Upon evaluation of the cumulative RF emission levels from all operators at this site, RF hazard signage and antenna locations, Sitesafe has determined that:

AT&T Mobility, LLC will be compliant when the remediation recommended in Section 5.2 or other appropriate remediation is implemented.

The compliance determination is based on General Public RFE levels derived from theoretical modeling, RF signage placement, proposed antenna inventory and the level of restricted access to the antennas at the site. Any deviation from the AT&T Mobility, LLC’s proposed deployment plan could result in the site being rendered non-compliant.

Modeling is used for determining compliance and the percentage of MPE contribution.

5.2 Actions for Site Compliance
Based on FCC regulations, common industry practice, and our understanding of AT&T Mobility, LLC RF Safety Policy requirements, this section provides a statement of recommendations for site compliance. Recommendations have been proposed based on our understanding of existing access restrictions, signage, and an analysis of predicted RFE levels.

AT&T Mobility, LLC will be made compliant if the following changes are implemented:

Light Pole Access Location
No Signs - Controlled access to the structure should be implemented by AT&T and the structure owner.

Notes:

- The area with the potential to exceed the General Public MPE limits is extends beyond 16” from the antenna. Sitesafe would normally recommend the appropriate RF signage on the structure at the vertical safe distance below the antenna; however, per AT&T’s signage policy, no signage should be recommended in this instance and controlled access to the structure should be implemented by AT&T and the structure owner.
- MPE is calculated to be 15,113.26 at the antenna level and MPE safe Distance is 27’ Horizontal and 4’ vertical.
- Signage may already be in place. Sitesafe does not have record of any existing signage because there were no previous visits or data supplied regarding them. All remediation is based on a worst-case scenario.
6 Reviewer Certification

The reviewer whose signature appears below hereby certifies and affirms:

That I am an employee of Site Safe, LLC, in Vienna, Virginia, at which place the staff and I provide RF compliance services to clients in the wireless communications industry; and

That I am thoroughly familiar with the Rules and Regulations of the Federal Communications Commission (FCC) as well as the regulations of the Occupational Safety and Health Administration (OSHA), both in general and specifically as they apply to the FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields; and

That I have thoroughly reviewed this Site Compliance Report and believe it to be true and accurate to the best of my knowledge as assembled by and attested to by Scott Broyles.

May 3, 2019

Richard Kutanich
Appendix A – Statement of Limiting Conditions

Sitesafe has provided computer generated model(s) in this Site Compliance Report to show approximate dimensions of the site, and the model is included to assist the reader of the compliance report to visualize the site area, and to provide supporting documentation for Sitesafe’s recommendations.

Sitesafe may note in the Site Compliance Report any adverse physical conditions, such as needed repairs, that Sitesafe became aware of during the normal research involved in creating this report. Sitesafe will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because Sitesafe is not an expert in the field of mechanical engineering or building maintenance, the Site Compliance Report must not be considered a structural or physical engineering report.

Sitesafe obtained information used in this Site Compliance Report from sources that Sitesafe considers reliable and believes them to be true and correct. Sitesafe does not assume any responsibility for the accuracy of such items that were furnished by other parties. When conflicts in information occur between data collected by Sitesafe provided by a second party and data collected by Sitesafe, the data will be used.
Appendix B – Regulatory Background Information

FCC Rules and Regulations


FCC regulations define two separate tiers of exposure limits: Occupational or "Controlled environment" and General Public or "Uncontrolled environment". The General Public limits are generally five times more conservative or restrictive than the Occupational limit. These limits apply to accessible areas where workers or the general public may be exposed to Radio Frequency (RF) electromagnetic fields.

Occupational or Controlled limits apply in situations in which persons are exposed as a consequence of their employment and where those persons exposed have been made fully aware of the potential for exposure and can exercise control over their exposure.

An area is considered a Controlled environment when access is limited to these aware personnel. Typical criteria are restricted access (i.e. locked or alarmed doors, barriers, etc.) to the areas where antennas are located coupled with proper RF warning signage. A site with Controlled environments is evaluated with Occupational limits.

All other areas are considered Uncontrolled environments. If a site has no access controls or no RF warning signage it is evaluated with General Public limits.

The theoretical modeling of the RF electromagnetic fields has been performed in accordance with OET Bulletin 65. The Maximum Permissible Exposure (MPE) limits utilized in this analysis are outlined in the following diagram:

![FCC Limits for Maximum Permissible Exposure (MPE)](image)
Limits for Occupational/Controlled Exposure (MPE)

<table>
<thead>
<tr>
<th>Frequency Range (MHz)</th>
<th>Electric Field (V/m)</th>
<th>Magnetic Field Strength (H) (A/m)</th>
<th>Power Density (S) (mW/cm²)</th>
<th>Averaging Time [E]^2, [H]^2 or S (minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.3-3.0</td>
<td>614</td>
<td>1.63</td>
<td>(100)*</td>
<td>6</td>
</tr>
<tr>
<td>3.0-30</td>
<td>1842/f</td>
<td>4.89/f</td>
<td>(900/f)^2</td>
<td>6</td>
</tr>
<tr>
<td>30-300</td>
<td>61.4</td>
<td>0.163</td>
<td>1.0</td>
<td>6</td>
</tr>
<tr>
<td>300-1500</td>
<td>--</td>
<td>--</td>
<td>f/300</td>
<td>6</td>
</tr>
<tr>
<td>1500-</td>
<td>--</td>
<td>--</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>100,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Limits for General Population/Uncontrolled Exposure (MPE)

<table>
<thead>
<tr>
<th>Frequency Range (MHz)</th>
<th>Electric Field Strength (E) (V/m)</th>
<th>Magnetic Field Strength (H) (A/m)</th>
<th>Power Density (S) (mW/cm²)</th>
<th>Averaging Time [E]^2, [H]^2 or S (minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.3-1.34</td>
<td>614</td>
<td>1.63</td>
<td>(100)*</td>
<td>30</td>
</tr>
<tr>
<td>1.34-30</td>
<td>824/f</td>
<td>2.19/f</td>
<td>(180/f)^2</td>
<td>30</td>
</tr>
<tr>
<td>30-300</td>
<td>27.5</td>
<td>0.073</td>
<td>0.2</td>
<td>30</td>
</tr>
<tr>
<td>300-1500</td>
<td>--</td>
<td>--</td>
<td>f/1500</td>
<td>30</td>
</tr>
<tr>
<td>1500-</td>
<td>--</td>
<td>--</td>
<td>1.0</td>
<td>30</td>
</tr>
<tr>
<td>100,000</td>
<td>f = frequency in MHz</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Plane-wave equivalent power density

OSHA Statement

The General Duty clause of the OSHA Act (Section 5) outlines the occupational safety and health responsibilities of the employer and employee. The General Duty clause in Section 5 states:

(a) Each employer –

(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

(2) shall comply with occupational safety and health standards promulgated under this Act.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

OSHA has defined Radiofrequency and Microwave Radiation safety standards for workers who may enter hazardous RF areas. Regulation Standards 29 CFR § 1910.147 identify a generic Lockout/Tagout procedure aimed to control the unexpected energization or startup of machines when maintenance or service is being performed.
Appendix C – Safety Plan and Procedures

The following items are general safety recommendations that should be administered on a site by site basis as needed by the carrier.

General Maintenance Work: Any maintenance personnel required to work immediately in front of antennas and/or in areas indicated as above 100% of the Occupational MPE limits should coordinate with the wireless operators to disable transmitters during their work activities.

Training and Qualification Verification: All personnel accessing areas indicated as exceeding the General Population MPE limits should have a basic understanding of EME awareness and RF Safety procedures when working around transmitting antennas. Awareness training increases a worker’s understanding to potential RF exposure scenarios. Awareness can be achieved in a number of ways (e.g. videos, formal classroom lecture or internet-based courses).

Physical Access Control: Access restrictions to transmitting antennas locations is the primary element in a site safety plan. Examples of access restrictions are as follows:
- Locked door or gate
- Alarmed door
- Locked ladder access
- Restrictive Barrier at antenna (e.g. Chain link with posted RF Sign)

RF Signage: Everyone should obey all posted signs at all times. RF signs play an important role in properly warning a worker prior to entering into a potential RF Exposure area.

Assume all antennas are active: Due to the nature of telecommunications transmissions, an antenna transmits intermittently. Always assume an antenna is transmitting. Never stop in front of an antenna. If you have to pass by an antenna, move through as quickly and safely as possible thereby reducing any exposure to a minimum.

Maintain a 3 foot clearance from all antennas: There is a direct correlation between the strength of an EME field and the distance from the transmitting antenna. The further away from an antenna, the lower the corresponding EME field is.

Site RF Emissions Diagram: Section 4 of this report contains an RF Diagram that outlines various theoretical Maximum Permissible Exposure (MPE) areas at the site. The modeling is a worst-case scenario assuming a duty cycle of 100% for each transmitting antenna at full power. This analysis is based on one of two access control criteria: General Public criteria means the access to the site is uncontrolled and anyone can gain access. Occupational criteria means the access is restricted and only properly trained individuals can gain access to the antenna locations.
Appendix D – RF Emissions

The RF Emissions Simulation(s) in this report display theoretical spatially averaged percentage of the Maximum Permissible Exposure for all systems at the site unless otherwise noted. These diagrams use modeling as prescribed in OET Bulletin 65 and assumptions detailed in Appendix E.

