



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Meeting Advisory Board/Commission Applicant Interview

October 11, 2016

CALL TO ORDER

The meeting was called to order by Mayor Goettel at 6:45 p.m. in the Babcock Room.

ROLL CALL

MEMBERS PRESENT: Debbie Goettel, Mayor; Pat Elliott, Michael Howard; Edwina Garcia, and Tom Fitzhenry.

INTERVIEW OF APPLICANT

The City Council interviewed the following person interested in serving as a youth member on a City advisory commission:

- Yamilez Ordonez

ADJOURNMENT

The meeting was adjourned by unanimous consent at 6:50 p.m.

Date Approved: October 25, 2016.

Debbie Goettel
Mayor

Cheryl Krumholz
Executive Coordinator

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES Richfield, Minnesota

Regular Meeting

October 11, 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; Edwina Garcia; Tom Fitzhenry; and Pat Elliott.

Staff Present:

Steven L. Devich, City Manager; John Stark, Community Development Director; Kristin Asher, Public Works Director; Jim Topitzhofer, Recreation Services Director; Jay Henthorne, Public Safety Director/Police Chief; Mike Koob, Deputy Police Chief; Wayne Kewitsch, Fire Services Director; Chris Regis, Finance Manager; Jack Broz, Transportation Engineer; Mary Tietjen, City Attorney; and Cheryl Krumholz, Executive Coordinator.

PLEDGE OF ALLEGIANCE

Mayor Goettel led the audience in the Pledge of Allegiance.

OPEN FORUM

None.

APPROVAL OF MINUTES

M/Fitzhenry, S/Elliott to approve the minutes of the (1) Special City Council Worksession of September 27, 2016 and (2) Regular City Council Meeting of September 27, 2016.

Motion carried 5-0.

Item #1	SWEAR-IN CITY OF RICHFIELD POLICE OFFICERS JOSEPH CARROLL AND LATOYA WOODS
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Deputy Police Chief Koob administered the swearing-in of Police Officer Woods. Police Officer Carroll was ill and unable to attend.

Item #2	PUBLIC HEALTH ACCREDITATION PRESENTATION BY BLOOMINGTON PUBLIC HEALTH DIRECTOR, BONNIE PAULSEN
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Bloomington Public Health Director Paulsen made the presentation.

Item #3	ANNUAL MEETING WITH THE ARTS COMMISSION
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Arts Commission Chair Alexander Dahl reported on the commission’s activities and events.

Item #4	COUNCIL DISCUSSION <ul style="list-style-type: none"> • Hats Off to Hometown Hits
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The City Council discussed the opening of Portland Avenue, including their appreciation of the patience of the residents along Portland Avenue and the efforts of Public Works staff.

Item #5	COUNCIL APPROVAL OF AGENDA
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M/Fitzhenry/S/Howard to approve the agenda.

Motion carried 5-0.

Item #6	CONSENT CALENDAR
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- A. Consideration of the approval of a resolution granting a one-year extension of a conditional use permit and variances allowing an auto repair business at 6600 Portland Avenue. S.R. No. 156

RESOLUTION NO. 11261

RESOLUTION GRANTING AN EXTENSION OF A CONDITIONAL USE PERMIT AND VARIANCES TO ALLOW AN AUTO REPAIR BUSINESS AT 6600 PORTLAND AVENUE

This resolution appears as Resolution No. 11261.

- B. Consideration of the approval of the second reading of the ordinance amendment zoning land adjacent to 6600 Cedar Avenue as General Business (C-2). SR. No. 157

ORDINANCE NO. 2016-18

AN ORDINANCE RELATING TO ZONING; AMENDING APPENDIX 1 TO THE RICHFIELD CITY CODE BY ADDING NEW LAND ADJACENT TO 6600 CEDAR AVENUE AND DESIGNATING SAID LAND AS GENERAL BUSINESS (C-2)

This constitutes the second reading of Ordinance No. 2016-18, applying the General Business (C-2) Zoning Designation to land immediately adjacent to 6600 Cedar Avenue, that it be published in the official newspaper and that it be made of these minutes.

