



# CITY COUNCIL MINUTES

Richfield, Minnesota

## Special City Council Worksession

### April 26, 2016

#### CALL TO ORDER

The meeting was called to order by Mayor Goettel at 6:15 p.m. in the Bartholomew Room.

*Council Members Present:* Debbie Goettel, Mayor; Michael Howard; Edwina Garcia; Pat Elliott; and Tom Fitzhenry.

*Staff Present:* Steven L. Devich, City Manager; John Stark, Community Development Director; Pam Dmytrenko, Assistant City Manager/HR Manager; and Cheryl Krumholz, Executive Coordinator.

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| <b>Item #1</b> | <b>DISCUSSION REGARDING PARTNERSHIP ACADEMY CHARTER SCHOOL (COUNCIL MEMO NO. 25)</b> |
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Lisa Hendricks, Partnership Academy Executive Director, and Karl Jentoft, Development Consultant, presented their interest and preliminary proposal to build a new facility on a vacant piece of land at Penn Avenue and 72<sup>nd</sup> Street. The estimated timeline of completion is May or June 2018. They were bringing this to the City Council to obtain their feedback before expending time and money on fully developing their proposal.

The City Council expressed the importance of community support for the project and suggested options to involve and communicate with the neighborhood.

The City Council consensus was for Partnership Academy to proceed with their proposal.

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| <b>Item #2</b> | <b>DISCUSSION REGARDING A NEW CITY FLAG (COUNCIL MEMO NO. 23)</b> |
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Assistant City Manager/HR Manager Dmytrenko discussed the five, new flag design renderings and requested the City Council consider selecting one.

The City Council consensus was to select the flag rendering with the solid blue background and have an additional flag that includes 'Minnesota' on it.

#### ADJOURNMENT

The meeting was adjourned by unanimous consent at 6:45 p.m.

Date Approved: May 10, 2016

\_\_\_\_\_  
Debbie Goettel  
Mayor

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Cheryl Krumholz  
Executive Coordinator

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Steven L. Devich  
City Manager



# CITY COUNCIL MEETING MINUTES Richfield, Minnesota

## Regular Meeting

April 26, 2016

### CALL TO ORDER

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

*Council Members Present:* Debbie Goettel, Mayor; Michael Howard; Pat Elliott; Edwina Garcia; and Tom Fitzhenry.

*Staff Present:* Steven L. Devich, City Manager; John Stark, Community Development Director; Kristin Asher, Public Works Director; Jay Henthorne, Public Safety Director; Jim Topitzhofer, Recreation Services Director; Chris Regis, Finance Manager; Karen Barton, Assistant Community Development Director; Robert Hintgen, Utilities Superintendent; Mary Tietjen, City Attorney; and Cheryl Krumholz, Executive Coordinator.

### OPEN FORUM

Jean Fox, Richfield Rotary, announced "The Fight Back Project", a personal safety seminar, on May 3, 2016 co-sponsored by the Richfield Rotary and Richfield Police Department.

Nancy Rowley, 7420 Blaisdell Avenue, Intermediate School District 287 representative, expressed appreciation for the City-School partnership in completing and maintaining the new youth soccer fields at the South Education Center.

### PLEDGE OF ALLEGIANCE

Mayor Goettel led the audience in the Pledge of Allegiance.

### APPROVAL OF MINUTES

M/Elliott, S/Fitzhenry to approve the (1) Special Concurrent City Council and School Board Worksession of April 4, 2016; (2) Special City Council and Civil Service Commission Closed Executive Session of April 4, 2016; (3) Special Concurrent City Council, HRA and Planning Commission Worksession of April 12, 2016; (4) Special City Council Worksession of April 12, 2016; and (5) Regular City Council Meeting of April 12, 2016.

Motion carried 5-0.

Item #1

**PRESENTATION BY THE RICHFIELD STEM-RDLS SCHOOL CHOIR**

The City Council thanked the choir for their concert.

