



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

August 9, 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: Pam Dmytrenko, Acting City Manager; Kristin Asher, Acting Public Works Director; John Stark, Community Development Director; Karen Barton, Community Development Manager; Chris Regis, Finance Manager; Melissa Poehlman, City Planner; Corrine Heine, City Attorney; and Cheryl Krumholz, Recording Secretary.

OPEN FORUM

None.

PRESENTATION OF COLORS AND PLEDGE OF ALLEGIANCE

Mayor Goettel led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Sandahl, S/Elliott to approve the minutes of (1) Special City Council Worksession of July 26, 2011 and (2) Regular City Council Meeting of July 26, 2011.

Motion carried 5-0.

Item #1	PRESENTATION OF 2011 LANDSCAPE GOOD NEIGHBOR AWARD WINNERS
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Mayor Goettel announced the 2011 Landscape Good Neighbor Award winners:

“Best Overall Garden” category:

- Darcy Buelow, 7221 Oliver Avenue South
- Bonnie Gruberman, 7401 Girard Avenue South
- Jeanne Hiller, 6715 Stevens Avenue South

“Best Overall Landscaping” category:

- Deb Kelly, 6415 Wentworth
- Patricia Sandoval and Angel Rodriguez, 621 68th Street East
- Earnestine Collins, 903 Rae Drive

Item #2	ANNUAL MEETING WITH CHARTER COMMISSION
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Marty Kirsch, Charter Commission President, 6725 Penn Avenue, reported on the 2011 commission meetings.

Item #3	COUNCIL DISCUSSION <ul style="list-style-type: none"> • HATS OFF TO HOMETOWN HITS
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Mayor Goettel and Council Member Elliott presented a certificate of recognition to Jeanne Arland Peterson honoring her musical life.

Council Member Sandahl reported on the success of Saturday’s Urban Wildland Half Marathon and 5K.

Council Member Sandahl reported on the recent Star Tribune article regarding Wood Lake Nature Center.

Council Member Sandahl announced the new Wood Lake Nature Center fundraising event, Birds and Birdies Golf Tournament, on September 19, 2011.

Council Member Fitzhenry reported on the successful Night to Unite event.

Council Member Fitzhenry announced that on August 23, 2011 Governor Dayton will proclaim Richfield a Beyond the Yellow Ribbon Community.

Mayor Goettel announced the recruitment for youth commission members is underway.

Item #4	COUNCIL APPROVAL OF AGENDA
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M/Elliott, S/Fitzhenry 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 City's Zoning ordinance increasing permissions for horticulture/community gardens, animal kennels, and tattoo shops in certain areas, reduce commercial setbacks in certain areas and remove contradictory minimum lot area requirements from multi-family districts S.R. No. 159
- B. Consideration of approval of resolution calling for public hearing on September 13, 2011 regarding proposed modification to redevelopment plan for Richfield Redevelopment Project Area and proposed adoption of amended and restated tax increment financing plan for 2010-1 Housing Tax Increment Financing District; Woodlake Housing S.R. No. 160

RESOLUTION NO. 10539

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 AND THE PROPOSED ADOPTION OF AN AMENDED AND RESTATED TAX INCREMEMNT FINANCING PLAN FOR THE 2010-1 HOUSING TAX INCREMENT FINANCING DISTRICT (WOODLAKE HOUSING)

This resolution appears as Resolution No. 10539.

- C. Consideration of approval of resolution calling for public hearing on September 13, 2011 regarding multifamily rental housing development and giving preliminary approval to issuance of revenue bonds; Woodlake Richfield Apartments, LLC S.R. No. 161

RESOLUTION NO. 10540

RESOLUTION CALLING A PUBLIC HEARING REGARDING A MULTIFAMILY HOUSING DEVELOPMENT AND THE ISSUANCE OF REVENUE BONDS TO FINANCE THE COSTS THEREOF UNDER MINNESOTA STATUTES, CHAPTER 462C, AS AMENDED; GRANTING PRELIMINARY APPROVAL THERETO; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO

This resolution appears as Resolution No. 10540.

