



**REGULAR CITY COUNCIL MEETING  
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS  
SEPTEMBER 27, 2022  
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: 2455 052 3981 and password: 1234.***

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

Approve the Minutes of the: (1) Special Closed City Council Meeting of September 13, 2022; (2) City Council Work Session of September 13, 2022; and (3) Regular City Council Meeting of September 13, 2022.

**PRESENTATIONS**

1. Proclamation recognizing LGBTQ+ History Month

**AGENDA APPROVAL**

2. Approval of the Agenda
3. **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 the adoption of a resolution authorizing acceptance of Office of Traffic Safety (OTS) funds for an extension on an original four-year grant to fully fund an officer dedicated for DWI enforcement in Richfield.  
Staff Report No. 137
  - B. Consider approval of the purchase of five (5) Ford Hybrid SUV Police Interceptor vehicles for Public Safety from Tenvoorde Ford, Inc., for \$224,804.40 plus destination, tax, title, and license fees.  
Staff Report No. 138
  - C. Consider the approval of the first reading of an ordinance adopting Section 625 of the City Code Prohibiting Conversion Therapy for Minors and Vulnerable Adults  
Staff Report No. 139
4. Consideration of items, if any, removed from Consent Calendar

### **PUBLIC HEARINGS**

5. Public hearing and consider the approval of new On-Sale Wine and 3.2 Percent Malt Liquor licenses for Kataki, located at 6401 Nicollet Avenue.

Staff Report No. 141

### **PROPOSED ORDINANCES**

6. Second reading and summary publication of an ordinance amending Sections 617 (Food Establishments) 618 (Lodging Establishments), and 619 (Public Pools) 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. 142

7. Second reading and summary publication of an ordinance amending the Richfield Zoning Code to update regulations for electric vehicle chargers

Staff Report No. 143

8. Consider the approval of an interim ordinance authorizing a study and imposing a one year moratorium on cannabis products.

Staff Report No. 140

### **CITY MANAGER'S REPORT**

9. City Manager's Report

### **CLAIMS AND PAYROLLS**

10. Claims and Payroll

### **COUNCIL DISCUSSION**

11. Hats Off to Hometown Hits
12. 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

## Special Closed City Council Meeting

### September 13, 2022

#### CALL TO ORDER

The special closed meeting was called to order by Mayor Regan Gonzalez at 5:30 p.m. in the Bartholomew Room.

*Council Members Present:* Maria Regan Gonzalez, Mayor; Mary Supple; Simon Trautmann (5:33 p.m.); Sean Hayford O'leary; and Ben Whalen

*Council Members Absent:* None

*Staff Present:* Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Jay Henthorne, Police Chief/Public Safety Director; Sack Thongvanh, Assistant City Manager; and Kari Sinning, City Clerk

*Others Present:* Derrick Schluck, League of MN Cities Claims Adjuster and Jason Hiveley, Attorney from Iverson Reuvers

#### ITEM #1

**A SPECIAL CLOSED CITY COUNCIL MEETING PURSUANT TO MINNESOTA STATUTES SECTION 13D.05, SUBD. 3(B) RELATED TO THE PENDING LAWSUIT ENTITLED ASHLEY QUINONES V. CITY OF RICHFIELD, ET AL.**

Attorney Hiveley updated the Council about the pending lawsuit.

#### ADJOURNMENT

The special closed meeting was adjourned by unanimous consent at 6:02 p.m.

Date Approved: September 27, 2022

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Maria Regan Gonzalez  
Mayor

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Kari Sinning  
City Clerk

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Katie Rodriguez  
City Manager



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## City Council Work Session

September 13, 2022

### CALL TO ORDER

The work session was called to order by Mayor Regan Gonzalez at 6:06 p.m. in the Bartholomew Room.

*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 Teitjen, City Attorney; Jay Henthorne, Public Safety Director/Police Chief; Jennifer Anderson, Support Services Manager; Melissa Poehlman, Community Development Director; Ellen Cutter, Business Licensing Clerk; Chris Swanson, Management Analyst; and Kari Sinning, City Clerk.

Mayor Regan Gonzalez introduced the topic for discussion for the work session and turned it over to City Manager Rodriguez.

#### ITEM #1

#### PRESENTATION AND DISCUSSION OF RECOMMENDATIONS REGARDING MINNESOTA'S NEW CANNABINOID LAW

City Manager Rodriguez turned over the work session to Police Chief Henthorne and Support Services Manager Anderson who gave a presentation that overviewed what we know about the statute, League of Minnesota Cities recommendations, the concerns and options for Council consideration, and staff recommendations.

Council Member Trautmann asked if the option to ban the product would be for sales and/or possession. City Attorney Tietjen shared that other cities have not taken that approach and stated that it would be a prohibition on the sale of the products which would have to include a very detailed ordinance with findings that support the banning of the product in our City.

Council Member Supple expressed concern for youth having access to the products and supported a moratorium which would give time to study the issue and to allow the State time to add regulation and the eventual licensing of sellers. She suggested that the products be sold behind a counter and that those that sell be of legal age.

Council Member Hayford Oleary stated that a moratorium is not a helpful approach because the surrounding cities are planning on licensing which could still cause public safety issues here and would take opportunities away from Richfield businesses. He agreed with the concerns of Council Member Supple in regards to protecting our youth. He expressed support for limited licensing that would support Richfield businesses.

Council Member Whalen appreciated the comments of Council Members Supple and Hayford Oleary and questioned the need for the moratorium. Chief Henthorne shared that the moratorium would allow staff to research the licensing structure that works for the specific product since there are so many unknowns. Manager Anderson stated that the moratorium would be helpful to create the ordinance specific to Richfield and would be less confusion to retailers if we were to implement and then revise. City Attorney Teitjen clarified that the moratorium would be an active pause that would allow the City to work towards finding a solution and that the moratorium could be up to a year and can be repealed once a licensing structure is adopted.

Council Member Trautmann supported the recommendation of the moratorium given our limited resources. He shared concerns for the health and safety of children and does not want to create criminal records for children if they are in possession of the products. He asked if restaurants would be able to offer edible cannabinoid products. Manager Anderson stated the products are legal at this point and it would be up to our discretion to decide who sells the products.

Council Member Hayford Oleary emphasized that this product is already available and that a moratorium would affect those businesses that already have the products for sale or want to sell the products as they might be losing customers during a moratorium. He asked if age checks of identification would be much like purchasing spray paint. Chief Henthorne stated they are required to check identification for spray paint due to an ordinance and the police department does conduct compliance checks of which there would be an administrative penalty if they failed. Council Member Hayford Oleary asked if that would be an option for edible cannabinoid products. Chief Henthorne stated that other cities have not done an administrative licensing due to the type of product and that it is too early to tell if there will be state oversight.

Council Member Whalen shared concerns on how the moratorium would help reduce youth use and possession since the moratorium would be for the sale of the product. Chief Henthorne shared there is no way to test the products on the spot to enforce the legality of the product. Council Member Whalen expressed that there is not a clear answer of whether or not a moratorium is the best decision and wondered about the thoughts of the Mayor.

Mayor Regan Gonzalez shared her support of the moratorium due to a cost benefit analysis, short-term impact for potential future gain, and limited resources. She expressed the need for a better, clear cut understanding of the moratorium and how the concerns of the community could be addressed.

Council Member Trautmann asked if adults could buy products for minors currently. Chief Henthorne shook his head in the affirmative. Council Member Whalen stated an urgency to specifically address possession by minors. City Attorney Teitjen shared that the City of Mankato passed an ordinance that specifically addressed underage possession and how it would be enforced. Council Member Trautmann thanked City Attorney Teitjen for sharing that comment because it addresses underage possession but does not create more drug-oriented criminal records.

Council Member Hayford Oleary commented on the licensing fee being affordable. Chief Henthorne spoke about the need for testing protocols to come from the State for the regulation of the products and for law enforcement.

Manager Anderson summarized the next steps by stating that staff would be to actively be working on the ordinance and licensing during the moratorium. Attorney Tietjen stated that the language for the moratorium could be available as soon as the next council meeting.

Council Member Whalen asked other Council Members if there was interest regarding an ordinance specifically related to minor possession. Mayor Regan Gonzalez asked if it could be prioritized. Manager Anderson stated that the specifics of purchase, use, and possession would be included in the ordinance language and considered at the same time.

Mayor Regan Gonzalez thanked staff for their work and research.

**ADJOURNMENT**

Mayor Regan Gonzalez adjourned the work session at 6:49 p.m.

Date Approved: September 27, 2022

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Maria Regan Gonzalez  
Mayor

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Kari Sinning  
City Clerk

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Katie Rodriguez  
City Manager



# 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](mailto: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

<b>ITEM #1</b>	<b>PROCLAMATION CELEBRATING HISPANIC AMERICAN MONTH</b>
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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.

<b>ITEM #2</b>	<b>PROCLAMATION OF THE CITY OF RICHFIELD FOR NEL SWANSON</b>
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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.

<b>ITEM #3</b>	<b>PROCLAMATION CELEBRATING THE BARTHOLOMEW HOUSE'S 170TH BIRTHDAY</b>
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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.

<b>ITEM #4</b>	<b>APPROVAL OF THE AGENDA</b>
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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

<b>ITEM #6</b>	<b>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR</b>
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None.

<b>ITEM #7</b>	<b>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)</b>
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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

<b>ITEM #8</b>	<b>SECOND READING OF A PROPOSED ORDINANCE AMENDMENT UPDATING THE CITY'S ZONING CODE SUBSECTION THAT REGULATES FENCES, WALLS, AND HEDGES. (STAFF REPORT NO. 129)</b>
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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

<b>ITEM #9</b>	<b>CONSIDER A RESOLUTION APPROVING THE 2022 REVISED AND 2023 BUDGET FOR THE AFFORDABLE HOUSING TRUST FUND. (STAFF REPORT NO. 130)</b>
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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

<b>ITEM #10</b>	<b>CONSIDER THE APPROVAL OF A RESOLUTION AUTHORIZING THE LAWFUL GAMBLING PREMISES PERMIT BY FIREFIGHTERS FOR HEALING, TO CONDUCT LAWFUL GAMBLING AT PROTAGONIST KITCHEN &amp; BAR, 6601 LYNDALE AVENUE SOUTH, SUITE 130. (STAFF REPORT NO. 131)</b>
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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 LYNDALE 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	<b>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)</b>
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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	<b>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)</b>
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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

<b>ITEM #13</b>	<b>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)</b>
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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

<b>ITEM #14</b>	<b>CONSIDER STAFF'S RECOMMENDATION TO ADOPT THE 2023- 2026 CITY OF RICHFIELD STRATEGIC PLAN (STAFF REPORT NO. 135)</b>
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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

<b>ITEM #15</b>	<b>CITY MANAGER'S REPORT</b>
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City Manager Rodriguez shared information regarding former Transportation Engineer Jack Broz's celebration of life.

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

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

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

Motion carried: 5-0

<b>ITEM #17</b>	<b>HATS OFF TO HOMETOWN HITS</b>
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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 Oleary 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 23<sup>rd</sup>. 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.

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

Date Approved: September 27, 2022

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Maria Regan Gonzalez  
Mayor

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Kari Sinning  
City Clerk

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Katie Rodriguez  
City Manager



## **Proclamation of the City of Richfield**

**WHEREAS**, the path towards LGBTQ+ equality and liberation has been paved by courageous persons who have fought for the right to love and be loved, and their positive societal contributions of advancing areas of diversity, inclusion, equity, and respect deserve recognition; and

**WHEREAS**, LGBTQ+ History Month celebrates and commemorates those who fought for equal rights and services for the LGBTQ+ community; and is a means of educating others, promoting a culture of acceptance and inclusivity, and advancing equality for all; and

**WHEREAS**, the City of Richfield is proud of its diverse community; committed to equality for individuals of all sexual orientations, gender identities and gender expressions; and engages with community partners to provide safe spaces for LGBTQ+ individuals and their families to receive culturally sensitive services; and

**WHEREAS**, today Richfield endeavors to eliminate prejudice wherever it exists, recognize the multitude of identities that make each of us unique individuals, and envision a safe, inclusive world that allows all members of society to live openly and truthfully; and

**Now, THEREFORE, I Maria Regan Gonzalez, mayor of Richfield, on behalf of the Richfield City Council, do hereby proclaim the month of October, 2022 as LGBTQ+ History Month in the City of Richfield and call on the people of Richfield to observe this month with appropriate programs, activities, and ceremonies, and continue to honor the contributions of LGBTQIA residents throughout the year.**

**PROCLAIMED on this 27th day of September 2022**

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Maria Regan Gonzalez, Mayor



**STAFF REPORT NO. 137**  
**CITY COUNCIL MEETING**  
**9/27/2022**

REPORT PREPARED BY: Jay Henthorne, Director of Public Safety/Chief of Police

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
9/19/2022

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
9/21/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the adoption of a resolution authorizing acceptance of Office of Traffic Safety (OTS) funds for an extension on an original four-year grant to fully fund an officer dedicated for DWI enforcement in Richfield.**

**EXECUTIVE SUMMARY:**

The National Highway Traffic Safety Administration (NHTSA) is providing federal funding to the OTS to implement a program to support one full time officer solely for DWI enforcement. Eight counties, including Hennepin, were chosen to receive grant funding. The grant is administered through the OTS. The grant was guaranteed for four years (2015-2019). However, the grant has been written for an additional federal fiscal year at a time for 2020, 2021, 2022, and now 2023. The City of Richfield has received an additional extension and has been awarded \$124,039.73 for 2023.

