



**CITY COUNCIL MEETING MINUTES**  
 Richfield, Minnesota  
**Special City Council Work Session**

**September 25, 2018**

**CALL TO ORDER**

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

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

*Staff Present:* Steven L. Devich, City Manager; Mary Tietjen, City Attorney; Kristin Asher, Public Works Director; Chris Link, Operations Superintendent; Jack Broz, Transportation Engineer; and Jared Voto, Executive Aide/Analyst.

<b>Item #1</b>	<b>SNOW AND ICE POLICY</b>
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Operations Superintendent Link presented on the snow and ice control policy, including the no bare-pavement policy (e.g. no salting on residential roads), priority levels for plowing main and residential city streets, sidewalk/trail maintenance, education and outreach, and information on snow emergencies.

Council asked questions about the responsibility of clearing sidewalks, the time and priority for plowing sidewalks, and commented on the quality work of the Public Works Department in clearing snow.

<b>Item #2</b>	<b>RICHFIELD PEDESTRIAN MASTER PLAN</b>
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Transportation Engineer Broz presented on the Richfield Pedestrian Master Plan, which was developed along with the comprehensive plan update. He shared the context of this Plan in relation to other plans that have been developed and are used by City staff, the pedestrian demand throughout the city, pedestrian experience, and pedestrian network of places and routes around the city. He also discussed the plan and policy review and implementation of the Plan.

Council Member Regan Gonzalez asked about the public input process for this Plan.

Transportation Engineer Broz discussed that this Plan was brought together with the Comprehensive Plan and the pedestrian issues brought forward during the planning for reconstruction of Portland Avenue, 66th Street, and Lyndale Avenue.

Public Works Director Asher stated the Plan could put it out for public comment and offered that comments can be directed to public works staff.

Council Member Regan Gonzalez asked about roundabouts and pedestrian issues that have been brought by residents, such as when is the use of flashing beacons warranted.

Public Works Director Asher stated that there isn't a threshold, but they are being put in because residents have asked for them, so they are looked at in a case-by-case basis.

**ADJOURNMENT**

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

Date Approved: October 9, 2018

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Pat Elliott  
Mayor

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Jared Voto  
Executive Aide/Analyst

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Steven L. Devich  
City Manager



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Regular Meeting

### September 25, 2018

#### CALL TO ORDER

The meeting was called to order by Mayor Elliott at 7:01 p.m. in the Council Chambers.

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

*Staff Present:* Steven L. Devich, City Manager; Mary Tietjen, City Attorney; John Stark, Community Development Director; Jay Henthorne, Chief of Police; Melissa Poehlman, Planning and Redevelopment Manager/Assistant Community Development Director; Jennifer Anderson, Support Services Manager; Julie Urban, Housing Manager; and Jared Voto, Executive Aide/Analyst.

Mayor Elliott stated that open forum cards received touch on topics on tonight’s agenda and those items will be taken up by Council this evening.

#### PLEDGE OF ALLEGIANCE

Mayor Elliott led the Pledge of Allegiance.

#### APPROVAL OF MINUTES

M/Elliott, S/Regan Gonzalez to approve the minutes of the: (1) Special City Council work session of September 11, 2018; (2) Special concurrent City Council and Planning Commission work session of September 11, 2018; and (3) Regular City Council meeting of September 11, 2018.

Motion carried 5-0.

Item #1	<b>ANNUAL MEETING WITH THE ADVISORY BOARD OF HEALTH</b>
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Kristine Klos, Chair of the Advisory Board of Health, thanked the Council and presented highlights of the Board’s work in 2017 and the work they are continuing in 2018.

Council Members thanked the Board for their work and commented on the work of Richfield’s public health division and work of the Board.

<b>Item #2</b>	<b>COUNCIL DISCUSSION</b> <ul style="list-style-type: none"> <li>Hats Off to Hometown Hits</li> </ul>
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Council Member Regan Gonzalez spoke regarding the fall programming at Wood Lake Nature Center and invited people to attend activities; on October 11 at 6:30 p.m. at Wood Lake Nature Center the Richfield Foundation is hosting an autumn wine tasting; and thanked Richfield Bloomington Honda for donating \$10,000 to Richfield Public Schools.

Council Member Howard thanked everyone who planned and attended Penn Fest; and mentioned the annual pumpkin patch is open every Saturday and Sunday from 10 a.m. to sunset from September 29 through October 28.

Council Member Trautmann thanked all the volunteers who helped make Penn Fest a great event; and discussed winter youth basketball league.

Council Member Garcia wished Mayor Elliott and Council Member Regan Gonzalez a happy birthday; mentioned the Community Center’s Santa program where kids can write a letter to Santa; on October 6 the League of Women Voters are having an election forum; the Richfield History Center is having their annual dinner on October 13 at 5:30 p.m. at the American Legion; on October 17 the Richfield Historical Society is hosting an event on “Richfield: From Village to City” at the Community Center; Pilgrim’s Dry Cleaners is collecting coats for kids now through October 13; the Richfield Farmers Market continues on Saturday; and discussed an event where Senator Klobuchar, Senator Smith, and Senator Cortez from Nevada presented encouraging people to vote.

Mayor Elliott commented that after reviewing the open forum cards he decided that two of the audience members would be given time to speak as they did not have items that were directly on tonight’s agenda.

<b>OPEN FORUM</b>
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Lee Ohnesorge, 7717 Chicago Ave S #702, spoke regarding the need for not only affordable housing in Richfield, but also the importance of accessible housing.

Ricardo Perez, 7228 Girard Ave S, spoke regarding changing the narrative about tenants and rental housing.

<b>Item #3</b>	<b>APPROVAL OF THE AGENDA</b>
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M/Howard, S/Trautmann to approve the agenda.

Motion carried 5-0.

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

- A. Consideration of the approval of a contract renewal with Adesa Minneapolis for 2018-2019 for auctioning forfeited vehicles from Public Safety/Police. (S.R. No. 161)
- B. Consideration of the approval of an agreement between the Hennepin County Human Services and Public Health Department and the City of Richfield Police Department for continuing funds for a Police Cadet and/or Community Service Officer position and Joint Community Police Partnership training in 2019. (S.R. No. 162)
- C. Consideration of the approval of a first reading of a Transitory Ordinance vacating 64th Street right-of-way between 16th Avenue and Richfield Parkway and schedule a public hearing and second reading for October 9, 2018. (S.R. No. 163)
- D. Consideration of the adoption of a resolution certifying delinquent water, sanitary sewer, and storm water charges to the Hennepin County Auditor to be included in the property owner's annual property tax bill. (S.R. No. 164)

RESOLUTION NO. 11545  
 RESOLUTION AUTHORIZING CERTIFICATION OF UNPAID WATER,  
 SANITARY SEWER, AND STORM WATER CHARGES TO THE  
 COUNTY AUDITOR TO BE COLLECTED WITH OTHER TAXES ON  
 SAID PROPERTIES

This resolution appears as Resolution No. 11545.

- E. Consideration of the approval of rejecting all bids for roof replacement, mechanical cooling units and related electrical work for the municipal liquor store at 7700 Lyndale S. (S.R. No. 165)

M/Elliott, S/Regan Gonzalez to approve the consent calendar.

Motion carried 5-0.

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

<b>Item #6</b>	<b>PUBLIC HEARING AND CONSIDERATION OF THE ADOPTION OF A RESOLUTION REVOKING A CONDITIONAL USE PERMIT FOR LAKES BUFFET RESTAURANT AT 6601 NICOLLET AVENUE. (S.R. NO. 166)</b>
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Council Member Garcia presented Staff Report No. 166.

Community Development Director Stark added additional background on the approval of the conditional use permit in May 2017. He also discussed the letters sent to the owners and their limited response. He outlined the action before the City Council and provided an alternate consideration of the owners purchasing the equipment by October 26 and having 60 days to install the equipment, because he believed even if the equipment was purchased tomorrow there would not be enough time to install the system by the October 26 deadline.

Council Member Garcia opened the public hearing.

Julie Lapensky, 6621 Stevens Ave S, spoke regarding the heavy cooking smell that comes from the business and is concerned about the lack of response from the business and asked that action be taken to correct the issue.

Cathy Bender, 6637 Stevens Ave S, spoke regarding the smell and stated it is inexcusable to wait this long after citizen complaints.

M/Elliott, S/Regan Gonzalez to close the public hearing.

Motion carried 5-0.

Mayor Elliott spoke regarding accommodating the business through a variance. He also discussed the conversation during about how many complaints are enough to take action. He stated he was inclined to following Community Development Director Stark’s recommendation on allowing the owners to purchase the equipment.

Council Member Garcia asked to look at the policy and adjust it to add fines if a business doesn’t comply with the ordinance.

City Attorney Tietjen stated they would need to look into the ordinances. In order to impose fines the City needs explicit authority under State law or under City Code and it is something that can be looked into.

Community Development Director Stark commented that it if Council approves his modified suggestion that there cannot be any gray area and that all of the equipment must be purchased in full and evidence provided to the Community Development Director.

Council Member Howard stated its concerning the owners are not here to speak to the Council. He asked for staff guidance on the motion.

M/Garcia, S/Howard to adopt a resolution revoking the conditional use permit for a restaurant at 6601 Nicollet Avenue. Revocation would be effective on October 26, 2018, if the odor control mechanical devices are not purchased in full, as evidenced to City staff and further would be effective 60 days thereafter if such equipment is not completely installed and functioning.

RESOLUTION NO. 11546  
RESOLUTION REVOKING A CONDITIONAL USE PERMIT FOR A  
RESTAURANT AT 6601 NICOLLET AVENUE S

Motion carried 4-1. (Council Member Regan Gonzalez opposed.) This resolution appears as Resolution No. 11546.

Council Member Regan Gonzalez stated she was in favor of revocation of the conditional use permit.

<b>Item #7</b>	<b>PUBLIC HEARING AND CONSIDERATION OF THE ADOPTION OF A RESOLUTION FOR A FINAL PLAT OF "LYNDALE GARDENS 2ND ADDITION" WHICH WILL INCORPORATE 6328 ALDRICH AVENUE AND RECONFIGURE EXISTING LOTS AND OUTLOTS OF THE LYNDALE GARDEN CENTER SITE TO ALIGN WITH APPROVED DEVELOPMENT PLANS. (S.R. NO. 167)</b>
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Council Member Trautmann presented Staff Report No. 167 and opened the public hearing.

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

Motion carried 5-0.

M/Trautmann, S/Howard to adopt a resolution for a final plat of "Lyndale Gardens 2nd Addition."

RESOLUTION NO. 11547  
RESOLUTION GRANTING APPROVAL OF A FINAL PLAT FOR  
LYNDALE GARDENS 2ND ADDITION

Motion carried 5-0. This resolution appears as Resolution No. 11547.

<b>Item #8</b>	<b>CONTINUE THE PUBLIC HEARING AND CONSIDERATION OF A PRELIMINARY PLAT OF THE "CEDAR POINT II" ADDITION TO OCTOBER 9, 2018. (S.R. NO. 168)</b>
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Council Member Howard presented Staff Report No. 168.

M/Howard, S/Elliott to continue the public hearing to consider a resolution for a preliminary plat of the "Cedar Point II" Addition to October 9, 2018.

Motion carried 5-0.

<b>Item #9</b>	<b>CONSIDERATION OF THE APPROVAL OF A VARIETY OF LAND USE APPROVALS RELATED TO A PROPOSAL TO CONSTRUCT 218 APARTMENTS AND 72 TOWNHOMES ALONG 16TH AVENUE AND RICHFIELD PARKWAY BETWEEN APPROXIMATELY TAFT PARK AND 65TH STREET. (S.R. NO. 169)</b>
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Council Member Regan Gonzalez presented Staff Report No. 169.

Mayor Elliott stated he was excited for the project.

M/Regan Gonzalez, S/Garcia to approve an ordinance amending Appendix I of the Richfield City Code to change the zoning designation of Blocks 1 and 2, Iversons 2nd Addition from MR-3 (High-Density Residential) to PMR (Planned Multi-Family Residential).

Motion carried 5-0.

M/Regan Gonzalez, S/Howard to adopt a resolution approving a Planned Unit Development, Conditional Use Permit, and Final Development Plan for a multi-family apartment and townhome development to be built on property legally described as Blocks 1 and 2, Iversons 2nd Addition.

RESOLUTION NO. 11548  
RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN AND  
CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT

Motion carried 5-0. This resolution appears as Resolution No. 11548.

<b>Item #10</b>	<b>CONSIDERATION OF THE APPROVAL OF THE SECOND READING OF AN ORDINANCE ADOPTING A NEW CITY CODE SECTION 409 RELATING TO THE SALE OF AFFORDABLE RENTAL HOUSING AND ESTABLISHING NOTICE AND RELOCATION ASSISTANCE REQUIREMENTS FOR NEW OWNERS. (S.R. NO. 170)</b>
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Council Member Howard presented Staff Report No. 170.

Council Member Howard asked staff to walk through the clarifications made to the ordinance.

Housing Manager Urban discussed each of the changes that were made between the first and second reading, which included clarified relocation assistance, the tenant protection period, defined transfer of ownership, and additional clarifications that assist landlords and tenants to understand the ordinance and staff to enforce the ordinance.

Mayor Elliott commented that one of the first amendments to this ordinance may be to apply this ordinance to accessibility housing as well.

Council Member Regan Gonzalez stated her excitement for this ordinance. She spoke about the affordable housing crisis facing Richfield and our nation and discussions she has had in the community on this topic.

Council Member Trautmann commented on the growth of housing values for homeowners and the fact that renters have not received the same benefit and the importance of assisting Richfield’s renters.

Council Member Howard thanked others on the Council for their work at making this a priority. He stated it is an important protection for tenants and there is still work to be done in this area. He thanked the renters for being active and pushing for these steps.

M/Howard, S/Regan Gonzalez to approve the second reading of an ordinance adopting a new City Code Section 409 relating to the sale of affordable rental housing and establishing notice and relocation assistance requirements for new owners.

Motion carried 5-0.

<b>Item #11</b>	<b>CONSIDERATION OF THE ADOPTION OF A RESOLUTION APPROVING AN INCLUSIONARY AFFORDABLE HOUSING POLICY. (S.R. NO. 171)</b>
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Council Member Trautmann presented Staff Report No. 171. He asked for clarification that this policy applies to projects where the City provides a subsidy to the developer.

Community Development Director Stark agreed and stated the subsidy could come in many forms such as tax increment financing or selling a property at a discounted value.

Council Member Howard commented that this is a value statement of how the City will proceed with redevelopment opportunities. He highlighted work that the City has done in the last year on housing. He stated the City is committed to this work.

Mayor Elliott asked for clarification on the subsidy if a property is sold at a discounted value.



Community Development Director Stark, Mayor Elliott, and Council Member Trautmann discussed the policy as it relates to single-family home construction. The discussion concluded with agreement to have the policy relate to developments of five units or more.

M/Trautmann, S/Howard to adopt a resolution approving an Inclusionary Affordable Housing Policy related to developments of five units or more.

RESOLUTION NO. 11549  
A RESOLUTION APPROVING THE ADOPTION OF  
AN INCLUSIONARY AFFORDABLE HOUSING POLICY

Motion carried 5-0. This resolution appears as Resolution No. 11549.

Community Development Director Stark stated since these are new requirements they may come back to Council in the future with tweaks.

Council Member Trautmann suggested bringing the modified language to the next meeting to be approved.

Community Development Director Stark agreed to bring it back next meeting on the consent calendar.

Council Member Regan Gonzalez commented on this policy as a piece of a number of items the City has been pursuing to ensure we have a wide variety of housing options in Richfield. She also mentioned that City staff is researching and drafting a policy regarding inclusion of physically accessible housing units and amenities.

<b>Item #12</b>	<b>CITY MANAGER’S REPORT</b>
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City Manager Devich stated he had nothing to report.

<b>Item #13</b>	<b>CLAIMS AND PAYROLLS</b>
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M/Garcia, S/Elliott that the following claims and payrolls be approved:

<b>U.S. Bank</b>	<b>09/25/18</b>
A/P Checks: 271252 - 271660	\$ 2,411,556.29
Payroll: 139670 - 139984 ; 42869	<u>640,547.08</u>
TOTAL	\$ 3,052,103.37

Motion carried 5-0.

<b>OPEN FORUM</b>
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None.

<b>Item #14</b>	<b>ADJOURNMENT</b>
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The meeting was adjourned by unanimous consent at 8:36 p.m.

Date Approved: October 9, 2018

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Pat Elliott  
Mayor

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Jared Voto  
Executive Aide/Analyst

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Steven L. Devich  
City Manager