



**REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
OCTOBER 8, 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) Concurrent City Council, HRA, Planning Commission Work Session for September 24, 2019. (2) City Council Meeting Minutes for September 24, 2019

PRESENTATIONS

1. Presentation of Managing Fire Officer Program Certificate to FF Shea Chwialkowski
2. Firefighter and Fire Lieutenant Badging Ceremony
3. Proclamation for Indigenous Peoples Day
4. Annual meeting with the Transportation Commission

COUNCIL DISCUSSION

5. Hats Off to Hometown Hits

AGENDA APPROVAL

6. Approval of the Agenda
7. **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 approval of the Master Grant Contract for Community Health Boards with the Minnesota Department of Health. This contract is effective January 1, 2020 - December 31, 2024.

Staff Report No. 116

- B. Consider approval to purchase two (2) MT Trackless Tractors, with v-plow and snow blower attachments,

from MacQueen Equipment Inc., in the amount of \$290,077.

Staff Report No. 117

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

PUBLIC HEARINGS

9. Public hearing and consideration of a resolution adopting the assessment for weed elimination from private property and removal or elimination of public health or safety hazards from private property.

Staff Report No. 118

10. Public Hearing and consideration of a resolution to adopt the special assessment for unpaid false alarm user fees against private property.

Staff Report No. 119

11. Public hearing and consideration of a resolution adopting special assessments for unpaid vacant property registration fees against private property.

Staff Report No. 120

12. Public hearing and consideration of a resolution authorizing certification of delinquent utility bills to be collected with property taxes.

Staff Report No. 121

13. Public hearing and consideration of a resolution adopting the assessment for removal of diseased trees from private property for work ordered from January 1, 2018, through December 31, 2018.

Staff Report No. 122

14. Public hearing and consideration of resolutions adopting the annual Lyndale/HUB/Nicollet (LHN) Maintenance District assessment and proposed work for 2020.

Staff Report No. 123

15. Public hearing and consideration of resolutions adopting the annual Interstate/Lyndale/Nicollet (ILN) Project Area assessment and proposed work for 2020.

Staff Report No. 124

RESOLUTIONS

16. Violation hearing and consideration of a resolution regarding civil enforcement for establishments that recently underwent alcohol compliance checks conducted by Richfield Public Safety staff, and failed by selling alcohol to underage youth.

Staff Report No. 125

CITY MANAGER'S REPORT

17. City Manager's Report

CLAIMS AND PAYROLLS

18. Claims and Payrolls

19. 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

Concurrent City Council, HRA and Planning Commission Work Session

September 24, 2019

CALL TO ORDER

The meeting was called to order by Mayor Regan Gonzalez at 5:45 p.m. in the Bartholomew Room.

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

Council Members Absent: Edwina Garcia

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

Planning Commission Members Present: Kathryn Quam; Susan Rosenberg; Sean Hayford Oleary; and James Rudolph.

Planning Commission Members Absent: Allysén Hoberg Chair; Bryan Pynn; and Peter Lavin.

Staff Present: Katie Rodriguez, City Manager; Neil Ruhland, Communication and Engagement Manager; Mary Tietjen, City Attorney; Melissa Poehlman, Asst. Community Development Director; and Blanca Martinez Gavina, Executive Analyst.

Others Present: Brian Bochman, Austin Morris and Adam Guy from Enclave Development

Item #1	PRELIMINARY CONSIDERATION OF A REDEVELOPMENT PROPOSAL FOR PROPERTIES AT THE NORTHEAST CORNER OF 65TH STREET AND LYNDAL AVENUE (6439 LYNDAL AVENUE SOUTH, 6437 LYNDAL AVENUE SOUTH, AND 415 - 64 1/2 STREET)
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Asst. Community Development Poehlman introduced Brian Bochman, Austin Morris and Adam Guy from Enclave Development.

Austin Morris reviewed the plans for development for multi-family and human centric spaces that provide a community focused experience.

Commissioner Elliot expressed that the timing is impeccable for this project. He talked about the historical context of some developments like Lyndale Plaza and stated that he was excited about the possibilities of upgrading existing affordable housing.

Commissioner Vrieze Daniels asked clarifying questions on the amount of space that would be used for retail within the development.

Asst. Community Development Director stated that there are currently at least 30,000 sq. ft. or 15,000 sq. ft. per building.

Council Member Whalen asked for clarification on the TIF value and 15% in lieu payment would allot to.

Brian Bochman stated that the TIF amount is roughly \$3.9 million. There were further specifications of these amounts.

Council Member Whalen stated his objection to subsidizing market rate luxury developments and using TIF funds towards this type of development.

Austin Morris expressed the challenges with existing conditions of the building and reiterated that there are no current re-development projects within the 46 metros in a dense area that are not using TIF, with exception of downtown Minneapolis. He continued to state that it is a crucial time to redevelop downtown Richfield.

Asst. Community Development Director stated that TIF funds can only fund eligible items and not for amenities like granite countertops.

Commissioner Vrieze Daniels spoke to the ongoing reduction of affordable retail spaces and the challenge that it poses for small businesses.

Austin Morris remarked that this development is an effective use of land and that the company is trying to target rental rates in Richfield.

Council Member Supple expressed that parking is an issue; there is an overflow from Lyn-65. She also asked if there was a shadow study done.

Adam Guy stated that there are minimum shadows across the parking lot and most of the shadow impact is in December.

Council Member Whalen asked the Enclave team what the rental rates would be for these apartment complexes.

Brian Bochman responded as follows: Studios \$1,200, 2 bedrooms \$1,600.

Council Member Whalen stated that a renter's average income in Richfield is \$34,000.

Brian Bochman stated that the rates are compatible with projects that are going up the metro area and that it is impossible to fill the niche for everyone.

Commissioner Quam asked about design elements and wondered if the design was too modern to withstand changing architecture.

Asst. Community Development Director Poehlman shared information about a market study on 66th and Nicollet that stated the City has too much retail and that needs of residents lie on high end niche stores.

Brian Bochman gave information about projected taxes of \$80,000 annually.

Commissioner Supple spoke about the need to take action but to also be aware of unintended consequences. She further stated that it is important to be cognizant of the push for luxury housing but not at the expense of relocating residents.

Commissioner Elliot, commented that there is a ripple effects for decisions made and not made, willing and able to bring upon these issues.

Austin Morris commented that they focus on durability and not latest amenities.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:50 p.m.

Date Approved: October 8, 2019

Maria Regan Gonzalez
Mayor

Blanca Martinez Gavina
Executive Analyst

Katie Rodriguez
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

September 24, 2019

CALL TO ORDER

The meeting was called to order by Mayor Regan Gonzalez at 7:02 p.m. in the Council Chambers.

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

Council Members Absent: Edwina Garcia

Staff Present: Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Pam Dmytrenko, Asst. City Manager; Neil Ruhland, Communications Manager; and Blanca Martinez Gavina, Executive Analyst.

PLEDGE OF ALLEGIANCE

Mayor Regan Gonzalez led the Pledge of Allegiance.

OPEN FORUM

Richfield School Board Member Crystal Brakke and Richfield Public School Superintendent Steve Unowsky, thanked Fire Department Chief Kewitsch, Chief Building Official Rick Regnier, all City Staff, and the Council for their hard work to ensure Richfield's public schools were open on time.

Candance Johnson, 6712 Pleasant Ave, from Richfield Social Justice Community or RSJC, spoke about RSJC's concerns on some of Richfield Police Department's policies and the current status of PMAC (Police Multicultural Advisory Committee).

Megan Fatheree, Richfield resident, commented about the communities' desire to engage more with the Richfield Police Department.

APPROVAL OF MINUTES

M/Trautmann, S/Supple to (1)City Council Work Session of September 10, 2019; (2) Regular City Council meeting of September 10, 2019; (3) Concurrent City Council/HRA/EDA meeting of September 16th

Motion carried 4-0.

ITEM #1	PROCLAMATION DECLARING SEPTEMBER 15 TO OCTOBER 15 HISPANIC HERITAGE MONTH IN THE CITY OF RICHFIELD
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Pablo Tapia, from Asamblea de Derechos Civiles, thanked the City Council for their leadership and asked for the commitment of the City of Richfield to lead with equity.

Mayor Regan Gonzalez spoke to the role that Latino organizations have in the City of Richfield.

Council Member Supple stated that the City should be celebrating the contributions of the Latino community all year long.

Council Member Trautmann acknowledged the importance of the proclamation and also the member of Latino Lives Matter who were sitting in the audience.

ITEM #2	PRESENTATION ON THE ANNUAL MEETING WITH RICHFIELD ADVISORY BOARD OF HEALTH
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Health Administrator with the City of Richfield, Jennifer Anderson gave an overview of the annual meeting with Richfield Advisory Board of Health. Health Administrator Jennifer Anderson noted the importance of public health and promoting healthy lives. Jennifer also gave praise to Advisory Board Member Rose Jost, who won the Minnesota Department of Health Public Health Award for 2018.

Mayor Regan Gonzalez commended Richfield’s Advisory Board of Health and highlighted the importance of the municipally based Richfield, Bloomington and Edina Departments of Health, which tailors to the needs of the local community.

ITEM #3	PRESENTATION OF THE BREASTFEEDING FRIENDLY EMPLOYER RECOGNITION
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Mayor Regan Gonzalez recognized members of the WIC Breastfeeding Coalition for their efforts in promoting the importance of Breastfeeding.

Mayor Regan Gonzalez introduced Joan Bulfer, Health Specialist for the Public Health Division to present The Breastfeeding Friendly Employer Recognition to Best Buy Co.,Inc. The recognition was presented to two Best Buy employees: Lucie Cregeur and McKenzie Gaertner.

Council Member Supple shared additional comments from another Best Buy Co.,Inc., employee who stated their appreciation for the company’s flexibility and support of breastfeeding mothers.

ITEM #4	COUNCIL DISCUSSION <ul style="list-style-type: none"> • Hats Off to Hometown Hits
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Council Member Whalen thanked everyone who made Penn Fest a success and shared highlights of a meeting with community members about moving from affordable housing to equitable housing. Council Member Whalen also noted his attendance to the Minneapolis Regional Labor Federation event with elected leaders and labor unions. There were two reminders about the refrigeration project of the ice arenas and the school board election forum on October 5th.

Council Member Supple shared appreciation for all the businesses, community members and city staff that made Penn Fest a success. There was a reminder that the Department of Transportation is holding pop-ups to do roundabout education. Council Member Supple urged the residents to take part of the Renovation Celebration on October 5th from 1-5 p.m.

Council Member Trautmann stated the importance to support the Wine Tasting Event by the Richfield Foundation on October 10th and urged the public to donate. The Council Member also recognized all of the volunteers, city staff, organizations, non-profits and businesses that made it possible. There was also a reminder to learn more about the ice arena refrigeration process.

Mayor Regan Gonzalez shared two events on September 28th. The first event of Workshop on Know Your Right’s forum from 8:00-Noon, specifically focused for immigrants in the community with free legal consultation, health clinic, vaccines, music therapy, activities for kids, mental health resources. The second event was Stories Together with Miss Richfield, also on Saturday from 9a.m. to 11:00 a.m. Augsburg Park Library.

Item #5	APPROVAL OF THE AGENDA
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M/Whalen, S/Trautman to approve the agenda.

Motion carried 4-0.

Item #6	CONSENT CALENDAR
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City Manager Rodriguez presented the consent calendar.

- A. Consider approval to renew the contract with the MN Internet Crimes Against Children (ICAC) through May 31, 2024 to receive federal grant funding for Public Safety/Police. (Staff Report No. 108)
- B. Consider approval to renew the contract with Chief’s Towing, Inc., for Public Safety towing services for December 1, 2019, through November 30, 2021. (Staff Report No.109)
- C. Consider approval of a three year contract with Vitals™, for Public Safety and Fire Personnel.(Staff Report No.110)
- D. Consider the adoption of a resolution authorizing acceptance of Office of Traffic Safety (OTS) funds for an extension on an original four-year grant to fully fund an officer dedicated for DWI enforcement in Richfield. (Staff Report No.111)

PUBLIC SAFETY/POLICE TO ACCEPT GRANT
MONIES FROM THE OFFICE OF TRAFFIC SAFETY
IN THE AMOUNT OF \$76,919.89 OR
A LESSER AMOUNT, AS AWARDED BY
THE DEPARTMENT OF PUBLIC SAFETY,
TO FUND A POLICE OFFICER DEDICATED TO DWI ENFORCEMENT

- E. Consider approval of a Temporary On Sale Intoxicating Liquor license for the Richfield Foundation's Wine Tasting event to take place on Thursday, October 10, 2019, in the atrium area of Woodlake Center, located at 6601 Lyndale Ave South. (Staff Report No.112)
- F. Consider approval of a contract renewal with Adesa Minneapolis for 2019-2020 for auctioning forfeited vehicles from Public Safety/Police. (Staff Report No. 113)

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

Council Member Supple reiterated constituent Judy Moe’s support for the Vitals™ program.

Council Member Whalen stated his support for the Vitals™ program and the positive impact it can have in the community. The Council Member also shared his support for the MN Internet Crimes Against Children collaboration.

Motion carried 4-0.

Item #7	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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None.

Item #8	CONSIDER ADOPTION OF A RESOLUTION DESIGNATING THE CITY'S CONTRIBUTION TOWARDS HEALTH, DENTAL, TERM LIFE, AND DISABILITY INSURANCE PREMIUMS FOR 2020 FOR GENERAL SERVICES, MANAGEMENT, AND LOCAL 49 BARGAINING UNIT
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Council Member Supple introduced the resolution and highlighted that there would not be any changes to the term life and disability insurance and only a 25 cent increase in the dental. Council Member Supple welcomed Assistant City Manager Dmytrenko.

Assistant City Manager Dmytrenko referenced the timeline for open enrollment and details about the City’s focus on employee health and wellbeing.

M/Supple, S/Whalen to adopt a resolution designating the City’s contribution towards health, dental, term life, and disability insurance premiums for 2020 for general services management, and local 49 bargaining units.

RESOLUTION NO. 11654
RESOLUTION DESIGNATING CITY'S CONTRIBUTION
TOWARD HEALTH, DENTAL, TERM LIFE, AND DISABILITY INSURANCE
PREMIUM FOR GENERAL SERVICES, MANAGEMENT, AND LOCAL 49 EMPLOYEES

Council Member Whalen stated his appreciation for the care and ongoing support of City Richfield employees.

Council Member Trautmann commended Assistant City Manager Dmytrenko and Human Resource Staff for their incredible work in the insurance acquirement process.

Mayor Regan Gonzalez spoke of their appreciation of Assistant City Manager Dmytrenko and all the staff who support and provide input for the insurance designations.

Motion carried 4-0.

Item #9	CITY MANAGER’S REPORT
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City Manager Rodriguez had nothing to report at that time.

