



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Council Meeting

September 13, 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; Melissa Poehlman, Community Development Director; Sack Thongvanh, Assistant City Manager; Jay Henthorne, Public Safety Director/Police Chief; Jennifer Anderson, Support Services Manager; Ellen Cutter, Business Licensing Clerk; Mike Dobesh, Fire Chief; Chris Swanson, Management Analyst; and Kari Sinning, City Clerk

Others Present: Mara Glubka, Human Rights Commissioner; Jon Wickett, Richfield Historical Society; Amber Lattanzio, Richfield Historical Society

PLEDGE OF ALLEGIANCE

Mayor Regan Gonzalez led the Pledge of Allegiance.

OPEN FORUM

Mayor Regan Gonzalez reviewed the options to participate:

- Participate live by calling 1-415-655-0001 during the open forum portion
- Call prior to meeting 612-861-9711
- Email prior to meeting kwynn@richfieldmn.gov

There were no participants.

APPROVAL OF MINUTES

M/Whalen, S/Hayford Oleary to approve the minutes of the: (1) City Council Work Session of July 26, 2022; (2) Joint City Council and Charter Commission Work Session of August 10, 2022; (3)

Regular City Council Meeting of August 10, 2022; (4) Special City Council Meeting of August 17, 2022; and (5) Special City Council Work Session of August 17, 2022.

Motion carried: 5-0

ITEM #1	PROCLAMATION CELEBRATING HISPANIC AMERICAN MONTH
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Mayor Regan Gonzalez invited Commissioner Glubka to accept the proclamation and read aloud the proclamation.

Council Member Trautmann recognized the Puerto Rican attorney that drafted the proclamation, Walter Burke, who is also the Human Rights Commissioner Chair.

Council Member Supple stated that this should be celebrated all the time not during one month and to celebrate the diversity within the Latino community.

Mayor Regan Gonzalez spoke about the local political Latino representation that Richfield has had over the years that is unlike any other city in the state.

ITEM #2	PROCLAMATION OF THE CITY OF RICHFIELD FOR NEL SWANSON
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Mayor Regan Gonzalez invited Jon Wickett Richfield Historical Society to accept the proclamation and read aloud the proclamation. Jon Wickett was honored to accept the proclamation on her behalf and shared a brief anecdote.

Council Member Whalen shared a memory of Nel Swanson and the pride that she had for this community.

Council Member Supple expressed gratefulness for Nel Swanson as a mentor and mentioned that Nel Swanson was the first black educator in Richfield Public Schools. She thanked the Historical Society for this well-deserved honor.

Mayor Regan Gonzalez added that Nel Swanson was influential for herself and the community at large.

ITEM #3	PROCLAMATION CELEBRATING THE BARTHOLOMEW HOUSE'S 170TH BIRTHDAY
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Mayor Regan Gonzalez read aloud the proclamation and presented it to Jon Wickett and Amber Lattanzio. Jon Wickett shared information of Riley Bartholomew and invited the community to attend the celebration event on Saturday.

Council Member Trautmann thanked and recognized the Historical Society for the land acknowledgement, the history of the Bartholomew House in the proclamation, and for the good works the Historical Society does for the community.

ITEM #4	APPROVAL OF THE AGENDA
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M/Supple, S/Trautmann to approve the agenda.

Motion carried: 5-0

ITEM #5	CONSENT CALENDAR
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City Manager Rodriguez presented the consent calendar.

