



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

June 14, 2011

CALL TO ORDER

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

ROLL CALL

Members Present: Debbie Goettel, Mayor; Sue Sandahl; Fred Wroge; Pat Elliott; and Tom Fitzhenry.

Staff Present: Steven L. Devich, City Manager; Mike Eastling, Public Works Director; Jim Topitzhofer, Recreation Services Director; John Stark, Community Development Director; Brad Sveum, Fire Chief; Barry Fritz, Public Safety Director/Chief; William Fillmore, Municipal Liquor Operations Director; Chris Regis, Finance Manager; Corrine Heine, City Attorney; and Cheryl Krumholz, Recording Secretary.

OPEN FORUM

Michele Gathje, 6405 Vincent Avenue S, spoke about the ongoing hazardous conditions in her home and requested sovereign immunity to recover costs because the City Building Inspector should not have approved the work as it was done by the contractor.

PRESENTATION OF COLORS AND PLEDGE OF ALLEGIANCE

Presentation of Colors by 130th Civil Air Patrol, Lakeville, MN.

APPROVAL OF MINUTES

M/Sandahl, S/Wroge to approve the minutes of (1) Special City Council Meeting of May 10, 2011 and (2) Regular City Council Meeting of May 10, 2011.

Motion carried 5-0.

Item #1	PRESENTATION BY RICHFIELD OPTIMISTS CLUB RELATED TO 'NO KIDS LEFT INSIDE'
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Steve Sutter, President of Richfield Optimist Youth Foundation, presented grants of \$4,000 each to Fraser School, Girl Scouts Second Wind, Refuge Friends Blue Goose Bus Fund, Richfield Optimist Youth Foundation and Wood Lake Nature Center.

Item #2	ANNUAL MEETING WITH HUMAN RIGHTS COMMISSION
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Molly Darsow, Human Rights Commission, reported on the 2010-11 commission accomplishments.

Item #3	COUNCIL DISCUSSION <ul style="list-style-type: none"> • HATS OFF TO HOMETOWN HITS
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The City Council acknowledged the Richfield Symphonic Band for providing music during the beginning of the meeting.

Council Member Sandahl encouraged people to volunteer for the July 4 Committee.

Council Member Fitzhenry reported on the recent CERT (Community Emergency Response Teams) training.

Council Member Fitzhenry acknowledged the success of the Memorial Day event at the All Veterans Memorial.

Council Member Elliott acknowledged the efforts of past City Council Members and City staff and citizens in the Municipal Center project.

Mayor Goettel announced the Richfield Chamber of Commerce Salute to Small Business recipients – Bremer Bank and Village Shores Market Place.

Council Member Sandahl reported on Star Tribune pieces featuring Wood Lake Nature Center and long-time Richfield resident, Emily Day.

Item #4	COUNCIL APPROVAL OF AGENDA
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M/Fitzhenry, S/Sandahl to approve the agenda.

Motion carried 5-0.

Item #5	CONSENT CALENDAR
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- A. Consideration of approval of first reading of ordinance amending Richfield City Code Subsection 925.02, relating to vacant building regulations and scheduling second reading for June 28, 2011 S.R. No. 108
- B. Consideration of approval of resolution declaring adoption by City Council of Ten Performance Measures as developed by Legislative Council on Local Results and Innovation S.R. No. 109

RESOLUTION NO. 10515

RESOLUTION AUTHORIZING DECLARATION BY THE CITY COUNCIL ADOPTION OF THE TEN PERFORMANCE MEASURES AS DEVELOPED BY THE COUNCIL ON LOCAL RESULTS AND INNOVATION

This resolution appears as Resolution No. 10515.

- C. Consideration of approval of bid/tabulation and award of contract to Atlas Roofing Company for replacement of roof and related work for municipal liquor store #1, 6444 Lyndale Avenue, in amount of \$94,000 S.R. No. 110
- D. Consideration of approval of first reading of amendment to City Administrative Code Chapter 1, Subsection 100.07 adopting references to Minnesota Statutes and Rules and scheduling second reading for June 28, 2011 S.R. No. 111
- E. Consideration of approval of Joint Powers Agreement between City of Richfield and City of Edina regarding provision of utility services to customers in both cities S.R. No. 112
- F. Consideration of approval of amendment to site lease agreement at 6700 Portland Avenue between City of Richfield and Sprint Spectrum regarding location of antenna system S.R. No. 113
- G. Consideration of approval of resolution accepting contributions in 2010 and 2011 from various groups and individuals for police events and toward police equipment S.R. No. 114

RESOLUTION NO. 10516

RESOLUTION AUTHORIZING RICHFIELD PUBLIC SAFETY/POLICE TO ACCEPT DONATIONS FROM VARIOUS INDIVIDUALS AND BUSINESSES PAID IN 2010 AND UP TO MAY 19, 2011

This resolution appears as Resolution No. 10516.

