



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Special Council Meeting

September 14, 2021

### CALL TO ORDER

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

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

Staff Present: Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; John Stark, Community Development Director; Kristin Asher, Public Works Director; Rachel Lindholm, Sustainability Specialist; Kris Weiby, Program Manager; Chris Link, Operations Superintendent; Jennifer Anderson, Health Administrator; Blanca Martinez Gavina, Equity Administrator; and Kelly Wynn, Administrative Assistant

### PLEDGE OF ALLEGIANCE

Mayor Regan Gonzalez led the Pledge of Allegiance

### OPEN FORUM

No speakers.

### APPROVAL OF MINUTES

M/Whalen, S/Supple to approve the minutes of the: (1) City Council Work Session of August 10, 2021; (2) City Council Meeting of August 10, 2021; (3) City Council Work Session of August 24, 2021; and (4) Special City Council Meeting of August 24, 2021.

Motion carried 5-0.

Item #1

**PROCLAMATION RECOGNIZING HISPANIC HERITAGE MONTH**

Mayor Regan Gonzalez presented the proclamation.

<b>Item #2</b>	<b>PROCLAMATION RECOGNIZING CONSTITUTION WEEK</b>
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Mayor Regan Gonzalez presented the proclamation.

Council Member Trautmann thanked the Human Rights Commission for submitting both proclamations and spoke of how diverse Richfield is along with excitement of how the city will continue to evolve.

<b>Item #3</b>	<b>APPROVAL OF THE AGENDA</b>
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City Manager Rodriguez explained the cancellation of the two public hearings.

M/Supple, S/Whalen to approve the agenda

Motion carried 5-0.

<b>Item #4</b>	<b>CONSENT CALENDAR</b>
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City Manager Rodriguez presented the consent calendar.

- A. Consider approval of the 2021-2022 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. 126
- B. Consider the appointment of youth members to City advisory board/commissions. Staff Report No. 127
- C. Consider a new Taxicab license for Twin City's Taxicab Inc., a business run under the LLC name, Twin City's Taxicab Services Inc. Staff Report No. 129
- D. Consider a resolution extending a city-wide moratorium on the establishment of any new commercial use involving firearms for an additional six months. Staff Report No. 130

**RESOLUTION NO. 11872  
RESOLUTION EXTENDING A SIX-MONTH MORATORIUM ON THE  
ESTABLISHMENT OF NEW USES INVOLVING FIREARMS  
FOR AN ADDITIONAL SIX MONTHS**

- E. Consider the adoption of a resolution supporting a Livable Communities Demonstration Act grant application to the Metropolitan Council for the proposed Minnesota Independence College and Community development at 2000 76th Street West. Staff Report No. 131

**RESOLUTION NO. 11873  
RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES  
DEMONSTRATION ACCOUNT FUNDING AND AUTHORIZING APPLICATION FOR  
GRANT FUNDS**

- F. Consider the approval of a resolution requesting a MnDOT State Aid Design Element Variance for the 65th Street Reconstruction Project. Staff Report No. 132

**RESOLUTION NO. 11874  
RESOLUTION REQUESTING A VARIANCE FROM STANDARD  
FOR STATE AID OPERATION FOR THE 65TH STREET  
RECONSTRUCTION PROJECT/S.A.P 157-104-005**

- G. Consider a resolution approving Laws of Minnesota 2021, First Special Session, Chapter 14, Article 9, Section 5, relating to temporary transfer of tax increment for housing development purposes. Staff Report No. 133

**RESOLUTION NO. 11875  
RESOLUTION APPROVING LAWS OF MINNESOTA 2021, FIRST SPECIAL  
SESSION, CHAPTER 14, ARTICLE 9, SECTION 5, RELATING TO TEMPORARY  
TRANSFER OF TAX INCREMENT FOR HOUSING DEVELOPMENT PURPOSES**

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

Council Member Supple expressed excitement for youth commissioners and reminded residents there are many more youth commissioner open positions.

Council Member Whalen thanked everyone involved with item G on the consent calendar.

Council Member Hayford Oleary stated he is glad to see the 65<sup>th</sup> Street Reconstruction Project moving forward.

Motion carried 5-0.

<b>Item #5</b>	<b>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR</b>
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None

<b>Item #6</b>	<b>CONSIDER THE SECOND READING OF AN ORDINANCE REPEALING AND REPLACING SECTION 601 OF THE RICHFIELD CODE OF ORDINANCES PERTAINING TO SOLID WASTE DISPOSAL, COLLECTION AND HAULING. STAFF REPORT NO. 136</b>
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Council Member Whalen read staff report 136.