- D. Consideration of approval of memorandum of understanding between Minnehaha Creek Watershed District and City of Richfield for purposes of advancing Legion/Taft Lake Improvement Project S.R. No. 162
- E. Consideration of approval of Richfield Municipal Center change order report for aggregate net effect of \$16,354.46 in items included within project budget S.R. No. 163
- F. Consideration of approval of agreement with 7700 Nicollet, LLC relating to maintenance of sump manholes at 7700 Nicollet Avenue S.R. No. 164
- G. Consideration of approval of temporary food and temporary on-sale liquor licenses for Church of St. Peter's Pig Roast on August 20, 2011 S.R. No. 165
- H. Consideration of approval of resolution accepting monetary contributions for Public Safety/Police events and programs S.R. No. 166

RESOLUTION NO. 10541

RESOLUTION AUTHORIZING RICHFIELD PUBLIC SAFETY/POLICE TO ACCEPT DONATIONS FROM THE LISTED AGENCIES, BUSINESSES AND PRIVATE INDIVIDUALS FOR DESIGNATED USES

This resolution appears as Resolution No. 10541.

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 REGARDING RESOLUTION ADOPTING SPECIAL ASSESSMENT ROLL FOR REMOVAL OF DISEASED TREES FROM PRIVATE PROPERTY FOR WORK ORDERED IN 2010 (STAFF REPORT NO. 167)
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Council Member Sandahl presented Staff Report No. 167.

Acting Public Works Director Asher explained that upon a field trip on May 8, 2011 and a phone conversation with Euneke McDowell, 7107 17th Avenue, staff is recommending that the assessment for her property be adjusted, reflecting the removal of one tree, not two. A revised resolution was provided to the City Council.

Garnett Franklin, 1409 East 69th Street, stated the special assessment on her property was not disclosed by the title company at the time of closing.

City Attorney Heine stated Ms. Franklin may have a claim against the title company and a potential claim with the seller based upon the purchase agreement.

Euneke McDowell, 7107 17th Avenue, questioned the payment options and timelines as stated in her notification letter.

Finance Manager Regis explained the process of notification and payment timelines.

City Attorney Heine reviewed the State Statute guidelines and interest rate.

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

Motion carried 5-0.

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

RESOLUTION NO. 10542

RESOLUTION DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT FOR

REMOVAL OF DISEASED TREES FROM PRIVATE PROPERTY FOR THE PERIOD OF JANUARY 1, 2010 TO DECEMBER 31, 2010

Motion carried 5-0. This resolution appears as Resolution No. 10542.

Item #8	PUBLIC HEARING REGARDING ADOPTING SPECIAL ASSESSMENT ROLLS FOR 2010 MAINTENANCE SERVICES AND RESOLUTION ORDERING CURRENT 2012 MAINTENANCE SERVICES; 77TH STREET MAINTENANCE DISTRICT (STAFF REPORT NO. 168)
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Council Member Wroge presented Staff Report No. 168.

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

Motion carried 5-0.

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

RESOLUTION NO. 10543

RESOLUTION ADOPTING ASSESSMENT ON 77TH STREET MAINTENANCE FOR THE PERIOD JANUARY 1 - DECEMBER 31, 2010

Motion carried 5-0. This resolution appears as Resolution No. 10543.

RESOLUTION NO. 10544

RESOLUTION ORDERING UNDERTAKING OF CURRENT SERVICE PROJECT 77TH STREET PROJECT AREA JANUARY 1 THROUGH DECEMBER 31, 2012

Motion carried 5-0. This resolution appears as Resolution No. 10544.

Item #9	PUBLIC HEARING REGARDING RESOLUTION ADOPTING SPECIAL ASSESSMENT ROLLS FOR 2010 MAINTENANCE SERVICES AND RESOLUTION ORDERING CURRENT 2012 MAINTENANCE SERVICES; LYNDALE/HUB/NICOLLET MAINTENANCE DISTRICT (STAFF REPORT NO. 169)
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Council Member Fitzhenry presented Staff Report No. 169.

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

Motion carried 5-0.

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

RESOLUTION NO. 10545

RESOLUTION ADOPTING ASSESSMENT FOR

LYNDALE/HUB/NICOLLET (LHN) MAINTENANCE FOR THE PERIOD
JANUARY 1 THROUGH DECEMBER 31, 2010

Motion carried 5-0. This resolution appears as Resolution No. 10545.

