



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

December 8, 2009

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; and Tom Fitzhenry.

Members Absent: Pat Elliott and Fred Wroge.

Staff Present: Steven L. Devich, City Manager; John Stark, Community Development Director; Mike Eastling, Public Works Director; Barry Fritz, Public Safety Director; Jim Topitzhofer, Recreation Services Director; Chris Regis, Finance Manager; Robert Hintgen, Utilities Superintendent; Corrine Heine, City Attorney; and Cheryl Krumholz, Recording Secretary.

M/Sandahl, S/Fitzhenry to determine the absences of Council Member Wroge and Council Member Elliott from the Regular City Council Meeting of December 8, 2009 as excused absences.

Motion carried 3-0.

OPEN FORUM

None.

PRESENTATION OF COLORS AND PLEDGE OF ALLEGIANCE

Mayor Goettel led the audience in the Pledge of Allegiance.

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| APPROVAL OF MINUTES |
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M/Sandahl, S/Fitzhenry to approve the minutes of (1) Special City Council Worksession of November 10, 2009; (2) Regular City Council Meeting of November 10, 2009; (3) Special City Council Worksession of November 24, 2009; (4) Regular City Council Meeting of November 24, 2009; and (5) Special City Council Meeting (Truth-in-Taxation) of November 30, 2009.

Motion carried 3-0.

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| Item #1 | RICHFIELD FOUNDATION AWARDING OF GRANTS |
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Mayor Goettel, Richfield Foundation Chair, presented grants to Family Children's Services, City of Richfield Cinco de Mayo Celebration, Richfield Ready, VEAP, Fraser School, and Loaves and Fishes.

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| Item #2 | COUNCIL DISCUSSION <ul style="list-style-type: none">• HATS OFF TO HOMETOWN HITS• SPECIAL CITY COUNCIL MEETING TO CONDUCT ADVISORY COMMISSION INTERVIEWS |
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Council Member Sandahl announced snowplowing of City streets will begin at 4 a.m.

Council Member Fitzhenry stated the Welcome to Richfield booklet is on the City's website.

Council Member Fitzhenry provided an update on the H1N1 vaccine clinics.

Mayor Goettel acknowledged the thank-you notes received from the Girl Scouts group who recently toured City Hall.

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| Item #3 | COUNCIL APPROVAL OF AGENDA |
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M/Sandahl , S/Fitzhenry to approve the agenda.

Motion carried 3-0.

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| Item #4 | CONSENT CALENDAR |
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- A. Consideration of approval of resolution authorizing Richfield Fire Services Department acceptance of five miscellaneous grant donations totaling \$550 from City residents during 2009 S.R. No. 243

RESOLUTION NO. 10325

RESOLUTION AUTHORIZING ACCEPTANCE OF FIVE (5) MISCELLANEOUS DONATIONS RECEIVED BY THE CITY OF RICHFIELD AND TO AUTHORIZE THE CITY TO ADMINISTER THE FUNDS IN ACCORDANCE WITH AGREEMENTS AND TERMS PRESCRIBED BY THE DONORS

This resolution appears as Resolution No. 10325.

- B. Consideration of approval of resolution reappointing Abisola Omiwade, Raj Bhakta and Adam Selby to Richfield Tourism Promotion Board for three-year terms ending December 31, 2012 S.R. No. 244

RESOLUTION NO. 10326

RESOLUTION REAPPOINTING REPRESENTATIVES TO THE BOARD OF DIRECTORS OF THE RICHFIELD TOURISM PROMOTION BOARD, INC.

This resolution appears as Resolution No. 10326.