- C. Consideration of the approval of a resolution restricting parking on Nicollet Avenue from 76th Street to I-494. S.R. No. 158

RESOLUTION NO. 11262

RESOLUTION RELATING TO TRAFFIC CONTROL SIGNS
"NO PARKING" ON NICOLLET AVENUE

This resolution appears as Resolution No. 11262.

- D. Consideration of the approval of a resolution authorizing the lawful gambling premises permit for the American Legion Auxiliary Unit of Minneapolis-Richfield Post #435 to conduct lawful gambling at the Minneapolis-Richfield American Legion Post #435, 6501 Portland Avenue South. S.R. No. 159

RESOLUTION NO. 11263

A RESOLUTION APPROVING THE LAWFUL GAMBLING PREMISES PERMIT APPLICATION FOR THE AMERICAN LEGION AUXILIARY UNIT OF MINNEAPOLIS-RICHFIELD POST 435 TO CONDUCT LAWFUL GAMBLING AT THE MINNEAPOLIS-RICHFIELD AMERICAN LEGION POST #435 AT 6501 PORTLAND AVENUE SOUTH

This resolution appears as Resolution No. 11263.

- E. Consideration of the approval of a resolution reauthorizing membership in the 4M Fund and entering into a Declaration of Trust with the 4M Fund. S.R. No. 160

RESOLUTION NO. 11264

RESOLUTION REAUTHORIZING MEMBERSHIP IN THE 4M FUND

This resolution appears as Resolution No. 11264.

- F. Consideration of the approval of an annual request for a Temporary On Sale Intoxicating Liquor license for the Church of St. Richard, located at 7540 Penn Avenue South, for their Fall Festival 2016 taking place November 12-13, 2016. S.R. No. 161
- G. Consideration of the approval of an annual request for a Temporary On Sale Intoxicating Liquor license for St. Nicholas Episcopal Church, located at 7227 Penn Avenue South, for their Juke Box Saturday Night event taking place November 5, 2016. S.R. No. 162
- H. Consideration of the approval of a request for a new Therapeutic Massage Enterprise license for First Step, LLC, located at 7600 Lyndale Avenue #400. S.R. No. 163
- I. Consideration of the approval of a resolution authorizing acceptance of Office of Traffic Safety (OTS) funds for a four-year grant to fully fund an officer and fully equipped squad car dedicated for DWI enforcement in Richfield. S.R. No. 164

RESOLUTION NO. 11265

RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC SAFETY/POLICE TO ACCEPT GRANT MONIES FROM THE OFFICE OF TRAFFIC SAFETY IN THE AMOUNT OF \$125,182 OR A LESSER AMOUNT, AS AWARDED BY THE DEPARTMENT OF

PUBLIC SAFETY, TO FUND A POLICE OFFICER AND FULLY
EQUIPPED SQUAD DEDICATED TO DWI ENFORCEMENT
FOR FOUR YEARS

This resolution appears as Resolution No. 11265.

- J. Consideration of the approval of the second reading of an ordinance repealing and replacing City Code Section 550 pertaining to Floodplain Management Regulations and resolution authorizing summary publication. S.R. No. 165

BILL NO. 2016-17

AN ORDINANCE REPEALING SECTION 550 OF RICHFIELD
CITY CODE PERTAINING TO FLOODPLAIN MANAGEMENT
REGULATIONS AND REPLACING IT WITH A NEW SECTION 550

This constitutes the second reading of Ordinance No. 2016-17, repealing and replacing Richfield City Code Section 550 pertaining to Floodplain Management Regulations, that it be published in the official newspaper and that it be made of these minutes.

RESOLUTION NO. 11266

RESOLUTION APPROVING SUMMARY PUBLICATION OF
AN ORDINANCE REPEALING SECTION 550 OF RICHFIELD
CITY CODE PERTAINING TO FLOODPLAIN MANAGEMENT
REGULATIONS AND REPLACING IT WITH A NEW SECTION 550

This resolution appears as Resolution No. 11266.

