



**SPECIAL CITY COUNCIL WORKSESSION
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM
JUNE 13, 2017
5:45 PM**

Call to order

1. 2017 Core Values and Goals Review

Adjournment

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

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

June 8, 2017

Council Memorandum No. 56

The Honorable Mayor
and
Members of the City Council

Subject: 2017 Core Values and Goals Documents

Council Members:

Attached are two documents reflecting the work done on May 8th by the City Council and Department Directors to identify our City's core values and the priorities/action items for the upcoming year.

Our Media Coordinator, Neil Ruhland, worked with Pam Dmytrenko and Mike Dobesh to create these two documents. One describes the work accomplished on May 8th and the results of our discussions. The other document is an infographic of the City's core values. This document can be utilized in many formats (e.g. posters at City sites) to share the information with both staff and the public.

At the brief 5:45 p.m. study session on June 13th, staff will be asking the City Council for feedback on the information in these documents. Specifically, we want to make sure the wording of the core values and the priorities for the coming year accurately reflect your thinking and our discussions from May 8th.

Respectfully submitted,



Steven L. Devich
City Manager

SLD:pd

Attachments

Email: Assistant City Manager
Department Directors



City of Richfield core values and goals

MAYOR

PAT ELLIOTT

CITY COUNCIL

EDWINA GARCIA

MICHAEL HOWARD

MARIA REGAN GONZALEZ

On May 8, the Richfield City Council participated in a facilitated conversation to determine their goals for the upcoming year. The discussion was insightful and beneficial, but focused more on core values than goals. The city council asked Assistant City Manager Pam Dmytrenko and Assistant Fire Chief Mike Dobesh to synthesize the information discussed during the facilitated conversation into a draft of the city's core values.

The initial concepts discussed by the city council included:

CITY MANAGER

STEVEN DEVICH

-) Leading
-) Responsive
-) Concerned
-) Community centered

The council also expressed the importance of including diversity and equity if possible. They agreed that diversity and equity are important to the City of Richfield, but wanted further clarification from city administration.

After extensive research into core value development, as well as the importance placed on these values by external stakeholders, the city's administration condensed the council's initial core values discussion into the following core values and definitions:

-) Lead the way - The City of Richfield seeks to continuously improve the services it provides to residents through innovative and creative solutions. The city cultivates an environment of growth for its staff and residents.
-) Responsive - The City of Richfield listens and responds to feedback from residents. New projects undertaken by the city will reflect the needs of residents. Both elected officials and city staff will provide timely, knowledgeable customer service to residents at all times.
-) Accountable - The City of Richfield manages its resources in a responsible manner. The city aims to provide services that promote an active and healthy community in the most fiscally responsible way.
-) Community centered - The City of Richfield puts its citizens first. The city is citizen-focused and makes all decisions based on what is in the best interest of current and future residents. Richfield is constantly seeking opportunities to collaborate with residents to set goals and accomplish objectives.
-) Celebrate diversity - The City of Richfield celebrates the diversity of its residents and staff. The city seeks to better understand the needs of the community's different cultures. Richfield's diverse culture is one of its greatest strengths and assets.

-) Equitable - The City of Richfield believes that every citizen deserves access to high-quality municipal services. The city will work with the community partners to promote an environment of equity and inclusion. Richfield will reduce inequity by focusing on the areas of greatest need.

During the same facilitated conversation, the city council identified what projects they wanted to prioritize for the coming year.

Those projects included:

-) Effectively market and promote city functions and accomplishments
-) Complete the 77th Street underpass
-) Expand commercial and housing opportunities
-) Complete in-progress development projects
-) Start eastside development initiative
-) Strengthen relationship with Richfield School Board
-) Fortify relationship between Public Safety and the community
-) Increase diversity in city workforce
-) Provide community with periodic status reports on redevelopment projects
-) Move forward with Lyndale Avenue redesign
-) Develop an affordable housing policy
-) Promote and support the diversity in our community
-) Seek greater understanding and recognition of equity related issues

At this time, the city's administrative team would appreciate any feedback regarding the proposed core values for the City of Richfield from the city council.

Following the adoption of the city's core values by the Richfield City Council, they will be disseminated to city employees and the general public.

Core values



Responsive

The City of Richfield listens and responds to feedback from residents. New projects undertaken by the city will reflect the needs of residents. Both elected officials and city staff will provide timely, knowledgeable customer service to residents at all times.



Accountable

The City of Richfield manages its resources in a responsible manner. The city aims to provide services that promote an active and healthy community in the most fiscally responsible way.



Community centered

The City of Richfield puts its citizens first. The city is citizen-focused and makes all decisions based on what is in the best interest of current and future residents. Richfield is constantly seeking opportunities to collaborate with residents to set goals and accomplish objectives.



Celebrate diversity

The City of Richfield celebrates the diversity of its residents and staff. The city seeks to better understand the needs of the community's different cultures. Richfield's diverse culture is one of its greatest strengths and assets.





**SPECIAL CITY COUNCIL WORKSESSION
RICHFIELD MUNICIPAL CENTER, HEREDIA PARK
JUNE 13, 2017
6:00 PM**

Call to order

1. Commission Recognition Event

Adjournment

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



**REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
JUNE 13, 2017
7:00 PM**

INTRODUCTORY PROCEEDINGS

Call to order

Oath of office of Richfield City Council Member, Simon Trautmann.

Open forum (15 minutes maximum)

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

Pledge of Allegiance

Approval of the minutes of the: (1) Special Joint City Council and Housing and Redevelopment Authority Work Session of May 15, 2017; (2) Special City Council Work Session of May 24, 2017; (3) Special Joint City Council and Civil Service Commission Work Session of May 24, 2017; (4) Special City Council Meeting of May 24, 2017; and (5) Special City Council Meeting of May 26, 2017.

COUNCIL DISCUSSION

1. Hats Off to Hometown Hits
 - Commissioner Recognition Event
 - 4th of July Parade

AGENDA APPROVAL

2. Approval of the Agenda
3. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
 - A. Consideration of approval of a Hennepin County Sports Agreement, on behalf of Seven Hills Preparatory Academy, for a \$25,000 grant to fund playground equipment on their campus, and authorization of staff to execute the agreement.

Staff Report No. 87
 - B. Consideration of the approval of a resolution ordering the abatement of conditions creating a hazardous building and a public health and safety nuisance existing at 6944 Pleasant Avenue South, Richfield, Minnesota.

Staff Report No. 88

- C. Consideration of approval of the implementation of the Bicycle Master Plan identified bike routes in the 2016 mill and overlay area, as recommended by the Transportation Commission.

Staff Report No. 89

- D. Consideration of the approval of a resolution approving Cooperation Agreement No. 171037 with the Metropolitan Council for restoration of the Portland Avenue roundabout intersecting 66th Street.

Staff Report No. 90

- E. Consideration of the approval of a request for a Temporary On Sale Intoxicating Liquor license for the activities scheduled to take place July 4, 2017 for the Minneapolis-Richfield American Legion Post #435, located at 6501 Portland Avenue South.

Staff Report No. 91

- F. Consideration of the approval of a request for a Temporary On Sale Intoxicating Liquor license for the Church of the Assumption, located at 305 77th Street East, for their 140th Anniversary Celebration taking place August 18-20, 2017.

Staff Report No. 92

- G. Consideration of the approval of an annual request for a Community Celebration Event license (with a request for the fee to be waived) and a Temporary On-Sale Intoxicating Liquor license, from the Fourth of July Committee for the events scheduled to take place at Veterans Memorial Park, July 3 - 4, 2017.

Staff Report No. 93

- 4. Consideration of items, if any, removed from Consent Calendar

PUBLIC HEARINGS

- 5. Continue the public hearing and second reading of a transitory ordinance vacating 17th Avenue street right-of-way adjacent to the proposed Plaza 66 commercial development to June 27, 2017.

Staff Report No. 94

- 6. Continue the public hearing and second reading of a resolution for a preliminary plat of the "Plaza 66 in Richfield" Addition that will combine six parcels (6609 – 16th Avenue, 6615 – 16th Avenue, 6608 – 17th Avenue, 6614 – 17th Avenue, and two adjacent remnant parcels) and adjacent 17th Avenue right-of-way in order to allow construction of a multi-tenant commercial building to June 27, 2017.

Staff Report No. 95

PROPOSED ORDINANCES

- 7. Consideration of the approval of the first reading of an ordinance abolishing the Police Civil Service Commission; repealing Subsection 305.05 of the City Code that creates a joint Police and Fire Civil Service Commission; and adopting a new Subsection 305.05 to continue the Fire Civil Service Commission.

Staff Report No. 96

RESOLUTIONS

- 8. Consideration of the approval of a resolution granting a conditional use permit amendment and variances to allow an expanded outdoor recreational facility at the Academy of Holy Angels. The proposal includes a synthetic turf playing surface, field lighting, and an additional inflatable dome to be used seasonally.

Staff Report No. 97

CITY MANAGER'S REPORT

- 9. City Manager's Report
- 10. Provide a summary review of the City Manager's annual performance evaluation for 2016, held on May 24, 2017, as required by Minn. Statutes 13D.05 Subd. 3(a).

CLAIMS AND PAYROLLS

- 11. Claims and Payrolls

Open forum (15 minutes maximum)

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

12. Adjournment

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

CITY COUNCIL MEETING MINUTES
Richfield, Minnesota



**Special Joint City Council and
Housing and Redevelopment Authority
Work Session**

May 15, 2017

CALL TO ORDER

The joint work session was called to order by Mayor Elliott and Chair Supple at 6:30 p.m. in the Bartholomew Room.

Council Members Present: Pat Elliott, Mayor; Michael Howard; and Maria Regan Gonzalez.

Council Members Absent: Edwina Garcia

HRA Members Present: Mary Supple, Chair; Pat Elliott; Michael Howard; Doris Rubenstein; and Sue Sandahl.

Staff Present: Steven L. Devich, City Manager/Executive Director; John Stark, Community Development Director; Karen Barton, Assistant Community Development Director and; Jared Voto, Executive Aide/Analyst.

Item #1	DEVELOPMENT UPDATE BY THE COMMUNITY DEVELOPMENT DEPARTMENT
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Assistant Community Development Director Barton introduced Colleen Carey and her development team.

Ms. Carey reviewed the revised development plan for the Lyndale Gardens project area. The project is now separated into three aspects: townhomes, a restaurant, and either an apartment or condominium building.

There was general discussion regarding the specific components of the proposed project, including the potential of a three story building for either apartments or condominium units.

ADJOURNMENT

The joint work session was adjourned by unanimous consent at 7:00 p.m.

Date Approved: June 13, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Work Session

May 24, 2017

CALL TO ORDER

The work session was called to order by Mayor Elliott at 5:30 p.m. in the Bartholomew Room.

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Maria Regan Gonzalez; and Michael Howard (arrived at 5:40)

Staff Present: Steven L. Devich, City Manager; Mary Tietjen, City Attorney; Pam Dmytrenko, Assistant City Manager/HR Manager; Kristin Asher, Public Works Director; Jeff Pearson, City Engineer; Jack Broz, Transportation Engineer; and, Jared Voto, Executive Aide/Analyst.

Item #1	2017 BICYCLE ROUTES
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Jack Broz, Transportation Engineer, discussed the 2017 Bicycle Route Map including the proposed construction in 2017 on 70th Street, 12th Avenue, Bloomington Avenue, and 62nd Street. Broz stated the Transportation Commission recommends Council to complete the projects as proposed. Council Members asked questions about the projects and educating the public about shared bike lanes.

Item #2	CITY INFRASTRUCTURE REPORT
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Kristin Asher, Public Works Director, presented a background and history of the infrastructure installation in the city, with sewer installation in the 1950s, water in the 1960s, and storm water and roads in the 1970s. The cost to replace all of this infrastructure is approximately \$400 million. Asher discussed the rehabilitation work being done on this infrastructure, instead of replacement, and the costs.

Jeff Pearson, City Engineer, and Asher discussed the 5 Year Street Reconstruction Plan, highlighting newly added projects: Lyndale Avenue and 65th Street. They also discussed the funding for these transportation projects, using street reconstruction bonds instead of special assessments. They further discussed the reconstruction of Lyndale Avenue stating the public input process and design would begin in 2017.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:01 p.m.

Date Approved: June 13, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager

CITY COUNCIL MEETING MINUTES

Richfield, Minnesota



Special Joint City Council and Civil Service Commission Work Session

May 24, 2017

CALL TO ORDER

The joint work session was called to order by Mayor Elliott at 6:03 p.m. in the Bartholomew Room.

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Michael Howard; and Maria Regan Gonzalez.

CSC Members Present: Francie Fletcher

CSC Members Present: Steven Hurvitz and Mary Stratton.

Staff Present: Steven L. Devich, City Manager/Executive Director; Jay Henthorne, Public Safety Director/Police Chief; Pam Dmytrenko, Assistant City Manager/HR Manager; Mary Tietjen, City Attorney; Jared Voto, Executive Aide/Analyst.

Item #1

SUMMARY AND REVIEW OF REPORT FROM INDEPENDENT CONSULTANT REGARDING POLICE PROMOTIONAL PROCESSES AND STAFF RECOMMENDATIONS GOING FORWARD

Mary Tietjen, City Attorney, introduced the topic regarding the City retaining an independent consultant to review the police promotional process and provide recommendations. Tietjen introduced Michelle Soldo, of Soldo Consulting, P.C., who provided the review and recommendations.

Soldo discussed the reports and process for reviewing the police department's processes. She went through her recommendations, which includes abolishing the Civil Service Commission, as many of its duties have been delegated to professional staff and are no longer provided by the Commission. She stated that of 880 cities in Minnesota, 17 have Civil Service Commissions for Police and Fire.

Council Members asked questions regarding the reports and Ms. Soldo and staff responded. Council agreed with reviewing the report and recommendations and moving forward with the process.

ADJOURNMENT

The concurrent work session was adjourned by unanimous consent at 6:34 p.m.

Date Approved: June 13, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Meeting

May 24, 2017

CALL TO ORDER

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

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Michael Howard; and Maria Regan Gonzalez.

Staff Present: Steven L. Devich, City Manager; Mary Tietjen, City Attorney; Pam Dmytrenko, Assistant City Manager/HR Manager; John Stark, Community Development Director; Kristin Asher, Public Works Director; Jay Henthorne, Public Safety Director/Police Chief; Chris Regis, Finance Manager; Jeff Pearson, City Engineer; and Jared Voto, Executive Aide/Analyst.

OPEN FORUM

None.

PLEDGE OF ALLEGIANCE

Mayor Elliott led the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Howard, S/Garcia to approve the minutes of the: (1) Special City Council Work Session of May 9, 2017; and (2) Regular City Council Meeting of May 9, 2017.

Motion carried 4-0.

Item #1

RECEIPT OF THE CITY OF RICHFIELD COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED DECEMBER 31, 2016 (S.R. NO. 75)

Matthew Mayer, CPA, of BerganKDV, presented the CAFR and provided an overview of the City's finances.

M/Garcia, S/Howard to accept the Comprehensive Annual Financial Report of the City for the year ended December 31, 2016.

Motion carried 4-0.

Item #2	PRESENTATION FOR NATIONAL PUBLIC WORKS WEEK – MAY 21-27, 2017
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Kristin Asher, Director of Public Works, presented information on Public Works Week.

Item #3	COUNCIL DISCUSSION <ul style="list-style-type: none"> • Hats Off to Hometown Hits
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Council Member Regan Gonzalez spoke regarding the free youth lunch program provided by the Recreation Services Department and a Spanish-speaking childcare group based in Richfield that is receiving national recognition.

Council Member Howard spoke regarding Unity in the Community being held at Veterans Park on May 25 and congratulated Simon Trautmann on winning the Special Election and thanked all candidates who ran.

Council Member Garcia spoke regarding the Memorial Day Ceremony on May 29 at Veterans Park and congratulated Simon Trautmann and thanked the other candidates for getting involved.

Mayor Elliott spoke regarding the Special Election for Ward 1, congratulated Simon Trautmann, and said he was proud of all the candidates. He discussed Unity in the Community and the need for volunteers for Open Streets Penn Fest.

Item #4	APPROVAL OF THE AGENDA
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M/Garcia, S/Elliott to approve the agenda.

Motion carried 4-0.

Item #5	CONSENT CALENDAR
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City Manager Devich presented the Consent Calendar.

- A. Consideration of the approval of a resolution modifying a Health Care Savings Plan for Management Employees. (S.R. No. 76)

RESOLUTION NO. 11362

RESOLUTION ESTABLISHING AN UPDATED AMENDED POST EMPLOYMENT HEALTH CARE SAVINGS PLAN FOR MANAGEMENT EMPLOYEES

This resolution appears as Resolution No. 11362.

- B. Consideration of the approval of a Capital Asset Policy. Staff Report No. 77
- C. Consideration of the approval of the third amendment to the Site Lease Agreement at 6700 Portland Avenue between the City of Richfield and Sprint Spectrum Realty Company, LP (successor in interest to Sprint Spectrum LP) to reimburse the City for past electrical use. (S.R. No. 78)
- D. Consideration of the approval of a resolution authorizing the City of Richfield to enter into a contract with Hennepin County for Sentencing to Service program services not to exceed \$74,214.40 in 2017 and not to exceed \$76,440.00 in 2018. (S.R. No. 79)

RESOLUTION NO. 11363

RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ENTER INTO HENNEPIN COUNTY CONTRACT NO A166477 WITH THE COUNTY OF HENNEPIN, STATE OF MINNESOTA FOR SENTENCING TO SERVICE (STS) PROGRAM SERVICES THROUGH DECEMBER 31, 2018

This resolution appears as Resolution No. 11363.

- E. Consideration of the approval of a resolution authorizing the City of Richfield to enter into a Safety Grant Agreement to accept grant funds, totaling \$7,500, from the Minnesota Department of Labor and Industries to be used towards the purchase of a valve maintenance trailer. (S.R. No. 80)

RESOLUTION NO. 11364

RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ENTER INTO A SAFETY GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF LABOR & INDUSTRY FOR \$7,500 TO BE USED FOR PURCHASE OF A SINGLE VALVE MAINTENANCE TRAILER

This resolution appears as Resolution No. 11364.

- F. Consideration of the approval of an annual request for a Temporary On Sale Intoxicating Liquor license for the Academy of Holy Angels, located at 6600 Nicollet Avenue South, for their Holy Angels Rock the Lawn event taking place Friday, June 23, 2017. (S.R. No. 81)
- G. Consideration of the approval of a first reading of a transitory ordinance vacating 17th Avenue South street right-of-way adjacent to the proposed Plaza 66 commercial development (approx. 66th Street and 17th Avenue) and schedule a public hearing and second reading for June 13, 2017. (S.R. No. 82)

M/Howard, S/Regan Gonzalez to approve the consent calendar.

Motion carried 4-0.

Item #6	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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None.

Item #7	CONSIDERATION OF THE APPROVAL OF THE SECOND READING OF AN ORDINANCE REZONING PROPERTIES CURRENTLY ADDRESSED AS: 6601 - 16TH AVENUE, 6609 - 16TH AVENUE, 6615 - 16TH AVENUE, 6600 - 17TH AVENUE, 6608 - 17TH AVENUE, AND 6614 - 17TH AVENUE FROM GENERAL BUSINESS (C-2) TO PLANNED GENERAL BUSINESS (PC-2) AND APPROVAL OF A RESOLUTION FOR A PLANNED UNIT DEVELOPMENT AT THIS SAME LOCATION. (S.R. NO. 83)
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Council Member Regan Gonzalez presented Staff Report No. 83.

Mayor Elliott stated this was not a public hearing, but invited members of the audience to make a statement about the project.

Rosalie Hinrichs, address not provided, spoke regarding her worry about the street and traffic impact of the development and wanting a dead end on 16th Avenue.

Rissa Pahl, 6645 16th Ave S, asked about the Automatic Volume Control technology and spoke regarding a dead end on 16th Avenue, the restaurant having a liquor license, the hours of service at the development, and a 4-way stop at 16th Avenue and 67th Street.

Jane Peterson, 6639 16th Ave S, spoke regarding concerns of losing single-family homes and a dead end on 16th Avenue.

Tyler Hoyt, 6621 16th Ave S, asked about the 8 foot fence. John Stark, Community Development Director, responded that the documents include a requirement for an 8 foot fence.

Courtney Zellmer, 6621 16th Ave S, asked about the lights in the parking lots. Stark responded with a lighting map that was included in the packet.

Council Member Regan Gonzalez read a statement about the residents' concerns and the solutions to alleviate the concerns.

M/Regan Gonzalez, S/Elliott to approve the second reading of an ordinance rezoning Lots 1, 2, 3, 14, 15, and 16, Block 1, Cedar Sunrise Addition from General Business (C-2) to Planned General Business (PC-2); and approve a resolution approving a Planned Unit Development, Conditional Use Permit, and Final Development Plan for a multi-tenant commercial development to be built on properties legally described as Lots 1, 2, 3, 15, and 16, Block 1, Cedar Sunrise Addition, and adjacent right-of-way.

RESOLUTION NO. 11365

RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN AND
CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT
TO BE BUILT AT APPROXIMATELY 66TH STREET AND 16TH
AVENUE

Council Member Howard thanked residents for their actions and being respectful during the process and provided his reasoning for supporting the project.

Council Member Garcia discussed the bigger picture in the city of bringing commercial businesses to alleviate the burden on residential properties.

Mayor Elliott commented about doing everything the Council can do an approach development with a wider view.

Motion carried 4-0. The resolution appear as Resolution No. 11365.

Item #8	CONSIDERATION OF THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ACCEPT A CENTER FOR PREVENTION AT BLUE CROSS BLUE SHIELD GRANT FOR \$20,500 TO BE APPLIED TOWARD INSTALLATION, EDUCATION, AND EVALUATION OF TEMPORARY PEDESTRIAN CROSSINGS OF NICOLLET AVENUE. (S.R. NO. 84)
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Mayor Elliott presented Staff Report No. 84.

M/Elliott, S/Howard to approve the attached resolution authorizing an Active Place Demonstration Project Funds Agreement between the City of Richfield and the Center of Prevention at Blue Cross Blue Shield of Minnesota.

RESOLUTION NO. 11366

RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ACCEPT A CENTER FOR PREVENTION AT BLUE CROSS AND BLUE SHIELD GRANT FOR \$20,500 TO BE APPLIED TO INSTALLATION, EDUCATION AND EVALUATION OF TEMPORARY PEDESTRIAN CROSSINGS OF NICOLLET AVENUE, AND TO AUTHORIZE CITY MANAGER TO EXECUTED THE ASSOCIATED AGREEMENT

Motion carried 4-0. The resolutions appear as Resolution No. 11366.

Item #9	CITY MANAGER'S REPORT
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City Manager Devich commented at the Special Election and the high turnout and acknowledged the City Clerk and her staff. He also noted the hiring of a new Media Coordinator and gave a legislative update on the TIF bills and 77th Street Underpass language.

Item #10	CLAIMS AND PAYROLLS <ul style="list-style-type: none"> • May 9, 2017 and May 23, 2017
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M/Garcia, S/Howard that the following claims and payrolls be approved:

<u>U.S. Bank</u>		<u>05/09/17</u>
A/P Checks: 258651 - 259014	\$	1,215,792.19
Payroll: 127344 - 127645		590,956.24
TOTAL	\$	1,806,748.43

<u>U.S. Bank</u>		<u>05/23/17</u>
A/P Checks: 259015 - 259385	\$	1,256,284.95
Payroll: 127646 - 127955, 42754 - 42756		608,505.35

TOTAL \$ 1,864,790.30

Motion carried 4-0.

OPEN FORUM

None.

Item #11	SPECIAL CITY COUNCIL CLOSED EXECUTIVE SESSION IN THE BABCOCK ROOM REGARDING THE CITY MANAGER'S ANNUAL PERFORMANCE EVALUATION. THE CLOSED EXECUTIVE SESSION WILL BE CONVENED AS PERMITTED TO EVALUATE AN EMPLOYEE'S PERFORMANCE PURSUANT TO MINN. STAT. 13D.05, SUBD. 3(A).
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The City Council closed to special executive session at 8:26 p.m.

Item #12	RECONVENE THE REGULAR CITY COUNCIL MEETING IN THE COUNCIL CHAMBERS.
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The City Council reconvened the meeting at 8:45 p.m.

Item #13	SUMMARY REVIEW OF THE CITY MANAGER'S ANNUAL PERFORMANCE EVALUATION FOR 2016 AND CONSIDERATION OF A RESOLUTION AMENDING EMPLOYMENT AGREEMENT BETWEEN CITY OF RICHFIELD AND CITY MANAGER STEVEN L. DEVICH FOR 2017.
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Mayor Elliott provided a summary of the closed session, with a summary of the City Manager's accomplishments in 2016.

M/Garcia, S/Elliott to approve a resolution amending the employment agreement between the City of Richfield and City Manager Steven L. Devich for 2017.

RESOLUTION NO. 11367

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

Motion carried 4-0. The resolutions appear as Resolution No. 11367.

Item #14	ADJOURNMENT
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The City Council Meeting was adjourned by unanimous consent at 8:56 p.m.

Date Approved: June 13, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Meeting

May 26, 2017

CALL TO ORDER

The meeting was called to order by Mayor Elliott at 8:00 a.m. in the Council Chambers.

Council Members Present: Pat Elliott, Mayor; Michael Howard; and Maria Regan Gonzalez.

Council Members Absent: Edwina Garcia.

ITEM #1	SPECIAL MEETING ITEMS <ul style="list-style-type: none"> CONSIDERATION OF THE APPROVAL OF A RESOLUTION DETERMINING THE RESULTS OF THE CITY SPECIAL ELECTION HELD ON TUESDAY, MAY 23, 2017.
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Mayor Elliott presented Staff Report No. 86 and read the election results.

M/Elliott, S/Howard to approve a resolution determining the results of the City Special Election held on Tuesday May 23, 2017.

RESOLUTION NO. 11368

RESOLUTION APPROVING DETERMINING RESULTS OF THE CITY SPECIAL ELECTION HELD ON TUESDAY, MAY 23, 2017.

Motion carried 3-0. This resolution appears as Resolution No. 11368.

ADJOURNMENT

The meeting was adjourned by unanimous consent at 8:01 a.m.

Date Approved: June 13, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



STAFF REPORT NO. 87
CITY COUNCIL MEETING
6/13/2017

REPORT PREPARED BY: Jim Topitzhofer, Recreation Services Director

DEPARTMENT DIRECTOR REVIEW: Jim Topitzhofer, Recreation Services Director
5/31/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
6/8/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of approval of a Hennepin County Sports Agreement, on behalf of Seven Hills Preparatory Academy, for a \$25,000 grant to fund playground equipment on their campus, and authorization of staff to execute the agreement.

EXECUTIVE SUMMARY:

Seven Hills Preparatory Academy, a charter public school located at 1401 West 76th Street in Richfield, has been awarded a Hennepin County Sports Grant for the installation of playground equipment on their site. The grant is being processed through the City of Richfield, who is acting as the local unit of government (LGU) for the school.

RECOMMENDED ACTION:

By Motion: Approve a Hennepin County Sports Agreement, on behalf of Seven Hills Preparatory Academy, for a \$25,000 grant to fund playground equipment and authorize staff to execute the agreement.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

Seven Hills Preparatory Academy is an award-winning, high quality K-8 charter public school located at 1401 West th Street in Richfield. The School provides a content-rich classical education model that believes in the benefits of physical activity for the healthy development of youth. The School decided to plan a play equipment project to encourage physical activity for the students. The School was recently awarded a grant from Hennepin County in the amount of \$25,000 to help fund the project (see attached grant application). The City of Richfield is acting as the local government unit (LGU) which is a grant requirement for eligibility. The City of Richfield has no other responsibility, financial or otherwise, connected with the grant. Once the play equipment is installed, it will be available to use by the public.

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

By policy, the City Council reviews, considers, and executes all City contracts, including sponsorship agreements.

C. CRITICAL TIMING ISSUES:

Seven Hills Preparatory Academy plans to install the equipment by August 31, 2017. The attached agreement between the City (LGU) and Hennepin County needs to be executed before the School can be reimbursed for the project.

D. FINANCIAL IMPACT:

The City of Richfield has no financial obligations to the project. The grant was awarded in the amount of \$25,000 and matched by the School in the amount of \$50,000 for a project total of \$75,000.

E. LEGAL CONSIDERATION:

City Attorney Mary Tietjen has reviewed the attached standard grant agreement.

ALTERNATIVE RECOMMENDATION(S):

No alternative recommendations have been identified for this item.

PRINCIPAL PARTIES EXPECTED AT MEETING:

There are no principal parties expected at the meeting.

ATTACHMENTS:

Description	Type
☐ Hennepin Sports Grant-Seven Hills Prep	Contract/Agreement
☐ Grant Application	Cover Memo

**AGREEMENT FOR
Seven Hills Preparatory Academy**

This Agreement is between the County of Hennepin, State of Minnesota (“COUNTY”), A-2300 Government Center, Minneapolis, MN 55487, and the City of Richfield, 7000 Nicollet Avenue, Richfield, MN 55423 (“LOCAL UNIT OF GOVERNMENT ” herein “LGU”).

Recitals

1. Section 473.757, subd. 2 of Minnesota Statutes authorizes Hennepin County to make grants for youth activities and youth and amateur sports within Hennepin County with certain funds collected as part of the sales tax authorized in Section 473.757, subd. 10 of Minnesota Statutes.
2. Pursuant to Hennepin County Board Resolution 09-0320R3, Hennepin County created the Hennepin Youth Sports Program. The Hennepin Youth Sports Program makes grants for youth sports and activities and amateur sports within Hennepin County.
3. In 2017, as part of the Hennepin Youth Sports Program, by Resolution No. 17-0109R1, Hennepin County authorized an award of \$25,000 to the LGU for playground project at Seven Hills Preparatory Academy.

NOW, THEREFORE, the parties hereto do hereby agree as follows:

The parties agree as follows:

1. **TERM**

The LGU agrees to complete and provide all necessary documentation for payment for the Project described in Section 2 between January 1, 2017 and July 31, 2018.

2. **PROJECT, CONTRIBUTION, USE OF FUNDS, MARKETING AND REPORTING**

The LGU shall be responsible for construction of the “Project” in accordance with the application submitted by the LGU to the Minnesota Amateur Sports Commission. The LGU’s “Application” for the Project dated 3/28/2017 is on file with Hennepin County and this Application is incorporated into this Agreement by this reference.

Pursuant to the terms herein, the COUNTY shall contribute to the LGU an amount not to exceed \$25,000. The LGU shall be solely responsible for securing all additional funds needed for completion of the Project. The LGU shall use all funds received under this Agreement for construction of the Project.

The parties shall cooperatively and collaboratively develop Project marketing including but not limited to a permanent plaque or sign, news releases, public announcements,

social media, video, civic opportunities, logos and community events. The LGU shall not unreasonably refuse or withhold participation from any COUNTY initiated marketing project, plan or strategy.

The LGU shall provide advance copy of the LGU's independently developed messaging and marketing materials regarding the Project to COUNTY for review and approval. COUNTY may, in its sole discretion, reject any proposed marketing if COUNTY determines the proposed marketing does not reflect the spirit or intent of the Project, this grant or is otherwise contrary to COUNTY's best interests.

Upon completion of the project, the LGU shall provide information, data, statistics and other metrics related to the project, facilities, participants and/or related activities, including but not limited to usage numbers, who is using the park, and what changes in usage were noted. This information shall be provided within one year of completion and on an annual basis for two years thereafter.

3. PAYMENT FOR SERVICES

Upon completion of the Project, the LGU shall submit a Certificate of Occupancy (when applicable) and/or an Affidavit of Project Completion (See Attachment A), as directed by COUNTY.

Upon COUNTY's confirmation that the Project is complete, the LGU shall submit invoices for Project expenses with a Reimbursement Request letter in substantially the same content and character as Attachment B.

If the total cost of the completed Project is less than the amount identified by the LGU in the budget the LGU submitted for the Project, the COUNTY's payment will be reduced based on a pro rata share of the difference between the budgeted amount and the actual amount.

Payment shall be made directly to the LGU upon the presentation of a complete claim in the manner provided by law governing the COUNTY'S payment of claims and/or invoices. Payment shall be made within forty-five (45) days from receipt of the invoice.

4. PROFESSIONAL CREDENTIALS

INTENTIONALLY OMITTED

5. INDEPENDENT CONTRACTOR

LGU shall select the means, method, and manner of performing the services. Nothing is intended or should be construed as creating or establishing the relationship of co-partners between the parties or as constituting LGU as the agent, representative, or employee of the COUNTY for any purpose. LGU is and shall remain an independent LGU for all

services performed under this Agreement. LGU shall secure at its own expense all personnel required in performing services under this Agreement. Any personnel of LGU or other persons while engaged in the performance of any work or services required by LGU will have no contractual relationship with the COUNTY and will not be considered employees of the COUNTY. The COUNTY shall not be responsible for any claims that arise out of employment or alleged employment under the Minnesota Economic Security Law or the Workers' Compensation Act of the State of Minnesota on behalf of any personnel, including, without limitation, claims of discrimination against LGU, its officers, agents, LGUs, or employees. LGU shall defend, indemnify, and hold harmless the COUNTY, its officials, officers, agents, volunteers, and employees from all such claims irrespective of any determination of any pertinent tribunal, agency, board, commission, or court. Such personnel or other persons shall neither require nor be entitled to any compensation, rights, or benefits of any kind from the COUNTY, including, without limitation, tenure rights, medical and hospital care, sick and vacation leave, Workers' Compensation, Re-employment Compensation, disability, severance pay, and retirement benefits.

6. NON-DISCRIMINATION

A. In accordance with the COUNTY's policies against discrimination, LGU agrees that it shall not exclude any person from full employment rights nor prohibit participation in or the benefits of, any program, service or activity on the grounds of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status, or national origin. No person who is protected by applicable Federal or State laws against discrimination shall be subjected to discrimination.

7. INDEMNIFICATION

LGU agrees to defend, indemnify, and hold harmless the COUNTY, its officials, officers, agents, volunteers and employees from any liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorney's fees, resulting directly or indirectly from any act or omission of LGU, a subcontractor hired by the LGU, anyone directly or indirectly employed by them, and/or anyone for whose acts and/or omissions they may be liable in the performance of the services required by this Agreement, and against all loss by reason of the failure of LGU to perform any obligation under this Agreement.

Nothing in this Agreement constitutes a waiver by the LGUs of any statutory or common law defenses, immunities, or limits on liability. The LGUs cannot be required to pay on behalf of themselves and COUNTY to a third party, any amounts in excess of the limits on liability established in Minnesota Statutes Chapter 466 applicable to any one party. The limits of liability for COUNTY and LGUs may not be added together to determine the maximum amount of liability for LGUs.

8. DATA PRACTICES

LGU, its officers, agents, owners, partners, employees, volunteers and subLGUs shall abide by the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 (MGDPA), the Health Insurance Portability and Accountability Act and implementing regulations, if applicable, and all other applicable state and federal laws, rules, regulations and orders relating to data privacy or confidentiality. If LGU creates, collects, receives, stores, uses, maintains or disseminates data because it performs functions of the COUNTY pursuant to this Agreement, then LGU must comply with the requirements of the MGDPA as if it were a government entity, and may be held liable under the MGDPA for noncompliance. LGU agrees to defend, indemnify and hold harmless the COUNTY, its officials, officers, agents, employees, and volunteers from any claims resulting from LGU's officers', agents', owners', partners', employees', volunteers', assignees' or subLGUs' unlawful disclosure and/or use of such protected data, or other noncompliance with the requirements of this section. LGU agrees to promptly notify the COUNTY if it becomes aware of any potential claims, or facts giving rise to such claims, under the MGDPA. The terms of this section shall survive the cancellation or termination of this Agreement.

9. RECORDS – AVAILABILITY/ACCESS

Subject to the requirements of Minnesota Statutes Section 16C.05, Subd. 5, LGU agrees that the COUNTY, the State Auditor, the Legislative Auditor or any of their authorized representatives, at any time during normal business hours, and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of LGU and involve transactions relating to this Agreement. LGU shall maintain these materials and allow access during the period of this Agreement and for six (6) years after its termination or cancellation.

10. SUCCESSORS, SUBCONTRACTING AND ASSIGNMENTS

- A. LGU binds itself, its partners, successors, assigns and legal representatives to the COUNTY for all covenants, agreements and obligations contained in the contract documents.
- B. LGU shall not assign, transfer or pledge this Agreement and/or the services to be performed, whether in whole or in part, nor assign any monies due or to become due to it without the prior written consent of the COUNTY. A consent to assign shall be subject to such conditions and provisions as the COUNTY may deem necessary, accomplished by execution of a form prepared by the COUNTY and signed by LGU, the assignee and the COUNTY. Permission to assign, however, shall under no circumstances relieve LGU of its liabilities and obligations under the Agreement.

- C. LGU may subcontract for the services to be performed pursuant to this contract. Permission to subcontract, however, shall under no circumstances relieve LGU of its liabilities and obligations under the Agreement. Further, LGU shall be fully responsible for the acts, omissions, and failure of its subLGUs in the performance of the specified contractual services, and of person(s) directly or indirectly employed by subLGUs. Contracts between LGU and each subLGU shall require that the subLGU's services be performed in accordance with the terms and conditions specified. LGU shall make contracts between LGU and subLGUs available upon request.

11. MERGER AND MODIFICATION

- A. It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter. All items that are referenced or that are attached are incorporated and made a part of this Agreement. If there is any conflict between the terms of this Agreement and referenced or attached items, the terms of this Agreement shall prevail.
- B. Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the parties.

12. DEFAULT AND CANCELLATION

- A. If LGU fails to perform any of the provisions of this Agreement or so fails to administer the work as to endanger the performance of the Agreement, it shall be in default. Unless LGU's default is excused by the COUNTY, the COUNTY may upon written notice immediately cancel this Agreement in its entirety. Additionally, failure to comply with the terms of this Agreement shall be just cause for the COUNTY to delay payment until LGU's compliance. In the event of a decision to withhold payment, the COUNTY shall furnish prior written notice to LGU.
- B. The above remedies shall be in addition to any other right or remedy available to the COUNTY under this Agreement, law, statute, rule, and/or equity.
- C. The COUNTY's failure to insist upon strict performance of any provision or to exercise any right under this Agreement shall not be deemed a relinquishment or waiver of the same, unless consented to in writing. Such consent shall not constitute a general waiver or relinquishment throughout the entire term of the Agreement.
- D. This Agreement may be canceled with or without cause by either party upon thirty (30) day written notice. If COUNTY cancels this Agreement without cause

upon thirty days written notice, COUNTY shall pay the LGU reasonable expenses incurred prior to the notice of cancellation.

