



**SPECIAL CITY COUNCIL WORKSESSION
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM
APRIL 23, 2019
6:00 PM**

Call to order

1. I-494 project local goals follow-up
2. Proposed changes to the City of Richfield Charter

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 18, 2019

Council Memorandum No. 21

The Honorable Mayor
and
Members of the City Council

Subject: Finalizing I-494 Local Goals

Council Members:

A portion of the April 23, 2019, City Council work session will focus on finalizing the locally focused goals for the I-494 Corridor Project. Staff has revised the attached list based on comments received at the April 9 joint Council work session.

In advance of April 23, please complete the following so that the limited meeting time can be used most efficiently:

- Review the attached revised draft goals;
- Prepare any additional comments or proposed changes; and
- Send comments to me and City Engineer Jeff Pearson at jpearson@richfieldmn.gov.

Pending acceptance of a final version by the City Council, staff will then present the goals to MnDOT and use the list as alternatives are considered.

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

Respectfully submitted,



Katie Rodriguez
City Manager

KR:kda

Email: Department Directors

Draft Local I-494 Project Goals

4/23/19 Richfield City Council Work Session

Regional Transportation Goals *(Developed as part of the I-494 Project process to date)*

- Address deficient infrastructure in the corridor (i.e. bridges, pavement conditions, retaining walls, etc.)
- Bring to ADA standards pedestrian facilities within construction limits
- Connect neighborhoods by constructing missing pedestrian facilities & providing improved facilities on new bridges
- Maintain/improve transit advantages
- Direct connection of planned Highway 77 MnPASS facility and planned I-494 MnPASS facility
- Access changes on 12th, Portland & Nicollet Avenue interchanges and 24th Ave via a new 77th Street connection under TH77
- Develop a phased implementation plan for the corridor expansion vision
- Improve safety along the I-494 corridor
- Improve travel time reliability on the I-494 corridor
- Reduce the amount of traffic diverting off the regional transportation system onto the local road system

Local Transportation Goals

Reliever System

- Completion of 77th Street underpass prior to access closures or changes at 12th, Portland, & Nicollet
- Maintain or improve operations on 77th Street and on American Boulevard (key intersections include Penn, Lyndale, Portland)
- Improve operations on 76th Street from I-35W to Xerxes Ave (coordinate with PRO2 signal timing project) including ramp access to I-35W

Local Mobility

- Minimize the amount of traffic diverting off the regional transportation system onto the local road system (North of 77th Street, south of American Boulevard)
- Improve multimodal crossings (and approaches to the crossings) of I-494 (both on Avenue bridges and bike/ped bridges)
- Facilitate continuity and expansion of transit service on the local road network (Metro Transit D Line and others)

Construction Impacts

- Environmental sustainability focus on solutions (storm water, air quality, etc.)
- Maintain or improve traffic operations along detour routes prior to I-494 traffic impacts (TH62 - Crosstown)
- Minimize impacts to local roadway network during construction
- Clear communication to stakeholders throughout the project
- Coordinated stormwater solutions with local cities and watersheds

Local Economic Vitality Goals

- Develop an identifiable I-494 corridor and attractive gateways to Richfield/Bloomington (coordination with required bridge reconstructions)
- Provide access that will encourage the availability of quality goods, services, and employment opportunities for residents
- Provide access to encourage the Cedar Corridor Redevelopment
- Incorporate design that will provide community continuity and not barriers
- Maximize opportunities for business growth by addressing transportation needs
- Maximize/utilize excess right-of-way
- Limit right-of-way impacts to existing properties
- Guide required right-of-way impacts to enhance redevelopment opportunities
- Environmental justice focus on solutions through more equitable access:
 - Improve transit service and reliability
 - Improve multi-modal access to centers of employment
- Help businesses to manage impacts of construction
- Minimize impacts to businesses during construction
- Minimize impacts to businesses access in final design
- Minimize local agency project costs

Kennedy

&

Graven

CHARTERED

Mary D. Tietjen
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402

(612) 337-9300 telephone
(612) 337-9310 fax
email: mtietjen@kennedy-graven.com

MEMORANDUM

TO: Richfield City Council Council Memo No. 22
FROM: Mary Tietjen, city attorney
Dave Anderson, assistant city attorney
DATE: April 17, 2019
RE: Charter amendments related to council vacancies and special elections

I. Introduction

At the Charter Commission (“Commission”) meeting on February 5, 2019, staff brought several discussion items to the Commission related to recent vacancies on the City Council and the process for filling those vacancies. Staff suggested that the Commission, and ultimately the City Council, may want to consider some amendments to the City Charter to address these issues. Before making a formal recommendation to the Council to amend the Charter, the Commission and staff are seeking Council input on certain policy-related questions in order to evaluate Council support.

The purpose of this memorandum is to provide an overview of the Charter’s current requirements for filling vacancies and to present potential options and discussion points related to prospective Charter amendments.

II. Current Charter Provisions Related to Council Vacancies

The Charter presently contains a number of provisions that govern the procedural requirements for filling a vacancy on the Council.¹ Specifically, the following three rules apply:

- 1) If 90 days or less remain in the vacant seat at the time of vacancy, the person elected to fill that seat during the November general election “shall be appointed” to serve the remainder of the vacant term. The appointment shall be made as the first order of business at the first meeting following the declaration of election results²;
- 2) If 91-179 days remain in the vacant seat at the time the vacancy occurs, an appointment must be made by the Council to fill the vacant seat within 30 days. If a majority of the Council

¹ Richfield City Charter, Section 2.05, subd. 2.

² Richfield City Charter, Section 2.05, subd. 2(1).

cannot agree on an appointment during that time period, the mayor must make an appointment³; and

- 3) If 180 days or more remain in the vacant seat at the time the vacancy occurs, a special election must occur within 30-60 days from the date that a special election is called. The special election must be called at the first meeting following the vacancy⁴.

As a home rule charter city, Richfield has the authority to provide for its own procedural requirements for filling vacancies and holding special elections. Some of the implications related to the Charter provisions summarized above are as follows:

- **Appointment when 90 days or less remain in the vacant term.** Requiring that the incoming elected official be appointed assumes that the incoming elected official has both the desire and the ability to start their service early. That may not be the case, especially if that person has other professional or personal obligations prior to the start of their elected term.
- **Appointment within 30 days when 91–179 days remain in the vacant term.** Requiring the Council to make an appointment within 30 days affords the Council with very little time to solicit interest, conduct interviews, or thoroughly vet potential appointees. Because the Council meets only twice per month, a 30-day appointment window is relatively short.
- **Special election required when 180 days or more remain in the vacant term.** Because the special election must be called at the first meeting following a vacancy and subsequently held within 30-60 days, the City in many cases will not be able to adhere to Minn. Stat. 205.10, subd. 3a, which provides for only five dates throughout the year on which a special election may be held.⁵ (For example, if a Council member were to resign in late March, the City would be required to call a special election at its first meeting in April. Because the second Tuesday in May would be too soon to hold a special election, the next available date allowed by statute would be the second Tuesday in August, meaning that the City could not meet the 30-60 day requirement.)

Also, the City accepts nomination petitions for elections between 56-70 days before the election, which coincides with the statutory filing period prescribed in Minn. Stat. 205.13. Because a special election must be held no more than 60 days after it is called, that timeline will always be impossible to meet when holding a special election under the Charter's current requirements.

Requiring a special election whenever 180 days or more remain in the vacant term potentially increases the frequency of special elections. Special elections, when not held in conjunction with a municipal general election, are expensive and require a significant amount of staff time and resources, and generally have low voter turnout.

³ Richfield City Charter, Section 2.05, subd. 2(2).

⁴ Richfield City Charter, Section 2.05, subd. 2(3).

⁵ “[A] special election held in a city or town must be held on one of the following dates: the second Tuesday in February, the second Tuesday in April, the second Tuesday in May, the second Tuesday in August, or the first Tuesday after the first Monday in November. A home rule charter city must not designate additional dates in its charter.”

III. State Law Provisions Related to Council Vacancies

State law sets different requirements for filling city council vacancies.⁶ If a vacancy occurs before the first day to file affidavits of candidacy for (more than 70 days prior to) the next regular city election *and more than two years remain* in the vacant term, a special election must be held at or before the next regular city election and an appointment shall be made to serve until the qualification of a successor elected at the special election. If the vacancy occurs 70 days or fewer before the next regular city election, or when less than two years remain in the unexpired term, no special election is necessary and an appointed person shall serve until the qualification of a successor. State law allows a city to hold a special election earlier than the next regular city election, but it is not obligated to do so.

State law does not establish a process that a council must follow when making an appointment to fill a vacancy. Therefore, cities are free to follow whatever process they feel is most appropriate in any given situation (e.g. soliciting candidates, conducting interviews, forming a selection committee).

IV. Miscellaneous

1. Posting Requirements for Elections

The City Charter requires the City clerk to post and publish notice of all regular, primary, and special elections. However, the requirements in the Charter are different for each type of election.

For a regular municipal election, the Clerk must give 2 weeks' notice "by posting in the City Clerk's office and on the website and by publication. . ." For a primary election, the City Clerk is required to give 2 weeks' notice "by posting in at least one public place in each voting precinct and by publication . . ." For a special election, two weeks' published notice is required.

2. Start/End Dates for Terms of Office

The Charter currently requires that regular terms of office begin at the first regular or special meeting in January following the general election.⁷ Under that provision, new terms could hypothetically begin as late as January 14 (if the second Tuesday in January happens to fall on January 14).

Minn. Stat. § 205.07, subd. 1a provides that "[t]he terms of all city council members of charter cities expire on the first Monday in January of the year in which they expire. All officers of charter cities chosen and qualified shall hold office until their successors qualify." Therefore, there will always be a gap between the date the previous term ends and the date that the new term begins. Although the phrase "until their successor qualifies" adequately fills that gap by requiring the previous term to extend until the oath is administered at the first meeting in January, it may be helpful to amend the Charter for additional clarity.

V. Potential Charter Amendments and Policy Considerations

The Commission is seeking the Council's input in order to make its decision on whether to bring a formal recommendation to the Council. An ordinance amending the Charter requires unanimous

⁶ See Minn. Stat. § 412.02, subd. 2a; see also Minn. Stat. § 205.10.

⁷ Richfield City Charter, Section 2.03.

support of the Council. The Council should consider the following issues related to possible Charter amendments.

1. **A Charter amendment to increase the amount of time remaining in a term of office before a special election is required.**

Issues to consider: frequency and cost of special elections (including staff time), particularly when held not in conjunction with a regular City election; Council appointments vs. allowing the residents to elect new members; voter turnout at recent special elections.

2. **A Charter amendment to reconcile timing of special elections with state law.**

Issues to consider: current charter requirements make compliance with state law difficult or impossible

3. **A Charter amendment related to the appointment process.**

Issues to consider: in instances where 180 days or more remain in a vacant seat, the Council does not have the ability to make an interim appointment before a special election; in instances where 91-179 days remain in a vacant seat, is 30 days enough time for the Council to make an appointment; in instances where there are 90 days or less remaining in the vacant seat, the question is whether the incoming elected official has the desire and ability to serve and whether the Council needs more flexibility.

4. **A Charter amendment creating consistency for election posting requirements.**

Issues to consider: consistency for City Clerk's office and for the public

5. **A Charter amendment that would create consistency for when council terms end and begin.**

Issues to consider: clarification and better consistency with state law

For your reference, a chart comparing how other charter cities fill council vacancies is attached hereto as Exhibit A. (This chart was prepared by the Minnetonka City Attorney, who graciously shared the information with Richfield staff.)

VI. Procedure for Amending Charter

The Commission formally recommends that the Council amend the Charter by ordinance. Within one month of receiving that recommendation, the City must publish notice of a public hearing on the proposal. The City must then hold the public hearing on the proposed Charter amendments at least two weeks but not more than one month after the notice is published. Within one month of that public hearing, the Council must vote on the proposed Charter amendment ordinance. The ordinance requires unanimous approval of all five Council members, so all must be present for the vote, and if the ordinance is adopted, it becomes effective 90 days after publication. Within 60 days after passage of and publication of an ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. The petition must be signed by registered voters equal in number to at least five percent of the registered voters in the city or 2,000, whichever is less.

EXHIBIT A

Jurisdiction	Appointment		Length of appointment or condition for calling special election	Special election	Deadlines for holding election	Other
	Req'd	Opt.				
Minnetonka		X	Appointed for remainder of term, if two or less years remaining in term	Council may call special election rather than appoint	90 days after council calls for election or 90 days after expiration of 67-day period to make decision on appointment or election	
		X	If more than two years remain in term, council can appoint someone to serve until the special election	Special election required	Same as above	
Statutory cities	X		Appointed for remainder of term, if less than 2 years remaining	NA	NA	
	X		Appointed until a special election or next regular municipal election, if more than 2 years remaining in term	Required	Council has option of holding a special election at next municipal election or another date	
Bloomington	X		Appointed until expiration of term, if 2 months or less remaining in term	Special elections occur on the state or municipal election date, not at		
	X		Appointed until next regular state			

Jurisdiction	Appointment		Length of appointment or condition for calling special election	Special election	Deadlines for holding election	Other
	Req'd	Opt.				
			or municipal election, if opening filing date has not yet occurred for the next state or municipal election	other times		
	X		Appointed until the state or municipal election in the following year, if opening filing date has already occurred for the next state or municipal election			
Brooklyn Center		X	Appointed for remainder of term, if less than one year remaining	Council has option to call election rather than appoint	Special election, if any, must be held 60-200 days after occurrence of vacancy	Charter includes detailed procedures for appointment process
			Special election, if one year or more remaining in term	Special election required		
Brooklyn Park	X		For remaining term, if less than 365 days remaining			Mayor makes appointment if council fails to make appointment; Council must adopt appointment procedure by ordinance
			Special election, if 365 days or more remaining in term	Council must call for election within 45 days	Election must be 75-120 days after it is ordered,	

Jurisdiction	Appointment		Length of appointment or condition for calling special election	Special election	Deadlines for holding election	Other
	Req'd	Opt.				
					depending upon whether there is a primary	
Duluth	X		Appointed until January following next municipal election	Special election, if required, is held only at time of municipal elections		
Hopkins	X		Appointed until next regular city election, if vacancy occurs before opening filing for the next election and more than 2 years remaining in term	Special election required		
	X		Appointed for remainder of unexpired term, if vacancy occurs after opening filing or less than 2 years in term	No special election		
Plymouth	X		Appointed until next regular municipal election, if vacancy occurs before last day of filing for that office	Special election is held at the regular municipal election		
	X		Appointed for remainder of term, if vacancy occurs after last day of filing for municipal election	No special election		

Jurisdiction	Appointment		Length of appointment or condition for calling special election	Special election	Deadlines for holding election	Other
	Req'd	Opt.				
Richfield	X		Appointed for remainder of term, if less than 90 days remaining	No special election	Must appoint person elected at the Nov. election	
	X		Appointed for remainder of term if 90-180 days remaining	No special election	Mayor appoints if council does not appoint within 30 days	
			Special election if 180 or more days remain in term	Special election required	Election must be held within 30-60 days of the date called, no primary	
Robbinsdale	X		Appointed until next regular municipal election, if vacancy is in mayor's office	Special election, if any, is held at the regular municipal election		
	X		Appointed for remaining term, if vacancy is a council seat with 8 months or less remaining	No special election		
			Special election if vacancy is for council seat with more than 8 months remaining	Special election required	Election must be held 60-65 days after vacancy is declared	Council appoints if no one files for vacant seat
Rochester			Special election required if mayor's office is vacant	Special election required	Candidates must have at least 14 days to file and election must be held within	Council can waive any special election requirement if MN law doesn't
			Special election required if council member	Special election required		

Jurisdiction	Appointment		Length of appointment or condition for calling special election	Special election	Deadlines for holding election	Other
	Req'd	Opt.				
			at large seat is vacant		70 days after filing deadline; special primary required if more than 2 candidates	permit the special election to be held on a date prior to the next regularly scheduled election for that position
		X	Special election required if council ward seat is vacant and more than one year before the next regular general election; council may appoint someone to fill post until the special election	Special election required		
	X		Appointed until next regular general election; elected person serves remainder of unexpired term, if any.	Special election occurs at general election, if applicable.		
St. Cloud	X		Appointed until next general or municipal election	Special election occurs at general or municipal election, if applicable.	If council fails to appoint within 30 days, mayor appoints.	
			No appointment made if vacancy is declared less than 90 days before a general or municipal election.	Special election occurs at general or municipal election, if applicable.		
St. Louis Park	X		Appointed until the next regularly scheduled city or state election, if vacancy occurs more than 90 days before city or state election	Special election occurs at city or state election, if applicable, and elected person		

Jurisdiction	Appointment		Length of appointment or condition for calling special election	Special election	Deadlines for holding election	Other
	Req'd	Opt.				
				<p>serves remainder of unexpired term, if any.</p>		
	X		<p>Appointed until the city or state election that next occurs after the upcoming city or state election, if vacancy occurs less than 90 days before city or state election</p>	<p>Special election occurs at city or state election, if applicable and elected person serves remainder of unexpired term, if any.</p>		
Wayzata	X		<p>Appointed to serve until the next general municipal election</p>	<p>Special election occurs at municipal election and elected person serves remainder of unexpired term, if any.</p>		



**REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
APRIL 23, 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 April 9, 2019; and (2) Regular City Council meeting of April 9, 2019.

PRESENTATIONS

1. Metropolitan Council Representative Molly Cummings
2. Proclamation observing Earth Day, Arbor Day, and Arbor Month

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. Consider adoption of a resolution modifying a Health Care Savings Plan for International Association of Firefighters (IAF), Local 1215 bargaining unit employees.
Staff Report No. 56
 - B. Consider approval of a bid tabulation and award of a contract to Corrective Asphalt Materials, LLC for the 2019 Maltene Pavement Rejuvenation Project in the amount \$436,580, and authorize the City Manager to approve contract changes under \$175,000 without further City Council consideration.
Staff Report No. 57

- C. Consider approval of a proposal for Bolton & Menk to provide construction engineering services for the Lyndale Avenue Reconstruction Project for a fee not to exceed \$818,606.

Staff Report No. 58

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

OTHER BUSINESS

7. Consider adoption of revisions to the Inclusionary Housing Policy with regards to Housing and Redevelopment Authority scattered-site programs.

Staff Report No. 59

CITY MANAGER'S REPORT

8. City Manager's Report

CLAIMS AND PAYROLLS

9. 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.

10. 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

April 9, 2019

CALL TO ORDER

The meeting was called to order by Mayor Regan Gonzalez at 5:16 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; Melissa Poehlman, Assistant Community Development Director; and Jared Voto, Executive Aide/Analyst.

City of Bloomington Present: Gene Winstead, Mayor; Tim Busse, Council Member; Shawn Nelson, Council Member; Patrick Martin, Council Member; Jamie Verbrugge, City Manager; Karl Keel, Public Works Director; Julie Long, City Engineer; and Amy Marohn, Civil Engineer.

Item #1	DISCUSS I-494 CORRIDOR PROJECT WITH BLOOMINGTON CITY COUNCIL
----------------	---

Richfield and Bloomington City Councils and staff members introduced themselves.

Richfield City Engineer Pearson and Bloomington Civil Engineer Marohn presented on I-494: Airport to Hwy 169 project including a project overview, project schedule, the regional transportation goals, and staff-developed local goals (transportation and economic). They introduced the local goals and asked for feedback from policymakers.

Mayor Regan Gonzalez asked about adding a communication effort to the “minimize impacts to businesses during construction” item and if stormwater impacts were included in these goals generally, since it was specifically called out.

Bloomington Council Member Busse commented on thinking about businesses and minimizing business impacts during construction as a top priority, while also thinking about using the design of 494 as an economic development tool for the corridor.

Bloomington Public Works Director Keel commented that staff has been thinking about that there will be impacts to properties and how to guide those impacts so that there are developable parcels and more long-term positives for the corridor.

Bloomington Mayor Winstead agreed that communication is key for businesses and residents during construction.

Council Member Whalen commented that there are two goals with “et cetera” and thought it would be worth clarifying and making them more measurable to ensure we can look back at goals and determine if we succeeded with the project.

Council Member Supple commented on the importance of working together with Bloomington as what is good for Richfield is good for Bloomington and vice versa.

Council Member Trautmann agreed with all the comments and wants to set the goal of positive outcomes for the corridor, not the least, worst choice. He commented we should work to minimize impacts while maximizing opportunities.

Mayor Regan Gonzalez thanked staff from both cities for pulling these goals together and moving the cities forward together.

Bloomington Mayor Winstead discussed having a reality check at some point and prioritizing goals and pieces of the project since currently \$200 million of funding is available for a \$400 million project. Whether it be a prioritization issues/goals, getting additional funding, or phasing the project.

Mayor Regan Gonzalez asked staff about the next steps in the goals and project.

City Engineer Pearson stated that staff will work through and prioritize the goals with their respective City Councils and asked MnDOT to speak about the project.

Amber Blanchard, Project Director for 494 Corridors of Commerce project, spoke about upcoming internal MnDOT meetings to discuss the state of funding for this project and the funding gap and stated she would come back to give an update when they had this information available.

Council Member Supple asked Ms. Blanchard if she was referring to the 494 project only, or the underpass and 82nd as well.

Ms. Blanchard responded it includes 494 and 82nd, but the 77th Street underpass is a local project.

City Manager Rodriguez gave a brief history of the 77th Street Underpass project, for the benefit of the Bloomington City Council, and provided an update on the construction schedule, current funding, and funding gap.

Bloomington Mayor Winstead discussed the importance of the 77th Street Underpass project as it ties together other elements in the corridor.

Public Works Director Asher discussed the underpass's importance to Richfield and its development as part of the commitment to the ring route solution, and stated her belief that it has more value to the region than it does to the city.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:04 p.m.

Date Approved: April 23, 2019

Maria Regan Gonzalez
Mayor

Jared Voto
Executive Aide/Analyst

Katie Rodriguez
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

April 9, 2019

CALL TO ORDER

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

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

Staff Present: Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Jay Henthorne, Police Chief; Kristin Asher, Public Works Director; Chris Regis, Finance Director; Kris Weiby, Facilities Manager; Logan Vlasaty, Civil Engineer; and Jared Voto, Executive Aide/Analyst.

OPEN FORUM

None.

PLEDGE OF ALLEGIANCE

Mayor Regan Gonzalez led the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Regan Gonzalez, S/Supple to approve the minutes of the: (1) Special concurrent City Council, HRA, and Planning Commission work session of March 26, 2019; and (2) Regular City Council meeting of March 26, 2019.

Motion carried 5-0.

Item #1

PROCLAMATION: NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK (APRIL 14-20)

Chief Henthorne introduced Tony Martin, PSAP Manager with the City of Edina. Mr. Martin spoke regarding the work of the 911 dispatchers who work hand-in-hand with the Richfield Police and Fire Departments.

Council Member Garcia stated her appreciation for the work that the dispatchers do for the city’s residents.

Mayor Regan Gonzalez read the proclamation aloud and presented it to Mr. Martin.

Item #2	<p>COUNCIL DISCUSSION</p> <ul style="list-style-type: none"> • Hats Off to Hometown Hits • Attending the Richfield Red, White & Blue Days Parade (4th of July)
----------------	---

Council Member Garcia spoke regarding Mayor Regan Gonzalez visiting her high school in Janesville, Wisconsin, and received a plaque celebrating her achievements; the possible upcoming snowfall predicted for Thursday; offered her condolences to the family of Tom Rublein who passed away recently, and discussed his contributions to Richfield. She said a memorial service would take place on April 13 from 5-6 p.m. at Cremation Society of MN on France Ave.

Council Member Supple offered her condolences to the family of Tom Rublein and spoke about her memories of him and how he tried to make the world a better place.

Council Member Trautmann offered his condolences to the family of Tom Rublein; and also remembered his grandmother, Rosa Margarita Cordova, who recently passed away. A memorial service will be held on April 20 at 10 a.m. at Straitgate Church in Minneapolis.

Council Member Supple thanked the Richfield Rotary for providing a free library to the Richfield Arts Commission that will be located near the Richfield Band Shell and they are building free libraries on May 11 from 8:30 to 11:30 a.m. (more information on their Facebook page); thanked the community who help clean up our parks and mentioned the City of Richfield staff and commission members are doing a clean-up of Veterans Park on Tuesday, April 23 from 11 a.m. to 2 p.m.; and spoke regarding a D Line tour hosted by the Metropolitan Council that she attended and discussed the bus rapid transit (BRT) line.

Council Member Whalen spoke regarding the Richfield Arts Commission and Friendship City Commission’s co-hosted event at the Community Center and the photographs are still on display through May; the Community Wellness Expo is in the morning on April 13 at the Richfield High School; and the Friends of Wood Lake is hosting their annual fundraising dinner on April 26 and encouraged people to get their tickets.

Mayor Regan Gonzalez offered her condolences to the Rublein family and Trautmann family; and spoke regarding her opportunity to meet and talk with Richfield police officers; on July 27 the Urban Wildland 5K and half marathon is taking place and encouraged people to sign-up; the rescheduled State of the Community is taking place on April 11 and encouraged everyone to attend (even if it snows); and discussed the upcoming Red, White & Blue Days and encouraged everyone to attend.

Item #3	APPROVAL OF THE AGENDA
----------------	-------------------------------

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

Motion carried 5-0.

Item #4	CONSENT CALENDAR
----------------	-------------------------

City Manager Rodriguez presented the consent calendar.

- A. Consider adoption of a resolution to support the Metro Transit D Line Bus Rapid Transit Project and the stops within Richfield along Portland Avenue at 66th, 70th, 73rd, and 77th Streets. (S.R. No. 50)

**RESOLUTION NO. 11618
RESOLUTION OF SUPPORT FOR THE METRO D LINE PROJECT**

- B. Consider adoption of a resolution authorizing Recreation Services staff to accept a \$25,000 outdoor recreation grant from the Minnesota Department of Natural Resources for improvements to a dock and boardwalk at Wood Lake Nature Center and execute agreements necessary to complete the project. (S.R. No. 51)

**RESOLUTION NO. 11619
RESOLUTION AUTHORIZING RECREATION SERVICES STAFF TO
ACCEPT A \$25,000 OUTDOOR RECREATION GRANT FROM THE
MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR
IMPROVEMENTS TO A DOCK AND BOARDWALK AT WOOD LAKE
NATURE CENTER AND EXECUTE AGREEMENTS NECESSARY TO
COMPLETE THE PROJECT**

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

Motion carried 5-0.

Item #5	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
----------------	--

None.

Item #6	CONSIDER ACCEPTANCE OF A BID TABULATION AND APPROVE AWARD OF A CONTRACTS FOR THE CITYWIDE WATER METER REPLACEMENT PROJECT TO CORE AND MAIN LP FOR SCHEDULE A WORK FOR \$2,808,741 AND VANGUARD UTILITY SERVICE, INC. FOR SCHEDULE B AND SCHEDULE D WORK FOR \$1,070,677.45 AND AUTHORIZE THE CITY MANAGER TO APPROVE CONTRACT CHANGES UP TO \$175,000 WITHOUT FURTHER CITY COUNCIL CONSIDERATION. (S.R. NO. 52)
----------------	--

Council Member Supple presented Staff Report No. 52

Public Works Director Asher commented that with the approval of this item they will start a pilot program in May to ensure the communication process meets the City’s needs and after that is successfully implemented will roll it out to a larger area of the city.

Mayor Regan Gonzalez asked about the benefits of these new meters and their additional features.

Public Works Director Asher responded that the selected meters will have a high accuracy rate, assist with leak detection, and the City can read the meters on a more frequent basis because they will not have to drive every street. There will also be a platform for residents to check their water usage.

Council Member Trautmann thanked Public Works staff for their work and shared his appreciation with their work and is looking forward to the upgrade.

Public Works Director Asher added the technology allowing residents to see their water usage will allow the department to communicate with residents, via text or email if residents sign up, allowing areas that are impacted by water main breaks, or other notifications, to be notified.

M/Supple, S/Whalen to accept the bid tabulation and approve award of contracts for the Citywide Water Meter Replacement project to Core and Main LP for Schedule A work for \$2,808,741 and Vanguard Utility Service, Inc. for Schedule B and Schedule D work for \$1,070,677.45 and authorize the City Manager to approve contract changes up to \$175,000 without further City Council consideration.

Motion carried 5-0.

Item #7	CONSIDER APPROVAL OF: FINAL DESIGN PLANS AND SPECIFICATIONS FOR THE LYNDALE AVENUE RECONSTRUCTION PROJECT FROM 66TH STREET TO 76TH STREET; AND THE BID TABULATION AND AWARD OF CONTRACT TO R.L. LARSON EXCAVATING, INC. IN THE AMOUNT OF \$10,672,483.27 AND AUTHORIZATION OF THE CITY MANAGER TO APPROVE CONTRACT CHANGES UNDER \$175,000 WITHOUT FURTHER CITY COUNCIL CONSIDERATION. (S.R. NO. 53)
---------	---

Council Member Whalen presented Staff Report No. 53.

City Engineer Pearson presented an overview of the Lyndale Avenue Reconstruction project.

Council Member Supple asked for clarification if on-street parking north of 67th Street was on both sides of the street.

City Engineer Pearson responded it would be on both sides of the street.

Council Member Supple thanked staff for receiving resident's concerns and making appropriate adjustments to the design.

Council Member Garcia commended staff for following through with meeting with residents, hearing their concerns, and the final product will look beautiful.

Council Member Trautmann thanked residents for their feedback on the project, commented on saving trees in the corridor, discussed the process for these major reconstructions and looking into the future of the area, and commented on the positives of roundabouts.

Mayor Regan Gonzalez commented she is looking forward to this reconstruction and making Lyndale Ave safer for everyone.

Council Member Whalen commented he was impressed by the residents and staff working together to make sure this project meets the needs of the corridor, up to the individual lots.

M/Whalen, S/Trautmann to approve the final design plans and specifications for the Lyndale Avenue Reconstruction Project from 66th Street to 76th Street.

Motion carried 5-0.

M/Whalen, S/Supple to approve the bid tabulation and award of contract to R.L. Larson Excavating, Inc. in the amount of \$10,672,483.27 and authorize the City Manager to approve contract changes up to \$175,000 without further City Council consideration.

Motion carried 5-0.

Item #8	CONSIDER ADOPTION OF A RESOLUTION PROVIDING FOR THE SALE OF \$8,865,000 GENERAL OBLIGATION BONDS, SERIES 2019A. (S.R. NO. 54)
---------	--

Mayor Regan Gonzalez presented Staff Report No. 54.

Finance Director Regis provided an overview of the bond sale.

Council Member Supple commented that she reviewed the capital improvement budget and financing plans and stated she supported the reduction of the par amount through the use of LGA and is looking forward to the upcoming work sessions related to balancing the long-term needs with our ability to pay.

Council Member Garcia commented on improving clarity on the budget and we are healthy financially when looking into the future.

Mayor Regan Gonzalez asked City Manager Rodriguez to share some details on looking into the budget in the future.

City Manager Rodriguez discussed goal setting and discussing finances at a meeting on May 14 and also having additional meetings to go over the budget.

Council Member Trautmann commented discussing the budget is a timely conversation and investing in our infrastructure pays dividends throughout the city.

Council Member Whalen commented on the conversation on the budget, capital planning, and upcoming projects for public works and recreation that are needed while minimizing the impact on residents and the tax levy.

M/Regan Gonzalez, S/Supple to adopt a resolution providing for the sale of \$8,865,000 General Obligation Bonds, Series 2019A.

RESOLUTION NO. 11620
RESOLUTION PROVIDING FOR THE SALE OF \$8,865,000 GENERAL
OBLIGATIONS BONDS, SERIES 2019A

Motion carried 5-0.

Item #9	CONSIDER APPROVAL OF A FACILITY DEDICATION REQUEST TO DEDICATE THE STAGE OF THE RICHFIELD COMMUNITY BAND SHELL TO THE PETERSON FAMILY. (S.R. NO. 55)
----------------	---

Council Member Garcia presented Staff Report No. 55 and discussed the work in making the band shell a reality and the importance of remembering those who have contributed to Richfield.

M/Garcia, S/Trautmann to approve a facility dedication request to dedicate the stage of the Richfield Community Band Shell to the Peterson Family.

Motion carried 5-0.

Item #10	CITY MANAGER’S REPORT
-----------------	------------------------------

City Manager Rodriguez asked Council if they would like to participate in the Red, White & Blue Days parade.

Council Members discussed and agreed to participate in the Richfield Red, White & Blue Days parade.

Item #11	CLAIMS AND PAYROLLS
-----------------	----------------------------

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

U.S. Bank	04/09/19
A/P Checks: 276386 - 276767	\$ 1,451,392.15
Payroll: 144588 - 144906; 43047	<u>675,739.38</u>
TOTAL	\$ 2,127,131.53

Motion carried 5-0.

OPEN FORUM

None.

Item #12	ADJOURNMENT
-----------------	--------------------

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

Date Approved: April 23, 2019

Maria Regan Gonzalez
Mayor

Jared Voto
Executive Aide/Analyst

Katie Rodriguez
City Manager



STAFF REPORT NO. 56
CITY COUNCIL MEETING
4/23/2019

REPORT PREPARED BY: Jesse Swenson, HR Manager
DEPARTMENT DIRECTOR REVIEW: Pam Dymtrenko, Administrative Services Director/Assistant City Manager
4/16/2019
OTHER DEPARTMENT REVIEW: N/A
CITY MANAGER REVIEW: Katie Rodriguez, City Manager
4/16/2019

ITEM FOR COUNCIL CONSIDERATION:

Consider adoption of a resolution modifying a Health Care Savings Plan for International Association of Firefighters (IAF), Local 1215 bargaining unit employees.

EXECUTIVE SUMMARY:

In 2001, the Minnesota legislature granted authority to the Minnesota State Retirement System (MSRS) to offer a post-employment Health Care Savings Plan (HCSP) to eligible employees of the State of Minnesota and other governmental subdivisions. A post-employment HCSP is an employer-sponsored program that allows employees to save money to pay towards medical expenses and/or health insurance premiums after termination of employment. Employees are able to choose among different investment options provided by the State Board of Investment. Assets contributed into the program are tax-free, accumulate tax free, and if used for medical expenses, remain tax-free.

The International Association of Firefighters (IAF), Local 1215 bargaining unit employee group has agreed upon a modification to its plan that modifies the bi-weekly contribution amount. Under state statute, modifications to HCSP's cannot be made more often than once every two years. The last modification to the Management HCSP was in 2006. Staff is recommending amending the Post Employment Health Care Savings Plan for IAF, Local 1215 bargaining unit employees.

RECOMMENDED ACTION:

By motion: Adopt a resolution modifying a Health Care Savings Plan for eligible International Association of Firefighters (IAF), Local 1215 bargaining unit employees.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Legal authority to establish a HCSP is provided through Minn. Stat. 352.98 and Internal Revenue Service rulings. The establishment of each plan, including contribution formulae, must be negotiated when dealing with a collective bargaining unit or personnel policy where non-union employees are involved. Once established, the plan must be filed with MSRS to initiate or modify the plan.
- Participation for each individual employee within a bargaining unit or employee group is mandatory once the plan is established for that respective group. Moreover, the amounts

contributed for or by each employee in a particular group must be the same for every employee of the group; however, contributed amounts between employee groups will vary.

- A Health Care Savings Plan was established by the City Council for the International Association of Firefighters (IAF) Local 1215 on March 6, 2006. Under state statute, plan modifications may be made no more frequently than once every two years.

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

- Minnesota Statutes have been amended to provide the opportunity for a very valuable benefit to City employees. The City of Richfield has offered this benefit to employee groups that are interested in such a mandatory plan.
- Approval of the resolution by the City Council will provide the City authority to proceed with this modified program for the International Association of Firefighters (IAF), Local 1215 bargaining unit employees. Plan modifications can be made every two years.

C. CRITICAL TIMING ISSUES:

- There is no time critical issue pertaining to the timing of this modification; however, the majority of International Association of Firefighters (IAF), Local 1215 bargaining unit employees have expressed a desire to implement the modified program, so it should be pursued at the City's earliest opportunity.
- After City approval, this plan must be submitted to MSRS for filing and implementation.

D. FINANCIAL IMPACT:

- There is no cost to the City in this version of the plan since the City makes no contribution. In fact, there is a cost savings to the City in that wages and severance pay that the employee contributes to the Health Care Savings plan are not subject to Social Security or Medicare contributions.
- The plan provides a great tax savings to the participating employees and provides a tax mechanism to fund post-employment medical costs.

E. LEGAL CONSIDERATION:

- There is legal authority for this plan in Minnesota Statutes and IRS Code.
- The plan modification has been sent to the State for review and has received informal approval.

ALTERNATIVE RECOMMENDATION(S):

- The City Council could decide not to approve this plan modification. In that case, the current plan would remain in effect; however, this decision contradicts the wishes of the majority of this employee group.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
☐ Fire HCSP	Backup Material
☐ Resolution	Resolution Letter

Policy: ***International Association of Firefighters, Local 1215
Post Employment Health Care Savings Plan***

Approved by: Richfield City Council on ~~February 28, 2006~~ Date TBD.

Effective Date: ~~March 6, 2006~~ May 2019

Page: 1 of 2

Plan Purpose

The **City of Richfield** and the **Firefighters (IAF Local 1215)** bargaining unit are interested in establishing a means for eligible employees to participate in a mandatory program to help defray some of the costs of post employment health related expenses, including health insurance premiums using pre-tax dollars. Participation in the Post Employment Health Care Savings Plan, administered by the Minnesota State Retirement System (MSRS), is intended to provide an opportunity to accomplish that goal.

**Post
Employment
Health Care
Savings Plan**

A Post Employment Health Care Savings Plan (HCSP) is an Employer-sponsored program that allows eligible employees to:

- 1) defer payment of a portion of unused Vacation and Holiday Leave as a severance payment at the time of termination to pay for eligible health insurance premiums and/or health expenses after separation from City service, and
- 2) defer a portion of an Employees' biweekly salary for deposit into their HCSP for the payment of qualified healthcare related expenses after separation from City service.

Employees will be able to choose among several different investment options provided by the Minnesota State Board of Investment. Under the Plan, amounts contributed into the HCSP are tax-free and not subject to FICA contributions. Assets in the HCSP will accumulate tax-free and since payouts are used for qualifying medical expenses, they will also remain tax-free.

**Eligibility to
Participate**

Participation in the **Firefighters HCSP** is mandatory for all employees that meet the following requirements:

1. The Employee must be a member of the Richfield Firefighter Bargaining Unit at the time of termination of employment.

**Contribution
Formula**

Mandatory participation in the **Firefighter HCSP** shall be in accordance with, and limited to the following formulas for contributions:

I. Biweekly Contribution

1. An eligible Employee must contribute ~~\$25~~ **\$50** per pay period to the Employee's account in the Firefighter HCSP. Such contributions shall not exceed ~~\$25~~ **\$50** per pay period.

II. Severance Contribution

1. Severance based on all accumulated but unused **Vacation Leave and Holiday Leave** hours shall be paid as a credit to the Employee's account in the **Firefighter HCSP**.
2. Severance based on all eligible Sick Leave as determined by Article 9, SICK LEAVE of the Firefighter collective bargaining agreement shall be paid as a credit to the Employee's account in the **Firefighter HCSP**.
3. All severance payments contained in this section shall be calculated by multiplying the number of hours by the applicable rate of pay upon termination.

Contributions authorized under this Plan shall continue until such time as this memorandum is amended or repealed by the City of Richfield and IAF, Local 1215.

HCSP Administration

The HCSP is authorized under the Internal Revenue Code and is administered by the Minnesota State Retirement System.

RESOLUTION NO.

RESOLUTION ESTABLISHING AN UPDATED AMENDED POST EMPLOYMENT HEALTH CARE SAVINGS PLAN FOR FIREFIGHTER EMPLOYEES (LOCAL 1215)

WHEREAS, Laws of Minnesota 2001, chapter 352.98, authorizes the Minnesota State Retirement System (MSRS) to offer a Post Employment Health Care Savings Plan (Plan) program to state employees, as well as, other governmental subdivisions, and

WHEREAS, the Internal Revenue Service Code provides for such Plans, and

WHEREAS, the City of Richfield currently offers such a Plan to eligible City employees as a tax free method for employees to set aside money to cover the ever increasing costs of health insurance and medical costs after termination of public employment, and

WHEREAS, such plans must be established by employee group, either through a collective bargaining agreement for union employees or a personnel policy for employees not covered by a collective bargaining agreement, and

WHEREAS, modification to the provisions of an established Plan for the Firefighters (Local 1215) employee group have been agreed to by the Firefighters (Local 1215) employee group and the City of Richfield, and

WHEREAS, the proposed plan is a net savings to the City of Richfield and a benefit to the individual employees covered by the plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richfield hereby authorizes the City Manager to amend the Health Care Savings Plan for the Firefighters (Local 1215) group of employees in the City of Richfield.

