



**REGULAR CITY COUNCIL MEETING  
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS  
JULY 11, 2023  
7:00 PM**

**INTRODUCTORY PROCEEDINGS**

Call to order

Pledge of Allegiance

Open forum

***Call into the open forum by dialing 1-415-655-0001 Use webinar access code: 2631 194 0777 and password: 1234.***

***Please refer to the Council Agenda & Minutes web page for additional ways to submit comments.***

Approval of the Minutes of the (1) City Council Work Session of June 27, 2023; and (2) City Council Meeting of June 27, 2023.

**AGENDA APPROVAL**

1. Approval of the Agenda
2. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
  - A. Consider adoption of a resolution designating polling places for 2023  
Staff Report No. 86
  - B. Consider a request for a Conditional Use Permit to allow a 48 child pre-school and day care at 7227 Penn Avenue South (St. Nicholas Episcopal Church).  
Staff Report No. 87

3. Consideration of items, if any, removed from Consent Calendar

**OTHER BUSINESS**

4. Consider the adoption of a resolution appointing a representative to the Board of Directors of the Richfield Tourism Promotion Board.

Staff Report No. 88

**CITY MANAGER'S REPORT**

5. City Manager's Report

#### **CLAIMS AND PAYROLLS**

6. Claims and Payroll

#### **COUNCIL DISCUSSION**

7. Hats Off to Hometown Hits

8. Adjournment

**Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9739.**



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## City Council Work Session

**June 27, 2023**

### CALL TO ORDER

Council Member Whalen called the work session to order at 5:30 p.m. in the Bartholomew Room.

*Council Members Present:* Sean Hayford Oleary; Sharon Christensen; and Ben Whalen

*Council Members Absent:* Mary Supple, Mayor; Simon Trautmann

*Staff Present:* Katie Rodriguez, City Manager; Dustin Leslie, City Clerk; Sack Thongvanh, Assistant City Manager; Chris Swanson, Management Analyst; Jay Henthorne, Police Chief; Mike Flaherty, Deputy Chief; Jamie Haefner, Human Resources Manager

*Guests:* Laura Linehan, Baker Tilly; Lexi Scholten, Baker Tilly

ITEM #1	COMPENSATION AND CLASSIFICATION STUDY PRESENTATION
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Assistant City Manager Thongvanh introduced the consultants from Baker Tilly. Human Resources Manager Haefner spoke about the consultant vetting process and the process going forward.

Ms. Linehan gave a presentation about the Compensation and Classification Study. The presentation included: consulting team overview and qualifications, project overview, project timeline, and how city staff would be involved in the process.

Council Member Hayford Oleary spoke about how some employees may be worried about participating and asked if there was any risk to them in reclassification. Ms. Linehan stated that Baker Tilly never recommends pay decreases. She further stated that in some cases they would recommend a freeze so the market could catch up but never a decrease.

Council Member Whalen asked if the study would look at equity and report disparities within the organization. Ms. Linehan stated that could be part of the study. Council Member Whalen also asked if this study would analyze whether or not employees across the enterprise were making a livable wage. Human Resources Manager Haefner stated the study looked at the market and how it compared to wages being paid by the city. She further stated that the city could study livable wages internally.

Council Member Whalen asked how increases resulting from the study would fit into the budget and if the city would need a multi-year plan to implement. Ms. Linehan stated they would not recommend a multi-year plan since the market is constantly changing and waiting could leave the city behind.

Council Member Christensen asked how the results would figure in with union negotiations. Ms. Linehan stated staff could use the results to make recommendations to the unions.

Council Member Hayford Oleary and City Manager Rodriguez discussed current policies in adjusting employee wages.

Council Member Whalen asked if the results of this study would be included in the next budget. City Manager Rodriguez stated the 2024 budget was being formulated with possible increases from the results of the study.

<b>ADJOURNMENT</b>
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Ben Whalen adjourned the work session at 5:57 pm

Date Approved: July 11, 2023

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Ben Whalen  
Council Member

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Dustin Leslie  
City Clerk

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Katie Rodriguez  
City Manager





# CITY COUNCIL MEETING MINUTES

## Richfield, Minnesota

### Regular Council Meeting

**June 27, 2023**

#### 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; Chris Swanson, Management Analyst; and Dustin Leslie, City Clerk

*Others Present:* Karole Kelly-Anstedt, Human Rights Commissioner; Joe Carr; Kim Jacobsen

#### 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](mailto:kwynn@richfieldmn.gov)

Ruane Onesirosan, 2421 W 65th Street, spoke about the letter she circulated at the previous Council meeting to Council members and noted she might have misspoken, and the Minutes referred to \$10,000 when it should have been \$10 million.

#### APPROVAL OF MINUTES

M/Whalen, S/Christensen to approve the minutes with the correction of \$10 million instead of \$10,000 of the: (1) City Council Work Session of June 13, 2023; (2) City Council Meeting of June 13, 2023; (3) Special Closed Meeting of June 13, 2023; (4) Special Closed Meeting of June 15, 2023.

Motion carried: 5-0

<b>ITEM #1</b>	<b>PRESENTATION 2023 GENE AND MARY JACOBSEN CITIZEN OF THE YEAR PRESENTATION</b>
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Karole Kelly-Anstedt, Human Right Commissioner, stated the Gene and Mary Jacobsen Citizen of the Year Award was given to a family, business, or individual that had shown outstanding community service, a commitment to human rights, or efforts to improve the community and make it a better place for all.

Kim Jacobsen presented the Gene and Mary Jacobsen Citizen of the Year Award to Joe Carr. Mr. Carr thanked Ms. Jacobsen.

Council Member Whalen thanked Mr. Carr for everything he had done for the schools and the community. He indicated the award could not go to a better person this year and he looked forward to many more years of everything Mr. Carr did for the community.

Council Member Christensen stated it was nice to have someone like Mr. Carr getting the award as it showed how the community pulled together in positive ways.

Council Member Hayford Oleary also thanked Mr. Carr for his work in the schools and his annual fundraiser.

Mayor Pro Tempore Trautmann stated on behalf of the city they are grateful Mr. Carr was in the community and he was happy to honor him with this award.

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

Motion carried: 4-0

<b>ITEM #3</b>	<b>RECEIPT OF THE CITY OF RICHFIELD ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022 (STAFF REPORT NO. 84)</b>
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Council Member Christensen presented Staff Report 84.

Director Verma stated the annual financial audit was complete for 2022 and Caroline Stutsman was in attendance to present the audit results.

Caroline Stutsman, BerganKDV Ltd., presented the 2022 audit results noting they believed the financial statements were fairly stated in all respects through December 2022. She indicated they did not have any findings in relation to the internal controls either.

M/Christensen, S/Hayford Oleary to accept the annual financial report for year ending December 31, 2022.

Council Member Whalen stated on the last slide regarding the project numbers, he knew one project that skewed the statistics was the large underpass. He asked if the slide included all of the money that went towards that project or was it just the Richfield portion. Ms. Stutsman responded she believed it was just the Richfield project that was recorded.

Council Member Whalen asked Ms. Stutsman to explain in layman's terms a summary of what he knew she said. Ms. Stutsman explained they had to check all of the numbers and if there were any variations in what they looked at that would rise above certain levels, they would not be able to provide that opinion. She indicated they had checked all of the numbers and there were no material items that rose to the level for them to change their opinion.

Mayor Pro Tempore Trautmann thanked Ms. Stutsman. He indicated in addition to making sure all the numbers add up, they are also evaluating their practices. He asked Ms. Stutsman to comment on that. Ms. Stutsman responded they follow the government auditing standards, and it was common for cities to have a written finding in regard to lack of segregation of accounting duties where internal controls overlap duties. She stated because they do not have that in writing indicated they had mitigating controls in place.