Item #10	CLAIMS AND PAYROLLS
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M/Trautmann, S/Supple that the following claims and payrolls be approved:

U.S. Bank	9/24/19
A/P Checks: 280811 - 281264	\$ 4,931,202.89
Payroll: 148845-149159-43060-43065	<u>677,727.32</u>
TOTAL	\$ 5,608,930.21

Motion carried 4-0.

Item #11	ADJOURNMENT
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The meeting was adjourned by unanimous consent at 8:10 p.m.

Date Approved: October 8, 2019

Maria Regan Gonzalez
Mayor

Blanca Martinez Gavina
Executive Analyst

Katie Rodriguez
City Manager



Proclamation of the City of Richfield

Indigenous Peoples Day proclamation

WHEREAS, the land now known as the State of Minnesota has been home to Indigenous Peoples since time immemorial, and without whom, the building of this state would not have been possible; and

WHEREAS, Indigenous Peoples have made essential contributions to the landscape of Minnesota, including traditional knowledge, experience, labor, technology, science, philosophy, industry, and arts; and

WHEREAS, Indigenous Peoples have long served as protectors and stewards of the natural environment for the benefit of all; and

WHEREAS, the City of Richfield strives to eliminate systemic racism toward Indigenous Peoples, and seeks to promote practices and policies that honor the state's indigenous roots, history and contributions; and

WHEREAS, the City of Richfield joins a growing number of government entities across the country that have recognized the second Monday of October as Indigenous Peoples Day, in order to promote appreciation, tolerance, reconciliation, understanding, friendship, and continued partnerships among all of its people; and

WHEREAS, the Richfield Human Rights Commission supported this proclamation at its September 3, 2019, meeting and recommended the Richfield City Council do the same; and

NOW, THEREFORE, I, MARIA REGAN GONZALEZ, Mayor of the City of Richfield, and the Richfield City Council, do hereby proclaim the second Monday in October Indigenous Peoples Day in the City of Richfield.

PROCLAIMED the 8th day of October, 2019.

Maria Regan Gonzalez, Mayor



STAFF REPORT NO. 116
CITY COUNCIL MEETING
10/8/2019

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay A. Henthorne, Director of Public Safety/Chief of Police
9/30/2019

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
10/2/2019

ITEM FOR COUNCIL CONSIDERATION:

Consider approval of the Master Grant Contract for Community Health Boards with the Minnesota Department of Health. This contract is effective January 1, 2020 - December 31, 2024.

EXECUTIVE SUMMARY:

The Master Grant Contract for Community Health Boards is designed to simplify the review of grant project agreements for community health boards. This grant is important because it applies to all grants that the Minnesota Department of Health distributes to Community Health Boards.

RECOMMENDED ACTION:

By Motion: Approve the Master Grant Contract for Community Health Boards for the period of five years, starting January 1, 2020 - December 31, 2024.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

Historically this document has been signed by the Community Health Services (CHS) Administrator and forwarded to the Minnesota Department of Health. The City Attorney however, recommended this be forwarded to the City Council for approval.

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

The City of Richfield became a Local Public Health department in 1977, which makes the City of Richfield eligible to receive public health funding to address community specific health needs.

C. **CRITICAL TIMING ISSUES:**

The Minnesota Department of Health requests this contract be signed and returned as quickly as possible. The Master Grant Contract must be fully executed by the end of 2019 when the current contract expires.

D. **FINANCIAL IMPACT:**

The city must approve the Master Grant Contract for Community Health Boards in order to continue to receive funds from the Minnesota Department of Health in 2020 - 2024.

E. LEGAL CONSIDERATION:

The City Attorney has reviewed the contract and it was approved.

ALTERNATIVE RECOMMENDATION(S):

The city must approve the contract in order to continue to receive funds from the Minnesota Department of Health.

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

Description	Type
☐ Master Grant Contract for CHB's	Cover Memo

THIS MASTER GRANT CONTRACT, and amendments and supplements thereto, is between the State of Minnesota, acting through its Minnesota Department of Health ("MDH") and City of Richfield Community Health Board ("GRANTEE"), an independent organization, not an employee of the State of Minnesota, address: 6700 Portland Avenue So., Richfield, MN 55423. Master Grant Contract Number: 12-700-00080.

1. Under Minnesota Statute §144.0742, MDH is empowered to enter into a contractual agreement for the provision of statutorily prescribed public health services;
2. MDH and GRANTEE anticipate entering into project agreements with respect to one or more individual grant projects.
3. MDH and GRANTEE wish to streamline the project agreements for individual grant projects by incorporating by reference the provisions of this master grant contract.

NOW, THEREFORE, it is agreed:

1. **TERM OF AGREEMENT.**

1.1. Effective Date. This master grant contract shall be effective on January 1, 2020, or the date MDH obtains all required signatures under Minnesota Statutes, section 16C.05, subdivision 2, whichever is later. **GRANTEE must not begin work until MDH'S Authorized Representative has notified GRANTEE that work may commence.**

1.2 Expiration Date. December 31, 2024. MDH will enter into project agreements with GRANTEE for individual grant programs and responsibilities within this aforementioned time frame. The expiration of this master grant contract is not subject to appeal.

1.3 Survival of Terms. The following clauses survive the expiration or cancellation of this master grant contract: 8. Liability, 9. State Audits, 10. Government Data Practices and Data Disclosure, 11. Ownership of Materials and Intellectual Property Rights, 13. Jurisdiction and Venue, and 14. Disputes.

1.4 Conflict of Terminology: If any term, condition, or provision of this master grant contract is contradictory to or in conflict with any similar term, condition, or provision of a project grant agreement, then the term, condition, or provision of the project grant agreement shall take precedent and control.

2. **GRANT REQUIREMENTS.** Requirements of receiving grant funds may include, but are not limited to: financial reconciliations of payments to GRANTEE, site visits of GRANTEE, programmatic monitoring of work performed by GRANTEE and program evaluation. GRANTEE will not be paid for work that MDH deems unsatisfactory, or performed in violation of federal, state or local law, ordinance, rule or regulation.
3. **TRAVEL EXPENSES.** GRANTEE will be reimbursed for travel and subsistence expenses in the same manner and in no greater amount than provided in the current "Commissioner's Plan" promulgated by the Commissioner of Minnesota Management and Budget ("MMB"). The Grantee will not be reimbursed for travel and subsistence expenses incurred outside Minnesota unless it has received the MDH'S prior written approval for out of state travel. Minnesota will be considered the home state for determining whether travel is out of state.
4. **CONTRACTING AND BIDDING REQUIREMENTS.** Per Minnesota Statutes, section 471.345, subdivision 1, GRANTEES that are municipalities must follow the law.

For projects that include construction work of \$25,000 or more, prevailing wage rules apply per Minnesota Statutes, sections 177.41 through 177.44. These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole.

5. **TERMINATION.**

5.1 Termination by the State or Grantee. MDH or GRANTEE may cancel this master grant contract at any time, with or without cause, upon thirty (30) days written notice to the other party.

5.2 Termination for Cause. If GRANTEE fails to comply with the provisions of this master grant contract, MDH may terminate this grant contract without prejudice to the right of MDH to recover any money previously paid. The termination shall be effective five business days after MDH mails, by certified mail, return receipt requested, written notice of termination to GRANTEE at its last known address.

5.3 Effect of Termination. If either GRANTEE or MDH exercises its respective right to terminate this master grant contract, with or without cause, or if this master grant contract is otherwise terminated, any individual project grant agreement which incorporates the terms and conditions of this master grant contract shall also be terminated as of the date this master grant contract terminates.

6. **ASSIGNMENT.** GRANTEE shall not assign or transfer any rights or obligations under this master grant contract without the prior written consent of MDH.

7. **AMENDMENTS.** Any amendments to this master grant contract shall be in writing, and will not be effective until the amendment has been fully executed by the same parties who executed the original of this master grant contract, or their successors in office.

8. **LIABILITY.** Each party shall be responsible for its own acts and behaviors and the results thereof. The liability of GRANTEE is governed by Minnesota Statutes, chapter 466 and other applicable laws. The Minnesota Tort Claims Act, Minnesota Statutes, section 3.736, and other applicable laws govern MDH'S liability.

9. **STATE AUDITS.** Under Minnesota Statutes, section 16B.98, subdivision 8, GRANTEE'S books, records, documents, and accounting procedures and practices of GRANTEE, or any other relevant party or transaction, are subject to examination by MDH, the State Auditor, and the Legislative Auditor, as appropriate, for a minimum of six (6) years from the end of this master grant contract, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.

10. **GOVERNMENT DATA PRACTICES AND DATA DISCLOSURE.**

10.1 Government Data Practices. GRANTEE and MDH must comply with the Minnesota Government Data Practices Act as it applies to all data provided by the MDH under individual grant project agreements, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by GRANTEE under individual grant project agreements. The civil remedies of Minnesota Statutes Section 13.08 apply to the release of the data referred to in this clause by either GRANTEE or MDH.

If GRANTEE receives a request to release the data referred to in this clause, the GRANTEE must immediately notify MDH. MDH will give GRANTEE instructions concerning the release of the data to the requesting party before any data is released. GRANTEE'S response to the request must comply with the applicable law.

10.2 Data Disclosure. Pursuant to Minnesota Statutes, section 270C.65, subdivision 3, and all other applicable laws, GRANTEE consents to disclosure of its social security number, federal employee tax identification number, and Minnesota tax identification number, all of which have already been provided

to MDH, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

11. OWNERSHIP OF MATERIALS AND INTELLECTUAL PROPERTY RIGHTS

This clause 11 shall not apply to any grant projects involving the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Program and the Title V Maternal and Child Block Grant.

11.1. Except as otherwise required by Minnesota or Federal law, GRANTEE shall own all rights, title and interest in all of the materials conceived or created by GRANTEE, or its employees or subgrantees, either individually or jointly with others and which arise out of the performance of individual grant project agreements, including any inventions, reports, studies, designs, drawings, specifications, notes, documents, software and documentation, computer based training modules, electronically, magnetically or digitally recorded material, and other work in whatever form ("MATERIALS").

MDH agrees to, and hereby does, assign all rights, title and interest it may have in the MATERIALS to the GRANTEE. MDH shall, upon request of GRANTEE, execute all papers and perform all other acts necessary to transfer or record GRANTEE'S ownership interest in the MATERIALS.

11.2. GRANTEE represents and warrants that MATERIALS produced or used under individual grant project agreements do not and will not infringe upon any intellectual property rights of another, including but not limited to patents, copyrights, trade secrets, trade names, and service marks and names. GRANTEE shall indemnify and defend MDH, at GRANTEE'S expense, from any action or claim brought against MDH to the extent that it is based on a claim that all or parts of the MATERIALS infringe upon the intellectual property rights of another. GRANTEE shall be responsible for payment of any and all such claims, demands, obligations, liabilities, costs, and damages including, but not limited to, reasonable attorney fees arising out of this master grant contract, individual grant project agreements and amendments and supplements thereto, which are attributable to such claims or actions. If such a claim or action arises, or in GRANTEE'S or MDH'S opinion is likely to arise, GRANTEE shall at MDH'S discretion either procure for MDH the right or license to continue using the MATERIALS at issue or replace or modify the allegedly infringing MATERIALS as necessary and appropriate to obviate the infringement claim. This remedy of MDH shall be in addition to and shall not be exclusive of other remedies provided by law.

11.3. GRANTEE hereby grants to MDH a perpetual, irrevocable, no-fee right and license to make, have made, reproduce, modify, distribute, perform, and otherwise use the MATERIALS for any and all purposes, in all forms and manners that MDH, in its sole discretion, deems appropriate. GRANTEE shall, upon the request of MDH, execute all papers and perform all other acts necessary, to document and secure said right and license to the MATERIALS by MDH. At the request of MDH, GRANTEE shall permit MDH to inspect the original MATERIALS and provide a copy of any of the MATERIALS to MDH, without cost, for use by MDH in any manner MDH, in its sole discretion, deems appropriate.

12. WORKER'S COMPENSATION. GRANTEE certifies that it is in compliance with Minnesota Statutes, section 176.181, subdivision 2, pertaining to workers' compensation insurance coverage. GRANTEE'S employees and agents will not be considered STATE employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way MDH'S obligation or responsibility.

13. JURISDICTION AND VENUE. This master grant contract and the project grant agreements, and amendments and supplements thereto, shall be governed by the laws of the State of Minnesota. To the extent litigation is not prohibited by section 14 of this master grant contract, venue for all legal

proceedings arising out of this master grant contract, or breach thereof, shall be in the state or federal court with competent jurisdiction in Ramsey County, Minnesota.

14. **DISPUTES.** Any dispute shall be decided by MDH'S Authorized Representative for the particular grant project agreement that the dispute concerns. MDH'S Authorized Representative will be identified in each grant project agreement between MDH and GRANTEE. If GRANTEE is dissatisfied with the decision of MDH'S Authorized Representative, GRANTEE'S sole and exclusive remedy is an administrative hearing before an administrative law judge under the contested case procedures of the Minnesota Administrative Procedure Act, Chapter 14 of the Minnesota Statutes. Pursuant to Chapter 14, the administrative law judge shall make a report to the Minnesota Commissioner of Health, who shall make the final decision on the contested case. If GRANTEE wishes to request an administrative hearing, GRANTEE must request a hearing in a writing received by MDH within 30 calendar days after GRANTEE'S receipt of the decision of MDH'S Authorized Representative. The decision of the Minnesota Commissioner of Health shall be subject to judicial review as provided in the Minnesota Administrative Procedure Act at Minnesota Statutes, sections 14.63 to 14.69.

15. **OTHER PROVISIONS**

A. Contractor Debarment, Suspension And Responsibility Certification

Federal Regulation 45 CFR 92.35 prohibits MDH from purchasing goods or services with federal money from parties who have been suspended or debarred by the federal government. A party may be suspended or debarred when it is determined, through a duly authorized hearing process, that they have abused the public trust in a serious manner. In particular, the federal government expects MDH to have a process in place for determining whether a vendor has been suspended or debarred, and to prevent such vendors from receiving federal funds.

By signing this master grant contract, GRANTEE certifies that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from transacting business by or with any federal, state or local government department or agency; and
2. Have not within a three-year period preceding this grant contract: a) been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract; b) violated any federal or state antitrust statutes; or c) committed embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property; and
3. Are not presently indicted or otherwise criminally or civilly charged by a government entity for: a) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction; b) violating any federal or state antitrust statutes; or c) committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property; and
4. Are not aware of any information and possess no knowledge that any subcontractor(s) that will perform work pursuant to this grant contract are in violation of any of the certifications set forth above.

B. Audit Requirements

1. If the Grantee expends total federal assistance of \$750,000 or more per year, the Grantee agrees to: a) obtain either a single audit or a program-specific audit made for the fiscal year in accordance with the terms of the Single Audit Act of 1984, as amended (31 U.S. Code Chapter 75) and 2 CFR 200; and, b) to comply with the Single Audit Act of 1984, as amended (31 U.S. Code Chapter 75) and 2 CFR 200.

Audits shall be made annually unless the grantee is a state or local government that has, by January 1, 1987, a constitutional or statutory requirement for less frequent audits. For those governments, the federal cognizant agency shall permit biennial audits, covering both years, if the government so requests. It shall also honor requests for biennial audits by state or local governments that have an administrative policy calling for audits less frequent than annual, but only audits prior to 1987 or administrative policies in place prior to January 1, 1987.

2. The audit shall be made by an independent auditor. An independent auditor is a state or local government auditor or a public accountant who meets the independence standards specified in the General Accounting Office's "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."
3. The audit report shall state that the audit was performed in accordance with the provisions of 2 CFR 200.

The reporting requirements for audit reports shall be in accordance with the American Institute of Certified Public Accountants' (AICPA) audit guide, "Audits of State and Local Governmental Units," issued in 1986. The Federal Government has approved the use of the audit guide.

In addition to the audit report, the Grantee shall provide comments on the findings and recommendations in the report, including a plan for corrective action taken or planned and comments on the status of corrective action taken on prior findings. If corrective action is not necessary, a statement describing the reason it is not should accompany the audit report.

4. The Grantee agrees that the grantor, the Legislative Auditor, the State Auditor, and any independent auditor designated by the grantor shall have such access to Grantee's records and financial statements as may be necessary for the grantor to comply with the Single Audit Act Amendments of 1984, as amended (31 U.S. Code Chapter 75) and 2 CFR 200.
5. If payments under this grant agreement will be made from federal funds obtained by the State through the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), the Grantee is responsible for compliance with all federal requirements imposed on these funds. The Grantee must identify these funds separately on the schedule of expenditures of federal awards (SEFA), and must also accept full financial responsibility if it fails to comply with federal requirements. These requirements include, but are not limited to, Title III, part D, of the Energy Policy and Conservation Act (42 U.S.C. 6321 *et seq.* and amendments thereto); U.S. Department of Energy Financial Assistance Rules (10CFR600); and Title 2 of the Code of Federal Regulations.
6. Grantees of federal financial assistance from subrecipients are also required to comply with the Single Audit Act Amendments of 1984, as amended (31 U.S. Code Chapter 75) and 2 CFR 200.
7. The Statement of Expenditures form can be used for the schedule of federal assistance.
8. The Grantee agrees to retain documentation to support the schedule of federal assistance for at least four (4) years.
9. The Grantee agrees to file required audit reports within nine (9) months of the Grantee's fiscal year end.

2 CFR 200 requires recipients of more than \$750,000 in federal funds to submit one copy of the audit report within 30 days after issuance to the central clearinghouse at the following address:

Bureau of the Census
Data Preparation Division
1201 East 10th Street
Jeffersonville, Indiana 47132
Attn: Single Audit Clearinghouse

- C. Drug Free Workplace
GRANTEE agrees to comply with the Drug-Free Workplace Act of 1988, as implemented at 34 CFR Part 85, Subpart F.
- D. Lobbying
GRANTEE agrees to comply with the provisions of United States Code, Title 31, Section 1352. GRANTEE must not use any federal funds to pay any person for influencing or attempting to influence an officer or employee of a federal agency, a member of Congress, an officer or employee of Congress, or any employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
- E. Equal Employment Opportunity
GRANTEE agrees to comply with the Executive Order 11246 "Equal Employment Opportunity" as amended by Executive Order 11375 and supplemented by regulations at 41 CFR Part 60.
- F. Cost Principles
GRANTEE agrees to comply with the provisions of OMB Circular A-21, A-87 or A-122 regarding cost principles for administration of this grant award.
- G. Rights to Inventions – Experimental, Developmental or Research Work
GRANTEE agrees to comply with 37 CFR, Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements" and any implementing regulations issued by the awarding agency.
- H. Clean Air Act
GRANTEE agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act as amended (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- I. No Smoking
With respect to facilities over which GRANTEE has control, GRANTEE shall comply with the Minnesota Clean Indoor Air Act.
- J. No Conflict of Interest
GRANTEE hereby assures that no interest exists, directly or indirectly, which could conflict in any manner or degree with GRANTEE'S performance of services required to be performed under this master grant contract or individual project grant agreements.

16. AUTHORIZED REPRESENTATIVES.

16.1 MDH'S Authorized Representative. MDH'S Authorized Representative for purposes of administering this master grant contract is DeeAnn Finley, Planning Director State, Community Health Division, PO Box 64975, St. Paul, MN 55164, 651-201-4551, deeann.finley@state.mn.us or their successor.

16.2 GRANTEE'S Authorized Representative. GRANTEE'S Authorized Representative is Jennifer Anderson, CHS Administrator, 6700 Portland Avenue So., Richfield, MN 55423, 612-861-9881, jenniferanderson@richfieldmn.gov, or their successor. GRANTEE'S Authorized Representative has full authority to represent GRANTEE in fulfillment of the terms, conditions, and requirements of this master grant contract. If GRANTEE selects a new Authorized Representative, GRANTEE must immediately notify the MDH.

IN WITNESS WHEREOF, the parties have caused this master grant contract to be duly executed intending to be bound thereby.

APPROVED:

1. GRANTEE:

GRANTEE certifies that the appropriate person(s) have executed this master grant contract on behalf of the GRANTEE as required by applicable articles, by-laws, resolutions, or ordinances.

By (authorized signature)
Title:
Date:

By (authorized signature)
Title:
Date:

2. STATE AGENCY:

Master grant contract approval as required by Minnesota Statutes §§16A.15 and 16C.05.

By (authorized signature)
Title:
Date:



STAFF REPORT NO. 117
CITY COUNCIL MEETING
10/8/2019

REPORT PREPARED BY: Chris Link, Operations Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director/City Engineer
9/30/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
10/1/2019

ITEM FOR COUNCIL CONSIDERATION:

Consider approval to purchase two (2) MT Trackless Tractors, with v-plow and snow blower attachments, from MacQueen Equipment Inc., in the amount of \$290,077.

EXECUTIVE SUMMARY:

The Public Works Department currently uses three MT Trackless tractors for snow removal from sidewalks, cycle tracks, park paths, trails, ice rinks and other areas as needed.

The tractors to be replaced were purchased in 2002 and 2004 and have been used well beyond their 10-year service life expectancy. These machines have experienced major breakdowns during the last few snow seasons and it is no longer cost effective to make major repairs to this equipment and the attachments.

RECOMMENDED ACTION:

By Motion: Approve the the purchase of two (2) MT Trackless Tractors, with v-plow and snow blower attachments, from MacQueen Equipment Inc., in the amount of \$290,077.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

Operations Superintendent Chris Link presented the updated snow removal and ice control policy at the September 25, 2018 City Council work session. The policy was formally adopted by City Council at the October 25, 2018 regular City Council Meeting. At these meetings, the following was discussed:

- Location of sidewalks/trails/cycle tracks;
- Increasing amount of sidewalks/trails/cycle tracks with the City's new streetscape designs;
- Large bus ridership among Richfield residents;
- Difficulty of sidewalk plowing with current streetscape design;
- The need for current equipment to be replaced to continue to provide the expected level of service;
- The City's desire to prioritize sidewalk and cycle track clearing at the same level as residential streets and the need for quality equipment to do so.

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

- The City of Richfield participates in the Minnesota State Cooperative Purchasing Program.

- MacQueen Equipment Inc. is included in the Minnesota State Cooperative Purchasing Program.
- The snow removal and ice control policy requires that sidewalks and cycle tracks are generally given the same priority-level attention as residential steets.

C. CRITICAL TIMING ISSUES:

Approval of the purchase will ensure that the equipment is built and delivered early in the year in which it was budgeted (2020).

D. FINANCIAL IMPACT:

The Council-approved 2020 proposed budget contains \$260,000 for the purchase of this equipment. The 2020 revised budget will be adjusted to reflect the actual purchase amount of \$290,077 during next year's budget process. Central Garage (61000) 2020 capital expenditures will be slightly impacted by this change but are anticipated to balance out when taking into account the other equipment purchases in 2020.

E. LEGAL CONSIDERATION:

According to Minnesota Statutes, when the purchase of materials, merchandise, equipment, or construction exceeds \$175,000, authority to purchase shall be submitted to the City Council for consideration.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
☐ MT Trackless Picture	Backup Material
☐ MT Trackless Quote	Exhibit
☐ Snow and Ice Policy	Exhibit



Ship To: SAME AS BELOW

Branch 01 - MACQUEEN EQUIP		
Date 08/05/2019	Time 9:16:05 (O)	Page 1
Account No RICHF001	Phone No 6128619700	Est No 01 Q01413
Ship Via	Purchase Order P.O.	
Tax ID No		
KEVIN FISCHER		Salesperson 128

Invoice To: CITY OF RICHFIELD
 6700 PORTLAND AVE. S.
 RICHFIELD MN 55423

EQUIPMENT ESTIMATE - NOT AN INVOICE

Description ** Q U O T E ** EXPIRY DATE: 09/04/2019 Amount

New TRACKLESS MT7 ASSUMED MN STATE CONTRACT(2020 PRICING) 148038.50
 INCLUDES ALL STD EQUIPMENT:

J.D. 4045T TIER 4 DIESEL ENGINE 74 H.P.
 31 X 10.00 X 16.5 - 8 PLY LUG/OR 16" RADIAL TIRES
 CAB ROPS J1040-C SAE CERTIFIED
 CLIMATE CONTROLLED CAB

1 YEAR COMPLETE WARRANTY

- *
 - 1.0 2020 MT7 TRACKLESS BASE \$127523
 - 2.4 LOCKING DIFFERENTIALS (FRONT AXLE) STD
 - 2.5 20 GPM HYD. PUMP & 14 GPM GEAR PUMP STD
 - 2.7 CLIMATE CONTROLLED A/C & HEAT W/ PRESSURIZED CAB W/8 AMBER STROBE LIGHTS STD
 - 2.9 INTERMITTENT FRONT WIPER STD
 - 2.10 REAR WIPER & WASHER STD
 - 2.14 REVERSING ENGINE FAN STD
 - 2.16 F-N-R ON JOYSTICK STD
 - 3.8 SIDEWALK V PLOW \$4565
 - 4.2 51" RIBBON SNOW BLOWER W/CHUTE PTO DRIVEN \$15846
 - 19.0 DELIVERY 19 MI. @ \$5.50 PER MI. \$104.50

TOTAL \$148038.50

- OTHER OPTIONS:
- 2.28 DUAL LOADER LUG TIRES & RIMS FOR BOOM FLAIL \$4998
 - 12.1 TRACKLESS BOOM FLAIL (REQUIRES 2.28) \$30575
 - 4.16 SNO-QUIP 51" RIBBON SNOW BLOWER PTO DRIVEN \$25300

Trade Ins
 =====

Serial #: 2070
 MT5

NEW TRACKLESS MT7 (SAME AS ABOVE UNIT) 148038.50

Quality Environmental Solutions and Support



MACQUEEN EQUIPMENT GROUP™

Ship To: SAME AS BELOW

Invoice To: CITY OF RICHFIELD
 6700 PORTLAND AVE. S.
 RICHFIELD MN 55423

Branch 01 - MACQUEEN EQUIP		
Date 08/05/2019	Time 9:16:05 (O)	Page 2
Account No RICHF001	Phone No 6128619700	Est No 01 Q01413
Ship Via	Purchase Order P.O.	
Tax ID No		
KEVIN FISCHER	Salesperson 128	

EQUIPMENT ESTIMATE - NOT AN INVOICE

 Description ** Q U O T E ** EXPIRY DATE: 09/04/2019 Amount

Trade Ins
 =====

Serial #: 2364
 MT5

Trade In Total: 6000.00-

Subtotal: 290077.00

Quote Total: 290077.00

Authorization: _____

Quality Environmental Solutions and Support



MACQUEEN EQUIPMENT
 GROUP™

www.macqueeneq.com

**PUBLIC WORKS DEPARTMENT
CITY OF RICHFIELD**

DATE: 10/23/2018

SUBJECT: Snow Removal and Ice Control Policy

Purpose

The purpose of this Snow Removal and Ice Control Policy (“Policy”) is to define and outline snow removal and ice control objectives and procedures as established by the City of Richfield (“City”) and the Public Works Department (“Department”).

Introduction

The City assumes basic responsibility for snow removal on City streets, City sidewalks/trails/cycle tracks, and City-owned public parking lots. The City assumes basic responsibility for ice control and mitigation on City streets and City-owned public parking lots, but does not salt or sand City sidewalks/trails/cycle tracks. Reasonable snow removal and ice control is necessary for routine travel and emergency services. The City strives to provide this service in a timely, safe, and cost-effective manner while keeping in mind safety, budget, personnel, equipment, and environmental concerns. The City will primarily use its own personnel and equipment to provide this service, but may also use private contractors when necessary.

The Policy supersedes written or unwritten policies of the City and Department regarding snow removal and ice control. This Policy does not relieve the operators of private vehicles, pedestrians, property owners, residents, and all others that may be using public streets, sidewalks, and trails or that may otherwise be affected by snow/ice removal operations, of their responsibility to act in a reasonable, prudent, and cautious manner given the prevailing weather and street conditions.

Policy

The Operations Superintendent, under the direction of the Public Works Director, will make decisions as to time, method, and materials used on snow removal and ice control operations. The Operations Superintendent is responsible for coordinating equipment and personnel, and assigning work based on the need for snow removal and ice control within the City. The Operations Superintendent maintains the authority to delegate any of the responsibilities laid out in this policy to appropriate Department staff.

The Department will only conduct snow and ice control operations when weather conditions do not endanger the safety of employees or equipment and operations are effective. Factors that may delay snow and ice control operations include:

- Severe cold
- Significant winds
- Limited visibility
- Rapid accumulation of snow and/or ice
- Traffic conditions (e.g., rush hour)

The Department continuously monitors forecasts and weather conditions to aid in mobilization decisions. The Department will use multiple sources for storm warning preparedness, including, but not limited to the following:

- National Weather Service (www.weather.gov)
- Hennepin County Emergency Management
- Local News Weather Reports
- Various weather-related web sites

Planning and Scheduling

Snow removal and ice control operations may occur during assigned work shifts or, in some situations, on a call back of workers. When conditions allow, work schedules will be arranged to keep overtime at a minimum, with overtime scheduling being approved by the Operations Superintendent. The Operations Superintendent will notify the Public Works Director of any unusual amount of overtime to be performed and the reasons for the overtime.

The Operations Superintendent retains the authority to alter assignments based on weather conditions, equipment and personnel availability, and other conditions related to snow removal and ice control.

Mobilization

Mobilization of employees is the responsibility of the Operations Superintendent. The Operations Superintendent will determine the dispatching of equipment for City streets, City sidewalks/trails, and City-owned public parking lots.

The Operations Superintendent will keep the Public Works Director informed of the start, progress, and completion of full-scale snow removal and ice control operations.

Initiating Operations

The start of snow removal and ice control operations depends upon current and anticipated conditions. The Operations Superintendent will decide when to initiate snow removal and ice control operations. Snow removal and ice control operations may be initiated any time they are deemed to be beneficial to the City. Some criteria for the decision are:

- Snow accumulation of two (2) or more inches
- Drifting of snow that causes travel problems
- Icy conditions which seriously impact travel
- Timing of snowfall in relation to heavy use of streets (e.g., rush hour)
- Forecasted and anticipated changes in weather conditions

Snow Route Assignment and Planning

Each year, the Department prepares a map of the street system, sidewalk/trail system, and public properties serviced by the City. These maps identify route areas that identify personnel, equipment, and, if necessary, the private contractors used to provide the

services. Annually, the Department revises route areas to correspond with budget, equipment, personnel, and other resources available to the City.

The Department identifies priority routes and hazards within each route area. These route areas are generally assigned to individuals and are used for planning and executing routine snow removal and ice control operations.

Street Snow Removal Routes

The Department has classified City streets based on the street function, traffic volume, and importance to the welfare of the community. The priority of snow removal routes are as follows:

1. Minor arterial roads: high-volume routes that connect the urban service area to cities inside and outside of the region
2. Collector streets: streets providing access between neighborhoods, minor business concentrations, and schools
3. Low-volume local streets
4. City parking lots, alleys, sidewalks, and trails

Emergency services officers may contact the Department to dispatch workers and equipment to provide services for emergency vehicles (i.e. police, fire, ambulance, equipment needed for electrical outages, gas leaks, etc.) responding to emergencies within the City. The Department will dispatch necessary workers and equipment as soon as possible.

Sidewalk/Trail/Cycle Tracks Snow Removal Routes

Priorities for snow removal on sidewalks are set to accommodate the needs of the mass transit public. Priority for plowing is as follows:

1. HUB area
2. Arterial roads
3. Collector streets
4. Residential neighborhoods

In the event of a major snow event (six (6) inches or more) one side of each arterial street will be plowed, until all arterial roads are cleared. Typically, two machines will be available for snow removal from sidewalks.

Cycle tracks will be cleared of snow at the discretion of the Operations Superintendent

Sidewalk/Trail/Cycle Tracks Ice Policy

In effort to best utilize the City's finite resources and prioritize snow and ice removal in high-impact areas as outlined throughout this Policy, the Department will not apply salt, sand, or other de-icing chemicals to sidewalks/trails/cycle tracks. Due to the ever-changing nature of the Minnesota climate, the physical and financial cost of keeping all sidewalks/trails/cycle tracks free of ice at all times would substantially outweigh the benefit to the community. In addition, salt, sand, and other de-icing agents have adverse effects on the local environment. Application of these substances is imprecise and may result in negative effects to adjacent green space and/or infiltration into ground water. Residents and business owners are encouraged to make sure sidewalks adjacent to their properties are ice free or otherwise safe for passage.

Transit Accommodations

In addition to plowing sidewalks in the most heavily used areas first, the Department employs a Sentencing to Service crew four days per week, whose primary task in the winter months is to clear bus stops of snow and ice for mass transit users. The Sentencing to Service crew works a defined schedule so it can take up to three days before some transit stops are cleared, depending on the timing of snowfall in relation to the schedule.

Equipment Inspection

The Department mechanics conduct a thorough inspection of all snow and ice related vehicles and equipment prior to the start of the snow season. In addition, all trucks are annually certified through the Minnesota State Patrol Mandatory Inspection Program.

The Department also conducts daily inspections of snow and ice related vehicles and equipment during the snow season. Operators of the vehicles and equipment record their daily inspections and the status of the vehicle.

Equipment Calibration

The Department calibrates all salting vehicles prior to the start of the snow season to ensure efficient and effective application. Calibration will also occur if there is a major hydraulic repair or service needed on the vehicle.

Other Responsible Entities

Other governmental entities maintain certain streets within the City, which includes snow and ice removal. The Minnesota Department of Transportation (MnDOT) and the Hennepin County Highway Department maintain separate maintenance policies for streets they maintain within the City. From time to time, entities may contract with each other to perform snow removal services. The ultimate responsibility for snow removal services rests with the controlling entity.

Hennepin County maintains streets on **Penn Ave, Nicollet Ave,** and **Portland Ave** from Trunk Highway 62 to Interstate 494 in Richfield, as well as the entirety of **66th Street** in Richfield and into Edina.

MnDOT is responsible for all freeway on/off ramps on Trunk Highways 62 and 77 and Interstates 35W and 494 in Richfield.

Responsibility varies between **Richfield, Hennepin County,** and **Bloomington** for sidewalks along interstate/trunk highway overpasses and underpasses.

The table below summarizes the entity responsible for clearing sidewalks.

Sidewalks on overpasses	Entity
494/Penn	Hennepin County
494/Portland	Hennepin County
494/Nicollet	Hennepin County
62/Penn	Hennepin County

62/Portland	Hennepin County
77/66 th Street	Hennepin County
494/Lyndale	Bloomington
494/12 th Ave	Bloomington
76 th Street/35W	Richfield
Sidewalks on underpasses	Entity
62/Lyndale	Richfield
62/Nicollet	Richfield
66 th Street/35W	Richfield

Private Contractors Providing Snow Removal Services

Richfield City Code, Subsection 930.17, limits the operation of vehicles for snow plowing on private property in residential districts and within fifty (50) feet of such districts to the period between 6:00AM and 10:00PM any day of the week.

Post-Snowfall Events

Operators conduct follow-up plowing as needed. Generally, further clearing takes place where cars were parked, at intersections, etc. Additional salting of intersections may occur at this time as well.

Snow and Ice Control Materials

The City does not have a “bare pavement” policy. The Department will wait for snowfall to cease or accumulate sufficiently before initiating snow removal. General snow pack will remain on City streets and sidewalks in many cases.

The Department will use snow and ice control materials when there are hazardous ice or slippery conditions on streets. The Department may use other minerals, chemicals, and mixtures to assist in ice control provided they have an equivalent or lesser effect on the environment than salting and are economically feasible. The Department is concerned with the effect of chemicals on the environment; therefore, it will limit its use of such chemicals.

The Department initiates salting operations to melt ice on City streets. The Department will apply snow and ice control materials at times and rates that maximize effectiveness and generally limit application to:

- Intersections
- Hazardous areas
- Isolated, slippery areas

The Department may order use of additional salt if pavement, air temperatures, or precipitation type warrant. The Department has adopted salt application best practices as stated in the Minnesota Snow and Ice Control Handbook.

The City does not employ salt or other ice control measures on sidewalks/trails/cycle tracks in the City.

Refreeze Conditions

It is not possible or practical for snow and ice to be completely removed from all sidewalks or prevent melting snow or ice from refreezing on sidewalks. Users of sidewalk and trail facilities are expected at all times to be mindful of current conditions and avoid hazards to remain safe.

Material Handling and Storage

Salt stockpiles are stored off-site at a nearby Minnesota Department of Transportation (MnDOT) facility with the exception of approximately 300 tons being stored in an enclosed structure at the Public Works maintenance facility. During the off-season, salt at the Public Works maintenance facility is tarped and stored inside a covered structure. No other materials or supplies are stored in the structure containing the salt.

Spreading and Plowing Procedures

The Department will plow snow in a manner that minimizes traffic obstructions. The center of the roadway will be plowed first, and then the snow will be plowed from left to right so the snow discharges onto the boulevard. When plowing on bridges, operators will adjust their speed to reduce or eliminate a snow wake from going over the side of the bridge. Snow on dead-end streets will generally be plowed to the end of the roadway and snow on cul-de-sacs will be plowed to the middle of the cul-de-sac.

As necessitated by available resources, snow is plowed to the edge of the street without regard for sidewalks, driveways, and other structures located in the right-of-way. Sidewalks will be cleared after roadways are cleared. The City recognizes the inconvenience that comes from snow piling up on driveways due to plowing activities, but the City is not responsible for removing this accumulated snow.

Snowplow operators are exempt from traffic regulations set forth in Minnesota Statutes, Chapter 169 while actually engaged in work on streets, except for regulations related to driving while impaired and the safety of school children. Pursuant to this authority, snowplow operators have discretion to disregard standard traffic laws, when, in their judgement, it is safe to disregard such laws.

Hauling of Snow and Snow Storage

From time to time, the Department will remove snow where space does not allow for snow to be pushed or piled outside the driving lanes by hauling to another location. The Operations Superintendent will determine when snow will be removed by truck from the boulevard area. Snow hauling operations will not commence until other snow/ice removal operations have been completed. Snow hauling operations may also be delayed depending on weather conditions, personnel, and budget availability. The snow will be removed and hauled to a snow storage area. The snow storage zone will be located in an area that minimizes environmental impact.

Snow Emergencies

Snow Emergency Procedures

Concurrent with the above policy, the following are additional City practices employed during a declared snow emergency (see City Code, Subsection 1305.13).

Snow Emergency Notifications

A snow emergency is declared by the Operations Superintendent, or designee. Declaration of a snow emergency can be found at the following:

- a. Contact the Snow Emergency Line at 612-861-9178
- b. Visit the City Website at www.richfieldmn.gov
- c. Sign up for e-update on the City website at www.richfieldmn.gov/residents/e-notification
- d. Local news channels
 - i. WCCO
 - ii. KMSP
 - iii. KSTP
 - iv. KARE 11
- e. Social Media (Facebook, Twitter)

Parking Limitations

Vehicles parked on the roadway during a snow or ice event may impair the effectiveness of snow and ice control and removal. Richfield City Code, Subsection 1305.13, prohibits on-street parking during a snow emergency. A snow emergency is in effect after a snowfall of two (2) or more inches and/or upon the declaration of a snow emergency by the City Manager, or designee, and continues until the street has been plowed curb-to-curb.

Richfield City Code, Section 1315, permits certain vehicles to park in the front yard areas of residential districts of the City during a snow emergency, subject to the following conditions:

- a. The vehicle must be parked as close as possible to the established driveway area serving the property on which, or in front of which, it is parked;
- b. Permission of the property owner must be obtained;
- c. The vehicle must be parked at least eight (8) feet back from the curblines, and five (5) feet back from any public sidewalk;
- d. The vehicle may not be parked off of an established driveway within the area bounded by the street curblines abutting said corner lot and a line connecting points on the abutting curblines of fifty (50) feet from the point of intersection of the extensions of the curblines; and
- e. Movement to and from the parking area must be over the established driveway rather than over the curb.

The owner of the property shall repair any damage to the adjacent boulevard area caused by parking in the front yard areas of residential districts.

Private Property

Snow Removal on Private Properties

It is a public nuisance and violation of City Code, Subsection 830.41, to shovel, plow, or cast snow or ice from private property onto a public street, alley, sidewalk, boulevard, or public parking lot. It is allowable to remove snow or ice from a private driveway or walkway and deposit the snow or ice on the portion of the boulevard immediately adjacent to the private property. Pushing, piling, or storing snow in or across the street is prohibited.

Service to Private Property

City personnel and any personnel contracted by the City do not provide snow removal and ice control services to private properties. Services may, however, be provided with the permission of the property owners in situations where City operations directly benefit from operations on private property. Snow removal operations may be conducted on any private property when emergency vehicles responding to a call for service require access to private property. Any operations on or services provided to private property are authorized by the Department, or are provided at the request of any emergency services officer responding to a call.

Snow Operation Damages

Snow removal and ice control operations can cause damage to property, even under the best circumstances and care by vehicle and equipment operators. Most often, damage occurs to property improvements in the City right-of-way, which generally extends eight (8) to twelve (12) feet beyond the edge of street pavement.

The City is not responsible for damage to vegetation caused by plowing or the application of sand and salt mixtures. However, the City will make its best effort to repair damaged grass along curb lines and sidewalk edges using black dirt and seeding.

Personal property in the City's right-of-way damaged by snow being deposited from an accumulation on the blade of a snowplow will not be considered for compensation. Any property damage claims allegedly resulting from City snow plowing activities must be filed with the City's insurance through the Human Resources Department

When disagreement about the responsibility for the damage occurs, the Department will investigate and decide responsibility.

Equipment operators and contractors are directed to immediately contact their supervisor and the supervisor will contact the Department and Police Department whenever an incident involves damage to vehicles, significant structures, or involves any injury to a person.

Equipment operators and contractors also report existing damage they observe to avoid any potential future claim the damage was caused by snow removal or ice control operations.

Service Requests and Complaints

The Department will take service requests and complaints regarding snow removal and ice control operations during normal working hours. The Department will prioritize service requests and provide resolution at their discretion, in keeping with available personnel, equipment, and materials. The Operations Superintendent will receive and respond to service requests or complaints that the administrative staff is unable to answer.

Policy Review

The Department will review this policy annually. The Department will keep on file written comments and complaints received regarding this policy. Any review will consider comments or complaints received since the last review. The review will also consider

Snow and Ice Policy
Richfield Public Works
October 23, 2018

input from City employees and contractors, members of the public, and other affected parties.



STAFF REPORT NO. 118
CITY COUNCIL MEETING
10/8/2019

REPORT PREPARED BY: Chris Regis, Finance Director

DEPARTMENT DIRECTOR REVIEW: Chris Regis, Finance Director
10/1/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
10/1/2019

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of a resolution adopting the assessment for weed elimination from private property and removal or elimination of public health or safety hazards from private property.

EXECUTIVE SUMMARY:

Minnesota State Statutes provide that the City may levy a special one year assessment for the elimination of public health or safety hazards or the elimination of weeds from private properties.

The special assessments are based on costs incurred by the City in connection with the abatement of weeds or public health or safety hazards on certain properties in the City which are not properly maintained.

The owners of the subject properties are notified by the City to take corrective action with regard to the issue with the property. If the specific property issues were not abated within the proper time limit the City would take the corrective action necessary and bill the property owner.

In all cases, property owners have been notified that any unpaid charges or fees may be assessed against the property.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve the attached resolution adopting the assessment for weed elimination from private property and removal or elimination of public health or safety hazards from private property.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

N/A.

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

- The nuisance properties were not maintained by the owners and the City incurred costs to abate the nuisance.
- Minnesota State Statutes provide that the City may levy a special one-year assessment for these costs.

- Notice of the certification was published in the Sun Current on September 19, 2019.

C. CRITICAL TIMING ISSUES:

None.