Adopted by the City Council of the City of Richfield, Minnesota this 23rd day of April 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 57
CITY COUNCIL MEETING
4/23/2019

REPORT PREPARED BY: Logan Vlasaty, Civil Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
4/16/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
4/16/2019

ITEM FOR COUNCIL CONSIDERATION:

Consider approval of a bid tabulation and award of a contract to Corrective Asphalt Materials, LLC for the 2019 Maltene Pavement Rejuvenation Project in the amount \$436,580, and authorize the City Manager to approve contract changes under \$175,000 without further City Council consideration.

EXECUTIVE SUMMARY:

In 2018, the City initiated a thorough pavement preservation and maintenance program for streets that follows the residential mill and overlay program. The intent is to preserve the new road surface and further extend pavement life. The maintenance program includes:

- Maltene Rejuvenation or reclamite application (1-3 years following mill and overlay)
- Crack Sealing (1-3 years following)
- Sealcoat or other application (7-10 years following)

This year's reclamite application will be performed on the streets that were resurfaced in 2017 and 2018. Bids for the project were opened on March 28, 2019. Corrective Asphalt Materials, LLC was the only bidder, with a bid of \$436,580.

The Preservation Process

After paving, asphalt settles and dries out causing surface voids to form that allow water into the pavement and ultimately lead to cracking and other forms of pavement failure. Maltene based pavement rejuvenation, using the product known as Reclamite, soaks into these voids to seal them. This process gives the asphalt more durability and flexibility, and results in longer pavement life.

RECOMMENDED ACTION:

By motion: Approve the bid tabulation and award of contract to Corrective Asphalt Materials, LLC in the amount of \$436,580 for the Maltene Pavement Rejuvenation project, and authorize the City Manager to approve contract changes under \$175,000 without further City Council consideration.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

- In September 2014, the Accelerated Mill and Overlay program was approved in the Five-Year

Reconstruction Plan for the purpose of utilizing street reconstruction bonds to finance the work in place of special assessments. The bonds are paid down by an increase in the electric and gas franchise fees, effective April 2014.

- Approximately 85 miles of roadway will be milled and overlaid as part of the six year program. Maltene based pavement rejuvenation/Reclamite is a critical part of the preservation of the City's investment in the Accelerated Mill & Overlay Program.

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

- In 2014, the City Council approved an Accelerated Mill and Overlay Program to complete the remaining 85 miles of roads that have not received any major resurfacing since they were constructed. This program also includes the repair of storm and sanitary manholes and catch basins.
- An increase in electric and gas franchise fees was approved in 2013, and enacted in April 2014, to fund the Accelerated Mill and Overlay Program and provide long-term pavement preservation.

C. CRITICAL TIMING ISSUES:

- The maltene based pavement rejuvenation must be completed by the fall.
- Regular preventive maintenance techniques are effective in delaying costly street reconstruction projects.

D. FINANCIAL IMPACT:

- One (1) bid was received for the 2019 Maltene Pavement Rejuvenation project.
- The lowest responsive and responsible bid was \$436,580 submitted by Corrective Asphalt Materials, LLC.
- This work is funded by the existing franchise fees.

E. LEGAL CONSIDERATION:

- When the amount of purchase is estimated to exceed \$175,000, sealed bids shall be solicited by public notice in the manner and subject to the law governing contracts or purchases by the City of Richfield.
- The advertisement for bid for the project was published in the Richfield Sun-Current and on the Questcdn.com website on March 14, 2019.
- Bid opening was held on March 28, 2019. A copy of the bid tabulation is attached.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

	Description	Type
□	Bid Tab	Exhibit



STAFF REPORT NO. 58
CITY COUNCIL MEETING
4/23/2019

REPORT PREPARED BY: Jeff Pearson, City Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
4/16/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
4/16/2019

ITEM FOR COUNCIL CONSIDERATION:

Consider approval of a proposal for Bolton & Menk to provide construction engineering services for the Lyndale Avenue Reconstruction Project for a fee not to exceed \$818,606.

EXECUTIVE SUMMARY:

At the April 9, 2019, meeting, the City Council approved final plans and awarded the construction contract for the Lyndale Avenue Reconstruction Project. The design engineer, Bolton & Menk, has submitted a proposal to provide the construction engineering services for the project in an amount not to exceed \$818,606. Bolton & Menk is in the City's Engineering Consultant Pool and is an experienced engineering firm and the project's design engineer. Staff has negotiated a proposed scope of services that is typical and adequate for a project of this scale.

RECOMMENDED ACTION:

By motion: Approve hiring of Bolton & Menk to provide construction engineering services for the Lyndale Avenue Reconstruction Project for a fee not to exceed \$818,606.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Lyndale Avenue is one of the oldest corridors in the city.
- Originally, Highway 65 crossed the state along this corridor and while major traffic was shifted to Interstate 35W.
- Lyndale Ave remains a critical corridor connecting Richfield residents to the commercial area at 66th Street, the Wood Lake Nature Center, Richfield High School, and provides a gateway to the community with access to both Interstate 494 and the Crosstown Highway.
- The physical condition of the roadway and underground utilities are past their service life and require reconstruction.
- At the April 9, 2019 meeting, City Council approved moving forward into reconstruction.

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

- The project is identified in the City's Capital Improvement Program and Five-Year Street Reconstruction Plan.
- Council approval is required for expenditures over \$175,000.

C. CRITICAL TIMING ISSUES:

- Construction is expected to begin May 1, 2019.

D. FINANCIAL IMPACT:

- The construction engineering services has a not to exceed amount of \$818,606.
- The Lyndale Avenue Reconstruction Project is funded through Street Reconstruction Bonds.

E. LEGAL CONSIDERATION:

- The City Attorney will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
☐ Construction Services Proposal	Contract/Agreement



**BOLTON
& MENK**

Real People. Real Solutions.

12224 Nicollet Avenue
Burnsville, MN 55337-1649

Ph: (952) 890-0509
Fax: (952) 890-8065
Bolton-Menk.com

April 15, 2019

City of Richfield
Attn: Mr. Jeff Pearson
City Engineer

RE: Proposal for Professional Engineering & Surveying Services
Lyndale Avenue Reconstruction – Construction Services

Dear Mr. Pearson:

Thank you for allowing Bolton & Menk, Inc. to provide you with this proposal for Construction Services in support of the City of Richfield's Lyndale Avenue Reconstruction Project. We have enjoyed working with the City on the preliminary and final design of this important project and look forward to continuing to assist the City throughout the construction phase. This proposal is based on the final plans that have recently been completed along with our understanding of overall construction staging and scheduling. As a part of this proposal, we have described our project understanding, detailed our proposed scope of work, and itemized our estimated fees.

Project Understanding

The Lyndale Avenue Reconstruction project is a 1.2 mile reconstruction project of a critical corridor through the City of Richfield. The project includes reconstruction of the street, public utilities, and pedestrian facilities. The bulk of construction activities are scheduled to occur in 2019, between May and November.

This project includes the following key elements: intersection access, ADA facility improvements, public utility installations, traffic signal replacement, traffic control staging and management, erosion control and storm water management, retaining walls, and TPAR (Temporary Pedestrian Access Routes) maintenance during construction.

Construction administration activities extend beyond ensuring construction elements are in accordance with the contract documents, it will require coordination and communication with many stakeholders which was initiated during the design phase.

Bolton & Menk is uniquely qualified to oversee the construction administration phase of this project by maintaining the continuity in staff and keen understanding of the project plans, contract documents, and project stakeholders.

Scope of Work

Phase 3: Construction Services

Task 1: Preconstruction Coordination

Our project team will schedule and facilitate the preconstruction meeting, along with an open house for the public. We will review shop drawings, collect/catalog pre-construction photos of the corridor, prepare contract submittal checklist, organize project records and files.

Task 2: Construction Administration

Construction administration services include a part-time construction engineer onsite regularly to help address construction-related questions by the Contractor, review and process construction changes, attend/conduct weekly construction meetings, conduct weekly on-site neighborhood meetings, assist in addressing area business and property owner concerns, review of quantities, review and tracking of change orders, and preparation of pay estimates. Construction administration will also include monitoring project schedule and keeping the City apprised of construction progress.

We have estimated part-time, onsite, construction engineering needs at 20-24 hours/week for 32 weeks, along with project management support at 6 hours/week for 32 weeks.

Task 3: Construction Observation

The Bolton & Menk team will provide full-time onsite construction observation for this project. We understand the various construction stages and scale of this project. Given the size of the project, it will be necessary for the contractor to have a minimum of 2-crews, likely more, working throughout the duration of the project, likely in multiple stages of the project. We propose to have two construction observers onsite full-time for the majority of construction, estimated at 20-weeks, and then will look to scale back to one construction observer once utility work is complete to finish the project, estimated at an additional 12-weeks. If supplemental observation is necessary beyond these levels we understand City staff will provide support. Our project team will monitor and adjust our staffing as necessary according to the Contractor's schedule and project needs, or as requested by the City.

Duties of the Construction Observer will include attendance at the pre-construction meeting, construction-related meetings as construction allows, service as a liaison between the City and the Contractor; review of the ongoing and completed work to monitor and document if the project is in general conformance with the plans and specifications; review of all materials and compaction testing; maintenance of construction documentation; communication with affected property owners, as necessary, to address their construction-related concerns and issues.

Full-time observation needs are estimated at 55-60 hours/week for 32 weeks for the primary construction observer and 55-60 hours/week for 20 weeks for our secondary construction observer throughout underground utility work.

Task 4: Public Communication

Continued stakeholder engagement is inherent to the success of the Lyndale Avenue Reconstruction project. Therefore, widespread and ongoing public communication will be necessary throughout the construction phase of this project. Our communications team, with input from our onsite construction team, will assist in preparing monthly project newsletters and construction notices (utility shutdowns, access restrictions, etc.). The communication liaison will attend weekly construction meetings to take/record meeting minutes, and they will distribute the minutes following the meeting.

Task 5: Construction Staking

We will have a dedicated survey crew chief during construction to ensure consistency in staking over the duration of the project. Bolton & Menk has over 15 survey crews in the Metro area allowing for sufficient capacity during heavy construction periods for supplemental survey assistance.

It is anticipated that a survey crew will be onsite approximately 25 hours per week, on average, throughout the construction season.

Task 6: Punchlist and Warranties

Bolton & Menk will complete final review of the project elements for maintenance, final cleanup, and coordinate any remaining punchlist items in the spring of 2020.

Task 7: Contract Closeout

Bolton & Menk will finalize any outstanding extra work orders and project close-out documents.

Task 8: Record Drawings

Bolton & Menk will complete an asbuilt survey of the utility improvements, traffic signals, and RRFB’s throughout the corridor following construction. We will provide the City with the data file to be uploaded into the City’s online records.