- K. Consideration of the approval of the first reading of an ordinance amending subsection 400.21 of the Richfield Code of Ordinances relating to adoption of the Minnesota State Fire Code and scheduling second reading for October 25, 2016. S.R. No. 166
- L. Consideration of the approval of two resolutions appointing election judges for the November 8, 2016 General Election. S.R. No. 167

RESOLUTION NO. 11267

RESOLUTION APPOINTING HIGH SCHOOL STUDENT
ELECTION JUDGES FOR THE GENERAL ELECTION OF
NOVEMBER 8, 2016

RESOLUTION NO. 11268

RESOLUTION APPOINTING ELECTION JUDGES FOR THE
GENERAL ELECTION OF NOVEMBER 8, 2016

These resolutions appear as Resolution Nos. 11267 and 11268.

- M. Consideration of the approval of the continuation of the agreement with the City of Bloomington for the provision of food inspection services for Richfield for the year 2017. S.R. No. 168
- N. Consideration of the approval of the 2016-2017 contract 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/Bioterrorism and the development of a response system. S.R. No. 169

- O. Consideration of the approval of an Agreement with the Minnesota Department of Transportation to maintain the gateway monuments and landscaping installed as part of the Crosstown Reconstruction Project. S.R. No. 170

RESOLUTION NO. 11269

RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO ENTER INTO AGREEMENT NO. 06236 WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF LANDSCAPE AND HARDSCAPE IMPROVEMENTS LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF RICHFIELD

This resolution appears as Resolution No. 11269.

- P. Consideration of the approval of ordering a feasibility report for the 2017 Alley Paving Project. S.R. No. 171

M/Goettel, S/Garcia 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	PUBLIC HEARING REGARDING THE RESOLUTION ADOPTING THE SPECIAL ASSESSMENT ROLL FOR WEED ELIMINATION FROM PRIVATE PROPERTY AND REMOVAL OR ELIMINATION OF PUBLIC HEALTH OR SAFETY HAZARDS FROM PRIVATE PROPERTY S.R. NO. 172
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Mayor Goettel presented Staff Report No. 172.

City Manager Devich stated the decrease in the assessment roll indicates homeowners have improved on property maintenance.

M/Goettel/S/Elliott to close the public hearing.

Motion carried 5-0.

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

RESOLUTION NO. 11270

RESOLUTION ADOPTING ASSESSMENT FOR WEED ELIMINATION FROM PRIVATE PROPERTY AND REMOVAL OR ELIMINATION OF PUBLIC HEALTH OR SAFETY HAZARDS FROM PRIVATE PROPERTY

Motion carried 5-0. This resolution appears as Resolution No. 11270.

Item #9	PUBLIC HEARING REGARDING THE RESOLUTION ADOPTING THE SPECIAL ASSESSMENT ROLL FOR UNPAID FALSE ALARM USER FEES AGAINST PRIVATE PROPERTY S.R. NO. 173
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Council Member Howard presented Staff Report No. 173.

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

Motion carried 5-0.

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

RESOLUTION NO. 11271
RESOLUTION ADOPTING ASSESSMENT FOR
UNPAID FALSE ALARM FEES FROM PRIVATE PROPERTY.

Motion carried 5-0. This resolution appears as Resolution No. 11271.

Item #10	CONSIDERATION OF THE TRANSPORTATION COMMISSION'S RECOMMENDATION FOR A 69TH STREET PEDESTRIAN PILOT PROJECT BETWEEN XERXES AVENUE AND PENN AVENUE S.R. NO. 174
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Council Member Elliott presented Staff Report No. 174.

M/Elliott, S/Howard to approve the 69th Street Pedestrian Pilot Project to convert the on-street parking along the north side of 69th Street to an on-street pedestrian and bicycle path from Xerxes Avenue to Penn Avenue to be re-evaluated in 2017.

Kevin Watts, 69th Street/Russell Avenue, stated he was an avid cyclist but did not support the proposed pilot project because it has dangerous flaws and should not done as an experiment.

Jill (last name and address not provided) stated the danger of mowing the lawn because of needing to step into the traffic lane.

Kay Nelson, 69th Street/Sheridan Avenue, expressed concern regarding safety and the increased traffic speed.

David Gepner, 69th Street/Penn Avenue, spoke in support of the Transportation Commission's recommendation.

Transportation Engineer Broz made a presentation on the pilot project, including design alternatives. He added State law provides local jurisdictions the authority to reduce speeds.

