



CITY COUNCIL MEETING MINUTES
 Richfield, Minnesota
Special City Council Work Session
January 9, 2018

CALL TO ORDER

The work session was called to order by Mayor Elliott at 6:00 p.m. in the Bartholomew Room.

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Michael Howard; Maria Regan Gonzalez; and Simon Trautmann (arrived at 6:02 p.m.).

Staff Present: Steven L. Devich, City Manager; Kristin Asher, Public Works Director; Jeff Pearson, City Engineer; Jack Broz, Transportation Engineer; and Jared Voto, Executive Aide/Analyst.

Item #1	LYNDALE AVENUE RECONSTRUCTION UPDATE
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Public Works Director Asher introduced the topic to the Councilmembers and commented that this isn't as easy as doing what was done on Portland Avenue and wanted to share what has been heard at open houses.

Transportation Engineer Broz presented the plans and policies the guide the project; the project goals as adapted from the City's guiding principles; discussed the public outreach to date of two open houses, two transportation commission meetings, and a meeting at City Bella, and what was heard of pedestrian, bicyclist's, motorist's, and general concerns for Lyndale Avenue. Taking these concerns, Mr. Broz presented design considerations to address the issues raised. Mr. Broz discussed that a "community problem statement" was created and goals to address safety in design through the consideration of speed, reduction of crash severity, and reallocate space. Mr. Broz then discussed safety tools, with benefits and tradeoffs, of a 3-lane section, reducing conflict points, roundabouts, and compact roundabouts, and access management. Lastly, Mr. Broz presented the next steps including two additional open houses, a business open house, and three transportation committee meetings.

Mayor Elliott commented on the aspect of safety versus accessibility to neighborhoods and wanted to ensure efforts to reach out to people early in the process who may be directly impacted by the project.

Councilmember Regan Gonzalez commented on community outreach events at existing events, such as the co-op, churches, and school, in order to get a wider variety of feedback.

Councilmember Howard commented to be deliberate in our approach to designing Lyndale Avenue, and although it cannot be Portland Avenue, that can be used as a model.

Councilmember Trautmann asked about severity of crashes at Lyndale and Lake Shore Drive. City Engineer Pearson responded and stated he would email actual data to the Council.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:29 p.m.

Date Approved: January 23, 2018

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special Joint City Council, Housing and Redevelopment Authority, and Planning Commission Work Session

January 9, 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.

HRA Members Present: Pat Elliott; Michael Howard; Sue Sandahl; and Erin Vrieze Daniels.

HRA Members Absent: Mary Supple, Chair.

PC Members Present: Sean Hayford Oleary, Chair; Allysen Hoberg; and Dan Kitzberger.

PC Members Absent: Bryan Pynn; Susan Rosenberg; and Gordon Vizecky.

Staff Present: Steven L. Devich, City Manager; John Stark, Community Development Director; Melissa Poehlman, Planning & Redevelopment Manager/Assistant CD Director; and Jared Voto, Executive Aide/Analyst.

Item #1	POTENTIAL REDEVELOPMENT OF HRA LOTS AT 1405 AND 1407 - 66TH STREET EAST BY THERAPY OF CHAMPIONS
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Community Development Director Stark introduced the topic and welcomed the business owner and development partner.

Jimmy Loyd, Development Manager for Thor Development, introduced members of Thor Development: Taylor Cooper, Design Associate, and Damaris Hollingsworth, Vice President of Design. Mr. Loyd also introduced Otis Smallwood, co-owner of Therapy of Champions.

Mr. Smallwood provided background on how their business was started, what they do and their plans for the future, and shared his positive experiences with neighbors of his business and why he is interested in expanding in Richfield.

Ms. Hollingsworth presented the development proposal with two design options. She discussed they were looking at a modern/contemporary design using metal, wood, and glass, as opposed to brick.

Councilmembers and commissioners shared their comments on the proposals and overall stated positive comments for the designs shown, some indicating they preferred Option 2. Councilmembers and commissioners commented on liking the step down of the buildings; appreciated the thought for the residential neighborhood behind the proposed development; liked the different building heights and appreciated a local business coming into the community and expanding; appreciated the vision for the space and the entire block; and thought the project aligned with the City's slogan of an "Urban Hometown".