**RECOMMENDED ACTION:**

**By motion: Adopt a resolution allowing the Richfield Department of Public Safety to accept a grant from the Office of Traffic Safety (OTS) for an extension on an original four-year grant to fully fund an officer dedicated for DWI enforcement in Richfield.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The average number of DWI arrests per year in Richfield is 176. The goal is to increase that to 200 DWI arrests per year.
- In 2016, Richfield had 26 alcohol related crashes.
- In 2017, Richfield had 30 alcohol related crashes.
- In 2018, Richfield had 35 alcohol related crashes.
- In 2019, Richfield had 37 alcohol related crashes.
- In 2020, Richfield had 32 alcohol related crashes.
- In 2021, Richfield had 42 alcohol related crashes.
- January 1, 2022-September 15, 2022, Richfield had 25 alcohol related crashes.
- Minnesota Motor Vehicle Crash Facts data show that the hours between 5:00 p.m. and 5:00 a.m. as having the highest concentration of alcohol related crashes. The DWI officer's work shift will be

from 5:00 p.m. to 5:00 a.m. with a minimum of two Fridays and two Saturdays per month to be a required part of the DWI officer's schedule. Statistics will be checked daily, including but not limited to: speed tickets, seat belt tickets, texting tickets, "Not a Drop" tickets and warnings associated with these statistics. Proactive criminal interdiction patrol would also be implemented.

- The City of Richfield has been approved to receive \$124,039.73 from the DWI Officer grant for 2023.

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

Public Safety does not accept financial support unless it is designated for a specific program that will affect the department as a whole.

- The grant money will be used by Public Safety to pay for one full-time police officer salary; including overtime and/or training.
- Minnesota Statute 465.03 requires that every acceptance of a grant or devise of real or personal property on terms prescribed by the donor be made by resolution of more than two-thirds majority of the City Council.
- The Administrative Services Department issued a memo on November 9, 2004, requiring that all grants and restricted donations to departments be received by resolution and by a two-thirds majority of the City Council in accordance with Minnesota Statute 465.03.

**C. CRITICAL TIMING ISSUES:**

The total length of the grant was for four years, however, grants will be written for one federal fiscal year at a time and the City of Richfield has received an extension on an original four-year grant to fully fund an officer.

**D. FINANCIAL IMPACT:**

- Federal guidelines require this money be spent on projects designed to reduce DWI incidents. Both the officer and majority of the equipment funded by the grant can only be used for the enforcement of laws prohibiting driving while impaired. If the DWI officer responds to, or is called to an incident for something other than an alcohol-related driving offense, the time spent on non-DWI related enforcement exceeding 15 successive minutes must be paid for by the agency. The vehicle will be assigned to and driven solely by the DWI officer.
- The Richfield Department of Public Safety has developed a work plan and budget that have been approved by the OTS.
- The grant will cover one full-time sworn officer, and fringe benefits are covered by the grant. The Richfield Department of Public Safety has funds budgeted for items not covered by the grant.

**E. LEGAL CONSIDERATION:**

There are no legal considerations.

**ALTERNATIVE RECOMMENDATION(S):**

Council could not approve the acceptance of the grant but the Richfield Department of Public Safety would then not be able to dedicate an officer to DWI enforcement.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Certification Regarding Lobbying	Backup Material
<input type="checkbox"/> Agreement	Contract/Agreement
<input type="checkbox"/> Resolution	Resolution Letter

**CERTIFICATION REGARDING LOBBYING**  
(For State of Minnesota Contracts and Grants over \$100,000)

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, A Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31 U.S.Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\_\_\_\_\_  
Organization Name

\_\_\_\_\_  
Name and Title of Official Signing for Organization

By: \_\_\_\_\_  
Signature of Official

\_\_\_\_\_  
Date



<b>Minnesota Department of Public Safety (“State”)</b> Office of Traffic Safety 445 Minnesota Street, Suite 1620 Saint Paul, MN 55101	<b>Grant Program:</b> 2023 NHTSA: 2023 DWI / Traffic Safety Officer  <b>Grant Contract Agreement No.:</b> A-OFFICR23-2023-RICHFPD-012
<b>Grantee:</b> Richfield Police Department 6700 Portland Avenue Richfield, MN 55423-2560	<b>Grant Contract Agreement Term:</b> <b>Effective Date:</b> 10/01/2022 <b>Expiration Date:</b> 09/30/2023
<b>Grantee’s Authorized Representative:</b> Matt Steen, Sergeant 6700 Portland Avenue Richfield, MN 55423-2560 (612)861-9800 msteen@richfieldmn.gov	<b>Grant Contract Agreement Amount:</b> Original Agreement \$124,039.73 Matching Requirement \$ 0.00
<b>State’s Authorized Representative:</b> Duane Siedschlag Impaired Driving Program Coordinator 445 Minnesota Street, Suite 1620 Saint Paul, MN 55101 (651)201-7078 Duane.siedschlag@state.mn.us	Federal Funding: CFDA 20.616 & CFDA 20.600 FAIN: 69A3752130000405DMNL & FAIN: 69A7521300005020MNO State Funding: None Special Conditions: None

Under Minn. Stat. § 299A.01, Subd 2 (4) the State is empowered to enter into this grant contract agreement.

**Term:** The creation and validity of this grant contract agreement conforms with Minn. Stat. § 16B.98 Subd. 5. Effective date is the date shown above or the date the State obtains all required signatures under Minn. Stat. § 16B.98, subd. 7, whichever is later. Once this grant contract agreement is fully executed, the Grantee may claim reimbursement for expenditures incurred pursuant to the Payment clause of this grant contract agreement. Reimbursements will only be made for those expenditures made according to the terms of this grant contract agreement. Expiration date is the date shown above or until all obligations have been satisfactorily fulfilled, whichever occurs first.

The Grantee, who is not a state employee will:

Perform and accomplish such purposes and activities as specified herein and in the Grantee’s approved 2023 NHTSA: 2023 DWI / Traffic Safety Officer Application (“Application”) which is incorporated by reference into this grant contract agreement and on file with the State at 445 Minnesota Street, Suite 1620, Saint Paul, MN 55101. The Grantee shall also comply with all requirements referenced in the 2023 NHTSA: 2023 DWI / Traffic Safety Officer Guidelines and Application which includes the Terms and Conditions and Grant Program Guidelines (<https://app.dps.mn.gov/EGrants>), which are incorporated by reference into this grant contract agreement.

**Budget Revisions:** The breakdown of costs of the Grantee’s Budget is contained in Exhibit A, which is attached and incorporated into this grant contract agreement. As stated in the Grantee’s Application and Grant Program Guidelines, the Grantee will submit a written change request for any substitution of budget items or any deviation and in accordance with the Grant Program Guidelines. Requests must be approved prior to any expenditure by the Grantee.

**Matching Requirements:** (If applicable.) As stated in the Grantee’s Application, the Grantee certifies that the



matching requirement will be met by the Grantee.

**Payment:** As stated in the Grantee's Application and Grant Program Guidance, the State will promptly pay the Grantee after the Grantee presents an invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services and in accordance with the Grant Program Guidelines. Payment will not be made if the Grantee has not satisfied reporting requirements.

**Certification Regarding Lobbying:** (If applicable.) Grantees receiving federal funds over \$100,000.00 must complete and return the Certification Regarding Lobbying form provided by the State to the Grantee.

### 1. ENCUMBRANCE VERIFICATION

*Individual certifies that funds have been encumbered as required by Minn. Stat. § 16A.15.*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

### 3. STATE AGENCY

Signed: \_\_\_\_\_  
(with delegated authority)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Grant Contract Agreement No./ P.O. No.: A-OFFICR23-2023-RICHFPD-012 / 3000082300

Project No.: 23-03-03

### 2. GRANTEE

*The Grantee certifies that the appropriate person(s) have executed the grant contract agreement on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.*

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Distribution: DPS/FAS  
Grantee  
State's Authorized Representative

Organization: Richfield Police Department

A-OFFICR23-2023-RICHFPD-012

## Budget Summary

Budget				
Budget Category	State Reimbursement	Local Match		
Salary				
DWI Officer salary for entire year, plus anticipated overtime.	\$123,914.73	\$0.00		
<b>Total</b>	\$123,914.73	\$0.00		
Operating Expenses				
Vehicle mileage	\$0.00	\$0.00		
<b>Total</b>	\$0.00	\$0.00		
TZD Conference Registration				
TZD conference	\$125.00	\$0.00		
<b>Total</b>	\$125.00	\$0.00		
<b>Total</b>	\$124,039.73	\$0.00		



**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC SAFETY/POLICE TO ACCEPT GRANT MONIES FROM THE OFFICE OF TRAFFIC SAFETY IN THE AMOUNT OF \$124,039.73 OR A LESSER AMOUNT, AS AWARDED BY THE DEPARTMENT OF PUBLIC SAFETY, TO FUND A POLICE OFFICER DEDICATED TO DWI ENFORCEMENT.**

**WHEREAS**, Richfield Police Department has been approved by the Office of Traffic Safety (OTS) to receive funds made available to eight Counties in the State of Minnesota through federal funding provided by the National Highway Traffic Safety Administration (NHTSA); and

**WHEREAS**, Richfield is scheduled to be awarded \$124,039.73 or a lesser amount as awarded by the Minnesota Department of Public Safety to be used as designated by the grant agreement which mandates that the funds be used to support one full time officer dedicated to DWI enforcement for an extension of the original term of four years; and,

**WHEREAS**, Richfield has agreed that the Minnesota Department of Public Safety will serve as the fiscal agent; and,

**WHEREAS**, in accordance with the agreement, squad operating costs per mile, maintenance, uniforms, weapons and time spent in excess of 15 minutes on non-DWI related calls will be covered by the Richfield Police Department; and,

**WHEREAS**, Richfield Police has established an approved budget with the OTS for \$124,039.73 or a lesser amount for the DWI enforcement program; and,

**NOW, THEREFORE, BE IT RESOLVED** that the City of Richfield, Public Safety Department enter into a grant agreement with the Minnesota Department of Public Safety, for traffic safety enforcement projects during the period from October 1, 2022 to September 30, 2023.

Adopted by the City Council of the City of Richfield, Minnesota this 27th day of September, 2022.

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Maria Regan Gonzalez, Mayor

ATTEST:

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Kari Sinning, City Clerk



**STAFF REPORT NO. 138**  
**CITY COUNCIL MEETING**  
**9/27/2022**

REPORT PREPARED BY: Scott Kulzer, Administrative Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
9/20/2022

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
9/21/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider approval of the purchase of five (5) Ford Hybrid SUV Police Interceptor vehicles for Public Safety from Tenvoorde Ford, Inc., for \$224,804.40 plus destination, tax, title, and license fees.**

**EXECUTIVE SUMMARY:**

Five Public Safety Department Police Interceptor vehicles are scheduled to be replaced in 2023. These vehicles are replaced after three years due to:

- Average mileage of 50,000 miles; and
- Significant engine idle time and subsequent wear accumulated over the three year lifespan.

The vehicles that are replaced are rotated into use as general purpose fleet vehicles and are used by the following Divisions:

- Inspections
- Engineering
- Utilities
- Forestry
- Parks and Recreation

After these vehicles have reached the end of their useful lifespan as a general purpose fleet vehicle they are then sold at auction.

**RECOMMENDED ACTION:**

**By Motion: Approve the purchase of five (5) Ford Hybrid SUV Police Interceptor vehicles for Public Safety from Tenvoorde Ford, Inc., for \$224,804.40 plus destination, tax, title, and license fees.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

See executive summary.

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

- The City of Richfield participates in the Minnesota State Cooperative Purchasing Program.
- Tenvoorde Ford, Inc., is included in the Minnesota State Cooperative Purchasing Program.

**C. CRITICAL TIMING ISSUES:**

- Due to COVID-19 and the continuing global supply chain disruptions, Public Works has been advised by vehicle dealers to order their Hybrid Police Interceptors as far in advance as possible.
- Approval of the purchase of these vehicles at the September 27, 2022 City Council meeting will help ensure they are delivered and paid for in the year in which they were budgeted (2023).

**D. FINANCIAL IMPACT:**

- The purchase of these Hybrid Police Interceptors is identified in the 2022R-2023P Central Garage capital outlay budget (61000-7500) in the amount of \$250,000.
- The excess funds identified in the Central Garage capital outlay budget will be used to outfit the vehicles with additional necessary equipment such as:
  - light bars
  - radios
  - cameras

**E. LEGAL CONSIDERATION:**

When the purchase of materials, merchandise, equipment, or construction exceeds \$175,000, authority to purchase shall be submitted to the City Council for consideration.