The key at the bottom of each RF Emissions Simulation indicates percentages displayed referenced to FCC General Public Maximum Permissible Exposure (MPE) limits. Color coding on the diagram is as follows:

- Areas indicated as Gray are predicted to be below 5% of the MPE limits. Gray represents areas more than 20 times below the most conservative exposure limit. **Gray areas are accessible to anyone.**
- Green represents areas are predicted to be between 5% and 100% of the MPE limits. **Green areas are accessible to anyone.**
- Blue represents areas predicted to exceed the General Public MPE limits but are less than Occupational limits. **Blue areas should be accessible only to RF trained workers.**
- Yellow represents areas predicted to exceed Occupational MPE limits. **Yellow areas should be accessible only to RF trained workers able to assess current exposure levels.**
- Red represents areas predicted to have exposure more than 10 times the Occupational MPE limits. **Red indicates that the RF levels must be reduced prior to access.** An RF Safety Plan is required which outlines how to reduce the RF energy in these areas prior to access.

If trained occupational personnel require access to areas that are delineated as above 100% of the limit, Sitesafe recommends that they utilize the proper personal protection equipment (RF monitors), coordinate with the carriers to reduce or shutdown power, or make real-time power density measurements with the appropriate power density meter to determine real-time MPE levels. This will allow the personnel to ensure that their work area is within exposure limits.
Appendix E – Assumptions and Definitions

General Model Assumptions
In this site compliance report, it is assumed that all antennas are operating at full power at all times. Software modeling was performed for all transmitting antennas located on the site. Sitesafe has further assumed a 100% duty cycle and maximum radiated power.

The modeling is based on recommendations from the FCC’s OET-65 bulletin with the following variances per AT&T guidance. Reflection has not been considered in the modeling, i.e. the reflection factor is 1.0. The near/far field boundary has been set to 1.5 times the aperture height of the antenna and modeling beyond that point is the lesser of the near field cylindrical model and the far field model taking into account the gain of the antenna.

The site has been modeled with these assumptions to show the maximum RF energy density. Areas modeled with exposure greater than 100% of the General Public MPE level may not actually occur but are shown as a prediction that could be realized. Sitesafe believes these areas to be safe for entry by occupationally trained personnel utilizing appropriate personal protective equipment (in most cases, a personal monitor).

Use of Generic Antennas
For the purposes of this report, the use of "Generic" as an antenna model, or "Unknown" for an operator means the information about a carrier, their FCC license and/or antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use our industry specific knowledge of equipment, antenna models, and transmit power to model the site. If more specific information can be obtained for the unknown measurement criteria, Sitesafe recommends remodeling of the site utilizing the more complete and accurate data. Information about similar facilities is used when the service is identified and associated with a particular antenna. If no information is available regarding the transmitting service associated with an unidentified antenna, using the antenna manufacturer’s published data regarding the antenna’s physical characteristics makes more conservative assumptions.

Where the frequency is unknown, Sitesafe uses the closest frequency in the antenna’s range that corresponds to the highest Maximum Permissible Exposure (MPE), resulting in a conservative analysis.
Appendix F – Definitions

5% Rule – The rules adopted by the FCC specify that, in general, at multiple transmitter sites actions necessary to bring the area into compliance with the guidelines are the shared responsibility of all licensees whose transmitters produce field strengths or power density levels at the area in question in excess of 5% of the exposure limits. In other words, any wireless operator that contributes 5% or greater of the MPE limit in an area that is identified to be greater than 100% of the MPE limit is responsible for taking corrective actions to bring the site into compliance.

Compliance – The determination of whether a site complies with FCC standards with regards to Human Exposure to Radio Frequency Electromagnetic Fields from transmitting antennas.

Decibel (dB) – A unit for measuring power or strength of a signal.

Duty Cycle – The percent of pulse duration to the pulse period of a periodic pulse train. Also, may be a measure of the temporal transmission characteristic of an intermittently transmitting RF source such as a paging antenna by dividing average transmission duration by the average period for transmission. A duty cycle of 100% corresponds to continuous operation.

Effective (or Equivalent) Isotropic Radiated Power (EIRP) – The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna.

Effective Radiated Power (ERP) – The product of the power supplied to the antenna and the antenna gain in a given direction relative to a half-wave dipole antenna.

Gain (of an antenna) – The ratio of the maximum power in a given direction to the maximum power in the same direction from an isotropic radiator. Gain is a measure of the relative efficiency of a directional antenna as compared to an omnidirectional antenna.

General Population/Uncontrolled Environment – Defined by the FCC as an area where RF exposure may occur to persons who are unaware of the potential for exposure and who have no control over their exposure. General Population is also referenced as General Public.

Generic Antenna – For the purposes of this report, the use of “Generic” as an antenna model means the antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use its industry specific knowledge of antenna models to select a worst-case scenario antenna to model the site.

Isotropic Antenna – An antenna that is completely non-directional. In other words, an antenna that radiates energy equally in all directions.

Maximum Measurement – This measurement represents the single largest measurement recorded when performing a spatial average measurement.

Maximum Permissible Exposure (MPE) – The rms and peak electric and magnetic field strength, their squares, or the plane-wave equivalent power densities associated with these fields to which a person may be exposed without harmful effect and with acceptable safety factor.
**Occupational/Controlled Environment** – Defined by the FCC as an area where RF exposure may occur to persons who are aware of the potential for exposure as a condition of employment or specific activity and can exercise control over their exposure.

**OET Bulletin 65** – Technical guideline developed by the FCC’s Office of Engineering and Technology to determine the impact of RF exposure on humans. The guideline was published in August 1997.

**OSHA (Occupational Safety and Health Administration)** – Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthy workplace for their employees. OSHA’s role is to promote the safety and health of America’s working men and women by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit [www.osha.gov](http://www.osha.gov).

**Radio Frequency Exposure or Electromagnetic Fields** – Electromagnetic waves that are propagated from antennas through space.

**Spatial Average Measurement** – A technique used to average a minimum of ten (10) measurements taken in a ten (10) second interval from zero (0) to six (6) feet. This measurement is intended to model the average energy a 6-foot tall human body will absorb while present in an electromagnetic field of energy.

**Transmitter Power Output (TPO)** – The radio frequency output power of a transmitter’s final radio frequency stage as measured at the output terminal while connected to a load.
Appendix G – References

The following references can be followed for further information about RF Health and Safety.

Site Safe, LLC
http://www.sitesafe.com
FCC Radio Frequency Safety
http://www.fcc.gov/encyclopedia/radio-frequency-safety
National Council on Radiation Protection and Measurements (NCRP)
http://www.ncrponline.org
Institute of Electrical and Electronics Engineers, Inc., (IEEE)
http://www.ieee.org
American National Standards Institute (ANSI)
http://www.ansi.org
Environmental Protection Agency (EPA)
http://www.epa.gov/radtown/wireless-tech.html
National Institutes of Health (NIH)
http://www.niehs.nih.gov/health/topics/agents/emf/
Occupational Safety and Health Agency (OSHA)
http://www.osha.gov/SLTC/radiofrequencyradiation/
International Commission on Non-Ionizing Radiation Protection (ICNIRP)
http://www.icnirp.org
World Health Organization (WHO)
http://www.who.int/peh-emf/en/
National Cancer Institute
American Cancer Society (ACS)
http://www.cancer.org/docroot/PED/content/PED_1_3x_Cellular_Phone_Towers.asp?sitearea=PED
European Commission Scientific Committee on Emerging and Newly Identified Health Risks
Fairfax County, Virginia Public School Survey
http://www.fcps.edu/fts/safety-security/RFESurvey/
UK Health Protection Agency Advisory Group on Non-Ionizing Radiation
Norwegian Institute of Public Health
http://www.fhi.no/dokumenter/545eeaq7147.pdf
ITEM FOR COUNCIL CONSIDERATION:
Consider the adoption of a resolution to accept a grant of $3,114 from the Office of Justice Programs for bullet proof vests.

EXECUTIVE SUMMARY:
The U.S Department of Justice, Office of Justice Programs, through their Bulletproof Vest Partnership/Body Armor Safety Initiative (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998, is designed to provide a critical resource to state and local law enforcement. The Richfield Department of Public Safety has participated in this grant since 2003. This grant allows the department to continually replace bulletproof vests that are out of warranty coverage.

RECOMMENDED ACTION:
By motion: Adopt a resolution accepting the grant of $3,114 from the Office of Justice Programs for bullet proof vests.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
   ✓ Since 1999, the BVP program has awarded more than 13,000 jurisdictions a total of $467 million in for the purchase of over one million vests (1,349,813 as of January, 2019).
   ✓ The Richfield Department of Public Safety has received a total of $72,617.62 over fifteen years.
   ✓ Based on data collected and recorded by BJA staff, following 2 years of decline law enforcement officer line-of-duty deaths, the country realized a dramatic 37% increase in officer deaths in 2010. Fifty-nine (59) of the 160 officers killed in 2010 were shot during violent encounters; a 20% increase over 2009 numbers.
   ✓ BVP funds cover 50% of the cost of an individual vest.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   ✓ Minnesota Statute 465.03 requires that every acceptance of a grant of devise of real or personal property on terms prescribed by the donor be made by resolution of more than two-thirds majority of the City Council.
   ✓ The Administrative Services Department issued a memo on November 9, 2004, requiring that all grants and restricted donations to departments be received by resolution and passed by more than
two-thirds majority of the City Council in accordance with Minnesota Statute 465.03.

C. **CRITICAL TIMING ISSUES:**
   - The Bulletproof Vest Partnership requires that the vests are ordered on or after April 1, 2019. The deadline to request payments from the FY 2019 award funds is August 31, 2021, or until all available FY 2019 funds have been exhausted.

D. **FINANCIAL IMPACT:**
   - The amount of the grant is $3,114.

E. **LEGAL CONSIDERATION:**
   - There are no legal considerations.

**ALTERNATIVE RECOMMENDATION(S):**
   - Council could deny the resolution to accept the grant from the Department of Justice, Office of Justice Programs; however, the contributions would help defray the costs of replacing the bulletproof vests for the Department of Public Safety.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
None

**ATTACHMENTS:**
<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>□ Resolution</td>
<td>Resolution Letter</td>
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RESOLUTION NO.