- E. Provisions that by their nature are intended to survive the term, cancellation or termination of this Agreement include but are not limited to: INDEPENDENT CONTRACTOR; INDEMNIFICATION; DATA PRACTICES; RECORDS-AVAILABILITY/ACCESS; DEFAULT AND CANCELLATION; PROMOTIONAL LITERATURE; and MINNESOTA LAW GOVERNS.

13. CONTRACT PROCESSING AND ADMINISTRATION

The Minnesota Amateur Sports Commission (“MASC”) will serve as staff liaison in the grant process administration. Responsibilities will include but not be limited to: forwarding all required grant processing documents to LGU; and forwarding appropriate documents to COUNTY for processing and/or execution (i.e., grant contract and invoice requests). MASC will serve as contact for grant administration and/or processing inquiries.

Joe Mathews, or successor, shall manage this Agreement on behalf of the COUNTY and serve as contract liaison between the COUNTY and LGU.

14. COMPLIANCE AND NON-DEBARMENT CERTIFICATION

- A. LGU shall comply with all applicable federal, state and local statutes, regulations, rules and ordinances currently in force or later enacted.
- B. If the source or partial source of funds for payment of services under this Agreement is federal, state or other grant monies, LGU shall comply with all applicable conditions of the specific referenced or attached grant.
- C. LGU certifies that it is not prohibited from doing business with either the federal government or the State of Minnesota as a result of debarment or suspension proceedings.

15. NOTICES

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

16. PROMOTIONAL LITERATURE

LGU agrees that the terms “Hennepin County” or any derivative shall not be utilized in any promotional literature, advertisements of any type or form or client lists without the express prior written consent of the COUNTY.

17. MINNESOTA LAWS GOVERN

The Laws of the State of Minnesota shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations between the parties and their performance. The appropriate venue and jurisdiction for any litigation will be those courts located within the County of Hennepin, State of Minnesota. Litigation, however, in the federal courts involving the parties will be in the appropriate federal court within the State of Minnesota. If any provision of this Agreement is held invalid, illegal or unenforceable, the remaining provisions will not be affected.

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LGU AUTHORIZATION

*LGU: City of Richfield

By: _____

Its: _____

And: _____

Its: _____

organized under:

Statutory _____ Option A _____ Option B _____ Charter _____

*LGU shall submit applicable documentation (articles, bylaws, resolutions or ordinances) that confirms the signatory’s delegation of authority. This documentation shall be submitted at the time LGU returns the Agreement to the COUNTY. Documentation is not required for a sole proprietorship.

COUNTY BOARD AUTHORIZATION

COUNTY OF HENNEPIN
STATE OF MINNESOTA

Reviewed by the County
Attorney’s Office

By: _____
Chair of Its County Board

ATTEST: _____
Deputy/Clerk of County Board

Date: _____

Date: _____

And: _____
Assistant/Deputy/County Administrator

Date: _____

ATTACHMENT A

Affidavit of Project Completion

This document is to be completed for projects receiving Hennepin Youth Sports Program Grants where a Certificate of Occupancy, per Minnesota Rules 1300.0220, is not required to be issued.

I hereby certify that:

1. The facility/structure listed below is not subject to the conditions of Minnesota Rules 1300.0220
2. This document shall serve in lieu of a Certificate of Occupancy.
3. The construction of the facility is completed as outlined in contract **A177206** with Hennepin County
4. The facility is safe to be occupied by the public.
5. The required signage/plaque is in place per county guidelines

Facility Address: _____

PIN (if applicable): _____

Legal Description: _____

Zoning District: _____

Owner Name: _____

Address: _____

City State Zip: _____

Phone: _____

Comments: _____

Name of Grant Recipient:

Name of Authorized Official (print)

Title

Signature

Date

This document is to be mailed to:

Lynda Lynch
Minnesota Amateur Sports Commission
1700 105th Avenue NE
Blaine, MN 55449

ATTACHMENT B

SAMPLE REIMBURSEMENT REQUEST LETTER

(Submitted on Grant Recipient's Official Letterhead)

(Date)

Minnesota Amateur Sports Commission
Attn: Lynda Lynch
1700 105th Avenue NE
Blaine MN 55449

Dear Ms. Lynch:

Please accept this letter as our formal request to receive the Hennepin Youth Sports Program grant funds in the amount of \$_____ for **Seven Hills Preparatory Academy**. This letter also serves as official notification of our acknowledgement and adherence of the language and provisions of the executed grant agreement **A177206**.

Per your request and attached for your review are copies of paid invoices totaling \$_____. These paid invoices equal or exceed our project's grant award.

In addition, to demonstrate the project has been completed and documented as such, a copy of the Certificate of Occupancy is enclosed for your records.

I trust the documentation provided is sufficient for your purposes. Please feel free to contact me if you need additional information or have any questions.

Sincerely,

(Authorized/Official Signature)



Hennepin Youth Sports Program Playground Application Spring 2017

Local Government Unit (LGU) Information

LGU Legal Name	City of Richfield, Recreation Services Division
Mailing Address	6720 Oliver Avenue
City, State, Zip Code	Richfield, MN 55423
Application Contact and Title	Carl Schlueter, Executive Director, Seven Hills Preparatory Academy
Contact Telephone Number	612-314-7602
Contact Email Address	cschlueter@shpamn.org
Name & address of location of the playground	Seven Hills Preparatory Academy 1401 West 76th Street, Richfield, MN 55423
HC District # of location	5

EXECUTION

The LGU above has reviewed this application and believes it is consistent with its athletic or recreational program goals. The LGU is prepared to be the fiscal agent for the award, to disburse the funds, and ensure the funds are used for the equipment listed here.

IN WITNESS THEREOF,

The LGU has caused this application to be executed on:

(signature here)

(print name here)

Date

Title (must have signature authority for the amount of the matching funds)

Project Cost - attach a bid

Matching funds	50,000
Grant request (\$25,000 maximum)	\$ 25,000
Total project cost	\$ 75,000

March 3rd, 2017

Dear Minnesota Amateur Sports Commission,

Enclosed you will find three copies of Seven Hills Preparatory Academy's completed application for a Hennepin Youth Sports Program 2017 Spring Playground Grant, including a vendor bid, proposed site plan, and letters of community support. An electronic copy of our grant application was also sent to Mr. Mark Erickson, Program Director, and Mrs. Debbie Goettel at the Hennepin County Commissioner's Office was also informed of our grant application.

As an award-winning, high-quality K-8 charter public school with campuses in both Bloomington and Richfield, we provide a content-rich Classical education model and believe in the benefits of physical activity for the healthy development of children and youth. As a result, we are grateful for this opportunity to provide an outdoor recreational space for our students and families and the south metro communities in which they reside. Our school is pleased and proud to serve a broad and increasingly diverse demographic of students and families at our Richfield Campus.

We look forward to the additional funding support for this playground that is made possible by this grant, and we seek to match these funds with those of another grant in addition to fundraising by our school's PTA. Thank you for making this valuable opportunity available to us.

Sincerely,



Carl Schlueter

Executive Director
Seven Hills Preparatory Academy



March 1, 2017

On behalf of the Richfield Chamber of Commerce I would like to convey The Chamber's support of the 2017 Hennepin County Spring Playground Grant as applied for by Seven Hills Preparatory Academy (a K-8 Charter Public School). Only 1 in 3 children are physically active everyday; Which leads to poor health habits later in life. Less than 5% of adults participate in 30minutes of physical activity every day. The Chamber believes there are 3 main benefits to our youth who participate in a physically active lifestyle, Health, Psychological and Social.

Health Benefits

- Staying physically fit. Active kids are more likely to be fit and in shape.
- Learning motor skills. Dribbling a ball or running through playground obstacles teaches valuable motor skills.
- Less likely to be overweight. Children who are physically active typically remain at normal weights throughout their childhood and into adulthood.
- Less likely to develop type 2 diabetes. This type of diabetes is caused by a lack of activity.
- Active Kids are more likely to exercise as adults. The habit of physical exercise is more likely to carry over to adults who had active lifestyles as children.

Psychological Benefits

- Reduces stress and depression. Statistics show that students who are active are less likely to suffer from these two things.
- Leadership skills. These skills are learned through many activities and will carry on through adulthood.

Social Benefits

- Drug and alcohol abuse prevention. Active kids are less likely to begin smoking.

- A sense of community belonging. This can actually increase children's self-esteem and confidence.
- Academic success. According to the National Center for Education Statistics, active children go on to play sports in high school & are more likely to be academically successful. They are more likely to graduate high school and more likely to attend college

Healthy habits in youth directly relate to the health and productivity of adults. The Chamber supports Seven Hills Preparatory Academy and their request for grant funds, from the 2017 Hennepin County Spring Playground Grant Committee, to help them promote these healthy habits in the youth of our community. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Anne Schultz".

Anne Schultz

Interim President

Richfield Chamber of Commerce

6625 Lyndale Ave South Suite 440

Richfield, MN 55423

www.richfieldmnchamber.org

Berea Lutheran Church

Lutheran Church-Missouri Synod.
7538 Emerson Ave. So.
Richfield, MN. 55423
(612) 861-7121
pastor.tiaden@berealutheran.org

March 2, 2017

Dear Minnesota Amateur Sports Commission:

I am writing on behalf of Seven Hills Academy (Richfield Campus) in support of their application to the grant for the building of a playground at the school. My congregation is about a block away from their campus and I believe that this would be an excellent addition to our community. It would only add to the community in unity and in time together outside.

In my time in the community I can see the need for this among our youth. It will greatly benefit our youth in gaining a greater amount of physical activity in their day while creating an environment the supports the healthy development of a life with continual physical activity. I can only see the positive benefits if this grant is given.

Sincerely,

Pastor Kevin Tiaden
I John 4:9

Arin Knutson
President, Seven Hills PTA
1401 West 76th Street
Richfield, MN 55423

March 2, 2017

Mark Erickson
Program Director
Minnesota Amateur Sports Commission
1700 – 105th Avenue NE
Blaine, MN 55449

RE: Letter of Support for Seven Hills Preparatory Academy 2017 Hennepin County Spring
Playground Grant

Dear Mr. Erickson

The Seven Hills Preparatory Academy Parent Teacher Association (“Seven Hills PTA”) is dedicated to promoting the health and welfare of children and youth and seeks to promote collaboration among parents, teachers, and the community at large. As the President of the Seven Hills PTA, it is easy to enthusiastically support our school’s 2017 Hennepin County Spring Playground Grant to create and install a new playground at our Richfield campus.

Research shows that outdoor free play gives kids many valuable benefits, including the development of physical, emotional, social and cognitive skills. While play is necessary to help kids be physically fit and healthy, there are also internal benefits that free play provides, like a child’s emotional development, including: building self-confidence and self-esteem. It’s also proven that physical activity during the school day leads to improved concentration and memory, faster cognitive processing speed, and increased performance on standardized academic tests.

For all of the above reasons, the Seven Hills PTA greatly values the benefits that daily physical activity provides to our students. Earlier this year, we raised \$200 for our Physical Education teachers to purchase additional equipment, and in May, the PTA is hosting a Fun Run where elementary students skip, dance, walk and run laps to upbeat music, and middle-school students participate in their own color run.

If awarded to Seven Hills, the 2017 Hennepin County Spring Playground Grant will have a positive, long-lasting benefit for our growing school community.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'A. Knutson', written over a horizontal line.

Arin Knutson

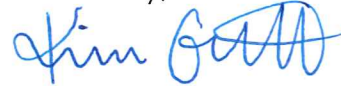
March 2, 2017

Dear Minnesota Amateur Sports Committee,

Thank you so much for the opportunity to provide a play structure for the students of Seven Hills Preparatory Academy. As both an educator at SHPA and the parent of a child that attends this school, I have a unique perspective on the wants and needs of our students and families.

Our school provides a well-rounded, rigorous education but it is obvious that our students would benefit from the physical activity and gross motor development that a play structure would provide. Some of the benefits to our students would include: increased engagement in the classroom, reduced stress or anxiety, help build positive relationships between students, and help develop healthy muscles and bones. In addition, a play structure would give us the missing piece to continue to attract and keep families at our school.

Sincerely,



Kim Grutsch

1st Grade Teacher



MIDWEST PLAYSCAPES, INC.

500 Pine Street, Suite 104, Chaska, MN 55318
www.midwestplayscapes.com

Telephone: 952-361-3504
Fax: 952-361-3549
Toll Free: 800-747-1452

E-mail: playscapes@earthlink.net

Quotation



Project: Seven Hills Preparatory Academy

Contact: Carl Schlueter

Ship To: 1401 West 76th St
Richfield, MN 55423

Email: cschlueter@shpamn.org

Phone: 612-314-7602

Fax:

Bill To:

Shipping Contact Name:

Date: 9/15/2016

Qty	Design/Item #	Description	Total
1	16-3833A	Playworld Playstructure Design # 16-3833A (Suggested List Price \$51,920 / Save \$16,876)	\$ 35,044.00
75 cu yds	EWf	Engineered Wood Fiber Safety Surfacing	\$ 1,575.00
**Free Installation of the Playstructure and Engineered Wood Fiber by Midwest Playscapes			

Subtotal \$ 36,619.00

Freight \$ 2,500.00

Tax Exempt # _____

* Please provide certificate

Sales Tax \$ -

Total \$ 39,119.00

NOTE: Customer is responsible for unloading, freight inventory, storage, site prep/grading, border, drainage system and disposal of packaging material.

NOTE: Any Taxes will be additional.

NOTE: Access to the site with heavy equipment is required.

NOTE: Building permits by others. Add \$130 if customer wants to be added as additionally insured.

NOTE: Pricing is good until November 18th 2016.

NOTE: Any Insurance requirements above \$1,000,000 General Liability will be subject to a surcharge

NOTE: UNLESS OTHERWISE NOTED, prices shown are material only. They DO NOT include: assembly, installation, border, safety surfacing, drain tile, geotextile fabric, removal of existing equipment, site preparation, excavation or site restoration, unloading of equipment, disposal of packaging material, storage of equipment, additional insurance and bonding would be extra, unless otherwise stated above. If playground equipment or materials are stored off site, customer is responsible for transporting equipment to job site.

Prices firm for 30 days, subject to review thereafter. Our terms are net 30. A finance charge of 1.5% will be imposed on the outstanding balance unpaid for more than 30 days after the shipment of materials. Equipment shall be invoiced separately from other services and shall be payable in advance of those services and project completion. Retainage not accepted. Once customer has signed quotation, your order cannot be changed or canceled. Please allow 3 to 4 weeks for delivery after receipt of order. Standard manufacturing design, specification, and construction apply unless noted otherwise. Customer is responsible for the identification of all underground utilities. Area must be accessible to Bobcat and other equipment necessary for installation or additional fees will be charged. Freight quote is based on customer unloading equipment and checking in all equipment for any missing parts. If product is refused by customer upon delivery for any reason (unless damaged), without prior authorization from Midwest Playscapes, Inc., the customer agrees to pay 20% restocking fee plus freight charges. Price does not include prevailing wages, unless otherwise noted. If we can be of Other Assistance, please feel free to contact us.

Signed: _____

Mike Korth

Accepted _____

Date: _____

Printed Name: _____



Seven Hills Prep Academy
Richfield, MN55423

Sales Representative



Equipment Manufacturer

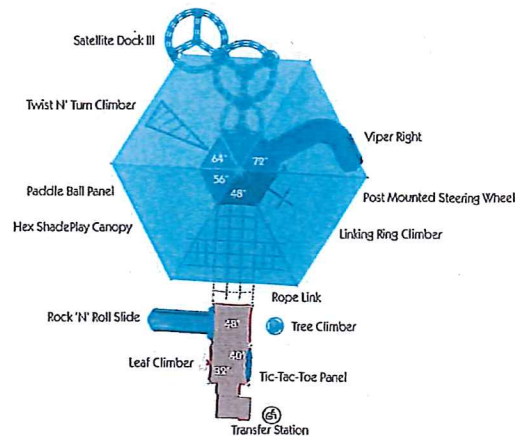


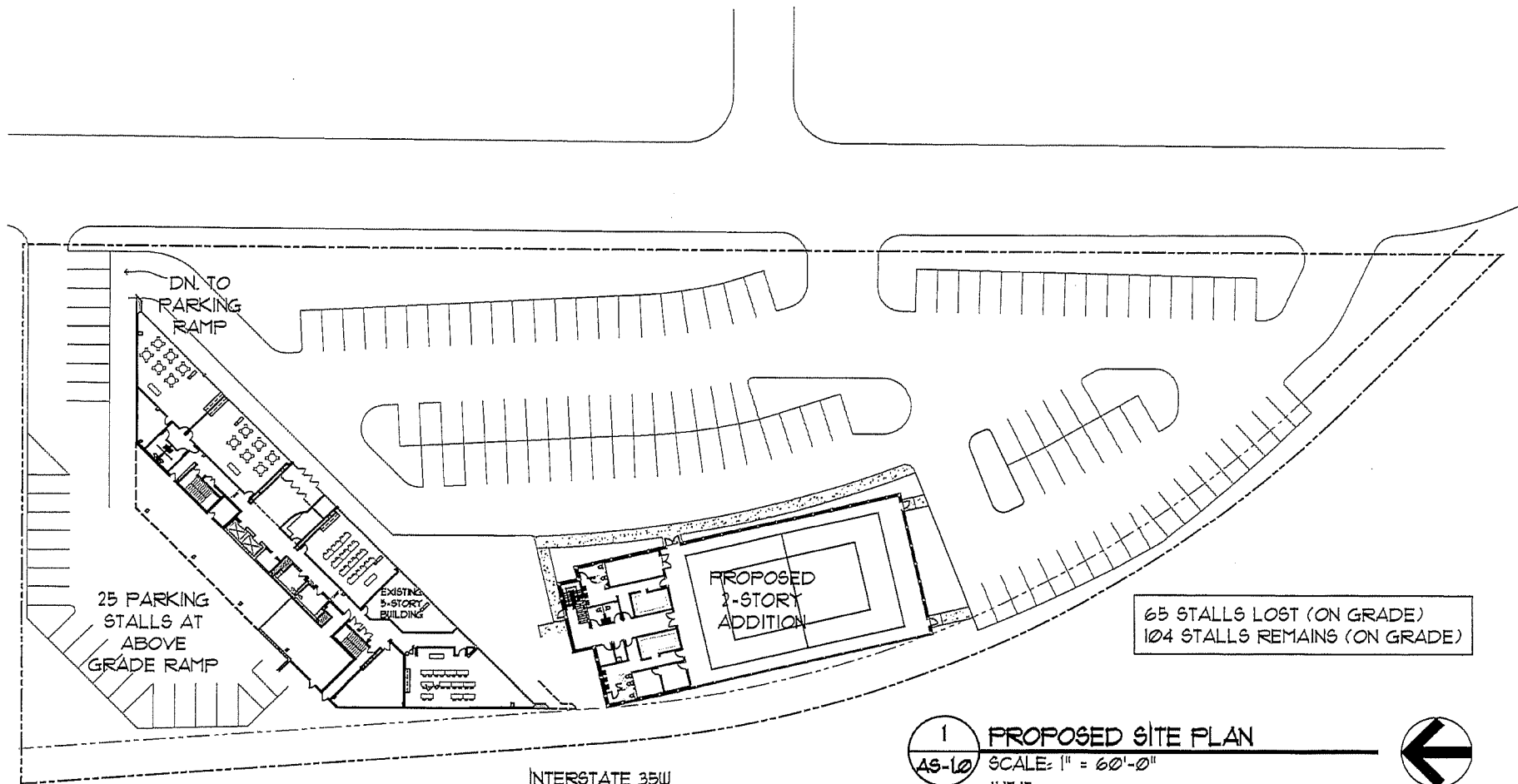
30 10814-RED

DON HASKINS PARK - ENID, OK



3D-2443 Ages 5-12
 Approximately \$36,100*
 11 Play Events | 92 Kid Capacity
 38' x 49' (11.6m x 15m)
 ASTM Use Zone





25 PARKING STALLS AT ABOVE GRADE RAMP

EXISTING 5-STORY BUILDING

PROPOSED 2-STORY ADDITION

65 STALLS LOST (ON GRADE)
104 STALLS REMAINS (ON GRADE)

INTERSTATE 35W



PROPOSED SITE PLAN

SCALE: 1" = 60'-0"
11.17.15

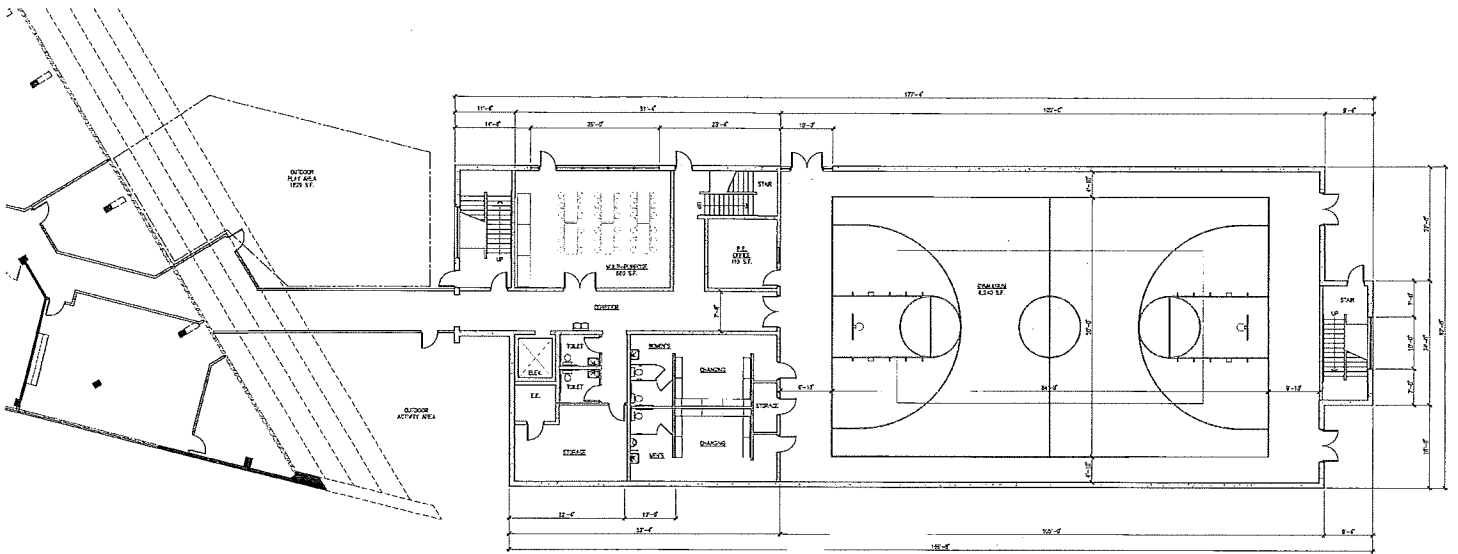


NORTH

28 PARKING STALLS IN UNDERGROUND PARKING RAMP. (NOT SHOWN)

SEVEN HILLS
PROPOSED SITE PLAN w/ GYMNASIUM
RICHFIELD, MINNESOTA





1 PROPOSED FIRST FLOOR PLAN - 19,350 G.S.F.
1/4" = 1'-0" SCALE



Team Kick-Off Meeting: 06.08.2016

GYMNASIUM / CLASSROOM ADDITION:
SEVEN HILLS PREPARATORY ACADEMY
RICHFIELD, MINNESOTA



STAFF REPORT NO. 88
CITY COUNCIL MEETING
6/13/2017

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
6/1/2017

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Steven L. Devich, City Manager
6/8/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a resolution ordering the abatement of conditions creating a hazardous building and a public health and safety nuisance existing at 6944 Pleasant Avenue South, Richfield, Minnesota.

EXECUTIVE SUMMARY:

Staff has concluded that the conditions at this property are hazardous and constitute a public health nuisance under state statute and City ordinances. Staff has worked with the resident of this property since the City deemed the dwelling unfit for habitation on September 8, 2016. Despite staff's attempt to seek cooperation, the resident has made virtually no progress in bringing the property into compliance for habitation or to abate the public health and safety nuisances that caused the property to be deemed uninhabitable. Allowing the property to remain in this condition causes significant public health and safety risks and concerns.

Approval of the Resolution and Order is the first step in a process that would allow the City to obtain a court order and abate the hazardous conditions on the property.

RECOMMENDED ACTION:

By motion: Approve a resolution ordering the abatement of conditions creating a hazardous property and a public health nuisance existing at 6944 Pleasant Avenue South, Richfield, Minnesota.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Throughout this process, staff has worked with the resident and provided access to the property in order to encourage the resident to bring the property into compliance. Prior to taking this step to initiate an abatement action, staff asked for the resident's permission to allow the City to abate the nuisances and assess the costs to the property, which the resident has refused. Public Safety staff is at the property daily to allow the resident access to the home. The resident doesn't have water in the home. Staff believes it has exhausted its options short of initiating a more formal action.

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

- The current condition of the property implicates state statutes defining hazardous conditions and

public health nuisances, including Minnesota Statutes sections 463.161, 463.15, 145A.03, 145A.08, and City Code subsections 925.01 and 305.09.

C. CRITICAL TIMING ISSUES:

- There are seasonal issues regarding the abatement. We would want to have this done before the weather gets cold.

D. FINANCIAL IMPACT:

- If this action is approved and a court order obtained, the City will hire a company that specializes in abatement of nuisances on the property. That company will work with the resident to bring the property into compliance. The costs incurred by the City will be assessed to the property, which is allowed by state statute.

E. LEGAL CONSIDERATION:

- The City Attorney drafted the resolution and order for abatement and will be handling the action going forward if the Council approves the requested action.

ALTERNATIVE RECOMMENDATION(S):

The property could remain placarded as uninhabitable and secured until the owner brings it into compliance. However, allowing the property to remain in the current condition presents significant public health and safety concerns.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
▢ 6944 Pleasant Av S	Resolution Letter

RESOLUTION NO. _____

RESOLUTION ORDERING THE ABATEMENT OF CONDITIONS CREATING A HAZARDOUS BUILDING AND A PUBLIC HEALTH AND SAFETY NUISANCE EXISTING AT 6944 PLEASANT AVENUE, RICHFIELD, MINNESOTA 55423

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

WHEREAS, the property located at 6944 Pleasant Avenue S, legally described as:

Lot 8, Block 1, Wallace's Sunnyside Acres 2nd Addition, according to the recorded plat thereof, and situate in Hennepin County, Minnesota

which contains a single-family dwelling (the "Subject Property"); and

WHEREAS, the City deemed the dwelling unfit for habitation as of September 8, 2016 and denied the owner the ability to access the building without a City escort; and

WHEREAS, subsequent physical inspections of the Subject Property by the City Code Compliance Officers on multiple dates (September 22, 2016, October 20, 2016, October 27, 2016, November 17, 2016, December 1, 2016, December 15, 2016, January 5, 2017, March 29, 2017, and April 6, 2017) found the following conditions: garbage and debris strewn and accumulated throughout the interior of the dwelling, narrow walking paths or nonexistent walking paths throughout the dwelling, rotting food, feces, unsanitary conditions throughout, egress blocked throughout the dwelling, debris accumulation within 18 inches of the furnace and hot water heater, inaccessible outlets and switches, appliances with extension cords, fire hazards, and lack of water service, as shown in further detail in Exhibit A; and

WHEREAS, Marvin Barta is the owner of the Subject Property and has taken no or minimal steps to abate the hazardous conditions and health and safety related risks; and

WHEREAS, the City has communicated its intent to the owner of the Subject Property that if he failed to comply with the applicable City and County health, building, and fire codes, the City would institute a hazardous building action; and

WHEREAS, Minnesota Statutes, Section 463.161 authorizes the governing body of any city or town to order the owners of any hazardous building within the municipality to correct or remove the hazardous condition; and

WHEREAS, Minnesota Statutes, Section 463.15, subdivision 3 defines a "hazardous building" as "any building..., which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard or a hazard to public safety or health;" and

WHEREAS, Minnesota Statutes, Section 463.161 *et seq.* authorizes a city to correct or remove a hazardous condition of any hazardous building if the owner of record fails to do so after a reasonable time and the district court enters a judgment sustaining the city's order; and

WHEREAS, the City has established a health board pursuant to Minnesota Statutes Section 145A.03 and Richfield City Code Subsection 305.09; and

WHEREAS, Minnesota Statutes, Section 145A.04, subdivision 8 authorizes a city or health board to correct or remove a threat to public health such as a public health nuisance or source of filth; and

WHEREAS, Richfield City Code Subsection 925.01, subdivision 2(l) has declared the following as a nuisance affecting public health: "Overcrowding a room or portion of a dwelling with long-term storage of items, goods, or any material so as to prevent upkeep, maintenance, or regular housekeeping. A room may be considered overcrowded when storage covers an excessive amount of the floor area of a room, constitutes a potential excessive fire load, prevents access to windows or doors, prevents access to or obstructs mechanical systems or air movement, effectively eliminates use and access to required electrical devices, impedes access and movement of emergency personnel, blocks hallways, limits the operation of doors or provides pest harborage."

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

1. The dwelling located on the Subject Property is hazardous as defined by Minnesota Statutes, Section 463.15.
2. The dwelling also constitutes a public nuisance within the meaning of Minnesota Statutes Section 609.74 and a nuisance affecting public health under subsection 925.01, subd. 2(l) of the Richfield City Code.
3. The dwelling further constitutes a public health nuisance within the meaning of Minnesota Statutes 145A.02, subdivision 17.
4. An Abatement Order substantially similar to that attached hereto as Exhibit B shall be served upon all parties with an interest or a purported interest in the Subject Property in order to effectuate this Resolution.
5. The City Attorney is authorized to take all necessary legal steps to secure compliance with the Order and to obtain authority to remove and abate the hazardous conditions on the Subject Property by court order or consent and assess the costs thereof against the Subject Property.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of June, 2017.

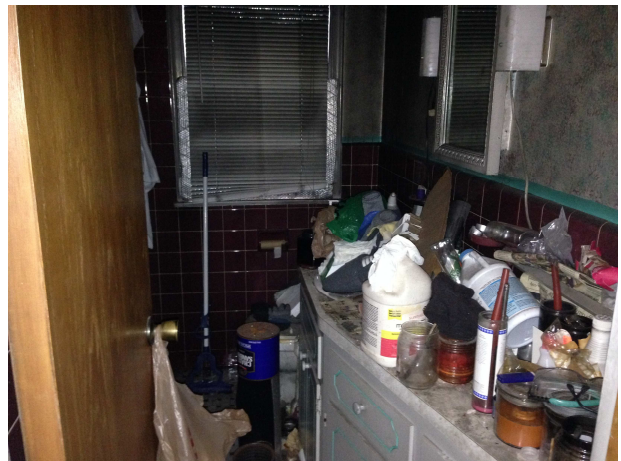
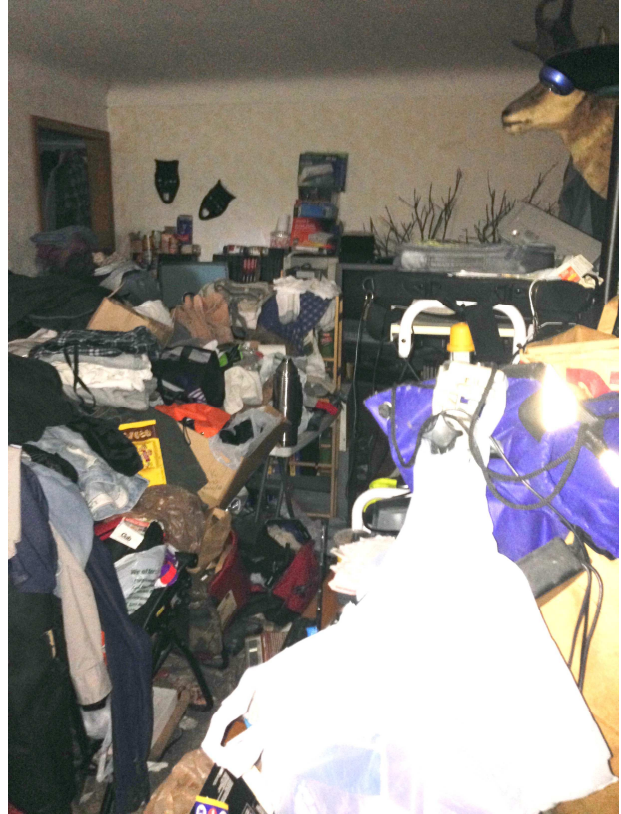
Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

EXHIBIT A

August 5, 2016 Photos



September 9, 2016 Photos:

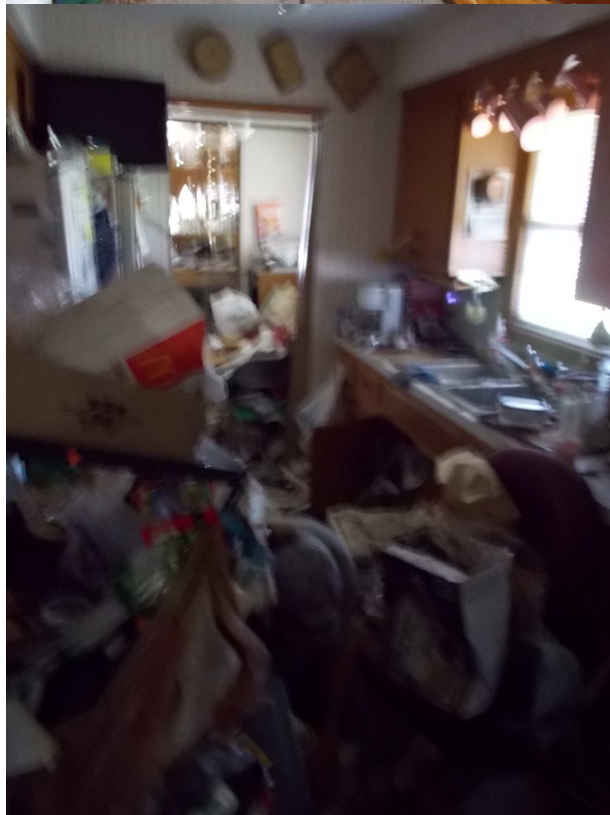
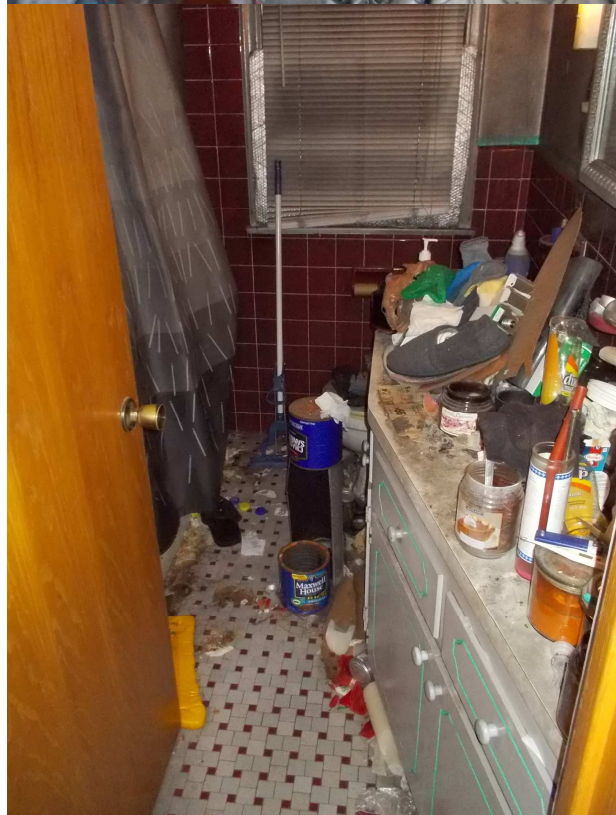
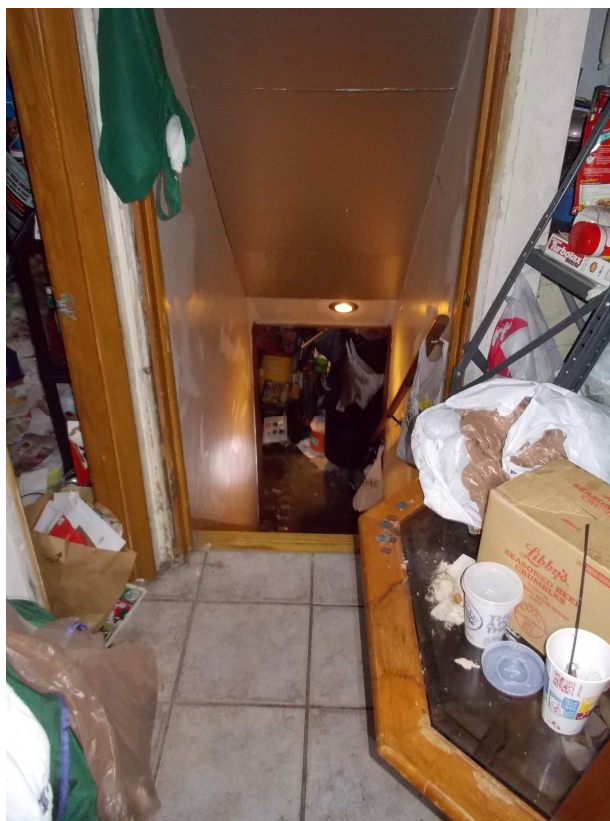


EXHIBIT B

Abatement Order

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Other Civil

In the Matter of the Hazardous
Building Located at 6944 Pleasant Avenue,
Richfield, Minnesota

**ORDER FOR ABATEMENT OF
A HAZARDOUS BUILDING
AND PUBLIC HEALTH AND
SAFETY NUISANCE**

TO: All owners, occupants, and all lienholders of record.

The City Council of the City of Richfield orders that within 20 days of service of this Order that you abate the hazardous conditions which exist on the property located at: 6944 Pleasant Avenue, in the City of Richfield, which property is legally described as:

Lot 8, Block 1, Wallace's Sunnyside Acres 2nd Addition, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

Abstract Property.