Director Stark closed the work session by briefly outlining the next steps moving forward with the project as a dual path with the City Council and HRA.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:58 p.m.

Date Approved: January 23, 2018

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

January 9, 2018

CALL TO ORDER

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

Councilmembers 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; Kristin Asher, Public Works Director; Jay Henthorne, Public Safety Director/Police Chief; John Stark, Community Development Director; Melissa Poehlman, Planning & Redevelopment Manager/Assistant CD Director; Chris Regis, Finance Manager; and Jared Voto, Executive Aide/Analyst.

OPEN FORUM

Heidi Smith, 6521 15th Avenue S, spoke regarding questions about a potential home being built by Endres Custom Homes at 6525 15th Avenue S.

Christine Maleck, 7620 2nd Avenue S, spoke in support of approving the Morrie's Auto Group proposal.

Anne Schultz, President of the Richfield Chamber of Commerce, 2 Meridian Crossing, spoke in support of approving the Morrie's Auto Group proposal.

Aaron Lissarrague, Chair of the Richfield Chamber of Commerce, 309 Apple Lane, spoke in support of approving the Morrie's Auto Group proposal.

David Lefler, 6839 Clinton Avenue, spoke in support of approving the Morrie's Auto Group proposal.

Scott Verbout, 6721 Lynwood Boulevard, spoke in support of approving the Morrie's Auto Group proposal.

Joseph Souza, 7008 Oliver Avenue S, spoke in support of approving the Morrie's Auto Group proposal.

Shannon Souza, 7008 Oliver Avenue S, spoke in support of approving the Morrie's Auto Group proposal.

PLEDGE OF ALLEGIANCE

Mayor Elliott led the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Howard, S/Garcia to approve the minutes of the: (1) Special City Council work session of December 12, 2017; (2) Regular City Council meeting of December 12, 2017; and (3) Special joint City Council and School Board of Education (ISD No. 280) work session of December 18, 2017.

Motion carried 5-0.

Item #1	COUNCIL DISCUSSION <ul style="list-style-type: none"> Hats Off to Hometown Hits
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Councilmember Garcia spoke regarding the passing of Vernon Luettinger and his involvement in Richfield and offered condolences to his family. She also spoke about the January 18 Public Works open house regarding the 77th Street Underpass.

Councilmember Trautmann spoke regarding the recent fires in Richfield and thanked the firefighters.

Councilmember Regan Gonzalez spoke regarding the fire at Seasons Park apartments and thanked the community for coming together to support the family. She also spoke about the Kids @ Home program being open for applications.

Councilmember Howard thanked the firefighters and community; the Kids @ Home program; and the 74 ducks City staff rescued in 2017.

Mayor Elliott spoke regarding the recent community discussion about the tax levy as it related to the City's levy and Economic Development Authority's levy being combined on the tax statement.

Item #2	APPROVAL OF THE AGENDA
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M/Garcia, S/Howard to approve the agenda.

Motion carried 5-0.

Item #3	CONSENT CALENDAR
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City Manager Devich presented the consent calendar.

- A. Consideration of the approval of resolutions designating official depositories for the City of Richfield for 2018, including the approval of collateral. (S.R. No. 1)

RESOLUTION DESIGNATING U.S. BANK A DEPOSITORY OF FUNDS
OF THE CITY OF RICHFIELD FOR THE YEAR 2018

RESOLUTION NO. 11461
RESOLUTION DESIGNATING CERTAIN SAVING AND LOAN
ASSOCIATIONS, BANKS AND CREDIT UNIONS AS DEPOSITORIES
FOR THE DEPOSIT AND INVESTMENT OF CITY FUNDS IN 2018

RESOLUTION NO. 11462
RESOLUTION DESIGNATING CERTAIN FINANCIAL INSTITUTIONS AS
DEPOSITORIES FOR THE INVESTMENT OF CITY OF RICHFIELD
FUNDS IN 2018

These resolution appear as Resolution No. 11460, 11461, and 11462.

- B. Consideration of the approval of a resolution authorizing the use of credit cards by City employees otherwise authorized to make purchases on behalf of the City. (S.R. No. 2)

RESOLUTION NO. 11463
RESOLUTION AUTHORIZING THE USE OF CREDIT CARDS BY CITY
EMPLOYEES OTHERWISE AUTHORIZED TO MAKE PURCHASES ON
BEHALF OF THE CITY OF RICHFIELD FOR THE YEAR 2018

This resolution appears as Resolution No. 11463.