- C. Consideration of approval of Public Health Emergency Response I-II-III from Centers for Disease Control through MN Department of Health to use for vaccination clinics, supplies and planning for mass dispensing within community relating to H1N1 S.R. No. 245
- D. Consideration of approval of contract change order #2 for Ice Arena rink one roof to remove and replace deteriorated plywood decking and perlite insulation and install ice and vapor barrier in remaining deteriorated areas in amount of \$20,003 S.R. No. 246
- E. Consideration of approval of contract to Graymont (WI), LLC Company for quick lime for water treatment in amount of \$168,000 (\$120/ton) for 2010 S.R. No. 247
- F. Consideration of approval of the following 2010 renewal of business licenses for 3.2 percent malt liquor sales and 2010 license renewals to operate businesses in Richfield: S.R. No. 248

License to Sell 3.2 Percent Malt Liquor

Airport Bowl – On-Sale
Aldi Foods – Off-Sale
Davanni’s Pizza – On-Sale
El Jalapeno – Off-Sale
Kwik Way Foods – Off-Sale
RBF Corporation of Wisconsin (Rainbow Foods) – Off-Sale
Richfield U.S. – Off-Sale
Sandy’s Tavern – On-Sale
SuperAmerica #4186 – Off-Sale
SuperAmerica #4188 – Off-Sale
SuperAmerica #4191 – Off-Sale
SuperAmerica #4615 – Off-Sale
Target Corporation – Off-Sale
Vina Restaurant – On-Sale

License to Operate in Richfield

A New Star Limousine & Taxi Service – 10 vehicles
Airport Taxi – 11 vehicles
Black & White Taxi – 5 vehicles
Ecuadorian Express – 3 vehicles
Gold Star Taxi – 27 vehicles
Latino Americano – 8 vehicles
Latino Express – 10 vehicles
Suburban Taxi Corporation – 5 vehicles
Twin Cities Airport Taxi - 13 vehicles
Paul’s Rentals & Sales – Trailers and Trucks Rental

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

Motion carried 3-0.

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| Item #5 | CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR |
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None.

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| Item #6 | PUBLIC HEARINGS REGARDING 2010 PAWNBROKER AND SECONDHAND GOODS DEALER LICENSE RENEWALS: A. Metro Pawn & Gun, Inc., 7529 Lyndale Avenue S.R. No. 249 B. University Cash Company, LLC d/b/a Avi's Pawn and Jewelry, 6414 Nicollet Avenue S.R. No. 250 |
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Council Member Fitzhenry presented Staff Report No. 249.

Mark Nichols, Metro Pawn & Gun, was present for questions.

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

Motion carried 3-0.

M/Fitzhenry, S/Sandahl to approve the renewal of the 2010 Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc., 7529 Lyndale Avenue.

Motion carried 3-0.

Council Member Fitzhenry presented Staff Report No. 250.

Andy Strauss, Avi's Pawn and Jewelry, was present for questions.

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

Motion carried 3-0.

M/Fitzhenry, S/Goettel to approve the renewal of the 2010 Pawnbroker and Secondhand Goods Dealer licenses for University Cash Company, LLC d/b/a Avi's Pawn and Jewelry, 6414 Nicollet Avenue.

Motion carried 3-0.

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| Item #7 | PUBLIC HEARINGS REGARDING 2010 CLUB ON-SALE AND SUNDAY LIQUOR LICENSE RENEWALS: A. Fred Babcock V.F.W. Post No. 5555, Inc., d/b/a Four Nickels Food & Drink; 6715 Lake Shore Drive S.R. No. 251 B. Minneapolis-Richfield American Legion Post 435, 6501 Portland Avenue S.R. No. 252 |
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Council Member Fitzhenry presented Staff Report No. 251.

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

Motion carried 3-0.

M/Fitzhenry, S/Sandahl to approve the renewal of 2010 Club On-Sale and Sunday Liquor Licenses for Fred Babcock V.F.W. Post No. 5555, Inc., d/b/a Four Nickels Food & Drink, 6715 Lake Shore Drive.

Motion carried 3-0.

Council Member Fitzhenry presented Staff Report No. 252.

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

Motion carried 3-0.

