



**SPECIAL CITY COUNCIL WORKSESSION  
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM  
MARCH 28, 2017  
6:30 PM**

Call to order

1. Discussion regarding the 66th Street Streetscape.

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  
MARCH 28, 2017  
7:00 PM**

**INTRODUCTORY PROCEEDINGS**

Call to order

Oath of office of Richfield Mayor, Pat Elliott

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) Regular City Council Meeting of February 28, 2017; (2) Special City Council Work Session of March 6, 2017; (3) Special City Council Meeting of March 10, 2017; and (4) Special City Council Work Session of March 14, 2017.

**PRESENTATIONS**

1. Swear-in City of Richfield Police Officers Joseph Carroll and Miranda Soldow
2. Presentation of 2016 Food Safety Awards

**COUNCIL DISCUSSION**

3. Hats Off to Hometown Hits

**AGENDA APPROVAL**

4. Approval of the Agenda
5. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
  - A. Consideration of the approval of the 2017 Revised Richfield Bicycle Master Plan system map.  
Staff Report No. 45
  - B. Consideration of the approval of a resolution amending the 2016 General Fund Budget by authorization of a transfer of appropriations from the Public Safety Department to the Fire Department.  
Staff Report No. 46

- C. Consideration of the approval of a resolution accepting a donation received by Wood Lake Nature Center from Marlene Glaus in the amount of \$50,000 and authorizing the Recreation Services Director to apply the funds for Wood Lake site improvements.

Staff Report No. 47

- D. Consideration of the approval of a resolution authorizing acceptance of donations, totaling \$750, from six donors for the purchase of the Robert T. Hintgen Fountain Memorial and authorizing the Public Works Operations Superintendent to apply the funds as intended by the donors.

Staff Report No. 48

- E. Consideration of the approval of a resolution modifying a Health Care Savings Plan for the General Services Employees.

Staff Report No. 49

- F. Consideration of the approval of a resolution supporting local decision-making authority.

Staff Report No. 50

- G. Consideration of the approval of a resolution opposing proposed legislation HF739/SF561 regarding unregulated access to public right-of-way for installation of small cell wireless equipment and distributed antenna systems.

Staff Report No. 51

- H. Consideration of the approval of the second reading of an ordinance regulating trapping, snaring, hawking and falconry in the City of Richfield.

Staff Report No. 52

- I. Consideration of the approval of the second reading of an ordinance amending City Code Subsection 710.23 related to private water supplies and cross-connection control and approval of a resolution authorizing summary publication.

Staff Report No. 53

- J. Consideration of the approval of the second reading of an ordinance amending City Code Section 205 related to Rules of Council Procedure and approval of a resolution authorizing summary publication.

Staff Report No. 54

- K. Consideration of the approval of the first reading of ordinance amendments that will create a Cedar Corridor Overlay District and change the zoning of properties with the Cedar Corridor area (roughly 66th Street to 77th Street, east of 17th Avenue) to match the designations in the Comprehensive Plan and schedule the second reading for April 11, 2017.

Staff Report No. 55

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

### **PUBLIC HEARINGS**

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

Staff Report No. 56

8. Public hearing and consideration of the approval of the second reading of an interim ordinance modifying regulations related to temporary signs along 66th Street and a resolution authorizing summary publication.

Staff Report No. 57

9. Public hearing and consideration of the approval of a resolution granting approval of the final plat of the Richfield Assisted Living Addition.

Staff Report No. 58

### **RESOLUTIONS**

10. Consideration of the approval of a resolution awarding the sale of \$9,335,000 General Obligation Street Reconstruction Bonds, Series 2017A.

Staff Report No. 59

11. Consideration of the approval of a resolution declaring a vacancy in the office of Council Member Ward One,

calling for a special election, and establishing a filing period for nomination petitions.

Staff Report No. 60

### **OTHER BUSINESS**

12. Consideration of the following items related to the Richfield Community Band Shell project:
  1. Reject all bids received February 9, 2017, for bid divisions RSB-03-1 Earthwork, Concrete, Masonry and Miscellaneous Metals; RSB-07-1 Roofing Architectural Shingles; and RSB-26-1 Electrical and Temporary Power.
  2. Reject all bids received March 20, 2017, for bid division RSB-09-1 Rough and Finish Carpentry, Structural Wood, Painting, and Miscellaneous Finishes.
  3. Authorize staff to re-bid the project at a future date.

Staff Report No. 61

### **CITY MANAGER'S REPORT**

13. City Manager's Report

### **CLAIMS AND PAYROLLS**

14. 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.***

15. 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

## Regular Meeting

February 28, 2017

### CALL TO ORDER

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

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

*Staff Present:* Steven L. Devich, City Manager; Pam Dmytrenko, Assistant City Manager/HR Manager; Mary Tietjen, City Attorney; James Topitzhofer, Recreation Services Director; Chris Regis, Finance Manager; and Jared Voto, Executive Aide/Analyst

### OPEN FORUM

Birgit Johnson, 6332 13<sup>th</sup> Ave S, spoke regarding community park clean-up.

### PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Howard led the Pledge of Allegiance.

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| <b>Item #1</b> | <b>PRESENTATION BY MAC CHAIRMAN DAN BOIVIN, COMMISSIONER KATIE CLARK SIEBEN, AND DIRECTOR OF ENVIRONMENT CHAD LEQVE</b> |
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MAC Chairman Dan Boivin introduced new Commissioner Katie Clark Sieben. Commissioner Clark Sieben introduced herself and welcomed the Council and community to contact her and she looked forward to working with Richfield.

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| <b>Item #2</b> | <b>PRESENTATION OF A PROCLAMATION OF TIBET DAY ON MARCH 10, 2017</b> |
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Mayor Pro Tempore Howard introduced Sonam Dhondup, President of the Tibetan American Foundation of Minnesota, who gave a brief background of Tibet and discussed Tibet Day.

Mayor Pro Tempore Howard read the proclamation, proclaiming March 10, 2017, Tibet Day in the city of Richfield.

**APPROVAL OF MINUTES**

M/Elliott, S/Garcia to approve the minutes of the: (1) Special City Council Meeting of February 14, 2017; (2) Special City Council Work Session of February 14, 2017; (3) Regular City Council Meeting of February 14, 2017; and (4) Special City Council Closed Executive Session of February 22, 2017.

Motion carried 4-0.

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| <b>Item #3</b> | <b>COUNCIL DISCUSSION</b> <ul style="list-style-type: none"><li>Hats Off to Hometown Hits</li></ul> |
|----------------|---|

Council Member Regan Gonzalez discussed the Tibetan New Year; congratulated and thanked Mayor Pro Tempore Howard on his State of the City address; and highlighted the Richfield School District being in the Star Tribune and Wall Street Journal for their graduation rate increases and promoting healthy food consumption, respectively.

Council Member Elliott echoed Council Member Regan Gonzalez's comments on the State of the City; mentioned the March 7 Special Election; and stated that he would look into a volunteer committee for community park cleanup.

Council Member Garcia echoed Council Member Regan Gonzalez's comments on the State of the City; and discussed Sunday liquor sales and thanked Senator Wiklund and Representative Wagenius for voting against the bill.

Mayor Pro Tempore Howard thanked the Council Members for their support on the State of the City address; mentioned the March 7 Special Election; and echoed Council Member Regan Gonzalez's comments on the Richfield School District.

City Manager Devich discussed the March 14 Regular City Council Meeting would be cancelled because there would not be a quorum. He stated most items could be moved to the March 28 meeting, except two items: canvass the election and citizen appointment to the Housing and Redevelopment Authority. He proposed a special meeting on Friday, March 10 at 8 a.m.

Council Members reviewed their calendars and agreed with the date for the special meeting.

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| <b>Item #4</b> | <b>APPROVAL OF THE AGENDA</b> |
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M/Howard, S/Elliott to approve the agenda.

Motion carried 4-0.

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| <b>Item #5</b> | <b>CONSENT CALENDAR</b> |
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City Manager Devich presented the Consent Calendar.

- A. Consideration of the approval of a resolution authorizing acceptance of a grant from the St. Paul Foundation for Wood Lake Nature Center in the amount of \$1,000 for use in the completion of the Pollinator Peace Garden at Wood Lake and authorizing the Recreation Services Director to apply the funds as intended by the donors. (S.R. No. 27)

RESOLUTION NO. 11332  
RESOLUTION ACCEPTING A DONATION RECEIVED BY WOOD LAKE  
NATURE CENTER FROM THE ST. PAUL FOUNDATION IN THE  
AMOUNT OF \$1,000 FOR FUNDING ASSISTANCE ON THE  
POLLINATOR PEACE GARDEN PROJECT

This resolution appears as Resolution No. 11332.

- B. Consideration of the approval of the renewal of a lease agreement between the City of Richfield and the United States Postal Service for the use of fourteen parking spaces in the lower parking lot of the Wood Lake Nature Center. (S.R. No. 28)
- C. Consideration of the approval of a resolution authorizing the City of Richfield's application and agreement with Hennepin County for the 2017-2020 Municipal Recycling Grant Program. (S.R. No. 29)

RESOLUTION NO. 11333  
RESOLUTION AUTHORIZING THE CITY OF RICHFIELD'S  
APPLICATION AND AGREEMENT FOR THE 2017-2020 MUNICIPAL  
RECYCLING GRANT PROGRAM WITH HENNEPIN COUNTY

This resolution appears as Resolution No. 11333.

- D. Consideration of the approval of a resolution requesting a MnDOT State Aid Design Element Variance for the Richfield Parkway South project. (S.R. No. 30)

RESOLUTION NO. 11334  
RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA  
DEPARTMENT OF TRANSPORTATION STATE AID OPERATION  
STANDARDS FOR CURVES ON RICHFIELD PARKWAY BETWEEN  
67TH STREET AND 66TH STREET

This resolution appears as Resolution No. 11334.

- E. Consideration of the approval of the purchase of a truck chassis from Boyer Isuzu Trucks for \$48,358 and compaction body from Macqueen Equipment for \$54,706, totaling \$103,064. (S.R. No. 31)
- F. Consideration of the approval of a resolution adopting City Council Rules of Procedure and Decorum. (S.R. No. 32)

RESOLUTION NO. 11335  
RESOLUTION ADOPTING RULES OF PROCEDURE AND  
DECORUM FOR CITY COUNCIL MEMBERS

This resolution appears as Resolution No. 11335.

- G. Consideration of the approval of the first reading of an ordinance amending City Code Section 205 related to Rules of Council Procedure and schedule a second reading for March 28, 2017. (S.R. No. 33)

- H. Consideration of the first reading of an ordinance amending City Code Subsection 710.23 related to private water supplies and cross-connection control and schedule a second reading for March 28, 2017. (S.R. No. 34)
- I. Consideration of the approval of the first reading of an ordinance regulating trapping, snaring, hawking and falconry in the City of Richfield and schedule a second reading of the ordinance for March 28, 2017. (S.R. No. 35)
- J. Consideration of a first reading of an interim ordinance modifying regulations related to temporary signs along 66th Street and schedule a second reading for March 28, 2017. (S.R. No. 36)
- K. Consideration of the approval of an amendment to the Hennepin County Cost Participation Agreement for the acquisition of right-of-way for the 77th Street Underpass of Trunk Highway 77 project. (S.R. No. 37)

The second reading date for Items G and I were changed from March 14, 2017 to March 28, 2017, based on the earlier discussion of the cancellation of the March 14 Regular City Council Meeting. The second reading date of March 28, 2017, was added to Item J.

M/Elliott, S/Howard to approve the consent calendar.

Motion carried 4-0.

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| <b>Item #6</b> | <b>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR</b> |
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None.

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| <b>Item #7</b> | <b>PUBLIC HEARING AND CONSIDERATION OF THE APPROVAL OF A NOISE ORDINANCE VARIANCE TO ALLOW OPERATION OF TEMPORARY CONVEYANCE SYSTEMS AND EQUIPMENT DURING OVERNIGHT HOURS RELATED TO THE METROPOLITAN COUNCIL'S RICHFIELD/AIRPORT SEWER REPAIR PROJECT. (S.R. NO. 38)</b> |
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Council Member Regan Gonzalez presented Staff Report No. 38.

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

Motion carried 4-0.

M/Regan Gonzalez, S/Howard to approve a noise ordinance variance to allow operation of temporary conveyance systems and equipment during overnight hours related to the Metropolitan Council's Richfield/Airport Sewer Repair project.

Motion carried 4-0.

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| <b>Item #8</b> | <b>CONSIDERATION OF THE APPROVAL OF A RESOLUTION PROVIDING FOR THE SALE OF \$9,335,000 GENERAL OBLIGATION STREET RECONSTRUCTION BONDS, SERIES 2017A. (S.R. NO. 39)</b> |
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Mayor Pro Tempore Howard presented Staff Report No. 39.

M/Howard, S/Garcia to approve a resolution providing for the sale of \$9,335,000 General Obligation Street Reconstruction Bonds, Series 2017A.

RESOLUTION NO. 11336  
RESOLUTION PROVIDING FOR THE SALE OF \$9,335,000 GENERAL  
OBLIGATION STREET RECONSTRUCTION BONDS, SERIES 2017A

Motion carried 4-0. This resolution appears as Resolution No. 11336.

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| <b>Item #9</b> | <b>CONSIDERATION OF THE APPROVAL OF A BID TABULATION AND AWARD A CONTRACT TO BITUMINOUS ROADWAYS INC. FOR THE 2017 MILL AND OVERLAY PROJECT IN THE AMOUNT \$2,054,194.40 AND AUTHORIZATION OF THE CITY MANAGER TO APPROVE CONTRACT CHANGES UNDER \$50,000 WITHOUT FURTHER CITY COUNCIL CONSIDERATION. (S.R. NO. 40)</b> |
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Council Member Elliott presented Staff Report No. 40.

M/Elliott, S/Howard to approve the bid tabulation and award a contract to Bituminous Roadways Inc. in the amount of \$2,054,194.40 for the 2017 Mill and Overlay project and authorize the City Manager to approve contract changes under \$50,000 without further City Council authorization.

Motion carried 4-0.

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| <b>Item #10</b> | <b>CONSIDERATION OF THE APPROVAL OF A BID TABULATION AND AWARD A CONTRACT TO TI-ZACK CONCRETE, INC. FOR THE 2017 CONCRETE SIDEWALK, CURB, AND GUTTER REPAIR PROJECT IN THE AMOUNT OF \$959,150.00 AND AUTHORIZATION OF THE CITY MANAGER TO APPROVE CONTRACT CHANGES UNDER \$50,000 WITHOUT FURTHER CITY COUNCIL CONSIDERATION. (S.R. NO. 41)</b> |
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Council Member Elliott presented Staff Report No. 41.

M/Elliott, S/Howard to approve the bid tabulation and award a contract to Ti-Zack Concrete, Inc. in the amount of \$959,150.00 for 2017 Concrete Sidewalk, Curb, and Gutter Repair project and authorize the City Manager to approve contract changes under \$50,000 without further City Council authorization.

Motion carried 4-0.

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| <b>Item #11</b> | <b>CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO THE RICHFIELD COMMUNITY BAND SHELL PROJECT:<br/>1. REJECTION OF ALL BIDS FOR DIVISION RSB-09-1, ROUGH AND FINISH CARPENTRY, STRUCTURAL WOOD, PAINTING, AND MISCELLANEOUS FINISHES, AND AUTHORIZE STAFF TO RE-BID DIVISION RSB-09-1.<br/>2. HOLDING BIDS AND ALTERNATES FOR THE REMAINING BID DIVISIONS.<br/>(S.R. NO. 42)</b> |
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Council Member Garcia presented Staff Report No. 42. She invited Jim Topitzhofer, Recreation Services Director, to present additional information on this item.

Topitzhofer presented an overview of the bidding process for the project and detailed the project was bid in four divisions and included six alternates. He discussed bids were opened on February 9, 2017, and displayed the low bid results for the four divisions and six alternates. He discussed the low bidder for RSB-09-1, Rough and Finish Carpentry, Structural Wood, Painting, and Miscellaneous Finishes, was far lower than the other bids and after staff examination it was determined the low bidder made a clerical error in their submittal and withdrew their bid. He discussed the recommendation to reject RSB-09-1 and rebid the division, and hold all bids for the remaining divisions and alternates. Lastly, he presented the funding sources and uses to date and the maximum amount of funds available for the division to be re-bid.

Council Member Elliott questioned if the funds available for the re-bid division were enough, based on the bids that were received on February 9.

Topitzhofer responded that the low bid that withdrew expressed interest in rebidding and staff had heard from other bidders who were interested in the re-bid.

M/Garcia, S/Elliott to reject all bids for division RSB-09-1, Rough and Finish Carpentry, Structural Wood, Painting, and Miscellaneous Finishes, for the Richfield Community Band Shell and authorize staff to re-bid division RSB-09-1 and hold bids and alternates for the remaining bid divisions.

Motion carried 4-0.

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| <b>Item #12</b> | <b>CITY MANAGER'S REPORT</b> |
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None.

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| <b>Item #13</b> | <b>CLAIMS AND PAYROLLS</b> |
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M/Elliott, S/Howard that the following claims and payrolls be approved:

|                                 |                        |
|---------------------------------|------------------------|
| <b>U.S. Bank</b>                | <b>02/28/17</b>        |
| A/P Checks: 256994 - 257327     | \$ 1,763,871.25        |
| Payroll: 125752 - 126068, 42710 | 613,541.04             |
| <b>TOTAL</b>                    | <b>\$ 2,377,412.29</b> |

Motion carried 4-0.

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| <b>OPEN FORUM</b> |
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None.

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| <b>Item #11</b> | <b>ADJOURNMENT</b> |
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The City Council Meeting was adjourned by unanimous consent at 8:04 p.m.

Date Approved: March 28, 2017

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Michael Howard  
Mayor Pro Tempore

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Jared Voto  
Executive Aide/Analyst

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Steven L. Devich  
City Manager



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Special City Council Work Session

### March 6, 2017

#### CALL TO ORDER

The work session was called to order by Mayor Pro Tempore Howard at 6:00 p.m. in the Fred Babcock Room.

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

#### ITEM #1

#### INTERVIEW OF APPLICANTS

The City Council conducted interviews of the following applicants for appointment to Richfield Housing and Redevelopment Authority:

Michelle Dowell

Sue Sandahl

David Gepner

#### ADJOURNMENT

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

Date Approved: March 28, 2017

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Pat Elliott  
Mayor

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Jared Voto  
Executive Aide/Analyst

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Steven L. Devich  
City Manager



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Special City Council Meeting

March 10, 2017

### CALL TO ORDER

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

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

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| ITEM #1 | CONSIDERATION OF THE APPROVAL OF A RESOLUTION DETERMINING THE RESULTS OF THE CITY SPECIAL ELECTION HELD ON TUESDAY, MARCH 7, 2017. (S.R. NO. 43) |
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Mayor Pro Tempore Howard presented Staff Report No. 43 and read the election results.

M/Howard, S/Garcia to approve a resolution determining the results of the City Special Election held on Tuesday March 7, 2017.

Motion carried 4-0.

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| ITEM #2 | CONSIDERATION OF THE CITY COUNCIL'S APPROVAL OF THE MAYOR PRO TEMPORE'S APPOINTMENT OF A HOUSING AND REDEVELOPMENT AUTHORITY (HRA) COMMISSIONER. (S.R. NO. 44) |
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Mayor Pro Tempore Howard presented Staff Report No. 44.

M/Howard, S/Elliott to appoint Sue Sandahl as the HRA Commissioner for a five year term commencing March 20, 2017 and expiring March 20, 2022.

Motion carried 4-0.

### ADJOURNMENT

The meeting was adjourned by unanimous consent at 8:04 a.m.

Date Approved: March 28, 2017

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Pat Elliott  
Mayor

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Jared Voto  
Executive Aide/Analyst

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Steven L. Devich  
City Manager

# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota



## Special Concurrent City Council, Housing and Redevelopment Authority, and Planning Commission Work Session

**March 14, 2017**

### CALL TO ORDER

The concurrent work session was called to order by Council Member/HRA Commissioner Elliott at 6:02 p.m. in the Bartholomew Room.

*Council Members Present:* Pat Elliott.

*Council Members Absent:* Michael Howard, Mayor Pro Tempore; Edwina Garcia; and Maria Regan Gonzalez.

*HRA Members Present:* Doris Rubenstein; and Pat Elliott.

*HRA Members Absent:* Mary Supple, Chair; and Michael Howard.

*Planning Commission Members Present:* Erin Vrieze Daniels, Chair; and Bryan Pynn.

*Planning Commission Members Absent:* Sean Hayford Oleary; Alysén Hoberg; Daniel Kitzberger; Susan Rosenberg; and Gordon Vizecky.

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

#### Item #1

#### **UPDATE ON THE SOUTHDALE LIBRARY SITE FROM THE CITY OF EDINA AND HENNEPIN COUNTY (COUNCIL MEMO NO. 26/HRA MEMO NO. 7)**

Community Development Director John Stark gave a brief background on the project and process and introduced Bill Neuendorf, Economic Development Manager for the City of Edina.

Neuendorf presented an overview of the planning process; the City of Edina's guiding principles for new development; a "top ten list" from public open houses in December 2016; key themes to January 2017 workshop; and a summary of the market area of the site.

Neuendorf introduced Victor Pechaty, Design Principal for HGA. Pechaty presented the four key elements to success: (1) regional library; (2) shared outdoor commons for all; (3) mixed-use elements; and (4) connections to surrounding neighborhoods. He also presented two concepts of the project site and asked for feedback.

Council Member and Commissioners discussed the concepts and gave preference for Concept #2. They shared concerns about the height of the buildings on Xerxes that are across the street from single family homes in Richfield; however, they felt Concept #2, with the library on Xerxes and 70th could fit in with the neighborhood better, even at a larger height, as it would be a

neighborhood amenity. Commissioner Vrieze Daniels also read comments provided by Commissioner Hayford O'Leary, who was unable to attend, and preferred Concept #2.

Pechaty summarized the feedback that was received from the Council Member and Commissioners and they agreed with his summary. Neuendorf thanked the attendees for their feedback.

The concurrent work session was adjourned by unanimous consent at 7:24 p.m.

Date Approved: March 28, 2017

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Pat Elliott  
Mayor

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Jared Voto  
Executive Aide/Analyst

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Steven L. Devich  
City Manager



**STAFF REPORT NO. 45**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Jack Broz, Transportation Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
3/21/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/22/2017

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of the 2017 Revised Richfield Bicycle Master Plan system map.**

**EXECUTIVE SUMMARY:**

The Richfield Bicycle Master Plan was approved by City Council in 2012. The plan included a city-wide network of proposed bicycle routes. At the time the Plan was developed, there was uncertainty that bicycle facilities were feasible on certain corridors, for example 66th Street. The Bicycle Master Plan identified proposed alternate routes for these corridors.

Now bicycle facilities are planned along 66th Street and have been determined to be feasible in other major corridors. The Bicycle Master Plan system map has been refined to show only preferred routes. The updated map had input from the Richfield Bike Advocates, Community Services Commission, and the Transportation Commission.

At the February 1, 2017, meeting the Transportation Commission recommended the City Council approve the 2017 Revised Richfield Bicycle Master Plan system map. As is currently the case, all proposed routes would still go through a separate public input and design process before implementation.

**RECOMMENDED ACTION:**

**By motion: Approve the attached 2017 Revised Richfield Bicycle Master Plan system map.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- In 2010, the Richfield Transportation Commission recommended the creation of a Bicycle Master Plan as a way to assure that future bicycle related policies and infrastructure within the City were guided by a comprehensive, community based planning effort.
- With the approval of the City Council, a Task Force of twenty Richfield residents was formed for the purpose of providing input and producing a Bicycle Master Plan, and the City received a grant from the Statewide Health Improvement Program (SHIP) that was used to hire a consultant to assist in the process.
- During the original planning process, gathering input and feedback from the public was done in several manners:

- Three open house style public meetings.
- Publication of a survey in English and Spanish formats that received approximately 550 responses.
- Hosting a booth at several public events such as the Farmer's Market, the Health Expo, and the Remodeling Fair.
- Allowing for public attendance, comments, and interaction at the Task Force monthly meetings.
- The plan was approved by City Council June 12, 2012.
- The plan recommendations center around the following "4-E's":
  - Education
  - Encouragement
  - Enforcement
  - Engineering
- The plan identified both preferred and alternative route recommendations but design and approval of those routes would be completed individually.

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

- The original Bicycle Master Plan was approved by City Council on June 12, 2012.
- The Bicycle Master Plan is consistent with the following:
  - Approved Comprehensive Plan
  - Approved Guiding Principles
  - Approved Complete Streets Policy

**C. CRITICAL TIMING ISSUES:**

- The Bicycle Master Plan is one of the several input measures that guide design of upcoming street reconstruction and rehabilitation projects.

**D. FINANCIAL IMPACT:**

- The Bicycle Master Plan system map revision has no financial impact on the City.

**E. LEGAL CONSIDERATION:**

- The City Attorney will be available for questions.

**ALTERNATIVE RECOMMENDATION(S):**

- None

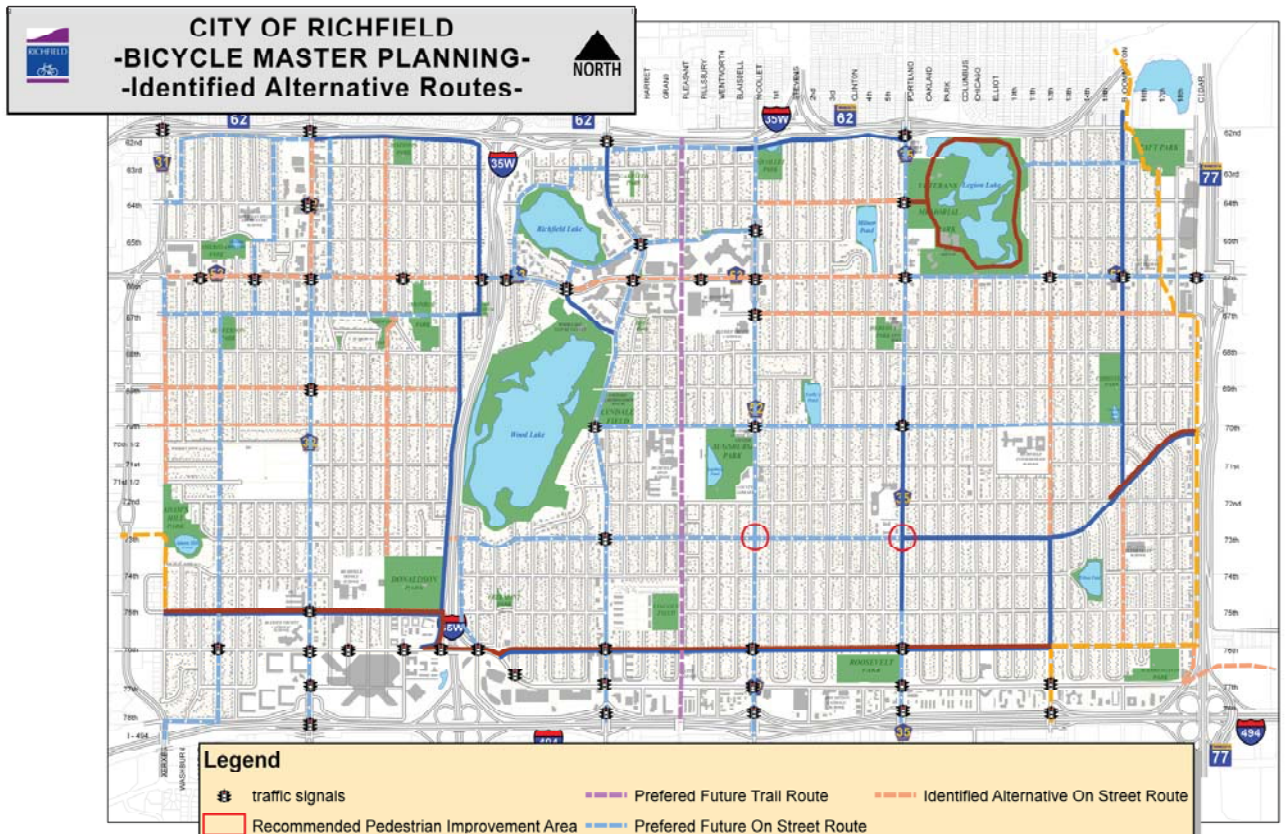
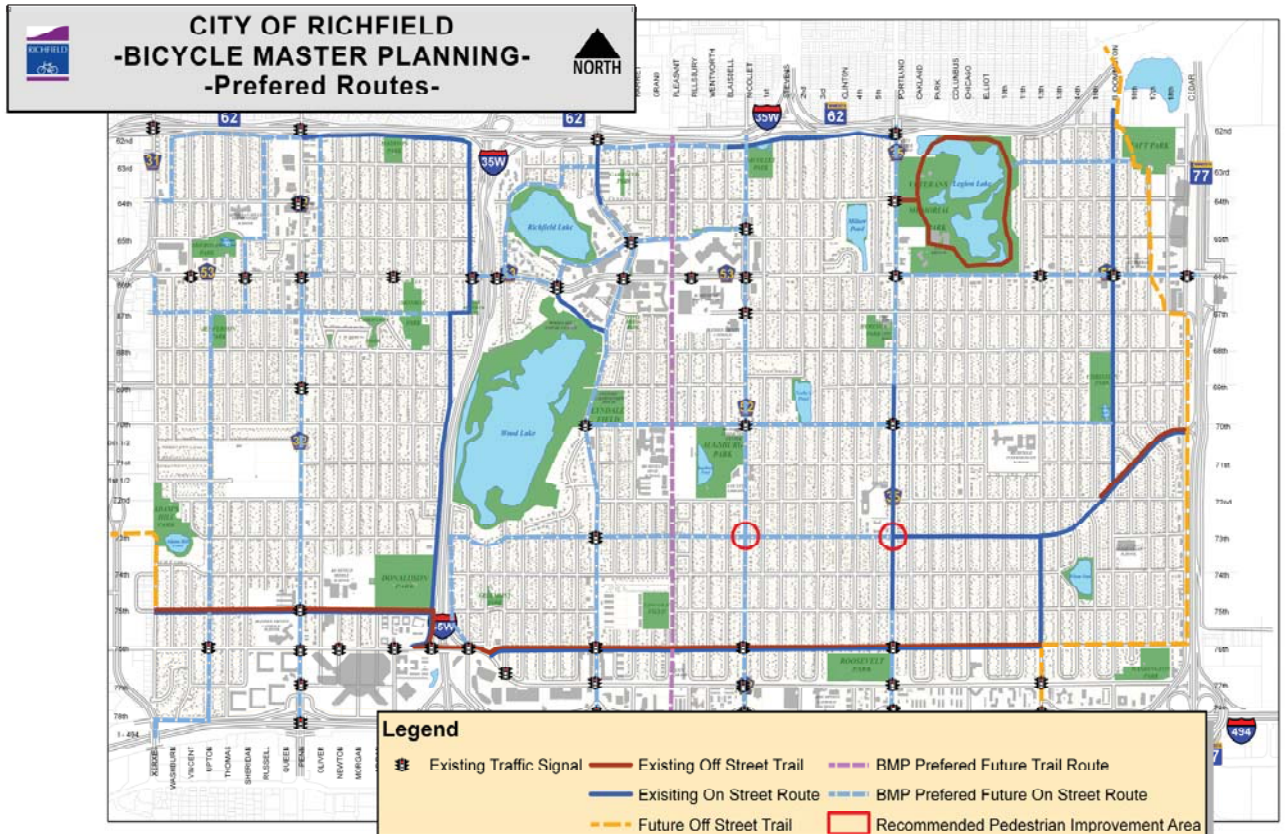
**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

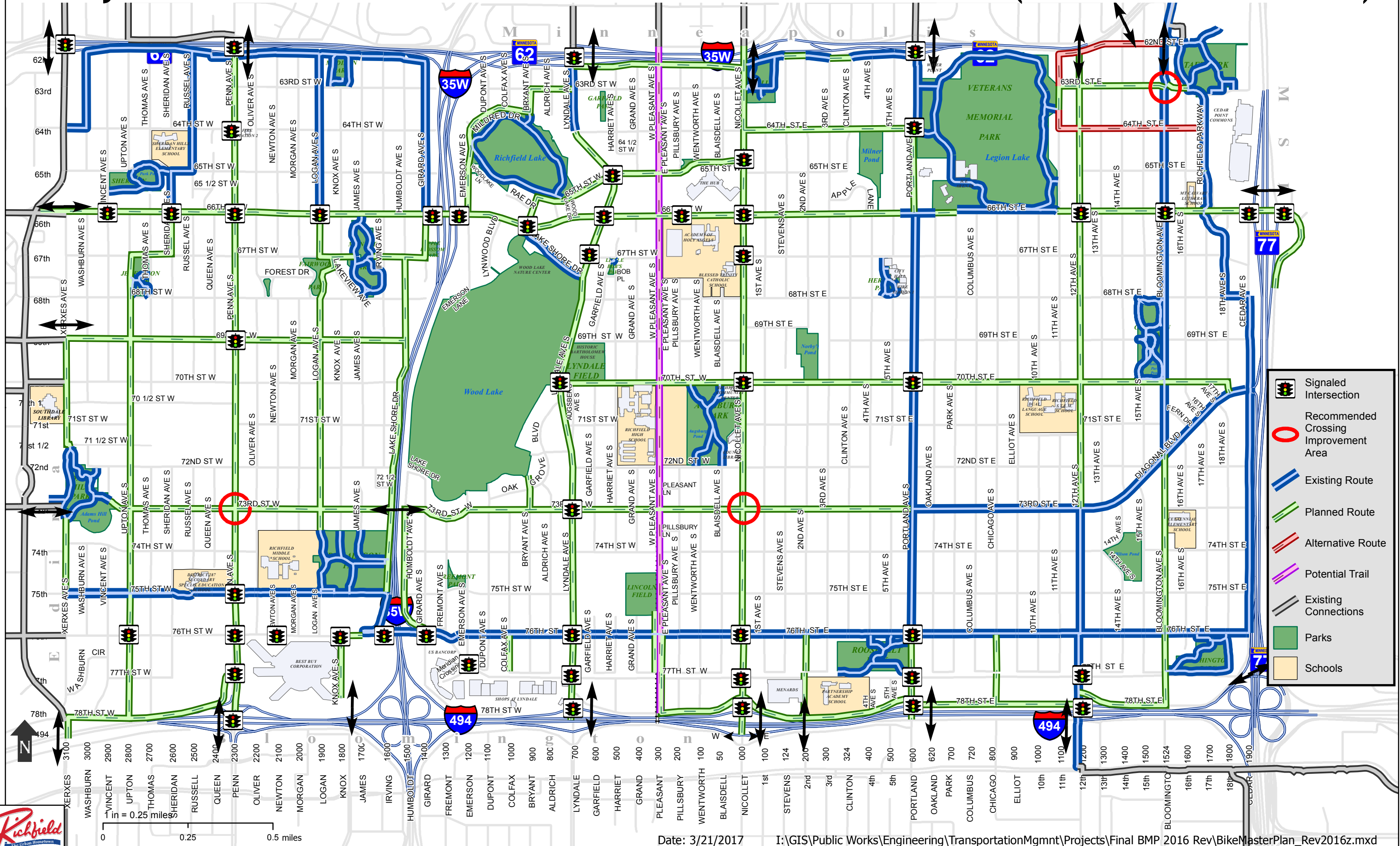
**ATTACHMENTS:**

| Description                            | Type            |
|--|-----------------|
| ❏ Current Bicycle Master Plan Map      | Backup Material |
| ❏ 2017 Revised Bicycle Master Plan Map | Backup Material |

#### 4.7 Bike Master Plan Route Maps (*Full size documents located in Appendix*)



# City of Richfield: BICYCLE MASTER PLAN (2017 revision)





**STAFF REPORT NO. 46**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Chris Regis, Finance Manager

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager  
3/16/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/16/2017

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of a resolution amending the 2016 General Fund Budget by authorization of a transfer of appropriations from the Public Safety Department to the Fire Department.**

**EXECUTIVE SUMMARY:**

The City Charter provides that the City Council must appropriate monies for operations of the City on a department-level basis. During the course of the year, the City Council amends the operating budget and it is referred to as the Revised Budget. At year end, if a department within the City's General Fund exceeds its approved appropriation, a transfer of appropriations from another General Fund department is required to bring that department's budget into balance.

One General Fund department, Fire, exceeded their approved 2016 appropriation by approximately \$100,000. The reasons for this are as follows:

- The department had three firefighters on leave for a military deployment. When this occurs the firefighter still gets paid for 15 days of service by the City. To cover the temporary loss of one firefighter the department hired a new firefighter, which increases personnel costs. In addition, overtime costs increase due to the other two firefighters on military deployment.
- Two firefighters utilized the City's Parental Leave benefit during the year, which had the effect to increase overtime costs.
- The department has been turning over to younger firefighters over the last several years and as such, leave benefits have been accruing, while at the same time the newer firefighters are not taking as much time off. In addition, senior firefighters, nearing retirement, are maximizing their leave balances prior to retirement.
- Firefighters are also utilizing "shift trading". This is where a firefighter, in lieu of using leave time, will trade a shift with another firefighter. This can have the effect to cause vacation and sick leave balances to increase, resulting in increased year end balances and year end costs.

These last two reasons can become budgetary issues because the City is required to accrue and recognize the cost of unused leave balances at the end of every year. Furthermore, it is very difficult to budget for this accrued amount. For 2016, the effect of shift trading, firefighters not taking as much time off, and senior firefighters maximizing their leave balances, has had the effect to increase the Fire Department's cost for unused accumulated leave balances by \$41,948 above what was originally budgeted.

To balance the appropriation of the Fire department, a transfer of appropriations from the Public Safety department in the amount of \$110,000 is recommended.

Finally, it should be noted, that the General Fund will end 2016 with an estimated surplus of \$14,397.

**RECOMMENDED ACTION:**

**By Motion: Approve a resolution amending the 2016 General Fund Budget by authorization of a transfer of appropriations from the Public Safety Department to the Fire Department.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The Fire Department's budget for 2016 exceeds the adopted appropriation by approximately \$100,000 or 2.52%.
- The cause for the Fire Department to exceed the adopted appropriations can be narrowed down to increased labor due to a military deployment, the use of the City's Parental Leave policy, and an increase in leave accrual costs.
- Therefore, after the compilation of the 2016 Revised Budget, the expenditures of the Fire Department has exceeded the appropriation contained in the 2016 Revised Budget, resulting in total 2016 expenditures to exceed appropriations by approximately \$100,000.

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

- The City Charter provides that the City Council must appropriate monies for operations of the City on a department-level basis.
- During the course of the year, the City Council amends the operating budget and it is referred to as the Revised Budget.

**C. CRITICAL TIMING ISSUES:**

- N/A

**D. FINANCIAL IMPACT:**

- The amount exceeding budget for the Fire Department is approximately 100,000.
- City staff is recommending that the 2016 Revised Budget be allocated between the following departments and divisions in order to balance all City departments:

**INCREASE BUDGET EXPENDITURES**

Fire Department

|               |                  |
|---------------|------------------|
| Fire Division | <u>\$110,000</u> |
| Total         | <u>\$110,000</u> |

**DECREASE BUDGET EXPENDITURES**

Public Safety Department

|                            |                  |
|----------------------------|------------------|
| Police Operations Division | <u>\$110,000</u> |
| Total                      | <u>\$110,000</u> |

Net Change to General Fund Budget \_\_\_\_\_ \$0

**E. LEGAL CONSIDERATION:**

- City Charter provides that the City Council must appropriate funds on a department-level basis.

**ALTERNATIVE RECOMMENDATION(S):**

- The transfer does not affect the annual General Fund Budget; instead it provides that no department end the fiscal year overspent.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

|   | Description | Type              |
|---|-------------|-------------------|
| D | Resolution  | Resolution Letter |

## RESOLUTION NO

### RESOLUTION AUTHORIZING REVISION OF 2016 BUDGETS OF VARIOUS DEPARTMENTS

**WHEREAS**, Resolution No. 11151 appropriated funds for personal services, other services and charges, supplies and capital outlays for each department of the City for the year 2016; and

**WHEREAS**, Resolution No. 11304 authorized revision of the 2016 budget various departments; and

**WHEREAS**, the City Manager has requested a revision of the 2016 budget appropriations in accordance with charter provisions.

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

#### SUMMARY

##### INCREASE BUDGETED EXPENDITURES

|                 |                  |
|-----------------|------------------|
| Fire Department |                  |
| Fire Division   | <u>\$110,000</u> |
| Total           | <u>\$110,000</u> |

##### DECREASE BUDGETED EXPENDITURES

|                            |                  |
|----------------------------|------------------|
| Public Safety Department:  |                  |
| Police Operations Division | <u>\$110,000</u> |
| Total                      | <u>\$110,000</u> |

|                                   |            |
|-----------------------------------|------------|
| Net Change to General Fund Budget | <u>-0-</u> |
|-----------------------------------|------------|

Adopted by the City Council of the City of Richfield, Minnesota, this 28th day of March, 2017.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 47**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Jim Topitzhofer, Recreation Services Director

DEPARTMENT DIRECTOR REVIEW: Jim Topitzhofer, Recreation Services Director  
3/17/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/22/2017

**ITEM FOR COUNCIL CONSIDERATION:**

Consideration of the approval of a resolution accepting a donation received by Wood Lake Nature Center from Marlene Glaus in the amount of \$50,000 and authorizing the Recreation Services Director to apply the funds for Wood Lake site improvements.

**EXECUTIVE SUMMARY:**

Wood Lake Nature Center received a second donation of \$50,000 from retired Richfield school teacher Marlene Glaus. The first donation was accepted by the Council earlier this year to fund the demolition of an old, unused storage building at Wood Lake. This second donation will be used to fund the construction of a wildlife overlook area at Wood Lake.

**RECOMMENDED ACTION:**

By Motion: Approve a resolution accepting the grant received by Wood Lake Nature Center from Marlene Glaus in the amount of \$50,000 and authorizing the Recreation Services Director to apply the funds for site improvements at Wood Lake Nature Center.

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

- The Recreation Services Department received this donation from a private party wishing to benefit Wood Lake Nature Center.

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

- The Administrative Services Department issued a memo on November 9, 2004 requiring that all grants and restricted donations to departments be received by resolution and adopted by two-thirds majority of the City Council in accordance with Minnesota Statute 465.03.
- City Council considers approval for all City contracts and agreements by policy.

C. **CRITICAL TIMING ISSUES:**

- There are no critical timing issues associated with this item.

D. **FINANCIAL IMPACT:**

- This donation will have a positive financial impact for the City, allowing this project to be completed

and freeing City funds for other projects.

E. **LEGAL CONSIDERATION:**

- Minnesota Statute 465.03 requires every acceptance of a grant or devise of real or personal property be received by resolution and adopted by two-thirds majority of the City Council.

**ALTERNATIVE RECOMMENDATION(S):**

- None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

| Description  | Type              |
|--------------|-------------------|
| ☐ Resolution | Resolution Letter |

**RESOLUTION NO.**

**RESOLUTION ACCEPTING A DONATION RECEIVED BY WOOD LAKE NATURE CENTER FROM MARLENE GLAUS IN THE AMOUNT OF \$50,000, FOR SITE IMPROVEMENTS AT WOOD LAKE NATURE CENTER.**

**WHEREAS**, Minnesota Statute 465.03 reads in part as follows:

Any city, county, school district or town may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every acceptance shall be by resolution of the council adopted by two-thirds majority of its members, expressing such terms in full, and

**WHEREAS**, the City of Richfield has received grants and donations as described below:

| DATE    | DONOR         | PURPOSE   | AMOUNT   |
|---------|---------------|---|----------|
| 2/27/17 | Marlene Glaus | Site improvements at Wood Lake Nature Center<br>(wildlife overlook) | \$50,000 |

**WHEREAS**, Wood Lake Nature Center will make use of these funds for the construction of a wildlife overlook area at the Nature Center.

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

That the City Council of the City of Richfield hereby accept the donation referenced above, received on 2/28/17, and authorize City staff to administer the funds for site improvements at Wood Lake Nature Center.

Adopted by the City Council of the City of Richfield, Minnesota this 28th day of March, 2017.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 48**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Chris Link, Operations Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
3/14/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/16/2017

**ITEM FOR COUNCIL CONSIDERATION:**

Consideration of the approval of a resolution authorizing acceptance of donations, totaling \$750, from six donors for the purchase of the Robert T. Hintgen Fountain Memorial and authorizing the Public Works Operations Superintendent to apply the funds as intended by the donors.

**EXECUTIVE SUMMARY:**

The Public Works Department received \$750 from six donors to help fund the purchase of the Robert T. Hintgen Fountain Memorial located in the Public Works building. The memorial was installed in honor of the work, passion, and dedication of Mr. Hintgen to the City of Richfield.

**RECOMMENDED ACTION:**

**By Motion:** Approve a resolution authorizing acceptance of donations from the six listed donors in the amount totaling \$750 for the purchase of the Robert T. Hintgen Fountain Memorial and authorizing the Public Works Operations Superintendent to apply the funds as intended by the donors.

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- Information contained in the Executive Summary.

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

- The Administrative Services Department issued a memo on November 9, 2004 requiring that all grants and restricted donations to departments be received by resolution and adopted by a two-thirds majority of the City Council in accordance with Minnesota Statute 465.03.

**C. CRITICAL TIMING ISSUES:**

- There are no critical timing issues associated with this item.

**D. FINANCIAL IMPACT:**

- These donations will make it possible to complete the project.

**E. LEGAL CONSIDERATION:**

- Minnesota Statute 465.03 requires every acceptance of a grant or devise of real or personal property be by resolution and adopted by a two-thirds majority of the City Council.

**ALTERNATIVE RECOMMENDATION(S):**

- There are no alternative recommendations.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

| Description  | Type       |
|--|------------|
|  Resolution | Cover Memo |

## RESOLUTION NO.

### RESOLUTION ACCEPTING DONATIONS RECEIVED BY MULTIPLE DONORS IN THE AMOUNT OF \$750 IN HONOR OF THE ROBERT T. HINTGEN FOUNTAIN MEMORIAL

**WHEREAS**, Minnesota Statute 465.03 reads in part as follows:

Any city, county, school district or town may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every acceptance shall be by resolution of the council adopted by two-thirds majority of its members, expressing such terms in full, and

**WHEREAS**, the City of Richfield has received grants and donations as described below:

| DATE     | DONOR                        | PURPOSE  | AMOUNT   |
|----------|------------------------------|--|----------|
| 01/13/17 | Kory Jorgenson               | The purchase of the Robert T. Hintgen Fountain Memorial. | \$50.00  |
| 12/15/16 | Total Control Systems        | The purchase of the Robert T. Hintgen Fountain Memorial. | \$200.00 |
| 01/12/17 | Christopher and Karen Cavett | The purchase of the Robert T. Hintgen Fountain Memorial. | \$100.00 |
| 01/14/17 | Miles and Laurie Jensen      | The purchase of the Robert T. Hintgen Fountain Memorial. | \$100.00 |
| 01/10/17 | Daniel and Catherine Zienty  | The purchase of the Robert T. Hintgen Fountain Memorial. | \$200.00 |
| 01/11/17 | Kirby and Theresa Van Note   | The purchase of the Robert T. Hintgen Fountain Memorial. | \$100.00 |

**WHEREAS**, the Public Works Operations Superintendent will make use of these funds for the construction of the Robert T. Hintgen Fountain Memorial, a project completed to honor a Public Works employee.

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

That the City Council of the City of Richfield hereby accepts the donations as listed above and authorizes the City to administer the funds in accordance with agreements and terms prescribed by donors.

Adopted by the City Council of the City of Richfield, Minnesota this 28th day of March, 2017.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

0328 Robert T. Hintgen Memorial Fountain



**STAFF REPORT NO. 49**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Jesse Swenson, Assistant HR Manager

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager  
3/16/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/16/2017

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of a resolution modifying a Health Care Savings Plan for the General Services Employees.**

**EXECUTIVE SUMMARY:**

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

The General Services employee group has agreed upon a modification to its plan that modifies the bi-weekly contribution amount. Under state statute, modifications to HCSP's cannot be made more often than once every two years. The last modification to the General Services HCSP was in February 2011. Staff is recommending amending the Post Employment Health Care Savings Plan for General Services employees.

**RECOMMENDED ACTION:**

**By motion: Approve a resolution modifying a Health Care Savings Plan for eligible General Services employees.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

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

the group; however, contributed amounts between employee groups will vary.

- A Health Care Savings Plan was established by the City Council for the General Services employee group on October 14, 2003. Under state statute, plan modifications may be made no more frequently than once every two years. The last modification was in February 2011.

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

- Minnesota Statutes have been amended to provide the opportunity for a very valuable benefit to City employees. The City of Richfield has offered this benefit to employee groups that are interested in such a mandatory plan.
- Approval of the resolution by the City Council will provide the City authority to proceed with this modified program for the General Services employees. Plan modifications can be made every two years.

**C. CRITICAL TIMING ISSUES:**

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

**D. FINANCIAL IMPACT:**

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

**E. LEGAL CONSIDERATION:**

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

**ALTERNATIVE RECOMMENDATION(S):**

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

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

| Description  | Type              |
|--------------|-------------------|
| □ Resolution | Resolution Letter |
| □ GS HCSP    | Backup Material   |

**RESOLUTION NO.**

**RESOLUTION AMENDING THE GENERAL SERVICES POST EMPLOYMENT HEALTH CARE SAVINGS PLAN**

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

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

**WHEREAS**, the City of Richfield is interested in offering the Plan to eligible City employees as a tax free method for employees to set aside money to cover the ever increasing costs of health insurance and medical costs after termination of public employment; and

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

**WHEREAS**, modifications to the provisions of an established Plan for the Richfield General Services employees have been agreed to by the members of the employee group.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Richfield hereby authorizes the City Manager to amend the Health Care Savings Plan for the General Services group of employees in the City of Richfield.

Adopted by the City Council of the City of Richfield, Minnesota this 28<sup>th</sup> day of March 2017.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

Policy: ***General Services Post Employment Health Care Savings Plan***

Approved by: Richfield City Council on March 28, 2017

Effective Date: April 2, 2017

Page: 1 of 2

**Plan Purpose**

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

**Post Employment Health Care Savings Plan**

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

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

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

**Eligibility to Participate**

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

1. The Employee must be a member of the Richfield General Services Pay Classification Plan at the time of termination of employment, and
2. The Employee must have been continuously employed by the City of Richfield for at least 3 consecutive years.

**Contribution Formula**

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

**I. Biweekly Contribution**

1. An eligible Employee with more than 3 but less than 5 years of service must contribute **1.0% of their base biweekly wage** to the Employee's account in the General Services HCSP. Such

contributions shall not be based upon more than 40 hours per week.

2. An eligible Employee with more than **5 but less than 20 years** of service must contribute **2.00% of their base biweekly wage** to the Employee's account in the General Services HCSP. Such contributions shall not be based upon more than 40 hours per week.
3. An eligible Employee with more than **20 but less than 25 years** of service must contribute **2.25% of their base biweekly wage** to the Employee's account in the General Services HCSP. Such contributions shall not be based upon more than 40 hours per week.
4. An eligible Employee with more than **25 years** of service must contribute **2.50% of their base biweekly wage** to the Employee's account in the General Services HCSP. Such contributions shall not be based upon more than 40 hours per week.

## **II. Severance Contribution**

1. An eligible Employee with more than 3 but less than 20 years of service will receive in severance a cash payment for the first 40 hours of accumulated but unused **Vacation Leave**. Severance based on accumulated but unused **Vacation Leave** in excess of 40 hours shall be paid as a credit to the Employee's account in the HCSP.
2. An eligible Employee with more than 20 years of service will receive in severance a cash payment for the first 80 hours of accumulated but unused **Personal Leave** and 40 hours of accumulated but unused **Vacation Leave**. Severance based on accumulated but unused **Personal Leave** in excess of 80 hours and **Vacation Leave** in excess of 40 hours shall be paid as a credit to the Employee's account in the HCSP.
3. All severance payments based upon **Personal Leave** and **Vacation Leave** are calculated as described above, by multiplying the number of hours by the applicable rate of pay at the time of termination.
4. Contributions authorized under this Plan shall continue until such time as this policy is amended or repealed by the City of Richfield.

Upon an employee's death, contributions owed but not yet paid to the HCSP will be paid to the employee's estate.

### **HCSP Administration**

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



**STAFF REPORT NO. 50**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Chris Regis, Finance Manager

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager  
3/22/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/22/2017

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of a resolution supporting local decision-making authority.**

**EXECUTIVE SUMMARY:**

In the current legislative session, there are a significant number of bills that are advancing in the House and Senate that interfere with local decision making authority. The League of Minnesota Cities has been following these pieces of legislation and has notified member cities of the the bills and their collective impact upon cites. Moreover, they have forwarded a model resolution for cities to consider for adoption. The resolution before the City Council here is that resolution.

Bills are being considered that would directly and indirectly hinder local decision-making across a broad range of policy and funding areas. Some examples of this proposed legislation are:

- Constraining local law enforcement authority.
- Restricting a city's ability to set local ordinances.
- Allowing certain businesses unfettered access to public rights of way, while eliminating a city's ability to manage them.
- Restricting a city's ability to use allowed fee structures.
- Reducing local government aid (LGA) based on factors with no relation to the statutory LGA formula.
- Adding reverse referendum requirements on general city levy.

**RECOMMENDED ACTION:**

**By Motion: Approve a resolution supporting local decision-making authority.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- N/A

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

- The City supports the ability to make local decisions on city policy issues.

**C. CRITICAL TIMING ISSUES:**

- If the City Council wants to take a position on this matter, now is the time to consider and adopt the attached resolution.

**D. FINANCIAL IMPACT:**

- Several of the proposed bills could have a negative impact on city finances.

**E. LEGAL CONSIDERATION:**

- None

**ALTERNATIVE RECOMMENDATION(S):**

- None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

| Description  | Type              |
|--------------|-------------------|
| □ Resolution | Resolution Letter |

**RESOLUTION NO.**

**RESOLUTION SUPPORTING LOCAL  
DECISION-MAKING AUTHORITY**

**WHEREAS**, local elected decision-makers are in the best position to determine what health, safety and welfare regulations best serve their constituents; and

**WHEREAS**, just like state legislative leaders, local elected officials are held accountable through Minnesota's robust elections process; and

**WHEREAS**, ordinances at the local level are enacted only after a comprehensive, legal and open process; and

**WHEREAS**, local units of government are required to publish notices about meetings where policies will be discussed and decisions will be made; and

**WHEREAS**, under the state's Open Meeting Law, public policy discussions and decisions must occur in meetings that are accessible to members of the public; and

**WHEREAS**, cities are often laboratories for determining public policy approaches to the challenges that face residents and businesses; and

**WHEREAS**, preservation of local control in Minnesota has yielded statewide benefits such as the 2007 Freedom to Breathe Act, an amendment to the Minnesota Clean Indoor Air Act; and

**WHEREAS**, more than two dozen bills that restrict local decision-making have been introduced in 2017 to date.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Richfield, Minnesota, that this Council supports local decision-making authority and opposes legislation that removes the ability for local elected officials to respond to the needs of their businesses and constituents.

Adopted by the City Council of the City of Richfield, Minnesota this 28th day of March, 2017.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 51**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Jeff Pearson, City Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
3/21/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/22/2017

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of a resolution opposing proposed legislation HF739/SF561 regarding unregulated access to public right-of-way for installation of small cell wireless equipment and distributed antenna systems.**

**EXECUTIVE SUMMARY:**

New legislation introduced in 2017 threatens to preempt local authority and put in place statewide requirements for cities to allow wireless companies to install small cell facility networks in public right-of-way, on publicly owned buildings, and on commercially zoned property. Private wireless and cellular service providers are pushing the legislation (HF739/SF561) that would allow unregulated access to the public right-of-way for installation of "small cell wireless" equipment and distributed antenna systems.

Several concerning issues regarding local control of public right-of-way stand out in the proposed legislation:

- The for-profit private wireless and cellular service providers would be the only unregulated industry allowed unfettered access to this public asset.
- Automatic approval provided by this legislation ties the hands of cities who are responsible for managing these public spaces and considering elements of public health, safety, and aesthetics.
- The legislation limits, and in some cases eliminates, cities' cost recovery options for maintaining the public assets these companies are accessing.
- The legislation would supersede many existing zoning ordinances and comprehensive plans that cities have enacted and planned over the years.

The resolution states the City of Richfield's opposition to the proposed legislation as it is currently written and will be submitted to legislators along with resolutions of opposition from other Minnesota cities.

**RECOMMENDED ACTION:**

**By Motion: Approve a resolution opposing proposed legislation HF739/SF561 regarding unregulated access to public right-of-way for installation of small cell wireless equipment and distributed antenna systems.**

## **BASIS OF RECOMMENDATION:**

### **A. HISTORICAL CONTEXT**

- Wireless and cellular service providers are looking for solutions to providing better and more reliable service to customers.
- One method of enhancing service is to install "Small Cell" antennas to fill in areas of poor coverage.
- To date, applications for these small cell devices have been submitted by third parties which are not recognized as telecommunication companies and lease the antennas to providers.
- The ability for the City to control it's right-of-way and negotiate use and fees from utility companies for that public asset currently exists.

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

- Section 802 of Richfield City Code depicts the City's current practices of permitting the use within right-of-ways, which includes permitting for excavation, obstruction, and installation.
- Minnesota Statutes, section 237.162 defines public right-of-way including management of standards and costs.

### **C. CRITICAL TIMING ISSUES:**

- Resolutions of opposition need to be submitted as soon as possible in order to be most effective on further legislative action.

### **D. FINANCIAL IMPACT:**

- There is no financial impact in adopting the resolution.
- Potential future financial impacts of the proposed legislation are:
  - Cities may lose the authority to negotiate and collect fees and revenue streams from public and private entities to support maintenance and management of public right-of-ways. Those fees help to offset the costs of providing city services.
  - The bill allows state government and private industry intrusion into the ability of local governments to generate revenue for the use of scarce and valuable public assets otherwise under local control.

### **E. LEGAL CONSIDERATION:**

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

### **ALTERNATIVE RECOMMENDATION(S):**

- None

### **PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

### **ATTACHMENTS:**

| Description  | Type              |
|--------------|-------------------|
| □ Resolution | Resolution Letter |

**RESOLUTION NO.**  
**RESOLUTION OPPOSING THE PROPOSED LEGISLATION HF739/SF561 REGARDING**  
**UNREGULATED ACCESS TO PUBLIC RIGHT-OF-WAY FOR INSTALLATION OF SMALL CELL**  
**WIRELESSS EQUIPMENT AND DISTRIBUTED ANTENNA SYSTEMS**

**WHEREAS**, the City of Richfield has city code contained in Section 802 detailing the City's processes and regulation of the public right-of-way;

**WHEREAS**, legislation was proposed in the Minnesota Legislature, HF739/SF561, that would allow wireless companies to install small cell facility networks in public rights-of-way, subject to local right-of-way management and regulation that materially differs from the management of all other right-of-way users and significantly limits local authority to regulate facility placement issues within the public right-of-way;

**WHEREAS**, granting such access to the public right-of-way by wireless companies is unnecessary, competitively unfair and discriminatory, and may result in new wireless installations in public rights-of-way that harm public safety and other public interests;

**WHEREAS**, the City of Richfield currently receives some form of compensation for installations or attachments on City-owned poles, facilities, or other assets in the public right-of-way and the public's right to compensation for use of its assets may be eliminated with the passing of the proposed legislation; and

**WHEREAS**, the legislation would supersede existing right-of-way and zoning ordinances, and comprehensive plans applicable to new wireless installations in public rights-of-way that the City of Richfield has enacted and planned over the years.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota, that the City of Richfield does hereby oppose legislation HF739/SF561 regarding access to public rights-of-way for installation of small cell wireless equipment and distributed antenna systems.

Adopted by the City Council of the City of Richfield, Minnesota this 28th day of March, 2017.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 52**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
3/16/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/22/2017

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of the second reading of an ordinance regulating trapping, snaring, hawking and falconry in the City of Richfield.**

**EXECUTIVE SUMMARY:**

Recent discussions with DNR Conservation Officers in relation to inquiries from citizens have highlighted the need for the City to have a local ordinance relating to the trapping of animals on public and private property with the City. The proposed Ordinance would prohibit the trapping of animals with leg hold traps and snares and would prohibit the use of birds of prey to hunt or kill other animals. The ordinance provides certain exceptions for live traps, the trapping of harmful rodents or pests, trapping done by government agencies, and trapping done by scientists in their work studying wildlife.

The first reading of this ordinance received City Council approval on February 23, 2017.

**RECOMMENDED ACTION:**

**By Motion: Approve the second reading of an ordinance regulating trapping, snaring, hawking and falconry in the City of Richfield.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- Information contained in the Executive Summary.

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

- State Statute and DNR Rules regulate trapping and hunting activities, but the DNR has recently advised that local regulation is necessary to prohibit/regulate these activities beyond the seasons, licenses, and trapping regulations they enforce.

**C. CRITICAL TIMING ISSUES:**

- Timely approval of this ordinance would prevent traps and snares being set on public or private property.

**D. FINANCIAL IMPACT:**

- None

**E. LEGAL CONSIDERATION:**

- The Code Enforcement Staff and the City Attorney has collaborated on the creation of this draft ordinance.
- Because this draft ordinance also affects city park land, the draft was presented to the Community Services Commission on January 17, 2017. The Community Services Commission approved a resolution to support the draft ordinance.
- Woodlake Nature Center advises citizens on wildlife conflict issues and offers a program where live traps are rented to citizens at a fee to assist with animals causing damage to properties and the draft ordinance would allow that program to continue.
- State Statute allows property owners to trap and remove wildlife causing damage to their property.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council may choose to not to approve of this ordinance, which could lead to possible injury to pets or humans by traps and snares set on public or private property.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

| Description |   | Type            |
|-------------|---|-----------------|
| □           | Ordinance   | Backup Material |
| □           | Trapping Ordinance Community Services Commission 01/17/17 | Backup Material |

**BILL NO.**

**AN ORDINANCE ADDING A NEW SUBSECTION 905.42 TO THE  
CITY CODE PROHIBITING TRAPPING, SNARING, HAWKING AND  
FALCONING IN THE CITY OF RICHFIELD**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1: The Richfield Code of Ordinances is amended by adding a new Subsection 905.42 as follows:

§ 905.42 Trapping.

Subdivision 1. Purpose. This ordinance is intended to protect the citizens from injury from hazardous devices and to protect domesticated animals, pets and non-nuisance wildlife from damage and destruction that may result from unregulated trapping, snaring, hawking or falconry.

Subd. 2. Definitions. The words and phrases used in this ordinance shall have the meanings ascribed to them as follows:

- (a) Leg Hold. A device made of steel, metal, or other rigid material, consisting of two (2) jaws that lie horizontally to form a circle or circular shape when the trap is set, or trap that is similar to the above in design and that is intended to catch and secure an animal by the leg.
- (b) Live Trap. A trap designed to capture animals alive without causing injury to the animal.
- (c) Trap. A device, including but not limited to a leg-hold device, used for the purpose of catching, capturing, snaring, holding, or killing animals or birds.
- (d) Trapping. The placing or setting of traps with the intent to catch, capture, snare, hold or kill animals or birds. Trapping includes the acts of snaring and falconry and hawking.
- (e) Snaring. The act of using a trap or trapping device, often consisting of a noose, used for capturing animals or birds.
- (f) Falconry/Hawking. The use of birds of prey to hunt, kill or capture other animals.

Subd. 3. Trapping Prohibited. Trapping is prohibited anywhere within the City, including in City parks and on any City-owned property, except as provided in Subdivision 4.

Subd. 4. Exceptions. Trapping is allowed in the City as follows:

- (a) Live trapping for the purpose of releasing an animal into the wild. Live traps must be tended at least once every twenty-four (24) hours.
- (b) The trapping of harmful rodents or pests such as rats, mice, gophers, moles and squirrels on private property or within one's own private building. Any effective trap except leg-hold traps may be used so long as the traps are set and tended in a way that does not constitute a danger to persons or to domestic or wild animals that are not pests or nuisances.
- (c) Employees or agents of governmental units or agencies who, using live-traps in the course of their duties, are required to trap animals or birds for humane or other authorized purposes.
- (d) Scientists in their work of identifying and studying wildlife, animals and birds so long as said animals and birds are returned to their natural environment without harm.
- (e) Trapping by any means or methods done by the City, or done under its direction, or done by any other governmental agency or department with the written permission of the City Manager, or done by any person with a valid trapping license issued by the state and with the written permission of the City Manager.

Subd. 5. Compliance with Law. Any trapping allowed under this subsection shall be done in accordance with all applicable laws.

Subd. 6. Penalty. Any person who violates any provision of this subsection may be charged with a misdemeanor and subject to a fine not to exceed the maximum penalty under state law for a misdemeanor violation.

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

Passed by the City Council of the City of Richfield, Minnesota this 28th day of March, 2017.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

Community Services Commission, 1/17/17

## Trapping Ordinance

Code Compliance Officer O'Brien said that there had been inquiries about trapping animals in Richfield and the City's regulations. He said that staff discovered that trapping wasn't explicitly addressed, so they researched wording from other public entities and made revisions to the City Code, prohibiting the trapping of animals within the City of Richfield, unless by authorized personnel for the purpose of controlling overpopulation and preventing damage to natural areas or on private property, with permission from the owner, for the same reasons or live trapping for release within a day.

He said that Richfield animal control primarily deals with domestic animal control. Smieja mentioned that coyotes have been seen in Richfield; O'Brien said that they have been sighted in Richfield for decades and their activity and prevalence tends to go up and down over time and they will always be there; it would be ineffective to reduce their numbers, as more would move in, but there are ways to discourage them from coming onto your property.

Topitzhofer said that having traps in a park is too dangerous for visitors. O'Brien said that this would prohibit trapping for the purpose of selling pelts or just recreationally. Engeldinger said that it's a positive thing to see wildlife around.

Engeldinger moved, seconded by Felgate, to recommend Council approval of the ordinance amendment.

Approved, ayes all.



**STAFF REPORT NO. 53**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Michael Petersen, Utilities Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
3/21/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/22/2017

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of the second reading of an ordinance amending City Code Subsection 710.23 related to private water supplies and cross-connection control and approval of a resolution authorizing summary publication.**

**EXECUTIVE SUMMARY:**

Minnesota State Statute dictates that no connection can be made between the public potable water supply and any system, equipment, or device that may serve as a source of contamination, unless protected by a properly installed and maintained backflow preventer.

The Minnesota Department of Health (MDH) recommends that public water suppliers initiate and administer a cross connection program that involves inspecting private properties, maintaining an inventory of testable backflow devices, and enforcing requirements for annual testing of backflow devices.

The cross connection program is intended to protect the health of public water customers.

Staff recommends implementing an ordinance to aid in the administration of a cross connection program.

A draft Cross-Connection Control Program has been prepared and is under review by the Engineering, Utilities, and Inspection divisions. This document will explain the cross connection program in terms of City and property owner responsibilities. The document will be made available on the City website for residential and business property owner use.

**RECOMMENDED ACTION:**

**By Motion: Approve the second reading of an ordinance amending City Code Subsection 710.23 related to private water supplies and cross-connection control and approve a resolution authorizing summary publication.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- City Council approved the first reading of the ordinance on February 28, 2017.
- A local cross connection ordinance is the first step in implementing a cross connection program.

- The current ordinance relating to private water connections does not address necessary inspections and required testing of backflow devices.
- Staff has actively monitored cross connections and backflow devices for many years; however, with new state regulations it will become increasingly difficult to administer a cross connection program without a local ordinance.
- Other cities that have a cross connection ordinance include, but are not limited to:
  - Bloomington
  - Eagan
  - Woodbury
  - Rochester

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

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

**C. CRITICAL TIMING ISSUES:**

- Approval at this meeting will provide for staff to begin the cross connection program as soon as possible.

**D. FINANCIAL IMPACT:**

- Staff does not anticipate the cross connection program will have any financial impact on water operations.

**E. LEGAL CONSIDERATION:**

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

**ALTERNATIVE RECOMMENDATION(S):**

- None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

| Description  | Type              |
|--------------|-------------------|
| ☐ Ordinance  | Ordinance         |
| ☐ Resolution | Resolution Letter |

BILL NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SUBSECTION 710.23 OF THE  
RICHFIELD CODE OF ORDINANCES ADDING NEW REGULATIONS  
FOR CROSS CONNECTIONS AND BACKFLOW PREVENTION**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. Subsection 710.23 of the Code of Ordinances of the City of Richfield is hereby deleted in its entirety and replaced with the following:

**710.23. – Cross connections and backflow prevention.**

**Subdivision 1. Purpose.** The purpose of this subsection is to protect the health of water customers and the City's potable water supply.

**Subd. 2. Definition.** For the purposes of this subsection, "cross connection" shall consist of a connection or arrangement, physical or otherwise, between the City's water supply system and any plumbing fixture, tank, receptor, equipment, or other device, through which it may be possible for non-potable, used, unclean, polluted, or contaminated water, or any other substances to enter into any part of the City's water supply system under any condition.

**Subd. 3. General rule.** Cross connections between the City's water supply system and other systems or equipment are prohibited, except when and where, as approved by the City of Richfield, suitable backflow prevention devices are installed, tested, and maintained in accordance with this subsection to ensure proper operation on a continuing basis. Backflow prevention devices shall be owned, tested, and maintained in working condition by the owner or occupant of the premises being served.

**Subd. 4. Installation, maintenance, testing.** The installation, maintenance, and testing of backflow prevention devices shall be conducted in accordance with the Minnesota State Plumbing Code. Testing must be performed by a state certified backflow tester. All internal maintenance to any backflow prevention devices shall be performed by a state certified backflow prevention tester. Test results shall be furnished to the City. The City's annual fee for administering a backflow preventer testing program shall be as established, from time to time, by resolution of the City Council.

**Subd. 5. Permit required.** Prior to the installation of or repair to any private water line, system, apparatus, or equipment that is connected to or has a cross connection with the City's water supply system, the property owner or occupant must obtain a permit pursuant to subsection 400.05, subdivision 2 of this code.

**Subd. 6. Inspection and improvements.**

- (a) All properties connected to the City's water supply system shall be subject to annual inspection by a City-designated inspector for the purpose of determining whether

cross connection(s) exist, and if so, compliance with this subsection. The property owner or occupant shall allow the City-designated inspector onto the property and into any structure necessary to complete the inspection. The inspection shall occur within 30 days of written notice from the City that a compliance inspection is required. The compliance inspection shall occur at a time and in a manner as reasonably determined by the City-designated inspector. If the property owner or occupant fails to permit or have completed a compliance inspection as provided herein, the City may apply to the district court for an appropriate administrative search warrant authorizing the City-designated inspector to enter onto the property to conduct said inspection.

- (b) In the event that a backflow prevention device is required on the property and said device is not present or is not otherwise in compliance with this subsection, the installation or maintenance of a proper backflow prevention device shall be completed within 30 days of the City's written notice of noncompliance to the property owner or occupant. Following the written notice of noncompliance, a second compliance inspection shall be completed upon indication by the property owner or occupant of compliance with this subsection for the purpose of determining whether the necessary corrections have been made. In no event shall the second inspection be more than 60 days following the City's written notice of noncompliance related thereto.

**Subd. 7. Noncompliance.** In addition to any other penalty authorized by federal, state, or local law, the failure to comply with any of the provisions of this subsection shall be cause to discontinue water service in accordance with subsection 710.05 of this code.

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

Adopted this 28th day of March, 2017.

By \_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING SUMMARY  
PUBLICATION OF AN ORDINANCE AMENDMENT TO  
SUBSECTION 710.23 OF THE RICHFIELD CITY CODE  
PERTAINING TO PRIVATE WATER SUPPLIES AND  
CROSS-CONNECTION CONTROL**

**WHEREAS**, the City has adopted the above referenced amendment to the Richfield City Code; and

**WHEREAS**, the verbatim text of the ordinance is cumbersome, and the expense of publication of the complete text is not justified.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION  
BILL NO. 2017-\_\_\_\_\_**

**AN ORDINANCE AMENDING SUBSECTION 710.23 OF THE RICHFIELD CITY  
CODE OF ORDINANCES ADDING NEW REGULATIONS FOR CROSS  
CONNECTIONS AND BACKFLOW PREVENTION**

On March 28, 2017, the Richfield City Council adopted an ordinance designated as Bill No. 2017-\_\_\_\_\_, the title of which is stated above. This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter.

The purpose of this ordinance is to protect the health of water customers and the City's potable water supply. Cross connections between the City's water supply system and other systems or equipment are prohibited, except when and where, as approved by the City of Richfield. Furthermore, backflow prevention devices shall be owned, tested, and maintained in working condition by the owner or occupant of the premises being served. The installation, maintenance, and testing of backflow prevention devices shall be conducted in accordance with the Minnesota State Plumbing Code, and results provided to the City. Prior to the installation of or repair to any private water line, system, apparatus, or equipment that has connection with the City's water supply system, a permit must be obtained. Noncompliance may result in discontinued water service.

**BE IT FURTHER RESOLVED**, that the City Clerk is directed to keep a copy of the Ordinance in her office at City Hall for public inspection during normal business hours and to post a full copy of the Ordinance in a public place in the City for a period of two weeks. Copies of the ordinance are also available upon request by calling the Public Works Department at (612) 861-9170.

Adopted by the City Council of the City of Richfield, Minnesota, this 28th day of March, 2017.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 54**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Jared Voto, Executive Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager  
3/16/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/16/2017

**ITEM FOR COUNCIL CONSIDERATION:**

Consideration of the approval of the second reading of an ordinance amending City Code Section 205 related to Rules of Council Procedure and approval of a resolution authorizing summary publication.

**EXECUTIVE SUMMARY:**

At the February 14, 2017, Council Work Session, City staff presented a proposed update to the City Council Rules of Procedure and Decorum. The update would ensure the Rules are consistent with applicable laws and practices of the City Council. Updates to City Code Section 205, Rules of Council Procedure, are required to match the changes made to the Rules.

**RECOMMENDED ACTION:**

**By Motion:** Approve the second reading of an ordinance amending City Code Section 205 related to Rules of Council Procedure and approve a resolution authorizing summary publication.

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

- City Council approved the first reading of the ordinance on February 28, 2017.

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

- Subsections of City Code Section 205 must be updated to match update made to the City Council Rules of Procedure and Decorum.

C. **CRITICAL TIMING ISSUES:**

- Council should update the Code of Ordinances in a timely manner to match the update made to the City Council Rules of Procedure and Decorum.

D. **FINANCIAL IMPACT:**

- None

E. **LEGAL CONSIDERATION:**

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

**ALTERNATIVE RECOMMENDATION(S):**

- None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

| Description              |            | Type              |
|--------------------------|------------|-------------------|
| <input type="checkbox"/> | Ordinance  | Ordinance         |
| <input type="checkbox"/> | Resolution | Resolution Letter |

**BILL NO.**

**AMENDMENT TO SECTION 205 OF THE  
ORDINANCE CODE OF THE CITY OF RICHFIELD  
RELATING TO RULES OF COUNCIL PROCEDURE**

**THE CITY OF RICHFIELD DOES ORDAIN:**

**SECTION 1.** Subsection 205.07 of the Richfield City Code is hereby amended as follows:

**205.07. – Minutes.**

**Subdivision 1. Approval of minutes.** The Clerk shall provide a ~~printed~~ copy of the minutes of each meeting to each Council member ~~as soon as possible after each meeting with the agenda of the next regular meeting.~~ If such ~~printed~~ copies have been distributed to Council members in advance of the next regular meeting of the Council the minutes may be approved without verbatim reading. Amendments or corrections proposed by any member of the Council shall be made by the Clerk, but no amendment to which objection is raised by any member shall be made without the approval of a majority of the Council.

**Subd. 2. General contents of minutes.** The Clerk shall record all material matters considered by the Council in the minutes. Minutes shall be summary minutes. Ordinances, resolutions, communications and claims considered by the Council need not be recorded in full in the minutes if they appear in other permanent records of the Clerk and can be accurately identified from the description given in the minutes. The Council may in its discretion direct that any one ~~(1)~~ of the above be fully set out in the minutes.

**SECTION 2.** Subsection 205.15 of the Richfield City Code is hereby amended as follows:

**205.15. - Attendance at Council meetings.**

Attendance of Council members at meetings is one ~~(1)~~ of the most important duties imposed by law on members. Member presence to participate in the hearings, deliberations and decisions of the Council is essential to the proper discharge of the member's official duties. Recognizing that it is not always possible for a member to be present at all meetings, and that by reason of business demands, state of health, personal problems, vacations and other matters occasional absences are excusable, ~~the following rules apply to absences of Council members from meetings when invoked by resolution of the Council:~~

~~(a) — Such rules shall remain in effect until the end of the calendar year during which the resolution is passed unless revoked prior to that time by resolution of the Council;~~

~~(b) — Unless excused by a majority of the City Council, a member of the Council may not be absent from any regular meeting or from such special meetings as the Council may specify in the resolution;~~

~~(c) — For each unexcused absence from a regular or special meeting of the Council each Council member may be penalized by a fine of not to exceed \$75.00, and the Mayor may be penalized by a fine of an amount not to exceed \$100.00, but the resolution may specify a lesser penalty for absence from a special meeting than a regular meeting;~~

~~(d) — Any member of the Council desiring to be excused shall insofar as possible give advance notice to the Manager, stating:~~

~~(i) — The meeting at which the member will be absent;~~

~~(ii) — The member's reason for being absent; and~~

~~(iii) — The member's location during the meeting.~~

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

Passed by the City Council of the City of Richfield, Minnesota this 28th day of March, 2017.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING SUMMARY PUBLICATION OF AN  
ORDINANCE AMENDING SECTION 205 OF RICHFIELD CITY CODE  
PERTAINING TO RULES OF COUNCIL PROCEDURE**

**WHEREAS**, the City has adopted the above referenced ordinance amending the Richfield City Code; and

**WHEREAS**, the verbatim text of the ordinance is cumbersome, and the expense of publication of the complete text is not justified.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION  
BILL NO. 2017-\_\_\_\_\_**

**AMENDMENT TO SECTION 205 OF THE  
ORDINANCE CODE OF THE CITY OF RICHFIELD  
RELATING TO RULES OF COUNCIL PROCEDURE**

On March 28, 2017, the Richfield City Council adopted an ordinance designated as Bill No. 2017-\_\_\_\_\_, the title of which is stated above. This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter.

This ordinance amends Subsection 205.07 and 205.15 by removing reference to printed copy of minutes, changing when minutes are provided to the Council, adding that minutes taken are summary minutes, and removing language related to absences from Council meetings and potential financial penalties.

Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours.

Adopted by the City Council of the City of Richfield, Minnesota, this 28th day of March, 2017.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 55**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Melissa Poehlman, City Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
3/21/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/22/2017

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of the first reading of ordinance amendments that will create a Cedar Corridor Overlay District and change the zoning of properties with the Cedar Corridor area (roughly 66th Street to 77th Street, east of 17th Avenue) to match the designations in the Comprehensive Plan and schedule the second reading for April 11, 2017.**

**EXECUTIVE SUMMARY:**

On September 27, 2016, the City Council adopted a Comprehensive Plan Amendment related to the Cedar Avenue Corridor area. The Master Plan and Amendment depict the City's vision for the future of this area and not imminent development plans. This amendment was approved by the Metropolitan Council on January 25, 2017. The City is now required to amend the Zoning Ordinance to agree with the Comprehensive Plan.

The vision put forth by the adopted Cedar Avenue Corridor (CAC) Master Plan is:

- To establish a renewed brand at a signature gateway to the City.
- To extend Richfield Parkway as an important north-south connector, as a neighborhood amenity, and as a transitional element between new land uses and the existing single-family neighborhood.
- To introduce new commercial uses that capitalize on the site's unique resources that directly serve the local community and that provide employment opportunities.
- To increase the diversity of housing options.
- To encourage rehabilitation and replacement of the lowest-quality housing stock.

With help from consultant JLG Architects, staff has drafted Overlay District regulations. These regulations will apply in addition to the zoning regulations of the underlying districts. Proposed regulations are based on the vision articulated by the CAC Master Plan; feedback received at community open houses (March 10, 2016 and June 1, 2106); and work sessions with the City Council, Housing and Redevelopment Authority, and Planning Commission (January 19, April 12, and May 24, 2016).

Summary of proposed regulations:

**MR-2 USE MODIFICATIONS IN CAC OVERLAY DISTRICT**

- Twin homes - Permitted (currently prohibited)
- Cluster Home Development - Remain conditional use, but prohibit detached single-family developments
- Bed and breakfast inns - Permitted (currently prohibited)

- Exemptions for established single-family detached dwellings:
  - No new single-family homes shall be constructed or established.
  - Existing single-family detached dwellings shall be allowed to expand with a conditional use permit. Expansions are limited as follows:
    - Habitable space expansions limited to 300 square feet.
    - Total garage space cannot exceed 520 square feet and limited to one story.

#### **MU-C USE MODIFICATIONS IN CAC OVERLAY DISTRICT**

- Multi-family - Add minimum lot sizes of 0.5 acres
- Restaurants serving alcohol and taprooms/cocktail rooms - Permitted (currently conditioned on location along arterial or collector street)
- Theaters, movie, or live entertainment - Conditional (currently prohibited)
- Adult business establishments - Prohibited (currently permitted)
- Regional retail - Prohibited (currently conditionally permitted)
- Assembly and manufacturing - Conditional (currently only allowed as accessory and subordinate to retail)
- Outdoor storage - Prohibited (not explicitly addressed currently)
- Exemptions for established single-family detached dwellings (limitations are the same as in the MR-2 District, as described above)

#### **BULK & DIMENSIONAL MODIFICATIONS IN CAC OVERLAY DISTRICT**

- Allow buffer reduction between MR-2 (west side of 18th/Richfield Pkwy) and R (Single-Family) when additional landscaping and fencing creates 100 percent all-season opacity.
- Odor and noise provisions explicitly stated.
- Delivery traffic and operations must be oriented away from Richfield Parkway.
- Richfield Parkway designated as front yard (not Cedar Avenue).

Themes articulated by the neighborhood focused on allowing for business that could provide good jobs, but controlling for negative impacts (noise, odor, etc.). The neighborhood expressed a clear dislike for regional retail development and preferred encouragement of commercial development that would serve the area residents. Finally, the design regulations are intended to create an appropriate scale around the future Richfield Parkway. As is the case with any and all land use regulations, especially in fully-developed communities, application of these rules to a specific project can identify issues or additional opportunities. The proposed regulations are intended to help achieve the vision articulated by the Cedar Avenue Corridor Master Plan. However, modifications may be necessary in the future to accommodate development that meets the "spirit and intent" of the Master Plan even if it may not meet the more stringent zoning regulations.

In addition to the adoption of regulations specific to the Cedar Avenue Corridor, staff has made a number of administrative corrections to Appendix I of the City Code. This Appendix legally describes the boundaries of each zoning district and boundaries have been adjusted accordingly in the Cedar Corridor. Additionally, map numbers have been updated to reflect a revised internal numbering system and legal descriptions for properties that have been replatted in the last few years have been updated.

A public hearing was held before the Planning Commission on February 27, 2017. Although well-attended, only one resident addressed the Commission with questions. Written comments in support of the proposed amendment were received from the owners of one commercial property within the Corridor. The Planning Commission recommended approval of the proposed ordinance.

#### **RECOMMENDED ACTION:**

**By Motion: Approve the first reading of an ordinance amendment creating a Cedar Avenue Corridor Overlay District, rezoning properties with the Cedar Avenue Corridor area, and making a number of administrative corrections to Appendix I of the City Code and schedule and schedule the second reading for April 11, 2017.**

#### **BASIS OF RECOMMENDATION:**

##### **A. HISTORICAL CONTEXT**

- In 2004, the Minneapolis-St. Paul International Airport constructed a new "north-south" runway approximately 1,200 feet from residential areas in Richfield. In anticipation of the opening of the runway, the City of Richfield and the Metropolitan Airports Commission (MAC) commissioned a study to identify potential impact to nearby properties. The study, entitled Findings of the Low Frequency Noise Expert Panel, identified an area in Richfield where low frequency noise would create unacceptable negative impacts and the at noise insulation would not be fully adequate nor economically feasible. As a result, it was determined that Richfield would need to redevelop within this "low frequency noise impact area." The Cedar Avenue Corridor (CAC) Master Plan was last-updated in 2004 to address these impacts. With renewed interest in this area and expected transportation and access changes on the horizon, an update to the 2004 plan was needed. After several months of work, a new CAC Master Plan was adopted by the City Council on September 27, 2016. The proposed ordinance attempts to codify the vision put forth by this Master Plan.

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

- The Comprehensive Plan is a vision and guide to future land use decisions in the City. The Zoning Code is one of the tools used to effectuate the vision and land use plans described by the Comprehensive Plan. State Statute requires that the Zoning Code and Comprehensive Plan agree.

**C. CRITICAL TIMING ISSUES:**

- Revised zoning regulations should be adopted as soon as possible so that the City's requirements for this area are clear to both residents and potential developers.
- Final consideration of the attached ordinance is scheduled for consideration by the Council on April 11, 2017.

**D. FINANCIAL IMPACT:**

- N/A

**E. LEGAL CONSIDERATION:**

- A public hearing was held before the Planning Commission on February 27, 2017.
- Notice of the hearing was mailed to properties within 350 feet of all properties proposed for rezoning and published in the *Sun Current*.

**ALTERNATIVE RECOMMENDATION(S):**

- Recommend approval of the ordinance with amendments.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

| Description  | Type      |
|--|-----------|
| <input type="checkbox"/> Ordinance                       | Ordinance |
| <input type="checkbox"/> Map - Current & Proposed Zoning | Exhibit   |
| <input type="checkbox"/> Cedar Corridor Master Plan      | Exhibit   |

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO ZONING; ESTABLISHING REGULATIONS FOR A NEW CEDAR AVENUE CORRIDOR OVERLAY DISTRICT; AMENDING SUBSECTION 512.01 OF THE RICHFIELD CITY CODE; AMENDING THE RICHFIELD CITY CODE BY CREATING NEW SUBSECTION 541.23; AMENDING SUBSECTION 537.07; AMENDING APPENDIX 1 TO THE RICHFIELD CITY CODE BY REZONING PROPERTIES WITHIN THE CEDAR AVENUE CORRIDOR AREA AS MEDIUM DENSITY RESIDENTIAL AND MIXED-USE COMMUNITY AND ALSO SUBJECT TO THE CEDAR AVENUE CORRIDOR OVERLAY DISTRICT REGULATIONS

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Subsection 512.01, Subdivision 1 of the Richfield City Code is amended to read as follows:

**512.01. Zoning districts.** Subdivision 1. Establishment of districts. In order to carry out the purposes and provisions of this code, the city is hereby divided into the following zoning districts:

|   |       |
|---|-------|
| <b>Residential Districts</b>              |       |
| Single Family Residential                 | R     |
| Low Density Single Family Residential     | R-1   |
| Two Family Residential                    | MR-1  |
| Multi-Family Residential                  | MR-2  |
| High Density Multi-Family Residential     | MR-3  |
| <b>Commercial Districts</b>               |       |
| Service Office                            | S-O   |
| Neighborhood Business                     | C-1   |
| General Commercial                        | C-2   |
| <b>Mixed-Use Districts</b>                |       |
| Mixed-Use Regional                        | MU-R  |
| Mixed-Use Community                       | MU-C  |
| Mixed-Use Neighborhood                    | MU-N  |
| <b>Industrial Districts</b>               |       |
| Industrial                                | I     |
| <b>Planned Unit Development Districts</b> |       |
| Planned Residential                       | PR    |
| Planned Two Family Residential            | PMR-1 |
| Planned Multi-Family Residential          | PMR   |
| Planned Neighborhood Commercial           | PC-1  |

|   |            |
|---|------------|
| Planned General Commercial                    | PC-2       |
| <b>Overlay Districts</b>                      |            |
| Airport Runway Overlay District               | AR         |
| Penn Avenue Corridor Overlay District         | PAC        |
| <u>Cedar Avenue Corridor Overlay District</u> | <u>CAC</u> |

Sec. 2. Section 541 of the Richfield City Code is amended by adding new subsections after Subsection 541.17, the new subsections to read as follows:

**541.19. Cedar Avenue Corridor Overlay District.** Subdivision 1. Purpose and intent. The Cedar Avenue Corridor District promotes both redevelopment of existing structures and new development of consistent character to provide a balanced mix of compatible uses. Design regulations are provided to produce structures of consistent character and of appropriate scale that transition from single family residential to higher density mixed use. The intent of the Overlay District is to guide the design character of redevelopment and revitalization in ways that are sensitive to the intent of the Comprehensive Plan.

**Subd. 2. Creation of district and applicability.** The Cedar Avenue Corridor Overlay (CAC) District shall apply to properties designated within Appendix 1 of this Code.

**Subd. 3. Applicable regulations.** All permitted, accessory, conditional, and interim uses allowed in the underlying Districts shall be allowed in the CAC Overlay District with the following additions, qualifications, and/or exceptions:

The following abbreviations are used below:

Permitted use – P

Accessory use – A

Conditional use – C

Not permitted/prohibited - N

a) MR-2 in the CAC Overlay District:

- Funeral Homes – P
- Twin Homes – P
- Cluster Home Development – C
  - In addition to the conditions listed in Subsection 525.07, Subd. 3, no detached single-family dwellings are permitted.
- Bed and Breakfast Inns – P
- Outdoor Storage – N
- Exemption for established single-family detached dwellings:
  - Single-family detached dwellings and associated garages existing prior to the adoption of this ordinance (xx/xx/2017) shall be allowed to expand through the issuance of a Conditional Use Permit. Expansions shall be limited as follows:

- Habitable space expansions shall not exceed 300 square feet.
- Total garage space shall not exceed 520 square feet (or the square footage of the associated dwelling, whichever is smaller) and garage height shall be limited to 14 feet.
- The setback regulations and reductions of the Single-Family R District shall apply.

b) MU-C in the CAC Overlay District:

- Multi-Family (minimum lot size 0.5 acres)
- Restaurant Class I (serving alcohol) – P
- Taproom/Cocktail Room – A/C
  - All conditions of Subsection 537.05, Subd. 13 apply except Clause b related to location along an arterial or collector street.
- Theaters, movie or live entertainment – C
- Adult business establishments – N
- Regional retail services - N
- Assembly and manufacturing – C
- Outdoor storage – N
- Exemption for established single-family detached dwellings:
  - Single-family detached dwellings and associated garages existing prior to the adoption of this ordinance (xx/xx/2017) shall be allowed to expand through the issuance of a Conditional Use Permit. Expansions shall be limited as follows:
    - Habitable space expansions shall not exceed 300 square feet.
    - Total garage space shall not exceed 520 square feet (or the square footage of the associated dwelling, whichever is smaller) and garage height shall be limited to 14 feet.
    - The setback regulations and reductions of the Single-Family R District shall apply.

**Subd. 4. Bulk and dimensional standards.** All bulk and dimensional standards applicable in the underlying districts, as found in Subsections 525.11 (MR-2) and 537.07 (MU) of this Code, shall apply in the CAC District with the following additions, qualifications, and/or exceptions:

a) MR-2 in the CAC Overlay District:

- Minimum building height: 2 Stories
- Minimum front building setback: 10 feet
- Minimum parking required: 1.5 spaces per dwelling unit

b) MU-C in the CAC Overlay District:

- Maximum building height: 8 Stories
- A mix of uses, as prescribed by Subsection 537.07, Subd. 2 (b) is not required in the CAC District.

- Front yard setback for upper stories over the 5<sup>th</sup> Story: 75 ft.

**Subd. 5.** Other performance standards. All additional performance standards applicable in underlying districts shall apply in the CAC District with the following additions, qualifications, and/or exceptions:

- Buffer standards between MR-2 and adjacent Single Family: The Council may reduce the requirements of Subsection 544.13, Subd. 5 to less than 15 feet if significant additional landscaping and fencing, with 100 percent all-season opacity, is provided.
- The open space requirement described by Subsection 537.11, Subd. 9 does not apply in the CAC District.
- Odor and Noise: No activity or operation shall be established or maintained that by reason of its nature or manner or operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust, or particle matter that is perceptible beyond the property line.
- Deliveries: Delivery traffic and operations must be oriented away from Richfield Parkway.
- The through lot provision described by Subsection 509.07, Subd. 3 does not apply in the CAC District. Richfield Parkway is the designated front yard.

Sec. 3. Section 537.07, Subdivision 1 of the Richfield City Code related to bulk and dimensional standards in the Mixed Use Districts is amended to read as follows:

**537.07. – Bulk and Dimensional Standards**

Subdivision 1. The following table establishes certain bulk standards for the MU Districts:

Table 2.

Mixed Use Bulk and Dimensional Standards

| Standard                      | MU-R                  |         | MU-C                  |         | MU-N         |         |
|-------------------------------|-----------------------|---------|-----------------------|---------|--------------|---------|
| Building Stories <sup>1</sup> | 2 min                 | No max  | 2 min                 | 12 max  | 2 min        | 8 max   |
| Building Coverage             | 50% min               | 75% max | 30% min               | 50% max | 25% min      | 50% max |
|                               | Sites 2 acres or less |         | Sites 2 acres or less |         |              |         |
|                               | 30% min               | 75% max | 25% min               | 50% max |              |         |
| Maximum Impervious Surface    | 85% of gross          |         | 80% of gross          |         | 75% of gross |         |

|   |                         |                    |                         |                    |                          |                    |
|---|-------------------------|--------------------|-------------------------|--------------------|--------------------------|--------------------|
| Coverage  | parcel area             |                    | parcel area             |                    | parcel area              |                    |
| Usable Open Space Requirement   | 5% of gross parcel area |                    | 5% of gross parcel area |                    | 10% of gross parcel area |                    |
| Street Level Active Use Building Frontage <sup>2</sup>                          | 60% minimum             |                    | 50% minimum             |                    | No minimum               |                    |
|   |                         |                    |                         |                    |                          |                    |
| Residential Setbacks <sup>3</sup> (standard setbacks)                           | <u>MU-R</u>             |                    | <u>MU-C</u>             |                    | <u>MU-N</u>              |                    |
| Front – <del>build to line</del>  | 10' min                 | 20' max            | 10' min                 | 20' max            | 15' min                  | 25' max            |
| Side  | 5' min                  | <del>20' max</del> | 5' min                  | <del>20' max</del> | 5' min                   | <del>25' max</del> |
| Rear ( <del>zero lot line setbacks</del> )                                      | 5' min                  | 20' max            | 5' min                  | 20' max            | 5' min                   | 25' max            |
| <u>Residential Setbacks <sup>3</sup> (zero lot line setbacks)</u>               | <u>MU-R</u>             |                    | <u>MU-C</u>             |                    | <u>MU-N</u>              |                    |
| Front – <del>build to line</del>  | 10' min                 | 20' max            | 10' min                 | 20' max            | 15' min                  | 25' max            |
| Side  | 0' min                  | <del>20' max</del> | 0' min                  | <del>20' max</del> | 0' min                   | <del>25' max</del> |
| Rear  | 0' min                  | 20' max            | 0' min                  | 20' max            | 0' min                   | 25' max            |
| Commercial and Mixed Use Set backs <sup>3</sup> (standard setbacks)             | <u>MU-R</u>             |                    | <u>MU-C</u>             |                    | <u>MU-N</u>              |                    |
| Front ( <del>build to line</del> )  | 0' min                  | 15' max            | 0' min                  | 15' max            | 5' min                   | 15' max            |
| Side  | 5' min                  | <del>15' max</del> | 5' min                  | <del>15' max</del> | 5' min                   | <del>15' max</del> |
| Rear ( <del>zero lot line setbacks</del> )                                      | 5' min                  | 15' max            | 5' min                  | 15' max            | 5' min                   | 15' max            |
| <u>Commercial and Mixed Use Set backs <sup>3</sup> (zero lot line setbacks)</u> | <u>MU-R</u>             |                    | <u>MU-C</u>             |                    | <u>MU-N</u>              |                    |
| Front - build to line   | 0' min                  | 15' max            | 0' min                  | 15' max            | 5' min                   | 15' max            |
| Side  | 0' min                  | <del>15' max</del> | 0' min                  | <del>15' max</del> | 0' min                   | <del>15' max</del> |

|  |         |                    |         |                    |         |         |
|--|---------|--------------------|---------|--------------------|---------|---------|
| Rear   | 0' min  | 15' max            | 0' min  | 15' max            | 0' min  | 15' max |
| Front yard setback for upper stories after the 3rd story | 20' min | <del>15' max</del> | 20' min | <del>15' max</del> | 20' min |         |
| Set backs and landscape area (front yard parking)        | 5' min  | <del>15' max</del> | 5' min  | <del>15' max</del> | 5' min  |         |
| Set backs and landscape area to I-494                    | 15' min | <del>15' max</del> | 15' min | <del>15' max</del> | 15' min |         |

<sup>1</sup> Parking structures shall not be included in calculation of building stories. Single story portions of structures may be allowed provided they are attached to a principal structure that is two (2) or more stories in height and that the footprint of the single story portion of the structure is no more than 40 percent of the total structure's footprint.

<sup>2</sup> For buildings with multiple street frontages, the Street Level Active Use Building Frontage requirement shall apply to the primary street and other pedestrian oriented streets as determined by the Director. In cases where active use, pedestrian-oriented building frontage along secondary streets is not supportive of the purposes and intent of the mixed use districts (Subsection 537.01, Subd. 2) the Director may waive or reduce the required minimum percentage of Street Level Active Use Building Frontage on those secondary streets.

<sup>3</sup> Standard setbacks apply to all uses except zero lot line developments. The front setback is a build-to line designed to locate buildings in close proximity to the public street. Zero lot line setbacks allow buildings to be placed on an interior property line if that structure and the adjacent structure are designed with that placement in mind and a compatible relationship of uses results, including consideration of circulation drives, open space, easements, utility parking areas and glazed facades.

**Subd. 2. Mix of Uses Required.** A mix of uses within a building is required in the MU-C district and other building use criteria apply to the MU-R and MU-N districts.

- a) In the MU-R district a mix of uses is not required, however, residential uses are permitted up to 25 percent of the total building floor area on the site. i.e. if a site contains 100,000 square feet of building floor area, no more than 25,000 square feet of building area can be devoted to residential units and the common areas or associations that serve residential units.
- b) In the MU-C district a mix of uses is required for development sites that exceed two (2) acres in size. No single use type (retail, office, service, hotel, residential, etc.) can exceed 75 percent of the total building floor area on the site.
- c) In the MU-N district a mix of uses is not required, however, no more than 10% of the total building floor area on the site or within the development can be devoted to nonresidential uses. Total nonresidential floor area in a residential development or building shall not exceed 10,000 square feet.

Sec. 4. Appendix I of the Richfield City Code describing the boundaries of Zoning Districts is amended to read as follows:

#### Appendix I - BOUNDARIES OF ZONING DISTRICTS

**Note—** (M = Map Number of Official Zoning Map)

The zoning classifications of the City of Richfield are found in Section 512 of the City Code. The boundaries of these districts, as set forth by legal description, are as follows:

### Section 1. - Industrial District (I).

- (1) (Repealed, Bill No. 2009-7)
- (2) (Repealed, Bill No. 2009-7)
- (3) (Repealed, Bill No. 2009-7)
- (4) (Repealed, Bill No. 2006-1)
- (5) (Repealed, Ord. No. 2016-9)
- (6) (Repealed, Bill No. 1998-17)
- (7) (Repealed, Bill No. 2006-9)
- (8) (Repealed, Bill No. 2006-9)
- (9) (Repealed, Bill No. 2010-9)
- (10) (Repealed, Bill No. 1998-17)

### Section 2. - Neighborhood Business District (C-1).

- (1) (Repealed, Bill No. 2010-22)
- (2) (Repealed, Bill No. 2010-22)
- (3) (Repealed, Bill No. 1999-11)
- (4) M-54 (SE corner, 64th and Nicollet) Lots 1, 2, 3, and 4, Towns Edge Addition.
- (5) (Repealed, Bill No. 2011-27)
- (6) (Repealed, Bill No. 1996-23)
- (7) M-4512 (SE corner, 70th and Nicollet). That area lying between the center line of Nicollet Avenue and a line distant 93.5 feet west of the center line of First Avenue and parallel thereto, and between the center line of 70th Street and a line distant 152 feet southerly and parallel thereto. (Amended, Bill No. 1999-15)
- (8) M-68 (NW corner, 70th and Nicollet). That area lying between the center line of Nicollet Avenue and a line distant 175 feet westerly and parallel thereto, and between the center line of 70th Street and a line distant 175 feet northerly and parallel thereto.
- (9) M-68 (NE corner, 70th and Nicollet). That area lying between the center line Nicollet Avenue and the west line of Meredith's Addition, and between the center line of 70th Street and a line distant 133 feet northerly and parallel thereto. (Amended, Bill No. 2004-13)
- (10) M-4713 (W side of Chicago, 71st to 72nd). That area lying between the east line of Block 1, Wallaces Sunnyside Acres 6th Addition and the center line of Chicago Avenue, and between the center line of 72nd Street and a line distant 200 ft. south and parallel to the center line of 71st Street. (Amended, Bill No. 1999-15, Bill No. 2010-22)
- (11) (Repealed, Bill No. 1999-15)
- (12) ~~M-17 (NW corner, 74th and Cedar). Outlot 1, Evergreen Gardens Second Addition except for the North 465 feet thereof.~~
- (13) M-7, 83 (65th and Rae Drive). Tract D, R.L.S. No. 642, and that part of Tract E, R.L.S. No. 642, lying northerly of a line described as follows: commencing at a point on the westerly boundary line of said Tract E, which point is 201 feet southerly from the northwest corner of said Tract E, thence easterly at right angles to the westerly boundary line of said Tract E to a point on the easterly boundary line of said Tract E and there ending.
- (14) (Repealed, Bill No. 2010-22)
- (15) (Repealed, Bill No. 2010-22)
- (16) M-4713 Block 2, Engberg Walden 2nd Addition. (Added, Bill No. 2010-22)

- (17) M-73 (NE corner, 66th and Oliver) Lots 10 and 11, Block 8, Fairwood Park 1st Addition. (Added, Bill No. 2010-22)

### Section 3. - General Commercial District (C-2).

- (1) M-9, 106 (S side of 66th at Washburn). That area lying between the center lines of Xerxes and Vincent Avenues, and between the center line of east-west alleys in Blocks 7 and 8, Tingdale Brothers Lincoln Hills Addition and the center line of 66th Street.
- (2) M-9, 102. That area lying between the center lines of Xerxes and Vincent Avenues, and between the center lines of 65th and 66th Streets.
- (3) M-92 (NE corner, 66th and Vincent). Lots B, C, D, and E of Registered Land Survey No. 1018. (Amended, Bill No. 1999-15)
- (4) M-106 (66th and Queen; 68th and Penn). Lot 1 and the east 33 feet of Lot 2 of Block 2, Tingdale Brothers Lincoln Hills Addition; and Lots 1 and 2, Block 1, Tingdale Brothers Lincoln Hills Third Addition. (Amended, Bill No. 2009-7)
- (5) (Repealed, Bill No. 2010-22)
- (6) (Repealed, Bill No. 2011-2)
- (7) (Repealed, Bill No. 2000-20)
- (8) M-11, 1214 That area lying between the west line of Penn Avenue and a line distant 200 feet westerly of and parallel to the west line of Penn Avenue within 200 feet of the north right-of-way line of Interstate Highway 494.
- (9) (Repealed, Bill No. 2010-9)
- (10) (Repealed, Bill No. 2009-7)
- (11) M-83 (NW corner, 66th and Oliver). Lot 1, Block 6, Fairwood Park Addition. (Amended, Bill No. 2009-7)
- (12) (Repealed, Bill No. 2010-22)
- (13) M-73 (NW corner, 63rd and Lyndale). That area lying between the center line of Lyndale Avenue and a line distant 175 feet westerly and parallel thereto, and between the center lines of 62nd and 63rd Streets.
- (14) M-73 (SW of 63<sup>rd</sup> and Lyndale). Lots 1, 2, 3, and 4, Block 1, Ray's Lynnhurst Second Addition; and that part of Government Lot 3 in Section 28, Township 28, Range 24 lying south of Block 1, Ray's Lynnhurst Second Addition and east of a line drawn parallel with and 125 feet east from the southerly extension of the west line of said Block 1, and north of a line drawn west at right angles from a point on the east line of Government Lot 3 a distance of 1060.94 feet south from the northeast corner thereof except road. (Amended, Ord. No. 2013-4)
- (15) M-73 (Between 65th and 66th near Richfield Lake). That area lying south of 65th Street and north of the south line of the North Half of Section 28, Township 28, Range 24, and extending south to 66th Street, between Graham Avenue extended and a line running parallel with the easterly line of said section, distant 410 feet westerly of said easterly line. (See Reference #2 of attached Boundary Conflicts).
- (16) (Repealed, Bill No. 2010-22)
- (17) ~~M-4, 17 (W side of Cedar near Diagonal Boulevard). That area lying between the center line of Cedar Avenue and a line distant 173 feet westerly and parallel thereto, and from the northerly line of Lot 7, Block 1 Cedar Sunrise Third Addition to the center line of 73rd Street.~~
- (18) ~~M-18 (SW corner, 74th and Cedar). Lot 1, Block 1, Bassett's First Addition, plus extensions to center lines of Cedar Avenue and 74th Street.~~
- (19) ~~M-18 (Cedar Ave, S of 74th) Lot 2, Block 1, Bassett's First Addition. (Added, Bill No. 2011-7)~~
- (20) ~~M-18 (Cedar Ave, N of 75th). The south 150 feet of that part of the east 1/4 of the north 1/4 of the northeast 1/4 of the southeast 1/4 of Section 35, Township 28, Range 24, lying east of the west 153.15 feet thereof. (Added, Bill No. 2011-7)~~
- (21) ~~M-18 (NW corner, 75th and Cedar). That area which lies between the center line of Cedar Avenue and a line distant 173 feet westerly and parallel thereto, and between the center line of 75th Street and a line parallel and 327.45 feet north of said center line. (See Reference #4 of attached Boundary Conflicts).~~

- (22) ~~M-18 (W side of Cedar near 76th). That area which lies between the center line of Cedar Avenue and a line distant 173 feet westerly and parallel thereto, and between the north line of R.L.S. 734 and a line distant 330 feet southerly and parallel to the center line of 76th Street. (See Reference #5 of attached Boundary Conflicts).~~
- (23) (Repealed, Bill No. 2010-22)
- (24) (Repealed, Bill No. 2000-22)
- (25) (Repealed, Bill No. 2000-22)
- (26) M-4415 (W of Lyndale, 7400 block). That area lying between the center lines of Lyndale Avenue and Block 10, Irwin Shores Addition, and between the center lines of 74th and 75th Streets.
- (27) M-4415 (W of Lyndale between 75th and 76th). That area lying between the center lines of Lyndale Avenue and the alley of Block 25, Irwin Shores Addition, and between the centerlines of 75th and 76th Streets. (Amended, Bill No. 1999-11)
- (28) M-54 (E of Lyndale between 64th and 65th). Lots 3 through 5 and Lots 18 through 20, Block 6, Lyndale Oaks Addition except for the Northwesterly 25 feet of Lot 18; and Lot 2, Block 2, J.N. Hauser's Second Addition. (Amended, Bill No. 1992-11, 2011-22)
- (29) (Repealed, Bill No. 1998-17)
- (30) M-68. That area lying between the center lines of the Soo Line Railway right-of-way and Nicollet Avenue, and between the center line of 66th Street and a line distant 200 feet southerly thereof and parallel thereto.
- (31) (Repealed, Bill No. 2000-20)
- (32) M-16 (SE corner, 74th and Lyndale) That area lying between the center line of Lyndale Avenue and a line distant 175 feet easterly thereof and parallel thereto, and between the center line of 74th Street and a line distant 334 feet southerly thereof and parallel thereto.
- (33) M-16 (E of Lyndale near 76th). That area lying between the center lines of Lyndale Avenue and Block 8 of Sunset Terrace Addition, and between the center line of 76th Street and the north line of Sunset Terrace Addition. (Amended, Bill No. 1999-11)
- (34) M-54 (NE corner, 65th and Nicollet). Lots 1 through 3, Block 1, First Federal Richfield Addition. (Amended, Bill No. 1994-1)
- (35) M-68 (SW corner, 66th and Portland). Lots 1, 2 and 3 including the adjacent ½ of vacated alley subject to street, Block 1, McCutchan's Portland Avenue Park Addition. (Amended, Bill No. 2010-22)
- (36) M-54. That area lying between the center line of the Soo Line Railway right-of-way and a line distant 178.84 feet westerly thereof and parallel thereto, and between the center lines of 65th and 66th Streets.
- (37) M-54 (Surrounds "HUB" Center). The area lying between the center lines of the Soo Line Railway right-of-way and Nicollet Avenue, and between the center line of 66th Street and the south line of Rearrangement of Nicollet Homes Second Addition except that part of the above described property described as follows:
- A That area lying between the center lines of the Soo Line Railway right-of-way and Pillsbury Avenue, and between the center line of 65th Street and the south line of Rearrangement of Nicollet Homes Second Addition.
- B Beginning at the southeast corner of the Northwest Quarter of Section 27, Township 28, Range 24, then north along the center line of said Section 27, a distance of 685.9 feet to an extension of the south line of Tract C, R.L.S. 692, then westerly along the extension of the south line of said Tract C 50 feet to the southeast corner of said Tract C, then westerly 148 feet along the south line of said Tract C to the southwesterly corner of Tract B, R.L.S. 692, then north 154.13 feet, then westerly to a point on the easterly line of Block 1, Richfield Plaza Addition 48 feet south of the southeast corner of Lot 5, Block 7, Nicollet Homes Second Addition, as measured at right angles to the south line of Nicollet Homes Second Addition; then westerly 321.19 feet parallel to the north line of Block 1, Richfield Plaza Addition, then southwesterly 181.21 feet along a tangential curve, concave to the southeast, radius 230 feet central angle 45 degrees, 08 minutes, 32 seconds, then southwesterly 47.92 feet tangent to said curve, then southwesterly 180.64 feet along a tangential curve concave to the northwest, radius 230 feet, central angle 45 degrees, then westerly 244 feet to the east right-

of-way line of the Soo Line Railway, then south along said railroad right-of-way line to a point 141.56 feet north of the center line of 66th Street, then east and at right angles to the railroad right-of-way 282 feet, then south and at right angles to the north right-of-way line of 66th Street 71.56 feet, then west and parallel to the north right-of-way line of 66th Street 15 feet, then south and at right angles to the north right-of-way line of 66th Street to the center line of 66th Street, then east on said center line to the point of beginning. (Amended, Bill No. 1999-15)

- (38) M-54 (NW corner, 65th and Nicollet). That area lying between the center lines of Nicollet Avenue and Block 8, Rearrangement of Nicollet Homes Second Addition, and between the south line of said Block 8 and the north line of Lot 2, said Block 8.
- (39) M-54. That area lying between the center lines of Nicollet and First Avenues, and between the center lines of 65th and 66th Streets.
- (40) M-68 (SE corner, 66th and Nicollet). Lots 10, 11, and 12 of Goodspeed's First Plat.
- (41) M-54 (NW corner, 66th and Portland). That area lying between the center lines of 66th Street and a line distant 150 feet north and parallel to said center line, and between the west right-of-way line of Portland Avenue and a line distant 125 feet west and parallel to said right-of-way line, excluding public streets. (Amended, Bill No. 1999-15)
- (42) M-35 (Taft Park area). That area lying between a line distant 165 feet easterly of and parallel to the center line of 16th Avenue and the center line of Cedar Avenue, and between the center lines of 62nd and 63rd Streets.
- (43) M-35 (NE corner, 66th and Portland). That area lying between the center line of Portland Avenue and a line distant 310.6 feet easterly thereof and parallel thereto, and between the center line of 66th Street and a line distant 434.12 feet northerly thereof and parallel thereto, except the northerly 75 feet of the easterly 30.3 feet of said area.
- (44) (Repealed, Bill No. 2006-9)
- (45) M-49. That area lying between the center lines of Portland and Oakland Avenues, and between the center line of 66th Street and the northern line of Auditor's Subdivision No. 340. (Amended, Bill No. 2010-22)
- (46) M-54 (NE corner, 63rd and Lyndale). That area lying between the center line of Lyndale Avenue and a line distant 175 feet easterly thereof and parallel thereto, and between the center lines of 62nd and 63rd Streets.
- (47) M-54 (NE corner, 64th and Lyndale). That area lying between the center line of Lyndale Avenue extended and a line distant 175 feet easterly thereof and parallel thereto, and between the center line of 64th Street and the north line of Block 5, Lyndale Oaks Addition.
- (48) M-35. That area between the west line of 11th Avenue and the center line of 13th Avenue, and between the center line of 66th Street and a line distant 250 feet northerly thereof and parallel thereto; except Lot 17 Eliason Second Addition. (Amended, Bill No. 2000-11)
- (49) M-49. That area lying between the western boundary of the Eastern ½ of Lot 1, Block 1 Jerpbaks 1st Addition and the center line of 13th Avenue, and between the center line of 66th Street and a line distant 250 feet southerly thereof and parallel thereto. (Amended, Bill No. 2000-11, Bill No. 2010-22)
- (50) (Repealed, Bill No. 2006-1)
- (51) (Repealed, Bill No. 2006-16)
- (52) M-4817 (NE corner, 77th and Bloomington). That area lying between the center lines of Bloomington and Cedar Avenues, and between the center line of 77th Street and a line distant 177 feet northerly thereof and parallel thereto; and the area between the east line of 18th Avenue extended and the center line of Cedar Avenue, and between a line distant 177 feet northerly and parallel to the center line of 77th Street and a line distant 330 feet southerly and parallel to the center line of 76th Street.
- (53) ~~M-1, 2, 418. That area lying between the center lines of Cedar and 19th Avenues, and between the center lines of 66th and 68th Streets, except any portion lying outside the Richfield City limits. (Amended, Bill No. 2010-9)~~ Richfield Maintenance Facility, Lot 1, Block 1
- (54) (Repealed, Bill No. 2006-9)

- (55) ~~M-1, 2 (N of 66th near T.H. 77). Lots 13 and 14 of Block 1, Lots 10 through 14 of Block 2, and Lots 10 through 14 of Block 3, all in New Ford Town Addition.~~
- (56) M-49 (SE corner, 66th and Chicago). Lots 1, 2, and 3, Block 3, Terrace Gardens Addition. (Amended, Bill No. 2010-22)
- (57) ~~M-1, 2, 4. That area lying between the center lines of Cedar Avenue and Block 4, Rich Acres Addition, and between the center lines of 68th and 69th Streets. (Amended, Bill No. 2010-9)~~
- (58) M-54 (NE of 66th and Lyndale). Lots 5 through 8, Block 3, J.N. Hauser's Second Addition, except the west 10 feet thereof.
- (59) M-7, 83 (NE corner, 66th and Rae Drive). Commencing at a point on the westerly boundary line of Tract E, R.L.S. No. 642, which point is 201 feet southerly from the northwest corner of said Tract E; thence easterly at right angles to said westerly boundary line of said Tract E; thence southerly along the easterly boundary line of said Tract E to the northeasterly corner of Tract C, R.L.S. No. 642, thence southerly along the easterly boundary line of said Tract C to the southeasterly corner thereof, thence westerly along the southerly boundary line of said Tract C to the southwesterly corner thereof, thence westerly along the southerly boundary line of said Tract E to the southwesterly corner thereof; thence northerly along the westerly boundary line of said Tract E and all of said Tract C, subject to an easement for street purposes.
- (60) M-54 (SW corner, 65th and Lyndale). Tract A, R.L.S. No. 1318.
- (61) M-4415 (SE corner, I-35W and 76th). Lot 1, Block 1, Bourbon and Basin First Addition; and that area bounded by said Block 1, the northerly extension of the east line of said Block 1, the south right-of-way line of 76th Street and the east right-of-way line of Interstate Highway 35W. (Amended, Bill No. 2006-5)
- (62) (Repealed, Bill No. 2000-20)
- (63) ~~M-4 (W of Cedar, 67th to 68th). Lots 1-8, Block 4, Wexler's Addition.~~
- (64) (Repealed, Bill No. 1998-17)
- (65) M-406 (SE corner 66th and Russell). Lots 4, and 5, Block 2, Tingdale Brothers Lincoln Hills Addition.
- (66) (Repealed, Bill No. 2009-7)
- (67) (Repealed, Bill No. 2006-1)
- (68) M-4415. ~~Lots 1 through 5, Block 1, Strand's 2nd Addition.~~ Lot 3, Block 1, Shops at Lyndale Addition
- (69) (Repealed, Bill No. 2006-1)
- (70) (Repealed, Bill No. 2006-16)
- (71) (Repealed, Bill No. 2006-1)
- (72) M-49 (13th Avenue and East 66th Street). That area lying between the center line of 13th Avenue and the center line of 14th Avenue, and between the center line of 66th Street and the center line of the alley southerly thereof and parallel to. (Added, Bill No. 2000-11)
- (73) M-49 (14th Avenue and East 66th Street). That area lying between the center line of 14th Avenue and 15th Avenues, and between the center line of 66th and a line distant 158 feet southerly thereof and parallel thereto. (Amended, Bill No. 2000-14)
- (74) (Repealed, Bill No. 2000-14)
- (75) M-9 (15th to Cedar Avenues and East 66th Street). That area lying between the center line of 15th and a line 33 feet east of the center line of Cedar Avenue, and between the center line of 66th Street and a line distant 250 feet southerly thereof and parallel thereto; except that area where zone PC-2 (5) overlaps with said zone in the block bounded by Cedar and 18th Avenues and by 66th and 67th Streets. (Added, Bill No. 2000-11; amended, Ord. No. 2016-18)
- (76) M-35. That area lying between the center lines of 13th and Bloomington Avenues, and between the center line of 66th Street and the center line of the alley northerly thereof and parallel thereto. (Added, Bill No. 2000-11; Bill No. 2010-22)
- (77) M-35 (East 66th Street, Bloomington and 16th Ave area). Lots 8-15, Block 12, Nokomis Gardens Rearrangement of Blocks 7, 11 and 12, Girard Parkview; and that area lying between the center line of 16th Avenue and the west line of Cedar Point Commons Addition extended and between the center line

of 66th Street and a line distant 250 feet northerly thereof and parallel thereto. (Added, Bill No. 2000-11; Amended, Bill No. 2006-9; Bill No. 2010-22)

- (78) M-4415 (NW corner I-35W and I-494). Tract A, R.L.S. No. 1037. (Added, Bill No. 2006-1)
- (79) M-35 (SE Corner 65th and 16th). That area lying between the center line of 16th Avenue and a line 164 feet easterly thereof and parallel thereto, and between the center line of 65th Street and a line distant 180 feet southerly thereof and parallel thereto. (Added, Bill No. 2010-22)
- ~~(80) M-4 Block 2, Lots 4-13, Wexlers Addition. (Added, Bill No. 2010-22)~~
- ~~(81) M-4 (18th Ave at 67th) Lots 9-16, Block 4, Wexlers Addition. (Added, Bill No. 2010-22)~~
- ~~(82) M-4 Block 1, Cedar Sunrise 2nd Addition. (Added, Bill No. 2010-22)~~
- ~~(83) M-4, 17 (18th and Cedar Aves, 69th and 70th) Lots 1-6 and 9-16, Block 1, Cedar Sunrise 3rd Addition and Lot 2, Block 1, Engberg-Walden 2nd Addition. (Added, Bill No. 2010-22)~~
- ~~(84) M-17 Lots 1 and 12-23, Block 3, Engberg-Walden 2nd Addition. (Added, Bill No. 2010-22)~~
- ~~(85) M-17 (E side of 18th Ave, N of 72nd). Tracts F, G, H, I and J of R.L.S. No. 495. (See Reference #3 of attached Boundary Conflicts). (Added, Bill No. 2010-22)~~
- ~~(86) M-17 (E side of 18th Ave between 72nd and 73rd). Lots 1 through 7, Block 1, Elder Grove 4th Addition, and that part of the south 82 feet of the north 112 feet of the West 1/2 of the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 35, Township 28, Range 24 lying between the extensions of the east and west lines of Lot 1, Block 1, Elder Grove 4th Addition. (See Reference #3 of attached Boundary Conflicts.) (Added, Bill No. 2010-22)~~
- ~~(87) M-18 (NE corner, 75th and 18th). Lots 1 through 4, Block 1, Zubert's Southview Gardens Third Addition. (See Reference #4 of attached Boundary Conflicts.) (Added, Bill No. 2010-22)~~
- ~~(88) M-18 (SE corner, 75th and 18th). Lots E, F, G, H, R.L.S. No. 734, and Lots 1 through 4, Block 1, Zubert's Southview Gardens Fourth Addition. (See Reference #5 of attached Boundary Conflicts.) (Added, Bill No. 2010-22)~~
- (89) M-10 (SW corner, 66th and Queen). Lot 3 and the West 20 feet of Lot 2, Block 2, Tingdale Brothers Lincoln Hills Addition. (Added, Bill No. 2010-22)
- ~~(90) M-17 (SW corner, 73rd and Cedar). The North 465 feet of Outlot 1 of Evergreen Gardens 2nd Addition. (Added, Bill No. 2010-22)~~
- (91) M-5 (SW corner, 64th and Nicollet). Lot 1, Block 8, Rearrangement of Nicollet Homes 2nd Addition. (Added, Bill No. 2010-22; amended, Bill No. 2014-4)
- (92) M-12 (76th and Portland Penn). The East 330 feet of the South 230 feet of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 34, Township 28, Range 24. (Added, Bill No. 2010-22)

#### Section 4. - High Density Commercial District (C-3).

- (1) (Repealed, Bill No. 2006-5)
- (2) (Repealed, Bill No. 2006-1)

#### Section 5. - Multiple Residence District (MR).

- (1) (Repealed, Bill No. 1993-12)
- (2) (Repealed, Bill No. 1993-14)
- (3) (Repealed, Bill No. 1993-14)
- (4) (Repealed, Bill No. 1996-13)
- (5) (Repealed, Bill No. 2010-22)
- (6) (Repealed, Bill No. 1993-14)
- (7) (Repealed, Bill No. 1993-17)
- (8) (Repealed, Bill no. 1995-14)
- (9) [Reserved].
- (10) (Repealed, Bill No. 1993-14)

- (11) (Repealed, Bill No. 1993-15)
- (12) (Repealed, Bill No. 1994-8)
- (13) (Repealed, Bill No. 2010-9)
- (14) (Repealed, Bill No. 1993-17)
- (15) (Repealed, Bill No. 1995-14)
- (16) (Repealed, Bill No. 1993-20)
- (17) (Repealed, Bill No. 1994-8)
- (18) (Repealed, Bill No. 1993-20)
- (19) [Reserved].
- (20) (Repealed, Bill No. 1993-15)
- (21) (Repealed, Bill No. 1993-17)
- (22) (Repealed, Bill No. 1993-15)
- (23) (Repealed, Bill No. 1993-17)
- (24) (Repealed, Bill No. 2010-9)
- (25) [Reserved].
- (26) (Repealed, Bill No. 1993-15)
- (27) (Repealed, Bill No. 1994-8)
- (28) (Repealed, Bill No. 1994-8)

## Section 6. - Residence District (R).

- (1) That area not assigned to any other district.

## Section 7. - Planned General Commercial District (PC-2).

- (1) M-54 (NE corner, 66th and Lyndale). Heyman Addition.
- (2) M-54 ("HUB" Center). Beginning at the southeast corner of the Northwest Quarter of Section 27, Township 28, Range 24, then north along the center line of said Section 27, a distance of 685.9 feet to an extension of the south line of Tract C, R.L.S. No. 692, then westerly along the extension of the south line of said Tract C 50 feet to the southeast corner of said Tract C, then westerly 148 feet along the south line of said Tract C to the southwesterly corner of Tract B, R.L.S. No. 692, then north 154.13 feet, then westerly to a point on the easterly line of Block 1, Richfield Plaza Addition 48 feet south of the southeast corner of Lot 5, Block 7, Nicollet Homes Section Addition, as measured at right angles to the south line of Nicollet Homes Second Addition; then westerly 321.19 feet parallel to the north line of Block 1, Richfield Plaza, then southwesterly 181.21 feet along a tangential curve concave to the southeast, radius 230 feet central angle 45 degrees, 08 minutes, 32 seconds, then southwesterly 47.92 feet tangent to said curve, then southwesterly 180.64 feet along a tangential curve concave to the northwest, radius 230 feet, central angle 45 degrees, then westerly 244 feet to the east right-of-way line of the Soo Line Railway, then south along said railroad right-of-way line to a point 141.56 feet north of the center line of 66th Street, then east and at right angles to the railroad right-of-way 282 feet, then south and at right angles to the north right-of-way line of 66th Street 71.56 feet, then west and parallel to the north right-of-way line of 66th Street 15 feet, then south and at right angles to the north right-of-way line of 66th Street to the center line of 66th Street, then east on said center line to the point of beginning.
- (3) (Repealed, Ord. No. 2013-4)
- (4) M-68 (SE corner, 66th and Lyndale). ~~Lots 1-3, Block 1, Richfield Bank Addition, Block 1 JN Hauser's Addition; and Block 1, Lyndale Shores on Wood Lake. Richfield Urban Village Addition.~~
- (5) M-49 (NW corner, 67th and Cedar). Lots 1 through 10, Block 1, Wexler's Addition and all that part of Cedar Avenue South described as follows:

Beginning at the southeast corner of Lot 5, Block 1, Wexler's Addition; thence easterly on the extension of the south line of said Lot 5 to a point 33 feet west of the east line of Section 26, Township 28, Range

24, which point is referred to herein as "Point A"; thence north on a line parallel with and 33 feet west of said east line of said Section 26 to the intersection with the easterly extension of the north line of Lot 1, Block 1, Wexler's Addition, which line is referred to herein as "Line X"; thence west along said extension of the north line of said Lot 1 to the northeast corner of Lot 1; thence south along the east line of Lots 1 through 5 of Block 1, Wexler's Addition to the point of beginning, and there terminating; AND

All that part of Cedar Avenue lying westerly and northerly of the following described lines: Beginning at "Point A" described above; thence southerly on the extension of "Line X" described above to the intersection with the easterly extension of the north line of Lot 1, Block 4, Wexler's Addition; thence west along said extension of the north line of said Lot 1 to the northeast corner of said Lot 1, and there terminating; and

That part of east 67th Street lying between the southerly prolongation of the easterly line of 18th Avenue and the southerly prolongation of the westerly line of Cedar Avenue.

- (6) ~~M-4415 (SW corner, 77th and Lyndale Shops at Lyndale except City parcel). That area bounded by the original centerline of 77th Street on the north, Lyndale Avenue on the east, I 494 on the south, and Emerson Avenue on the west; except for Lots 1 through 5, Block 1, Strand's 2nd Addition. Lots 1, 2, 4, 5, and Outlot A, Block 1, Shops at Lyndale Addition.~~

- (7) ~~M-14. That part of the following described property lying southwesterly of 77th Street West as constructed in 1994:~~

~~The East Half of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter;~~

~~The West Half of the Northeast Quarter of the Southwest Quarter of the Southeast Quarter;~~

~~The North 225.00 feet of the South 310.00 feet of the West Half of the East Half of the Northeast Quarter of the Southwest Quarter of the Southeast Quarter;~~

~~Except that part of the Southwest Quarter of the Southeast Quarter described as commencing at the Northwest corner of said Southwest Quarter of the Southeast Quarter; thence North 89 degrees 57 minutes 53 seconds East along the north line of said Southwest Quarter of the Southeast Quarter a distance of 347.71 feet; thence South 00 degrees 09 minutes 58 seconds West a distance of 259.80 feet; thence North 89 degrees 57 minutes 55 seconds East a distance of 31.00 feet to the beginning of the land to be described; thence North 89 degrees 57 minutes 55 seconds East a distance of 39.81 feet; thence North 00 degrees 02 minutes 05 seconds West a distance of 28.23 feet; thence northeasterly a distance of 114.12 feet along a tangential curve concave to the southeast having a radius of 114.00 feet and a central angle of 57 degrees 21 minutes 23 seconds; thence North 89 degrees 57 minutes 55 seconds East a distance of 41.80 feet; thence North 08 degrees 42 minutes 04 seconds West a distance of 15.21 feet; thence northerly a distance of 29.35 feet along a tangential curve concave to the east having a radius of 114.23 feet and a central angle of 14 degrees 43 minutes 12 seconds; thence North 06 degrees 01 minute 08 seconds East a distance of 27.54 feet; thence southeasterly a distance of 148.71 feet along a non tangential curve concave to the southwest having a radius of 511.33 feet, a central angle of 16 degrees 39 minutes 47 seconds and a chord bearing of South 68 degrees 04 minutes and 48 seconds east; thence South 44 degrees 33 minutes 55 seconds West a distance of 48.69 feet; thence southeasterly a distance of 96.12 feet along a non tangential curve concave to the southwest having a radius of 114.00 feet, a central angle of 48 degrees 18 minutes 26 seconds and a chord bearing of South 18 degrees 47 minutes 01 seconds East; thence South 72 degrees 02 minutes 05 seconds East a distance of 144.10 feet; thence South 17 degrees 57 minutes 55 seconds West a distance of 112.00 feet; thence North 72 degrees 02 minutes 05 seconds West a distance of 263.91 feet; thence South 89 degrees 57 minutes 05 seconds West a distance of 118.93 feet; thence North 00 degrees 09 minutes 58 seconds East a distance of 52.00 feet to the point of beginning.~~

~~Also except that part of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 33, Township 28, Range 24, Hennepin County, Minnesota which lies northerly and westerly of that property deeded from the Housing and Redevelopment Authority in and for the City of Richfield to Emerson Avenue Congregational Church of the United Church of Christ by quit claim deed dated August 3, 1994.~~

~~The East Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and the West Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter EXCEPT that part taken by the State of Minnesota for Highway purposes.~~

~~All in Section 33, Township 28, Range 24, Hennepin County, Minnesota.~~

~~[The property in paragraph 7 is now known as Lots 2 and 3, Block 3, Cloverleaf Addition, Resolution No. 8350.]~~

- (8) (Repealed, Bill No. 2006-1)
- (9) M-44~~15~~, 16 (E and W sides of Lyndale Avenue, between 76th and 77th). That area lying between the center line of Aldrich and 164.5 feet east of the center line of Garfield Avenue and between the centerlines of 76th and 77th Streets. (Added, Bill No. 1999-11).
- (10) M-44~~15~~ (Southeast of 76th and Penn~~Best Buy Campus~~). That area bounded by the centerline of Penn Avenue on the west; the south border line of Section 33, Township 28, Range 24, Hennepin County, Minnesota on the south; the centerline of Knox Avenue on the east; and the centerline of 76th Street on the north. Best Buy Campus Addition. (Added, Bill No. 2000-20)
- (11) M-6, ~~87~~ (SW corner 66th and Lyndale). Lots 1 through 4 and Lots 11 through 19 of Block 1, and all of Block 2, and Lots 1 through 5 and Lots 16 through 18 of Block 3, Fairwood Shores Addition. Also, Graham Avenue and Circle Place, including the vacated portion of Circle Place, between the west right of way line of Lyndale Avenue and the east line of the vacated section of Graham Avenue lying within PMR zone No. 2. Also;  
  
All of the alley parallel to and between Lake Shore Drive and Graham Avenue except those parts included in PMR zones Nos. 2 and 5. Also;  
  
The dedicated public walkway lying along the south east lines of Lots 6 and 18, Block 3, Fairwood Shores Addition, except that part included in PMR zone No. 5. City Bella Addition. (Added, Bill No. 2000-22)
- (12) M-3~~5~~ (NW Corner of 66th Street and Cedar AvenueCedar Point Commons area). That area lying between the center line of 17th Avenue and the west right of way line of Trunk Highway 77, and between 63rd Street and the center line of 66th Street, excluding Lots 1, 2, 16, and 17, and Block 6, Iverson's Second Addition, and Lots 6, 7, and 8, Block 3, Iverson's Third Addition, and including Block 3 of Iverson's Second Addition and Block 5 of Iverson's Third Addition extended to the center line of 66th Street. Blocks 1, 2, and Outlots A and B, Cedar Point Commons Addition. (Added, Bill No. 2006-9)

#### Section 8. - Planned Mixed Use (PMU).

- (1) M-92 (Northwest corner 66th and Penn). That part of Lot 16, "Richfield Gardens", which lies southerly of a line described as commencing at the southeast corner of said Lot 16; thence northerly, along the easterly line of said Lot 16, a distance of 219.69 feet to the point of beginning of the line to be described; thence westerly, deflecting to the left 90 degrees 00 minutes 00 seconds, to the west line of said Lot 16 and said line there terminating; together with: Lot 3, Block 3, Harry Tickner's Subdivision of Lot 15, Richfield Garden. Lot 1, Block 1, Richfield Gardens Second Addition. (Added, Bill No. 2011-2)
- (2) M-16 (301 77th Street West). Lot 1, Block 1, Candlewood Hotel Addition. (Added, Bill No. 2012-8)
- (3) M-7~~3~~ (Lyndale Gardens Area). Lots 1, 2, 3, 4 and Outlots B and C, Lyndale Gardens Addition. (Added, Ord. No. 2013-04)
- (4) M-16 (Honda). Lot 1, Block 1, Wood Minnesota re Addition. (Added, Ord. No. 2013-12)
- (5) M-48~~17~~ (Audi). Lot 1, Block 1, Richfield Properties, LLC. (Added, Bill No. 2015-6)

#### Section 9. - Planned Multiple Residential District (PMR).

- (1) M-7~~3~~ (SW of Richfield Lake). All that part of Section 28, Township 28, Range 24 described as follows: Beginning at a point marked "Judicial Landmark No. 10" on the east and west quarter line of said section distant 410 feet west measured along said line from the east quarter corner of said section; thence south at right angles to said east and west quarter line 74.6 feet to a point marked "Judicial Landmark No. 11", on the original Military Reservation line; thence south 79 degrees 38 minutes west 140.14 feet to a point marked "Judicial Landmark No. 12", thence south 7 degrees 10 minutes west

115.44 feet to a point marked "Judicial Landmark No 13"; thence north 71 degrees 32 minutes west 585.9 feet to a point marked "Judicial Landmark No. 14", which is the actual point of beginning of the land to be described; thence north 13 degrees east 333.15 feet to a point marked "Judicial Landmark No 18"; thence continuing on an extension of said line 665 feet, more or less, to its point of intersection with a line between a point marked "Judicial Landmark No. 21" on the westerly meander line of Grass Lake and a point marked "Judicial Landmark No. 8", marking an angle point in the mean center line of Grass Lake; thence north 71 degrees 44 minutes east along said line a distance of 104 feet more or less to said point marked "Judicial Landmark No. 8", thence northwesterly along the mean center line of said Grass Lake to its intersection with the north line of Government Lot 5 extended, which said point is marked "Judicial Landmark No. 7"; thence west along said extension of the north line of Government Lot 5 a distance of 206.3 feet; thence southerly to a point on the heretofore described line between the point marked "Judicial Landmark No. 21", and said point marked "Judicial Landmark No. 8", said point on said line begin north 71 degrees 44 minutes east of said point marked "Judicial Landmark No. 21", a distance of 49 feet thence south 1 degree 11 minutes east 128 feet more or less to the intersection of the extension eastward of the south line of 65th Street as laid out in the plat of Silverwood Second Addition; thence west along said extension of said south line of 65th Street 42.3 feet to its intersection with the east line of said Silverwood Second Addition; thence south 1 degree 11 minutes east a distance of 594.7 feet more or less to a point marked "Judicial Landmark No. 17"; thence continuing south on said line a distance of 33 feet to the point of intersection with said east-west quarter line, which point of intersection is 1100.43 feet east of the southwest corner of Government Lot 5, as shown by the plat on file in Torrens Case Number 1487; thence east along said quarter line 278.81 feet to a point marked "Judicial Landmark No. 15" thence south 71 degrees 32 minutes east 104.4 feet to point of beginning; except that part of the property herein before described lying north of the following described line: Commencing at a point heretofore described as "Judicial Landmark No. 14"; thence north 13 degrees east 333.15 feet to a point marked "Judicial Landmark No. 18"; thence continuing on an extension of said line, a distance of 205.5 feet to the actual point of beginning of line to be described; thence northwesterly to a point 42.3 feet east of a point heretofore described as the intersection of the south line of 65th Street as laid out in the plat of Silverwood Second Addition and the east line of Silverwood Second Addition. Also, the north 180.00 feet of Lot A, Silverwood Second Addition, the east line of which was determined in Land Registration Proceeding No. 1487 according to the plat thereof on file or of record in the office of the Register of Deeds in and for Hennepin County, Minnesota. Also, except that part of the above property described in the following paragraph as "Tract A".

Tract A: Commencing at the intersection of the east line of Silverwood Second Addition and the south line of 65th Street. Thence east (assumed bearing) along the easterly extension of said south line of 65th Street 42.3 feet. Thence south 74 degrees 19 minutes 32 seconds east 236.17 feet to the actual point of beginning of the tract of land to be described. Thence south 50 degrees 11 minutes 27 seconds east 280.95 feet. Thence north 13 degrees, 00 minutes east 115 feet to the intersection with a line bearing southerly 74 degrees 19 minutes 32 seconds east from the actual point of beginning. Thence north 74 degrees 19 minutes 32 seconds west 251.02 feet to the actual point of beginning.

Also including all that part of Section 28, Township 28, Range 24 described as follows:

Commencing at the intersection of the east line of Silverwood Second Addition and the south line of 65th Street. Thence east (assumed bearing) along the easterly extension of said south line of 65th Street 42.3 feet to the actual point of beginning of the tract of land to be described. Thence south 74 degrees 19 minutes 32 seconds east 236.17 feet. Thence north 50 degrees 11 minutes 27 seconds west 298.55 feet to the intersection with a line running northerly from the actual point of beginning and parallel with the east line of said Silver Wood Second Addition. Thence southerly 127.35 feet along said parallel line to the actual point of beginning.

Subject to an easement for street purposes only over and across the following described property, to wit: Commencing at a point heretofore described as "Judicial Landmark No. 14", thence north 13 degrees east 333.15 feet to a point marked "Judicial Landmark No. 18"; thence continuing on an extension of said line, a distance of 5.7 feet to the actual point of beginning of land to be described; thence north 77 degrees west, a distance of 30 feet; thence north 13 degrees east, a distance of 196.8 feet; thence south 77 degrees east a distance of 30 feet; thence south 13 degrees west, a distance of 196.8 feet to the point of beginning, as shown in deed Doc. No. 501976, Files of Registrar of Titles. (Woodlake School Site).

- (2) ~~M-87 (SENE of 66<sup>th</sup> 67<sup>th</sup> and Lake Shore Drive) Lots 5 through 10 of Block 1 and Lots 6 through 15 of Block 3, Fairwood Shores Addition. Also, the northeasterly extension of the southeasterly line of said Lot 15 and the southerly right of way line of West 66th Street, as shown on said plat. Also,~~

~~That part of Graham Avenue as shown and dedicated on said plat lying northerly of a curved line concave to the southeast, having a radius of 65 feet, said curve being drawn through the most southerly corner of said Lot 10, Block 1, and the most easterly corner of said Lot 6, Block 3. Also,~~

~~That part of vacated 66th Street as shown and dedicated on said plat, adjoining said Lot 11, Block 3, laying between the northerly extensions of the northeasterly and southwesterly lines of said Lot 11, Block 3. Also;~~

~~That part of vacated 66th Street as shown and dedicated on said plat, adjoining said Lot 12, Block 3, lying between the northerly extensions of the northeasterly and southwesterly lines of said Lot 12, Block 3, Gramercy Park Richfield Addition.~~

- (3) ~~M-5, 7 3~~ (NW corner, 66th and Lyndale).

Tract 1: All that part of the following described premises lying easterly of the center line of Graham Avenue as deeded to Richfield in Deed recorded in Book 2052 of Deeds, page 639; that part of Government Lot 2 described as beginning at the intersection of the center line of 66th Street with the westerly line of Government Lot 2, which is the old Military Reservation line; thence northwesterly 114.6 feet along the said Military Reservation line to Judicial Landmark No. 11 set pursuant to Torrens Case No. A-2547; thence north along a line extended to Judicial Landmark No. 9 set pursuant to Torrens Case No. A-2547 to the intersection of said line with the southerly line of 65th Street, which is the southerly line of premises conveyed to the Village of Richfield in Deed recorded in Book 2053 of Deeds, page 131; thence northeasterly along the southerly line of 65th Street, which is the southerly line of the premises conveyed to the Village of Richfield in said deed to the east line of Government Lot 2; thence south along the east line of Government Lot 2 to the center line of 66th Street; thence westerly along the center line of 66th Street to the place of beginning; all in Section 28, Township 29, Range 24, according to the recorded plat thereof, and situated in Hennepin County, Minnesota. (See Reference #2 of attached Boundary Conflicts).

Tract 2: That part of Government Lot 1, Section 27, Township 28, Range 24, described as beginning at the southwest corner of said Government Lot 1; thence east along the south line of said Government Lot 1 a distance of 64.8 feet; thence north, parallel with the west line of said Government Lot 1 and its extension north, to the southerly line of R.L.S. No. 1318, Files of the Registrar of Titles, County of Hennepin; thence southwesterly along the southerly line of said R.L.S. No. 1318 to the west line of said government Lot 1; thence south along said west line to the point of beginning, and situated in Hennepin County, Minnesota.

Tract 3: That part of Government Lot 1, Section 27, Township 28, Range 24, described as beginning at a point on the south line of said Government Lot 2 distant 64.8 feet east from the southwest corner of said Government Lot 1; thence east along said south line a distance of 88 feet; thence north, parallel with the west line of said Government Lot 1 and its extension north, to the southerly line of R.L.S. No. 1318, Files of the Registrar of Titles, County of Hennepin; thence southwesterly along the southerly line of said R.L.S. No. 1318 to its intersection with a line drawn north, parallel with the west line of said Government Lot 1 and its extension north, from the point of beginning; thence south along the last described parallel line to the point of beginning. That the east boundary line of said tract has been judicially determine and Judicial Landmarks set pursuant to Torrens Case No. 17641, and situated in Hennepin County, Minnesota.

Tract 4, Parcel 1: That part of Government Lot 1, Section 27, Township 28, Range 24, commencing at a point, which point is marked by Judicial Landmark, and is located 256.6 feet east and 33 feet north of the southwest corner of Government Lot 1; thence north parallel with west line of said line of said Lot 90.7 feet to a point marked by Judicial Landmark; thence at right angles East 229.2 feet to the point of intersection with the westerly line of Lyndale Avenue, which point is marked by Judicial Landmark; thence southwesterly along said line of Lyndale Avenue 95.5 feet to the point of intersection with the north line of 66th Street, which point is marked by Judicial Landmark; thence west along said line 195.7 feet to the point of beginning.

Tract 4, Parcel 2: That part of Government Lot 1, Section 27, Township 28, Range 24, described as beginning at a point in the south line of said Government Lot; distant of 152.80 feet east of the

southwest corner of said Government Lot 1; thence easterly along the south line of said Government Lot 1 a distance of 103.80 feet; thence northerly parallel with the west line of said Government Lot 1, a distance of 229.60 feet; thence at a right angle westerly 2.20 feet; thence northerly deflecting to the right 89 degrees 38 minutes a distance of 104.07 feet to the southerly line of R.L.S. No. 1318; files of Registrar of Titles; County of Hennepin; thence westerly along last said southerly line to an intersection with a line drawn northerly from the point of beginning and parallel with the west line of said Government Lot 1; thence southerly along last said parallel line to the point of beginning. That the east line of said tract has been judicially determined and marked by Judicial Landmarks set pursuant to Torrens Case Nos. 10017 and 17641 and west line of said tract has been judicially determined and marked by Judicial Landmarks set pursuant to Torrens Case No. 17641, according to the Government Survey thereof.

Tract 4, Parcel 3: All that part of Government Lot 1, Section 27, Township 28, Range 24, described as follows: Commencing on a line parallel to and 256.6 feet east of the west line of said Section 27 at a point therein which is 123.7 feet north along said line from the south line of said Government Lot 1, which point is marked by a Judicial Landmark; thence north along said parallel line a distance of 105.9 feet; thence east a distance of 306.5 feet, more or less, to an intersection with the westerly line\* of Lyndale Avenue, which point of intersection is determined by returning to the point of beginning of said line and continuing north along said parallel line a distance of 103 feet; thence south 82 degrees 56 minutes east 141.7 feet; thence north 82 degrees, 34 minutes east to the west line of Lyndale Avenue; thence southerly along said latter line, 115 feet to said point of termination of the north line of the land now being described; thence southwesterly along the westerly line of Lyndale Avenue a distance of 113.4 feet, more or less, to a Judicial Landmark located in said line at a distance of 95.5 feet northeasterly along said line from a Judicial Landmark placed at the intersection of the westerly line of Lyndale Avenue and the north line of 66th Street; thence west 229.2 feet to the point of beginning, according to the Government Survey thereof. (See Reference #6 of attached Boundary Conflicts).

\*This reference to the westerly line of Lyndale Avenue appears to be in error, and should be the center line of Lyndale Avenue. However, the Judicial Landmarks referred to later may be on the westerly line.

Tract 4, Parcel 4: Tract D, R.L.S. No. 1318, Files of Registrar of Titles, County of Hennepin.

Tract 5: That part of Government Lot 1, Section 27, Township 28, Range 24 described as follows: Commencing 229.6 feet north and 256.6 feet east from the southwest corner of Lot 1, thence north 103 feet; thence south 82 degrees 56 minutes east 141.7 feet; thence north 82 degrees, 34 minutes east to center line of Lyndale Avenue, thence southerly along the center line of Lyndale Avenue 115 feet, thence west 306.5 feet to beginning, and situated in Hennepin County, Minnesota.

Tract 7: Tracts B and C, R.L.S. No. 1318, Files of Registrar of Titles, County of Hennepin, State of Minnesota.

Tract 8: Tract E, R.L.S. No. 1318, Files of Registrar of Titles, County of Hennepin, State of Minnesota.

That part of Government Lot 1, Section 27, Township 28, Range 24, described as beginning at a point in the south line of said Government Lot 1, distance 256.6 feet east of the southwest corner of said Government Lot 1; thence northerly parallel with the west line of said Government Lot 1 a distance of 229.60 feet to the point of beginning; thence at a right angle westerly 2.20 feet; thence northerly deflecting to the right 89 degrees 38 minutes, a distance of 104.7 feet to the southerly line of R.L.S. No. 1318, Files of the Registrar of Titles, County of Hennepin; thence easterly along said southerly line of R.L.S. No. 1318, Files of the Registrar of Titles, County of Hennepin, to its intersection with a line drawn northerly from the point of beginning and parallel with the west line of said Government Lot 1, thence southerly along said last parallel line to the point of beginning, according to the Government Survey thereof. The west line of said tract has been judicially determined and marked by Judicial Landmarks set pursuant to Torrens Case No. 17641, and situated in Hennepin County, Minnesota.

- (4) ~~M-9, 10~~ 2 (N side of 66th between Russell and Sheridan). Lot 7 of Jacobsen's Subdivision of the west half of Lot 14, Richfield Gardens; and Lot 1 of Richfield Gardens Free Manor Addition.
- (5) ~~M-6, 8~~ 7 (NW corner, Lyndale and Lake Shore Drive). ~~That area lying between the center lines of Lake Shore Drive and the alley, parallel to and between Lake Shore Drive and Graham Avenue, and between the center lines of Lyndale Avenue and the dedicated public walkway.~~ Lot 1, Block 1, Gramercy Park Richfield. (Added, Bill No. 1998-20)

- (6) ~~M-54~~ (Southeast corner of Lyndale Avenue and 64th Street West). ~~Lots 10 through 17 and the Northwesterly 25 feet of Lot 18, Block 6, Lyndale Oaks Addition, together with that part of the vacated alley that accrued to said Lots by reason of the vacation thereof. Lot 1, Block 1, The Plaza on Lyndale Addition.~~ (Added, Bill No. 2011-22)
- (7) M-16, Lot 1, Block 1, Richfield Assisted Living. (Added, Bill No. 2016-5)

#### Section 10. - Planned Two-Family Residential District (PMR-1).

- (1) (Repealed, Bill No. 2010-22)

#### Section 11. - Residence District (R-1).

- (1) M-~~87~~ (Between Knox and Penn, and 67th and 68th). Block 7 except Lot 8 and Lot 10, and Blocks 8, 9 and 10, Fairwood Park Addition.
- (2) M-~~87~~ (Between 67th and 68th, near Knox). Commencing at a point 390 feet south and 100 feet west of the northeast corner of Block 11, Fairwood Park Addition thence northwesterly 79.3 feet to a point 125 feet west of the east line of said block thence west parallel with the north line of said Block 11 to the west line thereof thence southerly along said west line to a point due west of beginning thence east 94.4 feet to beginning.
- (3) M-~~87~~ (Between 67th and 68th, near Knox). Commencing at a point 315 feet south and 125 feet west of the northeast corner of Block 11, Fairwood Park Addition thence northwesterly 75.8 feet to a point 135 feet west of the east line of said block thence west parallel with the north line of said Block 11 a distance of 189.7 to the west line thereof thence southeasterly along said west line to a point due west of beginning thence east 124.5 feet to beginning.
- (4) M-~~87~~ (Between 67th and 68th, near Knox). That part of the south 72 feet of the north 240 feet of Block 11, Fairwood Park Addition lying west of the east 135 feet thereof and the south 8 feet of the north 168 feet of the west 113.7 feet of the east 248.7 feet of Block 11, Fairwood Park Addition.
- (5) M-~~87~~ (S of 67th near Knox). Commencing 210 feet west and 80 feet south of the northeast corner of Block 11, Fairwood Park Addition thence southeasterly 110.3 feet to a point 135 feet west of the east line of said Block 11 thence west parallel with the north line of said Block 11, 113.7 feet thence south parallel with the east line of said Block 11, 8 feet thence parallel with the north line of said Block 11 to the westerly line of said Block 11 thence northwesterly along said west line to a point 80 feet south of the north line of said Block 11 thence east 190.5 feet to the point of beginning.
- (6) M-~~87~~ (S side of 67th at Knox). That part of the north 80 feet of Block 11, Fairwood Park Addition lying west of the east 210 feet thereof.
- (7) M-~~87~~ (NW of 68th and James). Tracts A and B of Registered Land Survey Number 174.
- (8) M-~~87~~ (Between 66th and Wood Lake). Lots 1 through 4 and Lots 8 through 24 of Block 1, and Lots 1, 2, and the east half of Lot 3, and Lots 6 through 15 of Block 2, Lynnwood Addition.
- (9) M-~~4311~~ (W side of Lyndale at 71st). Lots 1 through 4 and Lots 14 through 22, Block 1, Wood Lake Shores Addition.
- (10) M-~~4311~~ (W side of Lyndale at 72nd). Block 2, Wood Lake Shores Addition, except Lots 12 through 15 and the south 1/2 of Lot 11.
- (11) M-~~4311~~ (Between Lyndale and Wood Lake). Blocks 3 through 6 and Block 8, Wood Lake Shores Addition.
- (12) M-~~4311~~ (Between Lyndale and Wood Lake). Lots 1 through 10, Block 7, Wood Lake Shores Addition.
- (13) M-~~4311~~ (W side of Lyndale, S of 70th). Tracts A and B, R.L.S. No. 379.
- (14) M-~~54~~ (N side of 66th, near Fourth). All of Ralph Milner's Addition except Lot 21; and the east four feet of Block 3 and all of Block 4, Ralph Milner's Second Addition.

#### Section 12. - Two-Family Residential District (MR-1).

- (1) M-~~9, 10 2~~ (SE corner, Xerxes and Crosstown Highway). Lots 23 through 34, Block 2, Lein's Richfield Second Addition. (Amended, Bill No. 1993-12)
- (2) M-~~41, 1210~~ (NE of 71st and Xerxes). Lots 9 through 11, Block 1, Joe Maurer's First Addition.
- (3) M-~~9, 106~~ (NE of 70th and Washburn). Lots 14 through 16, Block 10, Tingdale Brothers Lincoln Hills Third Addition.

- (4) M-~~9~~106 (Washburn S of 66th). Lot 23 and north half of Lot 22, Block 7, Tingdale Brothers Lincoln Hills Addition.
- (5) M-~~41~~1214 (W side of Queen, S of 74th). Lots 2 and 3 and the south ten feet of Lot 1, Block 2, Vick's Terrace Addition.
- (6) M-~~41~~1214 (E side of Queen, S of 74th). Lot 2, Block 1, Vick's Terrace Addition.
- (7) (Repealed, Bill No. 2000-20)
- (8) (Repealed, Bill No. 2000-20)
- (9) M-~~73~~ (NW corner, 66th and James). Lot 8, Block 12, Fairwood Park First Addition.
- (10) (Repealed, Bill No. 2000-20)
- (11) M-~~73~~ (Colfax S of 63rd). Lot 3 and South 35 feet of Lot 2, Block 4, Ray's Lynnhurst Second Addition.
- (12) M-~~43~~11 (Aldrich near 73rd). Lot 21, Block 1, Irwin Shores No. 2 Addition.
- (13) M-~~43~~11 (W side of Lyndale, N of 73rd) Lots 12 through 15 and the south half of Lot 11, Block 2, Wood Lake Shores Addition.
- (14) M-~~45~~12 (E side of Lyndale, S of 72nd) The north 40 feet of Lot 22, and all of Lot 23 except the north 10 feet thereof, Block 4, Irwindale Addition.
- (15) M-~~45~~12 (NE corner, 74th and Nicollet). Lots 5 through 8 and the west ten feet of Lots 1 through 4, Block 4, Nicollet Garden Lots Second Addition.
- (16) M-~~68~~ (SW corner, 68th and Nicollet). Lots 1 through 4, A.A. Roger's Second Addition.
- (17) M-~~68~~ (NE corner, 67th and Nicollet). The south half of the west half of Lot 10, Goodspeed's Second Plat.
- (18) M-~~54~~ (NW corner, 64th and Nicollet). Lots 1 through 3, Block 1, Rearrangement of Nicollet Homes Second Addition.
- (19) M-~~54~~ (NE corner, 64th and Nicollet). Lots 1 through 5, Block 1, Towns Edge Addition.
- (20) M-~~54~~ (SW corner, 63rd and Nicollet). Lot 1, Block 8, Nicollet Homes Addition.
- (21) M-~~68~~ (SE corner, 66th and Second). The west half of Lot 1 except the east 7 feet, Goodspeed's First Plat.
- (22) M-~~54~~ (Fifth Ave near 65th). Lot 1, Block 2, Bauman-Wheelock Addition.
- (23) M-~~45~~12 (W side of Fifth Ave, S of 70th). Lots 13 through 15, Block 2, Savage's First Addition.
- (24) M-~~49~~ (SE corner, 69th and Portland). Lots 6 and 7, Block 4, Coffman's Second Addition.
- (25) M-~~47~~13 (NE corner, 73rd and Portland). Lots 5 through 8, Block 4, Henry Thernell Addition.
- (26) M-~~48~~17 (NE corner, 77th and Portland). Lots 7 through 10, Block 3, Mattson Heights Third Addition.
- (27) M-~~49~~ (NW corner, 67th and Park). Lots 9 and 10, Auditors Subdivision No. 340.
- (28) M-~~47~~13 (W side of Chicago, S of 70th). Lots 2, 3, and 4A, and the south 43.5 feet of Lot 1, all in Zubert's Chicago Avenue Addition.
- (29) M-~~47~~13 (SE corner, 72nd and Chicago). Lots 13 through 16, Block 11, Fallden's Third Addition.
- (30) M-~~47~~13 (W side of Elliott, S of 71st). Lots 1 and 2, Block 4, Zubert's Elliott Addition.
- (31) M-~~47~~13 (SW corner, 72nd and Bloomington). Lots 1 and 2, Block 1, Fallden's Fourth Addition.
- (32) (Repealed, Bill No. 2010-22)
- (33) (Repealed, Bill No. 2010-22)
- (34) (Repealed, Bill No. 2010-22)
- (35) (Repealed, Bill No. 2010-22)
- (36) (Repealed, Bill No. 2010-22)
- (37) (Repealed, Bill No. 2010-22)

- (38) (Repealed, Bill No. 2011-7)
- (39) (Repealed, Bill No. 2010-9)
- (40) (Repealed, Bill No. 2010-9)
- (41) (Repealed, Bill No. 2010-9)
- (42) (Repealed, Bill No. 2010-9)
- (43) (Repealed, Bill No. 2010-9)
- (44) (Repealed, Bill No. 2010-9)
- (45) M-~~47~~13 (SW corner, 72nd and Diagonal Boulevard). Lots 1 and 2, Block 3, Fallden's Fourth Addition.
- (46) M-~~54~~ (NE corner, 64th and Harriet). Lots 1 through 3, Block 4, Lyndale Oaks Addition.
- (47) (Repealed, Bill No. 2010-22)
- (48) M-~~87~~ (SE corner, 66th and Girard). Lot 23 and Lot 24 except the north 11 feet, Block 1, Blossom Park Addition.
- (49) M-~~87~~ (S side of 66th, near Lake Shore Drive). Lots 5 through 7, Block 1, Lynnwood Addition.
- (50) M-~~41~~, ~~42~~10 (SE corner, 71st and Xerxes). Lot 8, Block 2, Joe Maurer's First Addition.
- (51) M-16 (SW of 75th and Wentworth). Lot 2, Block 6, Nicollet View Gardens Addition.
- (52) M-~~68~~ (NE corner, 69th and Lyndale). Lots 10 through 12, Block 4, Wooddale Addition.
- (53) M-~~45~~12 (E side of Lyndale, N of 73rd). Lot 15, and the north half of Lot 14, Block 4, Irwindale Addition.
- (54) M-~~45~~12 (E side of Lyndale, N of 74th). Tract C, R.L.S. No. 215.
- (55) M-~~68~~ (NW corner, 70th and First). Lot 5, Meridith's Addition.
- (56) M-~~87~~ (SW corner, 66th and Girard). Lots 1 and 2, Block 2, Blossom Park Addition.
- (57) M-~~54~~ (NE corner, 64th and Grand). Lot 3, Block 1, Lyndale Oaks Addition.
- (58) (Repealed, Bill No. 2010-22)
- (59) M-~~87~~ (S side of 66th, near Emerson). Lots 4 and 5 and the west half of Lot 3, Block 2, Lynnwood Addition.
- (60) M-~~68~~ (Third Ave, N of 70th). Lot 11, Block 4, D.L. Tate's Addition.
- (61) M-~~48~~17 (Bloomington, N of 77th). Tracts A and B, R.L.S. No. 1003.
- (62) (Repealed, Bill No. 2010-22)
- (63) [Reserved.]
- (64) [Reserved.]
- (65) M-~~87~~ (SW corner, 66th and Irving). The north 103 feet of the east 165 feet of the west 330 feet of the East Half of the Northeast Quarter of the Southwest Quarter of Section 28, Township 28, Range 24.
- (66) M-~~45~~12 (E side of Nicollet, S of 73rd). The south 75 feet of the north 255 feet of that area lying west of the east 154.48 feet of the west quarter of the north 10 acres of the south 20 acres of the Southwest Quarter of the Northeast Quarter of Section 34, Township 28, Range 24.
- (67) M-~~45~~12 (SE corner, 73rd and Nicollet). The north 105 feet of that area lying west of the east 150.48 feet of the north 10 acres of the south 20 acres of the Southwest Quarter of the Northeast Quarter of Section 34, Township 28, Range 24.
- (68) M-~~68~~ (Nicollet near 69th). The north 85 feet of the south third of the west 1/8 of the Southwest Quarter of the Southeast Quarter of Section 27, Township 28, Range 24.
- (69) (Repealed, Bill No. 1997-9)
- (70) M-~~48~~17 (E side of Portland, N of 75th). That part of the north 63.9 feet of the south 267.8 feet of the West Half of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 35, Township 28, Range 24 lying west of the east 153 feet thereof.

- (71) M-47~~13~~ (SE corner, 71st and Chicago). The East 161 40/100 feet of the West 325 3/10 feet of that part of the Northeast Quarter of the Northwest Quarter of Section 35, Township 28, Range 24 lying south of the north 690 feet thereof and north of a line parallel with and 70 feet north from the north line of Zuberts Elliott Avenue Addition. (Amended, Bill No. 2010-22)
- (72) M-44, ~~1214~~ (SE corner, 74th and Queen). The east 133 feet of the west 163 feet of that part of the east quarter of the Northeast Quarter of the Southeast Quarter of Section 32, Township 28, Range 24 lying north of the south 1226.25 feet of said east quarter.
- (73) M-45~~12~~ (SE corner, 70th and Third). The north 123 feet of the west 160 feet of the east 320 feet of the West Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 34, Township 28, Range 24.
- (74) M-6~~8~~ (NE corner, 70th and First). That part of the west 165 feet of the east 660 feet of the south third of the west three quarters of the Southwest Quarter of the Southeast Quarter of Section 27, Township 28, Range 24 lying south of the north 300 feet thereof.
- (75) M-6~~3~~ (NE corner, 66th and Humboldt). The east 100 feet of the west 130 feet of the south 200 feet of Government Lot 5, Section 28, Township 28, Range 24.
- (76) M-47~~13~~ (E side of Portland, S. of 70th). That part of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 35, Township 28, Range 24, lying between the north line of the south 130 feet thereof and the south line of the north 109.6 feet thereof and west of the east 120 feet thereof.
- (77) M-6~~3~~ (NE corner, 66th and Girard). The southerly 180.2 feet of the block lying between 65th and 66th Streets between Girard Avenue and Trunk Highway No. 65.
- (78) M-16 (S side of 74th, W of Pleasant). That area east of the west quarter of the north five acres of the Northwest Quarter of the Southwest Quarter of Section 34, Township 28, Range. 24.
- (79) M-5~~4~~ (E side of Pillsbury, N of 63rd). Lot 9, Block 3, and that portion of the now vacated portion of 63rd Street in the plat of Betcher's Addition to Richfield, lying between the southward extension of the east and west lines of Lot 9, Block 3, Betcher's Addition to Richfield.
- (80) M-4~~9~~ (E side of Chicago, S of 69th). The west half of the north half of Lot 33, Baumgartner's First Addition. (Added, Bill No. 1993-15)
- (81) M-16 (NE corner, 77th and Nicollet). The northerly 8 feet of Lot 9 and all of Lot 10 in Block 4, A.G. Bogen Company's Nicollet Avenue Addition. (Added, Bill No. 1996-23)

### Section 13. - Multiple Family Residential District (MR-2).

- (1) (Repealed, Bill No. 2009-7)
- (2) M-9, ~~106~~ (NW corner, 67th and Queen). Lots 6 through 14, Block 2, Tingdale Brothers Lincoln Hills Addition.
- (3) (Repealed, Bill No. 2010-22)
- (4) M-5~~4~~ (NW corner, 65th and Grand). Lot 1, Block 2, J.N. Hauser's Second Addition.
- (5) (Repealed, Bill No. 2010-22)
- (6) (Repealed, Bill No. 2010-22)
- (7) (Repealed, Bill No. 2009-7)
- (8) M-6~~8~~ (W side of Nicollet, N. of 70th). The east 175 feet of the South 1/4 of the East 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 28, Range 24, except the south 175 feet thereof.
- (9) (Repealed, Bill No. 2010-22)
- (10) M-7~~3~~ (Between 65th Street and Rae Drive). Tracts B and C, R.L.S. No. 793.
- (11) M-5~~4~~ (NW corner, 65th and Pleasant). Lot 1, Block 1, J.N. Hauser's Second Addition; and Lot 6, Block 2, Lyndale Oaks Addition.
- (12) (Repealed, Bill No. 2010-22)
- (13) (Repealed Bill No. 2010-22)

- (14) M-~~54~~ (E side of Pleasant, between 63rd and 64th). Lots 6 through 10, Block 5, Nicollet Homes Addition; and Lots 4 and 5, Block 4, Rearrangement of Nicollet Homes Second Addition.
- (15) M-~~54~~ (Pleasant, E side, 64th to 65th). Lots 6 through 10, Block 5, Rearrangement of Nicollet Homes Second Addition and that area between Pleasant and Pillsbury Avenues between 65th Street and the south line of Rearrangement of Nicollet Homes Second Addition, except that area between the west right-of-way line of Pillsbury Avenue and a line distant 122 feet west and parallel to said right-of-way line, and between the south line of Rearrangement of Nicollet Homes Second Addition and a line distant 65 feet south and parallel to said south line. (Amended, Bill No. 1999-15)
- (16) M-~~54~~ (SE corner, 64th and Blaisdell). Lot 10, Block 8, Rearrangement of Nicollet Homes 2nd Addition. (Amended, Bill No. 2010-22)
- (17) (Repealed, Bill No. 2010-9)
- (18) (Repealed, Bill No. 2010-9)
- (19) (Repealed, Bill No. 2010-22)
- (20) (Repealed, Bill No. 2009-7)
- (21) M-~~49~~ (SW corner, 66th and Chicago) Lots 1, 2, and 3, Okstad Addition.
- (22) M-~~49~~ (SE corner, 66th and 10th) Lots 1, 2, and 3, Block 1, Terrace Gardens Addition.
- (23) (Repealed, Bill No. 2000-20)
- (24) M-~~87~~ (SE corner, 69th and Penn). Lots 17 and 18, Block 10, Woodlake Highlands.
- (25) (Repealed, Bill No. 2009-7)
- (26) M-~~87~~ (E side of Penn, S of 67th). Lot 10, Block 7, Fairwood Park Addition.
- (27) M-~~87~~ (E of Penn, N of 68th). Lot 8, Block 7, Fairwood Park Addition.
- ~~(28) M-18 (SE of 18th and 76th). That area lying between the center line of 76th Street and a line distant 330 feet southerly thereof and parallel thereto, and between the east line of 18th Avenue extended and a line running parallel with Cedar Avenue, distant 173 feet west of the center line of Cedar Avenue.~~
- (29) (Repealed, Bill No. 2011-7)
- (30) (Repealed, Bill No. 2011-27)
- (31) M-~~44, 1214~~ (SW corner, 74th and Penn). The north 252.23 feet of the south 1283.70 feet of the east eighth of the Northeast Quarter of the Southeast Quarter of Section 32, Township 28, Range 24.
- (32) M-16 (NW of 77th and Pleasant). The east half of Lots 2 through 7, Block 2, Sunset Terrace Addition. (Added, Bill No. 1993-15)
- (33) (Repealed, Bill No. 2010-22)
- (34) M-~~49~~ (SE corner, 66th and Elliot). Lots 1 through 3, Block 2, Terrace Gardens Addition. (Added, Bill No. 1993-20)
- (35) (Repealed, Bill No. 2010-22)
- (36) (Repealed, Bill No. 2010-9)
- (37) M-~~54~~ (NE corner of 66th Street and 5th Avenue). That area lying between the center lines of Fifth and Portland Avenues, and between the center line of 66th Street and the south line of Block 1, Bauman-Wheelock Addition, except that area distant 150 feet north and parallel to said center line, and between the west right-of-way line of Portland Avenue and a line distant 125 feet west and parallel to said right-of-way line, and excluding public streets. (Added, Bill No. 1999-15)
- (38) (Repealed, Bill No. 2010-22)
- (39) M-~~49~~ (SE Corner of 66th and 11th). The Western 1/2 of Lot 1, Block 1, Jerpbaks 1st Addition. (Added, Bill No. 2010-22)
- (40) M-~~54~~ (64th near Lyndale). Lots 4 - 6, Block 5, Lyndale Oaks Addition. (Added, Bill No. 2010-22)
- (41) M-~~9, 102~~ (NW corner, 66th and Thomas). Lot 7, Block 1, Andersen-Erichsen Addition. (Added, Bill No. 2010-22)

- (42) M-49 (SE corner, 66th and Chicago). Lots 4 and 15, Block 3, Taerrace Garden Addition. (Added, Bill No. 2010-22)
- (43) M-49 (Portland Ave, near 66th). Lot 034, Auditor's Subdivision No. 340. (Added, Bill No. 2010-22)
- (44) M-16 (S of 74th between Lyndale and Pleasant). The south 5 acres of the north 10 acres of the Northwest Quarter of the Southwest Quarter of Section 34, Township 28, Range 24, and the north 4 feet of that part of said Northwest Quarter lying immediately south of said 5 acres tract, except that part of said tracts which are designated as General Commercial Areas. (Added, Bill No. 2011-27)
- (45) M-9 (W of 18<sup>th</sup>, between 67<sup>th</sup> and 68<sup>th</sup>). Lots 1-8, Block 3, Wexlers Addition.
- (46) M-9 (W of 18<sup>th</sup>, between 69<sup>th</sup> and 70<sup>th</sup>). Lots 1-8, Block 2, Cedar Sunrise Third Addition.
- (47) M-13 (W of 18<sup>th</sup>, between 72<sup>nd</sup> and 73<sup>rd</sup>). Lots 1-10, Block 2, Elder Grove Fourth Addition.
- (48) M-13 (W of 18<sup>th</sup>, between 73<sup>rd</sup> and 74<sup>th</sup>). The North 105 feet of the East ½ of the West ½ of the Southeast ¼ of the Southeast ¼ of the Northeast ¼, except part taken for road; and Lots 1-8, Block 1, Evergreen Gardens 2<sup>nd</sup> Addition.
- (49) M-17 (West of 18<sup>th</sup>, between 74<sup>th</sup> and 75<sup>th</sup>). Lots 1-5, Block 2, Zuberts South View Gardens 3<sup>rd</sup> Addition and the area between the northerly extensions of the western and eastern property lines of Lots 1-5, Block 2, Zuberts South View Gardens 3<sup>rd</sup> Addition to the center line of 74<sup>th</sup> Street.
- (50) M-17 (West of 18<sup>th</sup>, between 75<sup>th</sup> & 76<sup>th</sup>). Lots 1-4, Block 1, Zuberts South View Gardens 1<sup>st</sup> Addition and Lots 1-5, Block 2, Larsons South View Gardens 2<sup>nd</sup> Addition.
- (23) M-17 Lots 1-10, Block 4, Engberg-Walden 2nd Addition.
- (24) M-17 Lots 1-5, Block 1, John Engbergs 2nd Addition.

#### Section 14. - High Density Multiple Residential (MR-3).

- (1) M-16 (E of Lyndale at 75th). That area lying between Lyndale Avenue and Lincoln Field, and Between the north line of Sunset Terrace Addition and a line running parallel with and 334 feet south of the north line of the South Half of Section 34, Township 28, Range 24.
- (2) M-54 (SE corner, 63rd and Lyndale). That area between the center line of Lyndale Avenue and the west line of Adolfsen and Peterson's First Addition, and between 63rd Street and the north line of Lyndale Oaks Addition.
- (3) M-41, ~~1214~~ (SW 76th and Penn). That area lying between the west line of Penn Avenue and the center line of Thomas Avenue, and between the center line of 76th Street and the north right-of-way line of Interstate Highway 494 except the following described areas: 1. That area lying between the west line of Penn Avenue and a line 200 feet west of and parallel to said line within 200 feet north of the north right-of-way line of Interstate Highway 494; 2. that area lying between the center lines of Sheridan and Thomas Avenues and the center line of 76th and 77th Streets; 3 that area lying between the center line of Sheridan Avenue and a line 170 feet east of and parallel to said center line, and between the center line of 76th Street and a line 258 feet south of and parallel to said center line; and 4. The East 330 feet of the South 230 feet of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 34, Township 28, Range 24. (Amended, Bill No. 2010-22)
- (4) M-5, ~~73~~ (N of 65th, W of Lyndale). The west 55 feet of Tract B and all of Tract C, R.L.S. No. 675; and all of Tract B of R.L.S. No. 1131.
- (5) M-4415 (SW, 76th and I-35W). The north 538.21 feet of that area lying between the center lines of 76th Street and 77th Street, and between the centerline of Knox Avenue and the west right-of-way line of Highway I-35W.
- (6) (Repealed Bill No. 2010-22)
- (7) (Repealed Bill No. 2006-1)
- (8) M-73 (W of 63rd and Dupont). That part of Block 5, Ray's Lynnhurst Second Addition lying between 63rd Street and Mildred Drive, and between Dupont and Emerson Avenues; and that portion of Block 2, Ray's Lynnhurst Addition lying south and east of Highway I-35W and west of Emerson Avenue and north of 64th Street; and including Parcel 4600, R.L.S. No. 877 on Dupont Avenue.
- (9) (Repealed, Bill No. 1998-17)
- (10) (Repealed, Bill No. 1998-17)

- (11) (Repealed, Bill No. 2010-22)
- (12) ~~M-18 (7500 Cedar Ave). That part of the east quarter of the North Half of the South Half of the Northeast Quarter of the Southeast Quarter of Section 35, Township 28, Range 24, lying east of Zubert's South View Gardens Fourth Addition. (Added, Bill No. 1993-17)~~
- (13) M-54 (N of 63rd, E of Railroad). Lots 1 through 8, except the east 135 feet thereof, Block 4, Betcher's Addition, and Lot 2, Block 4, Nicollet Homes Addition and that portion of vacated 63rd Street north of and adjacent to said Lot 2. (Added, Bill No. 1994-8)
- (14) M-73 (Rae Drive, N side, W half of block). Tracts D and E, R.L.S. No. 793. (Added, Bill No. 1994-8)
- (15) M-92 (W side of Queen, near 64th). That area lying between the east line of Harry Tickner's Subdivision of Lot 2, Richfield Gardens, and the center line of Queen Avenue extended; and between the center lines of 64th and 65th Streets.
- (16) M-92 (N side 66th at Upton). The west 1/2 of the south 1/2 of lot 12, Richfield Garden and Lot A of Registered Land Survey No. 1018. (Amended, Bill No. 1999-15)
- (17) (Repealed, Bill No. 2006-1)
- (18) M-35 (16th Ave between 63rd and 65th). Lots 2-8, Block 1, Iversons 2nd Addition and Lots 1-8, Block 2, Iversons 2nd Addition. (Added, Bill No. 2010-22)
- (19) M-35 (17th Ave between 63rd and 65th). Lots 9-4, Block 1, Iversons 2nd Addition and Lots 1-8, Block 2, Iversons 2nd Addition. (Added, Bill No. 2010-22)
- ~~(20) M-17 Block 3, Wexlers Addition. (Added, Bill No. 2010-22)~~
- ~~(21) M-17 Block 2, Cedar Sunrise 2nd Addition. (Added, Bill No. 2010-22)~~
- ~~(22) M-17 Block 2, Cedar Sunrise 3rd Addition. (Added, Bill No. 2010-22)~~
- ~~(23) M-17 Lots 1-10, Block 4, Engberg-Walden 2nd Addition. (Added, Bill No. 2010-22)~~
- ~~(24) M-17 Lots 1-5, Block 1, John Engbergs 2nd Addition. (Added, Bill No. 2010-22)~~
- (25) M-73 (NW corner, 66th and Rae Drive). Lots 1-3, Block 1, Rae 2nd Addition; Lots 1-5, Block 1, Rae 3rd Addition; and Lots 1-5, Block 2, Rae 3rd Addition. (See Reference #7 of attached Boundary Conflicts.) (Added, Bill No. 2010-22)
- (26) M-9, ~~102~~ (NW corner, 66th and Queen). Lot 4, Block 2 of Harry Tickner's Subdivision of Lot 15, Richfield Gardens. (Added, Bill No. 2010-22)
- (27) M-4713 (SE corner, 71st and Chicago). The West 163 9/10 ft of that part of the Northeast Quarter of the Northwest Quarter of Section 35, Township 28, Range 24 lying south of the north 690 feet thereof and north of a line parallel with and 70 feet north from the north line of Zuberts Elliott Avenue Addition. (Added, Bill No. 2010-22)
- (28) M-4512 (NW corner, 73rd and Portland). The south 1/2 of the area between 72nd and 73rd Streets, and between Portland Avenue and the center line of the alley in Block 2, Blair's Wooddale 3rd Addition extended. (Added, Bill No. 2010-22)
- (29) M-4415 (74th to 76th, between Penn and Oliver). That area lying between the center lines of Penn and Oliver Avenues, and between 74th and 76th Streets. (Added, Bill No. 2010-22)
- (30) M-4415 (NW corner, 76th and I-35W). The South 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 33, Township 28, Range 24, except roads and highway. (Added, Bill No. 2010-22)
- (31) M-4713 (SW corner, 71st and Chicago). That area lying between the east line of Block 1, Wallaces Sunnyside Acres 6th Addition and the center line of Chicago Avenue, and between the center line of 71st Street and a line distant 200 feet south and parallel to said center line. (Added, Bill No. 2010-22)
- (32) M-4713 (East side Chicago, 71st to 72nd). That area lying between the center line of Chicago Avenue and the east line of Lot 4, Block 4, Zuberts Elliot Avenue Addition extended, and between the north line of Lot 4, Block 4, Zuberts Elliot Avenue Addition and the center line of 72nd Street. (Added, Bill No. 2010-22)
- (33) M-54 (NW corner, Lyndale and 64th). Lots 7 and 8, Block 5, Lyndale Oaks Addition. (Added, Bill No. 2010-22)

- (34) M-92 (Queen Ave, N of 66th). Lot 1, Block 3, Harry Tickner's Subdivision of Lot 15 Richfield Gardens Addition. (Added, Bill No. 2010-22)

#### Section 15. - Service Office District (SO-1).

- (1) M-68 (NE corner, 70th and Nicollet). That area lying between a line distant 133 feet northerly of the center line of 70th street and parallel thereto, and a line 147 feet northerly of said line and parallel thereto, and lying between the center line of Nicollet Avenue and the west line of Meredith' Addition. (Added, Bill No. 2004-13)
- (2) M-16 (SW of 74th and Garfield). The west quarter of the north 5 acres of the Northwest Quarter of the Southwest Quarter of Section 34, Township 28, Range 24 except west 175 feet thereof. (Added, Bill No. 2011-27)

#### Section 16. - Mixed Use - Neighborhood District (MU-N)

- (1) M-16 (NE corner of 78th and Wentworth). Lot 4, Block 6, R.C. Soen's Addition.
- (2) M-16 (SE Corner of 77th and Wentworth). That area lying between the center lines of 77th and 78th Streets and between Wentworth Avenue and the east lines of Lots 4, 5, and 6, Block 7, R.C. Soen's Addition, and excluding Lot 4, Block 6, R.C. Soen's Addition.
- (3) M-4817 (South of 77th Street, Park to 10th). That area lying between 77th and 78th Streets and between the center lines of Park Avenue extended and 10th Avenue extended.
- (4) M-4817 (S of 77th, 14th to Bloomington). That area lying between the center lines of 77th and 78th Streets and between the center lines of 14th Avenue and Bloomington Avenue.
- (5) M-16 (S of 77th, Soo Line Railway to Wentworth). That area lying between the original center line of 77th Street and the center line of 78th Street, and between the center line of Wentworth Avenue and the West right-of-way line of the Soo Line Railway. (Added, Bill No. 2006-16)

#### Section 17. - Mixed Use - Community District (MU-C).

- (1) M-16 (S of 77th, Nicollet to 4th). That area lying between the original center line of 77th Street and the center line of 78th Street, and between the east lines of lots 4, 5, and 6, Block 7, R.C. Soen's Addition and the center line of 4th Avenue.
- (2) M-4817 (S of 77th, 10th to 12th). That area lying between 77th and 78th Streets and between the center lines of 10th Avenue extended and 12th Avenue.
- (3) M-4817 (E side of 12th S of 77th). That area lying between the center lines of 77th and 78th Streets, and between the center line of 12th Avenue and a line parallel to and 230 feet east of the center line of 12th Avenue.
- (4) M-4817 (S of 77th, 13th to 14th). That area lying between the center lines of 77th and 78th Streets, and between the center line of 14th Avenue and a line parallel to and 230 feet east of the center line of 12th Avenue.
- (5) M-4817 (77th Street and Bloomington Avenue). The East 198 feet of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter, except roads and highway, of Section 35, Township 28, Range 24. (Added, Bill No. 2006-16; amended, Bill No. 2015-6)
- (6) M-9, 10, 2, 3 (W of Penn, 62 to 67th, except 66th and Penn corner). That area lying between the center lines of state highway 62 and 67th Street, and between the center lines of Penn Avenue and Queen Avenue extended north, except that part of Lot 16, "Richfield Gardens", which lies southerly of a line described as commencing at the southeast corner of said Lot 16; thence northerly, along the easterly line of said Lot 16, a distance of 219.69 feet to the point of beginning of the line to be described; thence westerly, deflecting to the left 90 degrees 00 minutes 00 seconds, to the west line of said Lot 16 and said line there terminating; together with: Lot 3, Block 3, Harry Tickner's Subdivision of Lot 15, Richfield Gardens; Lot 1, Block 1, Richfield Gardens Second Addition. (Added, Bill No. 2009-7; Amended Bill No. 2011-2)
- (7) M-92 (S of 62, W of Penn). That area lying between the center lines of state highway 62 and 63rd Street extended westerly, and between the east line of Leslie Terrace Addition and a line parallel with and 330 feet westerly of the center line of Penn Avenue. (Added, Bill No. 2009-7)
- (8) M-406 (W of Penn, between 67th and 68th). Lots 1 through 12 of Block 16, Tingdale Brothers Lincoln Hills Addition. (Added, Bill No. 2009-7)

- (9) M-73 (E of Penn, between 62 and 63rd). That area lying between the center lines of state highway 62 and 63rd Street, and between the center lines of Penn Avenue and Oliver Avenue. (Added, Bill No. 2009-7)
- (10) M-73 (SE of 63rd and Penn). That area lying between the center lines of Penn Avenue and the alley in Block 12, Ray's Lynnhurst Addition, and between the south line of said Block 12 and the center line of 63rd Street. (Added, Bill No. 2009-7)
- (11) M-73 (E of Penn, near 64th to 66th). That area lying between the center lines of Penn Avenue and Oliver Avenue, and between the south line of Block 12, Ray's Lynnhurst Addition and the center line of 66th Street. (Added, Bill No. 2009-7)
- (12) M-87 (E of Penn, 66th to 67th). Lots 6 through 10 of Block 6, Fairwood Park Addition. (Added, Bill No. 2009-7)
- (13) M-73 (E of Oliver, 62 to 63rd). That area lying between the center lines of state highway 62 and 63rd Street, and between the center lines of Oliver Avenue and the east line of Dolphins Addition. (Added, Bill No. 2009-7)
- (14) M-73 (SW corner of 63rd and Oliver). Lots 1 and 2 of Block 12, Ray's Lynnhurst Addition. (Added, Bill No. 2009-7)
- (15) (Repealed, Bill No. 2012-8)
- (16) M-9 (S of roundabout, 17<sup>th</sup> to 18<sup>th</sup>) Lots 4-16, Block 2, Wexler's Addition.
- (17) M-9 (18<sup>th</sup> to Cedar, 67<sup>th</sup> to 68<sup>th</sup>). Block 4, Wexler's Addition.
- (18) M-9 (West side 6800 block of 18<sup>th</sup>). Lots 1-8, Block 2, Cedar Sunrise Second Addition.
- (19) M-9 (N of 68<sup>th</sup>, E of Cedar). That area lying between the center line of Cedar Avenue and State Highway 77 between 66<sup>th</sup> and 68<sup>th</sup> Streets.
- (20) M-9 (S of 68<sup>th</sup>, 18<sup>th</sup> to Cedar). Block 1, Cedar Sunrise Second Addition.
- (21) M-9 (S of 68<sup>th</sup>, E of Cedar). Block 4, Rich Acres, between the center lines of 68<sup>th</sup> and 69<sup>th</sup> Street extended to eastern City boundary.
- (22) M-9 (S of 69<sup>th</sup>, 18<sup>th</sup> to Cedar). That area lying between the center lines of 18<sup>th</sup> Avenue and Cedar Avenue, and between the center lines of 69<sup>th</sup> Street and Diagonal Boulevard.
- (23) M-13 (S of Diagonal, 18<sup>th</sup> to Cedar). That area lying between the center lines of 18<sup>th</sup> Avenue and Cedar Avenue, between the center lines of Diagonal Boulevard and 72<sup>nd</sup> Street.
- (24) M-13 (S of 72<sup>nd</sup>, 18<sup>th</sup> to Cedar). That area lying between the center lines of 18<sup>th</sup> Avenue and Cedar Avenue, between the center lines of 72<sup>nd</sup> Street and 73<sup>rd</sup> Street).
- (25) M-13 (S of 73<sup>rd</sup>, 18<sup>th</sup> to Cedar). That area lying between the center lines of 18<sup>th</sup> Avenue and Cedar Avenue, between the center lines of 73<sup>rd</sup> Street and 74<sup>th</sup> Street).
- (26) M-17 (S of 74<sup>th</sup>, 18<sup>th</sup> to Cedar). That area lying between the center lines of 18<sup>th</sup> Avenue and Cedar Avenue, between the center lines of 73<sup>rd</sup> Street and 74<sup>th</sup> Street).
- (27) M-17 (S of 75<sup>th</sup>, 18<sup>th</sup> to Cedar). That area lying between the center lines of 18<sup>th</sup> Avenue and Cedar Avenue, between the center lines of 75<sup>th</sup> Street and 76<sup>th</sup> Street.
- (28) M-17 (S of 76<sup>th</sup>, East of Washington Park). That area lying between the center line of 18<sup>th</sup> Avenue extended south to the center line of 77<sup>th</sup> and Cedar Avenue, between the center lines of 76<sup>th</sup> Street and 77<sup>th</sup> Street.

#### Section 18. - Mixed Use - Regional District (MU-R)

- (1) M-16. Lot 1 and Outlot A, Hampton Richfield Addition. (Amended, Bill No. 2013-12)
- (2) M-16 (SW of 77th and Soo Line Railway). Lot 2, Block 1, Candlewood Hotel Addition. (Amended, Bill No. 2009-18)
- (3) M-16, ~~4817~~ (S of 77th, 4th to Park). That area lying between the original center line of 77th Street and the center line of 78th Street, and between the center lines of 4th Avenue and Park Avenue extended.
- (4) M-~~4817~~ (S of 77th, Bloomington to Cedar). That area lying between the center lines of 77th and 78th Streets, and between the center lines of Cedar Avenue and Bloomington Avenue.

## Section 19. - Airport Runway Overlay District (AR)

- (1) The Airport Runway Overlay District (AR) shall apply to all land within the City of Richfield designated as Safety Zone B and Safety Zone C in the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones - Plates SZ-14, Plate SZ-15 and Plate SZ-20.

## Section 20. - Penn Avenue Corridor Overlay District (PAC)

- (1) ~~M-9, 102.6~~ (W of Penn, 62 to 67th). That area lying between the center lines of state highway 62 and 67th Street, and between the center lines of Penn Avenue and Queen Avenue extended north.
- (2) ~~M-92~~ (S of 62, W of Penn). That area lying between the center lines of state highway 62 and 63rd Street extended westerly, and between the east line of Leslie Terrace Addition and a line parallel with and 330 feet westerly of the center line of Penn Avenue.
- (3) ~~M-406~~ (W of Penn, between 67th and 68th). Lots 1 through 12 of Block 16, Tingdale Brothers Lincoln Hills Addition.
- (4) ~~M-73~~ (E of Penn, between 62 and 63rd). That area lying between the center lines of state highway 62 and 63rd Street, and between the center lines of Penn Avenue and Oliver Avenue.
- (5) ~~M-73~~ (SE of 63rd and Penn). That area lying between the center lines of Penn Avenue and the alley in Block 12, Ray's Lynnhurst Addition, and between the south line of said Block 12 and the center line of 63rd Street.
- (6) ~~M-73~~ (E of Penn, near 64th to 66th). That area lying between the center lines of Penn Avenue and Oliver Avenue, and between the south line of Block 12, Ray's Lynnhurst Addition and the center line of 66th Street.
- (7) ~~M-87~~ (E of Penn, 66th to 67th). Lots 6 though 10 of Block 6, Fairwood Park Addition.
- (8) ~~M-73~~ (E of Oliver, 62 to 63rd). That area lying between the center lines of state highway 62 and 63rd Street, and between the center lines of Oliver Avenue and the east line of Dolphins Addition.
- (9) ~~M-73~~ (SW corner of 63rd and Oliver). Lots 1 and 2 of Block 12, Ray's Lynnhurst Addition.

(Added: Bill No. 2009-7)

## Section 21. Cedar Avenue Corridor Overlay

- (1) M-9 (S of roundabout between 17<sup>th</sup> & 18<sup>th</sup>) Lots 4-16, Block 2, Wexlers Addition.
- (2) M-9 (18<sup>th</sup> to Cedar, 67<sup>th</sup> to 68<sup>th</sup>). Block 4, Wexler's Addition.
- (3) M-9 (W of 18<sup>th</sup>, 68<sup>th</sup> to 69<sup>th</sup>). Lots 1-8, Block 2, Cedar Sunrise Second Addition.
- (4) M-9 (W of 18<sup>th</sup>, 69<sup>th</sup> to 70<sup>th</sup>). Lots 1-8, Block 2, Cedar Sunrise Third Addition.
- (5) M-17 Lots 1-10, Block 4, Engberg-Walden 2nd Addition.
- (6) M-17 Lots 1-5, Block 1, John Engbergs 2nd Addition.
- (7) M-9 (N of 68<sup>th</sup>, E of Cedar). That area lying between the center line of Cedar Avenue and State Highway 77 between 66<sup>th</sup> and 68<sup>th</sup> Streets.
- (8) M-9 (S of 68<sup>th</sup>, 18<sup>th</sup> to Cedar). Block 1, Cedar Sunrise Second Addition.
- (9) M-9 (S of 68<sup>th</sup>, E of Cedar). Block 4, Rich Acres, between the center lines of 68<sup>th</sup> and 69<sup>th</sup> Street extended to eastern City boundary.
- (10) M-9 (S of 69<sup>th</sup>, 18<sup>th</sup> to Cedar). That area lying between the center lines of 18<sup>th</sup> Avenue and Cedar Avenue, and between the center lines of 69<sup>th</sup> Street and Diagonal Avenue.
- (11) M-13 (S of Diagonal, 18<sup>th</sup> to Cedar). That area lying between the center lines of 18<sup>th</sup> Avenue and Cedar Avenue, between the center lines of Diagonal Boulevard and 72<sup>nd</sup> Street.
- (12) M-13 (S of 72<sup>nd</sup>, 18<sup>th</sup> to Cedar). That area lying between the center lines of 18<sup>th</sup> Avenue and Cedar Avenue, between the center lines of 72<sup>nd</sup> Street and 73<sup>rd</sup> Street).
- (13) M-13 (W of 18<sup>th</sup>, between 72<sup>nd</sup> and 73<sup>rd</sup>). Lots 1-10, Block 2, Elder Grove Fourth Addition.

- (14) M-13 (W of 18<sup>th</sup>, between 73<sup>rd</sup> and 74<sup>th</sup>). The North 105 feet of the East ½ of the West ½ of the Southeast ¼ of the Southeast ¼ of the Northeast ¼, except part taken for road; and Lots 1-8, Block 1, Evergreen Gardens 2<sup>nd</sup> Addition.
- (15) M-13 (S of 73<sup>rd</sup>, 18<sup>th</sup> to Cedar). That area lying between the center lines of 18<sup>th</sup> Avenue and Cedar Avenue, between the center lines of 73<sup>rd</sup> Street and 74<sup>th</sup> Street).
- (16) M-17 (West of 18<sup>th</sup>, between 74<sup>th</sup> and 75<sup>th</sup>). Lots 1-5, Block 2, Zuberts South View Gardens 3<sup>rd</sup> Addition and the area between the northerly extensions of the western and eastern property lines of Lots 1-5, Block 2, Zuberts South View Gardens 3<sup>rd</sup> Addition to the center line of 74<sup>th</sup> Street.
- (17) M-17 (West of 18<sup>th</sup>, between 75<sup>th</sup> & 76<sup>th</sup>). Lots 1-4, Block 1, Zuberts South View Gardens 1<sup>st</sup> Addition and Lots 1-5, Block 2, Larsons South View Gardens 2<sup>nd</sup> Addition.
- (18) M-17 (S of 74<sup>th</sup>, 18<sup>th</sup> to Cedar). That area lying between the center lines of 18<sup>th</sup> Avenue and Cedar Avenue, between the center lines of 73<sup>rd</sup> Street and 74<sup>th</sup> Street.
- (19) M-17 (S of 75<sup>th</sup>, 18<sup>th</sup> to Cedar). That area lying between the center lines of 18<sup>th</sup> Avenue and Cedar Avenue, between the center lines of 75<sup>th</sup> Street and 76<sup>th</sup> Street.
- (20) M-17 (S of 76<sup>th</sup>, East of Washington Park). That area lying between the center line of 18<sup>th</sup> Avenue extended south to the center line of 77<sup>th</sup> and Cedar Avenue, between the center lines of 76<sup>th</sup> Street and 77<sup>th</sup> Street.

#### BOUNDARY CONFLICTS

Reference #1 -I Zone, Item 2 (p. 1) and MR-2 Zone, Item 25 (p. 38)

~~These two zones use differing assumptions to set their common boundary; they probably do not coincide. There is probably a gap of 1.5 feet (plus or minus) between the two zones.~~

Reference #2—C-2 Zone, Item 15 (p. 6) and PMR zone, Item 3 [Tract 1] (p. 22)

~~The eastern boundary is "Graham Avenue Extended". On the map we use the center line of Graham Avenue, which is vacated. There is uncertainty whether the center line or the west line of vacated Graham Avenue should be used.~~

Reference #3—C-2 Zone, Item 17 (p. 7) and MR-1 Zone, Items 33 and 34 (p. 31)

~~The common boundaries between the C-2 zone and the two MR-1 zones, by definition, do not coincide exactly. They range from an overlap of 0.16 feet to a gap of 0.02 feet.~~

Reference #4—C-2 Zone, Item 19 (p. 7) and MR-1 Zone, Item 35 (p. 31)

~~The same common boundary problem as in Reference 3 above. They overlap approximately 9.8 feet.~~

Reference #5—C-2 Zone, Item 20 (p. 7) and MR-1 Zone, Item 36 (p. 31)

~~The same common boundary problems in Reference 3 above. They overlap approximately 11.1 feet.~~

Reference #6 - PMR Zone, Item 3 [Tract 4, Parcel 3] (p. 24)

~~There is definitely an error but we don't have the information needed to correct it. A survey would be required to find the problem.~~

Reference #7—PMR-1 Zone, Item 1 (p. 26)

~~Reference to "Official Zoning Map" is required.~~

Sec. 5.

This ordinance constitutes a rezoning of the following properties: 6601 17<sup>th</sup> Ave, 6609 17<sup>th</sup> Ave, 6615 17<sup>th</sup> Ave, 6621 17<sup>th</sup> Ave, 6627 17<sup>th</sup> Ave, 6633 17<sup>th</sup> Ave, 6639 17<sup>th</sup> Ave, 6645 17<sup>th</sup> Ave, 6620 18<sup>th</sup> Ave, 6626 18<sup>th</sup> Ave, 6632 18<sup>th</sup> Ave, 6638 18<sup>th</sup> Ave, 6644 18<sup>th</sup> Ave, 6701 17<sup>th</sup> Ave, 6709 17<sup>th</sup> Ave, 6715 17<sup>th</sup> Ave, 6721 17<sup>th</sup> Ave, 6727 17<sup>th</sup> Ave, 6733 17<sup>th</sup> Ave, 6739 17<sup>th</sup> Ave, 6745 17<sup>th</sup> Ave, 6700 18<sup>th</sup> Ave, 6708 18<sup>th</sup> Ave, 6714 18<sup>th</sup> Ave, 6720 18<sup>th</sup> Ave, 6726 18<sup>th</sup> Ave, 6732 18<sup>th</sup> Ave, 6738 18<sup>th</sup> Ave, 6744 18<sup>th</sup> Ave, 6701 18<sup>th</sup> Ave, 6709 18<sup>th</sup> Ave, 6715 18<sup>th</sup> Ave, 6721 18<sup>th</sup> Ave, 6727 18<sup>th</sup> Ave, 6733 18<sup>th</sup> Ave, 6739 18<sup>th</sup> Ave, 6745 18<sup>th</sup> Ave, 6700 Cedar Ave, 6720 Cedar Ave, 6730 Cedar Ave, 6744 Cedar Ave, 6733 Cedar Ave, 6801 17<sup>th</sup> Ave, 6809 17<sup>th</sup> Ave, 6815 17<sup>th</sup> Ave, 6821 17<sup>th</sup> Ave, 6827 17<sup>th</sup> Ave, 6833 17<sup>th</sup> Ave, 6839 17<sup>th</sup> Ave, 6845 17<sup>th</sup> Ave, 6800 18<sup>th</sup> Ave, 6808 18<sup>th</sup> Ave, 6814 18<sup>th</sup> Ave, 6820 18<sup>th</sup> Ave, 6826 18<sup>th</sup> Ave, 6832 18<sup>th</sup> Ave, 6838 18<sup>th</sup> Ave, 6844 18<sup>th</sup> Ave, 6801 18<sup>th</sup> Ave, 6809 18<sup>th</sup> Ave, 6815 18<sup>th</sup> Ave, 6821 18<sup>th</sup> Ave, 6827 18<sup>th</sup> Ave, 6833 18<sup>th</sup> Ave, 6839 18<sup>th</sup> Ave, 6845 18<sup>th</sup> Ave, 6800 Cedar Ave, 6808 Cedar Ave, 6814 Cedar Ave, 6820 Cedar Ave, 6826 Cedar Ave, 6832 Cedar Ave, 6838 Cedar Ave, 6844 Cedar Ave, 6801 Cedar Ave, 6809 Cedar Ave, 6813 Cedar Ave, 6821 Cedar Ave, 6825 Cedar Ave, 6829 Cedar Ave, 6833 Cedar Ave, 6839 Cedar Ave, 6841 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7201 18<sup>th</sup> Ave, 7209 18<sup>th</sup> Ave, 7215 18<sup>th</sup> Ave, 7221 18<sup>th</sup> Ave, 7227 18<sup>th</sup> Ave, 7235 18<sup>th</sup> Ave, 7243 18<sup>th</sup> Ave, 7200 Cedar Ave, 7214 Cedar Ave, 7226 Cedar Ave, 7244 Cedar Ave, 7300 18<sup>th</sup> Ave, 7308 18<sup>th</sup> Ave, 7314 18<sup>th</sup> Ave, 7320 18<sup>th</sup> Ave, 7324 18<sup>th</sup> Ave, 7328 18<sup>th</sup> Ave, 7334 18<sup>th</sup> Ave, 7338 18<sup>th</sup> Ave, 7344 18<sup>th</sup> Ave, 7301 18<sup>th</sup> Ave, 7309 18<sup>th</sup> Ave, 7315 18<sup>th</sup> Ave, 7321 18<sup>th</sup> Ave, 7325 18<sup>th</sup> Ave, 7329 18<sup>th</sup> Ave, 7335 18<sup>th</sup> Ave, 7339 18<sup>th</sup> Ave, 7345 18<sup>th</sup> Ave, 7300 Cedar Ave, 7320 Cedar Ave, 7334 Cedar Ave, 7344 Cedar Ave, 7400 18<sup>th</sup> Ave, 7408 18<sup>th</sup> Ave, 7414 18<sup>th</sup> Ave, 7420 18<sup>th</sup> Ave, 7424 18<sup>th</sup> Ave, 7428 18<sup>th</sup> Ave, 7428 18<sup>th</sup> Ave, 7434 18<sup>th</sup> Ave, 7444 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18<sup>th</sup> Ave, 7508 18<sup>th</sup> Ave, 7514 18<sup>th</sup> Ave, 7520 18<sup>th</sup> Ave, 7524 18<sup>th</sup> Ave, 7528 18<sup>th</sup> Ave, 7534 18<sup>th</sup> Ave, 7538 18<sup>th</sup> Ave, 7544 18<sup>th</sup> Ave, 7501 18<sup>th</sup> Ave, 7509 18<sup>th</sup> Ave, 7515 18<sup>th</sup> Ave, 7521 18<sup>th</sup> Ave, 7525 18<sup>th</sup> Ave, 7529 18<sup>th</sup> Ave, 7535 18<sup>th</sup> Ave, 7543 18<sup>th</sup> Ave, 7500 Cedar Ave, 7544 Cedar Ave, 7601 18<sup>th</sup> Ave, 7615 18<sup>th</sup> Ave, 7625 18<sup>th</sup> Ave, 7600 Cedar Ave, and 7636 Cedar Ave.

Sec. 9. This ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

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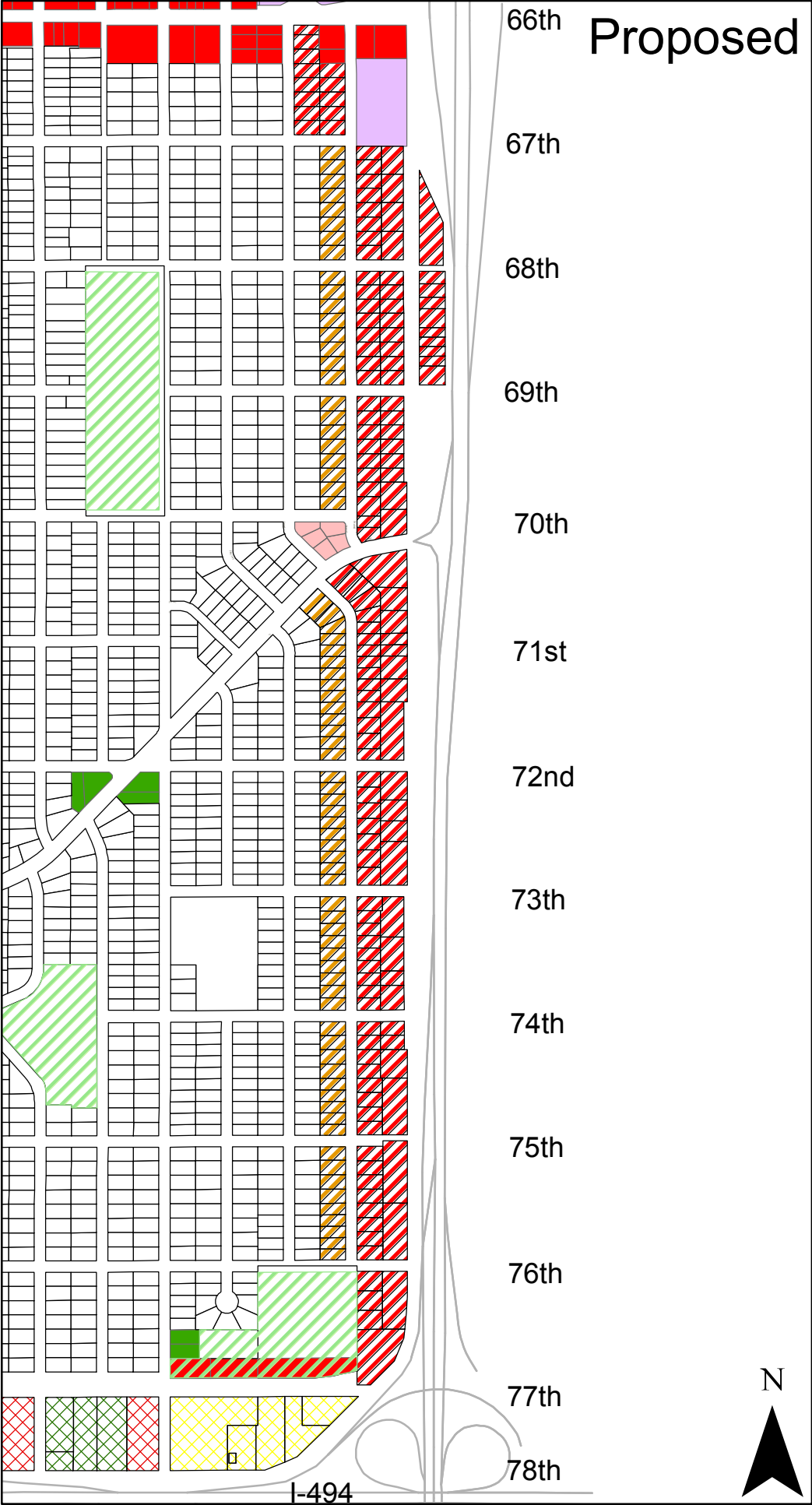
Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

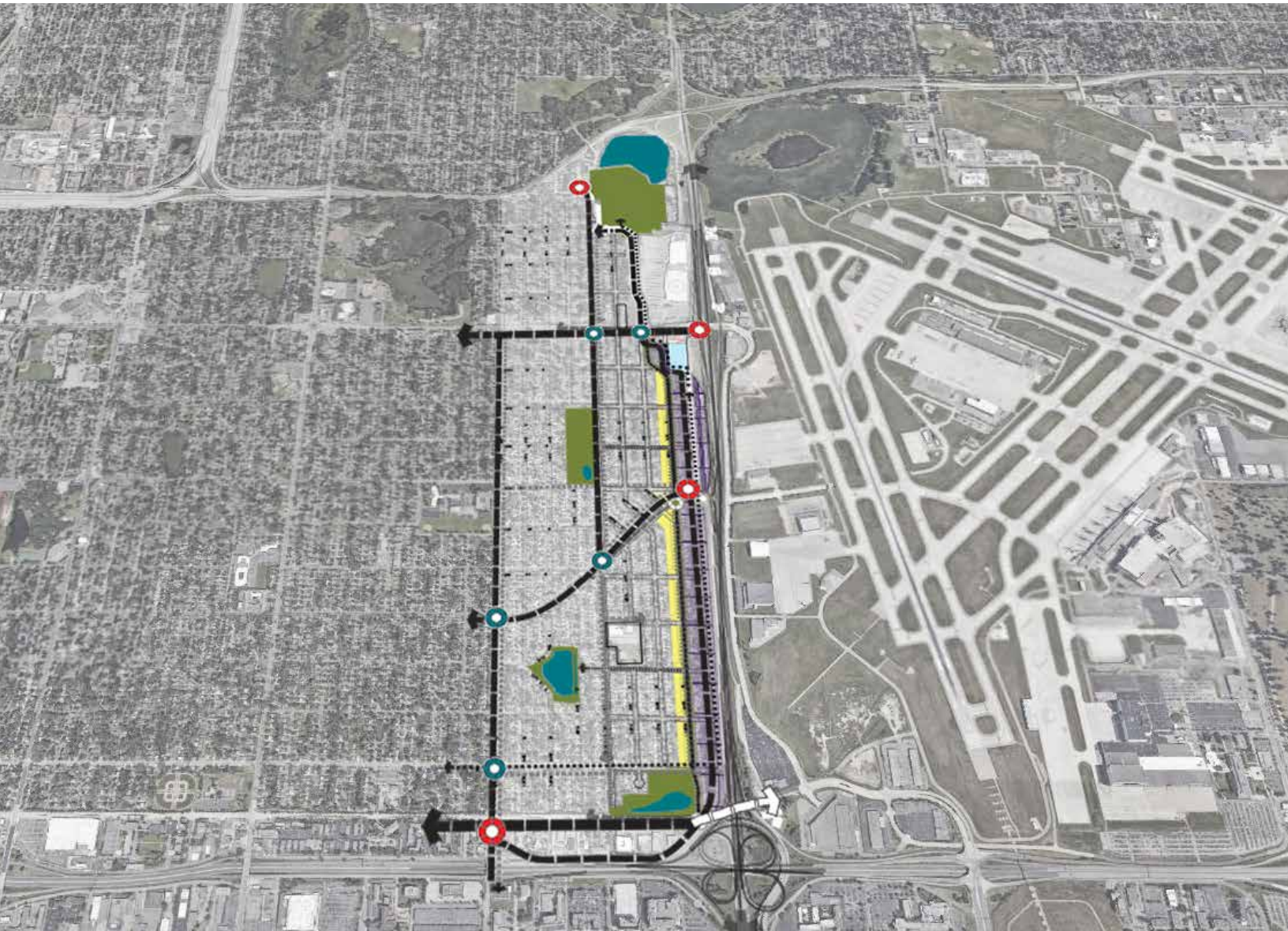
# Cedar Avenue Corridor Zoning Districts



## Zoning Designations

- Park (Zoning District is R)
- R Single-Family
- MR-1 Two-Family
- MR-2 Multi-Family
- MR-3 High-Density Multi-Family
- SO Service Office
- C-1 Community Commercial
- C-2 General Commercial
- PC-2 Planned Gen.Commercial
- MU-N Mixed Use-Neighborhood
- MU-C Mixed Use-Community
- MU-R Mixed Use-Regional
- PMU Planned Mixed Use
- MU-C/CAC Mixed Use + Cedar Overlay
- MR-2/CAC Multi-Family + Cedar Overlay

# CITY OF RICHFIELD | CEDAR AVENUE CORRIDOR REDEVELOPMENT MASTERPLAN UPDATE



RICHFIELD, MINNESOTA | SEPTEMBER 2016



DESIGN FOR LIFE

PROJECT TEAM

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EXECUTIVE SUMMARY

*Cedar Avenue defines the eastern boundry of Richfield. Land uses along the roadway corridor include a mix of single-family homes, apartments, and a number of free-standing businesses; the neighborhood continues to be impacted by the proximity to the Minneapolis St. Paul International Airport in a variety of ways.*

In 2016, the City updated the 2004 Redevelopment Master Plan for the Cedar Avenue Corridor. While the initial study had successfully guided the Cedar Point redevelopment in 2007, the national recession that followed stalled initiatives south of 66th Street for the next decade. The plan update responds to a clearer understanding of the noise impacts resulting from the north-south runway addition at the airport – which is less than what was anticipated – and is more reflective of current market conditions, including development pressure that may arise with the construction of the new underpass at 77th Street, which received \$12.5M in funding in 2015. Additionally, the study parameters were adjusted to generally encompass the area from 66th Street on the north to 77th Street on the south, and from the City’s eastern edge at 77th to 17th Avenue on the west.

In 2014, 17th Avenue between 63rd and 65th Streets was reconstructed to become a “complete street” named Richfield Parkway, and a primary focus of the corridor plan update was the continuation and alignment of this parkway south of 66th Street. Calling for medium-density residential and mixed-use along the parkway spine, the proposed alignment and land use recommendations were established to better position the City of Richfield to meet its land-use goals:

- To maintain and enhance the “urban hometown” character of Richfield
- To develop identifiable nodes, corridors and gateways throughout the community
- To provide an economic climate within Richfield that will encourage the availability of quality goods, services and employment opportunities



## INTRODUCTION

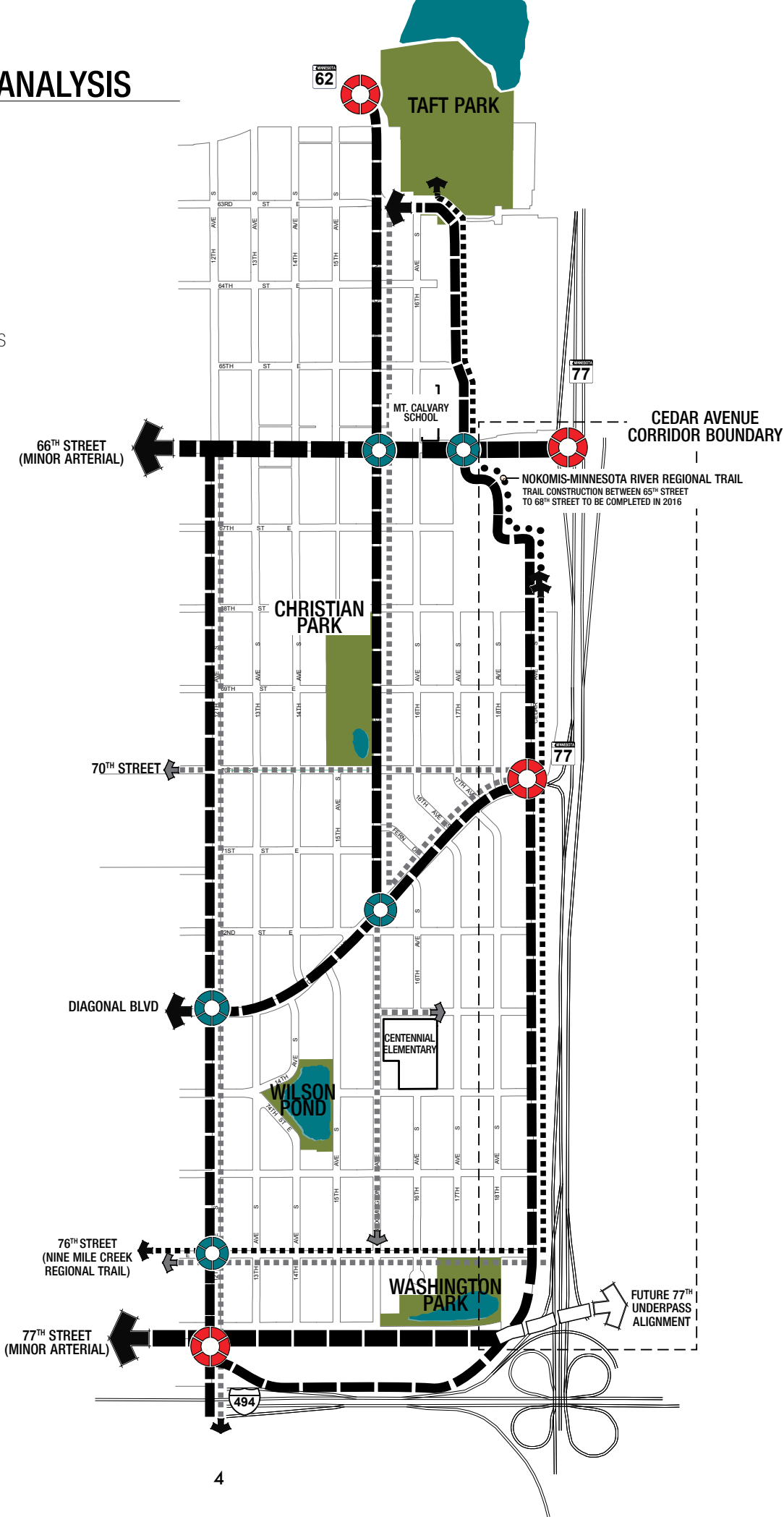
The Cedar Avenue area of Richfield is very reflective of the community as a whole. Predominantly residential, the neighborhood was developed primarily in the 1940's and 1950's around a grid street system containing homes with consistent scales and setbacks. It has a very traditional feel and includes schools, churches, parks and a mature tree canopy; like the city itself, this neighborhood conveys an image of being established.

For the sixty-plus years that have followed, the Cedar Avenue neighborhood has been impacted by the growth of the Minneapolis St. Paul International Airport, expansion of the regional highway network, and birth of second- and third-ring suburbs. As a result, development along the neighborhood's eastern edge has leaned towards a mix of low-rise rental apartment units and a sprinkling of small-scale commercial businesses, much of which is deteriorating due to age and environmental impacts.

A fully developed first-ring suburb, Richfield has been cognizant of the opportunity to redevelop and reshape these outdated areas of the city in order to position itself for a strong future, and understands that places like the Cedar Avenue Corridor can – properly planned – help to redefine Richfield for the next generation. Convenient transportation (including proximity to the airport), homogeneous housing stock, access to shopping and transit, and the community's changing demographics are all defining characteristics that are capable of both constraining and inspiring solutions as Richfield seeks to compete with other communities as a desirable place to live, work and play.

EXISTING CONDITIONS ANALYSIS

- GATEWAY
- NODES
- PARK
- REGIONAL TRAIL CONNECTIONS
- PEDESTRIAN CONNECTIONS
- VEHICULAR CONNECTIONS (COLLECTOR)
- VEHICULAR CONNECTIONS (MINOR ARTERIAL)



PURPOSE

In seeking to maintain a competitive position, Richfield continues its decades-long course of strategic investments that promote redevelopment in selected areas while broadly promoting policies and programs that improve neighborhoods and business areas throughout.

In 2004, the city created a Redevelopment Master Plan for the Cedar Avenue Corridor. While this initial study had successfully guided the Cedar Point redevelopment in 2007, the national recession that followed stalled initiatives south of 66th Street for the next decade. And so this plan update was commissioned in 2016 to assess and respond to current challenges and opportunities. Specifically, the plan update responds to a clearer understanding of the noise impacts resulting from the north-south runway addition at the airport – which is less than what was anticipated – and is more reflective of current market conditions, including development pressure that may arise with the construction of the new underpass at 77th Street, which received \$12.5M in funding in 2015. Additionally, the study parameters were adjusted to generally encompass the area from 66th Street on the north to 77th Street on the south, and from the city’s eastern edge at 77th to 17th Avenue on the west.

The purpose of the plan is to help frame regulatory tools and policy, to guide public improvements, and to convey the community’s vision for development to prospective developers, architects, planners and property owners.

EXISTING COMPREHENSIVE PLAN

- REGIONAL COMMERCIAL
- COMMUNITY COMMERCIAL
- COMMUNITY COMMERCIAL/OFFICE
- NEIGHBORHOOD COMMERCIAL
- OFFICE
- HIGH DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- MIXED USE
- PARK
- PUBLIC



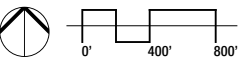
VISION

The Cedar Avenue Corridor is envisioned as an area that takes full advantage of the opportunities unique to its location, to the betterment of the neighborhood and to the city as a whole. The defining characteristics of this corridor – visibility, proximity to the airport, access to convenient transportation and transit, adjacency to regional shopping and business, a shifting demographic, and an established neighborhood with quality, albeit aging and homogeneous, housing stock – serve to both define parameters of and inspire the vision for this corridor.

The Master Plan update seeks to align with the over-arching goals of the Richfield Comprehensive plan, including enhanced connectivity, neighborhood stabilization/revitalization, targeted redevelopment and expanded business opportunities. The study assessed, and specifically addresses, gateways and nodes, connections, place-making elements and land-use within the corridor.

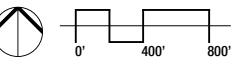
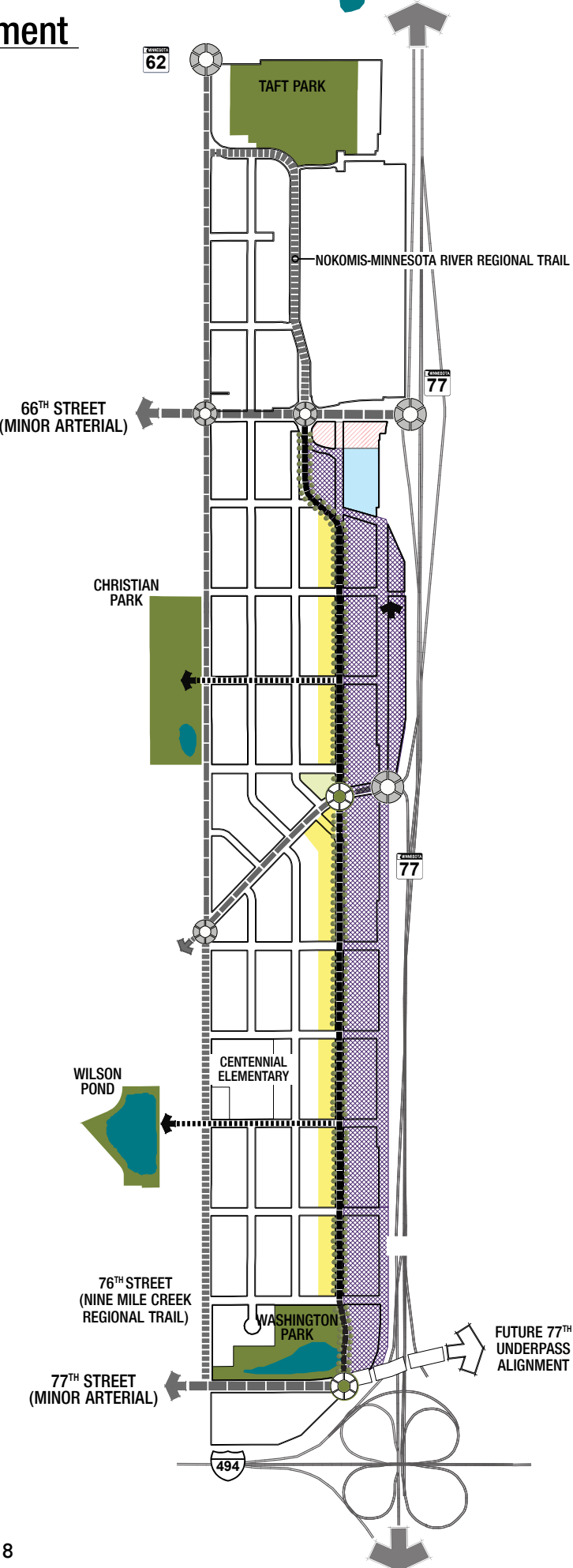
The vision for this targeted redevelopment masterplan of the neighborhood’s eastern edge is:

- To establish a renewed brand at a signature gateway to the city
- To extend Richfield Parkway as an important north-south connector, as a neighborhood amenity, and as a transitional element between new land-uses and the existing single-family neighborhood
- To introduce new commercial uses that capitalize on the site’s unique resources, that directly serve the local community, and that provide employment opportunities
- To increase the diversity of housing options
- To encourage the rehabilitation and replacement of the lowest-quality housing stock



# RICHFIELD PARKWAY - 18th Ave Alignment

- COMMUNITY COMMERCIAL/OFFICE
- NEIGHBORHOOD COMMERCIAL
- OFFICE
- MEDIUM DENSITY RESIDENTIAL  
existing single-family homes allowed to remain and improve
- LOW DENSITY RESIDENTIAL
- MIXED USE
- NODE
- EXISTING NODE
- VEHICULAR CONNECTIONS  
(COLLECTOR)
- VEHICULAR CONNECTIONS  
(MINOR ARTERIAL)
- EXISTING PEDESTRIAN AND BICYCLE  
CONNECTIONS
- RICHFIELD PARKWAY  
(INTERCITY REGIONAL TRAIL ROUTE)
- PROVIDE PEDESTRIAN CONNECTIONS FROM  
PARKWAY TO RESIDENTIAL NEIGHBORHOOD



## PLAN ELEMENTS

The Cedar Avenue Corridor masterplan is intended to help create an economically viable place for residents to live, work, and play at the city’s eastern edge. In assessing current conditions and future opportunity, three key plan elements ultimately rose to the top as drivers of the final plan:

- Alignment of Richfield Parkway
- Mixed-use Development Pattern
- Housing Diversity

### RICHFIELD PARKWAY

In 2014, 17th Avenue between 63rd and 65th Streets was reconstructed to become a “complete street” named Richfield Parkway, and a primary focus of the corridor plan update was the continuation and alignment of this parkway south of 66th Street.

This study identifies the alignment of Richfield Parkway to be along 18th Avenue from 66th Street on the north to 77th Street on the south. Two key contributors to that decision were 1.) the design and construction of a new underpass at 77th Street at 77th, and 2.) the ability to assemble property necessary to support appropriate and impactful development.

Richfield Parkway along 18th Avenue will follow the design established at the Cedar Point development north of 66th Street and will ultimately be classified as an ‘A’ Minor Arterial roadway. It is a divided-lane vehicular and greenway corridor that, by design, accommodates the needs of pedestrians and bicyclists in addition to vehicles, and includes enhanced landscaping.

Right-of-way alignment for the parkway will, at a minimum, preserve existing property boundaries to the west of 18th Avenue, and a variety of traffic calming measures such as roadway configuration and roundabouts will be further studied as detailed plans are developed. Important nodes along this extension of Richfield Parkway include a major gateway to the City of Richfield at 66th Street, a neighborhood node at Diagonal Blvd, the intersection at the “complete street” on 76th, and the terminus at 77th Street.

Ultimately, Richfield Parkway will be more than just an improved north-south connector. Enhanced with landscaping and well-designed bike and pedestrian paths, it will become an amenity that successfully seams together new mixed-use development with a revitalized single-family residential neighborhood.

## MIXED-USE DEVELOPMENT PATTERN

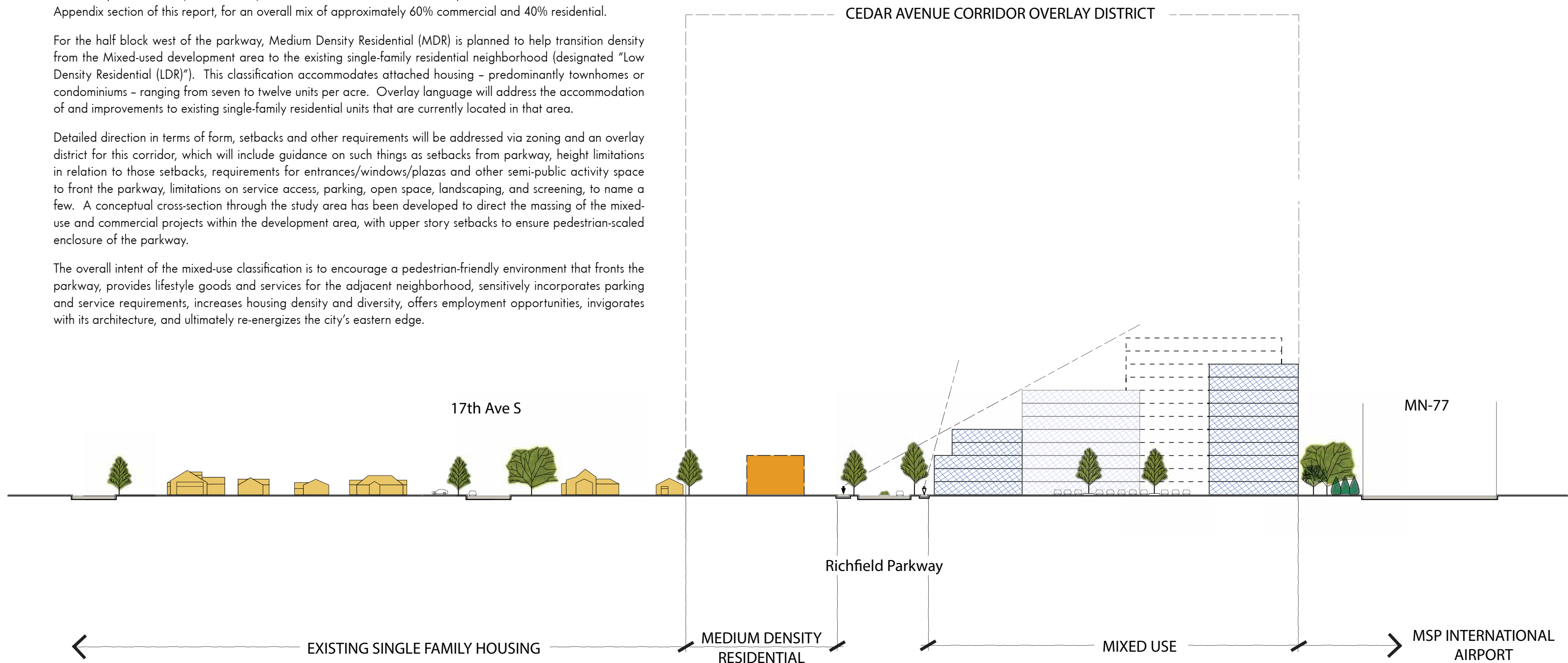
The intent of the land-use plan for the Cedar Avenue Corridor redevelopment is to stabilize and revitalize the existing low density residential (LDR) by introducing mixed-use development that accommodates the density necessary to support neighborhood-commercial type goods and services. Mixed-use development refers to the integration of residential, commercial, retail, employment, civic, recreations and educational uses in a way that not only supports and enhances each element in the development, but provides residents in the surrounding neighborhood a rich and diverse environment in which to live, work, shop, play and learn.

Generally, the redevelopment area east of the proposed Richfield parkway seeks to support a residential density of 24-50 units per acre, with predominantly ground floor retail and commercial and vertical integration of residential and office functions. The intent is to support mixed-use developments that represent a blend of the functions commonly associated with High Density Residential (HDR and HDRO), Neighborhood Commercial (NC), and Community Commercial (CC and CCO) as defined in the 2008 Richfield Comprehensive Plan and attached in the Appendix section of this report, for an overall mix of approximately 60% commercial and 40% residential.

For the half block west of the parkway, Medium Density Residential (MDR) is planned to help transition density from the Mixed-used development area to the existing single-family residential neighborhood (designated “Low Density Residential (LDR)”). This classification accommodates attached housing – predominantly townhomes or condominiums – ranging from seven to twelve units per acre. Overlay language will address the accommodation of and improvements to existing single-family residential units that are currently located in that area.

Detailed direction in terms of form, setbacks and other requirements will be addressed via zoning and an overlay district for this corridor, which will include guidance on such things as setbacks from parkway, height limitations in relation to those setbacks, requirements for entrances/windows/plazas and other semi-public activity space to front the parkway, limitations on service access, parking, open space, landscaping, and screening, to name a few. A conceptual cross-section through the study area has been developed to direct the massing of the mixed-use and commercial projects within the development area, with upper story setbacks to ensure pedestrian-scaled enclosure of the parkway.

The overall intent of the mixed-use classification is to encourage a pedestrian-friendly environment that fronts the parkway, provides lifestyle goods and services for the adjacent neighborhood, sensitively incorporates parking and service requirements, increases housing density and diversity, offers employment opportunities, invigorates with its architecture, and ultimately re-energizes the city's eastern edge.





## HOUSING DIVERSITY

Housing is the largest component of the existing land use in the Cedar Avenue neighborhood, and the community understands that to remain competitive in retaining and attracting new residents, it needs to:

- Expand housing choices
- Promote the stabilization, revitalization and modernization of the existing housing stock
- Maintain affordability
- Support attractive neighborhoods

Richfield has a limited amount of diversity in its housing stock. Most of the units are single-family detached structures constructed in the mid-twentieth century and generally reflect the styles popular at that time – one story ramblers and one-and-a-half story expansion bungalows. The homes are also smaller, with most less than 1,200 square feet, and commonly lacking in the lifestyle amenities found in new construction.

Despite the age of the homes, the Hennepin County Assessor’s office generally ranks the stock as average or better – though the homes still may not have the features currently sought by homeowners. And so development that encourages reinvestment in the existing single-family structures in the form of renovations and expansions will not only expand housing choices, but will help attract and retain families in the community.

This reinvestment in the existing single-family housing stock, combined with diverse offerings in the medium-density and mixed-use redevelopment projects will ultimately result in housing options for all points in a person’s life, also known as “life-cycle housing”, which typically includes:

- Rental housing for young adults without the interest or financial capacity for ownership
- Units for first-time home buyers
- “Move-up” housing that allows growing families to move to a larger home
- Maintenance free housing for empty nesters
- Housing with supporting services for the elderly

Richfield is an affordable place to live, as well, and needs to remain affordable. But parts of the neighborhood have also been designated as an Area of Concentrated Poverty where 50% or more of residents are people of color (ACP50). The intent of the updated plan is to support development that offers high-quality affordable housing options as well as desirable market-rate units and a strong employment base, resulting in a revitalized neighborhood that is culturally rich.

The plan specifically addresses redevelopment along the Richfield Parkway in order to enhance the existing neighborhood and protect it from undue encroachments. The parkway serves as a clear delineator between higher-density mixed-used and the existing lower-density residential area. To further ease the transition, the half-block to the west of the parkway is designated Medium-density Residential (MDR) to both step down the physical scale and provide that low-rise attached product that is a key product in “life-cycle housing”.

Ultimately, the Redevelopment Master Plan is intended to further the community’s goals in regards to housing:

- To maintain and enhance her image as a community with **strong, desirable and livable neighborhoods**, and
- To ensure sufficient **diversity in the housing stock** to provide for a range of household sizes, income levels and needs

2015 Inc 5000 List

At #1316, JLG is the highest-ranked architecture firm on the list of the top 5000 fastest-growing private companies in America.

2015 Architect 50 Top Firms in Business #19

JLG is #19 of the top 50 firms in business, and the only firm in North Dakota or South Dakota to make the list.

2015 ENR Top 500 #386

JLG is the only North Dakota or South Dakota architecture firm to ever make this 60-year old national ranking.

2015 Building Design+Construction Giants 300 Design Firms #38

JLG has been named one of the Top 300 Architecture Firms and Top 60 BIM Architecture Firms in the United States.

2016 Zweig Group Hot Firm List #75

JLG is the only architecture firm in the top 10 of the 100 fastest-growing A/E/C/P firms in the US and Canada.

2016 Minneapolis-St. Paul Business Journal Top 25 Firms #5

JLG has been on the list of the top firms, ranked by billings, in the metro area since 2013.

2015 Architecture Record Top 300 Architecture Firms in the US #89

JLG is the only North Dakota or South Dakota architecture firm to have ever made the ranking of top firms in the United States.

2016 Zweig Group Best Firm to Work For #4

JLG is the #1 ranked architecture firm on this national list of the best places to work in the A/E/C industry in the US and Canada.

2015 Prairie Business Magazine Top 50 Best Places to Work

JLG has been named a best place to work by this regional publication, covering North Dakota, Minnesota and South Dakota.

National American Institute of Architects Intern Development Program Outstanding Firm Award

JLG was recognized as the national leader in developing and training new architects.



[jlgarchitects.com](http://jlgarchitects.com)





**STAFF REPORT NO. 56**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Chris Regis, Finance Manager

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager  
3/16/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/16/2017

**ITEM FOR COUNCIL CONSIDERATION:**

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

**EXECUTIVE SUMMARY:**

As part of the Capital Improvement Budget and annual City Budget process, certain special revenue funds are allocated each year to fund capital projects identified through the budget process. At the February 14, 2017, City Council meeting the Council approved the first reading providing for the expenditure of funds from the Special Revenue Fund for certain capital improvements. The planned expenditures are as follows:

- Major Park Maintenance Projects \$45,000
- Wood Lake Fence Repair & Tree Removal \$5,000
- Ice Arena Restroom Fixtures \$12,000
- Ice Arena Conversion to Indirect Refrigeration \$300,000
- Wood Lake Perimeter Trail Restoration \$50,000
- Wood Lake Windows and Door Frames \$38,000

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

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

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve second reading of the transitory ordinance providing for the expenditure of funds from the Special Revenue Fund for certain capital improvements.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The 2017 Capital Improvement Budget also provides for expenditures for all types of funds contained in the budget including municipal state aid, user fees, federal grants, and state grants.

- Authorization by ordinance is not required for expenditures other than Special Revenue Funds.

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

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

**C. CRITICAL TIMING ISSUES:**

- Under Section 3.09 of the City Charter, a transitory ordinance becomes effective 30 days after publication of the second hearing notice.
- The ordinance requirements must be completed early enough in 2017 so that the capital projects can be initiated on a timely basis, completed, and the funds expended.

**D. FINANCIAL IMPACT:**

- While the total 2017 Capital Improvements Budget (CIB) includes total budgeted expenditures of \$73,386,000, the portion of the CIB concerning proposed funding from the Special Revenue funds is \$450,000.
 

|  |           |
|--|-----------|
| • Major Park Maintenance Projects                | \$45,000  |
| • Wood Lake Fence Repair & Tree Removal          | \$5,000   |
| • Ice Arena Restroom Fixtures                    | \$12,000  |
| • Ice Arena Conversion to Indirect Refrigeration | \$300,000 |
| • Wood Lake Perimeter Trail Restoration          | \$50,000  |
| • Wood Lake Windows and Door Frames              | \$38,000  |
- A transitory ordinance is necessary to finalize the appropriations utilizing special revenue funds pursuant to City Charter.
- The source of Special Revenue funds is municipal liquor profits.

**E. LEGAL CONSIDERATION:**

- The City Charter requires that a transitory ordinance be used to authorize the expenditure of Special Revenue funds.
- First reading of the ordinance was approved at the February 14, 2017, City Council meeting and a notice of public hearing was published on March 16, 2017.

**ALTERNATIVE RECOMMENDATION(S):**

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

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

| Description                       | Type              |
|-----------------------------------|-------------------|
| □ Tranistory Ordinance Resolution | Resolution Letter |

**BILL NO.**

**TRANSITORY ORDINANCE NO.**

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

**CITY OF RICHFIELD DOES ORDAIN:**

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

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

|  |            |
|--|------------|
| Major Park Maintenance                         | \$ 45,000  |
| Wood Lake Fence Repair and Tree Removal        | \$ 5,000   |
| Ice Arena Restroom Fixtures                    | \$ 12,000  |
| Ice Arena Conversion to Indirect Refrigeration | \$ 300,000 |
| Wood Lake Perimeter Trail Restoration          | \$ 50,000  |
| Wood Lake Windows and Door Frames              | \$ 38,000  |

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

Passed by the City Council of the City of Richfield this 28th day of March, 2017.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 57**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Matt Brillhart, Associate Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
3/21/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/22/2017

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of the second reading of an interim ordinance modifying regulations related to temporary signs along 66th Street and a resolution authorizing summary publication.**

**EXECUTIVE SUMMARY:**

With reconstruction of 66th Street now underway, the City has been contacted by business owners requesting permission to install temporary signs beyond what are ordinarily permitted. During construction, business owners want to emphasize that they are open and clearly identify access points. Under current sign regulations, temporary signs are permitted in 28-day increments, with a maximum of 4 permits per business, per calendar year, and carry a fee of \$35 per application. The Zoning Ordinance also restricts the types of signs that may be displayed, prohibiting all portable signs and banners not attached to a structure (including "flag" or "sail" signs).

To address businesses' concerns, staff is recommending adoption of an Interim Ordinance that would loosen certain restrictions on temporary signs for properties adjacent to 66th Street, between Xerxes Avenue and 16th Avenue. Proposed changes to current sign regulations (Zoning Code Section 549) include:

- Extending the 28-day limitation, instead allowing temporary signs to be displayed for up to one year.
- Waiving the \$35 application fee.
- Waiving the requirement that all signs maintain a 5-foot setback from property lines.
- Waiving the requirement that banner signs be attached to a structure (typically a building or fence), which will allow greater use of banners and "flag" or "sail" types of signs.

For the duration of the Interim Ordinance, all other regulations of Zoning Code Section 549 shall remain in place, including:

- A Sign Permit Application Form must be submitted to the Community Development Department before any signs will be approved.
- No more than one banner or other temporary sign will be allowed per business or tenant per building frontage.
- Signs shall not be placed in the public right-of-way.
- All signs prohibited under Section 549.21, Subdivision 2, shall remain prohibited, including outdoor advertising signs, also known as "off-premise signs", which advertise a product or business that is not

available on the same premises as the sign.

State Law allows cities to adopt interim ordinances for the purposes of protecting the planning process and the health, safety, and welfare of its citizens, for a period not to exceed one year. Unless earlier repealed by the City Council, this Interim Ordinance shall remain in effect for one year from the date of passage. During this time, City staff will study and propose changes to City Ordinances regulating signs, for the purposes of accommodating businesses throughout the remainder of 66th Street construction and for future road construction projects.

**RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion: Approve the second reading of an interim ordinance modifying regulations related to temporary signs along 66th Street and a resolution authorizing summary publication.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- Information is contained in the Executive Summary.

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

- Minnesota Statutes Section 462.355 allows cities to adopt interim ordinances for the purposes of protecting the planning process and the health, safety, and welfare of its citizens.
- The City Attorney agrees that the adoption of an interim ordinance related to temporary signs would be appropriate while the City studies the issue and contemplates changes to sign ordinances.

**C. CRITICAL TIMING ISSUES:**

- The City has received inquiries from business owners requesting expanded temporary signage during 66th Street construction. Adopting an interim ordinance will allow these requests to move forward immediately while the issue is studied further.
- The proposed interim ordinance would remain in effect for one year. The City Council can repeal the interim ordinance at an earlier time if studies have been completed and necessary ordinance changes adopted.

**D. FINANCIAL IMPACT:**

- None

**E. LEGAL CONSIDERATION:**

- Notice of this public hearing was published in the *Sun Current* in accordance with City and State requirements.
- A first reading of the ordinance was approved by the Council on February 28, 2017.

**ALTERNATIVE RECOMMENDATION(S):**

- Do not approve the interim ordinance and resolution, or approve with modifications.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

| Description                         | Type              |
|-------------------------------------|-------------------|
| <input type="checkbox"/> Ordinance  | Ordinance         |
| <input type="checkbox"/> Resolution | Resolution Letter |

**CITY OF RICHFIELD  
STATE OF MINNESOTA**

**ORDINANCE NO. \_\_\_\_\_**

**AN INTERIM ORDINANCE REGULATING TEMPORARY SIGNS  
AND DIRECTING THAT A PLANNING STUDY BE CONDUCTED**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. Background.

- 1.01. The City of Richfield regulates the installation of permanent and temporary signs on private property throughout the City, as described in Section 549 of the Zoning Code.
- 1.02. The City requires that permit applications be submitted in order to grant approval of any signs over 6 square feet in area. Temporary sign permits are issued in 28-day increments, with a maximum of 4 permits per business, per calendar year. Temporary sign permits carry an application fee of \$35 per 28-day period. The City restricts the types of signs that may be displayed, prohibiting all portable signs and banners not attached to a structure (including “flag” or “sail” signs.) The City requires that all signs be set back a minimum of 5 feet from property lines.
- 1.03. Reconstruction of 66th Street is currently underway and heavy construction work will continue through the 2018 construction season. This work will disrupt regular traffic patterns along 66th Street and inconvenience area businesses and their customers.
- 1.04. The City has received inquiries from business owners requesting permission to install temporary signs beyond what are ordinarily permitted. During construction, business owners want to emphasize that they are open and clearly identify access points.
- 1.05. The public interest will be harmed if businesses along 66th Street are inaccessible to customers.
- 1.06. The City Council has determined a need to undertake a study to review Section 549 of the Zoning Ordinance (Sign Regulations) as it pertains to the use of temporary signs during major road construction projects.
- 1.07. Upon completion of the study, the City Council, together with such city commissions as the City Council deems appropriate or as may be required by law, will consider the advisability of amending certain official controls.
- 1.08. Minnesota Statutes, Section 462.355, Subdivision 4 allows the City to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.

Sec. 2. Findings.

- 2.01 The City Council finds that it is necessary to conduct planning studies to determine the appropriate permitting and land use controls that should apply

to temporary signs during major roadway construction projects and to protect the planning process and the health, safety, and welfare of its citizens.

- 2.02 The purpose of the studies to be conducted includes, but is not limited to determining the appropriate permitting and licensing standards, and land use and development standards that should apply to temporary signs and determining the appropriate changes, if any, that should be made to City Ordinances.
- 2.03 The City Council finds that there is a need to adopt an Interim Ordinance, while the studies referenced in Section 2.01 are conducted.
- 2.04 The City Council finds that this Interim Ordinance applies only to applications for temporary sign permits on properties adjacent to 66th Street, between Xerxes Avenue and 16th Avenue.

### Sec. 3. Planning Study Authorized

- 3.01 A study is authorized to be conducted by City staff, to be followed by consideration of potential changes to the City's Ordinances by the City Council and such other commissions of the City as required by law or as directed by the City Council.
- 3.02 Pending completion of the study and adoption of any amendments to the City's official controls, an Interim Ordinance is established regulating the issuance of temporary sign permits.

### Sec. 4. Interim Regulations. The Interim Ordinance makes the following modifications to Zoning Code Section 549 (Sign Regulations).

- 4.01 The application fee of \$35 shall be waived. However, a completed Sign Permit application form must still be submitted to the Community Development Department before any signs will be approved.
- 4.02 The 28-day limitation on temporary signs shall be extended to one year.
- 4.03 The requirement that all signs maintain a 5-foot setback from property lines shall be waived.
- 4.04 The requirement that banner signs be attached to a structure shall be waived, allowing greater use of banners and similar types of signs.
- 4.05 The interim regulations established by this Ordinance shall apply to any application pending as of the date of passage of this Ordinance.
- 4.06 All other regulations set forth in Zoning Code Section 549 remain in effect and are not modified by the Interim Ordinance.

### Sec. 5. Enforcement. The City may enforce this Ordinance by mandamus, injunction or other appropriate civil remedy in any court of competent jurisdiction.

Sec. 6. Term. Unless earlier repealed by the City Council, this Interim Ordinance shall remain in effect until March 28, 2018. The Ordinance may be extended for a reasonable time, in accordance with Minnesota Statutes Section 462.355.

Sec. 7. Effective Date. This Ordinance is effective as provided by Section 3.09 of the Richfield City Charter.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING SUMMARY PUBLICATION OF AN INTERIM ORDINANCE  
REGULATING TEMPORARY SIGNS**

**WHEREAS**, the City has adopted the above referenced Ordinance; and

**WHEREAS**, the verbatim text of the ordinance is cumbersome, and the expense of publication of the complete text is not justified; and

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION  
BILL NO. 2017-\_\_\_\_**

**AN INTERIM ORDINANCE REGULATING TEMPORARY SIGNS  
AND DIRECTING THAT A PLANNING STUDY BE CONDUCTED**

This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter.

On March 28, 2017, the Richfield City Council adopted an interim ordinance designated as Bill No. \_\_\_\_\_, the title of which is stated above. The interim ordinance establishes regulations that loosen certain restrictions on temporary signs for properties adjacent to 66th Street, between Xerxes Avenue and 16th Avenue, for a period of one year. The purpose of the interim ordinance is to address business owners' concerns regarding visibility and customer access during the reconstruction of 66th Street. The ordinance also directs that a planning study be conducted to review temporary sign regulations and that appropriate amendments be made to the City's Zoning Ordinance upon completion of the study.

Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours or upon request by calling the Department of Community Development at (612) 861-9760.

Adopted by the City Council of the City of Richfield, Minnesota this 28th day of March, 2018.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 58**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Melissa Poehlman, City Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
3/21/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/22/2017

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consideration of the approval of a resolution granting approval of the final plat of the Richfield Assisted Living Addition.**

**EXECUTIVE SUMMARY:**

The City Council approved plans and preliminary plat for an 88-unit assisted living facility at Pillsbury/Pleasant Avenues and 76th Street West on March 22, 2016. The City Council granted an extension of those land use approvals on February 14, 2017, and construction is expected to begin in the next few weeks. The proposed plat of the Richfield Assisted Living Addition will combine four parcels (211 - 76th Street West; 7600, 7608, and 7644 Pillsbury Avenue South) and an adjacent 30-foot strip of land into a single legal parcel on which the new facility will be located.

All comments by the City's Engineering Department and the City Attorney's Office have been addressed or included as stipulations in the resolution.

**RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion: Approve a resolution granting approval of the final plat of the Richfield Assisted Living Addition.**

**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.
- The final plat application was received by the City on February 2, 2017. The City Council must render a decision by June 2, 2017.

**D. FINANCIAL IMPACT:**

- None

**E. LEGAL CONSIDERATION:**

- Notice of this public hearing was published in the *Sun Current* and mailed to properties within 350 feet of the site.

**ALTERNATIVE RECOMMENDATION(S):**

- None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Mesaba Capital Development Representative(s)

**ATTACHMENTS:**

| Description              |            | Type              |
|--------------------------|------------|-------------------|
| <input type="checkbox"/> | Resolution | Resolution Letter |
| <input type="checkbox"/> | Final Plat | Exhibit           |

**RESOLUTION NO.**  
**RESOLUTION GRANTING PRELIMINARY APPROVAL**  
**OF A PLAT FOR**  
**RICHFIELD ASSISTED LIVING ADDITION**

**WHEREAS**, Mesaba Capital Development on behalf of property owner RM Senior Living Richfield LLC has requested final approval of a plat that combines properties located at 211-76<sup>th</sup> Street West, 7600 Pillsbury Avenue, 7608 Pillsbury Avenue, 7644 Pillsbury Avenue, and an adjacent 30-foot strip of land, legally described in the attached Exhibit A; and

**WHEREAS**, the proposed subdivision is to be known as RICHFIELD ASSISTED LIVING; and

**WHEREAS**, a public hearing was held on the proposed plat of RICHFIELD ASSISTED LIVING on Tuesday, March 28, 2017 at which all interested persons were given the opportunity to be heard; and

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

1. The proposed preliminary plat of RICHFIELD ASSISTED LIVING satisfies the requirements of the City's subdivision ordinances.
2. Final approval is granted to the Applicant for the plat of RICHFIELD ASSISTED LIVING is granted with the following conditions:
  - a. The Applicant must submit two mylar copies of the plat for signature by the City.
  - b. The Applicant must file the final plat with the Hennepin County Recorder or Registrar of Titles within 30 days of the approval of this resolution.
  - c. The Applicant must separately prepare and record an easement for the City sound wall prior to the issuance of a Certificate of Occupancy for structures constructed on the property.
3. Staff is authorized to make changes as required by the Hennepin County Surveyor's Office.

Adopted by the City Council of the City of Richfield, Minnesota this 28th day of March, 2017.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

## **EXHIBIT A**

### **LEGAL DESCRIPTIONS**

The West 30 feet of Lot 1, Block 4, R.C. Soens Addition.

AND

Lot 1, Block 4, R.C. Soens Addition except the East 121.99 feet and except the West 30 feet thereof.

Lot 2 except the East 121.99 feet thereof, Block 4, R.C. Soens Addition.

The North 75 feet of Lot 3, Block 4, R.C. Soens Addition except the East 121.99 feet thereof.

AND

The East 121.99 feet of Lot 2, Block 4, R.C. Soens Addition.

AND

Lot 3 except the North 75 feet thereof, and Lot 4 and Lot 5, all in Block 4, R.C. Soens Addition.

AND

The East 121.99 feet of Lot 1, Block 4, R.C. Soens Addition.

ACRE LAND SURVEYING  
BLAINE, MN



**STAFF REPORT NO. 59**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Chris Regis, Finance Manager

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager  
3/22/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/22/2017

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of a resolution awarding the sale of \$9,335,000 General Obligation Street Reconstruction Bonds, Series 2017A.**

**EXECUTIVE SUMMARY:**

At the April 12, 2016, City Council meeting the Council adopted the 5-Year Street Reconstruction Plan and authorized the issuance of street reconstruction bonds to finance the 2017-2021 reconstruction projects.

A project included in the 5-Year Street Reconstruction Plan is the reconstruction of 66th Street from Xerxes Avenue to 16th Avenue. The estimated cost of this project is \$57,846,000. The project will include reconstruction of failing pavement, the replacement of city utilities, undergrounding of parallel overhead utility lines, and improved bicycle and pedestrian accommodations. The project also addresses safety and traffic flow concerns through the use of additional medians and roundabouts. Design for the project was approved by the City Council in 2015 following a public input process.

Funding for the project is to be provided by the combination of the issuance of street reconstruction bonds, Municipal State Aid, Federal grants, County and local funding, and utility rate payers. The bonds will be issued by the City and would be serviced by a debt service tax levy. The City cost share includes 10% of road construction, 50% of storm sewer replacement, 100% of water/sewer utility replacement, and any additional streetscape elements not cost shared by Hennepin County.

Bids on the 2017A General Obligation Improvement Bonds are due in the offices of Ehlers & Associates, Inc. on Tuesday, March 28, 2017. A representative from Ehlers & Associates, Inc. will be at the City Council meeting to recommend the successful bidder, review attached documents, and provide information that is absent from the resolution and available only after the bidding on the bonds has closed. Following Ehlers & Associates, Inc. recommendation it would be appropriate for the City Council to award the bond sale to the qualified buyer and undertake other related actions as necessary as delineated in the approving resolution. The anticipated closing on the 2017A Bonds is scheduled for April 20, 2017.

**RECOMMENDED ACTION:**

**By Motion: Approve a resolution awarding the sale of General Obligation Street Reconstruction Bonds, Series 2017A, in the original aggregate principal amount of \$9,335,000; fixing their form and specifications; directing their execution and delivery; and providing for their payment.**

## **BASIS OF RECOMMENDATION:**

### **A. HISTORICAL CONTEXT**

- The call for the sale of the bonds was approved by the City Council at the February 28, 2017, City Council meeting.

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

- The 66th Street Reconstruction project is part of the 5-Year Street Reconstruction Plan approved by the City Council on April 12, 2016.

### **C. CRITICAL TIMING ISSUES:**

- The City has agreed to pay Hennepin County \$7,200,000.00 by May 1, 2017; therefore, it is important to have the necessary funding in place.

### **D. FINANCIAL IMPACT:**

- The estimated total cost of the 66th Street Reconstruction Project is \$57,846,000.
- Funding for the project will be provided as follows:

|  |                |
|--|----------------|
| Street Reconstruction Bonds (Net of Par) | \$15,200,000   |
| Municipal State Aid                      | 5,850,000      |
| Federal Funds                            | 9,632,000      |
| Hennepin County                          | 25,900,000     |
| Overhead Utility Rate Payers             | 750,000        |
| City of Bloomington                      | 274,000        |
| City of Richfield                        | <u>240,000</u> |
| Total Funding                            | \$57,846,000   |

- The par amount of the bonds to be issued is \$9,335,000.
- The debt service on the bonds will be paid from an annual debt service tax levy over the life of the bonds. The average annual estimated tax levy will be \$650,557.
- The estimated annual increase in taxes due to the issuance of these bonds for a residential property valued at \$200,000 will be approximately \$42.16.
- Additional bonding will occur in 2018 and 2019 for the project.

### **E. LEGAL CONSIDERATION:**

- Legal counsel has reviewed the Pre-Sale report and the resolution.

## **ALTERNATIVE RECOMMENDATION(S):**

- None

## **PRINCIPAL PARTIES EXPECTED AT MEETING:**

Rebecca Kurtz, Ehlers & Associates, Inc.

## **ATTACHMENTS:**

| Description  | Type              |
|--------------|-------------------|
| □ Resolution | Resolution Letter |

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

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Richfield, Minnesota, was duly held in the City Hall in said City on Tuesday, March 28, 2017, commencing at 7:00 P.M.

The following members were present:

and the following were absent:

\* \* \*

\* \* \*

\* \* \*

The Mayor announced that the next order of business was consideration of the proposals which had been received for the purchase of the City's General Obligation Street Reconstruction Bonds, Series 2017A, to be issued in the aggregate principal amount of \$9,335,000.

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

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

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AWARDING THE SALE OF GENERAL  
OBLIGATION STREET RECONSTRUCTION BONDS,  
SERIES 2017A, IN THE ORIGINAL AGGREGATE PRINCIPAL  
AMOUNT OF \$9,335,000; FIXING THEIR FORM AND  
SPECIFICATIONS; DIRECTING THEIR EXECUTION AND  
DELIVERY; AND PROVIDING FOR THEIR PAYMENT**

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

Section 1.     Sale of Bonds.

1.01.   Authority.

(a) Pursuant to Minnesota Statutes, Chapter 475, as amended, specifically Section 475.58, subdivision 3b (the "Act"), the City is authorized to finance all or a portion of the cost of street reconstruction projects by the issuance of general obligation bonds of the City payable from ad valorem taxes.

(b) On April 12, 2016, following a duly noticed public hearing, the City Council of the City adopted a five-year street reconstruction plan (the "Plan") describing the streets to be reconstructed, estimated costs, and any planned reconstruction of other streets in the City and approved the issuance of obligations by vote of all of the members thereof, all pursuant to the Act.

(c) Expenditures described in the Plan for 2017 include, among other projects, the reconstruction of 66<sup>th</sup> Street (the "Street Reconstruction"). The City estimates that the total cost of the Street Reconstruction for 2017 is \$9,335,000, including capitalized interest, costs of issuance, and bond discount.

(d) The City Council has determined that, within thirty (30) days after the hearing, no petition for a referendum on the issuance of bonds to pay costs of the Street Reconstruction was received by the City in accordance with the Act.

(e) The City Council finds it necessary and expedient to the sound financial management of the affairs of the City to issue its General Obligation Street Reconstruction Bonds, Series 2017A (the "Bonds"), in the original aggregate principal amount of \$9,335,000, pursuant to the Act, to provide financing for the Street Reconstruction.

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

1.02.   Award to the Purchaser and Interest Rates. The proposal of \_\_\_\_\_ (the "Purchaser") to purchase the Bonds is hereby found and determined to be a reasonable offer and is hereby accepted, the proposal being to purchase the Bonds at a price of \$ \_\_\_\_\_ (par amount of \$9,335,000,

[plus original issue premium of \$ \_\_\_\_\_,] [less original issue discount \$ \_\_\_\_\_,] less underwriter's discount of \$ \_\_\_\_\_), plus accrued interest to date of delivery, if any, for Bonds bearing interest as follows:

| <u>Year</u> | <u>Interest Rate</u> | <u>Year</u> | <u>Interest Rate</u> |
|-------------|----------------------|-------------|----------------------|
| 2019        | %                    | 2029        | %                    |
| 2020        |                      | 2030        |                      |
| 2021        |                      | 2031        |                      |
| 2022        |                      | 2032        |                      |
| 2023        |                      | 2033        |                      |
| 2024        |                      | 2034        |                      |
| 2025        |                      | 2035        |                      |
| 2026        |                      | 2036        |                      |
| 2027        |                      | 2037        |                      |
| 2028        |                      | 2038        |                      |

True interest cost: \_\_\_\_\_%

1.03. Purchase Contract. The sum of \$ \_\_\_\_\_, being the amount proposed by the Purchaser in excess of \$9,260,320, shall be credited to the Debt Service Fund hereinafter created or deposited in the Construction Fund hereinafter created, as determined by the Finance Manager of the City in consultation with the City's municipal advisor. The Finance Manager is directed to retain the good faith check of the Purchaser, pending completion of the sale of the Bonds, and to return the good faith checks of the unsuccessful proposers. The Mayor and City Manager are directed to execute a contract with the Purchaser on behalf of the City.

1.04. Terms and Principal Amounts of the Bonds. The City will forthwith issue and sell the Bonds pursuant to the Act, in the total principal amount of \$9,335,000, originally dated April 20, 2017, in the denomination of \$5,000 each or any integral multiple thereof, numbered No. R-1, upward, bearing interest as above set forth, and maturing serially on February 1 in the years and amounts as follows:

| <u>Year</u> | <u>Amount</u> | <u>Year</u> | <u>Amount</u> |
|-------------|---------------|-------------|---------------|
| 2019        | \$            | 2029        | \$            |
| 2020        |               | 2030        |               |
| 2021        |               | 2031        |               |
| 2022        |               | 2032        |               |
| 2023        |               | 2033        |               |
| 2024        |               | 2034        |               |
| 2025        |               | 2035        |               |
| 2026        |               | 2036        |               |
| 2027        |               | 2037        |               |
| 2028        |               | 2038        |               |

1.05. Optional Redemption. The City may elect on February 1, 2026, and on any day thereafter to prepay Bonds due on or after February 1, 2027. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC (as defined in Section 7 hereof) of the particular amount of

such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

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

## Section 2. Registration and Payment.

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

2.02. Dates; Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds is payable on February 1 and August 1 of each year, commencing February 1, 2018, to the registered owners of record thereof as of the close of business on the fifteenth day of the immediately preceding month, whether or not such day is a business day.

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

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

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

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

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

(e) Improper or Unauthorized Transfer. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the

requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

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

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

(h) Mutilated, Lost, Stolen or Destroyed Bonds. If a Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

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

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

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

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

### Section 3. Form of Bond.

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

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

### Section 4. Payment; Security; Pledges and Covenants.

4.01. Debt Service Fund. The Bonds will be payable from the General Obligation Street Reconstruction Bonds, Series 2017A Debt Service Fund (the "Debt Service Fund") hereby created. The Debt Service Fund shall be administered and maintained by the Finance Manager as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Finance Manager shall timely deposit in the Debt Service Fund the ad valorem taxes levied herein (the "Taxes"), which Taxes are pledged to the Debt Service Fund. There is also appropriated to the Debt Service Fund (i) capitalized interest financed from the proceeds of the Bonds, if any; and (ii) amounts over the minimum purchase price paid by the Purchaser, to the extent designated for deposit in the Debt Service Fund in accordance with Section 1.03 hereof.

4.02. Construction Fund. The City hereby creates the General Obligation Street Reconstruction Bonds, Series 2017A Construction Fund (the "Construction Fund"). Proceeds of the Bonds, less the appropriations made in Section 4.01 hereof, together with the Taxes and any other funds appropriated for the Street Reconstruction collected during construction, will be deposited in the Construction Fund to be used solely to defray expenses of the Street Reconstruction and the payment of principal and interest on the Bonds prior to the completion and payment of all costs of the Street Reconstruction. When the Street Reconstruction is completed and the cost thereof paid, the Construction Fund is to be closed and any funds remaining may be deposited in the Debt Service Fund.

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

4.04. Pledge of Tax Levy. For the purpose of paying the principal of and interest on the Bonds, there is levied a direct annual irrepealable ad valorem tax upon all of the taxable property in the City, which will be spread upon the tax rolls and collected with and as part of other general taxes of the City. The Taxes will be credited to the Debt Service Fund above provided and will be in the years and amounts as attached hereto as EXHIBIT C.

4.05. Certification to Taxpayer Services Division Manager as to Debt Service Fund Amount. It is hereby determined that the estimated collections of Taxes will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the Bonds. The tax levy herein provided is irrepealable until all of the Bonds are paid, provided that at the time the City makes its annual tax levies the Finance Manager may certify to the Taxpayer Services Division Manager of Hennepin County, Minnesota (the "Taxpayer Services Division Manager") the amount available in the Debt Service Fund to pay principal and interest due during the ensuing year, and the Taxpayer Services Division Manager will thereupon reduce the levy collectible during such year by the amount so certified.

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

#### Section 5. Authentication of Transcript.

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

5.02. Certification as to Official Statement. The Mayor, the City Manager, and the Finance Manager are authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

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

to absence of material litigation, and the Finance Manager shall also execute and deliver a certificate as to payment for and delivery of the Bonds.

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

Section 6. Tax Covenant.

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

6.02. Rebate. The City will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Bonds, and the rebate of excess investment earnings to the United States.

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

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

- (a) the Bonds are not "private activity bonds" as defined in Section 141 of the Code;
- (b) the City designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;
- (c) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds that are not qualified 501(c)(3) bonds) which will be issued by the City (and all subordinate entities of the City) during calendar year 2017 will not exceed \$10,000,000; and
- (d) not more than \$10,000,000 of obligations issued by the City during calendar year 2017 have been designated for purposes of Section 265(b)(3) of the Code.

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

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

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

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

7.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the “Representation Letter”) which will govern payment of principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

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

and the Registrar will authenticate Bond certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

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

Section 8. Continuing Disclosure.

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

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

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

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Passed and adopted this 28<sup>th</sup> day of March, 2017.

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Mayor

Attest:

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City Clerk

**EXHIBIT A**  
**PROPOSALS**

**EXHIBIT B**  
**FORM OF BOND**

No. R-\_\_\_\_\_ UNITED STATES OF AMERICA \$\_\_\_\_\_  
STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
CITY OF RICHFIELD

GENERAL OBLIGATION STREET RECONSTRUCTION BOND  
SERIES 2017A

| <u>Rate</u> | <u>Maturity</u>  | <u>Date of<br/>Original Issue</u> | <u>CUSIP</u> |
|-------------|------------------|-----------------------------------|--------------|
|             | February 1, 20__ | April 20, 2017                    |              |

Registered Owner: Cede & Co.

The City of Richfield, Minnesota, a duly organized and existing municipal corporation in Hennepin County, Minnesota (the "City"), acknowledges itself to be indebted and for value received hereby promises to pay to the Registered Owner specified above or registered assigns, the principal sum of \$\_\_\_\_\_ on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above (calculated on the basis of a 360-day year of twelve 30 day months), payable February 1 and August 1 in each year, commencing February 1, 2018, to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the immediately preceding month. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by Bond Trust Services Corporation, Roseville, Minnesota, as Bond Registrar, Paying Agent, Transfer Agent and Authenticating Agent, or its designated successor under the Resolution described herein. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

The City may elect on February 1, 2026, and on any day thereafter to prepay Bonds due on or after February 1, 2027. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify The Depository Trust Company ("DTC") of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

This Bond is one of an issue in the aggregate principal amount of \$9,335,000 all of like original issue date and tenor, except as to number, maturity date, redemption privilege, and interest rate, all issued pursuant to a resolution adopted by the City Council on March 28, 2017 (the "Resolution"), for the purpose of providing money to defray the expenses incurred and to be incurred in making certain street reconstruction improvements, pursuant to and in full conformity with the home rule charter of the City and the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Chapter 475, as amended, specifically, Section 475.58, subdivision 3b. The principal hereof and interest hereon are

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

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

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

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

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

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

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

Dated: April 20, 2017

**CITY OF RICHFIELD, MINNESOTA**

\_\_\_\_\_  
(Facsimile)  
Mayor

\_\_\_\_\_  
(Facsimile)  
City Manager

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**CERTIFICATE OF AUTHENTICATION**

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

**BOND TRUST SERVICES CORPORATION**

By \_\_\_\_\_  
Authorized Representative

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**ABBREVIATIONS**

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

TEN COM -- as tenants in common

UNIF GIFT MIN ACT

\_\_\_\_\_  
(Cust) Custodian (Minor)

TEN ENT -- as tenants by entireties

under Uniform Gifts or Transfers to Minors  
Act, State of \_\_\_\_\_

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

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

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**ASSIGNMENT**

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

Dated: \_\_\_\_\_

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

Signature Guaranteed:

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

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

Name and Address:

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

Please insert social security or other identifying number of assignee

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#### PROVISIONS AS TO REGISTRATION

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

Date of Registration

Registered Owner

Signature of  
Officer of Registrar

Cede & Co.  
Federal ID #13-2555119

**EXHIBIT C**

**TAX LEVY SCHEDULE**

| <u>YEAR *</u> | <u>TAX LEVY</u> |
|---------------|-----------------|
| 2018          | \$              |
| 2019          |                 |
| 2020          |                 |
| 2021          |                 |
| 2022          |                 |
| 2023          |                 |
| 2024          |                 |
| 2025          |                 |
| 2026          |                 |
| 2027          |                 |
| 2028          |                 |
| 2029          |                 |
| 2030          |                 |
| 2031          |                 |
| 2032          |                 |
| 2033          |                 |
| 2034          |                 |
| 2035          |                 |
| 2036          |                 |
| 2037          |                 |

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*\* Year tax levy collected.*

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

I, being the duly qualified and acting City Clerk of the City of Richfield, Hennepin County, Minnesota (the “City”), do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City Council of the City held on March 28, 2017 with the original minutes on file in my office and the extract is a full, true and correct copy of the minutes insofar as they relate to the issuance and sale of the City’s General Obligation Street Reconstruction Bonds, Series 2017A, in the original aggregate principal amount of \$9,335,000.

WITNESS My hand officially as such City Clerk and the corporate seal of the City this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

(SEAL)

\_\_\_\_\_  
City Clerk  
City of Richfield, Minnesota



**STAFF REPORT NO. 60**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Elizabeth VanHoose, City Clerk

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich, City Manager  
3/22/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/22/2017

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of a resolution declaring a vacancy in the office of Council Member Ward One, calling for a special election, and establishing a filing period for nomination petitions.**

**EXECUTIVE SUMMARY:**

Council Member Pat Elliott, whose Council term is scheduled to expire on December 31, 2020, took the oath of office of Mayor of the City of Richfield on March 20, 2017, (confirmed publicly at the Council meeting on March 28, 2017), thereby creating a vacancy on the Richfield City Council.

The Richfield City Charter requires that a special election be held to fill a vacancy when at least 180 days remain in the vacated seat. The Council must call a special election at the regular Council meeting following the resignation and the election must be held not less than 30 nor more than 60 days after the meeting at which the election is called.

The Council accepts the resignation of Council Member Pat Elliott and declares a vacancy to exist in the office of Council Member Ward One. The special election shall be held on May 23, 2017, to fill the council vacancy. Nomination petitions for candidates will be accepted by the City Clerk during the filing period of March 31, 2017 through April 7, 2017.

**RECOMMENDED ACTION:**

**By Motion: Approve the Resolution Declaring a Vacancy in the Office of Council Member Ward One, Calling for a Special Election, and Establishing a Filing Period for Nomination Petitions.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- N/A

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

- Section 2.05 of the Richfield City Charter addresses procedures following a vacancy on the Council. A vacancy shall exist as of the date of the resignation of a Council Member. If 180 days or more remain in the Council Member's term of office after the vacancy, the Council shall call a special election to fill the vacancy for the balance of the Council member's term.

**C. CRITICAL TIMING ISSUES:**

- The special election shall be called at the same Council meeting at which the vacancy is declared to exist or at the next regular Council meeting following the resignation of a Council member. The special election shall be held not less than 30 nor more than 60 days after the Council meeting at which the election is called.

**D. FINANCIAL IMPACT:**

- The City will incur costs related to preparing for and holding the special election.

**E. LEGAL CONSIDERATION:**

- Staff has consulted with the City Attorney regarding the procedures to be followed after a vacancy is declared on the Council.

**ALTERNATIVE RECOMMENDATION(S):**

- There are no alternative recommendations. The Council is required to call a special election.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

| Description              |                  | Type              |
|--------------------------|------------------|-------------------|
| <input type="checkbox"/> | Resolution       | Resolution Letter |
| <input type="checkbox"/> | Notice of Filing | Backup Material   |

**RESOLUTION NO.**

**RESOLUTION DECLARING A VACANCY IN THE OFFICE OF COUNCIL MEMBER,  
CALLING FOR A SPECIAL ELECTION, AND ESTABLISHING A  
FILING PERIOD FOR NOMINATION PETITIONS**

**WHEREAS**, Council Member Pat Elliott, whose Council term is scheduled to expire on December 31, 2020, took the oath of office of Mayor of the City of Richfield on March 20, 2017 (which oath was confirmed publicly at the Council meeting on March 28, 2017), thereby creating a vacancy on the Richfield City Council;

**WHEREAS**, the Richfield City Charter provides that a special election is required to fill a Council Member's term of office if 180 days or more remain in the Council Member's term;

**WHEREAS**, the Charter also provides that the special election shall be held not less than 30 nor more than 60 days after the meeting at which the election is called; and

**WHEREAS**, the City Council wishes to take all other appropriate actions regarding the resulting vacancy.

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

1. The City Council declares a vacancy to exist in the office of Council Member as a result of Pat Elliott assuming the office of Mayor.
2. A special election shall be held on May 23, 2017 to fill the Council vacancy.
3. In accordance with the City Charter, candidates for the special election shall be nominated by petition. Nomination petitions shall be accepted by the City Clerk from March 31, 2017 through April 7, 2017.

Adopted by the City Council of the City of Richfield, Minnesota this 28th day of March, 2017.

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Pat Elliott, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

**CITY OF RICHFIELD NOTICE OF  
FILING DATES FOR  
CANDIDATES FOR MUNICIPAL ELECTIVE OFFICE**

Notice is hereby given of the filing date for candidates for the following municipal elective office:

**OFFICE TO BE ELECTED:**

**CITY OF RICHFIELD – COUNCIL MEMBER WARD 1**

A candidate for this municipal office must reside, while seeking election and while serving in office, within the City of Richfield.

**CANDIDATE FILING PERIOD**

The candidate filing period for this municipal elective office is as follows:

**Opens:** Friday, March 31, 2017 - 8:00 A.M.

**Closes:** Friday, April 7, 2017 - 5:00 P.M.

All candidates for elective office shall be nominated by petition. Nominating petitions are available from the City Clerk.

Nominating petitions must contain the signatures of 10 individuals who are registered voters in Richfield. A \$25.00 filing fee is due at the time of filing the nominating petition.

Nominating petitions must be submitted during the filing period to the City Clerk at Richfield Municipal Center, 6700 Portland Avenue.

**ELECTION DATE**

Election date for this municipal elective office is as follows:

**Special Election:** Tuesday, May 23, 2017.

For further information, call 612-861-9738.

Elizabeth VanHoose  
City Clerk

Publish: March 30, 2017 & April 6, 2017



**STAFF REPORT NO. 61**  
**CITY COUNCIL MEETING**  
**3/28/2017**

REPORT PREPARED BY: Jim Topitzhofer, Recreation Services Director

DEPARTMENT DIRECTOR REVIEW: Jim Topitzhofer, Recreation Services Director  
3/21/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager  
3/22/2017

**ITEM FOR COUNCIL CONSIDERATION:**

Consideration of the following items related to the Richfield Community Band Shell project:

1. Reject all bids received February 9, 2017, for bid divisions RSB-03-1 Earthwork, Concrete, Masonry and Miscellaneous Metals; RSB-07-1 Roofing Architectural Shingles; and RSB-26-1 Electrical and Temporary Power.
2. Reject all bids received March 20, 2017, for bid division RSB-09-1 Rough and Finish Carpentry, Structural Wood, Painting, and Miscellaneous Finishes.
3. Authorize staff to re-bid the project at a future date.

**EXECUTIVE SUMMARY:**

On February 28, 2017, Council held all bids for bid divisions RSB-03-1, RSB-07-1, and RSB-26-1, and rejected all bids received for bid division RSB-09-1 and authorized staff to re-bid the single bid division.

A bid opening was conducted on March 20, 2017, for RSB-09-1 and Versacon Construction submitted to lowest base bid in the amount of \$126,500. The base bid plus alternate 4 and 5 totaled \$136,500.

The lowest base bid received for RSB-09-1, not including alternates, exceeds the amount of total funding available for the project by \$25,937. In addition, staff discovered that publication of the bid was not published in the local newspaper by mistake, which is required by State Statute. For these reasons, staff recommends Council reject of all the bids received for the band shell on February 9 and March 20, 2017.

Staff recommends rejecting all bids for all four divisions and re-bidding all four divisions next year, so that additional funding may be secured by the Friends of the Band Shell. The group is committed to stand by the project until then to see it through.

**RECOMMENDED ACTION:**

By Motion:

1. Reject all bids received February 9, 2017, for bid divisions RSB-03-1 Earthwork, Concrete, Masonry and Miscellaneous Metals; RSB-07-1 Roofing Architectural Shingles; and RSB-26-1 Electrical and Temporary Power.
2. Reject all bids received March 20, 2017, for bid division RSB-09-1, Rough and Finish Carpentry, Structural Wood, Painting, and Miscellaneous Finishes.
3. Authorize staff to re-bid to project at a future date.

## **BASIS OF RECOMMENDATION:**

### **A. HISTORICAL CONTEXT**

- City Council discussed the formation of a new group of volunteers to raise funds and finalize plans for a community band shell at a study session on January 28, 2014. During the discussion, Council selected Veterans Memorial Park as the future site of the community band shell and later passed a resolution declaring Veterans Park as the future site of the Band Shell on February 11, 2014.
- A Band Shell Task Force was assembled and began meeting in February, 2014. The Task Force began fundraising efforts right away and secured about \$75,000 of pledges.
- On June 23, 2015, City Council passed a resolution granting approval of a site plan to allow the construction of a community band shell in Veterans Memorial Park. The Council specified that no additional funding from the City would be provided to the project. At the same meeting, the Council approved a contract with David Linner Architects to prepare plans, specifications and bidding documents.
- City Council approved a motion on September 8, 2015 to reject all bids for the construction of a band shell. All four bids received exceeded the project budget.
- On July 12, 2016, City Council passed a resolution granting approval of a revised site plan to allow the construction of a community band shell in Veterans Memorial Park.
- On October 11, 2016, Council received a summary report of a professional sound study that was conducted on site in September. Council also approved an agreement with EDS Builders to perform construction management services for the construction of the Band Shell.
- The four divisions bid are:
  - RSB-03-1 Earthwork, Concrete, Masonry and Miscellaneous Metals
  - RSB-07-1 Roofing Architectural Shingles
  - RSB-09-1 Rough and Finish Carpentry, Structural Wood, Painting and Miscellaneous Finishes
  - RSB-26-1 Electrical and Temporary Power
- The six alternates are:
  - Alternate 1 - Upgrade rock-faced block with Trattino finish
  - Alternate 2 - Add decorative steel railing
  - Alternate 3 - Add metal treble and base clef emblem
  - Alternate 4 - 5/8" tongue and groove plywood under trusse
  - Alternate 5 - Add anti-graffiti coating to all exposed walls and door
  - Alternate 6 - Remove all emergency and exit lights

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

- Contracts estimated to have a value over \$100,000 must be made by sealed bids, solicited by public notice, and awarded to the lowest responsible bidder. All such contracts can only be approved by City Council.
- The notice that bids are being solicited must be published once in the city's official newspaper at least ten days before the last day for the submission of bids.
- The City has the authority to reject all bids.

### **C. CRITICAL TIMING ISSUES:**

- It is too late to bid the project for summer construction at this time as contractors have most likely secured their jobs for the summer and prices are likely higher.
- Formal rejection of the bids should occur in a reasonable timeframe for the contractors to plan their seasonal workloads accordingly.

### **D. FINANCIAL IMPACT:**

#### **Band Shell Budget**

#### **SOURCES**

|                             |                  |
|-----------------------------|------------------|
| City Contribution           | \$325,000        |
| Initial Fundraising Drive   | \$67,000         |
| <u>Friends Contribution</u> | <u>\$130,000</u> |

**Total Sources** **\$522,000**

**USES**

|   |                  |
|---|------------------|
| Past Expenses                             | \$75,000         |
| Sound Study                               | \$10,000         |
| Testing                                   | \$6,559          |
| Architect/Engineer Design                 | \$30,000         |
| Construction Manager                      | \$30,000         |
| Construction Cost (total of all low bids) | \$377,503        |
| Contingency (5%)                          | \$18,875         |
| <b>Total Uses</b>                         | <b>\$547,937</b> |

- Shortfall of funding with all lowest base bids: \$25,937
- The only cost associated with re-bidding the project is the cost of publication notice to the local newspaper which is approximately \$110.

**E. LEGAL CONSIDERATION:**

- The City Attorney has been consulted regarding this situation.

**ALTERNATIVE RECOMMENDATION(S):**

- Council may choose to reject all bid divisions and direct staff to not re-bid the project in the future.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Friends of the Band Shell Representatives

**ATTACHMENTS:**

| Description                 | Type            |
|-----------------------------|-----------------|
| ▣ Bid Tab, February 9, 2017 | Backup Material |
| ▣ Bid Tab, March 20, 2017   | Backup Material |

EDS Builders, Inc.  
404A Saint Croix Trail North  
Lakeland, MN 55043

RICHFIELD COMMUNITY BAND SHELL  
CITY OF RICHFIELD, 636 East 66th Street, Richfield, MN 55423  
BID DATE: February 9, 2017 2:00 p.m.

**RBS-03-1 EARTHWORK, CONCRETE, MASONRY, MISC. METALS**

[illegible]

EDS Builders, Inc.  
404A Saint Croix Trail North  
Lakeland, MN 55043

RICHFIELD COMMUNITY BAND SHELL  
CITY OF RICHFIELD, 636 East 66th Street, Richfield, MN 55423  
BID DATE: February 9, 2017 2:00 p.m.

## RBS-07-1 ROOFING ARCHITECTURAL SHINGLES

[illegible]

EDS Builders, Inc.  
404A Saint Croix Trail North  
Lakeland, MN 55043

RICHFIELD COMMUNITY BAND SHELL  
CITY OF RICHFIELD, 636 East 66th Street, Richfield, MN 55423  
BID DATE: February 9, 2017 2:00 p.m.

**RBS-09-1 ROUGH AND FINISH CARPENTRY, STRUCTURAL WOOD, PAINTING, MISC. FINISHES**

[illegible]

EDS Builders, Inc.  
404A Saint Croix Trail North  
Lakeland, MN 55043

RICHFIELD COMMUNITY BAND SHELL  
CITY OF RICHFIELD, 636 East 66th Street, Richfield, MN 55423  
BID DATE: February 9, 2017 2:00 p.m.

## RBS-16-1 ELECTRICAL AND TEMPORARY POWER

[illegible]

EDS Builders, Inc.  
404A Saint Croix Trail North  
Lakeland, MN 55043

RICHFIELD COMMUNITY BAND SHELL  
CITY OF RICHFIELD, 636 East 66th Street, Richfield, MN 55423  
BID DATE: February 9, 2017 2:00 p.m.

## MULTIPLE CATEGORIES

[illegible]

**Richfield Community Band Shell**  
**Bid Tabulation**  
**20-Mar-17**  
**2:00 P.M., Richfield Municipal Center**

**RBS-09-1 ROUGH AND FINISH CARPENTRY, STRUCTURAL WOOD, PAINTING, MISC. FINISHES**

| CONTRACTOR         | BID<br>BOND | ADD    | BASE<br>BID   | ALT 4<br>5/8" plywood | ALT 5<br>anti-graffiti | TOTAL<br>PROPOSED<br>AMOUNT |  | COMMENTS |
|--------------------|-------------|--------|---------------|-----------------------|------------------------|-----------------------------|--|----------|
| Vesacon, Inc.      | X           | 1<br>2 | \$ 126,500.00 | \$ 3,000.00           | \$ 7,000.00            | \$ 136,500.00               |  |          |
| Ebert Construction | X           | 1<br>2 | \$ 134,600.00 | \$ 11,000.00          | \$ 5,720.00            | \$ 151,320.00               |  |          |
| Lyawe & Associates | X           | 1<br>2 | \$ 150,000.00 | \$ -<br>no change     | \$ 8,500.00            | \$ 158,500.00               |  |          |
|                    |             |        |               |                       |                        |                             |  |          |
|                    |             |        |               |                       |                        |                             |  |          |
|                    |             |        |               |                       |                        |                             |  |          |
|                    |             |        |               |                       |                        |                             |  |          |
|                    |             |        |               |                       |                        |                             |  |          |