RESOLUTION APPROVING THE GRANT WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS AND RICHFIELD POLICE FOR BULLETPROOF VESTS

WHEREAS, following two years of declining law enforcement officer line-of-duty deaths, the country realized a dramatic 37 percent increase in officer deaths in 2010. Fifty-nine of the 160 officers killed in 2010 were shot during violent encounters; a 20 percent increase over 2009 numbers; and,

WHEREAS, the U.S. Department of Justice is committed to improving officer safety and has undertaken research to review and analyze violent encounters and law enforcement officer deaths and injuries; and,

WHEREAS, the Bulletproof Vest Partnership (BVP) was created by the Bulletproof Vest Partnership Grant Act of 1998 and is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement; and,

WHEREAS, the Richfield Department of Public Safety has been informed that a grant has been awarded to the department by the U.S. Department of Justice, Office of Justice Programs under their Bulletproof Vest Partnership (BVP) program, for $3,114.00 for the purchase of ballistic vests; and,

WHEREAS, the BVP grant is under the Fiscal Year 2019 BVP awards, allowing purchases beginning on or after April 1, 2019 until August 31, 2021, or until all available 2019 award funds have been requested.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota, that the Public Safety Department and the Deputy Director of Public Safety will enter into an agreement to receive grant money for Richfield’s bulletproof vest expenditures as outlined in the agreement.

Adopted by the City Council of the City of Richfield, Minnesota this 12th day of November 2019.

________________________
Maria Regan Gonzalez, Mayor

ATTEST:

________________________
Elizabeth VanHoose, City Clerk
STAFF REPORT NO. 135
CITY COUNCIL MEETING
11/12/2019

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay A. Henthorne, Director of Public Safety/Chief of Police
10/11/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
11/6/2019

ITEM FOR COUNCIL CONSIDERATION:
Consider approval of setting a public hearing to be held on December 10, 2019, to consider issuance of a new On Sale Intoxicating and Sunday Liquor licenses for Los Sanchez Taqueria II, LLC d/b/a Los Sanchez Taqueria, located at 2 West 66th Street.

EXECUTIVE SUMMARY:
On September 19, 2019, the City received the application materials for new On Sale Intoxicating and Sunday Liquor licenses for Los Sanchez Taqueria II, LLC d/b/a Los Sanchez Taqueria, located at 2 West 66th Street.

All required information and documents have been received. All licensing fees have been paid.

RECOMMENDED ACTION:
By motion: Approve the setting of a public hearing to be held on December 10, 2019, to consider issuance of a new On Sale Intoxicating and Sunday Liquor licenses for Los Sanchez Taqueria II, LLC d/b/a Los Sanchez Taqueria, located at 2 West 66th Street.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
   • This is a notice to set the public hearing. Staff will provide a more detailed historical context in the report submitted for the public hearing on December 10, 2019.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   • City ordinance requires the City Council to conduct a public hearing to consider all On Sale Intoxicating and Sunday Liquor license applications and set a date for the public hearing.
   • The hearing must be scheduled and held before a new license may be considered.
   • The new process has been initiated.

C. CRITICAL TIMING ISSUES:

D. FINANCIAL IMPACT:
   • All licensing fees have been received.
E. **LEGAL CONSIDERATION:**
   - There are no legal considerations.

**ALTERNATIVE RECOMMENDATION(S):**
   - Schedule the public hearing for another date; however, this will delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
There are no parties expected at this meeting.
ITEM FOR COUNCIL CONSIDERATION:
Consider approval of the Animal Shelter Agreement with the City of Bloomington.

EXECUTIVE SUMMARY:
The City of Bloomington has provided animal control services for the City of Richfield for the past several years. The City of Bloomington has an established animal control program, shelter, trained staff, supervision and related equipment and tools to provide Richfield with appropriate and humane animal control services.

RECOMMENDED ACTION:
By Motion: Approve the Animal Shelter Agreement with the City of Bloomington, commencing August 1, 2019 - July 31, 2021.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
The City of Bloomington has provided animal control services for the City of Richfield for the past several years. The City of Bloomington has an established animal control program, shelter, trained staff, supervision and related equipment and tools to provide Richfield with animal control services.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
Richfield City Code Chapter IX - Public Safety Section 905.11 states the City Council may provide for a city animal pound either within or outside the limits of the City.

C. CRITICAL TIMING ISSUES:
N/A

D. FINANCIAL IMPACT:
The City of Richfield spends under $6,000 annually for services provided by the City of Bloomington under the Animal Shelter Agreement, for veterinary costs and dangerous dog hearings. This is far less than what the City of Richfield would spend if it were providing these services within the city.

E. LEGAL CONSIDERATION:
The City Attorney has reviewed the Animal Shelter Agreement and has approved the contract.
ALTERNATIVE RECOMMENDATION(S):
The City Council could choose to have Richfield provide its own animal control services. The costs of hiring qualified staff and securing a location to house and care for animals for extended periods of time would be more than our current expenditures and would require a significant budget increase.

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Animal Shelter Agreement 2019-2021</td>
<td>Cover Memo</td>
</tr>
</tbody>
</table>
AGREEMENT BETWEEN THE CITY OF BLOOMINGTON
AND THE CITY OF RICHFIELD
FOR ANIMAL IMPOUND SERVICES

THIS AGREEMENT is made this ______ day of __________________, 2019
between the City of Bloomington, a Minnesota municipal corporation located at 1800
West Old Shakopee Road, Bloomington, Minnesota  55431 (“Bloomington”), and the
City of Richfield, a Minnesota municipal corporation located at 6700 Portland Avenue,
Richfield, Minnesota 55423 (“Richfield”).

WITNESSETH

WHEREAS, Bloomington has the power, authority, responsibility and facilities
to provide animal control services (“Services”) under the control and direction of its
Police Department; and

WHEREAS, Richfield desires to contract for animal control services with the
City; and

WHEREAS, Bloomington has an established animal control program, shelter,
trained staff, supervision and related equipment and tools to provide Richfield with the
animal control services; and

NOW, THEREFORE, in consideration of the terms and conditions expressed
herein, the parties agree as follows:

I.  TERM OF AGREEMENT

The term of this Agreement shall be from August 1, 2019 to July 31, 2021,
subject to termination as provided in Article V.

II.  DUTIES OF RICHFIELD

A.  Richfield may deliver domestic animals as defined in Bloomington City Code Section
12.91 to Bloomington’s animal control facility (“Facility”) in good health during
normal working hours with the understanding that Bloomington may at any time
refuse to accept an animal based upon the physical condition, type of the animal, or
availability of space at its Facility.
B. Richfield authorizes Bloomington to act in accordance with Bloomington City Code Chapter 12 and Minnesota Statutes, Chapters 343, 346, and 347 as it relates to any animals that it delivers and are accepted by Bloomington under the terms of this Agreement.

C. Richfield understands and agrees that Bloomington has authority to arrange for veterinary care of animals delivered by Richfield, if Bloomington, in its sole discretion, determines the animal to be sick or injured and in need of such care. Unless the animal is claimed and such veterinary costs are collected from the owner, Richfield shall reimburse Bloomington for all costs associated with the provision of such veterinary care, including all staff and administrative costs.

D. Richfield shall defend, indemnify and hold harmless Bloomington, its officials, employees and agents, from any and all claims, causes of action, lawsuits, damages, losses, or expenses, including attorney fees, arising out of or resulting from the Services provided by Bloomington under this Agreement, including the destruction or disposal of all animals left in Bloomington’s care by Richfield.

E. Richfield agrees to pay Bloomington within thirty (30) days of the date of invoice for all Services rendered pursuant to this Agreement and assessed in accordance with the fee schedule attached as Exhibit A. Late fees will be assessed at the maximum rate allowed by law, for all amounts not paid within thirty (30) days from the date of the original invoice.

F. It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing the relationship of copartners between the parties hereto or as constituting Richfield's staff as the agents, representatives or employees of Bloomington for any purpose in any manner whatsoever. Richfield and its staff are to be and shall remain independent contractors with respect to all services performed under this Agreement. Richfield represents that it has, or will secure at its own expense, all personnel required in performing services under this Agreement. Any and all personnel of Richfield or other persons, while engaged in the performance of any work or services required by Richfield under this Agreement,
shall not be considered employees of Bloomington, and any and all claims that may or might arise under the Workers' Compensation Act of the State of Minnesota on behalf of said personnel or other persons while so engaged, and any and all claims whatsoever on behalf of any such person or personnel arising out of employment or alleged employment including, without limitation, claims of discrimination against Richfield, its officers, agents, or employees shall in no way be the responsibility of Bloomington; and Richfield shall defend, indemnify and hold Bloomington, its officers, agents and employees harmless from any and all such claims regardless of any determination of any pertinent tribunal, agency, board, commission or court. Such personnel or other persons shall not require nor be entitled to any compensation, rights or benefits of any kind whatsoever from Bloomington, including, without limitation, tenure rights, medical and hospital care, sick and vacation leave, Workers' Compensation, Unemployment Compensation, disability, severance pay and PERA.

G. Richfield shall be responsible for checking for identification on those animals it delivers to Bloomington and for prompt notification of identified owners of the location and impoundment of the animal by the most expedient means.

H. The parties agree to comply with the Minnesota Human Rights Act, Minnesota Statutes, Section 363A, as amended.

I. Richfield shall maintain commercial general liability insurance in the following amounts during the term of this Agreement:

1. Bodily injury in the amount of at least $500,000 per individual and $1,500,000 per occurrence for injuries or death arising out of each occurrence.