M/Fitzhenry, S/Sandahl to approve the renewal of 2010 Club On-Sale and Sunday Liquor Licenses for Minneapolis-Richfield American Legion Post 435, 6501 Portland Avenue.

Motion carried 3-0.

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| Item #8 | <p>PUBLIC HEARINGS REGARDING 2010 ON-SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS:</p> <ul style="list-style-type: none"> A. Chipotle Mexican Grill of Colorado, LLC, 7644 Lyndale Avenue S.R. No. 253 B. Thompson’s Fireside Pizza, Inc., d/b/a Fireside Pizza, 6736 Penn Avenue S.R. No. 254 C. Kiang’s Red Pepper, Inc., d/b/a Red Pepper Chinese Restaurant, 2902 West 66th Street S.R. No. 2556 D. The Noodle Shop-Colorado, Inc., d/b/a Noodles and Company, 7630 Lyndale Avenue S.R. No. 256 E. John E. Powers & Associates, Inc. d/b/a Lariat Lanes, 6320 Penn Avenue S.R. No. 257 F. Patrick’s French Bakery, Inc. d/b/a Patrick’s Bakery & Café, 2928 West 66th Street S.R. No. 258 |
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Council Member Sandahl stated that one public hearing would be conducted for all licenses but if someone wished to speak about a specific license, that establishment should be identified.

Council Member Sandahl presented Staff Report No.’s 253 through 258.

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

Motion carried 3-0.

M/Sandahl, S/Goettel to approve the renewal of 2010 On-Sale Wine and 3.2 Percent Malt Liquor Licenses for Chipotle Mexican Grill of Colorado, LLC, 7644 Lyndale Avenue; Thompson’s Fireside Pizza, Inc., d/b/a Fireside Pizza, 6736 Penn Avenue; Kiang’s Red Pepper, Inc., d/b/a Red Pepper Chinese Restaurant, 2902 West 66th Street; The Noodle Shop-Colorado, Inc., d/b/a Noodles and Company, 7630 Lyndale Avenue; John E. Powers & Associates, Inc. d/b/a Lariat Lanes, 6320 Penn Avenue; and Patrick’s French Bakery, Inc. d/b/a Patrick’s Bakery & Café, 2928 West 66th Street (subject to providing an accountant’s statement by the end of the year).

Motion carried 3-0.

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| Item #9 | <p>PUBLIC HEARINGS REGARDING 2010 ON-SALE INTOXICATING AND SUNDAY LIQUOR LICENSE RENEWALS:</p> <ul style="list-style-type: none"> A. The Frenchman’s, 1400 East 66th Street (includes 2 a.m. closing) S.R. No. 259 B. El Tejeban Mexica Grill, LLC, d/b/a El Tejeban Mex. Grill, 2 West 66th Street (includes 2 a.m. closing) S.R. No. 260 C. Wiltshire Restaurants, LLC, d/b/a Houlihan’s Restaurant & Bar, 6601 Lyndale Avenue (includes outside service) S.R. No. 261 D. Don Pablo’s Operating Corp., d/b/a Don Pablo’s, 980 West 78th Street S.R. No. 262 E. Paisan Inc., d/b/a Khan’s Mongolian Barbeque, 500 East 78th Street S.R. No. 263 F. Champp’s Operating Corporation d/b/a Champp’s Restaurant, 790 West 66th Street S.R. No. 264 G. HKD Lo, Inc. d/b/a Jun Bo Chinese Restaurant, 7717 Nicollet Avenue S.R. No. 265 |
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Mayor Goettel presented Staff Report No.’s 259 through 264.

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

Motion carried 3-0.

M/Goettel, S/Sandahl to approve renewal of the 2010 On-Sale Intoxicating and Sunday Liquor Licenses for The Frenchman’s, 1400 East 66th Street (includes 2 a.m. closing); El Tejeban Mexica Grill, LLC, d/b/a El Tejeban Mex. Grill, 2 West 66th Street (includes 2 a.m. closing); Wiltshire Restaurants, LLC, d/b/a Houlihan’s Restaurant & Bar, 6601 Lyndale Avenue (includes outside service); Don Pablo’s Operating Corp., d/b/a Don Pablo’s, 980 West 78th Street; Paisan Inc., d/b/a Khan’s Mongolian Barbeque, 500 East 78th Street; and Champp’s Operating Corporation d/b/a Champp’s Restaurant, 790 West 66th Street.

Motion carried 3-0.

Mayor Goettel presented Staff Report No. 265.

Public Safety Director Fritz explained the nature of police calls is different than other liquor establishments because Jun Bo has dances and promotional events that draw very large crowds which lend toward increased police calls.

City Manager Devich stated the concern overall is the over-serving of liquor to the customers which could result in a dangerous situation.

Danny Lo, Jun Bo Manager, discussed how over-serving is addressed and monitored in the establishment by security.

Council Member Fitzhenry questioned the monitoring of drinking while in the car in the parking lot.

Mr. Lo was unclear as to what level he could control that issue.

Council Member Fitzhenry stated that Mr. Lo could have the customers removed because it is his property. He suggested the lot be more closely monitored.

Mayor Goettel suggested a more aggressive approach by security.

City Manager Devich stated the license could be renewed with the City Council direction of staff monitoring contacts in 2010 and, if there are repeated police contacts, have Public Safety return to the City Council with recommended conditions to continue the license.

Council Member Sandahl questioned if the City could recover their costs for extra monitoring.

City Attorney Heine explained the ordinance does not provide for recovery of costs but she would review the ordinance and State Statute.

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

Motion carried 3-0.

M/Goettel, S/Sandahl to approve renewal of the 2010 On-Sale Intoxicating and Sunday Liquor Licenses for HKD Lo, Inc. d/b/a Jun Bo Chinese Restaurant, 7717 Nicollet Avenue with the condition of Public Safety monitoring the establishment and providing the City Council with a quarterly report.

Motion carried 3-0.

Mr. Lo asked about the application being shortened for the establishments that are renewing their licenses because each year the paperwork is redundant and copies are not permitted.

Public Safety Director Fritz stated that staff will consider a shortened renewal application.

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| <p>Item #10</p> | <p>PUBLIC HEARING AND SECOND READING OF ORDINANCE AMENDING SECTION 930 OF RICHFIELD CITY CODE RELATING TO REGULATION OF NOISE AND RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE S.R. NO. 266</p> |
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Council Member Fitzhenry presented Staff Report No. 266.

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

Motion carried 3-0.

M/Fitzhenry, S/Sandahl that this constitutes the second reading of Bill No. 2009-21 amending Section 930 of Richfield City Code, relating to regulation of noise, 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 it be made part of these minutes:

RESOLUTION NO. 10327

RESOLUTION APPROVING SUMMARY PUBLICATION OF
BILL NO. 2009-21

Motion carried 3-0. This resolution appears as Resolution No. 10327.

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| Item #11 | PUBLIC HEARING REGARDING WATER UTILITY CONSERVATION RATE STRUCTURE AND STORM WATER 2010 PROPOSED RATE INCREASE AND RESOLUTION ESTABLISHING UTILITY RATES S.R. NO. 267 |
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Council Member Sandahl presented Staff Report No. 267.

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

Motion carried 3-0.

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

RESOLUTION NO. 10328

RESOLUTION ESTABLISHING WASTEWATER SERVICE RATES AND CHARGES, WATER RATES AND CHARGES, SPECIAL WATER SERVICE CHARGES, STORM SEWER RATES AND CHARGES, AND 6.5% PENALTY ON PAST DUE ACCOUNTS

Motion carried 3-0. This resolution appears as Resolution No. 10328.

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| Item #12 | CONSIDERATION OF RESOLUTIONS APPROVING 2009 REVISED/2010 PROPOSED BUDGET AND TAX LEVY AND RELATED RESOLUTIONS S.R. NO. 268 |
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Mayor Goettel presented Staff Report No. 268.

Council Member Sandahl suggested the City Council approve the tax levy adopted in September, rather than the reduced levy presented this evening, because Local Government Aid (LGA) allotments are uncertain.

City Manager Devich stated the final levy anticipates a reduction in LGA.

Mayor Goettel said she was not supportive of adopting the higher levy proposed in September.

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

RESOLUTION NO. 10315

RESOLUTION RELATING TO THE 2010 MANAGEMENT SALARY COMPENSATION PLAN

RESOLUTION NO. 10316

RESOLUTION RELATING TO THE 2010 GENERAL SERVICES SALARY COMPENSATION PLAN

RESOLUTION NO. 10317

RESOLUTION RELATING TO THE JANUARY 2010 SPECIALIZED PAY PLAN

RESOLUTION NO. 10318

RESOLUTION AUTHORIZING REVISION OF 2009 BUDGET OF VARIOUS DEPARTMENTS

RESOLUTION NO. 10319

RESOLUTION ADOPTING A PROPOSED BUDGET AND TAX LEVY FOR THE YEAR 2010

RESOLUTION NO. 10320

RESOLUTION ADOPTING THE 2010 CAPITAL IMPROVEMENT BUDGET

RESOLUTION NO. 10321

RESOLUTION ADOPTING THE 2011-2014 CAPITAL IMPROVEMENT PROGRAM

RESOLUTION NO. 10322

RESOLUTION RELATING TO PURCHASING PRACTICES IN THE CITY OF RICHFIELD AMENDING RESOLUTION NO. 8298

RESOLUTION NO. 10323

RESOLUTION AUTHORIZING ADJUSTMENT TO CITY'S MILEAGE REIMBURSEMENT RATE TO CONFORM TO INTERNAL REVENUE SERVICE STATUTORY MILEAGE REIMBURSEMENT RATE

RESOLUTION NO. 10324

RESOLUTION AUTHORIZING BUDGET REVISIONS

Motion carried 3-0. These resolutions appear as Resolution No.'s 10315 through 10324.

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| Item #13 | CONSIDERATION OF EXECUTION OF STIPULATION OF SETTLEMENT WITH RICHFIELD HOTEL ASSOCIATES, LLP REGARDING TAKING FROM RAMADA INN PROPERTY IN CONNECTION WITH LYNDAL AVENUE BRIDGE PROJECT S.R. NO. 269 |
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Mayor Goettel presented Staff Report No. 269.

M/Goettel, S/Sandahl to approve execution of stipulation of settlement with Richfield Hotel Associates, LLP regarding taking from Ramada Inn property in connection with Lyndale Avenue Bridge project.

Motion carried 3-0.

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| Item #14 | CITY MANAGER’S REPORT |
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City Manager Devich provided an update on the City Hall construction, including today’s removal of the two homes to the south.

The City Council requested January dates for the interviewing of advisory commission applicants be provided to them.

Council Member Sandahl requested the City Council be provided with the Bike Trail Task Force applications being prepared by the Transportation Commission.

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| Item #15 | CLAIMS AND PAYROLL |
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M/Sandahl, S/Fitzhenry that the following claims and payrolls be approved:

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| <u>U.S. BANK 12-08-09</u> | | |
| A/P Checks: 190616 – 191004 | \$ | 1,282,106.40 |
| PAYROLL 62614 – 62927; 41461 – 41463 | \$ | 498,330.12 |
| TOTAL | \$ | 1,780,436.52 |

Motion carried 3-0.

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| OPEN FORUM |
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None.

The City Council meeting was adjourned by unanimous consent at 8:41 p.m.

Date Approved: _____

Debbie Goettel
Mayor

Cheryl Krumholz
Recording Secretary

Steven L. Devich
City Manager