Motion carried: 4-0

<b>ITEM #4</b>	<b>CONSIDER THE APPROVAL OF A NEW ON-SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSE, WITH OUTSIDE SERVICES, FOR TOMA RICHFIELD, LLC, DBA TOMA MOJO GRILL, LOCATED AT 1700 66<sup>TH</sup> STREET EAST (STAFF REPORT NO. 80)</b>
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Council Member Whalen presented Staff Report 80 and opened the public hearing.

Paul Backer, owner of Toma Mojo Grill, stated this would be their second location. He indicated they served Mediterranean inspired food at relatively modest prices. He noted pending this decision, they were hoping for a full grand opening the weekend of July 14 with half off everything.

M/Whalen, S/Hayford Oleary to close the public hearing.

Motion carried: 4-0

M/Whalen, S/Christensen to approve the new on-sale wine and 3.2 percent malt liquor license, with outside services, for Toma Richfield, LLC, dba Toma Mojo Grill, located at 1700 66<sup>th</sup> Street East.

Motion carried: 4-0

<b>ITEM #5</b>	<b>APPROVE THE SECOND READING AND HOLD A PUBLIC HEARING FOR AN ORDINANCE APPROVING RENEWAL OF CABLE TELEVISION FRANCHISE WITH COMCAST OF MINNESOTA, INC. (STAFF REPORT NO. 81)</b>
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Mayor Pro Tempore presented Staff Report 81 and opened the public hearing.

Brian Grogan of Moss and Barnett stated he represented the Cable Commission. He reviewed the terms of the franchise and background of cable TV and the franchise fee. He indicated all municipalities in the future would be facing a decrease in revenue as subscribers go to broadband subscriptions. He stated the Cable Commission recommended approval of the document and Richfield was the fifth of five cities to address this issue.

Ruane Onesirosan, 2421 W 65th Street, stated she had tried to keep abreast of Council proceedings via Channel 16, which was difficult to know which meetings got broadcast and how many times they were broadcast. She noted some meetings were not broadcast at all.

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

Motion carried: 4-0

M/Trautmann, S/Christensen to approve an Ordinance approving renewal of cable television franchise with Comcast of Minnesota, Inc.

**BILL NO. 2023-4**

**ORDINANCE APPROVING RENEWAL OF CABLE TELEVISION FRANCHISE  
WITH COMCAST OF MINNESOTA, INC.**

Motion carried: 4-0

<b>ITEM #6</b>	<b>SECOND READING OF A TRANSITORY ORDINANCE PROVIDING FUNDING FOR CERTAIN CAPITAL IMPROVEMENTS FROM THE LIQUOR CONTRIBUTION SPECIAL REVENUE FUND (STAFF REPORT NO. 82)</b>
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Council Member Whalen presented Staff Report 82.

M/Whalen, S/Christensen to approve a transitory ordinance providing funding for certain capital improvements from the liquor contribution special revenue fund.

**BILL NO. 2023-5**

**TRANSITORY ORDINANCE PROVIDING FUNDING FOR CERTAIN CAPITAL  
IMPROVEMENTS FROM THE LIQUOR CONTRIBUTION SPECIAL REVENUE FUND**

Motion carried: 4-0

<b>ITEM #7</b>	<b>APPROVAL OF A RESOLUTION AMENDING THE ALLOCATION OF THE 2022 GENERAL FUND BUDGET (STAFF REPORT NO. 85)</b>
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Council Member Hayford Oleary presented Staff Report 85.

M/Hayford Oleary, S/Christensen to adopt a resolution amending the allocation of the 2022 general fund budget.

**RESOLUTION NO. 12106**

**RESOLUTION AMENDING THE ALLOCATION OF THE 2022 GENERAL FUND BUDGET**

Council Member Whalen thanked the Finance Director and everyone who made sure everything was done appropriately.

Mayor Pro Tempore Trautmann echoed Council Member Whalen's comments.

Motion carried: 4-0

<b>ITEM #8</b>	<b>SUMMARY OF THE CITY MANAGER'S ANNUAL PERFORMANCE EVALUATION FOR THE PERIOD OF JULY 2022 TO JUNE 2023, HELD ON JUNE 13 AND JUNE 15, 2023, AS REQUIRED BY MINN. STATUTES 13D.05 SUBD. 3(A), AND CONSIDER A RESOLUTION AMENDING THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF RICHFIELD AND CITY MANAGER KATIE RODRIGUEZ (STAFF REPORT NO. 83)</b>
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Mayor Pro Tempore Trautmann presented Staff Report 83 and read a summary of the city manager's annual performance evaluation.

Council Member Christensen stated she appreciated the City Manager's guidance, and she valued her friendship and knowledge. She thanked City Manager Rodriguez.

Council Member Whalen stated he appreciated City Manager Rodriguez's leadership through the strategic plan process. He indicated he felt they now had a plan. He thanked City Manager Rodriguez.

Mayor Pro Tempore Trautmann stated when he joined the Council, they entered a season of significant change, and then the pandemic hit and the George Floyd uprising, so they had multiples crises. He thanked City Manager Rodriguez for her leadership during that period. He stated she was doing a great job and she reflected on the team she had pulled together.

M/Trautmann, S/Hayford Oleary to adopt a resolution amending the employment agreement between the City of Richfield and City Manager Katie Rodriguez.

#### **RESOLUTION NO. 12107**

#### **RESOLUTION AMENDING THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF RICHFIELD AND CITY MANAGER KATIE RODRIGUEZ**

Motion carried: 4-0

<b>ITEM #9</b>	<b>CITY MANAGER'S REPORT</b>
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City Manager Rodriguez thanked the Council and Mayor for their kind words. She indicated she felt very lucky to be with the city and noted she did not do anything alone and there was a team behind her.

City Manager Rodriguez stated at the last meeting Ms. Onesirosan had concerns about the City's HRA not following proper procedures in approving the conduit debt for the Upper Post Flats Development. She explained they had worked very closely with the Council, the HRA, and the attorneys, but they had gone back and reviewed everything and determined everything done was consistent with all the relevant laws and the Charter.

City Manager Rodriguez stated at the last meeting Mr. Kunert had expressed an interest in opening a cannabis business in the city. She indicated she had reached out to them, and this will be discussed at the upcoming Council Work Session where Council will be given an update on the adult use cannabis bill.

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

<b><u>U.S. BANK</u></b>	<b><u>06/27/2023</u></b>
A/P Checks: 314952 – 322315	\$1,608,909.27
Payroll: 179378 – 179748 43649	<u>\$553,520.99</u>
<b>TOTAL</b>	<b>\$2,162,430.26</b>

Motion carried: 4-0

<b>ITEM #11</b>	<b>HATS OFF TO HOMETOWN HITS</b>
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Council Member Hayford Oleary thanked two groups of residents who he met with recently where an update on what was going on in the city was given, how they could get involved in the City, and how to report things that they had concerns with. He noted if anyone wanted to organize a similar meeting, he was happy to join in the conversation.

Council Member Christensen gave hats off to fellow City workers and the Public Works Department for the street sweeping during the horrendous air quality last week.

Council Member Whalen gave hats off to the Richfield Leadership Network and everyone who hosted it. He noted the Community Service Commission and the City's recreation staff had started gathering feedback about the splashpad and soon there would be a chance to go online to weigh in on the preferred design for it.

Mayor Pro Tempore Trautmann lifted up the recent Juneteenth event. He stated it was a great event. He also agreed with Council Member Whalen with respect to the splashpad and noted a splashpad in the city was a big deal.

<b>ITEM #12</b>	<b>ADJOURNMENT</b>
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M/Trautmann, S/Christensen to adjourn the meeting at 8:09 p.m.