- C. Consideration of the approval of a resolution designating an official newspaper for 2018. (S.R. No. 3)

RESOLUTION NO. 11464
RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER FOR 2018

This resolution appears as Resolution No. 11464.

- D. Consideration of the approval of a designation of an Acting City Manager for 2018. (S.R. No. 4)
- E. Consideration of the approval of a resolution approving the Public Purpose Expenditure Policy for fiscal year 2018. (S.R. No. 5)

RESOLUTION NO. 11465
RESOLUTION APPROVING THE PUBLIC PURPOSE EXPENDITURES
POLICY FOR FISCAL YEAR 2018

This resolution appears as Resolution No. 11465.

- F. Consideration of the approval of a resolution approving the contract with the International Association of Firefighters Local 1215 for the contract period January 1, 2018 through December 31, 2019 and authorize the City Manager to execute the agreement. (S.R. No. 6)

RESOLUTION NO. 11466
RESOLUTION APPROVING LABOR AGREEMENT BETWEEN THE
CITY OF RICHFIELD AND THE INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS (IAFF), LOCAL 1215 BARGAINING UNIT FOR THE
YEAR 2018 AND 2019

This resolution appears as Resolution No. 11466.

- G. Consideration of the approval for a Temporary On-Sale Intoxicating Liquor license for the Blessed Trinity Catholic School, located at Church of St. Richard, 7540 Penn Avenue South, for their 2018 Sno*ball Dance taking place February 3, 2018. (S.R. No. 7)
- H. Consideration of the approval of an Intergovernmental Cooperative Agreement regarding Public Safety in Bloomington, Minnesota, related to the 2018 National Football League Super Bowl. (S.R. No. 8)
- I. Consideration of the approval of a Joint Powers Agreement with the I-494 Corridor Commission for the purpose of the participating municipalities to work cooperatively to improve transportation along and around the I-494 Corridor. (S.R. No. 9)
- J. Consideration of an agreement and resolution authorizing the Minnesota Department of Transportation to act as the City's agent in accepting federal aid in connection with transportation projects. (S.R. No. 10)

RESOLUTION NO. 11467
 RESOLUTION AUTHORIZING AGREEMENT NO. 1029995 BETWEEN
 THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND THE
 CITY OF RICHFIELD FOR THE AGENCY DELEGATED CONTRACTING
 PROCESS REGARDING FEDERAL FUNDS FOR TRANSPORTATION
 RELATED PROJECTS

This resolution appears as Resolution No. 11467.

City Manager Devich stated Item K was removed from the agenda.

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

Motion carried 5-0.

Item #4	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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None.

Item #5	PUBLIC HEARING AND CONSIDERATION OF THE APPROVAL OF NEW ON-SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSES, WITH OUTSIDE SERVICES, FOR LRFC, LLC D/B/A LOCAL ROOTS FOOD & COFFEE LOCATED AT 817 66TH STREET EAST. (S.R. NO. 12)
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Councilmember Regan Gonzalez presented Staff Report No. 12 and opened the public hearing.

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

Motion carried 5-0.

M/Regan Gonzalez, S/Elliott to approve the issuance of new On-Sale Wine and 3.2 Percent Malt Liquor licenses, with outside service, for LRFC, LLC d/b/a Local Roots Food & Coffee located at 817 66th Street East.

Motion carried 5-0.

<p>Item #6</p>	<p>PUBLIC HEARING AND CONSIDERATION OF AN APPEAL TO THE BOARD OF ADJUSTMENTS AND APPEALS REGARDING THE PLANNING COMMISSION'S DENIAL OF A VARIANCE TO REDUCE SETBACK REQUIREMENTS FOR A GARAGE AT 6400 PILLSBURY AVENUE. (S.R. NO. 13)</p>
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Councilmember Garcia presented Staff Report No. 13 and opened the public hearing.

Ginny Moring, 6418 Pillsbury Avenue S, spoke in favor of overturning the Planning Commission's denial of the variance.

Javier Ayala, 6420 Pillsbury Avenue S, spoke in favor of overturning the Planning Commission's denial of the variance.

Stephany Wilson, 6414 Pillsbury Avenue S, spoke in favor of overturning the Planning Commission's denial of the variance.