- H. Consideration of approval of Creative Services Agreement with ChalkTalk Promotions, LLC to conduct fundraising services for Wood Lake Nature Center S.R. No. 115
- I. Consideration of approval of bid minutes/tabulation and award of contract to Ron Kassa Construction, Inc. for 2011 curb and gutter and miscellaneous concrete repair in amount of \$98,850 and authorizing Public Work Director to approve additional contract work not to exceed \$65,000 S.R. No. 116
- J. Consideration of approval of Richfield Municipal Center change order report for aggregate net effect of \$396 in items included within project budget S.R. No. 117
- K. Consideration of approval of submission of Safe Routes to School grant application for various infrastructure projects identified in 2009 Richfield Safe Routes to School Study S.R. No. 118
- L. Consideration of approval of resolution calling for public hearing on July 26, 2011 regarding:
 - Modification to Redevelopment Plan for Richfield Redevelopment Project Area;
 - Proposed establishment of Lyndale Garden Redevelopment Tax Increment Financing District; relating to redevelopment of former Lyndale Garden Center at 6400 Lyndale Avenue; and
 - Adoption of associated tax increment financing plan S.R. No. 119

RESOLUTION NO. 10517

RESOLUTION CALLING FOR A PUBLIC HEARING BY THE CITY COUNCIL ON THE PROPOSED MODIFICATION OF THE REDEVELOPMENT PLAN FOR THE RICHFIELD REDEVELOPMENT PROJECT AREA AND THE PROPOSED ESTABLISHMENT OF THE LYNDALE GARDENS TAX INCREMENT FINANCING DISTRICT THEREIN AND THE ADOPTION OF THE TAX INCREMENT FINANCING PLAN THEREFORE

This resolution appears as Resolution No. 10517.

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

Motion carried 5-0.

Item #6	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR
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None.

Item #7	PUBLIC HEARING AND SECOND READING OF TRANSITORY ORDINANCE AUTHORIZING PLANNING, DESIGN AND REHABILITATION OF WATER PLANT CLARIFIERS/BAFFLES AND CHAIN ROOM PIPING/PUMPS AND RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE (STAFF REPORT NO. 120)
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Council Member Sandahl presented Staff Report No. 120.

M/Sandahl, S/Wroge to close public hearing.

Motion carried 5-0.

M/Sandahl, S/Goettel that this constitute second reading of Bill No. 2011-14 authorizing planning, design and rehabilitation of Water Plant clarifiers/baffles and chain room piping/pumps and resolution authorizing summary publication of ordinance:

RESOLUTION NO. 10518

RESOLUTION APPROVING SUMMARY PUBLICATION OF A TRANSITORY ORDINANCE APPROVING A CAPITAL IMPROVEMENT PROJECT FOR THE PLANNING, DESIGN AND REHABILITATION OF THE WATER PLANT CLARIFIERS/BAFFLES AND THE CHAIN ROOM PIPING/PUMPS PURSUANT TO RICHFIELD CITY CHARTER SECTION 8.04

Motion carried 5-0. This resolution appears as Resolution No. 10518.

Item #9	DISCIPLINARY HEARING REGARDING RESOLUTION IMPOSING CIVIL ENFORCEMENT ON ESTABLISHMENT IN RICHFIELD THAT UNDERWENT TOBACCO COMPLIANCE CHECK CONDUCTED BY RICHFIELD PUBLIC SAFETY AND FAILED BY SELLING TOBACCO TO UNDERAGE YOUTH (STAFF REPORT NO. 121)
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Council Member Wroge presented Staff Report No. 121.

Gas Plus - 7744 12th Avenue – Gas Plus representative admitted the violation occurred and stipulated to the suspension and penalty.

The City Council requested staff contact other cities to determine their compliance check and violation enforcement guidelines compared to Richfield's and discuss potential ordinance amendments at a future worksession.

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

RESOLUTION NO. 10519

RESOLUTION SUSPENDING THE TOBACCO LICENSE FOR GAS PLUS, 7744 12TH AVENUE SOUTH, AND IMPOSING A CIVIL PENALTY FOR SECOND TIME TOBACCO COMPLIANCE FAILURE

This resolution appears as Resolution No. 10519.