Motion carried: 4-0

Date Approved: July 11, 2023

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Simon Trautmann  
Mayor Pro Tempore

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Dustin Leslie  
City Clerk

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Katie Rodriguez  
City Manager



**STAFF REPORT NO. 86**  
**CITY COUNCIL MEETING**  
**7/11/2023**

REPORT PREPARED BY: Dustin Leslie, City Clerk

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
7/5/2023

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider adoption of a resolution designating polling places for 2023**

**EXECUTIVE SUMMARY:**

Minnesota Statute section 204B.16, subd 1 requires the City Council, by ordinance or resolution, to designate polling places for the upcoming year by December 31. Polling places for 2023 were originally approved by Council at the December 13, 2022 City Council meeting. However, the precinct 9 polling place, House of Prayer, informed staff that they could no longer serve as a polling place. Staff reached out to Church of Assumption and they agreed to serve as the precinct 9 polling place for 2023 and beyond. Per Statute, any polling place changes must be made at least 90 days before the election. Richfield will be administering the School Board election for the School District on Tuesday, November 7, 2023.

**RECOMMENDED ACTION:**

**By motion: Adopt a resolution designating polling places for 2023.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

Minnesota Statute section 204B.16, subd 1 requires the City Council, by ordinance or resolution, to designate polling places for the upcoming year.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

N/A

**C. CRITICAL TIMING ISSUES:**

Polling places must be approved at least 90 days before the November 7, 2023 School Board election. It is recommended cities approve these sites sooner due to Hennepin County's timeline for sending new polling location notices to residents.

**D. FINANCIAL IMPACT:**

None

**E. LEGAL CONSIDERATION:**

None

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

Description	Type
□ Polling Place Resolution	Cover Memo



## RESOLUTION NO.

### RESOLUTION DESIGNATING POLLING PLACES FOR 2023

**WHEREAS**, Minnesota Statute 204B.16, subd 1 requires the City Council, by ordinance or resolution, to designate polling places for the upcoming year; and

**WHEREAS**, changes to the polling places locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

**WHEREAS**, changes to the polling place locations may be made in the case of an emergency when it is necessary to ensure a safe and secure location for voting; and

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Richfield hereby designates the following polling places for elections conducted in the city in 2023;

<u>Precinct No. 1</u> Ward 1	Church of Peace 6345 Xerxes Avenue
<u>Precinct No. 2</u> Ward 1	St. Richard's Catholic Church 7540 Penn Avenue
<u>Precinct No. 3</u> Ward 1	Woodlake Lutheran Church 2120 W. 76 <sup>th</sup> St.
<u>Precinct No. 4</u> Ward 2	St. Peter's Catholic Church 6730 Nicollet Avenue
<u>Precinct No. 5</u> Ward 2	Richfield Community Center 7000 Nicollet Avenue
<u>Precinct No. 6</u> Ward 2	Bethel's Rock Church 7601 Girard Avenue
<u>Precinct No. 7</u> Ward 3	Mt. Calvary Education Building 6541 16 <sup>th</sup> Avenue
<u>Precinct No. 8</u> Ward 3	Hope Presbyterian Education Facility 7132 Portland Avenue
<u>Precinct No. 9</u> Ward 3	Church of Assumption 305 E 77 <sup>th</sup> Street

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield that the nine locations listed above are the designated 2023 polling locations in Richfield.

Adopted by the City Council of the City of Richfield, Minnesota this 11<sup>th</sup> day of July, 2023.

\_\_\_\_\_  
Mary B. Supple, Mayor

ATTEST:

\_\_\_\_\_  
Dustin Leslie, City Clerk



**STAFF REPORT NO. 87**  
**CITY COUNCIL MEETING**  
**7/11/2023**

REPORT PREPARED BY: Sam Crosby, Planner II

DEPARTMENT DIRECTOR REVIEW: Julie Urban, Acting Community Development Director  
6/29/2023

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
7/5/2023

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider a request for a Conditional Use Permit to allow a 48 child pre-school and day care at 7227 Penn Avenue South (St. Nicholas Episcopal Church).**

**EXECUTIVE SUMMARY:**

Blossomtime Montessori (Applicant) is proposing to relocate their business from Hope Church (on Portland Avenue) to St. Nicholas Church (on Penn Avenue). State-licensed day care facilities serving 15 or more children within a non-residential building require a Conditional Use Permit (CUP) in the R, Low Density Residential, Zoning District.

The Applicant is proposing to occupy 3,100 square feet of the 9,500 square foot building (roughly 33 percent of the floor area). No exterior changes are proposed except for the potential installation of a chain link fence around a play structure situated in the green space on the north side of the parcel. There is no church activity during the work week except the pastor. The facility will employ 8 teachers, but only about half of them drive. Hours of operation would be from 6:30 a.m. to 6:00 p.m.

A summary of the applicable requirements is provided in the Policies section, below, and in the required findings for a CUP attached to this report. The Planning Commission unanimously recommended approval of the request with one minor modification to require bicycle parking for 4 bikes within one year of the date of approval.

**RECOMMENDED ACTION:**

**By motion: Approve the attached resolution granting a Conditional Use Permit to allow a 48 child pre-school and day care at 7227 Penn Avenue South.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The City's permit files indicate that the church was originally constructed 1948 and it has been added onto a couple of times since then.
- In 2004, the property was granted a CUP for a Montessori school and day care with 45 children but with only 1,850 square feet of floor area and hours of operation between 7:00 a.m. to 5:30 p.m. Some renovation was completed, but the facility never opened and the approval expired.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

- Section 514.07 of the zoning code specifies two conditions:
  1. That there be a designated pick-up and drop-off area located on the site.
    - There is an existing pick-up/drop-off area, separate from the parking area, on the southwest side of the building.
  2. That designated outdoor play areas be set back at least 15 feet from any lot line which abuts a residential property.
- Since the Applicant applied to the City, the Department of Human Services (the licensing agency) has stated that a play structure is not required, therefore one will not be immediately installed. In the interim, a play area will be enclosed by a four foot tall chain link fence located at least 15 feet from the east property line, as required. The Applicant has asked for leeway in regard to the timing of the installation. If also allowed by DHS, staff finds that three months is appropriate – basically the required improvements should be installed before the end of the construction season.
- Per Zoning Code Section 544.13, day care centers are required to have one parking stall per five kids, based on licensed capacity. With a licensed capacity of 48 children, ten parking stalls are required. The property contains about 54 parking spaces – 23 in the north side lot and 31 in the south side lot. The parking lot is in good condition, but the pavement markings have worn off over time. The parking lot should be restriped to provide for orderly parking and circulation of vehicles. Knowing that the day care only has a one-year lease, staff provided an extended timeframe: that it be done within one year from the date of approval. In other words, should the lease be renewed, the work will need to be done. If the lease is not renewed, the requirement lapses with the use.
- The site is legal nonconforming with regards to bicycle parking. The Planning Commission included a condition to provide bike racks, that can accommodate at least four bicycles, within the same one-year timeframe.
- The site is legal nonconforming in regard to perimeter parking lot plantings along Penn Avenue. Per Section 544.03, Subd.7.a, the view to the parking lot from grade level should be screened to a height of three to four feet with a combination of shrubs and/or earthen berms. Staff has the ability to waive this requirement when it would not be detrimental to adjacent properties to not bring the property into conformance.
- Staff finds that waiving this requirement is appropriate because the use of the parking lot stalls will not be significantly increasing - most of the clientele will be parking only briefly while dropping off and picking up.
- Per Section 544.05, all trash and recycling will be stored either within a screened enclosure or internal to the building.
- The Environmental Health coordinator had review comments that must be addressed prior to the issuance of a building permit. (The Applicant is aware of this.) All other departments reviewed the plans and had no additional comments.

**C. CRITICAL TIMING ISSUES:**

The 60-day clock began when a complete application was received on June 2, 2023. A decision is required by August 1, 2023 or the City must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

**D. FINANCIAL IMPACT:**

None - The required application fees have been paid.

**E. LEGAL CONSIDERATION:**

- Notice of the public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site on June 15, 2023.
- The Planning Commission held the public hearing on June 26, 2023. Those in attendance were all associated with the day care and a few spoke in support of the project. The Planning Commission recommended approval of the CUP 4-0, with one minor modification.

**ALTERNATIVE RECOMMENDATION(S):**

- Approve of the proposal with modifications.
- Deny the CUP with a finding that requirements are not met.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description		Type
▣	Resolution	Resolution Letter
▣	CUP Required Findings	Backup Material
▣	Location / Zoning Map	Backup Material
▣	Applicant's Project Narrative	Backup Material
▣	Submittal Documents	Backup Material

## **RESOLUTION NO.**

### **RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A PRESCHOOL AND DAY CARE AT 7227 PENN AVENUE SOUTH**

**WHEREAS**, an application has been filed with the City of Richfield which requests approval of a conditional use permit to allow a 48 child Montessori preschool and day care at St. Nicholas Episcopal Church, 7227 Penn Avenue South, and legally described as follows:

All that part of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section 33, Township 28, Range 24, described as follows: Commencing at a point on the West line of Section 33 which is six hundred eighty-six (686) feet North of the Southwest corner of the Northwest Quarter of said section; thence North along the West line of said section two hundred ninety-eight (298) feet; thence East parallel with the North line of said subdivision one hundred sixty three and eight-one hundredths (163.81) feet; thence South parallel with the West line of said Section 33 a distance of two hundred ninety eight (298) feet; thence West one hundred sixty three and eight one hundredths (163.81) feet to the point of beginning.

The west 163.81 feet south 12 rods on the north 20 rods of the Southwest Quarter of the Northwest Quarter of Section 33, Township 28 North, Range 24 West of the 4<sup>th</sup> Principal Meridian.

**WHEREAS**, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested conditional use permit at its June 26, 2023 meeting; and

**WHEREAS**, notice of the public hearing was published in the Sun Current and mailed to properties within 350 feet of the subject property on June 15, 2023; and

**WHEREAS**, the requested conditional use permit meets the requirements necessary for issuing a conditional use permit as specified in Richfield's Zoning Code, Subsection 547.09 and 514.07, Subdivision 9, as detailed in City Council Staff Report No.\_\_\_\_; and

**WHEREAS**, the City has fully considered the request for approval of the conditional use permit;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Richfield, Minnesota, as follows:

1. The City Council adopts as its Findings of Fact the WHEREAS clauses set forth above, and the findings listed in the Required Findings Statement.
2. The requested conditional use permit for a 48 child Montessori preschool and day care, as described in the City Council Staff Report, on the property legally described above, is hereby approved, subject to the following conditions:
  - a) That the applicant records this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.09, Subd. 8. A recorded copy of the approved resolution must be submitted to the City prior to the issuance of an occupancy permit.

- b) Any new rooftop or ground mechanical equipment must be screened, per Zoning Code Section 544.05.
  - c) Sign permits are required for any signs greater than six square feet in size.
  - d) No lighting changes are proposed or approved.
  - e) The parking lot shall be restriped, and bike racks for 4 bikes installed, within one year of the date of approval.
  - f) The exterior improvements required by DHS shall be installed within three (3) months of the date of approval.
  - g) The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated June 13, 2023, and compliance with all other City, County and State regulations.
  - h) Prior to the issuance of an occupancy permit the applicant must submit a surety equal to 125% of the value of any improvements and/or requirements not yet complete. This surety shall be provided in the manner specified by the Zoning Code.
3. The conditional use permit shall expire one year after issuance unless 1) the use for which the permit was granted has commenced; or 2) Building permits have been issued and substantial work performed; or 3) Upon written request of the applicant, the Council extends the expiration date for an additional period not to exceed one year. Expiration is governed by the City Zoning Ordinance, Section 547.09, Subdivision 9.
4. This conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the City's Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of July 2023.

\_\_\_\_\_  
Mary B. Supple, Mayor

ATTEST:

\_\_\_\_\_  
Dustin Leslie, City Clerk

**Blossomtime Montessori (7227 Penn Ave. S)**  
**Code Requirements / Required Findings**

**Part 1 – Conditional Use Permit:** The findings necessary to issue a Conditional Use Permit (CUP) are as follows (547.09, Subd. 6):

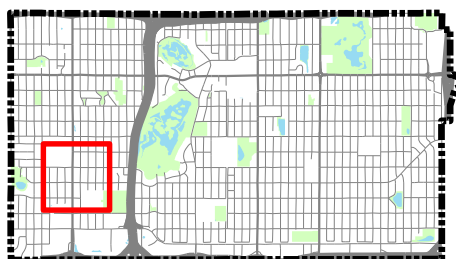
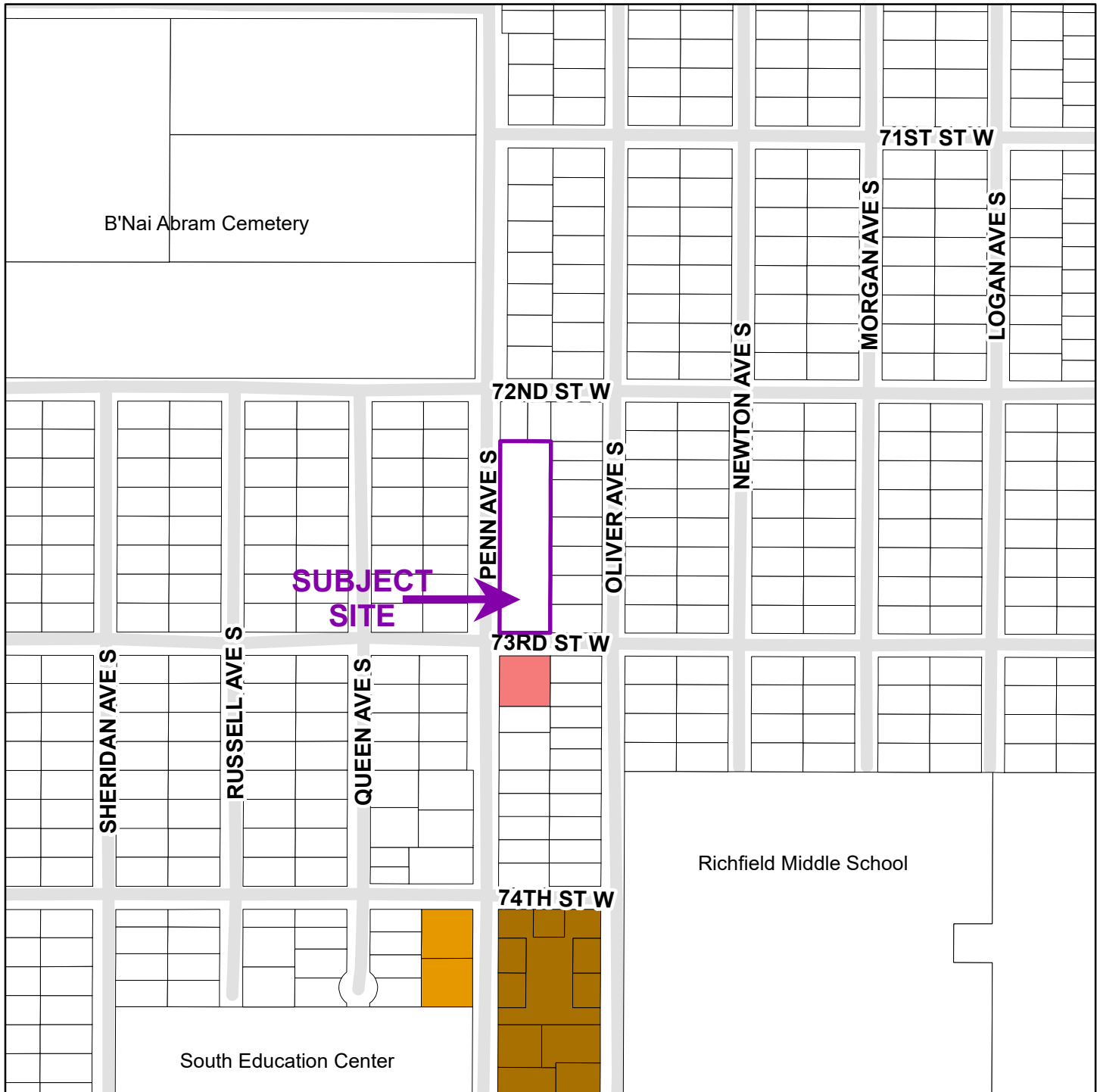
1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan.* The proposed use is consistent with the "Public/Quasi-Public" guiding designation. The Comprehensive Plan does not have any goals or policies specifically related to day care facilities, however, the proposal supports business retention and provides a much needed services to families.
2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.* The purpose of the Zoning Code is to protect and promote the public health, safety, aesthetics, economic viability, and general welfare of the City. The purpose of the R "Low Density Residential" district is to protect and preserve the low density residential character and provide residential locations that are safe, attractive, and quiet. The proposal is consistent with both these purposes.
3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* There are no specific redevelopment plans or design guidelines that apply to the property.
4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code.* The property will maintain the status quo in regards to performance standards requirements. Since no building expansion is proposed, the site may continue with its present nonconformities, if there are any – a comprehensive review was not conducted, except for parking which is compliant.
5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements.* The City's Public Works and Engineering Departments have reviewed the proposal and do not anticipate any issues.
6. *The use will not have undue adverse impacts on the public health, safety, or welfare.* The proposed use is not anticipated to have any adverse impacts to public health, safety and welfare.
7. *There is a public need for such use at the proposed location.* The use is an existing use currently located elsewhere in the City. The success of the existing business demonstrates the need.
8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit.* The use will comply with the two specific conditions listed by the R district for state licensed day care facilities serving more than 15 children.







# 7227 Penn Avenue South

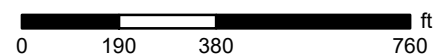
## Location and Zoning Map

Blossomtime Montessori



### Legend

-  R Low Density Residential
-  MR-2 Multi-Family
-  MR-3 High-Density Multi-Family
-  C-1 Community Commercial





Richfield Montessori School and Child Care Inc.  
D.B.A. Blossomtime Montessori School  
7132 Portland Avenue, South  
Richfield, MN 55423

May 31, 2023

The Planning Commission  
City of Richfield  
Richfield, MN 55423

Dear Members,

Thank you so much for your understanding and support relating to our relocation plans.

We are a Department of Human Services (DHS) licensed childcare center (Lic. ID 831153) with a current actual enrollment of 75 children and a maximum licensed capacity of 84 children. Our school, Blossomtime Montessori School, has been in existence for 52 years and during that time we have operated out of locations in both Richfield and Bloomington. However, for the last 15 years, we have been exclusively at a building owned and operated by Hope Church at 7132 Portland Avenue South in Richfield.

Unfortunately, roughly a month ago, Hope Church decided to rent our space along with another vacant area within the same building to a different company and we were asked to move out of our existing space by the 30<sup>th</sup> of June. As a result, for about the last 4 weeks, we along with our parents have been frantically looking for an alternative space for our childcare center. Due to all the hard work of our parents, finally, we found space at St Nicholas Church at 7227 Penn Avenue South in Richfield, MN 55423 and we believe we can relocate at least a major portion of our operation to this new location. The Department of Human Services has indicated that we can have up to 48 children at this location.

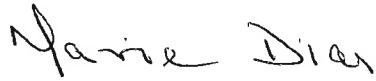
This is an existing church with commercial zoning and ample parking including stalls designated as handicap parking. The floor plans that are attached tend to indicate that the original intention of this space was to house a childcare center, but no childcare center has occupied this space in the recent past. As a result, we are not planning to make any additions or changes to the existing structure, except for minor improvements such as painting, new carpeting, etc.

However, we will need to set up an outdoor playground and there is ample unused yard space for that in the current lot. The Department of Human Services is willing to give us a waiver of

several months from the start of our operation at this location for the installation of the playground and we assume that the planning commission will also act accordingly.

We have completed the attached Planning and Zoning Application and are requesting a Conditional Use Permit that would allow us to operate our childcare center at 7227 Penn Avenue South starting August 1<sup>st</sup>, 2023, please.

Thank you very much.

A handwritten signature in black ink that reads "Marie Dias". The signature is written in a cursive, flowing style.

Marie Dias

Blossomtime Montessori School





NO.	NAME	FLOOR	BASE	WALLS	NORTH	EAST	SOUTH	WEST	CEILING	NOTES	
	MAIN FLOOR	MTL	FIN	MTL	MTL	FIN	MTL	FIN	MTL	FIN	HT
	WORSHIP / ALTAR	EXG									5
100	WORSHIP / ALTAR	EXG							SPLAS PT.	EXG PT.	5
103	STAIR ENTRY	EXG									5
104	PRESCHOOL CLASSROOM	EXG									5
105	NURSERY CLASSROOM	EXG									5
106	VESTING OFFICE CLASSROOM	EXG									5
107	LIBRARY / MTG CORRIDOR	CONC	VAT	VB	CPT	PT	CPU	PT	CPU	PT	WD
108	CORRIDOR	EXG	CPT	VB	EXG	PT	EXG	PT	EXG	PT	EXG
109	WORKROOM	CONC	CPT	VB	GBD	PT	EXP	PT	GBD	PT	ACP - 8'-4" 6
110	OFFICE	CONC	CPT	VB	GBD	PT	GBD	PT	GBD	PT	ACP - 8'-4" 12-4
111	ENTRY	CONC	CT	CT	GBD	PT	GBD	PT	GBD	PT	GBD TEX VARIES
112	COAT ROOM	CONC	CPT	VB	GBD	PT	EXGR	-	GBD	PT	ACP - 8'-4"
114	JANITOR	CONC	-	VB	CPU	PT	CPU	PT	GBD	PT	EXGR - VARIES
115	WOMEN	CONC	CT	CT	GBD	PT	GBD	PT	GBD	PT	ACP - 8'-0"
116	MEN	CONC	CT	CT	GBD	PT	GBD	PT	GBD	PT	ACP - 8'-0"
117	GATHERING NARTHEX / COATS	CONC	CPT	VB	EXGR	-	GBD	PT	GBD	PT	ACP - 8'-4"
118	NARTHEX ENTRY / STAIR	CONC	VAT	WD	SPLAS	PT	SPLAS	PT	SPLAS	PT	SPLAS PT 8'-6"
119	ENTRY / STAIR	CONC	CPT	WD	SPLAS	PT	SPLAS	PT	SPLAS	PT	VARIES

[illegible]

1. VERIFY DOOR SIZE (HT) TO FIT BELOW EXISTING WINDOW HEADER.
2. INSTALL REUSED EXIT DEVICE ON EXISTING DOOR.
3. DOORS AND FRAMES SHALL DISPLAY FIRE RATED LABELS AS INDICATED ON DOOR SCHEDULE.
4. REUSE EXG. HUD. ON NEW DOORS IN EXG. FR.
5. HUD. BY DR. SUPPLIER.
6. SIGNS BY OWNER.
7. REM EXG. EXIT DEVICE & INSTALL EXIT DEVICE SALVAGED FROM REMOVED EXG. DOOR.

CT & FT. FINISHES ARE BY OWNER TYP. UON

EXG. CONDITIONS ARE NOTED WITH THIS TYPE STYLE.  
NEW CONDITIONS ARE NOTED WITH THIS TYPE STYLE.  
WHERE 'EXG.' IS SHOWN, EXG. FINISHES/MATERIALS  
SHALL REMAIN, PATCH AS REQ'D.