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| <b>Item #2</b> | <b>PRESENTATION BY MS. XIAOLI LIU, SHANXI INTERNATIONAL CULTURAL EXCHANGE CENTER</b> |
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Ms. Liu, through an interpreter, made the presentation.

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| <b>Item #3</b> | <b>PRESENTATION OF PROCLAMATION REGARDING EARTH DAY/ARBOR DAY</b> |
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Mayor Goettel presented the proclamation to Karen Shragg, Wood Lake Nature Center Manager.

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| <b>Item #4</b> | <b>COUNCIL DISCUSSION</b> <ul style="list-style-type: none"> <li>• Discussion regarding participation in the Fourth of July parade</li> <li>• Hats Off to Hometown Hits</li> </ul> |
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The City Council consensus was to participate in the 2016 Fourth of July parade.

Council Member Garcia reported on the following:

- Friends of Wood Lake Dinner
- Wood Lake Birdathon
- League of Women Voter member recruitment
- Hennepin County State of the County Address
- Mayor Goettel’s State of the City Address on May 19 at the Municipal Center
- County Veterans’ Officers Club
- Richfield Historical Society

Council Member Elliott encouraged residents to join the Fourth of July Committee and volunteer for the Open Streets event.

Council Member Howard announced the Islam 101 event presented by the Richfield Human Rights Commission and The United Methodist Church of Richfield on May 4.

Council Member Fitzhenry reminded residents about property maintenance and Tornado Awareness.

Mayor Goettel announced the opening of Wheel Fun Rentals and the Farmers’ Market at Veterans Memorial Park.

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| <b>Item #5</b> | <b>COUNCIL APPROVAL OF AGENDA</b> |
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Mayor Goettel removed and continued Item #15 to a future meeting to permit additional discussion.

M/Fitzhenry, S/Garcia to approve the agenda as amended.

Motion carried 5-0.

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| <b>Item #6</b> | <b>CONSENT CALENDAR</b> |
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- A. Consideration of the approval of a request for a new Therapeutic Massage Enterprise license for Salon Concepts Richfield, LLC, 6525 Lyndale Avenue South S.R. No. 58
- B. Consideration of the approval of the second reading of an ordinance that makes minor changes to regulations related to accessory uses in parks S.R. No. 59

BILL NO. 2016-7

AN ORDINANCE AMENDING THE RICHFIELD CITY CODE REGULATIONS RELATED TO PERMITTED USES WITHIN PARKS

This constitutes the second reading of Bill No. 2016-7, amending the Richfield City Code Subsection 512.03 regarding regulations related to accessory uses in park, that it be published in the official newspaper, and that it be made part of these minutes.

- C. Consideration of the approval of a resolution approving a Hennepin County Cost Participation Agreement in the amount of \$1,500,000 for the acquisition of right-of-way for the 77<sup>th</sup> Street Underpass of Trunk Highway 77 Project S.R. No. 60

RESOLUTION NO. 11195

RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ENTER INTO A COST PARTICIPATION AGREEMENT WITH HENNEPIN COUNTY FOR \$1,500,000 TO BE USED FOR RIGHT-OF-WAY ACQUISITION ON THE 77TH STREET EXTENSION AND UNDERPASS OF TRUNK HIGHWAY 77

This resolution appears as Resolution No. 11195.

- D. Consideration of the approval of the resolutions supporting the submittal of grant applications to the Metropolitan Council Metropolitan Livable Communities Tax Base Revitalization Account grant program and the Minnesota Department of Employment and Economic Development for contamination clean-up at the Lyndale Gardens site, 6400 Lyndale Avenue S.R. No. 61

RESOLUTION NO. 11196

RESOLUTION AUTHORIZING THE CITY'S SUBMITTAL OF AN APPLICATION TO THE METROPOLITAN COUNCIL TAX BASE REVITALIZATION ACCOUNT GRANT PROGRAM FOR CONTAMINATION CLEAN UP ASSOCIATED WITH THE LYNDALE GARDENS PROJECT 6400 LYNDALE AVENUE

This resolution appears as Resolution No. 11196.

