

CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

December 14, 2010

CALL TO ORDER

The meeting was called to order by Mayor Goettel at 7:02 p.m.

ROLL CALL

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

Members Excused: Fred Wroge

Staff Present: Steven L. Devich, City Manager; Mike Eastling, Public Works Director; Chris Regis, Finance Manager; Barry Fritz, Public Safety Director/Chief; Jim Topitzhofer, Recreation Services Director; John Stark, Community Development Director; Mary Tietjen, City Attorney; and Cheryl Krumholz, Recording Secretary.

M/Sandahl, S/Goettel to excuse Council Member Wroge from the December 14, 2010 Regular City Council Meeting.

Motion carried 4-0.

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 November 23, 2010; (2) Regular City Council Meeting of November 23, 2010; and (3) Special City Council Meeting of November 29, 2010.

Motion carried 4-0.

Item #1	RECOGNITION OF CORPORATE CITIZENSHIP TO BEST BUY
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This item was rescheduled to a future meeting.

Item #2	RICHFIELD FOUNDATION AWARDING OF GRANTS
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The Richfield Foundation presented the grants totaling \$10,300.

Item #3	COUNCIL DISCUSSION <ul style="list-style-type: none"> • HATS OFF TO HOMETOWN HITS
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The City Council acknowledged the efforts of Public Works staff during the recent significant snow fall event.

Council Member Fitzhenry encouraged residents to remove the snow from around fire hydrants.

Mayor Goettel added the snow should also be removed from storm drains.

Item #4	COUNCIL APPROVAL OF AGENDA
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Mayor Goettel moved Item #5B from the Consent Calendar to Item #6 for separate consideration.

M/Fitzhenry, S/Sandahl to approve the agenda as amended.

Motion carried 4-0.

Item #3	CONSENT CALENDAR
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- A. Consideration of approval of first reading of ordinance amending Richfield City Code Appendix D establishing change to fee schedule for Public Works, Section 3, subsection 10 and setting second reading for January 11, 2011 S.R. No. 222
- B. Moved to Item #6
- C. Consideration of approval of resolution establishing 60 DNL as airport noise threshold for preventative and corrective land use measures in environs of Minneapolis-St. Paul International Airport S.R. No. 224

RESOLUTION NO. 10449

RESOLUTION ESTABLISHING 60 DNL AS THE AIRPORT NOISE THRESHOLD FOR PREVENTIVE AND CORRECTIVE MEASURES IN THE ENVIRONS OF THE MINNEAPOLIS-ST. PAUL INTERNATIONAL AIRPORT

This resolution appears as Resolution No. 10449.

- D. Consideration of approval of resolution authorizing acceptance of all grants and donations received by Recreation Services Department in 2010 S.R. No. 225

RESOLUTION NO. 10450

RESOLUTION AUTHORIZING ACCEPTANCE OF ALL GRANTS AND DONATIONS RECEIVED BY THE CITY OF RICHFIELD AND TO AUTHORIZE THE CITY TO ADMINISTER THE FUNDS IN ACCORDANCE WITH GRANT AGREEMENTS AND TERMS PRESCRIBED BY DONORS

This resolution appears as Resolution No. 10450.

- E. Consideration of approval of resolution authorizing conditional use permit to allow construction of 120-foot replacement antenna tower at Richfield Municipal Center, 6700 Portland Avenue S.R. No. 226

RESOLUTION NO. 10451

RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A 120-FOOT TELECOMMUNICATION TOWER AT 6700 PORTLAND AVENUE (RICHFIELD MUNICIPAL CENTER)

This resolution appears as Resolution No. 10451.

- F. Consideration of approval of Richfield Municipal Center change order report for aggregate net effect of \$5,371 in items included within project budget S.R. No. 227
- G. Consideration of approval of addendum to Hennepin County Residential Recycling Grant Agreement extending through 2011 S.R. No. 228
- H. Consideration of approval of City Manager's reappointment of Connie Murray and Paul Wasko for two-year terms as Hearing Examiners S.R. No. 229
- I. Consideration of approval of the following 2011 renewal of business licenses for 3.2 percent malt liquor sales and 2011 license renewals to operate businesses in Richfield: S.R. No. 230

License to Sell 3.2 Percent Malt Liquor

- Aldi Foods – Off-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 – 8 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 - 5 vehicles
- Paul's Rentals & Sales – Trailers and Trucks Rental

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

Motion carried 4-0.

Item #6	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR
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3B. Consideration of approval of first reading of ordinance amending Appendix 1 of Richfield City Code rezoning portion of 6528 Penn Avenue from General Commercial and Multiple Use – Community with Penn Avenue Corridor Overlay to Planned Mixed Use related to proposal for CVS Pharmacy S.R. No. 223

Council Member Sandahl requested an update on the proposed project.

Community Development Director Stark discussed the project status, including the rezoning process and design guidelines compromises.

M/Goettel, S/Sandahl to approve the first reading of the ordinance amending Appendix 1 of Richfield City Code rezoning portion of 6528 Penn Avenue from General Commercial and Multiple Use – Community with Penn Avenue Corridor Overlay to Planned Mixed Use related to proposal for CVS Pharmacy.

Motion carried 4-0.

Item #7	PUBLIC HEARINGS REGARDING 2011 PAWNBROKER AND SECONDHAND GOODS DEALER LICENSE RENEWALS: <ul style="list-style-type: none"> • METRO PAWN & GUN, INC., 7529 LYNDALE AVENUE S.R. NO. 231 • UNIVERSITY CASH COMPANY, LLC D/B/A AVI'S PAWN AND JEWELRY, 6414 NICOLLET AVENUE S.R. NO. 232
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Council Member Fitzhenry presented Staff Report No. 231and 232.

Mark Nichols, Metro Pawn representative, was available for questions.

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

Motion carried 4-0.

M/Fitzhenry, S/Sandahl to approve the renewal of the 2011 Pawnbroker and Secondhand Goods Dealer licenses for Metro Pawn & Gun, Inc., 7539 Lyndale Avenue, and University Cash Company, LLC d/b/a Avi's Pawn and Jewelry, 6414 Nicollet Avenue.

Motion carried 4-0.

Item #8	PUBLIC HEARINGS REGARDING 2011 CLUB ON-SALE AND SUNDAY LIQUOR LICENSE RENEWALS: <ul style="list-style-type: none"> • FRED BABCOCK V.F.W. POST NO. 5555, INC., D/B/A FOUR NICKELS FOOD & DRINK; 6715 LAKE SHORE DRIVE S.R. NO. 233 • MINNEAPOLIS-RICHFIELD AMERICAN LEGION POST 435, 6501 PORTLAND AVENUE S.R. NO. 234
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Council Member Elliott presented Staff Report No. 233 and 234.

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

Craig Deneen, Minneapolis-Richfield American Legion Post 435 representative, was available for questions.

Motion carried 4-0.

M/Elliott, S/Goettel to approve the renewal of 2011 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, to approve the renewal of 2011 Club On-Sale and Sunday Liquor Licenses for Minneapolis-Richfield American Legion Post 435, 6501 Portland Avenue.

Motion carried 4-0.

Item #9	<p>PUBLIC HEARINGS REGARDING 2011 ON-SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS:</p> <ul style="list-style-type: none"> • CHIPOTLE MEXICAN GRILL OF COLORADO, LLC, 7644 LYNDAL AVE S.R. NO. 235 • THOMPSON'S FIRESIDE PIZZA, INC., D/B/A FIRESIDE PIZZA, 6336 PENN AVENUE S.R. NO. 236 • KIANG'S RED PEPPER, INC., D/B/A RED PEPPER CHINESE RESTAURANT, 2902 WEST 66TH STREET S.R. NO. 237 • PATRICK'S FRENCH BAKERY, INC. D/B/A PATRICK'S BAKERY & CAFÉ, 2928 WEST 66TH STREET S.R. NO. 238 • THE NOODLE SHOP-COLORADO, INC., D/B/A NOODLES AND COMPANY, 7630 LYNDAL AVE S.R. NO. 239 • JOHN E. POWERS & ASSOCIATES, INC. D/B/A LARIAT LANES, 6320 PENN AVENUE S.R. NO. 240 • JOY'S PATTAYA THAI RESTAURANT, LLC, 7545 LYNDAL AVE S.R. NO. 241
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Council Member Sandahl presented Staff Report No.'s 235-241.

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

Motion carried 4-0.

M/Sandahl, S/Wroge to approve the renewal of 2011 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; Patrick's French Bakery, Inc. d/b/a Patrick's Bakery & Café, 2928 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; Joy's Pattaya Thai Restaurant, LLC, 7545 Lyndale Avenue.

Motion carried 4-0.

Item #10	<p>PUBLIC HEARINGS REGARDING 2011 ON-SALE INTOXICATING AND SUNDAY LIQUOR LICENSE RENEWALS:</p> <ul style="list-style-type: none"> • THE FRENCHMAN'S, 1400 EAST 66TH STREET (INCLUDES
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	<p>OPTIONAL 2 A.M. CLOSING) S.R. NO. 242</p> <ul style="list-style-type: none"> • PAISAN INC., D/B/A KHAN'S MONGOLIAN BARBEQUE, 500 EAST 78TH STREET S.R. NO. 243 • WILTSHIRE RESTAURANTS, LLC, D/B/A HOULIHAN'S RESTAURANT & BAR, 6601 LYNDAL AVE (INCLUDES OUTSIDE SERVICE) S.R. NO. 244 • DON PABLO'S OPERATING CORPORATION, LLC D/B/A DON PABLOS, 980 WEST 78TH STREET S.R. NO. 245 • CHAMPPS OPERATING CORPORATION D/B/A CHAMPP'S RESTAURANT, 790 WEST 66TH STREET S.R. NO. 246 • EL TEJABAN MEXICAN GRILL LLC D/B/A EL TEJABAN MEX. GRILL, 2 WEST 66TH STREET (INCLUDES OPTIONAL 2 A.M. CLOSING) S.R. NO. 247
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Council Member Fitzhenry presented Staff Report No.'s 242-247.

Matt Giller, Houlihan's representative, was available for questions.

Christine Blake, Frenchman's representative, thanked the City Council for acknowledging the reduction in police calls for her establishment this past year.

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

Motion carried 4-0.

M/Fitzhenry, S/Goettel to approve renewal of the 2011 On-Sale Intoxicating and Sunday Liquor Licenses for The Frenchman's, 1400 East 66th Street (includes optional 2 a.m. closing); Paisan Inc., d/b/a Khan's Mongolian Barbeque, 500 East 78th Street; Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar, 6601 Lyndale Avenue (includes outside service); Don Pablo's Operating Corporation, LLC d/b/a Don Pablos, 980 West 78th Street; Champps Operating Corporation d/b/a Champp's Restaurant, 790 West 66th Street; El Tejaban Mexican Grill LLC d/b/a El Tejaban Mex. Grill, 2 West 66th Street (includes optional 2 a.m. closing).

Motion carried 4-0.

Item #11	PUBLIC HEARING REGARDING 2011 ON-SALE INTOXICATING AND SUNDAY LIQUOR LICENSE RENEWAL FOR HKD LO, INC. D/B/A JUN BO CHINESE RESTAURANT, 7717 NICOLLET AVENUE STAFF REPORT NO. 248
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Mayor Goettel presented Staff Report No. 248.

Boris Parker, Jun Bo attorney, discussed the number of public safety contacts, the pending proceedings for failure to pay sales/use taxes, allegations of minor consumption of the premises and the steps taken to address security and sales.

Public Safety Director Fritz explained the need for extra patrol of the site, which is a big concern to the City.

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

Motion carried 4-0.

Mayor Goettel stated she would not support renewal of the license.

City Attorney Tietjen explained the legal options available to the Council.

Council Member Fitzhenry stated he would not support renewal of the license.

Council Member Elliott and Council Member Sandahl suggested not voting on the license tonight and waiting until the tax and under age consumption legal matters are concluded.

City Manager Devich suggested the City Council wait until all five City Council members are present before taking action on this license.

M/Goettel, S/Elliott to continue this license renewal matter to a City Council meeting following the conclusion of all legal matters and provide an interim liquor license with conditions.

Motion carried 3-1. Fitzhenry opposed.

Item #12	CONSIDERATION OF FIRST READING OF ZONING DESIGNATION AND RICHFIELD COMPREHENSIVE PLAN DESIGNATION OF 6901 PENN AVENUE (STAFF REPORT NO. 249)
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Council Member Elliott presented Staff Report No. 249.

M/Elliott, S/Goettel to approve the first reading of the ordinance amending Richfield City Code Appendix 1 to change the zoning designation of 6901 Penn Avenue from MR-2 (Multi-Family Residential) to R (Single-Family Residential).