RESOLUTION NO. 10546

RESOLUTION ORDERING UNDERTAKING OF CURRENT SERVICE PROJECT
LYNDALE/HUB/NICOLLET (LHN) MAINTENANCE
JANUARY 1 THROUGH DECEMBER 31, 2012

Motion carried 5-0. This resolution appears as Resolution No. 10546

Item #10	PUBLIC HEARING REGARDING RESOLUTION ADOPTING STREET RECONSTRUCTION PLAN AND AUTHORIZING ISSUANCE OF STREET RECONSTRUCTION BONDS FOR RECONSTRUCTION OF 76TH STREET EAST FROM 12TH AVENUE TO CEDAR AVENUE (STAFF REPORT NO. 170)
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Council Member Fitzhenry presented Staff Report No. 170.

Acting Public Works Director Asher explained Municipal State Aid is not available. During a City Council Worksession, the City Council consensus was to utilize Street Reconstruction bonds.

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

Motion carried 5-0.

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

RESOLUTION NO. 10547

RESOLUTION OF THE CITY OF RICHFIELD ADOPTING A STREET
RECONSTRUCTION PLAN AND AUTHORIZING ISSUANCE OF STREET
RECONSTRUCTION BONDS

Motion carried 5-0. This resolution appears as Resolution No. 10547.

Item #11	PUBLIC HEARING REGARDING RESOLUTION APPROVING FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT TO INCLUDE FITNESS FACILITY, RETAIL BUILDING AND FUTURE RESTAURANT AND OUTDOOR PATIO AT 6501 LYNDALE AVENUE AND ADJACENT HRA LAND (STAFF REPORT NO. 171)
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Mayor Goettel presented Staff Report No. 171.

Community Development Director Stark stated the developer is no longer identifying a user of the retail space. He added that some stipulations in the resolution may not be amenable to the developer.

Tanya Bell, Wellington Management, Inc., suggested a friendly amendment to condition No. 3, second bullet in the resolution, that the developer enter into negotiations to acquire the required HRA land, rather than enter into an agreement to acquire. She added a letter of intent has been submitted.

Community Development Director Stark stated there is an uncertainty with staff and the Planning Commission that the HRA parcel would not be developed if the stipulation to enter an agreement to acquire is not included.

Council Member Wroge expressed concern that the staff recommendation was to not approve the amended condition because the HRA parcel may not accommodate another development. He added if there is no agreement to purchase with Wellington this key stone property could potentially remain unchanged.

Ms. Bell explained Phase I and Phase II of the proposed development, financing impacts and timeline.

Council Member Wroge stated the project needs to happen because it's their own financing and there is a significant tax increase with the proposed project.

Ms. Bell said if the project jumps the market and built today, some financial assistance would be needed.

City Attorney Heine stated it is a customary condition that if the project application includes the HRA parcel, the developer needs control of the land they're seeking to develop.

Council Member Elliott stated the developer has made significant changes in the process to keep the project moving along

Council Member Wroge said the condition is to acquire the land, not build a building.

Ms. Bell responded if there is no building in 2 years, the land could be conveyed to the HRA at no value.

Council Member Fitzhenry expressed agreement with Council Member Wroge and Council Member Elliott that the project needs to happen and the parcel is not barren.

Acting City Manager Dmytrenko stated staff is doing due diligence, not putting up roadblocks, and also want this development to happen.

Ms. Bell suggested language stating good faith negotiations with the HRA to acquire the HRA parcel.

The City Council consensus was the condition is to buy the land, not build a building and amend the resolution as suggested by Wellington Management, Inc.

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

Motion carried 5-0.

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

RESOLUTION NO. 10548

RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AT 6501 LYNDAL AVE AND THE IMMEDIATELY ADJACENT HOUSING AND REDEVELOPMENT AUTHORITY LAND

Motion carried 5-0. This resolution appears as Resolution No. 10548.

Item #12	PUBLIC HEARING REGARDING RESOLUTION VACATING PEDESTRIAN, STORM SEWER AND SANITARY SEWER EASEMENTS AT 6501 LYNDAL AVE (STAFF REPORT NO. 172)
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Council Member Sandahl presented Staff Report No. 172.

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

Motion carried 5-0.