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
▣ Hybrid SUV Spec Sheet	Exhibit

2023 Ford Utility 3.3 V6 Hybrid

			BASE PRICE	\$42,754.88
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*Police Interceptor Utility AWD K8A S*

AWD 3.3L V6 Direct-Injection Hybrid Engine System with 10-Speed Automatic Transmission (136-MPH Top Speed)	99W	STD	x	STD
99W/44B S				
AWD 3.3L V6 Direct-Injection FFV with 10-Speed Automatic Transmission (136-MPH Top Speed) Note: Deletes Regenerative Braking and Lithium-Ion Battery Pack; adds 250-Amp Alternator, replaces H7 AGM battery (800 CCA/80-amp) with H7 SLI battery (730 CCA/80-amp) and replaces 19-gallon tank with 21.4-gallon tank	99B	(2,661.00)		-
AWD 3.0L V6 EcoBoost® with 10-Speed Automatic Transmission – (148-MPH Top Speed) Note: Deletes Regenerative Braking and Lithium-Ion Battery Pack; adds 250-Amp Alternator, replaces H7 AGM battery (800 CCA/80-amp) with H7 SLI battery (730 CCA/80-amp) and replaces 19-gallon tank with 21.4-gallon tank)	99C	893.00		-
Medium Brown Metallic	BU	N/C		-
Arizona Beige Metallic Clearcoat	E3	N/C		-
Vermillion Red	E4	N/C		-
Blue Metallic	FT	N/C		-
Smokestone Metallic	HG	N/C		-
Kodiak Brown Metallic	J1	N/C		-
Dark Toreador Red Metallic	JL	N/C		-
Iconic Silver Metallic	JS	N/C		-
Carbonized Gray	M7	N/C		-
Dark Blue	LK	N/C		-
Royal Blue	LM	N/C		-
Light Blue Metallic	LN	N/C		-
Silver Grey Metallic	TN	N/C		-
Sterling Grey Metallic	UJ	N/C		-

Agate Black	UM	N/C	X	-
Medium Titanium Metallic	YG	N/C		-
Oxford White	YZ	N/C		-
Police Interceptor Utility Police Interceptor Utility Interior Color Charcoal Black	96	N/C		
Cloth Front Buckets / Vinyl Rear				
Front – Unique Heavy-Duty Cloth, Front Bucket Seats Driver 6-way Power track (fore/aft.up/down, tilt with manual recline, 2-way manual lumbar)			X	-
Passenger – 2-way manual track (fore/aft. with manual recline)				
Rear – 35/30/35 Split Vinyl.				
Cloth Front Buckets / Cloth Rear	F6	56.00		
Front – Unique Heavy-Duty Cloth, Front Bucket Seats Driver 6-way Power track (fore/aft.up/down, tilt with manual recline, 2-way manual lumbar).				
Passenger – 2-way manual track (fore/aft. with manual recline)				-
Rear – 35/30/35 Split Cloth				
EQUIPMENT GROUP				
Interior Upgrade Package	65U	367.00		
• 1st and 2nd Row Carpet Floor Covering				
• Cloth Seats – Rear				
• Center Floor Console less shifter w/unique Police console finish plate				
• Includes Console and Top Plate with 2 cup holders				
• Floor Mats, front and rear (carpeted)				-
• Deletes the standard console mounting plate (85D)				

<ul style="list-style-type: none"> <li>• SYNC® 3</li> <li>– Enhanced Voice Recognition Communications and Entertainment System</li> <li>– 4.2" Color LCD Screen Center-Stack "Smart Display"</li> <li>– AppLink®</li> <li>– 911 Assist®</li> </ul> <p>Note: SYNC® AppLink® lets you control some of your favorite compatible mobile apps with your voice. It is compatible with select smartphone platforms. Commands may vary by phone and AppLink® software.</p> <p><b>Note: Not available with options: 67H, 67U, 85R</b></p>			
<b>Front Headlamp Lighting Solution</b> <ul style="list-style-type: none"> <li>• Includes LED Low beam/High beam headlamp, Wig-wag function and Red/Blue/White LED side warning lights (driver's side White/Red / passenger side White/Blue)</li> <li>• Includes pre-wire for grille LED lights, siren and speaker (60A)</li> <li>• Wiring, LED lights included. Controller "not" included</li> </ul> <p><b>Note: Not available with option: 67H</b></p> <p>Note: Recommend using Ultimate Wiring Package (67U)</p>	66A	841.00	-
<b>Tail Lamp / Police Interceptor Housing Only</b> <ul style="list-style-type: none"> <li>• Pre-existing holes with standard twist lock sealed capability (does not include LED strobe) (eliminates need to drill housing assemblies)</li> </ul> <p><b>Note: Not available with options: 66B and 67H</b></p>	86T	56.00	-
<b>Tail Lamp Lighting Solution</b> <ul style="list-style-type: none"> <li>• Includes LED lights plus two (2) rear integrated hemispheric lighthouse white LED side warning lights in taillamps</li> <li>• LED lights only. Wiring, controller "not" included</li> </ul> <p><b>Note: Not available with option: 67H</b></p> <p>Note: Recommend using Ultimate Wiring Package (67U)</p>	66B	405.00	-
<b>Rear Lighting Solution</b> <ul style="list-style-type: none"> <li>• Includes two (2) backlit flashing linear high-intensity LED lights (driver's side red / passenger side</li> </ul>	66C	428.00	-

blue) mounted to inside liftgate glass • Includes two (2) backlit flashing linear high-intensity LED lights (driver's side red / Passenger side blue) installed on inside lip of liftgate (lights activate when liftgate is open) • LED lights only. Wiring, controller "not" included <b>Note: Not available with option: 67H</b> Note: LED lights only – does "not" include wiring or controller Note: Recommend using Ultimate Wiring Package (67U)			
<b>Ready for the Road Package:</b> All-in Complete Package – Includes Police Interceptor Packages: 66A, 66B, 66C, plus • Whelen Cencom Light Controller Head with dimmable backlight • Whelen Cencom Relay Center / Siren / Amp w/Traffic Advisor control (mounted behind 2nd row seat) • Light Controller / Relay Cencom Wiring (wiring harness) w/additional input/output pigtails • High current pigtail • Whelen Specific WECAN Cable (console to cargo area) connects Cencom to Control Head • Pre-wiring for grille LED lights, siren and speaker (60A) • Rear console plate (85R) – contours through 2nd row; channel for wiring • Grille linear LED Lights (Red / Blue) and harness • 100-Watt Siren / Speaker • Hidden Door-Lock Plunger w/Rear-door controls inoperable (locks, handles and windows) (52P) <b>Note: Not available with options: 66A, 66B, 66C, 67U and 65U</b>	67H	3,379.00	-
<b>Ultimate Wiring Package</b> Includes the following: • Rear console mounting plate (85R) – contours through 2nd row; channel for wiring • Pre-wiring for grille LED lights, siren and speaker (60A) • Wiring harness I/P to rear cargo area (overlay) – Two (2) light cables – supports up to six (6) LED lights (engine compartment/grille) – One (1) 10-amp siren/speaker circuit engine cargo area • Rear hatch/cargo area wiring – supports up to six (6) rear LED lights	67U	526.00	-

<ul style="list-style-type: none"> <li>• Does “not” include LED lights, side connectors or controller</li> <li>– Recommend Police Wire Harness Connector Kit 67V</li> </ul> <p><b>Note: Not available with options: 65U, 67H</b></p>				
<b>Police Wire Harness Connector Kit – Front/Rear</b> For connectivity to Ford PI Package solutions includes: <ul style="list-style-type: none"> <li>• Front <ul style="list-style-type: none"> <li>– (2) Male 4-pin connectors for siren</li> <li>– (5) Female 4-pin connectors for lighting/siren/speaker</li> <li>– (1) 4-pin IP connector for speakers</li> <li>– (1) 4-pin IP connector for siren controller connectivity</li> <li>– (1) 8-pin sealed connector</li> <li>– (1) 14-pin IP connector</li> </ul> </li> <li>• Rear <ul style="list-style-type: none"> <li>– (2) Male 4-pin connectors for siren</li> <li>– (5) Female 4-pin connectors for lighting/siren/speaker</li> <li>– (1) 4-pin IP connector for speakers</li> <li>– (1) 4-pin IP connector for siren controller connectivity</li> <li>– (1) 8-pin sealed connector</li> <li>– (1) 14-pin IP connector</li> </ul> </li> </ul> <p><b>Note:</b> See Upfitters guide for further detail <a href="http://www.fordpoliceinterceptorupfit.com">www.fordpoliceinterceptorupfit.com</a></p>	67V	174.00		-
<b>KEY EXTERIOR OPTIONS</b>				
Engine Block Heater	41H	85.00		-
License Plate Bracket – Front	153	N/C	X	\$-
<i>Lamps / Lighting</i>				
Dark Car Feature – Courtesy lamps disabled when any door is opened	43D	24.00	X	\$24.00
Daytime Running Lamps	942	42.00		-
Switchable Red/White Lighting in Cargo Area (deletes 3rd row overhead map light)	17T	47.00	X	\$47.00



Front Warning Auxiliary LED Lights (Driver side – Red / Passenger side – Blue) <b>Note: Requires 60A</b>	21L	517.00		-
Front Interior Visor Light Bar (LED) • Super low-profile warning LED light bar fully integrated into the top of the windshield near the headliner – fully programable. (Red/Red or Blue/Blue operation. White “take down” and “scene” capabilities) Note: Recommend using Ready for the Road Package (67H) or Ultimate Wiring Package (67U) (when not ordering the Interior Upgrade Package [65U]) Note: Front Console Plate no longer required; can be ordered with Interior Upgrade Package (65U)	96W	1,076.00		-
Pre-wiring for grille LED lights, siren and speaker 60A O / P-66A / P-67H / P-67U	60A	47.00		-
Rear Quarter Glass Side Marker LED Lights (Driver side – Red / Passenger side – Blue)	63L	541.00		-
Rear Spoiler Traffic Warning Lights (LED) • Fully integrated in rear spoiler for enhanced visibility • Provides red/blue/amber directional lighting – fully programmable Note: Rear Console Plate no longer required; can be ordered with Interior Upgrade Package (65U) Note: Recommend using Ready for the Road Package (67H) or Ultimate Wiring Package (67U) (when not ordering the Interior Upgrade Package [65U])	96T	1,405.00		-
Side Marker LED – Sideview Mirrors (Driver side – Red / Passenger side – Blue) • Located on exterior mirror housing • LED lights only. Wiring, controller “not” included Note: Recommend using Ready for the Road Package (67H) or Ultimate Wiring Package (67U) (will add 60a)	63B	273.00		-
<i>Spot Lamp Prep Kits</i>				
Spot Lamp Prep Kit, Driver Only Note: Does not include spot lamp housing and bulb	51P	132.00		-
Spot Lamp Prep Kit, Dual Driver and Passenger Note: Does not include spot lamp housing and bulbs	51W	264.00		-

**Spot Lamp – LED Bulb:**

Driver Only (Unity)	51R	371.00	X	\$371.00
Driver Only (Whelen)	51T	394.00		-
Dual (driver and passenger) (Unity)	51S	582.00		-
Dual (driver and passenger) (Whelen)	51V	625.00		-

**Body**

Glass – Solar Tint 2nd Row door glass, Rear Quarter and Liftgate Window (Deletes Privacy Glass)	92G	112.00		-
Glass – Solar Tint 2nd Row Only door glass, Privacy Glass on Rear Quarter and Liftgate Window	92R	80.00		-
Underbody Deflector Plate (engine and transmission shield)	76D	315.00		-

**Wheels**

Wheel Covers (18" Full Face Wheel Cover)				
Note: Only available with the standard Police wheel, not available with 64E	65L	56.00		-
18" Painted Aluminum Wheel				
Note: Spare wheel is an 18" conventional (Police) black steel wheel. Not available with 65L.	64E	447.00		-

**Audio / Video**

Rear View Camera displayed in rear view mirror (Includes Electrochromic Rear View Mirror)				
Note: This option replaces the standard display in the center stack area.	87R	N/C		-
Note: Camera can only be displayed in the center stack (std) "OR" the rear view mirror (87R)				
☑Rear Camera On-Demand – allows driver to enable rear camera on-demand ☑Rear Camera On-Demand – allows	19V	217.00	X	\$217.00

**Doors / Locks**

Hidden Door-Lock Plunger w/Rear-door controls inoperable (locks, handles and windows)				
Note: Not available with 68G.				
Note: Can manually remove window or door disable plate with special tool	52P	150.00	X	\$150.00
Note: Locks/windows operable from driver's door switches				
Rear-Door controls Inoperable / Locks Inoperable (locks, handles and windows)				
Note: Not available with 52P.				
Note: Can manually remove window or door disable plate with special tool	68G	71.00		-

Note: Locks/windows operable from driver's door switches				
Global Lock / Unlock feature (Door-panel switches will lock/unlock all doors and rear liftgate. Eliminates overhead console liftgate unlock switch and 45-second timer. Also eliminates the blue liftgate release button if ordered with Remote Keyless)	18D	N/C		-
Remote Keyless-Entry Key Fob (w/o Keypad, less PATS) – (includes 4-key fobs) Note: Available with Keyed Alike, however, key fobs are “not” fobbed alike when ordered with Keyed-Alike	55F	320.00		-
<i>Keys (Note: Can be ordered with Remote Keyless-Entry – 55F)</i>				
Keyed Alike – 1435x	59E	47.00		-
Keyed Alike – 1284x	59B	47.00	X	\$47.00
Keyed Alike – 0135x	59D	47.00		-
Keyed Alike – 0576x	59F	47.00		-
Keyed Alike – 1111x	59J	47.00		-
Keyed Alike – 1294x	59C	47.00		-
Keyed Alike – 0151x	59G	47.00		-
<i>Flooring / Seats</i>				
1st and 2nd row carpet floor covering (includes floor mats, front and rear) 16C O / P-65U	16C	118.00		-
2nd Row Cloth Seats has to be ordered with F6	88F	56.00		-
Power passenger seat (8-way) w/2-way manual recline and lumbar)	87P	306.00	X	\$306.00
Front and Second Row Carpet With Floor Matts Front and Rear	16C	118.00		-
Front Console Plate Delete-Note: Not available with option: 67H, 67U, 85R	85D	N/C		-
<input checked="" type="checkbox"/> Rear Center Seat Delete (includes center seat delete tray) <i>Rear Center Seat Delete (includes center seat delete tray) Rear Center Seat Delete (includes center sea</i> Note: Not available with 65U or vinyl rear seats				
	85S	N/C		-
Rear Console Plate				
Note: Not available with option: 65U, 85D	85R	42.00		-

<b>Safety &amp; Security</b>				
Ballistic Door-Panels (Level III+) – Driver Front-Door Only1	90D	1,490.00		-
Ballistic Door-Panels (Level III+) – Driver & Pass Front-Doors1	90E	2,979.00		-
Ballistic Door-Panels (Level IV+) – Driver Front-Door Only2	90F	2,270.00		-
Ballistic Door-Panels (Level IV+) – Driver & Pass Front-Door Only2	90G	4,541.00		-
BLIS® – Blind Spot Monitoring with Cross-traffic Alert (Requires 54Z)				
Note: Includes manual fold-away mirrors, w/heat, w/o memory, w/o puddle lamps	55B	512.00		-
☑Police Perimeter Alert – detects motion in an approximately 270-degree radius on sides and back of vehicle; if movement is determined to be a threat, chime will sound at level I. Doors will lock and windows will automatically go up at level II. Includes visual display in instrument cluster with tracking.	68B	635.00	X	\$635.00
☑Pre-Collision Assist with Pedestrian Detection (includes Forward Collision Warning and Automatic Emergency Braking and unique disable switch for Law Enforcement use)	76P	136.00		-
<b>Note: Not available with option 96W Note: Not available with option 96W Note: Not available with option 96W</b>				
Mirrors – Heated Sideview				
Note: Not required when ordering BLIS® (heated mirror is included with BLIS®)	549	56.00	X	\$56.00
Perimeter Anti-Theft Alarm				
• Activated by Hood, Door or Liftgate; when unauthorized entry occurs, system will flash the headlamps, parking lamps and sound the horn <b>headlamps, parking lamps and sound the horn</b>	593	112.00		-
• <b>Requires Keyless-Entry Key Fob (55F)</b>				
Police Engine Idle feature				
• This feature allows you to leave the engine running and prevents your vehicle from unauthorized use when outside of your vehicle. Allows the key to be removed from ignition while vehicle remains idling.	47A	244.00		-
Reverse Sensing System	76R	259.00	X	\$259.00

<i>Misc</i>				
Aux Air Conditioning	17A	573.00		
Note: Now available with Cargo Storage Vault				
Badge Delete	16D	N/C		
• Deletes the "Police Interceptor" badging on rear liftgate				
• Deletes the "Interceptor" badging on front hood (EcoBoost®)				
12.1"12.1" Integrated Computer Screen				
☑☑ Includes 12.1" touchscreen display in center stack and allows for operation of laptop in remote location to free up cabin space in front passenger area				
☑☑ Includes Audio Video Extender (AVX) box, (2) AVX cables, (2) USB cables and (1) HDMI cable				
☑☑ Includes SYNC 3	47E	2,580.00		
Cargo Storage Vault (includes lockable door and compartment light)	63V	230.00		
Note: Now available with Aux Air Conditioning				
OBD II Split Connector Highly Recommended by Up Fitters	61B	52.00		
Rear Auxiliary Liftgate Lights	43A	371.00		
☑Class III Trailer Tow Lighting Package (4-pin and 7-pin connectors and wiring) Now Standard	52T	N/C		
☑H8 AGM Battery (900 CCA/92-amp)	19K	103.00		
Noise Suppression Bonds (Ground Straps)	60R	94.00	X	\$94.00
100 Watt Siren/Speaker (includes bracket and pigtail)	18X	296.00		
Low-Band Frequency Noise Suppression Kit <b>New Option</b>	68E	183.00		
Pulse Rear-End Deterrent System*	DLRI	299.99		

Total Per Unit

**44960.88**

\*Non Contracted State Items



**STAFF REPORT NO. 139**  
**CITY COUNCIL MEETING**  
**9/27/2022**

REPORT PREPARED BY: Chris Swanson, Management Analyst

DEPARTMENT DIRECTOR

REVIEW:

OTHER DEPARTMENT REVIEW: Jay Henthorne, Public Safety Director, Jennifer Anderson, Public Health Administrator Mike Flaherty, Deputy Chief

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
9/21/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the approval of the first reading of an ordinance adopting Section 625 of the City Code Prohibiting Conversion Therapy for Minors and Vulnerable Adults**

**EXECUTIVE SUMMARY:**

City Council is being asked to consider the first reading of an Ordinance adopting City Code Section 625 prohibiting Conversion Therapy for Minors and Vulnerable Adults. The City Council heard a presentation at the June 6, 2021 Council work session on exploring a conversion therapy ban in the future. The City Council supported moving forward with a ban and asked staff and the Richfield Human Rights Commission (HRC) to begin drafting an ordinance with these protections.

At the August 4, and September 6, 2022 meetings, the HRC reviewed an ordinance presented by staff. Based on discussions with the HRC during these meetings, staff made updates to the proposed ordinance. The HRC recommended the ordinance be sent on to the City Council for review and formal approval. As Council has already discussed this ordinance during a work session, staff is recommending adoption of this ordinance.

**Background:**

The proposed ordinance would ban “conversion therapy” for minors and vulnerable adults in Richfield. The proposed ordinance defines “conversion therapy” or “reparative therapy” as any practice or treatment by a provider that seeks to change an individual’s sexual orientation, gender identity, or gender expression.

The HRC has taken on this issue as it is directly related to their commitment to the Minnesota Human Rights Act (MHRA). The MHRA prohibits discrimination in Minnesota and is enforced by the Minnesota Department of Human Rights (MDHR). The state law prohibits discrimination in employment, housing, public accommodations, public services, education, credit, and business based on protected class, including sexual orientation and gender identity. In Minnesota, the practice of conversion therapy for minors and vulnerable adults is currently restricted by Executive Order 21-25. As Executive Order 21-25 is currently enforceable, the governor has tasked the MDHR with investigating any violations of this order. If, due to legislative or legislative actions, Executive Order 21-25 was not in place, there may be questions about the enforceability of this provision at the state level. This proposed ordinance would ensure there are protections for minors and

vulnerable adults if the protections offered by the executive order were to be removed.

The HRC's purpose is "is to secure for all citizens equal opportunity in employment, housing, public accommodations, public services and education and full participation in the affairs of this community and to take appropriate action consistent with the Minnesota Human Rights Act. The Commission shall also advise the City Council on long range programs to improve human relations in the City." This proposed ordinance is directly aligned with the HRC's charge from the Council.

### **Why pass an ordinance banning conversion therapy?**

Research shows conversion therapy is harmful to those who have undergone this practice. According to the Trevor Project's 2019 national survey on LGBTQ+ mental health, 42 percent of LGBTQ+ youth who have undergone conversion therapy have attempted suicide, compared to 17 percent for those who have not. Numerous professional health organizations, including the American Psychiatric Association, the American Medical Association, the American Psychological Association, the Minnesota Medical Association, and the Minnesota Psychological Association, have repeatedly voiced their opposition to these practices and the harm this causes.

Although there is currently no Federal ban on conversion therapy, 20 States including the District of Columbia and Puerto Rico have moved to ban this practice at the state level. Seven Minnesota cities (St Paul, Minneapolis, West St. Paul, Winona, Northfield, Duluth, and Rochester) currently have ordinances in place banning this harmful practice. In Minnesota, the practice of conversion therapy for minors and vulnerable adults is currently restricted by Executive Order 21-25. There have been a few bills introduced in the Minnesota House (HF2156) and Senate which would have banned on conversion therapy statewide, but no law has yet passed. By passing a local ordinance, Richfield can ensure minors and vulnerable adults are protected. Should State law change to ban this practice statewide there will be no impact on the proposed city ordinance as it will remain dormant.

### **Summary of proposed ordinance**

This ordinance was reviewed by the City Manager, City Attorney, Director of Public Safety, and the City's Public Health Administrator. It was modeled on a number of ordinances passed by cities. The purpose, findings, and specific points to note in the ordinance are as follows:

- The practice of conversion therapy has been found to lead to critical health risks and inequities including anxiety, depression, decreased self-esteem, substance abuse, homelessness, self-harm, and suicide.
- Major medical, mental health, and child welfare professional associations, including the American Psychological Association, American Psychiatric Association, American Medical Association, and American Academy of Pediatrics, have found conversion therapy ineffective, unreliable, and unsafe.
- Minors and vulnerable adults are especially vulnerable to the harms associated with conversion therapy and may lack the ability to make decisions about their own medical and mental health.
- The proposed ordinance would apply to licensed providers as defined as follows: "Provider" means any licensed medical or mental health professional including, but not limited to, licensed mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, and social worker associates, and any physicians, psychologists, psychotherapist, certified chemical dependency professionals, certified chemical dependency professional trainees, counselors, certified counselors, and certified advisers. A provider does not include members of the clergy or religious officials who are (1) acting in their roles as clergy, religious officials, or pastoral counselors and (2) providing religious counseling. This includes providers who may be located outside city limits but provide this service via "Teleconferencing" or "Telemedicine".
- As noted in the above definition, this ordinance does not affect religious counselors or individual prayer practices. This ties the ban to the purpose of the ordinance, to protect the health of children and vulnerable adults and removes potentially unconstitutional-speech requirements.
- Conversion therapy does not include mental health services that (1) provide assistance to an individual undergoing gender transition or confirmation (2) facilitate an individual's acceptance, support, understanding, exploration, and development of gender identity or sexual

orientation; or (3) prevent or address unlawful conduct or unsafe sexual practices if such mental health services do not seek to change or are not conducted with the goal of changing the person's sexual orientation or gender identity; or (4) are required by a court order, decision, or judgment of a judicial officer.

- **Enforcement:** The enforcement provisions allow the City Manager or designated City staff, in coordination with the Director of Public Safety and City Attorney to investigate and follow the City's standard administrative citation process outlined in Chapter 325 of City Code or refer the violation to appropriate state licensing boards, authorities, and/or agencies.
- **Violations of this Section are punishable by civil fines set annually by Appendix D of the City Code.** This includes separate civil fine amounts for a first, second, and any subsequent violation. Staff is recommending the fine amount for a violation of this section should be \$1,000 per instance, the maximum amount per the City Charter, regardless of number of prior violations.
- **Severability:** If any part, term, or provision of this Section or the application is held to be invalid or unconstitutional, such portion shall be deemed severable and shall not affect the validity of the remaining portions of this section. The remaining portions shall continue in full force and effect. The invalid provision will be modified to the extent necessary so the section continues to be enforceable.
- **Effective date for enforcement:** The city recognizes the practice of conversion therapy for minors and vulnerable adults is currently restricted in Minnesota by Executive Order 21-25. The city wishes to enact this section to ensure, regardless of the political climate, the protections of minors and vulnerable adults remain in place. This ordinance shall become enforceable effective thirty (30) days following the occurrence of any of the following circumstances:
  1. Action from the Minnesota Governor's office which rescinds or blocks Executive Order 21-25; or
  2. Adoption of an amendment to the Constitution of the State of Minnesota which provides cities the authority to allow conversion therapy or reparative therapy; or
  3. The City Council moves, by resolution, to begin immediate enforcement of this ordinance.
- Generally, the City used APA definitions, when available. The professional terminology used to discuss gender identity, sexual orientation, gender expression, and conversion therapy, is still in development. Staff used terminology from the American Psychological Association's Guidelines for Psychological Practice with Transgender and Gender Nonconforming People when available (sexual orientation, gender expression, and gender identity). To the extent possible, the language used allows a ban on the broadest-possible range of harmful practices and provides protections to the greatest number of the LGBTQ+ community.