Item #9	CONSIDERATION OF RESOLUTION CONSENTING TO PROCESS FOR CONSIDERATION OF HOUSING TAX INCREMENT FINANCE DISTRICT FOR PILLSBURY COMMONS DEVELOPMENT PROJECT PROPOSED AT NORTH PORTION OF FORMER CITY MAINTENANCE FACILITY PROPERTY (STAFF REPORT NO. 122)
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Council Member Fitzhenry presented Staff Report No. 122.

Community Development Director Stark explained the intent of the resolution.

Ron Clark, developer, discussed Phase I and Phase II development of the site.

Council Member Wroge expressed his concern regarding dividing the site, financing, the appraisal and language such as, "economically feasible." He said he may be inclined to wait on this project until the economy turns around instead of dividing up the site.

Mr. Clark discussed the proposed affordable housing units, the division between the north and south sections of the site and the funding gap. If TIF assistance is not available the project would not happen.

Council Member Sandahl stated she liked the proposed larger living units to add a mix of housing options.

Council Member Elliott commented on the requirements of financial institutions for project similar to this one.

Mr. Clark explained the Minnesota Housing Finance Agency (MHFA) process as very competitive with a scoring system. He said if the project does not receive the funding in October 2011 or October 2012, they will agree to end the project.

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

RESOLUTION NO. 10520

RESOLUTION CONSENTING TO THE PROCESS FOR THE CREATION OF A HOUSING TAX INCREMENT FINANCE DISTRICT IN SUPPORT OF THE PROPOSED PILLSBURY COMMONS MULTIFAMILY HOUSING PROJECT

Motion carried 5-0. This resolution appears as Resolution No. 10511.

Item #10	CONSIDERATION OF OPTION AGREEMENT WITH RON CLARK CONSTRUCTION AND DESIGN FOR SALE OF NORTH PORTION OF FORMER PUBLIC WORKS MAINTENANCE FACILITY (STAFF REPORT NO. 123)
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Council Member Wroge presented Staff Report No. 123.

Community Development Director Stark explained two changes: the final appraisal was received and the numbers did not change from the preliminary appraisal and the legal description of the outlot was revised slightly.

Council Member Wroge suggested directing the City Attorney to amend the option agreement to include that the project is concluded if Minnesota Housing Finance Agency (MHFA) funding is not received in October 2012 and the initial payments made to the City to purchase the property are not refundable.

The City Council agreed to have the agreement amended.

M/Wroge, S/Goettel to approve the agreement with Ron Clark Construction and Design for sale of north portion of former Public Works Maintenance Facility, as amended.

Motion carried 5-0.

Item #11	REVIEW OF FRANCHISE FEE ORDINANCE AMENDMENTS 2010-6 AND 2010-7 AND CONSIDERATION OF ALLOCATION OF FRANCHISE FEE FUNDS TO STREET AND FORESTRY USES AS RECOMMENDED AT APRIL 26, 2011 CITY COUNCIL WORKSESSION (STAFF REPORT NO. 124)
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Council Member Sandahl presented Staff Report No. 124.

M/Sandahl, S/Goettel to approve the allocation of franchise fee funds to Street and Forestry uses as recommended at April 26, 2011 City Council Worksession.

Motion carried 5-0.

Item #12	CITY MANAGER'S REPORT
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City Manager Devich stated he would be providing information to the City Council regarding impacts of a State government shut down on Richfield.

Item #13	CLAIMS AND PAYROLLS
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M/Goettel, S/Sandahl that the following claims and payrolls be approved:

U.S. Bank		5/24/2011
A/P Checks: 203628-204058	\$	1,490,942.17
Payroll: 75031-75348 41852	\$	504,800.72
TOTAL	\$	1,995,742.89

U.S. Bank		6/14/2011
A/P Checks: 204059-204534	\$	2,024,308.41
Payroll: 75349-76040 41853-41858	\$	1,055,761.32
TOTAL	\$	3,080,069.73

Motion carried 5-0.

OPEN FORUM

None.

ADJOURNMENT

The City Council meeting was adjourned by unanimous consent at 8:45 p.m.

Date Approved: June 28, 2011

Cheryl Krumholz
Cheryl Krumholz
Recording Secretary

Debbie Goettel
Debbie Goettel
Mayor
Steven L. Devich
Steven L. Devich
City Manager