Community Development Director Stark stated the Planning Commission recommended staff pursue a Comprehensive Plan amendment rather than rezoning the site. Staff's recommendation is related to the impacts of what would be allowed if the site suffered a loss and was to be rebuilt.

Motion failed 0-4.

M/Elliott, S/Sandahl to deny first reading of the ordinance and direct staff to pursue an amendment to the Comprehensive Plan so as to agree with the existing zoning designation.

Motion carried 4-0.

Item #13	CONSIDERATION OF 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. 250)
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Council Member Elliott presented Staff Report No. 250.

Short Stop Superette – 7034 Cedar Avenue – Short Stop Superette representatives admitted the violation occurred and stipulated to the suspension and penalty.

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

RESOLUTION NO. 10453

RESOLUTION SUSPENDING THE TOBACCO LICENSE FOR SHORT STOP SUPERETTE, 7034 CEDAR AVENUE SOUTH, AND IMPOSING A CIVIL PENALTY FOR SECOND TIME TOBACCO COMPLIANCE FAILURE

Motion carried 4-0. This resolution appears as Resolution No. 10453.

Item #14	<p>RESOLUTION</p> <ul style="list-style-type: none"> Consideration of resolution awarding sale of \$6,455,000 Tax Increment Refunding Bonds, Series 2010B (Staff Report No. 251)
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Mayor Goettel presented Staff Report No. 251.

Rebecca Kurtz, Ehlers & Associates, recommended awarding the sale to United Bankers Bank of Bloomington, MN in the amount of \$6,355,000 at a 2.98% interest rate.

Ms. Kurtz reviewed the Standard & Poors reaffirming of the City's AA+ bond rating.

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

RESOLUTION NO. 10454

A RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION TAX INCREMENT REFUNDING BONDS, SERIES 2010B, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$6,355,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; PROVIDING FOR THEIR PAYMENT; PROVIDING FOR THE ESCROWING AND INVESTMENT OF THE PROCEEDS THEREOF; AND PROVIDING FOR THE REDEMPTION OF BONDS REFUNDED THEREBY

Motion carried 4-0. This resolution appears as Resolution No. 10454.

Item #14	<p>CONSIDERATION OF RESOLUTIONS APPROVING 2010 REVISED/2011 PROPOSED BUDGET AND TAX LEVY AND RELATED RESOLUTIONS (STAFF REPORT NO. 252)</p>
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Council Member Sandahl presented Staff Report No. 252.

City Manager Devich and Finance Manager Regis explained the debt service levy.

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

RESOLUTION NO. 10455

RESOLUTION ADOPTING A PROPOSED BUDGET AND TAX LEVY FOR THE YEAR 2011

Motion carried 4-0. This resolution appears as Resolution No. 10455.

Item #16	CITY MANAGER'S REPORT
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None.

Mayor Goettel reminded the City Council to provide the City Manager with goalsetting topics.

Mayor Goettel announced the cancelation of the December 25 Mayor's Hour.

Item #9	CLAIMS AND PAYROLLS
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M/Sandahl, S/Elliott that the following claims and payrolls be approved:

U.S. Bank	12/14/2010	
A/P Checks: 119547-200055	\$	\$1,684,376.87
Payroll:	\$	\$1,048,694.03
TOTAL	\$	\$2,733,070.90

Motion carried 4-0.

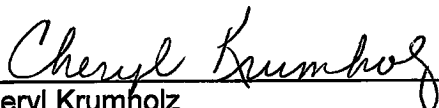
OPEN FORUM

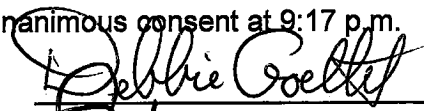
None.

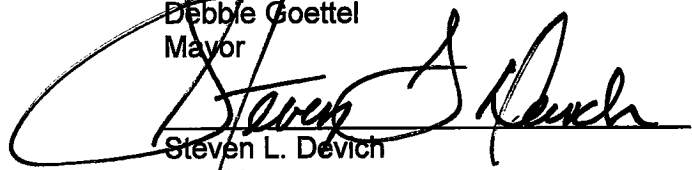
ADJOURNMENT

The City Council meeting was adjourned by unanimous consent at 9:17 p.m.

Date Approved: January 11, 2011


 Cheryl Krumholz
 Recording Secretary


 Debbie Goettel
 Mayor


 Steven L. Devich
 City Manager