



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Regular Council Meeting

May 10, 2022

### CALL TO ORDER

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

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

Council Members Absent: Maria Regan Gonzalez, Mayor

Staff Present: Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Melissa Poehlman, Community Development Director; Kristin Asher, Public Works Director; Chris Swanson, Management Analyst; Jane Skov, IT Manager; and Kari Sinning, City Clerk

Others Present: Ryan Schwickert, MWF Properties LLC;

### PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Supple led the Pledge of Allegiance.

### OPEN FORUM

Mayor Pro Tempore 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)

Octavio Chung Bustamante, 4958 142nd Circle North – Hugo, a LiUna representative, stated concerns with a company that does business with MWF Properties and that responsible contractors should be used to protect the workers from wage theft.

Greg Lemaire, 6345 Washburn Ave, suggested stronger enforcement of the noise ordinance as multiple neighbors have complained about a neighboring house's outdoor music.

### APPROVAL OF MINUTES

M/Whalen, S/Hayford Oleary to approve the minutes of the: (1) Joint City Council, Planning Commission and HRA Work Session of April 26, 2022; and (2) Regular City Council Meeting of April 26, 2022.

Motion carried 4-0.

<b>ITEM #1</b>	<b>PROCLAMATION CELEBRATING ASIAN AND PACIFIC AMERICAN HERITAGE MONTH</b>
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Mayor Pro Tempore Supple read aloud the proclamation and was happy to honor this valuable part of the community.

<b>ITEM #2</b>	<b>APPROVAL OF THE AGENDA</b>
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M/Trautmann, S/Hayford Oleary to approve the agenda.

Motion carried 4-0.

<b>ITEM #3</b>	<b>CONSIDER THE FIRST READING OF AN ORDINANCE AMENDING CITY CODE SECTION 721 TO ADD NEW SUBSECTION 721.24 RELATED TO FACILITY REQUIREMENTS FOR BULK DEICER STORAGE AND SCHEDULE A SECOND READING FOR MAY 24, 2022. (STAFF REPORT NO. 75)</b>
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Council Member Whalen presented Staff Report 75.

M/Whalen, S/Hayford Oleary to approve the first reading of an ordinance amending City Code Subsection 721 to add new Section 721.24 related to facility requirements for bulk deicer storage and schedule a second reading for May 24, 2022.

Motion carried 4-0.

<b>ITEM #4</b>	<b>CONSIDER A REQUEST FOR A COMPREHENSIVE PLAN AMENDMENT, REZONING FROM MIXED USE - NEIGHBORHOOD TO PLANNED MIXED USE, PLANNED UNIT DEVELOPMENT, FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR A MULTI-FAMILY DEVELOPMENT AT 7700 PILLSBURY AVENUE SOUTH. (STAFF REPORT NO. 76)</b>
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Council Member Hayford Oleary presented Staff Report 76.

Community Development Director Poehlman added that there was a discussion at the Planning Commission regarding the EV charging stations that 50 percent are required to be installed and capable and that the proposal from the developer does meet the requirements from the Planning Commission.

Council Member Hayford Oleary asked about the additional parking stalls and bicycle rack requirements. Director Poehlman stated that the parking stalls would be a grassy area that could potentially be parking and that the bicycle racks must be available without moving a vehicle of which if there were racks in front of vehicle parking that they would not count towards the requirement for bicycle racks.

Mayor Pro Tempore Supple asked about the final development plan having a clause to protect worker's wages that was sparked by the open forum comment. Director Poehlman stated that the motion tonight is only a land use permit and that is standard language that does go into our contracts which the HRA will take into consideration as the project moves forward.

Council Member Trautmann expressed that wage theft and worker's rights are a strong priority in the City of Richfield.

Council Member Whalen appreciated the work that Richfield has done to protect worker's rights and encouraged developers to hold themselves up to a higher standard to know that wage theft is being prevented.

Council Member Hayford Oleary expressed concerns for the EV charging requirements and proposed a discussion regarding a change to require 100 percent of the EV charging station requirements instead of 50 percent and stated the reasons which included future changes in electric vehicle ownership, the low range that these vehicles might have, and setting a precedent for future environmental goals.

Council Member Whalen agreed with the proposed change and the reasons for the change. He stated a curiosity for the reasons why they would not do 100 percent and what kind of added expenses there would be. Ryan Schwickert stated that MWF Properties would work to add the requested amount of EV charging station requirements; however, costs can pose an issue as this is an affordable housing project. He also stated that they are flexible on the options for bicycle storage. He mentioned that it should be eight parking stalls exceeding the maximum requirement given the unit mix and other projects that they have completed in the Twin Cities. He also offered to speak with the open forum commenter after the meeting to discuss wage rights.

Mayor Pro Tempore Supple asked Director Poehlman for clarification on the parking. Director Poehlman stated that the handicap stalls were not included in the count and the resolution would state that the additional parking would need further approval if they need. The parking would be based upon the bedroom count and that normally staff would not recommend the maximum to be exceeded but with this project there are more family units planned.

Director Poehlman stated that this project is a fully affordable, tax credit project and shared staff's perspective on how the EV chargers would affect the project of which 50 percent of the requirements would be possible but more than that could cause strain on the financials.

Council Member Whalen asked about the calculation of the parking per bedroom and also the estimated costs of EV chargers if it was 100 percent. He expressed excitement for the project overall and understood the importance of meeting both financial and environmental goals. Director Poehlman stated .7 parking stalls per bedroom.

Council Member Trautmann asked about the process timeline of this development. Director Poehlman stated that the City has a preliminary development agreement with the developer and property has not been sold but the City is not entertaining more offers for the property. She stated that the development team will be applying for tax credits in July.

Council Member Hayford Oleary expressed that EV charging should be a priority as the Council has made it a priority much like other requirements that ensure the future of Richfield.

Mayor Pro Tempore Supple supported the need for extra parking due to the amount of three bedroom units and asked what the difference would be for total amount of 50 percent versus 100 percent of EV chargers. Director Poehlman stated that the proposed 50 percent would be 25 total (20 capable and 5 installed) EV charging stations and 100 percent would be 48 total (41 capable and 7 installed) EV charging stations. Council Member Hayford Oleary asked for clarification of capable and Director Poehlman stated that it would be fully wired and ready to install a charger if needed.

Council Member Whalen was not concerned with the bicycle storage or the excess parking but was torn about the amount EV charging stations.

Council Member Trautmann shared that he was also torn regarding the amount of EV charging stations.

Council Member Hayford Oleary proposed a compromise of having 7 installed chargers and not increase the EV capable stalls. Mayor Pro Tempore Supple expressed support of that compromise. Director Poehlman clarified that it would be 7 installed and 18 capable EV charging stations. Council Member Trautmann supported the compromise as well.

Council Member Hayford Oleary supported the Planning Commission's recommendation and stated that there is value in our parking maximum and this allows them to add more if there is a problem with parking.

M/Hayford Oleary, S/Whalen to approve the attached resolution amending the Comprehensive Plan designation for the subject property from Medium Density Residential to High Density Residential.

**RESOLUTION NO. 11973**

**RESOLUTION AMENDING THE CITY'S  
COMPREHENSIVE PLAN CHANGING THE  
DESIGNATION OF 7700 PILLSBURY AVENUE  
SOUTH TO "HIGH DENSITY RESIDENTIAL"**

Motion carried 4-0.

M/Hayford Oleary, S/Whalen to approve the ordinance rezoning the subject property from Mixed Use Neighborhood (MU-N) to Planned Mixed Use (PMU).

**BILL NO. 2022-8**

**AN ORDINANCE RELATING TO ZONING;  
AMENDING APPENDIX I TO THE RICHFIELD CITY  
CODE BY REZONING 7700 PILLSBURY AVENUE  
SOUTH FROM MIXED USE - NEIGHBORHOOD  
(MU-N) TO PLANNED MIXED USE (PMU)**

Motion carried 4-0.

M/Hayford Oleary, S/Trautmann to approve the attached resolution granting a Planned Unit Development, Conditional Use Permit, and Final Development Plan for a multi-family residential development at 7700 Pillsbury Avenue South with the resolution modified to require 7 installed EV capable charging stations but retain the overall 50 percent minimum of EV capable stations.

Council Member Whalen asked if it would be better to state a definite number of charging stalls versus a percentage if anything were to change with the numbers of the building. Director Poehlman stated the number of parking stalls is unlikely to change significantly and clarified that the discussion earlier was to increase the amount of installed chargers to 7 and decrease the amount of capable to 18 while still having 25 stalls total. With that clarification, Council Member Hayford Oleary withdrew the motion and made a new motion.