2. Property damage liability in the amount of $1,500,000 for each occurrence.

3. Richfield further agrees to name Bloomington as additional insured on said insurance policies and to provide a certificate of said insurance to Bloomington prior to commencing work pursuant to this Agreement.
4. Richfield shall carry Worker’s Compensation Insurance as required by
Minnesota Statutes, Section 176.181, subd 2.

5. Richfield agrees to notify Bloomington thirty (30) days prior to cancellation
or a change in any of the aforementioned insurance policies. All insurance
must be provided at Richfield’s expense and at no additional cost to
Bloomington.

III. DUTIES OF BLOOMINGTON

A. Bloomington will exercise reasonable care in feeding, boarding and caring for the
animals received from Richfield while they remain under its care, custody and
control.

B. For unclaimed animals, Bloomington will invoice Richfield, on a monthly basis, for
all charges for Services provided according to Exhibit A. Bloomington will release
animals received from Richfield to the animal’s respective owner in accordance with
Bloomington’s redemption criteria and upon the owner’s payment in full of
Bloomington’s total fees as described in Exhibit A for Claimed Animals. For animals
claimed by their owners, Bloomington will credit any fees collected on Richfield’s
behalf, as identified on Exhibit A, on Richfield’s monthly invoice.

C. Bloomington will exercise reasonable care in disposing of animals received from
Richfield in accordance with Bloomington’s disposal criteria, state law and local
ordinances. Methods of disposal shall be determined by Bloomington and will
include without limitation, sale, adoption, destruction and donation.

IV. GENERAL PROVISIONS

A. This Agreement represents the entire Agreement between Richfield and Bloomington
and supersedes and cancels any and all prior agreements or proposals, written or oral,
between the parties relating to the subject matter hereof; and amendments, addenda,
alterations, or modifications to the terms and conditions of this Agreement shall be in
writing and signed by both parties.
B. The parties agree to comply with the Americans With Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 and not discriminate on the basis of disability in the admission or access to, or treatment of employment in its services, programs, or activities. The Richfield agrees to hold harmless and indemnify Bloomington from costs, including but not limited to damages, attorney's fees and staff time, in any action or proceeding brought alleging a violation of ADA and/or Section 504 caused by the Richfield. Upon request accommodation will be provided to allow individuals with disabilities to participate in all services, programs and activities. Bloomington has designated coordinators to facilitate compliance with the Americans with Disabilities Act of 1990, as required by Section 35.107 of the U.S. Department of Justice regulations, and to coordinate compliance with Section 504 of the Rehabilitation Act of 1973, as mandated by Section 8.53 of the U.S. Department of Housing and Urban Development regulations.

C. Both parties will comply with all applicable provisions of the Minnesota Government Data Practices Act, Chapter 13 of the Minnesota Statutes, as amended.

D. This Agreement shall be interpreted using the laws of the State of Minnesota. The parties agree to comply with all applicable local, state and federal laws, rules, regulations and ordinances in the performance of the duties of this Agreement.

E. This Agreement shall not be assignable by either party except with the written consent of the other party.

F. The books, records, documents, and accounting procedures of both parties, relevant to this Agreement, are subject to examination by the other party, and either the legislative or state auditor as appropriate, pursuant to Minnesota Statutes, Section 16C.05, Subdivision 5.

G. Both parties agree to submit all claims, disputes and other matters in question between the parties arising out of or relating to this Agreement to mediation. The mediation shall be conducted through the Conflict Resolution Center, 2101 Hennepin Avenue, Suite 100, Minneapolis, MN 55405. In the event mediation is unsuccessful,
either party may exercise its legal or equitable remedies and may commence such action prior to the expiration of the applicable statute of limitations.

H. Richfield agrees to require each of its agents, officers and employees to abide by Bloomington’s policies prohibiting sexual harassment, firearms and smoking, as well as all other reasonable work rules, safety rules or policies regulating the conduct of persons on City property at all times while performing duties pursuant to this Agreement. Richfield agrees and understands that a violation of any of these policies or rules constitutes a breach of the Contract and sufficient grounds for immediate termination of the Agreement by Bloomington.

V. TERMINATION

Either party may terminate this Agreement for any reason upon giving thirty (30) days' advanced written notice to the other party.

Either party may terminate this Agreement at any time in event of default or violation by the other party of any provision of this Agreement. The non-defaulting party may take whatever action at law or in equity that may appear necessary or desirable to collect damages arising from a default or violation or to enforce performance of this Agreement.

[Remainder of the page left blank.]
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF BLOOMINGTON, MINNESOTA

DATED: ______________________ BY: __________________________

Its: City Manager

Reviewed and approved by the Bloomington City Attorney.

__________________
Bloomington City Attorney

CITY OF RICHFIELD, MINNESOTA

DATED: ______________________ BY: __________________________

Its: City Manager
EXHIBIT A

FEE SCHEDULE

Unclaimed Animals: Fees to be collected from Richfield for the Boarding and Disposal of Unclaimed Animals Received from Richfield:

- Administrative Charge $55.00 per animal
- Disposal $40.00 per animal
- Boarding $30.00 per day, per animal
- Veterinarian Services as billed by veterinarian

Claimed Animals: Fees to be collected from the Owner for Boarding of Claimed Animals Received from Richfield:

- Administrative Charge $63.00 per day, per animal
- Boarding $30.00 per day, per animal
- Veterinarian Services as billed by veterinarian

Adjustment of All Fees:
These fees may be administratively adjusted from time to time without a formal amendment of the Agreement. Such adjustment shall be made in accordance with the following procedure:

1. Fee adjustments are automatic when the City has, by Council action, adjusted its boarding, impound, administrative, sale and disposal fees for its own residents.

2. The adjusted fees shall not exceed the amounts set for City residents.

3. Initiation of a fee adjustment shall be made by thirty (30) day’s written notice thereof to Richfield.
4. The adjusted fees shall become effective, within thirty (30) days of the notice of fee adjustment, unless the Richfield terminates this Agreement.
ITEM FOR COUNCIL CONSIDERATION:
Consider approval of setting a public hearing to be held on December 10, 2019, for the consideration of the renewal of On-Sale Intoxicating and Sunday Liquor licenses for 2020 for El Tejaban Mexican Grill, LLC d/b/a El Tejaban Mexican Grill, Thompson's Fireside Pizza, Inc. d/b/a Fireside Foundry, Frenchman's Pub, Inc. d/b/a Frenchman's, VPC Richfield Pizza, LLC d/b/a Giordano's of Richfield, Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar, Paisan, Inc. d/b/a Khan's Mongolian Barbeque, Lyn 65, LLC d/b/a Lyn 65 Kitchen & Bar, Lyndale Smokehouse, LLC d/b/a Lyndale Smokehouse, Pizza Luce VII, Inc. d/b/a Pizza Luce, Fred Babcock VFW Post 5555 and American Legion 435 d/b/a Minneapolis-Richfield American Legion Post 435.

EXECUTIVE SUMMARY:
Richfield City Ordinance provides that the City Council conduct a public hearing to consider the renewal of all On-Sale Liquor license renewals and a date be set for the public hearing. This request is for the approval of setting the public hearing for December 10, 2019, for the consideration of these license renewals.

RECOMMENDED ACTION:
By Motion: Approve the setting of a public hearing to be held on December 10, 2019, for the consideration of the renewal of On-Sale Intoxicating and Sunday Liquor licenses for 2020 for El Tejaban Mexican Grill, LLC d/b/a El Tejaban Mexican Grill, Thompson's Fireside Pizza, Inc. d/b/a Fireside Foundry, Frenchman's Pub, Inc. d/b/a Frenchman's, VPC Richfield Pizza, LLC d/b/a Giordano's of Richfield, Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar, Paisan, Inc. d/b/a Khan's Mongolian Barbeque, Lyn 65, LLC d/b/a Lyn 65 Kitchen & Bar, Lyndale Smokehouse, LLC d/b/a Lyndale Smokehouse, Pizza Luce VII, Inc. d/b/a Pizza Luce, Fred Babcock VFW Post 5555 and American Legion 435 d/b/a Minneapolis-Richfield American Legion Post 435.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
- The On-Sale Liquor licenses for restaurant establishments will expire on December 31, 2019.
- Hearings must be scheduled and held before a renewal license may be considered.
- The renewal process has been initiated.
- Holding the public hearing on December 10, 2019, will provide ample time to complete the
licensing process before January 1, 2020.

B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**
   Richfield City ordinance provides that the City Council conduct a public hearing to consider all On-Sale Intoxicating Liquor license renewals.

C. **CRITICAL TIMING ISSUES:**
   Current On-Sale Intoxicating Liquor licenses will expire on December 31, 2019.

D. **FINANCIAL IMPACT:**
   None

E. **LEGAL CONSIDERATION:**
   None

**ALTERNATIVE RECOMMENDATION(S):**
Schedule the hearing for another date; however, this will delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
There are no parties expected at the meeting.
ITEM FOR COUNCIL CONSIDERATION:
Consider the approval of setting a public hearing to be held on December 10, 2019, for the consideration of the renewal of Pawnbroker and Secondhand Goods Dealer licenses for 2020 for Metro Pawn and Gun, Inc.

EXECUTIVE SUMMARY:
Richfield City ordinance requires that the City Council conduct a public hearing to consider the Pawnbroker and Secondhand Goods Dealer license renewals and a date be set for the public hearing. This request is for the approval of setting the public hearing for December 10, 2019, for the consideration of these license renewals.

RECOMMENDED ACTION:
By motion: Approve the setting of a public hearing to be held on December 10, 2019, for the consideration of the renewal of Pawnbroker and Secondhand Goods Dealer licenses for 2020 for Metro Pawn and Gun, Inc.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
   - The Pawnbroker and Secondhand Goods Dealer licenses for this pawnshop will expire on December 31, 2019.
   - Hearings must be scheduled and held before a renewal license may be considered.
   - The renewal process has been initiated.
   - Holding the public hearing on December 10, 2019, will provide ample time to complete the licensing process before January 1, 2020.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   Richfield City ordinance provides that the City Council conduct a public hearing to consider the Pawnbroker and Secondhand Goods Dealer license renewals.

C. CRITICAL TIMING ISSUES:
   Current Pawnbroker and Secondhand Goods Dealer licenses will expire on December 31, 2019.

D. FINANCIAL IMPACT:
E. **LEGAL CONSIDERATION:**

   None

**ALTERNATIVE RECOMMENDATION(S):**
Schedule the hearing for another date; however, this will delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
There are no parties expected at the meeting.
STAFF REPORT NO. 139
CITY COUNCIL MEETING
11/12/2019

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director/Chief of Police
11/4/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
11/6/2019

ITEM FOR COUNCIL CONSIDERATION:
Consider approval of setting a public hearing to be held on December 10, 2019, for the consideration of the renewal of On-Sale Wine and On-Sale 3.2 Percent Malt Liquor licenses for 2020 for Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, Davanni’s, Inc. d/b/a Davanni’s Pizza & Hot Hoagies, Joy’s Pattaya Thai Restaurant, LLC d/b/a Joy’s Pattaya Thai Restaurant, LRFC, LLC d/b/a Local Roots Food & Coffee, Minnesota Junior Hockey Group, LLC d/b/a Minnesota Magicians (located in the Richfield Ice Arena), My Burger Operations, LLC d/b/a My Burger, Patrick’s French Bakery, Inc. d/b/a Patrick’s Bakery & Café, Henry Thou d/b/a Red Pepper Chinese Restaurant.

EXECUTIVE SUMMARY:
Richfield City ordinance provides that the City Council conduct a public hearing to consider the renewal of all On-Sale Wine and 3.2 Percent Malt Liquor license renewals and a date be set for the public hearing. This request is for the approval of setting the public hearing for December 10, 2019, for the consideration of these license renewals.

RECOMMENDED ACTION:
By motion: Approve the setting of a public hearing to be held on December 10, 2019, for the consideration of the renewal of On-Sale Wine and On-Sale 3.2 Percent Malt Liquor licenses for 2020 for Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, Davanni’s, Inc. d/b/a Davanni’s Pizza & Hot Hoagies, Joy’s Pattaya Thai Restaurant, LLC d/b/a Joy’s Pattaya Thai Restaurant, LRFC, LLC d/b/a Local Roots Food & Coffee, Minnesota Junior Hockey Group, LLC d/b/a Minnesota Magicians (located in the Richfield Ice Arena), My Burger Operations, LLC d/b/a My Burger, Patrick’s French Bakery, Inc. d/b/a Patrick’s Bakery & Café, Henry Thou d/b/a Red Pepper Chinese Restaurant.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
   - The On-Sale Wine and 3.2 Percent Malt Liquor licenses for restaurant establishments will expire on December 31, 2019.
   - Hearings must be scheduled and held before a renewal license may be considered.
   - The renewal process has been initiated.
Holding the public hearing on December 10, 2019, will provide ample time to complete the licensing process before January 1, 2020.

B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**
   Richfield City ordinance provides that the City Council conduct a public hearing to consider all On-Sale Wine and 3.2 Percent Malt Liquor license renewals.

C. **CRITICAL TIMING ISSUES:**
   Current On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2019.

D. **FINANCIAL IMPACT:**
   None

E. **LEGAL CONSIDERATION:**
   None

**ALTERNATIVE RECOMMENDATION(S):**
Schedule the hearing for another date; however, this will delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
There are no parties expected at the meeting.
ITEM FOR COUNCIL CONSIDERATION:
Consider approval of a request for a new Therapeutic Massage Enterprise license for Pearl Services, LLC d/b/a I Love Massages, located at 2934 West 66th Street, Suite 14.

EXECUTIVE SUMMARY:
On September 27, 2019, the City received an application for a new Therapeutic Massage Enterprise license for Pearl Services, LLC d/b/a I Love Massages, located at 2934 West 66th Street, Suite 14. All required information, documents, and fees have been received.

The Public Safety background investigation has been completed. The Public Safety Director has reviewed the background investigation report. None of the information in the report would cause the Public Safety Director to recommend denial of the requested license.

RECOMMENDED ACTION:
By Motion: Approve the request for a new Therapeutic Massage Enterprise license for Pearl Services, LLC d/b/a I Love Massages, located at 2934 West 66th Street, Suite 14.

BASIS OF RECOMMENDATION:
A. HISTORICAL CONTEXT
   • The Public Safety background investigation has been completed and reveals the following:
     ◦ The applicant has paid the required licensing fees.
     ◦ The required proof of liability insurance has been submitted showing Allied Professionals Insurance as affording coverage.
     ◦ All real estate and personal property taxes due and payable for the premises have been paid.
     ◦ Pearl Lu is the sole owner and massage therapist of I Love Massages.
     ◦ A criminal background check was conducted on Pearl Lu and shows she has no known criminal history.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   • The applicant has complied with all the provisions of the application process.
C. **CRITICAL TIMING ISSUES:**
   - There are no critical timing issues.

D. **FINANCIAL IMPACT:**
   - Licensing fees have been received.

E. **LEGAL CONSIDERATION:**
   - There are no legal considerations.

**ALTERNATIVE RECOMMENDATION(S):**
- Deny the request for the Therapeutic Massage Enterprise license for I Love Massages; however, Public Safety has not found any basis for denial.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
Pearl Lu, owner
ITEM FOR COUNCIL CONSIDERATION:
Consider approval of setting a public hearing to be held on December 10, 2019, to consider issuance of a new On-Sale Wine and 3.2 Malt Liquor licenses for O’Reilly Custom 6, LLC d/b/a Sandy's Tavern, located at 6612 Penn Avenue South.

EXECUTIVE SUMMARY:
On October 10, 2019, the City received the application materials for new On-Sale Wine and 3.2 Malt Liquor licenses for O'Reilly Custom 6, LLC d/b/a Sandy's Tavern, located at 6612 Penn Avenue South. Sandy's Tavern will be operating in the city under new ownership.

All required information and documents have been received. All licensing fees have been paid.

RECOMMENDED ACTION:
By motion: Approve the setting of a public hearing to be held on December 10, 2019, to consider issuance of a new On-Sale Wine and 3.2 Malt Liquor licenses for O’Reilly Custom 6, LLC d/b/a Sandy's Tavern, located at 6612 Penn Avenue South.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
   • This is a notice to set the public hearing. Staff will provide a more detailed historical context in the report submitted for the public hearing on December 10, 2019.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):
   • City ordinance requires the City Council to conduct a public hearing to consider all On-Sale Wine and 3.2 Malt Liquor license applications and set a date for the public hearing.
   • The hearing must be scheduled and held before a new license may be considered.
   • The new process has been initiated.

C. CRITICAL TIMING ISSUES:
   • Holding the public hearing on December 10, 2019 will provide ample time to complete the licensing process.

D. FINANCIAL IMPACT:
All licensing fees have been received.

E. **LEGAL CONSIDERATION:**
   - There are no legal considerations.

**ALTERNATIVE RECOMMENDATION(S):**
   - Schedule the public hearing for another date; however, this will delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
There are no parties expected at this meeting.
ITEM FOR COUNCIL CONSIDERATION:
Consider the adoption of a resolution approving the undertaking of the Phase 1 Environmental Site Assessment at 7636 Cedar Avenue South as part of the forthcoming 77th Street Underpass project.

EXECUTIVE SUMMARY:
- At the February 11, 2019 regular meeting, the City Council finalized the purchase of the former Motel 6 property located at 7636 Cedar Ave S. as part of the right-of-way acquisition for the forthcoming 77th Street Underpass project.
- The former motel has been demolished in preparation for the 77th Street Underpass project.
- As the 77th Street Underpass project has moved toward completion of final design, it has been determined that the 7636 Cedar Ave. S. property will be used for an underground stormwater system and may also be used for surface parking as part of a Washington Park expansion.
- The completion of a Phase 1 Environmental Site Assessment would help identify if there are any unknown environmental risks associated with the site prior to the start of construction.
- The City is working cooperatively with Hennepin County to conduct a "Phase 1 Environmental Site Assessment" per the attached scope of work dated October 29, 2019 from Barr Engineering Co.
- Hennepin County’s Brownfield Gap Financing Program is the identified funding for the work, the City is simply approving the work through this resolution.

RECOMMENDED ACTION:
By Motion: Adopt the resolution approving the undertaking of the Phase 1 Environmental Site Assessment at 7636 Cedar Avenue South as part of the forthcoming 77th Street Underpass project.

BASIS OF RECOMMENDATION:
A. HISTORICAL CONTEXT
   - The 77th Street Underpass was identified as a key part of the long-term solution to the I-494 Corridor traffic congestion.
   - The property located at 7636 Cedar Ave S was purchased in early 2019 as part of the 77th Street Underpass project’s right-of-way acquisition.
   - The former Motel 6 site has been demolished and the parcel is slated to be used for an underground stormwater system.
B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**
   - Before work can proceed using Hennepin County's Brownfield Gap Financing Program, a City Council resolution approving the project must be adopted.

C. **CRITICAL TIMING ISSUES:**
   - It is recommended that the Phase 1 Environmental Site Assessment be completed in advance of construction. If issues are identified, knowing that in advance will allow the project to remain on track.
   - The project is on track to be authorized for Federal funding by June 2020 so that construction can occur in 2021.