The City of Richfield, pursuant to Minnesota Statutes Sections 463.15 to 463.261, finds the building located at the above-referenced property, specifically the substantial amount of garbage and debris throughout the dwelling which prevents ingress and egress and creates unsanitary conditions, constitutes a hazardous building within the meaning of Minnesota Statutes Section 463.15 subdivision 3.

The City of Richfield finds the property located at the above-referenced address constitutes a public nuisance within the meaning of Minnesota Statutes Section 609.74 and City Code Section 925.01.

The City of Richfield finds the property located at the above-referenced address constitutes a public health nuisance within the meaning of Minnesota Statutes Sections 145A.02.

Pursuant to the above-referenced statutes, it is hereby ORDERED that you abate the hazardous property conditions within 20 days of the date of service of this Order by completing the following:

1. Remove all excess junk, garbage, and unnecessary articles from inside and outside the dwelling;
2. Ensure proper ingress and egress exists throughout the dwelling;
3. Reinstate water service to the dwelling;
4. Remove debris from near furnace and hot water heater;
5. Clean and sanitize the dwelling; and
6. Ensure safe access to all rooms in the dwelling.

You must apply for and obtain any appropriate permit(s), if applicable, for the work you intend to perform from the appropriate City offices before abating the hazardous conditions. This Order is not a permit. Further, all work completed is subject to inspection by the City's building inspector, Fire inspector, and other staff as required to ensure compliance with applicable rules and law.

You are further advised that unless such corrective action is taken or an Answer is served on the City and filed with the Hennepin County District Court Administrator within 20 days of the date of service of this Order upon you, a motion for summary enforcement of this Order will be made to the Hennepin County District Court.

You are further advised that if you do not comply with this Order and the City is compelled to take any corrective action, all necessary costs incurred by the City in taking the

corrective action will be assessed against the property pursuant to Minnesota Statutes Section 463.21. In connection thereto, the City intends to recover all its expenses incurred in carrying out this Order, including specifically but not exclusively, filing fees, service fees, publication fees, attorneys' fees, appraisers' fees, witness fees, including expert witness fees and traveling expenses incurred by the City from the time this Order was originally made pursuant to Minnesota Statutes Section 463.22.

Dated June ___, 2017.

KENNEDY & GRAVEN, CHARTERED

By:

Mary D. Tietjen (#0279833)
Elizabeth Brodeen-Kuo (#0391949)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
(612) 337-9300

**ATTORNEYS FOR THE
CITY OF RICHFIELD**



STAFF REPORT NO. 89
CITY COUNCIL MEETING
6/13/2017

REPORT PREPARED BY: Jack Broz, Transportation Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
6/6/2017

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Steven L. Devich, City Manager
6/8/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of approval of the implementation of the Bicycle Master Plan identified bike routes in the 2016 mill and overlay area, as recommended by the Transportation Commission.

EXECUTIVE SUMMARY:

At the May 3, 2017 meeting, the Transportation Commission recommended implementation of routes identified in the Bicycle Master Plan for the area of the city that received mill and overlay in 2016. The area is bounded by Highway 77 and 12th Ave. to the east and west, and 62nd St. and 77th St. to the north and south. This project will add over 2.5 miles of planned bicycle routes in eastern Richfield. The facilities are generally on-street, "share the road" markings with signage. Specifically, the routes are located on:

- 62nd St. between Bloomington Ave. and 11th Ave. (Connecting Taft Park to Veterans Park)
- 12th Ave. between 73rd St. and 62nd St.
- Bloomington Ave. between Diagonal Blvd. and 77th St.

Project details were presented at three public project open houses on April 24, 26, and 27, 2017. Feedback was generally positive. A summary of the meetings are attached.

RECOMMENDED ACTION:

By Motion: Approve the implementation of bike routes identified in the Bicycle Master Plan for the 2016 mill and overlay area, as recommended by the Transportation Commission.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

Background

- The streets in the project area received mill and overlay in 2016.
- Goals for multimodal transportation options for Richfield residents are identified in the following approved documents:
 - Comprehensive Plan
 - Complete Streets Policy
 - Bicycle Master Plan
 - Guiding Principles
- Current procedure for bike route implementation is to hold the public involvement, route design,

and construction the year following mill and overlay of a given section of the City.

- The proposed project would add over 2.5 miles of identified bicycle routes in eastern Richfield, north of 77th Street and west of Highway 77.

Public Involvement

- Three Public Open Houses were held on April 24, 26, and 27, 2017 for the proposed routes.
- Feedback was generally positive; a meeting summary is attached.
- The Transportation Commission recommended the project during their May 3, 2016 meeting after reviewing project details and the results of the Open House.

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

The proposed routes are consistent with the following approved City documents:

- Comprehensive Plan (Chapter 6 - Transportation)
- Complete Streets Policy
- Bicycle Master Plan

C. CRITICAL TIMING ISSUES:

- The streets in the project area received mill and overlay in 2016.
- The current procedure to implement the Bicycle Master Plan is to apply new bike routes the year following mill and overlay in each section of the City.

D. FINANCIAL IMPACT:

- Local (City) funds will be used for the project. The amount of purchase is estimated to be less than \$50,000.
- Public Works staff will perform the work for striping and signing; which will be reflected in the Department's budget.

E. LEGAL CONSIDERATION:

- The amount of purchase is estimated to be less than \$100,000, and therefore sealed bids are not required by the law governing contracts or purchases by the City of Richfield.
- The City Attorney will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):

None.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
☐ Project Fact Sheet	Cover Memo
☐ Open House Meetings Summary	Cover Memo

2017 BICYCLE ROUTES



Purpose

The City's Complete Streets Policy, Bicycle Master Plan, and Guiding Principles have established goals for multimodal transportation options for Richfield residents. This project is intended to add about 2.5 miles of planned bicycle routes along Bloomington and 12th Avenues and 62nd Street (as shown on the project map). The streets in this same area were Milled and Overlaid in 2016.

This project would provide safer bicycle connections to:

- Richfield Dual Language School
- Richfield STEM School
- Centennial Elementary
- Taft, Veterans, Christian, and Washington Parks

These Bicycle Routes will provide connections to the City's existing bicycle facilities on 76th Street, 73rd Street, and Diagonal Boulevard. This route will also connect to the 70th Street and 66th Street bicycle facilities opening in 2017

Project Elements

Features of the project include:

- Bicycle Route Pavement Markings and Signs
- New Street Name Signs
- Share the Road Signage

Open House Info

- Display Boards
- Handout

Timeline

Construction to begin in 2017 and completed in 2017

Project Financing

City Funding

Project Map (over)

Contact Information

Jack Broz

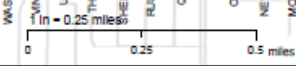
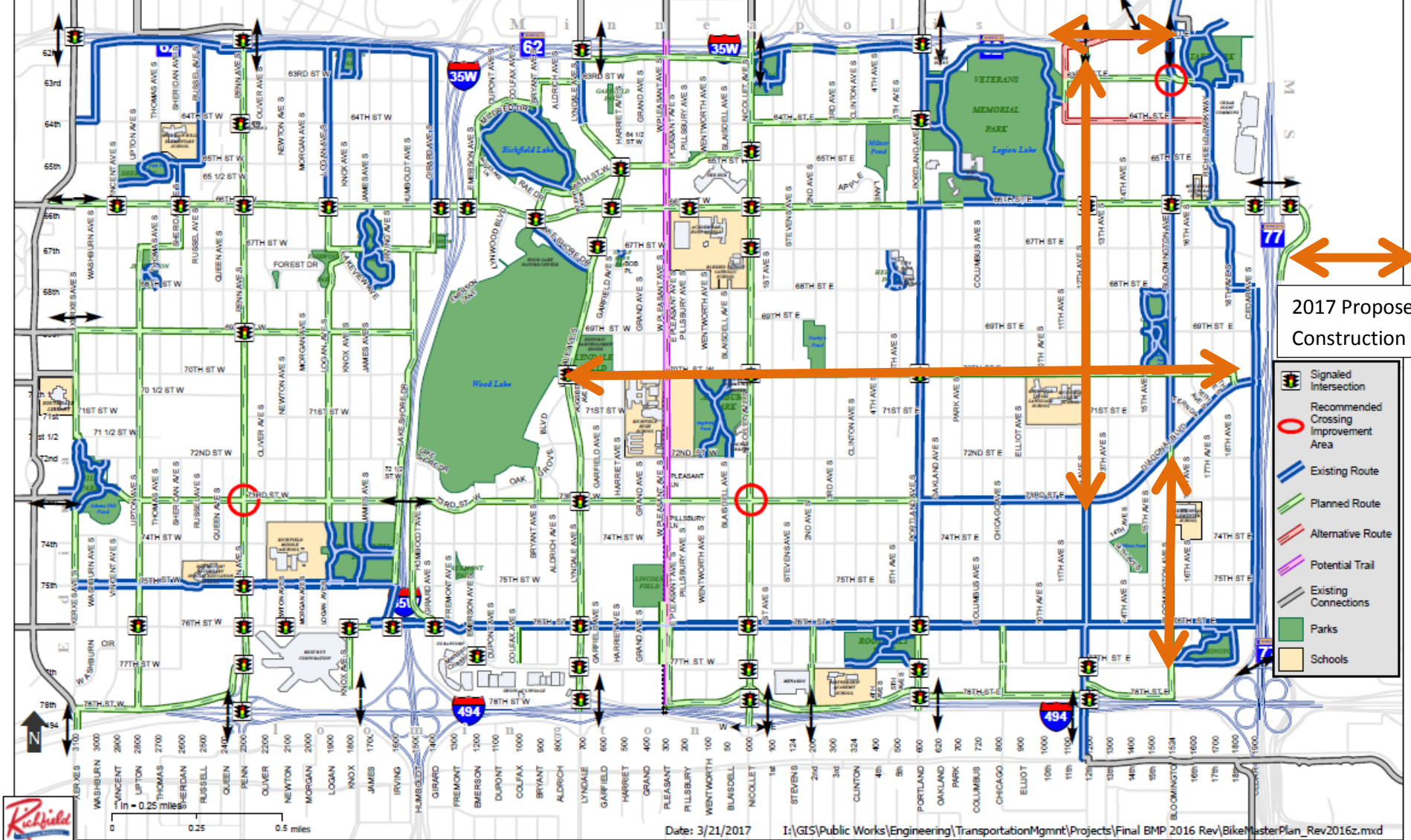
Richfield Public Works
1901 66th St East
Richfield, MN 55423

Phone: 612.861.9792

Fax: 612.861.9796

JBroz@cityofrichfield.org

City of Richfield: BICYCLE MASTER PLAN (2017 revision)



Meeting Summary

Public Open Houses 4/24/2017 at Centennial Elementary; 4/26/2017 at Taft Park and, 4/27/2017 at Stem School

2017 Bicycle Routes Improvement Project

Meeting Purpose

The goal of the meeting was to let the public know about the upcoming project and project's features:

- Bicycle Route Pavement Markings and Signs
- New Street Name Signs with Bicycle Route designation

Meeting Notice

- Approximately 2000 invitations were mailed to the property owners in the Richfield area near 70th Street
- Posted on the City's website calendar
- Sweet Streets Website updated with project information
- Open House "Facebook events" were created on the Sweet Streets Page

Public Response

Approximately 30 residents attended and 2 comment cards were filled out.

Written comment summary:

- 2 comments were supportive of the proposed design along with related notes as follows:
 - Consider using fewer "share the road" signs
 - Consider striping the bike lane on Bloomington Ave

Verbal comment summary:

- Comments expressed were split between support for the improvements and lack of support for the improvements. The lack of support comments focused primarily on justification for the improvements rather than design feature critique.



Figure 2- Open House at Taft Park



Figure 1- Open House at STEM School



STAFF REPORT NO. 90
CITY COUNCIL MEETING
6/13/2017

REPORT PREPARED BY: Mike Petersen, Utilities Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
6/6/2017

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Steven L. Devich, City Manager
6/8/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a resolution approving Cooperation Agreement No. 171037 with the Metropolitan Council for restoration of the Portland Avenue roundabout intersecting 66th Street.

EXECUTIVE SUMMARY:

During the Metropolitan Council's (MCES) interceptor sewer lining project on 66th Street, temporary bypass piping was buried under the Portland Avenue roundabout. The pavement that was removed was temporarily replaced with a bituminous patch with the ultimate intention of milling and overlaying the whole roundabout. Due to time constraints and high unit pricing it was determined that this restoration could be completed in a more economical manner and with less disruption to the public if it was included in the City's Accelerated Mill and Overlay Project. MCES has agreed to fund the additional cost that will be incurred with the City project.

The restoration of the roundabout is scheduled to occur the spring of 2019.

RECOMMENDED ACTION:

By Motion: Approve Construction Cooperation Agreement No. 171037 between the Metropolitan Council and the City of Richfield for the restoration of the Portland Avenue roundabout at the intersection of 66th Street.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

During the Metropolitan Council's (MCES) interceptor sewer lining project on 66th Street, temporary bypass piping was buried under the Portland Avenue roundabout. The pavement that was removed was temporarily replaced with a bituminous patch with the ultimate intention of milling and overlaying the whole roundabout. Due to time constraints and high unit pricing it was determined that this restoration could be completed in a more economical manner and with less disruption to the public if it was included in the City's Accelerated Mill and Overlay Project. MCES has agreed to fund the additional cost that will be incurred with the City project.

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

Minnesota statute 465.03 requires every acceptance of a grant or

devise of real personal property on terms prescribed by the donor be made by resolution of more than two-thirds majority of the City Council.

C. CRITICAL TIMING ISSUES:

- Restoration of the roundabout can be completed at a lower unit costs with less disruption to the travelling public if it is completed during the ongoing project.
- The agreement expires December 31, 2017.

D. FINANCIAL IMPACT:

- The Metropolitan Council will provide one lump-sum payment of \$20,222 to complete the project once agreement is approved and an invoice is provided.
- City Staff are responsible for obtaining bids and entering into an agreement with a contractor.

E. LEGAL CONSIDERATION:

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

ALTERNATIVE RECOMMENDATION(S):

None.

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Agreement	Contract/Agreement
<input type="checkbox"/> Resolution	Resolution Letter

**CONSTRUCTION COOPERATION AGREEMENT FOR
RESTORATION OF PORTLAND AVENUE ROUNDABOUT IN RICHFIELD, MN**

THIS AGREEMENT is made by and between the **Metropolitan Council**, a public corporation and political subdivision of the State of Minnesota (“Council”) and the **City of Richfield**, a municipal corporation under the laws of the State of Minnesota (“City”).

BACKGROUND RECITALS

1. The Council is scheduled to complete construction of the Richfield Interceptor System (RIS) – 66th Street Project 808700 in April 2017. To conclude this construction project, the Council needs to restore the Portland Avenue Roundabout at the intersection with 66th Street where pavement was removed for installation of temporary conveyance piping and temporarily patched (“the Roundabout”). The site is shown in Exhibit A, attached.
2. The City will be conducting a City-wide pavement restoration project anticipated to begin in 2018.
3. Restoration of the Roundabout can be completed at a lower unit cost with less disruption to the travelling public if it is completed during the City’s pavement restoration project.
4. Both Council and City desire that the City contract directly with a qualified paving contractor to restore the Roundabout to existing or better condition acceptable to the City.

NOW, THEREFORE, for mutual consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties agree as follows:

AGREEMENT

1. **Scope.** The City will obtain bids and enter into an agreement with a contractor for pavement restoration which will include restoration of the Roundabout. The City will make timely payments to the contractor according to applicable state law. The Council will make one lump-sum payment of \$20,222 to the City as payment for this work. Upon payment by the Council under this Agreement, the City will be solely responsible for restoring the Roundabout and, upon completion of the restoration work, will own and be responsible for all ongoing and future maintenance of the Roundabout.
2. **Term, Termination.** The term of this Agreement begins on the date this Agreement is executed by both parties and terminates on the earlier of December 31, 2017 or the date when the Council has made payment under this Agreement, unless otherwise terminated as provided in this Agreement. The Agreement may be cancelled by mutual written agreement of the Parties.
3. **Payment.** Upon execution of this Agreement, the City shall submit an invoice to the Council for \$20,222. The Council shall pay the City within 30 calendar days of receipt of the invoice. No payment will be requested or made which will cause the total value of

this Agreement to exceed \$20,222.

4. **Liability.** Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law, and shall not be responsible for the acts of the other party and the results thereof. The City's and Council's liability is governed by the provisions of Minnesota Statutes, Chapter 466.

The City further agrees that the contract between the City and the contractor shall include clauses that: 1) require the contractor save and protect, hold harmless, indemnify, and defend the Council and its members, agents, and employees against any and all claims, expenses (including without limitation attorney's fees, witness fees, and disbursement incurred in the defense thereof), losses, damages, or lawsuits for damage or injury that are alleged to arise out of, result from, or attributable to, whether in whole or in part, the contractor's Work, including negligent acts or omissions of its employees, subcontractors, representatives, or agents, or anyone else for whom contractor may be liable; 2) require the contractor to state that nothing in the agreement shall be construed to waive the municipal immunities or liability limits provided in the Minnesota Municipal Tort Claims Act or other applicable state or federal law; 3) require the contractor to provide and maintain insurance as provided on Exhibit B; and 4) require the contractor to be an independent contractor for the purposes of completing the work provided for in this Agreement.

5. **Compliance.** The City agrees to comply with all applicable federal, state and local laws and ordinances binding upon the City relating to nondiscrimination, affirmative action, public purchases, contracting, employment, including workers' compensation and surety deposits required for construction contracts. The provisions of Minnesota Statutes, Section 181.59 and of any applicable local ordinance relating to civil rights and discrimination shall be considered a part of this Agreement. The City will comply, and will cause its contractor to comply, with the prompt payment requirements of Minn. Stat. 471.425.

The employees of each of the respective parties, and all other persons engaged by each respective party to perform work or services will not be considered employees of the other party. All claims that arise under the Worker's Compensation Act or the Minnesota Economic Security Law of the State of Minnesota on behalf of said employees, and any and all claims made by any third parties as a consequence of any act or omission of the part of said employees while so engaged, on any work or services provided to be rendered herein, will not be the obligation or responsibility of the other party.

6. **Record-Keeping, Audit.** Pursuant to Minnesota Statutes, Section 16C.05, subdivision 5, the Parties agree that the books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the Council, the City and the state auditor or legislative auditor, as appropriate, for a minimum of six years from the end of this Agreement

- 7. Waiver, Severability.** The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Agreement unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire Agreement with respect to the parties. One or more waivers by said party of any provision, term, condition or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same by the other party.
- 8. Notice.** Any notice or demand, which may or must be given or made by a party hereto, under the terms of this Agreement or any statute or ordinance, shall be in writing and shall be sent (i) certified mail, (ii) by e-mail, provided that the recipient of such notice acknowledges receipt by e-mail or otherwise in writing, or (iii) delivered in person to the other party addressed to the following authorized representatives:
- | | |
|-----------------------------------------|--------------------------------------|
| Metropolitan Council | City of Richfield |
| Attn: Principal Engineer, AFS | City Engineer |
| Technical Services Interceptor | 6700 Portland Avenue |
| 390 Robert Street North | Richfield, MN 55432 |
| St. Paul, MN 55101-1805 | Email: MPetersen@cityofrichfield.org |
| Email: jeffrey.schwarz@metc.state.mn.us | |
- 9. No Third Party Beneficiary.** The covenants of this Agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns. This Agreement is not intended to for the benefit of any third-party.
- 10. Complete Agreement.** This is the entire Agreement between the parties and supersedes all oral agreements and negotiations between the parties relating to the subject matter. Any alterations, variations, modifications or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by authorized representatives of the parties.
- 11. Governing Law.** This Agreement is governed, construed, and enforced under the laws of the State of Minnesota without regard to its conflicts of law provisions.
- 12. Assignability.** This Agreement may not be assigned by either Party without the other party's express written consent, such consent not to be unreasonably withheld.
- 13. Data Practices.** The Parties will comply with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, as it applies to all data created, collected, received, stored, used, maintained, or disseminated in accordance with this Agreement. The civil remedies of Minnesota Statutes, section 13.08, apply to the release of the data referred to in this section by either Party.

The remainder of this page is intentionally blank. Signature page follows.

IN TESTIMONY WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers as of the day and year first above written.

METROPOLITAN COUNCIL,
A public corporation and political subdivision
of the State of Minnesota

By: _____
Scott Dentz
Manager, Interceptor Engineering

Date: _____

CITY OF RICHFIELD
A municipal corporation of the
State of Minnesota

By: _____

Its: Mayor

Date: _____

and _____

Its: City Manager

Date: _____

EXHIBIT A
Roundabout to be restored by City



EXHIBIT B: Insurance Requirements

Contractor shall purchase from and maintain during the Work, or longer if required elsewhere in this contract, in a company or companies lawfully authorized to do business in the jurisdiction in which the Project is located, insurance set forth below providing protection from claims which may in any way be related to Contractor's Work under the Contract and for which Contractor may be legally liable, whether such operations be by the Contractor or by a Subcontractor or by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable:

1. General Liability and Umbrella Insurance
 - 1.1. Contractor shall maintain commercial general liability (CGL) on an occurrence form and, if necessary, commercial umbrella insurance with a limit of not less than \$1,000,000 each occurrence and a general aggregate limit of not less than \$2,000,000. The general aggregate limit shall apply separately to this project.
 - 1.1.1. CGL insurance shall be written on ISO occurrence form CG 00 01 12 04(or a substitute form providing equivalent coverage) and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury, advertising injury, and contractual liability.
 - 1.1.2. The Council, its officers, agents and employees shall be included as an additional insured under the CGL utilizing ISO CG 20 26 04 13 and ISO CG 20 37 04 13, or their equivalent. This insurance shall be primary and non-contributory with respect to any other insurance or self-insurance programs afforded to Metropolitan Council. There shall be no endorsement or modification of the CGL to make it excess over other available insurance.
2. Automobile and Umbrella Liability Insurance
 - 2.1. Contractor shall maintain Business automobile coverage, ISO CA 00 01, 1997 or later edition, and if necessary an Umbrella Liability policy on a following-form basis, for liability arising out of the operation, maintenance or use of any automobile, whether owned, non-owned, rented or leased, with a limit of not less than \$1,000,000 each accident.
3. Workers' Compensation and Employers Liability
 - 3.1. Workers' Compensation pursuant to Statute
 - 3.2. Employers Liability with limits not less than \$500,000 each accident for bodily injury by accident, \$1,000,000 each employee for bodily injury by disease, \$500,000 policy limit for bodily injury by disease.
4. Each policy shall be endorsed to state that the insurer agrees to waive all rights of subrogation against the Council, its members, agents and employees, for losses arising out of the performance of this contract.
5. Insurance is to be placed with insurers with Best's rating of no less than A:VII.

RESOLUTION NO.

RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ENTER INTO CONSTRUCTION COOPERATIVE AGREEMENT NO. 171037 WITH THE METROPOLITAN COUNCIL FOR \$20,222 TO BE USED FOR THE RESTORATION OF THE PORTLAND AVENUE ROUNDABOUT AT THE 66TH STREET INTERSECTION

WHEREAS, The Metropolitan Council removed pavement in the roundabout for the installation of temporary conveyance piping and temporarily patched the area; and

WHEREAS, The Metropolitan Council has allocated \$20,222 for cost participation funds; and

WHEREAS, The City intends to use these funds to complete the restoration of the Portland Avenue roundabout intersecting 66th Street; and

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

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

1. The Mayor and City Manager are authorized to enter into the Construction Cooperation Agreement with the Metropolitan Council for \$20,222.
2. Appropriate City personnel are authorized to administer the funds in accordance with the grant agreement and terms described by the Metropolitan Council.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of June, 2017.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 91
CITY COUNCIL MEETING
6/13/2017

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
6/1/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
6/8/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a request for a Temporary On Sale Intoxicating Liquor license for the activities scheduled to take place July 4, 2017 for the Minneapolis-Richfield American Legion Post #435, located at 6501 Portland Avenue South.

EXECUTIVE SUMMARY:

On May 10, 2017, the City received application materials for a Temporary On Sale Intoxicating Liquor license for the Minneapolis-Richfield American Legion Post #435.

This annual request is in conjunction with the Richfield Fourth of July Community Celebration. The American Legion plans to have an open house with a live band in their parking lot and would like to serve food and refreshments, including alcohol. This year the American Legion is requesting the license for one day only. Their request is to serve alcohol from 10:00 a.m. to 10:00 p.m.

The Director of Public Safety has reviewed and approved the license application and sees no reason it should be denied.

The applicant has agreed to adhere to the traffic and parking conditions set by the Public Safety Department. Attached is the summary explaining the conditions.

All required information has been provided. All licensing fees have been received.

RECOMMENDED ACTION:

By Motion: Approve the issuance of a Temporary On Sale Intoxicating Liquor license for the Minneapolis-Richfield American Legion Post #435, located at 6501 Portland Avenue South for the activities scheduled to take place July 4, 2017.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The applicant has satisfied the following requirements for the issuance of this license:

- The required licensing fee has been paid.
- Proof of liquor liability insurance has been submitted showing Integrity Mutual Insurance

Company affording the coverage.

- The applicant has contacted the sanitarians from the City of Bloomington to ensure proper food handling practices are followed.
- Employees of the Legion will be providing security and will patrol the area for this event.

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

Richfield City Code Section 1202.05 requires all applicants to comply with all of the provisions of this code, as well as the provisions of Minnesota Statue Chapter 340A.

C. CRITICAL TIMING ISSUES:

The sale of intoxicating liquor in the parking lot must cease no later than 10:00 p.m on July 4, 2017.

D. FINANCIAL IMPACT:

The required licensing fees have been received.

E. LEGAL CONSIDERATION:

There are no legal considerations.

ALTERNATIVE RECOMMENDATION(S):

The Council could decide to deny the requested license, which would mean the applicant would not be able to serve alcohol outside to the public during the Fourth of July activities.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Jeff Husaby - Legion Manager

ATTACHMENTS:

	Description	Type
▢	SUMMARY OF TRAFFIC/PARKING CONDITONS LEGION 4TH OF JULY 2017	Cover Memo

SUMMARY OF TRAFFIC AND PARKING CONDITIONS FOR MINNEAPOLIS RICHFIELD AMERICAN LEGION POST 435

4TH OF JULY EVENT

Richfield Public Safety staff has spoken with management from the American Legion to address some specific Public Safety issues and concerns. As a condition of the approval of their license it was decided Portland Avenue will be closed from 8:00 p.m. to 12:00 a.m. In addition, 66th Street will also shut down between the hours of 11:00 a.m. to 11:30 p.m. No through traffic will be allowed on 66th Street and Portland Avenue and all traffic will be routed away from the event. American Legion patrons will be allowed to enter the Legion parking lot until approximately 8:00 p.m. when Portland Avenue closes. Patrons will not be allowed to leave the Legion parking lot after 8:00 p.m. All patrons parked in the lot at 8:00 p.m. will be required to remain in the lot until 11:15 p.m. when all pedestrian traffic is clear on Portland Avenue. ONLY cabs and limos that are contracted with the Legion to provide sober cab services will be allowed to access the site from Portland Avenue after 8:00 p.m. These vehicles will have placards provided to them by the American Legion to identify their right to enter. At 11:15 p.m. when patrons are allowed to exit the American Legion lot, they will be able to go either direction on Portland Avenue and 66th Street. Also, vehicles that are parked at the ice arena will be instructed they need to remain in place until 11:15 p.m. All residents living on 66th Street and Portland Avenue will be allowed entrance onto these streets.



STAFF REPORT NO. 92
CITY COUNCIL MEETING
6/13/2017

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
6/1/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
6/8/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a request for a Temporary On Sale Intoxicating Liquor license for the Church of the Assumption, located at 305 77th Street East, for their 140th Anniversary Celebration taking place August 18-20, 2017.

EXECUTIVE SUMMARY:

On February 02, 2017, the City received application materials for a Temporary On Sale Intoxicating Liquor license for the Church of the Assumption, located at 305 77th Street East, for their 140th Anniversary Celebration taking place August 18-20, 2017. They will serve strong beer from 12:30 p.m. till 5:00 p.m. on Sunday, August 20, 2017 only. The Church of the Assumption will be serving beer from a beer truck located on their property. A map was included with the application showing where the beer truck would be placed. Asking for ID's and hand stamps will be enforced. No other intoxicating liquor beverages will be permitted.

The Church of the Assumption will be providing tacos, tostadas, tamales and roast beef sandwiches. The Church of the Assumption has contacted food sanitarians from the City of Bloomington to ensure proper food handling practices are followed.

The Director of Public Safety has reviewed all required information and documents and has found no basis for denial.

RECOMMENDED ACTION:

By Motion: Approve the issuance of a Temporary On Sale Intoxicating Liquor license for The Church of the Assumption, located at 305 77th Street East for their 140th Anniversary Celebration taking place August 18-20, 2017.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The applicant has satisfied the following requirements for the issuance of this license:

- The required licensing fee has been paid.
- Proof of liquor liability insurance has been provided showing The Catholic Mutual Relief Society of America affording the coverage.

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

Richfield City Code Section 1202.05 requires all applicants to comply with all of the provisions of this code, as well as the provisions of Minnesota Statute Chapter 340A.

C. CRITICAL TIMING ISSUES:

There are no critical timing issues.

D. FINANCIAL IMPACT:

The required licensing fees have been received.

E. LEGAL CONSIDERATION:

There are no legal considerations.

ALTERNATIVE RECOMMENDATION(S):

The Council could decide to deny the approval of the Temporary On Sale Intoxicating Liquor license for The Church of the Assumption. This would mean the applicant would not be able to serve hard beer. However, Public Safety has not found any basis for denial.

PRINCIPAL PARTIES EXPECTED AT MEETING:

The Church of the Assumption staff has been notified of the date of this meeting.



STAFF REPORT NO. 93
CITY COUNCIL MEETING
6/13/2017

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
6/7/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
6/8/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of an annual request for a Community Celebration Event license (with a request for the fee to be waived) and a Temporary On-Sale Intoxicating Liquor license, from the Fourth of July Committee for the events scheduled to take place at Veterans Memorial Park, July 3 - 4, 2017.

EXECUTIVE SUMMARY:

On May 30, 2017, the City received applications for the Community Celebration Event license (with a request for the fee to be waived) and a Temporary On-Sale Intoxicating Liquor license, from the Fourth of July Committee for the events scheduled to take place at Veterans Memorial Park, July 3 - 4, 2017. The fee for the Temporary On-Sale Intoxicating Liquor license has been received, along with all required documentation, including liquor liability insurance.

The Director of Public Safety has reviewed and approved the license application and sees no reason for it to be denied.

The street dance is on July 3, 2017, and begins at 4:00 p.m. and ends at 12:00 a.m. Alcohol will be served from 4:00 p.m. to 11:30 p.m. On July 4, 2017, alcohol will be served from 4:00 p.m. to 10:00 p.m. On both days, alcohol will be served in an enclosed fenced in area with monitored entrance points. On both nights they will be selling wine and strong beer only.

Public Safety police officers have been hired by the Fourth of July Committee to patrol the area for these events.

Food vendors will be available both days and the appropriate procedures will be followed.

RECOMMENDED ACTION:

By Motion: Approve the request for an annual Community Celebration Event license (with a request for the fee to be waived) and a Temporary On-Sale Intoxicating Liquor license, from the Fourth of July Committee for the events scheduled to take place at Veterans Memorial Park, July 3 - 4, 2017.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

Each year the Fourth of July Committee completes an application for a Community Celebration Event license and requests the licensing fee of \$5,000 be waived for the activities taking place throughout the City.

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

- Applications and required licensing fees for the Temporary On-Sale Intoxicating Liquor and Multi-Food Vendor licenses have been received.
- Proof of liquor liability insurance has been submitted showing West Bend Mutual Insurance Company affording the coverage.
- A detailed plan of the days' events is currently on file.
- The applicant, as well as each professional concession, has contacted food sanitarians from the City of Bloomington to ensure proper food handling practices are followed.

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

Richfield City Code Section 1202.05 requires all applicants to comply with all of the provisions of this code, as well as the provisions of Minnesota Statute Chapter 340A.

C. CRITICAL TIMING ISSUES:

The Temporary On-Sale Intoxicating Liquor license, allowing for the sale of wine and strong beer only, is valid for the street dance on July 3, 2017, from 4:00 p.m. to 11:30 p.m. and in the beer garden on July 4, 2017, from 4:00 p.m. to 10:00 p.m.

D. FINANCIAL IMPACT:

The Temporary On-Sale Intoxicating Liquor and Multi-Food Vendor license fees have been received.

E. LEGAL CONSIDERATION:

There are no legal considerations.

ALTERNATIVE RECOMMENDATION(S):

The Council could decide to deny the approval of the Community Celebration Event and Temporary On-Sale Intoxicating Liquor licenses. This would result in the applicant not being able to conduct activities, especially those concerning food preparation and alcohol sales.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Heather Lenke, President of the Fourth of July Committee has been notified of the date for Council consideration of this request.



STAFF REPORT NO. 94
CITY COUNCIL MEETING
6/13/2017

REPORT PREPARED BY: Melissa Poehlman, City Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
6/7/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
6/8/2017

ITEM FOR COUNCIL CONSIDERATION:

Continue the public hearing and second reading of a transitory ordinance vacating 17th Avenue street right-of-way adjacent to the proposed Plaza 66 commercial development to June 27, 2017.

EXECUTIVE SUMMARY:

Interstate Development (the Developer) is proposing a multi-tenant commercial building along 66th Street, between 16th Avenue and Richfield Parkway. The Developer has purchase agreements in place for all properties within the project boundary and is requesting the vacation of the right-of-way immediately adjacent. This right-of-way currently provides access to two homes at 6608 and 6614 17th Avenue. These properties and the right-of-way are proposed to be incorporated into the development and there will no longer be a public need for the street right-of-way.

There was a delay in receiving the title commitment for the 17th Avenue right-of-way. Additional review time by staff and the city attorney is needed. No issues are anticipated.

RECOMMENDED ACTION:

By motion: Continue the public hearing to consider a transitory ordinance vacating 17th Avenue street right-of-way adjacent to the proposed Plaza 66 commercial development (approx. 66th Street and 17th Avenue) to June 27, 2017.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- In the past, 17th Avenue offered a direct connection to 66th Street. Construction of the Richfield Parkway roundabout eliminated that connection over 10 years ago. The area proposed to be vacated currently serves only two homes and those homes will be removed as part of the proposed project.
- There are utilities within the right-of-way. Drainage and utility easements must be dedicated in the proposed plat. Approval of this vacation shall be contingent upon this dedication.

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

- The Council may by ordinance vacate a street, alley, public grounds or a part thereof, on its own motion or upon the petition of the owners of half of the land abutting the street, alley, public grounds or part thereof, to be vacated.

- The Housing and Redevelopment Authority is the owner of more than 50% of the land abutting the right-of-way and approved a petition requesting the vacation on May 15, 2017.
- No vacation may be made unless it appears to be in the interest of the public to do so.
- Easements for identified utilities and drainage must be dedicated in the plat.

C. CRITICAL TIMING ISSUES:

- 60-DAY RULE: The 60-day clock 'started' on April 10, 2017 when a complete application was received. The city has notified the applicant that it is extending the deadline for a decision by an additional 60 days. A decision must be made by August 8, 2017.

D. FINANCIAL IMPACT:

- The required application fee has been paid.

E. LEGAL CONSIDERATION:

- Notice of the public hearing was published in the Sun Current Newspaper, as required.
- The City Attorney's office has reviewed the proposed vacation and transitory ordinance.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

Lonnie Provencher, Interstate Development



STAFF REPORT NO. 95
CITY COUNCIL MEETING
6/13/2017

REPORT PREPARED BY: Melissa Poehlman, City Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
6/7/2017

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Steven L. Devich, City Manager
6/8/2017

ITEM FOR COUNCIL CONSIDERATION:

Continue the public hearing and second reading of a resolution for a preliminary plat of the "Plaza 66 in Richfield" Addition that will combine six parcels (6609 – 16th Avenue, 6615 – 16th Avenue, 6608 – 17th Avenue, 6614 – 17th Avenue, and two adjacent remnant parcels) and adjacent 17th Avenue right-of-way in order to allow construction of a multi-tenant commercial building to June 27, 2017.

EXECUTIVE SUMMARY:

In conjunction with an application for a Planned Unit Development (Plaza 66) at 66th Street and 16th and 17th Avenues, Interstate Partners will be replating the site. The proposed plat for the Plaza 66 in Richfield Addition has been reviewed by the City Attorney's Office. Prior to consideration of a final plat application, Interstate Development will be required to satisfactorily address all comments. No major issues are anticipated.

In order to have this item considered simultaneously with the approval of the vacation of a portion of 17th Avenue (which has been subject to a minor delay), this item should be continued to the June 27th meeting.

RECOMMENDED ACTION:

By motion: Continue the public hearing to consider a resolution for a preliminary plat of the "Plaza 66 in Richfield" Addition that will combine six parcels and adjacent 17th Avenue right-of-way for a multi-tenant commercial building to June 27, 2017.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

None

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

- All plats or subdivisions of land in the City must be approved by council resolution pursuant to the provisions of Minnesota State Statutes 462.357.

C. **CRITICAL TIMING ISSUES:**

- Per State Statute, the City has 120 days from the date of submittal of a complete application to issue a decision regarding plat unless the applicant agrees to an extension.

- A complete application was received on April 10, 2017. The Council must render a decision by August 8, 2017.
- A public hearing regarding vacation of the adjacent 17th Avenue right-of-way and final plat is anticipated on June 27, 2017.

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

Notice of this public hearing was published in the Sun Current newspaper.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

Lonnie Provencher, Interstate Development

ATTACHMENTS:

None



STAFF REPORT NO. 96
CITY COUNCIL MEETING
6/13/2017

REPORT PREPARED BY: Mary Tietjen, City Attorney

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager
6/8/2017

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Steven L. Devich, City Manager
6/8/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of the first reading of an ordinance abolishing the Police Civil Service Commission; repealing Subsection 305.05 of the City Code that creates a joint Police and Fire Civil Service Commission; and adopting a new Subsection 305.05 to continue the Fire Civil Service Commission.

EXECUTIVE SUMMARY:

For more than 70 years, the Richfield Police Department's hiring and promotional processes have been governed by a Police Civil Service Commission and Rules and Regulations promulgated by the Commission and approved by the City Council. The Commission's Rules include strict guidelines and processes for hiring and promotions that are based on requirements mandated by state law. State law allows for very little flexibility in how these processes are carried out.

In March 2017, the City of Richfield initiated a Promotional Process Improvement and Diverse Recruitment Study. The study was conducted by Attorney and Consultant Michelle Soldo of Soldo Consulting, P.C. Ms. Soldo is an expert in the area of employment and labor law and has advised other Minnesota cities on civil service related issues. As a result of the study, Ms. Soldo's primary recommendation was that the City should consider abolishing the Police Civil Service Commission. Her recommendation is based on the following factors:

1. The Civil Service form of governance was implemented by state law in the early 1930s and its original objective was to separate hiring and firing of officers from Council and local politics. This concern is no longer prevalent given that the City has subject matter experts – a City Manager, human resource professionals, labor attorneys, and unions – to carry out these duties
2. Richfield is one of only 17 Minnesota cities still utilizing a Police Civil Service Commission, which further signals the decline of this form of governance;
3. The Commission is comprised of community members who typically have not had professional background or expertise in police department recruitment, hiring, and promotions;
4. The role of the Commission has been greatly reduced over the years as the Rules delegate many of the functions to the Police Chief and discipline and terminations are governed by Union contracts; and

5. The most important reason for the recommendation is that if the Commission is not abolished, the City cannot participate in diversity-focused Officer hiring programs because of the constraints placed on the City by State civil service laws and the Commission's Rules.

For all of these reasons, staff is recommending that the City Council abolish the Police Civil Service Commission of the City of Richfield. The action requires unanimous approval by the City Council. If the Council approves the action, it would not impact the Fire Civil Service Commission, which would continue.

RECOMMENDED ACTION:

By Motion: Approve the first reading of an ordinance abolishing the Police Civil Service Commission; repealing Subsection 305.05 of the City Code that creates a joint Police and Fire Civil Service Commission; and adopting a new Subsection 305.05 to continue the Fire Civil Service Commission.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

Provided in Executive Summary.

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

- Subsection 305.05 of the City Code must be repealed to abolish the Police Civil Service Commission and a new subsection adopted to continue the Fire Civil Service Commission.
- Minnesota Statutes Section 419.16 requires a unanimous vote of the City Council to abolish the Police Civil Service Commission.

C. CRITICAL TIMING ISSUES:

- After the Police Civil Service Commission is abolished, the Police Department will be able to participate in diversity-focused hiring programs similar to other cities in the metropolitan area.
- Ms. Soldo will be preparing a second report outlining her recommendations for future promotional processes as soon as possible to complete the scope of her consultation work. The content of this second report will depend upon the Council's action to abolish or preserve the Police Civil Service Commission.

D. FINANCIAL IMPACT:

Staff time and resources spent on organizing and attending Commission meetings, as well as managing Commission-related issues will no longer be necessary.

E. LEGAL CONSIDERATION:

The Council may abolish the Police Civil Service Commission by unanimous vote. The Joint Police and Fire Civil Service Commission was established by subsection 305.05 of the City Code. Subsection 305.01 of the City Code states the Council may eliminate a Commission by adopting a resolution or ordinance rescinding the resolution or ordinance establishing the Commission.

ALTERNATIVE RECOMMENDATION(S):

The Council could decline to abolish the Police Civil Service Commission and direct staff to begin the process of overhauling the Commission's rules so that they are consistent with existing practices. Not abolishing the Commission would prevent the City from participating in diversity-focused hiring programs.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Michelle Soldo, Soldo Consulting, P.C.

ATTACHMENTS:

Description	Type
☐ Ordinance	Ordinance
☐ Report from Soldo Consulting	Backup Material

BILL NO. _____

**AN ORDINANCE REPEALING SUBSECTION 305.05 OF THE RICHFIELD CITY CODE
ABOLISHING THE POLICE CIVIL SERVICE COMMISSION AND
ADOPTING A NEW SUBSECTION 305.05 TO CONTINUE THE FIRE CIVIL SERVICE
COMMISSION**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Subsection 305.05 of the Richfield City Code is repealed in its entirety and replaced with the following new Subsection 305.05.

305.05. - Fire Civil Service Commission.

Subdivision 1. Abolish police civil service. The Police Civil Service Commission is abolished.

Subd. 2. Fire Commission continued. The former joint police and fire civil service commission is now known as the Fire Civil Service Commission and shall continue.

Subd. 3. Membership. The Fire Civil Service Commission shall consist of three (3) members appointed for terms in the same manner, for the same terms, and with the same qualifications pursuant to Minnesota Statutes, Chapter 420. Terms of commissioners are for three (3) years commencing on February 1 of the year of appointment.

Section 2. Subsection 310.09 of the City Code is amended as follows:

Subdivision 1. General. Appointments to the municipal service shall be made by the Manager. Appointments shall be made on the basis of merit and fitness for the position. Department heads shall be appointed by the City Manager, subject to Council approval in accordance with Section 6.02, Subsection 3 of the Charter; other appointments to positions in the municipal service shall be made by the City Manager after receiving the recommendation of the appropriate department head and shall be in accordance with the rules of the ~~joint fire and police~~ civil service commission where applicable.

Section. 3. This Ordinance will be effective in accordance with Section 3.09 of the City Charter.

Adopted this 13th Day of June, 2017.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

**CITY OF RICHFIELD
POLICE DEPARTMENT**

**Promotional Process Improvement and
Diverse Recruitment Study & Recommendations**

I. Scope & Objective of RPD Promotional Process Improvement & Diverse Recruitment Study and Summary of Key Recommendations

A. Scope and Objective: In March 2017, the City of Richfield commissioned a promotional process improvement study to review and analyze the City of Richfield Police Department's ("RPD") current promotional process. The study was conducted by undersigned Attorney & Consultant Michelle Soldo of Soldo Consulting, P.C. The purpose of the study was to thoroughly examine the RPD's promotional process and identify strategic process improvement changes to resolve known and potential process weaknesses that have been successfully challenged and identify ways for the RPD to engage in diverse recruitment efforts.

B. Summary of Key Recommendations: The following promotional process improvement and diversity recruitment recommendations are discussed further in Section IV of this report:

1. Recommendation # 1: It is recommended that the City Council abolish the Richfield Police Civil Service Commission either by referendum or unanimous vote of the City Council pursuant to Minn. Stat. § 419.16, Abolition of Commission.
 - a. The function served by Civil Service Commissions generally, and the Richfield Civil Service Commission specifically, has diminished and is largely carried out by City subject matter experts.
 - b. The Commission limits the RPD's efforts to recruit of a diverse workforce. If the Commission is not abolished, the City cannot participate in diversity-focused Officer hiring programs. The City currently has in place, an RPD Police Multicultural Advisory Committee ("PMAC") that fosters community involvement. PMAC members represent diverse cultural, ethnic, professional, educational, etc. backgrounds. The PMAC advises the RPD on how to better serve, communicate with, and understand the community. The PMAC meets monthly with Police personnel to discuss topics that are important to their communities.
 - c. Successful implementation of strategic process improvement recommendations identified during this study will require the overhaul of Commission Rules and Regulations and key changes with respect to appointment and training of current and future Commission members.

-
2. Recommendation # 2: It is recommended that the City contract with a professional consulting firm to manage the RPD promotional hiring process from start to finish or implement the recommended changes to the current process identified during this study.

See Report: Section IV – Discussion of Key Process Improvement Recommendations.

II. **Background: City of Richfield Police Department’s Promotional Process**

- A. For more than 70 years, the RPD’s promotional process has been governed by a Police Civil Service Commission (“Commission”) and Commission Rules and Regulations promulgated by the Richfield City Council. A 2016 League of Minnesota Cities study identified only 22 of 880 Minnesota cities that continue to utilize a Civil Service Commission form of governance for Police, Fire, EMS and/ or all City employees. Of that number, the City of Richfield is one of only 17 Cities utilizing a Police Civil Service Commission. See Exhibit 2: Richfield Police & Fire Civil Service Commission Rules and Regulations, Public Safety/Police Division (Revised March 2016). See also Exhibit 6: Synopsis of League of Minnesota Cities 2015 Poll Regarding Minnesota Civil Services Commissions.
- B. The City of Richfield’s Police Civil Service Commission (“Commission”) was created pursuant to Minnesota Statutes Chapter 419. See Exhibit 1: Minnesota Statutes Chapter 419 – Police Civil Service Commissions. By statute, the Commission has “absolute control and supervision over the employment, promotion, discharge, and suspension of all officers and employees of the police department” as defined by Commission Rules and Regulations. The Commission “may not prescribe any residency requirements for the positions under its control unless approved by the city council.” See Exhibit 1 at § 419.05 (“Duties of Commission”).
- C. Pursuant to Minn. Stat. § 419.02, the Commission is a three-person governing body appointed by the City Council who are citizens of the State, residents of the City, appointed for one- to three-year terms and hold their office until their successors are appointed and qualified. Neither Minn. Stat. §419 nor the Commission Rules and Regulations require that Commission members (“Commissioners”) have any relevant human resources, labor relations or other experience required to carry out Commission duties, i.e. “the recruitment, examination, selection, hiring, promotion, suspension, demotion and discharge of employees covered by the Rules.” See Exhibit 2: Richfield Police & Fire Civil Service Commission Rules and Regulations, Public Safety/Police Division (Revised March 2016) at Section II: Scope (p.2).
- D. Historically and currently, the Commission performs two primary duties: 1) The Commission approves the promotional hiring process recommended by the RPD’s hiring authority – the Public Safety Director/Police Chief; and 2) The Commission certifies the promotional eligibility list following completion of the promotional testing and interview process. The Commission is also responsible for hearing termination appeals, a task the Commission has not performed since the 1990’s due to union

contract grievance procedures providing for the arbitration of termination matters. Beyond approving the promotional process and certifying the resulting promotion eligibility list, other Commission duties identified in Commission Rules and Regulations (recruitment, examination, selection, hiring, suspension and demotion) can be and have been delegated by the Commission to other City personnel.

- E. In and prior to 2012, RPD successfully implemented a four-phase hiring and promotional processes. In 2012, for the reasons discussed further below, the RPD changed the four-phase promotional process to a two-phase process. The new process was used for a Sergeant promotional process in 2012, and a Detective promotional process in 2013. In 2014, three Detective candidates filed a lawsuit against the City alleging age discrimination in the promotional hiring process. That litigation led to preliminary changes in RPD's promotional hiring processes for Sergeant and Lieutenant positions filled in 2014, 2015 and 2016. See Report: Section III – Discussion of the RPD's Promotional Process.

III. Discussion of the RPD's Promotional Process

- A. Prior to 2010, the RPD used promotional-eligibility exams developed by Personnel Decisions International ("PDI"), an independent professional consultancy firm. The Sergeant exam, which was the subject of an internal investigation, was comprised of four phases:
1. Phase 1: Written background and experience statement scored by PDI and comprising 20 to 25 percent of an applicant's total score;
 2. Phase 2: Written test scored by PDI and comprising 20 to 25 percent of an applicant's total score;
 3. Phase 3: Oral interview (comprising 25 to 30 percent of the total score) with a three-person interview panel that included one RPD command staff member and two command staff members from other police departments; and
 4. Phase 4: "Promotability" index (comprising 25 percent of an applicant's total score), which ranked candidates using metrics such as integrity, professionalism, and work product based on input from supervisors.
- B. In 2010, RPD learned that prior Sergeant candidates shared Sergeant promotional eligibility oral interview questions with other candidates. Consequently, the RPD had to change its testing procedure.
1. At the recommendation of PDI consultants, the RPD stopped using the PDI testing process and contracted with Standard & Associates (a national testing service) to develop and administer new promotional examinations. Other procedural changes RPD implemented took into consideration candidate feedback that RPD's four-phase promotional process was too time consuming and arduous.

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2. In 2012, the new promotional process the RPD implemented for Detectives, Sergeants and Lieutenants had two, versus four, phases:
 - a. Phase 1: a written test comprising 40 percent of an applicant's total score, evaluated by Standard & Associates; and
 - b. Phase 2: an oral interview comprising 60 percent of the score. The oral interview panel included City HR staff, the Assistant City Manager and RPD command staff. Command staff members from outside police departments did not participate in the process.
 3. The City discontinued the background and experience (former Phase 1) and "promotability" index (former Phase 4) portions of the RPD's promotional process and allocated the majority of the possible total points to the oral examination during which candidates had the opportunity to orally present their training, skills, experience and qualifications for promotion.
 4. The City used the new RPD exam procedure to fill a Sergeant position in 2012 and a Detective position in 2013. See Exhibit 4C: 2012 Sergeant Testing Process and Exhibit 4D: 2013 Detective Testing Process Resulting in Litigation.
 5. In 2013, the City was involved in a District Court lawsuit with initially five officers. Three of those officers were part of the suit based on the 2013 Detective promotional process. They alleged the promotional hiring process discriminated against them on the basis of age.
 - a. Commission Rules and Regulations provide that promotions "must be based upon competitive examination and upon records of efficiency, character, conduct and seniority." See Exhibit 2 at Section XIII - Promotions, para. b (p.15).
 - b. The litigant Officers alleged, in relevant part, that the City's elimination of the background and experience and "promotability" index phases of the promotional process unfairly precluded consideration of their experience and history of positive work experience, i.e., the promotional process did not take their seniority into account thereby resulting in disparate impact based on age.
 - c. The City argued, among other things, that all promotional candidates had an opportunity during their oral interview to verbally present their record of "efficiency, character, conduct and seniority," including history of positive work experience.
 - d. Protracted litigation lead to some City liability and litigation guidance that the candidate's verbal presentation during their oral interview of their "record of efficiency, character, conduct and seniority" is not sufficient. The candidate's documented record must be considered.

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6. In 2014, the City changed the RPD promotional process to include the interview panel's review and consideration of candidate personnel file records. See Exhibit 4D: 2013 Detective Testing Process Resulting in Litigation; See Exhibit 4E: 2014 Lieutenant Testing Process; See Exhibit 4F: 2015 Sergeant Testing Process and Exhibit 4G: 2016 Sergeant Testing Process. See also Exhibit 5: Litigation Records.
 7. In March 2017, the City commissioned the study discussed herein to fully and thoroughly examine RPD's promotional process and identify strategic process improvement changes to resolve known and potential process weaknesses that have been successfully challenged and identify ways for the RPD to engage in diverse recruitment efforts.
 8. The RPD's current Commission-approved promotional process, which is governed by Commission Rules and Regulations, includes the following eight (8) key steps:

- a. Step 1: The Commission approves the promotional process recommended by the hiring authority.

The Commission performs this task.

- b. Step 2: The RPD advertises for entry level Officer vacancies. The RPD posts internally and receives memoranda of interest for vacancies for the ranks of Sergeant, Detective, Lieutenant and Deputy Chief.

The task is not performed by the Commission; it has been delegated and by the Commission to other City staff.

- c. Step 3: The RPD identifies eligible candidates, i.e., applicants/candidates who meet established minimum qualifications.

The task is not performed by the Commission; it has been delegated by the Commission to other City staff.

- d. Step 4: The RPD offers and conducts internally, a voluntary promotional examination orientation;

The task is not performed by the Commission; it has been delegated by the Commission to other City staff.

- e. Step 5: The RPD conducts a multi-phase promotional examination and creates a promotional list (referred to in Commission rules as "eligible register").

The task is not performed by the Commission; it has been delegated by the Commission to other City staff. From time-to-time, as provided by Commission Rules and Regulations, a Commissioner may observe the testing process.

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- f. Step 6: RPD staff tabulate composite candidate written examination and oral interview scores after expiration of the established examination appeal period.

The task is not performed by the Commission; it has been delegated by the Commission to other City staff.

- g. Step 7: The Commission certifies the promotional list (“eligible register”).

The Commission performs this task.

- h. Step 8: The promotional eligibility list is sent to the hiring authority (the Director of Public Safety/Police Chief) who makes final hiring decision.

The hiring authority performs this task.

See Exhibit 4E: 2014 Lieutenant Testing Process; Exhibit 4F: 2015 Sergeant Testing Process and Exhibit 4G: 2016 Sergeant Testing Process.

IV. Discussion of Key Process Improvement Recommendations

Based on a thorough review of RPD’s prior and current promotional processes and consideration of the factors that led to promotional process challenges and City liability, the following promotional process improvement changes are recommended:

- A. Recommendation # 1: It is recommended that the City Council abolish the Richfield Police Civil Service Commission either by referendum or unanimous vote of the City Council pursuant to Minn. Stat. § 419.16, Abolition of Commission. The statute provides in relevant part: “A police civil service commission created under this chapter may be abolished as follows:...(2) by a unanimous vote of the city council.” See Exhibit 1: Minnesota Statutes Chapter 419 – Police Civil Service Commissions.

Rationale for Recommendation # 1:

1. Rationale: The function served by Civil Service Commissions generally, and the Richfield Police Civil Service Commission specifically, has diminished and is largely carried out by City subject matter experts.
 - a. In the 1930's when the Public Employee Labor Relations Act (“PELRA”) was implemented, the Civil Service Commission form of governance and oversight was instituted. The objective was to separate recruitment, hiring and firing from Council and local politics. With the hiring of City managers/ administrators, human resources professionals, labor attorneys and unionization, there is no practical need for a Civil Service Commission comprised of community member volunteers for whom there are no established minimum qualifications to carry out Commission-delegated duties set forth in often antiquated Commission rules and regulations. In practice, hiring authorities, in

consultation with City Administrators/Managers, human resources personnel and City legal counsel, employ strategic and sound hiring practices. Grievance procedures in union labor contracts ensure procedural oversight of the discipline and termination process.

- b. The City of Richfield is one of seventeen (out of 880) Minnesota cities still utilizing a Police Civil Service Commission form of governance. Most recently, in 2014, the City of Grand Rapids abolished its Civil Service Commission through a unanimous vote of the Grand Rapids City Council as provided for by Minn. Stat. § 419.16. Grand Rapids, like other cities, determined that Commission rules and regulations hindered rather than benefitted the promotional hiring process and precluded, for the reasons discussed further below, police department diversity recruitment efforts. See http://www.grandrapidsmn.com/news/gr-council-votes-to-abolish-police-commission/article_6afd6b80-85f9-11e4-8797-276453d49c19.html.
- c. The Richfield Police Civil Service Commission is, by statute, comprised of three community members appointed by the City Council whose Commission appointment/membership is not contingent upon their human resources and labor relations experience and expertise arguably required to carry out the key “recruitment examination, selection, hiring, promotion, suspension, demotion and discharge” duties with which the Commission is tasked. Consequently, in practice, the Commission has delegated to City hiring authorities (the Director of Public Safety/Police Chief, in consultation with HR and City legal counsel (“subject matter experts”)), most of the Commission duties identified in current Commission Rules and Regulations. The Public Safety Director/Police Chief, in consultation with City subject matter experts, is responsible for handling RPD recruitment, hiring and promotions.
- d. Historically and currently, the *actual* role of the Richfield Police Civil Service Commission is narrowly limited to performing two functions: 1) approving the RPD hiring and promotional processes recommended by the hiring authority, the Chief/Public Safety Director; and 2) approving/certifying the list of eligible candidates the hiring authority presents to the Commission at the conclusion of the approved hiring/promotion process. While the Commission is also charged with hearing termination appeals, it has not performed that function since the 1990’s (more than twenty years ago). The Commission’s role with regard to termination appeals has been largely replaced by the City’s negotiated labor contract grievance procedures with election of remedies provisions allowing Officers, Detectives, Sergeants and Lieutenants to follow the grievance process through arbitration or, in the alternative, to request a hearing before the Commission. See Exhibit 3: Richfield Police Department Collective Bargaining Agreements (Officers and Detectives & Police Supervisors).

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- e. Richfield Police Civil Service Commission Rules and Regulations are antiquated and require significant, versus piecemeal, updating.
 - Some key terminology is outdated, e.g., the promotional list is referred to as “eligible register” and job descriptions are referred to as “classification of position(s)”.
 - Processes mentioned regarding job postings, solicitation of Officer letters of interest, submission of applications and the Commission’s actual role in the promotional process are inconsistent with current practices, which have changed due to advances in technology and Commission delegation of duties to RPD command staff.
 2. Rationale: If the Commission is not abolished, the City cannot participate in diversity-focused Officer hiring programs.
 - a. Arguably the most important reason for the City Council to abolish the Commission is that Minnesota Statutes Chapter 419 and Commission Rules and Regulations preclude the RPD from participating in diversity-focused Officer hiring programs. Thus, the Commission is a barrier to the RPD’s recruitment of a diverse workforce.
 - An April 5, 2017 memorandum authored by City Attorney Mary Tietjen discusses the reasons Commission rules and regulations do not allow RPD, like law enforcement agencies that do not have a Civil Service Commission, to participate in the successful Suburban Law Enforcement Training Academy (“SLETA”). See Exhibit 8: 04.08.17 Memorandum from City Attorney Mary Tietjen to City Manager Steve Devich and Director of Public Safety/Police Chief Jay Henthorne Re: Suburban Law Enforcement Training Program
 - The purpose of SLETA, is to diversify the ranks of suburban police departments and more closely align departments to the communities they serve. Participating law enforcement agencies¹ join together to cooperatively hire non-traditional candidates as future Police Officers.
 - Participating agencies make an up-front conditional job offer to a Trainee, who then must successfully complete coursework and pass the licensing exam and the interview process. Trainees who complete the requirements automatically become eligible for a “promotion” to the position of Police Officer.

¹ Current participating agencies include: a) City Bloomington; b) City of Eagan; c) City of St. Louis Park; d) City of Hastings; e) City of Maplewood; and d) the Metropolitan Airports Commission.

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- Richfield Police Civil Service Commission rules and regulations do not allow the RPD to participate in SLETA. Commission rules and regulations are based on requirements in Minn. Stat. § 419.06, which mandate a Commission to adopt rules that include public advertisements and competitive examinations for RPD positions, including promotional positions. A conditional job offer may not be extended to a candidate until after the examination and certification process. Minnesota Statutes § 419 does not authorize a Commission to adopt rules that would provide for exceptions to that process or suspend its rules in certain circumstances. Consequently, Commission rules preclude the RPD from participating in the SLETA and employ other diversity-focused hiring practices that do not comport with existing Commission rules and regulations.
 - The business case for the City's examination and reform of RPD's recruitment, selection and promotional process, unconstrained by Commission Rules and Regulations, is found in a January 2015 "Diversity in Law Enforcement Literature Review". The review was jointly conducted and published by the U.S. Department of Justice Civil Rights Division, Department of Justice Programs and the Equal Opportunity and Employment Commission. The review report provides in relevant part:

"[Workforce] [d]iversity can be a crucial element in establishing and expanding trust between law enforcement and the community. Workforce diversity may also have positive effects on law enforcement agencies; making them less insular and more receptive to change. In addition, the officers who are hired often reap tremendous benefits that inure to their families and communities."

"A wide range of barriers may undermine diversity at every stage of the recruiting, hiring, and selection process. There is substantial evidence that these barriers have made it difficult for underrepresented groups (i.e., racial/ethnic minorities, women, and LGBTI individuals) to secure positions in law enforcement."

"[T]here are concrete steps law enforcement agencies can take that will result in greater diversity among their personnel. By examining and, when necessary, reforming recruitment, selection, and training efforts, law enforcement agencies can attract and retain highly qualified workforces that better reflect the communities they serve."

"Traditional measures for hiring and training police officers and other law enforcement personnel not only have adverse impact on diversity, but also serve to undermine the ability to attract the most qualified and effective individuals for important public safety jobs. By identifying the factors and skills that are critical to effective law enforcement, police departments and other agencies can design

procedures that will attract individuals that are both highly qualified and diverse.”

See Exhibit 9: Diversity in Law Enforcement: A Literature Review, Published January 2015 by the U.S. Department of Justice and the U.S. Equal Employment Opportunity Commission.

- The City currently has in place, an RPD Police Multicultural Advisory Committee (“PMAC”) that fosters community involvement. The role of the Advisory Committee should resolve concerns that dissolution of the Commission forecloses any opportunity for citizen/ community involvement.
- The PMAC is a 10- to 17-member community-member advisory board. PMAC members represent diverse cultural, ethnic, professional, educational, etc. backgrounds. The PMAC advises the RPD on how to better serve, communicate with, and understand the community. The PMAC meets monthly with Police personnel to discuss topics that are important to their communities.
- The primary role of PMAC members is to highlight community concerns and work strategically and collaboratively with the community and RPD to address those concerns. PMAC members also co-organizes many community engagement initiatives and network and engage with neighbors, coworkers, students, clients and others to learn how PMAC can improve police community relations.

See Police Multicultural Advisory Committee at <http://www.cityofrichfield.org/departments/public-safety/joint-community-police-partnership/police-multicultural-advisory-committee>. (last visited May 21, 2017)

- c. Rationale: Successful implementation of strategic process improvement recommendations identified during this study will require the overhaul of Commission Rules and Regulations and key changes with respect to appointment and training of current and future Commission members.
- If the Police Civil Service Commission is not abolished for the reasons discussed further above, the complete overhaul of Commission rules must be completed. Although painstaking and time consuming, this task is essential to reconcile ambiguities in Commission rules and actual hiring and promotional practices that create potential City liability.
 - If the Police Civil Service Commission is not abolished, it is imperative that the City Council establish and enforce minimum qualifications for Commissioner appointments and mandate and provide Commissioner training. Historically, the City of Richfield’s Commission, like other Civil Service Commissions, is comprised of community members who express an

interest in volunteering to serve on the Commission or are recruited and agree to serve. Minnesota Statutes Chapter 419 does not require a City Council to, or preclude a City Council from, establishing minimum qualifications and experience standards for Commission members, e.g., recruitment, human resources and/or labor relations training and experience, etc. Similarly, the statute does not require a Council to, or preclude a Council from, establishing Commission behavioral standards.

- Current Commission rules and regulations: a) do not identify any minimum qualifications for Commission members, and b) do not require task-specific and fiduciary and professional responsibility training for Commission members, or establish or reference any code of conduct or other rules governing Commission member conduct. Recent City liability is attributable, in part, to the claims of a single Commission member that the Commission approved promotional process was discriminatory and the resulting Commission certified promotional eligibility list was invalid.
 - It is recommended that the City Council implement and enforce a Civil Service Commissioner Code of Conduct. It is also recommended that the City Council mandate and conduct annual Commission duty-specific training, including training regarding: a) Commissioner authority; b) Commissioner fiduciary responsibility; c) Commissioner ethics and conflicts of interest; d) data privacy requirements, and e) recruitment, examination, selection, hiring, promotion, suspension, demotion and discharge.
- B. Recommendation # 2: It is recommended that the City contract with a professional consulting firm to manage the RPD promotional hiring process from start to finish or implement the recommended changes to the current process identified during this study.

Rationale for Recommendation:

1. For two or more promotional processes conducted post-litigation, the City's use of a reputable outside professional consulting firm is a prudent process improvement and risk management strategy. In a post-litigation environment, the benefit derived from an independent and strategic promotional process implemented by external experts who can attest to process fairness and objectivity is invaluable. During this study, information was obtained from Industrial/Organizational Solutions, Inc. ("I/O Solutions"), a human resources consulting firm that specializes in personnel selection and develops, validates and implements entry level and promotion tests and assessments for the public safety industry. The City of Minneapolis Police Department utilizes I/O Solutions for entry level Officer hiring and all promotional examinations. I/O Solutions is also widely retained by entities post-litigation to develop and implement seamless and challenge-resistant hiring and promotional processes and practices. Information about the services I/O Solutions offers was obtained by Public Safety Director/Police Chief Jay Henthorne.

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2. In the alternative, if RPD continues to internally manage the hiring and promotion process, it is recommended that RPD implement the promotional process improvement changes identified during this study.

IV. Exhibits

- A. Exhibit 1: Minnesota Statutes Chapter 419 – Police Civil Service Commissions
- B. Exhibit 2: Richfield Police & Fire Civil Service Commission Rules and Regulations, Public Safety/Police Division (Revised March 2016)
- C. Exhibit 3: Richfield Police Department Collective Bargaining Agreements (Officers and Detectives & Police Supervisors)
- D. Exhibit 4: Richfield Police Department Testing Processes Employed During the Period 2009-2016
- E. Exhibit 5: Litigation Records
- F. Exhibit 6: Synopsis of League of Minnesota Cities 2015 Poll Regarding Minnesota Civil Services Commissions
- G. Exhibit 7: Poll Regarding Neighboring Police Department Testing Processes
- H. Exhibit 8: 04.08.17 Memorandum from City Attorney Mary Tietjen to City Manager Steve Devich and Director of Public Safety/Police Chief Jay Henthorne Re: Suburban Law Enforcement Training Program
- I. Exhibit 9: “Diversity in Law Enforcement: A Literature Review”, Published January 2015 by the U.S. Department of Justice and the U.S. Equal Employment Opportunity Commission

Report drafted by:

05.23.17

Michelle M. Soldo

Date

Michelle M. Soldo, Consultant
SOLDO CONSULTING, P.C.
Telephone: (651) 238-3748
Email: msoldo@soldoconsulting.com

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DIVERSITY IN LAW ENFORCEMENT: A LITERATURE REVIEW

U.S. Department of Justice
Civil Rights Division
Office of Justice Programs

U.S. Equal Employment
Opportunity Commission



January 2015

Recent events have placed a spotlight on the lack of diversity within police departments and other law enforcement agencies across the nation. After this past summer's events in Ferguson, Missouri, many news organizations focused on the racial demographics of the Ferguson Police Department.ⁱ Although approximately two-thirds of Ferguson, Missouri's residents are African American, only three of the town's fifty-three commissioned police officers are African American.ⁱⁱ Ferguson is far from alone in this regard: there are police departments in every corner of the United States where there are severe mismatches between the racial composition of the police force and the demographics of the community at large.ⁱⁱⁱ

The Department of Justice's Civil Rights Division (CRT) and Office of Justice Programs (OJP) have joined with the Equal Employment Opportunity Commission (EEOC) to respectfully submit the attached literature review. It has been our collective experience that any consideration of policing effectiveness is incomplete without attention to who our police officers are, as well as whether the police force reflects the community that its officers are sworn to serve.^{iv} Although workforce diversity alone may not resolve all issues related to the fairness and effectiveness of policing,^v achieving diversity in law enforcement agencies can increase trust between those agencies and the communities they serve.^{vi} That basic trust can be an essential part of defusing tension, investigating and solving crimes, and creating a system where citizens believe that they can rely on their police departments and receive fair treatment. Indeed, victims and witnesses of crime may not approach or engage with law enforcement officials if they do not perceive them to be responsive to their experiences and concerns. A diverse police department is also less likely to be insular, and therefore can be more receptive to change.

Moreover, a commitment to diversity in hiring and promotion opens crucial public sector jobs to all Americans and helps ensure equal employment opportunity in public safety jobs. These jobs are the backbone of a community: they offer long-term and rewarding careers; bring families into the middle class; and create investment in the community, all of which have a significant positive impact on that community's schools and housing and, indeed, in all other aspects of the American dream.

Lack of diversity in police departments directly implicates some of our nation's most fundamental civil rights laws and protections.^{vii} Title VII of the Civil Rights Act of 1964 (Title VII),^{viii} which is enforced by both the EEOC and CRT, prohibits employment discrimination on the basis of race, sex, color, religion, and national origin. Title VII prohibits intentional discrimination—for example, where a job applicant, despite being qualified for the position, is not hired because of race, sex, or another protected characteristic. Unfortunately, intentional employment discrimination still remains a substantial barrier in the law enforcement context. For example, two years ago CRT's Employment Litigation Section brought a case, which was referred from the EEOC, on behalf of a woman serving as a sergeant at a small police department who had been passed over to be assigned shift commander in favor of a man with less

experience.^{ix} This victim was the only woman who worked at the police department; in fact, twenty-three years earlier she had to bring a lawsuit just to obtain a position with the department. In the most recent case, the sergeant filed another discrimination charge in order to receive equal treatment. As a result of CRT's involvement in the case, she obtained the promotion to shift commander she deserved.

Title VII also prohibits the use of neutral selection practices that fall more heavily on one group unless those practices have been shown to be job related and consistent with business necessity. The Department of Justice, the EEOC, and private plaintiffs have a long history of successfully challenging facially neutral job screening devices—such as height requirements, written tests, or physical tests—that have an adverse impact on protected groups and are not job related or consistent with business necessity. For example, CRT successfully sued a state regarding its written examination for police sergeants; as a result, some of the small communities that use the challenged examination promoted their *first ever* African-American sergeants this year.^x Following an EEOC investigation, CRT also successfully sued the New York City Fire Department regarding its written examination for entry-level hires.^{xi} The *New York Times* chronicled the success of one of the African-American firefighters hired as a result of that lawsuit; at the first fire he fought, he located and helped rescue a five-month-old child.^{xii} For more on the EEOC's work in this area, please see Chair Jenny Yang's written testimony submitted on January 21, 2015, and attached here as Appendix B.

The federal government cannot investigate or litigate every meritorious case of employment discrimination that may exist, especially given that there are nearly 18,000 state and local law enforcement agencies in the United States. The President's Task Force on 21st Century Policing, however, is uniquely situated to highlight the importance of workforce diversity for police departments and other law enforcement agencies. We believe that a crucial component of that message should be identifying barriers that undermine diversity and equal employment opportunity, while also highlighting best practices that departments can use to recruit, hire, and retain qualified and diverse personnel.

We hope that the attached review—which assembles research and academic scholarship that have addressed the issue of diversity in law enforcement—can aid in that process. Although this review is not exhaustive, it is designed to provide a cross-section of relevant information that we hope will be helpful and informative to the Task Force. We present the literature review in four categories:

- **Why Diversity Matters.** Diversity can be a crucial element in establishing and expanding trust between law enforcement and the community. Workforce diversity may also have positive effects on law enforcement agencies; making them less insular and

more receptive to change. In addition, the officers who are hired often reap tremendous benefits that inure to their families and communities.

- **Barriers to Achieving Diversity.** A wide range of barriers may undermine diversity at every stage of the recruiting, hiring, and selection process. There is substantial evidence that these barriers have made it difficult for underrepresented groups (i.e., racial/ethnic minorities, women, and LGBTI individuals) to secure positions in law enforcement.
- **Best Practices for Achieving Diversity.** There are concrete steps law enforcement agencies can take that will result in greater diversity among their personnel. By examining and, when necessary, reforming recruitment, selection, and training efforts, law enforcement agencies can attract and retain highly qualified workforces that better reflect the communities they serve.
- **Characteristics of High Quality Law Enforcement Personnel.** Traditional measures for hiring and training police officers and other law enforcement personnel not only have adverse impact on diversity, but also serve to undermine the ability to attract the most qualified and effective individuals for important public safety jobs. By identifying the factors and skills that are critical to effective law enforcement, police departments and other agencies can design procedures that will attract individuals that are both highly qualified and diverse.

We have also attached, as Appendix A to the review, a list of experts on the issue of workforce diversity in law enforcement with whom the EEOC and the Department of Justice have worked. This list is non-exhaustive; we hope that it can serve as a resource and starting point if the Task Force desires additional perspectives or information about the matters covered in this document and the attached literature review.

ⁱ See, e.g., Bathya Ungar-Sargon, *Lessons for Ferguson in Creating a Diverse Police Department*, FIVETHIRTYEIGHT POLITICS, Jan. 5, 2015, <http://fivethirtyeight.com/features/lessons-for-ferguson-in-creating-a-diverse-police-department/>.

ⁱⁱ Emily Badger, *When Police Departments Don't Look Like the Cities They're Meant to Protect*, WASH. POST, Aug. 12, 2014.

ⁱⁱⁱ See Jeremy Ashkenas and Haeyoun Park, *The Race Gap in America's Police Departments*, N.Y. TIMES, Sept. 4, 2014; see also Emily Badger, Dan Keating, and Kennedy Elliott, *Where Minority Communities Still Have Overwhelmingly White Police*, WASH. POST, Aug. 14, 2014.

^{iv} Issues of diversity were raised repeatedly in the testimony that this Task Force received as part of its listening session on Building Trust and Legitimacy. See, e.g., Written Testimony of Chief Jim Bueermann (ret.), President, Police Foundation ("Every police leader knows of the importance of creating a diverse workforce. Police agencies that do not have a workforce that reflects the community it serves will eventually have to deal with a

heightened level of police-community tension brought on by the lack of police diversity.”); Written Testimony of National Organization of Black Law Enforcement Executives (“The challenge to hiring a diverse workforce in law enforcement is reflected by the faces of the organization’s leadership. The key to diversity in law enforcement is visibility of diversity, opportunity to engage people on their terms, and opportunities to advance.”); Written Testimony of National Association of Women Law Enforcement Executives (“It has been known by us and many others, that in order to best police a certain area, the diversity of a police force should be representative of the community they serve.”).

^v The existing literature is conflicted about the impact demographic diversity has on the manner law enforcement agencies perform their duties. For example, one article surveyed the research with respect to African-American police officers and found evidence to support either side. David A. Sklansky, *Not Your Father’s Police Department: Making Sense of the New Demographics of Law Enforcement*, 96(3) J. CRIM. L. & CRIMINOLOGY 1209, 1224-25 (2006). On the one hand, the article pointed to studies showing that African-American officers were less prejudiced towards other African Americans than white officers, knew more about the African-American community, and got more cooperation from African-American citizens. *Id.* At the same time, the article also highlighted studies concluding that African-American officers were just as likely as their white counterparts to use their firearms, arrest civilians, receive citizen complaints, and be subjected to disciplinary proceedings. *Id.* at 1224. Part of the challenge may stem from the fact that it is very difficult to determine, with any degree of certainty, the role that demographics—for both officers and civilians—have on how law enforcement activities are conducted and perceived. *See id.* at 1225 (“On both sides of this debate, many of the findings are hard to interpret. If, for example, black officers draw more complaints, is that because they act more aggressively, or because they are assigned to tougher beats, or because prejudice makes their assertions of authority seem more objectionable, or because minority citizens feel more comfortable complaining about officers from whom they do not fear retaliation?”).

^{vi} It has been our experience that there is a growing consensus that diversity can be an important element in establishing trust and improving relations between law enforcement and communities. *See generally* Ungar-Sargon, *supra* note i (quoting an interview with Stanford Law Professor David Sklansky who explained: “When the police force integrates and begins to look more like the community it’s policing, it removes one big impediment toward trust. It doesn’t guarantee trust, but it removes one thing that makes it hard to develop trust.”). And in the wake of this summer’s events in Ferguson, Attorney General Eric Holder acknowledged the need to “consider the role that increased diversity can play in helping to build trust within communities.” Press Release, U.S. Dep’t of Justice, Statement by Attorney General Eric Holder on Latest Developments in Ferguson, Missouri (Aug. 14, 2014), <http://www.justice.gov/opa/pr/statement-attorney-general-eric-holder-latest-developments-ferguson-missouri>. Yet, despite the widespread belief that diversity in law enforcement can foster community trust, there has been scant research and, at times, mixed empirical findings regarding the relationship between police diversity and community trust. *See, e.g.,* Joshua C. Cochran and Patricia Y. Warren, *Racial, Ethnic, and Gender Differences in Perceptions of the Police: The Salience of Officer Race Within the Context of Racial Profiling*, 28(2) J. CONTEMP. CRIM. J. 206 (2012) (demonstrating, based on a recent empirical study, that officer race may play a more substantial role in the development of citizens’ perceptions than previous findings would suggest, providing some evidentiary support for diversification as a viable option for improving citizen-officer relations, and calling for further evaluation of diversification policies).

^{vii} To be clear, diversity in law enforcement includes more than just racial and ethnic diversity; it also should involve considerations of sex, national origin, religion, sexual orientation, and gender identity. This literature review focuses on issues of race and ethnicity (and to a lesser extent, sex) in light of the recent attention that has been directed towards these categories. However, all aspects of diversity should be considered when jurisdictions are considering whether their law enforcement agencies are representative and reflective of the communities they serve.

^{viii} 42 U.S.C. § 2000e *et seq.*

^{ix} *See* Press Release, U.S. Dep’t of Justice, Justice Department Settles Sex Discrimination Lawsuit Against the Town of Griffith, Indiana (June 11, 2013), <http://www.justice.gov/opa/pr/justice-department-settles-sex-discrimination-lawsuit-against-town-griffith-indiana>.

^x See Press Release, U.S. Dep't of Justice, Justice Department Settles Allegations of Employment Discrimination in Promotion of Police Sergeants in New Jersey (Aug. 1, 2011), <http://www.justice.gov/opa/pr/justice-department-settles-allegations-employment-discrimination-promotion-police-sergeants>.

^{xi} See Press Release, U.S. Dep't of Justice, Justice Department Reaches Agreement in Principle with the New York City Fire Department Over Discriminatory Hiring Practices Resulting in \$98 Million in Relief (Mar. 18, 2014), <http://www.justice.gov/opa/pr/justice-department-reaches-agreement-principle-new-york-city-fire-department-over>.

^{xii} N.R. Kleinfield, *The Race Gap in America's Police Departments Baptism by Fire: A New York Firefighter Confronts His First Test*, N.Y. TIMES, June 20, 2014.

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I. Why Diversity Matters:

1. Fridell, Lorie, Robert Lunney, Drew Diamond, and Bruce Kubu. 2008. *Racially Biased Policing: A Principled Response*. Washington DC: Police Executive Research Forum.

Abstract: A police agency whose officers reflect the racial demographics of the community they serve fulfills several important purposes in reducing racial bias in policing. First, it conveys a sense of equity to the public, especially to minority communities. Second, it increases the probability that, as a whole, the agency will be able to understand the perspectives of its racial minorities and communicate effectively with them. Third, it increases the likelihood that officers will come to better understand and respect various racial and cultural perspectives through their daily interactions with one another.

2. Sklansky, David A. 2006. "Not Your Father's Police Department: Making Sense of the New Demographics of Law Enforcement." *The Journal of Criminal Law & Criminology* 96 (3): 1209-1243.

Abstract: This article has three parts. The first part describes how the makeup of police workforces has changed over the past several decades. To summarize, the workforce has grown much more diverse with regard to race, gender, and more recently, sexual orientation—but the pace of change has varied greatly from department to department, and virtually all departments have considerable progress to make with respect to diversity. The second part of the article assesses the effects of the changes that have already occurred in law enforcement demographics. The author considers three different categories of effects: competency effects (ways in which minority officers, female officers, and openly gay and lesbian officers may have distinctive sets of abilities), community effects (ways in which the demographic diversity of a police department may affect its relations with the community it serves), and organizational effects (ways in which the workforce diversity may affect the internal dynamics of the department itself). The third part of the article concludes by exploring the ramifications of the changing demographics of law enforcement.

3. Wasserman, Robert. 2010. *Guidance for Building Communities of Trust*. Washington DC: Office of Community Oriented Policing Services.

Abstract: The Guidance describes the challenges that must be addressed by fusion centers, local law enforcement agencies, and communities in developing relationships of trust. These challenges can only be met if privacy, civil rights, and civil liberties are protected. For fusion centers, this requires strong privacy policies and audits of center activities to ensure that the policies and related standards are being fully met. For law enforcement agencies, it means that meaningful dialogue and collaboration with communities needs to occur in a manner that increases the legitimacy of the agency in the eyes of that community. Law enforcement must establish legitimacy in the communities they serve if trusting relationships are to be established. For communities, their leaders and representatives must collaborate with law enforcement and share responsibility for addressing the problems of crime and terrorism prevention in their neighborhoods.

II. Barriers to Diversity:

1. Comeau, Michelle J. 2011. *Representation and Recruitment: A Three-Part Analysis of the Police Hiring Process Within New York State*. Rochester, New York: Rochester Institute of Technology.

Abstract: The article consists of three separate analyses, each of which examines the representation of women, African Americans, and Latinos in police organization within New York State. The initial study compares department representation to that of the community in regards to race or ethnicity and gender. This is followed by the second study, which does a detailed look at the hiring process of one department within a mid-sized city (Rochester, NY), noting attrition by majority/minority status at each hurdle applicants face. The third study utilizes data from the second study to create a model of attrition for the Rochester Police Department. From the three studies, a series of recommendations for departments was developed, including: (1) identify department needs and allot resources appropriately; (2) track application submissions which can assist in identifying times that departments should increase their recruitment efforts; (3) tailor advertisements in a manner that would promote diverse representation; (4) increase engagement through job fairs and reaching out to local professional organizations and community groups; and (5) hold informational sessions prior to, and during, recruitment efforts to provide interested parties with a realistic portrayal of the police officer position.

2. Jordan, William T., Lorie Fridell, Donald Faggiani, and Bruce Kubu. 2009. "Attracting Females and Racial/Ethnic Minorities to Law Enforcement." *Journal of Criminal Justice* 37 (4): 333-341.

Abstract: Using a national survey of law enforcement agencies, this study: (1) measured agencies' ability to fill sworn positions; (2) identified the strategies used to attract and hire females and minorities; (3) measured agencies' success in filling sworn positions with females and minorities; and (4) measured the impact of agency strategies and characteristics on levels of female and minority applications and hires. The results indicated great variation in agencies' ability to fill sworn positions with females and minorities, as well as considerable variation in the extent to which mechanisms are used to attract females and minorities to policing. The multivariate analyses indicate that investing in a recruitment budget and targeting minorities and women positively affects hiring.

3. Matthies, Carl F., Kirsten M. Keller, and Nelson Lim. 2012. "Identifying Barriers to Diversity in Law Enforcement Agencies." *RAND Center on Quality Policing*. Occasional Paper.

Abstract: This paper describes one method that law enforcement agencies can use to better understand and address the challenges of a diverse workforce in law enforcement agencies: a barrier analysis. Barrier analysis is a method of assessment aimed at identifying potential obstacles to obtaining resources or participating in a program. Using this tool, the article encourages law enforcement agencies to evaluate how women and racial/ethnic minorities face obstacles that might account for less-than-proportionate representation among applicants, hires,

and senior leadership. In the context of employment opportunities, the authors focus on how barrier analyses can be used to understand diversity-related challenges at key points in the career lifecycle, such as recruitment, hiring, promotion, and retention practices. They also present a complete barrier analysis that agency leaders can incorporate to identify key barriers and take proactive steps to build a more diverse workforce. Case studies are used to provide guidance for agencies to take proactive steps toward remedying the lack of representation in their workforces.

4. McCafferty, Francis L. 2003. "The Challenge of Selecting Tomorrow's Police Officers from Generation X and Y." *Journal of the American Academy of Psychiatry and the Law* 31 (1): 78-88.

Abstract: Demands on police officers in the past thirty years have grown dramatically with the increasing threats to social order and personal security. Selection of police officers has been difficult, but with the increasing demand and complexity of police work, along with the candidates applying from Generation X and even Generation Y, the selection process has become more critical. The personal characteristics attributed to Generation X—and in the future, to Generation Y—should be factored into the selection process to ensure that those individuals selected as police officers will be able to cope with what has been described as the impossible mandate of police work in a free society. Background information on the X and Y generations is imperative for psychiatrists working with police departments and other law enforcement agencies. This article explores these areas and constructs a paradigm selection process.

5. Miller, Susan L., Kay B. Forest, and Nancy C. Jurik. 2003. "Diversity in Blue: Lesbian and Gay Police Officers in a Masculine Occupation." *Men and Masculinities* 5 (4): 355-385.

Abstract: This study explores how lesbian and gay police officers fare within law enforcement agencies. Using qualitative survey responses from a sample of "out" and "closeted" gay and lesbian police officers in a Midwestern city, the authors examine: (1) how police organizations' cultures inform their experiences; (2) how officers navigate multiple aspects of their identities, including sexual orientation, gender, race, and ethnicity; and (3) the strategies lesbian and gay officers utilize to manage themselves in the workplace. The findings suggest that these officers support a more humane approach to policing and see themselves as particularly qualified to work within vulnerable communities.

6. Richard, Roseann M. 2001. *The Perceptions of Women Leaders in Law Enforcement on Promotions, Barriers and Effective Leadership*. San Francisco, California: The University of San Francisco.

Abstract: The purpose of this study is to identify factors that undermine successful career advancement for women in law enforcement. Through telephone interviews with women holding command positions of Captain or higher, the study described the perceptions of women law enforcement commanders on leadership effectiveness, challenges, and self-perception. The findings presented may be used as the basis for further assessment of effective law enforcement leadership and supervisory practices across various federal, state, local, and campus law enforcement agencies. In addition, the results from the study can be used to guide departmental

development of existing management and supervisory programs; update or create harassment and discrimination training where none previously existed; and allocate departmental resources for promotional test training programs and the testing processes.

7. Stroshine, Meghan S., and Steven G. Brandl. 2011. "Race, Gender, and Tokenism in Policing: An Empirical Elaboration." *Police Quarterly* 14 (4): 344-365.

Abstract: According to tokenism theory, "tokens" (those who comprise less than 15% of a group's total) are expected to experience a variety of hardships in the workplace, such as feelings of heightened visibility, isolation, and limited opportunities for advancement. In the policing literature, most previous studies have defined tokenism narrowly in terms of gender. The current research extends prior research by examining tokenism as a function of gender and race, with an examination of racial/ethnic subgroups. Particular attention is paid to Latino officers, as this study represents the first known study of tokenism and Latino police officers. Quantitative analyses reveal that, for the most part, token police officers do experience the effects of tokenism. Although all minorities experienced some level of tokenism, African-American males and African-American females experienced greater levels of tokenism than Latino officers, suggesting that race is a stronger predictor of tokenism than gender.

8. Wilson, Charles P., and Shirley A. Wilson. 2014. "Are We There Yet? Perceptive Roles of African American Police Officers in Small Agency Settings." *The Western Journal of Black Studies* 38 (2): 123-136.

Abstract: One aspect of police behavior that has not been fully or consistently emphasized is the problem of perception, particularly how African-American police officers serving in smaller law enforcement agencies perceive themselves and their view of how their agencies and the communities they serve perceive them. For this article, African-American police officers were surveyed to determine their perceptions of the positive or negative effects of their presence in local police agencies. Key findings indicate that African-American police officers still find themselves victims of racial indifference and seemingly hostile work environments; believe that racial profiling is both practiced and condoned by their agencies; that agencies do little to improve diversity and provide little support for their efforts; and that they strongly perceive their presence in these smaller agencies to have a positive impact on police interactions in the minority community.

III. Best Practices for Achieving Diversity:

1. Bureau of Justice Statistics. 2012. *Survey: Hiring and Retention of State and Local Law Enforcement Officers, 2008-Statistical Tables*. Washington DC: Office of Justice Programs.

Abstract: A special survey was administered to a nationally representative sample of approximately 3,000 general purpose agencies as part of the 2008 BJS Census of State and Local Law Enforcement agencies. The study examined specific strategies and policies designed to help them meet the challenges of recruiting, hiring, and retaining qualified sworn personnel.

2. Equal Employment Opportunity Commission. 2003. Management Directive 715.

Abstract: The EEOC provides leadership and guidance to federal agencies on all aspects of the federal government's equal employment opportunity program. Management Directive 715 (MD-715) requires agencies to take appropriate steps to ensure that all employment decisions are free from discrimination and sets forth the standards by which the EEOC will review the sufficiency of agency Title VII and Rehabilitation Act programs. MD-715 sets forth and describes six essential elements for model programs. Pursuant to element four, Proactive Prevention of Unlawful Discrimination, agencies "have an ongoing obligation to prevent discrimination on the bases of race, color, national origin, religion, sex, age, reprisal and disability, and eliminate barriers that impede free and open competition in the workplace. As part of this ongoing obligation, agencies must conduct a self-assessment on at least an annual basis to monitor progress, identify areas where barriers may operate to exclude certain groups and develop strategic plans to eliminate identified barriers." The background materials include MD-715, Section IIA of EEOC's Instruction to Federal Agencies for MD-715 (Barrier Identification and Elimination), which provides a detailed explanation of the self-assessment process, and "Tips for Small Agencies Conducting Barrier Analysis under MD-715."

3. Haddad, Abigail, Kate Giglio, Kirsten M. Keller, and Nelson Lim. 2012. "Increasing Organizational Diversity in 21st Century Policing."

Abstract: Both the military and police departments are concerned about recruiting and promoting a racially/ethnically diverse workforce. This paper discusses three broad lessons from the Military Leadership Diversity Commission that can be used to inform police department hiring and personnel management: (1) qualified minority candidates are available, (2) career paths impact diversity, and (3) departments should leverage organizational commitment to diversity. Additionally, specific suggestions are given as to how law enforcement agencies can incorporate each of these lessons.

4. Kasdan, Alexa. 2006. *Increasing Diversity in Police Departments: Strategies and Tools for Human Rights Commissions and Others*. Harvard School of Government.

Abstract: The goal of the article is to help human rights and human relations commissions work with police officials to increase race and gender diversity among law enforcement personnel. The article studies three jurisdictions: Rhode Island, Kentucky, and Atlanta. The article

discusses how states should support local police departments in achieving diversity, including offering grants, training opportunities, and help in assessing diversity. There needs to be a firm commitment to diversity from police chiefs and police administrators. In order to achieve diversity, there needs to be partnerships and collaboration, outreach, hiring reform, and long-term recruitment efforts.

5. Matthies, Carl F. 2011. *Evidence-Based Approaches to Law Enforcement Recruitment and Hiring*. Santa Monica, California: Rand Corporation.

Abstract: Recruiting diverse, qualified candidates is a continual challenge for law enforcement. Around the turn of the millennium, many metropolitan agencies reported a shortage of individuals interested in police work. With the downturn in the economy came a flood of applicants, but funding for recruitment and hiring eventually decreased. Law enforcement can benefit from evidence-based approaches to evaluating recruitment programs and streamlining the application process.

6. Taylor, Bruce, Bruce Kubu, Lorie Fridell, Carter Rees, Tom Jordan, and Jason Cheney. 2005. *Cop Crunch: Identifying Strategies for Dealing with the Recruiting and Hiring Crisis in Law Enforcement*. Police Executive Research Forum.

Abstract: The processes of recruitment and selection are key to developing agencies with high-quality personnel and to producing agencies that are representative of their communities in terms of race and gender. The challenge of recruiting and hiring quality personnel has emerged as a critical problem facing law enforcement nationwide. It threatens to undermine the ability of law enforcement to protect our nation's citizens and to reverse important gains in our efforts to increase the representation on our police forces of racial/ethnic minorities and women. The Police Executive Research Forum conducted this project, with funding from the National Institute of Justice, to examine the nature and extent of the "cop crunch" and identify department-level policies/practices that facilitate the recruiting and hiring of quality personnel, including the recruiting and hiring of quality women and minorities.

7. White, Michael D., Jonathon A. Cooper, Jessica Saunders, and Anthony J. Raganella, 2010. "Motivations for Becoming a Police Officer: Re-assessing Officer Attitudes and Job Satisfaction After Six Years on the Street." *Journal of Criminal Justice* 38 (4): 520-530.

Abstract: This article was a follow-up to prior research that examined motivations among academy recruits in the New York City Police Department (NYPD). Using the same survey and analysis, this study re-examined motivations among officers from the same NYPD recruit class after six years on the job, and explored both motivation stability and the relationships among motivations and job satisfaction. Results suggested that motivations have remained highly stable over time, regardless of officer race/ethnicity and gender. Findings also suggested that white male officers were most likely to report low job satisfaction, and that there is a link between low satisfaction and unfulfilled motivations. Moreover, dissatisfied officers were much less likely to have expressed strong commitment to the profession through their original motivations, suggesting that low commitment up front may lead to low satisfaction later on. The article

concludes with a discussion of implications for police departments, particularly with regard to recruitment and retention practices and efforts to achieve diversity.

8. U.S. Commission on Civil Rights. 2000. *Revisiting Who is Guarding the Guardians?*

Abstract: Within law enforcement agencies, claims of sexual and racial harassment, disparity in pay, and low job satisfaction make police careers unattractive. Additionally, the selection process for police officers often contains biases that, in effect, eliminate candidates of color and noncitizen permanent residents from being hired. The Commission recommends, among other things, that law enforcement agencies: (1) develop creative strategies to increase diversity at all levels, (2) improve public perception of the police to attract more applicants, (3) encourage recruits to pursue higher education, (4) eliminate biases in the selection system, and (5) revise recruitment and selection methods.

IV. Characteristics of High Quality Law Enforcement Personnel:

1. Barrick, Murray R., and Michael K. Mount. 1991. "The Big Five Personality Dimensions and Job Performance: A Meta-Analysis." *Personnel Psychology* 44 (1): 1-26.

Abstract: The study investigated the relation of the "Big Five" personality dimensions (extraversion, emotional stability, agreeableness, conscientiousness, and openness to experience) to three job performance criteria (job proficiency, training proficiency, and personnel data) for five occupational groups (professionals, police, managers, sales, and skilled/semi-skilled). Results indicated that one dimension of personality—conscientiousness—showed consistent relations with all job performance criteria for all occupational groups. For the remaining personality dimensions, the estimated true score correlations varied by occupational groups and criterion type. The findings have numerous implications for research and practice in personnel psychology, especially in the subfields of personnel selection, training and development, and performance appraisal.

2. Ben-Porath, Yossef S., James M. Fico, Neil S. Hibler, Robin Inwald, Joelle Kruml, and Michael R. Roberts. 2011. *Assessing the Psychological Suitability of Candidates for Law Enforcement Positions*.

Abstract: This article describes and elaborates on the International Association of Chiefs of Police's Police Psychological Services Section's recommended procedures for conducting pre-employment evaluations of law enforcement candidates, with an emphasis on steps the hiring agency's administrators can take to ensure adherence to these practices.

3. Chappell, Allison T. 2008. "Police Academy Training: Comparing Across Curricula," *Policing: An International Journal of Police Strategies and Management*. 31 (1): 36-56.

Abstract: This study compared the academy performance of police recruits trained in a traditional curriculum with that of recruits trained under a new curriculum tailored to community-policing tasks; it also compared the characteristics of recruits who performed better under the community-policing curriculum with those who performed better under the traditional curriculum. The study found that recruits in both curricula performed similarly in terms of their mastery of the material; however, the recruits who performed better in the community-policing curriculum were more highly educated and female. The study examined recruit characteristics and performance in Florida's Police Academy under a traditional curriculum that emphasized preparation for law enforcement tasks, such as firearms training, physical training, defensive tactics, and driving, in addition to knowledge areas such as law, arrest procedures, traffic enforcement, and officer safety. Little attention was given to communications, cultural and ethnic diversity, problem solving, and police-community relations. The Florida Police Academy subsequently modified its curriculum to reflect the police tasks emphasized under community policing, which focus on greater police communication, interaction, and cooperation with the community in forging community-based priorities and practices in crime prevention and crime control. The community-policing curriculum focused on the application of learning rather than memorization, the use of a problem-solving model throughout the academy, and the use of scenarios as the basis for learning.

4. Marion, Nancy. 1998. "Police Academy Training: Are We Teaching Recruits What They Need To Know?" *Policing: An International Journal of Police Strategies and Management*. 21 (1): 54-79.

Abstract: The description of the basic police academy focuses on training duration, entrance requirements, class make-up, environment, instruction, and stress. A review of knowledge learning addresses civil liability, ethics, special needs groups, public relations/cultural diversity, and examinations. An overview of skill training considers firearms training, self-defense, physical training, and communication skills. An overview of hazardous-materials training also is provided, along with attitude training. The study concludes that overall this particular police academy is providing the information and skills training required to prepare recruits to be police officers. However, the study found the academy lacking in its ability to transmit the proper attitudes for new police officers. There remains an obvious element of sexism and an element of elitism on the part of some instructors, which was made obvious to the recruits. There are a few areas not included in the training, specifically ethics and helping the elderly or victims of crime. The addition of female and minority instructors may help create change. Possible changes in future police academy training are discussed.

APPENDIX A: LIST OF EXPERTS

Kathleen Lundquist, Ph.D.

President and Chief Executive Officer
APTMetrics, Inc.

Mark Killingsworth, Ph.D.

Professor of Economics
Rutgers University School of Arts and Sciences

Marc Bendick, Ph.D.

Co-Founder and Co-Principal
Bendick and Egan Economic Consultants, Inc.

David P. Jones, Ph.D.

President
Growth Ventures Inc.

APPENDIX B:
WRITTEN TESTIMONY OF JENNY YANG
CHAIR, U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of the Chair

**Written Testimony before the
President's Task Force on 21st Century Policing**

**Jenny R. Yang, Chair
U.S. Equal Employment Opportunity Commission**

On behalf of the U.S. Equal Employment Opportunity Commission, I thank Chairs Charles Ramsey and Laurie Robinson, Task Force members, and Executive Director Ronald Davis for inviting written testimony from the EEOC. We write to support the Task Force's efforts "to identify best practices and ... make recommendations to the President on how policing practices can promote effective crime reduction while building public trust."¹ In the wake of the events in Ferguson, New York City, Cleveland, and across the country, your efforts are timely and vital. I commend you on the success of the Task Force's first listening session and on your inclusion of workforce diversity as one of the strategies that will aid state and local law enforcement in building trust and legitimacy in the communities they serve and, ultimately, in achieving effective, community-oriented policing.

Promoting equality of opportunity in the public sector is vital to the EEOC's mission to stop and remedy unlawful employment discrimination in the workplace. We write to provide background on the EEOC's work to promote equality of opportunity in policing and to offer recommendations to assist police forces in drawing from the diversity of their community.

EEOC AUTHORITY & RESOURCES

Fifty years ago, Title VII of the Civil Rights Act of 1964 created the EEOC as the leading government agency charged with enforcing civil rights protections in the workplace. Today, we have 53 field offices nationwide, and we enforce federal laws prohibiting discrimination on the basis of race, color, religion, sex, national origin, age (40 or older), disability or genetic information.² Our jurisdiction includes private, federal, and public sector workplaces, which include state and local law enforcement agencies.³

¹ Executive Order 13684 to Establish the President's Task Force on 21st Century Policing (December 18, 2014), available at <https://www.federalregister.gov/articles/2014/12/23/2014-30195/establishment-of-the-presidents-task-force-on-21st-century-policing>.

² EEO laws also prohibit retaliation on the basis of complaining about discrimination, filing a charge of discrimination, or participating in an employment discrimination investigation or lawsuit.

³ The EEOC's federal sector enforcement program covers federal agencies, including federal law enforcement agencies. The Commission is authorized to hold hearings on EEO complaints against federal

The EEOC shares enforcement authority for public sector employers with the Department of Justice's Civil Rights Division ("CRT") under Title VII, the Americans with Disabilities Act ("ADA"), and the Genetic Information Nondiscrimination Act ("GINA"). Generally, the Commission receives, investigates, and may attempt to mediate charges of discrimination against public employers. Where the Commission finds reasonable cause to believe an unlawful employment practice has occurred, it attempts to conciliate those charges. Commissioners may also file Commissioner's Charges against public employers. If conciliation of a charge fails, the EEOC refers the charge and its investigative file to CRT, which has authority to sue public employers. The EEOC also has authority under Title VII, ADA, and GINA to sue labor organizations that represent state and local employees or employment agencies that service state and local employers.⁴

Moreover, the Commission has the authority to receive, investigate, attempt to mediate, conciliate, and sue regarding a charge of discrimination against a public employer under the Age Discrimination in Employment Act of 1976 (ADEA) and receive, investigate, and sue under the Equal Pay Act of 1963 (EPA).

The EEOC is also authorized to collect workforce demographic data from employers with more than 100 employees. State and local government workforce data, including data from certain police departments, is captured on the EEO-4 form. The data of individual state and local government employers is not made public, but aggregate data may be shared to provide information about employment by race, ethnicity, and gender in various job groups and by salary bands within those job groups.

The EEOC is also charged with providing guidance and conducting training and outreach to promote equal employment opportunity and encourage voluntary compliance with the laws we enforce.

agencies and adjudicate appeals from federal agency administrative decisions. The EEOC also monitors and collects data on agencies' compliance with EEO laws, monitors and evaluates federal agency affirmative employment programs, and conducts education and outreach aimed reducing barriers to equal employment and EEO compliance. As an example, in Fiscal Year 2013, the EEOC found in favor of a class of female agents in a pattern or practice action against the Drug Enforcement Agency involving discrimination in foreign assignments and promotions on the basis of sex. *Garcia v. Dep't of Justice*, EEOC Appeal No. 0120122033, 2013 WL 2903347 (June 7, 2013).

⁴ As an example, in Fiscal Year 2012, the EEOC filed suit against Jacksonville Association of Firefighters (Local 122 of the International Association of Fire Fighters). The EEOC alleged that the union negotiated with the City of Jacksonville for a racially discriminatory written exam in the promotion process that it knew to have a disproportionate adverse impact on Black test takers. Case No. 3:12-cv-00491-MMH-TEM (M.D. Fla.). The Department of Justice filed a companion suit against the city. Case No. 3:12-cv-00451-TJC-MCR, (M.D. Fla.).

IMPORTANCE OF EEO COMPLIANCE & DIVERSITY

The EEOC's Strategic Enforcement Plan prioritizes eliminating systemic barriers to hiring and recruitment in the public, private, and federal sectors under all of the laws we enforce.⁵ These laws prohibit employers from using recruitment practices or selection procedures that have the purpose or effect of discriminating against individuals based on their protected characteristic(s).

As an example, Title VII permits employment tests to be used as long as they are not “designed, intended or used to discriminate” against covered individuals⁶ and imposes restrictions on how tests are scored.⁷ Title VII also prohibits employers from using facially-neutral tests or selection procedures that disproportionately exclude covered individuals where the tests or procedures are not “job-related and consistent with business necessity” for the position in question.⁸ The Uniform Guidelines on Employee Selection Procedures (“UGESP”) were promulgated to be used by employers, including law enforcement agencies, to evaluate their selection practices and assess whether they are in compliance with the law.⁹ The use of any selection procedure that has an adverse impact based on a category protected under Title VII will be considered discriminatory unless the procedure is job-related and consistent with business necessity, i.e. it has been properly validated,¹⁰ or the use of the procedure is otherwise justified under federal law.¹¹

Although EEO enforcement is distinct from the promotion of diversity in the workplace, the concepts are linked, as compliance with EEO laws will often lead to greater diversity in the workplace. Moreover, the absence of diversity is often a critical indicator of potential barriers to

⁵ Available at <http://www.eeoc.gov/eeoc/plan/sep.cfm>.

⁶ *Id.* at § 2000e-2(h).

⁷ *Id.* at §2000e-2(1) (it is an unlawful employment practice “to adjust the scores of, use different cutoff scores for, or otherwise alter the results of, employment-related tests on the basis of race, color, religion, sex, or national origin”). The ADA also addresses prohibited practices related to employment tests. *See* 42 U.S.C. §12112(b).

⁸ 42 U.S.C. § 2000e-2(k)(1)(A)(1); *see Griggs v. Duke Power Co.*, 401 U.S. 424, 431 (1971).

⁹ 29 C.F.R. Part 1607; *see Albemarle Paper Co. v. Moody*, 422 U.S. 405, 431 (1975).

¹⁰ *See, e.g., Isabel v. City of Memphis*, 404 F.3d 404, 413-14 (6th Cir. 2005) (City's use of a written test for promotion to police lieutenant resulted in a disparate impact on African Americans; City's procedure was not properly validated and therefore “had no business justification.”) UGESP instructs employers to rely upon “criterion-related validity studies, content validity studies or construct validity studies” to validate a selection procedure. 29 C.F.R. § 1607.5(A).

¹¹ *Id.* at §§ 1607.3, 1607.6; *see Officers for Justice v. Civil Serv. Comm'n*, 979 F.2d 721, 728 (9th Cir.1992) (“[B]efore utilizing a [selection] procedure that has an adverse impact on minorities, the City has an *obligation* pursuant to the *Uniform Guidelines* to explore alternative procedures and to implement them if they have less adverse impact and are substantially equally valid [to other options].”).

equal employment opportunity in the workplace. As witnesses testified during the first Task Force listening session, and as reported by the 1967 Kerner Commission, while a diverse police force will not alone ensure effective community policing or the protection of civil rights, a police force that reflects the community it serves can aid in building trust and legitimacy in the community. This can lead to higher quality and more effective law enforcement. The EEOC is highly interested in the work of the Task Force with respect to diversity, and we encourage the inclusion of diversity and EEO compliance in your final recommendations.

DATA FROM THE FIELD

In Fiscal Year 2014, the EEOC received 1,152 charges against entities listed as “police” or “sheriff” departments.¹² The top basis for these charges was retaliation under all statutes (50.5 percent, with 43.6 percent alleging retaliation under Title VII alone), followed by discrimination on the basis of sex (36.5 percent), race (34.2 percent), disability (29.4 percent), and age (16.5 percent).¹³ Sorted by issue raised, the top issues were harassment (34.5 percent), discriminatory terms and conditions of employment (33.2 percent), discriminatory discipline (20.4 percent), and reasonable accommodation related discrimination (12.3 percent). Promotion, assignment, intimidation, suspension, and hiring discrimination were all issues raised, but each category fell under 10 percent.¹⁴

Although the EEOC’s charge data provides insight into employment discrimination issues alleged, it should not alone be used to gauge the scope or severity of discrimination or a particular type of discrimination in any given sector. Many employees and job seekers do not take the step of filing charges and many others, especially in the case of recruitment and hiring discrimination, are not aware that a violation has occurred.¹⁵ In contemplation of this, Congress authorized Commissioners to file charges under Title VII when they have reason to believe discrimination has occurred and similarly authorized the EEOC to file Directed Investigations under the EPA and ADEA.

The EEOC also utilizes its education and outreach programs to promote equal employment opportunity in the public sector. In Fiscal Year 2014, our program analysts conducted 43 trainings for state and local law enforcement agencies. These trainings focused on topics such as an overview of EEO laws, implicit bias, diversity and inclusion, employer responsibility and complaint resolution, and harassment. As a result of our nationwide presence, the EEOC has

¹² Although the EEOC's system does not separately track charges against police departments *per se*, we can track charges against entities which expressly contain the word "police" or "sheriff." While using this method somewhat undercounts the charges against police departments, some of which, for example, may only name the municipality involved, we do believe it constitutes a representative sample of the kinds of complaints being made.

¹³ The percentages for charges in FY 2014 alleging EPA or GINA violations is under one percent.

¹⁴ Also, some charges allege more than one basis or issue of discrimination.

¹⁵ It should also be noted that not all charges will result in a finding of discrimination.

ongoing relationships with state and local governmental employers, sometimes in small localities where there is little federal presence and sometimes as an institutional partner with a larger employer. As an example, the Denver Field Office has partnered with the Denver Sheriff's Department to teach its curriculum on anti-harassment and bullying for new recruits. With the renewed focus on quality community policing and the role diversity plays in achieving it, the EEOC expects and is well positioned to form new and deeper partnerships that will benefit EEO enforcement, police departments, and the public alike.

NEXT STEPS & RECOMMENDATIONS

EEOC Next Steps

The EEOC is working with CRT, others at DOJ, and experts in the field to:

1. Identify instances in which the use of certain recruitment, hiring, and promotion practices in law enforcement may serve as barriers to equal employment opportunity;
2. Facilitate the development of best practices for EEO compliance and achieving and maintaining greater police force diversity; and
3. Develop and deploy effective EEO and diversity/inclusion training for different state and local law enforcement audiences, including department leadership, human resources, and hiring officials (including those in Civil Service Commissions who often design police hiring criteria), union leadership, and individual officers.

The EEOC will also continue evaluating charge and EEO-4 data for outreach and systemic administrative and legal enforcement opportunities.

Recommendations for Task Force

We encourage the Task Force to:

1. Invite oral and written testimony on recruitment, hiring, and promotion practices that promote equal employment opportunity in policing;
2. Examine the qualities needed to be a successful police officer and identify relevant selection practices;
3. Encourage additional research to quantify the benefits of a diverse police force that reflects the community served;
4. Highlight those departments where diversity has proven an effective law enforcement strategy and highlight the approaches taken, as appropriate; and
5. Consider the use of grants to assist small and mid-sized police departments in conducting barrier analyses and taking proactive measures to comply with EEO law and achieve or maintain a diverse workforce.

Resources for the Task Force

To aid the Task Force in its work, in the coming weeks, the EEOC and CRT will:

1. Recommend experts who can provide oral or written testimony on recruitment, hiring, and promotion practices that promote equal employment opportunity in policing; and
2. Submit a literature review on workforce diversity in police departments, including barriers, best practices, and job qualifications.

As resources permit, the EEOC can also provide the Task Force additional information on our charge and EEO-4 data.

CONCLUSION

Thank you again for your consideration of this testimony and the important role diversity plays in ensuring 21st Century policing that meets the needs of our nation. The Commission looks forward to working with you.



STAFF REPORT NO. 97
CITY COUNCIL MEETING
6/13/2017

REPORT PREPARED BY: Matt Brillhart, Associate Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
6/6/2017

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Steven L. Devich, City Manager
6/8/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a resolution granting a conditional use permit amendment and variances to allow an expanded outdoor recreational facility at the Academy of Holy Angels. The proposal includes a synthetic turf playing surface, field lighting, and an additional inflatable dome to be used seasonally.

EXECUTIVE SUMMARY:

The Academy of Holy Angels ("Holy Angels") is proposing to expand and upgrade their outdoor recreational facilities. They propose to convert the current grass field in the southwest corner of their campus to a synthetic turf playing surface and to add outdoor field lighting. They also propose a second inflatable dome to be used seasonally, in conjunction with the existing StarDome, which has been in use since 1996. The stated purpose for these changes is to optimize usage of the southwest field and provide for year-round practice opportunities. Heavy usage of the current grass field, as well as inclement weather, has lead Holy Angels to conclude that the current playing surface is in an unacceptable condition. Holy Angels states that an all-weather playing surface would allow the field to be used in the same manner more frequently and provide a better experience for student athletes. The field would be used in the same manner as the grass field is currently used, primarily consisting of practices for football, soccer, lacrosse, baseball, softball and track, as well as hosting some games for the lower level teams. The proposed outdoor field lighting would allow the field to be used later in the evening. The addition of a second inflatable dome over the winter months would allow the facility to be used year-round. Hours of use for both the field lighting and second dome would be limited to 7:00 a.m. to 10:00 p.m. throughout the year. Current hours of use for the existing dome are 6:00 a.m. to 12:30 a.m.

Like most schools and religious institutions in Richfield, Holy Angels' property is zoned Single Family Residential (R). Outdoor recreational facilities are conditionally permitted uses, subject to the following provisions:

- Outdoor recreational facilities designed for group activities shall be set back at least 40 feet from any lot line;
- Buffering shall be provided to mitigate noise and adverse visual impacts on adjacent properties; and
- Lighted playing fields shall be permitted only upon demonstration that off-site impacts can be substantially mitigated.

The turf field is proposed to be set back 25 feet from the south property line. Although it would occupy a

similar footprint to the existing grass field, a variance is required due to the intensification of use. Buffering is provided to mitigate visual impacts as much as is practicable. Given that the synthetic turf field would replace an existing grass field, noise levels should remain consistent with existing conditions. The primary change would be in the frequency and duration of season during which the field is used.

The current grass field does not have lighting, and is therefore limited in hours of use. Holy Angels is proposing to add six 80-foot tall light poles to illuminate the playing field. A survey of city parks found that light pole heights range from 60 to 70 feet. The ball fields at Richfield High School have 70- and 80-foot tall light poles and Holy Angels' existing turf field has light poles of this height as well. Along the south side of the field, three light poles would be set back just 17 feet from the property line. While the Zoning Code sets maximum heights for poles in parking lots and landscaped areas, it does not specify a maximum height for city parks or school athletic facilities. Setbacks are not specified for light poles, but a comparable regulation does exist for antenna towers. Towers in residential districts are limited to 75 feet in height and are required to be set back twice the height of the pole from the nearest residential structure. While that setback regulation can be looked at for guidance, it only applies to antenna towers. Aside from the request to increase pole height to 80 feet, the proposed lighting plan meets Code requirements to limit glare and light spill onto neighboring properties.

Holy Angels held an open house meeting to discuss the proposal with nearby residents on May 18. A number of area residents spoke at the public hearing held before the Planning Commission on May 22. Concerns included increased light and noise, aesthetic impacts of the additional dome, and possible impacts to adjacent property values.

Changes of this magnitude are a question of community character, and some of the factors to be considered in that decision are qualitative, rather than quantitative. Whether or not these changes are appropriate for the neighborhood is a decision that should be made by the elected leaders of the community, rather than by staff. In order to approve the proposal, the City Council must find that adequate provisions have been made to protect the public health, safety, and welfare.

