



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Council Meeting

February 13, 2024

CALL TO ORDER

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

Council Members Present: Simon Trautmann, Mayor Pro Tempore; Sharon Christensen; Sean Hayford Oleary; and Ben Whalen

Council Members Absent: Mary Supple, Mayor

Staff Present: Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Jay Henthorne, Public Safety Director/Police Chief; Jennifer Anderson, Support Services Manager; Karl Huemiller, Recreation Services Director; and Chris Swanson, Management Analyst

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Trautmann led the Pledge of Allegiance.

OPEN FORUM

Mayor Pro Tempore Trautmann 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

There were no participants.

APPROVAL OF MINUTES

M/Hayford Oleary, S/Christensen to approve the minutes of the: (1) City Council Work Session of January 23, 2024; (2) Regular City Council Meeting of January 23, 2024.

Motion carried: 4-0

ITEM #1

APPROVAL OF THE AGENDA

M/Hayford Oleary, S/Christensen to approve the agenda.

Motion carried: 4-0

ITEM #2	PROCLAMATION CELEBRATING BLACK HISTORY MONTH
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Mayor Pro Tempore Trautmann invited Commissioner Carol Kelly to accept the proclamation and read aloud the proclamation.

Commissioner Kelly accepted the proclamation on behalf of the Human Rights Commission.

ITEM #3	CONSENT CALENDAR
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City Manager Rodriguez presented the consent calendar.

- A. Consider approval of the renewal of the 2024 licenses for Off-Sale 3.2 Percent Malt Liquor doing business in Richfield (Staff Report No. 17)

Licenses to sell 3.2 Percent Malt Liquor – OFF Sale

- Richfield Minnoco
- Speedway #4196
- Speedway #4188
- Speedway #4191
- Speedway #4615

- B. Consider the approval of a Construction and Maintenance Agreement with LYNK 65, LLC that defines ownership and maintenance responsibilities for certain features constructed at 6445 Lyndale Ae S. (Staff Report No. 18)
- C. Consider adoption of a resolution authorizing the City of Richfield to accept grant funds in the amount of \$27,800 and enter into a cost share agreement with Nine Mile Creek Watershed District to implement a Low Salt Design Pilot City program (Staff Report No. 19)

RESOLUTION NO. 12180

**RESOLUTION AUTHORIZING THE CITY OF RICHFIELD
TO ACCEPT GRANT FUNDS IN THE AMOUNT OF
\$27,800 AND ENTER INTO A COST SHARE AGREEMENT
WITH NINE MILE CREEK WATERSHED DISTRICT TO
IMPLEMENT A LOW SALT DESIGN PILOT CITY
PROGRAM**

- D. Consider the approval of the first reading of an ordinance amending Section 925 – Nuisance to include a new provision relating to flexible dumpsters and adding that a violation of section 1305.27 Subd. 5 (Yards) & 6 (Vehicle parking and storage limitations and requirements) is nuisance conduct and subject to a repeat nuisance fee (Staff Report No. 20)
- E. Consider the acceptance of a quote from Northland Recreation in the amount of \$100,000 for the replacement of play equipment at Fairwood Park and the authorization of the Recreation Services Director to proceed with the project. (Staff Report No. 21)

- F. Consider the adoption of a resolution appointing election judges and establishing an absentee ballot board for the Presidential Nomination Primary Election of March 5, 2024. (Staff Report No. 22)

RESOLUTION NO. 12181

**RESOLUTION APPOINTING ELECTION JUDGES
FOR THE PRESIDENTIAL NOMINATION PRIMARY
ELECTION BEING HELD ON MARCH 5, 2024**

M/Whalen, S/Hayford Oleary to approve the consent calendar.

Mayor Pro Tempore Trautmann asked if the Nine Mile Creek Watershed District grant related to the Richfield Bloomington Watershed District. City Manager Rodriguez noted it was a separate Watershed District.

Mayor Tempore Trautmann gave hats off to the City’s election judges.

Motion carried: 4-0

ITEM #4	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR
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None.

ITEM #5	VIOLATION HEARING AND CONSIDER 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. 23)
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Council Member Whalen presented Staff Report No. 23.

Council Member Whalen asked if the establishments could admit or deny the allegations. City Attorney Tietjen responded the licensees could either admit to the violations and the Council would adopt the resolution, or they could deny the allegations and request a hearing at which point staff would get the hearing scheduled.

Council Member Whalen invited the representative from Lyndale Smokehouse LLC to approach the podium.

Tony Lawler, Lyndale Smokehouse LLC, stated they were not denying and were admitting fault.

Council Member Whalen invited the representative from Los Sanchez Taqueria to approach the podium.

Mr. Sergio Andrade and Mr. Santiago Sanchez admitted fault and apologized for what happened.

Mr. Sanchez indicated they were working to correct this situation so it did not happen again, which included alcohol compliance training.

Mr. Andrade stated they have read the best practices and would adopt a policy regarding alcohol sales. He noted part of the problem was that for many of their staff English was not their primary language, but now they were translating their policies into both English and Spanish. He acknowledged this was their second offense and understood this was a critical situation and he hoped they would not be before the Council again now that they had specific policies to deal with this.

Mayor Pro Tempore Trautmann thanked them for attending. He said [In Spanish] he was glad the applicant is here, as this is a building for everybody, not just for English speakers and asked if the Council had any discretion regarding the penalties. City Attorney Tietjen responded that the penalties were established by City resolution. Mr. Andrade responded he had read the resolution and he believed it did allow for Council discretion.

Support Services Manager Anderson noted Los Sanchez had passed their liquor compliance check in 2019 and failed it in November 2021 and again in December 2022, which was outside of the one year, so technically this was their third offense. City Attorney Tietjen noted it was within the Council's discretion to decide what the penalties were, but staff had provided some information for the Council to consider with respect to that.

Support Services Manager Anderson indicated a similar request was made by Mr. Sanchez last year, which the Council did not grant.

Council Member Hayford Oleary asked staff if the loss of sale date was an effective deterrent compared to penalties. Support Services Manager Anderson indicated it tended to create an environment where every ID was checked. She pointed out that when somebody was underage, their ID was vertical and if someone was over 21, their ID was horizontal, so no math needed to be done.

Council Member Hayford Oleary thanked the City Attorney for the clarification but given the information from public safety and even if this were a first offense, it would still be a five-day suspension. He believed Council should proceed with the recommended suspension. He thanked the owner for coming and hoped they would be doing better on this.

Council Member Christensen agreed with Council Member Hayford Oleary and indicated this was a learning curve and she hoped their employees would learn from it.

Mayor Pro Tempore Trautmann agreed with the previous comments and believed the Council had an obligation out of fairness to treat everyone equally and other restaurants in similar situations had not been shown that discretion.

M/Whalen, S/Hayford Oleary to approve the resolutions regarding civil enforcement for establishments that failed alcohol compliance checks by selling alcohol to an underage person.

RESOLUTION NO. 12182

**RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR
LYNDALE SMOKEHOUSE, LLC d/b/a LYNDALE
SMOKEHOUSE, 7745 LYNDALE AVENUE SOUTH AND
IMPOSING A CIVIL PENALTY FOR FIRST TIME
ALCOHOL COMPLIANCE FAILURE**

RESOLUTION NO. 12183

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

Motion carried: 4-0

ITEM #6	CONSIDER CITY COUNCIL’S APPROVAL OF THE MAYOR’S APPOINTMENT OF A HOUSING AND REDEVELOPMENT AUTHORITY COMMISSIONER. (STAFF REPORT NO. 24)
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Council Member Hayford Oleary presented Staff Report No. 24.

M/Hayford Oleary, S/Christensen to approve the Mayor’s appointment of Gordon Hanson as the Housing and Redevelopment Authority Commissioner for a five-year term expiring February 28, 2029.

Council Member Whalen indicated he was happy to see more applicants applying for these positions and encouraged the residents to apply for future openings on the Commissions.

Motion carried: 4-0

ITEM #7	CONSIDER THE CHARTER COMMISSION’S RECOMMENDATIONS FOR AMENDMENTS TO THE CURRENT CITY CHARTER BY ORDINANCE AND PUBLISH A NOTICE OF A PUBLIC HEARING ON THE PROPOSED CITY CHARTER AMENDMENTS. (STAFF REPORT NO. 25)
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Council Member Christensen presented Staff Report No. 25.

M/Christensen, S/Whalen to accept the letter from Charter Commission transmitting the recommendations for proposed amendments to the Richfield City Charter; and adopt the Resolution authorizing notice of a public hearing including a summary of the proposed city charter amendments.

RESOLUTION NO. 12184

RESOLUTION AUTHORIZING NOTICE OF A PUBLIC HEARING INCLUDING A SUMMARY OF THE PROPOSED CITY CHARTER AMENDMENTS

Mayor Pro Tempore Trautmann thanked everyone who was a part of this and noted a lot of work went into this and nothing was taken lightly.

Council Member Whalen noted that while it appeared they were making a huge overhaul, the vast majority of the changes were technical or grammatical.

Motion carried: 4-0

ITEM #18	CITY MANAGER’S REPORT
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City Manager Rodriguez stated she had no report.

ITEM #9	CLAIMS AND PAYROLL
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M/Whalen, S/Hayford Oleary that the following claims and payrolls be approved:

<u>U.S. BANK</u>	<u>02/08/2024</u>
A/P Checks: 26440 – 326832	\$2,136,172.80
Payroll: 184882 – 185529 43754 - 43772	<u>\$1,849,034.73</u>
TOTAL	\$3,985,207.53

Motion carried: 4-0

ITEM #10	HATS OFF TO HOMETOWN HITS
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Council Member Christensen gave a shout out to the nature center and their fabulous programs coming this spring.

Council Member Whalen gave a shout out to the youth commissioners and encouraged other youth to get involved.

Council Member Hayford Oleary thanked public works for dealing with a shopping cart which had been abandoned in his neighborhood.

Mayor Pro Tempore Trautmann noted Mayor Supple was feeling under the weather and hoped she would be feeling better soon. He gave a shout out to the Richfield public schools and Richfield High School and to Mrs. Whalen for making the high school great.

ITEM #11	ADJOURNMENT
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M/Hayford Oleary, S/Whalen to adjourn the meeting at 7:42 p.m.

Motion carried: 4-0

Date Approved: February 28, 2024



Chris Swanson
Management Analyst



Mary B. Supple
Mayor



Katie Rodriguez
City Manager