D. **FINANCIAL IMPACT:**
   - There is no cost for the City of Richfield to have the Phase 1 work completed.
   - The Phase 1 Environmental Site Assessment will be paid by Hennepin County through their Minnesota Brownfield Gap Financing Program grant.
   - The Brownfield Gap Financing Program provides small grants to nonprofits for environmental assessment and clean-up of property in Hennepin County.

E. **LEGAL CONSIDERATION:**
   - None

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

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
   None

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barr ESA Proposal 10/29/2019</td>
<td>Exhibit</td>
</tr>
<tr>
<td>7636 Cedar ESA Resolution</td>
<td>Resolution Letter</td>
</tr>
</tbody>
</table>
October 29, 2019

Kristin Asher
Public Works Director
City of Richfield
6700 Portland Avenue
Richfield, Minnesota 55423

Re: Proposal for Conducting a Phase I Environmental Site Assessment, 7636 Cedar Avenue South

Dear Ms. Asher:

Barr Engineering Co. (Barr) is pleased to submit this proposal for conducting a Phase I Environmental Site Assessments (Assessment) of the Property located at, 7636 Cedar Avenue South, Richfield, Minnesota (PID: 3502824440004). A map showing the parcel location and boundary is attached.

Scope of Work

The Assessment will be performed in a manner consistent with the ASTM, International, ASTM E 1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (the Practice). The Assessment will include the following standard scope:

- Barr will gather, to the extent materials are reasonably ascertainable and pertinent, appropriate historical information regarding the project area. Materials reviewed may include:
  - Historical maps and historical aerial photographs (for approximate five-year intervals)
  - City directory information
  - Supplemental historical documents, such as, company records (if provided), building permit, tax assessor, or fire department files.
- Interviews of up to two knowledgeable persons familiar with the Property will be conducted over the telephone or during the Property inspection visit.
- One mobilization will be completed for Property inspection.
- Interviews of appropriate and reasonably ascertainable government officials for information on Property utilities and zoning.
- Review of regulatory database information in accordance with the Practice.
- Based on information available on MPCA’s website: https://www.pca.state.mn.us/data/whats-my-neighborhood, Barr assumes it will not be necessary to review regulator files. However, if, based on
the preliminary assessment information, it becomes clear that a file review should be performed, we will notify you for authorization to perform the additional task. We anticipated reviewing one previous environmental report provided by the City of Richfield for the Property.

- One report will be completed for the Property and an electronic copy submitted to the User. The Assessment will use the results derived from the exercise of the Practice, together with our professional judgment, to provide our opinion as to whether evidence exists indicating the presence of recognized environmental conditions on the Property.

- The Report will be prepared for the exclusive use of the identified user of the Assessments (User), assumed to be the City of Richfield; no others may rely on the Report without Barr’s written permission.

The Practice requires that the User provide at least the information described in the included questionnaire (Attachment 1 to this agreement). Please complete the questionnaire and return it to me upon authorization to proceed. Also, please identify any other anticipated Users of the Assessment.

**Estimated Cost**

Barr will perform the Assessments for an estimated cost of $3,400 (USD), which. The cost breakdown is included on the table below.

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase I ESA</td>
<td>$3,000</td>
<td>Complete standard Phase I ESA and prepare report for the Property. Includes one Property visit.</td>
</tr>
<tr>
<td>File/Previous Report Review</td>
<td>$400</td>
<td>Review one previous report provided by the City.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$3,400</td>
<td></td>
</tr>
</tbody>
</table>

Barr’s work will be paid by Hennepin County through their Minnesota Brownfields Gap Financing Program grant. The work will be conducted under Barr’s agreement with Hennepin County, Master Services Agreement A177950. Invoicing and payment will be on a time and expense basis in accordance with the terms of the Agreement based on Barr’s standard rate table (attached).

**Schedule**

We anticipate a draft Report will be completed and submitted to you approximately one month following notice to proceed and receipt of the User questionnaire and environmental reports from the City.

Thank you for the opportunity to provide assistance to the City of Richfield. If you have any questions, please contact me at 952.832.2741 or dfetter@barr.com or Jenni Breken at 952.832.2700 or jbrekken@barr.com.
Sincerely yours,

Dan Fetter  
Vice President, Barr Engineering Co.

Cc: Brianna Boos, Hennepin County  
Jenni Brekken, Barr Engineering Co.

Enclosures:  
  Figure 1 - Property Location Map  
  Barr 2019 Fee Schedule  
  User Questionnaire
Property Location Map

7636 Cedar Avenue South
Richfield, Minnesota Address

Scale: As Shown
Source: Hennepin County
https://gis.hennepin.us/property/map/default.aspx?pid=3502824440004

Figure 1
## Description

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate* (U.S. dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>$145-295</td>
</tr>
<tr>
<td>Consultant/Advisor</td>
<td>$155-250</td>
</tr>
<tr>
<td>Engineer/Scientist/Specialist III</td>
<td>$125-150</td>
</tr>
<tr>
<td>Engineer/Scientist/Specialist II</td>
<td>$95-120</td>
</tr>
<tr>
<td>Engineer/Scientist/Specialist I</td>
<td>$65-90</td>
</tr>
<tr>
<td>Technician III</td>
<td>$125-150</td>
</tr>
<tr>
<td>Technician II</td>
<td>$95-120</td>
</tr>
<tr>
<td>Technician I</td>
<td>$50-90</td>
</tr>
<tr>
<td>Support Personnel II</td>
<td>$95-150</td>
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<tr>
<td>Support Personnel I</td>
<td>$50-90</td>
</tr>
</tbody>
</table>

Rates for litigation support services will include a 30% surcharge.

A ten percent (10%) markup will be added to subcontracts for professional support and construction services to cover overhead and insurance surcharge expenses.

Invoices are payable within 30 days of the date of the invoice. Any amount not paid within 30 days shall bear interest from the date 10 days after the date of the invoice at a rate equal to the lesser of 18 percent per annum or the highest rate allowed by applicable law.

Meals will be reimbursed on a per diem basis. For travel destinations within the continental U.S. (CONUS) the per diem rate will be as published by the U.S. Internal Revenue Service (IRS) based on the High-Low method. For travel destinations outside the CONUS list, the per diem rate will be as published by the U.S. Department of State for foreign per diem rates. Full day per diem rates will be pro-rated on travel days.

All other reimbursable expenses including, but not limited to, costs of transportation, lodging, parking, postage, shipping and incidental charges will be billed at actual reasonable cost. Mileage will be billed at the IRS-allowable rate.

Materials and supplies charges, printing charges, and equipment rental charges will be billed in accordance with Barr's standard rate schedules.

---

Principal category includes consultants, advisors, engineers, scientists, and specialists who are officers of the company.

Consultant/Advisor category includes experienced personnel in a variety of fields. These professionals typically have advanced background in their areas of practice and include engineers, engineering specialists, scientists, related technical professionals, and professionals in complementary service areas such as communications and public affairs.

Engineer/Scientist/Specialist categories include registered professionals and professionals in training (e.g. engineers, geologists, and landscape architects), and graduates of engineering and science degree programs.

Technician category includes CADD operators, construction observers, cost estimators, data management technicians, designers, drafters, engineering technicians, interns, safety technicians, surveyors, and water, air, and waste samplers.

Support Personnel category includes information management, project accounting, report production, word processing, and other project support personnel.

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*Rates do not include sales tax on services that may be required in some jurisdictions.
**User Questionnaire Form**

<table>
<thead>
<tr>
<th>Property</th>
<th>Interviewer:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project No.</td>
<td>Date:</td>
</tr>
</tbody>
</table>

**User Information:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Tel. No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position Title &amp; Co.</td>
<td>Connection to Property:</td>
</tr>
</tbody>
</table>

**Introduction**

In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the “Brownfields Amendments”), the user must provide the following information (if available) to the environmental professional that will conduct the Environmental Site Assessment (ESA). Failure to provide this information could result in a determination that “all appropriate inquiry” is not complete. If your goals include protections afforded by the Act, you should consult with legal counsel as to your responses.

1. Why is the Phase I required and who will rely on the Phase I report (please list lending institutions if they wish to rely on the Phase I ESA)? *Note: If User does not identify a purpose, assumption is to qualify for an LLP to CERCLA liability.*

2. Are you aware of any environmental cleanup liens against the Property that are filed or recorded under federal, tribal, state, or local law? If, yes, please describe.

3. Are you aware of any activity and use limitations*, such as engineering controls, land use restrictions or institutional controls that are in place at the Property or have been filed or recorded in a registry under federal, tribal, state or local law? If yes, please describe.

4. As the user of this ESA, do you have any knowledge or experience related to the Property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the Property or an adjoining property so that you would have knowledge of the chemicals and processes used by this type of business? If yes, please describe.

---

*activity and use limitations — legal or physical restrictions or limitations on the use of, or access to, a property: (1) to reduce or eliminate potential exposure to hazardous substances or petroleum products in the soil or ground water on the property, or (2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the environment. These legal or physical restrictions, which may include institutional and/or engineering controls, are intended to prevent adverse impacts to individuals or populations that may be exposed to hazardous substances and petroleum products in the soil or ground water on the property.
5. Does the purchase price being paid for this Property reasonably reflect the fair market value of an uncontaminated property? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the Property?

6. Are you aware of information about the Property that would help the environmental professional to identify conditions indicative of releases or threatened releases or hazardous substances or petroleum products? For example, as user:
   
   a. Do you know the past uses of the Property? If yes, please explain.
   
   b. Do you know of specific chemicals that are present or once were present at the Property? If yes, please explain.
   
   c. Do you know of spills or other chemical releases that have taken place the Property? If yes, please explain.
   
   d. Do you know of any environmental cleanups that have taken place at the Property? If yes, please explain.