RESOLUTION NO. 11197

RESOLUTION AUTHORIZING THE CITY'S SUBMITTAL OF AN APPLICATION TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT GRANT PROGRAM FOR CONTAMINATION CLEAN UP ASSOCIATED WITH THE LYNDALE GARDENS PROJECT, 6400 LYNDALE AVENUE

This resolution appears as Resolution No. 11197.

M/Goettel, S/Fitzhenry to approve the Consent Calendar.

Motion carried 5-0.

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| <b>Item #7</b> | <b>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR</b> |
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None.

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| <b>Item #8</b> | <b>DISCIPLINARY HEARING AND CONSIDERATION OF A RESOLUTION REGARDING CIVIL ENFORCEMENT FOR MY BURGER OPERATIONS, LLC, D/B/A MY BURGER, 6555 LYNDALE AVE. SO., THAT RECENTLY UNDERWENT AN ALCOHOL COMPLIANCE CHECK CONDUCTED BY RICHFIELD PUBLIC SAFETY STAFF, AND FAILED BY SELLING ALCOHOL TO UNDERAGE YOUTH S.R. NO. 62</b> |
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Council Member Garcia presented Staff Report No. 62.

John Abdo and Doug Preston, My Burger representatives, admitted the violation occurred and stipulated to the suspension and penalty.

M/Garcia, S/Goettel that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 11198

RESOLUTION SUSPENDING THE LIQUOR LICENSE FOR MY BURGER OPERATIONS, LLC, D/B/A MY BURGER, 6555 LYNDALE AVENUE SOUTH, AND IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL COMPLIANCE FAILURE

Motion carried 5-0. This resolution appears as Resolution No. 11198.

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| <b>Item #9</b> | <b>PUBLIC HEARING REGARDING THE APPROVAL OF NEW ON SALE INTOXICATING AND SUNDAY LIQUOR LICENSES, WITH OUTSIDE SERVICE, FOR VPC RICHFIELD PIZZA, LLC D/B/A GIORDANO'S OF RICHFIELD, LOCATED AT 3000 66<sup>TH</sup> STREET WEST S.R. NO. 63</b> |
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Council Member Elliott presented Staff Report No. 63.

John Gleason, Giordano representative, discussed the proposed changes to the building.

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

Motion carried 5-0.

M/Elliott, S/Goettel, to approve new on-sale intoxicating and Sunday liquor licenses, with outside service, for VPC Richfield Pizza, LLC d/b/a Giordano's of Richfield, located at 3000 66<sup>th</sup> Street West.

Motion carried 5-0.

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| <b>Item #10</b> | <b>PUBLIC HEARING AND SECOND READING OF THE TRANSITORY ORDINANCE PROVIDING FOR FUNDING FOR CERTAIN CAPITAL IMPROVEMENTS FROM THE SPECIAL REVENUE FUND S.R. NO. 64</b> |
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Council Member Howard presented Staff Report No. 46.

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

Motion carried 5-0.

M/Howard, S/Goettel that this constitutes second reading of Bill no. 2016-8, Transitory Ordinance No. 19.02 providing for funding for certain capital improvements from the Special Revenue Fund, that it be published in the official newspaper, and that it be made part of these minutes.

Motion carried 5-0.

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| <b>Item #11</b> | <b>CONSIDERATION OF THE FIRST READING OF AN ORDINANCE AMENDING CITY CODE SUBSECTION 710.29 RELATED TO WATER USE RESTRICTIONS AND SCHEDULE A SECOND READING FOR MAY 10, 2016 S.R. NO. 65</b> |
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Mayor Goettel presented Staff Report No. 65.

Council Member Elliott requested clarification in the ordinance regarding the use of a sprinkler device or outside tap.

Public Works Director Asher explained that water conservation may have a financial impact on the water rates.

The City Council requested the implementation of an odd-even watering/irrigation schedule based on the property address not be included in the proposed ordinance and be revisited in the future.