D. FINANCIAL IMPACT:

- The proposed special assessment for the elimination of public health or safety hazards from private property is \$2,530.00 with an additional 5% interest penalty.
- The proposed special assessment for weed elimination from private property is \$875.00 with an additional 5% interest penalty.
- Costs incurred for city staff time in the cleanup of the properties or to remove the weeds are included in the special assessment amount.
- A \$25.00 administrative fee is charged to all properties.
- The affected property owner may prepay the original principal amount without interest within 30 days from the date the Council adopts the assessment. If the original principal amount is not paid, the assessment will be charged 5% interest.

E. LEGAL CONSIDERATION:

No legal issues are apparent at this time. The City Attorney will be in attendance at the Council meeting should a legal question arise.

ALTERNATIVE RECOMMENDATION(S):

Do not approve the attached resolution and have the costs absorbed by the City.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None.

ATTACHMENTS:

Description	Type
☐ 2019 Nuisance Assessment Resolution	Resolution Letter

RESOLUTION NO.

RESOLUTION ADOPTING ASSESSMENT FOR WEED ELIMINATION FROM PRIVATE PROPERTY AND REMOVAL OR ELIMINATION OF PUBLIC HEALTH OR SAFETY HAZARDS FROM PRIVATE PROPERTY.

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and passed upon all objections to the proposed assessment for current services related to weed elimination from private property and removal or elimination of public health or safety hazards from private property in the City of Richfield:

Property Address	Property ID Number	Weed Elimination	Public Health or Safety Hazards
1001 W 76TH Street	33-028-24-44-0009	-	250.00
2401 65th Str W	29-028-24-14-0044	125.00	-
2915 71st Str W	32-028-24-12-0054	125.00	-
6305 Dupont Ave S	28-028-24-11-0086	-	250.00
6414 11th Ave S	26-028-24-24-0005	125.00	-
6600 4th Ave S	27-028-24-41-0044	125.00	110.00
6700 Clinton Ave S	27-028-24-41-0114	-	500.00
6733 10th Ave S	26-028-24-31-0100	-	255.00
6932 18th Ave S	26-028-24-44-0086	-	115.00
7228 Pleasant Ave S	34-028-24-23-0026	-	275.00
7320 4th Ave S	34-028-24-14-0065	-	445.00
7544 11th Ave S	35-028-24-31-0040	-	110.00
7600 4th Ave S,	34-028-24-44-0021	250.00	-
800 73rd Street W	33-028-24-14-0098	125.00	220.00
	Total	\$875.00	\$2,530.00

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

1. Such proposed assessment roll, in the amount of \$3,405.00, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of the assessment levied against it.
2. Such assessment shall be payable in no more than one annual installment and shall bear interest at the rate of five (5%) percent from the date of adoption of this assessment resolution.
3. The owner of any property so assessed may at any time prior to certification of the assessment to the County Auditor and within 30 days of the date the City Council adopts the assessment, pay the whole assessment on such property to the City's Assessing Division without interest. Payments received after the expiration of the 30 day prepayment period, but received prior to November 15, 2019 will be charged

interest through the date of payment. Payments will not be accepted between November 15, 2019 and January 1, 2020.

4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the property tax lists of the County and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Richfield this 8th day of October, 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 119
CITY COUNCIL MEETING
10/8/2019

REPORT PREPARED BY: Chris Regis, Finance Director

DEPARTMENT DIRECTOR REVIEW: Chris Regis, Finance Director
10/1/2019

OTHER DEPARTMENT REVIEW: N/A.

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
10/2/2019

ITEM FOR COUNCIL CONSIDERATION:

Public Hearing and consideration of a resolution to adopt the special assessment for unpaid false alarm user fees against private property.

EXECUTIVE SUMMARY:

Richfield City Code and City Charter allow the City to specially assess delinquent false alarm user fees against the respective properties. State Statutes provide that the City may levy a special one year assessment for these costs.

Unpaid alarm user fees must be paid to the City within 30 days from the date of written notice by the City to the alarm user. Fees not paid within the time specified will be subject to a 10% penalty charge.

The special assessment for unpaid false alarm user fees assessed to private properties provides a means for the City to recover costs incurred with the response by public safety to an alarm call on certain properties in the City that turns out to be false.

In all cases, property owners have been notified that any unpaid charges or fees may be assessed against the property.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve the attached resolution adopting the assessment for unpaid false alarm user fees against private property.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

N/A.

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

- Richfield City Code section 915.07 Subd. 3 and chapter 8.02 of the City Charter allows the City to specially assess delinquent false alarm user fees against the respective properties.
- An alarm user charged with an alarm user fee may make a written appeal of the false alarm charge to the Director of public safety within 15 days' notice of the charge.
- Minnesota State Statutes provide that the City may levy a special one-year assessment for these

costs.

- Notice of the certification was published in the Sun Current on September 19, 2019.

C. CRITICAL TIMING ISSUES:

N/A.

D. FINANCIAL IMPACT:

- A 10% penalty charge is applied to all properties which have not paid within the time specified.
- The proposed special assessment for unpaid false alarm user fees from private property is \$2,090.00 with an additional 5% interest charge on the assessment.
- The affected property owner may prepay the original principal amount without interest within 30 days from the date the Council adopts the assessment. If the original principal amount is not paid, the assessment will be charged 5% interest.

E. LEGAL CONSIDERATION:

No legal issues are apparent at this time. The City Attorney will be in attendance at the Council meeting should a legal question arise.

ALTERNATIVE RECOMMENDATION(S):

Do not approve the attached resolutions and have the costs absorbed by the City.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None.

ATTACHMENTS:

Description	Type
☐ 2019 False Alarm Special Assessment Resolution	Resolution Letter

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENT FOR
UNPAID FALSE ALARM FEES FROM PRIVATE PROPERTY.**

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and passed upon all objections to the proposed assessment for unpaid false alarm fees from private property in the City of Richfield:

Property Address	Property ID Number	Unpaid False Alarm Fee
1844 66th Street E	26-028-24-14-0131	110.00
6529 Lyndale Ave S	27-028-24-23-0112	550.00
6553 Lyndale Ave s	27-028-24-23-0113	110.00
6625 Lyndale Ave S	27-028-24-32-0137	550.00
6800 Penn Ave S	29-028-24-44-0009	110.00
6944 Nicollet Ave S	27-028-24-34-0002	220.00
740 78th Str W	33-028-24-44-0232	220.00
7744 5th Ave S	34-028-24-00-0031	110.00
980 78th Street W	33-028-24-44-0235	110.00
	Total	<u>\$2,090.00</u>

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

1. Such proposed assessment roll, in the amount of \$2,090.00, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of the assessment levied against it.
2. Such assessment shall be payable in no more than one annual installment and shall bear interest at the rate of five (5%) percent from the date of adoption of this assessment resolution.
3. The owner of any property so assessed may at any time prior to certification of the assessment to the County Auditor and within 30 days of the date the City Council adopts the assessment, pay the whole assessment on such property to the City's Assessing Division without interest. Payments received after the expiration of the 30 day prepayment period, but received prior to November 15, 2019 will be charged interest through the date of payment. Payments will not be accepted between November 15, 2019 and January 1, 2020.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the property tax lists of the County and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Richfield this 8th day of October, 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 120
CITY COUNCIL MEETING
10/8/2019

REPORT PREPARED BY: Chris Regis, Finance Director

DEPARTMENT DIRECTOR REVIEW: Chris Regis, Finance Director
10/1/2019

OTHER DEPARTMENT REVIEW: N/A.

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
10/1/2019

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of a resolution adopting special assessments for unpaid vacant property registration fees against private property.

EXECUTIVE SUMMARY:

Minnesota State Statutes and the Richfield City Code provide that the City may levy a special one year assessment for the unpaid registration of vacant property.

The special assessments are based on the fee required by a property owner to register vacant property.

The owners of the subject properties are notified by the City of the unpaid registration fee. If the fee remains unpaid the property owners are notified that any unpaid charges or fees may be assessed against the property.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve the attached resolution adopting the assessment for unpaid vacant property registration fees against private property.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

N/A.

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

- Richfield City Code section 925.02 Subd. 5 allows the City to specially assess delinquent vacant property registration fees.
- Minnesota State Statutes provide that the City may levy a special one-year assessment for these costs.
- Notice of the certification was published in the Sun Current on September 19, 2019.

C. **CRITICAL TIMING ISSUES:**

N/A.

D. **FINANCIAL IMPACT:**

- The proposed special assessment for the unpaid vacant property registration fee is \$250.00 with an additional 5% interest penalty.
- A \$25.00 administrative fee is charged to all properties.
- The affected property owner may prepay the original principal amount without interest within 30 days from the date the Council adopts the assessment. If the original principal amount is not paid, the assessment will be charged 5% interest.

E. LEGAL CONSIDERATION:

No legal issues are apparent at this time. The City Attorney will be in attendance at the Council meeting should a legal question arise.

ALTERNATIVE RECOMMENDATION(S):

Do not approve the attached resolution and have the costs absorbed by the City.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None.

ATTACHMENTS:

	Description	Type
▢	2019 Unpaid Vacant Property Fee Assessment Resolution	Resolution Letter

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENT FOR
UNPAID VACANT PROPERTY REGISTRATION FEES AGAINST PRIVATE
PROPERTY.**

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and passed upon all objections to the proposed assessment for current services related to weed elimination from private property and removal or elimination of public health or safety hazards from private property in the City of Richfield:

<u>Property Address</u>	<u>Property ID Number</u>	<u>Unpaid Vacant Property Registration</u>
2401 65th Street W	29-028-24-14-0044	125.00
7600 4th Ave S	34-028-24-44-0021	125.00
	Total	<u>\$250.00</u>

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

1. Such proposed assessment roll, in the amount of \$250.00, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of the assessment levied against it.
2. Such assessment shall be payable in no more than one annual installment and shall bear interest at the rate of five (5%) percent from the date of adoption of this assessment resolution.
3. The owner of any property so assessed may at any time prior to certification of the assessment to the County Auditor and within 30 days of the date the City Council adopts the assessment, pay the whole assessment on such property to the City's Assessing Division without interest. Payments received after the expiration of the 30 day prepayment period, but received prior to November 15, 2019 will be charged interest through the date of payment. Payments will not be accepted between November 15, 2019 and January 1, 2020.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the property tax lists of the County and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Richfield this 8th day of October, 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 121
CITY COUNCIL MEETING
10/8/2019

REPORT PREPARED BY: Chris Regis, Finance Director

DEPARTMENT DIRECTOR REVIEW: Chris Regis, Finance Director
10/1/2019

OTHER DEPARTMENT REVIEW: N/A.

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
10/1/2019

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of a resolution authorizing certification of delinquent utility bills to be collected with property taxes.

EXECUTIVE SUMMARY:

Minnesota State Statutes 444.075 and 429.101 and Chapter VII of the Richfield Code of Ordinances provide that unpaid water, sanitary sewer, storm water, and street light charges may be certified to the county auditor to be included in a property owner's annual property tax bill.

The City Code also authorizes a certification fee to be charged against each delinquent account. By certifying the delinquent charges to the property taxes, the City is assured of collection of the charges. The pending delinquent 2019 utility charges total \$472,771.98 for 787 accounts. This amount does not include the \$50.00 certification fee that will be added to each account.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve the attached resolution authorizing certification of unpaid water, sanitary sewer, storm water, and street light charges to the county auditor to be collected with other taxes on said properties.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Below is a history of certified amounts since 2015:

2015 – Certification totaled \$355,454.74 for 570 properties.
2016 – Certification totaled \$282,839.33 for 541 properties.
2017 – Certification totaled \$352,654.03 for 565 properties.
2018 – Certification totaled \$462,137.82 for 904 properties.
2019 – Certification totaled \$472,771.98 for 787 properties.

- Staff expects that, as in years past, many of the now delinquent accounts will be paid before final certification to the County.

- Throughout the year, the Utilities division bills and collects charges for water, sanitary sewer, storm water, and street light charges from within the City. Accounts are billed quarterly.
- The delinquent accounts must be certified to the County Auditor in order for the City to collect the charges through the property tax payment process.
- A \$50 certification fee is added to each certified account.
- The certified amount is spread over a period of one year at the rate of 8% per annum.

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

- Minnesota State Statutes 444.075 and 429.101 and Chapter VII of the Richfield Code of Ordinances provide that unpaid water, sanitary sewer, storm water, street light charges may be certified to the county auditor to be included in a property owner's annual property tax bill.
- A First Notice of Certification to Property Taxes was mailed on August 12, 2019 to Richfield property owners with delinquent accounts. A final second notice was mailed on September 16, 2019.
- Notice of certification was published in the Sun Current on September 19, 2019.

C. CRITICAL TIMING ISSUES:

- To prepay the delinquent amount and avoid certification, the entire past due amount must be paid by November 7, 2019.

D. FINANCIAL IMPACT:

- The pending delinquent 2019 charges are \$472,771.98 compared to \$462,137.82 at the same time last year.
- The \$50.00 certification fee per account would add an additional \$39,350.00 to the certified balance.
- In 2018 the City ultimately certified \$358,546.77, due to some property owners paying their delinquent bill prior to the October 31, 2018 deadline.

E. LEGAL CONSIDERATION:

- There are no legal issues apparent at this time. The City Attorney will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):

N/A.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None.

ATTACHMENTS:

Description	Type
□ 2019 Utility Certification Resolution	Resolution Letter

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTIFICATION OF UNPAID WATER, SANITARY SEWER, STORM WATER, AND STREET LIGHT CHARGES TO THE COUNTY AUDITOR TO BE COLLECTED WITH OTHER TAXES ON SAID PROPERTIES

WHEREAS, Ordinance Code 705 establishes rules, rates, and charges for sanitary sewer service in the City of Richfield and provides that all delinquent accounts for sewer and water services may be certified against the properties served, including an added certification charge; and

WHEREAS, Ordinance Code 715 establishes rules, rates, and charges for water service in the City of Richfield and provides that all delinquent accounts for water services may be certified against the properties served; and

WHEREAS, Ordinance Code 720 establishes rules, rates, and charges for storm water service in the City of Richfield; and

WHEREAS, Minnesota Statutes section 444.075 provides that unpaid charges for water, sanitary sewer, and storm water services may be certified to the county auditor with taxes against the property served for collection as other taxes are collected;

WHEREAS, Minnesota Statutes section 429.101 provides that unpaid charges for the operation of street lights may be assessed against the property and collected in the same manner as other taxes; and

WHEREAS, the certification list has been prepared specifying the amount that shall be certified against each particular property.

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

1. The total unpaid amount for water, sanitary sewer, storm water, and street light charges is \$472,771.98.
2. A \$50 certification charge shall be levied against each delinquent account, such charges totaling \$39,350.00.
3. The above-described certification list will be spread over a period of one year at the rate of 8% per annum.
4. The total unpaid amount will be certified to the County Auditor for collection with other taxes on said properties.
5. A copy of the resolution shall be sent to the Hennepin County Auditor.

Adopted by the City Council of the City of Richfield, Minnesota, this 8th day of October, 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 122
CITY COUNCIL MEETING
10/8/2019

REPORT PREPARED BY: Chris Link, Operations Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director/City Engineer
10/1/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
10/1/2019

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of a resolution adopting the assessment for removal of diseased trees from private property for work ordered from January 1, 2018, through December 31, 2018.

EXECUTIVE SUMMARY:

The health of trees within municipal limits is threatened by shade tree diseases and it is the City's responsibility to control and prevent the spread of these diseases.

If the City deems it necessary to remove a diseased tree on private property, the property owners have three options available:

1. Remove the tree themselves;
2. Hire and pay for their own contractor; or
3. Hire their own contractor and request the cost of the tree removal be assessed against their property tax.

In the period from January 1, 2018, through December 31, 2018, sixteen (16) property owners chose the third option. The total amount to be assessed is \$41,307.72.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve a resolution adopting the assessment for removal of diseased trees from private property for work ordered from January 1, 2018, through December 31, 2018.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

In the early 1970's, the City of Richfield began a shade tree disease program to assist homeowners in the removal of diseased trees on private property. The following process is how the City ensures property owners are aware of their diseased tree(s).

Notification to Property Owners

At time of marking for removal, paperwork is left at the property which includes:

- Removal deadline;

- Reason the tree was marked for removal;
- Assessment information;
- Information regarding private contractors;
- A card postmarked to the City informing the City of owner's removal plans; and
- City staff contacts for more information.

If the tree becomes hazardous or is past the removal deadline the City sends an additional deadline letter to the property owner. The letter is sent to the last known owner as obtained from Hennepin County Property Records and verified by our utility billing records.

Occupied Properties

On confirmed occupied properties, property owners with diseased private trees have three options available for tree removal:

1. Remove the tree themselves;
2. Hire and pay their own contractor; or
3. Hire their own contractor and request the cost of the tree removal be assessed against their property tax.

Vacant Properties

In cases where the property is vacant and no owner can be found, removals must be ordered when trees have passed the removal deadline or become hazardous. A contractor then performs the removal and the cost is assessed to the property.

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

- The work has been completed with prior approval from the affected residents; except in cases of vacant properties.
- Minnesota State Statute requires the County be notified of all special assessments.
- The proposed assessment was properly filed with the City Clerk.
- Notices of the assessment hearing were mailed to the owner of each parcel described in the assessment roll on September 12, 2019.
- The public hearing notice was published in the official newspaper on September 19, 2019.

C. CRITICAL TIMING ISSUES:

- The unpaid charges for the removal of the diseased trees must be special assessed for certification to the County Auditor along with current taxes as stated in City Code 910.23.
- The assessment role is submitted to the County Auditor and must be reported to Hennepin County by the end of November annually.

D. FINANCIAL IMPACT:

- The costs to be assessed for the removal of diseased trees on private property for work ordered during the period January 1, 2018, through December 31, 2018, have been determined to be \$41,307.72.
- The property owner may pay the original principal amount without interest within 30 days from the date the Council adopts the assessment. The unpaid balance will be spread over five (5) years with a five percent (5%) interest rate.
- The original source of funding to have the work done is through the City's Permanent Improvement Revolving Fund.

E. LEGAL CONSIDERATION:

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

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

Property owners on the assessment roll.

ATTACHMENTS:

Description

- ▣ Tree Assessment Resolution
- ▣ Tree Assessment Roll

Type

- Resolution Letter
- Exhibit

RESOLUTION NO.

RESOLUTION ADOPTING ASSESSMENT FOR THE REMOVAL OF DISEASED TREES FROM PRIVATE PROPERTY FOR WORK ORDERED DURING JANUARY 1, 2018 THROUGH DECEMBER 31, 2018

WHEREAS, costs have been determined for the removal of diseased trees from private properties in the City of Richfield and the expenses incurred or to be incurred for such work ordered during the period of January 1, 2018 through December 31, 2018 amount to \$41,307.72.

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and passed upon all objections to the proposed assessment for current services related to the removal of diseased trees from private properties in the City of Richfield and the expenses incurred or to be incurred for such work ordered during the period of January 1, 2018 through December 31, 2018. The costs to the properties are as follows:

Tree Assessment for Work in 2018		
Property ID	Street Name	Orig Assessment
35-028-24-34-0043	10th Ave S	\$731.17
35-028-24-34-0045	10th Ave S	\$4,085.95
27-028-24-12-0078	2nd Ave S	\$8,064.38
27-028-24-12-0083	2nd Ave S	\$1,100.00
27-028-24-44-0063	5th Ave S	\$5,214.96
28-028-24-21-0014	Knox Ave S	\$2,473.08
32-028-24-43-0107	Thomas Ave S	\$698.91
34-028-24-13-0033	Stevens Ave S	\$1,932.66
35-028-24-21-0026	10th Ave S	\$1,612.86
35-028-24-41-0088	17th Ave S	\$967.73
26-028-24-44-0103	17th Ave S	\$1,752.21
27-028-24-42-0040	1st Ave S	\$806.44
28-028-24-34-0081	Knox Ave S	\$1,344.06
33-028-24-22-0095	Newton Ave S	\$5,323.00
33-028-24-22-0120	Oliver Ave S	\$4,290.25
34-028-24-11-0077	Portland Ave	\$910.06
		\$41,307.72

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

1. Such proposed assessment roll, in the amount of \$41,307.72, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of the assessment levied against it.
2. Such assessment shall be payable in no more than one annual installment and shall bear interest at the rate of five (5%) percent from the date of adoption of this assessment resolution.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment, to the City's Assessing Division, except that no interest shall be charged if the entire assessment is paid by November 7, 2019. A property owner may, at any time prior to November 15, pay to the City's Assessing Division the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the property tax lists of the County and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of October, 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

Tree Assessment for Work in 2018		
Property ID	Street Name	Orig Assessment
35-028-24-34-0043	10th Ave S	\$731.17
35-028-24-34-0045	10th Ave S	\$4,085.95
27-028-24-12-0078	2nd Ave S	\$8,064.38
27-028-24-12-0083	2nd Ave S	\$1,100.00
27-028-24-44-0063	5th Ave S	\$5,214.96
28-028-24-21-0014	Knox Ave S	\$2,473.08
32-028-24-43-0107	Thomas Ave S	\$698.91
34-028-24-13-0033	Stevens Ave S	\$1,932.66
35-028-24-21-0026	10th Ave S	\$1,612.86
35-028-24-41-0088	17th Ave S	\$967.73
26-028-24-44-0103	17th Ave S	\$1,752.21
27-028-24-42-0040	1st Ave S	\$806.44
28-028-24-34-0081	Knox Ave S	\$1,344.06
33-028-24-22-0095	Newton Ave S	\$5,323.00
33-028-24-22-0120	Oliver Ave S	\$4,290.25
34-028-24-11-0077	Portland Ave	\$910.06
		\$41,307.72



STAFF REPORT NO. 123
CITY COUNCIL MEETING
10/8/2019

REPORT PREPARED BY: Chris Link, Operations Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director/City Engineer
10/1/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
10/2/2019

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of resolutions adopting the annual Lyndale/HUB/Nicollet (LHN) Maintenance District assessment and proposed work for 2020.

EXECUTIVE SUMMARY:

The Lyndale/HUB/Nicollet (LHN) maintenance assessment was established to recover special maintenance expenses in the LHN area in 1981. The current services include:

- Maintenance and operation of irrigation
- Weed control
- Mowing
- Trash and litter removal
- Maintenance of street lighting system
- Fence maintenance

The LHN Redevelopment Area is approximately bounded by 64th Street, 1st Avenue, 67th Street, and Emerson Avenue (map attached).

For 2018 work, the large fence separating residential properties from commercial properties along 1st Ave S. from 66th St. to 65th St. was replaced, contributing significantly to the 2018 assessment total.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion:

- 1. Adopt a resolution adopting the assessment on the Lyndale/HUB/Nicollet (LHN) district for costs incurred to maintain the area for 2018.**
- 2. Adopt a resolution ordering the undertaking of the current service project within the Lyndale/HUB/Nicollet (LHN) district for 2020.**

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- City staff has determined actual costs of current services to be assessed for the 2018 maintenance of this area to be \$84,041.38, and the estimated cost for 2020 maintenance to be \$50,000.

- Fluctuations in expenditures for maintenance of LHN are caused by a number of factors:
 - Changes in water use and irrigation costs;
 - Concrete repair variations; and
 - Demand of aging infrastructure updates.

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

- Section 825 of the City Code indicates “current services” mean one or more of the following:
 - (a) snow, ice, or rubbish removal from sidewalks;
 - (b) weed elimination from streets or private property;
 - (c) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes, sections 463.15 to 463.26;
 - (d) installation or repair of water service lines;
 - (e) street sprinkling, sweeping, or other dust treatment of streets;
 - (f) the trimming and care of trees and the removal of unsound trees from any street;
 - (g) the treatment and removal of insect-infested or diseased trees on private property;
 - (h) the repair of sidewalks and alleys;
 - (i) the operation of a street lighting system;
 - (j) the maintenance of landscaped areas, decorative parks and other public amenities on or adjacent to street right-of-way; and,
 - (k) snow removal and other maintenance of streets in commercial redevelopment areas.
- Council ordered the work and the work was done for 2018.
- Commercial property owners will be assessed on a per-square-foot basis.
- The proposed assessment was properly filed with the City Clerk.
- Notice of assessment and the public hearing was mailed to all property owners on the assessment roll on September 12, 2019.
- Notice of the public hearing was published in the official newspaper on September 19, 2019.

C. CRITICAL TIMING ISSUES:

- Each year the City shall list the total unpaid charges for current services against each separate lot or parcel to which they are attributable under Section 825 of the City Code. This list is available at the offices of the City Clerk, Assessing, and Public Works.
- The list is submitted to the County Auditor and due to Hennepin County by the end of November annually.

D. FINANCIAL IMPACT:

- All costs to the City will be recovered through this assessment.
- For 2018 work, the large fence separating residential properties from commercial properties along 1st Ave S. from 66th St. to 65th St. was replaced, contributing significantly to the 2018 assessment total.
- Estimated and actual costs for the LHN maintenance services from 2003-2018 are:

<u>Year</u>	<u>Estimated</u>	<u>Actual</u>
2003	\$50,000	\$37,785.67
2004	\$50,000	\$44,031.39
2005	\$50,000	\$45,385.31
2006	\$50,000	\$45,648.56
2007	\$50,000	\$51,605.29
2008	\$50,000	\$49,999.99
2009	\$50,000	\$49,747.02
2010	\$50,000	\$32,459.40
2011	\$50,000	\$39,090.87
2012	\$50,000	\$32,244.51
2013	\$50,000	\$25,522.16
2014	\$50,000	\$29,415.52
2015	\$50,000	\$27,321.07

2016 \$50,000 \$26,025.24

2017 \$50,000 \$24,107.92

2018 \$50,000 \$84,041.38

E. LEGAL CONSIDERATION:

- The City Attorney will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

Property owners on the assessment roll.

ATTACHMENTS:

Description	Type
☐ LHN Assessment Roll	Exhibit
☐ LHN Resolution 2018	Resolution Letter
☐ LHN Resolution 2020	Resolution Letter
☐ LHN Assessment District	Backup Material

Lyndale-Hub-Nicollet Maintenance District Assessments for Work in 2018		
Property ID	Street Name	Orig Assessment
27-028-24-32-0132	Lyndale Ave S	\$256.60
27-028-24-32-0133	Grand Ave S	\$720.91
27-028-24-32-0134	66th St W	\$525.41
27-028-24-32-0137	Lyndale Ave S	\$4,191.07
27-028-24-13-0052	Nicollet Ave S	\$378.78
27-028-24-13-0053	Nicollet Ave S	\$830.88
27-028-24-23-0074	Lyndale Ave S	\$1,405.17
27-028-24-23-0086	Lyndale Ave S	\$342.13
27-028-24-23-0087	Lyndale Ave S	\$610.94
27-028-24-23-0088	Lyndale Ave S	\$647.60
27-028-24-24-0057	Nicollet Ave S	\$415.44
27-028-24-23-0115	ADDRESS PENDING	\$537.63
28-028-24-14-0010	66th St W	\$1,454.05
28-028-24-14-0370	ADDRESS PENDING	\$769.79
28-028-24-41-0039	66th St W	\$806.45
27-028-24-13-0001	Nicollet Ave S	\$1,124.14
27-028-24-13-0115	66th St E	\$97.75
27-028-24-23-0084	Lyndale Ave S	\$232.16
27-028-24-23-0085	Lyndale Ave S	\$171.06
27-028-24-23-0090	Lyndale Ave S	\$769.79
27-028-24-23-0010	Lyndale Ave S	\$867.54
27-028-24-24-0063	66th St W	\$720.91
27-028-24-32-0126	Lyndale Ave S	\$427.66
27-028-24-42-0078	Nicollet Ave S	\$2,052.77
27-028-24-13-0116	Nicollet Ave S	\$3,958.91
27-028-24-23-0082	66th St W	\$3,482.38
27-028-24-23-0105	Woodlake Dr	\$244.38
27-028-24-23-0106	66th St W	\$61.09
27-028-24-23-0111	Lyndale Ave S	\$3,934.48
27-028-24-23-0112	Lyndale Ave S	\$1,857.27
27-028-24-23-0113	Lyndale Ave S	\$1,490.70
27-028-24-23-0114	Lyndale Ave S	\$2,394.90
27-028-24-23-0116	ADDRESS PENDING	\$5,400.74
27-028-24-23-0117	ADDRESS PENDING	\$5,400.74
27-028-24-24-0040	Nicollet Ave S	\$293.25
27-028-24-24-0060	Nicollet Ave S	\$2,187.18
27-028-24-24-0061	65th St W	\$16,067.80
27-028-24-24-0064	66th St W	\$4,154.42
27-028-24-24-0065	Nicollet Ave S	\$757.57
27-028-24-32-0127	Lyndale Ave S	\$1,429.61
27-028-24-32-0138	66th St W	\$513.19
27-028-24-32-0452	Lyndale Ave S	\$4,997.52
28-028-24-11-0092	Lyndale Ave S	\$2,077.21
28-028-24-11-0093	Lyndale Ave S	\$1,637.33
28-028-24-14-0372	ADDRESS PENDING	\$1,344.08
		\$84,041.38

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENT FOR THE
LYNDALE/HUB/NICOLLET (LHN) MAINTENANCE FOR
THE PERIOD JANUARY 1, 2018 TO DECEMBER 31, 2018**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and passed upon all objections to the proposed assessment for current services related to maintenance of the Lyndale/Hub/Nicollet (LHN) Redevelopment Area, which is approximately bounded by 64th Street, First Avenue, 67th Street, and Emerson Avenue in the City of Richfield.

