



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Regular Council Meeting

April 12, 2022

### CALL TO ORDER

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

Council Members Present: Maria Regan Gonzalez, Mayor; Mary Supple; Simon Trautmann; Sean Hayford Oleary; and Ben Whalen

Council Members Absent: None

Staff Present: Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Rachel Lindholm, Sustainability Specialist; Melissa Poehlman, Community Development Director; Joe Powers, City Engineer; Sack Thongvanh, Assistant City Manager; Chris Swanson, Management Analyst; Jane Skov, IT Manager; Kelly Wynn, Administrative Assistant; and Kari Sinning, City Clerk

Others Present: Lisa Hendricks, Executive Director of Partnership Academy

### 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 was a phone call from Eric Huckleberry regarding a complaint against the organics collection and the frustrations with the hauler.

### APPROVAL OF MINUTES

M/Whalen, S/Trautmann to approve the minutes of the: (1) City Council Work Session of March 22, 2022; (2) Regular City Council Meeting of March 22, 2022; (3) Special City Council Work

Session of March 23, 2022; (4) Special City Council Work Session of March 24, 2022; and (5) Joint City Council, Community Services and Planning Commission Work Session of March 28, 2022.

Motion carried 5-0.

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| <b>ITEM #1</b> | <b>PRESENTATION IN RECOGNITION OF EARTH DAY 2022</b> |
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Mayor Regan Gonzalez read aloud the proclamation and presented it to Sustainability Specialist Lindholm.

Sustainability Specialist Lindholm shared the environmental efforts that the City has done.

Mayor Regan Gonzalez appreciated the work the Sustainability Commission has done and shared that the City has inspired residents to be more environmentally conscious and sustainability.

Council Member Whalen echoed the appreciation of the commission and Sustainability Specialist Lindholm and mentioned the sustainability resources for residents on the City website.

Council Member Hayford Oleary expressed gratefulness for the work that Sustainability Specialist Lindholm has done especially regarding organized hauling. He shared that all of the policy decisions come together for the sustainability of the community and they happen throughout the year.

Council Member Trautmann appreciated the leadership of Sustainability Specialist Lindholm and how the efforts affected the community as a whole to be more sustainable.

Council Member Supple thanked Sustainability Specialist Lindholm's leadership and the efforts of all for a more sustainable community.

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| <b>ITEM #2</b> | <b>APPROVAL OF THE AGENDA</b> |
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M/Hayford Oleary, S/Supple to approve the amended agenda with the removal of item 7.

Motion carried 5-0

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| <b>ITEM #3</b> | <b>CONSENT CALENDAR</b> |
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City Manager Rodriguez presented the consent calendar.

- A. Consider the approval of a resolution authorizing acceptance of a donation received by Richfield Recreation Services Department from Jill Mithun for Wood Lake Nature Center in the amount of \$100,000 and to authorize the Recreation Services Director to apply the funds for Wood Lake Nature Center. (Staff Report No. 53)

**RESOLUTION NO. 11959**

**RESOLUTION ACCEPTING A DONATION RECEIVED BY THE RICHFIELD RECREATION SERVICES DEPARTMENT FROM JACQUELINE (JILL) MITHUN FOR WOOD LAKE NATURE CENTER IN THE AMOUNT OF \$100,000 AND AUTHORIZING THE**

**RECREATION SERVICES DIRECTOR TO EXECUTE THE ASSOCIATED GRANT**

- B. Consider the approval of a resolution of support for Public Works' regional solicitation grant application for federal funding to Metropolitan Council for the installation of pedestrian and bicycle infrastructure on 73rd St near Centennial Elementary. (Staff Report No. 54)

**RESOLUTION NO. 11960**

**RESOLUTION OF SUPPORT FOR CENTENNIAL ELEMENTARY REGIONAL SOLICITATION APPLICATION**

- C. Consider the approval of a resolution of support for Public Works' regional solicitation application for federal funding to the Metropolitan Council for a pedestrian and bike connection on 73rd St and modernizing the 73rd St pedestrian bridge over I-35W. (Staff Report No. 55)

**RESOLUTION NO. 11961**

**RESOLUTION OF SUPPORT FOR 73RD ST TRAIL AND BRIDGE REGIONAL SOLICITATION APPLICATION**

- D. Consider the approval of a resolution of support for Public Works' regional solicitation grant application for federal funding to Metropolitan Council for the modernization of 76th St from Xerxes Ave to Sheridan Ave. (Staff Report No. 56)

**RESOLUTION NO. 11962**

**RESOLUTION OF SUPPORT FOR W 76TH ST MODERNIZATION REGIONAL SOLICITATION APPLICATION**

- E. Consider approval of an agreement for improvements to the railroad's existing public road at-grade crossing with Progressive Rail Incorporated as part of the 65th Street Reconstruction Project. (Staff Report No. 57)
- F. Consider the approval of the resolutions to adjust the City's Municipal State Aid Street (MSAS) network. (Staff Report No. 58)

**RESOLUTION NO. 11963**

**RESOLUTION REVOKING MUNICIPAL STATE AID DESIGNATION FROM CERTAIN CITY STREETS**

**RESOLUTION NO. 11964**

**RESOLUTION FOR MUNICIPAL STATE AID DESIGNATION OF CERTAIN CITY STREETS**

- G. Consider adoption of a resolution authorizing the purchase of a permanent lighting easement at 800 W 65th St for the 65th Street Reconstruction Project. (Staff Report No. 59)

**RESOLUTION NO. 11965**

**RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO MAKE PAYMENT FOR THE PURCHASE OF A PERMANENT LIGHTING EASEMENT AT 800 W 65TH ST (PID# 27-028-24-23-0110) AS A PART OF THE 65TH ST RECONSTRUCTION PROJECT**

- H. Consider the adoption of a resolution supporting the repeal of the exclusion of Hennepin and Ramsey counties from receiving motor vehicle lease sales tax (MVLST) funds and a return to the original MVLST county state aid formula. (Staff Report No. 60)

**RESOLUTION NO. 1196**

**RESOLUTION OF SUPPORT FOR THE REPEAL OF THE EXCLUSION OF HENNEPIN AND RAMSEY COUNTIES FROM RECEIVING MOTOR VEHICLE LEASE SALES TAX (MVLST) FUNDS AND A RETURN TO THE ORIGINAL MVLST COUNTY STATE AID FORMULA**

- I. Consider the approval of the bid tabulation and award a contract to Visu-Sewer, Inc., for the 2022 Sanitary Sewer Rehabilitation Program in the amount of \$591,774.00 and authorize the City Manager to approve contract changes up to \$175,000 without further City Council consideration. (Staff Report No. 61)
- J. Consider the approval of the first reading of an ordinance amending Subsection 210.01 of the City Code related to City Council salaries for 2023 and 2024. (Staff Report No. 62)
- K. Consider the approval of the Hennepin County Youth Sports Program Grant Resolution to submit a grant for youth curling equipment and authorize staff to execute the grant agreement if awarded. (Staff Report No. 64)

**RESOLUTION NO. 11967**

**RESOLUTION AUTHORIZING GRANT APPLICATION AND AGREEMENT UNDER HENNEPIN YOUTH SPORTS PROGRAM FOR CURLING EQUIPMENT**

- L. Consider the approval of the Hennepin County Youth Sports Program Grant Resolution to submit a grant for accessible picnic tables and authorize staff to execute the grant agreement if awarded. (Staff Report No. 65)

**RESOLUTION NO. 11968**

**RESOLUTION AUTHORIZING GRANT APPLICATION AND AGREEMENT UNDER HENNEPIN YOUTH SPORTS PROGRAM FOR ACCESSIBLE PICNIC TABLES**

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

Council Member Hayford Oleary expressed thankfulness for the donation to Wood Lake from the Mithun family. He also mentioned the significance of items B and C that will allow for better pedestrian and bike transportation to the school and neighborhood.

Council Member Trautmann recognized Jill Mithun and reflected on how people invest in the community and thanked staff for submitting applications for financing and funding that are outside of the city's tax base.

Council Member Supple thanked the Mithun family and recognized the importance of the sewer rehabilitation project.

Motion carried 5-0.

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

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| <b>ITEM #5</b> | <b>CONSIDER A RESOLUTION APPROVING THE CONTRACT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 1215 FOR THE CONTRACT PERIOD JANUARY 1, 2022 THROUGH DECEMBER 31, 2023 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT. (STAFF REPORT NO. 67)</b> |
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Council Member Whalen presented Staff Report 67.

City Manager Rodriguez acknowledged and appreciated HR Manager Krista Guzman and the firefighters for the negotiations.

Council Member Whalen echoed the appreciation of the firefighters and everyone else that has worked on the negotiations to make similar benefits and rates to all employees.

M/Whalen, S/Supple to adopt a resolution approving the provisions of the 2022-2023 labor agreement with the International Association of Firefighters Local 1215 bargaining unit and authorize the City Manager to execute the agreement.

**RESOLUTION NO. 11969**

**RESOLUTION APPROVING LABOR AGREEMENT BETWEEN THE CITY OF RICHFIELD AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF), LOCAL 1215 BARGAINING UNIT FOR THE YEAR 2022 AND 2023**

Council Member Trautmann expressed appreciation for the firefighters throughout the pandemic and their essential function to the community.

Mayor Regan Gonzalez mentioned the firefighter badging ceremony that was held last week and recognized the fire department and their families for their dedication during the staff shortage.

Council Member Supple was appreciative of the professional development that was happening in the fire department even during the difficult moments.

Motion carried 5-0.

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| <b>ITEM #6</b> | <b>CONSIDER A REQUEST FOR AN AMENDED PLANNED UNIT DEVELOPMENT, FINAL DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A BUILDING ADDITION TO AN ELEMENTARY SCHOOL AT 6500 NICOLLET AVENUE SOUTH. (STAFF REPORT NO. 63)</b> |
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Council Member Supple presented Staff Report 63.

Community Development Director Poehlman stated that this item is only for the applicant to prepare a plan for the parking within the timeframe, not to build specifically.

Council Member Supple offered an amendment to the resolution that would go to the end of the lease ending in January 31, 2024 instead of two years which would be April 2024 causing a gap.

Council Member Hayford Oleary stated that the timeframe is already short comparatively to the other agreements and would not support the amendment to the resolution as the applicant would have to create alternative plans if there is a gap in parking.

Council Member Whalen asked the applicant if the proposed resolution would coincide with the timeframe they have for the project. Lisa Hendricks stated that the resolution would work with their timeframe and hoped that the agreement be drafted quickly, would not include provisions to revoke their certificate of occupancy, and the fee structure of the penalties. Council Member Whalen asked about the status of the agreement and Community Development Director Poehlman stated that the agreement would be done separately from this agenda item and City Attorney Tietjen stated that a draft agreement could be available at the end of next week.

Council Member Hayford Oleary asked the applicant if they are planning on pursuing the amendment to permit structured parking now or in the future which is a public hearing for the April 25 Planning Commission meeting. Lisa Hendricks stated that they will be not be pursuing the permit at this time if this item is approved. Council Member Hayford Oleary asked staff to clarify that if the applicant pays the fines that the certificate of occupancy would not be affected. Director Poehlman stated that it would be of the best interest to retain the ability to revoke a permit but the language in the agreement would state specifically the penalties and if revocation were to happen which is not something that the City would want to do.

Council Member Supple made a motion for an amended resolution; there was no second and motion was withdrawn.

M/Supple, S/Hayford Oleary to approve the attached resolution authorizing an amended Planned Unit Development, a Final Development Plan, and a Conditional Use Permit.

**RESOLUTION NO. 11970**

**RESOLUTION APPROVING AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT, FINAL DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A BUILDING ADDITION TO AN ELEMENTARY SCHOOL AT 6500 NICOLLET AVENUE SOUTH**

Council Member Hayford Oleary asked for clarification on imposing penalties. Director Poehlman stated that it would be detailed in the contract with a timeline that would help the applicant achieve success without financial penalties. Council Member Hayford Oleary thanked staff for utilizing Council's feedback from the previous meeting into tonight's resolution.

Council Member Whalen echoed the last comment from Council Member Hayford Oleary and appreciated the work that the applicant and staff did to come to a resolution.

Council Member Supple was pleased that the project can move forward as she understands the importance of providing more space for education but expressed concerns about parking during the winter if there is no parking close to the building.

Mayor Regan Gonzalez thanked the young student leader and others from Partnership Academy for coming to the meeting tonight.

Motion carried 5-0.

Lisa Hendricks thanked staff and council for working through the issues with Partnership Academy to find a resolution.

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| <b>ITEM #7</b> | <b>CONSIDER A RESOLUTION APPROVING A REQUEST FOR AN AMENDED PLANNED UNIT DEVELOPMENT, FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT TO ALLOW A MIRCO-BREWERY AND BREWPUB/TAPROOM AT 6402 LYNDAL AVENUE SOUTH. (STAFF REPORT NO. 68)</b> |
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Agenda Item Removed.

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| <b>ITEM #8</b> | <b>CONSIDER A REQUEST FOR A SITE PLAN APPROVAL AND A VARIANCE FOR A DAYCARE, TAKE-OUT RESTAURANT, AND EVENT SPACE AT 6436 PENNAVENUE SOUTH. (STAFF REPORT NO. 69)</b> |
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Council Member Trautmann presented Staff Report 69.

M/Trautmann, S/Supple to approve a proposed site plan and deny a variance at 6436 Penn Avenue South

**RESOLUTION NO. 11971**

**RESOLUTION APPROVING A SITE PLAN AND DENYING A VARIANCE FOR OFF-STREET PARKING FOR A DAYCARE, TAKE-OUT RESTAURANT, AND EVENT SPACE AT 6436 PENN AVENUE SOUTH**

Council Member Hayford Oleary asked about securing parking through a covenant. Director Poehlman stated that this is a common problem and it is difficult to get permanent rights to use someone’s property for parking. Council Member Hayford Oleary expressed confusion on why the reduction for bicycle parking stalls would not be applied. Director Poehlman stated that it was brought up at the Planning Commission and the zoning code is written so that the Council may offer the reduction however the use of this space is questionable on how many people would bike to pick up their child from daycare or go to an event. Council Member Hayford Oleary understood the statement and stated that it is tough to guess how people are going to travel to destinations. He also stated that he does not agree with the denial of the variance as there would be options.

Council Member Whalen wished that the applicant was here to ask what events would be happening at the venue and how people would be arriving to the venue. Director Poehlman did not speak directly to the applicant about the proposed event center. Council Member Whalen stated that parking should not stop a business from starting however the plans are very disproportionate to the parking available.

Council Member Trautmann echoed the hesitation of Council Member Whalen and asked if the applicant would have to return with another variance or covenant. Director Poehlman stated that this would be the final decision unless the applicant decided to appeal.

Mayor Regan Gonzalez expressed sadness that they could not come back to council for approval. Director Poehlman stated that the business would still be able to operate so long as they find the additional parking. Council Member Trautmann asked for further clarification and Director Poehlman stated that the site plan is conditionally approved on the applicant meeting the parking requirements so that the item does not need to be brought back to Council.

Council Member Supple asked if they were to only do the daycare and take-out that they would be able to operate. Director Poehlman stated that they can submit revised building plans without the event center to be approved for only the daycare and take-out which would not need further Council action.

Council Member Hayford Oleary expressed his support for the item in light of the discussion and stated that the bar is too high for our parking requirements.

Motion carried 5-0.

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| <b>ITEM #9</b> | <b>CITY MANAGER’S REPORT</b> |
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City Manager Rodriguez thanked Council for their patience in returning to in-person meetings and mentioned the updates that have happened to Council Chambers for hybrid meetings. She gave a brief covid update.

Council Member Whalen asked about the laptops in Council Chambers being used for work sessions and City Manager Rodriguez stated that she would ask about the use of them in other conference rooms.

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

| <b>U.S. Bank</b>            | <b>4/12/2022</b>     |
|-----------------------------|----------------------|
| A/P Checks: 304986 – 305439 | \$1,383,351.68       |
| Payroll: 169259 – 169565    | <u>\$ 771,233.40</u> |
| TOTAL                       | \$2,154,585.08       |

Motion carried 5-0

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| <b>ITEM #11</b> | <b>HATS OFF TO HOMETOWN HITS</b> |
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Council Member Whalen thanked Communications and Engagement Manager Neil Ruhland for his leadership on both the communications side and the community engagement side and wished him well for his future endeavors. He also thanked the Planning Commission for their work on finding compromise and solutions to the brewery project and shared his disappointment for the permit being pulled.

Council Member Supple mentioned the Friendship City Commission’s ox cart display at City Hall and the Arts Commission’s poetry around Richfield Lake that would be updated. As Earth Day approaches, she thanked residents that she has seen picking up trash as the snow melts. She also called attention to the Community Development department as they have gone above and beyond as the work session prior to the meeting was a discussion regarding the redevelopment of the Hub. She also wished the best for Communications Manager Ruhland.

Council Member Hayford Oleary commented briefly on the item that was pulled from the agenda by stating that our residents really care about this community and support the development of



Downtown Richfield. He also thanked the staff that worked on the proposed development to address the concerns and issues around it.

Council Member Trautmann thanked Brixmor for coming to the work session to discuss the redevelopment of the Hub. He congratulated Neil Ruhland who helped to build trust and left the city better than he found it and wished him well. He extended great appreciation to Mayor Regan Gonzalez as she will not be running for reelection and stated how she has influenced the community for the better.


Mayor Regan Gonzalez thanked Council Member Trautmann for the kind words and stated that she loved her time as Mayor to make Richfield a better community. She also thanked Communications Manager Neil Ruhland for his excellent work and shared excitement for his future. She echoed the thanks to Community Development staff for their exceptional work while being understaffed and in reference to the item that was pulled from the agenda, she appreciated people’s passion and excitement and reiterated that residents should be respectful even if opinions differ. She also mentioned that the Gene and Mary Jacobson Outstanding Citizen Award nominations are being accepted until April 29.


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| <b>ITEM #12</b> | <b>ADJOURNMENT</b> |
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The meeting was adjourned by unanimous consent at 8:13 p.m.

Date Approved: April 26, 2022

  
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 Mary B. Supple, Mayor Pro Tempore

  
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 Kari Sinning  
 City Clerk

  
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 Katie Rodriguez  
 City Manager