M/Goettel, S/Garcia to approve the first reading of an ordinance amending City Code Subsection 710.29 related to water use restrictions and scheduling a second reading for May 10, 2016.

Motion carried 5-0.

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| <b>Item #12</b> | <b>CONSIDERATION OF THE SECOND READING OF AN ORDINANCE AMENDING THE ZONING DESIGNATION OF 7614 PILLSBURY AVENUE FROM INDUSTRIAL TO SINGLE-FAMILY RESIDENTIAL AND A RESOLUTION AMENDING THE COMPREHENSIVE PLAN DESIGNATION FROM MEDIUM-HIGH DENSITY RESIDENTIAL TO LOW-DENSITY RESIDENTIAL S.R. NO. 66</b> |
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Council Member Garcia presented Staff Report No. 66.

M/Garcia, S/Fitzhenry that this constitutes the second reading of Bill No. 2016-9, amending the Richfield City Code by amending the zoning designation of 7614 Pillsbury Avenue from Industrial to Single-Family Residential, that it be published in the official newspaper, and that it be made part of these minutes, and that the following resolution be adopted and that they be made part of these minutes:

RESOLUTION NO. 11199

RESOLUTION AMENDING THE CITY’S COMPREHENSIVE PLAN CHANGING THE DESIGNATION OF 7614 PILLSBURY AVENUE TO “LOW-DENSITY RESIDENTIAL”

Motion approved 5-0. This resolution appears as Resolution No. 11199.

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| <b>Item #13</b> | <b>CONSIDERATION OF THE SECOND READING OF AN ORDINANCE AMENDING SUBSECTION 210.01 OF THE CITY CODE RELATED TO CITY COUNCIL SALARIES S.R. NO. 67</b> |
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Mayor Goettel presented Staff Report No. 67.

M/Goettel, S/Fitzhenry that this constitutes the second reading of Bill No. 2016-10, amending Subsection 210.01 of the Richfield City Code related to City Council salaries, that it be published in the official newspaper, and that it be made part of these minutes.

Motion carried 4-1. (Howard oppose)

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| <b>Item #14</b> | <b>CONSIDERATION OF A RESOLUTION AWARDDING THE SALE OF \$3,085,000 GENERAL OBLIGATION STORM WATER REVENUE BONDS, SERIES 2016A S.R. NO. 68</b> |
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Council Member Fitzhenry presented Staff Report No. 68.

Rebecca Kurtz, Ehlers and Associates, reviewed the Standard Poor's bond rating for the City, provided a summary of the bond sale and recommended the award of sale to Stifel, Nicolaus. She also explained that the original aggregate principal amount had changed from \$3,085,000 to \$2,970,000.

M/Fitzhenry, S/Goettel that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 11200

RESOLUTION AWARDDING THE SALE OF GENERAL OBLIGATION STORM WATER REVENUE BONDS, SERIES 2016A, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$2,970,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT

Motion carried 5-0. This resolution appears as Resolution No. 11200.

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| <b>Item #15</b> | <b>CONSIDERATION OF A RESOLUTION CALLING FOR A PUBLIC HEARING BY THE CITY COUNCIL ON THE PROPOSED ADOPTION OF A MODIFICATION TO THE REDEVELOPMENT PLAN FOR THE RICHFIELD REDEVELOPMENT PROJECT AREA; THE MODIFICATION TO THE TAX INCREMENT FINANCING PLAN FOR THE CEDAR AVENUE TAX INCREMENT FINANCING DISTRICT; AND THE PROPOSED ESTABLISHMENT OF THE CEDAR POINT II (2016-1) TAX INCREMENT FINANCING DISTRICT THEREIN AND THE ADOPTION OF THE TAX INCREMENT FINANCE PLAN THEREFOR S.R. NO. 69</b> |
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This item was removed from the agenda and continued to a future meeting.

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| <b>Item #16</b> | <b>CONSIDERATION OF THE RICHFIELD PARKWAY SOUTH OF 66<sup>TH</sup> STREET AND NORTH OF DIAGONAL BOULEVARD S.R. NO. 70</b> |
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Council Member Howard presented Staff Report No. 70.

M/Howard, S/Elliott to approve the 18<sup>th</sup> Avenue alignment of Richfield Parkway south of 66<sup>th</sup> Street and north of Diagonal Boulevard.

Motion carried 5-0.

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| <b>Item #17</b> | <b>CITY MANAGER’S REPORT</b> |
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City Manager Devich announced the wine tasting event at the north Lyndale Municipal Liquor Store from 4-7 p.m. today.

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| <b>Item #18</b> | <b>CLAIMS AND PAYROLLS</b> |
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M/Fitzhenry, S/Goettel that the following claims and payrolls be approved:

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| <b>U.S. Bank</b>          |           | <b>04/26/16</b>     |
| A/P Checks: 249194-249530 | \$        | 1,536,773.44        |
| Payroll: 118382-118704    | \$        | <u>613,157.38</u>   |
| <b>TOTAL</b>              | <b>\$</b> | <b>2,149,930.82</b> |

Motion carried 5-0.

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| <b>OPEN FORUM</b> |
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None.

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| <b>Item #19</b> | <b>SPECIAL CITY COUNCIL CLOSED EXECUTIVE SESSION IN THE BABCOCK ROOM REGARDING THE CITY MANAGER’S ANNUAL PERFORMANCE EVALUATION</b> |
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Mayor Goettel stated the Closed Executive Session is held to conduct the City Manager’s annual performance evaluation and that the City Council would return to the Council Chambers in open meeting to provide a summary review of the evaluation and consider a resolution amending the employment agreement with the City Manager.

The City Council adjourned to the Closed Executive Session in the Babcock Conference Room at 8:44 p.m.

The Closed Executive Session was called to order by Mayor Goettel at 8:50 p.m. in the Babcock Room.

*Members Present:* Debbie Goettel, Mayor; Michael Howard; Pat Elliott; Edwina Garcia; and Tom Fitzhenry.

*Staff Present:* Steven L. Devich, City Manager.

The Closed Executive Session was convened pursuant to M.S. 13D.05.

The Closed Executive Session was adjourned by unanimous consent in the Babcock Conference Room at 9:35 p.m.



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| <b>Item #20</b> | <b>RECONVENE THE REGULAR CITY COUNCIL MEETING IN THE COUNCIL CHAMBERS</b> |
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Mayor Goettel reconvened the Regular City Council Meeting in the Council Chambers at 9:36 p.m.

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| <b>Item #21</b> | <b>SUMMARY REVIEW OF THE CITY MANAGER’S ANNUAL PERFORMANCE EVALUATION FOR 2015 AND CONSIDERATION OF A RESOLUTION AMENDING EMPLOYMENT AGREEMENT BETWEEN CITY OF RICHFIELD AND CITY MANAGER STEVEN L. DEVICH FOR 2016 S.R. NO.71</b> |
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Mayor Goettel provided a summary review of the City Manager’s annual performance evaluation.

M/Goettel, S/Howard to approve:

- Resolution No. 11202, that it be adopted and made part of these minutes; and
- Reducing the contractual obligation for the City to provide life insurance; and
- Selling back an additional 40 hours of vacation.

RESOLUTION NO. 11202

RESOLUTION AMENDING THE EMPLOYMENT AGREEMENT  
BETWEEN THE CITY OF RICHFIELD AND STEVEN L. DEVICH, CITY MANAGER

Motion carried 5-0. This resolution appears as Resolution No. 11202.

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| <b>Item #22</b> | <b>ADJOURNMENT</b> |
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The City Council Meeting was adjourned by unanimous consent at 9:40 p.m.

Date Approved: May 10, 2016

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Debbie Goettel  
Mayor

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Cheryl Krumholz  
Executive Coordinator

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Steven L. Devich  
City Manager