M/Whalen, S/Hayford Oleary to approve the second reading of an ordinance repealing and replacing Section 601 of the Richfield City Code pertaining to solid waste disposal, collection, and hauling.

Motion carried 5-0.

M/Whalen, S/Supple to approve the resolution for summary publication of an ordinance pertaining to the solid waste disposal, collection and hauling.

**RESOLUTION NO. 11876  
RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE  
PERTAINING TO THE SOLID WASTE DISPOSAL, COLLECTION, AND HAULING**

Motion carried 5-0.

<b>Item #7</b>	<b>CONSIDER ADOPTION OF A RESOLUTION DESIGNATING THE CITY'S CONTRIBUTION TOWARDS HEALTH, DENTAL, TERM LIFE AND DISABILITY INSURANCE PREMIUMS FOR 2022 FOR GENERAL SERVICES AND MANAGEMENT. STAFF REPORT NO. 137</b>
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Council Member Supple presented staff report 137.

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 2022 for General Services and Management employees.

**RESOLUTION NO. 11877  
RESOLUTION DESIGNATING CITY'S CONTRIBUTION TOWARD HEALTH, DENTAL,  
TERM LIFE, AND DISABILITY INSURANCE PREMIUM FOR GENERAL  
SERVICES AND MANAGEMENT EMPLOYEES**

Motion carried 5-0.

<b>Item #8</b>	<b>CONSIDER A REQUEST FOR A WAIVER OF APPLICATION FEES FOR AN INTERIM USE PERMIT. STAFF REPORT NO. 138</b>
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Council Member Hayford Oleary read staff report 138.

Erin Burbank, 6915 Harriet Ave, thanked council for their time and believes they exhausted all other avenues to remedy the situation.

Director Stark stated there is a staff recommendation in the report but will certainly implement any decision from the council.

Council Member Whalen asked if there was set criteria in place in order to waive this type of fee.

City Attorney Tietjen explained this is a very unique situation and asked council to provide some specific reasons to set precedent however they decide to vote.

Council Member Supple spoke of how this is unique and been going on for six months while following the necessary steps. She supports waiving the fee as this issue may not be processed by the courts until next year.

Council Member Trautmann asked the applicants if a restraining order was currently in place.

Erin Burbank stated it was something they were considering but had not filed.

Council Member Trautmann spoke of the shift in level of conflict happening everywhere. He then asked why they had not put a restraining order in place as they should be granted one and would provide legal protection.

Erin Burbank believed utilizing other resources would deter the neighbor from proceeding with bothering them but nothing has seemed to work and this is another option they are trying to gain back the use of their property.

Director Stark stated the city prosecutor is attempting to expedite the situation.

Council Member Hayford Oleary asked why they will be applying for an IUP versus a variance.

Director Stark stated staff didn't believe it met the criteria of a variance.

Council Member Hayford Oleary expressed sympathy to the homeowners but is leaning toward not granting the waiver.

Council Member Trautmann asked if this would set precedent to continue to waive fees and potentially lose out on revenues.

Director Stark stated he isn't concerned of loss of revenue but there has been an increase in neighbor disputes and if the fees are waived, staff would like to make sure it is very specific to this situation.

Council Member Whalen stated he is leaning toward not granting the waiver but would like further discussion around setting precedent regarding neighbor disputes.

Council Member Supple would recommend when several citations have been issued regarding a circumstance.

City Manager Rodriguez stated staff is frequently asked to reduce or waive fees and believes staff is doing everything in their power to assist the homeowners.

Council Member Trautmann believed taking into consideration public safety and financial need when establishing precedent. He then provided information to the homeowners of how to submit harassment restraining order and ask for fees to be waived.

Mayor Regan Gonzalez asked about the frequency of police being involved in neighbor disputes and is unsure if that would be considered a special circumstance.

Health Administrator Anderson stated it is not uncommon for police to respond to calls such as these but they have been called an unusually high amount of times to this particular property.

Mayor Regan Gonzalez spoke of the concern of that the issue still may not be addressed. She then asked how long it would take for the homeowners to see this issue resolved.

Health Administrator Anderson stated the next step for the city has been to submit information to city prosecutor.

Mayor Regan Gonzalez would like to possibly set policy regarding waiving a fee due to financial need.

Council Member Whalen echoed concern of using the number of police reports to set policy to waive a fee. He then asked staff if this escalates to where the city proceeds with prosecution, if that would elevate the need to grant the IUP.

City Attorney Tietjen stated it would be a very specific situation if there was an active prosecution occurring.

Council Member Trautmann asked if staff could produce a specific list of items related to the situation in order to waive fees.

City Attorney Tietjen agreed the more specific, the better.

Director Stark suggested council make the motion to accept an application for an IUP contingent on findings adopted at a later date to waive the fee.

Council Member Hayford Oleary asked at what point would waive a fee for one person and not another.

Council Member Trautmann stated this situation is potentially leading to prosecution would distinguish it from other circumstances.

Council Member Whalen stated it is the decision of the homeowners to go this route however it is time sensitive due to systems.

M/Supple, S/Trautmann for staff to create a resolution with items for council to act on at the September 28, 2021 meeting while allowing applicants to submit an IUP application contingent on the adoption of the waiver on September 28, 2021.

Motion carried 5-0.

<b>Item #9</b>	<b>CONSIDER A RESOLUTION TO APPROVE THE CHANGE IN DEED IN ACCORDANCE WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES LAND AND WATER CONSERVATION FUND GRANT FOR AUGSBURG PARK. STAFF REPORT NO. 139</b>
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Council Member Trautmann presented staff report 139.

M/Trautmann, S/Whalen to approve the resolution so the updated park deed can be filed with the county and all grant requirements are met so funds can be awarded.

Council Member Supple asked about potential future changes to the current footprint of the community center.

City Attorney Tietjen explained if it was an extensive change, it may need to go to the National Park Service for approval but is unsure of the criteria.

Council Member Hayford Oleary expressed concern to accept this incorporating an older building that needs repair.

Council Member Trautmann echoed concerns and observations.

City Attorney Tietjen stated the filing date is September 30, 2021.

Program Manager Weiby confirmed filing date and would hinder the city from receiving the grant funds.

Council Member Whalen believes it more important to collect the funds already spent on the park rather than delay it due to a possibility of a process ten years or more down the road.

City Attorney Tietjen believes this is included to prevent parks from being converted to anything other than outdoor recreation.

Mayor Regan Gonzalez asked if staff could complete additional research.

City Attorney Tietjen confirmed council could approve the item pending additional staff research.

M/Trautmann, S/Supple to amend the original motion to approve the resolution so the updated park deed can be filed with the county and all grant requirements are met so funds can be awarded pending additional research restricting future construction on the property.

**RESOLUTION NO. 11878  
RESOLUTION APPROVING DECLARATION OF USE RESTRICTION FOR THE  
AUGSBURG PARK PROPERTY**

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: NO  
Whalen: AYE

Motion carried 4-1

<b>Item #10</b>	<b>CONSIDER THE 2021 REVISED/2022 PROPOSED BUDGET RESOLUTIONS ADOPTING THE 2022 PRELIMINARY PROPERTY TAX LEVY, SETTING TRUTH IN TAXATION HEARING DATE, AUTHORIZING BUDGET REVISIONS, AUTHORIZING REVISION OF 2021 BUDGET OF VARIOUS DEPARTMENTS AND CITY FEES FOR 2022. STAFF REPORT NO. 142</b>
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Council Member Supple read staff report 142.

City Manager Rodriguez reminded residents the extensive budget presentation is available on the website. She also thanked staff, directors and council for their work and participation.

M/Supple, S/Hayford Oleary to adopt the attached resolutions establishing the 2022 preliminary property tax levy and proposed date for the Truth in Taxation hearing, authorizing budget revisions, authorizing revision of 2021 budget of various departments and city fees for 2022.

**RESOLUTION NO. 11879  
RESOLUTION ADOPTING A PROPOSED BUDGET AND TAX LEVY FOR THE YEAR 2022**

**RESOLUTION NO. 11880  
RESOLUTION AUTHORIZING BUDGET REVISIONS**

**RESOLUTION NO. 11881  
RESOLUTION AUTHORIZING REVISION OF 2021 BUDGET OF  
VARIOUS DEPARTMENTS**

**RESOLUTION NO. 11882**

**RESOLUTION ESTABLISHING 2022 LICENSE, PERMIT AND MISCELLANEOUS FEES PURSUANT TO THE PROVISIONS OF APPENDIX D OF THE ORDINANCE CODE OF THE CITY OF RICHFIELD RESCINDING**

City Council Whalen reminded residents there is a story behind every number including important technology improvements, debt pay off and equity plan.

Motion carried 5-0.

Item #11	<b>CONSIDER A RESOLUTION APPROVING THE 2021 REVISED AND 2022 BUDGET FOR THE AFFORDABLE HOUSING TRUST FUND. STAFF REPORT NO. 140</b>
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Council Member Whalen presented staff report 140.

Director Stark stated staff would like to maximize the amount of funds going into the trust fund as the state of Minnesota has talked about matching funds and/or creating a clearing house to more easily track funds.

M/Whalen, S/Trautmann to adopt a resolution approving the 2021 Revised Budget and 2022 Budget for the Affordable Housing Trust Fund.

**RESOLUTION NO. 11883  
RESOLUTION ADOPTING AN AFFORDABLE HOUSING TRUST FUND BUDGET FOR THE YEAR 2021 REVISED AND 2022**

Motion carried 5-0.

Item #12	<b>CONSIDER THE FIRST READING OF AN ORDINANCE AMENDING CITY CODE SUBSECTION 1305.13 RELATED TO SNOW REMOVAL AND SNOW EMERGENCY PARKING RESTRICTIONS AND SCHEDULE A SECOND READING FOR SEPTEMBER 28, 2021. STAFF REPORT NO. 141</b>
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Council Member Hayford Oleary staff report 141.

Operations Superintendent Link confirmed employees will continue to plow just as much to get the streets cleared as quickly as possible when snow falls.

M/Hayford Oleary, S/Whalen to approve the first reading of an ordinance amending City Code Subsection 1305.13 related to snow removal and snow emergency parking restrictions and schedule a second reading for September 28, 2021 with the additional language of parking during a snow emergency is allowed pursuant of any emergency procedures or policies approved by the City Manager under subdivision 2.

Council Member Supple commented on what a wonderful job public works does on a daily basis.

Council Member Hayford Oleary asked about a standard start time for snow emergencies.



Operations Superintendent Link stated the importance is to maintain the city’s assets and the key to that is clearing as much snow and ice as quickly as possible. Staff tries extremely hard to get notice of an upcoming emergency out by 6pm.

Motion carried 5-0.

<b>Item #13</b>	<b>CITY MANAGER’S REPORT</b>
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City Manager Rodriguez provided a covid and vaccination updates.

<b>Item #14</b>	<b>CLAIMS AND PAYROLL</b>
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M/Supple, S/Trautmann that the following claims and payrolls be approved:

<b>U.S. Bank</b>	<b>08/24/2021</b>
A/P Checks 299184 - 299607	\$ 2,264,490.57
Payroll: 164286 - 164637	<u>751,001.53</u>
<b>TOTAL</b>	<b>\$ 3,015,492.10</b>

<b>U.S. Bank</b>	<b>09/14/2021</b>
A/P Checks 299709 - 300084	\$ 1,692,931.89
Payroll: 164638 - 164988	<u>749,387.32</u>
<b>TOTAL</b>	<b>\$ 2,442,319.21</b>

Motion carried 5-0

<b>Item #15</b>	<b>HATS OFF TO HOMETOWN HITS</b>
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Council Member Whalen mentioned school board elections are coming up, organized hauling transition beginning October 4, 2021 and thanked the residents of Wood Lawn Terrace for the tour of their community.

Council Member Supple reiterated gratitude for all public works employees for all they do. She also spoke of the upcoming tours available for schools concluding constructions.

Council Member Hayford Oleary summarized the recent Transportation Commission meeting and invited residents to come out to PennFest on September 19.

Council Member Trautmann also mentioned the return of PennFest occurring Sunday, September 19 from 1-5pm.

Mayor Regan Gonzalez reminded residents to sign up for community education classes along with the ongoing promotion with Bonterra wine and Richfield Liquor stores to help with a new butterfly garden.

<b>Item #16</b>	<b>ADJOURNMENT</b>
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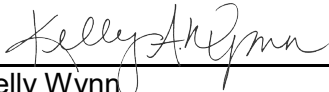
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The meeting was adjourned by unanimous consent at 8:42 p.m.

Date Approved: September 28, 2021



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Maria Regan Gonzalez  
Mayor



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Kelly Wynn  
Administrative Assistant



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Katie Rodriguez  
City Manager