City Council is being asked to consider the first reading of an Ordinance adopting City Code Section 625, the prohibition Conversion Therapy for Minors and Vulnerable Adults.

### **RECOMMENDED ACTION:**

**By motion: Approve the first reading of the ordinance adopting Section 625 of the City Code Prohibiting Conversion Therapy for Minors and Vulnerable Adults and schedule the second reading for October 11, 2022.**

### **BASIS OF RECOMMENDATION:**

#### **A. HISTORICAL CONTEXT**

Please see executive summary.

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

None

#### **C. CRITICAL TIMING ISSUES:**

None

#### **D. FINANCIAL IMPACT:**

None

#### **E. LEGAL CONSIDERATION:**



The City attorney has reviewed and approved this ordinance.

**ALTERNATIVE RECOMMENDATION(S):**

The City Council could defer action on this item to a future meeting or amend the proposed ordinance.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

HRC Commissioner Mara Glubka

**ATTACHMENTS:**

Description	Type
□ Proposed Conversion Therapy Ordinance	Ordinance

**BILL NO. XXX**

**AN ORDINANCE ADOPTING SECTION 635  
IN RICHFIELD CITY CODE PERTAINING  
TO THE PROHIBITION OF CONVERSION  
THERAPY FOR MINORS AND  
VULNERABLE ADULTS**

**THE CITY OF RICHFIELD DOES ORDAIN:**

**Section 1.** Chapter VI, of the Richfield Code of Ordinances is amended to add the following new Section 635 as follows:

**SECTION 635. – PROHIBITION OF CONVERSION THERAPY FOR MINORS AND  
VULNERABLE ADULTS**

**635.01. - Findings and Purpose.**

**Subdivision 1.** The practice of conversion therapy has been found to lead to critical health risks and inequities including anxiety, depression, decreased self-esteem, substance abuse, homelessness, self-harm, and suicide.

**Subd. 2.** Major medical, mental health, and child welfare professional associations, including the American Psychological Association, American Psychiatric Association, American Medical Association, and American Academy of Pediatrics, have found conversion therapy ineffective, unreliable, and unsafe.

**Subd. 3.** Minors and vulnerable adults are especially vulnerable to the harms associated with conversion therapy and may lack the ability to make decisions about their own medical and mental health.

**Subd. 4.** The city has a compelling interest in protecting the physical and psychological health of minors and vulnerable adults and in protecting them against exposure to the serious harms caused by the practice of conversion therapy.

**Subd. 5.** It is necessary for the City Council to exercise its legislative power to protect and promote the health, safety, and welfare of the city's minors and vulnerable adults.

**Subd. 6.** This section is an exercise of the city's commitment to achieving a high quality of life relating to the protection of public health, safety, and welfare. Its provisions shall be liberally construed to accomplish that purpose. The purpose of this section is to protect the physical and psychological health of minors and vulnerable adults from exposure to the serious harms caused by conversion therapy.

**Subd. 7.** The city recognizes the practice of conversion therapy for minors and vulnerable adults is currently restricted in Minnesota by Executive Order 21-25,

but the city wishes to enact this section to ensure the protections of minors and vulnerable adults regardless of the political climate.

## **635.02.- Definitions.**

**Subdivision 1. General Rule.** The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

**Subd. 2. “*Conversion therapy*” or “*reparative therapy*”** means any practice or treatment by a provider that seeks to change an individual’s sexual orientation, gender identity, or gender expression. Conversion therapy does not include mental health services that (1) provide assistance to an individual undergoing gender transition or confirmation (2) facilitate an individual’s acceptance, support, understanding, exploration, and development of gender identity or sexual orientation; or (3) prevent or address unlawful conduct or unsafe sexual practices if such mental health services do not seek to change or are not conducted with the goal of changing the person’s sexual orientation or gender identity; or (4) are required by a court order, decision, or judgment of a judicial officer.

**Subd. 3. “*Gender expression*”** means the presentation and behaviors of an individual that express aspects of gender identity or role. Gender expression may or may not conform to a person’s gender identity.

**Subd. 4. “*Gender identity*”** means a person’s deeply-felt, inherent sense of being a boy, a man, or male; a girl, a woman, or female; or an alternative gender (e.g., genderqueer, gender nonconforming, gender neutral) that may or may not correspond to a person’s sex assigned at birth or to a person’s primary or secondary sex characteristics. Since gender identity is internal, a person’s gender identity is not necessarily visible to others.

**Subd. 5. “*Minor*”** includes any person less than eighteen (18) years of age, except those persons who are able to give effective consent to medical and mental health services pursuant to Minnesota Statutes, Chapter 144.

**Subd. 6. “*Provider*”** means any licensed medical or mental health professional including, but not limited to, licensed mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, and social worker associates, and any physicians, psychologists, psychotherapist, certified chemical dependency professionals, certified chemical dependency professional trainees, counselors, certified counselors, and certified advisers. A provider does not include members of the clergy or religious officials who are (1) acting in their roles as clergy, religious officials, or pastoral counselors and (2) providing religious counseling.

**Subd. 7. “*Sexual Orientation*”** means a component of identity that includes a person’s sexual and emotional attraction to another person and the behavior and/or social affiliation that may result from this attraction. This definition does

not include any criminal conduct as defined in Minnesota Statutes, Chapter 609.

**Subd. 8.** “*Vulnerable adult*” includes any person 18 years of age or older and who meets the definition of a vulnerable adult in Minnesota Statutes, Section 626.5572.

**Subd. 9.** “*Clergy*” or “*Religious Official*” has the meaning given by Minnesota Statutes, Section 148.9075, and includes recognized religious officials, including ministers, priests, rabbis, imams, Christian Science practitioners, and other persons recognized by the Minnesota Board of Psychology, conducting counseling activities that are within the scope of the performance of their regular recognizable religious denomination or sect, as defined in current federal tax regulations, if the religious official does not hold them self out as a provider, as defined in this article, and the official remains accountable to the established authority of the religious denomination or sect.

**Subd. 10.** “*Teleconferencing*” or “*Telemedicine*” means the distribution of health-related services and information via electronic information and telecommunication technologies (e.g., video conferencing or web-based communication tools that enable a provider in one location to consult with an individual in a second location).

#### **635.03. - Prohibition on conversion therapy for minors or vulnerable adults.**

**Subdivision 1.** It shall be unlawful for a provider to conduct or practice conversion therapy on a minor or a vulnerable adult within the city limits, including conversion therapy via teleconferencing or telemedicine in which the minor, vulnerable adult, and/or provider is located within the city limits.

**Subd. 2.** Nothing in this section shall be construed to prevent a person employed by a post- secondary or graduate institution from teaching and conducting research on conversion therapy within an educational institution that is recognized by a regional accrediting organization or by a federal, state, county, or local government institution, agency, or research facility, so long as the institution provides appropriate research oversight mechanisms to ensure public protection and the person is not providing direct clinical services of conversion therapy to minors.

**Subd. 3.** This section does not prohibit the practice of conversion therapy on individuals over the age of 18, who are not considered vulnerable adults under Minnesota Statutes, Section 626.5572.

#### **635.04. - Enforcement.**

**Subdivision 1.** Upon receipt of a report of an alleged violation of this section, the City Manager or their designee, in coordination with the Director of Public Safety and City Attorney, may, as deemed appropriate, investigate the allegation.

**Subd. 2.** Upon discovery of a violation of this Section, the city may implement

the administrative citations and civil penalty procedure detailed in Section 325 of this Code.

**Subd. 3.** Each subsequent instance or session of conducting or practicing conversion therapy or reparative therapy on a minor or a vulnerable adult is a distinct offense, for which a separate administrative citation and fine may be issued.

**Subd. 4.** Violations of this Section are punishable by civil fines set annually by Appendix D of the City Code, including separate civil fine amounts for a first, second, and any subsequent violation.

**Subd. 5.** The City Manager or their designee, in coordination with the Director of Public Safety and City Attorney, will report the violation and details surrounding the violation to each appropriate licensing board or authority or state agency.

**Subd. 6.** Notwithstanding any law or ordinance to the contrary, this Section does not prohibit or preclude any other available legal remedies for any violation of the law, including without limitation, criminal or civil actions. This includes remedies at the state or federal level.

#### **635.05. - Severability.**

If any part, term, or provision of this Section or the application thereof to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this section, which remaining portions shall continue in full force and effect. The invalid provision will be modified to the extent necessary so the section continues to be enforceable.

#### **635.06. - Effective date for enforcement**

The city recognizes the practice of conversion therapy for minors and vulnerable adults is currently restricted in Minnesota by Executive Order 21-25. The city wishes to enact this section to ensure, regardless of the political climate, the protections of minors and vulnerable adults remain in place.

Notwithstanding any other provision of law, this section shall become enforceable effective thirty (30) days following the occurrence of any of the following circumstances:

- (a) Action from the Minnesota Governor's office which rescinds or blocks Executive Order 21-25; or
- (b) Adoption of an amendment to the Constitution of the State of Minnesota which provides cities the authority to allow conversion therapy or reparative therapy; or
- (c) The City Council moves, by resolution, to begin immediate enforcement of this ordinance.

**Section 2.** Appendix D of the Richfield Municipal Code is amended as follows:

Appendix D – License, Permit and Miscellaneous Fees

Section 11. Miscellaneous Fees.

Type of Permit or License	Section Requiring	Description	Fee
<u>Violation of Conversion Therapy Ban</u>	<u>635</u>	<u>Providing Conversion therapy to a minor or vulnerable adult</u>	<u>\$1,000 per instance</u>

**Section 3.** Effective Date. This ordinance becomes effective on January 1, 2023.

Passed by the City Council of the City of Richfield, Minnesota this 11th day of October, 2022.

\_\_\_\_\_  
Maria Regan Gonzalez, Mayor

ATTEST:

\_\_\_\_\_  
Kari Sinning, City Clerk



**STAFF REPORT NO. 141**  
**CITY COUNCIL MEETING**  
**9/27/2022**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
9/21/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
9/21/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Public hearing and consider the approval of new On-Sale Wine and 3.2 Percent Malt Liquor licenses for Kataki, located at 6401 Nicollet Avenue.**

**EXECUTIVE SUMMARY:**

On June 22, 2022, the City received the application materials for new On-Sale Wine and 3.2 Percent Malt Liquor licenses for Kataki, located at 6401 Nicollet Avenue.

All required information and documents have been received. All licensing fees have been paid.

The Public Safety background investigation has been completed. Attached is the background summary report. The Public Safety Director has reviewed the background investigation report. There is nothing in the report that would cause the Public Safety Director to recommend denial of the requested licenses.

**RECOMMENDED ACTION:**

**Conduct and close the public hearing and by motion: Approve the issuance of new On-Sale Wine and 3.2 Percent Malt Liquor licenses for Kataki, located at 6401 Nicollet Avenue.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The applicant has satisfied the following requirements for issuance of licenses:
  - The required license fees have been paid.
  - Real estate taxes are current.
  - Proof of commercial and liquor liability insurance have been received showing Society Insurance as affording coverage.
- As a result of this being a new request for On-Sale Wine and 3.2 Percent Malt Liquor licenses, there is no need for an accountant's statement regarding food/alcohol ratio.
- As stated in the Executive Summary, the Public Safety Director has reviewed the background information and sees no basis for denial.
- On-Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing

problems occur. A copy of this resolution has been given to the owner of the establishment.

- There are no distance requirements to notify neighbors of the issuance of On-Sale Wine and 3.2 Percent Malt Liquor licenses.

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

Richfield City Code Section 1202 requires owners of On-Sale Wine and 3.2 Percent Malt Liquor licensed establishments to comply with all the provisions of both City Code and State Statutes.

**C. CRITICAL TIMING ISSUES:**

There are no critical timing issues.

**D. FINANCIAL IMPACT:**

Licensing fees have been received.

**E. LEGAL CONSIDERATION:**

- The requirements of Resolution No. 9511 must be met which outlines the discipline they can expect if any on-going problems occur. A copy of this resolution has been given to the owner of the establishment.
- The Notice of Public Hearing was published in the Richfield Sun Current on September 15, 2022.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council could deny the requested licenses, which would mean the current applicants would not be able to serve On-Sale Wine and 3.2 Percent Malt Liquor; however, Public Safety has found no basis to deny the license.
- Schedule the hearing for another date; however, this will delay the licensing process.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Wen Jing Liu - Owner

**ATTACHMENTS:**

Description	Type
□ Kataki - Liquor Background	Backup Material
□ Kataki - Background Supplement	Backup Material



## **Introduction**

Kataki LLC d/b/a Kataki planned for 6401 Nicollet Ave S is applying for a new liquor license to sell 3.2% alcohol and wine. This is a new establishment however the owner and spouse have experience at Osaka and Haiku where wine is served.

This background check is required pursuant to Richfield City Ordinance 1202.

## **Applicants, Spouses and Interested Parties:**

Kataki LLC will be d/b/a Kataki and is listed as an individually owned business without any interests by any other parties. Per application details, it is solely owned by Wenjing Liu.

Applicant/Owner spouse is Qin Chen.

Residences and work history are reported for the previous 10 years.

**Owner** Wen Jing Liu (DOB 7/7/84)

**Aliases/Other Reported Names:** None listed however a records search shows an alias of "Danny Liu."

**Birthplace:** China

**Spouse:** Qin Chen

**Residence History:**

**7/1/18-Present**

3904 Stonebridge Dr N  
Eagan, MN

**3/1/17-6/60/18**

1206 2<sup>nd</sup> St E #39  
West Fargo, ND

**5/1/16-2/28/17**

1431 35<sup>th</sup> ST S  
Fargo, ND

**6/10/12-4/30/16**

5810 Seabury St  
Elmhurst, NY

**Employment History:**

Liu wrote "NA" for this section. That is contradictory to history section of application where Liu writes that he served wine at Osaka and Haiku restaurant. If he hasn't worked for 10 years and is not in any sort of partnership, there is a question as to where the money to open the restaurant came from.

The residency history and the liquor history do not make sense when compared. It states that Liu served wine at Osaka from 2016-2019 in North Dakota which is

consistent but then says that he served wine at Haiku from 2014-2016 in Minnesota when he lists his residence during that time period as New York.

Additionally, he is attached to the 5810 Seabury St Floor 2 address as recently as 10/31/21 for banking accounts, household listings and credit reporting along with another address in Elmhurst, NY as recently as 11/30/20.

There are two other addresses in Fargo, ND and 2 more in Minnesota that come up for him that he did not list in his residency history.

**Spouse** Qin Chen (DOB 12/28/85)

**Aliases/Other Reported Names:** None

**Birthplace:** China

**Spouse:** Wen Jing Liu

**Residence History:**

**7/1/18-Present**

3904 Stonebridge Dr N  
Eagan, MN

**3/1/17-6/60/18**

1206 2<sup>nd</sup> St E #39  
West Fargo, ND

**6/10/12-2/28/17**

5810 Seabury St  
Elmhurst, NY

**Employment History:**

"N/A" is written which is again contradictory to the liquor serving history which says that she served wine at Osaka in North Dakota from 2016-2019.

Chen's residency history and liquor history is also contradictory since it shows that she lived in New York until 2017 however the liquor history says that she started serving wine in North Dakota in 2016.

### **Criminal Background Check**

I conducted the following criminal checks on all of the above parties with interest in this business:

- Criminal History
- NCIC/CJIS Database for wants and warrants
- Minnesota Driver's License records
- Minnesota Court Records- Criminal, Civil, and Judgments
- Minnesota Predatory Offender Registration
- Local agency records checks

- North Dakota Court Records – Civil, Criminal and Judgements
- New York Court Records – Criminal

### **Wen Jing Liu**

Liu has 2 speeding tickets, an expired registration ticket and a parking ticket from 2018-2021 which appear to be paid. No records were located in North Dakota or New York under his name or the alias of “Danny Liu.”

Besides a permit to purchase a handgun application which was approved, there are no other local records for Liu.

### **Qin Chen**

Chen has no records in Minnesota, North Dakota or New York.

Besides a permit to purchase a handgun application which was approved, there are no other local records for Chen.

## **City Ordinance 1202.09 – License Application Requirements**

### **Subdivision Two – Contents of Application:**

- The applicant is sole owner of Kataki LLC, DBA Kataki
- Liquor sales are to be conducted at 6401 Nicollet Ave S. No floor plan was provided but is required.
- The property is owned by Thu Thuy Nguyen out of Bloomington, MN and the renter is Kataki LLC. A copy of the rental lease agreement was provided with the application. It was signed 4/19/22 and has a term if 7/1/22-8/31/32 with rent paid by the first of every month beginning 9/1/22. Kataki LLC is the sole tenant of the building.
- No other persons or businesses were named as having financial interest other than the owner and his spouse.
- Hennepin County Tax Records do not show any delinquent taxes
- This section does not apply
- No plans provided therefore it does not appear that any construction or alteration to the building is planned.
- Application does not include any plans for alterations to the building however the building was previously a restaurant and set up in compliance with zoning requirements at that time.
- The council has not requested any additional information that this investigator has been made aware of.

### **Subdivision Three – Additional Information: natural persons:**

- Applicant, who is sole owner, provided most of this information but there are discrepancies regarding residency as noted above.

- (b) Applicant did not list any alias however a records search did locate a potential alias of Danny Liu which was not on the application and unknown where it came from or what context it was used.
- (c) Business name is to be: Kataki.
- (d) Applicant's spousal information is provided along with residency which also has discrepancies as listed above.
- (e) Provided with discrepancies listed above.
- (f) None for either applicant or spouse.
- (g) Vague information is provided under this section such as "Osaka in North Dakota" but does not include city. This information is contradictory to residency information provided on the application.
- (h) None provided.

Subdivision Four:

Not Applicable.

Subdivision Five:

Not Applicable

**City Ordinance 1202.11 – License Fees**

City staff indicates all applicable fees as required by section 1202.11 have been paid.

**City Ordinance 1202.13 – Proof of Financial Responsibility**

Subdivision Two:

Applicant provided a certificate of liability insurance that meets or exceeds requirements of this section. The insurers affording coverage are Nationwide Insurance and Markel Insurance. The coverage period is 07/01/2022-07/01/2023 but is continuous until canceled. The insurance covers commercial general liability, liquor liability, and worker's compensation and employer's liability.

On 7/19/22 the policy was verified as active.

A copy of the certificate was included in application.

**Summary**

The Applicant is sole owner of a new business which filed with the State of Minnesota as a Limited Liability Company on 3/11/22 and is in good standing. The business is Kataki LLC and will be doing business at 6401 Nicollet Ave S in

Richfield as Kataki. Application shows they intend to sell wine and 3.2% alcohol indoors. Sunday sales are not included on the application.

Neither Applicant nor Spouse has any criminal history or negative law enforcement contact beyond petty traffic related incidents. Neither Applicant nor spouse has any civil judgements against them currently or in the past.

Neither Applicant nor Spouse has any previous experience owning or managing a business per their application. Both have served wine at restaurants.

The lease term for the premises of 6401 Nicollet Ave S is 10 years with first payment not due until 9/1/22. Insurance meets/exceeds ordinance requirements.

There are discrepancies on the application regarding residency and employment of Applicant and Spouse. Information that is provided under the liquor sales history is vague. The floor plan for the premises is not included.

8/31/22 - background approved

RECEIVED AUG 02 2022



**CITY OF RICHFIELD**

**Background Check Supplement**



Business Name: Kataki  
Establishment Location: 6401 Nicollet Ave, Richfield, MN  
Establishment Phone Number: 612-866-5034  
Contact Email Address: DannyLiu977@gmail.com  
Contact Phone Number: 917-687-0870 - call if questions

Applicant Name: WenJing Liu Date of Birth: 07-07-1984  
Driver's License Number and State Issued: B000-020-225-900 Minnesota  
Alias/Other Names (if applicable): \_\_\_\_\_

Address(es) at which you have lived for the past 10 years, including dates:

07-01-2018 to Now 3904 Stonebridge Dr N Eagan MN 55123  
03-01-2017 to 06-30-2018 1206 2nd St E #39 West Fargo ND 58078  
05-01-2016 to 02-28-2017 1431 35th St S Apt 215 Fargo ND 58103  
06-01-2012 to 04-30-2016 5810 Seabury St Glenhurst NY 11373

Name, address, and dates of employment for the past 10 years:

03-15-2022 to Now Kyoto Sushi 1250 Town Centre Dr Eagan MN  
09-2019 to 03-2020 Part time for uber / DoorDash  
05-01-2016 to 07-14-2019 Haiku Bistro 754 MN-110  
Osaka Sushi 38th St S Fargo ND 58103 Mendota Heights MN 55120  
2014 to 04-30-2016 Haiku Bistro 754 MN-110 Mendota Heights MN  
2013-2014 Shogun Golden Valley LLC I don't remember the exact time  
6440 Wayzata Blvd Golden Valley 55426  
2012 Panda Restaurant LLC I don't remember the exact time  
965 East State Street Athens OH 45701

Explain any discrepancies, or any other information that the City should know:

Hi my name is Wenjing Liu, when I worked in MN and ND, I did not live in other states. But my mailing address was always in N.Y. ~~at 5810 Seabury St Elmhurst - N.Y~~, (5810 Seabury St Elmhurst - N.Y) This is my sister's home address, where I used to live downstairs, I was worried about the instability of my job, because I had changed my job often, before, and I was worried that some important letters would be lost or not received if I changed my mailing address often. I owned an apartment at 8006 47 Ave Elmhurst N.Y 11373 between 2015-2016 and then sold it, but I don't live in it. when I worked in MN, my boss provided me with a free room to live in. So I didn't rent any apartment to live by myself, this is one of the reasons I didn't change my mailing address, because they could fire me at any moment. That was the case until we bought a house at 3904 Stonebridge Dr - N. Eagan MN in 2018, ~~and~~ then we moved everything here now, and my family has lived here ever since. But I am still work in ND until July 2019, now we live here all the time.

### SWORN STATEMENT

I declare that the above statements are true and correct to the best of my knowledge and belief.

Applicant Name (print): WENJING LIU

Signature: 

Date: Aug 02 2022



# CITY OF RICHFIELD

## Background Check Supplement



Business Name: Kataki  
 Establishment Location: 6401 Nicollet Ave, Richfield, MN  
 Establishment Phone Number: 612-866-5034  
 Contact Email Address: DannyLiu977@gmail.com  
 Contact Phone Number: 917-687-0870

Applicant Spouse Name: Qin Chen Date of Birth: 12-28-1985  
 Driver's License Number and State Issued: L322-104-935-207 Minnesota  
 Alias/Other Names (if applicable): \_\_\_\_\_

Address(es) at which you have lived for the past 10 years:

07-01-2018 to Now 3904 Stonebridge Dr N Eagan MN 55123  
03-01-2017 to 06-30-2018 1206 2nd St E #39 West Fargo ND 58078  
05-01-2016 to 02-28-2017 1431 35th St S Apt 215 Fargo ND 58103  
06-01-2012 to 04-30-2016 5810 Seabury St Elmhurst NY 11373

Name, address, and dates of employment for the past 10 years:

Haikey Bistro 754 MN-110 Mendota Height MN  
July 2021 till now Part time Job  
Iwa Sushi 7781 Amana trail unit 205 Inver Grove Heights MN  
Jan-May 2020 Part time Job  
Osaka Sushi 38th St - S Fargo ND 58103 05/01/2016 to 07/14/2018  
Haikey Bistro 754 MN-110 Mendota Height MN 2015 to 04/30/2016  
Yasaka INC 251 W 72nd St NY 10023 2012 Part time Job  
Sorry! Some of them I can't remember exactly time.



Explain any discrepancies, or any other information that the City should know:

Hi my name is Qin Chen. My situation is basically same as my husband's (WenJingLiu) I went to Haiku Bistro Sushi Restaurant in Minnesota to work with my husband in 2015. So we lived together and worked in the same restaurant from 2018 to June 2018. Because our job is not stable before, so our mailing address is always written in 5810 Seabury St Elmhurst New York. I lived at the address above until 2015 while working in Haiku Bistro Shushi restaurant. We had been living in a free room provided by our boss. In July 2018 we bought a house at 3904 Stonebridge Dr N Eagan MN, and I've lived here ever since.

**SWORN STATEMENT**

I declare that the above statements are true and correct to the best of my knowledge and belief.

Applicant Spouse Name (print): Qin Chen

Signature: Qin Chen Date: Aug 02 2022



**STAFF REPORT NO. 142**  
**CITY COUNCIL MEETING**  
**9/27/2022**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
9/21/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
9/21/2022

**ITEM FOR COUNCIL CONSIDERATION:**

Consider the approval of the second reading and summary publication of an ordinance amending Sections 617 (Food Establishments), 618 (Lodging Establishments), and 619 (Public Pools) 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.

**EXECUTIVE SUMMARY:**

The Minnesota Department of Health (MDH) recently reviewed city code for conformance with the City's delegation of authority agreement to license and inspect food and lodging establishments, and public pools. Based on their assessment, MDH staff recommended minor edits to city code to better align with state requirements for public pool plan review and lodging establishment variances.

Updates include aligning food supplemental and temporary license categories in code and fee schedule, having code reflect the current practice of issuing outdoor public pool licenses after passing inspection, and adding a reinspection fee (\$100) for an outdoor pool opening inspection when the operator fails to cancel the appointment and the pool is not ready to open.

The first reading of this ordinance amendment was heard by the City Council on September 13, 2022.

**RECOMMENDED ACTION:**

**By Motion:**

1. Approve the second reading of an ordinance amending Sections 617, 618, and 619 of the Richfield City Code pertaining to food, lodging and pools; and,
2. Approve a resolution authorizing summary publication of said ordinance

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

See Executive Summary

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

Chapter 6 of the Richfield City Code pertains to the regulation and enforcement of Public Health areas such as food, pools, lodging, wells, and tattoo and body piercing establishments.

C. **CRITICAL TIMING ISSUES:**

NA

D. **FINANCIAL IMPACT:**

NA

E. **LEGAL CONSIDERATION:**

The City Attorney has reviewed the ordinance and approves of its contents.

**ALTERNATIVE RECOMMENDATION(S):**

The City Council may not decided to approve the second reading of the ordinance and direct staff how to proceed.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

Description	Type
□ Chapter 6 proposed amendments	Cover Memo

BILL NO. \_\_\_\_\_

**AN ORDINANCE UPDATING REGULATIONS FOR FOOD ESTABLISHMENTS, LODGING ESTABLISHMENTS, AND PUBLIC POOLS TO BE CONSISTENT WITH DELEGATED STATE REQUIREMENTS AND MISCELLANEOUS EDITS FOR CLARITY AMENDING SECTIONS 617, 618, AND 619 OF THE CITY CODE**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. Section 617 of the Richfield City Code is amended as follows:

**CHAPTER VI - PUBLIC HEALTH**

\* \* \*

**SECTION 617. - FOOD ESTABLISHMENTS**

\* \* \*

**617.15. - Food establishment licensing categories and restrictions.**

\* \* \*

**Subd. 6.** Supplemental facility means any additional distinct or separate food service facility on the same premises as a Type I, II, III, IV, or V establishment, including catering food vehicles. Supplemental facilities are categorized as:

- (a) High Supplemental Facility having similar food handling operations specified under Type I or II establishment;
- (b) Medium Supplemental Facility having similar food handling operations specified under Type III ~~or~~ IV establishment; or
- (c) Low Supplemental Facility having similar food handling operations specified under Type IV or V establishment.

**Subd. 7.** Temporary food establishment is defined in Minnesota Rules, Chapter 4626 and includes special event food stands as defined in Minnesota Statutes, Chapter 157. Temporary Food Establishments are categorized as:

- (a) Complex Temporary Food Establishment having similar food handling operations specified under Type I ~~and or II Type III~~ establishments; or
- (b) Simple Temporary Food Establishment having similar food handling operations specified under Type III, IV and or V establishments.

\* \* \*

Sec. 2. Section 618 of the Richfield City Code is amended as follows:

**SECTION 618. - LODGING ESTABLISHMENTS**

**618.01. - Findings and purpose.**

This section is enacted to establish standards for the regulation of lodging establishments in Richfield, in order to protect the health, safety, and general welfare of the public pursuant to the powers granted under Minnesota Statutes, Chapter 145A. The principal objectives of this section of the City Code are to prevent illness, to correct and prevent conditions that may adversely affect persons utilizing licensed establishments, to provide consistent standards for design, construction, operation, and maintenance of licensed establishments, and to meet the consumer expectations of health and safety of licensed establishments.

For the purpose of prescribing regulations governing lodging establishments, the City of Richfield hereby adopts the following rules and statutes as may be amended or recodified from time to time:

- (a) Minnesota Statutes, Chapters 157, except for section 157.16 and Minnesota Statutes, Chapter 327; and
- (b) Minnesota Rules, Part 4625, except for part 4625.2300; and
- (c) Minnesota Rules, Part 4717.7000, subpart 1(D).

\* \* \*

Sec. 3. Section 619 of the Richfield City Code is amended as follows:

**SECTION 619. - PUBLIC POOLS**

**619.01. - Findings and purpose.**

This section is enacted to establish standards for the regulation of public pools in Richfield, in order to protect the health, safety, and general welfare of the public pursuant to the powers granted under Minnesota Statutes, Chapter 145A. The principal objectives of this section of the City Code are to prevent illness, to correct and prevent conditions that may adversely affect persons utilizing public pools, to provide consistent standards for design, construction, operation and maintenance of public pools, and to meet the consumer expectations of health and safety of public pools.

For the purpose of prescribing regulations governing public pools, the City of Richfield hereby adopts Minnesota Rules, ~~chapters parts~~ parts 4717.0150 through 4717.3975 ~~3970, except part 4717.0450, and~~ Minnesota ~~Statute~~ Statutes, section 144.1222, as may be amended or recodified from time to time.

\* \* \*

**619.09. - License fees.**

License fees shall be as set forth in Appendix D of this Code. Initial and renewal licenses shall be issued for the calendar year for which application is made and shall expire on December 31 of such year. License renewals shall be obtained on an annual basis. Outdoor public pool licenses will be issued following a satisfactory beginning of the season inspection or opening inspection.

\* \* \*

#### **619.17. - Additional health and safety standards.**

This ~~Article~~ subsection specifically adopts the following additional standards for health and safety to Minnesota Rules, Chapter 4717:

**Subdivision 1.** When the public pool is not open for use, access to the pool shall be prevented.

~~**Subd. 2.** Minnesota Rules, Chapter 4717.3970, POOL CLOSURE, C. The pool shall be closed when the disinfection residual exceeds 10 parts per million for chlorine and 20 parts per million for bromine. Pools with disinfection residual of 5 to 10 parts per million chlorine and 10 to 20 parts per million bromine may remain open if all other pool water conditions are met per Minnesota Rules, Chapter 4717.1750.~~

~~**Subd. 3**~~ **2.** Depth of the water must be plainly marked at or above the water surface on the vertical pool wall anywhere it is required on the deck in Minnesota Rules, Chapter 4714.2450.

\* \* \*

#### **619.23. - Plan review.**

Construction shall not commence on any new or remodeled public pool or any existing structure converted to a public pool until the ~~Health Authority~~ Minnesota Department of Health has reviewed and approved the plans and specifications as set forth in ~~this section~~ Minnesota Rules, part 4717.0450.

**Subdivision 1. Submission of Plans.** All building, electrical, plumbing and HVAC plans must be submitted to the building and inspection division ~~and the Health Authority~~ for review and approval.

~~**Subd. 3**~~ **2. Plan review fees.** Fees for building and inspection division plan review of new or remodeled public pools shall be those set by the City. If work has commenced prior to approval of construction or remodeling plans, additional fees may be assessed.

~~**Subd. 4. Additional criteria.** The plans and specifications for those public pools reviewed by the Health Authority must include:~~

~~(a) A survey showing proper setbacks, easements, pool placement, equipment placement, fence location, deck location, impervious surface coverage of the lot, and location of overhead electrical wires;~~

~~(b) The proposed equipment types, manufacturers, model numbers, dimensions, performance capabilities, and installation specifications; and~~

~~(c) Fencing plan including type, material, height, gate location and latching mechanism.]~~

\* \* \*

Sec. 4. This Ordinance will be effective in accordance with Section 3.09 of the City Charter.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

By: \_\_\_\_\_  
Maria Regan Gonzalez, Mayor

ATTEST:

\_\_\_\_\_  
Kari Sinning, City Clerk

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING SUMMARY PUBLICATION  
OF AN ORDINANCE UPDATING REGULATIONS FOR FOOD ESTABLISHMENTS,  
LODGING ESTABLISHMENTS, AND PUBLIC POOLS TO BE CONSISTENT WITH  
DELEGATED STATE REQUIREMENTS AND MISCELLANEOUS EDITS FOR  
CLARITY AMENDING SECTIONS 617, 618, AND 619 OF THE CITY CODE**

**WHEREAS**, the City has adopted the above-referenced amendment of the Richfield City Code; and

**WHEREAS**, the verbatim text of the amendment is cumbersome, and the expense of publication of the complete text is not justified;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION  
BILL NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTIONS 617, 618, AND 619 OF THE CITY CODE**

This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter.

This ordinance, which amends City Code Sections 617, 618, and 619 relating to food establishments, lodging establishments and public pools, does the following: updates the city code to better align with state requirements for public pool plan review, lodging establishment variances, and aligns food supplemental and temporary licenses categories in code and fee schedule.

Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours or upon request by calling the Support Services Manager at 612-861-9881.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of September, 2022.

\_\_\_\_\_  
Maria Regan Gonzalez, Mayor

ATTEST:

\_\_\_\_\_  
Kari Sinning, City Clerk



AGENDA SECTION:	PROPOSED ORDINANCES
AGENDA ITEM #	7.



**STAFF REPORT NO. 143**  
**CITY COUNCIL MEETING**  
**9/27/2022**

REPORT PREPARED BY: Nellie Jerome, Assistant Planner

DEPARTMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director  
9/20/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
9/21/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Second reading and summary publication of an ordinance amending the Richfield Zoning Code to update regulations for electric vehicle chargers**

**EXECUTIVE SUMMARY:**

This ordinance amendment would remove requirements that Electric Vehicle (EV) chargers be installed in enclosed parking areas. The amendment would generally maintain the minimum amount of chargers required and would not change any other dimensional or installation requirements. The amendment will better align the EV charging rules with the MN State Building Code.

The current EV ordinance requires that built structures include EV infrastructure, which goes above and beyond the requirements for built structures in the MN State Building Code. This is not allowed according to State Statute 326B.121. Staff has reviewed our ordinance and proposes to remove the word “enclosed” in order to avoid a challenge of the City’s EV ordinance. Developers would still have the option to meet the requirement through enclosed stalls.

Additionally, a change is required to the wording for conduit installation in residential uses with 4-14 units and with 15 or more units. The recommended change in wording will require at least 50% all of parking spaces to be built with EV charger conduit, instead of the previous wording which required 100% of all enclosed spaces to have conduit. The required ratio of 50% is intended to maintain the approximate required quantity of EV-ready stalls.

Staff recommends approval of the ordinance change to bring our City’s EV standards in line with the MN State Building Code.

**RECOMMENDED ACTION:**

By motion:

1. Approve the attached ordinance amending the Richfield Zoning Code to update regulations for electric vehicle chargers; and,
2. Approve a resolution authorizing summary publication of said ordinance

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

An ordinance amendment establishing standards for EV chargers was passed by the City Council on March 8, 2022.

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

- Subsection 544.13 of the Richfield Zoning Code establishes standards for EV chargers.
- A public hearing was held before the Planning Commission on August 22, 2022. No members of the public commented on the proposed amendment.
- The Planning Commission unanimously recommended approval at their August 22, 2022, meeting.
- A first reading of the proposed ordinance was approved at the September 13, 2022, regular City Council meeting.

**C. CRITICAL TIMING ISSUES:**

None.

**D. FINANCIAL IMPACT:**

None.

**E. LEGAL CONSIDERATION:**

- State Statute 326B.121, Subdivision 2, part (c) states that "A municipality must not by ordinance, or through development agreement, require building code provisions regulating components or systems of any structure that are different from any provision of the State Building Code. [...]"
- The City Attorney has reviewed the proposed ordinance.

**ALTERNATIVE RECOMMENDATION(S):**

- Approve the ordinance amendment or summary publication updating regulations for EV chargers.
- Deny the ordinance amendment or summary publication updating regulations for EV chargers, thus maintaining the status quo.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None.

**ATTACHMENTS:**

Description		Type
<input type="checkbox"/>	Ordinance	Ordinance
<input type="checkbox"/>	Summary Publication Resolution	Resolution Letter

**BILL NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE RICHFIELD  
ZONING CODE TO UPDATE REGULATIONS  
FOR ELECTRIC VEHICLE CHARGERS**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. **Subsection 544.13, Subdivision 7, of the Richfield Zoning Code is amended as follows:**

**Subd. 7. Electric Vehicle Charger Requirements**

- a) Purpose. Ensuring that electric vehicle (“EV”) charging serves both short- and long-term parking needs throughout the city, while limiting adverse impacts of EV chargers, reducing emissions, and improving environmental health outcomes in our community.
- b) EV charger level descriptions:
  - i. Level-1 (or “L1”) is considered slow charging and includes a range from zero (0) volts to one hundred twenty (120) volts.
  - ii. Level-2 (or “L2”) is considered medium charging and includes a range from one hundred twenty (120) volts to two hundred forty (240) volts.
  - iii. Level-3 (or “L3”) is considered fast or rapid charging and includes a range of greater than two hundred forty (240) volts.
- c) EV-ready spaces and EV parking space standards:
  - i. EV-ready spaces shall require appropriate electrical capacity and conduits to support future EV chargers. Appropriate electrical capacity and conduits shall allow for future simultaneous charging of all future installed chargers. EV-ready spaces shall not require an installed charger unit.
  - ii. EV charger installation in excess of any minimum requirements may be substituted for up to five (5) percent of minimum off-street parking requirements. One (1) L2 or L3 charger is equivalent to one (1) parking space.
  - iii. EV charger locations and standards:
    - 1) EV chargers must be located in a parking island, mounted to an adjacent pedestal or similar structure, or protected by bollards, structures, or a curb if located in a parking lot.
    - 2) EV chargers shall be set back at least three (3) feet from any lot line abutting another parcel. However, upon written request from the property owner, the Director may reduce or rescind this setback requirement for shared access agreements or pursuant to a finding of necessity and public convenience.

- 3) EV chargers located along an alley, or located adjacent to a right-of-way which contains a public sidewalk, shall be set back at least three (3) feet from the nearest edge of such alley or sidewalk. When adjacent to the right-of-way, the location must be approved by the Director of Public Works. EV chargers may be located in the right-of-way, with permission from the Director of Public Works. EV chargers mounted on pedestals, light posts, bollards, or other devices for on-street charging stations shall be designed and located as to not impede pedestrian travel or create hazards within the right-of-way.
- 4) EV chargers shall be set back at least twenty-four (24) inches from the face of any adjacent curb.
- 5) EV chargers shall be mounted in a manner that allows for any cords to be retractable or hung sufficiently above any pedestrian surface.
- 6) EV chargers shall be installed pursuant to manufacturer specification and shall comply with all applicable building codes and relevant Americans with Disabilities Act (ADA) requirements.
- 7) When an EV charger is not operational for thirty (30) consecutive days, it shall be considered to be removed from service.
- 8) EV chargers must be operational during the normal business hours of the use(s) served. EV chargers may be de-energized or otherwise restricted after normal business hours of the use(s) served.

d) Minimum requirements for EV chargers and EV-ready spaces by land use are as follows:

USE	INSTALLED EV CHARGING STATIONS*	EV-READY SPACES*	ADDITIONAL REQUIREMENTS
Residential uses with up to 3 units	At least one (1) <del>enclosed</del> space shall support L1 charging.		
Residential uses with 4 to 14 units	Ten (10) percent of <del>enclosed</del> parking spaces shall support L1 charging.	Two (2) spaces capable of L2 or L3 charging. <u>A minimum of fifty (50) percent of All remaining enclosed spaces</u> capable of L1 charging.	
Residential uses with 15 units or more	Ten (10) percent of parking spaces shall support L2	Twenty (20) percent of spaces capable of L2 or L3 charging. <u>A minimum of fifty (50) percent of All</u>	At least one ADA parking space shall have access to an

	charging.	remaining <del>enclosed</del> spaces capable of L1 charging.	installed EV charger.
Non-residential uses with up to twenty (20) spaces	One (1) space shall support L2 or L3 charging	Ten (10) percent of spaces capable of L2 or L3 charging.	
Non-residential uses with twenty-one (21) or more off-street parking spaces	Five (5) percent of parking spaces shall support L2 or L3 charging.	Twenty (20) percent of spaces capable of L2 charging. At least 1 space capable of L3 charging.	At least one ADA parking space shall have access to an EV charger.

\*If calculation results in a fraction, the next higher whole number shall be used.

- e) The minimum number of EV chargers may be reduced by the Director if proof can be provided that such spaces will not be used.

Section 5. This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 27 day of September, 2022.

\_\_\_\_\_  
Maria Regan-Gonzalez, Mayor

ATTEST:

\_\_\_\_\_  
Kari Sinning, City Clerk

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING SUMMARY PUBLICATION  
OF AN ORDINANCE AMENDING THE RICHFIELD  
ZONING CODE TO UPDATE REGULATIONS  
FOR ELECTRIC VEHICLE CHARGERS**

**WHEREAS**, the City has adopted the above-referenced amendment of the Richfield City Code; and

**WHEREAS**, the verbatim text of the amendment is cumbersome, and the expense of publication of the complete text is not justified.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION  
BILL NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE RICHFIELD  
ZONING CODE TO UPDATE REGULATIONS  
FOR ELECTRIC VEHICLE CHARGERS**

This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter.

This ordinance amendment would remove requirements that Electric Vehicle (EV) chargers be installed in enclosed parking areas. The amendment would generally maintain the minimum amount of chargers required and would not change any other dimensional or installation requirements. The amendment will better align the EV charging rules with the MN State Building Code.

Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours or upon request by calling the Department of Community Development at (612) 861-9760.

Adopted by the City Council of the City of Richfield, Minnesota this 27<sup>th</sup> day of September, 2022.

\_\_\_\_\_  
Maria Regan Gonzalez, Mayor

ATTEST:

\_\_\_\_\_  
Kari Sinning, City Clerk

AGENDA SECTION:	PROPOSED ORDINANCES
AGENDA ITEM #	8.



**STAFF REPORT NO. 140**  
**CITY COUNCIL MEETING**  
**9/27/2022**

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police  
9/22/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
9/22/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the approval of an interim ordinance authorizing a study and imposing a one year moratorium on cannabis products.**

**EXECUTIVE SUMMARY:**

In 2022, the Minnesota Legislature passed legislation that authorized the sale of certain edibles and beverages infused with tetrahydrocannabinol (THC) extracted from hemp. The legislation provided limited regulation of these products in Minn. Stat. § 151.72 under the Board of Pharmacy, including restrictions and requirements on packaging, labeling, amount of THC, and sale of these products to those under the age of 21.

Cities were not consulted during the drafting of this legislation but have local concerns that need to be addressed. Though the new law has some regulations on the products, there are significant gaps in state oversight and accountability of the manufacturing and production, testing, and distribution of the products.

On September 13, 2022, staff presented to the City Council in a work session. The presentation included background on the new law, League of Minnesota Cities work group update, staff concerns at the city level, four options for consideration, staff recommendations, and finally, time for questions and discussion.

Staff's recommendation to the Council was to implement a one-year moratorium and then license the sellers of cannabis products. The purpose of the moratorium is to allow the City time to study the impacts of cannabis products and to allow staff time to prepare a licensing ordinance for Council consideration. If the Council adopts a licensing ordinance before the one-year period is over, it can repeal the moratorium.

**RECOMMENDED ACTION:**

**By Motion: Approve the first reading of an interim ordinance authorizing a study and imposing a one-year moratorium on cannabis products and schedule a second reading for October 11, 2022.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

In 2022, the Minnesota Legislature passed legislation that authorized the sale of certain edibles

and beverages infused with tetrahydrocannabinol (THC) extracted from hemp. The legislation provided limited regulation of these products in Minn. Stat. § 151.72 under the Board of Pharmacy, including restrictions and requirements on packaging, labeling, amount of THC, and sale of these products to those under the age of 21.

Cities were not consulted during the drafting of this legislation but have local concerns that need to be addressed. Though the new law has some regulations on the products, there are significant gaps in state oversight and accountability of the manufacturing and production, testing, and distribution of the products.

Additionally, the law does not provide any restrictions on where the products can be sold and offers no guidance for local governments to regulate the sale of the products. The new law increases enforcement responsibilities for local governments which will result in additional costs for cities.

Lacking significant oversight and regulations at the state level, some cities passed licensing and/or zoning regulations over the products. Though the law does not prohibit local regulation, many outstanding questions remain pertaining to law enforcement, employment, and the state-city dynamic of regulating and enforcing the law related to these newly legal products.

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

The City of Richfield addresses medical cannabis in the Zoning Code. There are no ordinances that address cannabinoids in the code.

**C. CRITICAL TIMING ISSUES:**

A one-year moratorium was recommended by staff to allow sufficient time to learn from other cities experiences, research the issues and develop ordinance language and licensing protocol.

**D. FINANCIAL IMPACT:**

N/A

**E. LEGAL CONSIDERATION:**

The City Attorney has reviewed the proposed interim ordinance and approves of its contents.

**ALTERNATIVE RECOMMENDATION(S):**

The City Council could decide to not approve the moratorium and direct staff on how to proceed.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

Description	Type
□ THC Moratorium	Cover Memo



**BILL NO. \_\_\_\_\_**

**AN INTERIM ORDINANCE  
AUTHORIZING A STUDY AND IMPOSING A MORATORIUM  
ON THE SALE OF CANNABIS PRODUCTS**

**THE CITY OF RICHFIELD DOES ORDAIN:**

**SECTION 1. Legislative Findings**

- (a) There is a great deal of uncertainty regarding the effect of Minnesota Laws 2022, Chapter 98 amending Minnesota Statutes, section 151.72 (“Act”) to allow the sale of edible cannabinoid products (“Cannabis Products”).
- (b) Because the proposal to allow the sale of Cannabis Products received little publicity until the Act went into effect on July 1, 2022, the City of Richfield (“City”) did not have an opportunity to study and consider the potential impacts of the Act on the City. Nor did the City Council have sufficient time to engage in policy discussions regarding the regulations the City Council may elect to impose on the sale of Cannabis Products.
- (c) The Act authorizes the Minnesota Board of Pharmacy to enforce the Act, but the Act does not provide for any licensing of manufacturers or of those who sell Cannabis Products. The Act is also silent regarding the enactment of local regulations related to Cannabis Products.
- (d) The Legislature did not expressly prohibit or limit local regulations, and the regulations established in the Act clearly do not constitute the Legislature having occupied the field of regulation regarding the sale of Cannabis Products.
- (e) The City Council finds the uncertainties associated with sale of Cannabis Products, and the options for local regulation, compels the need for a study to develop information the City Council can rely on as it engages in policy discussions related to potential regulation of Cannabis Products through the adoption of licensing and zoning controls.
- (f) The City Council is authorized to adopt an interim ordinance “to regulate, restrict, or prohibit any use . . . within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective.” Minnesota Statutes, section 462.355, subdivision 4(a).
- (g) The City Council is also authorized as part of its general police powers to adopt business licensing requirements related to the sale of Cannabis Products.

- (h) The Minnesota Supreme Court in *Almquist v. Town of Marshan*, 245 N.W.2d 819 (Minn. 1976) upheld the enactment of a moratorium despite the lack of express statutory authority as being a power inherent in a broad legislative grant of power to municipalities. In most cases, the enactment of business licensing requirements is based on a city's police powers, which is the broadest grant of power to cities. Inherent in that broad grant of authority is the power to temporarily place a moratorium on a business activity to study and potentially implement licensing regulations on that business activity.
- (i) There are both business licensing and zoning issues associated with the sale of Cannabis Products the City Council determines it needs time to study to consider the development and adoption of appropriate local regulations. In order to protect the planning process and the health, safety, and welfare of the residents while the City conducts its study and the City Council engages in policy discussions regarding possible regulations, the City Council determines it is in the best interests of the City to impose a temporary moratorium on the sale of Cannabis Products.

**SECTION 2. Definitions.** For the purposes of this Ordinance, the following words, terms, and phrases shall have the meanings given them in this Article.

- (a) "Act" means 2022 Minnesota Session Laws, Chapter 98 (H.F. No. 4065), amending Minnesota Statutes, section 151.72.
- (b) "Cannabis Products" means Edible Cannabinoid Product regulated by the Act, effective July 1, 2022. This term excludes products that are not intended to be eaten or consumed by humans or that contain less than 0.1 percent of any tetrahydrocannabinol.
- (c) "City" means the City of Richfield.
- (d) "City Code" means the Richfield City Code.
- (e) "Edible Cannabinoid Product" has the same meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(c).

**SECTION 3. Study.** City staff shall conduct a study regarding Cannabis Products and provide the City Council a report on the potential regulations of such products. The report shall include the City staff's recommendations on whether the City Council should adopt regulations and, if so, the recommended types of regulations. The study shall consider, but is not limited to, the following:

- (a) The potential impacts of the sale of Cannabis Products within the City;
- (b) Licensing the sale of Cannabis Products and related regulations; and

- (c) Zoning regulations related to the sale, manufacture, and distribution of Cannabis Products as uses within the City.

**SECTION 4. Moratorium.** A moratorium is hereby imposed to prohibit any business, person, or entity from offering for sale or selling Cannabis Products to the public within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, or other zoning approval for a business proposing to engage in the sale of Cannabis Products.

**SECTION 5. Violations.** During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to offer for sale, or to sell, Cannabis Products within the City.

**SECTION 6. Exceptions.** The moratorium imposed by this Ordinance does not apply to the sale of medical cannabis or non-edible hemp products that were lawful to sell prior to the effective date of the Act.

**ARTICLE 7. Enforcement.** A violation of this Ordinance shall be a misdemeanor. In addition, the City may enforce this Ordinance by mandamus, injunction, other appropriate civil remedy in any court of competent jurisdiction, or through applicable penalties under the City Code.

**ARTICLE 8. Severability.** Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part of this Ordinance. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

**ARTICLE 9. Effective Date and Term.** This Ordinance shall be effective immediately and shall have a term of 12 months. This Ordinance shall remain in effect until the expiration of the 12-month term, until it is expressly repealed by the City Council, or until the effective date of an ordinance amending the City Code to address the sale of Cannabis Products, whichever occurs first.

Adopted by the City of Richfield this 11th day of October 2022.

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Maria Regan Gonzalez, Mayor

ATTEST:

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Kari Sinning, City Clerk