Motion carried 5-0.

Item #11	CONSIDERATION OF THE AWARD OF A CONTRACT FOR THE MUNICIPAL LIQUOR STORE PARKING LOT AND APPURTENANT IMPROVEMENTS AT 6600 CEDAR AVENUE S.R. NO. 175
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Council Member Fitzhenry presented Staff Report No. 175.

M/Fitzhenry, S/Garcia to award a contract for the municipal liquor store parking lot and appurtenant improvements at 6600 Cedar Avenue.

City Manager Devich explained that at today's bid opening for the Cedar Liquor Store parking lot upgrades, only one bid was received and it was significantly more than the Engineer's estimate of \$345,000. Staff is recommending that the City Council reject the bid and re-bid next year.

Council Member Fitzhenry rescinded the motion.

M/Goettel, S/Fitzhenry to reject the bid for the municipal liquor store parking lot and appurtenant improvements at 6600 Cedar Avenue.

Motion carried 5-0.

Item #12	PRESENTATION OF RESULTS OF A SOUND TEST CONDUCTED AT VETERANS MEMORIAL PARK ON SEPTEMBER 19, 2016 IN CONSIDERATION OF A COMMUNITY BAND SHELL S.R. NO. 176
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Mayor Goettel presented Staff Report No. 176.

Ryan Skoug, ESI Engineering, Inc., presented a summary of the sound test.

Recreation Services Director Topitzhofer explained the process for monitoring sound during events.

This was a presentation so no action was required.

Item #13	CONSIDERATION OF AN AGREEMENT WITH EDS BUILDERS, INC. TO PERFORM CONSTRUCTION MANAGEMENT SERVICES FOR A COMMUNITY BAND SHELL S.R. NO. 177
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Council Member Garcia presented Staff Report No. 177.

M/Garcia, S/Goettel to approve the agreement with EDS Builders, Inc. to perform construction management services for a community band shell in an amount not to exceed \$30,000.

Recreation Services Director Topitzhofer explained the funding sources, uses and timeline for the project.

Council Member Elliott questioned the funding provided by the Friends of the Band Shell, including having a written, fiscal agreement in place with the City before the City Council considers the bids and contract. He also questioned who would be responsible for payment of project change orders. He said he is committed to providing no additional funding by the City.

David Butler, Friends of the Band Shell, stated the group will work with the City Attorney and City Manager on a fiscal agreement.

Recreation Services Director Topitzhofer explained the process for change orders, including a contingency.

Council Member Howard stated that if the funding is there, the band shell will be built. If it's not, it won't be built.

Sue Sandahl, Friends of the Band Shell, explained the group is continuing to raise funds for the contingency and future amenities. She added that people want to know if it's going to be built.

City Attorney Tietjen stated the fiscal agreement will in the City's hands before the project proceeds.

Council Member Fitzhenry stated, as a member of the Airport Noise Oversight Committee and that the band shell was a non-compatible use, he would not support the agreement.

Motion carried 3-2. (Elliott and Fitzhenry oppose)

Item #14	CONSIDERATION OF THE APPOINTMENT OF A YOUTH ADVISORY COMMISSION MEMBER S.R. NO. 178
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Council Member Howard presented Staff Report No. 178.

M/Howard, S/Fitzhenry to appoint Yamilez Ordonez as a youth member to the Human Rights Commission with a term ending August 31, 2017.

Motion carried 5-0.

Item #15	CITY MANAGER'S REPORT
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None.

Item #16	CLAIMS AND PAYROLLS
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M/Fitzhenry, S/Garcia that the following claims and payrolls be approved:

U.S. Bank		10/11/16
A/P Checks: 253588-253968	\$	2,757,638.06
Payroll: 122576-122890		<u>572,890.12</u>
TOTAL	\$	3,330,528.18

Motion carried 5-0.

OPEN FORUM

None.

Item #17	ADJOURNMENT
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The City Council Meeting was adjourned by unanimous consent at 8:45 p.m.

Date Approved: October 25, 2016

Debbie Goettel
Mayor

Cheryl Krumholz
Executive Coordinator

Steven L. Devich
City Manager