Anthony Schwendeman, 6400 Pillsbury Avenue S, spoke in favor of overturning the Planning Commission's denial of the variance.

Daniel Stephens, 6338 Pillsbury Avenue S, spoke in favor of overturning the Planning Commission's denial of the variance.

Wilson Ortiz, 6414 Pillsbury Avenue S, spoke in favor of overturning the Planning Commission's denial of the variance.

Councilmember Trautmann asked if the only alternatives were destruction of the garage or letting it stand as it is currently, or is there a third alternative such as a fine.

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

Motion carried 5-0.

Community Development Director Stark responded that staff does not know because the owner did not pull building permits so the engineering is not known. He stated it might be possible to remove three feet from the end and reconstruct the end. Ultimately it is incumbent on the owner to show how he could come into conformance with the required setbacks.

Councilmember Garcia stated the applicant disregarded the ordinance and did not follow the process after talking to staff numerous times. The issue isn't that the applicant is a good guy and helps the neighborhood. He has to follow the rules like everyone else.

Mayor Elliott stated he was looking for alternatives to bring the applicant into compliance without destroying the garage.

Planning & Redevelopment Manager/Assistant CD Director Poehlman clarified the vote is to deny or approve a variance and does not state how the applicant has to come into compliance with the ordinance if the variance is denied.

City Manager Devich commented that this is not the first time something like this has happened. He stated the situation troubled him because the applicant was informed multiple times what he could or could not do and he built something without getting building permits. In this situation

the neighbors are in favor of the applicant, but there are many times with neighbors are not happy with the situation.

City Attorney Tietjen discuss the same legal standard applies whether the variance is granted after the fact and that the property owner has to show there are practical difficulties with complying with the requirements of the ordinance.

Councilmember Howard discussed the issues of setting a precedent and shouldn't take that lightly. He also asked about the setback in this area.

Planning & Redevelopment Manager/Assistant CD Director Poehlman stated they did not know the utility clearance requirements. Those are usually reviewed during the permit application process and no building permit was applied for the garage.

Councilmember Howard stated he felt the decision on the variance request was clear based on the facts, and is more interested in the remedies that can be found that doesn't involve tearing down the garage.

Mayor Elliott stated it was incumbent on the owner to bring forward remedies to come into compliance.

Councilmember Trautmann recognized the neighbors who spoke in support of the applicant and questioned if there was another option or if the item could be tabled.

Councilmembers further discussed the issue at hand and that this wouldn't be resolved by the Council. If the variance is denied the applicants needs to come into compliance and work with the City staff.

M/Garcia, S/Elliott to adopt a resolution denying an appeal from the decision of the Planning Commission and affirming the Planning Commission's decision to deny a variance to reduce setback requirements for a garage at 6400 Pillsbury Avenue.

RESOLUTION NO. 11469
RESOLUTION DENYING AN APPEAL FROM THE DECISION OF THE
PLANNING COMMISSION AND AFFIRMING THE PLANNING
COMMISSION'S DECISION TO DENY A VARIANCE TO REDUCE
SETBACK REQUIREMENTS FOR A GARAGE AT 6400 PILLSBURY
AVENUE

Motion carried 4-1. Councilmember Trautmann opposed. This resolution appears as Resolution No. 11469.

Item #7	CONSIDERATION OF THE APPROVAL OF A SECOND READING OF AN ORDINANCE ADDING CITY CODE SECTION 430 PERTAINING TO SHORE LAND MANAGEMENT AND A RESOLUTION AUTHORIZING SUMMARY PUBLICATION. (S.R. NO. 14)
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Councilmember Howard presented Staff Report No. 14.

M/Howard, S/Regan Gonzalez to approve a second reading of an ordinance adding City Code Section 430 pertaining to shore land management and approve a resolution approving summary publication of new City Code Section 430 pertaining to shore land management.

RESOLUTION NO. 11470
RESOLUTION APPROVING SUMMARY PUBLICATION OF AN
ORDINANCE ADDING SECTION 430 OF RICHFIELD CITY CODE
PERTAINING TO SHORE LAND MANAGEMENT

Motion carried 5-0. This resolution appears as Resolution No. 11470.