7. As the user of this ESA, based on your knowledge and experience related to the Property, are there any indicators that point to the presence or likely presence of contamination at the Property?

8. Do any of the following documents exist for the Property? If so, please provide a copy to Barr either prior to, or at the time of, the site reconnaissance.

<table>
<thead>
<tr>
<th>Document type</th>
<th>Exists – yes or no</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental site assessment reports</td>
<td></td>
<td></td>
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<tr>
<td>Environmental compliance audit reports</td>
<td></td>
<td></td>
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<tr>
<td>Environmental permits (for example, solid waste disposal permits, hazardous waste disposal permits, wastewater permits, NPDES permits, underground injection permits)</td>
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<tr>
<td>Registrations for underground and above-ground storage tanks</td>
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<tr>
<td>Registrations for underground injection systems</td>
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<tr>
<td>Material safety data sheets for chemicals used onsite</td>
<td></td>
<td></td>
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<tr>
<td>Community right-to-know plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Document type</td>
<td>Exists – yes or no</td>
<td>Comments</td>
</tr>
<tr>
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<tr>
<td>Safety plans; preparedness and prevention plans; spill prevention, countermeasure, and control plans; etc.</td>
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<tr>
<td>Reports regarding hydrogeologic conditions on the Property or surrounding area</td>
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<tr>
<td>Notices or other correspondence from any government agency relating to past or current violations of environmental laws with respect to the Property or relating to environmental liens encumbering the Property</td>
<td></td>
<td></td>
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<tr>
<td>Hazardous waste generator notices or reports</td>
<td></td>
<td></td>
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<tr>
<td>Geotechnical studies for building foundations, etc.</td>
<td></td>
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<tr>
<td>Risk assessments</td>
<td></td>
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<tr>
<td>Title search</td>
<td></td>
<td></td>
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<tr>
<td>Boundary survey of the Property</td>
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</tr>
</tbody>
</table>

9. Do you know of:

i. Any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the Property? If yes, please explain.

ii. Any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on or from the Property? If yes, please explain.

iii. Any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products associated with the Property? If yes, please explain.
RESOLUTION NO.

RESOLUTION OF SUPPORT FOR THE 7636 CEDAR AVE SOUTH
PHASE 1 ENVIRONMENTAL SITE ASSESSMENT

WHEREAS, the City of Richfield’s Comprehensive Plan promotes an integrated transportation system that will serve the future needs of its residents, businesses, and visitors; as well as supports the City’s redevelopment plans to complement the metropolitan transportation system; and

WHEREAS, the 77th Street Underpass will connect 77th Street east and west of Trunk Highway (TH) 77 (Cedar Avenue) to eliminate a gap in the minor reliever network, and the project will connect Bloomington and Longfellow Avenues and address regional traffic issues on the I-494 corridor through Richfield and Bloomington; and

WHEREAS, the property located at 7636 Cedar Ave S was purchased in early 2019 as part of the 77th Street Underpass project’s right-of-way acquisition; and

WHEREAS, as the 77th Street Underpass has moved toward completion of final design, it has been determined that the 7636 Cedar Ave. S. property will be used for an underground stormwater system; and

WHEREAS, a Phase 1 Environmental Site Assessment will help identify any unknown risks prior to construction; and

WHEREAS, the Phase 1 Environmental Site Assessment will be paid by Hennepin County through their Minnesota Brownfield Gap Financing Program which issues modest grants to nonprofits for environmental assessment and clean-up of property in Hennepin County.

NOW, THEREFORE, BE IT RESOLVED, that the City of Richfield approves the next steps of environmental investigation of the 7636 Cedar Ave South site in Richfield, Minnesota. Those steps will include a Phase 1 Environmental Site Assessment. Richfield will apply for funding through Minnesota Brownfields’ Brownfield Gap Financing program which is funded with an Environmental Response Fund grant from Hennepin County Environment and Energy Department.

Adopted by the City Council of the City of Richfield, Minnesota this 12th day of November, 2019.

______________________________
Maria Regan Gonzalez, Mayor

ATTEST:

______________________________
Elizabeth VanHoose, City Clerk
ITEM FOR COUNCIL CONSIDERATION:
Public hearing and consider a resolution approving a final plat of the NOVO Addition, in order to allow construction of the previously approved NOVO apartments at 66th Street and Queen Avenue.

EXECUTIVE SUMMARY:
Development plans for the NOVO apartments at 66th Street and Queen Avenue were approved by the City Council on December 11, 2018. Re-platting of the property was a stipulation of that approval. The development site for NOVO consists of eight (8) parcels of land and adjacent right-of-way. The developer has either purchased all eight of these properties or has them under binding purchase agreements. The proposed final plat will combine those properties into a single lot.

The proposed plat of NOVO has been reviewed by the City Attorney’s office, Richfield Public Works and Hennepin County. All comments have been addressed or included as stipulations in the resolution. While a public hearing is required by State Statute, the plat is a technical document dealing with the combination or division of land, and is not a reconsideration of land use approvals for the development. The proposed plat meets requirements and therefore staff recommends approval of the attached resolution.

RECOMMENDED ACTION:
Conduct and close a public hearing and by motion: Adopt a resolution approving a final plat of the NOVO Addition.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT
   - Development Plans for NOVO were approved by the City Council on December 11, 2018. These approvals require the applicant to re-plat the properties.
   - The development area consists of seven (7) residential parcels, a remnant parcel subdivided from the adjacent CVS property at 6540 Penn Avenue, and Queen Avenue right-of-way between 65th 1/2 and 66th Streets, as well as a small portion of the Russell Avenue cul-de-sac right-of-way. The City Council approved the vacation of said right-of-way on December 11, 2018.
   - The City Council approved a preliminary plat on June 11, 2019.
More information on the NOVO project is available at www.richfieldmn.gov/redevelopment.

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

C. CRITICAL TIMING ISSUES:
   - Per State Statute, the City has 120 days from the date of submittal of a complete application to issue a decision regarding a plat unless the applicant agrees to an extension.
   - A complete application was received on September 9, 2019. The Council must render a decision by January 7, 2020.

D. FINANCIAL IMPACT:
   None

E. LEGAL CONSIDERATION:
   Notice of this public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the subject property. No comments have been received.

ALTERNATIVE RECOMMENDATION(S):
None

PRINCIPAL PARTIES EXPECTED AT MEETING:
Representative(s) of NOVO, LLC (Trident Development & Broadway Investors)

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>Resolution Letter</td>
</tr>
<tr>
<td>Plat</td>
<td>Exhibit</td>
</tr>
<tr>
<td>Context map</td>
<td>Exhibit</td>
</tr>
</tbody>
</table>
RESOLUTION NO.
RESOLUTION GRANTING APPROVAL
OF A FINAL PLAT FOR
NOVO ADDTION

WHEREAS, NOVO LLC (“Applicant”) has requested approval of a final plat that combines several parcels of land and vacated right-of-way generally located between 66th and 65th 1/2 Streets and Queen and Russell Avenues, on land that is legally described in the attached Exhibit A; and

WHEREAS, Applicant has secured purchase agreement and/or consent of the fee owners of the land to make this application; and

WHEREAS, the proposed subdivision is to be known as NOVO; and

WHEREAS, a public hearing was held on the proposed plat of NOVO on Tuesday, November 12, 2019 at which all interested persons were given the opportunity to be heard; and

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

1. The proposed plat of NOVO satisfies the requirements of the City’s subdivision ordinances.
2. Final approval of the plat of NOVO is granted with the following conditions:
   a. The applicant must address to the City Attorney’s satisfaction all items listed in the plat opinion letter prepared by the City Attorney’s office.
   b. The applicant must address any outstanding comments by the City’s Public Works Department and Hennepin County regarding sidewalk and utility easements.
   c. The Applicant must submit two mylar copies of the plat for signature by the City.
   d. The Applicant must file the final plat with the Hennepin County Recorder or Registrar of Titles within 30 days of the approval of this resolution.

Adopted by the City Council of the City of Richfield, Minnesota this 12th day of November, 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk
EXHIBIT A

CURRENT LEGAL DESCRIPTION

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

TOGETHER WITH

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

TOGETHER WITH

The part of vacated Queen Avenue South and 65th 1/2 Street, Harry Tickner's Subdivision of Lot 15, Richfield Gardens, according to the recorded plat thereof, Hennepin County, Minnesota, lying Southwesterly and Southerly of the following described line: Beginning at the Northwest Corner of Lot 1, Block 2, Harry Tickner's Subdivision of Lot 15, Richfield Gardens, thence Easterly along the North line of said Lot 1, Block 2, and its Easterly extension to the Northwesterly line of Lot 1, Block 3, Harry Tickner's Subdivision of Lot 15, Richfield Gardens, and said line there terminating.

TOGETHER WITH

The part of vacated Russell Avenue South, Harry Tickner's Subdivision of Lot 15, Richfield Gardens, according to the recorded plat thereof, Hennepin County, Minnesota, lying East of the following described line: Beginning at the Northwest Corner Lot 3, Block 2, Harry Tickner's Subdivision of Lot 15, Richfield Gardens, thence Southerly along the West line thereof, a distance of 56.71 feet more or less, to the point of curve on said West line of said Lot 3, Block 1; thence continue Southerly along the southerly extension of the last described straight line to the intersection with the curve on the Westerly line of said Lot 3, Block 2 and said line there terminating.
NOW ALL PERSONS BY THESE PRESENTS: The NOVO, LLC, a Minnesota limited liability company, for owner of the following described property to wit:

Lot 7, Block 4, Subdivision of LOT 1-4, SOUTH GARDENS, according to the plat therein, Hennepin County, Minnesota.

