



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Regular Council Meeting Virtual via WebEx

February 22, 2022

### CALL TO ORDER

The meeting was called to order by Mayor Regan Gonzalez at 7:00 p.m. virtually via WebEx.

Council Members Present: Maria Regan Gonzalez, Mayor; Mary Supple; Simon Trautmann (arrived 7:01 p.m.); Sean Hayford Oleary; and Ben Whalen

Council Members Absent: None.

Staff Present: Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Mike Dobesh, Fire Chief; Jay Henthorne, Police Chief; Ben Manibog, Transportation Engineer; Krista Guzman, Human Resources Manager; Julie Urban, Housing Manager; Sack Thongvanh, Assistant City Manager; Scott Kulzer, Public Works Administrative Aide/Analyst; Kristin Asher, Public Works Director; Jane Skov, IT Manager; Kelly Wynn, Administrative Assistant; Chris Swanson, Management Analyst, and Kari Sinning, City Clerk.

Others Present: Amber Blanchard, MnDOT

### PLEDGE OF ALLEGIANCE

Mayor Regan Gonzalez led the Pledge of Allegiance

### OPEN FORUM

Administrative Assistant Wynn reviewed the options to participate:

- Participate live by calling 612-861-0651 during the open forum portion
- Call prior to meeting 612-861-9711
- Email prior to meeting [kwynn@richfieldmn.gov](mailto:kwynn@richfieldmn.gov)

Administrative Assistant Wynn stated that there were no callers and no prior emails.

### APPROVAL OF MINUTES

M/Supple, S/Hayford Oleary to approve the minutes of the: (1) City Council Work Session of February 8, 2022; (2) Regular City Council Meeting of February 8, 2022; and (3) City Council Retreat of February 10, 2022.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE

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.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE

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 a contract with the City of Edina to provide dispatch and public safety software service to the City of Richfield's Police and Fire Departments (Staff Report No. 26)
- B. Consider the rejection of all bids submitted for the Sheridan Pond Maintenance Project and direct staff to rebid the project in fall 2022. (Staff Report No. 27)
- C. Consider adoption of a resolution authorizing the purchase of one temporary construction easement and one permanent right-of-way easement at 6501 Lyndale Ave South (L.A. Fitness) for the 65th Street Reconstruction Project. (Staff Report No. 28)

**RESOLUTION NO. 11945**

**RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO MAKE PAYMENTS FOR THE PURCHASE OF A TEMPORARY CONSTRUCTION AND A PERMANENT RIGHT-OF-WAY EASEMENT AT 6501 LYNDALE AVE SOUTH (PID# 27-028-24-23-011) AS PART OF THE 65TH STREET RECONSTRUCTION PROJECT**

D. Consider the approval of a Construction and Maintenance Agreement with 6200 Penn, LLC, and LB Richfield, LLC (Lunds and Byerlys) that defines ownership and maintenance responsibilities for certain features constructed at 6200 Penn Avenue. (Staff Report No. 29)

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

Council Member Supple commented on item A and was pleased to see updates on the software service for dispatch and public safety.

City Clerk Sinning took roll call vote:

- Regan Gonzalez: AYE
- Supple: AYE
- Trautmann: AYE
- Hayford Oleary: AYE
- Whalen: AYE

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>PUBLIC HEARING AND CONSIDER A RESOLUTION SPECIFYING THE USE OF FUNDS FROM THE URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATION FOR 2022 AND AUTHORIZING EXECUTION OF A SUBRECIPIENT AGREEMENT WITH HENNEPIN COUNTY AND ANY REQUIRED THIRD PARTY AGREEMENTS. (STAFF REPORT NO. 30)</b>
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Council Member Whalen presented Staff Report 30 and opened the public hearing.

Administrative Assistant Wynn stated the phone number to participate in the public hearing and there were no public comments made.

M/Whalen, S/Trautmann to close the public hearing.

City Clerk Sinning took roll call vote:

- Regan Gonzalez: AYE
- Supple: AYE
- Trautmann: AYE
- Hayford Oleary: AYE
- Whalen: AYE

Motion carried 5-0.

M/Whalen, S/Supple to adopt a resolution authorizing the use of funds for the 2022 Urban Hennepin County Community Development Block Grant Program and authorizing execution of a Subrecipient Agreement with Hennepin County and any required third party agreements.

**RESOLUTION NO. 11946**

**RESOLUTION APPROVING PROPOSED USE OF 2022 URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS AND AUTHORIZING EXECUTION OF SUBRECIPIENT AGREEMENT WITH HENNEPIN COUNTY AND ANY REQUIRED THIRD PARTY AGREEMENTS**

Council Member Supple commented on the need for the program due to the amount of people signed up for the program.

Council Member Trautmann showed his support and stated that this program addresses justice and equity issues regarding home ownership that allows people to stay in their homes or to be able to purchase homes for the first time.

Mayor Regan Gonzalez expressed her proudness that the programs that Richfield does to keep families in homes and stated the importance of these programs to maintain, preserve, and improve existing affordable housing.

City Clerk Sinning took roll call vote:

- Regan Gonzalez: AYE
- Supple: AYE
- Trautmann: AYE
- Hayford Oleary: AYE
- Whalen: AYE

Motion carried 5-0.

<b>ITEM #5</b>	<b>CONSIDER THE APPROVAL OF THE SECOND READING OF AN ORDINANCE AMENDING SECTIONS 921 AND 925 OF THE RICHFIELD CITY CODE TO UPDATE AND INCORPORATE PREVIOUS OPEN BURNING, FIRES, AND INCINERATION RESTRICTIONS. (STAFF REPORT NO. 31)</b>
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Council Member Trautmann presented Staff Report 31.

Police Chief Henthorne stated that this is cleans up this ordinance language due to the organized hauling.

Fire Chief Dobesh agreed with Police Chief Henthorne and stated that there is enforceable language within this ordinance.

Council Member Trautmann appreciated the attention to detail to clean up this ordinance for clarity for residents.

M/Trautmann, S/Hayford Oleary to approve the second reading of an ordinance amending Sections 925 and 921 of the Richfield City Code as follows: 1) Incorporating the burning restrictions language from the old Section 601.27 into Section 921 (open burning, fires and incineration restrictions). 2) Referencing the open burning restrictions language in Section 925 (nuisance code). 3)

Referencing the incinerator restrictions language in Section 921 (open burning, fires, and incineration restrictions).

**BILL NO. 2022-1**

**AN ORDINANCE AMENDING SECTIONS 921 AND 925 OF THE RICHFIELD CODE OF ORDINANCES PERTAINING TO OPEN BURNING, FIRES, AND INCINERATION RESTRICTIONS**

Council Member Supple commented that a neighbor no longer burns garbage due to organized hauling.

City Clerk Sinning took roll call vote:

- Regan Gonzalez: AYE
- Supple: AYE
- Trautmann: AYE
- Hayford Oleary: AYE
- Whalen: AYE

Motion carried 5-0.

<b>ITEM #6</b>	<b>CONSIDER APPROVAL OF A SECOND READING OF AN ORDINANCE AUTHORIZING THE SALE OF THREE CITY-OWNED PROPERTIES FOR I494 CORRIDOR VISION PROJECT 1 AND A RESOLUTION AUTHORIZING SUMMARY PUBLICATION. (STAFF REPORT NO. 32)</b>
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Council Member Supple presented Staff Report 32.

Public Works Director Asher stated that this loan has been tracked by Public Works for 21 years.

Council Member Hayford Oleary asked if the motion was not passed. Public Works Director Asher stated that the City would have to pay the loan back.

M/Supple, S/Whalen to 1) approve the second reading of an ordinance authorizing the sale of three city-owned properties for I-494 Project; and 2) approve a resolution authorizing summary publication of the ordinance authorizing the sale of 5 three city-owned properties for I-494 Project.

**BILL NO. 2022-2  
TRANSITORY ORDINANCE 19.22**

**AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY OWNED BY THE CITY**

**RESOLUTION NO. 11947**

**RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY OWNED BY THE CITY**

Council Member Hayford Oleary shared concerns about the project but showed support for this housekeeping item to give the land back to MNDOT.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE

Motion carried 5-0.

<b>ITEM #7</b>	<b>CONSIDER THE ADOPTION OF A RESOLUTION APPROVING THE CONTRACT WITH THE LABOR AND TRADES LOCAL 49 FOR THE PERIOD JANUARY 1, 2022 THROUGH DECEMBER 31, 2022 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT. (STAFF REPORT NO. 33)</b>
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Council Member Hayford Oleary presented Staff Report 33.

Human Resources Manager Guzman added the reason for the adjustment in order to stay competitive among other cities.

M/Hayford Oleary, S/Supple to adopt a resolution approving the provisions of the 2022 labor agreement with the Labor & Trades Local 49 bargaining unit and authorize the City Manager to execute the agreement.

**RESOLUTION NO. 11948**

**RESOLUTION APPROVING LABOR AGREEMENT BETWEEN THE CITY OF RICHFIELD AND INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 49 BARGAINING UNIT FOR YEAR 2022**

Council Member Whalen thanked staff for their work to make sure Richfield salary rates stay competitive and also thanked Public Works workers for their continual work to keep the City functioning.

Council Member Trautmann echoed the thanks and appreciation for the Public Works staff for their essential work especially during the pandemic.

Council Member Supple echoed the appreciation comments and commented on the importance of investing in staff and keeping wages competitive.

Mayor Regan Gonzalez echoed the thanks for Public Works workers for their service throughout the pandemic and always. She also thanked Public Works Director Asher for her leadership. She also showed appreciation for staff utilizing the studies on competitive wages.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE

Motion carried 5-0.

<b>ITEM #8</b>	<b>CONSIDER APPROVAL OF A RESOLUTION GRANTING MUNICIPAL CONSENT FOR MNDOT'S I-494 CORRIDOR VISION PROJECT 1 PROPOSED FINAL LAYOUT. (STAFF REPORT NO. 34)</b>
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Council Member Trautmann presented Staff Report 34.

Transportation Engineer Manibog presented a slideshow regarding:

- Municipal consent items and concerns
- An overview of Project 1
  - Easy pass lane
  - I-35W & I-494 interchange access changes
  - Turbine exit ramps
  - Bridge reconstruction
  - Local access changes
  - Pedestrian and bicycle connections
  - Utility improvements
  - Noise walls
- Next steps
  - VQAC March 2022
  - Noise Wall voting: Spring 2022
  - Construction: Summer 2023-2026

Council Member Whalen asked about the noise wall voting process and the outreach to those residents. Amber Blanchard stated that MNDOT has been in contact with the property owners of the apartments to reach out to renters that would be able to vote via mail, phone, and in-person. Council Member Whalen appreciated the efforts from MNDOT to contact those renters instead of merely the property owners. Public Works Director Asher shared that there was a noise wall that was voted down along I-494 and Xerxes by the residents of a rental property.

Council Member Hayford Oleary asked for clarification if the rental property along I-494 and Xerxes would be asked again about a noise wall and Public Works Director Asher nodded in agreement that they would be involved in the voting again. He also asked if MNDOT would visit the renters in person if a certain amount of postcards were not returned. Amber Blanchard stated that if less than 50% of the postcards were returned, they would perform a second round of voting.

Council Member Supple thanked staff for their work and wondered about the snow emergency refuge areas if the frontage road along 78<sup>th</sup> Street is no longer.

Council Member Trautmann stated how infrastructure expansion affects communities of color in particular and appreciated the transparency and hard work from MNDOT to consider equity within the project. Public Works Director Asher explained the municipal consent process which allows for cities to have input on major projects such as this in order to make it better for the community. She also explained what would happen if the city were to deny municipal consent which would cause the project to go to review and appeal process that might ultimately allow the project to move forward without the input from the cities.

M/Trautmann, S/Supple to approve the resolution granting Municipal Consent for MnDOT's I-494 Corridor Vision.

**RESOLUTION NO. 11949**

**RESOLUTION PROVIDING MUNICIPAL CONSENT TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR THE I-494**

**CORRIDOR VISION PROJECT 1 PROPOSED FINAL LAYOUT (SP  
2785-424)**

Council Member Whalen shared his concerns for right of way vacant properties especially along Portland Ave. He thanked staff and MNDOT for working through concerns that were largely addressed. He also shared concerns on the increased capacity and future transportation needs.

Council Member Hayford Oleary seconded the concerns from Council Member Whalen regarding vacant right of way properties. Council Member Hayford Oleary shared that there are good things about this project (new pedestrian bridges and trails) and appreciated efforts from city staff and Council. However, he felt that it does not advance the interests of Richfield as a whole and he shared his opposition for this project due to the increased capacity that would be caused by the expansion of highway lanes west of I-35W and from the I-35W and I-494 interchange which would cause more drivers to use the highway creating more emissions and traffic congestion. He shared that MNDOT released a statement of reducing the amount of miles driven by 20% by 2050. He asked council to actively oppose future expansion phases and projects.

Mayor Regan Gonzalez thanked Council Member Hayford Oleary for sharing his concerns and his strong advocacy for those concerns.

Council Member Whalen asked if MNDOT staff have a response to the long term vision of reducing the amount of miles driven and he shared his concern that MN-Pass (EZ-Pass) lanes for a short section would not make a lot of sense and supported the idea of turning a current lane into a MN-Pass (EZ-Pass) lane. Amber Blanchard stated that MNDOT has thought about the future of transportation and explained that the EZ-Pass lane is for transit use that would help reduce the vehicle miles traveled by drivers. Amber Blanchard also stated that the current unfunded plan is to add an EZ-Pass lane between 35W and Cedar Ave. Transportation Engineer Manibog stated Minnesota Statute restricts the conversion of EZ-Pass lane from a general purpose lane.

Council Member Hayford Oleary appreciated Council Member Whalen's comment and supported the idea for a legislative change in the interest of Richfield. Council Member Hayford Oleary shared his support for EZ-Pass lanes and stated that building them does not mean that Metro Transit would use them. Council Member Hayford Oleary stated that the addition of the EZ-Pass lane is not the main cause for concern but the additional lane that will be added to the west of I-35W creating three new lanes on westbound I-494. Council Member Hayford Oleary appreciated that MNDOT is thinking about the future of transportation and the goal of reducing driving miles. Amber Blanchard explained the need for the additional lanes to allow for smooth transition from northbound 35W and westbound I-494.

Mayor Regan Gonzalez shared the importance of having continual involvement during future processes and projects because Council and staff are able to make a difference for the betterment of the city. She lifted up the Public Works department as they have been trailblazers in public infrastructure. She thanked staff for the dedication, persistence, and leadership in addressing concerns and making impactful and important changes. Public Works Director Asher thanked Council for their time and attention and for bringing different perspectives into the project.

Council Member Trautmann thanked Council Member Hayford Oleary for his research and thoughtfulness on the project and shared the advocacy that staff and council have implemented for change on this project. Council Member Trautmann recognized everyone's hard work on the project.

Council Member Hayford Oleary clarified that his main ask is to oppose future projects and thanked Staff for helping to make this as good as it could be for Richfield.

Council Member Supple commented on the highway runoff that was going to go into Wood Lake and appreciated the protection of our groundwater, watershed, and Wood Lake.



City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford O'leary: NO  
Whalen: AYE

Motion carried 4-1.

<b>ITEM #9</b>	<b>CONSIDER THE APPROVAL OF FUNDING ALLOCATIONS FOR NON-PROFIT AGENCIES TO PROVIDE SOCIAL SERVICES TO THE RESIDENTS OF RICHFIELD AND AUTHORIZATION OF THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THOSE AGENCIES. (STAFF REPORT NO. 35)</b>
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Council Member Whalen presented Staff Report 35.

Housing Manager Urban shared the appreciation for the organizations and their services to the community and thanked the group does review these proposals (Mary Olafson, Camillo DeSantis, Council Member Supple, and Lynnette Chambers).

Council Member Whalen echoed the appreciation and stated that we (the City) are looking at the possibility of using the American Rescue Plan funds to be able to offer that to the community through programs.

M/Whalen, S/Supple to approve the funding recommendations for non-profit agencies providing social services to residents of Richfield and authorize the City Manager to execute agreements for services with those agencies.

Council Member Trautmann lifted up how great of an impact these services have on our community and stated Cornerstone as an example.

Council Member Supple lifted up the providers and showed appreciation all that they do for the community.

Mayor Regan Gonzalez thanked the organizations for their involvement in the community and applauded their adaptability during covid. She also urged organizations to reach out to Council or city staff for any form of support that they may need for grants or funding.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford O'leary: AYE  
Whalen: AYE

Motion carried 5-0.

<b>ITEM #10</b>	<b>CITY MANAGER’S REPORT</b>
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City Manager Rodriguez thanked Council for the conversation on Municipal Consent.

Assistant City Manager Thongvanh who thanked the Council for their kind words and City Manager Rodriguez for the opportunity. Mayor Regan Gonzalez expressed her eagerness to meet Assistant City Manager Thongvanh and thanked him for joining our team.

City Clerk Sinning gave an update on redistricting. Council Member Whalen asked if there would be changes to the number of precincts given the amount of absentee voting. City Clerk Sinning stated that in order to allow for more access to the polling locations staff would not recommend reducing the number of precincts.

City Manager Rodriguez gave an update on covid and stated that Bloomington Public Health gave a framework to help organizations make decisions on rolling back mitigations. She stated that staff would start talking about rolling back mitigations including virtual meetings. She asked Council for their thoughts on in-person meetings. Council Member Supple asked about the audio/visual equipment issues that were happening during in-person meetings and also asked about hybrid meetings. City Manager Rodriguez stated that the first phase of the improvements in the Council Chambers has happened and would need to be tested. City Attorney Tietjen stated that the normal requirements of open meeting laws would be in effect. Council Member Whalen shared that if the positivity rate continues to go down that the second meeting of March would be a good objective and he stated his concerns for accessibility to commissioners and residents to attend. City Attorney Tietjen stated the reason for virtual meetings currently is due to the ongoing health pandemic. Council Member Hayford Oleary shared that he would prefer to wait to make the decision when the rate is below five percent and stated that the recordings of the commission meetings make it more accessible to public. Mayor Regan Gonzalez also expressed the same concerns that Council Member Hayford Oleary shared. Council Member Supple asked to keep accessibility in mind for commissioners.

<b>ITEM #10</b>	<b>CLAIMS AND PAYROLL</b>
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M/Trautmann, S/Hayford Oleary that the following claims and payrolls be approved:

<b>U.S. Bank</b>	<b><u>2/22/2022</u></b>
A/P Checks: 303944 – 304295	\$1,723,222.67
Payroll: 168350 – 168652, 43462	<u>\$ 718,207.19</u>
TOTAL	\$2,441,429.86

City Clerk Sinning took roll call vote:

- Regan Gonzalez: AYE
- Supple: AYE
- Trautmann: AYE
- Hayford Oleary: AYE
- Whalen: AYE

Motion carried 5-0

<b>ITEM #12</b>	<b>HATS OFF TO HOMETOWN HITS</b>
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Council Member Hayford Oleary shared an event called Winter Walking Day that is happening March 2<sup>nd</sup> at four of the district schools. He also mentioned an advocacy effort called the Twin Cities Boulevard campaign which suggests removing I-94 between Minneapolis and St. Paul who have stated that they will not support further expansion of I-94.

Council Member Trautmann thanked the Police Department for giving the community a sense of safety and closure regarding the shooting that happened at South Education Center.

Council Member Supple shared that the City has compostable bags available for residents that are involved in the curbside organics collection program and gave the ways residents can pick theirs up. She urged residents to register for the I-494 Listening Session that is on March 1.


Council Member Whalen thanked Recreation Staff, Wilderness Inquiry and the Three Rivers Park District for the winter event at Taft Park.

Mayor Regan Gonzalez thanked Recreation Staff for the bilingual learn to snowshoe event. She lifted up all the departments for the support of community by innovating, responding and putting community first.


<b>ITEM #13</b>	<b>ADJOURNMENT</b>
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The meeting was adjourned by unanimous consent at 9:01 p.m.

Date Approved: March 8, 2022

  
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 Kari Sinning  
 City Clerk

  
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 Maria Regan Gonzalez  
 Mayor

  
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 Katie Rodriguez  
 City Manager