The Planning Commission voted (4-1) to recommend approval of the proposal, with the following additional stipulations:

- Hours at the new field and dome shall be restricted to 7:00 a.m. to 10:00 p.m. Hours at the existing dome shall be reduced to 6:00 a.m. to 11:30 p.m. (from 6:00 a.m. to 12:30 a.m.) effective beginning when the new dome is operational.
- No sound amplification shall be permitted at the new field or dome.

RECOMMENDED ACTION:

By motion: Approve a resolution granting an amended conditional use permit and variances to allow construction of a synthetic turf playing surface, field lighting, and an additional inflatable dome at the Academy of Holy Angels.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

Holy Angels has been using their existing seasonal sports dome since 1996. During the approval process for the existing facilities, nearby residents raised concerns regarding noise and light pollution, aesthetics and visual impacts. The City Council unanimously approved the proposal, with a number of additional conditions related to the operation of the dome. Minutes from the June 24, 1996 City Council meeting and the conditions of approval are attached to this report. Operating hours at the current Stardome are 6:00 a.m. to 12:30 a.m.

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

Significant changes in the circumstances or scope of an approved conditional use permit require an amendment (Zoning Code Subsection 547.13.) The construction of a synthetic turf playing surface, field lighting, and a second inflatable dome is considered to be a significant change and constitutes a major amendment to the conditional use permit. In the Single Family (R) Zoning District, outdoor recreational facilities are a conditionally permitted use, subject to the following provisions:

- Outdoor recreational facilities designed for group activities shall be set back at least 40 feet from any lot line;
- Buffering shall be provided to mitigate noise and adverse visual impacts on adjacent properties; and
- Lighted playing fields shall be permitted only upon demonstration that off-site impacts can be substantially mitigated.

Variances are requested for the following:

- Playing field set back less than 40 feet (25 feet is proposed)
- Light poles greater than 20 feet in height (80 feet is proposed)
- Accessory building height greater than 15 feet (66 feet is proposed)

A full discussion of CUP requirements, variances and required findings is attached to this report.

Timeline:

Conditional use permit and variance approvals typically expire one year after issuance, unless:

- The use for which the permit was granted has commenced; or
- Building permits have been issued and substantial work performed; or
- Upon written request of the person or corporation holding the permit, the Council extends the expiration date for an additional period not to exceed one (1) year.

In this case, the applicant is requesting that a one year extension be granted simultaneously, to allow flexibility in their construction schedule. Holy Angels anticipates installation of the synthetic turf field in 2017, while the dome would not be installed sooner than November 2018.

C. CRITICAL TIMING ISSUES:

The 60-day clock started when a complete application was received on May 8, 2017. A decision is required by July 8, 2017 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:

None.

E. LEGAL CONSIDERATION:

- A public hearing was held before the Planning Commission on May 22, 2017.
- Notice of the public hearing was published in the *Sun Current* on May 11, 2017 and mailed to properties within 350 feet of the site.
- The Planning Commission recommended approval of the conditional use permit and variances (4-1).

ALTERNATIVE RECOMMENDATION(S):

- Approve the proposal with modifications and/or additional stipulations.
- Deny the conditional use permit and/or variances with a finding that requirements are not met.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Craig Larson, Holy Angels representative Scott Daly, Holy Angels StarDome General Manager

ATTACHMENTS:

Description	Type
□ Resolution	Resolution Letter
□ Requirements attachment	Backup Material

- | | |
|--------------------------------------------------------------------------|-----------------|
| ▣ Holy Angels project narrative | Backup Material |
| ▣ Site and landscaping plans | Backup Material |
| ▣ Dome elevation | Backup Material |
| ▣ Lighting plan | Backup Material |
| ▣ Zoning maps | Backup Material |
| ▣ Council meeting minutes & CUP stipulations from 1996 Stardome approval | Backup Material |
| ▣ May 22 Planning Commission Minutes | Backup Material |

RESOLUTION NO.

**RESOLUTION APPROVING A
CONDITIONAL USE PERMIT AMENDMENT AND VARIANCES
FOR A HIGH SCHOOL OUTDOOR RECREATIONAL FACILITY
INCLUDING LIGHTED PLAYING FIELDS AND AN ADDITIONAL INFLATABLE DOME
AT 6600 NICOLLET AVENUE**

WHEREAS, an application has been filed with the City of Richfield which requests approval of a conditional use permit amendment and variances to allow a high school outdoor recreational facility including lighted playing fields and an additional inflatable dome at property commonly known as 6600 Nicollet Avenue and legally described in the attached Exhibit A; and

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested conditional use permit and variances at its May 22, 2017 meeting; and

WHEREAS, notice of the public hearing was published in the Sun Current on May 11, 2017 and mailed to properties within 350 feet of the subject property; and

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

WHEREAS, the Zoning Code states that outdoor recreational facilities designed for group activities shall be set back at least 40 feet from any lot line, Subsection 514.07, Subd. 5; and

WHEREAS, the Zoning Code states that the maximum height for non-residential accessory buildings is 15 feet, Subsection 514.05, Subd. 2; and

WHEREAS, the Zoning Code states that light poles within landscaped areas and plazas shall have a maximum height of 20 feet measured from grade, Subsection 544.09, Subd. 6; and

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

WHEREAS, based on the findings below, the Richfield City Council hereby approves the requested variances from Richfield Zoning Code Subsections 514.07, Subd. 5; 514.05, Subd. 2; and 544.09, Subd. 6; and;

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

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

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

2. With respect to the application for variances from the above-listed requirements, the City Council makes the following findings:
 - a. Strict enforcement of Zoning Code Subsection 514.07, Subd. 5 would cause a practical difficulty, as the existing grass field does not currently meet the setback requirement, and is considered legally nonconforming. However, the installation of a synthetic turf playing surface will allow for an increase in the dates and times that the field can be used, and is therefore considered an intensification of use. Strict enforcement of Subsection 514.05, Subd. 2 would cause a practical difficulty, as the Ordinance generally does not consider large “campus” developments that contain multiple accessory buildings. The maximum height for principal buildings is 75 feet. If considered as a principal building, the proposed dome meets all height and setback requirements. Strict enforcement of Subsection 544.09, Subd. 6 would cause a practical difficulty by effectively prohibiting adequate lighting of the playing field.
 - b. Unusual or unique circumstances apply to the property. Like most schools and religious institutions in Richfield, Holy Angels' property is zoned Single Family Residential (R). However, if the Holy Angels campus was being proposed today, in its entirety, it would be reviewed as a Planned Unit Development, which allow for greater flexibility in the application of the Code than other zoning districts. This circumstance is unique to large “campus” developments such as this, and does not apply generally to other properties in the same zone or vicinity. Given the location of the “in bounds” area of the playing field, the majority of group activities will meet the setback regulation. Lighted playing fields are permitted, upon demonstration that off-site impacts can be substantially mitigated. This requirement is met.
 - c. Granting the requested variances will not alter the character of the neighborhood. Noise and adverse visual impacts on adjacent properties have been adequately mitigated.
 - d. The requested variances are the minimum necessary to alleviate the practical difficulties. The proposed dome would similar in height to the existing dome. The applicant states that 80-foot tall light poles are necessary to achieve an angle of lighting that minimizes glare for neighboring properties and still meet the maximum brightness of 1 footcandle at the property line. A survey of city parks and Richfield High School found that light pole heights range from 60 to 80 feet.
 - e. The proposed variances do not conflict with the purpose or intent of the Ordinances or Comprehensive Plan.
3. A conditional use permit amendment is issued to allow an outdoor recreational facility with lighted playing fields and an additional inflatable dome, as described in City Council Letter No. _____, on the Subject Property legally described in Exhibit A.
4. This conditional use permit is subject to the following conditions in addition to those specified in Section 547.09 of the City's Zoning Ordinance:
 - The recipient of this conditional use permit record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.09, Subd. 8. A recorded copy of the approved resolution must be submitted to the City prior to the issuance of an occupancy permit.
 - Prior to the issuance of a building permit(s), the applicant shall provide a receipt from Hennepin County showing that the two land parcels have been combined into a single parcel and provide an updated legal description.

- Hours of use of the field, lights, and secondary dome shall be limited to 7:00 a.m to 10:00 p.m. Hours of use of the original/primary dome shall be limited to 6:00 a.m. to 11:30 p.m. No sound amplification shall be permitted at the secondary field or dome.
 - All other conditions specified in the June 24, 1996 City Council resolution approving the primary field and dome shall continue to be observed and shall apply to the secondary dome as well.
 - Light poles shall be used for lighting purposes only, and are not eligible to support any wireless telecommunication antennas and/or equipment not required for school purposes.
 - The applicant shall submit a revised site plan showing fence locations that comply with all requirements set forth in Zoning Code Subsection 509.15. The applicant shall continue discussion with City staff and nearby residents regarding possible access gate locations.
 - The applicant is responsible for the ongoing maintenance and tending of all landscaping in accordance with approved plans. After five years of growth, landscaping along the south and west property lines shall be inspected for ongoing compliance with screening requirements.
 - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated May 2, 2017, and compliance with all other City and State regulations.
 - Prior to the issuance of an occupancy permit the applicant must submit a surety equal to 125% of the value of any improvements and/or requirements not yet complete. This surety shall be provided in the manner specified by the Zoning Code.
5. The conditional use permit and variances shall expire two years after issuance unless 1) the use for which the permit was granted has commenced; or 2) Building permits have been issued and substantial work performed; Expiration is governed by the City Zoning Ordinance, Section 547.09, Subdivision 9.
6. This conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the City's Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of June 2017.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

EXHIBIT A

DESCRIPTION OF PROPERTY SURVEYED

(Per Commonwealth Land Title Insurance Company Commitment to Issue Date Down Endorsement, Order No. 233830, Attached to Loan Policy No. 126637, dated March 28, 2003)

Parcel 1:

The North Half of the Northeast Quarter of the Southwest Quarter except roads and except the West 25 feet thereof, Section 27, Township 28, Range 24.

Parcel 2:

The West 1/2 of the North 1/2 of the South 1/2 of the Northeast 1/4 of the Southwest 1/4, except the Railroad right-of-way and the West 32.88 feet of that part of the East 1/2 of the North 1/2 of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 27, Township 28, Range 24, Hennepin County, Minnesota.

Code Requirements / Required Findings

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

1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan.* The Comprehensive Plan designates this property as a "Quasi-Public" use, which includes private schools. The proposal is consistent with these goals and policies.
2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.* The purpose of the Zoning Code is to protect and promote the public health, safety, comfort, aesthetics, economic viability, and general welfare of the City. Schools and outdoor recreational facilities are conditionally permitted uses in the Single-Family Residential (R) district, subject to the provisions of Subsection 514.07, Subd. 5. The proposal is consistent with these purposes. The addition of an inflatable dome requires a variance from accessory building regulations. See below for variance criteria.
3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* There are no specific redevelopment plans that apply to the property.
4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code.* The applicant is proposing changes to the existing landscaping surrounding the site. A number of trees in the site's interior will be removed to accommodate the synthetic turf field, specifically north and east of the proposed field. Deciduous trees along the west property line (railroad tracks) will be replaced with coniferous trees. Existing trees along the south property line will be retained, except for those adjacent to Pillsbury Avenue, which will be replaced with new screening. While the proposed dome will be visible from many vantage points due to its height and bulk, landscaping and screening requirements are generally met. The proposed field lighting requires a variance from Subsection 544.09, which states that "poles within landscaped areas and plazas shall have a maximum height of 20 feet." 80 foot tall light poles are proposed. See below for variance criteria.
5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements.* The City's Public Works and Engineering Departments have reviewed the proposal and do not anticipate any issues.
6. *The use will not have undue adverse impacts on the public health, safety, or welfare.* Changes of this magnitude are a question of community character, and some of the factors to be considered in that decision are qualitative, rather than quantitative. Whether or not this change is appropriate for the neighborhood is a decision that should be made by the appointed and elected leaders of the community, rather than by city staff. In order to approve the proposal, the City Council must find that

adequate provisions have been made to protect the public health, safety and welfare.

7. *There is a public need for such use at the proposed location.* In the attached project narrative, Holy Angels describes the limitations posed by the existing grass playing field and the benefits of adding all-season recreational facilities. This requirement is met.
8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit.* The Zoning Code sets the following specific conditions for this use:
 - Outdoor recreational facilities designed for group activities shall be set back at least 40 feet from any lot line;
 - Buffering shall be provided to mitigate noise and adverse visual impacts on adjacent properties; and
 - Lighted playing fields shall be permitted only upon demonstration that off-site impacts can be substantially mitigated.

The proposed turf field is set back 25 feet from the south property line; a variance is required. Buffering is provided to mitigate visual impacts as much as is practicable. Given that the synthetic turf field would replace an existing grass field, noise levels should remain consistent with existing. The primary change is in the frequency and duration of use of the field. The existing grass field does not have lighting, and is therefore limited in hours of use. Also, months of use throughout the year are limited by weather and field conditions.

Part 2 - Variances: The findings necessary to approve a variance are as follows (Subd. 547.11):

1. *There are “practical difficulties” that prevent the property owner from using the property in a reasonable manner.*
2. *There are unusual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.*
3. *The variance would not alter the character of the neighborhood or the locality.*
4. *The variance is the minimum necessary to alleviate the practical difficulty.*
5. *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.*

Outdoor Recreational Facility – reduced setback (514.07, Subd. 5)

The Zoning Code states that outdoor recreational facilities designed for group activities shall be set back at least 40 feet from any lot line. The applicant is requesting a variance to allow the edge of the synthetic turf playing surface to be 25 feet from the south property line.

Criteria 1: Strict enforcement of this requirement would cause a practical difficulty. The existing grass field does not currently meet the setback requirement, and is considered legally nonconforming. However, the installation of a synthetic turf playing surface will

allow for an increase in the dates and times that the field can be used, and is therefore considered an intensification of use.

Criteria 2: Given the location of the “in bounds” area of the playing field, the majority of group activities will meet the setback regulation, with the exception of accessory elements of the softball diamond (foul territory, benches, etc.)

Criteria 3: The variance would not alter the character of the neighborhood or the locality.

Criteria 4: The variance is the minimum necessary to alleviate the practical difficulty.

Criteria 5: The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.

Non-residential Accessory Building Height (Subsection 514.05, Subd. 2)

The Zoning Code states that the maximum height for non-residential accessory buildings is 15 feet. The applicant is requesting a variance to allow an accessory inflatable dome that reaches 66 feet in height.

Criteria 1: Strict enforcement of this requirement would cause a practical difficulty. The ordinance as written generally does not consider large “campus” developments that contain multiple accessory buildings, such as Holy Angels or Richfield High School. The maximum height for principal buildings is 75 feet. If considered as a principal building, the proposed dome meets all height and setback requirements.

Criteria 2: Like most schools and religious institutions in Richfield, Holy Angels' property is zoned Single Family Residential (R). However, if the Holy Angels campus was being proposed today, in its entirety, it would be reviewed as a Planned Unit Development, which allow for greater flexibility in the application of the Code than other zoning districts. This circumstance is unique to large “campus” developments such as this, and does not apply generally to other properties in the same zone or vicinity.

Criteria 3: Granting the requested variance will not alter the character of the neighborhood. Adverse impacts on adjacent properties have been adequately mitigated.

Criteria 4: The proposed dome would similar in height to the existing dome. The variance requested is the minimum necessary to alleviate the practical difficulty.

Criteria 5: The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.

Exterior lighting – height of poles (544.09, Subd. 6)

The Zoning Code states that light poles within landscaped areas and plazas shall have a maximum height of 20 feet, measured from grade. A variance is requested to increase light pole height to 80 feet.

Criteria 1: Strict enforcement of this requirement would create a practical difficulty by effectively prohibiting adequate lighting of the playing field.

Criteria 2: As a large high school campus, unique circumstances apply. Lighted playing fields are permitted, upon demonstration that off-site impacts can be substantially mitigated. While the Zoning Code sets maximum heights for poles in parking lots and landscaped areas, it does not specify a maximum height for city parks or school athletic facilities. Setbacks are not specified for light poles, but a comparable regulation does exist for antenna towers. Towers in residential districts are limited to 75 feet in height and are required to be set back twice the height of the pole from the nearest residential structure. Due to the limited land available south of the field, that setback distance (twice the height of the pole, or 160 feet) cannot be met. Along the south side of the field, three light poles would be set back just 17 feet from the property line. While that setback regulation can be looked at for guidance, it only applies to antenna towers. Aside from the request to increase pole height to 80 feet, the proposed lighting plan meets Code requirements to limit glare and light spill onto neighboring properties.

Criteria 3: Granting the requested variance will not alter the character of the neighborhood. Adverse impacts on adjacent properties have been adequately mitigated.

Criteria 4: The applicant states that 80-foot tall light poles are necessary to achieve an angle of lighting that minimizes glare for neighboring properties and still meet the maximum brightness of 1 footcandle at the property line. A survey of city parks found that light pole heights range from 60 to 70 feet. The ball fields at Richfield High School have 70- and 80-foot tall light poles and Holy Angels' existing turf field has light poles of this height as well.

Criteria 5: The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.

Academy of Holy Angels Southwest Field Project

Academy of Holy Angels (AHA) has plans to convert our grass field, located on the southwest corner of our campus, into an all-weather turf field, with stadium lights and possibly a dome structure over a portion for the field during the winter months. This change would allow AHA to provide more opportunities for athletic and school-related activities to more AHA students and area youth and families for years to come.

AHA has greater than 90% of its students involved in athletics and activities. Some of our most popular sports teams such as football, soccer, lacrosse and baseball use this southwest field space nearly every day spring through fall. With so many students using the grass field in all kinds of weather the grass itself is badly damaged, making for an unsafe playing surface. An all-purpose artificial turf surface will greatly improve the safety for all participants.

Another challenge AHA currently faces is the number of cancellations that occur due to rain and other inclement weather in the fall and spring. These cancellations dramatically limit our teams' ability to prepare for their seasons and to stay on schedule with their games. Changing that space to an all-purpose turf would solve the majority of practice space issues and provide an overall better experience for our student athletes.

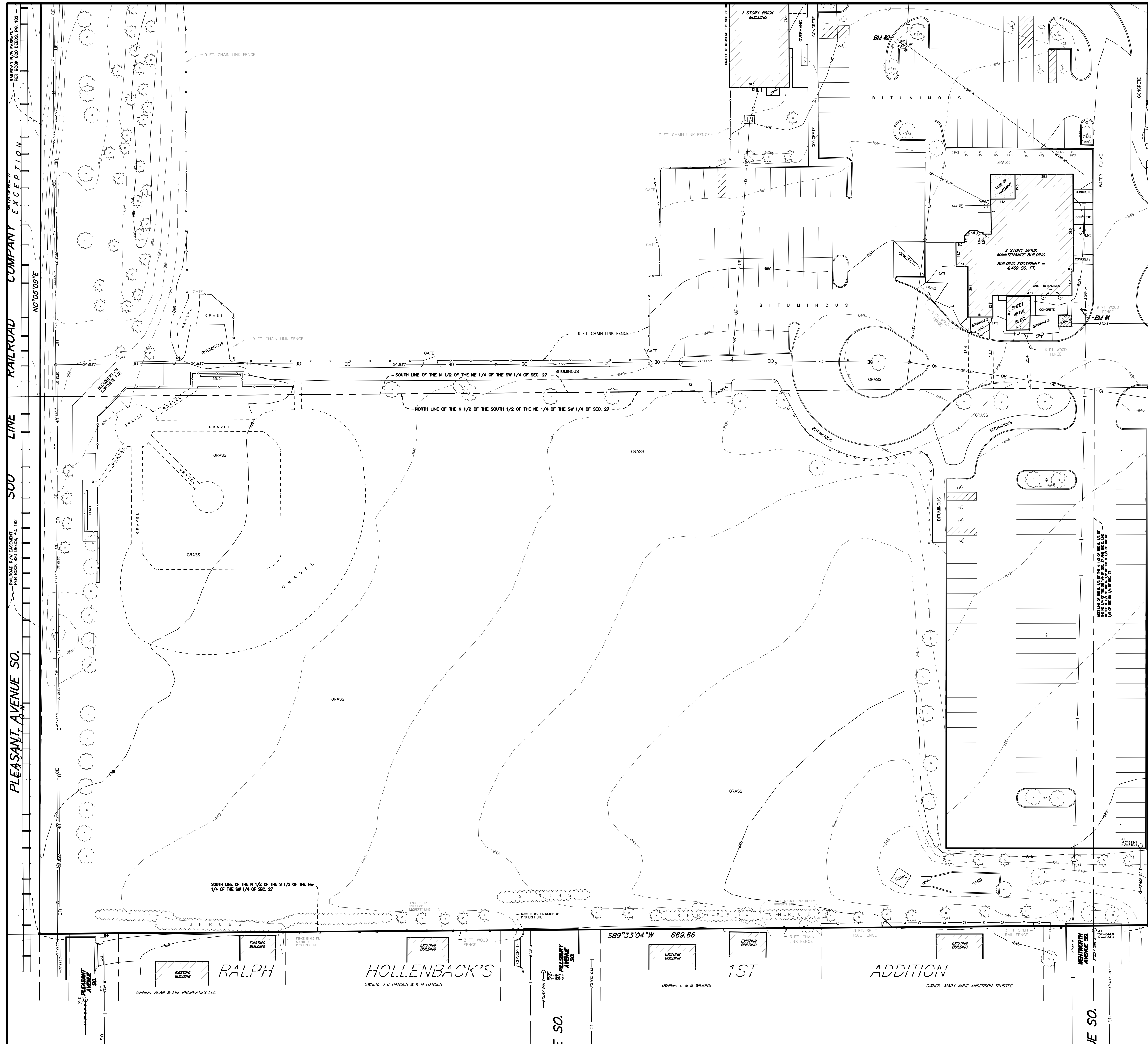
With an all-weather playing surface, AHA would be able to host more youth sports activities and provide them with a higher quality, more consistent experience. AHA would be able to host baseball, soccer, football, lacrosse, and softball, ensuring even more access for more youth.

Operation of the field and dome would be as follows:

The all-purpose field would be used in the same manner as the grass field is currently utilized. This would primarily consist of practices for football, soccer, lacrosse, baseball, softball, and track, with some games for the lower level (9th, JV) teams.

The dome would be erected each year no earlier than November 1st and would be taken down by May 1st at the latest.

This lighted field area and dome facility would be used year round. The hours of use would be same as Richfield Parks with the field lights off by 10:00 p.m. and the dome closed by 10:00 p.m. It is our understanding that this timing is consistent with the hours of operation maintained at City of Richfield parks.



GENERAL NOTES

- 1.) ALTA/ACSM SURVEY WAS PERFORMED BY SUNDE LAND SURVEYING DATED JANUARY 28TH, 2013
- 2.) ADJOINING OWNERSHIP INFORMATION SHOWN HEREON WAS OBTAINED FROM THE HENNEPIN COUNTY PROPERTY TAX INFORMATION WEB SITE. OWNERSHIP INFORMATION IS SUBJECT TO REVISION UPON RECEIPT OF A TITLE SEARCH BY A TITLE INSURANCE COMPANY.
- 3.) SURVEY COORDINATE BASIS: HENNEPIN COUNTY COORDINATE SYSTEM

UTILITY NOTES

- 1.) UTILITY INFORMATION FROM PLANS AND MARKINGS WAS COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES SHOWN HEREON. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, EXCAVATION MAY BE NECESSARY.
- 2.) OTHER UNDERGROUND UTILITIES OF WHICH WE ARE UNAWARE MAY EXIST. VERIFY ALL UTILITIES CRITICAL TO CONSTRUCTION OR DESIGN.
- 3.) SOME UNDERGROUND UTILITY LOCATIONS ARE SHOWN AS MARKED ONSITE BY THOSE UTILITY COMPANIES WHOSE LOCATORS RESPONDED TO OUR GOPHER STATE ONE CALL, TICKET NUMBER 130150519.
- 4.) CONTACT GOPHER STATE ONE CALL AT 651-454-0002 (800-252-1166) FOR PRECISE ONSITE LOCATION OF UTILITIES PRIOR TO ANY EXCAVATION.

FLOOD ZONE NOTE

- 1.) THE SUBJECT PROPERTY LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 2701800369E, DATED SEPTEMBER 2, 2004.

BENCH MARKS (BM)

- 1.) Top of top nut of fire hydrant near southeast corner of Maintenance Building. Elevation = 852.86 feet
 - 2.) Top of top nut of fire hydrant in west island of parking lot east of sports dome. Elevation = 855.40 feet
 - 3.) Top of top nut of fire hydrant west of northwest building corner. Elevation = 852.99
- NOTE: Elevations shown are based on previous survey.

Sambatek
 www.sambatek.com
 12800 Whitewater Drive, Suite 300
 Minnetonka, MN 55343
 763.476.6010 telephone
 763.476.8532 facsimile
 Engineering | Surveying | Planning | Environmental

Client
ACADEMY OF HOLY ANGELS
 6600 NICOLLET AVENUE SOUTH
 RICHFIELD, MN

Project
TURF ATHLETIC FIELD

Location
RICHFIELD, MN
 6600 NICOLLET AVENUE
 RICHFIELD, MN

Certification
PRELIMINARY

Summary
 Designed: MCA Drawn: JTA
 Approved: MCA Book / Page: xx/xx
 Phase: PRELIMINARY Initial Issue: MM/DD/YYYY

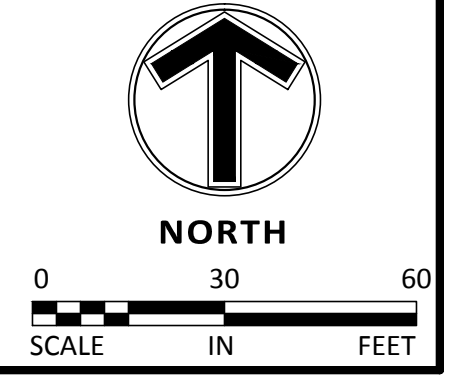
Revision History

No.	Date By	Submittal / Revision
A	5-8-17	CITY COMMENTS

Sheet Title
EXISTING CONDITIONS

Sheet No. Revision
C2.01 A

Project No. 20682



Client
ACADEMY OF HOLY ANGELS

6600 NICOLLET AVENUE SOUTH
RICHFIELD, MN

Project
TURF ATHLETIC FIELD

Location
RICHFIELD, MN

6600 NICOLLET AVENUE
RICHFIELD, MN

Certification

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional ENGINEER under the laws of the state of Minnesota.

Mark C. Anderson
Mark C. Anderson
Registration No. 150 Date: 04/17/2017
If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: MCA Drawn: JTA
Approved: MCA Book / Page: xx/xx
Phase: PRELIMINARY Initial Issue: MM/DD/YYYY

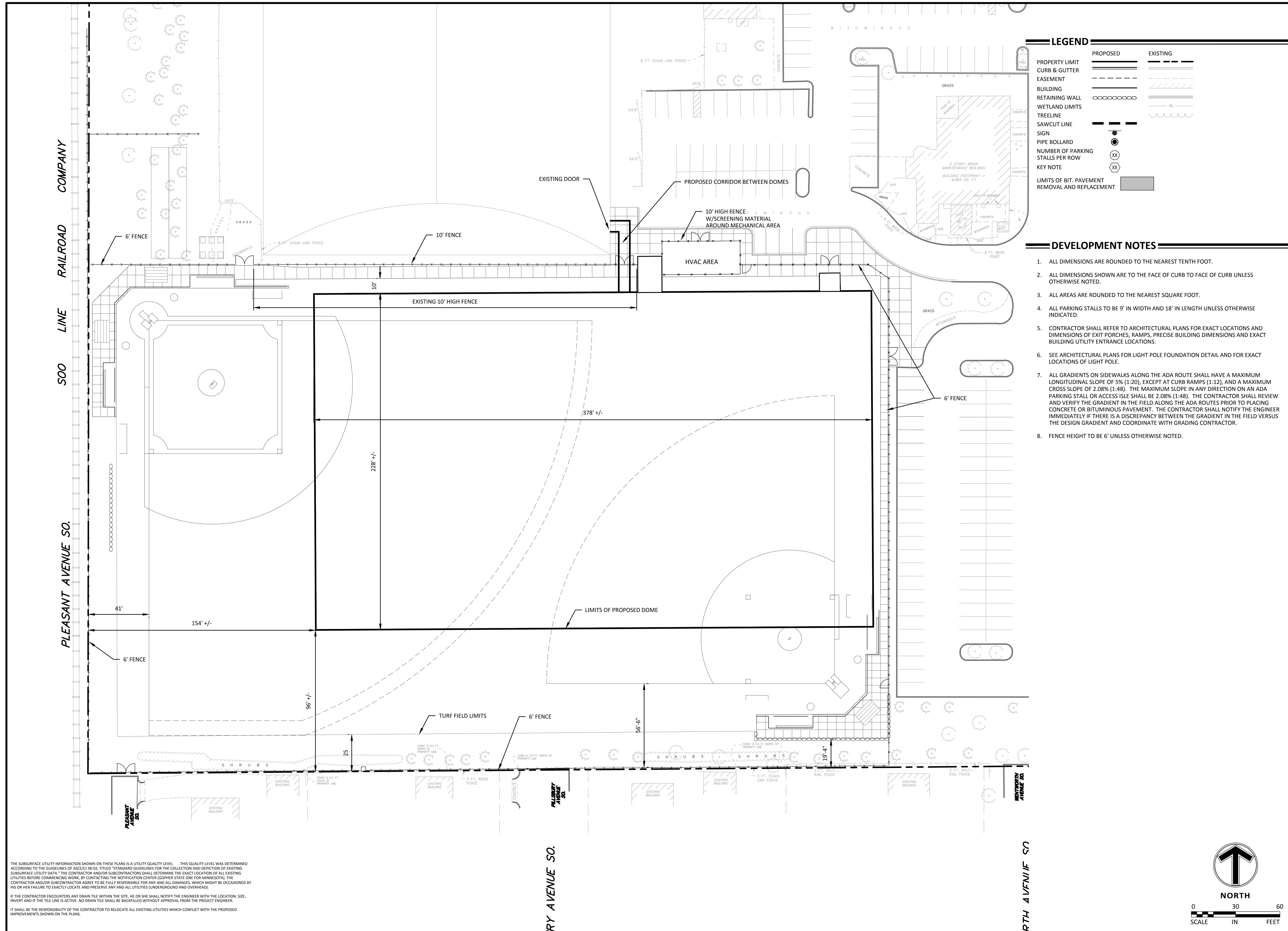
Revision History

No. Date By Submittal / Revision
A 5-8-17 CITY COMMENTS

Sheet Title
SITE PLAN

Sheet No. Revision
C3.01 A

Project No. 20682



THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOVNER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).
IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.
IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

Client
ACADEMY OF HOLY ANGELS

6600 NICOLLET AVENUE SOUTH
RICHFIELD, MN

Project
TURF ATHLETIC FIELD

Location
RICHFIELD, MN

6600 NICOLLET AVENUE
RICHFIELD, MN

Certification

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed LANDSCAPE ARCHITECT under the laws of the State of Minnesota.

William Delaney
William Delaney
Registration No. 152 Date: 04/17/2017

This certification is not valid unless wet signed in blue ink. If applicable, contact us for a wet signed copy of this survey which is available upon request at Sambatek, Minnetonka, MN office.

Summary

Designed: MCA Drawn: JTA
Approved: MCA Book / Page: xx/xx
Phase: PRELIMINARY Initial Issue: MM/DD/YYYY

Revision History

No.	Date	By	Submittal / Revision
A	5-8-17		CITY COMMENTS

Sheet Title
LANDSCAPE PLAN

Sheet No. Revision
L1.01 A

Project No. 20682

PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	SIZE	QTY
	TO	Thuja occidentalis / American Arborvitae	B & B	7'	8
CONIFERS	CODE	BOTANICAL NAME / COMMON NAME	CONT	SIZE	QTY
	NS	Picea abies / Norway Spruce	B & B	10'	3
		Picea abies / Norway Spruce	B & B	6'	2
	BS	Picea glauca densata / Black Hills Spruce	B & B	6'	5

TREE REMOVAL/REPLACEMENT



= TREES TO BE REMOVED

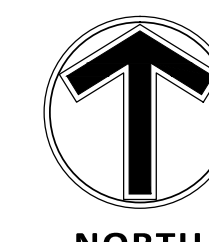
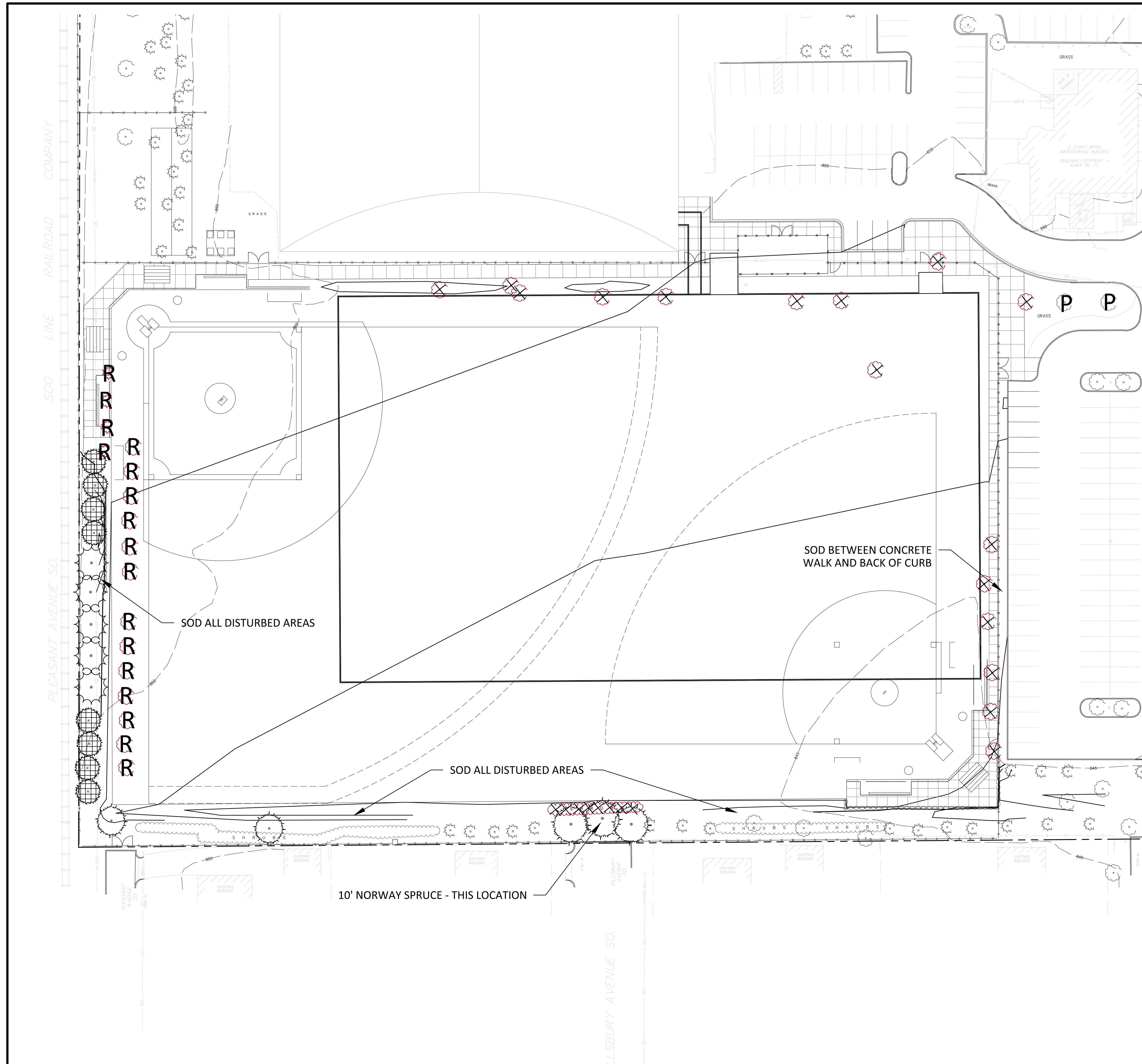


= TREES TO BE REMOVED AND REPLACED
TOTAL = 17



= TREES TO BE PRESERVED

GRUB/REMOVE ROOTS DOWN TO 4'DEPTH
COMPACT/BACKFILL WITH SAND FILL

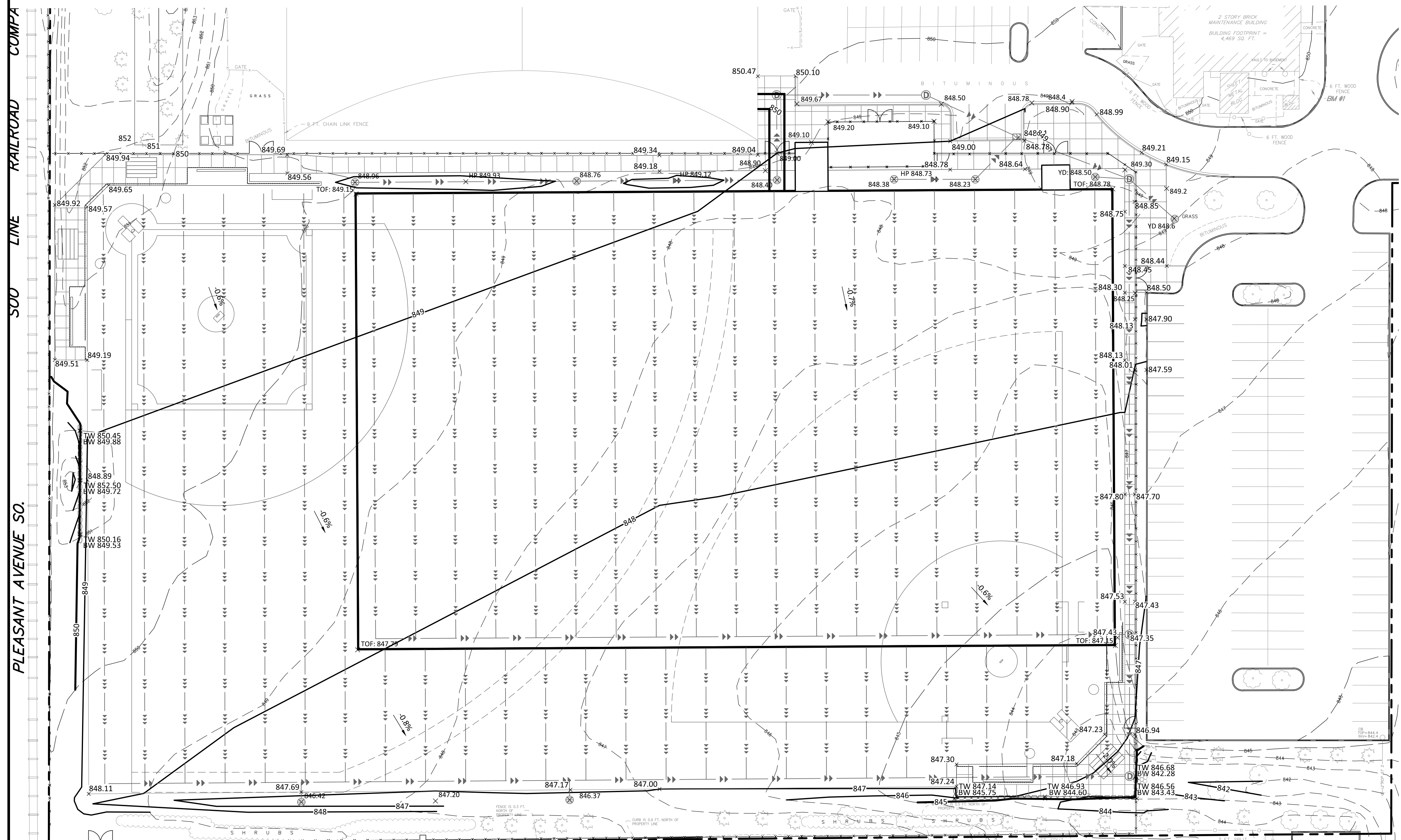


0 30 60
SCALE IN FEET

GRADING NOTES

- PROPOSED CONTOURS ARE TO FINISHED SURFACE ELEVATION. SPOT ELEVATIONS ALONG PROPOSED CURB DENOTE GUTTER GRADE.
 - CONTRACTOR SHALL REVIEW PAVEMENT GRADIENT AND CONSTRUCT "GUTTER OUT" WHERE WATER DRAINS AWAY FROM CURB. ALL OTHER AREAS SHALL BE CONSTRUCTED AS "GUTTER IN" CURB.
 - ALL GRADIENT ON SIDEWALKS ALONG THE ADA ROUTE SHALL HAVE A MAXIMUM LONGITUDINAL SLOPE OF 5% (1:20), EXCEPT AT CURB RAMPS (1:12), AND A MAXIMUM CROSS SLOPE OF 2.08% (1:48). MAXIMUM SLOPE IN ANY DIRECTION ON AN ADA PARKING STALL OR ACCESS AISLE SHALL BE IN 2.08% (1:48). CONTRACTOR SHALL REVIEW AND VERIFY THE GRADIENT IN THE FIELD ALONG THE ADA ROUTES PRIOR TO PLACING CONCRETE OR BITUMINOUS. CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY IF THERE IS A DISCREPANCY BETWEEN THE GRADIENT IN THE FIELD VERSUS THE DESIGN GRADIENT. COORDINATE ALL WORK WITH PAVING CONTRACTOR.
 - CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT. CONTRACTOR WILL BE HELD SOLELY RESPONSIBLE FOR ANY DAMAGES TO THE ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.
 - SAFETY NOTICE TO CONTRACTORS: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. THE DUTY OF THE ENGINEER OR THE DEVELOPER TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES IN, ON OR NEAR THE CONSTRUCTION SITE.
 - CONTRACTOR SHALL COMPLETE THE SITE GRADING CONSTRUCTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER'S SOILS ENGINEER. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
- A GEOTECHNICAL ENGINEERING SOILS REPORT HAS BEEN COMPLETED BY:
- COMPANY: AMERICAN ENGINEERING TESTING, INC.
 ADDRESS: 550 CLEVELAND AVE. NORTH ST. PAUL, MN 55114
 PHONE: 651-659-1364
 DATED: JANUARY 4TH, 2017
- CONTRACTOR SHALL OBTAIN A COPY OF THE SOILS REPORT.
- CONTRACTOR SHALL COMPLETE DEWATERING AS REQUIRED TO COMPLETE THE SITE GRADING CONSTRUCTION.
 - PRIOR TO PLACEMENT OF THE AGGREGATE BASE, A TEST ROLL SHALL BE PERFORMED ON THE STREET AND PARKING AREA SUBGRADE. CONTRACTOR SHALL PROVIDE A LOADED TANDEM AXLE TRUCK WITH A GROSS WEIGHT OF 25 TONS. THE TEST ROLLING SHALL BE AT THE DIRECTION OF THE SOILS ENGINEER AND SHALL BE COMPLETED IN AREAS AS DIRECTED BY THE SOILS ENGINEER. CORRECTION OF THE SUBGRADE SOILS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOILS ENGINEER.
 - REPLACE ALL SUBGRADE SOIL DISTURBED DURING THE CONSTRUCTION THAT HAVE BECOME UNSUITABLE AND WILL NOT PASS A TEST ROLL. REMOVE UNSUITABLE SOIL FROM THE SITE AND IMPORT SUITABLE SOIL AT NO ADDITIONAL COST TO THE OWNER.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING VEHICULAR AND PEDESTRIAN TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. TRAFFIC CONTROL DEVICES SHALL CONFORM TO APPROPRIATE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARDS.
 - EXISTING TREES AND OTHER NATURAL VEGETATION WITHIN THE PROJECT AND/OR ADJACENT TO THE PROJECT ARE OF PRIME CONCERN TO THE CONTRACTOR'S OPERATIONS AND SHALL BE A RESTRICTED AREA. CONTRACTOR SHALL PROTECT TREES TO REMAIN AT ALL TIMES. EQUIPMENT SHALL NOT NECESSARILY BE OPERATED UNDER NEARBY TREES AND EXTREME CAUTION SHALL BE EXERCISED WHEN WORKING ADJACENT TO TREES. SHOULD ANY PORTION OF THE TREE BRANCHES REQUIRE REMOVAL TO PERMIT OPERATION OF THE CONTRACTOR'S EQUIPMENT, CONTRACTOR SHALL OBTAIN THE SERVICES OF A PROFESSIONAL TREE TRIMMING SERVICE TO TRIM THE TREES PRIOR TO THE BEGINNING OF OPERATION. SHOULD CONTRACTOR'S OPERATIONS RESULT IN THE BREAKING OF ANY LIMBS, THE BROKEN LIMBS SHOULD BE REMOVED IMMEDIATELY AND CUTS SHALL BE PROPERLY PROTECTED TO MINIMIZE ANY LASTING DAMAGE TO THE TREE. NO TREES SHALL BE REMOVED WITHOUT AUTHORIZATION BY THE ENGINEER. COSTS FOR TRIMMING SERVICES SHALL BE CONSIDERED INCIDENTAL TO THE GRADING CONSTRUCTION AND NO SPECIAL PAYMENT WILL BE MADE.
 - RESTRICTED AREAS SHALL INCLUDE ALL DESIGNATED TREE AREAS OUTSIDE OF THE DESIGNATED CONSTRUCTION ZONE. ALL VEGETATION WITHIN THE RESTRICTED AREAS SHALL REMAIN.
 - CONTRACTOR SHALL RESTRICT ALL GRADING AND CONSTRUCTION ACTIVITIES TO AREAS DESIGNATED ON THE PLANS. ACTIVITIES WITHIN THE CONSTRUCTION MAY BE RESTRICTED TO A NARROWER WIDTH IN THE FIELD TO SAVE ADDITIONAL TREES AS DIRECTED BY THE OWNER.
 - ACTIVITIES PROHIBITED OUTSIDE OF THE CONSTRUCTION BOUNDARIES WOULD INCLUDE, BUT NOT BE LIMITED TO: SOIL AND OTHER MATERIAL STOCKPILING, EQUIPMENT OR MACHINERY STORAGE, DRIVING OF ANY VEHICLE, LEAKAGE OR SPILLAGE OF ANY "WASHOUT" OR OTHER TOXIC MATERIAL. THE COLLECTION OF OTHER DEBRIS AND SOIL STOCKPILING WILL BE IN AN AREA DETERMINED ON-SITE BY THE ENGINEER.
 - ALL RESTRICTED AREAS SHALL BE FENCED OFF WITH BRIGHT ORANGE POLYETHYLENE SAFETY NETTING AND STEEL STAKES AS SHOWN ON THE TREE PROTECTION DETAIL. AT NO TIME SHALL THIS FENCING BE REMOVED OR ACTIVITY OF ANY KIND TAKE PLACE WITHIN IT. FINAL PLACEMENT OF ALL PROTECTIVE FENCING SHALL BE COMPLETE BEFORE ANY WORK COMMENCES ON-SITE.
 - BEFORE COMMENCING WITH ANY EXCAVATION CONTRACTOR SHALL COMPLETE ALL PREPARATORY WORK REGARDING TREE REMOVAL, ROOT PRUNING, TREE PRUNING AND STUMP REMOVAL TO THE SATISFACTION OF THE OWNER.
 - PREPARATORY WORK SHALL INCLUDE THE FOLLOWING AND SHALL BE COMPLETED UNDER THE DIRECT SUPERVISION OF THE OWNER'S REPRESENTATIVE.
 - TREE REMOVAL: CONTRACTOR SHALL FELL THE TREES. AT NO TIME SHALL TREES BE BULLDOZED OUT, BUT SHALL BE CUT DOWN AND STUMPS REMOVED SEPARATELY. PRIOR TO THE FELLING OF ALL TREES, PROPER REMOVAL OF A PORTION OR ALL OF THE CANOPY SHALL BE COMPLETED SO THAT TREES IN THE RESTRICTED AREAS SHALL NOT BE INJURED IN THE PROCESS.
 - ROOT PRUNING: BEFORE ANY STUMPS ARE TO BE REMOVED, ALL ROOTS SHALL BE SEVERED FROM ROOTS IN THE RESTRICTED AREAS BY SAW CUTTING WITH A VERMEER DESIGNED FOR ROOT PRUNING, BY HAND, OR WITH A CHAINSAW. TREE ROOTS PROJECTING INTO THE CONSTRUCTION ZONE SHALL BE EXPOSED PRIOR TO ROOT PRUNING WITH SMALL MACHINERY, I.E., BOBCAT.
 - STUMP REMOVAL: AT SUCH TIME THAT ROOTS HAVE BEEN PROPERLY SEVERED, STUMPS MAY BE REMOVED. WHERE REMOVAL OF CERTAIN STUMPS COULD CAUSE DAMAGE TO EXISTING PROTECTED TREES, TREE STUMPS SHALL BE GROUND OUT. ALL STUMP REMOVAL SHALL BE UNDER THE DIRECT SUPERVISION OF THE OWNER'S REPRESENTATIVE.
 - TREE PRUNING: PROPER PRUNING OF TREES IN THE RESTRICTED ZONE SHALL BE DIRECTED BY AND SUPERVISION AT ALL TIMES BY THE OWNER'S REPRESENTATIVE.
 - AN OWNER'S REPRESENTATIVE WILL BE AVAILABLE AT ALL TIMES DURING THE PREPARATORY AND CONSTRUCTION PERIOD.
 - MULCH RATHER THAN SEED OR SOD WILL BE USED AT THE BASE OF QUALITY TREES TO A PERIMETER DETERMINED BY THE OWNER'S REPRESENTATIVE. AREAS TO BE SEED FOR EROSION CONTROL PURPOSES WITHIN THE CONSTRUCTION ZONE ARE TO BE DETERMINED BY THE OWNER'S REPRESENTATIVE. NATURAL GROUND COVER WILL BE MAINTAINED WHEREVER POSSIBLE.
 - EXCAVATE TOPSOIL FROM AREAS TO BE FURTHER EXCAVATED OR REGRADED AND STOCKPILE IN AREAS DESIGNATED ON THE SITE. CONTRACTOR SHALL SALVAGE ENOUGH TOPSOIL FOR RESPREADING ON THE SITE AS SPECIFIED. EXCESS TOPSOIL SHALL BE

- PLACED IN EMBANKMENT AREAS, OUTSIDE OF BUILDING PADS, ROADWAYS AND PARKING AREAS. CONTRACTOR SHALL SUBCUT CUT AREAS, WHERE TURF IS TO BE ESTABLISHED, TO A DEPTH OF 6 INCHES. RESPREAD TOPSOIL IN AREAS WHERE TURF IS TO BE ESTABLISHED TO A MINIMUM DEPTH OF 6 INCHES.
- INCLUDED GRADING SHALL BE COMPLETED. CONTRACTOR SHALL UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING, INCLUDING ADJACENT TRANSITION AREAS. PROVIDE A SMOOTH FINISHED SURFACE WITHIN SPECIFIED TOLERANCES, WITH UNIFORM LEVELS OR SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN, OR BETWEEN SUCH POINTS AND EXISTING GRADES. AREAS THAT HAVE BEEN FINISHED GRADED SHALL BE PROTECTED FROM SUBSEQUENT CONSTRUCTION OPERATIONS, TRAFFIC AND EROSION. REPAIR ALL AREAS THAT HAVE BECOME BLUTTED, ERODED OR HAS SETTLED BELOW THE CORRECT GRADE. ALL AREAS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO EQUAL OR BETTER THAN ORIGINAL CONDITION OR TO THE REQUIREMENTS OF THE NEW WORK.
 - TOLERANCES
 - THE TURF FIELD FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE, OR 0.05 FOOT BELOW, THE PRESCRIBED ELEVATION AT ANY POINT WHERE MEASUREMENT IS MADE.
 - THE STREET OR PARKING AREA SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE, OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.
 - AREAS WHICH ARE TO RECEIVE TOPSOIL SHALL BE GRADED TO WITHIN 0.30 FOOT ABOVE OR BELOW THE REQUIRED ELEVATION, UNLESS DIRECTED OTHERWISE BY THE ENGINEER.
 - TOPSOIL SHALL BE GRADED TO PLUS OR MINUS 1/2 INCH OF THE SPECIFIED THICKNESS.
 - AFTER THE SITE GRADING IS COMPLETED, IF EXCESS OR SHORTAGE OF SOIL MATERIAL EXISTS, CONTRACTOR SHALL TRANSPORT ALL EXCESS SOIL MATERIAL OFF THE SITE TO AN AREA SELECTED BY THE CONTRACTOR, OR IMPORT SUITABLE MATERIAL TO THE SITE.
 - CONTRACTOR SHALL DETERMINE THE LOCATION OF ANY HAUL ROADS THAT MAY BE REQUIRED TO COMPLETE THE SITE GRADING CONSTRUCTION AND SHALL INDICATE HAUL ROADS ON EROSION AND SEDIMENT CONTROL "SITE MAP". CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF THE GOVERNING AUTHORITY OF EACH ROADWAY. CONTRACTOR SHALL POST WHATEVER SECURITY, AND COMPLY WITH ALL CONDITIONS WHICH ARE REQUIRED BY EACH GOVERNING AUTHORITY OF EACH ROADWAY.
 - RETAINING WALL(S) SHALL BE CONSTRUCTED OF MODULAR BLOCK. CONTRACTOR SHALL SUBMIT TO THE ENGINEER AND LOCAL AUTHORITY CERTIFIED ENGINEERING DRAWINGS, DESIGN CALCULATIONS AND SOIL BORINGS. THE CERTIFIED ENGINEER FOR THE RETAINING WALL(S) SHALL PROVIDE CONSTRUCTION OBSERVATIONS OF THE RETAINING WALL IMPROVEMENT, AND A LETTER CERTIFYING THE INSTALLATION OF THE WALL(S) WAS CONSTRUCTED IN CONFORMANCE WITH THE PLANS AND SPECIFICATIONS.



LEGEND

PROPOSED	EXISTING
PROPERTY LIMIT CURB & GUTTER	---
STORM SEWER	---
DRAINILE	---
BUILDING	---
RETAINING WALL	---
WETLAND LIMITS	---
TREELINE	---
SPOT ELEVATION	---
CONTOUR	---
RIP RAP	---
OVERFLOW ELEV.	---
SOIL BORINGS	---
SAWCUT LINE	---

NOTE: DOME GRADE BEAM HELD DOWN 3" FROM TURF GRADE.

THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. BY CONTACTING THE NOTIFICATION CENTER (GOVERNOR STATE ONE FOR MINNESOTA), THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY UTILITY WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

0 30 60
SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
763.476.8532 facsimile

Engineering | Surveying | Planning | Environmental

Client
ACADEMY OF HOLY ANGELS

6600 NICOLLET AVENUE SOUTH
RICHFIELD, MN

Project
TURF ATHLETIC FIELD

Location
RICHFIELD, MN

6600 NICOLLET AVENUE
RICHFIELD, MN

Certification

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional ENGINEER under the laws of the state of Minnesota.

Mark C. Anderson
Mark C. Anderson
Registration No. 150 Date: 04/17/2017
Phase: PRELIMINARY

Summary

Designed: MCA Drawn: JTA
 Approved: MCA Book / Page: xx/xx
 Phase: PRELIMINARY Initial Issue: MM/DD/YYYY

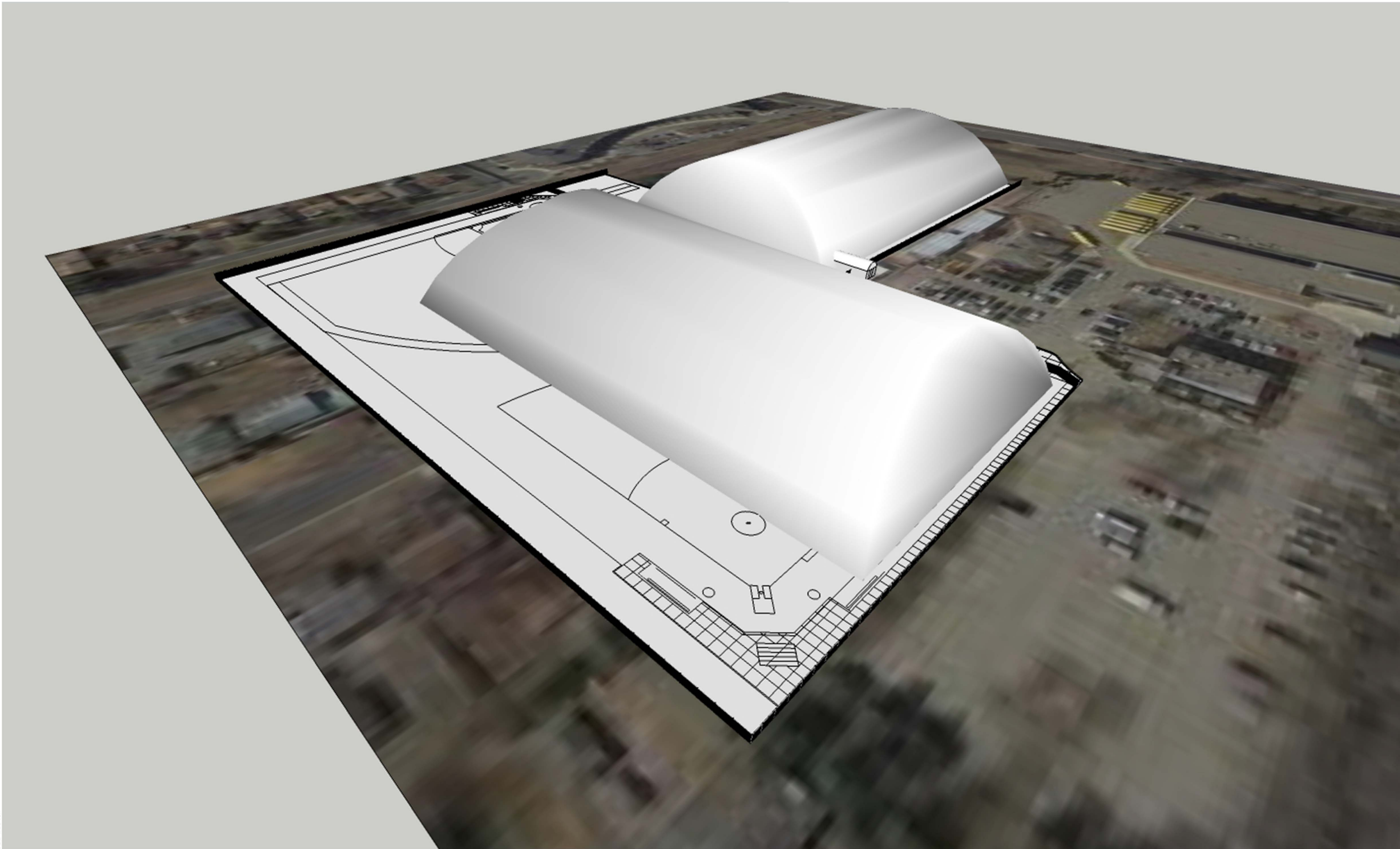
Revision History

No.	Date By	Submittal / Revision
A	5-8-17	CITY COMMENTS

Sheet Title
GRADING PLAN

Sheet No. Revision
C4.01 A

Project No. 20682



JOE #00451

EQUIPMENT LIST FOR AREAS SHOWN

Pole				Luminaires				
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LAMP TYPE	QTY / POLE	THIS GRID	OTHER GRIDS
1	S2	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	9	9	0
1	S3	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	6	6	0
1	S4	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	5	5	0
1	S5	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	10	9	1
4	TOTALS					34	33	1



MY PROJECT

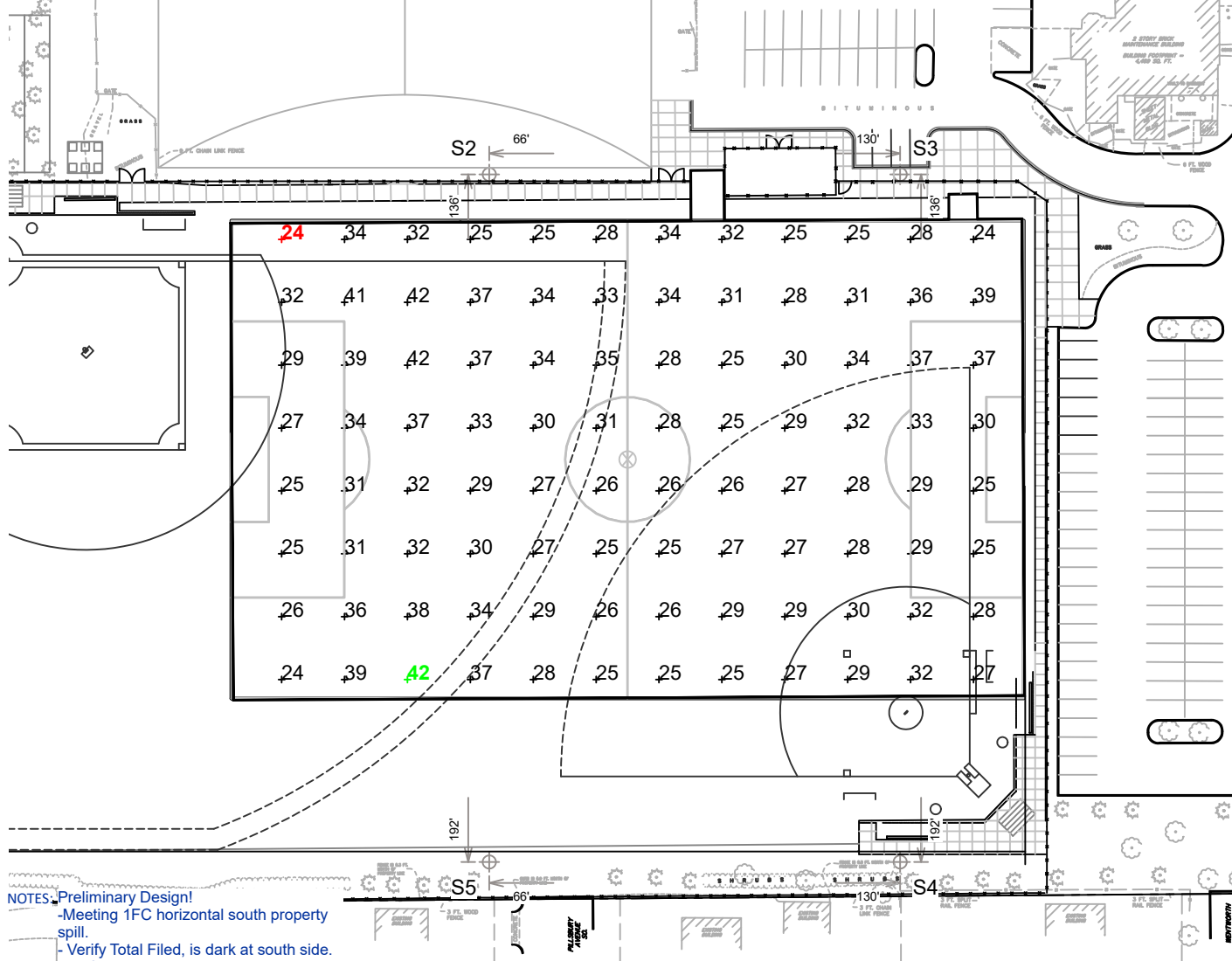
Name: Holy Angels Academy Soccer Lacrosse
Location: Richfield, MN

GRID SUMMARY

Name: Soccer
Size: 378' x 228'
Spacing: 30.0' x 30.0'
Height: 3.0' above grade

MAINTAINED ILLUMINATION

SUMMARY		HORIZONTAL FOOTCANDLES	
		Entire Grid	
Guaranteed Average:	30	Scan Average:	30.4
		Maximum:	42
		Minimum:	24
		Avg / Min:	1.26
Guaranteed Max / Min:	2	Max / Min:	1.76
		UG (adjacent pts):	1.62
		CU:	0.67
		No. of Luminaires:	96
LUMINAIRE INFORMATION			
Luminaire Type:	TLC-LED-1150	Design Usage Hours:	10,000 hours
Design Lumens:	121,000	Avg Tilt Factor:	1.000
Add'l Non-Rec LLF:	1.000	Recoverable LLF:	1.000
Total LLF:	1.000	No. of Luminaires:	33
Avg KW:	37.95 (37.95 max)		



- NOTES:** Preliminary Design!
 -Meeting 1FC horizontal south property spill.
 -Verify Total Filed, is dark at south side.
 -Verify all pole locations.



Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗

Field Measurements: Illumination measured in accordance with the IESNA RP-6-15 and CIBSE LG4. Individual values may vary. See the Warranty document for details.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the Musco Control System Summary for electrical sizing.

Installation Requirements: Results assume +/- 3% nominal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.

ENGINEERED DESIGN

By: Will Hartl
File # / Date: 185878 21-Apr-17

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EQUIPMENT LIST FOR AREAS SHOWN

Pole				Luminaires				
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LAMP TYPE	QTY / POLE	THIS GRID	OTHER GRIDS
2	S1, S6	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	4	4	0
1	S2	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	9	9	0
1	S3	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	6	6	0
1	S4	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	5	5	0
1	S5	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	10	10	0
6	TOTALS					44	44	0



MY PROJECT

Name: Holy Angels Academy Soccer Lacrosse
Location: Richfield, MN

GRID SUMMARY

Name: Total Area
Spacing: 30.0' x 30.0'
Height: 3.0' above grade

MAINTAINED ILLUMINATION

SUMMARY	HORIZONTAL FOOTCANDLES
	Entire Grid
Scan Average:	26.1
Maximum:	47
Minimum:	1
Avg / Min:	37.13
Max / Min:	66.51
UG (adjacent pts):	10.50
CU:	0.77
No. of Points:	170
LUMINAIRE INFORMATION	
Luminaire Type:	TLC-LED-1150
Design Usage Hours:	10,000 hours
Design Lumens:	121,000
Avg Tilt Factor:	1.000
Add'l Non-Rec LLF:	1.000
Recoverable LLF:	1.000
Total LLF:	1.000
No. of Luminaires:	44
Avg KW:	50.6 (50.6 max)

Field Measurements: Illumination measured in accordance with the IESNA RP-6-15 and CIBSE LG4. Individual values may vary. See the Warranty document for details.

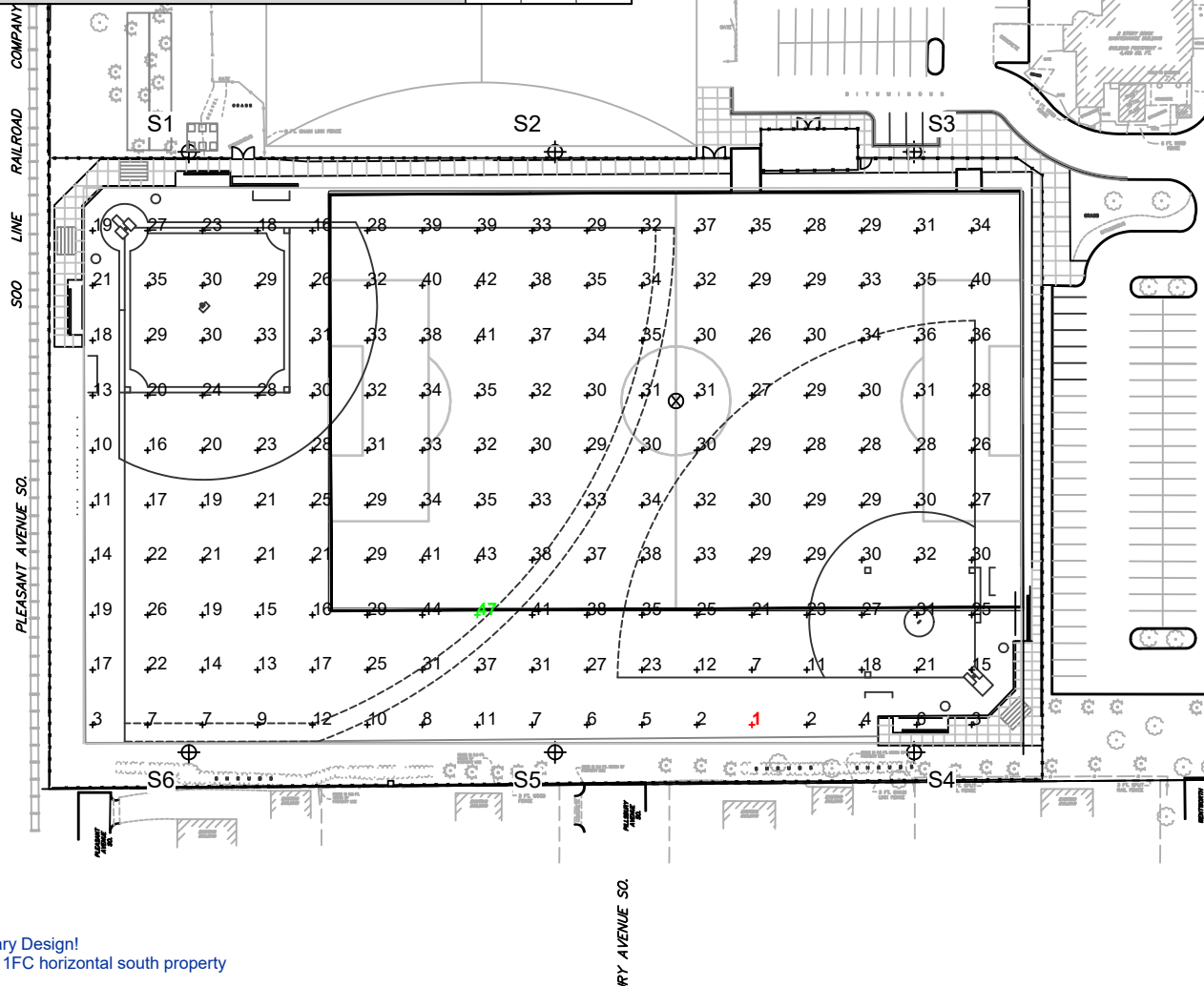
Electrical System Requirements: Refer to Amperage Draw Chart and/or the Musco Control System Summary for electrical sizing.

Installation Requirements: Results assume +/- 3% nominal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.

ENGINEERED DESIGN

By: Will Hartl
File # / Date: 185878 21-Apr-17

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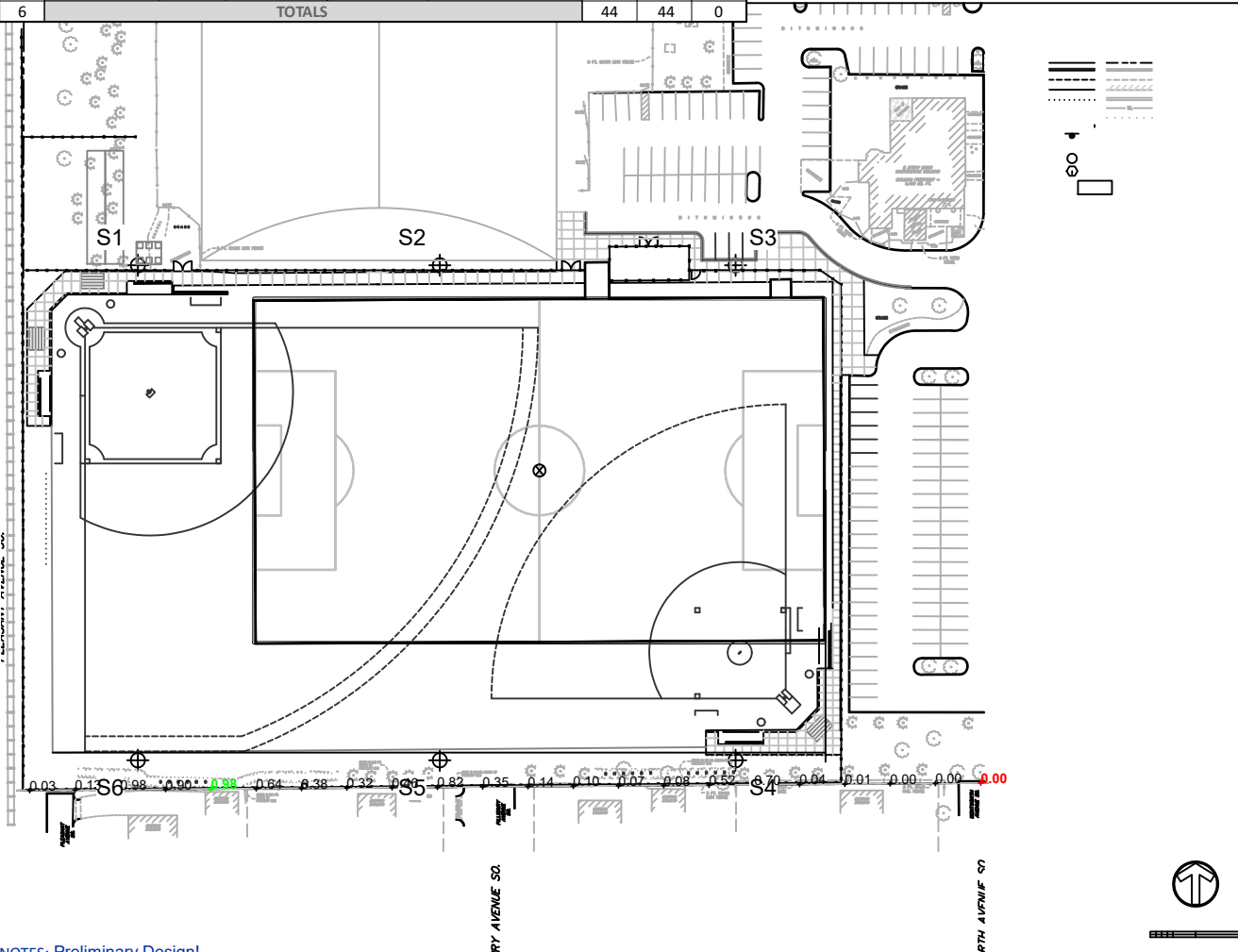


- NOTES:** Preliminary Design!
 -Meeting 1FC horizontal south property spill.
 - Verify Total Filed, is dark at south side.
 -Verify all pole locations.

Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗

EQUIPMENT LIST FOR AREAS SHOWN

Pole				Luminaires				
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LAMP TYPE	QTY / POLE	THIS GRID	OTHER GRIDS
2	S1, S6	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	4	4	0
1	S2	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	9	9	0
1	S3	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	6	6	0
1	S4	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	5	5	0
1	S5	80'	-	25'	LED 5700K - 75 CRI	1	1	0
				80'	LED 5700K - 75 CRI	10	10	0
6	TOTALS					44	44	0



NOTES-Preliminary Design!

- Meeting 1FC horizontal south property spill.
- Verify Total Filed, is dark at south side.
- Verify all pole locations.



Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗



MY PROJECT

Name: **Holy Angels Academy Soccer Lacrosse**
 Location: Richfield, MN

GRID SUMMARY

Name: **South Property Spill**
 Spacing: 30.0'
 Height: 3.0' above grade

MAINTAINED ILLUMINATION

SUMMARY	HORIZONTAL FOOTCANDLES
	Entire Grid
Scan Average:	0.348
Maximum:	0.98
Minimum:	0.00
No. of Points:	22
LUMINAIRE INFORMATION	
Luminaire Type:	TLC-LED-1150
Design Usage Hours:	10,000 hours
Design Lumens:	121,000
Avg Tilt Factor:	1.000
Add'l Non-Rec LLF:	1.000
Recoverable LLF:	1.000
Total LLF:	1.000
No. of Luminaires:	44
Avg KW:	50.6 (50.6 max)

Field Measurements: Illumination measured in accordance with the IESNA RP-6-15 and CIBSE LG4. Individual values may vary. See the Warranty document for details.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the Musco Control System Summary for electrical sizing.

Installation Requirements: Results assume +/- 3% nominal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.

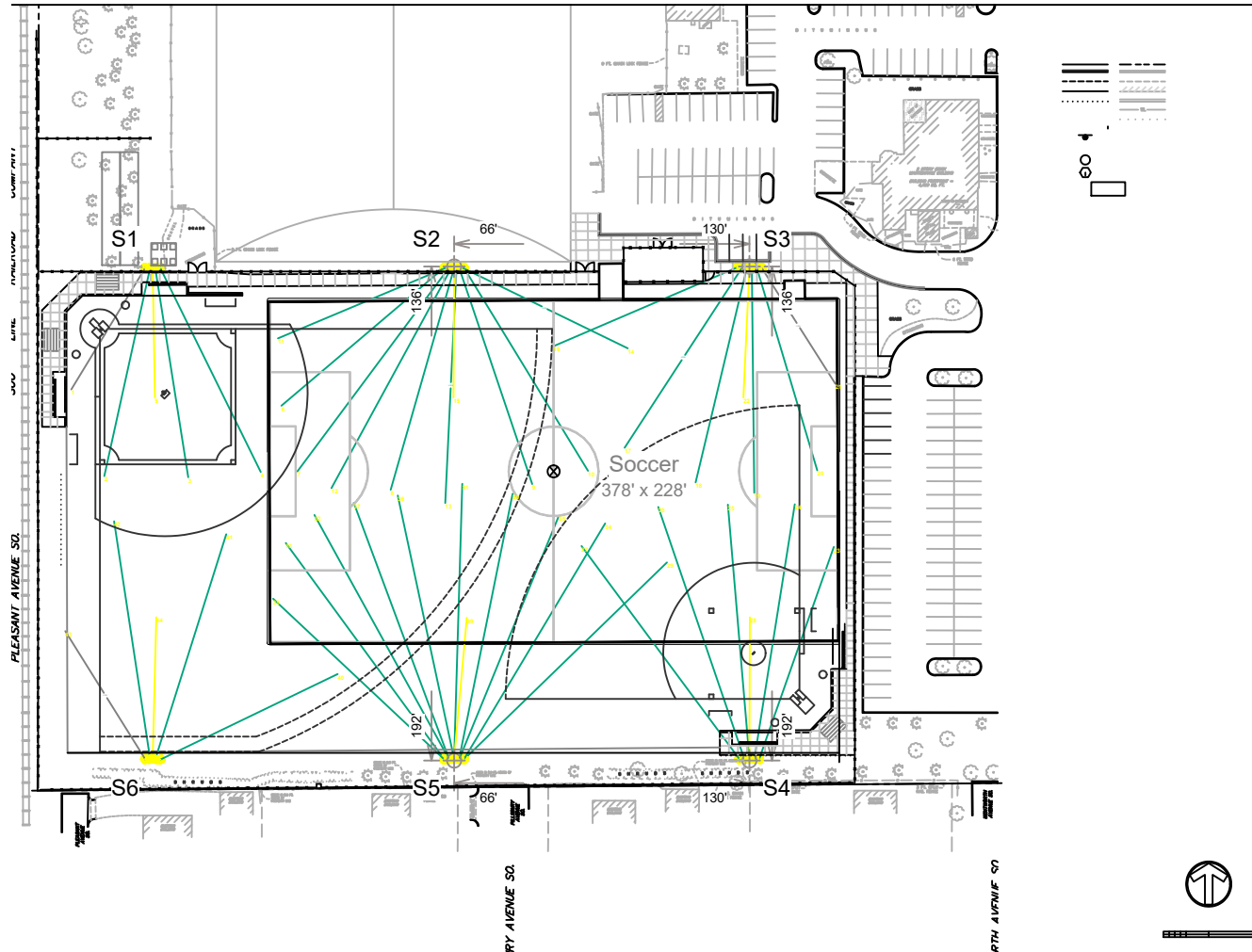
ENGINEERED DESIGN

By: **Will Hartl**
 File # / Date: 185878 21-Apr-17

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ILLUMINATION SUMMARY

NOTES: Preliminary Design!
 -Meeting 1FC horizontal south property spill.
 - Verify Total Filed, is dark at south side.
 -Verify all pole locations.



Sarr

MY PROJECT

Name: **Holy Angels Academy Soccer Lacrosse**
 Location: **Richfield, MN**

EQUIPMENT LAYOUT

INCLUDES:
 - Soccer

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume +/- 3% nominal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.

EQUIPMENT LIST FOR AREAS SHOWN

QTY	Pole			Luminaires		
	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LAMP TYPE	QTY / POLE
2	S1, S6	80'	-	25'	LED 5700K - 75 CR	1
				80'	LED 5700K - 75 CR	4
1	S2	80'	-	25'	LED 5700K - 75 CR	1
				80'	LED 5700K - 75 CR	9
1	S3	80'	-	25'	LED 5700K - 75 CR	1
				80'	LED 5700K - 75 CR	6
1	S4	80'	-	25'	LED 5700K - 75 CR	1
				80'	LED 5700K - 75 CR	5
1	S5	80'	-	25'	LED 5700K - 75 CR	1
				80'	LED 5700K - 75 CR	10
6	TOTALS					44

SINGLE LUMINAIRE AMPERAGE DRAW CHART

Ballast Specifications (.90 min power factor)	Line Amperage Per Luminaire (max draw)						
	208 (60)	220 (60)	240 (60)	277 (60)	347 (60)	380 (60)	480 (60)
Single Phase Voltage	208 (60)	220 (60)	240 (60)	277 (60)	347 (60)	380 (60)	480 (60)
TLC-LED-1150	7.0	6.6	6.1	5.2	4.2	3.8	3.0

ENGINEERED DESIGN

By: **Will Hartl**
 File # / Date: **185878** 21-Apr-17

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SCALE IN FEET 1 : 120



Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗

MY PROJECT

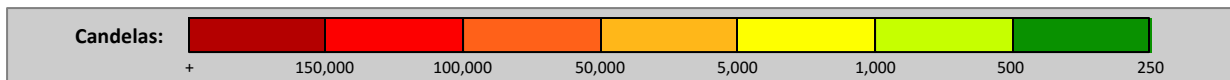
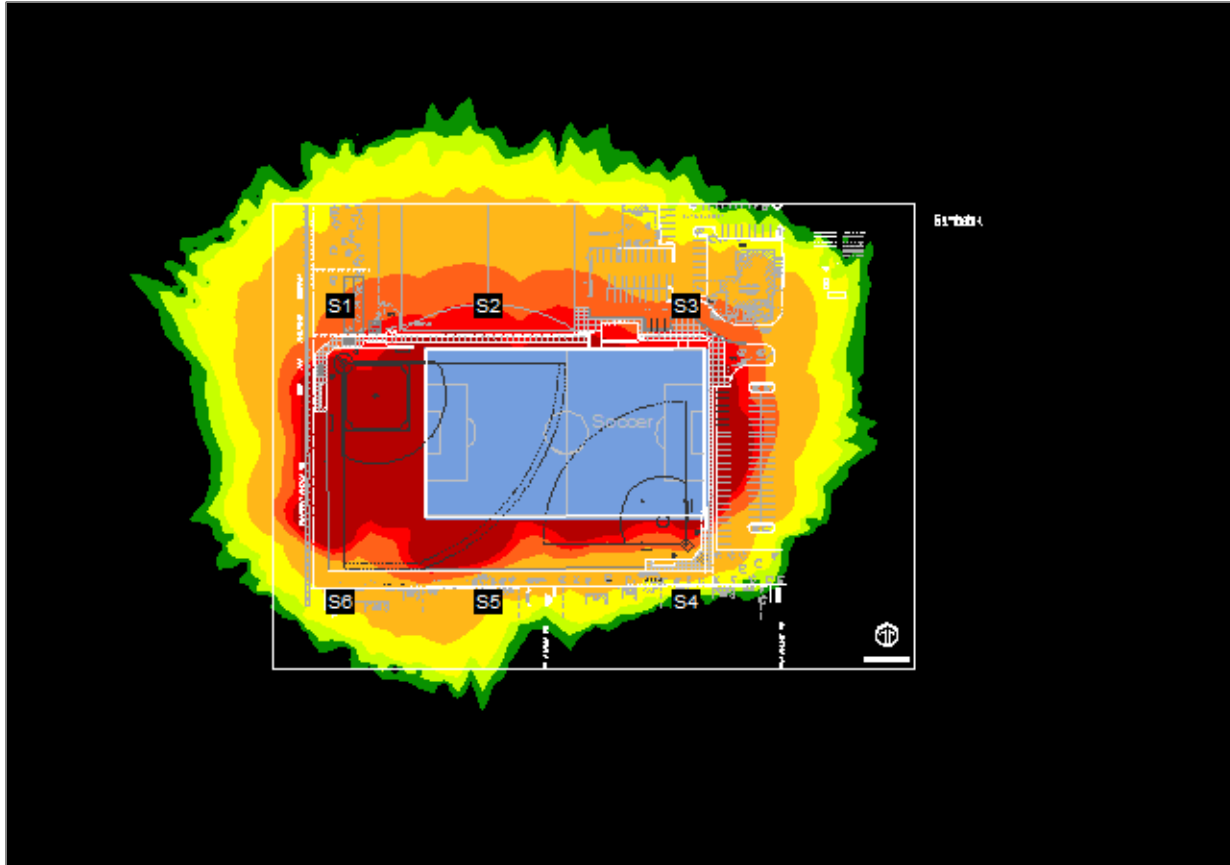
Name: Holy Angels Academy Soccer Lacrosse
Location: Richfield, MN

GLARE IMPACT

Summary

Map indicates the maximum candela an observer would see when facing the brightest light source from any direction.

A well-designed lighting system controls light to provide maximum useful on-field illumination with minimal destructive off-site glare.



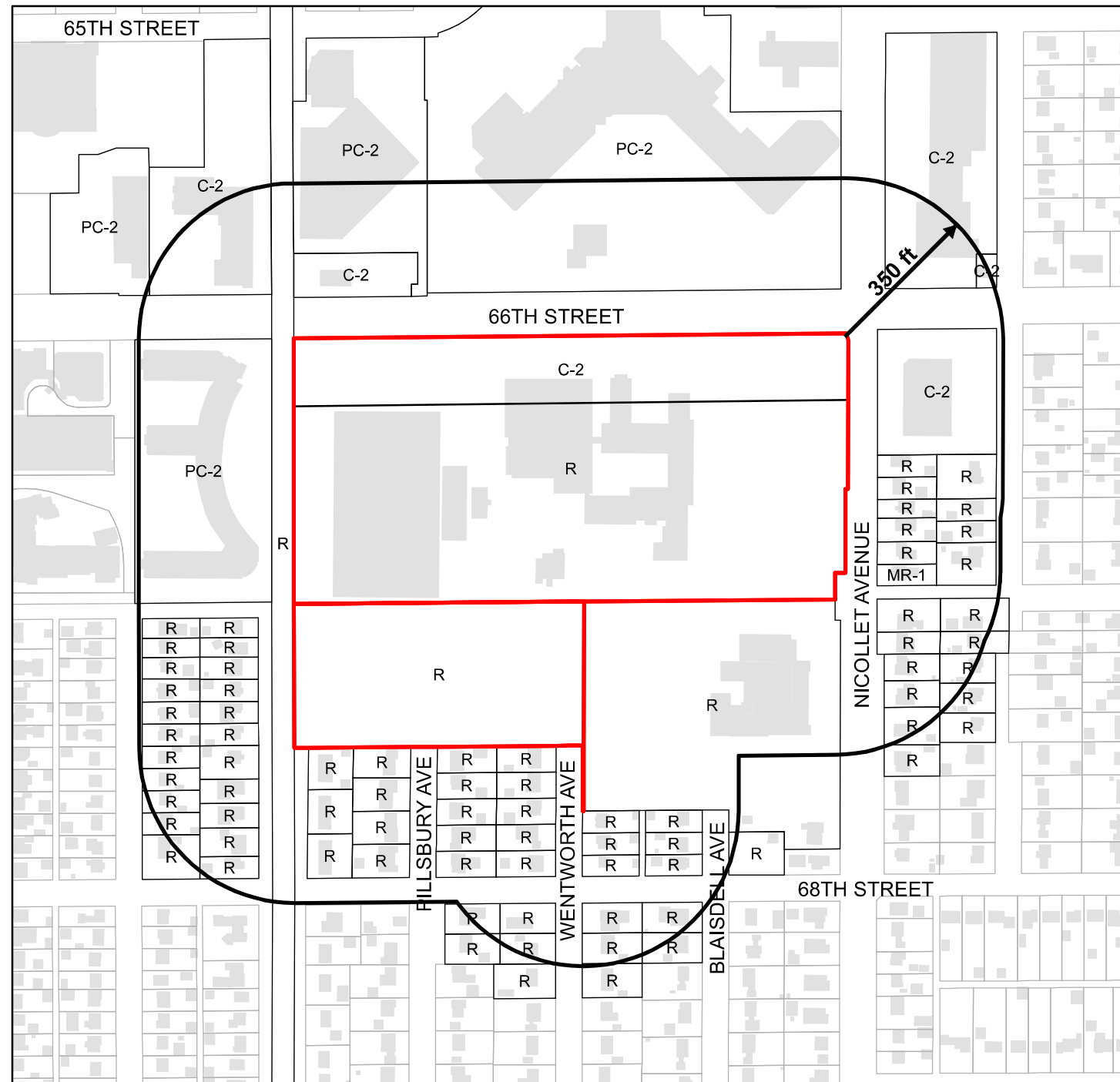
ENGINEERED DESIGN

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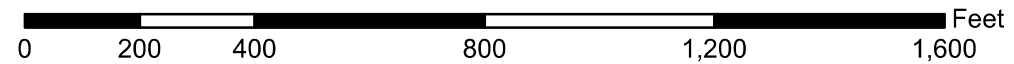
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6600 Nicollet Avenue - ACUP VAR 5/2017

Surrounding Zoning

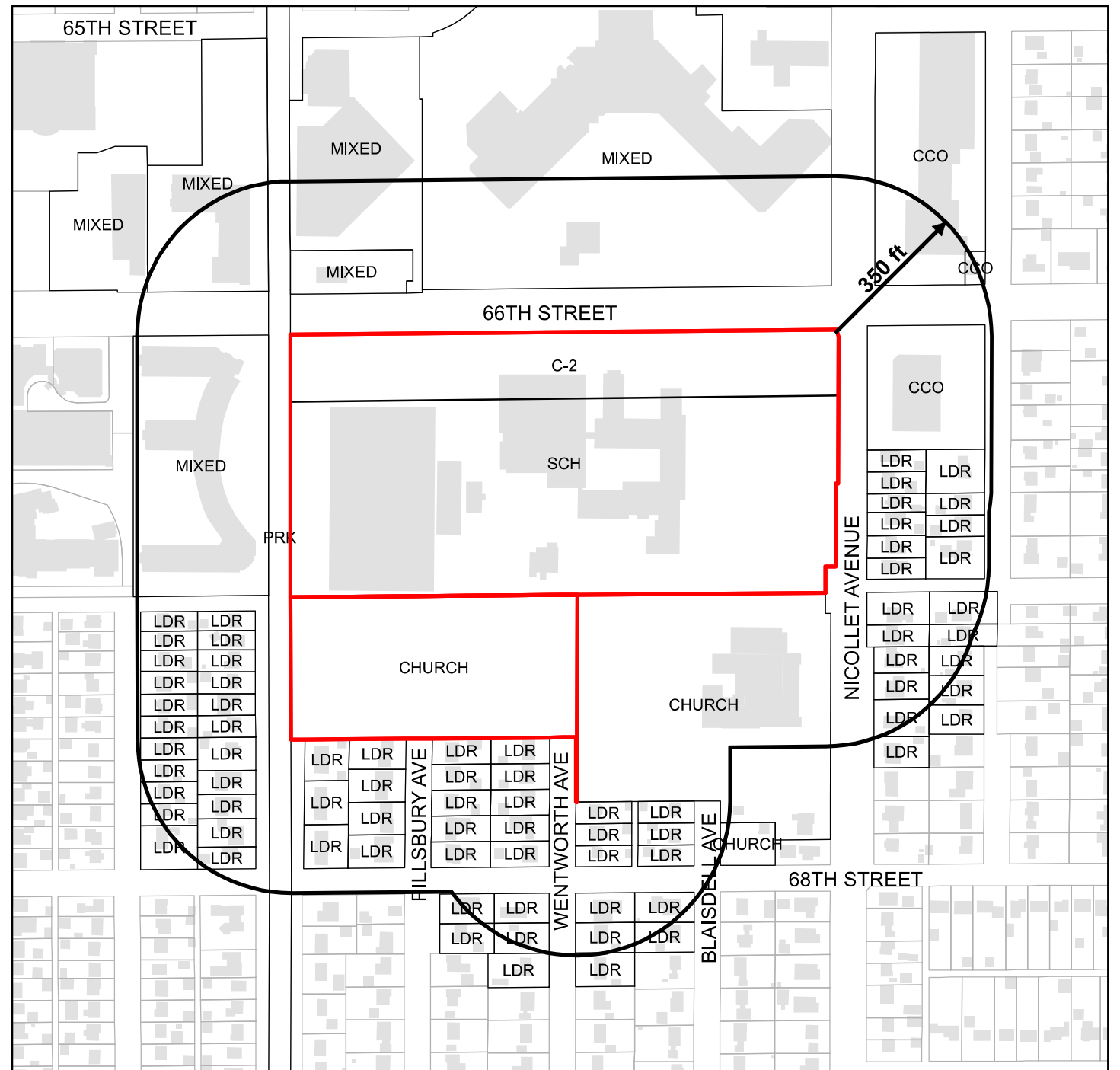


C-2 - General Commercial
 PC-2 - Planned General Commercial
 R - Single Family Residential
 MR-1 - Two Family Residential

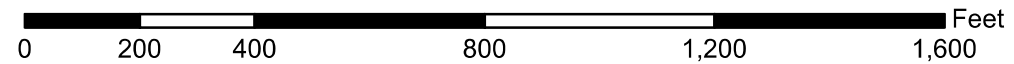


6600 Nicollet Avenue - ACUP VAR 5/2017

Surrounding Comprehensive Plan



MIXED - Mixed Use Development
 LDR - Low Density Residential
 CCO - Community Commercial/Office



June 24, 1996 City Council meeting minutes
and CUP stipulations

Item #6	PUBLIC HEARING AND CONSIDERATION OF APPEAL TO BOARD OF ADJUSTMENT AND APPEALS REGARDING VARIANCES GRANTED BY HEARING EXAMINER TO ACADEMY OF HOLY ANGELS, 6600 NICOLLET AVENUE, TO ALLOW CONSTRUCTION OF ATHLETIC FIELD AND SEASONAL SPORTS FACILITY. C.L. NO. 195
---------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Mayor Kirsch stated that Items No. 6 and No. 7 both regarded issues related to the request of the Academy of Holy Angels (AHA) to allow construction of a seasonal sports facility and that the public hearings would be conducted together.

City Manager Prosser reviewed Council Letter No. 195 regarding the appeal of the variances granted by the Hearing Examiner on May 28, 1996 to AHA, 6600 Nicollet Avenue, for the construction of an athletic field and seasonal sports facility. Mr. Prosser reviewed Council Letter No. 196 regarding the request for an amended conditional use permit to allow the construction of an athletic field and seasonal sports facility at AHA.

Dr. Jill Reilly, Principal of the AHA, made a brief statement and introduced Annette Margarit, member of the AHA corporate board.

Annette Margarit, 7238 Fourth Avenue, discussed the cooperation of AHA with the City in the use of the AHA campus. She reviewed the need for improved physical education facilities at AHA. She indicated the proposed seasonal sports dome would provide an affordable self supporting facility to help assure the future of AHA. She indicated the advantages to the City and residents of the availability of such a facility for the community without the use of tax dollars.

Sister Ann Walton, Sisters of St. Joseph's of Carondelet, reviewed the 66 year history of AHA service to the community and of being a good neighbor. She stated the

APPROVED -3- (SEE PAGE 10) →

6-24-96

COUNCIL

importance of providing a balanced education of mental, physical, and spiritual values. She indicated that the impacts of this proposal have been considered during the last nine months. She stated that the economic, environmental and neighborhood impact have been minimized as much as possible. She discussed the positive impacts of the facility on the future of the school and its students.

Dr. Jill Reilly reviewed the process of discussions, mediation, dialogue, and compromises regarding this proposal. She outlined the following as compromises to address the concerns of neighbors:

To Move Facility Away From Neighbors

- New parking area
- Researched five different facility locations
- Moved facility 70 feet forward at considerable cost

To Create a More Pleasing View

- Added 30+ evergreens to west property line
- Created berm on west property line
- Will create plan to replace the 30+ deciduous trees that must be removed from facility's new location

To Minimize Impact of Lighting

- Studied lighting with experts
- Will install lighting shields where needed

To Minimize Noise

- Consulted with sound expert
- Position fans and blowers under bleachers, facing away from neighbors
- Speakers for outdoor public address system face Holy Angels away from neighbors

To Minimize Traffic

- Modified hours of operation for facility
- Obtain written commitment for use of St. Peter's parking lot

To Address Drainage Concerns

- Created drainage plan which improves area drainage

Benefit to Community

- To create a community facility at no cost to taxpayers
- After AHA, Richfield will receive priority use
- Will form advisory committee with city and schools
- Will decrease overload on current facilities
- Will provide only indoor soccer space to Richfield soccer players

Dr. Jill Reilly stated support for the variance indicating that it would not be above and beyond what other schools have for facilities. She stated that schools have a limited economic base and this facility will help serve the needs of the students.

Gary Tushie, Tushie Montgomery Associates, Inc. reviewed the existing conditions of the proposed site. He indicated locating the facility over the existing football field would have the least impact on the property. He summarized the four alternatives which were looked at as part of the mediation process:

1. Lower the field by 10 feet to depress it. Additional cost \$300,000.
2. Move the facility 70 feet to the east, relocate parking, loss of trees, and additional landscaping. Additional cost \$75,000.
3. Move the facility closer to 66th Street. Safety and sound concerns. Additional cost \$143,000.
4. Place field at an angle. Loss of 50 additional trees, relocate parking, and add retaining walls. Additional cost \$85,000.

Mr. Tushie reviewed site plan drawings depicting sight lines, landscaping, elevations, and the proposed dome. He presented a model depicting shadowing from the proposed dome.

Kristin Olson, 7445 Third Avenue, spoke as a representative of the AHA student body, discussing the needs, advantages, and opportunities that the domed facility would provide to enhance the curriculum for AHA students.

Council Member Susag asked about the location and height of the proposed landscape berm.

Mr. Tushie stated the berm would be six feet high and be located just east of the existing tree line.

Tom Ticen, 7011 James Avenue, attorney representing neighbors who are opposed to the proposed domed facility, presented a petition (Clerks File No. C-362) of 300 names in opposition to the proposal. Mr. Ticen compared the size of the dome as comparable to placing the Richfield bank of the site. He discussed and reviewed the following issues regarding the proposal:

- 37 oak trees would be lost.
- The operational hours of 6 a.m.-11p.m. would have a negative impact on the adjacent neighborhood.
- That the proposal did not meet the statutory requirement for undue hardship or unique circumstances for granting a variance.
- That the property is usable for athletics without a dome.
- St. Louis Park staff had recommended denial of a similar dome.
- Renting the facility would mean high utilization and greater impact on the neighborhood.
- That City ordinance does not provide for a dome as an amendment to the prior conditional use permit.
- The Hearing Examiner findings regarding undue hardship, unique circumstances, and not altering the character of the neighborhood did not appear adequate.

Mr. Ticen stated that the neighbors are opposed to granting the variance and amended conditional use permit based on the negative impact on the neighborhood and that the burden to prove undue hardship and unique circumstances has not been met.

Jan Anderson, 6744 Pleasant Avenue, spoke in opposition to the proposal citing the impact of the dome on the aesthetics of the neighborhood and concern about standards of the zoning ordinance.

Burt Miller, 6712 Pleasant Avenue, spoke in opposition to the proposal stating concern that he felt the City staff had been more supportive to AHA rather than the residents. He stated the City should not pay for the noise assessment report or property appraisals regarding the proposal. He stated concerns about noise, security lighting, hours of operation, fencing, and activities that may occur in and near the dome.

James Vargo, 6630 Pleasant Avenue, spoke in opposition to the proposal. He stated that they had placed a helium balloon on the property to a height of 65 feet. He presented a picture depicting the balloon and stated that this perspective differed from the perspective shown by the architect.

Sharon Miller, 6712 Pleasant Avenue, a member of Save a Valued Environment in Richfield (SAVER), spoke in opposition to the proposal suggesting it was in opposition to the Comprehensive Plan and that there should not be a rush to judgement. She suggested that if the City needs such a facility, the City should build one with liquor store profits in a park. She stated opposition to the dome and not the use of the site for athletics. She stated concerns about the loss of trees and shadows related to the proposal. She requested denial of the proposal to protect the residential character of the neighborhood.

Lawrence Wozniczka, 6744 Wentworth Avenue, spoke in opposition to the proposal indicating it would have an adverse impact on the residential neighborhood. He stated concerns about traffic, the use of St. Peter's parking lot by AHA, and the impact on storm water drainage at 68th Street and Wentworth Avenue. He suggested further study as to what zoning district a dome should be permitted, traffic, parking, and drainage issues.

Don Anderson, 7204 Harriet Avenue, spoke in opposition to the proposal stating concern about the impact of the dome on the neighborhood and suggested it would be a fire hazard.

Ann Garland, 500 East 67th Street, business manager for St. Peter's, stated that the lack of athletic gym space was a hardship for AHA noting that they regularly rent the St. Peter's gym and use a classroom for practice space. She stated that she felt granting the variance was important for the school's future and was different than a variance for a business such as a tattoo parlor. She indicated that St. Peter's has 420 parking spaces and has had a shared parking agreement with AHA for at least 12 years. She stated there is no conflict with AHA's use of the St. Peter's parking lot.

Lynne Pickhart, 6640 Pleasant Avenue, spoke in opposition to the proposal stating that the dome would be unattractive and cause depreciation of surrounding real estate values.

Heidi Gaibor, 6915 Wentworth Avenue, spoke in opposition to the proposal stating that the City should protect residents from this type of proposal. She stated AHA could use other facilities and that their motive is an attraction to generate revenue. She indicated it would not be a hardship for AHA not to have the dome.

Art Gokey, 6626 Pleasant Avenue, stated he had worked for Edina and they treated their residents better than Richfield.

Mike Cuniff, Chair of the AHA School Board, stated that it was an undue hardship that AHA is the only school that does not have an athletic complex to meet the physical education needs of its students. He stated that there is no desire to have the dome up all year. He indicated that AHA had tried to work with the community to look at the alternatives. He stated that if youth do not have the opportunity for activities, their are costs to the community and society as a whole.

Father Michael Byron, affiliated with AHA, asked that the decision be made based on what is best for the City, neighbors, students and AHA.

Gary Tushie, Tushie Montgomery Associates, Inc., responded to questions raised about the proposal. He stated the security lighting would be 10 feet high. He discussed the different perspective views regarding pictures depicting how the dome would be seen from the neighborhood. He stated a drainage plan had been submitted. He stated the dome met flame retardant standards and would not burn.

Council Member Susag asked about the potential of signage on the dome.

City Manager Prosser stated that the City's sign ordinance would regulate signage.

Mr. Tushie stated no signage is proposed on the dome.

Council Member Priebe asked if the trees along Pleasant Avenue would remain along with the addition of a 6 foot berm with 14 foot high trees.

Mr. Tushie stated that is the proposed plan.

Burt Miller, 6712 Pleasant Avenue, stated that this would provide a place for kids to hide and do things. He questioned the legality of the proposal and why the City had measured the height of the AHA smoke stack.

Council Member Susag stated that he had requested the height of this structure and several others in the City in regards to the telecommunications tower/antenna moratorium issue.

M/Sandahl, S/Priebe to close the public hearing.

Motion carried 5-0.

City Manager Prosser stated that the City does use consultants to provide independent analysis of issues such as the noise assessment of the dome.

City Attorney Dean discussed issues related to the reasonableness of the determination of undue hardship, determination of alteration of the essential character of the neighborhood related to such things as light, air, congestion on streets, fire, and substantial impact of the value of property. He discussed what he termed the minimum variance issue looking at the facility and type of activity rather than the users. He indicated the burden of proof is higher for the denial of a reasonable use of the property. Mr. Dean stated that it is proposed as a condition of the conditional use permit that it be up only 180 days and a violation could result in revocation.

Council Member Susag asked if City ordinance allows the dome as an accessory use.

City Attorney Dean stated that the facility would be a component of the educational activity, therefore it would come under the conditional use permit for the school.

M/Susag, S/Rosenberg to affirm the May 28, 1996 decision of the Hearing Examiner granting the variances to AHA, 6600 Nicollet Avenue, to allow construction of an athletic field and seasonal sports facility and adopt the findings of the Hearing Examiner.

City Attorney Dean suggested that the Council consider amending the motion to include the additional finding that the City Council also finds that the variance requested is the minimum variance necessary for the activities that are designed to occur within the proposed facility.

Council Member Susag and Council Member Rosenberg agreed to amend the motion as suggested by the City Attorney. The motion restated with the amendment:

M/Susag, S/Rosenberg to affirm the May 28, 1996 decision of the Hearing Examiner granting the variances to AHA, 6600 Nicollet Avenue, to allow construction of an athletic field and seasonal sports facility and adopt the findings of the Hearing Examiner; and, that the City Council also finds that the variance requested is the minimum variance necessary for the activities that are designed to occur with the proposed facility.

Motion carried 5-0.

Item #7	PUBLIC HEARING REGARDING REQUEST FOR AMENDED CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF SEASONAL SPORTS FACILITY AND ATHLETIC FIELD AT ACADEMY OF HOLY ANGELS, 6600 NICOLLET AVENUE. C.L. NO. 196
---------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The public hearing was conducted with Item #6.

City Manager Prosser stated that the following stipulations are proposed if the City Council were to approve the amended conditional use permit to allow construction of a seasonal sports facility and athletic field at Academy of Holy Angels (AHA), 6600 Nicollet Avenue:

1. That the structure meet the Uniform Building and Fire Codes and be inflated no more than 180 days in a given year.
2. That a lighting plan, indicating both field lighting and security lighting, be submitted to and approved by the Community Development Director based on a review of the specifications by a lighting expert that indicates minimal intrusion on adjacent properties.
3. That a plan for the speaker and heater system be submitted to and approved by the Community Development Director based on a review of the specifications by Dr. David Braslau at a recommended level of 40 decibels or less at the residential neighborhood to minimize the impact on the adjacent neighborhood.
4. That netting be erected inside the dome for practice purposes to prevent the impact of balls on the walls of structure.
5. That Holy Angels establish an advisory committee or some other forum for communication within 60 days of Council approval to provide residents and other community organizations with a means of communicating their concerns regarding the facility with the school.
6. That a plan for protecting the remaining trees during construction be submitted to and approved by the Community Development Director in consultation with the City Forester.
7. That a plan for replacing the lost deciduous trees be submitted to and approved by the Community Development Director and that a landscape escrow be submitted for the cost of the landscaping.
8. That the shared parking agreement with St. Peter's for the utilization of the St. Peter's parking lot remain in effect.
9. That the hours of operation be limited to 6 a.m. to 11 p.m.
10. That the hours of operation of the speaker system be limited to 7 a.m. to 10 p.m.
11. That the Engineering Division approve the stormwater drainage plan for the relocated parking lot.

Dr. Jill Reilly asked for clarification of noise decibel level recommended by Dr. David Braslau.

City Manager Prosser stated it was 40 decibels.

Dr. Jill Reilly asked whether "lock in" overnight retreats would be allowed in the facility.

City Manager Prosser stated that this would raise issues of light and noise which he suggested for review by the Community Advisory Task Force and then a recommendation be made to the City Council.

M/Susag, S/Priebe to approve the conditional use permit to allow construction of an athletic field and seasonal sports facility at the Academy of the Holy Angels, 6600 Nicollet Avenue, with the following stipulations:

1. That the structure meet the Uniform Building and Fire Codes and be inflated no more than 180 days in a given year.
2. That a lighting plan, indicating both field lighting and security lighting, be submitted to and approved by the Community Development Director based on a review of the specifications by a lighting expert that indicates minimal intrusion on adjacent properties.
3. That a plan for the speaker and heater system be submitted to and approved by the Community Development Director based on a review of the specifications by Dr. David Braslau at a recommended level of 40 decibels or less at the residential neighborhood to minimize the impact on the adjacent neighborhood.
4. That netting be erected inside the dome for practice purposes to prevent the impact of balls on the walls of structure.
5. That Holy Angels establish an advisory committee or some other forum for communication within 60 days of Council approval to provide residents and other community organizations with a means of communicating their concerns regarding the facility with the school.
6. That a plan for protecting the remaining trees during construction be submitted to and approved by the Community Development Director in consultation with the City Forester.
7. That a plan for replacing the lost deciduous trees be submitted to and approved by the Community Development Director and that a landscape escrow be submitted for the cost of the landscaping.
8. That the shared parking agreement with St. Peter's for the utilization of the St. Peter's parking lot remain in effect.
9. That the hours of operation be limited to 6 a.m. to 11 p.m.
10. That the hours of operation of the speaker system be limited to 7 a.m. to 10 p.m.
11. That the Engineering Division approve the stormwater drainage plan for the relocated parking lot.



Planning Commission Minutes

May 22, 2017

MEMBERS PRESENT: Chairperson Erin Vrieze Daniels, Commissioners Sean Hayford Oleary, Gordon Vizecky, Susan Rosenberg, and Bryan Pynn

MEMBERS ABSENT: Commissioners Dan Kitzberger and Allysen Hoberg

STAFF PRESENT: Melissa Poehlman, City Planner
Matt Brillhart, Associate Planner

OTHERS PRESENT: See Item #1 and attached sign-in sheet

Chairperson Vrieze Daniels called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES

M/Vizecky, S/Rosenberg to approve the minutes of the April 24, 2017 meeting.

Motion carried: 5-0

OPEN FORUM

No members of the public spoke.

PUBLIC HEARING(S)

ITEM #1

17-ACUP-01, 17-VAR-02 – Consider a request for a conditional use permit amendment and variances to allow an expanded outdoor recreational facility at the Academy of Holy Angels. The proposal includes a synthetic turf playing surface, field lighting, and an additional inflatable dome to be used seasonally.

Associate Planner Matt Brillhart presented the staff report. Brillhart noted that the light poles on the edge of the field would be set back approximately 17 feet from the south property line, not 15 feet as stated in the report.

In response to questions from Chair Vrieze Daniels, Brillhart stated that Holy Angels had provided a photometric lighting plan, which showed that light levels at the south property line would comply with the maximum permitted level of 1 footcandle. Brillhart stated that the exterior lights would not be used when the dome is up.

The following individuals spoke at the public hearing:

Craig Larson (Holy Angels)	7632 W 85th St, Bloomington
Susan and Byron Trebelhorn	6729-6737 Pleasant Avenue
Sharon Miller	6712 Pleasant Avenue
Laura Rand	6729 Pleasant Avenue
Patty Lundquist	6729 Pleasant Avenue
Dan and Sitania Kerkinni	6734 Pleasant Avenue
Satish Iyer	6716 Pleasant Avenue
Bentley Bolen	6728 Wentworth Avenue
Janelle Purcell	6739 Pillsbury Avenue

Pete Haney (MN Thunder Academy)	6607 18th Avenue
Scott Daly (Holy Angels)	2757 Parkview Blvd, Robbinsdale
Craig Gallop (MUSCO Lighting)	15331 Woodside Ln, Minnetonka
Karl Wielgus	6729 Pillsbury Avenue
Jim and Pat Fleming	6734 Wentworth Avenue
Dave Buzicky	6933 Stevens Avenue
Jesse Foley	6735 Pillsbury Avenue
Wayne Peterson	6732 Pillsbury Avenue
Tom Shipley (Holy Angels)	7092 Cahill Road, Edina
Margaret Steiner	400 W 67th Street

15 speakers expressed concerns including increased light and noise pollution, hours of use, traffic and parking, stormwater drainage, access to the field with the proposed fence, snow removal on the dead-end streets, impacts during construction and impacts on property values. Several speakers also questioned the need for the additional dome.

City Planner Melissa Poehlman clarified the timeline and process for approval by the City Council, noting that the City Council meeting on June 13 would not be a public hearing.

M/Rosenberg, S/Hayford Oleary to close the public hearing.
Motion carried: 5-0

Commissioner Vizecky inquired if Holy Angels could reduce late night hours at existing dome after the additional dome is operational.

Chair Vrieze Daniels inquired about a timeline for replacing the existing lighting with LED.

Commissioner Hayford Oleary suggested a 7:00 a.m. start time for new dome, instead of 6:00.

Commissioner Pynn stated that the second dome doesn't fit as well as the existing dome and was inclined not to support the proposal.

Commissioner Rosenberg recalled being on the City Council in 1996 when the existing dome was approved and stated support for the proposal.

M/Vizecky, S/Rosenberg to recommend approval of the CUP amendment and variances, with the additional stipulations:
Hours of use of the field, lights, and secondary dome shall be limited to 7:00 a.m. to 10:00 p.m.
Hours of use of the original/primary dome shall be limited to 6:00 a.m. to 11:30 p.m.
No sound amplification shall be permitted at the secondary field or dome.
Motion carried: 4-1 (Pynn dissenting)

OTHER BUSINESS

None.

LIAISON REPORTS

Community Services Advisory Commission: Chairperson Vrieze Daniels
City Council: Commissioner Rosenberg – special election in Ward 1 on 5/23
HRA: Commissioner Hoberg – No report
Richfield School Board: Commissioner Kitzberger – No report

May 22, 2017

Transportation Commission: Commissioner Hayford O'Leary – 70th Street bikeway update
Chamber of Commerce: Commissioner Vizecky – No report

CITY PLANNER'S REPORT

Poehlman gave an update on the Comprehensive Plan process.
There will be a joint CC/HRA/PC work session on June 19th.

ADJOURNMENT

M/Vizecky, S/Rosenberg to adjourn the meeting.
The meeting was adjourned by unanimous consent at **8:50 p.m.**

Gordon Vizecky
Secretary

PLANNING COMMISSION MEETING SIGN-IN SHEET

Name (print legibly)

Address or Organization

Name (print legibly)	Address or Organization
CRIG WYAN	7632 W. 85th ST, BOM HUT ANOBS
Susan McElroy	6709 and property owner 6737 Pleasant
Sharon Hillin	Resident 6712 Pleasant S
Laura Rand	6729 Pleasant ave. #1 Resident
Patty Lundquist	6729 Pleasant Ave #2
DAN & SITANIA KERICIWI	6734 Pleasant Ave
SATISH IYER	6716 PLEASANT AVE
Bentley Bowen	6728 Wentworth
Janell Powell	6739 Pillsbury
BYRON TREBEJAN	6737/6729 Pleasant ^{owner}
CARI GARD	MUSCO SPORTS LER
KARL WJELGUS	6729 PILLSBURY AVE
JIM FLEMING	6734 WENTWORTH
DAVE BUZICKY	6933 Stevens
Pat Fleming	6734 Wentworth
Jesse Foley	6735 Pillsbury
Wayne Peterson	6732 Pillsbury
Gina Ripley	7092 Cahill. Edna
Margaret Stancee	400 W 67th St