Lot 7, Block 4, Subdivision of LOT 1-4, SOUTH GARDENS, according to the plat thereof, Hennepin County, Minnesota.

The part of Section 12, Township 133 North, Range 66 West, Hennepin County, Minnesota described as by metes and bounds as follows:

The Northwest one-half of the Southwest one-half of the Southeast one-half of the Northwest one-half of the Northwest one-half of the Southwest one-half of the Southeast one-half of Section 12, Township 133 North, Range 66 West, Hennepin County, Minnesota.

The part of Section 12, Township 133 North, Range 66 West, Hennepin County, Minnesota described as by metes and bounds as follows:

The Southwest one-half of the Northeast one-half of the Northwest one-half of Section 12, Township 133 North, Range 66 West, Hennepin County, Minnesota.

The part of Section 12, Township 133 North, Range 66 West, Hennepin County, Minnesota described as by metes and bounds as follows:

The Northwest one-half of the Southwest one-half of the Southeast one-half of the Northwest one-half of the Northwest one-half of the Southwest one-half of the Southeast one-half of Section 12, Township 133 North, Range 66 West, Hennepin County, Minnesota.

No further description is necessary.

IN WITNESS WHEREOF, Jeffrey Green, NOVO, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officers this _______ day of ________, 20___.

[Signature]

Jeffrey Green, President

NOVO, LLC

STATE OF MINNESOTA
COUNTY OF HENNEPIN

This instrument was acknowledged before me the _______ day of ________, 20___, by Jeffrey Green, President, NOVO, LLC, a Minnesota limited liability company, in behalf of the company.

[Signature]

[Notary Public, Hennepin County, Minnesota]

My Commission Expires ___________________________

[Notary Public, Hennepin County, Minnesota]

My Commission Expires ___________________________

CITY OF MINNEAPOLIS

This plat of NOVO was accepted and adopted by the City Council of the City of Minneapolis by a regular meeting thereof held this _______ day of ________, 20___, at _______ o'clock _______ minutes, in the City Council Chambers, and said plat has been found true and correct without the receipt of such comments and recommendations as are provided by Minnesota Statutes, Sections 383D.22, et seq.

[Signature]

[City Council Member]

[Signature]

[City Council Member]

REPRESENTATIVE OF REAL ESTATE SERVICES, HENNEPIN COUNTY, MINNESOTA

Firm certifies that the title is payable at _______ and that the final amount will be paid to the grantee or grantee at the grantor or grantor's order.

[Signature]

[Company Representative, Representative of Title]

[Signature]

[Company Representative, Representative of Title]
NOVO Apartments - 66th & Queen - surrounding area context
ITEM FOR COUNCIL CONSIDERATION:
Consider the approval of:
1. The updated Five-Year Street Reconstruction Plan (2020-2024) as detailed at the October 22, 2019 City Council Work Session; and
2. A resolution for reimbursement of certain expenditures from the proceeds of street reconstruction bonds to be issued by the City of Richfield for the Lyndale Avenue Street Reconstruction project.

EXECUTIVE SUMMARY:
The City is authorized under Minnesota Statutes to prepare a five-year plan for street reconstruction in order to issue general obligation bonds to finance the cost of the reconstruction described in the plan (Street Reconstruction Bonds). The plan was last updated in July 2018 (for 2019-2023) and the proposed plan updates the five-year plan through 2024.

The reconstruction of Lyndale Avenue from 66th to 76th Streets has been underway since May of this year. The project will achieve substantial completion by the end of 2019.

Approval of the proposed resolution will enable City staff to continue incurring construction costs for the project. The resolution allows costs incurred up to 60 days prior to Council approval of the resolution to be reimbursed using the proceeds of the street reconstruction bonds.

The original budget and funding plan identified a total of $12.5M in street reconstruction bonds to be issued in 2019 and 2020 for both the 66th Street and Lyndale Avenue projects. In 2019, $5.53M in street reconstruction bonds were sold, the proposed resolution identifies an additional $3M in 2020 to complete the funding for the Lyndale Avenue reconstruction. This is consistent with the attached five-year plan and what was discussed at the October 22, 2019 City Council Work Session.

RECOMMENDED ACTION:
By Motion:
1. Approve the updated Five-Year Street Reconstruction Plan (2020-2024) as detailed at the October 22, 2019 City Council Work Session; and
2. Approve the resolution for reimbursement of certain expenditures from the proceeds of street reconstruction bonds to be issued in 2020 by the City of Richfield for the
Lyndale Avenue Street Reconstruction project.

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**
   
   See executive summary.

B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**
   
   The reconstruction of Lyndale Avenue was identified in the 2019 CIP and 5 Year Street Reconstruction Plan.

C. **CRITICAL TIMING ISSUES:**
   
   The reimbursement resolution is necessary to cover any project costs incurred prior to the sale of bonds.

D. **FINANCIAL IMPACT:**

   - Adoption of the proposed reimbursement resolution provides approval for City staff to continue to incur costs for the Lyndale Avenue Reconstruction project.
   - The following sources are proposed for the full reconstruction project funding:
     - Street Reconstruction Bonds
     - Utility Bonds
     - Local Government Aid

E. **LEGAL CONSIDERATION:**

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

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
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</thead>
<tbody>
<tr>
<td>5-Year Street Reconstruction Plan</td>
<td>Exhibit</td>
</tr>
<tr>
<td>Lyndale Reimbursement Resolution</td>
<td>Resolution Letter</td>
</tr>
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</table>
## 5-year Street Reconstruction Plan

### Projected Project Year Funding Sources

<table>
<thead>
<tr>
<th>Proposed Year</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
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<tbody>
<tr>
<td></td>
<td>66th Street</td>
<td>Lyndale Avenue</td>
<td>77th Underpass</td>
<td>66th Street</td>
<td>Lyndale Avenue</td>
<td>65th Street</td>
</tr>
<tr>
<td></td>
<td>Reconstruction</td>
<td>Reconstruction</td>
<td>Parkway</td>
<td>Reconstruction</td>
<td>Reconstruction</td>
<td>Reconstruction</td>
</tr>
<tr>
<td>Street</td>
<td>Reconstruction</td>
<td></td>
<td></td>
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<td>Reconstruction Bonds</td>
<td>$13,000,000</td>
<td>$5,531,876</td>
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<td>$4,500,000</td>
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<td>Municipal State Aid</td>
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<td>$1,992,045</td>
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<td>$700,000</td>
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<td>State</td>
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<tr>
<td>County</td>
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<td>$1,300,000</td>
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<tr>
<td>Bloomington</td>
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<td>Other - 2020 bond request</td>
<td>$3,168,343</td>
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<td>Special Revenue - LDA</td>
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<td>Transfer In from Sweet Streets</td>
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<td>Special Assessment</td>
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<td>Metropolitan Airports Commission</td>
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<td>MnDOT (in-kind &amp; wall)</td>
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<td>Xcel Utility Rate Payers (CRPs)</td>
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<td>CenterPoint Energy</td>
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<td>HRA</td>
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<tr>
<td>Developer Financed</td>
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<td>$600,000</td>
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<td>$2,212,066</td>
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<td>TOTAL</td>
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<td>$9,700,219</td>
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<td>$2,748,955</td>
<td>$1,212,066</td>
<td>$7,800,000</td>
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### Sources, Uses, and Difference

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<th>Source</th>
<th>Uses 1</th>
<th>Uses 2</th>
<th>Difference</th>
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<td>Lyndale</td>
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<tr>
<td>77th Underpass</td>
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CITY OF RICHFIELD, MINNESOTA

RESOLUTION NO.

DECLARING THE OFFICIAL INTENT OF THE CITY OF RICHFIELD TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY WITH RESPECT TO THE LYNDALE AVENUE STREET RECONSTRUCTION PROJECT

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the “Reimbursement Regulations”) providing that proceeds of tax-exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

WHEREAS, the City of Richfield, Minnesota (the “City”) expects to incur certain expenditures that may be financed temporarily from sources other than bonds, and reimbursed from the proceeds of tax-exempt bonds; and

WHEREAS, the City has determined to make this declaration of official intent (the “Declaration”) to reimburse certain costs from proceeds of bonds in accordance with the Reimbursement Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHFIELD, MINNESOTA AS FOLLOWS:

1. The City has undertaken the Lyndale Avenue Street Reconstruction Project and has determined a need to finance additional costs for such project (the “Project”).

2. The City reasonably expects to reimburse the expenditures made for certain costs of the Project from the proceeds of bonds in an estimated maximum principal amount of $3,000,000. All reimbursed expenditures will be capital expenditures, costs of issuance of the bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.

3. This Declaration has been made not later than 60 days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of bonds, except for the following expenditures: (a) costs of issuance of bonds; (b) costs in an amount not in excess of $100,000 or 5 percent of the proceeds of an issue; or (c) “preliminary expenditures” up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the City to finance the Project for which the preliminary expenditures were incurred. The term “preliminary expenditures” includes architectural, engineering, surveying, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or
rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

4. This Declaration is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof. The anticipated original expenditures for the Project and the principal amount of the bonds described in paragraph 2 are consistent with the City’s budgetary and financial circumstances. No sources other than proceeds of bonds to be issued by the City are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the City’s budget or financial policies to pay such Project expenditures.

5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

The foregoing resolution was moved by Councilmember _____________ and seconded by Councilmember ________________.

The following voted in the affirmative: _________________________________

The following voted against: _________________________________________

Councilmember ____________________________ was absent.

Adopted by the City Council of the City of Richfield, Minnesota, this 12th day of November, 2019.

____________________
Maria Regan Gonzalez, Mayor

ATTEST:

____________________
Elizabeth VanHoose, City Clerk