Construction Testing

Bolton & Menk requested a proposal from AET to complete construction testing for the City on this project. AET has provided a proposal based on MnDOT’s State Aid testing schedule. Because the City is not utilizing State Aid funding, it is up to the City’s discretion as to how much testing is ultimately completed. The estimated fee included with this proposal is to follow the State Aid testing schedule, with the exception of testing on the retaining wall backfill. AET included additional density tests for the backfill of the wall. It is proposed to have AET contract directly with the City for construction testing.

Estimate of Fees

Because the engineer has no direct control over the scheduling or operations of the project Contractor, construction phase services described in this proposal are proposed to be provided on an hourly basis. The fees for these individual tasks are estimates:

PHASE 3	CONSTRUCTION SERVICES	
Task 1	Preconstruction Coordination	\$ 27,121
Task 2	Construction Administration	\$ 131,616
Task 3	Construction Observation	\$ 452,720
Task 4	Public Communication	\$ 27,621
Task 5	Construction Staking	\$ 122,560
Task 6	Punchlist and Warranties	\$ 19,442
Task 7	Contract Closeout	\$ 12,278
Task 8	Record Drawings	\$ 25,248
	TOTAL ESTIMATED FEES	\$ 818,606
	<i>Construction Testing</i>	\$ 74,439

Bolton & Menk, Inc. shall not supervise, direct, or have control over the contractor’s work. Bolton & Menk, Inc. shall not be responsible for the means, methods, procedures, techniques, or sequences of construction, nor for the safety on the job site.

The primary Bolton & Menk team for construction includes the following people:

Principal in Charge	Marcus Thomas, P.E.
Transportation Project Manager	Tim Lamkin, P.E.
Principal Project Manager	Sarah Lloyd, P.E.
Construction Engineer	Sam Ellison, P.E.
Senior Construction RPR	Gary Garr
Construction RPR/Design Engineer	Zachary Parsons, E.I.T
Landscape Architect	Joel Odens, PLA, ASLA
Survey Manager	Eric Wilfahrt, L.S.

Thank you for the opportunity to provide you with this proposal for construction services. We look forward to providing these professional services to the City of Richfield and appreciate your consideration of Bolton & Menk, Inc. Please contact us if you have any questions, need additional information, or wish to discuss this proposal.

Sincerely,

Bolton & Menk, Inc.



Tim Lamkin, P.E.
Transportation Project Manager



Sarah E. Lloyd, P.E.
Principal Engineer

Encl.

Detailed Cost Estimate

Client: City of Richfield, MN Project: Lyndale Avenue Reconstruction		Bolton & Menk, Inc.											Totals	Costs
Task No.	Work Task Description	Principal In-Charge (Marcus Thomas)	Project Manager (Sarah Lloyd / Tim Lamkin)	Communications Liaison (Nicole Schmidt)	Lead Construction Observer (Gary Garr)	Support Construction Observer (Zach Parsons)	Construction Field Engineer (Sam Ellison)	Specialist Support	Licensed Surveyor (Eric Wilfarht)	Survey Technician (Office/Field)	Survey Crew Chief	Administrative Assistant		
1.0 Preconstruction Coordination (March, 2019 - April, 2019)														
1.1	Attend Construction Open House					2	2						4	\$510
1.2	Coordinate/Schedule Precon Meeting		2				2						4	\$590
1.3	Prepare Precon Agenda and Presentation		4	2			4					4	14	\$1,720
1.4	Attend / Conduct Precon Meeting		4	2	2	2	2		2		2		16	\$2,300
1.5	Precon Meeting Minutes		1	4									5	\$557
1.6	Pre-Construction Photos and GIS Photo Support				12			12					24	\$3,324
1.7	Prepare Contract Submittal Checklist		4				12					4	20	\$2,564
1.8	Review Plans and Specs			2	16		8						26	\$3,908
1.9	Coordinate and Conduct City & Contractor Meeting - Outside of Precon (1)		2		2		4						8	\$1,184
1.10	Organize Project Records, Files, Submittal Logs, IRA Set-Up, Coordinate One Office		2		8		8					16	34	\$4,082
1.11	Private Utility Coordination (Relocation & Guard and Protect)		2	2	8		2						14	\$2,122
1.12	Preconstruction Submittal Reviews		4			8	20						32	\$4,260
Subtotal Hours - Task 1		0	25	12	48	12	64	12	2	0	2	24	201	\$27,121
2.0 Construction Administration (Late-April, 2019 - November, 2019)														
2.1	Project Manager - Average Weekly Commitment (32 weeks, 6 hours/week)		200										200	\$33,000
2.2	Construction Field Engineer - Average Weekly Commitment (32 weeks, 22 hours/week)						704						704	\$91,520
2.3	Misc Administrative Support (32 weeks, 2 hours/week total)	8										64	72	\$7,096
Subtotal Hours - Task 2		8	200	0	0	0	704	0	0	0	0	64	976	\$131,616
3.0 Construction Observation (Late-April, 2019 - November, 2019)														
3.1	Lead Inspector - Average Weekly Commitment (32 weeks, 55 hours/week)				1760								1760	\$293,920
3.2	Support Inspector - Average Weekly Commitment (20 weeks, 60 hours/week)					1200							1200	\$150,000
3.2	Support Inspector (Specialty) - Average Weekly Commitment (8 weeks, 10 hours/week)							80					80	\$8,800
Subtotal Hours - Task 3		0	0	0	1760	1200	0	80	0	0	0	0	3040	\$452,720
4.0 Public Communication During Construction														
4.1	Compile & Maintain Public Information Plan (Including Contact Log/List)		4	16									20	\$2,228
4.2	Set-Up Communications Platforms, Pre-Construction Newsletter, Coordinate with City on Construction Website		1	8				6					15	\$1,609
4.3	Create Monthly Newsletter and Distribute to Impacted Properties (Assumes 6 newsletters, 8 hours each)		4	48									52	\$5,364
4.4	Weekly Construction Meetings, includes: Meeting Prep, Attendance, Minutes, Minutes Distribution (32 weeks, 4 hours/week)			130				16					146	\$14,500
4.5	Create Construction Notices (assumes 20 notices, 2 hours/notice)			40									40	\$3,920
Subtotal Hours - Task 4		0	9	242	0	0	0	22	0	0	0	0	273	\$27,621
5.0 Construction Staking (April, 2019 - November, 2019)														
5.1	Licensed Land Surveyor								51				51	\$7,905
5.2	Survey Technician (Office/Field)									84			84	\$9,240
5.3	Survey Crew Chief										727		727	\$105,415
Subtotal Hours - Task 5		0	0	0	0	0	0	0	51	84	727	0	862	\$122,560
6.0 Punchlist and Warranties (April, 2020 - October, 2021)														
6.1	Final Inspections for Maintenance and Final Cleanup (Spring, 2020)		4		40								44	\$7,340
6.2	Punchlist Follow-Up and Certification of Completion (Spring, 2020)		4		40								44	\$7,340
6.3	Landscaping Warranty Inspection (Fall, 2020 and 2021)		2		16			16					34	\$4,762
Subtotal Hours - Task 6		0	10	0	96	0	0	16	0	0	0	0	122	\$19,442

Detailed Cost Estimate

Client: City of Richfield, MN Project: Lyndale Avenue Reconstruction		Bolton & Menk, Inc.											Totals	Costs
Task No.	Work Task Description	Principal In-Charge (Marcus Thomas)	Project Manager (Sarah Lloyd / Tim Lamkin)	Communications Liaison (Nicole Schmidt)	Lead Construction Observer (Gary Garr)	Support Construction Observer (Zach Parsons)	Construction Field Engineer (Sam Ellison)	Specialist Support	Licensed Surveyor (Eric Wilfarht)	Survey Technician (Office/Field)	Survey Crew Chief	Administrative Assistant		
7.0 Contract Closeout														
7.1	Complete State Aid Compliance Documents												0	\$0
7.2	Final Extra Work Processing and Closeout Documentation, Coordination Items		16		20		4						40	\$6,500
7.3	Complete Project Closeout Documents		4		4		4					8	20	\$2,536
7.4	Closeout Meetings and Management (3)		12		6		2						20	\$3,242
7.5	Claims Resolution (NOT included in fee estimate)												0	\$0
Subtotal Hours - Task 7		0	32	0	30	0	10	0	0	0	0	8	80	\$12,278
8.0 Record Drawings														
8.1	Review and Prepare Record Drawings		2		12	20	10		6	4	120	4	178	\$25,248
Subtotal Hours - Task 8		0	2	0	12	20	10	0	6	4	120	4	178	\$25,248.00
Total Hours		8	278	254	1946	1232	788	130	59	88	849	100	5732	Total Hours
Average Hourly Rate		\$199.00	\$165.00	\$98.00	\$167.00	\$125.00	\$130.00	\$110.00	\$155.00	\$110.00	\$145.00	\$86.00		
Subtotal		\$1,592	\$45,870	\$24,892	\$324,982	\$154,000	\$102,440	\$14,300	\$9,145	\$9,680	\$123,105	\$8,600		
Subtotal Base Fee - Bolton & Menk (Excludes Construction Testing)														\$818,606



CONSULTANTS
· ENVIRONMENTAL
· GEOTECHNICAL
· MATERIALS
· FORENSICS

February 11, 2019

Bolton & Menk, Inc.
12224 Nicollet Avenue
Burnsville, MN 55337

Attn: Ms. Sarah Lloyd, PE (sarah.lloyd@bolton-menk.com)

RE: Quality Assurance Testing Proposal
Lyndale Ave Reconstruction
S.A.P. 157-363-032
Richfield, Minnesota
AET Proposal No. 20-21015

Dear Ms. Lloyd:

Thank you for the opportunity to provide a proposal to perform testing services on the referenced projects. This proposal has been prepared in response to your recent request, dated February 5, 2019, and describes our understanding of the project, our anticipated scope of services, our unit rates, and an estimated total fee to perform these services.

PROJECT INFORMATION

City of Richfield (hereafter referred to as the City) will be reconstructing Lyndale Avenue from 76th Street to 66th Street. The project will be funded by Local Funds.

95 percent plans were prepared by Bolton & Menk, Inc. We understand Construction Inspection and Contract Management of the project will be performed by the City or their designated representative. If any changes are made once the plans are completed and project specifications are completed, modifications to our testing rates may need to be made.

The project includes curb and gutter, sidewalks, bituminous paving, concrete paving, retaining walls, utilities (storm sewer, sanitary sewer, and watermain).

PROJECT APPROACH

During the construction improvements, AET will provide experienced, MnDOT certified Engineering Technicians to perform sampling and material testing services in general accordance with the 2018 S.A.L.T. Schedule of Materials Control. For this project, Brian Arman will be AET's contact. He can be reached at (612) 685-6571.

We understand that the City will contract with MnDOT Metro Inspections for bituminous and concrete plant monitoring.

SCOPE OF SERVICES

Based on our review of the available plans and our experience with similar projects, our anticipated scope of services is outlined below. These services will be provided on a part-time, will-call basis coordinated through authorized BMI personnel.

Soils Sampling and Testing

Our estimate of the sampling and testing to be performed on the grading and base items is based on the requirements of MnDOT's "Specified Density Method" and in accordance with MnDOT Schedule of Materials Control. AET will perform MnDOT Relative Density testing (Proctor) as well as in-place density and moisture testing on the following materials:

- Utility trench backfill.
- Embankment fill

The MnDOT Dynamic Cone Penetrometer will be used to verify compaction on the Aggregate Base sections of the project following the MnDOT Penetration Index and Moisture Content procedures in accordance with the MnDOT Schedule of Materials Control.

AET will perform the sampling of the aggregate base materials, and transport the samples to our St. Paul, Minnesota laboratory. City personnel will update AET on the schedule of material placement, material sources (including changes in source), and changes in quantities.

Retaining Wall Backfill

Our estimate for the testing of the modular block retaining wall backfill will satisfy the requirements of MnDOT's "Specified Density Method" and in accordance with MnDOT Schedule of Materials Control. AET has included in our estimate the performance of in place density testing at a frequency of 1 test per 50 lineal feet for every 1 foot of vertical backfill placement. AET recommends this level of testing for modular block retaining wall backfill to reduce the risk of failure of the wall for both Bolton & Menk and the City. Our services do not include inspection of the geogrid placement or contractors means and methods to achieve the construction of the modular block retaining wall. We assume the observations of the geogrid placement and the contractor's means and methods of construction will be performed by Bolton & Menk or City personnel.

Bituminous Pavement Sampling and Testing

As bituminous paving is being completed, AET personnel will pick-up companion samples provided by the contractor, during each day of paving, and transport the samples to our St. Paul, Minnesota laboratory. Samples will be tested in our laboratory for MnDOT Gyration Mix Properties as follows:

- Gyration Density (AASHTO T312) MnDOT Modified.

- Rice Specific Gravity (ASTM D2041).
- Asphalt extraction and aggregate gradation (ASTM D2172 Method E-11) MnDOT Modified C137 and C117.
- Fine Aggregate Angularity (AASHTO T 304, Method A, MnDOT 1206.5).
- Percent Crushed Particles (MnDOT 1214.8).

AET will utilize the MnDOT program to determine random core locations of bituminous based on information provided by City personnel regarding tonnage and pavement placement patterns. AET personnel will mark the sample locations in the field. The City will coordinate the removal of both the contractor and companion cores with the contractor.

After the completion of the coring, AET will retrieve companion core samples from the project contractor for laboratory testing. This testing will include the following:

- The thickness of each layer of the core sample.
- The density of each layer of the core sample.

Concrete Testing

During the placement of concrete curb and gutter, and sidewalk, AET will perform field testing consisting of slump, air content, and temperature of the plastic concrete, followed by casting of cylinders for compression testing. The 2018 S.A.L.T. Schedule of Materials Controls requires field testing for slump, air content, and temperature per every 100 cubic yards of each type of concrete placed each day. Compressive strength cylinders (1 set of 3 cylinders) are required once per every 300 cubic yards of each type of concrete placed each day; the cylinders will be retrieved the following day for curing and testing in our laboratory. The 3 cylinders are to be tested at 28-days. We are proposing to cast sets of 5 cylinders, with compressive strength testing as follows: 1 at 7 days, 3 at 28 days, and 5th cylinder will be held in reserve for future testing if the 28-day strength requirement is not met.

Concrete Plant Inspection

This proposal does not incorporate the time and cost to perform concrete plant inspections. These services will be provided at your request.

Bituminous Plant Inspection

This proposal does not incorporate the time and cost to perform bituminous plant inspections. These services will be provided at your request.

REPORTING

AET staff will prepare reports for the BMI to review. These reports will include the results of our field and laboratory testing as performed per the 2018 S.A.L.T. Schedule of Materials Control and testing frequencies referenced in the project documents. Daily field reports will also be prepared. AET will also provide a roster of certified personnel performing testing on the project, as well as the completed IA report (if required).

INDEPENDENT ASSURANCE

AET staff will coordinate with the MnDOT office of Independent Assurance (IA) to schedule audits of AET field and laboratory staff performing sampling and testing for this project, if required. Through the MnDOT Tester Inventory form we will ensure all AET staff providing services to this project meet the requirements set forth by IA.

ESTIMATED FEES

Our services will be provided on a unit cost basis according to the unit rates provided in the attached Fee Schedule Tabulations. Our invoices will be determined by multiplying the number of personnel hours or tests by their respective unit rates.

We have estimated a “minimum required estimate” for the project which estimates the tests needed to satisfy the requirements as defined in the Schedule of Materials Control and the project documents. The “likely needed estimate” is the cost that we anticipate will be required to complete the previously described testing services, based on our experience and assumed scheduling of the project. Therefore, we propose a budget cost estimate using the “likely needed” estimate for the scope of services for the project as outlined in this proposal. Our “likely needed” estimated fee is **\$74,439.00**. We refer you to the attached Materials Testing Estimate as reference to how we arrived at this estimated cost for each project. We caution that this is only an estimated cost.

Often, variations in the overall cost of the services occur due to reasons beyond our control, such as weather delays, changes in the contractor’s schedule, unforeseen conditions or retesting. These variations will affect the actual invoice totals, either increasing or decreasing our total costs for the project from those estimated in this proposal. If more time or tests are required, additional fees may be needed to complete the project testing services. If less time or tests are needed, a cost savings will be realized.

TERMS AND CONDITIONS

Our services will be performed per the Master Subcontract Agreement for Professional Services Between Bolton & Menk, Inc. and American Engineering Testing, Inc. dated July 22, 2013 which was updated by Amendment No. 3, dated January 8, 2019

ACCEPTANCE

AET requests written acceptance of this proposal in the Proposal Acceptance box below, but the following actions shall constitute your acceptance of this proposal together with the Terms and Conditions: 1) issuing an authorizing purchase order for any of the Services described in this proposal, 2) authorizing AET’s presence on site, or 3) written or electronic notification for AET to proceed with any of the Services described in this proposal. Please indicate your acceptance of this proposal by signing below and returning a copy to us. When you accept this proposal, you represent that you are authorized to accept on behalf of the Client.

GENERAL REMARKS

AET appreciates the opportunity to provide this service for you and looks forward to working with you on this project. If you have any questions or need addition information, please contact me.

Sincerely,
American Engineering Testing, Inc.

Zachary J. Anunson
Zachary J. Anunson, P.E.
Staff Engineer II
Phone: (612) 685-7172
Email: zanunson@amengtest.com

Brian F. Arman
Brian F. Arman
Senior Project Manager
Phone: (612) 685-6571
Email: barman@amengtest.com

Attachments: Materials Testing Estimate
Construction Service Agreement – Terms and Conditions

AET PROPOSAL No.: 20-21015 ACCEPTANCE AND AUTHORIZATION	
Signature _____	Date _____
Typed/Printed Name: _____	
Company: _____	



Materials Testing Estimate for Lyndale Ave Reconstruction – SALT SMC 2018
S.A.P. 157-363-032; Richfield, Minnesota

Material	Units	Quantity	Trips	Hours	Agency Testing & Frequency	# of Tests		Cost per Test (\$)	Cost (\$)	
						Minimum	Likely		Minimum	Likely
Common Embankment	yd ³	1,550	62	112	Proctor (1 per soil type)	2	3	140.00	280.00	420.00
					Moisture Content (1 per 10,000 yd ³ - 10 max.)	1	3	20.00	20.00	60.00
					Specified Density-Nuclear (1 per 4,000 yd ³)	1	2	16.00	16.00	32.00
Sanitary Sewer/Watermain	LF	19,788	62	112	Specified Density-Nuclear (1 per 2' of fill per 250') (T)	130	150	16.00	2080.00	2400.00
Storm Sewer	LF	5,765			Specified Density-Nuclear (1 per 500 LF) (L)	40	55	16.00	640.00	880.00
Aggregate Base - Class 5	yd ³	12,200	15	20	Gradation (2 per lot)	14	20	105.00	1470.00	2100.00
					Moisture Content (1 per 1,000 yd ³ Max of 10)	10	10	20.00	200.00	200.00
					DCP (1 per 500 yd ³)	25	35	55.00	1375.00	1925.00
					Percent Crushed (Engineer's Discretion)	0	0	180.00	0.00	0.00
					Aggregate Quality Tests (Engineer's Discretion)	0	0	961.00	0.00	0.00
					Percent Asphalt Content (Engineer's Discretion)	0	1	225.00	0.00	225.00
Structural Backfill (Modular Block Retaining Wall)	yd ³	2,389	40	120	Gradation (1 per source)	1	2	105.00	105.00	210.00
					Moisture Content (1 per 10,000 yd ³ Max of 10)	1	2	20.00	20.00	40.00
					Specified Density-Nuclear (1 per 1' of fill every 50')	146	155	16.00	2336.00	2480.00
Bituminous Testing - SP Wearing Course Mix	ton	10,526	10	13	MnDOT Gyrotory Mix Properties (1 per day per mix type)	7	10	500.00	3500.00	5000.00
					Companion Core Density	18	45	46.00	828.00	2070.00
Common and Boulevard Topsoil Borrow	yd ³	1,355	0	0	Topsoil Borrow Testing	0	0	298.00	0.00	0.00
Concrete - Walk, Curb & Gutter, Ped. Ramps, Sill, Driveways	yd ³	4,895	30	90	Plastic Concrete Testing (1 set of 5 cyl per 100 yd ³) - Included in hourly rate					
					Cylinder Molds (5 cyl per 300 yd ³)	85	150	3.00	255.00	450.00
					Testing of hardened Concrete Cylinders	85	150	22.00	1870.00	3300.00
Concrete Sample Pick Up Service					Sample pick up from job site	10	18	75.00	750.00	1350.00
Concrete - Pavement (Assumes maximum 3 days of paving)	yd ³	375	3	7	Concrete Beam Mold Rental	3	6	40.00	120.00	240.00
					Testing of Plastic Concrete - Included in hourly rate					
					Flexural Strength Testing of Concrete Beams	3	6	60.00	180.00	360.00
Concrete Sample Pick Up Service					Sample pick up from job site	2	3	75.00	150.00	225.00
Subtotal =									16,195.00	23,967.00

160 362

* Material Quantities are estimated based upon Statement of Estimated Quantities, standard conversions, and plans.

Time and Mileage	Unit	Rate (\$)	Minimum Quantity	Likely Quantity	Minimum Cost	Likely Cost
Mileage	Mile	0.75	3,840	4,608	2,880.00	3,456.00
Technician Time	Hour	90.00	362	434	32,580.00	39,096.00
Project Management	Hour	132.00	40	60	5,280.00	7,920.00
Subtotal =					40,740.00	50,472.00

Estimate prepared by: Zachary Anunson	Minimum	Likely
	Total Cost Estimate = 56,935.00	74,439.00



STAFF REPORT NO. 59
CITY COUNCIL MEETING
4/23/2019

REPORT PREPARED BY: Julie Urban, Housing Manager

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
4/17/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager

ITEM FOR COUNCIL CONSIDERATION:

Consider adoption of revisions to the Inclusionary Housing Policy with regards to Housing and Redevelopment Authority scattered-site programs.

EXECUTIVE SUMMARY:

In February, the Housing and Redevelopment Authority (HRA) discussed the application of the Inclusionary Housing policy to its scattered-site housing programs. Commissioners determined that developments involving rehabilitation and long-term affordability meet the intent of the policy. In the case of this policy, long-term affordability would need to be demonstrated through a land-trust deed, a mortgage restriction or other enforceable document requiring affordability.

The revised policy was approved by the HRA on April 15. It is attached for City Council consideration (with the only changes being to subdivision 4).

RECOMMENDED ACTION:

By motion: Adopt a revised Inclusionary Housing Policy, clarifying language relating to the Housing and Redevelopment Authority's scattered-site housing programs.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- In February, the HRA discussed the application of the Inclusionary Housing Program to its scattered-site housing programs. Historically, the HRA's New Home Program has involved both new construction and rehabilitation of existing housing. The focus on one or the other has been flexible, depending on market conditions and where the greatest need is.
- The HRA determined that it was appropriate to clarify the Inclusionary Housing policy to include those housing units that are rehabilitated and for which long-term affordability is ensured.

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

- The City Council adopted the Inclusionary Housing Policy on October 23, 2018, to ensure that projects that receive HRA funding include a mix of affordable as well as market-rate housing. With regards to the HRA's scattered-site programs, the policy requires that at least 20 percent of the units constructed in any three-year period must meet the proscribed affordability requirements.

C. CRITICAL TIMING ISSUES:

- The policy update was approved by the HRA on April 15, 2019 and will be considered by the Economic Development Authority at their next meeting.

D. FINANCIAL IMPACT:

- In the current housing market, the per unit subsidies for constructing new and rehabilitating existing housing is substantial. The HRA has historically adapted the New Home Program to respond to changing market conditions and provide the greatest impact with the limited financial resources available. The proposed update to the Inclusionary Housing Policy is consistent with this practice.

E. LEGAL CONSIDERATION:

- N/A

ALTERNATIVE RECOMMENDATION(S):

- The City Council may decide not to revise the Inclusionary Housing Policy.

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

	Description	Type
□	Inclusionary Housing Policy update	Backup Material
□	Red-line version of updated Inclusionary Housing Policy	Backup Material

City of Richfield
Richfield Housing and Redevelopment Authority
Richfield Economic Development Authority
Inclusionary Affordable Housing Policy

The City of Richfield, Richfield Housing and Redevelopment Authority, and Richfield Economic Development Authority are committed to building a community that is welcoming and affordable to a diverse population of individuals and families at all stages of their lives. As such, we hereby establish the following policy for the inclusion of affordable housing in development proposals.

Requirements

1. Housing Development Projects containing the construction of at least 5 new units which receive Financial Assistance from HRA, EDA or City:
 - a. Must contain at least 20% affordable units
 - i. At least 20% of rental housing units must be made affordable to tenant households earning no more than 60% of the Area Median Income over a period of ten years or the duration of the subsidy (whichever is longer);
 - ii. At least 20% of owner-occupied housing units must be made affordable to, and initially sold to, households earning no more than 115% of the Area Median Income;
 - iii. At least 20% of the grand total of housing units in a mixed rental/ownership development must be affordable at the affordability levels established in 1.a)i and 1.a)ii,
 - or;
 - b. Must contribute to the Richfield Housing and Redevelopment Fund
 - i. 15% of the “net present value” of Tax Increment generated by the project (or 15% of the net present value of other types of assistance) must be pledged to the Richfield Housing and Redevelopment Fund over a period of ten years or the duration of the subsidy (whichever is longer), or;
 - ii. A pro-rata combination of the above (i.e. 10% affordable units and a 7.5% contribution) may be considered, and;
 - c. Must agree to provide 90 days’ advance notice to the public body providing funding of any sale of the property,
and;
 - d. Must agree to not discriminate against households utilizing Housing Choice Vouchers (Section 8) or other forms of rental assistance.
2. Non-Housing Development Projects that receive Financial Assistance from HRA, EDA or City and which result in the loss of affordable housing:
 - a. Affordable housing units eliminated by the project must be replaced on-site or at another location in Richfield by the developer at similar affordability levels, or;
 - b. 5-15% (depending on the magnitude of the loss of affordable housing) of the “net present value” of the Financial Assistance provided must be pledged to the Richfield Housing and Redevelopment Fund over a period of ten years or the duration of the subsidy (whichever is longer).

Incentives

3. Housing Development Projects which include affordable units (as outlined in 1a above) are eligible to apply to the City for the following considerations regardless of whether or not they receive Public Financial Assistance:
 - i. Building Permit Fee Reductions (10% reduction for rehabilitation and/or 5% reduction for new construction);
 - ii. 4d Property Tax Reduction (rental projects);
 - iii. Consideration of code flexibility (e.g., smaller setbacks, excessive impervious surface, etc.) in planned unit developments;
 - iv. A housing unit density bonus of 5-15% (e.g., a project in an area that allows 8-24 units/acre could add an additional 1-4 units/acre and remain in compliance).

Exceptions

4. With regards to “scattered-site single family housing development,” at least 20% of the units newly constructed or rehabilitated and converted to long-term affordability in any three-year period must meet the proscribed affordability requirements.
5. The City Council or Board of Commissioners of the Housing and Redevelopment Authority or Economic Development Authority may vary the application of this policy as circumstances warrant with the adoption of findings of the reasons for doing so.

Adopted as revised:

This 24th day of April, 2019 by the Richfield City Council.

Mayor

City Manager

This 15th day of April, 2019 by the Richfield Housing and Redevelopment Authority.

Chair

Secretary

This ___ Day of ____, 2019 by the Richfield Economic Development Authority.

President

Secretary

City of Richfield
Richfield Housing and Redevelopment Authority
Richfield Economic Development Authority
Inclusionary Affordable Housing Policy

The City of Richfield, Richfield Housing and Redevelopment Authority, and Richfield Economic Development Authority are committed to building a community that is welcoming and affordable to a diverse population of individuals and families at all stages of their lives. As such, we hereby establish the following policy for the inclusion of affordable housing in development proposals.

Requirements

1. Housing Development Projects containing the construction of at least 5 new units which receive Financial Assistance from HRA, EDA or City:
 - a. Must contain at least 20% affordable units
 - i. At least 20% of rental housing units must be made affordable to tenant households earning no more than 60% of the Area Median Income over a period of ten years or the duration of the subsidy (whichever is longer);
 - ii. At least 20% of owner-occupied housing units must be made affordable to, and initially sold to, households earning no more than 115% of the Area Median Income;
 - iii. At least 20% of the grand total of housing units in a mixed rental/ownership development must be affordable at the affordability levels established in 1.a)i and 1.a)ii,
 - or;
 - b. Must contribute to the Richfield Housing and Redevelopment Fund
 - i. 15% of the “net present value” of Tax Increment generated by the project (or 15% of the net present value of other types of assistance) must be pledged to the Richfield Housing and Redevelopment Fund over a period of ten years or the duration of the subsidy (whichever is longer), or;
 - ii. A pro-rata combination of the above (i.e. 10% affordable units and a 7.5% contribution) may be considered, and;
 - c. Must agree to provide 90 days’ advance notice to the public body providing funding of any sale of the property,
and;
 - d. Must agree to not discriminate against households utilizing Housing Choice Vouchers (Section 8) or other forms of rental assistance.
2. Non-Housing Development Projects that receive Financial Assistance from HRA, EDA or City and which result in the loss of affordable housing:
 - a. Affordable housing units eliminated by the project must be replaced on-site or at another location in Richfield by the developer at similar affordability levels, or;
 - b. 5-15% (depending on the magnitude of the loss of affordable housing) of the “net present value” of the Financial Assistance provided must be pledged to the Richfield Housing and Redevelopment Fund over a period of ten years or the duration of the subsidy (whichever is longer).

Incentives

3. Housing Development Projects which include affordable units (as outlined in 1a above) are eligible to apply to the City for the following considerations regardless of whether or not they receive Public Financial Assistance:
 - i. Building Permit Fee Reductions (10% reduction for rehabilitation and/or 5% reduction for new construction);
 - ii. 4d Property Tax Reduction (rental projects);
 - iii. Consideration of code flexibility (e.g., smaller setbacks, excessive impervious surface, etc.) in planned unit developments;
 - iv. A housing unit density bonus of 5-15% (e.g., a project in an area that allows 8-24 units/acre could add an additional 1-4 units/acre and remain in compliance).

Exceptions

4. With regards to “scattered-site single family housing development,” at least 20% of the units newly constructed or rehabilitated and converted to long-term affordability in any three-year period must meet the proscribed affordability requirements.
5. The City Council or Board of Commissioners of the Housing and Redevelopment Authority or Economic Development Authority may vary the application of this policy as circumstances warrant with the adoption of findings of the reasons for doing so.

Adopted as revised:

This 24th day of April, 2019 by the Richfield City Council.

Mayor

City Manager

This 15th day of April, 2019 by the Richfield Housing and Redevelopment Authority.

Chair

Secretary

This day of , 2019 by the Richfield Economic Development Authority.

President

Secretary