M/Hayford Oleary, S/Trautmann to approve the attached resolution granting a Planned Unit Development, Conditional Use Permit, and Final Development Plan for a multi-family residential development at 7700 Pillsbury Avenue South with a modification to the electric vehicle charging to require seven installed chargers and 18 EV capable parking stalls.

**RESOLUTION NO. 11974**

**RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AT 7700 PILLSBURY AVENUE SOUTH**

Council Member Hayford Oleary expressed excitement about this development and that this will be in-line with the broader vision for I-494.

Council Member Whalen agreed with Council Member Hayford Oleary and thanked the developer for working through the details and wished them success in securing the tax credits needed to fund the project.

Council Member Trautmann thanked Director Poehlman for clarifying where they are at in the process and that he understood that when properties are purchased from the city that there is an obligation for prevailing wage to be provided for the workers. He also expressed appreciation to the developer to find a solution to utilizing this underdeveloped area. Director Poehlman clarified that there prevailing wage requirements on city projects but not for private developments; however, there are prevailing wage requirements in the development contract that allow the City to withhold tax increment financing if there are labor violations.

Mayor Pro Tempore Supple expressed gratitude for the quantity of two and three bedrooms for families.

Motion carried 4-0.

<b>ITEM #5</b>	<b>CONSIDER A RESOLUTION PROVIDING FOR THE SALE OF \$10,000,000 GENERAL OBLIGATION BONDS, SERIES 2022A. (STAFF REPORT NO. 77)</b>
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Council Member Trautmann presented Staff Report 77.

City Manager Rodriguez stated this does save \$900,000 over the life of the bond plus lowers the debt service by \$100,000 per year and lowers the levy rate by half a percent each year. She also stated that the budget for the year will be challenging due to increased costs of goods and services.

Council Member Hayford Oleary asked for clarification on the total numbers. Public Works Director Asher stated that a full break down was included in the next council item. Council Member Hayford Oleary appreciated the explanation from City Manager Rodriguez and commented on the use of the money to save interest on bonds for known projects and supported the staff recommendation.

Council Member Trautmann thanked staff for stating how this would impact the community directly so that they can understand.

M/Trautmann, S/Hayford Oleary to approve the attached resolution providing for the sale of \$10,000,000 General Obligation Bonds, Series 2022A.

**RESOLUTION NO. 11975**

**RESOLUTION PROVIDING FOR THE SALE OF  
\$10,000,000 GENERAL OBLIGATIONS BONDS,  
SERIES 2022A**

Mayor Pro Tempore Supple read a comment from Mayor Regan Gonzalez that supported the resolution to use the ARPA funding to benefit the future of the City.

Council Member Whalen was not opposing the motion on the table but stated that the savings might be better suited to fund city services rather than a minute tax savings to the residents that own homes. He expressed disinterest in the use of ARPA funds for road projects. He also wondered if other council members thought the same.

Council Member Trautmann stated that the use of this money can preserve the city’s borrowing power and stability while providing much needed development along 65<sup>th</sup> Street. He also stated that is appropriate to look for other priorities for the remaining ARPA funds.

Council Member Hayford Oleary stated that this a worthy project, particularly with HUB redevelopment, although he wished that we had a special assessment policy so the HUB could be contributing to the project. He saw the savings in the staff report as an illustration but not how we would use it because we don’t know if we will save or not. He agreed with Council Member Whalen’s spirit of using the ARPA funds for other projects but was uncomfortable with committing to the uses at the moment.

Mayor Pro Tempore Supple stated that it was fiscally prudent to use ARPA funds on one time investments and this fits the criteria. She expressed support to invest APRA funds in expenses that are directly tied to covid, have no other funding sources, and that increase the efficiency and equity in the city.

Council Member Whalen commented on the use of special assessments or TIF to help fund the project. City Manager Rodriguez stated that the timeline does not match up since the TIF would be set up at a later time. Director Asher stated that there will be stormwater and water line movement challenges with the HUB redevelopment.

Motion carried 4-0.

ITEM #6	<p><b>CONSIDER:</b></p> <ol style="list-style-type: none"> <li><b>1. APPROVING THE BID TABULATION FOR THE 65TH STREET RECONSTRUCTION PROJECT;</b></li> <li><b>2. AUTHORIZING THE MAYOR AND CITY MANAGER TO AWARD AND EXECUTE A CONTRACT FOR CONSTRUCTION6 BETWEEN THE CITY AND EUREKA CONSTRUCTION, INC., FOR THE 65TH STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$10,169,400.00; AND</b></li> <li><b>3. AUTHORIZING THE CITY MANAGER TO APPROVE CONTRACT CHANGES UP TO \$175,000 WITHOUT FURTHER CITY COUNCIL CONSIDERATION. (STAFF REPORT NO. 74)</b></li> </ol>
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Council Member Hayford Oleary presented Staff Report 74.

M/Hayford Oleary, S/Whalen to: 1) Approve the bid tabulation for the 65th Street Reconstruction Project; 2) Authorize the Mayor Pro Tempore and City Manager to award and execute the contract for construction between the City and Eureka Construction, Inc., for the 65th Street Reconstruction Project in the amount of \$10,169,400.00; and 3) Authorize the City Manager to approve contract changes up to \$175,000 without further City Council consideration.

Council Member Hayford Oleary asked staff to clarify the timeline of construction. Director Asher stated that the contractors were unable to procure a box culvert so construction would start on the outsides, near the HUB and Speedway Gas Station, and work towards the center, Lyndale Ave intersection, instead of the other way around. Mayor Pro Tempore Supple asked if this was a supply chain issue and Director Asher nodded in the affirmative.

Council Member Whalen expressed excitement for this project which is an essential investment in infrastructure that would address accessibility and stormwater issues for the neighborhood.

Council Member Hayford Oleary mentioned that this would be one of the last undivided four lane roads and this project will continue to improve Richfield’s safe streets.

Motion carried 4-0.

<b>ITEM #7</b>	<b>CONSIDER THE APPOINTMENT OF COLE HOOEY TO THE PLANNING COMMISSION WITH A TERM EXPIRING JANUARY 31, 2023. (STAFF REPORT NO. 78)</b>
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Council Member Whalen presented Staff Report 78.

M/Whalen, S/Hayford Oleary to appoint Cole Hooey to the Planning Commission with a term expiring January 31, 2023 as it is a mid term appointment.

Council Member Hayford Oleary expressed excitement for the appointment and welcomed Cole to the Planning Commission.

Council Member Whalen stated that Cole has walked all the streets of Richfield and expressed excitement to have Cole on the Planning Commission.

Motion carried 4-0.

<b>ITEM #8</b>	<b>CITY MANAGER’S REPORT</b>
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City Manager Rodriguez had nothing to report.

<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:

<b>U.S. Bank</b>	<b>5/10/2022</b>
A/P Checks: 305823 – 306188	\$ 975,173.18
Payroll: 169873 – 170180, 43466	\$ <u>779,745.05</u>
TOTAL	\$1,754,918.23

Motion carried 4-0

<b>ITEM #9</b>	<b>HATS OFF TO HOMETOWN HITS</b>
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Council Member Whalen mentioned visiting a bike park in Woodbury with Recreation Services Director Markle and Operations Superintendent Chris Link that will be brought to a work session. He appreciated the idea and the care that staff put into researching what works best with the community.

Council Member Hayford Oleary mentioned the Richfield Foundation Fundraiser event on May 12 and wished a happy 100th birthday to his grandma. Mayor Pro Tempore Supple wished his grandma a happy birthday from the Council as well.

Council Member Trautmann met with a group of realtors who were interested in learning more about Richfield and reflected on all the great work that all staff has done to make Richfield affordable and accessible.


Mayor Pro Tempore Supple mentioned the phenomenal art displayed at the Community Center by the Richfield High School seniors and that, at the All-Conference Art Show, Richfield took three out of the four Best of Show entries. She also thanked those that went to Richfield Lake on Saturday to clean up and mentioned that if there are more community groups that wish to clean up other parks to contact John Evans for supplies. She also did a 'hats off' to Christina Gonzalez, Director of Student Services at Richfield Public Schools, who received the Park Nicollet Foundation 2022 Community Service Award for her work to improve health in the community and she helped to launch and oversee the Park Nicollet Health Center that is attached to the high school.

<b>ITEM #10</b>	<b>ADJOURNMENT</b>
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The meeting was adjourned by unanimous consent at 8:59 p.m.

Date Approved: May 24, 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