SPECIAL CITY COUNCIL WORKSESSION
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM
APRIL 26, 2016
6:15 PM

Call to order

1. 6:15 p.m. - 6:40 p.m.
   Discussion regarding Partnership Academy Charter School (Council Memo No. 25)

2. 6:40 p.m. - 6:55 p.m.
   Discussion regarding a new City flag (Council Memo No. 23)

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.

REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
APRIL 26, 2016
7:00 PM

INTRODUCTORY PROCEEDINGS

Call to order

Open forum (15 minutes maximum)

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

Pledge of Allegiance

Approval of the minutes of the (1) Special Concurrent City Council and School Board Worksession of April 4, 2016; (2) Special City Council and Civil Service Commission Closed Executive Session of April 4, 2016; (3) Special Concurrent City Council, Housing and Redevelopment Authority and Planning Commission Worksession of April 12, 2016; (4) Special City Council Worksession of April 12, 2016; and (5) Regular City Council Meeting of April 12, 2016.

PRESENTATIONS

1. Presentation by the Richfield STEM School choir
2. Presentation by Ms. Xiaoli Liu, Shanxi International Cultural Exchange Center
3. Presentation of a proclamation regarding Earth Day/Arbor Day

COUNCIL DISCUSSION

4.
- Discussion regarding participation in the Fourth of July parade.
- Hats Off to Hometown Hits

AGENDA APPROVAL

5. Approval of the agenda.

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

   A. Consideration of the approval of a request for a new Therapeutic Massage Enterprise license for Salon Concepts Richfield, LLC, 6525 Lyndale Avenue South.

   Staff Report No. 58

B. Consideration of the approval of the second reading of an ordinance that makes minor changes to regulations related to accessory uses in parks.

Staff Report No. 59

C. Consideration of the approval of a resolution approving a Hennepin County Cost Participation Agreement in the amount of $1,500,000 for the acquisition of right-of-way for the 77th Street Underpass of Trunk Highway 77 Project.

Staff Report No. 60

D. Consideration of the approval of the resolutions supporting the submittal of grant applications to the Metropolitan Council Metropolitan Livable Communities Tax Base Revitalization Account grant program and the Minnesota Department of Employment and Economic Development for contamination clean-up at the Lyndale Gardens site, 6400 Lyndale Avenue.

Staff Report No. 61

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

RESOLUTIONS

8. Disciplinary hearing and consideration of a resolution regarding civil enforcement for My Burger Operations, LLC, d/b/a My Burger, 6555 Lyndale Ave. So., that recently underwent an alcohol compliance check conducted by Richfield Public Safety staff, and failed by selling alcohol to underage youth.

Staff Report No. 62

PUBLIC HEARINGS

9. Public hearing regarding the approval of new On Sale Intoxicating and Sunday Liquor licenses, with outside service, for VPC Richfield Pizza, LLC d/b/a Giordano's of Richfield, located at 3000 66th Street West.

Staff Report No. 63

10. Public hearing and second reading of the transitory ordinance providing funding for certain capital improvements from the Special Revenue Fund.

Staff Report No. 64

PROPOSED ORDINANCES

11. Consideration of the first reading of an ordinance amending City Code Subsection 710.29 related to water use restrictions and schedule a second reading for May 10, 2016.

Staff Report No. 65

12. Consideration of the second reading of an ordinance amending the zoning designation of 7614 Pillsbury Avenue from Industrial to Single-Family Residential and a resolution amending the Comprehensive Plan designation from Medium-High Density Residential to Low-Density Residential.

Staff Report No. 66

13. Consideration of the second reading of an ordinance amending Subsection 210.01 of the City Code related to City Council salaries.

Staff Report No. 67

RESOLUTIONS

14. Consideration of a resolution awarding the sale of $3,085,000 General Obligation Storm Water Revenue Bonds, Series 2016A.

Staff Report No. 68

15. Consideration of a resolution calling for a public hearing by the City Council on the proposed adoption of a modification to the redevelopment plan for the Richfield redevelopment project area; the modification to the Tax Increment Financing Plan for the Cedar Avenue Tax Increment Financing District; and the proposed establishment of the Cedar Point II (2016-1) Tax Increment Financing District therein and the adoption of the Tax Increment Finance Plan therefor.

Staff Report No. 69

OTHER BUSINESS

16. Consideration of the alignment of Richfield Parkway south of 66th Street and north of Diagonal Boulevard.

Staff Report No. 70

CITY MANAGER'S REPORT

17. City Manager's Report

CLAIMS AND PAYROLLS

18. Claims and payrolls

Open forum (15 minutes maximum)

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

CLOSED EXECUTIVE SESSION

19. Special City Council Closed Executive Session in the Babcock Room regarding the City Manager's annual performance evaluation

20. Reconvene the Regular City Council Meeting in the Council Chambers

21. Summary review of the City Manager's annual performance evaluation for 2015 and consideration of a resolution amending employment agreement between City of Richfield and City Manager Steven L. Devich for 2016.

Staff Report No. 71

22. Adjournment

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

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

April 21, 2016

Council Memorandum No. 25

The Honorable Mayor
and
Members of the City Council

Subject: Partnership Academy Charter School
(Worksession Agenda Item No. 1)

Council Members:

Administrators from Partnership Academy, a Pre-K through eighth grade Public Charter School, have approached City staff about their interest in building a new facility on a vacant piece of land at Penn Avenue and 72nd Street. The land in question is owned by a religious institution which had owned the land as prospective cemetery space, but has determined that there is insufficient demand for that use.

Partnership Academy has concluded that the space which they currently occupy at Assumption Church has several disadvantages (including space limitations, occasional conflicts over use of facilities, an aging facility and a lack of control over their future tenancy) which could be alleviated by construction of a facility which they own and solely occupy.

The site at 72nd and Penn meets Partnership Academy's space requirements and has some other advantages. The site would need several land-use approvals in order to accommodate a school. For this reason, staff suggested to representatives of Partnership Academy that they should bring this to the attention of the City Council before expending time and money on fully developing their proposal.

Representatives of Partnership Academy will be presenting their preliminary thoughts on building a new school at the Penn Avenue and 72nd Street site at a City Council Work Session on Tuesday, April 26.

Respectfully submitted,

Steven L. Devich
City Manager

SLD:jcs
Email: Assistant City Manager
Department Directors

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

April 21, 2016

Council Memorandum No. 23

The Honorable Mayor
and
Members of the City Council

Subject: City flag
(Worksession Agenda Item No. 2)

Council Members:

Since the adoption of the updated City logo last summer, staff has been in the process of rolling it out – on vehicle decals, the water tower, etc. Recently, staff has been working with our logo designer, graphics artist Brian Santos, to provide renderings for a new City flag. The City flag is currently displayed in the City Council Chambers.

Attached are five possible options Brian has created for City Council consideration. These options will be discussed at the April 26, 2016 work session with the hopes of selecting one of the options or providing Brian with more design instructions.

The first flag option shows our standard cityscape logo on a white background. In the second and third versions, Brian expanded the cityscape image behind the logo to fill the entire flag area—one of those versions has a curved top and bottom border. He also colored the houses to add variety. The final two versions have the logo against blue and red backgrounds.

Brian will be at the April 26th work session to discuss his renderings and answer questions. If you have any questions prior to the meeting, please contact Assistant City Manager/HR Manager, Pam Dmytrenko.

Respectfully submitted,

Steven L. Devich
City Manager

SLD:pd
Attachment
Email: Assistant City Manager
Department Directors

Richfield

The Urban Hometown

Richfield
The Urban Hometown

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The Urban Hometown

CITY COUNCIL MINUTES
Richfield, Minnesota

Special Concurrent City Council/ Richfield School Board Worksession

April 4, 2016

CALL TO ORDER

The worksession was called to order by School Board Chair Toensing at 6:00 p.m. in the Richfield School District Board Room, 7001 Harriet Avenue.

ROLL CALL

Council Members: Present:	Debbie Goettel, Mayor; Pat Elliott; Edwina Garcia; Michael Howard; and Tom Fitzhenry.
City Staff Present:	Steven L. Devich, City Manager; Kristin Asher, Public Works Director; John Stark, Community Development Director; Jay Henthorne, Public Safety Director; Jim Topitzhofer, Recreation Services Director; Wayne Kewitsch, Fire Services Director; Pam Dmytrenko, Assistant City Manager/HR Manager; Mike Koob, Deputy Public Safety Director; Mike Dobesh, Assistant Fire Chief; and Theresa Schyma, Deputy City Clerk.
School Board Members Present:	Peter Toensing, Chair; John Ashmead; Christine Maleck; Crystal Brakke; Paula Cole; and Tim Pollis.
School District Staff Present:	Steven Unowsky, Superintendent; Leadriane Roby, Assistant Superintendent; and Anthony Padrnos, Director of Technology.

Item # 1	DISCUSSION TOPICS

Superintendent Unowsky presented the 2016-2017 school district calendar. He noted that all K-5 schools would be closed for a staff development day on November 8 for student safety and to avoid disruption on Election Day. School staff partnered with election judges to help facilitate this proactive change for an election that is expected to bring high voter turnout.

The City Council and School Board discussed the following topics:

RPS Update

1. Technology Update
2. Student Achievement Update
3. Facility Study Update

Assistant Superintendent Roby and Technology Director Padrnos presented an overview of the Richfield Public Schools Innovation and Strategic Plan.

Superintendent Unowsky stated the district's focus is on student instruction and reducing class size.

Superintendent Unowsky discussed the upcoming facilities study to determine the status of all facilities in the district.

City of Richfield Update

1. Current Housing & Development Projects / Affordable housing opportunities
2. Possible partnership with China
3. School program that addresses families with a service member

Mayor Goettel provided an update on the housing situation at Crossroads/Concierge. She stated that with a transition in ownership, like with Crossroads/Concierge, old infrastructures are being updated and overcrowding issues are brought to light. The new owners have the right to decide whether or not to accept housing assistance.

School Board Member Pollis responded that the school district needs stability because losing 100 students does affect the district's budget. Housing has the biggest impact on the City and school district.

Community Development Director Stark stated that with private sales, like Crossroads/Concierge, City staff does not always know in advance. Mr. Stark added that when he was informed the sale was going to occur, he promptly contacted Superintendent Unowsky with the information.

Mayor Goettel detailed her recent trip to China to further develop a relationship between Richfield and Shouyang County, China. She also discussed the potential of a student exchange program to bring 20 Chinese students to Richfield for the upcoming school year.

Council Member Fitzhenry stated that Richfield's Beyond the Yellow Ribbon Committee has requested a contact at the school district to help the children of military personnel. He stated the committee's goal is to identify and support students whose parents are serving overseas in the military.

ADJOURNMENT

The meeting was adjourned by unanimous consent at 6:54 p.m.

Date Approved: April 26, 2016

Debbie Goettel
Mayor

Theresa Schyma
Deputy City Clerk

Steven L. Devich
City Manager

CITY COUNCIL MEETING MINUTES
Richfield, Minnesota

Special City Council and Civil Service Commission Closed Executive Session

April 4, 2016

CALL TO ORDER

The Closed Executive Session was called to order by Mayor Goettel at 7:13 p.m. in the Bartholomew Conference Room.

ROLL CALL

Council Members Present:	Debbie Goettel, Mayor; Pat Elliott, Michael Howard; Edwina Garcia; and Tom Fitzhenry.
Staff Present:	Steven L. Devich, City Manager; Jay Henthorne, Public Safety Director; Pam Dmytrenko, Assistant City Manager/HR Manager; and Mary Tietjen, City Attorney.
Others Present:	Julie Fleming-Wolfe, LMCIT appointed Attorney.

ITEM #1	**DISCUSSION REGARDING PENDING LITIGATION ENTITLED:** • **GREG PETERSON V. THE RICHFIELD POLICE AND FIRE CIVIL SERVICE COMMISSION, ET AL. COURT OF APPEALS NO. A15-1151; AND** • **GREG PETERSON, SOUPHANNY DEAN, AND BRIAN ROGGE V. CITY OF RICHFIELD, COURT OF APPEALS NO. A15-0925**

The Closed Executive Session was convened pursuant to M.S. 13D.05, subd. 3(b).

ADJOURNMENT

The Closed Executive Session was adjourned by unanimous consent at 7:46 p.m.

Date Approved: April 12, 2016

Debbie Goettel
Mayor

Pam Dmytrenko
Assistant City Manager/HR Manager

Steven L. Devich
City Manager

CITY COUNCIL MINUTES
Richfield, Minnesota

Special City Council Worksession

April 12, 2016

CALL TO ORDER

The meeting was called to order by Mayor Goettel at 6:43 p.m. in the Bartholomew Room.

Council Members Present: Debbie Goettel, Mayor; Michael Howard; Edwina Garcia; Pat Elliott; and Tom Fitzhenry.

Staff Present: Steven L. Devich, City Manager; Kristin Asher, Public Works Director; John Stark, Community Development Director; Jeff Pearson, City Engineer; and Cheryl Krumholz, Executive Coordinator.

Item #1	**DISCUSSION REGARDING THE 77TH STREET UNDERPASS (COUNCIL MEMO NO. 18)**

City Engineer Pearson discussed the two future Cedar Avenue connection alternatives to 77th Street. He stated that staff is seeking City Council direction so the project design can move forward. He reviewed the pros and cons of the two alternatives which include a bridge over 77th Street or a direct connection. He added the Transportation Commission recommendation is the direct connection.

Council Member Fitzhenry suggested straightening the alignment to take some of Washington Park and replace the land with pocket park(s) to the north with the new redevelopment.

Mr. Pearson responded staff would review that option.

The consensus was to proceed with the north connection.

ADJOURNMENT

The meeting was adjourned by unanimous consent at 6:56 p.m.

Date Approved: April 26, 2016

Debbie Goettel
Mayor

Cheryl Krumholz
Executive Coordinator

Steven L. Devich
City Manager

CITY COUNCIL MINUTES
Richfield, Minnesota

Special Concurrent City Council, Housing and Redevelopment Authority, and Planning Commission Worksession

April 12, 2016

CALL TO ORDER

The concurrent worksession was called to order by Mayor Goettel at 5:45 p.m. in the Bartholomew Room.

Council Members Present:	Debbie Goettel, Mayor; Pat Elliott; Edwina Garcia; Tom Fitzhenry and Michael Howard.
HRA Members Present:	Mary Supple, Chair; Pat Elliott, Debbie Goettel, Doris Rubenstein; and David Gepner
Planning Commission Members Present:	Sean Hayford Oleary; Susan Rosenberg; and Charles Standfuss (arrived 6:25).
Planning Commission Members Absent:	Erin Vrieze Daniels, Chair; Gordon Vizecky; Rick Jabs; and Daniel Kitzberger.
Staff Present:	Steven L. Devich, City Manager/Executive Director; John Stark, Community Development Director; Kristin Asher, Public Works Director; Karen Barton, Assistant Community Development Director; Jeff Pearson, City Engineer; and Cheryl Krumholz, Executive Coordinator.

Item #1	DISCUSSION REGARDING THE CEDAR CORRIDOR MASTER PLAN (COUNCIL MEMO NO. 20/HRA MEMO NO.10)

Michelle Mongeon Allen, JLG Architects, discussed the proposed road alignment options for Richfield Parkway as it continues south of 66th Street in the Cedar Corridor.

The City Council, HRA Commissioners and Planning Commission Members discussed pros and cons of the alignment options including traffic, neighborhood enhancement, property takings, affordable housing, land use, and pedestrian/bike trails.

The consensus was to proceed with the 18th Avenue alignment option.

Item #2	DISCUSSION REGARDING THE INTERSTATE PARTNERS PROPOSED DEVELOPMENT (COUNCIL MEMO NO. 21/HRA MEMO NO.11)

Lonnie Provencher, Interstate Partners, presented a revised proposal for the development area at the southwest corner of 66th Street and Richfield Parkway/17th Avenue.

The City Council, HRA Commissioners and Planning Commission Members discussed concerns related to the proposed retail site plan including addressing drive-thru noise, lack of

storefront access from 66th Street, neighborhood issues, light pollution, landscaping, and the need for project flexibility.