- A. Consider approval of the 2022-2023 Emergency Preparedness agreement with the City of Bloomington, using public health emergency preparedness grant funds distributed by a federal grant from the Centers for Disease Control, to provide services in the area of public health emergency preparedness/bio-terrorism and the development of a response system. (Staff Report No. 117)
- B. Consider the approval of a first reading of an ordinance amending Sections 617, 618 and 619 of the Richfield City Code to update regulations to be consistent with delegated State requirements and miscellaneous edits for clarity related to food establishments, lodging establishments, and public pools. (Staff Report No. 118)
- C. Consider the approval of the continuation of an agreement with the City of Bloomington for the provision of food, pools, lodging, therapeutic massage and body art establishment inspection services for the City of Richfield for 2023. (Staff Report No. 119)
- D. Consider the approval of the fourth amendment to the Site Lease Agreement at 6700 Portland Avenue between the City of Richfield and Sprint Spectrum Realty Company, LLC (successor in interest to Sprint Spectrum LP., a Delaware limited partnership) modify equipment and request for the addition of an automatic five (5) year automatic Renewal Term. (Staff Report No. 120)
- E. Second Reading of an Ordinance Amending Section 300 and Section 1220 of the City Code of Ordinance relating to the Abolishment of the Liquor Department and Liquor Operations Director Position Within the City Organization. (Staff Report No. 121)

BILL NO. 2022-11

ORDINANCE AMENDING SECTION 300 AND SECTION 1220 OF THE CODE OF ORDINANCES RELATING TO THE ABOLISHMENT OF THE LIQUOR DEPARTMENT AND LIQUOR OPERATIONS DIRECTOR POSITION WITHIN THE CITY ORGANIZATION

- F. First reading of an ordinance amendment modifying regulations for Electric Vehicle charging. (Staff Report No. 122)
- G. Consider the approval of setting a public hearing to be held on September 27, 2022, to consider the issuance of new On-Sale Wine and 3.2 Percent Malt Liquor licenses for Kataki, located at 6401 Nicollet Avenue. (Staff Report No. 123)
- H. Consider a resolution approving a Grant Compliance Agreement, and related documents, between the City and Minnesota Independence College and Community for use of a Livable Communities Demonstration Act grant. (Staff Report No. 124)

RESOLUTION NO. 11996

RESOLUTION APPROVING LOAN DOCUMENTS RELATED TO LIVABLE COMMUNITIES DEMONSTRATION

**GRANT FROM METROPOLITAN COUNCIL FOR
MINNESOTA INDEPENDENCE COLLEGE AND
COMMUNITY**

- I. Consider the adoption of a resolution establishing an absentee ballot board and appointing election judges for the General Election of November 8, 2022. (Staff Report No. 125)

RESOLUTION NO. 11997

**RESOLUTION APPOINTING ELECTION JUDGES FOR THE
GENERAL ELECTION OF NOVEMBER 8, 2022**

- J. Consider approval of the purchase of a Mack tandem-axle cab/chassis from Nuss Truck & Equipment for \$123,507 and dump box/snow fighting equipment from Towmaster Truck Equipment for \$153,712 totaling \$277,219 plus taxes and licensing in 2023 for use by the Public Works Department and authorize the City Manager to approve contract changes not to exceed \$10,000 without further City Council consideration. (Staff Report No. 126)
- K. Consider pre-authorizing the acceptance of \$8,992 in Safety Grant Program funds from the Minnesota Occupational Safety and Health Administration (MNOSHA) to assist in the purchase of stackable aluminum trench boxes for enhanced jobsite safety. (Staff Report No. 127)
- L. Consider the approval of a request for the temporary expansion of the licensed premises for Thompson's Fireside Pizza, Inc., d/b/a Fireside Foundry, located at 6736 Penn Avenue South, to allow for the outside service of strong beer in their parking lot on Sunday, September 18, 2022, in conjunction with Richfield's Open Streets at Penn Fest event. (Staff Report No. 136)

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

Council Member Trautmann thanked Support Services Manager Anderson and Police Chief Henthorne for the flexibility for our businesses and community to participate in Penn Fest. Mayor Regan Gonzalez seconded the comment.

Council Member Supple drew attention to item K that helps create safer working environments for our public works workers and thanked the staff that applied for the grant.

Council Member Whalen clarified the restructuring of the liquor department (item E) and expressed sadness for the closure of Vina and excitement for Kataki.

Motion carried: 5-0

ITEM #6	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR
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None.

ITEM #7	SECOND READING OF A PROPOSED ORDINANCE AMENDING THE EXISTING CABLE TELEVISION FRANCHISE AGREEMENT FROM AUGUST 1, 2022, TO JANUARY 31, 2023 WITH COMCAST OF ARKANSAS/FLORIDA/LOUISIANA/MINNESOTA/MISSISSIPPI/TENNESSEE, INC. (STAFF REPORT NO. 128)
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Council Member Trautmann presented Staff Report 128 and opened the public hearing.

City Manager Rodriguez stated that this is a standard extension while the City negotiations for a new agreement are being held.

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

Motion carried: 5-0

M/Trautmann, S/Hayford Oleary to approve the attached ordinance amending the term of the Existing Franchise Agreement from August 1, 2022, to January 31, 2023.

BILL NO. 2022-10

**ORDINANCE EXTENDING THE TERM OF THE FRANCHISE
HELD BY COMCAST OF MINNESOTA, INC.**

Motion carried: 5-0

ITEM #8	SECOND READING OF A PROPOSED ORDINANCE AMENDMENT UPDATING THE CITY’S ZONING CODE SUBSECTION THAT REGULATES FENCES, WALLS, AND HEDGES. (STAFF REPORT NO. 129)
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Council Member Hayford Oleary presented Staff Report 129.

Community Development Director Poehlman responded to the open forum comment from the Planning Commission and clarified that they simplified the ordinance and their feedback was taken into consideration.

Council Member Hayford Oleary expressed concerns of simplicity and confusion of the ordinance to residents and proposed an amendment that would have a three foot setback for all regardless of the type of lot and allow residents to choose landscaping. He also asked if a fence would have to be moved if a sidewalk was constructed. Director Poehlman stated that there would have to be negotiations with the homeowner to move the fence. Council Member Hayford Oleary shared concerns about having different standards for properties that could potentially have sidewalks compared to those that would not.

Council Member Whalen asked Director Poehlman to address why this ordinance is being amended. Director Poehlman gave a history of the comments received from residents and how the ordinance got before Council. Some of the comments were that sidewalks and trails that were right next to fences felt unsafe and to allow residents the most use of their yards. Council Member Whalen expressed support for a three foot setback instead of a six foot setback and no setback if it is not required; the minimal setback that allows the city to install potential sidewalks and trails while not over regulating the ordinance.

Council Member Supple asked if a building permit is required. Director Poehlman stated that fences are not required to have permits. Council Member Supple agreed with Council Member Whalen’s comments and also agreed with simplifying the ordinance for residents to understand.

Council Member Trautmann appreciated the additions that staff made to the ordinance and supported the simplification of the ordinance since residents will be reading this code by themselves and to reduce confusion.

Mayor Regan Gonzalez echoed the discussion regarding the simplifying of the ordinance and agreed with Council Member Whalen’s comments.

Council Member Hayford Oleary asked why six foot fences are held to a higher standard and that the opacity or material quality is not in question. Director Poehlman spoke about the aesthetics and safety concerns between a six foot and a four foot fence.

Council Member Hayford Oleary asked staff if they were clear on what was discussed. Director Poehlman stated that Council would like to include a three foot setback for fences along sidewalks or without sidewalks for six foot fences, no additional setbacks for four foot fences, and removal of the landscaping requirement.

Council Member Whalen asked if residents could apply for a variance for houses that have their back doors on the side of their property so that they could have a six foot fence instead of a four foot fence. Director Poehlman stated that variances are granted for very specific and unique cases. Council Member Whalen asked if there would be exceptions upon staff consideration that would not cause more restrictions. Director Poehlman stated that if fences already existed there is not a requirement for residents to remove fences that were already in place and residents could also plant a row of trees for privacy. Council Member Whalen acknowledged that residents with privacy fences already in place will be grandfathered and that there could be frustrations for residents that want to install privacy fences along the side of their properties that they would classify as their back yards.

Council Member Hayford Oleary appreciated the comments from Council Member Whalen and acknowledged that corner lot properties would still be able to install a fence but it would not be a full six foot height. He mentioned that residents should know where their property lines are so that they are building their fences with the correct setback.

Council Member Trautmann asked for clarification around the special exception variance specified in the ordinance. Director Poehlman stated that the special exception variance specified in the ordinance was for through-lots only but others would be able to file for a formal variance.

M/Hayford Oleary, S/Supple to approve the proposed ordinance amendments to the City's Zoning Code to incorporate general provisions, modified height requirements for corner lots, and a special fence exception for through lots with the changes discussed which include reducing the setback of six foot fences to three feet and removing a landscaping requirement for those fences and; 2) approve resolution authorizing summary publication of said ordinance.

BILL NO. 2022-12

**ORDINANCE MODIFYING THE ZONING CODE
IN RELATION TO FENCES WALLS AND HEDGES**

RESOLUTION NO. 11998

**RESOLUTION APPROVING SUMMARY PUBLICATION OF
AN ORDINANCE MODIFYING THE MUNICIPAL CODE IN
RELATION TO FENCES, WALLS AND HEDGES**

Motion carried: 5-0

ITEM #9	CONSIDER A RESOLUTION APPROVING THE 2022 REVISED AND 2023 BUDGET FOR THE AFFORDABLE HOUSING TRUST FUND. (STAFF REPORT NO. 130)
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Council Member Supple presented Staff Report 130.

Director Poehlman reminded Council that the HRA approved the revised budget in August.

Council Member Supple thanked staff for their work on the budget and urged residents to check out the Affordable Housing Trust Fund annual report to view the programs.

M/Supple, S/Whalen to adopt a resolution designating the City's contribution toward health, dental, term life, and long term disability insurance premiums for 2023 for General Services and Management employees.

RESOLUTION NO. 11999

RESOLUTION ADOPTING AN AFFORDABLE HOUSING TRUST FUND BUDGET FOR THE YEAR 2022 REVISED AND 2023

Council Member Whalen expressed excitement for the increased flexibility for TIF funding and the specific funding towards Richfield Flats. He appreciated the investments that we make into affordable housing to help find funding for the projects.

Council Member Trautmann echoed the appreciation and mentioned that the funds can be recycled if not used fully which can help out more families.

Mayor Regan Gonzalez expressed proudness of this work to provide opportunities to the community and to keep Richfield affordable and accessible to all families.

Council Member Supple brought attention to the innovating program that provides down payment assistance for buyers of Woodlawn Terrace.

Motion carried: 5-0

ITEM #10	CONSIDER THE APPROVAL OF A RESOLUTION AUTHORIZING THE LAWFUL GAMBLING PREMISES PERMIT BY FIREFIGHTERS FOR HEALING, TO CONDUCT LAWFUL GAMBLING AT PROTAGONIST KITCHEN & BAR, 6601 LYNDAL AVENUE SOUTH, SUITE 130. (STAFF REPORT NO. 131)
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Council Member Whalen presented Staff Report 131.

Manager Anderson explained that this is a routine application and that the particular establishment also owns Sandy's which also has lawful gambling.

M/Whalen, S/Trautmann to adopt the resolution approving the lawful gambling premises permit application by Firefighters For Healing, to conduct lawful gambling at Protagonist Kitchen & Bar, 6601 Lyndale Avenue South, Suite 130.

RESOLUTION NO. 12000

RESOLUTION APPROVING THE LAWFUL GAMBLING PREMISES PERMIT APPLICATION FOR FIREFIGHTERS FOR HEALING TO CONDUCT LAWFUL GAMBLING AT PROTAGONIST KITCHEN & BAR AT 6601 LYNDAL AVENUE SOUTH

Council Member Hayford Oleary asked if the permit allowed for only pull tabs. Manager Anderson stated that they do have the option to do more than pull tabs.

Motion carried: 5-0

ITEM #11	CONSIDER ADOPTION OF A RESOLUTION DESIGNATING THE CITY'S CONTRIBUTION TOWARDS HEALTH, DENTAL, TERM LIFE, AND DISABILITY INSURANCE PREMIUMS FOR 2023 FOR GENERAL SERVICES AND MANAGEMENT. (STAFF REPORT NO. 132)
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Council Member Trautmann presented Staff Report 132.

