



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Regular Council Meeting

October 10, 2023

### CALL TO ORDER

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

*Council Members Present:* Mary Supple, Mayor; Sharon Christensen; Simon Trautmann; Sean Hayford Oleary; and Ben Whalen

*Staff Present:* Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Amy Markle, Recreation Services Director; Jay Henthorne, Public Safety Director; Jennifer Anderson, Support Services Manager; Chris Link, Public Works Deputy Director; Rachel Lindholm, Sustainability Specialist; Chris Swanson, Management Analyst; and Dustin Leslie, City Clerk

*Others Present:* Katrina Devore, Advisory Board of Health Commission

### PLEDGE OF ALLEGIANCE

Mayor Supple led the Pledge of Allegiance.

### OPEN FORUM

Mayor Supple reviewed the options to participate:

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

Kathleen Balaban stated she had spoken earlier in the year about the need for updating the website for the Commissions. She noted not much had been done on this and requested the city add photographs of the Commission members and do a general update on the websites to encourage people to volunteer for a Commission and to give the Commissioners a sense of pride.

### APPROVAL OF MINUTES

M/Whalen, S/Trautmann to approve the minutes of the: (1) City Council Work Session of September 26, 2023; (2) City Council Meeting of September 26, 2023.

Motion carried: 5-0

<b>ITEM #1</b>	<b>APPROVAL OF THE AGENDA</b>
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M/Trautmann, S/Hayford Oleary to move Item 11 after the Consent Agenda.

Motion carried: 5-0

<b>ITEM #2</b>	<b>ADVISORY BOARD OF HEALTH COMMISSION ANNUAL PRESENTATION GIVEN BY KATRINA DEVORE</b>
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Katrina Devore presented the annual Advisory Board of Health Commission report.

Council Member Whalen indicated he was excited to hear that conversations about mental health were happening. He believed this was a great use of the Board’s time.

Mayor Supple thanked the Commission for all the work they have done.

<b>ITEM #3</b>	<b>CONSENT CALENDAR</b>
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City Manager Rodriguez presented the consent calendar.

- A. Consider approval of the first reading of an ordinance amending Chapter 9, Section 925 of the Richfield City Code to include managed natural landscapes, ornamental plants, and rain gardens as new definitions, as well as amending the maintenance standard of grass height from 6” to 8” (Staff Report No. 128)
- B. Consider the approval to renew the contract with Chief’s Towing, Inc., for Public Safety towing services for December 1, 2023, through November 30, 2025 (Staff Report No. 129)
- C. Consider the approval of a settlement agreement with 256 Holdings, LLC, Wendy’s Properties, LLC, and Haza Foods of Minnesota, LLC for purchase of temporary and permanent easements at 6500 Lyndale Ave S. (Staff Report No. 130)
- D. Consider the approval of the lease agreement between the City of Richfield and Fortis Academy, LLC for use of the training space at Richfield Ice Arena (Staff Report No. 131)
- E. Consider the approval of an agreement between the Richfield Department of Public Safety and The Axtell Group (Staff Report No.132)

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

Council Member Whalen stated for Item A he knew there were some residents who would be excited about this, and under Item B, he liked the big picture visioning approach.

Motion carried: 5-0

<b>ITEM #4</b>	<b>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR</b>
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None.

<b>ITEM #11</b>	<b>CONSIDER THE APPROVAL OF THE SECOND READING OF AN ORDINANCE AMENDING CHAPTER 8, SUBSECTION 840.13 OF THE RICHFIELD CITY CODE TO PROHIBIT SMOKING IN PUBLIC PARKS AND DURING COMMUNITY EVENTS. THE PROPOSED ORDINANCE INCLUDES ESTABLISHING A PETTY MISDEMEANOR OFFENSE. (STAFF REPORT NO. 138)</b>
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Council Member Trautmann presented Staff Report 138.

Council Member Whalen thanked staff for all of their research on this. He clarified that smoking in a car in a park was allowed, but smoking marijuana was prohibited.

Council Member Trautmann also thanked staff and also the Chief of Police for their work on this policy and explained the reasons for the policy.

Council Member Hayford Oleary also thanked staff for their help with this policy. He hoped everyone using the trails and streets would be respectful about this policy.

Mayor Supple expressed appreciation on how well researched this was and all of the questions that have come up have been covered by their ordinances.

M/Trautmann, S/Hayford Oleary to approve an Ordinance amending subsection 840.13 of the Richfield Code of Ordinances prohibiting smoking in public parks, on City-owned land, and during community events and establishing a petty misdemeanor offense, and Resolution approving summary publication of an Ordinance amending Chapter 8 of the City Code, and an Ordinance amending Chapter 8, Subsection 840.13 of the City Code.

**BILL NO. 2023-12**

**AN ORDINANCE AMENDING SUBSECTION 840.13 OF THE RICHFIELD CODE OF ORDINANCES PROHIBITING SMOKING IN PUBLIC PARKS, ON CITY-OWNED LAND, AND DURING COMMUNITY EVENTS AND ESTABLISHING A PETTY MISDEMEANOR OFFENSE**

**RESOLUTION NO. 12137**

**RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE AMENDING CHAPTER 8 OF THE CITY CODE**

**SUMMARY PUBLICATION  
BILL NO. 19-34**

**AN ORDINANCE AMENDING CHAPTER 8, SUBSECTION 840.13 OF THE CITY CODE**

Motion carried: 5-0

<b>ITEM #5</b>	
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	<b>PUBLIC HEARING AND CONSIDERATION OF THE SECOND READING OF A PROPOSED ORDINANCE MODIFYING THE ELECTRIC AND GAS FRANCHISE FEE. (STAFF REPORT NO. 133)</b>
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Whalen presented Staff Report 133 and opened the public hearing.

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

Motion carried: 5-0

M/Whalen, S/Hayford Oleary to approve the second reading of an Ordinance modifying the electric franchise fee on Northern States Power d/b/a Excel Energy for providing electric service within the City of Richfield.

**ORDINANCE NO. 2023-10**

**AN ORDINANCE MODIFYING THE ELECTRIC FRANCHISE FEE ON NORTHERN STATES POWER D/B/A EXCEL ENERGY FOR PROVIDING ELECTRIC SERVICE WITHIN THE CITY OF RICHFIELD**

Motion carried: 5-0

M/Whalen, S/Hayford Oleary to approve an Ordinance modifying the gas franchise fee on Centerpoint Energy for providing gas service within the City of Richfield.

**ORDINANCE NO. 2023-11**

**AN ORDINANCE MODIFYING THE GAS FRANCHISE FEE ON CENTERPOINT ENERGY FOR PROVIDING GAS SERVICE WITHIN THE CITY OF RICHFIELD**

Motion carried: 5-0

M/Whalen, S/Hayford Oleary to approve a Resolution approving Summary Publication of an Ordinance updating franchise fee schedules amending Appendix E: Articles II and III of the City Code; and an Ordinance amending appendix E: Articles II and III of the City Code.

**RESOLUTION NO. 12131**

**RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE UPDATING FRANCHISE FEE SCHEDULES AMENDING APPENDIX E: ARTICLES II AND III OF THE CITY CODE**

**SUMMARY PUBLICATION  
BILL NO. 19-33**

**AN ORDINANCE AMENDING APPENDIX E: ARTICLES II AND III OF THE CITY CODE**

Whalen stated he was very supportive of this and excited to have a sustainability budget.

Motion carried: 5-0

	<b>CONDUCT AND CLOSE A PUBLIC HEARING AND BY MOTION: ADOPT A RESOLUTION FOR SPECIAL ASSEMENTS FOR REMOVAL OF DISEASED TREES FROM PRIVATE PROPERTY FOR WORK ORDERED FROM JANUARY 1, 2022 THROUGH DECEMBER 31, 2022 (STAFF REPORT NO. 134)</b>
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Council Member Hayford Oleary presented Staff Report 134 and opened the public hearing.

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

Motion carried: 5-0

M/Hayford Oleary, S/Whalen to approve Resolution adopting assessment for the removal of diseased trees from private property for work ordered from January 1, 2022, through December 31, 2022.

**RESOLUTION NO. 12132**

**RESOLUTION ADOPTING ASSESSMENT FOR THE REMOVAL OF DISEASED TREES FROM PRIVATE PROPERTY FOR WORK ORDERED FROM JANUARY 1, 2022, THROUGH DECEMBER 31, 2022**

Motion carried: 5-0

<b>ITEM #7</b>	<b>PUBLIC HEARING AND CONSIDER RESOLUTIONS ADOPTING THE ANNUAL INTERSTATE/LYNDALE/NICOLLET (ILN) PROJECT AREA ASSESSMENT AND PROPOSED WORK FOR 2024. (STAFF REPORT NO. 135)</b>
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Council Member Trautmann presented Staff Report 135 and opened the public hearing.

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

Motion carried: 5-0

M/Trautmann, S/Hayford Oleary to approve Resolution adopting assessment on Interstate-Lyndale-Nicollet (ILN) project area for costs incurred to maintain the area for 2024.

Council Member Whalen stated there were quite a few dead ash trees. He asked if the replantings would include taking down the trees. Staff responded that there were a lot of dead ash trees along this corridor and there was a plan to remove those this winter along with a discussion on a landscape plan for the corridor.

**RESOLUTION NO. 12133**

**RESOLUTION ADOPTING ASSESSMENT ON INTERSTATE-LYNDALE-NICOLLET (ILN) PROJECT AREA MAINTENANCE FOR 2024**

Motion carried: 5-0

M/Trautmann, S/Hayford Oleary to approve Resolution adopting assessment on Interstate-Lyndale-Nicollet (ILN) project area maintenance for 2024.

**RESOLUTION NO. 12134**

**RESOLUTION ORDERING THE UNDERTAKING OF THE CURRENT SURFACE PROJECT WITHIN THE ILM PROJECT AREA FOR 2024**

Motion carried: 5-0

<b>ITEM #8</b>	<b>PUBLIC HEARING RELATED TO THE PROPOSED RESOLUTION MODIFYING THE STREET LIGHT USER FEES (STAFF REPORT NO. 136)</b>
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Christensen presented Staff Report 136 and opened the public hearing.

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

Motion carried: 5-0

Council Member Hayford Oleary stated he was hopeful that they will hear more details about the LED upgrade program. He indicated he did not want to have a decrease in the level of light on the streets.

<b>ITEM #9</b>	<b>PUBLIC HEARING AND CONSIDER A RESOLUTION ADOPTING THE PROPOSED ASSESSMENT FOR UNPAID GARBAGE COLLECTION SERVICES FROM PRIVATE PROPERTY WITHIN THE RESIDENTIAL ORGANIZED COLLECTION SYSTEM FROM AUGUST 1, 2022, TO JUNE 30, 2023. (STAFF REPORT NO. 137)</b>
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Whalen presented Staff Report 137 and opened the public hearing.

An audience member stated they have not had garbage service because they take their garbage to their son’s home, but they are still being charged for garbage service.

Joseph Buda, 6929 Park Avenue, stated he loved living in Richfield but the forced garbage service in his opinion was a mistake. He noted after he moved to Richfield, he spent a lot of time researching utility companies and chose the garbage service that was best for him and now the city was forcing him to change services and there was nothing he could do about it. He indicated he would be paying his overdue bill including late fees. He asked if the city could negotiate getting rid of some of the late fees. He stated he wanted to go with a different garbage service provider in the future.

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

Motion carried: 5-0

M/Whalen, S/Christensen to adopt a resolution adopting assessment for unpaid garbage collection service from August 1, 2022, to June 30, 2023.

**RESOLUTION NO. 12138**

**RESOLUTION ADOPTING ASSESSMENT FOR UNPAID GARBAGE COLLECTION SERVICE FROM AUGUST 1, 2022 TO JUNE 30, 2023**

Council Member Whalen reminded residents they can reach out to the City’s Sustainability Specialist if they ever experience sub-par services.

Mayor Supple stated if residents paid off their balance between now and November 10, it will not be sent to the County. Sustainability Specialist Lindholm stated if residents had any concerns, they can reach out to her and she can also check for up to date status of any assessments.

Council Member Hayford Oleary noted once the garbage collection contract was up, could they revisit late fee charges. Sustainability Specialist Lindholm responded that was correct.

Motion carried: 5-0

<b>ITEM #10</b>	<b>PUBLIC HEARING AND CONSIDER A RESOLUTION ADOPTING THE PROPOSED ASSESSMENTS OF DELINQUENT UTILITY ACCOUNTS, FALSE ALARM CHARGES, PUBLIC HEALTH, OR SAFETY HAZARDS CHARGES, WEED ERADICATION CHARGES, AND VACANT PROPERTY REGISTRATION FEES TO BE CERTIFIED TO PUBLIC PROPERTY TAXES (STAFF REPORT NO. 140)</b>
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Hayford Oleary presented Staff Report 140 and opened the public hearing.

Steve Klosinski, 6433 Bloomington Avenue South, stated he loved Richfield. He indicated in April he received a water bill for over \$2,000 in which 160,000 gallons of water had been used. He was told it was due to a leaky toilet, but he pressure tested all of the pipes in the house and there was no evidence of a leak and no water damage. He noted he had been doing maintenance and plumbing for years and had put in hundreds of toilet vales, and he was positive the toilet was not leaking. He stated the amount of water used was incorrect and this was unreasonable. He indicated he had reached out to the Council, staff, the Utilities Commission, and the Attorney General and received no compassion. He asked for a negotiation of the \$2,000 bill. He stated he disagreed with the amount. He indicated he was extremely disappointed, and this was not what he had come to expect from Richfield.

Chuck Strauch, 66<sup>th</sup> and Emerson, stated for the past couple of years he had been receiving notices about the boulevard in front of his home. He stated he refused to mow the boulevard due to safety concerns as it was just a few inches from moving cars going down the street, and that it was not unilaterally enforced. He believed it was wrong for the city to expect him to risk his life trying to mow the lawn.

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

Motion carried: 5-0

Hayford Oleary requested staff describe Mr. Klosinski situation. City Manager Rodriguez noted leaking toilets could go through a lot of water. She encouraged residents to sign up for the Water Smart Program which would let them know of any suspected leak. She noted Mr. Klosinski had received at least two notices from the Water Smart Program that there might be a leak two billing quarters before the \$2,000 bill. She stated staff had gone out to the home and found that the toilet chain wasn't adjusted properly, and the water level was set to close to the overflow. She indicated the water meter had also been tested by an independent testing company which showed it was within the standards for a meter. She stated the same meter was reinstalled and it was showing normal usage now.

M/Hayford Oleary, S/Whalen to adopt a resolution authorizing certification of unpaid water, sanitary sewer, storm water, and street light charges, false alarm charges, weed eradication charges, public health or safety hazard charges, and vacant property registration fees to the County Auditor to be collected with other taxes on said properties.

**RESOLUTION NO. 12136**

**RESOLUTION AUTHORIZING CERTIFICATION OF UNPAID WATER, SANITARY SEWER, STORM WATER, AND STREET LIGHT CHARGES, FALSE ALARM CHARGES, WEED ERADICATION CHARGES, PUBLIC HEALTH OR SAFETY HAZARD CHARGES, AND VACANT PROPERTY REGISTRATION FEES TO THE COUNTY AUDITOR TO BE COLLECTED WITH OTHER TAXES ON SAID PROPERTIES**

Motion carried: 5-0

<b>ITEM #12</b>	<b>CONSIDER THE APPOINTMENT OF A YOUTH MEMBER TO THE SUSTAINABILITY COMMISSION (STAFF REPORT NO. 139)</b>
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Council Member Christensen presented Staff Report 139.

M/Christensen, S/Trautmann to approve the appointment of Patrick Skamser to the Sustainability Commission as a youth commissioner.

Motion carried: 5-0

<b>ITEM #13</b>	<b>CITY MANAGER’S REPORT</b>
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City Manager Rodriguez shared information regarding an email she had received from Alicia Waters inviting the Council, family, friends, and neighbors to Veterans Park on October 15 at 11 a.m. for a workday to complete the soft landing, laying down carboard and covering them with mulch. She also indicated they would be doing another buckthorn pull on October 21 from 10 a.m. to 1 p.m.

City Manager Rodriguez wished Director Markle well in her new position. She summarized Director Markle’s accomplishments.

Mayor Supple thanked Director Markle for everything she has done for the city.

Council Member Whalen echoed Mayor Supple’s comments.

Council Member Hayford Oleary also thanked Director Markle for her work for the city.

Council Member Trautmann thanked Director Markle and noted she has been an incredible leader.

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

<b><u>U.S. BANK</u></b>	<b><u>10/10/2023</u></b>
A/P Checks: 324094 - 324418	\$1,443,858.45
Payroll: 182375 – 182677; 43663	<u>\$795,194.00</u>
<b>TOTAL</b>	<b>\$2,239,052.45</b>



Motion carried: 5-0

<b>ITEM #15</b>	<b>HATS OFF TO HOMETOWN HITS</b>
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Council Member Trautmann gave hats off to Director Markle. He indicated there was a fall fundraiser dinner on November 3 and encouraged everyone to get their tickets.

Council Member Hayford Oleary stated he was going to be at the bike park opening tomorrow at Taft Park on the west side on the corner of 62<sup>nd</sup> in Bloomington.

City Manager Rodriguez read a comment by a resident at the previous meeting's open forum had been made regarding a new resident information packet, which staff was planning to update. She noted staff's workload is heavy right now, but it will get updated in the future.

Council Member Christensen stated she had attended the Richfield Renovation Home Tour, and it was an enjoyable way to spend an afternoon. She noted on Saturday there is going to be Bark in the Park.

Council Member Whalen stated he would also be at the bike park opening. He reminded residents there was an election this year.

Mayor Supple stated on Saturday there would be the great pumpkin giveaway along with face painting and other activities for kids at Fairwood Park from 10 a.m. to noon. She indicated the Chamber of Commerce is hosting trunk or treat at Morris Nielsen Funeral Home on Saturday from 3 to 6 p.m. She noted applications were being taken for City Commissions also.

<b>ITEM #16</b>	<b>ADJOURNMENT</b>
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M/Trautmann, S/Whalen to adjourn the meeting at 8:18 p.m.

Motion carried: 5-0

Date Approved: October 24, 2023



Dustin Leslie  
City Clerk



Mary Supple  
Mayor



Katie Rodriguez  
City Manager