Community Development Director Stark stated staff encouraged the developer to leave the drive-thru on the west side of the project due to the traffic flow at the roundabout. He added the developer and staff are looking for progress on the proposed development.

The concurrent worksession was adjourned by unanimous consent at 6:42 p.m.

Date Approved: April 26, 2016.

Debbie Goettel
Mayor

Cheryl Krumholz
Executive Coordinator

Steven L. Devich
City Manager

CITY COUNCIL MEETING MINUTES
Richfield, Minnesota

Regular Meeting

April 12, 2016

CALL TO ORDER

The meeting was called to order by Mayor Goettel at 7:00 p.m. in the Council Chambers.

Council Members Present: Debbie Goettel, Mayor; Michael Howard; Pat Elliott; Edwina Garcia; and Tom Fitzhenry.

Staff Present: Steven L. Devich, City Manager; John Stark, Community Development Director; Kristin Asher, Public Works Director; Jeff Pearson, City Engineer; Chris Link, Operations Superintendent; Mary Tietjen, City Attorney; and Cheryl Krumholz, Executive Coordinator.

OPEN FORUM

None.

PLEDGE OF ALLEGIANCE

Mayor Goettel led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Fitzhenry, S/Howard to approve the (1) Special City Council Worksession of March 22, 2016; (2) Special Concurrent City Council and HRA Worksession of March 22, 2016; and (3) Regular City Council Meeting of March 22, 2016.

Motion carried 5-0.

Item #1	**PRESENTATION OF CERTIFICATES OF RECOGNITION TO THE ACADEMY OF HOLY ANGELS STARS GIRLS BASKETBALL CLASS 3A STATE CHAMPIONS**

Council Member Elliott presented the certificates.

Item #2	**PRESENTATION REGARDING THE EMERALD ASH BORER.**

Operations Superintendent Link presented an update.

Item #3	**COUNCIL DISCUSSION** • Hats Off to Hometown Hits

Council Member Garcia acknowledged the important service provided by volunteers.

City Engineer Pearson provided an update on the Metropolitan Council sewer project along 66th Street.

Tim O'Donnell, Metropolitan Council, discussed the project's communication process with residents.

Public Works Director Asher discussed the Metro Transit route changes related to the closing of some blocks off 66th Street during the project.

Council Member Howard announced the Human Rights Commission is accepting nominations for the Citizen of the Year.

Council Member Fitzhenry announced April 15 is 'Purple Up Day' and encouraged people to wear purple to show support for military families.

Item #4	**COUNCIL APPROVAL OF AGENDA**

Mayor Goettel moved Consent Calendar Item 5C to Item 6 for separate consideration.

M/Fitzhenry, S/Howard to approve the agenda, as amended.

Motion carried 5-0.

Item #5	**CONSENT CALENDAR**

A. Consideration of the approval of the first reading of an ordinance that makes minor changes to regulations related to accessory uses in parks. S.R. No. 47
B. Consideration of the approval of the first reading of an ordinance amending the zoning designation of 7614 Pillsbury Avenue from Industrial to Single-Family Residential. S.R. No. 48
C. Moved to Item 6.
D. Consideration of the approval of the second reading of an ordinance that amends City Code Subsection 930.09 related to noise control hours for construction activities. S.R. No. 50

BILL NO. 2016-6

AMENDMENT TO SECTION 930 OF THE ORDINANCE CODE OF THE CITY OF RICHFIELD

This constitutes the second reading of Bill No. 2016-6, amending the Richfield City Code Subsection 930.09 related to noise control hours for construction activities, that it be published in the official newspaper, and that it be made part of these minutes.

E. Consideration of the approval of a resolution supporting a loan application to Hennepin County by the Cornerstone Group d/b/a Lyndale Gardens LLC for contamination clean-up. S.R. No. 51

RESOLUTION NO. 11192

RESOLUTION SUPPORTING THE SUBMITTAL OF AN APPLICATION TO HENNEPIN COUNTY FOR BROWNFIELDS REVOLVING LOAN FUNDS FOR THE LYNDALE GARDENS PROJECT

This resolution appears as Resolution No. 11192.

F. Consideration of the approval of a resolution granting an interim use permit to allow the continued use of 6529 Penn Avenue for used car sales .S.R. No. 52

RESOLUTION NO. 11193

RESOLUTION APPROVING AN INTERIM USE PERMIT TO ALLOW USED AUTO SALES BY INTERSTATE AUTO GROUP DBA CARHOP AT 6529 PENN AVENUE

This resolution appears as Resolution No. 11193.

G. Consideration of the approval of the Community Garden Lease Agreement with the Minneapolis - Saint Paul Metropolitan Airports Commission. S.R. No. 53
H. Consideration of the approval of the purchase of a flush truck chassis from Rihm Kenworth for $70,059 and body from Swanson Equipment Companies for $59,400 totaling $129,459. S.R. No. 54

M/Goettel, S/Fitzhenry to approve the Consent Calendar, as amended.

Motion carried 5-0.

Item #6	**CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR**

Item 5C. Consideration of the approval of the first reading of an ordinance amending Subsection 210.01 of the City Code related to City Council salaries. S.R. No. 49

Council Member Howard presented Staff Report No. 49. He stated he would not support the proposed ordinance because he believed it was premature to vote for an increase for himself since this is his first year on the City Council.

Mayor Goettel stated that the salary is actually a stipend and is intended to be comparable, not competitive.

M/Goettel, S/Fitzhenry to approve the first reading of an ordinance amending Subsection 210.01 of the City Code related to City Council salaries.

Motion carried 4-1. (Howard oppose).

Item #7	**PUBLIC HEARING REGARDING A RESOLUTION APPROVING A 5-YEAR STREET RECONSTRUCTION PLAN (2017-2021) AND AUTHORIZING THE ISSUANCE OF STREET RECONSTRUCTION BONDS TO FINANCE THE 2017 THROUGH 2019 RECONSTRUCTION PROJECTS S.R. NO. 55**

Council Member Howard presented Staff Report No. 55.

City Engineer Pearson reviewed the plan and the funding.

Terry Straub, 7430 Portland Avenue, questioned the reconstruction funding and the 77th Street Underpass funding.

Mayor Goettel stated the funding for the Underpass is not coming from this bonding.

City Manager Devich explained the funding for the Underpass.

M/Howard, S/Elliott to close the public hearing.

Motion carried 5-0.

M/Howard, S/Fitzhenry that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 11194

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

Motion carried 5-0. This resolution appears as Resolution No. 11194.

Item #8	**CONSIDERATION OF THE ACCEPTANCE OF THE BID MINUTES/TABULATION AND AWARD OF A CONTRACT TO TI-ZACK CONCRETE, INC. FOR THE 2016 CONCRETE SIDEWALK, CURB AND GUTTER REPAIR PROJECT FOR $1,125,041.50 AND AUTHORIZATION TO THE CITY MANAGER TO APPROVE CONTRACT CHANGES UNDER $50,000 WITHOUT FURTHER COUNCIL CONSIDERATION S.R. NO. 56**

Council Member Fitzhenry presented Staff Report No. 58.

M/Fitzhenry, S/Goettel, to approve the acceptance of the bid minutes/tabulation and award a contract to Ti-Zack Concrete, Inc. for the 2016 concrete sidewalk, curb and gutter repair project for $1,125,041.50 and authorize the City Manager to approve contract changes under $50,000 without further Council consideration.

Motion carried 5-0.

Item #9	**CONSIDERATION OF THE BID TABULATION AND AWARD OF CONTRACT TO PARK CONSTRUCTION CO. FOR THE 2016 MILL AND OVERLAY PROJECT FOR $2,159,266.30 AND AUTHORIZATION TO THE CITY MANAGER TO APPROVE CONTRACT CHANGES UNDER $50,000 WITHOUT FURTHER COUNCIL CONSIDERATION S.R. NO. 57**

Council Member Garcia presented Staff Report No. 46.

M/Garcia, S/Howard to approve the bid tabulation and award of contract to Park Construction Co. for the 2016 mill and overlay project for $2,159.266.30 and authorize the City Manager to approve contract changes under $50,000 without further Council consideration.

Motion carried 5-0.

Item #10	CITY MANAGER'S REPORT

None

Item #11	CLAIMS AND PAYROLLS

M/Fitzhenry, S/Goettel that the following claims and payrolls be approved:

U.S. Bank		04/12/16
A/P Checks: 248689-249193	$	2,271,532.16
Payroll: 117737-118381, 42449	$	1,253,945.85
TOTAL	$	3,525,478.01

Motion carried 5-0.

OPEN FORUM

None.

Item #12	ADJOURNMENT

The City Council Meeting was adjourned by unanimous consent at 8:22 p.m.

Date Approved: April 26, 2016

Debbie Goettel
Mayor

Cheryl Krumholz
Executive Coordinator

Steven L. Devich
City Manager

AGENDA SECTION:	CONSENT CALENDAR
AGENDA ITEM #	6.A.

STAFF REPORT NO. 58
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY:	Betsy Osborn, Support Services Manager
DEPARTMENT DIRECTOR REVIEW:	Jay Henthorne, Public Safety Director 4/12/2016
OTHER DEPARTMENT REVIEW:	N/A
CITY MANAGER REVIEW:	STEVEN L. DEVICH 4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a request for a new Therapeutic Massage Enterprise license for Salon Concepts Richfield, LLC, 6525 Lyndale Avenue South.

EXECUTIVE SUMMARY:

On February 18, 2016, the City received an application for a new Therapeutic Massage Enterprise license for Salon Concepts Richfield, LLC, located at 6525 Lyndale Avenue South.

All required information and documents have been received. All 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 Salon Concepts Richfield, LLC, located at 6525 Lyndale Avenue South.

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 The Cincinnati Indemnity Company as affording coverage.
- All real estate and personal property taxes due and payable for the premises have been paid.
- The business is owned by Brent Van Lieu and Andrew Giannella.
- Criminal background checks were conducted on both Brent Van Lieu and Andrew Giannella. Neither of these individuals has any known criminal history.
- An application for a massage therapist was submitted by Dawn Spagnolo. She has no known criminal history, and she is in good standing with the National Certification Board for Therapeutic Massage and Bodywork.

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 Salon Concepts Richfield, LLC; however, Public Safety has not found any basis for denial.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Representative of Salon Concepts Richfield, LLC

AGENDA SECTION: CONSENT CALENDAR
AGENDA ITEM # 6.B.

STAFF REPORT NO. 59
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY: Melissa Poehlman, City Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
4/18/2016

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: STEVEN L. DEVICH
4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of the second reading of an ordinance that makes minor changes to regulations related to accessory uses in parks.

EXECUTIVE SUMMARY:

In the course of reviewing the Zoning Code with Parks and Recreation staff, it was noted that only "recreational" facilities "owned by a governmental unit" are currently permitted within parks. This could technically prohibit relationships like the one the City currently has with Wheel Fun Rentals to operate Malt-Tees snack shop at Veteran's Park. Staff is proposing a minor change to the Ordinance to allow this type of mutually-beneficial use.

Current: "Parks and related recreational facilities owned by a governmental unit."
Proposed: "Municipally-owned parks and related accessory facilities."

RECOMMENDED ACTION:

By Motion: Approve the second reading of an ordinance making minor changes to allowable uses within parks.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

None

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

- Ongoing review and periodic updating of the Zoning Code is necessary to ensure that regulations are serving their intended purposes.
- Clear language is important to both staff and our customers.

C. **CRITICAL TIMING ISSUES:**

None

D. **FINANCIAL IMPACT:**

None

E. **LEGAL CONSIDERATION:**

- A public hearing was held before the Planning Commission on March 28, 2016.
- Notice of the public hearing was published in the Sun Current newspaper in accordance with State and Local requirements.
- The Planning Commission recommended approval of the proposed amendment (6-0).
- A first reading of this Ordinance was approved on April 12, 2016.

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

	Description	Type
🗋	Ordinance	Ordinance

BILL NO. _____

AN ORDINANCE AMENDING THE RICHFIELD CITY CODE REGULATIONS RELATED TO PERMITTED USES WITHIN PARKS

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Subsection 512.03 of the Richfield City Code related to permitted uses in all zoning districts is amended to read as follows:

512.03. Permitted uses in all districts.
Except as otherwise noted, the following uses shall be construed to be permitted in all zoning districts within the City:

a) Public streets and highways;
b) Underground public utilities;
c) Municipally-owned ~~Parks~~parks and related ~~recreational~~accessory facilities ~~owned by a governmental unit~~;
d) Solar equipment as an accessory use; and
e) Horticulture/community gardens as an accessory to an established institutional use (school, church, park), provided that plants and related materials are maintained in a clean and orderly manner and that waste is disposed of appropriately.

Section 7 This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 26th day of April, 2016.

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk

AGENDA SECTION:	CONSENT CALENDAR
AGENDA ITEM #	6.C.

STAFF REPORT NO. 60
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY:	Jeff Pearson, City Engineer
DEPARTMENT DIRECTOR REVIEW:	Kristin Asher, Public Works Director 4/12/2016
OTHER DEPARTMENT REVIEW:	N/A
CITY MANAGER REVIEW:	STEVEN L. DEVICH 4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a resolution approving a Hennepin County Cost Participation Agreement in the amount of $1,500,000 for the acquisition of right-of-way for the 77th Street Underpass of Trunk Highway 77 Project.

EXECUTIVE SUMMARY:

Hennepin County has allocated $1,500,000 in cost participation funds for use in 2016 on the 77th Street Underpass of Trunk Highway 77 Project. The funds, which must be spent by December 31, 2016, are for appraisal fees, land acquisition, and relocation costs required for construction of the project. Once the agreement is executed, the funds will be available starting June 1, 2016, and will be provided to the City through an invoice reimbursement process.

RECOMMENDED ACTION:

By Motion: Approve a resolution authorizing a Hennepin County Cost Participation Agreement for the construction of the 77th Street Underpass of Trunk Highway 77 in the amount of $1,500,000.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

- The cost estimate to complete the 77th Street Underpass, including design, right of way, and construction is $22.5 million.
- The 77th Street Underpass has received $2.5 Million for full design through the MnDOT Local Road Improvement Program.
- The 77th Street Underpass has also received $10 Million in State funds for "right-of-way acquisition and construction" which will be released after a MnDOT Staff Approved Layout is complete (expected mid-2016).
- Staff expects to submit the 77th Street Underpass Project for Regional Solicitation Funding (Federal Funding) in 2016 to cover most of the remaining funding gap.

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

- Increasing capacity of the I-494 corridor and the 77th Street crossing of TH 77 are identified in the City's Comprehensive Plan (Chapter 6 - Transportation).

C. **CRITICAL TIMING ISSUES:**

- Design and right-of-way acquisition must be complete to make the project "shovel ready."
- The remaining funding gap on the project is approximately $8 Million.

D. **FINANCIAL IMPACT:**

- The Hennepin County funds will be used to cover right-of-way acquisition costs.

E. **LEGAL CONSIDERATION:**

- The City Attorney has reviewed the cost participation agreement and will be available at the meeting for questions.

ALTERNATIVE RECOMMENDATION(S):

- The Council may choose to reject the Cost Participation Agreement and direct staff on how to proceed.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None anticipated

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter
Agreement	Backup Material

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ENTER INTO A COST PARTICIPATION AGREEMENT WITH HENNEPIN COUNTY FOR $1,500,000 TO BE USED FOR RIGHT-OF-WAY ACQUISTITION ON THE 77TH STREET EXTENSION AND UNDERPASS OF TRUNK HIGHWAY 77.

WHEREAS, Hennepin County has allocated $1,500,000.00 in cost participation funds; and

WHEREAS, The City intends to use these funds to complete right-of-way acquisition for the 77th Street Extension and Trunk Highway 77 Underpass; and

WHEREAS, Minnesota statute 465.03 requires every acceptance of a grant or devise of real personal property on terms prescribed by the donor be made by resolution of more than two-thirds majority of the City Council.

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

1. The City Council of the City of Richfield hereby authorizes the Mayor and City Manager to enter into a Cost Participation Agreement with Hennepin County in the amount of $1,500,000.