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

RESOLUTION NO. 10549

RESOLUTION AUTHORIZING THE VACATION OF PUBLIC EASEMENTS AT 6501 LYNDAL AVE

Motion carried 5-0. This resolution appears as Resolution No. 10549.

Item #13	PUBLIC HEARING REGARDING RESOLUTION ADOPTING MODIFICATION TO REDEVELOPMENT PLAN FOR RICHFIELD REDEVELOPMENT PROJECT AREA, ESTABLISHING LYNDAL GARDEN TAX INCREMENT FINANCING DISTRICT THEREIN AND ADOPTING TAX INCREMENT FINANCING PLAN THEREFORE (STAFF REPORT NO. 173)
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Council Member Wroge presented Staff Report No. 173.

Kathryn Thomas, Minnesota Life College Executive Director, encouraged the City Council to support the proposed resolution for TIF funding because the Cornerstone Group and Minnesota Life have been in preliminary discussions regarding a new college campus as part of the project. She said the college is soliciting financing with a capital campaign.

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

Motion carried 5-0.

Colleen Carey, Cornerstone Group, stated the college is a great fit with the project and she described a possible concept design. She discussed the timeline of the purchase agreement with the property owner and several financing options.

Ms. Carey continued with explanations regarding soil remediation work and costs.

Council Member Wroge questioned the outcome if the land is so bad that nothing can be built there and a TIF District has been created. He said he would not support the project if the apartment building was not built.

Community Development Director Stark explained the geography of the site supports a TIF District and the apartment building can be addressed in the development agreement.

Ms. Carey explained the phases of project construction.

Council Member Sandahl stated the TIF District is creating a financing mechanism which could allow a development on the site.

Community Development Director Stark explained the look-back provision in the development agreement.

Mayor Goettel said this is a good-faith project.

Council Member Elliott expressed concern that only ideas and concepts have been discussed but nothing concrete has been presented except acquisition and soil costs.

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

RESOLUTION NO. 10550

RESOLUTION APPROVING A SPENDING PLAN FOR CERTAIN TAX INCREMENT FINANCING DISTRICTS LOCATED WITHIN THE RICHFIELD REDEVELOPMENT PROJECT AREA

Motion carried 5-0. This resolution appears as Resolution No. 10550.

Item #14	PUBLIC HEARING REGARDING RESOLUTION APPROVING SPENDING PLAN FOR CERTAIN TAX INCREMENT FINANCING LOCATED WITHIN RICHFIELD REDEVELOPMENT PROJECT AREA (STAFF REPORT NO. 174)
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Council Member Sandahl presented Staff Report No. 174.

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

Motion carried 5-0.

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

RESOLUTION NO. 10551

RESOLUTION ADOPTING A MODIFICATION TO THE REDEVELOPMENT PLAN FOR RICHFIELD REDEVELOPMENT PROJECT AREA; AND ESTABLISHING THE LYNDAL GARDENS TAX INCREMENT FINANCING DISTRICTS THEREIN AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR

Motion carried 5-0. This resolution appears as Resolution No. 10551.

Item #15	CITY MANAGER'S REPORT
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The City Council rescheduled the Wednesday, September 7, 2011 Special City Council Meeting regarding budget discussions to Monday, September 12, 2011 at 5:30 p.m.

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

U.S. Bank	8/09/2011
A/P Checks: 205704-209065	\$ 1,059,216.60
Payroll: 77151-77518	\$ 550,639.19
TOTAL	\$ 1,609,855.79

Motion carried 5-0.

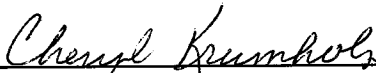
OPEN FORUM


None.

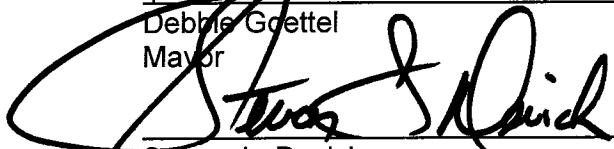
ADJOURNMENT

The City Council meeting was adjourned by unanimous consent at 9:21 p.m.

Date Approved: September 13, 2011


 Cheryl Krumholz
 Recording Secretary


 Debbie Goettel
 Mayor


 Steven L. Devich
 City Manager