



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Regular Council Meeting

January 24, 2023

### CALL TO ORDER

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

*Council Members Present:* Mary Supple, Mayor; Sharon Christensen; Simon Trautmann; Sean Hayford Oleary; and Ben Whalen

*Staff Present:* Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Melissa Poehlman, Community Development Director; Jay Henthorne, Public Safety Director/Police Chief; Jennifer Anderson, Health Administrator; and Chris Swanson, Management Analyst

### PLEDGE OF ALLEGIANCE

Mayor Supple led the Pledge of Allegiance.

### OPEN FORUM

Mayor Supple reviewed the options to participate:

- Participate live by calling 1-415-655-0001 during the open forum portion
- Call prior to meeting 612-861-9711
- Email prior to meeting [kwynn@richfieldmn.gov](mailto:kwynn@richfieldmn.gov)

Karen Kaylor, 7632 Sheridan Avenue South, stated she was in favor of the amended zoning ordinance in theory. She noted the four townhomes on 74<sup>th</sup> and Washburn built in the 1970's and the five Sheridan Villas built in 2017 are all owner occupied. The small apartment buildings along Penn Avenue seem to be locally owned. She indicated she had been raised in a four-plex which was what her Mom could afford after her Father passed. She spoke of some additional personal experiences. She then urged the Council to table the amended Ordinance as written and send it back for a rewrite to allow duplexes, but also with language to protect the community from housing speculators and absentee landlords as well as to ban the conversion of single-family homes and new duplexes to free standing hotel rooms.

Heidi Geibor, 6915 Wentworth, stated she was not opposed and suggested more of them for Richfield as an affordable way for families to be able to have the adequate housing they needed. She indicated 10 years ago when the city had already talked about affordable housing for years but had not produced it. She indicated Richfield needs more affordable housing. She asked why the city preferred to use their limited space to fill the community with unsightly, high-density buildings filled with unaffordable units. She noted these complexes have greatly changed the complexion of their urban hometown.

Dave Snyder, 513 West 70<sup>th</sup> Street, stated he has lived in Richfield for five years and is proud to call it home. He indicated he was in attendance to speak in support of the zoning code change being considered by the Council. He stated he has spoken with neighbors and friends of his who have bent over backwards to serve the community and who ultimately had to find housing that was affordable outside of Richfield, even though they really wanted to stay. He spoke of how increasing the supply of affordable housing including duplexes and apartments will help provide that stability for the neighbors. He stated he was concerned about outside investors and noted there is ample evidence that these investors are more interested in profits rather than providing stable and responsibly maintained housing options for residents.

Mark Hoffman, 6511 Logan, stated he has sent the Council and staff research that's been done on multi-family and low-density housing. He noted the research speaks of benefits on the part of those larger complexes, but there is no specific research on the impact that duplex rentals have in single-family neighborhoods. He stated duplexes are not multi-family and they are not very dense in terms of the population that was there.

Janet Coleman, 6632 Elliott, stated she was raised in Richfield and before she could afford to buy, she rented an apartment and a duplex. She stated she was not against duplexes, but tonight she was going to focus on protecting and promoting homeownership.

Larry Ernster, 6727 Elliott, stated he was going to focus on homeownership. He noted the city has stated that rezoning was being done to promote a path to homeownership. He indicated he had five recommendations that not only support homeownership, but simultaneously increase the paths to and the opportunity for homeownership. He said he is not against duplexes and renters but against the unregulated building that will ensue if the rezoning passes. He asked Council to take another look at their plan.

Mary Best, 6727 Elliott, noted people are before the City Council tonight because neighbor to neighbor they are discussing and discovering the rezoning issue going on within the city is in a scope of which most residents had never heard about. She indicated Richfield is often compared to Minneapolis and their 2040 Plan was modeled after theirs. She stated Minneapolis ended single-family zoning in September 2019. She stated they did not want, nor should they be modeled after Minneapolis.

Lester Bower, Richfield resident, stated he wanted to talk about his experiences of having purchased a duplex in Richfield approximately 12 years ago. He noted he came from a smaller community and has always lived in smaller communities and their experiences have been very positive with their duplex. He noted some of the issues he saw regarding duplex or single-family dwellings depended a great deal on the kinds of regulations that the City puts on. He indicated he did not see much change between single-family dwelling and duplexes, and it was mostly dependent upon the regulation and upon the responsibility of the owner.

Amber Marty, 7004 Chicago Avenue, stated she was a Richfield homeowner expressing her support to amend the Ordinance. She noted this amendment will help to achieve the City Council's 2040 Comprehensive Plan's goals of expanding housing choices, promoting the modernization of housing stock, maintaining affordability, and supporting attractive neighborhoods. She indicated she had three reasons for supporting this amendment including the opportunity to address the regional housing shortage, the opportunity it allows to build wealth, and the opportunity this amendment provides to address racial equality. She noted she did not want to see high-rises or outside investments come in and take away opportunities for homeowners. She did not think that was what being proposed. She thanked them for their time and service to the community.

Kathleen Balaban, 65<sup>th</sup> and Stevens, asked the City to defer the rezoning until a further infrastructure study. She stated the reason for that because she did agree they needed affordable housing throughout the Metro area, and she was not opposed to multiple family units. She noted she

had lived in apartments, duplexes, single-family homes that are rented, and single-family homes that are owned.

Ms. Balaban believed Richfield needed to look deeper into the City's infrastructure before going forward. She thanked them for their time and asked them to please, please look at the infrastructure because they are not ready for this at this time but might be in a while after this is studied more.

Steve McPhearson, 1605 Oliver, stated some of the concerns were higher potential for more cars on the streets, double the garbage cans, and double the lawn furniture. He noted high-density meant twice as many items around the yard. He indicated he had spoken with two realtors to assess whether duplexes to raise or lower property values of existing homes in the area. He stated they both quickly stated that it tends to lower property values. He stated he would like the City Council to delay this vote a few months. He stated he would like to be a part of a survey that went to 150 randomly picked homes in Richfield (50 in each ward), and he asked that the City Council Member of that ward be there as well.

Reed Osal, 6829 Harriett Avenue, stated he has rented for the last six years and for the last four he has rented a single-family home. He indicated he lived there with his wife, dog, and four-month-old daughter. He indicated they were a family that was invested in Richfield and they would love to own a home in Richfield eventually. He indicated a lot of people in the room might be able to dump equity in their current home into a half a million-dollar home purchase, but as a first-time homebuyer, he did not have \$120,000 sitting around in cash to put in on a down payment.

Joe Hoover, 7627 Harriet Avenue, stated he lived in his current home for 20 years and before that he lived in a house that his grandparents bought in 1947. He stated he saw the catastrophic effects of climate change. He indicated they saw a stellar increase in wealth moving from the middle class to the super rich. He saw the growing march towards an anti-democratic and authoritarian government. He indicated he can see the disastrous effects, which are the result of globalization policies under an unchecked free market system that has allowed globalization of commerce, but not globalization of worker rights and environmental protections. He indicated this was the same utopian free-market race thinking approach with dealing with the housing shortage and affordable housing that will ultimately be the downfall of the zoning change under review today. He stated unfortunately housing is a commodity and not a right in the United States. He indicated the zoning change will do almost nothing to eliminate the lack of affordable housing and housing shortage. He stated he was opposed to the rezoning as proposed.

Heather McDonald, stated she currently resides in South Minneapolis, but has been a resident of Richfield previously for over 10 years. She indicated her children still attended school in Richfield and they also participated in many of the community programs. She indicated for years she served on the Community Service Commission and was able to learn a lot about the city and the people in it. She noted she co-owned a single-family home for about ten years and then she rented for approximately a year until her landlord decided to sell the townhome she was renting. She indicated she then had to leave Richfield because she could not find a rental that fit her budget, her situation, and her family needs. She indicated she wanted a nice home, and she wanted her children to have space, a yard, and a safe neighborhood which they deserved. Everyone deserves that and these things should not be exclusive to single-family homeowners. She stated as a past and hopefully future Richfield resident, she was in favor of the zoning Code change to allow for better and more inclusive home options in Richfield.

Ruane Onesirosan, 2421 West 65<sup>th</sup> Street, stated their neighborhood was overtaken and the very elderly people came here 3 to 4 years ago to say, "Don't do this to us!"

Mayor Supple asked the City Manager Rodriguez to read the comments that had been sent in.

City Manager Rodriguez read a comment from Janet Bakalar, 7220 Wentworth Avenue South:

“Dear Mayor and Council, I would like the Council to vote no on the rezoning issue. I feel more research needs to be done on the long-term effects of such a decision. One example, there should be a limit on how many double units per block. Also, landlord rental issues vs. single homeowners. Also, the amount of greenspace lost to larger housing lots. Increase use of water, sewer, electricity, parking issues, school resources, increased road congestion, traffic, etc. Richfield already added large apartment buildings in several areas. Our property taxes still keep going up, even with all of this new tax base. I don't want higher density in Richfield. I want to continue to have the quiet neighborhoods and small town feel we have now. I feel the Council had its mind made up before all of the hearings. We don't need to do what the other cities are doing. We are independent. Please vote no on this issue. If it passes, I will be very disappointed. There would need to be some regulation on how many units and how close. Thank you for your consideration of this matter.”

City Manager Rodriguez stated the comment received was from Paul and Carrie Chillman, 6314 Upton Avenue South: “We would like to voice our support of the Ordinance to allow duplexes throughout Richfield. We happily moved to Richfield ten years ago but could never have done so with today's house prices. Anything that provides more options for lower costs housing and allows more people to move here is a benefit for the community.”

City Manager Rodriguez read a comment from Meagan Fatheree, 6434 Washburn Avenue South: “In regard to Agenda Item No. 4, proposed Ordinance to Align the Zoning Code with Comprehensive Plan, I am in full support of updating the City's Zoning Code to better reflect our current housing needs. The proposed change will not end our affordable housing crisis but will open the possibility for more housing options, which she saw as a benefit. As a current homeowner and former renter, I know that owning a single-family home does not meet everyone's needs at all stages of life so allowing an option for duplexes makes sense. Thank you for considering this proposal and for taking any steps possible to increase access to affordable, accessible housing in Richfield. I would like to give extra thanks to Council Members who have engaged the community around this proposal. I have noticed multiple offers in various community groups, on social media where Council Members have provided information on the proposal, to dispel the myths, explain the reasoning and offered further engagement offline. I think these discussions are very important at a community level and appreciate your efforts.”

City Manager Rodriguez read a comment from Ricardo Perez: “My name is Ricardo Perez. I'm a resident homeowner in Richfield. I am a supportive of the Council efforts and our Mayor's effort to allow duplexes in single-family home lots. Having access to affordable rental housing or being able to buy property is an important element of success. We should welcome the idea and any new initiatives to help residents find quality, affordable housing in Richfield. This policy can be a tool to get us there. Let us prioritize accessibility and affordability as the guiding principles that led us decide where we invest and what we build.”

City Manager Rodriguez read a comment from Brendan Kennealy: “My address is 7114 Columbus Avenue. I volunteer on the Richfield Planning Commission and I am writing in support of the proposed Zoning Amendment aligning the Zoning Code and the Comprehensive Plan eliminating the 2-family residential MR-1 Zoning District and amending the Single-family Residential R District. I commend the City Council and City staff for taking action aimed at reducing the housing shortage, expand housing choices, and make Richfield more attainable for a variety of owners and renters. Two family dwellings, such as duplexes, have been part of Richfield's appeal since the City's founding. As Council Member Hayford O'Leary has stated, “It is a good thing if someone wants to create a new home and welcome another family to Richfield and we shouldn't stand in the way of good things. Individuals and families who live in Richfield's 2 family homes enjoy shaded yards and safe streets and chasing dogs and strollers around our lovely neighborhood park. They work here. They shop here. They send their kids to school here. They live next door and across the street. They hear the same planes flying low overhead, and they drink the same world-famous Richfield tap water as you and me.”

City Manager Rodriguez read a comment from Addison and Laura Lewis, 6820 James Avenue: “As single-family homeowners in the R District, we strongly support the proposed Zoning Amendment

to allow two-family homes in the R District as well as easing the minimum lot size and width requirement. Our region desperately needs more housing, specifically more variety in housing options for people with different needs. These changes will help facilitate that. Your staff has done a great job outlining the many benefits. Thank you for your leadership on this.”

City Manager Rodriguez read a comment from Tony Bibus, 6908 First Ave S: “As I’ve written to my Ward Council Member Sean Hayford O’leary, I’m strongly in favor of the proposed changes in our low-density Residential R Zoning District that the City Council will be addressing on Tuesday, January 24<sup>th</sup>. They will encourage the availability of more accessible, safe, and affordable housing in the neighborhood, which is my top priority as a Richfield resident. For example, on my block where I have lived since January 1979 there are several duplexes and houses for rent and I value living where a wide diversity of people and families can live. An integrated family life is to my benefit and increases the worth of my home. “

City Manager Rodriguez read a comment from Hector Delgadillo, Richfield resident: “I have lived in Richfield for more than 20 years and previously I lived in a big City so based on my experience, I can tell you something for sure – rezoning will only bring problems to our City. It will bring more crime to the City; it will decrease the value of our homes; it will negatively affect the environment. More people equal more trash. More pollution due to more cars circulating in the streets. More cars mean more traffic and longer commute time. More danger to school kids just by the fact that we will have more cars circulating. Insecurity – more robberies and houses more people/businesses. More issues when the City is cleaning the streets due to snowstorms. Not all of the people are careful enough to move their cars somewhere else when the city is cleaning the streets. I really hope you can reconsider. The City of Richfield is a very nice community and I hope it will stay that way for years to come.”

City Manager Rodriguez read a comment from Kent Karnick who addressed two items on the agenda: “Hello, this is in regard to this Motion (and then references the second reading of the Zoning Code). I would like the City Council to vote against this motion. One key to a successful community is single-family housing among many other items. Also, we do not need a local sales tax. We already have a sales tax of Federal and State. The city needs to do better with the money we already have. We gave away money for the bandshell at Veteran’s park; gave up property taxes with all of the homes lost due to Best Buy; and the land we gave to the airport. How long will be continuing to spend more money than we have? I like Woodlake Nature Center. This needs to move forward for being self-funded. The community center needs to find alternative sources of funding. In the end, we need less taxation.”

City Manager Rodriguez read a comment from Christie Burke, Richfield Ward 2: “I am writing as a member of the community in support of the proposed changes to our City of Richfield’s Zoning Code which will allow for low density two-family residential dwellings across much of the City and reduce the single-family only designation to a limited area within City limits. The 2040 Comprehensive Plan specifically provides for low density housing such as duplexes and townhomes and Richfield zoning doesn’t. Two family homes like duplexes are approved on a case-by-case basis, which is inefficient; undermines consistent application of the law and could introduce bias at a few stages of the permit process. I’m not a lawyer, but it seems clear to me that the city zoning is not in compliance with State Statute as things stand. The proposed changes to local zoning would address that issue. It is also worthwhile and important to consider the future of the city. As written, the proposed Zoning Amendment ensure that new low-density development will visually blend in with existing architecture. That residents will have access to outdoor space, that parking is available for each home, and that walkable environments are part of the planning. We need all of that and I would like to see the City Council pass these changes. Thanks for your consideration.”

City Manager Rodriguez read a comment from Jessica Alkire, 7512 Dupont Avenue South: “I’m not able to be here in person today but wanted to share a comment in support of the rezoning Ordinance Amendment to be read at today’s meeting. My husband and I are fortunate and privileged enough to own our home and we love living in Richfield. However, my status as a single-family homeowner does not make me any more important or deserving of housing and respect from my neighbors.

Renters should be just as valued in our community as homeowners are. Renters contribute to our community in many ways and should not be looked down upon. I think the addition of more duplexes in Richfield will benefit the community and provide more access to housing for those that need it and create potential past ownership as well. I hope that changes to this Ordinance and allowing for more duplexes will afford renters more opportunities to live in Richfield and bring valued perspectives and diversity to our community.”

City Manager Rodriguez read a comment from Jim Reilly, 7220 Columbus Avenue South: “I would like to voice my support for the Ordinance Amendment aligning the Zoning Code with the Comprehensive Plan eliminating the two-family residential MR1 Zoning District and amending the single-family R District.”

Mayor Supple then when to the phonenumber and requested the caller to state their name and address.

Jenna Surry stated she was calling in for her Mom and Dad and lived at 6814 17<sup>th</sup> Avenue South. She indicated they signed the petition sent out earlier and her biggest concern was that the comprehensive package is specifically taken from the east side of Richfield.

She stated looking at it and seeing the amount of blocks that are going to continue to be taken away from single-family homeowners is concerning seeing that she has lived in Richfield her whole life and seen nothing but the east side of Richfield being taken away from the people that she’s grown up with specifically off of 17<sup>th</sup> Avenue and then seeing the apartments come in and crime going up – hearing gun shots in the area, hearing about invasions of people’s homes. She still supported the idea that they could have people who have multi dwelling units, but they need to be homeowner occupied as well.

**APPROVAL OF MINUTES**

M/Whalen, S/Hayford Oleary to approve the minutes of the: (1) Legislative Breakfast of January 12, 2023; (2) City Council Work Session of January 10, 2023; (2) City Council Regular Meeting of January 10, 2023.

Motion carried: 5-0

<b>ITEM #1</b>	<b>APPROVAL OF THE AGENDA</b>
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M/Whalen, S/Hayford Oleary to approve the agenda.

Motion carried: 5-0

<b>ITEM #2</b>	<b>CONSENT CALENDAR</b>
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City Manager Rodriguez presented the consent calendar.

- A. Consider approval of Temporary On-Sale Intoxicating Liquor license for the Blessed Trinity Catholic School, located at St. Richard’s Catholic Church, 7540 Penn Avenue South, for their 2023 Sno\*ball Dance taking place February 4 2023 (Staff Report No. 17).

- B. Consider the approval of an agreement between the Hennepin County Human Services and Public Health Department, and the City of Richfield Police Department for two full-time embedded Senior Social Workers (Staff Report No. 18).
- C. Consider the approval of the bid tabulation and award a contract to Valley Paving, Inc., for the Lyndale Avenue and 77<sup>th</sup> Street Intersections Project in the amount of \$973,021.20 and authorize the City Manager to approve contract changes up to \$175,000 without further City Council consideration (Staff Report No. 19).

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

Mayor Supple asked if there were any comments.

Council Member Whalen thanked staff for Item B for continuing to expand the embedded social workers in the Public Safety Department. He thanked the Police Chief and Public Safety Director and the County and everyone else who has been involved in this. He knows the single embedded social worker they have had for a while now has been really appreciated and he was excited to see this continue to expand.

Council Member Trautmann recognized as an Alum of St. Richard’s and Blessed Trinity Catholic School, that their name came up on the community page today that he was grateful the school was still thriving. As they have a special liquor license to support the school, he wanted to recognize them and wished them every success.

Motion carried: 5-0

<b>ITEM #3</b>	<b>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR</b>
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None.

<b>ITEM #4</b>	<b>CONSIDER A SECOND READING AND SUMMARY PUBLICATION OF AN ORDINANCE AMENDMENT ALIGNING THE ZONING CODE WITH A COMPREHENSIVE PLAN; ELIMINATING THE TWO-FAMILY RESIDENTIAL (MR-1) ZONING DISTRICT, AND AMENDING THE SINGLE-FAMILY RESIDENTIAL (R) DISTRICT (STAFF REPORT NO. 20)</b>
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Council Member Hayford Oleary presented Staff Report 20.

M/Hayford Oleary, S/Whalen to approve a Second Reading and Summary Publication of an Ordinance Amendment Aligning the Zoning Code with a Comprehensive Plan; Eliminating the Two-Family Residential (MR-1) Zoning District, and Amending the Single-Family Residential (R) District (Staff Report No. 20)

Council Member Hayford Oleary noted he had heard a few times that duplexes would not be regulated, which he believed is mostly to the fact that you would not need a public hearing to approve one but that was a little bit confusing because there are a lot of regulations and rules. He asked staff for a summary of what the process is if this passes and how would the City ensure the rules are followed.

Director Poehlman responded that duplexes would be regulated just like single family homes were regulated so there are regulations regarding setbacks, heights, width of driveway, garage frontage in terms of home footage, the amount of impervious surface. She indicated in most of these cases, it

would be the exact same as it would be for a single-family home. She stated they are just looking to put a wall in the middle of a house or allow someone to build a separate entrance to a second story, but generally the bulk of homes would be required to be the same as single-family homes. She spoke of the process when a new duplex was to be built.

Council Member Hayford Oleary asked if someone came and proposed a duplex that was taller than allowed or closer to the lot lines, there would still be a public process to review that proposed variance and change. Director Poehlman responded that was correct.

City Council Member Hayford Oleary stated they have also had comments regarding infrastructure. He asked if there was a concern from Public Works or the City if people were to build several buildings on one block, would that require new sewer or water lines.

Director Poehlman responded that one of the main purposes of preparing a Comprehensive Plan was to look at these systems such as infrastructure, wastewater, water, storm, transportation, etc. to ensure they are set up to accommodate the growth the community was anticipating. She noted this was done at both a local level and at a metro level. In terms of a few duplexes on a block, she indicated there were not concerns about whether they have the capacity to handle that in terms of infrastructure.

City Council Member Hayford Oleary noted he had a few concerns about investors, institutional investors, etc. He asked what the city was considering today to address that. He asked if this affected the rental ordinance in any way and if it precluded the city from changing it in the future.

Director Poehlman responded it did not. She stated the city did have a Rental Licensing Ordinance where they require anyone who was renting out their home to a non-family member come in and be licensed. She stated generally rental properties were inspected on a two-year cycle unless there have been correction items and then that was brought down to one and they are put on a provisional license. She indicated the City followed the International Property Maintenance Code to ensure the rental properties are safe and maintained in the community. She noted this was important to the city and to the renters as well as the homeowners nearby. She stated this proposal does not change anything related to the rental licensing and they can certainly talk about that Ordinance, but it would be something separate.

Council Member Whalen stated right now he knew there was going to be an upcoming State Legislature hearing to consider a bill to prohibit investment funds or hedge funds from buying properties as an investment. He knows the city has not discussed this yet and personally he thinks that is worth exploring, but if that is not addressed at the State level, it does seem to be a trend that seems to be rising and he believed it would be worth exploring as a city.

Director Poehlman responded staff was always tracking the bills at the State Legislature and they were watching this. She did not know the details of it yet, but it was something policy makers can direct staff to investigate and they would work with the City Attorney to craft any language.

Council Member Trautmann stated he recognized whenever people come to the Council that it is a big deal. He stated there were several people who just said explicitly, "We think this is about more immigrants in Richfield and I don't like it." He indicated he had not heard any of that tonight and he wanted to be clear that he wanted to name that as that has been something that's been said to everyone. He commented he was a third generation Richfield resident who is raising a fourth generation here, as well as a Puerto Rican family. Again, he thanked everyone for a thoughtful conversation tonight, but he did want to address those things that have been both online and that he had received personally. He indicated that was just part of his story.

Council Member Trautmann stated he also heard something that was really important that he believed was from a thread from people who were and were not supportive of the Ordinance which was that there are institutional investors that are taking housing stock that needs to be available for single families. He believed one of the opportunities they had and one of the fruits of people coming together



was this was an issue they were giving them the power and authority to address. One of the ways they can do this is to look at Air BnB rentals in the City and whether that's the right use as those were several investors. He asked staff to consider this.

Council Member Trautman also acknowledged multi-family housing that are large developments and duplexes and adding one family to a block. He asked staff how many duplexes were anticipated or what they are talking about here in terms of opportunities and whether this will turn the needle one way or another.

Director Poehlman stated she believed it was the last caller who called in who seemed to think that there was an entity coming in and taking homes out of Richfield and replacing them with duplexes. She assured everyone that was not the case. She indicated what was happening here is that they would be opening up an opportunity for someone to do that if that is what they decided to do with property that they owned. She said in the last ten years Richfield has had 5 new homes built each year and that was an average that was raised up because of the years they were coming out of the foreclosure crisis when the numbers were higher. She noted what they were really looking at was even if all of the homes that were built new in Richfield in 2022 were duplexes, that was only 3 new units across the entire low-density area.

Director Poehlman did not believe anyone on the Council or in the audience believed this was going to solve the affordable housing crisis. What they were doing is removing a barrier and if someone had a piece of property and a duplex is the right thing for their family, the City should not restrict that to certain streets or small areas if they really want to make any impact at all, it had to be across the community because there are so few new homes built as a whole.

Council Member Trautmann invited people to continue to have a conversation with him and the other Council Members and the Planning Commission about the issue of making sure they have rental properties that are well maintained as well as looking at their systems and looking at licensure process, the issues of whether or not they want Air BnB's in the community. He indicated there was a difference between people rotating through every night or every other night and families that are making their home in a residential area.

Council Member Hayford Oleary clarified his position. He stated he was very supportive of this change, and he will be voting yes on this. He noted the main conversation tonight has been on duplexes, but there were other important things in the Ordinance. He noted duplexes were legal until 1954. In addition, lot size rules were different in 1954. He stated one of the details not read when the summary was read in the staff report was that because of the very small change of the minimum lot size, it will reduce the non-conforming residential lots from approximately 17 percent to approximately 3 percent.

Council Member Hayford Oleary stated the language on the books fight now says the lot he lives on, which is a 50-foot lot with an alley and is a common size in Richfield would be illegal to build new. He stated he thinks it works great and he even has space for a patio on the side of his home and a two-car garage, but today that would not be allowed. He thinks it is positive that they recognize things like that are good for the community and should be allowed to happen new.

Council Member Hayford Oleary stated they had a conversation at some of their work sessions about limiting duplexes to certain areas and dealing with them on a case-by-case basis. He believed this is a better approach and this was the approach Council asked staff to take and he thinks staff has done an excellent job. He gave an example of a family coming to the City wanting to build a duplex and have a family member live in the other side of the duplex, but the process in months of delays and unsureness with their lender, having to go before a public hearing where neighbors speak negatively of them to him it is better policy to say here are the rules that everyone can follow, make sense, and that protect the neighborhood.

Council Member Hayford Oleary stated earlier he had spoken with one of the homeowners near Portland and 66<sup>th</sup> who owned a duplex with an older family member, and it worked great for them. He

noted eventually the older family member might move out and she might rent it to someone else, but it provided a lot of flexibility, and it allowed her to live in a supportive environment with her family and to provide income stability for her.

Council Member Whalen appreciated this had become a much larger discussion. He stated there were a lot of decisions the Council made with no one in the room. He stated to the credit of the citizens, this has started a community-wide conversation. It has raised both opposition and support. He stated he was taking notes and counting, and he believed the feedback today was about 50/50. Ultimately, the tension in this debate is the same tension that they heard in the Comprehensive Plan process five years ago when this started getting discussed.

Council Member Whalen stated for him, the underlying value that this relates to is the idea of home. That everyone he talked to since moving to Richfield and this was the reason why he moved to Richfield is because of the sense of identity and ownership. He stated people want to talk of the sense of belonging, of being in community of relating with their neighbors and finding people who also share that deep love for the community.

Council Member Whalen indicated the idea, work, and conversations that he had in the community that first inspired him to run for office were around this idea that more people should be able to call Richfield home regardless of their income and that renters are valued, contributing members of the community that should be treated as such. He stated he ran two campaigns unapologetically about those values and heard the echoed when he door knocked every single door in Ward 3. He stated he would keep leading from those values about how do they make Richfield a place more people can call home and even in disagreement about the policies of what that looks like he hoped they can all on an interpersonal level, continue to welcome the new families who do come into Richfield. He thanked everyone for being part of this and he hoped their takeaway was not simply that they got ignored or not listened to.

Council Member Trautmann stated there were a lot of views expressed and he cannot speak to all of them, but one thing that was important was the power of being a single-family homeowner, which was not something for everyone, but was a powerful tool and an opportunity for folks in America and in Richfield. He stated for all of the people he has had meaningful conversations with he was grateful, and he hoped this was not the end of it with whatever vote happens and they are disappointed with the outcome.

Mayor Supple thanked everyone for the robust discussion. She indicated she would much rather have everyone arguing and fighting about something than apathy and it was clear that everybody cares about the community.

Mayor Supple stated she heard from both people who supported and are against the amendment was an interest in exploring whether they should have regulations regarding owner occupancy. She was told this is something that is possible, and she thinks they need to do further studies.

Mayor Supple stated there was also a lot of questions about the policies for code enforcement and rental regulations, etc. and as one owner of a duplex pointed out to her said, "It's not just duplexes we need to enforce the codes for but single-family homes as well," and this is something that needs to make sure is communicated and put on the website so people are aware of what the rules are and how the code enforcement works and if there is a concern how it can be reported.

Mayor Supple stated she did support this change in that it provides flexibility. If someone wants to have a duplex and they want to have their family living on the other side, or they want to use the rental income for the other half of the duplex to help pay their mortgage and make it more affordable, those were all things that were opportunities.

Council Member Whalen stated since there have been so many concerns about when there are homes that are not being maintained regardless of how many families live there, he asked what the process was and where people can report that. He stated the city did heavily rely on residents letting the city know when there are issues.

Chief Henthorne responded there was a robust reporting system and if there was a complaint of a property that falls within the public safety jurisdiction under the Property Maintenance Code, that complaint is taken by staff and the Community Services Officers, and the Code Compliance Officer is sent out to do a follow-up on the property. He stated they would look at what the violation was and a letter would be sent. They follow up with the property owner after the letter is sent. Another warning is given if necessary, along with time to remedy the situation and if the violation is not corrected they go through an abatement process with a notification for the resident to fix it. If it is not fixed, they may utilize the City Attorney.

**BILL NO. 2023-2**

**AN ORDINANCE AMENDING THE RICHFIELD ZONING CODE REGULATIONS RELATED TO TWO FAMILY USES; CONSOLIDATING THE R AND MR-1 DISTRICTS INTO A LOW-DENSITY RESIDENTIAL ZONING DISTRICT; AND MODIFYING LOW DENSITY RESIDENTIAL DESIGN STANDARDS AND LOT DIMENSIONS**

**RESOLUTION NO. 12061**

**RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE AMENDING THE RICHFIELD ZONING CODE REGULATIONS RELATED TO TWO FAMILY USES; CONSOLIDATING THE R AND MR-1 DISTRICTS INTO A LOW-DENSITY RESIDENTIAL ZONING DISTRICT; AND MODIFYING LOW DENSITY RESIDENTIAL DESIGN STANDARDS AND LOT DIMENSIONS**

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

**AN ORDINANCE AMENDING THE RICHFIELD ZONING CODE REGULATIONS RELATED TO TWO FAMILY USES; CONSOLIDATING THE R AND MR-1 DISTRICTS INTO A LOW-DENSITY RESIDENTIAL ZONING DISTRICT; AND MODIFYING LOW DENSITY RESIDENTIAL DESIGN STANDARDS AND LOT DIMENSIONS**

Motion carried: 5-0

<b>ITEM #5</b>	<b>HOLD A VIOLATION HEARING AND CONSIDERATION OF A RESOLUTION REGARDING CIVIL ENFORCEMENT FOR ESTABLISHMENTS THAT RECENTLY UNDERWENT ALCOHOL COMPLIANCE CHECKS CONDUCTED BY RICHFIELD PUBLIC SAFETY STAFF, AND FAILED BY SELLING ALCOHOL TO A PERSON UNDER THE AGE OF 21 (STAFF REPORT NO. 21)</b>
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Council Member Trautmann presented Staff Report 21.

Council Member Trautmann stated if they were not contesting the finding and were willing to take the civil penalty, they can acknowledge that, but if they want to have a hearing, they can request that now.

A representative of Millions Crabs stated on the day they did hand alcohol to the minors but he clarified all of his staff has been well trained on the service of alcohol but on that day, one of the manager’s friends was helping out. He indicated this would not happen again.

Council Member Trautmann asked if Thompson’s Fireside Pizza, Inc. wished to make comment.

Scott Schoenig asked if he could display the case of what he felt happened during that transaction. Council Member Trautmann stated he could, but noted they didn’t want to pressure anyone today and this was the first appearance, but if he believed the facts were not correct and if he wanted to be heard on the facts this is not the space where he can be heard on the facts. He asked if he wanted to be heard on the facts.

Scott Schoenig stated he would like to be heard on the facts. City Attorney Tietjen stated if he wished to contest this and request a hearing, he needed to let Health Administrator Anderson know, and staff will work with him on the necessary process.

Scott Schoenig asked if this changed the penalty due to the facts. City Attorney Tietjen responded if the hearing examiner decided that there was a violation, he would receive the same penalty, but if it was set aside there would be no penalty.

Scott Schoenig responded he would like to withdraw and have admittance.

Council Member Trautmann asked if there would be a hearing would the examiner set the penalty. City Attorney Tietjen stated that was correct.

Council Member Trautmann asked if Henry Thou, d/b/a Red Pepper Chinese Restaurant was present and wanted to make comment.

Henry Thou, owner of Red Pepper Chinese Restaurant, stated Red Pepper has been there for 30 years and they have always complied with the ID check, but unfortunately that day he had his niece help them who did check the ID but did the math wrong. He stated it was their fault.

Council Member Trautmann asked if there was a representative from Davanni's Inc. who wished to make comment.

Doug Martin, Davanni's Inc., stated he accepted the civil penalty.

Council Member Trautmann asked if there was a representative from Los Sanchez Taqueria who wished to make comment.

Karen, with Los Sanchez, stated she accepted the civil penalty.

M/Trautmann, S/Hayford Oleary to approve the attached Resolutions regarding Civil Enforcement for establishments that failed alcohol compliance checks by selling alcohol to an underage person. (Staff Report No 21).

**RESOLUTION NO. 12062**

**RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR THOMPSON'S FIRESIDE PIZZA, INC. d/b/a FIRESIDE FOUNDRY, 6736 PENN AVENUE SOUTH AND IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL COMPLIANCE FAILURE**

**RESOLUTION NO. 12063**

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

**RESOLUTION NO. 12064**

**RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR LOS SANCHEZ TAQUERIA II, LLC d/b/a LOS SANCHEZ TAQUERIA, 2 66TH STREET WEST AND IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL COMPLIANCE FAILURE**

**RESOLUTION NO. 12065**

**RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR MC RICHFIELD, LLC d/b/a MILLIONS CRAB, 9 66TH STREET EAST AND IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL COMPLIANCE FAILURE**

**RESOLUTION NO. 12066**

**RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR HENRY THOU d/b/a RED PEPPER CHINESE RESTAURANT, 2910 66TH STREET WEST AND IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL COMPLIANCE FAILURE**

Motion carried: 5-0

<b>ITEM #6</b>	<b>CONSIDER ADOPTION OF A RESOLUTION REQUESTING THE LEGISLATURE ALLOW THE CITY OF RICHFIELD TO BRING THE OPTION OF A LOCAL SALES TO VOTORS AT A FUTURE REFERENDUM TO FUND REGIONALLY SIGNIFICANT PROJECTS IN RICHFIELD. (STAFF REPORT NO. 22)</b>
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Council Member Whalen presented Staff Report 22.

Director Markle stated this did not mean they would have a local sales tax, but it gave the authorization to bring it to a future Council.

Council Member Whalen stated this was not finalized yet and he would like to hear from the residents. He noted Council will have future discussions on this of what will and will not be included on any ballot. He asked the residents to reach out to the Council on this.

M/Whalen, S/ Hayford Oleary adopt a resolution Requesting the Legislature Allow the City of Richfield to Bring the Option of a Local Sales to Voters at the Future Referendum to Fund Regionally Significant Projects in Richfield. (Staff Report No. 22).

Council Member Whalen emphasized that particularly for the Nature Center and the pool liner, which are 50 and 60 years old, there is a very real chance without identifying a revenue source that they would be faced with a situation where they would be no longer usable and they can either not have those amenities for the community or look at putting the entire 20 million dollars for those two projects as bonding on property taxes which is was what they are trying to avoid. He noted most other communities around Richfield have local sales taxes that let the region help fund the amenities that they know people outside of the City use as a way to keep improving these regional facilities.

Council Member Trautmann stated he was very sensitive to what a sales tax could mean with regards to impacting the local businesses. He indicated one of the things that Council Member Whalen pointed out was many surrounding communities have a local sales tax. He indicated they don't always look at other cities as competitors, but the surrounding communities have access to revenue to build their infrastructure which does make their cities more livable and desirable. He stated he was in full support.

Council Member Hayford Oleary stated he did recognize the concerns about the sales tax being an imperfect tax. He stated the fact that they did not have a way to pay for the repairs to these facilities but are also are paying other people's taxes currently when they go to other communities. He stated it was fair to ask residents of the neighboring communities when they shop in Richfield to pay a sales tax. He hoped the state leaders recognized this and allowed Richfield the same privilege they have afforded other cities.

Mayor Supple stated she was also in support looked forward to the discussion with the community. She hoped the legislature would approve this so it could be brought forward to the community.

**RESOLUTION NO. 12067**

**RESOLUTION REQUESTING THE LEGISLATURE ALLOW THE CITY OF RICHFIELD TO BRING THE OPTION OF A LOCAL SALES TO VOTORS AT A FUTURE REFERENDUM TO FUND REGIONALLY SIGNIFICANT PROJECTS IN RICHFIELD**

Motion carried: 5-0

<b>ITEM #7</b>	<b>CITY MANAGER’S REPORT</b>
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City Manager Rodriguez thanked the residents who showed up and provided their thoughtful comments. She stated there were several speakers at the last meeting on the proposed zoning changes and Council and staff worked to answer those questions.

City Manager Rodriguez stated as best practices emerge in the public safety field they will try and incorporate it for future analysis practices and training. She noted they were also upgrading their dispatch software and will have better data in the future although it will take time to build up the database, but it would be shared with the public.

<b>ITEM #8</b>	<b>CLAIMS AND PAYROLL</b>
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M/Trautmann, S/Whalen that the following claims and payrolls be approved:

<u><b>U.S. BANK</b></u>	<u><b>01/24/2023</b></u>
A/P Checks: 312187 - 312446	\$2,373,191.05
Payroll: 175987 – 176293; 43634 - 43635	<u>\$848,518.84</u>
<b>TOTAL</b>	<b>\$3,221,709.89</b>

Motion carried: 5-0

<b>ITEM #9</b>	<b>HATS OFF TO HOMETOWN HITS</b>
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Council Member Whalen stated he attended the Voyager Curling event that the Recreation Department put on. He indicated it was a fun day and many attended. He highlighted the recent discussion about the local sales tax. He also spoke of the Community Services Commission and their assistance with the bike park for Taft. He thanked the staff for finding alternate funding sources for smaller-scale projects.

Council Member Hayford Oleary thanked the State Legislators and other local leaders who met with Council twice in the last couple of weeks during the Legislative Breakfast and press conference speech by Senator Klobuchar and Representative Omar. He stated it was great seeing them in Richfield and hearing what was important to the city.


Council Member Trautmann echoed Council Member Hayford Oleary’s comments. He acknowledged Senators Tina Smith and Amy Klobuchar and Congress person Omar who all contended for Richfield.

Mayor Supple thanked the Senators and Congress woman for the work they did. She thanked the residents who spoke tonight and who have contacted the Council. She spoke of the ice arena being open Mondays through Thursdays from noon to 1:30 p.m. so people can walk the upper concourse. She also commented on the wonderful art display at the Community Center.


<b>ITEM #10</b>	<b>ADJOURNMENT</b>
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The meeting was adjourned by unanimous consent at 9:30 p.m.

Date Approved: February 14, 2023

  
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Mary Supple  
Mayor

  
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Kelly Wynn  
Administrative Assistant

  
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Katie Rodriguez  
City Manager