2. Appropriate City personnel are authorized to administer the funds in accordance with the agreement and the terms described by Hennepin County.

Adopted by the City Council of the City of Richfield, Minnesota this 26th day of April, 2016.

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk

Hennepin County Contract No. A165300

COST PARTICIPATION AGREEMENT FOR THE CONSTRUCTION OF THE 77TH STREET UNDERPASS OF TRUNK HIGHWAY 77 (CEDAR AVENUE)

This Agreement made and entered into by and between the County of Hennepin, State of Minnesota, hereinafter referred to as the "COUNTY", A-2300 Government Center, Minneapolis, Minnesota 55487, on behalf of the Hennepin County Department of Community Works, 701 Fourth Avenue South, Suite 400, Minneapolis, Minnesota 55415-1843, and the City of Richfield, a Minnesota municipal corporation, hereinafter referred to as the "CITY", 6700 Portland Avenue, Richfield, Minnesota 55423, on behalf of the Richfield Community Development Department.

WHEREAS, by Resolution No. 10847 and Ordinance No. 2013-24, the CITY approved the construction of a roadway underpass to allow 77th Street to travel under Cedar Avenue (the "Project"); and

WHEREAS, the COUNTY has designated funds for the Project in the 2016 Capital Project Budget; and

WHEREAS, the COUNTY has the authority to contribute to the Project pursuant to Minn. Stat. Ch. 163 and §§ 471.85, 471.59 and other applicable law;

WHEREAS, the CITY has secured sufficient funds to complete engineering and partial funds for the right-of-way acquisition and construction of the Project; and

WHEREAS, the COUNTY wishes to contract with the CITY for right-of-way acquisition required for construction of said Project.

NOW, THEREFORE, in consideration of the mutual undertakings and agreements hereafter set forth, the COUNTY on behalf of the Department and the CITY agree as follows:

1. Term and Cost of the Agreement. The CITY agrees to furnish services described in Section 2 during the period commencing June 1, 2016 and terminating December 31, 2016, for an amount not to exceed $1,500,000.00.

2. Services to be Provided. The CITY shall use all funds received under this Agreement for appraisal fees, land acquisition, and relocation costs required for construction of the Project. The CITY shall be solely responsible for securing all additional funds needed for completion of the Project. The CITY will be responsible for all phases of the Project design process, land acquisition, and construction, but the CITY's responsibilities with respect to design and construction are beyond the scope of this Agreement.

3. Payment for Services. Payment for services shall be made directly to the CITY after completion of the services upon the presentation of a claim in the manner provided by law governing the COUNTY'S payment of claims and/or invoices. The CITY shall submit invoices for services rendered on forms which may be furnished by the COUNTY. Payment shall be made within forty-five (45) days from receipt of the invoice.

4. Independent Contractor. The CITY shall select the means, method, and manner of performing the services herein. Nothing is intended or should be construed in any manner as creating or establishing the relationship of a partnership or joint venture between the parties hereto or as constituting the CITY as the agent, representative, or employee of the COUNTY for any purpose or in any manner whatsoever. The CITY is to be and shall remain an independent contractor with respect to all services performed under this Agreement. The CITY 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 the CITY or other persons while engaged in the performance of any work or services required by the CITY under this Agreement shall have no contractual relationship with the COUNTY, and shall not be considered employees of the COUNTY. Any and all claims that may or might arise under the Minnesota Unemployment Insurance Law or the Workers' Compensation Act of the State of Minnesota on behalf of said personnel, arising out of employment or alleged employment, including, without limitation, claims of discrimination against the CITY, its officers, agents, contractors, or employees shall in no way be the responsibility of the COUNTY. The CITY shall defend, indemnify, and hold harmless the COUNTY, its officials, officers, agents, volunteers, and employees from any and all such claims. Such personnel or other persons shall neither require nor be entitled to any compensation, rights, or benefits of any kind whatsoever from the COUNTY, including, without limitation, tenure rights, medical and hospital care, sick and vacation leave, Workers' Compensation, Unemployment Insurance, disability, severance pay, and retirement benefits.

5. Data Privacy. The CITY, its officers, agents, owners, partners, employees, volunteers and subcontractors agree to abide by the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, and all other applicable state and federal laws, rules, regulations and orders relating to data privacy or confidentiality, and as any of the same may be amended. The CITY agrees to defend, indemnify and hold harmless the COUNTY, its officials, officers, agents, employees, and volunteers from any claims resulting from the CITY's officers', agents', owners', partners', employees', volunteers', assignees' or subcontractors' unlawful disclosure and/or use of such protected data. The terms of this paragraph shall survive the cancellation or termination of this Agreement.

6. Records – Availability/Access. Subject to the requirements of Minnesota Statutes Section 16C.05, Subd. 5 (as may be amended), the CITY agrees that the County, the State Auditor, the Legislative Auditor or any of their duly authorized representatives, at any time during normal business hours, and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of the CITY and involve transactions relating to this Agreement. Such materials shall be maintained and such access and rights shall be in force and effect during the period of the contract and for six (6) years after its termination or cancellation.

7. Liability. It is further understood that neither the COUNTY, nor its elected officials, officers, agents and employees, either in their individual or official capacity, shall be responsible or liable in any manner to the CITY for any claims, demands, judgments, fines, penalties, expenses, actions or causes of actions of any kind or character arising out of or by reason of negligent performance of the herein described work by the CITY, or arising out of the negligence of any contractor under the contract let by the CITY for the performance of said work; and the CITY agrees to defend, save and keep said COUNTY, its elected officials, officers, agents and employees harmless from all claims, demands, judgments, fines, penalties, expense, action or causes of actions and expenses (including, without limitation, reasonable attorneys' fees, witness fees, and disbursements incurred in the defense thereof) arising out of negligent performance by the CITY, its officers, agents or employees.

8. Merger and Modification.

a. It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof. All items referred to in this Agreement are incorporated or attached and are deemed to be part of this Agreement.

b. Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the parties hereto.

9. Default and Cancellation.

a. If the CITY fails to perform any of the provisions of this Agreement or so fails to administer the work as to endanger the performance of the Agreement, this shall constitute a default. Unless the CITY's default is excused by the COUNTY, the COUNTY may upon written notice immediately cancel this Agreement in its entirety. Additionally, failure to comply with the terms of this Agreement shall be just cause for the COUNTY for delaying payment until the CITY's compliance.

b. The COUNTY's failure to insist upon strict performance of any provision or to exercise any right under this Agreement shall not be deemed a relinquishment or waiver of the same, unless consented to in writing. Such consent shall not constitute a general waiver or relinquishment throughout the entire term of the Agreement.

10. Contract Administration. In order to coordinate the services of the CITY with the activities of the Hennepin County Department of Community Works so as to accomplish the purposes of this contract, Andrew Gillett, or his successor, shall manage this contract on behalf of the COUNTY and serve as liaison between the COUNTY and the CITY. John Stark shall be the contact person for the CITY.

11. Notices. Any notice or demand which must be given or made by a party hereto under the terms of this Agreement or any statute or ordinance shall be in writing, and shall be sent registered or certified mail. Notices to the COUNTY shall be sent to the County Administrator with a copy to the originating Department at the address given in the opening paragraph of the Agreement. Notice to the CITY shall be sent to the City Manager at the address stated in the opening paragraph of the Agreement.

12. Limited Scope of Agreement. This Agreement is intended only to address the responsibilities and liabilities of the parties with respect to the agreement of the Hennepin County Department of Community Works to provide funding assistance for the Project. It is understood and agreed by the parties that this Agreement does not govern the relationship between the City and any other department of the County other than the Department of Community Works, relative to the Project.

13. Recognition of Hennepin County. In recognition of COUNTY funding support, CITY agrees if requested to include the Hennepin County logo on project site signage and project website.

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COUNTY BOARD APPROVAL

CITY, having signed this Agreement, and the Hennepin County Board of Commissioners having duly approved this Agreement on the ____ day of _____, 2016 and pursuant to such approval, the proper County officials having signed this Agreement, the parties hereto agree to be bound by the provisions herein set forth.

COUNTY OF HENNEPIN

ATTEST:

By:_____
Deputy/Clerk of the County Board
Date: _____

By:_____
Chair of Its County Board
Date: _____

APPROVED AS TO FORM:

By:_____
Assistant County Attorney
Date: _____

And:_____
County Administrator
Date: _____

And: _____
Acting Assistant County Administrator,
Public Works
Date: _____

APPROVED AS TO EXECUTION:

By:_____
Assistant County Attorney
Date: _____

RECOMMENDED FOR APPROVAL

By:_____
Director, Department of Community Works
Date: _____

CITY OF RICHFIELD

By:_____
Its: Mayor

And:_____
Its: City Manager

AGENDA SECTION: CONSENT CALENDAR

AGENDA ITEM # 6.D.

STAFF REPORT NO. 61
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY: Karen Barton, Community Development Assistant Director

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
4/18/2016

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: STEVEN L. DEVICH
4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of the resolutions supporting the submittal of grant applications to the Metropolitan Council Metropolitan Livable Communities Tax Base Revitalization Account grant program and the Minnesota Department of Employment and Economic Development for contamination clean-up at the Lyndale Gardens site, 6400 Lyndale Avenue.

EXECUTIVE SUMMARY:

The Lyndale Gardens property was initially developed preceding the 1950's. In advance of the property being developed, a portion of the property was used for dumping. Areas primarily along the western side of the property (along Richfield Lake) were low lying/wetland areas that were filled in with soil and debris, reportedly including concrete, building materials, railroad ties, etc.

Prior to the Cornerstone Group purchasing the property in 2011, a Phase I environmental investigation was done to evaluate the potential for subsurface contaminants that resulted from previous land use activities. The Phase I found significant contamination, primarily old construction and demolition debris. Since that time, the Cornerstone Group has had additional soil testing conducted to determine the extent of contamination existing on the site, which has revealed additional areas of contamination. Before the Cornerstone Group can construct improvements on the property, the contaminated soils must be remediated.

To assist in the financial aspect of the cleanup of the property, the Cornerstone Group is requesting that the City apply to the Metropolitan Council Tax Base Revitalization Account (TBRA) and the Minnesota Department of Employment and Economic Development (DEED) grant programs on their behalf. A requirement of both grants is the submission of a resolution indicating the City Council's support of the applications.
Given the potential liability to the City relating to these two grant programs should the City be awarded funding, City staff will not execute the agreements without the Cornerstone Group (d/b/a Lyndale Gardens) first having obtained land-use approvals from the City, nor will they approve reimbursement to the Cornerstone Group under either of these grants without building permits first being issued for the project.

Representatives from the Cornerstone Group will be providing a project update to the City Council in May.

RECOMMENDED ACTION:

By Motion: Adopt the resolutions supporting the submittal of grant applications to the Metropolitan Council Metropolitan Livable Communities Tax Base Revitalization Account program and the Minnesota Department of Employment and Economic Development for contamination clean-up at 6400 Lyndale Avenue.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

- The Developer applied for and received land-use approvals in 2013 to construct a mixed-use development on the property.
- In December 2015 the land-use approvals expired.
- The Developer is intending to resubmit for land-use approvals in May.
- The Developer is proposing to construct a mixed-use development that will include multi-family rental housing and retail/commercial uses, as well as the quasi-public/public improvements funded by the Met Council grant.
- Regardless of ownership, the contamination will be required to be remediated prior to development of the property.

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

It is the City's policy to facilitate brownfield clean-up and the return of contaminated land to productive use.

C. **CRITICAL TIMING ISSUES:**

- Both the Met Council TBRA and DEED grant applications are due on May 2, 2016.
- The Cornerstone Group is anticipating submitting land-use approvals in May of this year and breaking ground on the project in late fall of this year.

D. **FINANCIAL IMPACT:**

- The City would be requesting grant funds in the amount of approximately $1,170,000 in total from the Met Council and DEED.
- The grants require local matching funds, which the Cornerstone Group d/b/a Lyndale Gardens LLC has pledged.
- The grant agreements have claw-back provisions that provide for the grantor to be reimbursed by the City should the project not come to fruition within the required timeframe (3 years for Met Council and 2 years for DEED).
- Although the TBRA grant agreement has a claw-back provision, the Met Council has never enforced this provision previously, even when a project failed to be constructed or completed.
- City staff will not execute the agreements without the Cornerstone first having obtained land-use approvals for the project.
- City staff will not authorize reimbursement of qualified expenditures to the Cornerstone Group through either of these grants prior to building permits being issued for the project.

E. **LEGAL CONSIDERATION:**

- The City of Richfield would be the grant recipient and as such, would be subject to the requirements of the grant agreements.
- The City Attorney will review the grant agreements prior to execution.

ALTERNATIVE RECOMMENDATION(S):

- Do not approve the resolutions.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
Lyndale Gardens TBRA Grant App Resolution	Resolution Letter
Lyndale Gardens DEED Grant App Resolution	Resolution Letter

RESOLUTION NO.

RESOLUTION AUTHORIZING THE CITY'S SUBMITTAL OF AN APPLICATION TO THE METROPOLITAN COUNCILTAX BASE REVITALIZATION ACCOUNT GRANT PROGRAM FOR CONTAMINATION CLEAN UP ASSOCIATED WITH THE LYNDALE GARDENS PROJECT 6400 LYNDALE AVENUE

WHEREAS, the City of Richfield is a participant in the Livable Communities Act's Local Housing Incentives Account Program for 2016 as determined by the Metropolitan Council, and is therefore eligible to make application apply for funds under the Tax Base Revitalization Account; and

WHEREAS, the City has identified a contamination cleanup project within the City that meets the Tax Base Revitalization Account's purpose/s and criteria and are consistent with and promote the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

WHEREAS, the City has the institutional, managerial and financial capability to ensure adequate project and grant administration; and

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the contract grant agreements; and

WHEREAS, the City finds that the required contamination cleanup will not occur through private or other public investment within the reasonably foreseeable future without Tax Base Revitalization Account grant funding; and

WHEREAS, .the City represents that it has undertaken reasonable and good faith efforts to procure funding for the activities for which Livable Communities Act Tax Base Revitalization Account funding is sought but was not able to find or secure from other sources funding that is necessary for cleanup completion and states that this representation is based on the following reasons and supporting facts:

NOW, THEREFORE BE IT RESOLVED, that, the Richfield City Council authorizes the submittal of an application for Metropolitan Council Tax Base Revitalization Account grant funds and, if the City is awarded a Tax Base Revitalization Account grant for this project, the City will be the grantee and agrees to act as legal sponsor to administer and be responsible for grant funds expended for the project contained in the Tax Base Revitalization grant application submitted on May 2, 2016.and

Adopted by the City Council of the City of Richfield, Minnesota this 26th day of April, 2016.

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk

RESOLUTION NO.

RESOLUTION AUTHORIZING THE CITY'S SUBMITTAL OF AN APPLICATION TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT GRANT PROGRAM FOR CONTAMINATION CLEAN UP ASSOCIATED WITH THE LYNDALE GARDENS PROJECT 6400 LYNDALE AVENUE

WHEREAS, the City has identified a contamination cleanup project within the City that meets the Minnesota Department of Employment and Economic Development's (DEED) purpose/s and criteria and are consistent with and promote the purposes of the program; and

WHEREAS, that the city of Richfield is located within the seven county metropolitan area defined in section 473.121, subdivision 2, and is participating in the local housing incentives program under section 473.254; and

WHEREAS, the City has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate project and grant administration; and

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the contract grant agreements; and

WHEREAS, the City finds that the required contamination cleanup will not occur through private or other public investment within the reasonably foreseeable future without DEED grant funding.

NOW THEREFORE BE IT RESOLVED that the City of Richfield has approved the Contamination Cleanup grant application to be submitted to the Department of Employment and Economic Development on May 2, 2016 for the Lyndale Gardens project.

BE IT FURTHER RESOLVED that the City of Richfield act as the legal sponsor for the project contained in the Contamination Cleanup Grant Program application to be submitted on May 2, 2016, and that Landmark Environmental is hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Richfield.

BE IT FURTHER RESOLVED that the sources and amounts of the local match identified in the application are committed to the project identified.

BE IT FURTHER RESOLVED that City of Richfield has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, City of Richfield may enter into an agreement with the State of Minnesota for the above-referenced project, and that City of Richfield certifies that it will comply with all applicable laws and regulation as stated in all contract agreements.

NOW, THEREFORE BE IT FINALLY RESOLVED that the City Manager is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

Adopted by the City Council of the City of Richfield, Minnesota this 26th day of April, 2016.

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk

AGENDA SECTION:	RESOLUTIONS - PRIOR TO PUBLIC HEARINGS
AGENDA ITEM #	8.

STAFF REPORT NO. 62
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY:	Betsy Osborn, Support Services Manager
DEPARTMENT DIRECTOR REVIEW:	Jay Henthorne, Public Safety Director 4/12/2016
OTHER DEPARTMENT REVIEW:	NA
CITY MANAGER REVIEW:	STEVEN L. DEVICH 4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Disciplinary hearing and consideration of a resolution regarding civil enforcement for My Burger Operations, LLC, d/b/a My Burger, 6555 Lyndale Ave. So., that recently underwent an alcohol compliance check conducted by Richfield Public Safety staff, and failed by selling alcohol to underage youth.

EXECUTIVE SUMMARY:

Richfield Public Safety staff conducted phase one of the alcohol compliance checks for 2016. These checks are done to determine the availability of alcohol to underage youth and to meet State Statutes. There are currently thirty-six establishments that hold licenses to sell alcohol. Richfield Public Safety staff conducted alcohol compliance checks at all thirty-six establishments in Richfield that sell alcohol. One of the thirty-six establishments that was checked sold alcohol to an underage person. The action being taken today is for civil enforcement and penalties against the establishment, My Burger Operations, LLC, d/b/a My Burger. This is their first alcohol compliance check failure.

The establishment will be given an opportunity to either admit that the business made an unlawful sale to a minor and to stipulate to the penalties imposed by the City Council, or deny the allegations and request a contested case hearing.

If they admit to the violation, the Council will adopt a resolution imposing the penalties. If they deny the allegation and request a contested case hearing, the City Council will refer the matter to an independent hearing examiner. They will be notified of the date of the hearing and will be provided the opportunity to present evidence and to rebut the City's evidence.

For first time violators, Public Safety recommends the City Council follow the guidelines set forth in the City ordinance.

- Suspend the license to sell alcohol for five days and pay a $1,000 fine.
- Require a meeting with the Public Safety Director to present an individual establishment plan to ensure eliminating any future failures.
- Require a manager to attend an alcohol compliance sales awareness presentation conducted by a private firm, approved by Public Safety, with all costs to be paid by the establishment.

RECOMMENDED ACTION:

By motion: Approve a resolution regarding civil enforcement for My Burger Operations, LLC, d/b/a My Burger, 6555 Lyndale Ave. So., that recently failed the alcohol compliance check, conducted by Richfield Public Safety staff, by selling alcohol to an underage youth.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

On March 4, 2016, Richfield Public Safety staff conducted alcohol compliance checks at thirty-six establishments in Richfield that sell alcohol. These compliance checks were the first compliance checks conducted in 2016. Public Safety staff was assisted by one underage youth who is 20 years old. The establishment that sold alcohol to an underage youth is:

- My Burger Operations, LLC, d/b/a My Burger, 6555 Lyndale Avenue South, Richfield, MN

This is a first time failure for My Burger Operations, LLC, d/b/a My Burger and they are required to appear before City Council.

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

- It is a violation of Minnesota State Statute and City ordinance to sell alcohol to underage youth.
- Resolution 9511 specifies certain improper conduct of alcohol license holders and delineates the progressive discipline that can be expected when violations occur, such as the sale of alcohol to minors.

C. **CRITICAL TIMING ISSUES:**

Fine and suspension requirements must be met by May 26, 2016.

D. **FINANCIAL IMPACT:**

The fine being recommended at this time is intended to recover 100% of the costs for conducting the compliance checks and to penalize the establishment punitively.

E. **LEGAL CONSIDERATION:**

Formal complaint charges for the selling of alcohol to an underage person was filed on the person who committed the violation. The server/clerk who made the sale is 18 years of age.

ALTERNATIVE RECOMMENDATION(S):

The Council may consider taking more or less severe action against the establishment that sold alcohol to an underage youth; however, that would deviate from the guidelines set for progressive discipline in Resolution 9511.

PRINCIPAL PARTIES EXPECTED AT MEETING:

A representative from My Burger Operations, LLC, d/b/a My Burger is expected to be in attendance at the meeting. They have been notified in writing of this requirement.

ATTACHMENTS:

	Description	Type
🗋	My Burger Resolution	Resolution Letter

RESOLUTION NO.

RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR MY BURGER OPERATIONS, LLC, D/B/A MY BURGER, 6555 LYNDALE AVENUE SOUTH, AND IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL COMPLIANCE FAILURE

WHEREAS, My Burger Operations, LLC, d/b/a My Burger ("Licensee") holds On Sale Wine and 3.2 Percent Malt Liquor licenses from the City of Richfield; and

WHEREAS, on March 4, 2016 the City of Richfield Public Safety Department conducted a compliance check of the Licensee's establishment; and, during the compliance check, an employee of the Licensee sold alcohol to a minor and;

WHEREAS, this is their first alcohol compliance check failure and;

WHEREAS, the Licensee appeared before the Richfield City Council on April 26, 2016 and admitted the violation and stipulated to the penalty imposed by this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield as follows:
The Licensee's On Sale Wine and 3.2 Percent Malt Liquor licenses are hereby suspended for a period of five (5) consecutive days, commencing on a date to be determined by the Public Safety Director, but to take place within 30 days after their Council appearance.

1. A civil penalty of $1,000 is hereby imposed. On or before May 26, 2016, the Licensee shall deliver a check or money order payable to the City of Richfield in the amount of $1,000.
2. Meet with the Director of Public Safety by May 26, 2016 to present a written action plan to ensure future compliance.
3. One staff member, preferably the manager, must attend an alcohol compliance and sales awareness presentation conducted by a private firm, approved by Public Safety, with all costs to be paid by the establishment.

Passed by the City Council of the City of Richfield this 26th day of April 2016.

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk

AGENDA SECTION: PUBLIC HEARINGS
AGENDA ITEM # 9.

STAFF REPORT NO. 63
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
4/14/2016

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: STEVEN L. DEVICH
4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Public hearing regarding the approval of new On Sale Intoxicating and Sunday Liquor licenses, with outside service, for VPC Richfield Pizza, LLC d/b/a Giordano's of Richfield, located at 3000 66th Street West.

EXECUTIVE SUMMARY:

On January 12, 2016, the City received the application materials for new On Sale Intoxicating and Sunday Liquor licenses, with outside service, for VPC Richfield Pizza, LLC d/b/a Giordano's of Richfield, located at 3000 66th Street West.

All required information and documents have been received. A pro-rated fee for the duration of eight months has been received.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. 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 licenses.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve the issuance of new On Sale Intoxicating and Sunday Liquor licenses, with outside service, for VPC Richfield Pizza, LLC d/b/a Giordano's of Richfield, located at 3000 66th Street West.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

The applicant has satisfied the following requirements for issuance of licenses:

- The required license fees have been paid.
- Real estate taxes are current.
- Proof of commercial and liquor liability insurance have been received showing Liberty Mutual Insurance Company as affording coverage.

As a result of this being a new request for On Sale Intoxicating and Sunday Liquor licenses, with outside

service, there is no need for an accountant's statement regarding food/alcohol ratio.

As stated in the Executive Summary, the Public Safety Director has reviewed the background information and sees no basis for denial.

On Sale Intoxicating and Sunday Liquor licenses, with outside service, require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance of On Sale Intoxicating and Sunday Liquor licenses.

The Notice of Public Hearing was published in the Richfield Sun Current on April 14, 2016.

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

Richfield City Code Section 1202 requires owners of On Sale Intoxicating and Sunday liquor license establishments to comply with all the provisions of both City Code and State Statutes.

C. **CRITICAL TIMING ISSUES:**

There are no critical timing issues.

D. **FINANCIAL IMPACT:**

Licensing fees have been received.

E. **LEGAL CONSIDERATION:**

The requirements of Resolution No. 9511 must be met, which outlines the discipline they can expect if any on-going problems occur. A copy of this resolution has been given to the owners of the establishment.

ALTERNATIVE RECOMMENDATION(S):

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to serve On Sale Intoxicating Liquor; however, Public Safety has found no basis to deny the license.
- Schedule the hearing for another date; however, this will delay the licensing process.

PRINCIPAL PARTIES EXPECTED AT MEETING:

John Gleason, Manager

ATTACHMENTS:

	Description	Type
	Giordano's Background Summary	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION FOR VPC RICHFIELD PIZZA, LLC D/B/A/ GIORDANO'S OF RICHFIELD

Officers:

Yorgo Koutsogiorgas – President
Brent Johnson - Secretary

Criminal Histories:

Criminal history checks were conducted on the applicants. The applicants showed no convictions that would prevent them from holding or being party to a liquor license. John Gleason, who will serve as the On-Premise Manager, had a conviction for a DWI misdemeanor from 2007.

Premises:

The applicants have provided a copy of the rental agreement showing DRFC Southdale Square, LLC holding financial interest as lessor of the property.

Record of Service Calls:

Being this is a new business, there are no records of service calls.

Violations:

Being this is a new business, there are no violations for sale of alcohol to underage youth.

Routine Information:

On Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On Sale Intoxicating and Sunday Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on April 14, 2016.

AGENDA SECTION: PUBLIC HEARINGS

AGENDA ITEM # 10.

STAFF REPORT NO. 64
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY: Chris Regis, Finance Manager

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: STEVEN L. DEVICH
4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and second reading of the transitory ordinance providing funding for certain capital improvements from the Special Revenue Fund.

EXECUTIVE SUMMARY:

As part of the Capital Improvement Budget and annual City Budget process, certain special revenue funds are allocated each year to fund capital projects identified through the budget process.

The source of the special revenue funds are profits derived from the City's Liquor Store operation. These profits are transferred to the Liquor Contribution Special Revenue Fund.

Before the funds within the Special Revenue Fund can be used for the identified capital projects, the City Charter requires that a transitory ordinance be used to authorize the expenditure of the funds. In addition, the ordinance process allows for public input through a public hearing.

The initial proposed funding for 2016 totals $450,000 and encompasses several park and recreation related projects.

However, at the February 23, 2016 City Council meeting, the City Council approved the remodeling of the Cedar Avenue Liquor store. As part of the financing for that project, the liquor operation will reduce the 2016 special revenue fund transfer by $350,500. The reduction in the special revenue transfer will be offset by utilizing Local Government Aid set aside funds.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve the second reading of the transitory ordinance providing for the expenditure of funds from the Special Revenue Fund for certain capital improvements., and approve the use of Local Government Aid set aside funds for certain capital projects.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

- At the December 8, 2015 City Council meeting, the City Council authorized $450,000 of Special

Revenue Funds for improvements to several City capital improvements in 2016.

- Included in the $450,000 are:
  - $45,000 for Major Park Maintenance Projects
  - $5,000 Wood Lake Fence Repair & Tree Removal
  - $156,700 Lincoln Field Loan Repay
  - $143,800 Community Center Boiler & Air Conditioning
  - $10,000 Community Center Parking Lot Seal Coating
  - $52,500 Swimming Pool Heaters
  - $37,000 Wood Lake Nature Center Rest Room Improvements
- With the reduction in special revenue funding, the following projects, totaling $350,500, will be funded by utilizing Local Government Aid set aside funds.
  - $45,000 for Major Park Maintenance Projects
  - $5,000 Wood Lake Fence Repair & Tree Removal
  - $156,700 Lincoln Field Loan Repay
  - $143,800 Community Center Boiler & Air Conditioning
- In addition, staff is requesting the redirection of funds from Wood Lake Nature Center Rest Room Improvements to the replacement of carpet at the Community Center.
- At the March 22, 2016 City Council meeting, the City Council approved the first reading of the transitory ordinance.
- The 2016 Capital Improvement Budget also provides for expenditures for all types of funds contained in the budget including municipal state aid, user fees, federal grants and state grants.
- Authorization by ordinance is not required for expenditures other than Special Revenues.

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

- City Charter Section 7.12, Subd. 2 requires that Special Revenue Funds used for capital improvements must be authorized by ordinance.
- This process provides for public input through a public hearing.

C. **CRITICAL TIMING ISSUES:**

- Under Section 3.09 of the City Charter, a transitory ordinance becomes effective 30 days after publication of the second hearing notice.
- The ordinance requirements must be completed early enough in 2016 so that the capital projects can be initiated on a timely basis, completed and the funds expended.

D. **FINANCIAL IMPACT:**

- While the total 2016 Capital Improvements Budget (CIB) includes total budgeted expenditures of $15,040,000 the portion of CIB concerning proposed funding from the Special Revenue fund is now $99,500 as a result of City Council action at the February 23, 2016 City Council Meeting.

Community Center Parking Lot Seal Coat	$10,000
Swimming Pool Heaters	$52,500
Community Center Carpet Replacement	$37,000

- In addition, Local Government Aid set aside funds will be used to offset the reduction in special revenue funds for the following projects:

Major Park Maintenance Projects	$ 45,000
Wood Lake Fence Repair & Tree Removal	$ 5,000
Lincoln Field Loan Repay	$156,700
Community Center Boiler & Air Conditioning	$143,800

- A transitory ordinance is necessary to finalize the appropriations utilizing special revenue funds pursuant to City Charter.
- A transitory ordinance is not required to approve the use of the Local Government Aid set aside funds.
- The source of Special Revenue funds is municipal liquor profits.

E. **LEGAL CONSIDERATION:**

The first reading of the ordinance was approved at the March 22, 2016 City Council meeting and a notice of the public hearing was published on April 14, 2016.

ALTERNATIVE RECOMMENDATION(S):

The City Council could decide to authorize none or only a portion of the expenditures identified from special revenue in the CIB.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None.

ATTACHMENTS:

	Description	Type
🗋	Special Revenue Transitory Ordinance	Ordinance

BILL NO.

TRANSITORY ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE EXPENDITURE OF MONEY FROM THE SPECIAL REVENUE FUND FOR CERTAIN CAPITAL IMPROVEMENTS

CITY OF RICHFIELD DOES ORDAIN:

Section 1: It is found and determined to be necessary and expedient for the City to expend money from the Special Revenue Fund for the making of capital improvements listed in Section 2 hereof, for which the City would be authorized to issue general obligation bonds.

Section 2: The capital improvements and amounts of expenditures for such improvements which are authorized to be paid from the Special Revenue Fund under Section 7.12, Subdivision 2 of the City Charter, are as follows:

Community Center Parking Lot Seal Coating	$	10,000
Swimming Pool Heaters	$	52,500
Community Center Carpet Replacement	$	37,000

Section 3: The expenditures herein authorized shall be made pursuant to such contracts as are authorized from time to time by Council action.

Passed by the City Council of the City of Richfield this 26th day of April, 2016.

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk

AGENDA SECTION:	PROPOSED ORDINANCES
AGENDA ITEM #	11.

STAFF REPORT NO. 65
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY:	Jared Voto, Administrative Aide/Analyst
DEPARTMENT DIRECTOR REVIEW:	Kristin Asher, Public Works Director 4/18/2016
OTHER DEPARTMENT REVIEW:	N/A
CITY MANAGER REVIEW:	STEVEN L. DEVICH 4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the first reading of an ordinance amending City Code Subsection 710.29 related to water use restrictions and schedule a second reading for May 10, 2016.

EXECUTIVE SUMMARY:

The Minnesota Department of Natural Resources (DNR) encourages cities to implement best practices in water conservation for the metro water supply. The DNR has highlighted minimizing summer peak demand on the water supply as a best practice for conservation, including:

- Prohibiting watering/irrigation during the day (between approximately 11:00 AM and 4:00 PM), which promotes effective watering habits and reduces water evaporation/wasted water;
- Requiring a rain sensor device on automatic/underground sprinkler systems, so systems do not needlessly run during periods of rain; and,
- Implementing an odd-even watering/irrigation schedule based on the property address, which spreads out demand during the summer peak periods.

Staff recommends implementing the first two water conservation best practices, at a minimum, and is requesting Council feedback on the third practice.

If the ordinance is approved, in addition to publication in the Richfield Sun Current, residents will be notified through water bill inserts and a social media campaign. Staff also plans to publish a webpage on the City's website outlining these new measures for water conservation.

RECOMMENDED ACTION:

By Motion: Approve the first reading of an ordinance amending City Code Subsection 710.29 related to water use restrictions and schedule a second reading for May 10, 2016.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

- Many cities have ordinances that have all or some of these best practices, including, but not limited to:
  - Burnsville

- Chanhassan
- Eagan
- Edina
- Inver Grove Heights
- Lakeville
- Woodbury

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

- The City Charter requires a first and second reading of ordinances.
- A public hearing is not required unless a separate statute, charter provision or ordinance requires it.

C. **CRITICAL TIMING ISSUES:**

- Approval at this meeting will provide that this ordinance will be implemented before the summer peak demand season begins.

D. **FINANCIAL IMPACT:**

- Staff does not anticipate these water restrictions will have a financial impact on water operations.

E. **LEGAL CONSIDERATION:**

- The City Attorney has reviewed the proposed ordinance and will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

	Description	Type
🗋	Proposed Ordinance	Ordinance
🗋	Alternate Proposed Ordinance	Ordinance

BILL NO. 2016-

AN ORDINANCE AMENDING SUBSECTION 710.29 RICHFIELD CITY CODE PERTAINING TO WATER USE RESTRICTIONS

THE CITY OF RICHFIELD DOES ORDAIN:

SECTION 1. Subsection 710.29 of the Richfield City Code is amended as follows:

710.29. - ~~Restricted hours for use of water supply.~~ Water use restrictions.

~~Whenever the Council determines that a shortage of water supply threatens the City, it may, by resolution, limit the times and hours during which water may be used from the City water supply system for lawn and garden sprinkling, irrigation, car washing, air conditioning or other uses specified therein; a copy of said resolution shall thereupon be mailed to each water customer. two (2) days after the mailing of the resolution any water customer who causes or permits water to be used in violation of the provisions of said resolution shall be charged $5.00 for each day of a violation, which charge shall be added to his next water bill; continued violation is hereby prohibited and cause for discontinuance of water service.~~

Subdivision 1. Permanent Restrictions on Sprinkling. The following regulations shall apply annually from May 1 to September 30:

(a) No lawn or garden sprinkling or other irrigation shall occur between the hours of eleven o'clock (11:00) A.M. and four o'clock (4:00) P.M. daily.

(b) These permanent restrictions on sprinkling shall not apply to the watering of new sod or seed within thirty (30) days of installation; new landscaping; or any other plant materials that require daily watering, including, but not limited to athletic fields with special soil conditions, plantings in pots and baskets, and vegetable gardens.

(c) Property owners installing an automatic or underground irrigation system are required to install a rain sensor device. Property owners who are improving or extending an existing irrigation system and where such improvements require a plumbing permit, must install a rain sensor device at the time of such improvements.

Subd. 2. Water Emergency. The City Council may declare, by resolution, a water emergency within the city. In case of emergency, the City Manager may declare a water emergency and institute restrictions without Council resolution; provided that such determination and restrictions shall only be effective until the City Manager determines that the emergency has ended or the next council meeting, whichever occurs first. Depending on the cause and severity of the emergency, the City Manager may place additional restrictions on the use of the city water supply system for lawns and garden

sprinkling, irrigation, car washing, air conditioning, and other uses as specified by the City Manager's declaration.

The City Manager, or designee, may notify residents of water use restrictions by posting in the City Municipal Center, by publication in a newspaper of general circulation within the city, and by television and radio broadcast.

Subd. 3. Penalty. Failure to comply with restrictions or prohibitions imposed by this subsection shall result in a surcharge according to the following schedule:

First violation of calendar year	Warning
Second violation of calendar year	$25.00 Surcharge
Third violation of calendar year	$50.00 Surcharge
Subsequent violations	$100.00 Surcharge

The City Manager, or designee, shall insert notice of the surcharge in the next water bill of the offending property. The property owner or violator must pay the surcharge upon payment of the water bill.

Subd. 4. Appeal. A property owner or violator may appeal the imposition of the surcharge by submitting a written notice of appeal to the City Manager within ten (10) days of the date of the water bill that includes the surcharge. Such notice must state the grounds for objecting to the surcharge. The City Manager, or designee, will issue a decision within ten (10) days of receipt of the appeal. A person may appeal the City Manager's decision in accordance with state law.

The City Council may certify an unpaid surcharge, together with penalties, to the County Auditor to be collected with other real estate taxes levied against the premises served.

SECTION 2. This Ordinance will be effective in accordance with Section 3.09 of the City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 10th day of May, 2016.

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk

BILL NO. 2016-

AN ORDINANCE AMENDING SUBSECTION 710.29 RICHFIELD CITY CODE PERTAINING TO WATER USE RESTRICTIONS

THE CITY OF RICHFIELD DOES ORDAIN:

SECTION 1. Subsection 710.29 of the Richfield City Code is amended as follows:

710.29. - ~~Restricted hours for use of water supply.~~ Water use restrictions.

~~Whenever the Council determines that a shortage of water supply threatens the City, it may, by resolution, limit the times and hours during which water may be used from the City water supply system for lawn and garden sprinkling, irrigation, car washing, air conditioning or other uses specified therein; a copy of said resolution shall thereupon be mailed to each water customer. two (2) days after the mailing of the resolution any water customer who causes or permits water to be used in violation of the provisions of said resolution shall be charged $5.00 for each day of a violation, which charge shall be added to his next water bill; continued violation is hereby prohibited and cause for discontinuance of water service.~~

Subdivision 1. Permanent Restrictions on Sprinkling. The following regulations shall apply annually from May 1 to September 30:

(a) Use of the city water supply system for lawn and gardening sprinkling or other irrigation shall be limited to an odd-even schedule. Odd-numbered addresses may water only on odd–numbered days. Even-numbered addresses may water only on even-numbered days. Multi-family residences, businesses with multiple addresses, and properties without an apparent address may water only on odd-numbered days.

(b) No lawn or garden sprinkling or other irrigation shall occur between the hours of eleven o'clock (11:00) A.M. and four o'clock (4:00) P.M. daily.

(c) These permanent restrictions on sprinkling shall not apply to the watering of new sod or seed within thirty (30) days of installation; new landscaping; or any other plant materials that require daily watering, including, but not limited to athletic fields with special soil conditions, plantings in pots and baskets, and vegetable gardens.

(d) Property owners installing an automatic or underground irrigation system are required to install a rain sensor device. Property owners who are improving or extending an existing irrigation system and where such improvements require a plumbing permit, must install a rain sensor device at the time of such improvements.

Subd. 2. Water Emergency. The City Council may declare, by resolution, a water emergency within the city. In case of emergency, the City Manager may declare a water emergency and institute restrictions without Council resolution; provided that such determination and restrictions shall only be effective until the City Manager determines that the emergency has ended or the next council meeting, whichever occurs first. Depending on the cause and severity of the emergency, the City Manager may place additional restrictions on the use of the city water supply system for lawns and garden sprinkling, irrigation, car washing, air conditioning, and other uses as specified by the City Manager's declaration.

The City Manager, or designee, may notify residents of water use restrictions by posting in the City Municipal Center, by publication in a newspaper of general circulation within the city, and by television and radio broadcast.

Subd. 3. Penalty. Failure to comply with restrictions or prohibitions imposed by this subsection shall result in a surcharge according to the following schedule:

First violation of calendar year	Warning
Second violation of calendar year	$25.00 Surcharge
Third violation of calendar year	$50.00 Surcharge
Subsequent violations	$100.00 Surcharge

The City Manager, or designee, shall insert notice of the surcharge in the next water bill of the offending property. The property owner or violator must pay the surcharge upon payment of the water bill.

Subd. 4. Appeal. A property owner or violator may appeal the imposition of the surcharge by submitting a written notice of appeal to the City Manager within ten (10) days of the date of the water bill that includes the surcharge. Such notice must state the grounds for objecting to the surcharge. The City Manager, or designee, will issue a decision within ten (10) days of receipt of the appeal. A person may appeal the City Manager's decision in accordance with state law.

The City Council may certify an unpaid surcharge, together with penalties, to the County Auditor to be collected with other real estate taxes levied against the premises served.

SECTION 2. This Ordinance will be effective in accordance with Section 3.09 of the City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 10th day of May, 2016.

_____

Debbie Goettel, Mayor

ATTEST:

_____

Elizabeth VanHoose, City Clerk

AGENDA SECTION:	PROPOSED ORDINANCES
AGENDA ITEM #	12.

STAFF REPORT NO. 66
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY:	Melissa Poehlman, City Planner
DEPARTMENT DIRECTOR REVIEW:	John Stark, Community Development Director 4/18/2016
OTHER DEPARTMENT REVIEW:	N/A
CITY MANAGER REVIEW:	STEVEN L. DEVICH 4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the second reading of an ordinance amending the zoning designation of 7614 Pillsbury Avenue from Industrial to Single-Family Residential and a resolution amending the Comprehensive Plan designation from Medium-High Density Residential to Low-Density Residential.

EXECUTIVE SUMMARY:

On March 22, the City Council approved a change to the Zoning and Comprehensive Plan designations for all but one parcel on the block that formerly housed the Richfield Public Works Garage. This block is bounded by 76th and 77th Streets to the north and south and the railroad tracks and Pillsbury Avenue on the west and east. The entire block was formerly zoned Industrial, in keeping with the Public Works facility, but the area has been guided for multi-family housing for a number of years. All properties except for 7614 Pillsbury Avenue have been rezoned as a Planned Unit Development District in order to allow for the construction of an 88-unit senior housing development. The single-family home at 7614 Pillsbury Avenue is not part of this project and will remain. Staff is proposing to rezone and re-guide this property as Single-Family Residential and Low-Density Residential, respectively. On its own, this property cannot be used for either an industrial or multi-family use. The proposed designations will make the property conforming, and will therefore offer the property owner the most flexibility in terms of maintenance and improvement to the property.

RECOMMENDED ACTION:

By Motion:

1) Approve the second reading of the ordinance amending Appendix 1 of the City Code to change the zoning of 7614 Pillsbury Avenue from Industrial (I) to Single-Family Residential (R); and

2) Approve the resolution amending the Comprehensive Plan to change the designation 7614 Pillsbury Avenue from Medium-High Density Residential to Low-Density Residential.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

None

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

- MN Statute 473.858 requires that a city's Zoning Ordinance not conflict with the city's

Comprehensive Plan. The current zoning designation of the property as Industrial conflicts with the current Comprehensive Plan designation as Medium-High Density Housing. Neither Industrial nor Medium-High Density Housing would be possible on a site of this size.

- A first reading of the rezoning ordinance was approved on April 12, 2016.

C. **CRITICAL TIMING ISSUES:**

N/A

D. **FINANCIAL IMPACT:**

None

E. **LEGAL CONSIDERATION:**

- The City Attorney has reviewed the proposed changes.
- A public hearing was held before the Planning Commission on March 28, 2016.
- Notice of the public hearing was published in the Sun Current newspaper and mailed to properties (including individual apartments) within 350 feet of the site.
- No members of the public spoke at the hearing.
- The Planning Commission recommended approval of the attached Ordinance and Resolution.

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
Ordinance	Ordinance
Resolution	Resolution Letter

ORDINANCE NO. _____

AN ORDINANCE RELATING TO ZONING;
AMENDING APPENDIX 1 TO THE RICHFIELD CITY
CODE BY REZONING
7614 PILLSBURY AVENUE
TO SINGLE-FAMILY RESIDENTIAL (R)

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Section 1, Paragraph (5) of Appendix 1 of the Richfield Zoning Code is repealed.

Sec. 2. This ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk

RESOLUTION NO. _____

RESOLUTION AMENDING THE CITY'S COMPREHENSIVE PLAN CHANGING THE DESIGNATION OF 7614 PILLSBURY AVENUE TO "LOW-DENSITY RESIDENTIAL"

WHEREAS, the City's Comprehensive Plan provides a Guide Plan establishing particular planning needs for specific segments of the City; and

WHEREAS, the Comprehensive Plan designates 7614 Pillsbury Avenue South as "Medium-High Density Residential;" and

WHEREAS, the "Medium-High Density Residential" designation was chosen based on the idea of a redevelopment that encompass the entire block; and

WHEREAS, the current property owner does not wish to sell and a development that does not impact the property was approved by the City Council on March 22, 2016; and

WHEREAS, the City has reviewed the Guide Plan classification and determined that it would be appropriate to designate 7614 Pillsbury Avenue as "Low-Density Residential" in order to make the property conforming and to offer the homeowner as much flexibility for maintenance and improvement as possible; and

WHEREAS, the Planning Commission conducted a public hearing on March 28, 2016 concerning modifying the Guide Plan and recommended approval of the modifications; and

WHEREAS, the City Council considered the amendment on April 26, 2016;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota that the City's Comprehensive Plan is hereby amended to designate 7614 Pillsbury Avenue as "Low-Density Residential;" contingent upon the following:

1. The revision is submitted to and approved by the Metropolitan Council.

Adopted by the City Council of the City of Richfield, Minnesota this 26th day of April, 2016.

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk

AGENDA SECTION:	PROPOSED ORDINANCES
AGENDA ITEM #	13.

STAFF REPORT NO. 67
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY: Cheryl Krumholz, Executive Coordinator

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: STEVEN L. DEVICH
4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the second reading of an ordinance amending Subsection 210.01 of the City Code related to City Council salaries.

EXECUTIVE SUMMARY:

Chapter II, Section 210 of the City Code establishes the salaries of the City Council. Subsection 210.01, Subd. 5 provides that salaries of the Council Members shall be reviewed by the City Council by May 1 in each year in which an election is held pursuant to Section 200 of the code. An ordinance amending the salaries established by this section must not take effect until after the next succeeding municipal election.

The next City Council salary adjustment would be effective January 1, 2017, if the City Council approves this ordinance.

First reading of the proposed ordinance was approved on April 12, 2016.

RECOMMENDED ACTION:

By motion: Approve the second reading of the ordinance amending Subsection 210.01 of the City Code related to City Council salaries.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

According to previously established City Council policy, any increase should be based upon the amount of increase granted to employees in the year(s) subsequent to the previous salary adjustment. The salary adjustment increase for employees in the Management and General Services pay plans was 2.5% in January 2016. However, the City Council may set their salaries in relationship to other metropolitan cities.

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

- Chapter II, Section 210 of the City Code established the salaries of the City Council and provides that the salaries of the Council Members be reviewed each year in which an election is held.
- The City Charter stipulates that City Council salaries may be adjusted only by ordinance.

C. **CRITICAL TIMING ISSUES:**

A public hearing is not required per State Statute or City Charter.

D. **FINANCIAL IMPACT:**

- The City Council received a salary adjustment in 2016.
- The City Council budget includes a salary adjustment.

E. **LEGAL CONSIDERATION:**

N/A

ALTERNATIVE RECOMMENDATION(S):

- The City Council could defer action on this item to a future meeting.
- The City Council could not approve the second reading and take no further action.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None.

ATTACHMENTS:

	Description	Type
	Oridnance	Ordinance
	Salary Survey	Backup Material

BILL NO.

AN ORDINANCE AMENDING SECTION 210 RICHFIELD CITY CODE PERTAINING TO CITY COUNCIL SALARIES

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Subsection 210 of the Richfield City Code is hereby amended as follows:

Subdivision 1. Mayor. The annual salary of the mayor as of January 1, ~~2014~~ 2016 is ~~$10,591~~ $11,073. Effective January 1, ~~2015~~ 2017, the salary of the mayor shall be increased by a percentage that is the lesser of 3.5 percent or the percentage increase in the annual pay structure granted on January 1, ~~2014~~ 2016 to Management and General Services pay plans.

Subdivision 2. Council. The annual salary of a member of the council as of January 1, ~~2014~~ 2016 is ~~$8,220~~ $8,594. Effective January 1, ~~2015~~ 2017, the salary of a member of the council shall be increased by a percentage that is the lesser of 3.5 percent or the percentage increase in the annual pay structure granted on January 1, ~~2014~~ 2016 to Management and General Services pay plans.

Subdivision 3. Effective January 1, ~~2016~~ 2018, the annual salary of the mayor and a member of the council as provided in Subdivision 1 and 2 above shall be increased by a percentage that is the lesser of 3.5 percent or the percentage increase in the annual pay structure granted on January 1, ~~2015~~ 2017 to Management and General Services pay plans

Section 2. Effective Date. This ordinance becomes effective on January 1, 2017.

Passed by the City Council of the City of Richfield, Minnesota this 26th day of April 2016.

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk

METROPOLITAN AREA CITY COUNCIL 2016 SALARY SURVEY

City	Population (2010 census)	2015 Annual Salary		2016 Annual Salary	
		Mayor	Council	Mayor	Council
Apple Valley	49,084	$11,496	$ 8,232	$11,784	$ 8,436
Blaine	57,186	14,314	10,500	14,314	10,500
Burnsville	60,306	12,000	8,400	12,000	8,400
Eagan	64,206	13,624	10,005	13,624	10,005
Eden Prairie	60,797	13,500	10,740	13,500	10,740
Edina	47,941	13,500	10,740	13,500	10,740
Fridley	27,208	10,689	8,779 (at-large) 7,762 (ward)	10,689	8,779 (at-large) 7,762 (ward)
Golden Valley	20,355	11,619	8,696	12,207	9,136
Maple Grove	61,567	15,000	13,000	15,500	13,500
Maplewood	37,755	13,241	11,654	13,479	11,864
Minnetonka	49,734	12,000	9,000	15,000	11,000
Richfield	**35,228**	**10,829**	**8,405**	**11,073**	**8,594**
Roseville	33,660	9,300	7,020	9,300	7,020
St. Louis Park	42,250	11,796	6,807	12,091	6,977
Average Salary: (not including Richfield)		**$12,468**	**$ 9,467**	**$12,845**	**$ 9,738**

Updated: 3/16

AGENDA SECTION: RESOLUTIONS

AGENDA ITEM # 14.

STAFF REPORT NO. 68
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY: Chris Regis, Finance Manager

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: STEVEN L. DEVICH
4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of a resolution awarding the sale of $3,085,000 General Obligation Storm Water Revenue Bonds, Series 2016A.

EXECUTIVE SUMMARY:

The Storm Water utility fund of the City is responsible for the treatment and disposal of storm water within the City. As such the operation serves two purposes:

- To provide protection of property from damage due to flooding in the City and;
- To provide environmentally responsible treatment of storm water.

As part of the City's planning process for the upcoming 66th Street Reconstruction project by Hennepin County, a storm water project was identified by both the City Council and staff. That project was the West Richfield Storm Water Project.

This project was developed to increase flood protection on the west side of the City. The current storm water pipe from 66th Street is undersized, flat, and frequently backs up causing localized flooding in the area. The new storm water infrastructure will provide the relief needed to reduce the localized flooding issues in the west side of the City. In addition, with 66th Street being reconstructed it would be efficient to initiate and complete the project in conjunction with the street reconstruction. This project would continue the City's efforts to fulfill the Storm Water utility's two purposes.

Funding for the project would come from the issuance of the $3,085,000 of G.O. Storm Water Revenue Bond, Series 2016A.

The debt service on the $3,085,000 Series 2016A bonds will be paid by revenues generated by the Storm Sewer utility. It is expected the fund will continue to maintain a positive cash flow in the near future with the new bond issue debt service requirements and other additional cash requirements. However, cash balances will need to be monitored along with storm water rates. The term of the bonds will be twenty (20) years.

Bids on the 2016A General Obligation Storm Water Revenue Bonds are due in the offices of Ehlers & Associates, Inc. on Tuesday April 26, 2016. A representative from Ehlers & Associates, Inc. will be at the City Council meeting to recommend the successful bidder and review attached documents, and provide

information that is absent from the resolution and available only after the bidding on the bonds has closed.

Following Ehlers & Associates, Inc. recommendation it would be appropriate for the City Council to award the bond sale to the qualified buyer and undertake other related actions as necessary as delineated in the approving resolution. The anticipated closing on the 2016A Bonds is scheduled for May 16, 2016.

RECOMMENDED ACTION:

By Motion: Approve the resolution awarding the sale of General Obligation Storm Water Revenue Bonds, Series 2016A, in the original aggregate principal amount of $3,085,000; Fixing their form and specifications; Directing their execution and delivery; and providing for their payment.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**
- The call for the sale of the bonds was approved by the City Council at the March 22, 2016 City Council meeting.

B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**
- The City has made the commitment to provide for the treatment and proper disposal of storm water in the City.

C. **CRITICAL TIMING ISSUES:**
- Bids for the project have been awarded and the project is scheduled to begin in May of 2016. Therefore, it is important to have the necessary funding in place.

D. **FINANCIAL IMPACT:**
- The total cost of the West Richfield Storm Water project is estimated to be $3,000,000.
- Funding for the project is as follows:

G.O. Storm Water Bonds	$3,000,000
Total Funding	$3,000,000

- The debt service of the bonds will be paid from storm sewer revenues.
- Annual debt service is expected to average $201,729 over the life of the bond.
- Storm Sewer utility rates for 2017 will need to be reviewed to insure the utility can maintain cash flow needs to cover operations and debt service.

E. **LEGAL CONSIDERATION:**
- Legal Counsel has been involved in the bond sale transactions as bond counsel to the City.

ALTERNATIVE RECOMMENDATION(S):

None.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Rebecca Kurtz, Ehlers & Associates, Inc.

ATTACHMENTS:

Description	Type
2016A Award of Sale Resolution	Resolution Letter

Extract of Minutes of Meeting
of the City Council of the City of
Richfield, Hennepin County, Minnesota

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Richfield, Minnesota, was duly held in the City Hall in said City on Tuesday, April 26, 2016, commencing at 7:00 P.M.

The following members were present:

and the following were absent:

* * * * * * * * *

The Mayor announced that the next order of business was consideration of the proposals which had been received for the purchase of the City's General Obligation Storm Water Revenue Bonds, Series 2016A, to be issued in the aggregate principal amount of $3,085,000.

The City Manager presented a tabulation of the proposals that had been received in the manner specified in the Terms of Proposal for the Bonds. The proposals were as set forth in EXHIBIT A attached.

After due consideration of the proposals, Member _____ then introduced the following written resolution, the reading of which was dispensed with by unanimous consent, and moved its adoption:

RESOLUTION NO. _____

A RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION STORM WATER REVENUE BONDS, SERIES 2016A, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,085,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT

BE IT RESOLVED By the City Council of the City of Richfield, Hennepin County, Minnesota (the "City") as follows:

Section 1. Sale of Bonds.

(a) The City engineer has recommended the construction of various improvements to the City's storm water system, including but not limited to improvements related to the 2016 Storm Water Project along 66th Street in the City (the "Improvements"), pursuant to Minnesota Statutes, Chapters 444 and 475, as amended (collectively, the "Act").

(b) The City Council finds it necessary and expedient to the sound financial management of the affairs of the City to issue its General Obligation Storm Water Revenue Bonds, Series 2016A (the "Bonds"), in the original aggregate principal amount of $3,085,000, pursuant to the Act, to provide financing for the Improvements.

(c) The City is authorized by Section 475.60, subdivision 2(9) of the Act to negotiate the sale of the Bonds, it being determined that the City has retained an independent financial advisor in connection with such sale. The actions of the City staff and municipal advisor in negotiating the sale of the Bonds are ratified and confirmed in all aspects.

1.04. Award to the Purchaser and Interest Rates. The proposal of _____ (the "Purchaser") to purchase the Bonds is hereby found and determined to be a reasonable offer and is hereby accepted, the proposal being to purchase the Bonds at a price of $_____ (par amount of $3,085,000, [plus original issue premium of $_____,] [less original issue discount of $_____,] less underwriter's discount of $_____), plus accrued interest to date of delivery, if any, for Bonds bearing interest as follows:

Year	Interest Rate	Year	Interest Rate
2018	%	2028	%
2019		2029	
2020		2030	
2021		2031	
2022		2032	
2023		2033	
2024		2034	
2025		2035	
2026		2036	
2027		2037	

True interest cost: _____%

1.05. Purchase Contract. The sum of $_____, being the amount proposed by the Purchaser in excess of $3,047,980, shall be credited to the Debt Service Fund hereinafter created or deposited in the Construction Fund hereinafter created, as determined by the Finance Manager of the City in consultation with the City's municipal advisor. The Finance Manager is directed to retain the good faith check of the Purchaser, pending completion of the sale of the Bonds, and to return the good faith checks of the unsuccessful proposers. The Mayor and City Manager are directed to execute a contract with the Purchaser on behalf of the City.

1.06. Terms and Principal Amounts of the Bonds. The City will forthwith issue and sell the Bonds pursuant to the Act, in the total principal amount of $3,085,000, originally dated May 19, 2016, in the denomination of $5,000 each or any integral multiple thereof, numbered No. R-1, upward, bearing interest as above set forth, and maturing serially on February 1 in the years and amounts as follows:

Year	Amount	Year	Amount
2018	$	2028	$
2019		2029	
2020		2030	
2021		2031	
2022		2032	
2023		2033	
2024		2034	
2025		2035	
2026		2036	
2027		2037	

1.07. Optional Redemption. The City may elect on February 1, 2025, and on any day thereafter to prepay Bonds due on or after February 1, 2026. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC (as defined in Section 7 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

[1.08. Mandatory Redemption; Term Bonds. To be completed if Term Bonds are requested by the Purchaser.]

Section 2. Registration and Payment.

2.01. Registered Form. The Bonds will be issued only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, is payable by check or draft issued by the Registrar described herein.

2.02. Dates; Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds is payable on February 1 and August 1 of each year, commencing February 1, 2017, to the registered owners of record thereof as of the close of business on the fifteenth day of the immediately preceding month, whether or not such day is a business day.

2.03. Registration. The City will appoint a bond registrar, transfer agent, authenticating agent and paying agent (the "Registrar"). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar must keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of a Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Bonds. When Bonds are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. Bonds surrendered upon transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name a Bond is registered in the bond register as the absolute owner of the Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Bond and for all other purposes, and payments so made to a registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Bonds sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. If a Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by

law, in which both the City and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

(i) Redemption. In the event any of the Bonds are called for redemption, notice thereof identifying the Bonds to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) to the registered owner of each Bond to be redeemed at the address shown on the registration books kept by the Registrar and by publishing the notice if required by law. Failure to give notice by publication or by mail to any registered owner, or any defect therein, will not affect the validity of the proceedings for the redemption of Bonds. Bonds so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

2.04. Appointment of Initial Registrar. The City appoints Bond Trust Services Corporation, Roseville, Minnesota, as the initial Registrar. The Mayor and the City Manager are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, the resulting corporation is authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon 30 days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar must deliver all cash and Bonds in its possession to the successor Registrar and must deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of this Council, the Finance Manager must transmit to the Registrar moneys sufficient for the payment of all principal and interest then due.

2.05. Execution, Authentication and Delivery. The Bonds will be prepared under the direction of the City Manager and executed on behalf of the City by the signatures of the Mayor and the City Manager, provided that those signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds ceases to be such officer before the delivery of a Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, a Bond will not be valid or obligatory for any purpose or entitled to any security or benefit under this resolution unless and until a certificate of authentication on the Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on a Bond is conclusive evidence that it has been authenticated and delivered under this resolution. When the Bonds have been so prepared, executed and authenticated, the City Manager will deliver the same to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

2.06. Temporary Bonds. The City may elect to deliver in lieu of printed definitive Bonds one or more typewritten temporary Bonds in substantially the form set forth in EXHIBIT B attached hereto with such changes as may be necessary to reflect more than one maturity in a single temporary bond. Upon the execution and delivery of definitive Bonds the temporary Bonds will be exchanged therefor and cancelled.

Section 3. Form of Bond.

3.01. Execution of the Bonds. The Bonds will be printed or typewritten in substantially the form set forth in EXHIBIT B.

3.02. Approving Legal Opinion. The City Manager is authorized and directed to obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, which is to be complete except as to dating thereof and cause the opinion to be printed on or accompany each Bond.

Section 4. Payment; Security; Pledges and Covenants.

4.01. Debt Service Fund. The Bonds will be payable from the General Obligation Storm Water Revenue Bonds, Series 2016A Debt Service Fund (the "Debt Service Fund") hereby created. The Debt Service Fund shall be administered and maintained by the Finance Manager as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The City will continue to maintain and operate its Storm Water Fund to which will be credited all gross revenues of the storm water system and out of which will be paid all normal and reasonable expenses of current operations of such system. Any balances therein are deemed net revenues (the "Net Revenues") and will be transferred, from time to time, to the Debt Service Fund, which Debt Service Fund will be used only to pay principal of and interest on the Bonds and any other bonds similarly authorized. There will always be retained in the Debt Service Fund a sufficient amount to pay principal of and interest on all the Bonds, and the Finance Manager must report any current or anticipated deficiency in the Debt Service Fund to the City Council. There is also appropriated to the Debt Service Fund amounts over the minimum purchase price paid by the Purchaser, to the extent designated for deposit in the Debt Service Fund in accordance with Section 1.05 hereof.

4.02. Construction Fund. The City hereby creates the General Obligation Storm Water Revenue Bonds, Series 2016A Construction Fund (the "Construction Fund"). Proceeds of the Bonds, less the appropriations made in Section 4.01 hereof, will be deposited in the Construction Fund to be used solely to defray expenses of the Improvements. When the Improvements are completed and the cost thereof paid, the Construction Fund is to be closed and any funds remaining may be deposited in the Debt Service Fund.

4.03. City Covenants. The City Council covenants and agrees with the holders of the Bonds that so long as any of the Bonds remain outstanding and unpaid, it will keep and enforce the following covenants and agreements:

(a) The City will continue to maintain and efficiently operate the storm water system as a public utility and convenience free from competition of other like municipal utilities and will cause all revenues therefrom to be deposited in bank accounts and credited to the Storm Water Fund, as hereinabove provided, and will make no expenditures from those accounts except for a duly authorized purpose and in accordance with this resolution.

(b) The City will also maintain the Debt Service Fund as a separate account and will cause money to be credited thereto from time to time, out of Net Revenues from the storm water system in sums sufficient to pay principal of and interest on the Bonds when due.

(c) The City will keep and maintain proper and adequate books of records and accounts separate from all other records of the City in which will be complete and correct entries as to all transactions relating to the storm water system and which will be open to inspection and copying by any Bondholder, or the Bondholder's agent or attorney, at any reasonable time, and it will furnish certified transcripts therefrom upon request and upon payment of a reasonable fee therefor, and said account will be audited at least annually by a qualified public accountant and statements of such audit and report will be furnished to all Bondholders upon request.

(d) The City Council will cause persons handling revenues of the storm water system to be bonded in reasonable amounts for the protection of the City and the Bondholders and will cause the funds collected on account of the operations of such systems to be deposited in a bank whose deposits are guaranteed under the Federal Deposit Insurance Law.

(e) The City Council will keep the storm water system insured at all times against loss by fire, tornado and other risks customarily insured against with an insurer or insurers in good standing, in such amounts as are customary for like plants, to protect the holders, from time to time, of the Bonds and the City from any loss due to any such casualty and will apply the proceeds of such insurance to make good any such loss.

(f) The City and each and all of its officers will punctually perform all duties with reference to the storm water system as required by law.

(g) The City will impose and collect charges of the nature authorized by Section 444.075 of the Act, at the times and in the amounts required to produce Net Revenues adequate to pay all principal and interest when due on the Bonds and to create and maintain such reserves securing said payments as may be provided in this resolution.

(h) The City Council will levy general ad valorem taxes on all taxable property in the City when required to meet any deficiency in Net Revenues.

4.04. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City will be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency will be promptly paid out of monies in the general fund of the City which are available for such purpose, and such general fund may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.