M/Trautmann, S/Supple to adopt a resolution designating the City's contribution toward health, dental, term life, and long term disability insurance premiums for 2023 for General Services and Management employees

RESOLUTION NO. 12001

RESOLUTION DESIGNATING CITY'S CONTRIBUTION TOWARD HEALTH, DENTAL, TERM LIFE, AND DISABILITY INSURANCE PREMIUM FOR GENERAL SERVICES AND MANAGEMENT EMPLOYEES

Motion carried: 5-0

ITEM #12	CONSIDER 2022 REVISED/2023 PROPOSED BUDGET RESOLUTIONS ADOPTING THE 2023 PRELIMINARY PROPERTY TAX LEVY, SETTING TRUTH IN TAXATION HEARING DATE, AUTHORIZING BUDGET REVISIONS, AUTHORIZING REVISION OF 2022 BUDGET OF VARIOUS DEPARTMENTS, AND CITY FEES FOR 2023. (STAFF REPORT NO. 133)
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Council Member Supple presented Staff Report 133.

City Manager Rodriguez thanked staff, especially Finance Manager Verma and Council for the budget process.

Finance Manager Verma presented a brief update on the budget since the August 17 work session which included information about the 2023 Fiscal Disparities Budgeted Aid which reduced the distribution levy that has an impact of \$163 increase per household from 2022.

Council Member Supple echoed the thanks to all the staff and thanked Finance Manager Verma on the update on the impact of the fiscal disparities.

Council Member Whalen asked if the levy would have to be increased with the reduction in the fiscal disparities. Finance Manager Verma stated that the levy would stay at 6.6% and explained how the reduction in fiscal disparities affects the average household.

Council Member Supple asked if the tax capacity rate information in the staff report changed. Finance Manager Verma stated that it changed slightly.

Council Member Trautmann thanked all staff for the budget process and shared that this budget is lower than the rate of inflation and this is a result of really hard diligent work.

M/Supple, S/Trautmann to adopt the attached resolutions establishing the 2023 preliminary property tax levy and proposed date for the Truth in Taxation hearing, authorizing budget revisions, authorizing revision of 2022 budget of various departments, and city fees for 2023.

RESOLUTION NO. 12002

RESOLUTION ADOPTING A PROPOSED BUDGET AND TAX LEVY FOR THE YEAR 2023

RESOLUTION NO. 12003

RESOLUTION AUTHORIZING BUDGET REVISIONS

RESOLUTION NO. 12004

RESOLUTION AUTHORIZING REVISION OF 2022 BUDGET OF VARIOUS DEPARTMENTS

RESOLUTION NO. 12005

RESOLUTION ESTABLISHING 2023 LICENSE, PERMIT AND MISCELLANEOUS FEES PURSUANT TO THE PROVISIONS OF APPENDIX D OF THE ORDINANCE CODE OF THE CITY OF RICHFIELD RESCINDING RESOLUTION NO. 11882

Motion carried: 5-0

ITEM #13	CONSIDER STAFF'S SPENDING RECOMMENDATION FOR THE CITY'S REMAINING ALLOCATION OF THE CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS AS ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT (ARPA). (STAFF REPORT NO. 134)
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Council Member Whalen presented Staff Report 134.

City Manager Rodriguez recommended that residents that are curious to learn more about the budget or the ARPA recommendations that they can access the presentations on the city website for the August 17 work session.

Council Member Whalen asked about an anticipated timeline for the projects since all monies needs to be spent by 2026. City Manager Rodriguez looked over the list of projects and updated the Council of the known timelines for the projects.

M/Whalen, S/Hayford Oleary to adopt a resolution directing the City Manager to expend ARPA funds as part of the regular budgeting and purchasing processes for the approved projects.

RESOLUTION NO. 12006

RESOLUTION DIRECTING THE CITY MANAGER TO INCORPORATE ALLOCATED AND AVAILABLE AMERICAN RESCUE PLAN ACT FUNDS AS PART OF REGULAR BUDGET PROCESS

Motion carried: 5-0

ITEM #14	CONSIDER STAFF'S RECOMMENDATION TO ADOPT THE 2023- 2026 CITY OF RICHFIELD STRATEGIC PLAN (STAFF REPORT NO. 135)
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Council Member Hayford Oleary presented Staff Report 135.

City Manager Rodriguez expressed excitement to recommend the document for approval and mentioned that the strategic plan still has details that will take time to gather data and that this is an important step for the city to strive to meet outcomes and learn from them.

Council Member Hayford Oleary shared that the strategic plan goals are very specific and complimented staff on the collaboration with leadership.

M/Hayford Oleary, S/Trautmann to adopt the 2023- 2026 City of Richfield Strategic Plan.

Council Member Whalen appreciated the team effort of the strategic plan between staff and Council. He stressed the importance of communication to the residents and appreciated the efforts to reach the community regarding this process. He also appreciated the slight language change to complete the top two priorities related to climate change and mentioned to residents to keep a look out for the specifics of what the city would be focusing on. He noted that climate change was not included in the SWOT analysis in the staff report but it is a threat and a consideration of Council and appreciated those that spoke up.

Council Member Trautmann thanked staff and reflected on changes that have happened in the last few years and appreciated the collaboration and leadership.

Motion carried: 5-0

ITEM #15	CITY MANAGER’S REPORT
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City Manager Rodriguez shared information regarding former Transportation Engineer Jack Broz’s celebration of life.

ITEM #16	CLAIMS AND PAYROLL
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M/Supple, S/Trautmann that the following claims and payrolls be approved:

<u>U.S. BANK</u>	<u>8/23/2022</u>
A/P Checks: 308357 – 308732	\$2,094,047.36
Payroll: 172561 - 172917	<u>\$779,073.55</u>
TOTAL	\$2,873,120.91

<u>U.S. BANK</u>	<u>9/13/2022</u>
A/P Checks: 308733 – 309468	\$1,606,169.34
Payroll: 172918 – 173266	<u>\$760,751.44</u>
TOTAL	\$2,366,920.78

Motion carried: 5-0

ITEM #17	HATS OFF TO HOMETOWN HITS
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Council Member Trautmann recognized the life of Jack Broz and how fortunate Richfield was to have him. He also mentioned Penn Fest this Sunday (9/18).

Council Member Hayford O'Leary shared a memory of Jack Broz and echoed the reflections of Council Member Trautmann. He also shared that he co-led a tour in Richfield for the National Conference of the Association of Bicycle and Pedestrian Professionals that visited many places that were influenced by Jack Broz and he specifically thanked Ben Manibog, Transportation Engineer and Will Winslow at Richfield Public Schools. He mentioned that those that attended the tour found Richfield to be comparable to most other cities in the US and they could utilize what they learned and saw could be brought to their own city which is something Richfield should be proud of.

Council Member Supple honored Jack Broz's legacy by mentioning how to safely cross the streets at the roundabouts. She also mentioned the Richfield Public Schools Homecoming Parade on Saturday.

Council Member Whalen updated residents on the progress of Washington Park reconstruction. He mentioned a celebration for the mural at Galaxy Foods on the 23rd. He thanked Council, staff, and the patience of residents as he navigates being a new parent.

Mayor Regan Gonzalez remembered Jack Broz and honored his legacy. She gave hats off to staff for the agenda tonight that is responsive to the needs of the community for the present and future.

Council Member Trautmann noted that there was a scout in the audience who stayed for the entirety of the council meeting.

ITEM #18	ADJOURNMENT
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The meeting was adjourned by unanimous consent at 8:58 p.m.

Date Approved: September 27, 2022



Maria Regan Gonzalez
Mayor



Kari Sinning
City Clerk



Katie Rodriguez
City Manager