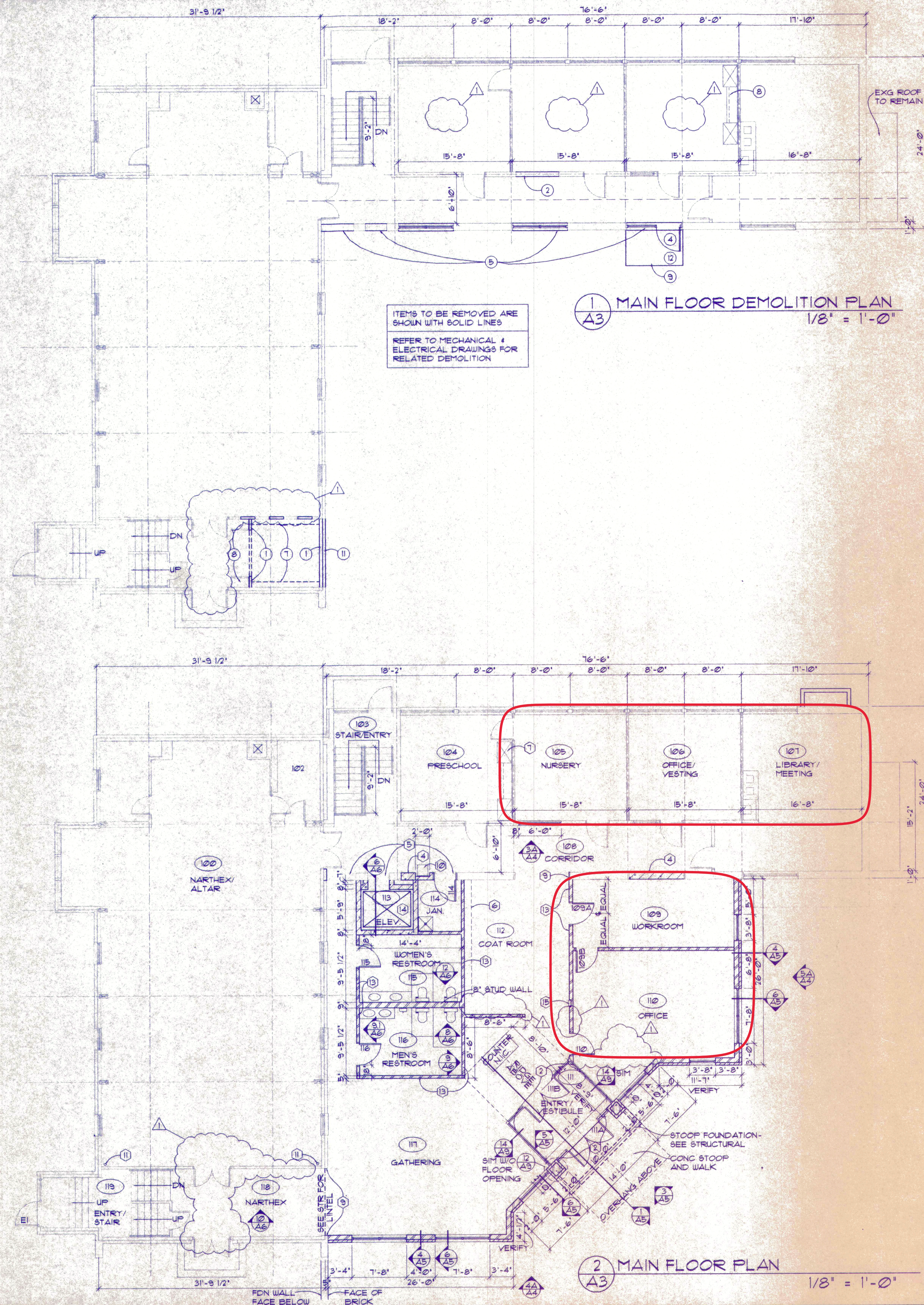
1. PATCH CMU CUTOUTS AT NEW BORROWED LITE
2. PROVIDE CMU INFILL WHERE SHOWN
3. INSTALL CPT OVER EXG. SUBSTRATE. REF. ALTERNATES
4. INSTALL CPT OVER EXG. VAT
5. ALL EXG. FINISHES TO REMAIN
6. PATCH AT MODIFIED AREAS TO MATCH EXG.
7. PATCH AT MODIFIED AREAS TO MATCH EXG.

- ① REM/CUTOUT EXG. GYP/PLAS & STUD PTN
- ② REM/CUTOUT EXG CMU PTN/WALL
- ③ REMOVE DOORS - SEE DOOR SCHEDULE
- ④ REM DOOR AND FRAME
- ⑤ REMOVE PORTIONS OF CMU WALL AND WINDOWS

- ① REMOVE ROD AND SHELF
  - ② OWNER WILL REMOVE AND SALVAGE EXISTING CABEWORK
  - ③ REMOVE EXG. CONCRETE STOOP
- 
- ⑪ REMOVE EXISTING BRICK SAWCUT OR TOOTH-IN PATCH EDGES
  - ⑫ SALVAGE EXIT DEVICE FOR REUSE ON DOOR E!

- (2) ALUM STOREFRONT ENTRANCE
- (4) INFILL EXG CPG WITH MATCHING THICKNESS OF CMU
- (5) FINISH PATCH CMU AT CUT LOCATIONS - TYP.
- (6) ROD & SHELF SEE DETAIL
- (7) OWNER WILL RESET SALVAGED CABEWORK
- (8) PAINT THIS WALL
- (9) PATCH WALLS
- (10) EUC SURFACE MTD IN 6" RECESS - SEE MECH
- (11) POSSIBLE SPRINKLER RISER LOCATION - SEE MECH
- (13) PROVIDE 1 HOUR FIRE RESISTIVE PTN UL DESIGN NO. U465
- (14) PROVIDE 2 HOUR FIRE RATED ENCLOSURE AROUND ELEVATOR HOISTWAY
- (15) FIRE EXTINGUISHER IN SEMI-RECESSED CAB

- ALL GBD AND STUD PTNS SHALL EXTEND UP TO STRUCTURE EXCEPT KNOCK OUT PTNS WHICH EXTEND UP TO CLG ONLY.
- ALL GBD AND STUD PTNS SHALL HAVE ACOUSTICAL INSULATION.
- TYPICAL ST STUD SPACING 24" O.C. UON.



1 MAIN FLOOR DEMOLITION PLAN  
A3 1/8" = 1'-0"

## 2 MAIN FLOOR PLAN

NOT TO SCALE

### 3 SIGNAGE DETAILS



# ROOM FINISH SCHEDULE - LOWER FLOOR

NO.	NAME	FLOOR BASE WALLS								CEILING		NOTES			
		NORTH				EAST				SOUTH			WEST		
		MTL	FIN	MTL	FIN	MTL	FIN	MTL	FIN	MTL	FIN		HT		
B120	ELEV. MACHINE	CONC	-	-	EXG	CMU	-	EXG	CMU	-	CMU	-	EXP	STR	VARIES

# DOOR SCHEDULE - LOWER FLOOR

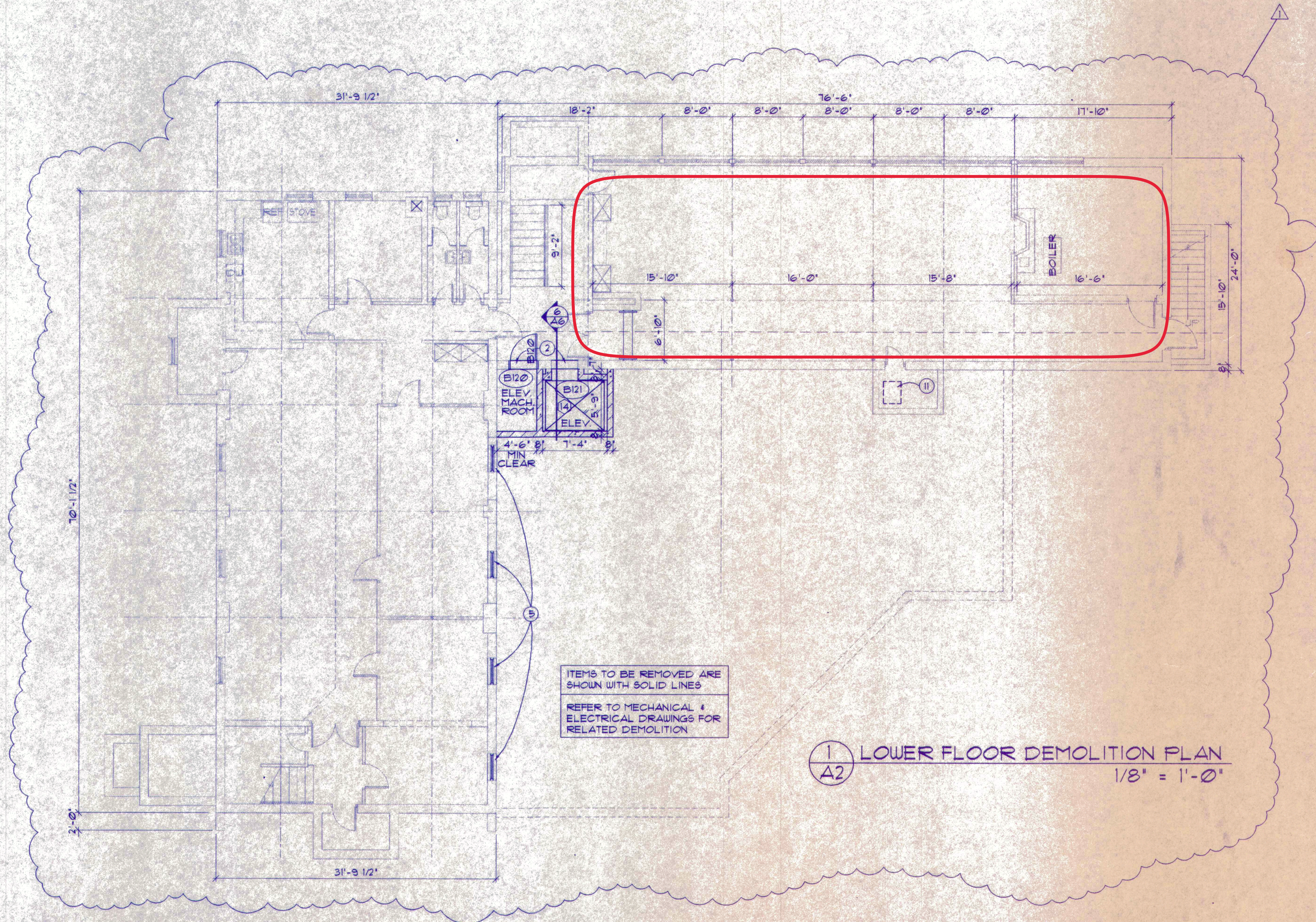
DOOR	NO.	SIZE	TYPE	MAT'L	FINISH	LABEL	FRAME	TYPE	MAT'L	FINISH	DETAIL	GROUP	HDWR	NOTES
B120	3'-0" X 6'-11" X 1 3/4"	B	UD	SSV	C-10 MIN	B	HM	PT	IC/A4	6	2.3			

## LOWER FLOOR PLAN DEMO NOTES:

- ② REMOVE/ CUTOUT EXG CMU PARTITION/ WALL
- ⑤ REMOVE WINDOWS
- ⑪ REF MECH FOR GAS METER REVISIONS

## LOWER FLOOR PLAN NOTES:

- ⑭ PROVIDE 2 HR FIRE RATED ENCLOSURE AROUND ELEVATOR HOISTWAY



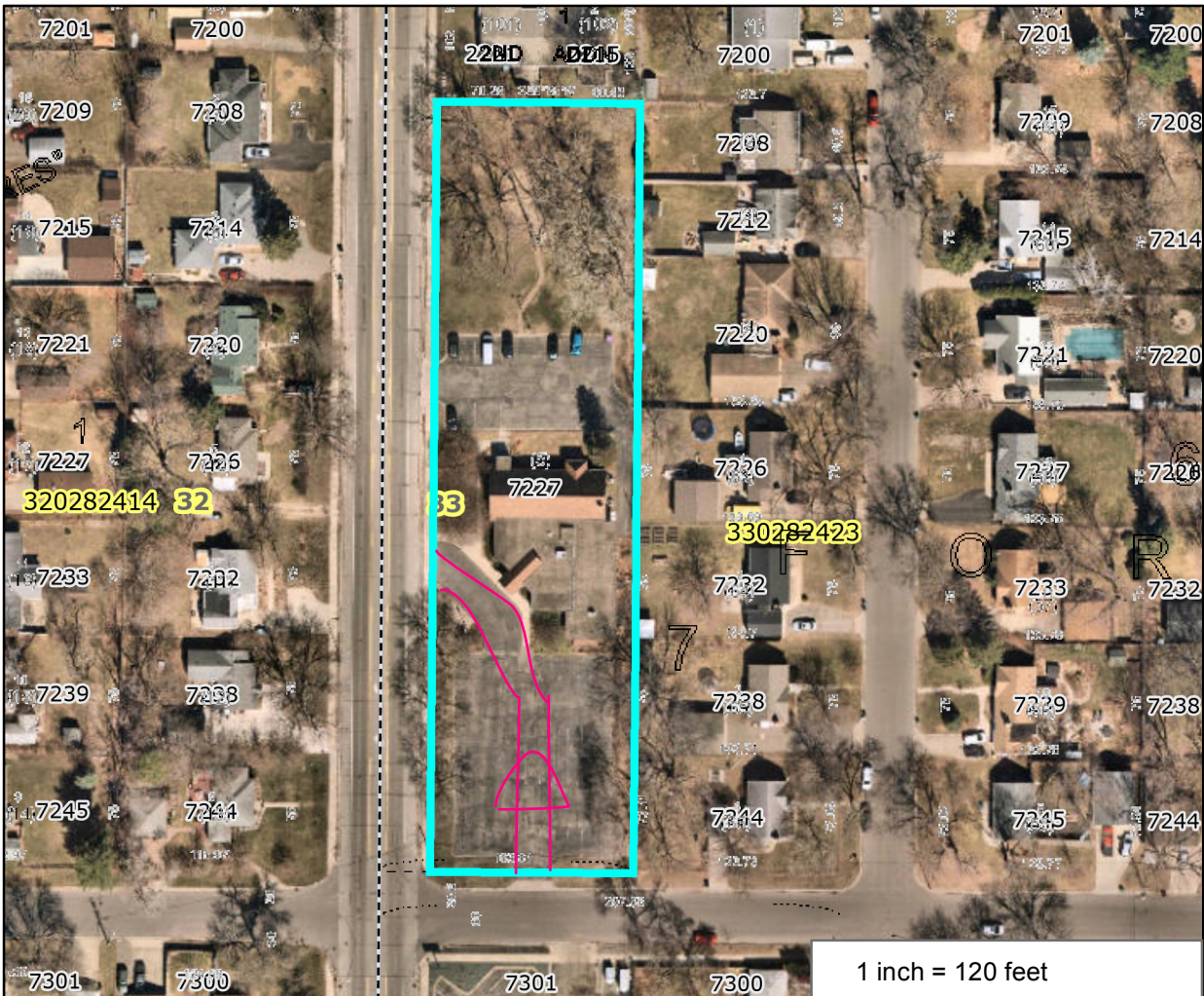


## Drop-off Driveway



# Hennepin County Property Map

Date: 5/31/2023



PARCEL ID: 3302824230005

OWNER NAME: St Nicholas Episcopal Church

PARCEL ADDRESS: 7227 Penn Ave S, Richfield MN 55423

PARCEL AREA: 1.49 acres, 64,867 sq ft

A-T-B: Both

SALE PRICE:

SALE DATE:

SALE CODE:

ASSESSED 2022, PAYABLE 2023

PROPERTY TYPE: Commercial-Preferred

HOMESTEAD: Non-Homestead

MARKET VALUE: \$0

TAX TOTAL: \$0.00

ASSESSED 2023, PAYABLE 2024

PROPERTY TYPE: Commercial

HOMESTEAD: Non-Homestead

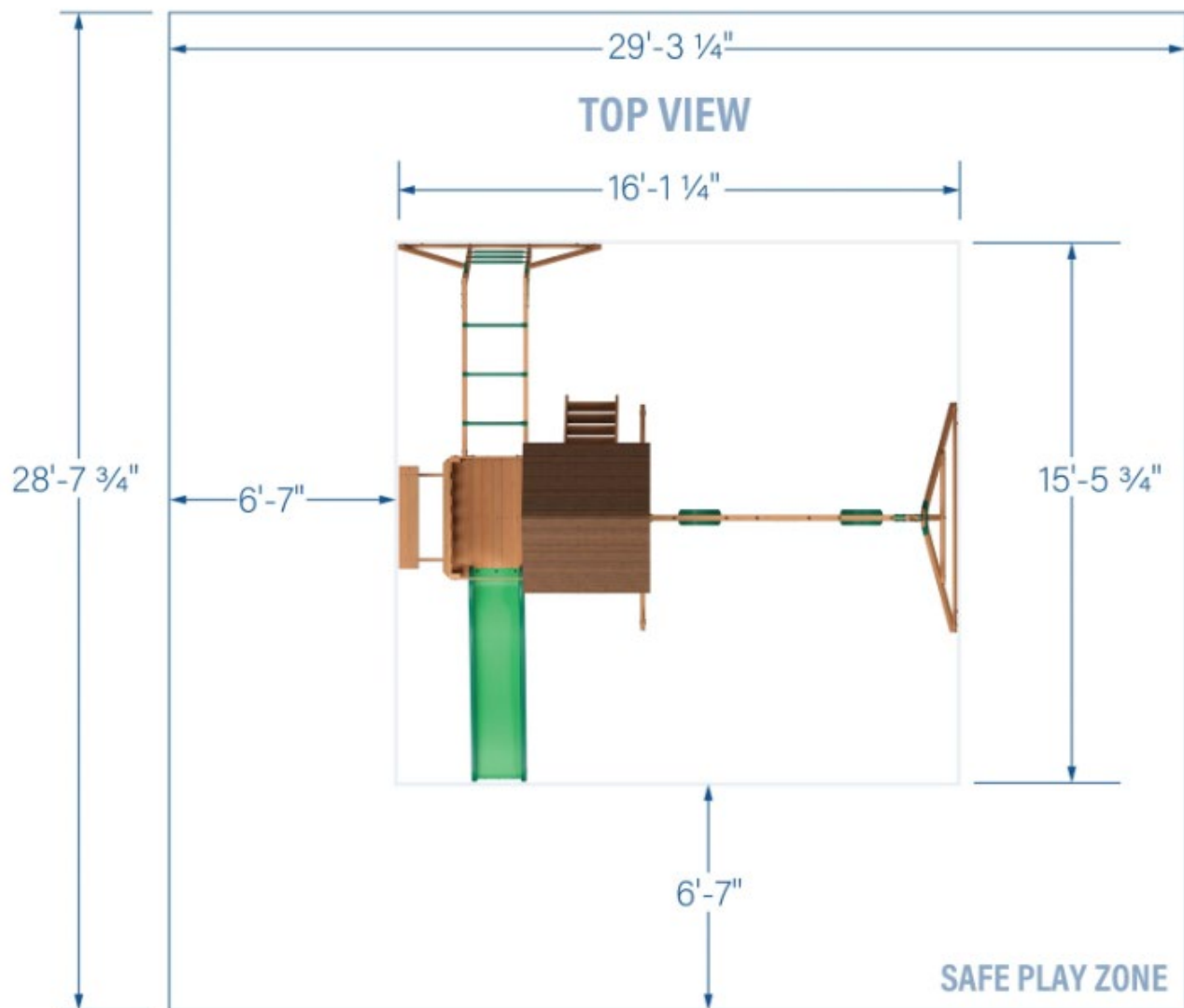
MARKET VALUE: \$0

### Comments:

St Nicholas

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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COUNTY 2023



## MONTPELIER SWING SET











**STAFF REPORT NO. 88**  
**CITY COUNCIL MEETING**  
**7/11/2023**

REPORT PREPARED BY: Kelly Wynn, Administrative Assistant

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
7/5/2023

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the adoption of a resolution appointing a representative to the Board of Directors of the Richfield Tourism Promotion Board.**

**EXECUTIVE SUMMARY:**

On June 25, 1990 the City Council approved an ordinance to levy a 3% tax on gross receipts of lodging from Richfield Hotels and Motels pursuant to Minnesota Statutes. The establishment of the Richfield Tourism Promotion Board, Inc (RTPB) and the appointment of directors was also a part of the resolution. Currently, there are seven director positions on the RTPB. The term of each appointment is for three years. These appointments contain:

- 3 Hotel Representatives-recruited by and appointed by RTPB;
- 1 Chamber Representative-recruited and appointed by the Richfield Chamber of Commerce;
- 1 Resident Representative-recruited and appointed by the City of Richfield;
- 1 Restaurant Representative-recruited and appointed by the City of Richfield (must have restaurant experience, preference for a Richfield restaurant owner or manager and does not need to be a Richfield resident); and
- Richfield City Manager or their designee shall be a voting ex-officio member.

The city of Richfield recently appointed a Richfield resident to the RTPB but they have resigned due to conflict of interest after becoming employed by Richfield. City Council interviewed candidates on March 25, 2023 and have chosen a replacement from those interviews. They are recommending Mary Kindseth to serve the term that will begin immediately and end January 31, 2025.

**RECOMMENDED ACTION:**

**By motion: Adopt a resolution appointing Mary Kindseth to the Board of Directors of the Richfield Tourism Promotion Board, Inc.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

In December 2022, the City updated the agreement with RTPB to include a resident and restaurant representative member of the board appointed by the City.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

The City Council has the authority to make appointments to the RTPB.

**C. CRITICAL TIMING ISSUES:**

Since the RTPB is a relatively small board the Council should make the appointment to ensure a quorum of the Board, allowing RTPB to continue to conduct their business.

**D. FINANCIAL IMPACT:**

There is no cost to the City in making the appointment.

**E. LEGAL CONSIDERATION:**

The appointment conforms to City ordinance and bylaws of the RTPB.

**ALTERNATIVE RECOMMENDATION(S):**

The Council could choose not to appoint Mary Kindseth but that would make it more difficult for RTPB to conduct their business.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

Description	Type
□ Resolution	Resolution Letter

**RESOLUTION NO.**

**RESOLUTION APPOINTING AT-LARGE CITIZEN DIRECTOR  
TO THE BOARD OF DIRECTORS OF THE RICHFIELD  
TOURISM PROMOTION BOARD, INC.**

**WHEREAS**, the City of Richfield has levied a 3% tax on the gross receipts of lodging from hotels and motels in the City pursuant to Minnesota Statute Section 469.190; and

**WHEREAS**, Minnesota Statute Section 469.190 authorizes the proceeds of the tax to fund a Tourism Promotion Board for the purpose of marketing and promoting the City as a tourist or convention center; and

**WHEREAS**, in December 2022, the City updated the agreement with Richfield Tourism Promotion Board to include a resident and restaurant representative member of the board appointed by the City.

**WHEREAS**, the articles and bylaws of the Richfield Tourism Promotion Board, Inc. provide the City Council of the City of Richfield appoint two (2) directors to the Board representing the restaurant industry and an at-large representative from the community of Richfield; and

**WHEREAS**, each director shall serve as a director until his or her successor has been appointed and has qualified, or until his or her earlier disqualification, death, resignation, or removal; and

**WHEREAS**, the City Council recommends Mary Kindseth to be appointed to the at-large citizen director position.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Richfield, Minnesota, that the Richfield Tourism Promotion Board directors be modified as follows:

Appoint Mary Kindseth to the Richfield Tourism Promotion Board to complete a mid-year term ending January 31, 2025.

Adopted by the City Council of the City of Richfield, Minnesota, this 11th day of July, 2023.

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Mary B. Supple, Mayor

ATTEST:

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Dustin Leslie, City Clerk