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

1. Such proposed assessment roll, in the total amount of \$84,041.38 is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of assessment levied against it.
2. Such assessment shall be payable before or during 2020 and shall bear interest at the rate of five percent (5%) from the date of adoption of this assessment resolution.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment, to the City's Finance Division, except that no interest shall be charged if the entire assessment is paid before November 7, 2019. A property owner may, at any time prior to November 15 pay to the City's Finance Division the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which payment is made.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the proper tax lists of the County and such assessment shall be collected and paid over in the same manner as other municipal taxes.

Passed by the City Council of the City of Richfield, Minnesota, this 8th day of October, 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

RESOLUTION NO.

**RESOLUTION ORDERING UNDERTAKING OF CURRENT
SERVICE PROJECT LYNDALDE/HUB/NICOLLET (LHN)
MAINTENANCE FOR THE PERIOD JANUARY 1, 2020 TO
DECEMBER 31, 2020**

WHEREAS, pursuant to ordinance, the City Council of the City of Richfield did establish a special assessment district and did propose that certain services be undertaken by the City in the Lyndale/HUB/Nicollet Redevelopment Area approximately bounded by 64th Street, First Avenue, 67th Street and Emerson Avenue and that the cost of such services be specially assessed against benefited property; and

WHEREAS, the City Council of the City of Richfield did also by such resolution set the date of public hearing on the undertaking of such current service project and the levying of special assessment to bear the cost thereof; and

WHEREAS, following due notice, such public hearing was held on October 8, 2019, at which time all interested parties desiring to be heard were given an opportunity to be heard.

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

1. That the following examples of current services of the City shall be undertaken by the City within the LHN Redevelopment Project Area, which area constitutes the special assessment district with the exception of single family, two family and multifamily residential properties, with the cost of such services to be specially assessed against the benefited property within the district:
 - a. Snow, ice or rubbish removal;
 - b. Weed elimination;
 - c. Elimination or removal of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes Section 463.15 to 463.26;
 - d. Installation and repair of water service lines;
 - e. Street sprinkling or other dust treatment of streets;
 - f. The treatment and removal of insect-infested or diseased trees on private property;
 - g. Trimming and care of trees and the removal of unsound trees;
 - h. Repair of sidewalks, crosswalks and other pedestrian walkways;
 - i. Operation of the street lighting system;
 - j. Maintenance of landscaped areas and other public amenities on or adjacent to street right-of-way; and
 - k. Snow removal and other maintenance of streets.

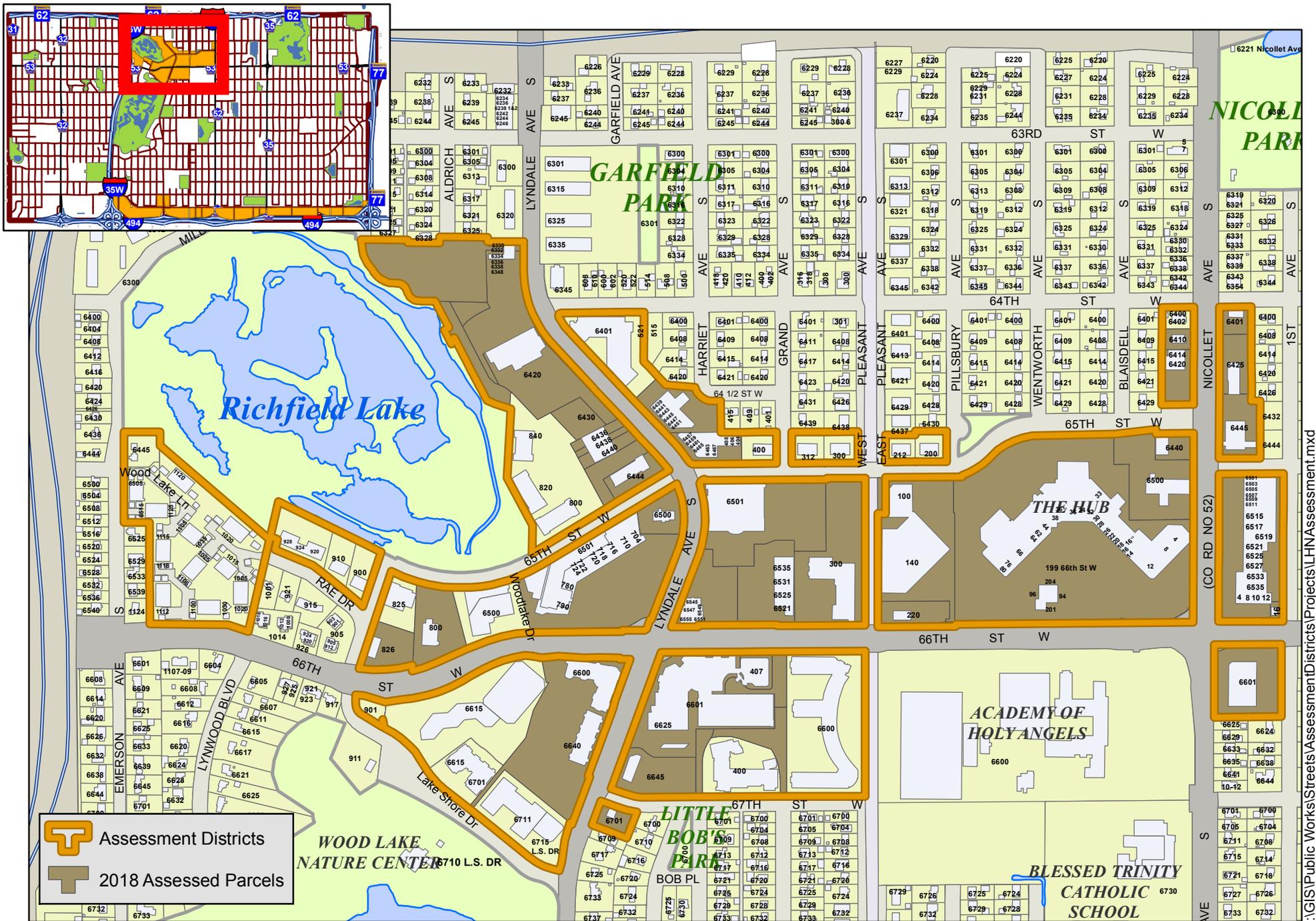
2. The work to be performed may be by day labor, by City force, by contract, or by any combination thereof.
3. The designated period of the project shall be from January 1, 2020, through December 31, 2020. Costs of the project shall be collected in the manner provided in the Richfield Ordinance Code.

Passed by the City Council of the City of Richfield, Minnesota, this 8th day of October, 2019.

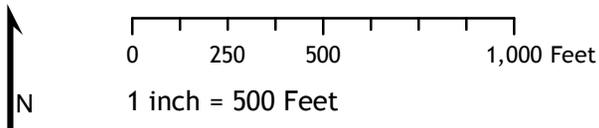
Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



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Lyndale-Hub-Nicollet (LHN)
Assessment District
Richfield, Minnesota





STAFF REPORT NO. 124
CITY COUNCIL MEETING
10/8/2019

REPORT PREPARED BY: Chris Link, Operations Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director/City Engineer
10/1/2019

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
10/2/2019

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of resolutions adopting the annual Interstate/Lyndale/Nicollet (ILN) Project Area assessment and proposed work for 2020.

EXECUTIVE SUMMARY:

The ILN Project Area assessment was established to recover special maintenance expenses in the 77th Street area in 1988. The current services include:

- Maintenance and operation of irrigation systems
- Weed control
- Mowing
- Fertilization
- Trash and litter removal
- Re-plantings

These current services are provided on both sides of the 77th Street wall. The maintenance functions are funded through a maintenance assessment on 77th Street commercial properties.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion:

- 1. Adopt a resolution adopting the assessment on the ILN Project Area for costs incurred to maintain the area for 2018.**
- 2. Adopt a resolution ordering the undertaking of the current service project within the ILN Project Area for 2020.**

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- City staff has determined the actual assessment costs of current services for 2018 for this area to be \$71,528.09.
- The estimate for 2020 maintenance is \$80,000.
- Fluctuations in expenditures for maintenance of the 77th Street Project Area are caused by a number of factors:
 - Changes in water use and irrigation costs;

- Concrete repair variations;
- Demand for aging infrastructure updates; and
- Need for re-plantings.

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

- Section 825 of the City Code indicates “current services” mean one or more of the following:
 - (a) snow, ice, or rubbish removal from sidewalks;
 - (b) weed elimination from streets or private property;
 - (c) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes, sections 463.15 to 463.26;
 - (d) installation or repair of water service lines;
 - (e) street sprinkling, sweeping, or other dust treatment of streets;
 - (f) the trimming and care of trees and the removal of unsound trees from any street;
 - (g) the treatment and removal of insect-infested or diseased trees on private property;
 - (h) the repair of sidewalks and alleys;
 - (i) the operation of a street lighting system;
 - (j) the maintenance of landscaped areas, decorative parks and other public amenities on or adjacent to street right-of-way; and,
 - (k) snow removal and other maintenance of streets in commercial redevelopment areas.
- Council ordered the work and the work was completed for 2018.
- Resolution No. 7405, adopted in 1988, established a policy for assessing the costs.
- Commercial property owners will be assessed on a per-square-foot basis; however, all single family and multi-family residential properties, plus the two churches in the area, would be exempt from the special assessment levy.
- The proposed assessment was properly filed with the City Clerk.
- Notice of the public hearing was mailed to all owners described on the assessment roll on September 12, 2019.
- The public hearing notice was published in the official newspaper on September 19, 2019.

C. CRITICAL TIMING ISSUES:

- Each year the City shall list the total unpaid charges for current services against each separate lot or parcel to which they are attributable under Section 825 of the City Code. This list is available at the offices of the City Clerk, Assessing, and Public Works.
- The assessment roll is submitted to the County Auditor and is due to Hennepin County by the end of November annually.

D. FINANCIAL IMPACT:

- All costs to the City will be recovered through this assessment.
- Estimated and actual costs for the ILN Project Area maintenance services from 2003-2018 are:

<u>Year</u>	<u>Estimate</u>	<u>Actual</u>
2003	\$80,000	\$59,831.07
2004	\$80,000	\$63,842.79
2005	\$80,000	\$64,841.54
2006	\$80,000	\$69,606.52
2007	\$80,000	\$77,441.46
2008	\$80,000	\$77,000.01
2009	\$80,000	\$62,894.55
2010	\$80,000	\$64,124.81
2011	\$80,000	\$72,427.48
2012	\$80,000	\$78,286.46
2013	\$80,000	\$59,779.82
2014	\$80,000	\$71,499.01
2015	\$80,000	\$59,557.56
2016	\$80,000	\$71,489.33

2017 \$80,000 \$77,790.83

2018 \$80,000 \$71,528.09

E. LEGAL CONSIDERATION:

- The City Attorney will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

Property owners on the assessment roll.

ATTACHMENTS:

Description	Type
▣ ILN Assessment Roll	Exhibit
▣ ILN Resolution 2018	Resolution Letter
▣ ILN Resolution 2020	Resolution Letter
▣ ILN Assessment District	Backup Material

77th Street Maintenance District Assessment for 2018 Work		
Property ID	Street Name	Orig Assessment
33-028-24-44-0114	Lyndale Ave S & W 76 1/2 STREET	\$15.87
33-028-24-43-0019	76th St W	\$2,102.37
33-028-24-43-0049	Meridian Crossings	\$3,601.79
33-028-24-43-0050	Meridian Crossings	\$3,950.86
34-028-24-33-0081	Lyndale Ave S	\$1,324.89
34-028-24-33-0082	Lyndale Ave S	\$119.00
34-028-24-33-0150	Lyndale Ave S	\$460.14
34-028-24-33-0151	Lyndale Ave S	\$460.14
34-028-24-33-0152	Lyndale Ave S	\$460.14
34-028-24-33-0153	Lyndale Ave S	\$460.14
34-028-24-33-0154	Lyndale Ave S	\$460.14
34-028-24-33-0155	Lyndale Ave S	\$460.14
34-028-24-34-0001	78th St W	\$261.80
34-028-24-34-0053	78th St W	\$1,697.76
34-028-24-34-0054	Wentworth Ave	\$364.94
34-028-24-34-0056	78th St W	\$420.47
34-028-24-34-0057	Pillsbury Ave	\$610.88
34-028-24-34-0058	Pillsbury Ave	\$95.20
34-028-24-34-0059	Pillsbury Ave	\$87.27
34-028-24-34-0061	Pillsbury Ave	\$182.47
34-028-24-34-0065	Nicollet Ave S	\$341.14
34-028-24-34-0066	Nicollet Ave S	\$317.34
34-028-24-44-0006	Portland Ave	\$261.80
34-028-24-44-0007	Portland Ave	\$420.47
34-028-24-44-0023	78th St E	\$531.54
34-028-24-44-0024	5th Ave S	\$182.47
34-028-24-44-0025	5th Ave S	\$182.47
34-028-24-44-0027	5th Ave S	\$245.94
34-028-24-44-0028	77th St E	\$190.40
34-028-24-44-0029	4th Ave S	\$380.81
34-028-24-44-0030	4th Ave S	\$293.54
33-028-24-44-0112	WEST 77TH STREET & LYNDALE AVENUE SOUTH	\$1,689.83
34-028-24-44-0032	77th St E	\$666.41
35-028-24-33-0006	Portland Ave	\$404.61
35-028-24-33-0007	Portland Ave	\$539.48
35-028-24-33-0008	Portland Ave	\$499.81
35-028-24-34-0002	78th St E	\$452.21
35-028-24-43-0008	78th St E	\$848.88
35-028-24-44-0004	Cedar Ave S	\$991.68
35-028-24-44-0006	78th St E	\$595.01
35-028-24-44-0031	78th St E	\$610.88
35-028-24-44-0032	Bloomington Ave S	\$31.73
33-028-24-44-0110	Lyndale Ave S	\$1,689.83
33-028-24-44-0113	Lyndale Ave S	\$222.14
33-028-24-44-0115	Lyndale Ave S	\$174.54
33-028-24-44-0231	78th St W	\$6,830.70
33-028-24-44-0232	78th St W	\$5,981.83
33-028-24-44-0233	Lyndale Ave S	\$428.41
33-028-24-44-0234	78th St W	\$309.41
33-028-24-44-0235	78th St W	\$214.20
33-028-24-44-0236	42 Unassigned	\$428.41
34-028-24-33-0087	77th St W	\$888.55
34-028-24-33-0088	77th St W	\$1,904.03

34-028-24-33-0156	77th St W	\$5,450.29
34-028-24-34-0055	Wentworth Ave	\$364.94
34-028-24-34-0060	Pillsbury Ave	\$182.47
34-028-24-34-0073	Pillsbury Ave	\$745.75
34-028-24-43-0005	2nd Ave S	\$737.81
34-028-24-43-0077	2nd Ave S	\$420.47
34-028-24-43-0078	Nicollet Ave S	\$7,441.58
34-028-24-44-0031	5th Ave S	\$555.34
34-028-24-44-0037	78th St E	\$587.08
35-028-24-33-0009	78th St E	\$460.14
35-028-24-43-0077	77th St E	\$2,982.98
35-028-24-44-0010	77th St E	\$2,546.64
35-028-24-44-0033	78th St E	\$1,705.69
		\$71,528.09

Closed Desc

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENT ON
INTERSTATE-LYNDALE-NICOLLET (ILN) PROJECT AREA MAINTENANCE FOR
THE PERIOD JANUARY 1, 2018 TO DECEMBER 31, 2018**

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and passed upon all objections to the proposed assessment for current services related to maintenance of the ILN Project Area, which is approximately bounded east of I-35W and west of Cedar Avenue.