Item #8	CONSIDERATION OF A VARIETY OF LAND USE APPROVALS RELATED TO A PROPOSAL FOR CONSTRUCTION OF A NEW AUTO DEALERSHIP AT 1550 78TH STREET EAST. (S.R. NO. 15)
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Mayor Elliott presented Staff Report No. 15.

Community Development Director Stark commented the role between City Council and staff.

Councilmembers discussed the proposal, staff’s recommendation as it relates to current City policy, ordinance, and plans, and information received from two market analyses of the area. Councilmembers also discussed if a car dealership was a reasonable use of this space and asked staff for areas that are deficient with City Code and that Morrie’s proposal has responded to staff’s comments and made changes to meet the requirements.

Community Development Director Stark responded to the Council’s question and listed some of the items of concern to staff and also noted changes Morrie’s has made to their proposal.

Councilmembers further discussed the proposal and the progress Morrie’s has made with their proposal and responding to staff’s requests. Additionally, Councilmembers discussed the concerns for access to the ECOsmarte site and impact on the neighboring apartments, the history of Richfield as a bedroom community, the change in the vision of the city and the need for commercial tax base, and the commitments Morrie’s has made to the city, schools, and residents of Richfield.

M/Elliott, S/Trautmann to approve a first reading of the attached ordinance rezoning 1550 78th Street East from Mixed Use - Regional to Planned Mixed Use (PMR); and articulate specific findings of compliance on which staff could draft a revised resolution approving the requested Conditional Use Permit; and request that the applicant authorize an additional extension of the statutory “clock” to extend the deadline for a final decision until January 23, 2018 in order to provide adequate time for a second reading of the requested rezoning and approval of a resolution approved the requested CUP.

Councilmember Garcia offered a friendly amendment to: 1. Provide an at-grade access at 77th Street sidewalk to a 77th Street facing door; 2. Retaining walls and railings cannot exceed 36 inches in height combined along 77th Street; 3. The lighting must meet code requirements; 4. All storm water requirements must be met; 5. Impervious surface cannot exceed allowable maximums; and 6. Applicant should consider negotiation of an access agreement with ECOsmarte.

M/Howard, S/Elliott to approve the friendly amendment.

Peter Coyle, Morrie’s Automotive Group Representative, asked that the requirements not be an impediment to moving forward if the conditions set were not able to be satisfied after working in good faith with staff.

Community Development Director Stark commented the at-grade entrance at 77th is a solution and staff would like to focus on the problem which is to have a community-friendly entrance on 77th Street. Staff is open to working on a solution to the problem.

Motion carried 5-0.

Item #9	CONSIDERATION OF DESIGNATING REPRESENTATIVES TO SERVE AS THE 2018 LIAISONS TO VARIOUS METROPOLITAN AGENCIES AND CITY COMMISSIONS. (S.R. NO. 16)
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Mayor Elliott presented Staff Report No. 16.

Councilmembers reviewed the list and tabled the item until the January 23, 2018, City Council meeting.

Item #10	DISCUSSION REGARDING CITY COUNCIL ATTENDANCE AT THE 2018 NATIONAL LEAGUE OF CITIES (NLC) CONFERENCES. (S.R. NO. 17)
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Mayor Elliott presented Staff Report No. 17.

Councilmembers reviewed the conference dates and tabled the item until the January 23, 2018, City Council meeting.

Item #11	CITY MANAGER’S REPORT
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Mayor Elliott asked if it was possible to put a Jonathan O’Shaughnessy collection at City Hall. City Manager Devich responded he would look into it and get back to the Mayor.

Item #12	CLAIMS AND PAYROLLS
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M/Garcia, S/Elliott that the following claims and payrolls be approved:

U.S. Bank	12/26/17
A/P Checks: 264365 - 264751	\$ 955,762.77
Payroll: 132819 - 133141 ; 42790	<u>597,785.37</u>
TOTAL	\$ 1,553,548.147

U.S. Bank	01/09/18
A/P Checks: 264752 - 265049	\$ 1,351,477.48
Payroll: 133142 - 133471 ; 42791	<u>631,515.88</u>
TOTAL	\$ 1,982,993.36

Motion carried 5-0.

OPEN FORUM

None.

Item #13	ADJOURNMENT
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The meeting was adjourned by unanimous consent at 9:50 p.m.

Date Approved: January 23, 2018

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager