



**SPECIAL CITY COUNCIL WORKSESSION
RICHFIELD MUNICIPAL CENTER, BABCOCK ROOM
MARCH 12, 2019
6:45 PM**

Call to order

1. Discussion regarding a mid-term appointment to the Advisory Board of Health

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

March 7, 2019

Council Memorandum No. 13

The Honorable Mayor
and
Members of the City Council

Subject: Advisory Board of Health Appointment Discussion

Council Members:

Due to a mid-year resignation on the Advisory Board of Health, a Council discussion is scheduled for Tuesday, March 12, 2019, from 6:45-7:00 p.m. in the Babcock Room to discuss a new appointment.

The following materials are included for your review:

- Applicant list with preference(s) indicated
- Commission applications
 - **NOTE: Only applicants not appointed on January 22, 2019, that indicated a preference for the Advisory Board of Health are included.**

Consideration of the appointment is on the March 12, 2019, Council meeting agenda. Contact me if you have any questions.

Respectfully submitted,



Katie Rodriguez
City Manager

KR:jjv
Email: Department Directors

COMMISSION APPLICANTS WITH PREFERENCE(S) INDICATED

Applicant's Name (alpha order)	Advisory Board of Health	Arts	Civil Service	Community Services	Friendship City	Human Rights	Planning	Transportation
# of Vacancies	<i>1 Adult</i>							
Black, Raye	2	6	4	3		1	5	7
Farrell, Alex	5		3	4		6	1	2
Piram, Dorothy	5	3		1			1	4
Plagge, Jerome	5			4		3	1	2



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

INTRODUCTORY PROCEEDINGS

Call to order

Open forum (15 minutes maximum)

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

Pledge of Allegiance

Approval of the minutes of the: (1) special City Council work session of February 26, 2019; (2) special City Council work session of February 26, 2019; (3) regular City Council meeting of February 26, 2019.

PRESENTATIONS

1. Richfield STEM/Dual Language School combined 5th Grade Choir
2. Proclamation of Tibet Day in the city of Richfield on March 10, 2019

COUNCIL DISCUSSION

3. Hats Off to Hometown Hits

AGENDA APPROVAL

4. Approval of the Agenda
5. **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 approval of the Pathway's to Policing Grant between the Minnesota Department of Public Safety and the City of Richfield Police Department to partially fund a non-traditional police officer candidate. The total funds available are \$25,392.31.

Staff Report No. 41

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

RESOLUTIONS

7. Consideration of the adoption of a resolution revoking a conditional use permit for Lakes Buffet restaurant at 6601 Nicollet Avenue.

Staff Report No. 42

OTHER BUSINESS

8. Consideration of the appointment of one adult member to the Advisory Board of Health.

Staff Report No. 43

9. Consideration to confirm the appointment of Amy Markle as Recreation Services Director for the City of Richfield.

Staff Report No. 44

CITY MANAGER'S REPORT

10. City Manager's Report

CLAIMS AND PAYROLLS

11. 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.

12. Adjournment

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



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Work Session

February 26, 2019

CALL TO ORDER

The meeting was called to order by City Manager Rodriguez at 4:03 p.m. in the Bartholomew Room.

Council Members Present: Mary Supple; and Ben Whalen.

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

Staff Present: Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Pam Dmytrenko, Administrative Services Director/Assistant City Manager; Jay Henthorne, Police Chief; John Stark, Community Development Director; Kristin Asher, Public Works Director; Wayne Kewitsch, Fire Chief; Kris Weiby, Acting Recreation Services Director; Chris Regis, Finance Director; and Jared Voto, Executive Aide/Analyst.

Item #1	CITY COUNCIL ORIENTATION
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City Manager Rodriguez, City Attonrey Tietjen, and department directors presented a council orientation to the new council members, highlighting information on the City, Housing and Redevelopment Authority, Economic Development Authority, important laws, and each department.

ADJOURNMENT

The work session was adjourned by unanimous consent at 5:20 p.m.

Date Approved: March 12, 2019

Maria Regan Gonzalez
Mayor

Jared Voto
Executive Aide/Analyst

Katie Rodriguez
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Work Session

February 26, 2019

CALL TO ORDER

The meeting was called to order by Mayor Regan Gonzalez at 6:02 p.m. in the Bartholomew Room.

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

Staff Present: Katie Rodriguez, City Manager; Kristin Asher, Public Works Director; Jeff Pearson, City Engineer; and Jared Voto, Executive Aide/Analyst.

Item #1	HISTORY OF THE CONSTRUCTION AND PLANNING ALONG THE I-494 CORRIDOR
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City Engineer Pearson presented on the history of construction along I-494 from 1947 through 1990s, traffic volumes during that time, environmental impact statement of I-494 between I-394 and the Minnesota River. He also presented information on studies of the corridor completed between 2000 and 2014, as well as language in Richfield comprehensive plans during that time. Lastly, he discussed the current study that includes funding to introduce MnPASS lanes to I-494 and construct a ramp for Phase 1 Interchange for northbound I-35W to westbound I-494.

Council Member Supple asked for an update on the business impact study.

City Manager Rodriguez and Community Development Director Stark responded that MnDOT would be paying for the study and working with the City on the scope of service for the study. The City has sought proposals from consultants and after reviewing the proposals they will be brought back to the City Council for approval.

HRA Commissioner Sue Sandahl asked about the access from Lyndale Ave north to I-35W.

City Engineer Pearson responded that it is maintained.

Council Member Whalen asked about the impacts on businesses if Portland Ave becomes a two-way access point.

City Engineer Pearson responded there would be a significant impact and multiple purchases of property. He also discussed reduced impacts at 12th Ave and Nicollet Ave, which would provide for opportunities.

Community Development Director Stark added that the change at Portland Ave could make it a better environment for businesses and the economic analysis could show that.

Council Member Whalen asked if Portland Ave would be able to handle the additional traffic.

City Engineer Pearson responded the initial analysis and modeling shows the growth of traffic is minimal north of 77th Street and the additional traffic would be directed onto 77th Street, which is grossly under capacity.

Public Works Director Asher clarified it would require a reconstruction of the intersection at Portland Ave and 77th Street, to handle more cars.

Council Member Trautmann commented that the addition of the health and prosperity of the Richfield community should be an explicit goal for Richfield for this project.

Mayor Regan Gonzalez asked to clarify the I-35W Solutions Alliance and 494 Corridor Commission related to this item.

City Engineer Pearson responded and detailed the make-up of each organization and the purposes they serve for each corridor, including advocating for regional projects.

Mayor Regan Gonzalez asked about the timeline for the project.

City Engineer Pearson responded he would follow-up with the most recent timeline as MnDOT has been adjusting it due to the reaction from municipalities.

Public Works Director Asher commented that the municipal consent be split with access consolidation and right-of-way impacts from the increased capacity along the corridor.

Council Member Trautmann asked if splitting municipal consent puts Richfield at a strategic disadvantage.

City Engineer Pearson responded he understands the question and will keep it in mind as they continue to meet with MnDOT.

Mayor Regan Gonzalez asked about this project as it relates to the 77th Street Underpass project.

City Engineer Pearson responded that it relates to the history of the I-494 project and the potential isolation of the southeast corner of Richfield and discussed the connection.

Mayor Regan Gonzalez asked about the drainage systems that are necessary and a proposal is to take up prime real estate in Richfield along the corridor.

City Engineer Pearson responded that staff is working to have other options and not have holding ponds, which would take up this space.

Transportation Commission Chair Wes Dunser asked about the Penn Ave exit that you would no longer be able to get to I-35W or Penn Ave with the current proposal and offered a proposal.

City Engineer Pearson discussed the phases and full build-out with the weave and said his proposal could be brought up to MnDOT.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:57 p.m.

Date Approved: March 12, 2019

Maria Regan Gonzalez
Mayor

Jared Voto
Executive Aide/Analyst

Katie Rodriguez
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

February 26, 2019

CALL TO ORDER

The meeting was called to order by Mayor Regan Gonzalez at 7:01 p.m. in the Council Chambers.

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

Staff Present: Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; John Stark, Community Development Director; Kristin Asher, Public Works Director; Jay Henthorne, Police Chief; Jennifer Anderson, Support Service Supervisor; Elizabeth VanHoose, City Clerk; Jack Broz, Transportation Engineer; and Jared Voto, Executive Aide/Analyst.

OATH OF OFFICE OF RICHFIELD CITY COUNCIL MEMBER, BEN WHALEN

City Clerk VanHoose administered the oath of office to Council Member Whalen.

OPEN FORUM

None.

PLEDGE OF ALLEGIANCE

Mayor Regan Gonzalez led the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Supple, S/Trautmann to approve the minutes of the: (1) special City Council work session of February 11, 2019; (2) special concurrent City Council, HRA, and Planning Commission work session of February 11, 2019; (3) regular City Council meeting of February 11, 2019; (4) special City Council meeting of February 15, 2019; and (5) special City Council work session of February 15, 2019.

Motion carried 5-0.

Item #1	NATIONAL WEATHER SERVICE STORMREADY CITY CERTIFICATION
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Chief Henthorne introduced Bill Borghoff from the National Weather Service. Chief Henthorne and Mr. Borghoff spoke about the certification and the work that went into receiving the certification.

Item #2	COUNCIL DISCUSSION <ul style="list-style-type: none"> • Hats Off to Hometown Hits
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Council Member Garcia thanked the Public Works Department staff for the work they have been doing with all the recent snow storms and made a motion to quit having all the cold and snow and replace it with warmth; the motion passed unanimously.

Council Member Trautmann spoke regarding the Red, White and Brew event at the Richfield American Legion on March 9 to fundraise for the Red, White, and Blue Days (4th of July); and encouraged residents to connect with their neighbors to ensure their welfare when we have the weather we have had lately.

Council Member Whalen thanked City Clerk VanHoose for all of the work her and her staff did during the special election process; and thanked former Council Member and current State Representative Michael Howard and the Richfield Police Department the support of the driver's license for all work at the Capitol.

Council Member Supple spoke regarding the Arts Commission receiving 80 poems for the sidewalk sandblasting project on east 66th Street and stated the Commission will be reviewing and selecting the poems; and thanked Public Safety and Public Works for all their work in the community during the last few weeks during the weather events.

Mayor Regan Gonzalez welcomed Council Member Whalen and shared her excitement with the new Council; reminded the community that the 4th of July events are not city-run and is completely done by volunteers; on March 1 from 6 to 8 p.m. there is A Toast to VEAP event to support the organization; the State of the Community was rescheduled to April 11 from 5:30 to 7 p.m. at the Richfield Middle School and encouraged the community to attend; on March 7 the Richfield Chamber of Commerce Circle of Excellence Ceremony from 11 a.m. to 1 p.m. recognizing Richfield businesses; and thanked Neil Ruhland, Richfield's Media Coordinator, for all his work and stories he has created to promote Richfield and inform residents of what is happening in the city.

Item #3	APPROVAL OF THE AGENDA
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M/Garcia, S/Trautmann to approve the agenda.

Motion carried 5-0.

Item #4	CONSENT CALENDAR
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City Manager Rodriguez presented the consent calendar.

- A. Consideration of the approval of the citywide water meter replacement project and directing staff to solicit bids. (S.R. No. 32)
- B. Consideration of the adoption of a resolution authorizing a land exchange with the Minnesota Department of Transportation as part of the completed I-35W/TH62 "Crosstown Commons" reconstruction project. (S.R. No. 33)

RESOLUTION NO. 11611
 RESOLUTION AUTHORIZING A LAND EXCHANGE WITH THE
 MINNESOTA DEPARTMENT OF TRANSPORTATION AS PART OF
 THE COMPLETED CROSSTOWN RECONSTRUCTION PROJECT

- C. Consideration of the adoption of a resolution supporting the submittal of a grant application to Hennepin County for 2019 Community Works Corridor Planning funds. The grant application will request funds to study improvements to Penn Avenue, north of 66th Street. An award requires a 25 percent match by the local authority (maximum \$12,500). (S.R. No. 34)

RESOLUTION NO. 11612
 RESOLUTION SUPPORTING THE SUBMITTAL OF AN APPLICATION
 TO HENNEPIN COUNTY FOR CORRIDOR PLANNING PROGRAM
 FUNDS FOR PENN AVENUE

- D. Consideration of the approval of permanent easement agreements with the Metropolitan Council to allow the necessary relocation of utilities as part of the Orange Line Bus Rapid Transit Project. (S.R. No. 35)

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

Motion carried 5-0.

Item #5	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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None.

Item #6	PUBLIC HEARING REGARDING THE CITY OF RICHFIELD'S WELLHEAD AND SOURCE WATER PROTECTION – PART 2: WELLHEAD PROTECTION PLAN AMENDMENT. (S.R. NO. 36)
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Council Member Trautmann presented Staff Report No. 36.

John Greer, Barr Engineering Co., the City's consultant who prepared the Wellhead and Source Water Protection – Part 2: Wellhead Protection Plan Amendment, gave a short presentation on the Plan Amendment.

Council Member Trautmann opened the public hearing.

M/Trautmann, S/Garcia to close the public hearing.

Motion carried 5-0.

Item #7	PUBLIC HEARING AND CONSIDERATION OF THE ADOPTION OF A RESOLUTION SPECIFYING THE USE OF FUNDS FROM THE URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATION FOR 2019 AND AUTHORIZING EXECUTION OF A SUBRECIPIENT AGREEMENT WITH HENNEPIN COUNTY AND ANY REQUIRED THIRD PARTY AGREEMENTS. (S.R. NO. 37)
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Community Development Director Stark presented Staff Report No. 37.

Council Member Garcia opened the public hearing.

M/Garcia, S/Supple to close the public hearing.

Motion carried 5-0.

Mayor Regan Gonzalez commented how the housing funds are leveraged to improve homes in Richfield and encouraged residents to look into the programs that are available.

Council Member Whalen commented about the variety of programs available and the options to support different members of our community.

Council Member Trautmann commented on using these programs when he was starting out and was grateful for these programs.

M/Garcia, S/Trautmann to adopt a resolution authorizing the use of funds for the 2019 Urban Hennepin County Community Development Block Grant Program and authorizing execution of a Subrecipient Agreement with Hennepin County and any required third party agreements.

RESOLUTION NO. 11613
 RESOLUTION APPROVING PROPOSED USE OF 2019 URBAN
 HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT
 PROGRAM FUNDS AND AUTHORIZING EXECUTION OF
 SUBRECIPIENT AGREEMENT WITH HENNEPIN COUNTY AND ANY
 REQUIRED THIRD PARTY AGREEMENTS

Motion carried 5-0.

Item #8	CONSIDERATION OF THE APPROVAL OF A SECOND READING OF AN ORDINANCE AMENDING SECTION 617 OF THE RICHFIELD CITY CODE REGULATING FOOD ESTABLISHMENTS FOR CONSISTENCY WITH RECENTLY UPDATED STATE REGULATIONS AND ADOPTION OF A RESOLUTION APPROVING SUMMARY PUBLICATION OF SAID ORDINANCE. (S.R. NO. 38)
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Council Member Whalen presented Staff Report No. 38.

City Attorney Tietjen commented that this ordinance brings our code into compliance with the State Statutes and thanked Lynn Moore, Environmental Health Manager, from Bloomington Public Health for her assistance in drafting this ordinance.

M/Whalen, S/Supple to approve the second reading of an ordinance amending Section 617 of the Richfield City code regulating food establishments and adopt a resolution approving summary publication of said ordinance.

RESOLUTION NO. 11614
RESOLUTION APPROVING SUMMARY PUBLICATION OF AN
ORDINANCE PERTAINING TO PUBLIC HEALTH AND THE
REGULATION OF FOOD ESTABLISHMENTS

Motion carried 5-0.

Item #9	CONSIDERATION OF THE APPROVAL OF THE PRELIMINARY DESIGN LAYOUT FOR THE PORTLAND AVENUE BICYCLE AND PEDESTRIAN LINK PROJECT FROM 66TH STREET TO TRUNK HIGHWAY 62 (CROSTOWN) AS RECOMMENDED BY THE TRANSPORTATION COMMISSION. (S.R. NO. 39)
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Council Member Supple presented Staff Report No. 39.

Transportation Engineer Broz provided a presentation on the proposed project.

Council Member Supple thanked staff for their information.

Mayor Regan Gonzalez asked if the City Council will receive an update once the traffic study of the roundabout will be completed.

Transportation Engineer Broz stated the study would be shared with Council when it is completed.

Council Member Whalen thanked staff for incorporating community input, including flashing lights at the roundabout for pedestrians, and the explanation of the 4-to-3 lane conversion.

M/Supple, S/Trautmann to approve the preliminary design layout for the Portland Avenue bicycle and pedestrian link project from 66th Street to Trunk Highway 62 (Crosstown) as recommended by the Transportation Commission.

Motion carried 5-0.

Item #10	CONSIDERATION OF DESIGNATING REPRESENTATIVES TO SERVE AS THE 2019 LIAISONS TO VARIOUS METROPOLITAN AGENCIES AND CITY COMMISSIONS. (S.R. NO. 40)
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Mayor Regan Gonzalez presented Staff Report No. 40.

M/Regan Gonzalez, S/Whalen to designate City Council liaison appointments to various metropolitan agencies and City commissions for 2019.

Motion carried 5-0.

Item #11	CITY MANAGER'S REPORT
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City Manager Rodriguez stated she had nothing to report.

Item #12	CLAIMS AND PAYROLLS
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M/Garcia, S/Trautmann that the following claims and payrolls be approved:

U.S. Bank	02/26/19
A/P Checks: 275230 - 275592	\$ 1,243,211.13
Payroll: 143580 - 143918	<u>673,321.99</u>
TOTAL	\$ 1,916,533.12

Motion carried 5-0.

OPEN FORUM

None.

Item #13	ADJOURNMENT
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The meeting was adjourned by unanimous consent at 8:04 p.m.

Date Approved: March 12, 2019

 Maria Regan Gonzalez
 Mayor

 Jared Voto
 Executive Aide/Analyst

 Katie Rodriguez
 City Manager



STAFF REPORT NO. 41
CITY COUNCIL MEETING
3/12/2019

REPORT PREPARED BY: Jay Henthorne, Director of Public Safety/Chief of Police

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
3/4/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
3/5/2019

ITEM FOR COUNCIL CONSIDERATION:

Consideration of approval of the Pathway's to Policing Grant between the Minnesota Department of Public Safety and the City of Richfield Police Department to partially fund a non-traditional police officer candidate. The total funds available are \$25,392.31.

EXECUTIVE SUMMARY:

The City of Richfield Police Department recently applied for a grant to participate in the Pathway's to Policing Program. The Program is designed to bring non-traditional candidates into the law enforcement field; specifically, candidates with cultural competency skills. The Program specifically seeks those with the ability to fluently speak and proficiently read and write a non-English language, with Spanish preferred. This is an effort to more closely align our Department's demographics with the community we serve.

The Minnesota Department of Public Safety has presented an agreement to partially fund a Pathway's to Policing Police Officer. The agreement is a new agreement for the fiscal year 2019. The funds from the Minnesota Department of Public Safety will not exceed \$25,392.31.

RECOMMENDED ACTION:

By motion: Approve the 2019 Pathways to Policing Grant between the Minnesota Department of Public Safety Grant and the City of Richfield Police Department to partially fund a Pathway's to Policing Police Officer. The total funds available are \$25,392.31.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Applicants must have a four-year regionally-accredited college degree in any field of study, but no prior law enforcement training or experience is required.
- Successful applicant will be hired by the City of Richfield Police Department as a Police Trainee. This is a full-time (40 hours per week) with insurance, and pension benefits. Immediately upon hire, the Police Trainee will be assigned a Richfield Police Officer(s) as a mentor.
- As a Police Trainee the individual will attend 35-40 hours a week of college coursework and training at Hennepin Technical College for approximately 22 weeks. Upon successful completion of this course work, the Police Trainee will take the Peace Officers Standards and Training (POST) licensing examination.

- All course fees and equipment are provided and paid for by the City of Richfield Police Department.

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

- Minnesota Department of Public Safety notified the City of Richfield Police Department that they were selected to receive the Pathway's to Policing Grant.
- The City of Richfield Police Department wishes to participate in the Pathway's to Policing program .

C. CRITICAL TIMING ISSUES:

- The agreement must be signed for the Pathway's to Policing Program to receive the allotted funding.

D. FINANCIAL IMPACT:

- The total cost of this agreement will not exceed \$25,392.31 to be paid by The State of Minnesota Department of Public Safety.
- The City of Richfield Police Department has already budgeted the remainder of the funds to cover the costs.

E. LEGAL CONSIDERATION:

- None

ALTERNATIVE RECOMMENDATION(S):

- The Council could choose to not sign this agreement, which would make this agreement null and void with the State of Minnesota Public Safety Department and the Department would not be able to participate in the Pathway's to Policing Program.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
□ Pathway's to Policing Contract	Contract/Agreement



Minnesota Department of Public Safety (“State”) Commissioner of Public Safety Office of Justice Programs 445 Minnesota Street, Suite 2300 St. Paul, MN 55101-2139	Grant Program: Pathway to Policing Reimbursement Grants 2019 Grant Agreement No.: A-PTP-2019-RICHFPD-00019
Grantee: City of Richfield, Police Department 6700 Portland Avenue South Richfield, Minnesota 55423-2560	Grant Agreement Term: Effective Date: 4/1/2019 Expiration Date: 3/31/2020
Grantee’s Authorized Representative: Michael Flaherty, Administrative Lieutenant Richfield Police Department 6700 Portland Avenue South Richfield, Minnesota 55423-2560 (612) 861-9830	Grant Agreement Amount: Original Agreement \$25,392.31 Matching Requirement \$0.00
State’s Authorized Representative: Claire Cambridge, State Program Administrator Principal Office of Justice Programs 445 Minnesota Street Suite 2300 St Paul, Minnesota 55101 (651) 201-7307	Federal Funding: CFDA None State Funding: Minnesota Laws of 2017, Chapter 95, Article 1, Section 11, Subdivision 7 Special Conditions: None

Under Minn. Stat. § 299A.01, Subd 2 (4) the State is empowered to enter into this grant agreement.

Term: Effective date is the date shown above or the date the State obtains all required signatures under Minn. Stat. § 16B.98, subd. 7, whichever is later. Once this grant agreement is fully executed, the Grantee may claim reimbursement for expenditures incurred pursuant to the Payment clause of this grant agreement. Reimbursements will only be made for those expenditures made according to the terms of this grant agreement. Expiration date is the date shown above or until all obligations have been satisfactorily fulfilled, whichever occurs first.

The Grantee, who is not a state employee will:
Perform and accomplish such purposes and activities as specified herein and in the Grantee’s approved Pathway to Policing Reimbursement Grants 2019 Application (“Application”) which is incorporated by reference into this grant agreement and on file with the State at 445 Minnesota Street, Suite 2300, St. Paul, Minnesota 55101-2139. The Grantee shall also comply with all requirements referenced in the Pathway to Policing Reimbursement Grants 2019 Guidelines and Application which includes the Terms and Conditions and Grant Program Guidelines (<https://app.dps.mn.gov/EGrants>), which are incorporated by reference into this grant agreement.

Budget Revisions: The breakdown of costs of the Grantee’s Budget is contained in Exhibit A, which is attached and incorporated into this grant agreement. As stated in the Grantee’s Application and Grant Program Guidelines, the Grantee will submit a written change request for any substitution of budget items or any deviation and in accordance with the Grant Program Guidelines. Requests must be approved prior to any expenditure by the Grantee.

Matching Requirements: (If applicable.) As stated in the Grantee’s Application, the Grantee certifies that the matching requirement will be met by the Grantee.



Payment: As stated in the Grantee’s Application and Grant Program Guidance, the State will promptly pay the Grantee after the Grantee presents an invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services and in accordance with the Grant Program Guidelines. Payment will not be made if the Grantee has not satisfied reporting requirements.

Certification Regarding Lobbying: (If applicable.) Grantees receiving federal funds over \$100,000.00 must complete and return the Certification Regarding Lobbying form provided by the State to the Grantee.

1. ENCUMBRANCE VERIFICATION

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

Signed: _____

Date: _____

Grant Agreement No. A-PTP-2019-RICHFPD-00019 / 3-58151

3. STATE AGENCY

Signed: _____
(with delegated authority)

Title: _____

Date: _____

2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant agreement on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

Signed: _____

Print Name: _____

Title: _____

Date: _____

Signed: _____

Print Name: _____

Title: _____

Date: _____

Distribution: DPS/FAS
Grantee
State’s Authorized Representative

Budget Summary

PTP 2019: Pathways to Policing				
Budget Category		Award		
Personnel				
Total salary cost for 23 week program is 19,844.40. 50% of this cost is 9922.20.		\$9,922.20		
Total		\$9,922.20		
Payroll Taxes and Fringe				
Taxes and fringe benefits total cost is 7215.22. 50% of these costs are 3,607.61.		\$3,607.61		
Total		\$3,607.61		
Travel and Training				
Student tuition and fees total cost is 19,825.00. 50% of these costs are 9912.50.		\$9,912.50		
Total		\$9,912.50		
Other Expenses				
Total cost to equip the student with police gear is 3,900.00. 50% of this cost is 1950.00.		\$1,950.00		
Total		\$1,950.00		
Total		\$25,392.31		



STAFF REPORT NO. 42
CITY COUNCIL MEETING
3/12/2019

REPORT PREPARED BY: Matt Brillhart, Associate Planner

DEPARTMENT DIRECTOR REVIEW: Melissa Poehlman, Asst. Community Development Director
3/5/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
3/6/2019

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the adoption of a resolution revoking a conditional use permit for Lakes Buffet restaurant at 6601 Nicollet Avenue.

EXECUTIVE SUMMARY:

In April 2017, Lakes Buffet submitted applications for a conditional use permit ("CUP") to operate a restaurant at 6601 Nicollet Avenue, and for a variance from the City's Commercial Kitchen Odor Control ordinance. New restaurant sites abutting residential property are required to install odor control equipment prior to opening, whereas 'preexisting' restaurant sites are required to *provide plans* for professionally-designed odor control equipment, which must be installed if there are complaints of odor impacts. Because the space (formerly an Old Country Buffet) had been vacant for more than one year, prior land use approvals had expired and City Code considered Lakes Buffet as a 'new' restaurant site, rather than 'preexisting'. Staff recommended approval of the variance request to be considered 'preexisting', based on the decades-long history of Old Country Buffet having operated in that location without complaints of cooking odors.

Shortly after Lakes Buffet opened in December 2017, the City began to receive complaints from the surrounding neighborhood regarding nuisance cooking odors. After several unique complaints were received, on April 26, 2018, City staff notified Lakes Buffet of the requirement to install odor control equipment within 90 days (July 26, 2018). Plans were submitted and a Mechanical Permit issued; staff granted a 30-day extension, with a new deadline of August 26, 2018, to complete the work. This deadline passed without any further communication from Lakes Buffet management as to when installation could be expected to occur. In the absence of progress and due to the lack of communication from Lakes Buffet management, the matter of revoking the restaurant's CUP was brought to the City Council on September 25, 2018.

The Council approved Resolution 11546, which stated that the CUP was revoked effective October 26, 2018, unless Lakes Buffet submitted proof that an odor control device had been purchased, in which case the deadline for completion would be extended to December 25 [or next business day]. Lakes Buffet provided proof of purchase on October 23, 2018, and City staff observed that equipment had appeared on the roof of the building on December 13, 2018. At this time, it appeared that Lakes Buffet was on track to complete

installation shortly. Though the December 25 deadline had passed, an inspection was scheduled for January 10, 2019. After the initial inspection revealed that installation was incomplete, a follow-up inspection took place on January 24, 2019. Dissatisfied by the slow progress, the Community Development Director sent a letter of noncompliance on February 7, 2019, stating that "the odor control system must be operational and pass inspection no later than February 25, 2019, or steps will be taken to revoke approvals and halt operations." On February 20, 2019, Lakes Buffet submitted a written response (attached to this report), stating various hardships and requesting that the deadline be extended to March 20, 2019.

Given that Lakes Buffet is now more than two months past the December 25, 2018, installation deadline, staff recommends that the Council approve measures to shut down the restaurant, effective immediately. Because so much time has passed since the Council's last action on this matter, the City Attorney has advised that the Council consider a new resolution to revoke the CUP. The Community Development and Public Safety Departments will coordinate with our partner agency, Bloomington Public Health, to ensure that closure of the restaurant is carried out in a manner consistent with public health regulations.

The ultimate goal of the city's odor control regulations is to foster successful relationships between commercial businesses and adjacent residential properties; both commercial and residential uses are important to the health of the city. If the odor control system is fully operational and passes final inspection at any time before or on May 31, 2019, staff recommends that the Council allow the CUP to be reinstated administratively, thereby allowing the restaurant to reopen. If the system does not pass final inspection by May 31, the CUP would be revoked permanently and reopening a restaurant at this property would require applying for a new CUP – a process that requires a public hearing before the Planning Commission and approval by the City Council.

RECOMMENDED ACTION:

By motion: Adopt a resolution revoking the conditional use permit for a restaurant at 6601 Nicollet Avenue.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

Timeline prior to Lakes Buffet opening:

- In early 2017, Lakes Buffet submitted applications for a CUP to operate a restaurant, and for a variance from the Commercial Kitchen Odor Control ordinance (Section 544.27). Because the former Old Country Buffet space had been vacant for more than one year (approximately 15 months), City ordinances considered Lakes Buffet as a 'new restaurant site', rather than a 'preexisting restaurant site'.
- The City Council granted a variance which allowed Lakes Buffet to be considered as a 'preexisting restaurant site' under City Code Section 544.27. New restaurant sites abutting residential property are required to install odor control equipment prior to opening, whereas preexisting restaurant sites are instead required to *provide plans* for a professionally-designed odor control remedy. Section 544.27 states that "subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed." Staff recommended approval of the variance request to be considered 'preexisting', based on the decades-long history of Old Country Buffet operating in that location without complaints of cooking odors, and that the restaurant had been closed only slightly longer than one year (approximately 15 months).
- Lakes Buffet management was aware of the requirement to provide plans for a future odor control system, which they did provide along with building plans that were submitted to the Inspections Division for Building Permit approval.

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

- Zoning Code procedures for revoking a conditional use permit:
 - If a CUP is revoked, all uses and activities which are permitted by such permit shall immediately cease. In addition, all other licenses and permits issued by the City which require, as a condition of their issuance, the existence of the CUP, shall be subject to termination in the manner set forth in the City Code or other applicable law.

- The Council may, in lieu of revocation, permit the CUP to continue subject to further or additional terms and conditions as in its judgment are necessary to insure compliance.
- The following City Code sections are included as attachments to this report:
 - Commercial Kitchen Odor Control - Section 544.27
 - Revocation of conditional use permit - Section 547.09

C. CRITICAL TIMING ISSUES:

- None

D. FINANCIAL IMPACT:

- None

E. LEGAL CONSIDERATION:

- The resolution was drafted by the City Attorney.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

Mid-America Group representative (property management) Lakes Buffet representative

ATTACHMENTS:

Description	Type
☐ Resolution	Resolution Letter
☐ Mailed correspondence with Lakes Buffet	Backup Material
☐ City Code Sections 544.27 and 547.09	Backup Material
☐ 2017 CUP approval Resolution 11361	Backup Material

RESOLUTION NO. _____

**RESOLUTION REVOKING A CONDITIONAL USE PERMIT
FOR A RESTAURANT AT 6601 NICOLLET AVENUE SOUTH**

WHEREAS, on May 9, 2017, the City Council approved Resolution No. 11361, granting a conditional use permit (“CUP”) and variances to allow the operation of a traditional/cafeteria (class II) restaurant at property commonly known as 6601 Nicollet Avenue S. (a/k/a “Lakes Buffet”) and legally described as:

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

WHEREAS, Resolution No. 11361 stated that the City will “regulate this [restaurant] use as a preexisting restaurant site as described in Subsection 544.27, Subdivision 1, Part (c). The applicant shall provide plans for a professionally designed odor control remedy and a statement by a structural engineer that the building design could accommodate the planned odor control and associated screening in the future. Subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed”; and

WHEREAS, in the months of February – April 2018, the City received a series of complaints regarding cooking odors impacting the surrounding neighborhood; and

WHEREAS, on April 26, 2018, City staff notified restaurant management of the requirement to install odor control equipment within 90 days, with a deadline of July 26, 2018; and

WHEREAS, on August 3, 2018, a Mechanical Permit application was submitted to the Inspections Division and City staff granted a 30-day extension, with a new deadline of August 26, 2018 to complete installation of odor control equipment; and

WHEREAS, the original 90-day deadline and 30-day extension deadline passed and the City received no further communication from the property management as to when the installation would occur and the City continued to receive complaints from the neighborhood about cooking odors; and

WHEREAS, City Code subsection 547.09, subd. 14(b) provides that if an apparent violation of a CUP exists, the Director shall mail a notice of violation to the property owner or the owner’s agent and to any other person conducting the use for which the conditional use permit was granted;

WHEREAS, on September 7, 2018, City staff sent a notice to Lakes Buffet, copying property management, identifying the violations and stating that noncompliance with City ordinances would result in revocation of the restaurant’s CUP and informing them of the public hearing date; and

WHEREAS, the City Council held a public hearing on September 25, 2018 to consider revocation of the conditional use permit and no representative of Lakes Buffet or the property owner appeared or spoke at the public hearing;

WHEREAS, on September 25, 2018, the City Council adopted Resolution 11546 providing that the conditional use permit would be revoked as of October 26, 2018 unless the restaurant could demonstrate, to the satisfaction of the Community Development Director, that it purchased the necessary odor control equipment, in which case, the effective date of revocation of the conditional use permit would be extended by 60 days to December 25, 2018 (or the next business day) allowing for additional time to install the equipment; and

WHEREAS, Lakes Buffet purchased the odor control equipment by October 26, 2018, but did not install the equipment by December 26, 2018; and

WHEREAS, on January 10, 2019, a City Mechanical Inspector conducted a first inspection at the property, observed that the odor control unit had been partially installed, and scheduled a second inspection for January 24, 2019; and

WHEREAS, the Inspector conducted the second inspection on January 24, 2019 and concluded that final completion of the installation could be done within two to four weeks; and

WHEREAS, on February 7, 2019, the Community Development Director sent a letter to Lakes Buffet, copying property management, stating the odor control must be operational and pass final inspection by February 25, 2019 or that steps would be taken to revoke their approvals and halt restaurant operations; and

WHEREAS, on February 20, 2019, city staff received a written response from Lakes Buffet requesting an extension to March 20, 2019 to complete the installation; and

WHEREAS, on February 26, 2019, the Community Development Director sent a letter to Lakes Buffet, copying property management, that due to continued noncompliance, the Council would once again be considering revocation of the conditional use permit at its meeting on March 12, 2019; and

WHEREAS, on March 12, 2019, the City Council fully considered the history of noncompliance at the property and events that occurred subsequent to the Council's initial action on the conditional use permit on September 25, 2018, as well as the restaurant's request for an extension; and

WHEREAS, City Code subsection 547.09, subd. 14(g) provides that "[i]f a conditional use permit is revoked, all uses and activities which are permitted only by such conditional use permit shall immediately cease. . ."

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

1. The above-stated recitals are the Findings of the City Council.
2. This Resolution supersedes Resolution 11546 adopted by the Council on September 25, 2018.
3. Effective at 12:00 a.m. on Wednesday, March 13, 2019, the conditional use permit for a class II restaurant on the property legally described above is revoked for failure to install odor control equipment as described in City Council Staff Report No. _____. All restaurant operations must immediately cease on the effective date and time of revocation of the CUP.
4. If the odor control system is fully operational and passes final inspection by May 31, 2019, the revoked CUP may be reinstated administratively by the Community Development Director and the restaurant may reopen if all required permits and licenses are in compliance with City Ordinances. If the system does not pass final inspection by May 31, 2019, the CUP is revoked permanently and an application for a new CUP must be submitted to the City in order for a restaurant use to reopen at this property.

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

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

Mailed correspondence between the City and Lakes Buffet,
presented in reverse-chronological order (newest to oldest)



Community Development Department
Planning & Zoning

February 26, 2019

Sheng Zheng, General Manager
or other responsible party
Lakes Buffet
9 66th Street East
Richfield, MN 55423

MAYOR

MARIA REGAN
GONZALEZ

CITY COUNCIL

EDWINA GARCIA
MARY SUPPLE
SIMON TRAUTMANN

CITY MANAGER

KATIE RODRIGUEZ

NOTICE OF COUNCIL ACTION TO REVOKE CONDITIONAL USE PERMIT

Mr. Zheng:

As you have been informed many times over the past several months, Lakes Buffett is required to install and operate an odor control device in order to be in compliance with your conditional use permit and variances as granted by the City of Richfield in May 2017. As a result of your failure to install such odor control equipment, the Richfield City Council adopted a Resolution to revoke the conditional use permit if the required equipment for the approved odor control device was not fully installed and operating prior to December 26, 2018. The City's Mechanical Inspector inspected the equipment on January 10 and January 24, 2019, and determined that installation was not complete and significant work remained before the odor control system could operate and pass final inspection. To date, you have not scheduled a follow-up inspection.

The City hereby sends notice that due to noncompliance with City Ordinances, specifically for failure to install and operate the required odor control equipment by the above-stated deadline, the City Council will again consider revocation of the conditional use permit on **Tuesday, March 12th at 7:00 p.m.** City Council meetings are held in the Council Chambers at Richfield City Hall, 6700 Portland Avenue S, Richfield MN 55423.

If installation is not completed in accordance with the City Council's action, the restaurant will need to be closed immediately. Reopening a restaurant at this location would require approval of a new conditional use permit - a process which typically takes 8-10 weeks to get approvals from the Planning Commission and City Council. Please contact me at 612-861-9775 with any questions about the revocation procedures.

Sincerely,

John Stark
Community Development Director

Copy: Scott Gaylord, Mid-America Real Estate
Matt Brillhart, Associate Planner
Rick Regnier, Chief Building Official

02/20/2019

City of Richfield
Community Development Department; Planning & Zoning
6700 Portland Ave
Richfield, MN 55423
Attn: Matt Brillhart

Subject: Request for deadline extension for installation of odor control system at Lakes Buffet, 9
66th St E, Richfield, MN 55423

Dear Matt:

Thank you in advance for taking the time to review this letter. We would like to ask your permission for the deadline extension for installation of odor control unit. Please allow me to explain to you the reason why we will not be able to complete the installation and meet the deadline on February 25, 2019.

Our restaurant opened late last Spring, the business had been slow since the beginning due to the road construction nearby, which continued and throughout the whole summer. We were trying very hard to be sustainable with the business, but had really tough time generated enough fund to hire the sub-contractors to do the project.

In December 2018, we refinanced and were able to get a loan to pay for the down payment to our sub-contractors, they ordered the odor control unit right away and were getting ready to do the job. However, because of the holidays, the shipment of the unit was delayed and finally arrived in early January 2019.

Our sub-contractors have been working continuously on the project, but since the restaurant is opening everyday to the public, their workable hours are very limited to be not affect the restaurant business. The team is ready to setup the unit, but before doing so, they will need to remove the existing make-up air unit, disconnect the alarm system, and this job alone will be about two weeks. And once the unit is installed, they will need time to do the testing to ensure everything runs smoothly, and then schedule the final inspection with the city.

Therefore, we are here asking for the deadline to be extended to March 20, 2019. Please understand our situation and consider approving the deadline extension. Thanks so much again for your time and please let us know your thoughts and questions.

Sincerely,

Sheng Zheng
General Manager



Community Development Department
Planning & Zoning

February 7, 2018

Sheng Zheng, General Manager
or other responsible party
Lakes Buffet
9 66th Street East
Richfield, MN 55423

MAYOR

MARIA REGAN
GONZALEZ

CITY COUNCIL

EDWINA GARCIA
MARY SUPPLE
SIMON TRAUTMANN

CITY MANAGER

KATIE RODRIGUEZ

NOTICE OF REVOCATION OF CONDITIONAL USE PERMIT

Mr. Zheng:

As you have been informed many times over the past several months, Lakes Buffett is required to install and operate an approved odor control device in order to be in compliance with your Conditional Use Permit and variances as granted by the City of Richfield in May 2017. As a result of your failure to install such odor control equipment, the Richfield City Council adopted a Resolution to revoke the Conditional Use Permit if the required equipment for the approved odor control device was not fully installed and operating by December 25, 2018. That deadline has since passed more than six weeks ago and you have provided no timeline as to when the system is expected to be fully operational.

The City's Mechanical Inspector was at your property on January 10 and January 24, and determined that the installation was not complete and significant work remained before the equipment could be operational and pass final inspection. To this date, you have not scheduled a follow-up inspection. **You must contact the Inspections Department at 612-861-9860 immediately to schedule a follow-up inspection. The odor control system must be operational and pass inspection no later than February 25, 2019 or steps will be taken to revoke your approvals and halt your operations.**

Sincerely,

John Stark
Community Development Director

Copy: Scott Gaylord, Mid-America Real Estate
Matt Brillhart, Associate Planner
Rick Regnier, Chief Building Official



Community Development Department
Planning & Zoning

October 16, 2018

MAYOR
PAT ELLIOTT

CITY COUNCIL
EDWINA GARCIA

MICHAEL HOWARD

MARIA REGAN GONZALEZ

SIMON TRAUTMANN

CITY MANAGER
STEVEN DEVICH

Sheng Zheng, General Manager
or other responsible party
Lakes Buffet
9 66th Street East
Richfield, MN 55423

NOTICE OF REVOCATION OF CONDITIONAL USE PERMIT

Mr. Zheng:

As you have been informed several times in the past few months, Lakes Buffett is now required to install and operate an approved odor control device in order to be in compliance with your Conditional Use Permit and variances as granted by the City of Richfield in May 2017. As a result of your failure to install such odor control equipment, on October 26 the Richfield City Council held a public hearing to revoke your Conditional Use Permit. The City Council adopted a Resolution to revoke the Conditional Use Permit on October 26, 2018 if the required equipment for the approved odor control device is not purchased in full (to the satisfaction of City staff), or 60 days later if the equipment is not fully installed and functioning by that time.

The City must receive proof that the odor control equipment (conforming to approved plans) has been purchased in full no later than October 25, in order to extend the installation deadline by 60 days. An extension will not be granted if proof of purchase is not provided to the City by October 25.

If proof of purchase is not provided and the Conditional Use Permit is revoked, the restaurant will be forced to close immediately, and will not be allowed to open for business on Friday, October 26. Reopening a restaurant at this location would require approval of a new conditional use permit - a process that typically takes 8-10 weeks to get approvals from the Planning Commission and City Council.

Please contact Matt Brillhart with any questions about the revocation or Mechanical Inspector Brian Fehrenbach with questions related to permitting and inspections at 612-861-9760.

Sincerely,

John Stark
Community Development Director

Copy: Scott Gaylord, Mid-America Real Estate
Matt Brillhart, Associate Planner
Rick Regnier, Chief Building Official
Mary Tietjen, City Attorney



Community Development Department
Planning & Zoning

September 18, 2018

MAYOR
PAT ELLIOTT

Lakes Buffet
9 66th Street East
Richfield, MN 55423

CITY COUNCIL
EDWINA GARCIA
MICHAEL HOWARD

NOTICE OF PUBLIC HEARING TO CONSIDER REVOKING CONDITIONAL USE PERMIT FOR FAILURE TO INSTALL ODOR CONTROL EQUIPMENT

MARIA REGAN GONZALEZ Lakes Buffet owner and/or management:

SIMON TRAUTMANN

CITY MANAGER
STEVEN DEVICH

As you know, Lakes Buffet was granted a variance allowing the restaurant to open without installing odor control equipment. Lakes Buffet was considered as a "Pre-existing Restaurant Site", and was required to provide plans for a professionally-designed odor control remedy. City Code Section 544.27 states that "Subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed." Since Lakes Buffet opened for business, the City has received a number of complaints regarding cooking odors.

A first notice of the requirement to install odor control equipment within 90 days (by July 26) was sent by mail on April 26. After that deadline passed, a Mechanical Permit application was issued on August 7, and the City extended the deadline by an additional 30 days, with a new deadline of August 26, 2018. That deadline has passed, and the City has received no further communication from Lakes Buffet representatives as to when installation will occur.

The City hereby sends notice that due to noncompliance with City Ordinances, specifically for failure to install the required odor control equipment by the above-state deadline, the City Council will hold a public hearing to consider revocation of the conditional use permit on **Tuesday, September 25th at 7:00 p.m.** City Council meetings are held in the Council Chambers at Richfield City Hall, 6700 Portland Avenue S, Richfield MN 55423. Lakes Buffet ownership/management and a property owner representative are encouraged to attend the hearing. Lakes Buffet is permitted to be represented by legal counsel during the hearing, and to present any testimony and/or evidence.

The recommended City Council action is as follows:

Revoke the conditional use permit, effective on October 26, 2018. Delaying revocation by 30 days allows Lakes Buffet one final extension to install an odor control system. If Lakes Buffet is able to provide confirmation at the hearing that the odor control equipment has been ordered, but installation is scheduled to take place after October 25, the Council may amend the effective date of revocation.

If installation is not completed before October 26, the restaurant will be forced to close immediately. Reopening a restaurant at this location would require approval of a new conditional use permit - a process which typically takes 8-10 weeks to get approvals from the Planning Commission and City Council.

Lakes Buffet – notice of revocation hearing
09/18/18
Page 2

Please contact me at 612-861-9775 with any questions about the revocation procedures.

For questions regarding permitting and inspections, please contact Mechanical Inspector Brian Fehrenbach at 612-861-9804.

Sincerely,



John Stark
Community Development Director

Email Copy: Rick Regnier, Chief Building Official
Melissa Poehlman, Assistant Community Development Director
Mary Tietjen, City Attorney



Community Development Department
Planning & Zoning

September 7, 2018

MAYOR
PAT ELLIOTT

Lakes Buffet
9 66th Street East
Richfield, MN 55423

CITY COUNCIL

NOTICE OF ODOR CONTROL REQUIREMENT VIOLATION

EDWINA GARCIA

MICHAEL HOWARD

Subject: Odor Control requirement at Lakes Buffet, 9 66th Street East, Richfield MN

MARIA REGAN GONZALEZ

SIMON TRAUTMANN

Lakes Buffet owner and/or management:

CITY MANAGER

STEVEN DEVICH

As you know, Lakes Buffet was granted a variance allowing the restaurant to open without installing odor control equipment. Lakes Buffet was considered as a "Pre-existing Restaurant Site", and was required to provide plans for a professionally-designed odor control remedy. The ordinance states that "Subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed." Since Lakes Buffet opened for business, the City has received a number of complaints regarding cooking odors. Regulations for *Commercial Kitchen Odor Control* are detailed in City Code Section 544.27.

A first notice of the requirement to install odor control equipment within 90 days (by July 26) was sent by mail on April 26. A second notice was sent on June 13, reminding Lakes Buffet of the July 26 deadline. A Mechanical Permit application was submitted on August 3, and the permit was ready for issuance on August 7. Upon issuance of a permit, the City extended the deadline for installation by an additional 30 days, with a new deadline of August 26, 2018.

That deadline has now passed, and the City has received no further communication from Lakes Buffet representatives as to when installation could be expected to occur. For this reason, we are hereby sending notice that noncompliance with city ordinances will result in revocation of the conditional use permit which allows the restaurant to operate. If installation has not been completed by September 20th, the City Council will hold a public hearing to consider revocation of the conditional use permit on Tuesday, September 25th. Please contact me at 612-861-9776 with any questions about the deadline or revocation procedures.

For questions regarding permitting and inspections, please contact Building Official Rick Regnier at 612-861-9862, or Mechanical Inspector Brian Fehrenbach at 612-861-9804.

Sincerely,

John Stark
Community Development Director



Community Development Department
Planning & Zoning

August 8, 2018

MAYOR
PAT ELLIOTT

Lakes Buffet
9 66th Street East
Richfield, MN 55423

CITY COUNCIL

NOTICE OF ODOR CONTROL REQUIREMENT DEADLINE

EDWINA GARCIA

MICHAEL HOWARD

Subject: Odor Control requirement at Lakes Buffet, 9 66th Street East, Richfield MN

MARIA REGAN GONZALEZ

SIMON TRAUTMANN

Lakes Buffet owner and/or management:

CITY MANAGER
STEVEN DEVICH

As you know, Lakes Buffet was granted a variance allowing the restaurant to open without installing odor control equipment. Lakes Buffet was considered as a "Pre-existing Restaurant Site", and was required to provide plans for a professionally-designed odor control remedy. The ordinance states that "Subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed." Since Lakes Buffet opened for business, the City has received a number of complaints regarding cooking odors. Regulations for *Commercial Kitchen Odor Control* are detailed in City Code Section 544.27.

A first notice of the requirement to install odor control equipment within 90 days (by July 26) was sent by mail on April 26. A second notice was sent on June 13, reminding Lakes Buffet of the July 26 deadline. A Mechanical Permit application was submitted on August 3, and the permit was ready for issuance on August 7. **The City hereby extends the deadline by an additional 30 days. Installation must be complete by August 26, 2018.**

For questions regarding permitting and inspections, please contact Building Official Rick Regnier at 612-861-9862, or Mechanical Inspector Brian Fehrenbach at 612-861-9804.

Please note that noncompliance with city ordinances will result in revocation of the Conditional Use Permit which allows the restaurant to operate. Please contact me at 612-861-9776 with any questions about the deadline or revocation procedures.

Sincerely,

Matt Brillhart
Associate Planner



Community Development Department
Planning & Zoning

June 13, 2018

MAYOR
PAT ELLIOTT

Lakes Buffet
9 66th Street East
Richfield, MN 55423

CITY COUNCIL

EDWINA GARCIA

MICHAEL HOWARD

MARIA REGAN GONZALEZ

SIMON TRAUTMANN

CITY MANAGER

STEVEN DEVICH

NOTICE OF ODOR CONTROL REQUIREMENT

Subject: Complaints regarding cooking odors at Lakes Buffet, 9 66th Street East, Richfield MN

Lakes Buffet owner and/or management:

Since Lakes Buffet opened for business in January 2018, the City has received a number of complaints regarding cooking odors. Regulations for *Commercial Kitchen Odor Control* are detailed in City Code Section 544.27 (enclosed). As you know, Lakes Buffet was granted a variance allowing the restaurant to open without installing odor control equipment. Under the terms of the variance, Lakes Buffet was considered as a "Pre-existing Restaurant Site", and was required to provide plans for a professionally-designed odor control remedy. The ordinance states that "Subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed."

A first notice of the requirement to install odor control was sent on April 26, and the City received a response from Lakes Buffet on May 29. After reviewing complaints and discussing the issue with neighbors near the site, the City maintains the position that installation of odor control equipment is required. While trash odors may also be an issue, neighbors were clear that cooking odors were responsible for the nuisance.

This letter serves as second/final notice that Lakes Buffet must complete installation of an odor control remedy approved by the Inspections Division by July 26, 2018.

Please contact me at 612-861-9776 to discuss this requirement as soon as possible. For questions regarding permitting and inspections, please contact Building Official Rick Regnier at 612-861-9862.

Please note that failure to reply to this notice and noncompliance with city ordinances can result in revocation of the Conditional Use Permit.

Sincerely,

Matt Brillhart
Associate Planner

05/24/2018

City of Richfield
Community Development Department; Planning & Zoning
6700 Portland Ave
Richfield, MN 55423
Attn: Matt Brillhart

Subject: Response regarding cooking odors at Lakes Buffet, 9 66th St E., Richfield MN

Dear Matt:

Thanks for taking the time to review and discuss this issue with us. We truly believe that the odors that the neighbors were complaining about were indeed coming from the garbage can at the parking lot behind our restaurant, and not coming from cooking the food in our kitchen.

Since our garbage can is not located in an enclosed space, the odor can build up and easily spread out to the neighborhood after a few days leave outside in this kind of temperature. Our garbage pickup schedule is once a week at this moment, we would discuss with the landlord to setup at least twice a week to avoid garbage stay outside too long. We would also propose to the landlord to build an enclosed garbage room at the parking lot, this way should prevent the odor spread out to the neighborhood.

Please consider our proposal for now to see if the odor issue will be resolved after a couple of months. We just open the restaurant early this year and still trying to promote the business and generate the revenue. If the issue continues, we will try to install the odor control unit, but please allow us to complete this task by next summer. We believe this will give us enough time to earn the profit and be able to afford to install the unit.

Thanks so much again for your time and please let us know your thoughts and questions.

Sincerely,

Sheng Zheng
General Manager



Lakes Buffet
9 66th St East
Richfield, MN 55423





**Community Development Department
Planning & Zoning**

April 26, 2018

MAYOR
PAT ELLIOTT

Lakes Buffet
9 66th Street East
Richfield, MN 55423

CITY COUNCIL

NOTICE OF ODOR CONTROL REQUIREMENT

EDWINA GARCIA

MICHAEL HOWARD

Subject: Complaints regarding cooking odors at Lakes Buffet, 9 66th Street East, Richfield MN

MARIA REGAN GONZALEZ

SIMON TRAUTMANN

Lakes Buffet owner and/or management:

CITY MANAGER

STEVEN DEVICH

Since Lakes Buffet opened for business in January 2018, the City has received a number of complaints regarding cooking odors. Regulations regarding Commercial Kitchen Odor Control are detailed in City Code Section 544.27 (enclosed). As you know, Lakes Buffet was granted a variance which allowed the restaurant to open without installing odor control equipment. Under the terms of the variance, Lakes Buffet was considered as a "Pre-existing Restaurant Site", and was required to provide plans for a professionally-designed odor control remedy at the time of approval. Section 544.27 states that "Subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed."

This letter serves as notice that Lakes Buffet must complete installation of an odor control remedy approved by the Inspections Division within 90 days, by July 26, 2018.

Please contact me at 612-861-9776 to discuss this requirement as soon as possible. For questions regarding permitting and inspections, please contact Building Official Rick Regnier at 612-861-9862.

Please note that failure to reply to this notice and noncompliance with city ordinances can result in revocation of the Conditional Use Permit.

Sincerely,

Matt Brillhart
Associate Planner

Enclosed: City Code Section 544.27 (Commercial Kitchen Odor Control)

Copy: Rick Regnier, Chief Building Official
John Stark, Community Development Director

544.27. - Environmental Effects.

No activity or operation shall be established or maintained that by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust or particulate matter in such concentrations as to be detrimental to or endanger the public health, welfare, comfort or safety, or cause injury to property or business.

Subd. 1. Commercial kitchen odor control. All properties that contain cooking apparatus which necessitates the installation of a Type 1 Ventilation Hood (as required by State Building Code) and which abut (or are located within 150 feet even if not abutting) existing and/or future residential property shall mitigate or otherwise address the impact of odors as follows:

- a) Adjacent to existing residential. New restaurant sites abutting or adjacent to existing residential properties shall install professionally-designed odor control remedies;
- b) Adjacent to future residential. New restaurant sites abutting or adjacent to future residential development (either as a result of the Comprehensive Plan or an approved development plan) shall provide plans for a professionally-designed odor control remedy and a statement by a structural engineer that the building design could accommodate the planned odor control and associated screening in the future. Subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed.
- c) Pre-existing restaurant sites. Pre-existing restaurant sites abutting or adjacent to either existing or future residential development, which are augmenting cooking equipment and/or intensifying odor emissions, shall follow the requirements of clause b above.
- d) Administrative exemptions. The Community Development Director shall have the authority to exempt uses from meeting the requirements of this Subdivision with a written finding that the proposed commercial kitchen is for an institutional (or similar) use that will have limited hours of operation and/or minimal usage.

(Amended, Bill No. 2015-2)

547.09. - Conditional use permits.

Subd. 13. Revocation of CUP. The Council may review conditional use permits periodically and may revoke a permit upon violation of any condition of the permit.

The procedure for revocation set out in Subd. 14 of this Subsection shall be followed. If it is discovered after approval of the conditional use permit that the City's decision was based at least in part on fraudulent information, the Council may revoke the permit, modify the conditions, or impose additional conditions.

Subd. 14. Procedure for revocation. The procedure for revocation of a conditional use permit shall be as follows:

a) **Complaint.** The Director shall review any complaints received by the City or any other party involving property which is subject to a conditional use permit, and shall determine whether, in the Director's judgment a violation of the terms or conditions of any conditional use permit appears to have occurred.

b) **Notice of apparent violation.** If the Director determines that an apparent violation of such terms and conditions exists, the Director shall cause a notice of violation to be mailed to the owner of the property or owner's agent and to any other person known to the City to be conducting the use for which the conditional use permit was granted. The notice shall:

- i. Be in writing;
- ii. State the violation or violations found to apparently exist and state the remedial actions which must be taken to achieve compliance with the terms and conditions of the conditional use permit;
- iii. Provide a reasonable time, but not less than ten (10) days, for the recipient to remedy the violation or violations stated in the notice; and;
- iv. Inform the recipient that if the stated violations are not remedied within the stated time period, the Director will request the Council to consider revocation of the conditional use permit.

c) **Failure to comply.** When notice has been given in accordance with "clause b" above and the recipient has failed to correct the violations stated in the notice within the time allowed, the Director shall refer the matter to the Council with a recommendation that a hearing be held to consider the revocation of the conditional use permit. A copy of the Director's recommendation shall be mailed to the same persons who previously were mailed the notice of violation.

d) **Scheduling of hearing.** A hearing shall be scheduled before the Council to consider revocation of the conditional use permit. The date of the hearing shall be as soon as is reasonably convenient.

e) **Notice of hearing.** Upon the scheduling of the hearing, the Director shall furnish mailed notice of such to the same persons who were mailed notice of the violation. The notice shall:

- i. State the time, date and location of the hearing;

- ii. Describe all violations, which will form the basis of the Director's recommendation to the Council;
- iii. Describe the recommendation which the Director intends to make to the Council with respect to revocation; and
- iv. Inform the recipient of its opportunity to be present at the hearing, to be represented by legal counsel during the hearing, and to present testimony and evidence.

f) Public notice. The Director shall also provide a mailed notice containing the information described in subclauses i, ii, and iii of "clause e" above to all other persons who would have been entitled to notice had the hearing been to consider the granting of the conditional use permit.

g) Determination. At the conclusion of the hearing, or as soon thereafter as is reasonably possible, the Council shall render its written decision. The decision shall state the terms and conditions of the conditional use permit found to have been violated; and shall state the determination of the Council with regard to revocation of the conditional use permit. The Council may, in lieu of revocation, permit the conditional use permit to continue subject to such further or additional terms and conditions as in its judgment are necessary to insure compliance with the conditional use permit. The Council's written findings and determination shall be mailed to the persons who were mailed the Director's notice of violation. If a conditional use permit is revoked, all uses and activities which are permitted only by such conditional use permit shall immediately cease. In addition, all other licenses and permits issued by the City which require, as a condition of their issuance, the existence of the conditional use permit, shall be subject to termination in the manner set forth in the City Code or other applicable law.

Subd. 15. Other remedies for violation of CUP. In addition to the procedure set forth in Subd. 13 above, the City may exercise, with or separately from such procedure, all and any other remedies and actions available to the City including, but not limited to those contained in Sections 115 and 320 of the City Code.

RESOLUTION NO. 11361

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

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

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

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

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

WHEREAS, the requested conditional use permit meets the requirements necessary for issuing a conditional use permit as specified in Richfield's Zoning Code, Subsection 547.09 and as detailed in City Council Staff Report No. 74; and

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

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

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

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

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

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

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

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

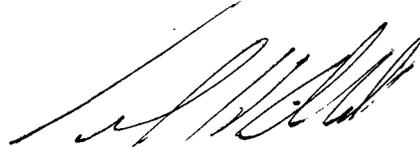
Avenue has the highest level of public transit service available in the City, providing a viable alternative to driving alone.

- d. The variances requested are the minimum necessary to alleviate the practical difficulties.
 - e. The proposed variances do not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.
3. Based on the above findings, a variance is hereby approved to regulate this use as a pre-existing restaurant site, as described in Subsection 544.27, Subdivision 1, Part (c). The applicant shall provide plans for a professionally-designed odor control remedy and a statement by a structural engineer that the building design could accommodate the planned odor control and associated screening in the future. Subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed.
 4. Based on the above findings, a variance is hereby approved to reduce the off-street parking requirement for the Subject Property to not less than 100 stalls.
 5. A conditional use permit is issued to allow a Class II (traditional/cafe/terceria) restaurant, as described in City Council Letter No. 74, on the Subject Property legally described above.
 6. This conditional use permit is subject to the following conditions in addition to those specified in Section 547.09 of the City's Zoning Ordinance:
 - That the recipient of this conditional use permit record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.09, Subd. 8. A recorded copy of the approved resolution must be submitted to the City prior to the issuance of an occupancy permit.
 - A revised, complete site plan meeting all City requirements is required to be submitted for approval by City staff within one year of this approval. The parking lot must be re-striped in accordance with said plan, including a pedestrian connection substantially in compliance with Subsection 544.15. Bicycle parking for a minimum of 6 bikes (3 hoops/posts) is required near the main entrance.
 - The existing dumpster enclosure for the restaurant must be repaired to comply with Subsection 544.05 and screening must be provided for the non-compliant dumpsters on the south side of the building. All rooftop or ground mechanical equipment must be screened, per Subsection 544.05.
 - Separate sign permits are required.
 - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated April 3, 2017, and compliance with all other City and State regulations.
 - Prior to the issuance of an occupancy permit the applicant must submit a surety equal to 125% of the value of any improvements and/or requirements not yet complete. This surety shall be provided in the manner specified by the Zoning Code.
 7. The conditional use permit and variances shall expire one year after issuance unless 1) the use for which the permit was granted has commenced; or 2) Building permits have been issued and substantial work performed; or 3) Upon written request of the

applicant, the Council extends the expiration date for an additional period not to exceed one year. Expiration is governed by the City Zoning Ordinance, Section 547.09, Subdivision 9.

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

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



Pat Elliott, Mayor

ATTEST:



Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 43
CITY COUNCIL MEETING
3/12/2019

REPORT PREPARED BY: Jared Voto, Executive Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Katie Rodriguez, City Manager
3/5/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
3/5/2019

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the appointment of one adult member to the Advisory Board of Health.

EXECUTIVE SUMMARY:

On February 14, a commissioner on the Advisory Board of Health submitted their resignation from the Board because they were moving from Richfield.

During the December 2018/January 2019 recruitment period for the advisory commissions, five residents submitted applications and listed a preference for the Advisory Board of Health, but were not selected for appointment to a commission. Staff emailed these applicants asking if they were still interested in serving on the Commission and four applicants responded stating they were still interested in serving. A City Council work session was held earlier tonight to review the applications and discuss appointment of an applicant.

RECOMMENDED ACTION:

By motion: Appoint one person to the Advisory Board of Health with a term expiring on January 31, 2020.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- This information is contained in the Executive Summary.

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

- City advisory commissions were established by City ordinance or resolution.
- These terms are less than one and one half years, so they are not considered a full term and do not apply to the three term limit (City Code Section 305.01, subd. 3.).

C. CRITICAL TIMING ISSUES:

- Appointment should be made at the March 12, 2019, City Council meeting so the new member may participate at the next commission meeting.

D. FINANCIAL IMPACT:

- N/A

E. LEGAL CONSIDERATION:

- None

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None



STAFF REPORT NO. 44
CITY COUNCIL MEETING
3/12/2019

REPORT PREPARED BY: Katie Rodriguez, City Manager

DEPARTMENT DIRECTOR REVIEW: Katie Rodriguez, City Manager
3/6/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
3/6/2019

ITEM FOR COUNCIL CONSIDERATION:

Consideration to confirm the appointment of Amy Markle as Recreation Services Director for the City of Richfield.

EXECUTIVE SUMMARY:

Staff conducted an internal recruitment to fill the position of Recreation Services Director following Jim Topitzhofer's retirement in December 2018.

The process was rigorous and consisted of the following:

- Presentation to a panel of Recreation Services community partners including the chairs of Community Services and the Arts Commissions, the FOWL Board and the Director of Community Education, on how to work with our partners to adapt our programming and park amenities to changing demographics and trends in the industry.
- Interviews with the City Manager, Assistant City Manager and Human Resources Manager that included an in-basket assignment focused how to address the department's infrastructure challenges.

The process was also very competitive with three qualified candidates who each would bring needed skills and experience to the position. However, Ms. Markle demonstrated strong vision and a thoughtful, detailed approach to addressing Recreation Services' challenges and opportunities.

Ms. Markle has broad and deep experience in recreation having worked for 24 years at the local, state and federal level. She has served as Program Coordinator at Wood Lake Nature Center for the last 15 years which provides her with in-depth knowledge of Richfield's history, current demographics, policies, and park system. She has a Bachelor's degree in Resource Management-Environmental Education and Interpretation and Biology, and a Master's in Resource Interpretation. She is also just finishing up her Doctorate of Education and her dissertation focuses on best practices in public engagement and decision making in urban park systems. She is also active in the Minnesota Recreation and Parks Association and served on the Board of Directors of the Minnesota Association for Environmental Education.

RECOMMENDED ACTION:

By motion: Confirm the appointment of Amy Markle as the Recreation Services Director for the City of Richfield.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Historical Context is contained in the Executive Summary.

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

- According to Richfield City Charter Section 6.02 Powers and Duties of the City Manager, subsection 3, and under Richfield City Code Section 310.01 Subd. 3, Charter authority, appointment or removal of department heads shall be made final only upon a majority vote of the Council.

C. CRITICAL TIMING ISSUES:

- The Recreation Services Department has been without a permanent Director since the retirement of Jim Topitzhofer.
- Acting Director Kris Weiby has had to fulfill both the Director responsibilities and also his responsibilities as Facilities Manager since December 2018.

D. FINANCIAL IMPACT:

- The 2019 Budget includes the funding necessary to provide for the salary and benefit contributions as negotiated.

E. LEGAL CONSIDERATION:

- According to Richfield's City Code, the City Council must approve the selection of Ms. Markle before she is appointed Recreation Services Director.

ALTERNATIVE RECOMMENDATION(S):

- The Council can reject the candidate and direct the City Manager to undertake a new selection process.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None