4.05. Debt Service Coverage. It is hereby determined that the estimated collection of Net Revenues from the storm water system of the City for the payment of principal and interest on the Bonds will produce at least five percent (5%) in excess of the amount needed to meet, when due, the principal and interest payments on the Bonds and that no tax levy is needed at this time.

4.06. Registration of Resolution. The City Manager is authorized and directed to file a certified copy of this resolution with the Taxpayer Services Division Manager of Hennepin County, Minnesota and to obtain the certificate required by Section 475.63 of the Act.

Section 5. Authentication of Transcript.

5.01. City Proceedings and Records. The officers of the City are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Bonds, certified copies of proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds, and such instruments, including any heretofore furnished, will be deemed representations of the City as to the facts stated therein.

5.02. Certification as to Official Statement. The Mayor, the City Manager, and the Finance Manager are authorized and directed to certify that they have examined the Official Statement prepared and

circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

5.03. Other Certificates. The Mayor, City Manager, and Finance Manager are hereby authorized and directed to furnish to the Purchaser at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing the Mayor, the City Manager, and the Finance Manager shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the Finance Manager shall also execute and deliver a certificate as to payment for and delivery of the Bonds.

5.04. Payment of Costs of Issuance. The City authorizes the Purchaser to forward the amount of Bond proceeds allocable to the payment of issuance expenses to KleinBank, Chaska, Minnesota on the closing date for further distribution as directed by the City's municipal advisor, Ehlers & Associates, Inc.

Section 6. Tax Covenant.

6.01. Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Bonds.

6.02. No Rebate Required.

(a) The City will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Bonds, and the rebate of excess investment earnings to the United States, if the Bonds (together with other obligations reasonably expected to be issued in calendar year 2016) exceed the small-issuer exception amount of $5,000,000.

(b) For purposes of qualifying for the small-issuer exception to the federal arbitrage rebate requirements, the City finds, determines and declares that the aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the City (and all subordinate entities of the City) during the calendar year in which the Bonds are issued and outstanding at one time is not reasonably expected to exceed $5,000,000, all within the meaning of Section 148(f)(4)(D) of the Code.

6.03. Not Private Activity Bonds. The City further covenants not to use the proceeds of the Bonds or to cause or permit them or any of them to be used, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

6.04. Qualified Tax-Exempt Obligations. In order to qualify the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City makes the following factual statements and representations:

(a) the Bonds are not "private activity bonds" as defined in Section 141 of the Code;

(b) the City designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;

(c) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds that are not qualified 501(c)(3) bonds) which will be issued by the City (and all subordinate entities of the City) during calendar year 2016 will not exceed $10,000,000; and

(d) not more than $10,000,000 of obligations issued by the City during calendar year 2016 have been designated for purposes of Section 265(b)(3) of the Code.

6.05. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

Section 7. Book-Entry System; Limited Obligation of City.

7.01. DTC. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 1.04 hereof. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns ("DTC"). Except as provided in this section, all of the outstanding Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

7.02. Participants. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City, the Registrar and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository (the "Participants") or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar), of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City, the Registrar and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal, premium and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bonds, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this resolution. Upon delivery by DTC to the City Manager of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co." will refer to such new nominee of DTC; and upon receipt of such a notice, the City Manager will promptly deliver a copy of the same to the Registrar and Paying Agent.

7.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Representation Letter") which will govern payment of principal of,

premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

7.04. Transfers Outside Book-Entry System. In the event the City, by resolution of the City Council, determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the City will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate Bond certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

7.05. Payments to Cede & Co. Notwithstanding any other provision of this resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bond and all notices with respect to the Bond will be made and given, respectively in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

Section 8. Continuing Disclosure.

8.01. Execution of Continuing Disclosure Certificate. "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Mayor and City Manager and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

8.02. City Compliance with Provisions of Continuing Disclosure Certificate. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this resolution, failure of the City to comply with the Continuing Disclosure Certificate is not to be considered an event of default with respect to the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 9. Defeasance. When all Bonds and all interest thereon have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Bonds will cease, except that the pledge of the full faith and credit of the City for the prompt and full payment of the principal of and interest on the Bonds will remain in full force and effect. The City may discharge all Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full. If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

The motion for the adoption of the foregoing resolution was duly seconded by Member _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Passed and adopted this 26th day of April, 2016.

_____
Mayor

Attest:

_____
City Clerk

EXHIBIT A

PROPOSALS

EXHIBIT B

FORM OF BOND

No. R-_____ UNITED STATES OF AMERICA $_____

STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF RICHFIELD

GENERAL OBLIGATION STORM WATER REVENUE BOND
SERIES 2016A

Rate	Maturity	Date of Original Issue	CUSIP
	February 1, 20__	May 19, 2016	

Registered Owner: Cede & Co.

The City of Richfield, Minnesota, a duly organized and existing municipal corporation in Hennepin County, Minnesota (the "City"), acknowledges itself to be indebted and for value received hereby promises to pay to the Registered Owner specified above or registered assigns, the principal sum of $_____ on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable February 1 and August 1 in each year, commencing February 1, 2017, to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the immediately preceding month. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by Bond Trust Services Corporation, Roseville, Minnesota, as Bond Registrar, Paying Agent, Transfer Agent and Authenticating Agent, or its designated successor under the Resolution described herein. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

The City may elect on February 1, 2025, and on any day thereafter to prepay Bonds due on or after February 1, 2026. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify The Depository Trust Company ("DTC") of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

This Bond is one of an issue in the aggregate principal amount of $3,085,000 all of like original issue date and tenor, except as to number, maturity date, redemption privilege, and interest rate, all issued pursuant to a resolution adopted by the City Council on April 26, 2016 (the "Resolution"), for the purpose of providing money to defray the expenses incurred and to be incurred in making certain improvements to the City's storm water system, pursuant to and in full conformity with the home rule charter of the City and the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Chapters 444 and 475, as amended. The principal hereof and interest hereon are payable primarily from net revenues of the City's storm water system, as set forth in the Resolution to which reference is made for a full statement of

rights and powers thereby conferred. The full faith and credit of the City are irrevocably pledged for payment of this Bond and the City Council has obligated itself to levy ad valorem taxes on all taxable property in the City in the event of any deficiency in net revenues pledged, which taxes may be levied without limitation as to rate or amount. The Bonds of this series are issued only as fully registered Bonds in denominations of $5,000 or any integral multiple thereof of single maturities.

The City Council has designated the issue of Bonds of which this Bond forms a part as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code") relating to disallowance of interest expense for financial institutions and within the $10 million limit allowed by the Code for the calendar year of issue.

IT IS HEREBY CERTIFIED AND RECITED That in and by the Resolution, the City has covenanted and agreed that it will continue to own and operate the storm water system free from competition by other like municipal utilities; that adequate insurance on said system and suitable fidelity bonds on employees will be carried; that proper and adequate books of account will be kept showing all receipts and disbursements relating to the Storm Water Fund into which it will pay all of the gross revenues from the storm water system; that it will also create and maintain a Debt Service Fund (as defined in the Resolution), into which it will pay, out of the net revenues from the storm water system, a sum sufficient to pay principal of the Bonds and interest on the Bonds when due; and that it will provide, by ad valorem tax levies, for any deficiency in required net revenues of the storm water system.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by the owner's attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the owner's attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar will be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the charter of the City and the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required, and that the issuance of this Bond does not cause the indebtedness of the City to exceed any constitutional, charter, or statutory limitation of indebtedness.

This Bond is not valid or obligatory for any purpose or entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon has been executed by the Bond Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Richfield, Hennepin County, Minnesota, by its City Council, has caused this Bond to be executed on its behalf by the facsimile or manual signatures of the Mayor and City Manager and has caused this Bond to be dated as of the date set forth below.

Dated: May 19, 2016

CITY OF RICHFIELD, MINNESOTA

_____(Facsimile)_____ _____(Facsimile)_____
Mayor City Manager

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

BOND TRUST SERVICES CORPORATION

By _____
Authorized Representative

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

TEN ENT -- as tenants by entireties

JT TEN -- as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT MIN ACT
_____ Custodian _____
(Cust) (Minor)
under Uniform Gifts or Transfers to Minors Act, State of _____

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____ _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

_____

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the Securities Transfer Agent Medallion Program ("STAMP"), the Stock Exchange Medallion Program ("SEMP"), the New York Stock Exchange, Inc. Medallion Signatures Program ("MSP") or other such "signature guarantee program" as may be determined by the Registrar in addition to, or in substitution for, STEMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934, as amended.

The Registrar will not effect transfer of this Bond unless the information concerning the assignee requested below is provided.

Name and Address: _____

_____

_____

(Include information for all joint owners if this Bond is held by joint account.)

Please insert social security or other identifying number of assignee

_____

PROVISIONS AS TO REGISTRATION

The ownership of the principal of and interest on the within Bond has been registered on the books of the Registrar in the name of the person last noted below.

Date of Registration	Registered Owner	Signature of Officer of Registrar
	Cede & Co. Federal ID #13-2555119	

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN) SS.
)
CITY OF RICHFIELD)

I, being the duly qualified and acting City Clerk of the City of Richfield, Hennepin County, Minnesota (the "City"), do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a special meeting of the City Council of the City held on April 26, 2016 with the original minutes on file in my office and the extract is a full, true and correct copy of the minutes insofar as they relate to the issuance and sale of the City's General Obligation Storm Water Revenue Bonds, Series 2016A, in the original aggregate principal amount of $3,085,000.

WITNESS My hand officially as such City Clerk and the corporate seal of the City this _____ day of _____, 2016.

_____
City Clerk
City of Richfield, Minnesota

(SEAL)

AGENDA SECTION: RESOLUTIONS

AGENDA ITEM # 15.

STAFF REPORT NO. 69
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY: Karen Barton, Community Development Assistant Director

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
4/20/2016

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: STEVEN L. DEVICH
4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of a resolution calling for a public hearing by the City Council on the proposed adoption of a modification to the redevelopment plan for the Richfield redevelopment project area; the modification to the Tax Increment Financing Plan for the Cedar Avenue Tax Increment Financing District; and the proposed establishment of the Cedar Point II (2016-1) Tax Increment Financing District therein and the adoption of the Tax Increment Finance Plan therefor.

EXECUTIVE SUMMARY:

In July of 2015 Boisclair, LLC was selected as the preferred developer to redevelop the Cedar Point II housing area with a mix of high-density multi-family rentals and for-sale townhomes.

In September of last year the Housing and Redevelopment Authority (HRA) entered into a Preliminary Development Agreement with Boisclair, LLC (Developer) which outlined the initial process. During the past several months, the Developer has obtained a market study, has entered into negotiations with the remaining property owners in the development area, and has completed a financial feasibility for the project.

The financial feasibility revealed a substantial gap in the project. In order for the project to move forward and include affordable units, the Developer will need public assistance to bridge the gap.

The development area currently sits within an existing Redevelopment Tax Increment Financing (TIF) District that was established in 2005. Since a number of years have elapsed since the establishment of the Redevelopment TIF District, the City and any potential development have lost approximately nine years of Tax Increment revenues. Upon initial analysis, all parties involved (City staff, HRA TIF analysts from Ehlers, Inc. and the developer) have concluded that it is unlikely that enough tax increment would be generated during the remaining years of the District to provide adequate assistance to the project. Additionally, Housing TIF Districts have requirements and benefits that are more suited to the development being proposed.

The establishment of a new Housing TIF District does not commit the City or HRA to pledge any amount of TIF to the Developer. When/if the City and/or HRA enter into a Development Agreement with the Developer, a portion of the available tax increment could possibly be pledged to the Developer for qualified redevelopment costs as part of that Agreement.

As such, staff is proposing to remove the development from the existing Redevelopment TIF District and

establish a new Housing TIF District for the project.

RECOMMENDED ACTION:

By Motion: Adopt the resolution calling for a public hearing by the City Council on the proposed adoption of a modification to the redevelopment plan for the Richfield redevelopment project area; the modification to the Tax Increment Financing Plan for the Cedar Avenue Tax Increment Financing District; and the proposed establishment of the Cedar Point II (2016-1) Tax Increment Financing District therein and the adoption of the Tax Increment Financing Plan therefor.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

- The identified financial gap in the project is approximately $8,000,000, of which there would be sufficient TIF eligible expenses to address the gap.
- The estimated tax increment available in the existing Redevelopment TIF District is approximately $4,000,000 over the remaining life of the District.
- The estimated tax increment available through the creation of a new Housing TIF District is estimated to be in excess of $8,000,000 over the life of the District.
- The project has always anticipated including a minimum of 20% affordable units. The establishment of a Housing TIF District will ensure that the affordable units will be included in the project.

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

- 2008 City of Richfield Comprehensive Plan policies:
  - *Maintain an appropriate mix of housing types in each neighborhood based on available amenities, transportation resources and adjacent land uses;*
  - *Promote the development of a balanced housing stock that is available to a range of income levels.*
  - *Promote the development, management, and maintenance of affordable housing in the City through assistance programs; alternative funding sources; and the creation of partnerships whose mission is to promote low to moderate income housing.*
- Richfield Affordable Housing Policy
  - *Contain a mix of market-rate and affordable units, with a higher proportion of market-rate units.*

C. **CRITICAL TIMING ISSUES:**

- In order for the proposed project to secure financing and move forward, the Housing TIF District needs to be established as quickly as possible.

D. **FINANCIAL IMPACT:**

- Tax Increment financial assistance may be pledged to the Developer to facilitate the construction of the project. The amount, if any, and the terms will be approved by the City Council and/or HRA at a future date.

E. **LEGAL CONSIDERATION:**

- The City's financial advisor and HRA attorney have reviewed the required documents.

ALTERNATIVE RECOMMENDATION(S):

- Do not adopt the resolution.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Representatives of Boisclair, LLC

ATTACHMENTS:

	Description	Type
🗋	Cedar Point TIF District Call for Public Hearing Resolution	Resolution Letter

CITY OF RICHFIELD
HENNEPIN COUNTY
STATE OF MINNESOTA

RESOLUTION NO. _____

RESOLUTION CALLING FOR A PUBLIC HEARING BY THE CITY COUNCIL ON THE PROPOSED ADOPTION OF A MODIFICATION TO THE REDEVELOPMENT PLAN FOR THE RICHFIELD REDEVELOPMENT PROJECT AREA; THE MODIFICATION TO THE TAX INCREMENT FINANCING PLAN FOR THE CEDAR AVENUE TAX INCREMENT FINANCING DISTRICT; AND THE PROPOSED ESTABLISHMENT OF THE CEDAR POINT II TAX INCREMENT FINANCING DISTRICT THEREIN AND THE ADOPTION OF THE TAX INCREMENT FINANCING PLAN THEREFOR.

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

Section 1. Public Hearing. This Council shall meet on June 14, 2014, at approximately 7:00 P.M., to hold a public hearing on the proposed adoption of a modification to the Redevelopment Plan for the Richfield Redevelopment Project Area, the modification to the Tax Increment Financing Plan for the Cedar Avenue Tax Increment Financing District, and the proposed establishment of the Cedar Point II Tax Increment Financing District, (a housing district), and the proposed adoption of a Tax Increment Financing Plan therefor (together the "Plans"), all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 to 469.047 , and Sections 469.174 to 469.1794, inclusive, as amended, in an effort to encourage the development and redevelopment of certain designated areas within the City; and

Section 2. Notice of Public Hearing, Filing of Plans. City staff is authorized and directed to work with Ehlers to prepare the Plans and to forward documents to the appropriate taxing jurisdictions including Hennepin County and Independent School District No. 280. The Community Development Director is authorized and directed to cause notice of the hearing, together with an appropriate map as required by law, to be published at least once in the official newspaper of the City not later than 10, nor more than 30, days prior to June 14, 2016, and to place a copy of the Plans on file in the Community Development Director's office at City Hall and to make such copy available for inspection by the public.

Dated: April 26, 2016

Adopted:

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk

AGENDA SECTION: OTHER BUSINESS

AGENDA ITEM # 16.