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

1. Such proposed assessment roll in the total amount of \$71,528.09 is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of assessment levied against it.
2. Such assessment shall be payable before or during 2020 and shall bear interest at the rate of five percent (5%) from the date of adoption of this assessment resolution.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment, to the City's Finance Division, except that no interest shall be charged if the entire assessment is paid by November 7, 2019. A property owner may, at any time prior to November 15, pay to the City's Finance Division the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which payment is made.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the proper tax lists of the County and such assessment shall be collected and paid over in the same manner in other municipal taxes.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of October, 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

RESOLUTION NO.

**RESOLUTION ORDERING THE UNDERTAKING OF
CURRENT SERVICE PROJECT WITHIN THE
INTERSTATE-LYNDALE-NICOLLET (ILN) PROJECT
AREA FOR THE PERIOD JANUARY 1, 2020 TO
DECEMBER 31, 2020**

WHEREAS, pursuant to ordinance, the City Council of the City of Richfield did establish a special assessment district and did propose that certain current services be undertaken by the City in the ILN Project Area, approximately bounded by I-35W, 77th Street, I-494 and Cedar Avenue and that the cost of such services be specially assessed against benefited property; and

WHEREAS, the City Council of the City of Richfield did also by such resolution set the date of the public hearing on the undertaking of such current service project and the levying of special assessment to bear the cost thereof; and

WHEREAS, following due notice, such public hearing was held on October 8, 2019, at which time all interested parties desiring to be heard were given an opportunity to be heard.

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

1. That the following examples of current services of the City shall be undertaken by the City within the ILN Project Area, which area constitutes the special assessment district with the exception of residential properties, plus the two churches in the area, with the cost of such services to be specially assessed against the benefited property within the district:
 - a. Snow, ice or rubbish removal;
 - b. Weed elimination;
 - c. Elimination or removal of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes Section 463.15 to 463.26;
 - d. Installation and repair of water service lines;
 - e. Street sprinkling or other dust treatment of streets;
 - f. The treatment and removal of insect-infested or diseased trees on private property;
 - g. Trimming and care of trees and the removal of unsound trees;
 - h. Repair of sidewalks, crosswalks and other pedestrian walkways;
 - i. Operation of the street lighting system;
 - j. Maintenance of landscaped areas and other public amenities on or adjacent to street right-of-way; and
 - k. Snow removal and other maintenance of streets.

2. The work to be performed may be by day labor, by City force, by contract, or by any combination thereof.
3. The designated period of the project shall be from January 1, 2020, through December 31, 2020. Costs of the project shall be in the manner provided in the Richfield Ordinance Code.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of October, 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 125
CITY COUNCIL MEETING
10/8/2019

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

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

OTHER DEPARTMENT REVIEW: NA

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
10/2/2019

ITEM FOR COUNCIL CONSIDERATION:

Violation hearing and consideration of a resolution regarding civil enforcement for establishments that recently underwent alcohol compliance checks conducted by Richfield Public Safety staff, and failed by selling alcohol to underage youth.

EXECUTIVE SUMMARY:

Richfield Public Safety staff conducted phase one of the alcohol compliance checks for 2019. These checks are done to determine the availability of alcohol to underage youth and to meet State Statutes. There are currently 33 establishments that hold licenses to sell alcohol in Richfield. Compliance checks were conducted at 31 establishments. Two establishments were closed at the time the checks were conducted. Four of the 31 establishments sold alcohol to an underage youth. The action being taken today is for civil enforcement and penalties against those establishments: 1) Davanni's Inc. d/b/a Davanni's Pizza and Hot Hoagies located at 6345 Penn Avenue South 2) Richfield Municipal Liquor Store #2 d/b/a Cedar Liquor Store located at 6600 Cedar Avenue South 3) Northern Tier Retail LLC. d/b/a Speedway #4188 located at 7720 Nicollet Avenue South and 4) Northern Tier Retail LLC. d/b/a Speedway #4615 located at 826 West 66th Street. This is the fourth alcohol compliance check failure for Davanni's Inc. d/b/a Davanni's Pizza and Hot Hoagies located at 6345 Penn Avenue South. Previous failures occurred on July 14, 2001, December 3, 2003 and October 18, 2007. Since their last alcohol compliance check failure in 2007 and this date, they have been able to pass enough consecutive successful compliance checks to place them back at step one level of discipline.

This is a first alcohol compliance check failure for Richfield Municipal Liquor #2 d/b/a Cedar Liquor Store located at 6600 Cedar Avenue South. They have no previous failures.

This is the sixth failure for Northern Tier Retail LLC. d/b/a Speedway #4188 located at 7720 Nicollet Avenue South. Previous failures occurred on March 4, 1999, November 17, 1999, December 3, 2003, November 9, 2004 and October 16, 2008. Since their last alcohol compliance check failure in 2008 and this date, they have been able to pass enough consecutive successful compliance checks to place them back at a step one level of discipline.

This is the third failure for Northern Tier Retail LLC. d/b/a Speedway # 4615 located at 826 West 66th Street. Previous failures occurred on August 7, 2000 and December 4, 2002. Since their last alcohol compliance check failure in 2002 and this date, they have been able to pass enough consecutive successful compliance

checks to place them back at a step one level of discipline.

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

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

For first time violators, Public Safety recommends the City Council follow the guidelines set forth in Resolution No. 9511.

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

Richfield Liquor Store #2 d/b/a Cedar Liquor Store, located at 6600 Cedar Ave S. has accepted all penalties. The store's liquor license was suspended from September 1 - 5, 2019 resulting in a full closure for 5 days and the \$1,000 fine was paid on September 13, 2019.

RECOMMENDED ACTION:

By motion: Approve the attached resolutions regarding civil enforcement for Davanni's Inc. d/b/a Davanni's Pizza and Hot Hoagies located at 6345 Penn Avenue South, Richfield Municipal Liquor Store #2 d/b/a Cedar Liquor Store located at 6600 Cedar Avenue South, Northern Tier Retail LLC. d/b/a Speedway #4188 located at 7720 Nicollet Avenue South and Northern Tier Retail LLC. d/b/a Speedway #4615 located at 826 West 66th Street. These establishments failed alcohol compliance checks by selling alcohol to an underage youth.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

On August 20, 2019 Richfield Public Safety staff conducted alcohol compliance checks at 31 establishments in Richfield that sell alcohol. The compliance checks were the first round of checks conducted in 2019. Public Safety staff was assisted by two underage youth who are eighteen and twenty years old. The establishments that sold alcohol to underage youth are:

- Davanni's Inc. d/b/a Davanni's Pizza and Hot Hoagies located at 6345 Penn Avenue South.
- Richfield Municipal Liquor #2 d/b/a Cedar Liquor Store located at 6600 Cedar Avenue South.
- Northern Tier Retail LLC. d/b/a Speedway #4188 located at 7720 Nicollet Avenue South.
- Northern Tier Retail LLC. d/b/a Speedway #4615 located at 826 West 66th Street.

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

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

C. CRITICAL TIMING ISSUES:

Fine and suspension requirements must be met by November 8, 2019.

D. FINANCIAL IMPACT:

The fine being recommended at this time is intended to recover 100% of the costs for conducting the compliance checks and to impose a financial penalty.

E. LEGAL CONSIDERATION:

Formal complaint charges for the selling of alcohol to an underage person have been filed against the clerks who made the sale at each establishment.

ALTERNATIVE RECOMMENDATION(S):

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

PRINCIPAL PARTIES EXPECTED AT MEETING:

A representative from Davanni's Inc. d/b/a Davanni's Pizza and Hot Hoagies located at 6345 Penn Avenue South, Northern Tier Retail LLC d/b/a Speedway #4188 located at 7720 Nicollet Avenue South and Northern Tier Retail LLC d/b/a Speedway #4615 located at 826 West 66th Street are expected to be in attendance at the meeting. They have been notified in writing of this requirement.

ATTACHMENTS:

Description	Type
☐ Richfield Liquor Store	Cover Memo
☐ Davanni's Resolution	Cover Memo
☐ Speedway 7720 Nicollet Resolution	Cover Memo
☐ Speedway 826 66th Resolution	Cover Memo

RESOLUTION NO.

RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR RICHFIELD MUNICIPAL LIQUOR STORE #2 d/b/a CEDAR LIQUOR STORE, 6600 CEDAR AVENUE SOUTH, AND IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL COMPLIANCE FAILURE

WHEREAS, Richfield Municipal Liquor Store #2 d/b/a Cedar Liquor Store (“Licensee”) holds a Municipal Exclusive Off Sale Liquor Store license from the Alcohol and Gambling Enforcement, Minnesota Department of Public Safety.

WHEREAS, on August 20, 2019 the City of Richfield Public Safety Department conducted a compliance check of the Licensee’s establishment; and, during the compliance check, an employee of the Licensee sold alcohol to a minor and;

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

WHEREAS, the Licensee appeared before the Richfield City Council on October 8, 2019 and admitted the violation and stipulated to the penalty imposed by this resolution.

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

The Licensee’s Municipal Exclusive Off Sale Liquor Store license is hereby suspended for a period of five (5) consecutive days, commencing on a date to be determined by the Public Safety Director, but to take place within 30 days after their Council appearance.

1. A civil penalty of \$1,000 is hereby imposed. On or before November 8, 2019, the Licensee shall deliver a check or money order payable to the City of Richfield in the amount of \$1,000.
2. Meet with the Director of Public Safety by November 8, 2019, to present a written action plan to ensure future compliance.
3. One staff member, preferably the manager, must attend an alcohol compliance and sales awareness presentation conducted by a private firm, approved by Public Safety, with all costs to be paid by the establishment.

Passed by the City Council of the City of Richfield this 8th day of October 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

RESOLUTION NO.

**RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR DAVANNI'S INC. d/b/a/
DAVANNI'S PIZZA AND HOT HOAGIES, 6345 PENN AVENUE SOUTH AND
IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL COMPLIANCE FAILURE**

WHEREAS, Davanni's Inc. d/b/a Davanni's Pizza and Hot Hoagies ("Licensee") holds an On Sale Wine and 3.2 Percent Malt Liquor licenses from the City of Richfield; and

WHEREAS, on August 20, 2019 the City of Richfield Public Safety Department conducted a compliance check of the Licensee's establishment; and, during the compliance check, an employee of the Licensee sold alcohol to a minor and;

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

WHEREAS, the Licensee appeared before the Richfield City Council on October 8, 2019 and admitted the violation and stipulated to the penalty imposed by this resolution.

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

The Licensee's On Sale Wine and 3.2 Percent Malt Liquor license is hereby suspended for a period of five (5) consecutive days, commencing on a date to be determined by the Public Safety Director, but to take place within 30 days after their Council appearance.

1. A civil penalty of \$1,000 is hereby imposed. On or before November 8, 2019, the Licensee shall deliver a check or money order payable to the City of Richfield in the amount of \$1,000.
2. Meet with the Director of Public Safety by November 8, 2019, to present a written action plan to ensure future compliance.
3. One staff member, preferably the manager, must attend an alcohol compliance and sales awareness presentation conducted by a private firm, approved by Public Safety, with all costs to be paid by the establishment.

Passed by the City Council of the City of Richfield this 8th day of October 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

RESOLUTION NO.

**RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR NORTHERN TIER
RETAIL LLC. d/b/a/ SPEEDWAY #4188 7720 NICOLLET AVENUE SOUTH,
AND IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL
COMPLIANCE FAILURE**

WHEREAS, Northern Tier Retail LLC. d/b/a Speedway #4188 (“Licensee”) holds an Off Sale 3.2 Percent Malt Liquor license from the City of Richfield; and

WHEREAS, on August 20, 2019 the City of Richfield Public Safety Department conducted a compliance check of the Licensee’s establishment; and, during the compliance check, an employee of the Licensee sold alcohol to a minor and;

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

WHEREAS, the Licensee appeared before the Richfield City Council on October 8, 2019 and admitted the violation and stipulated to the penalty imposed by this resolution.

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

The Licensee’s Off Sale 3.2 Percent Malt Liquor license is hereby suspended for a period of five (5) consecutive days, commencing on a date to be determined by the Public Safety Director, but to take place within 30 days after their Council appearance.

1. A civil penalty of \$1,000 is hereby imposed. On or before November 8, 2019, the Licensee shall deliver a check or money order payable to the City of Richfield in the amount of \$1,000.
2. Meet with the Director of Public Safety by November 8, 2019, to present a written action plan to ensure future compliance.
3. One staff member, preferably the manager, must attend an alcohol compliance and sales awareness presentation conducted by a private firm, approved by Public Safety, with all costs to be paid by the establishment.

Passed by the City Council of the City of Richfield this 8th day of October 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

RESOLUTION NO.

**RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR NORTHERN TIER
RETAIL LLC d/b/a/ SPEEDWAY #4615 826 WEST 66th STREET, AND
IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL COMPLIANCE
FAILURE**

WHEREAS, Northern Tier Retail LLC d/b/a Speedway #4615 (“Licensee”) holds an Off Sale 3.2 Percent Malt Liquor license from the City of Richfield; and

WHEREAS, on August 20, 2019 the City of Richfield Public Safety Department conducted a compliance check of the Licensee’s establishment; and, during the compliance check, an employee of the Licensee sold alcohol to a minor and;

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

WHEREAS, the Licensee appeared before the Richfield City Council on October 8, 2019 and admitted the violation and stipulated to the penalty imposed by this resolution.

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

The Licensee’s Off Sale 3.2 Percent Malt Liquor license is hereby suspended for a period of five (5) consecutive days, commencing on a date to be determined by the Public Safety Director, but to take place within 30 days after their Council appearance.

1. A civil penalty of \$1,000 is hereby imposed. On or before November 8, 2019, the Licensee shall deliver a check or money order payable to the City of Richfield in the amount of \$1,000.
2. Meet with the Director of Public Safety by November 8, 2019, to present a written action plan to ensure future compliance.
3. One staff member, preferably the manager, must attend an alcohol compliance and sales awareness presentation conducted by a private firm, approved by Public Safety, with all costs to be paid by the establishment.

Passed by the City Council of the City of Richfield this 8th day of October 2019.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk