



CITY COUNCIL MEETING MINUTES
Richfield, Minnesota
Special City Council Work Session
May 22, 2018

CALL TO ORDER

The work session was called to order by Mayor Elliott at 6:15 p.m. in the Fred Babcock Room.

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Michael Howard; Maria Regan Gonzalez; and Simon Trautmann.

Item #1	DISCUSSION REGARDING APPOINTMENT TO THE COMMUNITY SERVICES COMMISSION
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Council Member reviewed the application materials and discussed the applicants to fill the vacancy on the Community Services Commission.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:27 p.m.

Date Approved: June 12, 2018

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Work Session

May 22, 2018

CALL TO ORDER

The work session was called to order by Mayor Elliott at 6:30 p.m. in the Bartholomew Room.

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Michael Howard; Maria Regan Gonzalez; and Simon Trautmann.

Staff Present: Steven L. Devich, City Manager; Chris Regis, Finance Manager; and Jared Voto, Executive Aide/Analyst.

Item #1	KEY FINANCIAL STRATEGIES
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Finance Manager Regis gave an overview of the Financial Management Plan and Capital Financing Plan documents. He went into detail on Local Government Aid (LGA) as it relates to the operating levy.

City Manager Devich discussed the operating revenues and expenditures and stated the assumption for 2019 is status quo; not adding any new services. He also discussed the potential increase in 2019 and 2020 due to increase debt/special levy.

Mayor and Council members asked questions and discussed topics such as the increase in commercial tax base as projects are completed and the risks of delaying some of the projects being bonded.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:56 p.m.

Date Approved: June 12, 2018

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

May 22, 2018

CALL TO ORDER

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

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Michael Howard; Maria Regan Gonzalez; and Simon Trautmann.

Staff Present: Steven L. Devich, City Manager; Mary Tietjen, City Attorney; John Stark, Community Development Director; Jay Henthorne, Chief of Police; Jim Topitzhofer, Recreation Services Director; Chris Regis, Finance Manager; Melissa Poehlman, Planning & Redevelopment Manager/Assistant Community Development Director; Jennifer Anderson, Support Services Manager; and Jared Voto, Executive Aide/Analyst.

OPEN FORUM

None.

PLEDGE OF ALLEGIANCE

Mayor Elliott led the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Howard, S/Trautmann to approve the minutes of the Regular City Council meeting of May 8, 2018

Motion carried 5-0.

Item #1	THREE RIVERS PARK DISTRICT UPDATE BY CHAIR AND DISTRICT 4 REPRESENTATIVE JOHN GUNYOU
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John Gunyou, Chair and District 4 Representative of the Three Rivers Park District, presented about the District's mission, role in the region, environmental stewardship, highlights of the District, Mississippi Gateway Regional Park, park partnerships including accessible kayaking and fishing improvements at Taft Park, Nine Mile Creek Trail, trail partnerships including Nokomis-Minnesota

River trail connection along 70th Street, and improvements to community engagement in center cities like Richfield. John Gibbs, District 5 Representative of the Three Rivers Park District was also in attendance.

Council Members thanked Chair Gunyou and Representative Gibbs for all the work that Three Rivers Park District does in the city.

Item #2	PRESENTATION OF 2017 FOOD SAFETY AWARDS
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Council Member Regan Gonzalez introduced the Chair and Vice Chair of the Advisory Board of Health.

Kristine Klos, Chair of the Advisory Board of Health, and Taylor Croissant, Vice Chair, presented the 2017 Food Safety Award. Cadao Express, 6637 Penn Avenue S, was awarded the 2017 Food Safety Award for full service restaurants and Taco Bell, 7740 2nd Avenue S, was awarded the 2017 Food Safety Award for fast food/pizza carry out/limited service restaurants.

Council Member Regan Gonzalez thanked the Advisory Board of Health members and leadership for the work they do in the community.

Item #3	RECEIPT OF THE CITY OF RICHFIELD COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED DECEMBER 31, 2017. (S.R. NO. 84)
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Mayor Elliot presented Staff Report No. 84.

Caroline Stutsman, CPA, BergankDVB, presented information on the audit for fiscal year ended December 31, 2017, and highlights from the Richfield Comprehensive Annual Financial Report (CAFR) for the same fiscal year.

Council Members thanked Ms. Stutsman for the presentation and thanked staff for their work to keep the City in good financial condition.

m/Trautmann, s/Garcia to approve accept the Comprehensive Annual Financial Report of the City for the year ended December 31, 2017.

Motion carried 5-0.

Item #4	COUNCIL DISCUSSION <ul style="list-style-type: none"> • Hats Off to Hometown Hits
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Council Member Garcia spoke regarding an event at Assumption Church on Memorial Day celebrating 75 military veterans in their cemetery; on June 2-16 the Bloomington Police Department will be holding a book sale (called "Book'em") with the proceeds funding children's programs; on Thursday, June 7 at 7 p.m. in Augsburg Park is the beginning of music in the park, there will also be yoga in the park from 6 to 6:45 p.m.; on Tuesday, June 12 at noon the Minnesota Zoo Mobile in Augsburg Park.

Council Member Trautmann spoke regarding the Memorial Day service at Veterans Park on May 28 at 2 p.m. and invited everyone to attend; also, the Richfield outdoor pool opens June 8 and passes are available to purchase.

Mayor Elliott spoke regarding the Memorial Day service at Veterans Park and the event honoring Lt. Charles Turner, a Richfield native and first reported Minnesota casualty in the Gulf War Operation Desert Storm; also, he attended the grand opening at Village Shores (66th and Lyndale) on May 21, the developer and owner of the facility put \$22 million into the facility.

Council Member Howard spoke regarding the work session held on May 21 regarding the City's strategies for naturally-occurring affordable housing in the community.

Council Member Regan Gonzalez spoke regarding the Advisory Board of Health's meeting on May 21 had a presentation from Bloomington Public Health on the impact and connection between health and housing; Unity in the Community on May 24 from 5 to 7:30 p.m. in Veterans Park; the Nine Mile Creek Regional Trail grand opening on Sunday, June 3 from 10 a.m. to 2 p.m.; and entertainment in the park in Augsburg Park on Thursday nights at 7 p.m. and live children's shows on Tuesdays at noon.

Item #5	APPROVAL OF THE AGENDA
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M/Elliott, S/Howard to approve the agenda.

Motion carried 5-0.

Item #6	CONSENT CALENDAR
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City Manager Devich presented the consent calendar.

- A. Consideration of the approval of an annual request for a Temporary On Sale Intoxicating Liquor license for the Academy of Holy Angels, located at 6600 Nicollet Avenue South, for their Holy Angels Rock the Lawn event taking place Friday, June 22, 2018. (S.R. No. 85)
- B. Consideration of the approval of a resolution authorizing the City to affirm the monetary limits on statutory municipality tort liability. (S.R. No. 86)

RESOLUTION NO. 11501
 RESOLUTION AFFIRMING MUNICIPAL TORT LIABILITY LIMITS
 ESTABLISHED BY MINNESOTA STATUTES 466.04

This resolution appears as Resolution No. 11501.

- C. Consideration of the adoption of a resolution authorizing the City Manager to enter into agreements related to the Minnesota Department of Transportation's Landscape Partnership Program (S.R. No. 87)

RESOLUTION NO. 11502
 RESOLUTION AUTHORIZING APPLICATION AND PRIMARY
 CONTACT PERSONS FOR MNDOT LANDSCAPE PARTNERSHIP
 APPLICATION

This resolution appears as Resolution No. 11502.

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

Motion carried 5-0.

Item #7	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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None.

Item #8	CONSIDERATION OF THE APPROVAL OF A RESOLUTION AMENDING THE COMPREHENSIVE PLAN DESIGNATION OF A PROPERTY ON 66TH STREET, BETWEEN 1ST AND STEVENS AVENUES (101 66TH STREET EAST). (S.R. NO. 88)
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Mayor Elliott presented Staff Report No. 88.

Assistant Community Development Director Poehlman stated that approval of the comprehensive plan amendment does not obligate the Council to approve the development proposal for this area that will likely be considered next month. They are separate actions that need to be approved in this order.

Mayor Elliott invited a neighborhood spokesperson to address the Council.

Julie Lapensky, address not given, speaking for the neighborhood, spoke regarding the neighborhood’s position that an amendment to the comprehensive plan to designate this area as mixed use should be denied and provided the neighborhood’s reasoning for requesting the denial.

Mayor Elliott read the recommended action and historical context from the staff report. He discussed the work of citizens in updating the comprehensive plan and that the comprehensive plan amendment does not obligate the City to approve the current development proposal. He also discussed the work of the comprehensive plan advisory committee in finding this area should be mixed use and stated he planned to move to approve the comprehensive plan amendment as it ratified the work of the committee.

Council Member Regan Gonzalez thanked the neighborhood for their comments and agreed with Mayor Elliott’s comments. She stated she was not in support of the current development proposal, based on the building scale and fit in the community; however, that is not the issue before them tonight. She stated she believe the area was included in the small area study.

Assistant Community Development Director Poehlman confirmed the site was included in the small area plan of the 66th and Nicollet area.

Council Member Regan Gonzalez explained that she believes mixed-use is the best designation for the area. She also stated the importance of the Council, community, and developer to work together to make sure the specific proposal is a better fit to the community and residents.

Council Member Garcia stated she watched the Planning Commission, attended the two open houses, and visited with the neighbors. She stated when she was asked if she wanted to live in the

neighborhood she said “no”. She echoed the statements made by Mayor Elliott and Council Member Regan Gonzalez. She agreed the neighbors have legitimate concerns and the challenges this development brings. She discussed the proposed project and was not sure it was the right density based on the size of the lot and the proposed commercial and residential. She also discussed the proposal of a restaurant in the commercial space and didn’t believe there was adequate parking. She mentioned the lack of green space on the project site as well. Lastly, she asked questions of the developer that needed to be answered related to the proposed development before it comes to the Council for consideration.

Council Member Howard thanked the neighborhood for their comments and discussed the item for consideration is amending the comprehensive plan. He discussed that the comprehensive plan is for the long-term vision and direction of the city and needs to be forward-looking. He stated he believed this site makes sense for mixed-use, based on the community feedback and reconstruction of 66th Street and opportunities across the entire corridor to develop. He commented there are very few areas in the city for opportunities for development and welcome new Richfield residents into the community. He stated this site as mixed-use is the most realistic and makes the most sense long-term and forward-looking. He stated the specific development is a separate discussion but thanked the neighborhood for their comments and believed the developer is sincere in working with the neighbors to incorporate feedback.

Council Member Trautmann thanked the residents for all their comments. He stated change is hard, and that he grew up on a street that had a lot of traffic and still had community in their neighborhood. He stated he agreed that mixed-use was the right use for the site.

Council Member Regan Gonzalez stated that we are a small community and there are limited areas for redevelopment and areas to expand our tax base. She also outlined changes made by the Community Development staff to be more proactive in community outreach.

Council Member Trautmann thanked Council Member Regan Gonzalez for mentioning the changes and commented on the communication efforts.

M/Elliott, S/Howard to approve a resolution amending the Comprehensive Plan designation of 101 66th Street East from Quasi-Public and Low Density Residential to Mixed Use.

RESOLUTION NO. 11503
RESOLUTION AMENDING THE CITY’S COMPREHENSIVE PLAN
CHANGING THE DESIGNATION OF 101 66TH STREET EAST TO
“MIXED USE”

Motion carried 5-0. This resolution appears as Resolution No. 11503.

Item #9	PUBLIC HEARING AND CONSIDERATION OF THE APPROVAL OF NEW ON-SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSES FOR LOS SANCHEZ TAQUERIA #2, LLC D/B/A LOS SANCHEZ TAQUERIA LOCATED AT 2 WEST 66TH STREET. (S.R. NO. 89)
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Council Member Garcia presented Staff Report No. 89 and opened the public hearing.

M/Garcia, S/Elliott to close the public hearing.

Motion carried 5-0.

M/Garcia, S/Elliott to approve the issuance of new On-Sale Wine and 3.2 Percent Malt Liquor license for Los Sanchez Taqueria #2, LLC d/b/a Los Sanchez Taqueria located at 2 West 66th Street.

Motion carried 5-0.

Item #10	CONSIDERATION OF THE APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING THE TOBACCO ORDINANCE TO INCLUDE INCREASING THE MINIMUM LEGAL AGE TO PURCHASE TOBACCO PRODUCTS AND TOBACCO RELATED DEVICES FROM EIGHTEEN (18) TO TWENTY-ONE (21) YEARS OF AGE AND UPDATING SEVERAL SECTIONS TO INCLUDE NEW AND UPDATED DEFINITIONS. (S.R. NO. 90)
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Council Member Regan Gonzalez presented Staff Report No. 90.

Support Services Manager Anderson provided additional background on the ordinance amendment.

Council Member Trautmann discussed he would support the Tobacco 21 in general, but would like to remove the vaping and vaping community from the age limit in the ordinance. He stated he’s looked at a lot of studies and there is a difference between vaping and smoking. He stated his brother vapes and quit smoking because of it; the vaping community is a cessationist community. He would support the ban but asked that vaping be distinguished from cigarettes and other tobacco products.

Mayor Elliott seconded Council Member Trautmann’s amendment and stated he received a lot of information on vaping, from both sides, but it was mostly anecdotal on the opposition of vaping and it was medical studies in favor of vaping.

Council Member Howard spoke against the proposed amendment and thought it was confusing the issue. He stated Tobacco 21 is about access to tobacco products. He stated the studies show that if people have access to tobacco products very early they are more likely to carry that addiction forward. He stated studies show that moving the age from 18 to 21 reduce the access for 12, 13, 14 year olds. He stated he thinks vaping should be included.

Council Member Regan Gonzalez spoke against the proposed amendment. She stated it is about access to nicotine products, which includes vaping products. She stated it is not a discussion about using vaping as a cessation product or stigmatizing smokers or the vaping community. She stated this is about access for our youth to nicotine.

M/Trautmann, S/Elliott to amend the proposed ordinance to remove the vaping and vaping community from the age limit in the ordinance.

Motion denied 2-3 (Council Members Garcia, Howard, and Regan Gonzalez voting against).

Mayor Elliott discussed his concerns for voting for this and putting arbitrary age limits on the use of legal products. He stated he was going to vote for the ordinance, but does not like the way we are doing it.

Council Member Garcia discussed the Minnesota legislature failing to pass a bill to not use cell phones while driving, people wanting gun control legislation, and stated anything that saves lives or that promotes good health is acceptable.

Council Member Trautmann stated he thinks this measure will bring health and save lives, but is not persuaded on the vaping component. He will support the ordinance and thanked everyone who came out.

Council Member Regan Gonzalez stated that tobacco remains to be the number one cause of preventable death and disease, and in Minnesota the number of 9th and 11th graders using e-cigarettes and vaping is over twice the rate of regular cigarettes. She stated this is about keeping nicotine out of the hands of our children. Lastly, she thanked the community members of the audience here in support of the ordinance amendment.

M/Regan Gonzalez, S/Howard to approve the first reading of an ordinance amending the tobacco ordinance to include increasing the minimum legal age to purchase tobacco products and tobacco-related devices from 18 to 21 and schedule the second reading of the ordinance for June 12, 2018.

Motion carried 5-0.

Item #11	CONSIDERATION OF THE APPROVAL OF AN ORDINANCE AMENDING SIGN REGULATIONS AND A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF SAID ORDINANCE. (S.R. NO. 91)
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Council Member Howard presented Staff Report No. 91.

M/Howard, S/Regan Gonzalez to approve an ordinance amending sign regulations and approve a resolution authorizing summary publication of said ordinance.

RESOLUTION NO. 11504
RESOLUTION APPROVING SUMMARY PUBLICATION OF AN
ORDINANCE TO UPDATE SIGN REGULATIONS

Motion carried 5-0. This resolution appears as Resolution No. 11504.

Item #12	CONSIDERATION OF THE APPOINTMENT OF AN ADULT MEMBER TO THE COMMUNITY SERVICES COMMISSION WITH A TERM EXPIRING JANUARY 31, 2021. (S.R. NO. 92)
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Council Member Garcia presented Staff Report No. 92.

M/Garcia, S/Elliott to appoint Ronald Macklem to the Community Services Commission with a term expiring January 31, 2021.

Motion carried 5-0.

Item #13	SUMMARY REVIEW OF THE CITY MANAGER'S ANNUAL PERFORMANCE EVALUATION FOR 2017, HELD ON MAY 8, 2018, AS REQUIRED BY MINN. STATUTES 13D.05 SUBD. 3(A).
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Mayor Elliott provided a summary of the City Manager’s annual performance evaluation for 2017.

Item #14	CITY MANAGER’S REPORT
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City Manager Devich thanked the City Council and their support of the City staff. He also discussed the work of the Three Rivers Park District and their work with the City and the good relationship they have with staff.

Item #15	CLAIMS AND PAYROLLS
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M/Garcia, S/Elliott that the following claims and payrolls be approved:

U.S. Bank	05/22/18
A/P Checks: 268017 - 268403	\$ 1,358,998.58
Payroll: 136417 - 136728; 42797	<u>654,802.38</u>
TOTAL	\$ 2,013,800.96

Motion carried 5-0.

OPEN FORUM

None.

Item #16	ADJOURNMENT
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The meeting was adjourned by unanimous consent at 8:52 p.m.

Date Approved: June 12, 2018

 Pat Elliott
 Mayor

 Jared Voto
 Executive Aide/Analyst

 Steven L. Devich
 City Manager