STAFF REPORT NO. 70
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY: Karen Barton, Community Development Assistant Director

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
4/19/2016

OTHER DEPARTMENT REVIEW: Kristin Asher, Public Works Director

CITY MANAGER REVIEW: STEVEN L. DEVICH
4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the alignment of Richfield Parkway south of 66th Street and north of Diagonal Boulevard.

EXECUTIVE SUMMARY:

In 2004 the City contracted with JLG Architects to develop a master plan for the Cedar Avenue Corridor. The plan called for the construction of the future Richfield Parkway from 63rd Street to 76th Street. The alignment north of 66th Street was proposed to follow 17th Avenue, which was completed in 2014. The alignment south of 66th Street was proposed to follow Cedar Avenue.

In mid-2015, the Anderson Companies presented a plan for an approximately 300-unit multi-family housing development in the Cedar Corridor, just south of 66th Street. As part of this proposal, Richfield Parkway would be constructed south of 66th Street to 68th Street.

Given the time that had elapsed since the Cedar Corridor Master Plan (Plan) was adopted, the proposed 77th Street underpass connection, and the recent development proposals for the area, staff reengaged JLG to update the Plan south of 66th Street to 77th Street. During the update process, the future alignment of Richfield Parkway was re-evaluated, with two options being proposed: alignment following Cedar Avenue or alignment following 18th Avenue.

Both alignment options were presented to the City Council, Housing and Redevelopment Authority (HRA), and Planning Commission at work sessions in January and April. The alignment options were also presented to the City's Transportation Commission in April, at which time the Commission unanimously voted to approve the 18th Avenue alignment between 66th Street and Diagonal Boulevard. Additionally, a public open house was held in March and a survey posted on the City's website, to garner feed back from residents regarding the proposed alignment options.

Anderson Companies would like to break ground on portions of their proposed development yet this year and as such, need definitive direction as to the alignment of Richfield Parkway through their project. Based on feedback gathered and from policy-makers at the April work session, staff is recommending the Council approve the 18th Avenue alignment option for Richfield Parkway between 66th Street and Diagonal Boulevard.

RECOMMENDED ACTION:

By Motion: Approve the 18th Avenue alignment of Richfield Parkway south of 66th Street and north of Diagonal Boulevard.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

- The 18th Avenue alignment provides larger developable parcels between the parkway and Highway 77, thus allowing for adequate buffers and transitions between the airport/Hwy 77 and the single-family neighborhoods.
- With the pending 77th Street underpass construction, the future development demand for the Cedar Corridor is likely to increase significantly.
- Future construction of Richfield Parkway south of 68th Street will occur with future development.
- Barriers will be installed on 68th Street between Richfield Parkway and 18th Avenue to route southbound traffic to Cedar Avenue to prevent increased traffic on 18th Avenue.

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

- 2008 Comprehensive Plan policies:
  - *Facilitate an intense mixed pattern of regional and community-oriented land uses along regional corridor routes;*
  - *Encourage a mix of uses that serve a market in and around Richfield community commercial nodes;*
  - *Promote development that broadens the tax base;*
  - *Create commercial districts that sustain specific types of development and stabilize the economic base;*
  - *Establish a land use pattern and supporting infrastructure that creates a "walkable" environment;*
  - *Maintain a housing supply that meets changing needs while sustaining the integrity of existing neighborhoods;*
  - *Encouraging mixed-use development in centers along transportation corridors that better link housing, jobs and amenities, and reduces the need for single-destination trips;*
  - *Locate high-density developments along arterial corridors with designs that provide easy access for transit riders, bicyclists and pedestrians. Also, provide bike lanes in or near these corridors.*

C. **CRITICAL TIMING ISSUES:**

- In order for Anderson Companies to begin construction of their proposed development yet this year, they need a formal decision as to the alignment of Richfield Parkway through their development.

D. **FINANCIAL IMPACT:**

- None related to the alignment decision.

E. **LEGAL CONSIDERATION:**

None

ALTERNATIVE RECOMMENDATION(S):

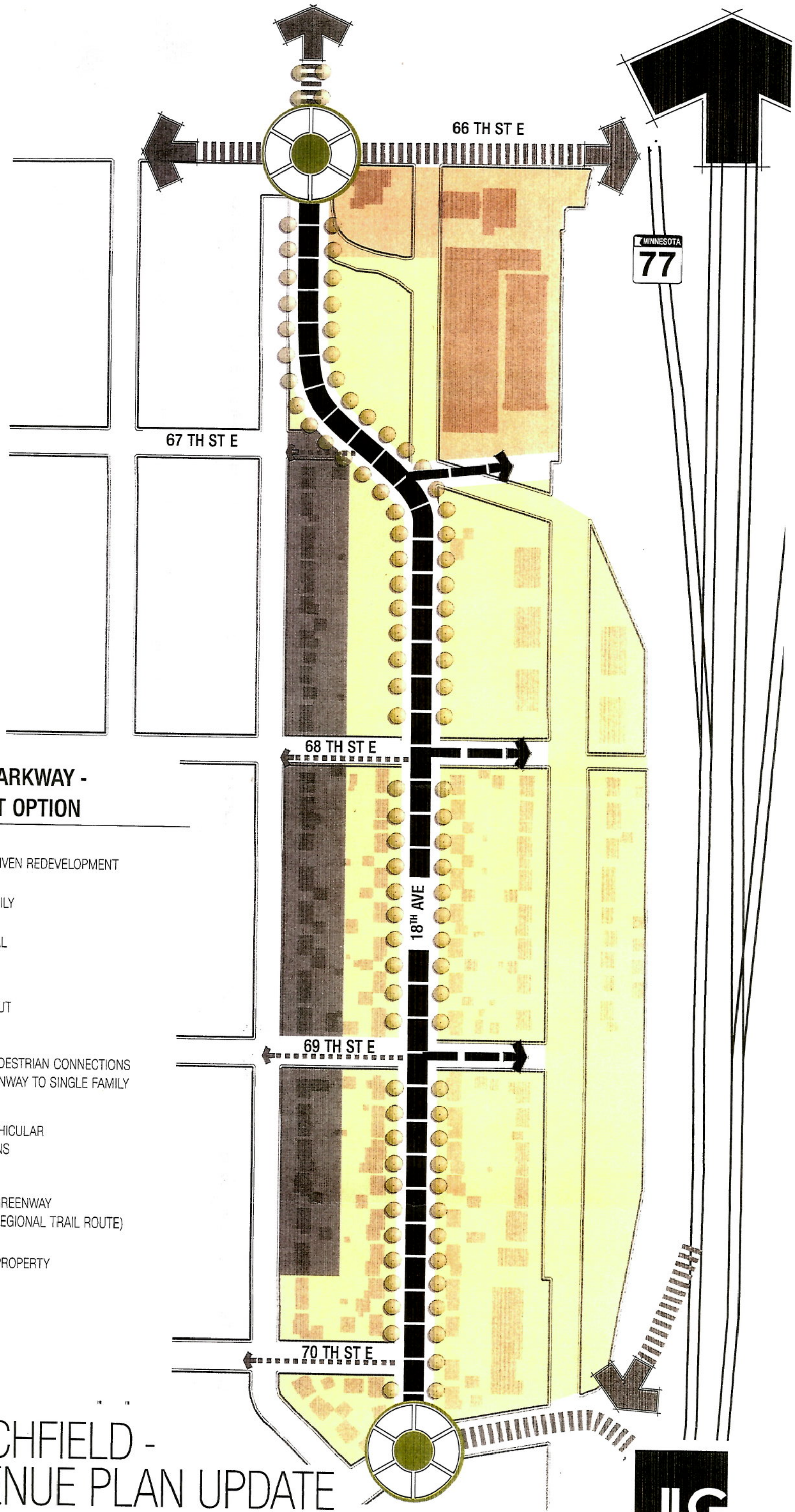
- Do not approve an alignment.
- Approve alignment following Cedar Avenue.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Representatives of Anderson Companies

ATTACHMENTS:

	Description	Type
🗋	Richfield Parkway 66 to Diagonal Options	Backup Material



NORTH RICHFIELD PARKWAY - 18TH AVE ALIGNMENT OPTION

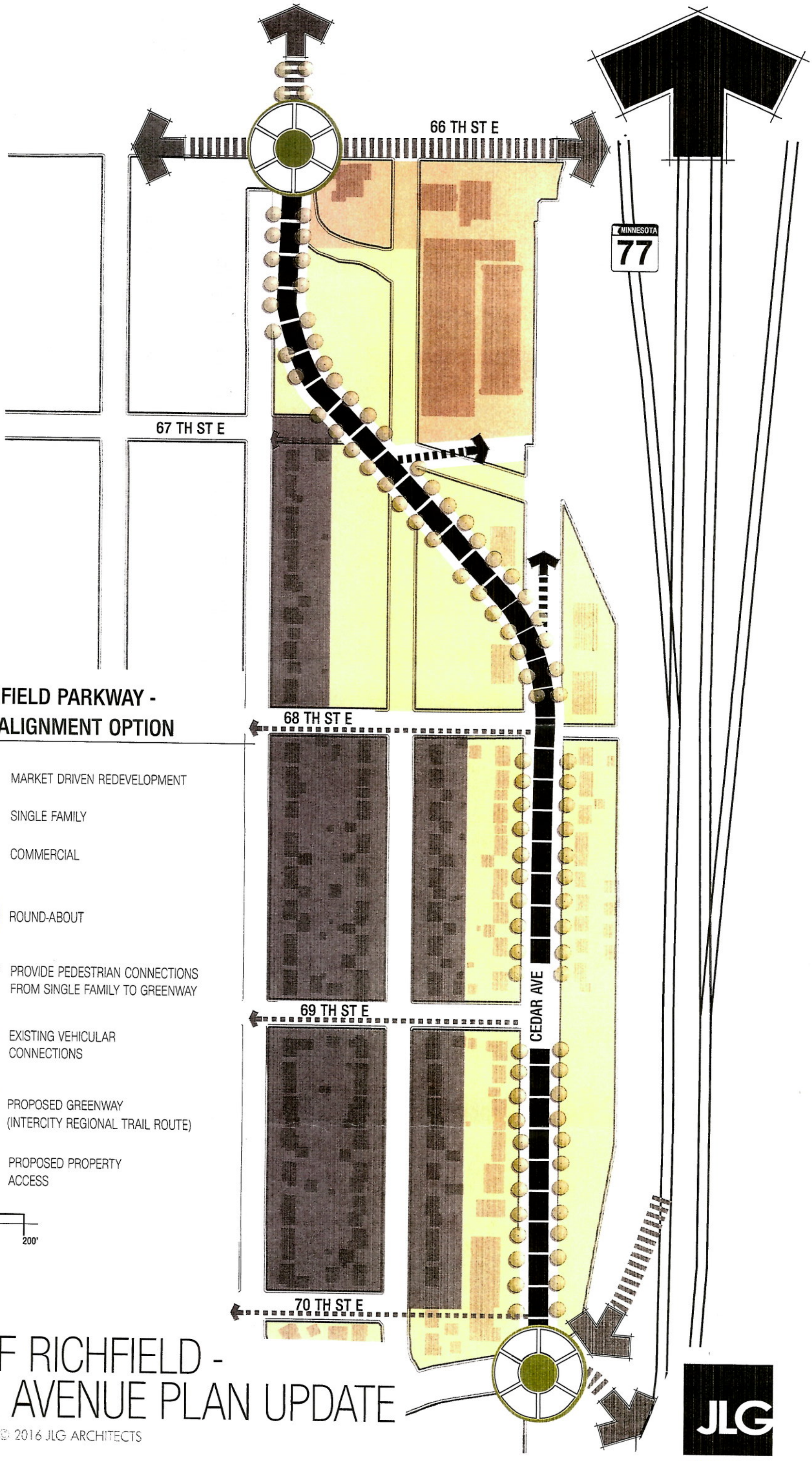
- MARKET DRIVEN REDEVELOPMENT
- SINGLE FAMILY
- COMMERCIAL
- ROUND-ABOUT
- PROVIDE PEDESTRIAN CONNECTIONS FROM GREENWAY TO SINGLE FAMILY
- EXISTING VEHICULAR CONNECTIONS
- PROPOSED GREENWAY (INTERCITY REGIONAL TRAIL ROUTE)
- PROPOSED PROPERTY ACCESS

0' 100' 200'

CITY OF RICHFIELD - CEDAR AVENUE PLAN UPDATE

MARCH 10, 2016 © 2016 JLG ARCHITECTS

JLG
DESIGN



NORTH RICHFIELD PARKWAY - CEDAR AVE ALIGNMENT OPTION

MARKET DRIVEN REDEVELOPMENT

SINGLE FAMILY

COMMERCIAL

ROUND-ABOUT

PROVIDE PEDESTRIAN CONNECTIONS FROM SINGLE FAMILY TO GREENWAY

EXISTING VEHICULAR CONNECTIONS

PROPOSED GREENWAY (INTERCITY REGIONAL TRAIL ROUTE)

PROPOSED PROPERTY ACCESS

0' 100' 200'

CITY OF RICHFIELD - CEDAR AVENUE PLAN UPDATE

MARCH 10, 2016 © 2016 JLG ARCHITECTS

JLG

DESIGN FOR LIFE

AGENDA SECTION:	CLOSED EXECUTIVE SESSION
AGENDA ITEM #	21.

STAFF REPORT NO. 71
CITY COUNCIL MEETING
4/26/2016

REPORT PREPARED BY: Steven L. Devich, City Manager

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: STEVEN L. DEVICH
4/20/2016

ITEM FOR COUNCIL CONSIDERATION:

Summary review of the City Manager's annual performance evaluation for 2015 and consideration of a resolution amending employment agreement between City of Richfield and City Manager Steven L. Devich for 2016.

EXECUTIVE SUMMARY:

Each year the City Council conducts a review of the City Managers performance for the previous year. The review considers the performance of the City Manager and the organization as measured against the goals and expectations of the City Council. Such performance evaluations are conducted in closed session pursuant to MN State Statutes and summarized in an open meeting. Both the closed session and the open meeting summary are scheduled for this evening's meeting.

In addition to the performance evaluation, the City Council also takes this opportunity to review the City Manager's salary and benefits to make any adjustments that may be warranted.

RECOMMENDED ACTION:

- **Provide a summary review of the City Manager's performance evaluation for 2015 and;**
- **By motion: Adopt a resolution amending the employment agreement between the City of Richfield and City Manager Steven L. Devich for 2016.**

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

The City Council has conducted a performance review of the City Manager for 2015 and must now, per State Statute, make a summary report of the outcome of that evaluation. In addition, the City Council has reviewed the compensation of the City Manager and has made a conclusion concerning the City Manager's employment agreement.

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

- The City Manager is given an evaluation by the City Council each year as part of the City Manager's contract.
- As part of the evaluation process, a review of the City Manager's compensation package is also

performed each year.

- As compensation comparisons, salaries of City Managers in comparable cities are considered, as is the base salary structure adjustments of other City employees.

C. **CRITICAL TIMING ISSUES:**

- City Manager Devich's annual performance evaluation has previously, been scheduled to be conducted in the first quarter of each year.

D. **FINANCIAL IMPACT:**

- The City Manager's base pay adjustment has historically been the same as those given to other City employee groups.
- Other City employee groups received a 2.5% base pay adjustment that was effective the first full pay period of January 2016.

E. **LEGAL CONSIDERATION:**

The City Manager's contract with the City requires that an annual performance evaluation be conducted.

ALTERNATIVE RECOMMENDATION(S):

The City Council may defer the compensation portion of this review to a future meeting.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None.

ATTACHMENTS:

	Description	Type
🗋	Resolution	Resolution Letter

RESOLUTION NO.

RESOLUTION AMENDING THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF RICHFIELD AND STEVEN L. DEVICH, CITY MANAGER

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

1. The following section of the Employment Agreement between the City of Richfield, Minnesota and Steven L. Devich, City Manager, dated February 2005 is amended as follows:

Section 5. Salary.

A. Employer agrees to increase the City Manager's total base annual salary of $155,001.60 to $_____, effective January 1, 2016.

Approved by the City Council of the City of Richfield this 26th day of April, 2016.

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk