

REGULAR COUNCIL MEETING – AGENDA #32

If due to a disability, you need auxiliary aids or services during a City Council Meeting, please provide the City with 72 hours' notice by calling 763-493-8141 or faxing 763-493-8391.

Our Vision: Brooklyn Park, a thriving community inspiring pride where opportunities exist for all.

Our Brooklyn Park 2025 Goals:

• A united and welcoming community, strengthened by our diversity • Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination • A balanced economic environment that empowers businesses and people to thrive • People of all ages have what they need to feel healthy and safe • Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper • Effective and engaging government recognized as a leader

I. ORGANIZATIONAL BUSINESS

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT AND RESPONSE 7:00 p.m. Provides an opportunity for the public to address the Council on items which are not on the agenda. Public Comment will be limited to 15 minutes (*if no one is in attendance for Public Comment, the regular meeting may begin*), and it may not be used to make personal attacks, to air personality grievances, to make political endorsements or for political campaign purposes. Individuals should limit their comments to three minutes. Council Members will not enter into a dialogue with citizens. Questions from the Council will be for clarification only. Public Comment will not be used as a time for problem solving or reacting to the comments made, but rather for hearing the citizen for informational purposes only.

2A. RESPONSE TO PRIOR PUBLIC COMMENT

2B. PUBLIC COMMENT

3A. APPROVAL OF AGENDA (Items specifically identified may be removed from Consent or added elsewhere on the agenda by request of any Council Member.)

3B. PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.1 Legislative Delegation Presentation and Discussion

A. BROOKLYN PARK 2019 LEGISLATIVE PRIORITIES AND POSITIONS

3B.2 Restaurant Week Presentation

3B.3 Presentation on International Making Cities Livable Conference

II. STATUTORY BUSINESS AND/OR POLICY IMPLEMENTATION

4. CONSENT (All items listed under Consent, unless removed from Consent in agenda item 3A, shall be approved by one council motion.) Consent Agenda consists of items delegated to city management or a commission but requires council action by State law, City Charter or city code. These items must conform to a council approved policy, plan, capital improvement project, ordinance or contract. In addition, meeting minutes shall be included.

4.1 Letters of Credit/Bond Releases, Escrow/Cash Bond Releases

4.2 Approve Purchase Agreement for Acquisition of 8800 101st Avenue North for the TH 169/101st Avenue Interchange Project, CIP 4042-19

A. RESOLUTION

B. PURCHASE AGREEMENT

C. LOCATION MAP

D. MAY 1, 2019 WSB LETTER (OFFER TO PURCHASE AND MINIMUM COMPENSATION STUDY)

E. MAY 31, 2019 WSB LETTER (REPLACEMENT HOUSING PURCHASE SUPPLEMENT)

4.3 Extend the City Insurance Programs for Contract Year 2018-2019 with the League of Minnesota Cities Insurance Trust for an Additional Three Months

- A.** RESOLUTION
- 4.4** Award Accept Bids and Award Contract for the Sanitary Sewer Televising and Cleaning to Pipe Services Corporation Inc.
 - A.** RESOLUTION
 - B.** LOCATION MAP
- 4.5** Accept Bids and Award Contract for the Well Pump Maintenance and Repair to Keys Well Drilling Inc.
 - A.** RESOLUTION
 - B.** LOCATION MAP
- 4.6** Approval of Minutes
 - A.** CITY COUNCIL MEETING MINUTES, APRIL 2, 2018
 - B.** CITY COUNCIL MEETING MINUTES, APRIL 9, 2018
 - C.** CITY COUNCIL MEETING MINUTES, MAY 7, 2018
 - D.** CITY COUNCIL MEETING MINUTES, JUNE 4, 2018
 - E.** SPECIAL CITY COUNCIL MEETING MINUTES, JULY 9, 2018
 - F.** CITY COUNCIL MEETING MINUTES, AUGUST 27, 2018
 - G.** CITY COUNCIL MEETING MINUTES, SEPTEMBER 24, 2018
 - H.** CITY COUNCIL MEETING MINUTES, JULY 22, 2019
 - I.** SPECIAL CITY COUNCIL MEETING MINUTES, AUGUST 5, 2019
- 4.7** Holm Variance (Parent Custom Homes) – Variance to Build a Single-Family Home Without a Basement at 9106 West River Road
 - A.** RESOLUTION
 - B.** LOCATION MAP
 - C.** PLANNING AND ZONING INFORMATION
 - D.** PLANNING COMMISSION MINUTES
 - E.** LETTER FROM THE APPLICANT
 - F.** PLANS
- 4.8** Approve an Off-Sale 3.2 Percent Malt Liquor License for Hy-Vee, Inc dba Hy-Vee, 9409 Zane Avenue North
- 4.9** Approve Temporary Closure of Oxbow Creek Drive Between Noble Avenue and Vera Cruz Drive to Allow for Champlin Park High School Homecoming Parade
 - A.** LOCATION MAP

The following items relate to the City Council’s long-range policy-making responsibilities and are handled individually for appropriate debate and deliberation. (Those persons wishing to speak to any of the items listed in this section should fill out a speaker’s form and give it to the City Clerk. Staff will present each item, following in which audience input is invited. Discussion will then be closed to the public and directed to the council table for action.)

5. PUBLIC HEARINGS

None

6. LAND USE ACTIONS

- 6.1** “Pemberly” (Pulte Homes) – Final Plat #19-114 to Subdivide 14.46 Acres into 105 Townhome Lots and Six Outlots Northwest of 93rd and Regent Avenues
 - A.** RESOLUTION
 - B.** LOCATION MAP
 - C.** FINAL PLAT

7. GENERAL ACTION ITEMS

- 7.1** Appointment to the Shingle Creek Watershed Commission

III. DISCUSSION – These items will be discussion items but the City Council may act upon them during the course of the meeting.

8. DISCUSSION ITEMS

- 8.1** 2019 Street-Signal Light and Sanitary Sewer Utility Rate Discussion
 - A.** NO FAULT SEWER BACK UP COVERAGE INFORMATION

IV. VERBAL REPORTS AND ANNOUNCEMENTS

9A. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

9B. CITY MANAGER REPORTS AND ANNOUNCEMENTS

V. ADJOURNMENT

Since we do not have time to discuss every point presented, it may seem that decisions are preconceived. However, background information is provided for the City Council on each agenda item in advance from city staff and appointed commissions, and decisions are based on this information and past experiences. If you are aware of information that has not been discussed, please raise your hand to be recognized. Please speak from the podium. Comments that are pertinent are appreciated. Items requiring excessive time may be continued to another meeting.

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.1	Meeting Date:	August 26, 2019
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Jay Stroebe, City Manager
Ordinance:	N/A		
Attachments:	1	Presented By:	Brooklyn Park State Legislative Delegation
Item:	Legislative Delegation Presentation and Discussion		

City Manager's Proposed Action:

Hear presentation and discuss legislative priorities.

Overview:

Members from Brooklyn Park's state legislative delegation will provide a brief presentation and be prepared to discuss the recent 2019 legislative session and upcoming 2020 legislative session.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.1A BROOKLYN PARK 2019 LEGISLATIVE PRIORITIES AND POSITIONS

2019 Legislative Priorities and Positions

Brooklyn Park 
Unique. United. Undiscovered.

2019 Legislative Priorities and Positions

City of Brooklyn Park

Overview

Brooklyn Park works together with its partners to support proposals for new legislation in Minnesota designed to strengthen the community. The following list of legislative priorities and positions, along with the initiatives presented to the Brooklyn Park Economic Development Authority (EDA), constitute Brooklyn Park's legislative agenda for the 2019 legislative session.

*** Signifies specific areas of focus*

I. Transportation Infrastructure

Investments in transportation infrastructure can often result in multiple benefits to a community, a more efficient and safer multi-modal transportation system and a stimulus for economic growth. In addition to state funding to support the municipal state aid road network, two specific projects that have the potential to be impacted by legislative actions include improvements to highway 252 and the Blue Line Light Rail.

- **Trunk Highway 252****

Background

Highway 252 provides a vital high speed / high volume link between Minneapolis and the northern suburban areas. The congestion and safety issues experienced at the six at-grade signalized intersections along the four mile corridor rank among the worst in the state under both categories. The City of Brooklyn Park is currently working with the City of Brooklyn Center, MnDOT and Hennepin County to determine the optimal option for upgrading highway 252 to a freeway.

Position

In the 2018 Legislative Session, funding was granted for conversion of highway 252 to a freeway with construction expected to start in 2022. While the majority of the funding is in place for the project, the local communities along the line may have some shared financial responsibility for the costs to improve the interchanges and any local roads that would be impacted by the project. The City supports expanded access to federal,

state, regional and county grant dollars that would alleviate local taxpayer burden for these costs.

- **Blue Line Light Rail Transit****

Background

The Blue Line Light Rail Transit (BLRT) Extension Project will extend the existing light rail line from Target Field in Minneapolis through five communities (Minneapolis, Golden Valley, Robbinsdale, Crystal and Brooklyn Park) to Oak Grove Parkway, locating five stations in Brooklyn Park. Bringing LRT to the northwest suburbs will improve mobility and access to jobs and will ensure the northwest portion of the region remains competitive.

Position

The City of Brooklyn Park supports policies, laws, and funding (federal, state, regional and local) to finalize planning and move to the construction and operation phases of the BLRT extension project.

- **Increase municipal state aid (MSA) to cities****

Background

The City has 55 miles of MSA streets. Many of these streets have degraded prematurely and are only lasting 15-20 years instead of 30 years before needing overlays (resurfacing). Over the next five years, we have funding needs of over \$21 million on our MSA streets, but we are only scheduled to receive about half of our needs or approximately \$12 million.

Position

The City believes MSA funding should be increased 100% (doubled) to help cities address street repair needs and premature street degradation on MSA streets and local streets. This would require a change of MSA eligibility funding to include reimbursement for local streets.

- **Allow Hennepin County to Access Motor Vehicle Lease Sales Tax Revenues**

Background

Minnesota's general sales tax applies to long-term motor vehicle leases – the motor vehicle lease sales tax (MVLST). Hennepin County residents contribute substantially to the MVLST but the county is excluded by state law from receiving funding from this transportation source. This decision was tied to previous legislation that established the Counties Transportation Improvement Board (CTIB). CTIB was dissolved in 2017. If included, Hennepin County would receive \$10.7 million annually for roads,

bridges, and pedestrian and bikeway projects.

Position

The City supports Hennepin County's efforts to change the state law and allow communities within Hennepin County to access the \$10.7 million in funding.

- **Small Cell Legislation**

II. Sustainable Government Funding

The City of Brooklyn Park's financial position is greatly influenced by actions taken at the state legislature. Historically, legislative changes to various funding formulas, aids, and imposition of statutory limits have impacted the City's ability to predict state sources of income and created unexpected community-level budget challenges.

- **Levy Limits**

Background

Brooklyn Park advocates maintaining reliable, sustainable funding for desired city services and having the ability to control city levies at the local level. Enacting levy limits would remove this control from the City Council and may lead cities to adopt higher than desired tax levies in the short-term to maintain future levy capacity.

Position

Brooklyn Park supports a position that control of local levies remain at the local level.

- **Local Government Aid (LGA)**

Background

Cities apply LGA in their finance structure for various purposes and rely on the receipt of these funds for those purposes. In the past, Local Government Aid has been used by the state legislature as a budget balancing measure by reducing or eliminating this funding in times of economic stress, causing funding shortfalls to local governments. In order to be effective, cities need to have reliable sources of funding.

Position

Brooklyn Park supports a position that state aids to local governments must remain a reliable and sustainable funding source now and into the future.

- **Fiscal Disparities**

Background

Due to infrastructure development (airports, highways, light rail, etc.) and other economic stimuli, certain parts of the Metropolitan Area are at a greater advantage for economic development and tax base growth. The Fiscal Disparities program was designed to distribute a portion of this growth to cities that don't have the same economic advantages. This distribution of value serves to mitigate the property tax disadvantage to those communities.

Position

Brooklyn Park supports the Fiscal Disparities program and would support changes to stabilize the benefits of the program to metropolitan cities.

- **Sales Tax Exemption**

Background

The process for using the sales tax exemption on construction materials is complicated, burdensome and risky to contractors and cities. Because of this, we are not aware of any city that has decided to use this exemption.

Position

Brooklyn Park supports the simplification of the current sales tax exemption for construction materials. An estimated savings of \$150,000 to \$200,000 annually for construction projects would be realized by the city if the sales tax exemption process was simplified.

- **Deputy Registrar Revenue and Services****

Background

The City of Brooklyn Park operates a deputy registrars office for the convenience of Brooklyn Park residents and car dealers in our community. Changes to the state's MNLARS program in recent years has negatively impacted the employee and customer experience for deputy registrar offices around the state. In addition, state changes to the services deputy registrar offices can provide and the revenue share that the local offices receive have negatively affected the revenues coming to local offices.

Position

Brooklyn Park supports legislation and technology and program improvements that enhance the customer and employee experience using MNLARS and increase revenues going to deputy registrar offices.

III. Youth (Out-of-school time)

Background

High-quality afterschool and summer learning programs provide hands-on learning experiences that narrow the opportunity and achievement gaps, build critical 21st century skills, and support working families by ensuring their children are safe and engaged in learning outside of school.

Minnesota needs to ensure a bright future for our young people and our state by investing in afterschool programs to expand access for all young people. Minnesota currently has no state public funding accessible to the broad range of afterschool programs.

Position

Establish new state resources to provide competitive afterschool program grants. These funds would prioritize programs primarily serving youth below 185 percent of the federal poverty line (youth eligible for free and reduced price lunch).

IV. Emerald Ash Borer (EAB)

Background

EAB was discovered in Brooklyn Park in August 2017 and is expected to spread through the city as well as all of Minnesota over the next few years. There are more than 4,000 city owned ash trees and thousands more on private property. Removing and replanting these trees would cost more than \$4,000,000. Chemical treatment of ash trees is an option but is expensive (\$200 per tree every two years) and a long-term commitment. Untreated trees will die.

Position

The EAB epidemic is a state wide problem and a threat to the forest system in Minnesota. The City requests the state legislature to provide funding for cities to address the removal and replanting of trees to maintain a healthy and diverse forest system.

V. Other areas of support

- Mississippi Gateway Regional Park (formerly Coon Rapids Dam Park) – Three Rivers Park District and the City of Brooklyn Park have partnered in an ambitious effort to transform this park into an amenity-rich local and regional destination. While dollars will not be sought to redevelop the Coon Rapids Dam Regional Park in this Legislative session, we will work with Three Rivers Park District to inform key legislators of this project.

- Center for Innovation and The Arts @ Brooklyn Park – The City, along with North Hennepin Community College, and other partners have designed a signature arts and innovation center that would serve as a local and regional asset for people of every age in Brooklyn Park and the northwest metro. This project is being considered as part of Minnesota State College and Universities bonding process. No dollars will be sought in this legislative session, but we will be updating local legislators of this project.
- Poverty – Brooklyn Park and a growing number of other suburbs have an expanding share of the metropolitan area’s residents living in poverty. Historically, state recognition and resources to address poverty have been focused on Minneapolis and St. Paul. Recognition and resources to combat poverty should be focused on all concentrated areas of poverty, not just in the urban core.
- Policy Partners – Brooklyn Park’s partner organizations have advanced several additional legislative proposals that would enhance the livability, economic vitality, and financial condition of the city. While not identified as the city’s top priorities, Brooklyn Park may support these initiatives as well.

Partners

- Metro Cities
- League of Minnesota Cities
- North Metro Mayors Association

Brooklyn Park Economic Development Authority

Overview

Brooklyn Park works together with its partners to support proposals for new legislation in Minnesota designed to strengthen the community. Several of the 2019 legislative policies identified by these partners are budget neutral and offer innovative ideas that would help position Brooklyn Park for success in the future.

The Brooklyn Park Economic Development Authority (EDA) supports many of the legislative policies of its partner organizations, including policies that help the City manage through difficult times and improve livability in the community. For 2019, the Brooklyn Park EDA is focusing on economic development funding, neighborhood stability, multi-modal transportation investments, workforce development, support for manufacturing, affordable housing, and support of others in the legislative process.

I. Economic Development Funding

Stable and secure funding sources for economic development are critical to the community's long-term success. The State should support economic development funding and continue to enhance local development tools.

Position

- *Continue competitive funding for the Minnesota Investment Fund and the Job Creation Fund*
- *Brooklyn Park opposes any changes that would further restrict the use of Tax Increment Financing (TIF) to accomplish the community's development/redevelopment objectives.*
- *Brooklyn Park supports changes to the TIF statute that treat energy efficient and/or alternate energy technologies, sustainable site design and other "green" development alternatives as qualified development costs.*
- *Brooklyn Park supports changes to the TIF statute allows redevelopment districts to be created to redevelop "functionally obsolete" buildings.*
- *Brooklyn Park supports the League of Mn Cities effort to clarify the method for calculating available TIF pooling.*
- ***Brooklyn Park supports the extension, clarification, and broadening of the Opportunity Zone program to further encourage and incentivize investment in these areas.***

II. Neighborhood Stability

Aging housing and infrastructure in areas with declining private investment strains local government resources and threatens to destabilize neighborhoods. The State of Minnesota needs to continue to take actions that provide the tools necessary to manage areas of disinvestment. While this problem requires additional resources, the State can take policy actions to alleviate some of the local impacts without stressing the State's budget.

Position

The EDA supports neighborhood stabilization initiatives including:

- ***Increase flexibility of Tax Increment Financing (TIF) pooling for specialized uses, such as housing rehabilitation.***
- *Eliminate regulatory language that creates barriers to using the funds to reinvest in areas of disinvestment.*
- *Secure state and federal resources and provide financing tools for cities to help pay for costs associated with neighborhood reinvestment.*

III. Improved multi-modal transportation access and mobility

Capturing the full economic development potential of new development and redevelopment in Brooklyn Park requires improved transportation investments in the region. Strategic investments include the planned 1) METRO Blue Line Extension Light Rail Transit (LRT) project, 2) interchange at Highway 169 and 101st Avenue, and 3) improvements to Highway 252.

Position

- *Increase funding and maximum grant award amount for the Transportation Economic Development (TED) Program or similar programs to support strategic infrastructure investments that promote economic development.*
- ***Provide State resources to complete the local requirements to leverage the federal funding for the METRO Blue Line Extension LRT (BLRT) project, which will bring five LRT stations to Brooklyn Park.***
- *Increase the allocation of transit funds for BLRT operations and enhanced east-west bus connections and suburban circulator routes for better transit mobility.*
- *Increase funding for regional and local trail connections, especially in aging neighborhoods that lack connectivity, to improve pedestrian and bike connections within and across communities.*
- *Eliminate the exemption that prevents Hennepin and Ramsey counties from receiving their portion of the sales tax on leased vehicles through the county state aid formula.*

IV. Support Manufacturing

Brooklyn Park promotes the growth of the manufacturing sector within the community and throughout the state. This sector provides an excellent opportunity for future economic growth and employment and should continue to be supported.

Brooklyn Park supports programs that provide incentives for business to expand and continue to contribute toward increasing economic competitiveness for the state.

Position

- *Continue and expand investment tax credits and other tax incentives for investing in the life science, medical device, and precision manufacturing industries.*
- *Create venture capital funding pools for emerging companies.*
- *Modify Tax Increment Financing (TIF) pooling uses to support manufacturing investments in communities with high poverty*

V. Workforce Development

Access to a skilled and trained workforce is critical to economic growth and access to family-supporting employment is critical to a stable community.

Brooklyn Park supports activities and programs that strengthen links between employment opportunities in the community and job-seekers.

Position

- ***Increase workforce training funding options for local solutions including state funding for youth and adult workforce development programs.***
- *Continue funding for the Job Skills Partnership, youth employment programs and other workforce training programs administered by the state that lead to jobs that provide a living wage and benefits, and help address racial disparity gaps in employment.*
- *Establish innovative workforce programs and partnerships that foster workforce readiness; including state funding for youth and adult programs, the Minnesota State University System, and Department of Employment and Economic Development Workforce Centers and its programs.*
- *Create a payroll tax credit for job training programs that invest in employees.*

VI. Affordable and Fair Housing

Position

- *The Met Council's affordable housing allocation formula should be further adjusted to better reflect the balance and breadth of existing subsidized and naturally occurring affordable housing.*
- *The State of Minnesota and the Metropolitan Council should affirmatively further fair housing by taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.*
- *Minnesota Housing should continue to offer Low-Income Tax Credits with Housing Revenue Bond awards without additional restrictions.*

VII. Other

Brooklyn Park's partner organizations have advanced several additional legislative proposals that would enhance the livability, economic vitality, and financial condition of the city. While not identified as the city's top priorities, the Brooklyn Park Economic Development Authority may support these initiatives as well.

2019 Policy Partners

- Metro Cities
- League of Minnesota Cities
- Economic Development Association of Minnesota
- Urban Land Institute Minnesota
- Minnesota Housing Partnership
- National Association of Housing and Redevelopment Officials
- Minnesota Chapter of the American Planning Association
- Twin West Chamber of Commerce
- North Metro Mayors

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.2	Meeting Date:	August 26, 2019
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration, Communications Division
Resolution:	N/A	Prepared By:	Camille Hepola, Communications Manager
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Camille Hepola
Item:	Restaurant Week Presentation		

City Manager's Proposed Action:

Hear a presentation on Brooklyn Park's first ever restaurant week.

Overview:

Brooklyn Park's first ever restaurant week will be September 9-13, 2019. Five restaurants that show the variety of foods in Brooklyn Park will be featured on social media. We will have interviews with the owners, show off their special dishes and hold a contest where residents could receive a \$25 gift card, donated by owners of the restaurants.

We are starting small but want to market Brooklyn Park's diversity especially in the restaurant scene.

Also, the Brooklyn will share recipes with us on Facebook and offer lunch and dinner specials during this week.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.3	Meeting Date:	August 26, 2019
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Council Member Wynfred Russell
Item:	Presentation on International Making Cities Livable Conference		

City Manager's Proposed Action:

Council Member Russell will present on the 56th International Making Cities Livable Conference, A Healthy City for ALL.

Overview:

In June 2019, Council Member Russell attended the conference in Portland, Oregon. Tonight, he will share information and highlights from the conference.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.1	Meeting Date:	August 26, 2019
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	JoAnn Millette, Development Specialist
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Cindy Sherman, Planning Director
Item:	Letters of Credit/Bond Releases, Escrow/Cash Bond Releases		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO RELEASE ON-SITE LETTER OF CREDIT #2017-1 (\$352,800) BY BUILDING TRADES CREDIT UNION, RELEASE THE CASH BOND (\$18,500) AND THE ENGINEERING ESCROW (\$11,100) FOR SATISFACTORY COMPLETION OF THE "MPLS PIPEFITTERS BLDG ADDITION" PROJECT #17-005 LOCATED AT 6200 LAKELAND AVE N FOR MINNEAPOLIS PIPEFITTERS JAC.

MOTION _____, SECOND _____, TO RELEASE THE CASH BOND (\$3,000) AND THE ENGINEERING ESCROW (\$1,263.66) FOR SATISFACTORY COMPLETION OF THE "FREDDY'S FROZEN CUSTARD & STEAKBURGERS" PROJECT #18-001 LOCATED AT 9901 XENIA AVE N FOR INTERCORE RESTAURANT HOLDINGS.

MOTION _____, SECOND _____, TO RELEASE THE SUBDIVISION PERFORMANCE BOND #106231234 (\$416,500) BY TRAVELERS, RELEASE THE CASH BOND (\$21,900) AND THE ENGINEERING ESCROW (\$10,423.49) FOR SATISFACTORY COMPLETION OF THE "MURPHY OIL" PROJECT #15-110 LOCATED AT 8000 LAKELAND AVE N FOR MURPHY OIL USA.

MOTION _____, SECOND _____, TO RELEASE THE PERFORMANCE BOND #2273012 BY NORTH AMERICAN SPECIALTY INSURANCE COMPANY (\$1,153,800), REDUCE THE CASH BOND BY \$50,700 AND REDUCE THE ENGINEERING ESCROW BY \$31,000 FOR SATISFACTORY PROGRESS OF THE "URBANA PLACE" PROJECT #18-003 LOCATED AT 5601 94TH AVENUE N FOR TRIDENT DEVELOPMENT LLC.

The City will continue to hold a cash bond in the amount of \$10,000 and an engineering escrow in the amount of approximately \$5,400 until the landscaping survives one winter.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.2	Meeting Date:	August 26, 2019
Agenda Section:	Consent	Originating Department:	Operations and Maintenance - Engineering Services Division
Resolution:	X	Prepared By:	Jeff Holstein, P.E., P.T.O.E. City Transportation Engineer
Ordinance:	N/A		
Attachments:	5	Presented By:	Jesse Struve, City Engineer
Item:	Approve Purchase Agreement for Acquisition of 8800 101 st Avenue North for the TH 169/101 st Avenue Interchange Project, CIP 4042-19		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ APPROVING PURCHASE AGREEMENT FOR ACQUISITION OF 8800 101ST AVENUE NORTH FOR THE TH 169/101ST AVENUE INTERCHANGE PROJECT, CIP 4042-19.

Overview:

The City Council took several actions over the past five years confirming Brooklyn Park's participation in the design, construction and right of way (ROW) acquisition for an interchange on Trunk Highway 169 at 101st Avenue North. In April 2019, the City Council authorized approval of appraised values, offers for compensation, and acquisition by eminent domain for the interchange project.

The City received the final appraisals for the required right of way needs of the project in May/June and initial offers were made to the affected properties. The offers were based on independent appraisals for the fair market value of the property including severance damages (where required). The initial offers were followed by one month of negotiations, as required by the state, prior to filing for eminent domain on July 15, 2019. The City should obtain title and possession by the condemnation action via "quick-take" process of the required properties by October 14, 2019.

Staff is continuing to work with our land acquisition consultant (WSB Associates) and the city attorney to reach negotiated settlements with all property owners. The April 2019 Council action approved allowing staff and consultants to negotiate reasonable settlements with the property owners with subsequent Council approval. The city attorney and WSB indicate it is reasonable for the City's last written offer prior to filing for eminent domain to be higher than the City appraised values. The goal of this higher offer is to minimize "risk" by avoiding condemnation, additional city attorneys' fees, and paying the court cost and attorneys' fees of the landowner.

Parcel 9 is a 32,331 square foot parcel that includes a single-family home and is addressed as 8800 101st Avenue North. The entire parcel is needed for the project and the City's appraiser determined value of the parcel at \$175,000. State law indicates the City must adjust this value to \$220,000 to account for additional cost for the landowner to purchase a comparable home in the community. Under the Uniform Relocation Act, the City must also make a replacement housing payment when the amount paid for a residential property is less than what a comparable property costs on the market at the date of displacement. WSB calculated this payment is \$80,000. As a result, the total minimum costs of acquiring Parcel 9 was \$300,000 (exclusive of other relocation costs).

Based on discussions with the city attorney and WSB, it was deemed reasonable to increase the city's offer to \$348,000 to avoid litigation costs associated with the condemnation process. The landowner agreed to accept the \$348,000 offer.

The City Attorney prepared a purchase agreement to convey ownership from the landowner to the city. A copy of this document is attached. Staff and WSB reviewed this document and recommend the City Council approve the purchase agreement for acquisition of 8800 101st Avenue North for the TH 169 / 101st Avenue Interchange Project.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

Project No. 4042-19 is included in the City's 2019-2023 Capital Improvement Plan. Funding is planned to come from the City's EDA, special assessments and grants.

Attachments:

- 4.2A RESOLUTION
- 4.2B PURCHASE AGREEMENT
- 4.2C LOCATION MAP
- 4.2D MAY 1, 2019 WSB LETTER (OFFER TO PURCHASE AND MINIMUM COMPENSATION STUDY)
- 4.2E MAY 31, 2019 WSB LETTER (REPLACEMENT HOUSING PURCHASE SUPPLEMENT)

RESOLUTION #2019-

RESOLUTION APPROVING PURCHASE AGREEMENT FOR ACQUISITION OF 8800 101ST AVENUE
NORTH FOR THE TH 169/101ST AVENUE INTERCHANGE PROJECT, CIP 4042-19

WHEREAS, the City of Brooklyn Park is a municipal corporation organized and operating under Minnesota law, and is authorized by Section 11.01 of its City Charter, and by Minnesota Statutes Section 465.01, to acquire private property for an authorized public purpose, using the procedure prescribed by Minnesota Statutes, Chapter 117; and

WHEREAS, in cooperation with the Minnesota Department of Transportation ("MnDOT"), the City has undertaken a project known as the Trunk Highway 169/101st Avenue Interchange Project, City Project CIP 4042-19 (the "Project") and by Resolution #2019-49, the City Council approved proceeding with the Project; and

WHEREAS, the Project involves the construction of an interchange at Trunk Highway ("TH") 169 and 101st Avenue; and

WHEREAS, the City is responsible for obtaining the necessary right of way for the Project, and the City Council authorized approval of appraised values, offers for compensation and acquisition by eminent domain at the April 22, 2019 meeting; and

WHEREAS, the City has deemed it necessary to acquire all of the parcel located at 8800 101st Avenue North (PID # 061192134002) for the project; and

WHEREAS, the City Engineer, City Attorney and the City's consultant have agreed upon a purchase price of \$348,000 for the parcel with the landowner; and

WHEREAS, the City Attorney has prepared a purchase agreement to convey the parcel from the landowner to the City for the agreed upon price; and

WHEREAS, the City needs to acquire the Real Property Interests before bids can be let for the construction of the Project; and

WHEREAS, the Project is scheduled to commence construction during the 2019 construction season.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park.

1. The City Council approves the purchase agreement for acquisition of 8800 101st Avenue North for the TH 169 / 101st Avenue Interchange Project for a cost of \$348,000.00.
2. The Mayor and City Manager are authorized to execute the purchase agreement on behalf of the City.

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT (“Agreement”) is made as of _____, 2019 (“Effective Date”), by and between Bernadine H. Simons, a widow not remarried (“Seller”), and the City of Brooklyn Park, a municipal corporation under Minnesota law (“Purchaser”).

RECITALS:

A. Seller is the owner of a residential real property legally described on Exhibit A attached hereto and incorporated herein (the “Real Property”).

B. Seller has agreed to convey the Property to Purchaser and Purchaser desires to purchase the same, pursuant to, and in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter expressed, and other good and valuable consideration, the receipt, sufficiency and mutuality of which are hereby acknowledged, Purchaser and Seller agree as follows:

1.0 Property To Be Purchased.

(a) Seller agrees to sell to Purchaser and Purchaser agrees to purchase from Seller the real property which is commonly known as 8800-101st Avenue, Brooklyn Park, MN 55445, which is legally described on Exhibit A attached hereto, and which is also identified by Hennepin County as tax identification parcel number 06-119-21-34-0002 (“Real Property”), on terms satisfactory to the Purchaser, and subject to the parties’ compliance with the terms and conditions of this Purchase Agreement.

(b) Pursuant to this Agreement and in return for the payment of the above purchase price, Seller is also selling to Purchaser and Purchaser is also purchasing from Seller all improvements located on the Real Property.

2.0 Purchase Price and Earnest Money. The purchase price to be paid by Purchaser for the Property is \$348,000.00 (“Purchase Price”). Within five days after execution of this Agreement by Seller and Purchaser, Purchaser shall deposit the amount of \$5,000.00 with First American Title Insurance Company, 701 Xenia Avenue South, Ste. 450, Golden Valley, MN 55416 (“Title Company”) as earnest money to be held in accordance with an escrow agreement in the form attached hereto as Exhibit B and incorporated herein, which earnest money and accrued interest shall be applied in part payment of the Purchase Price at closing. The balance of the Purchase Price, plus or minus pro-rations and adjustments as set forth herein, will be paid to Seller at closing.

3.0 Closing Date. The closing of the purchase and sale contemplated by this Agreement shall occur within 20 days after the last of the following to occur (“Effective Date”): (a) execution of this Agreement by the Seller; (b) execution of this Agreement on behalf of the Purchaser; and (c) waiver by Purchaser or expiration of the Due Diligence Period. Purchaser may extend the closing date by an additional 60 days by giving written notice of its intention to do so. The closing shall take place at the office of Title

Company or at such other place as the parties shall mutually agree. Seller agrees to deliver possession of the Property to Purchaser on the closing date.

- 4.0 Evidence of Title. As soon as practicable but no later than 10 days after the Effective Date of this Agreement, Purchaser shall order and provide to Seller, at Purchaser's sole cost and expense, a preliminary commitment for an ALTA Owner's Policy of Title Insurance, issued by Title Company, in the amount of the Purchase Price, to insure Purchaser's title to the Property, including copies of documents referenced in Schedule B thereof (collectively, the "Title Commitment"). The Title Company shall provide an electronic version of the commitment and all documents described in the commitment. The Title Commitment shall have an effective date of no earlier than the Effective Date of this Agreement. The Title Commitment shall include affirmative coverages for appurtenant easements, if any, and zoning, access, contiguity, tax parcel and comprehensive endorsements. The Title Commitment shall obligate Title Company to delete standard exceptions from the Title Commitment and the policy upon Title Company's receipt of a seller's affidavit from Seller.
- 5.0 Purchaser's Conditions to Closing. The closing of the transaction contemplated by this Agreement and the obligations of the Purchaser to purchase the Property shall be subject to the following conditions:
- (a) Documents. Within five days of the Effective Date, Seller shall deliver to Purchaser those documents listed herein which are in Seller's reasonable control or possession.
 - (b) City Council Approval. Promptly following signing of this Agreement by Seller, Purchaser shall submit this agreement to the City Council of Purchaser for approval, and shall undertake to obtain City Council approval of this Agreement within 30 days following execution of this Agreement by Seller.
 - (c) Inspection and Structural. Within 30 days after execution of this Agreement on behalf of Purchaser, Purchaser, and its agents, employees, contractors and invitees, may, following reasonable notice to and cooperation with Seller, enter upon the Property in order to perform such engineering, testing and other inspections as Purchaser may deem necessary, provided that neither Purchaser nor its agents shall engage in any intrusive testing without the prior written consent of Seller, which consent shall not be unreasonably withheld, conditioned or delayed. Purchaser hereby agrees to indemnify, defend and hold Seller harmless from and against any and all losses, claims, causes of action, liabilities and costs of defense (including reasonable attorney's fees) incurred by Seller arising out of the actions of Purchaser, its agents, employees, contractors or invitees in the course of any such entry upon the Property.. In the performance of any inspection to or upon the Property and during any access to the Property, Purchaser and his agents shall comply with all applicable laws and regulations with respect to the inspection and access and shall refrain from interfering with Seller's use of the Property. Purchaser shall assume all liability for any damages to Property or injury to persons resulting from, arising out of or incurred in connection with any inspection or

access to the Property by Purchaser or its agents. Seller will also provide access to the Purchaser of all reports and records, correspondence and other documentation in the possession of Seller relevant to the Property,

- (d) Environmental. Within 15 days of the Effective Date, Purchaser shall be provided with copies of all environmental studies and reports relating to the Property which are in Seller's possession (collectively, the "Reports"), including, but not limited to, Phase One and Phase Two environmental assessments, wetland studies, or any other pertinent studies or reports. Purchaser shall have the right to perform such testing at its sole cost and expense in accordance with section 5.0 (c) above.
- (e) Representations and Warranties. The representations and warranties in this Purchase Agreement shall be true at the time of closing as though such representations and warranties were made at such time.
- (f) Marketability. Marketability of title to said Real Property shall have been established or waived pursuant to the provisions of this Purchase Agreement.

6.0 Representations and Warranties.

A. Seller makes the following representations and warranties to Purchaser:

- (i) Seller has the full and complete authority to sell the Property. Prior to, or at closing, Seller shall file: (a) a certified copy of the death certificate confirming the death of Raymond A. Simons, deceased; and (b) an affidavit of identity and survivorship, confirming the death of Raymond A. Simons, the deed or instrument under which Raymond A. Simons and Bernadine H. Simons took title of the Property as joint tenants, and identifying Raymond A. Simons, the deceased joint tenant, as the person named in the death certificate.
- (ii) Seller is not a foreign person, foreign partnership, foreign trust or foreign estate as those terms are defined in Section 1445 of the Internal Revenue Code.
- (iii) There have been no bankruptcy or dissolution proceedings involving Seller during the time Seller has had any interest in the Property, there are no unsatisfied judgments or state or federal tax liens of record against Seller, and there have been no labor or materials furnished to the Property for which payment has not been paid. If there are unsatisfied liens or judgments against a person with a name similar to Seller, they are not against Seller, and Seller will provide evidence satisfactory to Title Company, prior to Closing, that such liens or judgments are not against Seller.
- (iv) To Seller's knowledge, there are no unrecorded mortgages, contracts, purchase agreements, options, leases, easements or other agreements or

interest relating to the Property.

- (v) Seller has not received notice of any new public improvement project(s), the cost of which a governmental entity may assess against the Property.
- (vi) To Seller's knowledge, the Property is not in violation of any statute, law, ordinance or regulation, and there is no action, litigation, governmental investigation, condemnation or administrative proceeding of any kind pending or, to Seller's best knowledge, threatened, against or involving any portion of the Property, except Purchaser's eminent domain proceeding to acquire a portion of the Property in District Court File No. 27-CV-19-11928, which is now pending.
- (vii) To Seller's knowledge, Seller is not in default in the performance of any of Seller's obligations under any easement agreement, covenant, condition, restriction, or other instrument or agreement relating to the Property.
- (viii) There are not now, nor to Seller's actual knowledge have there ever been, underground or above ground storage tanks of any size or type located on the Property nor any Hazardous Substances (defined below) located on the Property in violation of applicable governmental requirements, and the Property has not been used in connection with the generation, disposal, storage, treatment or transportation of Hazardous Substances in violation of applicable governmental requirements. To Seller's actual knowledge, no activity has been undertaken on the Property that would cause or contribute to the discharge of Hazardous Substances or of fluids into any water source or system, the dredging or filling of any waters or the discharge into the air of any emissions that would require a permit under any federal or state law or local ordinance. For purposes of this Agreement, the term "Hazardous Substances" includes but is not limited to substances defined as "hazardous substances," "toxic substances," "hazardous wastes" "pollutants" or contaminants" under federal or Minnesota law. The term "hazardous substance" shall also include asbestos, polychlorinated biphenyls, petroleum, including crude oil or any fraction thereof, petroleum products, heating oil, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas useable for fuel (or mixtures of natural gas and synthetic gas).
- (ix) For the purposes of satisfying any applicable requirements of Minn. Stat. §152.0275, Seller discloses and certifies that, to the best of her knowledge, methamphetamine production has not occurred on the Property.
- (x) That prior to closing, Seller will have terminated any and all existing leases, rental agreements or license agreements with any tenants of the Property.

- (xi) At closing, Seller will execute a waiver of right of first refusal form pursuant to Minn. Stat., Section 117.226 in the form which is attached hereto as Exhibit C.

The foregoing representations and warranties shall be accurate on the date hereof and on the date of closing. If, at any time prior to the closing, Seller acquires actual knowledge of events or circumstances which render the representations and warranties set forth in this section inaccurate in any respect, Seller shall immediately notify Purchaser in writing and Purchaser shall have the right to terminate this Agreement. At closing Seller shall execute and deliver to Purchaser a certificate of Seller certifying that the representations contained in this section are true as of the closing or, if such representations are no longer true, describing, in detail, the reasons why the representations are no longer true (the "Bring Down Certificate"). Seller will indemnify Purchaser, its successors and assigns, against and will hold Purchaser, its successors and assigns harmless from, any loss, liability, costs, expenses or damages, including reasonable attorney's fees, that Purchaser incurs because of the Seller's breach of any of the above representations and warranties, the inaccuracy of any of the above representations when made or remade, or Seller's failure to notify Purchaser, before the Closing, if the representations set forth above become inaccurate and Seller actually knows of such inaccuracy. The representations, warranties and indemnification set forth above shall survive the closing of this transaction and Seller's delivery of the Deed for a period of 12 months.

B. Purchaser makes the following representations and warranties to Seller:

- (i) The individuals executing this Agreement on behalf of Purchaser have the requisite authority to execute this Agreement and such other documents as are contemplated or to be delivered by Purchaser herein, and to bind Purchaser thereto; and Purchaser has the full and complete authority to purchase the Property.
- (ii) Purchaser shall promptly pay, when due, any and all charges for engineering, surveying or other studies, reports, assessments or investigations which are commissioned or requested by Purchaser and not the responsibility of Seller under this Agreement.
- (iii) Purchaser shall not change the zoning, subdivide the Property, or complete any other administrative or physical change to the Property prior to closing.

The representations and warranties contained in this section shall be true and correct on the Effective Date and closing date.

7.0 Real Estate Taxes and Special Assessments. The Parties shall pay the real estate taxes and special assessments as follows:

- (a) At or before the closing, Seller shall pay all real estate taxes, and special assessments payable therewith and any penalties and interest thereon due and payable with respect to the Property in all years prior to the year of closing, including all deferred taxes attributable to years prior to the year of closing.

- (b) Purchaser and Seller shall prorate the real estate taxes due and payable in the year of closing, on a per diem basis using a calendar year, to the date of the closing. Seller shall pay the balance of all special assessments levied, pending, certified or deferred as of the Effective Date.
- (c) Purchaser shall pay all real estate taxes due and payable in the years following the year of closing.

8.0 Closing Documents. At or prior to closing, the parties shall execute and deliver the following:

- (a) Warranty Deed conveying title to Purchaser;
- (b) Assignment of all Licenses and Permits needed to operate the Property, if any;
- (c) Assignment of all Contracts, Warranties and Guarantees, if any;
- (d) Any documents reasonably required by the title company;
- (e) Affidavit Regarding Seller (MN Uniform Conveyancing Blanks Forms);
- (f) FIRPTA Affidavit. A non-foreign affidavit, properly executed, containing such information as is required by Internal Revenue Code Section 1445 (b)(2) and its regulations;
- (g) IRS Form. A designation agreement designating the “reporting person” for the purposes of completing Internal Revenue Form 1099 and, if applicable, Internal Revenue Form 8594;
- (h) Well Certificate. A certificate (or statutory statement on the Deed) signed by Seller warranting that there are no wells on the Property within the meaning of Minn. Stat. Section 1031, or if there are wells, a Well Certificate in the form required by law;
- (i) Storage Tanks. If the Property contains or contained a storage tank, an affidavit with respect thereto, as required by Minn. Stat. Sec. 116.48;
- (j) Bring Down Certificate from Seller; and
- (k) All other documents required hereunder to effectuate the provisions of this Purchase Agreement.

9.0 Closing Costs. The following costs and expenses shall be paid in connection with the closing:

- (a) Seller shall pay the cost of:
 - (i) All expenses to correct any title objections that Seller elects to undertake

pursuant to section 4.0 above;

- (ii) Proration as of the closing date of all utilities and operating expenses and rents;
 - (iii) Proration as of the closing date of real property taxes and installments of special assessments, as specified in section 7.0 above;
 - (iv) All attorneys' fees and expenses incurred by Seller; and
 - (v) All real estate commissions, if any.
- (b) Purchaser shall pay the cost of:
- (i) UCC searches;
 - (ii) Additional soil reports or inspection reports required by Purchaser;
 - (iii) Any recording fees for recording the Deed;
 - (iv) The Title Company's closing fee;
 - (v) Proration as of the closing date of real property taxes and installments of special assessments as provided in section 7.0 above;
 - (vi) Proration as of the closing date of all utilities and operating expenses and rents as provided herein;
 - (vii) All attorneys' fees and expenses incurred by Purchaser;
 - (viii) All of the fees associated with the Title Policy and half of the escrow and closing fees;
 - (ix) All other closing fees customarily paid for by Purchaser in a transaction of this type;
 - (x) All grading, drainage, compaction, and other related site work necessary for the construction of the Project.
 - (xi) All fees associated with the issuance of the Owner's Title Insurance Commitment, including State and Federal Tax Liens, Judgment and Bankruptcy Searches;
 - (xii) All State Deed Taxes and/or transfer taxes on deeds; and
 - (xiii) Recording fees on all releases and satisfactions of existing mortgages.

10.0 Title To Be Delivered. Seller agrees to convey marketable fee simple title in the Property

to Purchaser at closing subject only to:

- (a) Covenants, conditions, restrictions, declarations and easements of record, if any, without effective forfeiture provisions and which do not interfere with present Improvements;
- (b) Utility and drainage easements which do not interfere with present Improvements;
- (c) Reservations of minerals or mineral rights by the State of Minnesota, if any;
- (d) Building, zoning and subdivision laws, ordinances and State and Federal regulations which do not interfere with present Improvements.

11.0 Operation Prior to Closing. During the Executory Period, Seller shall operate and maintain the Property in the same manner as it is being operated on the date hereof and in accordance with prudent and reasonable standards. Seller shall execute no contracts, leases, or other agreements regarding the Property during the Executory Period which extend beyond the closing date without the prior written consent of Purchaser, which consent may be withheld by Purchaser at its sole discretion. Seller shall not pledge or transfer any interest in or encumber or permit the encumbrance of the Property with any lien, easement, interest or agreement from and after the Effective Date without the prior written consent of Purchaser, which may be withheld in Purchaser's sole and absolute discretion.

12.0 Default.

- (a) If Purchaser defaults in the performance of Purchaser's obligations under this Agreement due to no fault of Seller, then Seller may, as its sole and exclusive remedy, terminate this Agreement in accordance with Minnesota Statutes, Section 559.21.
- (b) If Seller defaults in the performance of Seller's obligations under this Agreement due to no fault of Purchaser, then Purchaser may, after at least 30 days' prior written notice to Seller and Seller's failure to cure the default within said notice period, either (i) declare this Agreement terminated and may seek and recover actual (but not consequential) damages from Seller, or (ii) Purchaser may elect to seek specific performance of this Agreement.
- (c) Notwithstanding anything in this Section 12.0 to the contrary, any action by Purchaser for specific performance or damages must be commenced no later than 90 days after the date of the occurrence of Seller's default. The limitation set forth in the preceding sentence shall not apply to claims for indemnification or contribution specifically provided for in this Agreement.
- (d) Seller waives any objection she may have to the public purpose and necessity of the condemnation by Purchaser of a portion of the Property for road reconstruction and related purposes which is now pending in Court File No.27-CV-19-11928, and waives any objection to the filing by the district court of an order approving the

Purchase Agreement to complete all necessary due diligence. If the Purchaser is not satisfied with title, soil conditions, environmental condition or any other physical aspect of the Property, Purchaser may terminate this Agreement in writing prior to the expiration of the 90 day period. Should the 90 days expire without any such notice, it will be deemed that the Purchaser has waived all contingencies for the physical condition of the Property.

- (e) Amendment. This Purchase Agreement shall be amended only by a written instrument signed by Seller and Purchaser.
- (f) Successors and Assigns. This Purchase Agreement shall be binding upon and inure to the benefit of the successors and assigns of each of the parties hereto.
- (g) Headings. The captions and headings of the various sections of this Agreement are for convenience only and are not to be construed as defining or as limiting in any way the scope or intent of the provisions hereof.
- (h) Invalidity. If for any reason any portion or paragraph of this Agreement shall be declared void or unenforceable by any court of law at equity it shall only affect such particular portion or paragraph of this Agreement and the balance of this Agreement shall remain in full force and effect and shall be binding upon the parties hereto.
- (i) Assignability. This Purchase Agreement and the rights hereunder may not be assigned by either party, except that Purchaser may assign its rights to an entity to be formed at or prior to Closing and Seller may assign its rights for purposes of effecting a tax free exchange.
- (j) Counterparts. This Purchase Agreement may be executed in any number of counterparts and by different parties hereto on separate counterparts, each of which counterparts, when so executed and delivered, shall be deemed to be an original and all of which counterparts, taken together, shall constitute one and the same Purchase Agreement.

SELLER

Bernadine H. Simons

PURCHASER

City of Brooklyn Park

By _____

Jeffrey Joneal Lunde, Mayor

Attest: _____

Jay Stroebel, City Manager

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

The land in Hennepin County, Minnesota, described as follows:

That part of the following described tract lying East of the West 9.0 feet thereof:

Commencing at the Southeast corner of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter in Section 6, Township 119, Range 21, thence North 300 feet along the East line of said West Half of the East Half of the Southeast Quarter of the Southwest Quarter, thence West 132 feet parallel with South line of said tract, thence South 300 ft parallel with East line of said tract, thence East 132 feet along the South line of said tract to point of beginning, excepting road, except that part lying Southeasterly of the following described line:

Beginning at a point on a line run parallel with and distant 33 feet North of the South line of said Section 6, distant 100 feet Westerly of its intersection with a line run parallel with and distant 184 feet Westerly of Line A, described below; thence run Northeasterly to a point on said 184 foot parallel line, distant 100 feet Northerly of said intersection and there terminating.

Line A: Beginning at a point in the South line of said Section 6, distant 2542.9 feet East of the Southwest corner thereof; thence run Northerly at an angle of 88 degrees 52 minutes 30 seconds with said South section line (measured from East to North) for 200 feet and there terminating.

Subject to a limitation of the right of access from the above described premises to Trunk Highway No. 52, as acquired by the State in deed Doc. No. 832151.

Property Identification No.- Property I.D. 0611921340002, Torrens, Certificate No. 398532
Property Address: 8800 – 101st Av N, Brooklyn Park, MN 55445

**EXHIBIT B
ESCROW AGREEMENT**

Bernadine H. Simons (“Seller”), and City of Brooklyn Park (“Purchaser”) are parties to the purchase and sale of the real estate described in the attached Real Estate Purchase Agreement, dated _____, 2019 ("Purchase Agreement"). As provided in section 2.0 of the Purchase Agreement, Purchaser hereby deposits the sum of Five Thousand Dollars (\$5,000.00) (the “Earnest Money”) with the First American Title Insurance Company (the “Escrow Agent”).

Escrow Agent agrees to disburse the Earnest Money in accordance with the terms of the Purchase Agreement and disburse the same strictly in accordance with such terms. The Escrow Agent will hold the Earnest Money in an interest-bearing account, if such account is reasonably available, with an institution whose accounts are insured by a governmental agency or instrumentality. If interest accrues on the Earnest Money it will accrue to Purchaser unless Purchaser defaults under the terms of the Purchase Agreement and Seller elects to retain the Earnest Money as liquidated damages in which case Seller will be entitled to such interest, if any.

The Escrow Agent will have no responsibility for any decision concerning performance or effectiveness of the Purchase Agreement, and will only be responsible to act pursuant to the procedures set forth above. Purchaser and Seller hereby agree to hold the Escrow Agent harmless from any claims or defenses arising out of this Escrow Agreement and indemnify the Escrow Agent for all costs and expenses in connection with this escrow, including court costs, attorneys' fees, except for claims arising out of the Escrow Agent's failure to account for the funds held and costs and expenses incurred by the parties in connection with such a claim.

The Escrow Agent’s fee for acting as an escrow agent is \$_____ and the Purchaser agrees to pay for this cost.

SELLER: **BERNADINE H. SIMONS**

PURCHASER: **CITY OF BROOKLYN PARK**

Jeffrey Joneal Lunde, Mayor

The Escrow Agent hereby acknowledges receipt of this Agreement and the Earnest Money to hold the Earnest Money as above specified.

Dated this ____ day of _____, 2019.

By: _____

Its: _____

EXHIBIT C
**REQUEST FOR TOTAL TAKING
AND
WAIVER AND RELEASE**

This Request for Total Taking and Waiver and Release (the “Waiver and Release”) is made this ____ day of _____, 2019 by Bernadine H. Simons, a widow and not remarried (“Owner”) in favor of the City of Brooklyn Park, a political subdivision of the State of Minnesota (“City”).

WHEREAS, Owner is the owner of a property located at 8800- 101st Avenue North, Brooklyn Park, Minnesota, and legally described in the attached Exhibit A (the “Property”);

WHEREAS, to facilitate the Trunk Highway 169/101st Avenue Interchange Project (the “Project”), the City has determined that it is necessary to acquire the portion of the Property legally described in Exhibit B (the “Necessary Property”), leaving several economically viable remnant properties (the “Excess Property”);

WHEREAS, to acquire the Necessary Property, on July 15, 2018, the City filed a condemnation action in Minnesota District Court, County of Hennepin;

WHEREAS, Owner desires that the City acquire the entire Property, including the Excess Property, and leave nothing remaining;

WHEREAS, the City is willing to acquire the entire Property, including the Excess Property, subject to the City’s approval of the results of an environmental site assessment and investigation; and

WHEREAS, as a basis for complying with all appraisal and negotiation preconditions to initiating a condemnation action under federal and state law, the parties are willing to permit the City to rely upon the conclusion of value for the entire Property (the “Appraised Amount”) in the appraisal of the Necessary Property performed by _____, with an effective date of _____, 2019;

NOW, THEREFORE, Owner makes the following Request for Total Taking and Waiver and Release:

1. Request for Acquisition of Entire Property. Owner hereby requests that the City, either by direct negotiation or, if necessary, by condemnation action, acquire the entire Property.
2. Authority to Enter and Conduct Site Assessment. Owner hereby authorizes the City and its contractors, agents, and employees to enter the Property and conduct an environmental site assessment and investigation. The environmental site assessment and investigation must be completed within three months of the date of execution of this Waiver and Release.
3. Acquisition Conditioned on Results of Investigation. Owner acknowledges that the City’s acquisition of the entire Property is subject to the City’s approval of the results of the environmental site assessment and investigation. Owner further acknowledges that

approval or disapproval of the results of the environmental site assessment and investigation is made entirely at the City's discretion.

4. Waiver of Objections to Condemnation Authority. Owner hereby waives:
 - a. any and all objections to the Project's public purpose and necessity of the City's acquisition of the entire Property for the Project under federal and state law, including without limitation, Minnesota Statutes, Chapter 117; and
 - b. any and all objections regarding the procedural preconditions to acquisition pursuant to the power of eminent domain.

Owner's waiver in this paragraph is conditioned upon the City filing and serving upon Owner a condemnation petition to acquire the entire Property.

5. Release and Termination of Right of First Refusal. In consideration of the City's acquisition of the entire Property, Owner hereby releases and terminates its rights of first refusal, reconveyance, reverter and any and all other future interests it may have in the Property under federal and state law, including without limitation Minnesota Statutes, Section 117.226.

Owner's agreement in this paragraph is conditioned upon the City either 1) filing with the Hennepin County Registrar of Titles a deed-in-lieu of condemnation conveying to the City title to the entire Property or 2) filing with the court and serving upon Owner a condemnation petition to acquire the entire Property.

Upon the occurrence of either of the above events, Owner shall execute and permit the City to file with the Hennepin County Registrar of Titles a Release and Termination of Right of First Refusal in substantially the same form as the attached Exhibit C.

6. Authority and Legal Review. Owner represents and warrants that she has all necessary authority to execute this Waiver and Release and that, prior to executing this Waiver and Release, she had the opportunity to consult or did consult with legal counsel.
7. Assent. Owner assents to this Waiver and Release by signing below. The City's assent to this Waiver and Release shall become effective and be evidenced by the City either 1) filing with the Hennepin County Registrar of Titles a deed-in-lieu of condemnation conveying to the City title to the entire Property or 2) filing with the court and serving upon Owner a condemnation petition to acquire the entire Property.
8. Binding Effect. This Waiver and Release is binding on Owner and her successors and assigns.

IN WITNESS WHEREOF, Owner has executed this Waiver and Release this ____ day of _____, 2019.

Bernadine H. Simons

Exhibit A to Request for Total Taking and Release

The land in Hennepin County, Minnesota, described as follows:

That part of the following described tract lying East of the West 9.0 feet thereof:

Commencing at the Southeast corner of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter in Section 6, Township 119, Range 21, thence North 300 feet along the East line of said West Half of the East Half of the Southeast Quarter of the Southwest Quarter, thence West 132 feet parallel with South line of said tract, thence South 300 ft parallel with East line of said tract, thence East 132 feet along the South line of said tract to point of beginning, excepting road, except that part lying Southeasterly of the following described line:

Beginning at a point on a line run parallel with and distant 33 feet North of the South line of said Section 6, distant 100 feet Westerly of its intersection with a line run parallel with and distant 184 feet Westerly of Line A, described below; thence run Northeasterly to a point on said 184 foot parallel line, distant 100 feet Northerly of said intersection and there terminating.

Line A: Beginning at a point in the South line of said Section 6, distant 2542.9 feet East of the Southwest corner thereof; thence run Northerly at an angle of 88 degrees 52 minutes 30 seconds with said South section line (measured from East to North) for 200 feet and there terminating.

Property Identification No.- Property I.D. 0611921340002, Torrens, Certificate No. 398532
Property Address: 8800 – 101st Av N, Brooklyn Park, MN 55445

Exhibit B to Request for Total Taking and Release

Legal Description of the Necessary Portion of the Property

The land in Hennepin County, Minnesota, described as follows:

That part of the following described tract lying East of the West 9.0 feet thereof:

Commencing at the Southeast corner of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter in Section 6, Township 119, Range 21, thence North 300 feet along the East line of said West Half of the East Half of the Southeast Quarter of the Southwest Quarter, thence West 132 feet parallel with South line of said tract, thence South 300 ft parallel with East line of said tract, thence East 132 feet along the South line of said tract to point of beginning, excepting road, except that part lying Southeasterly of the following described line:

Beginning at a point on a line run parallel with and distant 33 feet North of the South line of said Section 6, distant 100 feet Westerly of its intersection with a line run parallel with and distant 184 feet Westerly of Line A, described below; thence run Northeasterly to a point on said 184 foot parallel line, distant 100 feet Northerly of said intersection and there terminating.

Line A: Beginning at a point in the South line of said Section 6, distant 2542.9 feet East of the Southwest corner thereof; thence run Northerly at an angle of 88 degrees 52 minutes 30 seconds with said South section line (measured from East to North) for 200 feet and there terminating.

Description of portion of Property to be taken in fee:

The land in Hennepin County, Minnesota, described as follows:

That part of the following described tract lying East of the West 9.0 feet thereof:

Commencing at the Southeast corner of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter in Section 6, Township 119, Range 21, thence North 300 feet along the East line of said West Half of the East Half of the Southeast Quarter of the Southwest Quarter, thence West 132 feet parallel with South line of said tract, thence South 300 ft parallel with East line of said tract, thence East 132 feet along the South line of said tract to point of beginning,

excepting road, except that part lying Southeasterly of the following described line:

Beginning at a point on a line run parallel with and distant 33 feet North of the South line of said Section 6, distant 100 feet Westerly of its intersection with a line run parallel with and distant 184 feet Westerly of Line A, described below; thence run Northeasterly to a point on said 184 foot parallel line, distant 100 feet Northerly of said intersection and there terminating.

Line A: Beginning at a point in the South line of said Section 6, distant 2542.9 feet East of the Southwest corner thereof; thence run Northerly at an angle of 88 degrees 52 minutes 30 seconds with said South section line (measured from East to North) for 200 feet and there terminating.

Subject to easements of record, except as taken herein.

Description of access to be taken

All right of access, being the right of ingress to and egress from the hereinbefore described property to be taken in fee.

Exhibit C To Request for Total Taking and Waiver and Release

RELEASE AND TERMINATION OF RIGHT OF FIRST REFUSAL

Bernadine H. Simons (“Owner”), to evidence the release and termination of a right of first refusal under Minnesota Statutes, Section 117.226, states as follows:

1. Owner was the prior owner of a property located at 8800- 101st Avenue North, Brooklyn Park, Minnesota, and legally described in the attached Exhibit A (the “Property”);
2. On the ____ day of _____, 2019, Owner executed a Request for Total Taking and Conditional Waiver and Release (“Waiver and Release”) in favor of the City of Brooklyn Park, a political subdivision of the State of Minnesota (the “City”);
3. Owner agreed in the Waiver and Release, in consideration for the City’s agreement to acquire the entire Property, to release her right of first refusal under Minnesota Statutes, Section 117.226;
4. Owner conditioned such release upon the City’s 1) recording of a deed-in-lieu of condemnation from the Owner conveying to the City title to the entire Property or 2) City’s filing and service upon Owner of a condemnation petition to acquire the entire Property.
5. The City fulfilled the above condition by [check one]:
 - Recording a deed-in-lieu of condemnation in which Owner conveyed to the City title to the entire Property; or
 - Filing and serving upon Owner a condemnation petition to acquire the entire Property.
6. As such, I hereby attest that the condition to Owner’s release has been fulfilled and his right-of-first-refusal under Minnesota Statutes, Section 117.226 is hereby terminated.

[remainder of page intentionally blank]

LOCATION MAP



**PROPOSED
PARCEL
PURCHASE**

LEGEND



-8800 101ST AVE N.



NO SCALE

wsb

May 1, 2019

DELIVERED IN PERSON

05/07/2019

Bernadine Simons
8800 101st Avenue N
Brooklyn Park, MN 55445

SUBJECT: OFFER TO PURCHASE
169 & 101st Interchange Project
PROPERTY ID: 0611921340002
PARCEL NO. 9
PROPERTY ADDRESS: 8800 101st Avenue N, Brooklyn Park, MN

Dear Bernadine Simons:

As you may be aware, WSB & Associates, Inc. is assisting the City of Brooklyn Park in the acquisition of right of way for the above referenced project. This letter constitutes the City of Brooklyn Park's formal offer for the purchase of the necessary land rights. The City of Brooklyn Park hereby offers all interested parties who may have an interest in the real estate to be acquired the sum of \$175,000.00 which has been determined to be Just Compensation for such property and rights based upon the fair market value of the property. The offer is based upon the enclosed appraisal report prepared by Valbridge Property Advisors.

In addition, pursuant to Minnesota Statutes Section 117.187, the City of Brooklyn Park will include an additional \$45,000.00 for a total of \$220,000.00 which is an amount sufficient to purchase a comparable property "in the community" in compliance with the above referenced law. The minimum compensation study was based upon an analysis of active properties by WSB.

This offer is made pursuant to the Uncomplicated Acquisition Appraisal procedures provided for under Minnesota law. The City of Brooklyn Park previously, or with this offer, has provided you with a copy of "Guidebook for Property Owners" pamphlet.

You will have a reasonable length of time to consider the offer. To aid in your decision, you may wish to secure your own appraisal. The City of Brooklyn Park will reimburse you for an appraisal in accordance with Minnesota Statute 117.036 (b) & (c). To receive reimbursement, the appraisal must be completed by a Minnesota licensed real estate appraiser, meet the requirements of "The Uniform Standards of Appraisal Practice" (USPAP) and a copy of the appraisal must be given to the City of Brooklyn Park.

If you accept the offer, the parcel will be acquired by direct purchase and you will be paid upon satisfactory evidence of marketable title. In the worst-case scenario that a mutually acceptable agreement cannot be arrived at in a timely manner, the property may be acquired in an eminent domain proceeding.

701 XENIA AVENUE S | SUITE 300 | MINNEAPOLIS, MN | 55416 | 763.541.4800 | WSBENG.COM

Simons
05/01/2019
Page 2

Your signature on this OFFER TO PURCHASE is only for the verification that such an offer has been made to you and verification that the "Guidebook for Property Owners" pamphlet has been received by you. Your signature below does not prejudice your right to have the final amount determined through eminent domain proceedings in the event you do not accept the offer.

On behalf of The City of Brooklyn Park, we wish to thank you for your cooperation and assistance, and we look forward to working with you toward a mutually satisfactory completion of the acquisition process.

Sincerely,
WSB & Associates, Inc.



Faye M. Gillespie
612-246-9695

Enclosures: Minnesota Statute 117.036 (b) & (c)
Parcel sketch
Copy of this letter for your records
Appraisal

ACKNOWLEDGMENT OF RECEIPT OF OFFER

We CERTIFY THAT on 7th day of May, 2019, this Offer to Purchase was received by us from the above Right of Way Specialist; we also acknowledge the receipt of a brochure explaining the land acquisition process and the Owner's rights, privileges and obligations.

Declined to sign 



May 31, 2019

Bernadine Simons
8800 101st Avenue N
Brooklyn Park, MN 55445

Re: 169 & 101st Interchange Project
PARCEL NO. 9
Property Address: 8800 101st Avenue N, Brooklyn Park, MN

REPLACEMENT HOUSING PURCHASE SUPPLEMENT

Dear Bernadine:

Legislation provides for possible replacement housing supplemental payment to owner-occupants of a housing unit that will be acquired for public use. The intent of this legislation is to assist the owner- occupant to purchase and relocate into replacement housing which is decent, safe, and sanitary.

The replacement housing supplemental payment is the difference, if any, between the price of comparable replacement housing available on the market and the acquisition price of the housing included in the parcel described above which was \$220,000.00.

As a consultant for City of Brooklyn Park, we conducted a survey of the housing market in your area. A comparable was found at \$300,00.00 resulting in a \$80,000.00 supplement payment. A copy of the listing sheet is attached for your review.

The following comparable replacement property is located at:

1. 941 – 85th Avenue NE, Coon Rapids, MN 55433

If after evaluating the housing market you find the indicated amount of supplemental housing payment to be inadequate, you may appeal the same by writing to: Jeff Holstein, City of Brooklyn Park, 763-493-8102, setting forth your facts, including properties which you consider comparable and your reasons therefore. Your appeal must be made within 18 months subsequent to the specified vacation date, if your property is purchased through direct purchase.

In order to receive the indicated payment, you must purchase and relocate into housing which meets the standards for decent, safe and sanitary housing within one year subsequent to the date you vacate your present dwelling.

178 E 9TH STREET
SUITE 200
SAINT PAUL, MN 55101
651.286.8450
WSBENG.COM

Simons
May 31, 2019
Page 2

If you have need of further information, please contact me at 612-246-9695.

Sincerely,
WSB & Associates, Inc.



Faye M. Gillespie
Relocation Agent for City of Brooklyn Park

Attachment: Analysis of Comparables

Cc: Jeff Holstein, City of Brooklyn Park

City of Brooklyn Park Request for Council Action

Agenda Item:	4.3	Meeting Date:	August 26, 2019
Agenda Section:	Consent	Originating Department:	Finance
Resolution:	X	Prepared By:	Coty Hemann, Senior Accountant
Ordinance:	N/A		
Attachments:	1	Presented By:	Jeanette Boit-Kania, Assistant Finance Director
Item:	Extend the City Insurance Programs for Contract Year 2018-2019 with the League of Minnesota Cities Insurance Trust for an Additional Three Months		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ TO EXTEND THE CITY INSURANCE PROGRAMS FOR CONTRACT YEAR 2018-2019 WITH THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST FOR AN ADDITIONAL THREE MONTHS.

Overview:

The City of Brooklyn Park has been a member of the League of Minnesota Cities Insurance Trust (LMCIT) since 1985. This pool was formed exclusively to serve the Minnesota Cities and Joint Powers and is owned and controlled by its members. The LMCIT has been able to develop many specialized policies and coverage extensions that the traditional insurance industry is not willing to provide. In addition, the LMCIT provides numerous special endorsements tailored to meet the specialized needs of cities. The LMCIT has proven to be an effective instrument for coping with the broad and often unique risk exposures faced by municipalities.

Risk exposure arises as a consequence of the ownership of buildings, equipment, vehicles and services provided by our City. As our community continues to grow, our risk exposure continues to increase. Loss Control/Risk Management is responsible for managing this risk exposure while balancing our limited resources. The City purchases insurance policies with high deductibles. These high deductibles are a way for the City to self-insure a portion of the claims and pay lesser premiums for insurance coverage. All policies, except workers compensation, have an aggregate limit which caps the City's claim dollar exposure.

This method of self-insuring the deductible allows the City a "hands-on" opportunity to manage claims and is a very useful tool for analysis and implementing changes to assist in the reduction of claims and associated costs. The City insurance renewal process involves meeting with our agent of record, RJF/Marsh & McLennan Agencies, department heads and staff. We gather information to complete the LMCIT renewal application, evaluate the City exposures, and consider alternative deductible options to be quoted.

August 27, 2018, the City Council adopted Resolution #2018-122 awarding the City Insurance Program for contract year 2018-2019 to the League of Minnesota Cities Insurance Trust. This contract ends August 31, 2019. The league has requested additional information in addition to the normal process multiple points this summer. Finance is working to get the League all the information needed to put the City in the best position possible when it comes to risk management. Finance is requesting a three-month extension with the League of Minnesota Cities Insurance Trust. Although, Finance does not believe a full three-month extension will be needed, if City Council approves the temporary extension request, the cycle for the 12-month policy would still occur September 1, 2019 to August 31, 2020.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

The projected premiums have been incorporated in the 2020 budget.

Attachments:

4.3A RESOLUTION

RESOLUTION #2019-

RESOLUTION TO EXTEND THE CITY INSURANCE PROGRAMS
FOR CONTRACT YEAR 2018-2019 TO
THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST
FOR AN ADDITIONAL THREE MONTHS

WHEREAS, the City's Agent of Record has reviewed options and the market for various insurance coverage and services; and

WHEREAS, the League of Minnesota Cities Insurance Trust quotes were competitive and provide broad coverage designed to meet the needs of cities; and

WHEREAS, the Agent and City staff reviewed the proposals and made their recommendation concerning the City's 2018-2019 insurance program; and

WHEREAS, the City Council recognizes the need to provide a responsible means of responding to claims, litigation and damages arising out of the City's operations and actions; and

WHEREAS, on August 27, 2018, the Brooklyn Park City Council adopted Resolution #2018-122 awarding the League of Minnesota Cities Insurance Trust; and

WHEREAS, this contract ends August 2019; and

WHEREAS, Finance is requesting a three-month extension with the League of Minnesota Cities Insurance Trust in the amount of \$166,606.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to extend the insurance programs for the year 2018-2019 to the League of Minnesota Cities Insurance Trust for an additional three months.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.4	Meeting Date:	August 26, 2019
Agenda Section:	Consent	Originating Department:	Operations and Maintenance
Resolution:	X	Prepared By:	Jon Watson, Public Utilities Superintendent
Ordinance:	N/A		
Attachments:	2	Presented By:	Dan Ruiz, Director
Item:	Accept Bids and Award Contract for the Sanitary Sewer Televising and Cleaning to Pipe Services Corporation Inc.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ ACCEPTING BIDS AND AWARDING THE CONTRACT FOR THE SANITARY SEWER TELEVISING AND CLEANING TO PIPE SERVICES CORPORATION INC.

Overview:

This request is for approval to award a bid for televising approximately 50 miles of sanitary sewer mains. The piping was originally constructed in the 1980s and 1990s and last televised more than ten years ago. The League of Minnesota Cities Insurance Trust requires that the City inspect this older piping because it is important to document the sewer line's condition for a defensible position for insurance purposes. In addition, any deficiencies found in the pipe can be repaired accordingly.

The project was advertised in the Sun-Post on July 18 and August 1, 2019, and on the consulting electronic (Quest CDN) bulletin board. On August 15, 2019, four bids were received, the lowest responsible bid being from Pipe Services Corporation Inc. in the amount of \$151,127.40. Pipe Services is an experienced televising contractor who has completed many projects for municipalities, including previous work for the City.

Primary Issues/Alternatives to Consider:

This project will commence this fall and continue into 2020. The completion date is in April 2020.

Should the Council award the bid as recommended?

Operations and Maintenance staff recommends approval as presented.

Budgetary/Fiscal Issues:

The recommended bid proposal of \$151,127.40 is within the approved 2019 and planned 2020 Public Utilities Sanitary Sewer Fund expenditures program budget.

Attachments:

- 4.4A RESOLUTION
- 4.4B LOCATION MAP

RESOLUTION #2019-

RESOLUTION ACCEPTING BIDS AND AWARDING THE CONTRACT FOR SANITARY SEWER
TELEVISIONING AND CLEANING TO PIPE SERVICES CORPORATION INC.

WHEREAS, televising and cleaning is necessary to properly maintain the sewer system; and

WHEREAS, the project was posted for bids on the Quest CDN electronic project board; and

WHEREAS, the project was advertised in the Sun-Post on July 18 and August 1, 2019; and

WHEREAS, on August 15, 2019, four bids were received as follows:

<u>Contractor</u>	<u>Total</u>
Pipe Services Corporation, Shakopee, MN	\$151,127.40
Hydro Klean Inc, West Des Moines, IA	\$160,394.90
Visu Sewer Inc., Blaine, MN	\$295,195.57
American Environmental, Chaska, MN	\$387,073.90

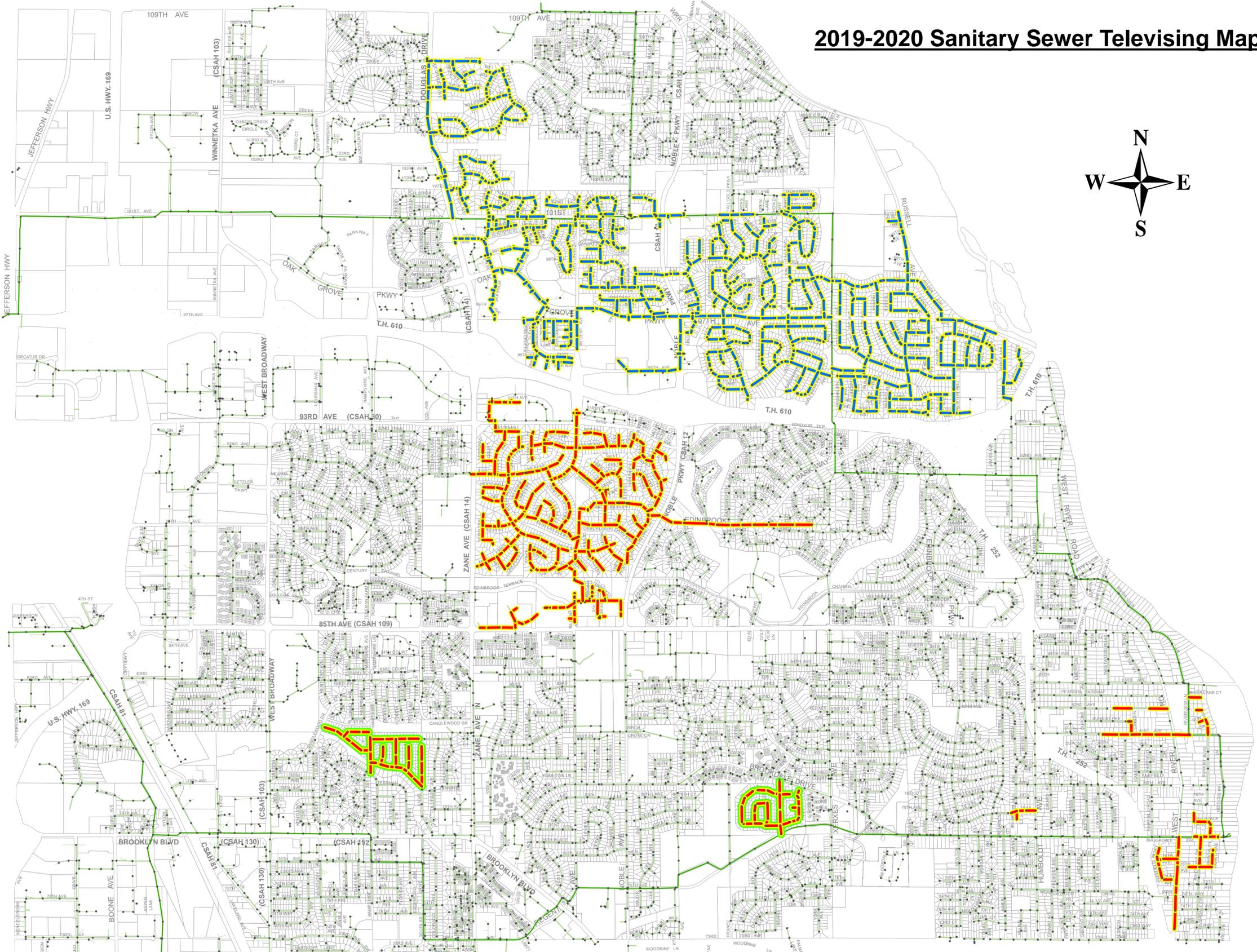
WHEREAS, the sanitary sewer main line televising is recommended to be awarded to the lowest responsible bidder meeting specifications, Pipe Services Corporation, Inc., for an amount of \$151,127.40; and

WHEREAS, the project can be accommodated in the 2019 and 2020 Public Utilities Expenditure Budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to award the bid for sanitary sewer televising and cleaning to Pipe Services Corporation Inc. in the amount of \$151,127.40.

BE IT FURTHER RESOLVED to authorize the City Manager and Operations and Maintenance Director to authorize additional sewer cleaning as necessary to properly complete the project.

2019-2020 Sanitary Sewer Televising Map



Legend

	2019 Proposed Brooklyn Park TV Lines		2020 Proposed Brooklyn Park TV Lines
6" --	275 L.F.	8" --	145,702 L.F.
8" --	85,136 L.F.	10" --	14,966 L.F.
10" --	2,649 L.F.	12" --	11,502 L.F.
12" --	3,407 L.F.	15" --	713 L.F.
24" --	755 L.F.		
27" --	7,253 L.F.		
30" --	1,799 L.F.		
Total:	101,274 L.F.	Total:	172,883 L.F.

2019 Proposed **101,274 L.F.**
 2020 Proposed **172,883 L.F.**
274,157 L.F.



-  Priority
-  Sanitary Sewer System
-  Interceptor

City of Brooklyn Park Request for Council Action

Agenda Item:	4.5	Meeting Date:	August 26, 2019
Agenda Section:	Consent	Originating Department:	Operations and Maintenance
Resolution:	X	Prepared By:	Jon Watson, Public Utilities Superintendent
Ordinance:	N/A		
Attachments:	2	Presented By:	Dan Ruiz, Director
Item:	Accept Bids and Award Contract for the Well Pump Maintenance and Repair to Keys Well Drilling Inc.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ ACCEPTING BIDS AND AWARDING THE CONTRACT FOR THE WELL PUMP MAINTENANCE AND REPAIR TO KEYS WELL DRILLING INC.

Overview:

Municipal Wells #17, #18, #20 and #21 are located in Trinity Gardens Park, north of the City Hall campus, and are due for maintenance. At this time, all the pump equipment is scheduled to be pulled out and replaced as necessary to ready the four wells for use next summer. Municipal Well #14 is also due for maintenance and is located along Edinbrook Terrace directly north of the Community Activity Center. The maintenance of these wells is planned to be completed during the time of the year when the water demand and park use is at a minimum. In aggregate, these wells can produce more than 10 million gallons of unfiltered water per day.

The project was advertised in the Sun-Post on July 18 and August 1, 2019, and on the consulting electronic (Quest CDN) bulletin board. On August 15, 2019, four bids were received; the lowest responsible bid being from Keys Well Drilling Inc. in the amount of \$97,505.00. Keys Well Drilling is an experienced well maintenance contractor that has completed many projects for municipalities, including previous work for the City.

Primary Issues/Alternatives to Consider:

This project will commence this fall and continue into 2020. The completion date is in April 2020.

Should the Council award the bid as recommended?

Operations and Maintenance staff recommends approval as presented.

Budgetary/Fiscal Issues:

The recommended bid proposal of \$97,505.00 is within the approved 2019 and planned 2020 Public Utilities Fund expenditures program budget.

Attachments:

- 4.5A RESOLUTION
- 4.5B LOCATION MAP

RESOLUTION #2019-

RESOLUTION ACCEPTING BIDS AND AWARDING THE CONTRACT
FOR THE WELL PUMP MAINTENANCE TO KEYS WELL DRILLING INC.

WHEREAS, the wells can produce more than 10 million gallons of water per day; and
WHEREAS, maintenance of the wells is necessary to produce potable water; and
WHEREAS, the project was posted on the Quest CDN electronic project board; and
WHEREAS, the project was advertised in the Sun-Post on July 18 and August 1, 2019; and
WHEREAS, on August 15, 2019, four bids were received as follows:

<u>Contractor</u>	<u>Total</u>
Keys Well Drilling Inc., St. Paul, MN	\$97,505.00
Traut Companies Inc., Waite Park, MN	\$109,950.00
Bergerson Caswell Inc., Maple Plain, MN	\$114,210.00
E. H. Renner & Sons Inc., Elk River, MN	\$119,515.00

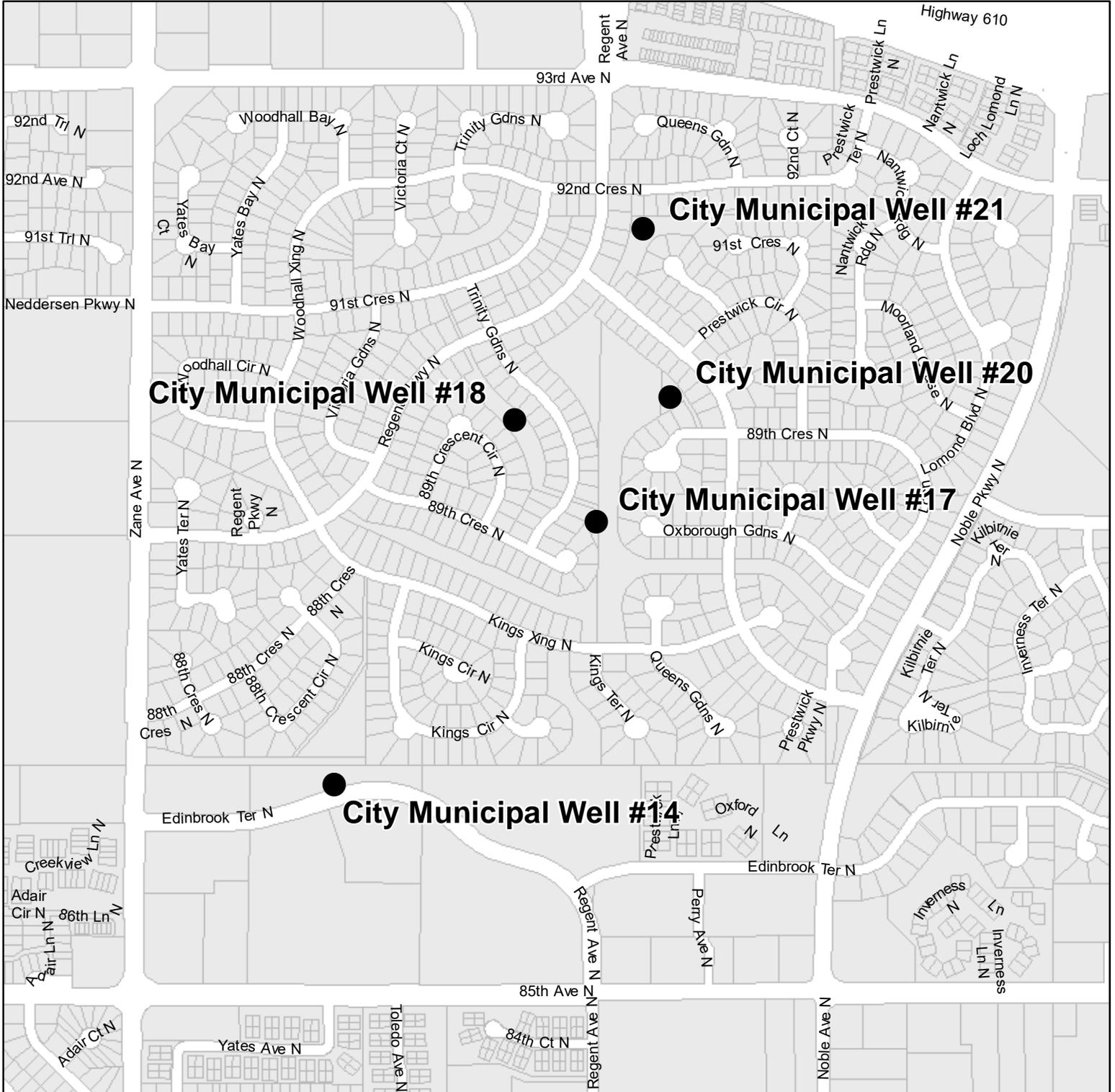
WHEREAS, the Well Pump Maintenance is recommended to be awarded to the lowest responsible bidder meeting specifications, Keys Well Drilling, Inc. for an amount of \$97,505.00; and

WHEREAS, the project can be accommodated in the 2019 and 2020 Public Utilities Expenditure Budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to award the bid for the well pump maintenance to Keys Well Drilling Inc. in the amount of \$97,505.00.

BE IT FURTHER RESOLVED to authorize the City Manager and Operations and Maintenance Director to authorize minor contract changes and obtain approval from the Council at the conclusion of the project.

CITY OF BROOKLYN PARK PROJECT O&M PU 19-02



Water Points

- Well 14, Elev. 865 ft
- Well 17, Elev. 865 ft
- Well 18, Elev. 866 ft
- Well 20, Elev. 865 ft
- Well 21, Elev. 867 ft



Date: 7/16/2019



City of Brooklyn Park Request for Council Action

Agenda Item:	4.6	Meeting Date:	August 26, 2019
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	9	Presented By:	Devin Montero
Item:	Approval of Minutes		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF APRIL 2, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF APRIL 9, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF MAY 7, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JUNE 4, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE SPEICAL BROOKLYN PARK CITY COUNCIL MEETING OF JULY 9, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF AUGUST 27, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF SEPTEMBER 24, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JULY 22, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE SPECIAL BROOKLYN PARK CITY COUNCIL MEETING OF AUGUST 5, 2019, AS PRESENTED BY THE CITY CLERK.

Overview: N/A

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.6A CITY COUNCIL MEETING MINUTES, APRIL 2, 2018
- 4.6B CITY COUNCIL MEETING MINUTES, APRIL 9, 2018
- 4.6C CITY COUNCIL MEETING MINUTES, MAY 7, 2018

- 4.6D CITY COUNCIL MEETING MINUTES, JUNE 4, 2018
- 4.6E SPECIAL CITY COUNCIL MEETING MINUTES, JULY 9, 2018
- 4.6F CITY COUNCIL MEETING MINUTES, AUGUST 27, 2018
- 4.6G CITY COUNCIL MEETING MINUTES, SEPTEMBER 24, 2018
- 4.6H CITY COUNCIL MEETING MINUTES, JULY 22, 2019
- 4.6I SPECIAL CITY COUNCIL MEETING MINUTES, AUGUST 5, 2019

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, April 2, 2018
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Rich Gates, Susan Pha, Terry Parks, Mark Mata, Bob Mata and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Police Chief Craig Enevoldsen and Recording Secretary Theresa Freund.

ABSENT: None.

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Jay Stroebel stated that legal counsel and staff were working on a response to the previous week's public comment by Mr. and Mrs. Fishbach. He stated there would be a formal response at the next Council meeting.

2B PUBLIC COMMENT – None.

3A. MOTION GATES, SECOND JACOBSON TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK MOVING 3B4 BEFORE 3B3, PULLING 4.5 AND MOVING 8.1 AFTER 5.1. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B1 Mayor's Proclamation Declaring May 5, 2018, as "Arbor Day" and the Month of May as "Arbor Month" in the City of Brooklyn Park.

3B1 Mayor Lunde proclaimed May 5, 2018 as "Arbor Day" and the Month of May as "Arbor Month" in the City of Brooklyn Park.

3B2 Presentation of Plaques to Outgoing Commissioners.

3B2 Mayor Lunde presented plaques to outgoing Commissioners for their contributions to the City of Brooklyn Park.

3B4 Introduction of New Employees

3B.4 Human Resources Manager Beth Toal introduced Kari Kraft as a new employee to the Administration Department. Operations and Maintenance Director Dan Ruiz introduced Dan Gagnon, Rick Keppel, Lucas Larson, Cory Brandt as new employees to the Operations and Maintenance Department. Police Chief Craig Enevoldsen introduced Mai Vang, Leslie Carle, and Crystal Wilcox-Pici as new employees to the Police Department.

3.B3 Assessing Valuation Process Overview.

City Assessor Marvin Anderson briefed the Council on the assessing valuation process.

4.0 MOTION GATES, SECOND PARKS TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS:

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-59 TO APPROVE THE BLOOMBERG PHILANTHROPIES AMERICAN CITIES INITIATIVE PUBLIC ARTS GRANT APPLICATION FOR \$1 MILLION FOR TEMPORARY PUBLIC ART PROJECTS THAT ADDRESS IMPORTANT CIVIC GOALS WITHIN THE COMMUNITY.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-60 TO AUTHORIZE ENTERING INTO AN AGREEMENT WITH SRF CONSULTING GROUP, INC. FOR ENGINEERING SERVICES FOR THE RECONSTRUCTION OF UTILITIES ALONG COUNTY ROAD #81.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-61 TO AUTHORIZE ADVERTISEMENT FOR BIDS FOR THE NOBLE AVENUE WATER TOWER REHABILITATION PROJECT.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-62 AMENDING LOAN DOCUMENTS EXECUTED IN CONNECTION WITH THE MULTIFAMILY HOUSING REVENUE NOTE ISSUED FOR THE BENEFIT OF AMORCE I LIMITED PARTNERSHIP; AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT DOCUMENT IN CONNECTION.

4.6 TO APPROVE A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE CHURCH OF ST. VINCENT DE PAUL FOR ITS AUCTION FOR EDUCATION TO BE HELD ON APRIL 21, 2018, AT 9100 93RD AVENUE NORTH.

4.7 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF NOVEMBER 13, 2017, AS PRESENTED BY THE CITY CLERK.

4.7 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF MARCH 12, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION PASSED UNANIMOUSLY.

4.5 Council Member M. Mata stated the motion dealt with a partnership with MnDOT, Hennepin County and Brooklyn Center on doing a study of Highway 252. He stated he would not support any dollars the taxpayers were going to pay to go into a study for Highway 252 and at the end make the citizens of the city pay a toll to ride on the road by putting in a MnPass lane in order for this study to go through. He didn't think Brooklyn Park residents should have to pay to be in a MnPass lane that ran through their own city. He stated he wouldn't be in support of it and the City did a study on Highway 252 along with the same entities, except MnDOT in 2006/2007 and that was when the City paid for the third lane going from Brookdale Drive, south to 73rd and supposed to have some assistance from the other entities on closing two intersections with the attempt to make Highway 252 keep the traffic moving on Highway 252 unless on West River

Road and all other neighboring streets that ran to the west of it for cut through traffic. He stated he was not seeing anything coming forward from it from 2007 and wouldn't be endorsing it.

4.5 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-63 APPROVING COOPERATIVE AGREEMENT PW 12-02-18 WITH HENNEPIN COUNTY AND THE CITY OF BROOKLYN CENTER FOR COST PARTICIPATION IN THE TH 252 / I-94 ENVIRONMENTAL REVIEW STUDY; CIP 4050. MOTION PASSED. (6 TO 1) M. MATA VOTED NO.

5.1 City Engineer Jesse Struve presented the Public Hearing on the Vacation of a Drainage and Utility Easement on Lot 4, Block 1, Stone Mountain Addition item.

5.1 Mayor Lunde opened the public hearing at 7:27 p.m. No one approached the podium to speak.

5.1 Mayor Lunde closed the Public Hearing at 7:28 p.m.

5.1 MOTION JACOBSON, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-64 VACATING A DRAINAGE AND UTILITY EASEMENT ON LOT 4, BLOCK 1, STONE MOUNTAIN ADDITION. MOTION PASSED UNANIMOUSLY.

7.1 Development Project Coordinator Emily Carr presented the Approve Plans and Order Advertisements for Bid for 2018 Trail Project, CIP 407-17 item.

7.1 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT A RESOLUTION TO APPROVE PLANS AND ORDER ADVERTISEMENTS FOR BID FOR TRAIL PROJECT, CIP 4007-17 (BROOKLYN BOULEVARD TRAIL – PHASE I).

Mayor Lunde stated the plans were for an area where the city suffered and had less trails simply because it wasn't until later in the development of the city they put those in the southern half, especially the east/west trails. He stated they talked about east/west access for people whether to ride, bike, or walk to get back and forth. He stated some of them were never made as trail and were not made for people to use. He stated in keeping with what the Council had been planning for, it was to start to help the southern half of the city have same amenities they had in the north part and was in favor of it.

Council Member Gates stated he was not in favor of it. He stated there was already a sidewalk on either side of the road and had many other places that didn't have a sidewalk. He stated they had many sidewalks that just ended and there were a couple on Brooklyn Boulevard by Hennepin Technical College that had a sidewalk and all of the sudden it ended. He stated he would rather spend the money to finish some of the segments they already had where there was nothing than to tear up a perfectly good sidewalk to put in a trail. He stated it was a waste of money. If they were redoing Brooklyn Boulevard or doing something in the area that they were going to tear up already that would be one thing but there were many places that didn't have sidewalks and/or a trail already that need it and would rather spend the money there. He stated he would not be voting for it.

Council Member Pha stated when they talked about it, they talked about the possibility of burying the utility lines and there was a recommendation they wouldn't be doing that. She asked that

instead of moving the utility line north and not burying it asked about the cost of moving it to the north versus burying the utility lines.

Development Project Coordinator Emily Carr stated last August it came before the Council with options to bury the utility lines and their understanding from the Council was they indicated support to pursue burial and they had been working with Xcel on what that would look like and got the preliminary costs estimates to bury the utility lines and it would be over a million dollars. She stated that talking with Xcel, because the project was being done in two phases that it was not cost effective to bury utilities for phase one and when phase two was constructed to bury the utilities for phase two. She stated it was because of the staging they needed to do and where they did bury utilities lines there were large boxes they had to install and those were very expensive. She stated it was more cost effective to relocate for phase one the utilities to the north side of Brooklyn Boulevard, and then for phase two, when they could get a final estimate on costs because the cost estimate they were getting from Xcel changed next year and would no longer be good. She stated then the Council would make the determination whether or not to bury the utilities at that time.

Council Member Pha stated she was in favor of the project and was approved before she came on the Council. She stated the five foot sidewalk was not enough space for people to bicycle and walk on the street and not enough space for someone in a wheelchair to use the sidewalk. She stated there was a bit of traffic on those sidewalks and that was what they were encouraging, walkability, use the trails and if they were not wide enough for people to use, it would not be used. She stated the entire investment we made on the big picture of the project was not happening if they didn't finish the last phase and it didn't make sense. She stated she supported finishing the project so people could start from one end and get to the other. She stated that on the current sidewalks, it talked about the curbs not being suitable for people on wheelchairs and would be a safety issue. She stated she was in favor of this item going forward.

Council Member M. Mata asked if there were cut outs on that stretch that were not ADA accessible.

Development Project Coordinator Carr stated several of pedestrian ramps were installed in 1982 and did not meet modern ADA standards. She stated they might have met the standards in 1982.

City Engineer Struve stated there were numerous pedestrian ramps throughout the community on major roads that did not meet current ADA standards. He stated with the mill and overlay projects on local roads that touched those ADA ramps, they replaced them up to current standards. He stated they had about 3,000 pedestrian ramps throughout the community and a good number that did not meet current ADA standards.

Council Member Mata stated he hadn't been on the sidewalk on Brooklyn Boulevard and was not sure the north side was exactly the same as the south side. He suggested they went back and see if the City had a utility plan that said whenever they were doing projects that they buried the utilities. He stated many years ago when the city did a project, they had money set up in the utility funds, assuming that previous Council didn't spend it somewhere or move it somewhere else, that there was money set up to bury utility lines.

He stated today they were being forced, if they wanted to bury the utility lines and follow what the guidelines were set many years ago, to find a million dollars to do it or else they were not going

to do it. He stated those plans were put in place back in the 1990s on how the city was to address power lines and any utilities above the ground to bury them for safety purposes. He felt it was not following those plans, and somewhere along the line that interpretation got changed. He stated he also remembered when the project came to the Council, it stated light rail was coming down West Broadway and needed to have a big corridor that could move people on the sidewalk there. He stated he was not sure light rail was coming here and until he saw them start digging in the ground and saw tracks go in the ground, then he would believe light rail was coming. He stated he was not willing to spend taxpayer dollars for "preset maybe plans" that was going to happen there. He stated if they would have done it, West Broadway would have been completely done in construction many years ago but kept being stonewalled on redoing West Broadway. He stated that has been a fight of the West District Council Members for years.

He stated there were two perfectly good sidewalks there and to go and rip them up now, whether he was in favor of starting it before, he was not in favor of spending the money because the end destination was not there. He stated he didn't know if there would be different foot traffic that would want to go that route. He stated he was not in favor of it.

City Engineer Struve stated some of the trail connection was thought of as part of the West Broadway light rail reconstruction with trails on both sides. He stated that even if that project didn't take place, extending connectivity of trails east/west through corridor was one of the major items they heard from residents. He stated that even though they showed phase 1 and 2 ending at West Broadway, it could be easily extended to phase 3. He stated that extended it to County Road 81 where there was the Crystal Lake Regional Trail. He stated that trail would be a major east/west connection through the heart of the community and was no different than what they were doing along 63rd Avenue where last year, with the mill and overlay project, they did rip up a perfectly good sidewalk. He stated it had joint and cracking issues but put in a trail and they were anticipating extending that trail in phases that continued east until they eventually crossed Highway 169 and connect to the Maple Grove Eagle Lake Trail system.

Council Member B. Mata asked if they were getting County funds to do it since it was a County road. He stated the project was supposed to cost \$1million plus. He asked if the grants would take care of the first phase.

Development Project Coordinator Carr stated the City did apply for and secured two grants from Hennepin County. One was from the County's Transit Oriented Development fund pool and the other was from Hennepin County bikeway grant pool, both totaled in \$325,000 toward the project. She stated the total cost for Phase 1 was what those grants were for was estimated at \$582,000. She stated the grants took care of a portion of Phase 1 and there was also money from the 2017 CIP funds, annual trail sidewalk budget and that was being applied toward the project, and EDA in 2016 also approved \$254,000 toward the project.

Council Member B. Mata thought it was a lot of money to spend on anything that didn't have a large use and might not if the light rail got anymore bumps with the railroad. He stated there were a lot of places that didn't have sidewalks and could use one instead along the trail. He stated he got a number of complaints from residents that lived near 63rd Avenue about tearing up a one-year old sidewalk just to put in an 8-foot-wide asphalt trail. He stated he couldn't see himself voting for it. It was a waste of money until the light rail came in and see a need for the trail there.

Mayor Lunde asked for a roll call vote.

7.1 THE MOTION FAILED ON A ROLL CALL VOTE AS FOLLOWS: YES: JEFF LUNDE, TERRY PARKS AND SUSAN PHA. NO: RICH GATES, LISA JACOBSON, BOB MATA AND MARK MATA. ABSENT: NONE.

7.2 Sergeant Mark Bergeron presented the First Reading of Limit of Animals on One Premises Ordinance Amendment item.

Council Member Pha asked if residential homes could have more than three with no limit of the amount of animals they could have with the proposed language. She stated there was a reason for that limit and was flexible with the number on the limit. She stated to not have a limit at all concerned her, especially when they were talking about residential properties. She stated she didn't want a residential property with 20 dogs because there was not a limit on there and thought a limit needed to be set.

Sergeant Bergeron stated that as the ordinance was written, did not put a hard limit on it, however, by the wording, there was an implied limit, as the animals would have to be recognized through a certified program. He stated it was not reasonable that people would have 20 service dogs at a house for the service. He stated a reputable and certified foster program would not have a fostering family with that many animals either. He stated if someone had two or their own dogs and cat and they wanted to take in a foster dog the proposed ordinance would allow them that flexibility.

Council Member Pha stated she didn't want it without a limit and would be okay with a four limit or five limit and set a cap so they knew they would be under that amount and not leaving it open.

Sgt Bergeron stated they looked at other neighboring communities on what their standards were and seemed like a lot of cities were all over the board. He stated some had two and some had six and there wasn't a standard. He stated to address the other concerns with excessive animals, he stated they would have the other ordinances still in place, such as excessive animal feces, excessive noise and stray. He stated those would still be enforceable, even if it was one dog. He stated that those who would have kennel or a boarding business out of their house during the day, etc., would still be prohibited under the business licenses and wouldn't fall under the proposed ordinance. He stated they couldn't have as many dogs and as far as setting an actual cap on it, they didn't have one but was open to exploring that for what the Council thought was reasonable.

Council Member Gates stated the item was brought to him from people who had fostered dogs and been doing it for years. He stated in talking with them, it sounded like they could only have a couple of foster dogs at the most based on the rules of the foster programs. He appreciated staff looking into it and setting up a meeting to go through and look at other cities and how their programs worked. He stated the City was actually behind and had the wrong language looking at the other cities. He stated he was okay if they wanted to set a limit and didn't think it should be four and should be five.

7.2 MOTION GATES, SECOND PHA TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE APPROVING AN AMENDMENT TO CHAPTER 92 OF THE BROOKLYN PARK CITY CODE PERTAINING TO THE NUMBER OF ANIMALS ALLOWED ON

ONE PREMISES AND LICENSING EXEMPTIONS.

Council Member Pha stated she would like to make a friendly amendment to the motion to cap the number to five so it was clear. Council Member Gates accepted the friendly amendment to the motion.

Mayor Lunde stated there was an friendly amendment to the language to insert five and it would come back for the second reading and would put that limit in the language.

City Attorney Thomson clarified that the maximum was five, but two them could fit the special category. He stated they didn't want five in general but wanted five total. He stated two or three on what would meet that special category. He stated they would come back with language to meet the special category.

Council Member M. Mata asked how many households it would impact it in the city even if they didn't do five dogs because they had to have a special certified animal there to do it in the first place.

Sergeant Bergeron stated it was difficult to say and thought there were many houses that were violating it but they didn't know about them because they didn't get complaints. He stated the proposed ordinance allowed families that wanted to do foster with certified programs, or might have a group home that included a service dog where they were inspected, to ensure they were in compliance. He stated right now if someone had three dogs, and there were two, they could foster, they were not going to be able to foster either one of those because they were not going to be in compliance and the fosters made sure they were in regulation of the local codes. He stated in 1997 when it the ordinance was adopted, their animal shelter was euthanizing pets or dogs in a gas chamber and that didn't occur anymore. He stated PUPS was a no kill shelter and relied on the fosters to help so they could promote it.

Council Member M. Mata stated he would vote for it with the five but didn't want to curtail the opportunity for an animal to be put in a good home by putting a number on it. He asked if they could do some research on the places that did the fostering and find out if it would be better to not have a limit on it. He stated those were people who cared, took care of them and their goals were to find them a good family. He stated that even if it said five that they could offer an exception to someone because of certain things they might see.

Council Member B. Mata stated the foster parents were people that loved those animals. He stated he would like to keep the limit to three of their own dogs and could have two fosters dogs because they only kept them in their houses until they were adopted. He stated he would like to have an exception to it. If someone could show they were taking care of their dogs, maybe they had one dog of their own and now limiting them to having two rescue animals, where they could have three or four. He stated if they could come in and prove they could do it, or maybe have someone stop and visit their house to see what their place looked like and had no complaints by neighbors, that they could have more rescue animals of some sort. He stated if they limited it to five, they could still be restricting people that could handle more. He stated it all depended on the person, but were exceptions to that rule and could demonstrate to handle more, take care of more, had a large yard then maybe they could get another license or two.

Council Member Park stated he liked it the way it was written now but didn't know if he wanted

to restrict a number on foster families.

Mayor Lunde stated he was okay with the limit. He thought five was a good number and the whole idea was not that someone shouldn't do that good work, it was that it didn't need to be in the house next door with all other neighbors having to deal with it. He stated there were businesses and shelters who did that work and that was what they were saying that maybe a cul-de-sac was not the right place to have 10 dogs. He stated that if someone was doing it right, they not going not know they had them and they were not going to get complaints. He thought a number needed to be in there, and where they didn't have a number, that's when people got to have 10 and could say the code didn't say they couldn't have 10. He stated staff would do some research and it was the first reading tonight and it would come back for a second chance to look at it to say it looked good or might find out six was the right number later.

Council Member Pha thought they needed to put a limit on it. She stated it would be a revolving door and not be doing five a year. She stated they would get the dogs ready and they were out because someone adopted them and, in a year, could have had 20 to 30 dogs done. She stated five at a time or the number might be six but had to be a limit. She stated she didn't want a neighbor having 20 dogs and saying there wasn't a limit.

7.2 THE VOTE ON THE MAIN MOTION WITH THE FRIENDLY AMENDMENT PASSED UNANIMOUSLY.

7.3 Finance Director LaTonia Green presented the Resolution Providing for the Sale of General Obligation Refunding Bonds, Series 2018A.

7.3 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2018-65 DECLARING THE OFFICIAL INTENT OF THE CITY OF BROOKLYN PARK, MINNESOTA TO ISSUE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018A IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$12,530,000 TO FINANCE THE CURRENT REFUNDING OF THE OUTSTANDING MATURITIES OF THE CITY'S TAXABLE GENERAL OBLIGATION UTILITY REVENUE BONDS, SERIES 2009A. MOTION PASSED UNANIMOUSLY.

8.1 Police Chief Craig Enevoldsen presented the Parking Restrictions Discussion.

The following Individuals addressed the Council:

1. Marietta Richards, 7408 Douglas Drive N. Complained about people selling cars in the neighborhood and parking the cars on the street. Stated it had been going on for two years. People moving in with many family members with cars and didn't use driveways and used the streets and their lawns for parking. Should be a regulation on the amount of cars allowed in the driveways. Shouldn't change anything and shouldn't be too many notices, should be one and then towed.
2. Robert O'Keefe, 7732 Unity Avenue N. Asked why there were two ordinances for snow regulations and one was not a snow ordinance. Snowplows went around cars and they were not ticketed or not towed. On Yates Avenue, it was lined up with cars all winter long and plows went around them. Need to enforce the regulations and consider towing or look at some other options.
3. Mike Richards, 7408 Douglas Drive N. Stated they should have the overnight parking all year round. Cities around Brooklyn Park had bans all year long. Had a problem with

- one person at the end of block selling used cars and had six to seven cars parked on the street.
4. Tom Lehman, 3525 77th Avenue N. Stated the ordinance should stand as is and consider having it year round. He stated they needed enforcement. On Lad Parkway there were junk cars and the snowplows went around them. Need education on the regulations for the people who came to the city.
 5. Lorelei and Phil Haywood, 2008 Gunflint Tr. N. Stated the problem was not just in the winter, in the summer people were parking on both sides of the street and couldn't get a fire truck through if there was a emergency. They park in front of driveways and mail boxes and didn't have sidewalks and was a safety issue. Stated they would like to see it all year round and put up signs to indicate it.

Council Member Pha stated she had been getting a lot of calls from residents pushing for stricter enforcement and had gotten good comments about the response to the enforcement. She stated at all community meetings she had attended, most people had been in favor of keeping the ordinance the way it was or shortening it. She stated the consistent thing that came up was to enforce the rules or educate people on what the rules were. She stated she was in favor of strict and consistent enforcement.

Council Member Gates stated he heard this complaint for 12 years and the two consistent things were lack of enforcement and public safety. He stated it was about curb appeal, public safety and the biggest thing was that they needed to invest in enforcing the ordinances, through education or sending tags and tows. He stated he was in favor of hiring part-time staff or whatever it took to enforce the rules and he wanted to see the rule enforced year-round.

Council Member B. Mata asked if they had done anything with the apartment buildings. He stated the residents had nowhere to move their cars when the lot was being cleared and had to park on the street where they couldn't park either and would get ticketed and or towed.

Chief Enevoldsen stated the apartments contacted them when they did the snow removal on the lots and they would know which street most of the cars would be on. He stated they were given a window to clear the lots before any kind of overnight parking ban went into effect.

Council Member B. Mata stated he would also like to see a stricter enforcement of all the parking rules. He stated if the County was not going to prosecute, then the City needed to do it and would be in favor of a year-round ban.

Council Member Jacobson stated that Option 1 was to leave the ordinance as it was, and what she was not seeing was anything about marketing. She didn't think residents were aware that it was currently in the ordinance. She stated she didn't see the same amount of enforcement in Option 2 and asked if it was because it was assumed that was what they were already doing.

Chief Enevoldsen stated that on the marketing, he didn't know what more they could do. He stated they had used all their local media, social media, sent out flyers to apartment complexes in multiple languages, and contacted management to make sure that all residents were aware. He stated he didn't add anything on the enforcement in Option 1 because he had had that conversation with Council about where they were right now and could not guarantee that they would be out there every night. He stated they tried to get out there pre and post a snow storm to deal with the issue. He stated that on the enforcement, the parking issue was unique to Brooklyn

Park because he had talked to other Commanders in other cities. He stated they would have to get creative with enforcement, but he didn't know what the return on investment was going to be. He stated he reached out to the City Prosecutor on what they could do differently to hold people accountable for violating ordinances. He stated he was told from Hennepin County, a parking violation was low on the list. He stated the other problem was that it was not associated with a person or property like things that they could do with lawn and grass where the resident was held responsible and gave them an administrative City citation and was explored with the City Attorney, and couldn't because it was a car. He stated they wouldn't know who parked the car there, or if the registration was current. He stated it was difficult to enforce an ordinance that no one cared about from an accountability standpoint. He stated they wrote 2,500 citations in just a few months and it still hadn't made any changes. He stated they needed to do more than just talk about enforcement because it was a problem unique to Brooklyn Park.

Council Member Jacobson asked Chief Enevoldsen if he believed the action plan that was presented would make a great improvement in the areas show in red on the map near the apartments.

Chief Enevoldsen stated he was hopeful, but they didn't have any control over it. He stated they would use the information to meet with management, and, if needed, with owners to see if they could influence their parking related to guest parking and those kinds of things. He stated they wanted to go in with data that could show where their deficiencies were and what they could do together to fix it.

Council Member Jacobson asked Chief Enevoldsen what his thoughts were on issuing permits on Option 3, the all year round ban with the size of the city.

Chief Enevoldsen stated that with the permitting process, they did something similar and they did get phone calls for a large gathering. He stated if they had people calling to say they were coming in to visit from out of town and looking to get a permit to park on the street, logistically for the city's size, it could be a nightmare in terms of enforcement.

Council Member Jacobson stated they struggled to win the enforcement game from October to April. If they tried to enforce it year-round, which she would love to see, they would not fare so well. She was concerned because she had heard from plow drivers about the safety aspect. She stated she also thought it was about standards and what they wanted for the City. She thought it was about a lot of things and didn't see a winning proposition in any of it, so she was not sure where she stood. She stated she was not interested in shortening it and at the very least would want it to stay the same and hire part time people if needed be to enforce it even more.

Council Member M. Mata stated they didn't need to hire more people. He stated the codes and calling on the codes was citizen driven and always had been. He realized about the Hennepin County Judicial System but they should stop the citations and remove the car. He stated he had experienced it on his own parking lot where he had been forced to put up no parking signs. He spent the first year putting sheets of paper on windows saying please read the sign in front of your car. He wasn't sure if they just couldn't figure it out, so he now had to tow them. He thought people knew that they could throw away the citations because there was no one enforcing them. The only enforcement that happened was when the vehicle was removed.

He stated that anyone who has had a car removed would not park on the street again during that time frame. He stated they needed to stop the County citations and figure out how the City could move them to a lot or hire a contracted tow company to tow based on a police call. He stated that going back to the data, he preferred that it be anonymous. He stated he would vote for the ordinance to go year-round.

Council Member Parks stated since he had been on the Council, he had been pushing the 2 a.m. to 5 a.m. all-year-long option. He had seen cars parked on streets in the middle of the day when the driveways were empty or there were people with garages that were completely full, and they could park inside. He stated if he was to vote today, he would vote for the 2 a.m. to 5 a.m. all-year-long. He stated he was also in favor of hiring a team to enforce the ordinance and wouldn't mind seeing cars towed either. He wanted to know how many of the 2,500 citations were paid.

Chief Enevoldsen stated those would have to be hand tabulated at the court system and that on the sixth ticket to a vehicle, the vehicle could then be towed by law enforcement.

Mayor Lunde stated that when it came to public safety issue, he believed a car should be towed with the second citation and asked if there was a way that could be done.

Chief Enevoldsen stated the authorization for police to tow a vehicle was in state statute and there were certain criteria that law enforcement could use to tow a vehicle. He stated certain public safety exceptions clearly gave them the authorization to tow, but those exceptions were very limited, and the statute was very restricted.

Mayor Lunde asked if people could park in front of mail boxes and if it a federal code came in for obstructing.

Chief Enevoldsen stated that it was nothing federal, but it was prohibited by city ordinance and it didn't give them authorization to tow but gave authorization to cite them.

Mayor Lunde stated that with calls and complaints, a person should put their name to it, but that name should be held in confidence. He was more about not turning lawns and yards into garages and didn't support the year-round ban. He stated it was hard enough enforcing it now and thought the best way to educate someone was to give a warning or start ticketing them.

Council Member Pha stated she was not in favor of the year-round parking ordinance. She stated the big issue from most people was stricter enforcement of the current ordinance. She stated a lot of the parking issues were happening in concentrated areas as the map had shown and must work with apartment complexes and find out how to solve their issues. She stated they also must be stricter in their enforcement and should be towed after the first two tickets. She stated the entire City shouldn't be punished because of a few problem areas or specific instances.

Council Member B. Mata stated that part of the problem was education of the ordinances and part of the problem was that people didn't pay attention to the rules until something happened. He stated he would be in favor of having a tow truck go ahead of the snow plow and tow the cars as they went by.

Chief Enevoldsen stated they would craft something based on what most of the Council desired was and present an update.

City Manager Stroebel stated the parking issue was challenging for Council to wrestle with, the community to deal with and for staff to implement. He stated the community was divided in their thinking and one of the things that had come up in conversations the last couple of months was that they had made strides in the City in the last 10 to 12 years with crime in the community. He stated it was due to a lot of efforts, especially the focus of the Police Department. He stated the City was at a 32 year low on crime and part of that was because of where they had chosen to focus the energy and attention. He stated they only had four to six squad cars out during any given evening who were being pulled in several different directions. He supported the police chief's focus to address crime, and in most cases, parking issues become secondary. He stated they had 250 miles of streets in the community, which was a lot of miles to patrol and enforce and understood the frustration. He stated they would continue to think about what the best steps might be going forward. He stated he heard a lot about enforcement and how they could speed up the towing process.

Council Member Parks stated it was not a snow issue and was happening in the summer as well with junk cars and other things.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Gates stated that next week was Youth in City Government Day and asked the Council to be at City Hall at 5:45 p.m. to meet with their student. He stated there would be a dinner and Work Session to start with and then they would go to the Council Chambers for the Board of Equalization Meeting.

Council Member Pha stated she and Mayor Lunde attended the Minnesota Lao New Year Celebration over the past weekend which was held in Brooklyn Park. She stated the Lao community was very proud it was celebrated in the city. She stated they talked a lot about the City's diversity and how welcoming it was to all people and was hoping they would continue to do it every year. She stated there were staff who attended for outreach and building relationships with the community.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Jay Stroebel reported upcoming events:

- Wednesday was the Commission Orientation. Invited all existing and new commission members and Council Liaisons to attend. It will be held in the Council Chambers from 5:45 to 8:45 p.m.
- Thursday from 6:00 to 8:00 p.m., LRT Community Workshop on zoning and multi-modal connections.
- Saturday, BrookLynk Job Fair from 10:00 a.m. to 2:00 p.m. at the North Hennepin Community College.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 9:38 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL WORK SESSION

Monday, April 9, 2018
6:08 p.m.

Steve Lampi Meeting Room
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Bob Mata, Terry Parks, Susan Pha, Lisa Jacobson, Mark Mata and Rich Gates; City Manager Jay Stroebel; and City Clerk Devin Montero

ABSENT: None.

STUDENT LEADERS PRESENT: Riley Stichter, Maurice Brazelton, Matthew Seawood, Naomi Larkin, Alanna Worrall, Deon Griffin, India Bridges, Ladashia Walker, Zariel Davidson, Tremel Drake.

C. DISCUSSION ITEMS/GENERAL ACTION ITEMS:

C.1 Aquatic Feasibility Design Charrette

Recreation and Parks Director Jody Yungers briefed the Council and introduced 292 Group representatives Mark Wentzell, who would be facilitating the activity for the students participating in the Students in City Government Day.

Mr. Wentzell stated the students would be designing an aquatics center in four groups. They had parts they could design the center with, such as splash pad, fitness center, swimming pools. Their job was take those parts and put them up on wall to design an aquatic center. He stated that as the students were designing the center with elements, it was important to think about their community and what they thought was important for the city. He stated to think of families in the community, youngest to oldest, and what they would like to have as part of the aquatics center.

He stated when the groups were completed with the activity, one student from the groups would report on what their ideas were for the center.

Recreation and Parks Director Yungers asked the Council Members and mentors to work with the groups and they could ask questions to help facilitate the activity.

At 6:20 p.m., the groups worked on the activity to design an aquatics center.

At 6:36 p.m., the groups reconvened and reported on their design ideas for an aquatics center.

At 6:55 p.m., Mayor Lunde called for a recess to conduct the Board of Appeals and Equalization meeting.

At 8:07 p.m., the Mayor and Council returned to the Lampi Room and reconvened the Work Session.

C.2 Closing of West River Road Trial for MCES Sanitary Sewer Bypass Piping Project

Operations and Maintenance Director Ruiz introduced Jenny Shah, Metropolitan Council and Molly Kennedy HCR. Ms. Shaw briefed the Council on the closing of West River Road for the MCES Sanitary Sewer bypass piping. She briefed on the following items:

- Current and Future Projects in Brooklyn Park and Champlin.
- Upcoming Project Overview in Brooklyn Park: Rehabilitation/Replacement of 8,000 feet of 60-inch sewer interceptor and 23 manhole structures-Temporary conveyance of flow of West River Road Trail; Construction of local sewer pipe and watermain replacement-cooperative agreement with the City of Brooklyn Park; Staging area for storing material near water tower at Coon Rapids Regional Park.
- Project Scope on Mississippi Lane: Pipe replacement 66-inch to 72-inch pipe; New local sanitary sewer pipe parallel to MCES interceptor; 36 direct local connections to the interceptor; Replacement of watermain; Upgrades to city LS near 81st Ave N.; New paved road at the end of the project.
- Project Scope on Riverview Lane: CIPP Lining; Install new manholes; Unique characteristics of site; hanging pipe over the creek.
- Temporary Conveyance: 9,000 feet of pipe; two 18 or 24-inch pipe; conveyance pipe on trail along West River Road; Trail to be closed for up to 18 months; safety of public; reduce road closure; reduce impacts to the residents; Temporary pumping station at Banfill Circle and West River Road.
- Schedule-Bid-May 2018; NTP-October-November 2018; Tentative construction start in Brooklyn Park December 2018; Total duration of project – 18-24 months.
- Public Communications: Communication Consultant HDR working on project; Public Hearing – January 2016; First neighborhood meeting April 26, 2018; Second neighborhood meeting before start of construction; Discovery-Website, Facebook, postcard; Engagement-Hotline, email; Education-Construction updates, public open house, maps, Buy-In-Video, one-to-one meetings and tailored stakeholder materials.

Council Member Pha asked how old the replaced pipes were and what the lifespan was for the new pipes that would be laid.

Ms. Shaw stated the existing pipe was built in the 1960s and were around 50 years old and were hoping for a 50 to 60-year lifespan.

Council Member M. Mata asked if everyone was hooked up to the water main or if everyone was hooked up to wells.

Superintendent Watson stated some were hooked up to wells.

Council Member M. Mata asked if they were giving them the option to hook-up and to tell them that if they didn't hook up there was a charge.

Superintendent Watson stated that it was optional so all they would do was the water main and the services that would be new. He stated if they were not hooked up, it was just a service replaced.

Council Member M. Mata asked if that was normally a procedure they would where they tapped a well and there were people that were on wells.

Superintendent Watson stated that the times that they had done it before, they installed a new water main down River View Lane because they had the street opened but there wasn't a water main there before. He stated it was up to the residents to provide their own services.

Director Ruiz stated they weren't required to, but they were given the option.

Council Member M. Mata asked if they were notifying all of them. He stated the reason why was that it was going to be a cost if someone had a house lawn in there to hook up and it was easier to do it when they had it open and connected right then than to come back after.

Superintendent Watson stated they would be sending out notices.

City Manager Stroebel asked if they would have to dig up the road again if they wanted access to it.

Superintendent Watson stated they wouldn't have to dig up the road again.

Council Member M. Mata stated that when they put the water-mains back in, he had always thought that it was stupid that they put the water main in the middle of someone's driveway because when it broke, was left to ripping up the driveway and thought everyone would agree that it was cheaper to dig a hole in the yard than it was into their driveway. He thought the practice had stopped and wanted to make sure that they did not put any watermains in the driveway.

Superintendent Watson stated that if they were connected to it, they would have to move the line up toward their house, so the residents weren't going to want to do that if they were already connected.

Mayor Lunde stated that whatever amount they decided on sending out notices to reach out to residents, that they should double it because the residents on the river were extremely interested on what was going on around them.

Council Member Parks asked that Council Members get the notifications that were sent out because they were the ones that were going to be getting the calls on it.

Mayor Lunde suggested they connect with the actual people who were neighborhood organizers because they tended to pull people together and do a meeting. He stated those were the people they needed to talk to because of the connectivity to their neighborhood. He stated when they called a neighborhood meeting, they had a way to get 60 people to attend.

He also suggested staff create an easy link to the city's website to be directed to the Metropolitan Council.

C.3 Discussion on the Potential of Applying for the 2017 SAFER Grant

Interim Fire Chief Todd Seitz briefed the Council on the 2017 SAFER Grant with a presentation. He briefed on the following items:

- SAFER Grant details: competitive grant; the purpose to provide funding to meet industry standards; 3 year matching grant: Years one and two the grant will cover 75% of wage

and benefits, Year three covers 35% wage and benefits; Timeline: March 26-April 27, 2018-Grant submission period; July-Anticipated award date; July/Aug-Council considers accepting award; July-Dec-Recruiting period; January 2019-Start of grant

- Fire/EMS Calls – 2010-2017
- Staffing – 2012-2017
- Performance Summary Data: 2010-2017
- NFPA 1710: Current Professional Standards; Single Family Dwelling-Minimum number of firefighters 15; Assembled on the scene within 8 minutes; Tasks to be completed; Currently Staffing
- The Grant would add 2 or 3 Firefighters to each shift
- Incidents by Day and Time of Week
- Heat Map of Calls in 2018
- Grant Request
- Average Response Time per Zone

Council Member Jacobson stated that it wasn't acceptable that we cannot get a fifth of the fire fighters to respond within 8 minutes.

Council Member Parks stated the numbers they were getting to respond from neighboring cities didn't count.

Interim Fire Chief Seitz stated they were averaging about three paid on call fire fighters coming back on call backs. He stated it varied on the time of day when the call back happened compared to availability, and even then, they were competing with other activities and family things that had impacts from a paid-on call perspective.

Council Member M. Mata stated that if a person worked for the Brooklyn Park Fire Department and they had a 40 percent response time when their pager went off, asked how they were competing with anything else. He stated that under the previous Fire Chief, he changed the requirements to the Fire Department to produce numbers like that. He stated before they had to live within a certain proximity to the city and had to respond to 40% of the calls. Since then, they had gone to zero percent requirement for the paid-on call people to come back to a call.

He stated they also had the situation where the previous Fire Chief allowed people to live in Chicago and still stayed in the Fire Department. He stated previous Council Members and City Managers knew about it and did nothing. He stated when the Fire Chief retired, a new border was created to live within 20 minutes and it cut out a lot of good firefighters who were living outside of town but came in and did their duty because the job was part-time.

He thought they should give everyone a pager and tell them they would either be a day or night time responder and would have to respond to a certain percentage. He stated that would require them to come back to a call. He stated they were hiring them and giving them a pension to take care of something, and right now, the full-time staff was getting the same pension plus an additional pension of being a full-time fire fighter as the on-call fire fighters were getting. He stated there were plenty of young guys who still lived in the City who were now in other Fire Departments doing the same job. He thought the Council must figure out what they wanted for the Fire Department. He asked if they wanted to go full time and watch the budget double in size or change what had been changed in the department with doing business. He stated all the

surrounding cities had paid on call fire fighters and they seemed to be doing just fine. He stated when Brooklyn Center had a fire, the Brooklyn Park Fire Department sent four fire fighters quickly. He stated the citizens of Brooklyn Center had two full time staff members to protect the city. He stated what the Council needed to do was leave the full-time people in the city that residents were paying for. He stated they needed to supply the surrounding cities with paid on call members like the city got from them. He asked how many of the calls that were made were low patient contact. He stated it meant they never left the station or got cancelled in route or went anywhere.

Interim Fire Chief Seitz stated it was about 500 calls.

Council Member M. Mata stated he understood why the full-time fire fighters were burnt out and would like to reduce the amount of paper work that fire fighters must do for calls. He asked if the Safer Grant was only for full-time staff members and if there wasn't any way to increase the paid on-call staff.

Interim Fire Chief Seitz stated there was a section that talked about recruitment and retention but there were some stipulations depending on the numbers.

Council Member Pha asked if they could hire people that were more local who might not meet the criteria of the current fire fighter qualifications but enough that they could invest in helping them meet all the criteria so that they could be a full-time fire fighter and take the place of anybody who left. She stated last year, she got an email letter from someone who lived in Brooklyn Park and applied for a position and there was one qualification they didn't meet. She stated they were an on-call in Minneapolis and wanted to work in their home town and didn't qualify because of that. She asked if the grant would be something where they could take someone like that or people who were more local and might not meet all the criteria.

Interim Fire Chief Seitz stated that it took personnel, time and energy to do it and the grant gave them six months to look at recruitment.

City Manager Stroebel stated the timing of the grant was not very optimal. He stated in a couple of weeks, they would identify a permanent Fire Chief and then be able to have a more thorough conversation about it.

Mayor Lunde stated they should apply for the grant knowing that they could say no later.

City Manager Stroebel stated it was a very competitive grant and there was no guarantee that the City would get it.

C.4 Metro Blue Line Extension Light Rail Transit Upgrade Update

Community Development Director Kim Berggren gave an update on the Metro Blue Line Extension Light Rail. She presented the following updates:

- The Joint CC/PC Work Session on TOD Zoning would be held on April 18, 2018, from 6-8 p.m.
- ULI Technical Advisory Panel; 3-day process; week of September 17
- Connect Capital Initiative: The goal of the initiative is to improve access to opportunities

that are essential for good health and wellbeing by strengthening the ability of the community investments system to attract and deploy capital at scale. Invited Blue Line Coalition to participate; Cohort trip to Chicago March 15-16, funded by the Center for Community Investment grant.

- Refined Designs for Oak Grove Park and Ride: Presented views from the platform looking NW at Stair/Elevator; Looking at Stair/Elevator; South façade from neighboring building looking NE at Stair/Elevator; From interior 2nd level looking at Stair/Elevator; From interior 2nd level looking at stair/elevator; from Rhode Island Drive looking North at West Façade; Looking at West Façade; Looking at West Façade from Oak Grove Parkway; Looking at North Façade from Neighboring Residential; Looking West at NE and NW Stairs.
- Current Planning Activities-TOD Zoning, Walking and biking plans

Council Member Pha raised concerns about the glass along the stair well. She stated she liked the glass but worried about safety because people outside could see inside and determine if someone was in there alone.

Council Member Gates stated it was safer because they could see in and added that they were safer than it being enclosed.

Mayor Lunde stated he didn't hear any of the Council Members have a problem with the design guide lines such as the openness and glass.

Some Council Members wanted a change to the design because it wasn't attractive enough.

D.1 COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Parks stated the Brooklyn Parks Lions had a smelt fry coming up and tickets were available.

D.2 CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated that on Wednesday, there was the Dynamic Aging Resource Fair from 8:30 a.m. to 12 p.m. On Wednesday evening there was a community meeting at Birch Grove School regarding the water tower repainting.

E. ADJOURNMENT

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 9:29 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL WORK SESSION

Monday, May 7, 2018
7:00 p.m.

Steve Lampi Meeting Room
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Bob Mata, Terry Parks, Susan Pha, Lisa Jacobson, Mark Mata and Rich Gates; City Manager Jay Stroebel; Community Development Director Kim Berggren; Recreation and Parks Director Jody Yungers, and City Clerk Devin Montero.

ABSENT: None.

C. DISCUSSION ITEMS/GENERAL ACTION ITEMS:

C.1 Aquatic Feasibility Study Report and Discussion

Recreation and Parks Director Jody Yungers briefed the Council on the Aquatic Feasibility Study and introduced Jeff King, Ballard King & Associates, Maria Manion, 292 Group, Mark Wentzell, 292 Group.

Mr. Mark Wentzell briefed the Council on the Aquatic Feasibility study with a presentation. The overview of the presentation was: The Scope of the Feasibility Study, Option 1-Family Aquatics at the CAC; Option 2-Family Aquatics/Gym/Fitness at the CAC; Option 3-Family Aquatics/Gym/Fitness/50 Meter Pool at the CAC; Option 4-Family Aquatics/50 Meter Pool at a New Site; Option 5-Gym/Fitness at the CAC.

Questions/Comments from the Council members:

- What are the dimensions of the lap pool length? Need to make sure it is a regulation pool.
- They are not going to come in off 85th Avenue anymore?
- If only coming in from 85th Avenue and only have that small parking area, when that is full, how do they get out to get to the main road?
- Will the monument sign need to be moved?
- Are the offices still there and did not change and just adding the preschool next to it?
- How do we control people coming in to see the competition and charge admission?
- Sounds like a scheduling nightmare; how get them in and do their thing too with the hockey players and games?
- How many hockey games are held?
- How will this impact the new tater daze location now? Will there be room for Tater Daze?
- Also throw in the Armory in that mix too.
- Will the 50-meter pool have a floating divider?
- On Option 3 does that include the purchase of the library and demolition?
- On Option 4 with the 50-meter pool and cool down pool, not include family aquatics? Is it designed for competition?
- Talked about the Opus land and doing that one project and they priced it at \$18 million.
- We own the old town hall site. We can use that parking during off hours. We are obligated to help them relocate. We can use that parking lot as overflow parking and

might be something we can expand.

- What was the depth of pools for competition?
- If we build something that big, need to make it deep enough to do water polo and sync swimming, that's a minimum.
- Does it include energy costs and chemical costs?
- Does not include what the bond would be.
- The YMCA did big meets at the University of MN and didn't charge an admission fee. Would this always have an admissions fee?
- Makes sense to have the 50-meter pool at TH610 where the hotels and restaurants are and away from the hockey play.
- What are we doing to charge the residents to use the pool and gym on a day to day basis? It is now costing them to come in at \$28 to \$137 a year on their tax bill plus another half million in the budget to cover it on a \$100,000 house. That is not realistic.
- Is it an annual fee or per use fee?
- They will have that expense plus make up that difference and will have to increase the budget.
- And have a bond payment
- I like the per month number. What's my monthly cost because residents understand that and helps me understand the impact.
- Still interested in the two-part referendum question, invest in parks or water where people can say what they want and not sink everything. That is important to not to kill both of them.
- If there was community to get a 50-meter new pool, like New Hope, how will that impact us?
- At any point are you taking into consideration the gym that is already on site?

C.2 Emerald Ash Borer Discussion

Dan Ruiz, Operations and Maintenance Director, and Greg Hoag Park Maintenance Superintendent, briefed Council on the Emerald Ash Borer. Emerald Ash Borer was a non-native tree insect that found its way to Brooklyn Park in August of 2017 in some trees.

Council Member M. Mata stated that when they did most of the tree plantings, they had been using pin oaks for years. He asked if they were still going for a majority of pin oaks until the pin oak disease came there and then were left with that all over again.

Superintendent Hoag stated that in the last five years, they had tried to get more diverse and introduced new trees for the sale. He stated people were still going after the maples and oaks. He stated they tried to offer that each year and had been very tough to get people to latch on to some of the newer variety and hopefully through education they could get there.

Council Member M. Mata asked how they were going to go into someone's back yard and take their tree.

Director Ruiz stated if there was a hazardous tree, they would talk to the owner of the tree, give an abatement notice and if they didn't remove it within the allotted time, the City did it and charged it back to their property taxes. He gave suggestions on taking care of the problem and options on treating infected trees as well as tree replacement options when trees are removed.

Mayor Lunde asked what a Boulevard Tree was.

Director Ruiz stated it was a tree that was in the public right of way 14 feet from the back of the curb.

Mayor Lunde stated that he was keen on the licensing of the tree contractors because they were already out there telling people. He stated if they thought it was coming faster, he would rather get the tree contractor licensed, even if it was just a registration. He wanted to know if they were making sure that the free mulch given away was not being cross contaminated.

Superintendent Hoag stated they were chipped to the size from the contracted tree trimming that was done this year. He stated they were baking a pile before publicly putting it out to hopefully reduce any possible spreading.

City Manager Stroebel asked if they had done any analysis or thought about contracting some of their own crew or seasonal staff versus contracting it out. He stated \$800 per tree seemed like a lot and didn't know if they had done any analysis on it or if they had looked at creating crews that did ash removal that could potentially be at a lower cost than contracting everything out.

Director Ruiz stated that in terms of their staffing, they just completed a true tree crew. They would be able to do more removals on their own in the winter. He stated they were not able to keep seasonal staff for that extended period and it had to do with the rules and regulation of the union so seasonal employees were not the best option.

Council Member M. Mata asked if they could state to the company down the road that during that critical period, if they transported ash trees to the city, then they would be fined.

Director Ruiz stated he didn't know that they had the ability to restrict them.

Council Member M. Mata stated they should start and see.

Council Member Pha thought they needed to add more money annually to the fund to increase it somewhat.

Director Ruiz stated that was something they would work with the City Manager on to bring in as part of the budget proposal. He stated it was currently Heritage Fund money that was identified. He stated they could propose to bring in a slight increase in the Heritage Fund levy and dedicate that to the EAB. He stated there were different options they could look at.

He stated there had been House and Senate bills that had been introduced to help offset the cost for cities, but they had not passed anything yet. He stated they were also looking at grant opportunities as well.

Council Member M. Mata stated they needed to be very specific in the request for proposal.

Director Ruiz stated that when the price was set on those, they would have it be public and put on the website so people knew what they were paying.

C.3 Partnership Policy Discussion

Community Engagement Manager Josie Shardlow briefed the Council on the Partnership Policy.

Mayor Lunde stated that if someone was new and got a group that wanted to partner with the City and Council Members and didn't know what to do with them, they should send them to Ms. Shardlow to evaluate it because they didn't have the coalition anymore.

Ms. Shardlow stated there were only a few groups that paid to use space in City Hall and it was more trouble and cost in staff time to charge people and chase down payments than they were bringing in. She stated they knew there was a lack of free meeting space in the community, and wondered if there was an opportunity, in terms of continuous improvement and equity, to make it available to everyone. She stated she was looking to get feedback on it.

Mayor Lunde stated that he liked the idea of it especially if they were losing money. He stated it could be a way the City supported local community groups by providing space they could use.

Council Member Parks stated that he liked the idea and that the groups pay for City Hall with their taxes and should be able to use the space for free.

Council Member M. Mata stated he was confused on how they ended up losing money on community members using the space and sounded like mismanagement. He asked how they had to chase people to collect payment. He stated they collect the payment on the front end before they got to use the space. He asked how in the past, they were not diverse/friendly because it was mentioned that other groups could not come to City Hall to meet and were doing that now. He thought everyone had the opportunity to come and use one of our conference rooms to meet.

Ms. Shardlow stated that perhaps she misspoke. She stated she meant that a couple of years ago, community-based organizations were charged to use the space. If they weren't partnering with the City for a City-sanctioned event, then they were getting charged \$25 for the use of the space, so they tweaked the policy back then to make it more open.

Council Member M. Mata stated they needed to be careful on how they wordsmith it. He stated that businesses paid taxes in the City and could also want to use the space for meetings and other things if their space was full or busy. He didn't want to open the doors up to that, but what was being proposed could open the doors to that situation.

Ms. Shardlow stated that looking back, they had very few businesses using the rooms. What they were proposing to do was keeping the current system where they filled out a form online and signed something stating they were responsible for any damage to the room. She stated they needed to do continuous improvement to try and figure out a new way to handle that.

Council Member Pha stated that it made sense to do away with the charge if they were not making enough money on it. She asked if they could design an app where people could reserve and pay online. She thought the charge was valid if there was a way they could collect it in the application process.

City Manager Stroebel stated he was hearing two things, for the rooms to be free and others were thinking there should be a charge.

Council Member Jacobson stated she was concerned if it was free, groups could reserve the room and not show up and other groups that might need the space would not get to use it.

Council Member Parks suggested a deposit that could be returned if the space was not destroyed.

Director Yungers stated the important thing to note was that they did not have presence while the groups were there in the evening. She stated it was important that they recognized it because operationally, they would be vulnerable.

City Manager Stroebel stated they could try Ms. Shardlow's proposal of a pilot period without a cost and then investigate what would be the best technology solution if they wanted to go that route.

Mayor Lunde suggested that the community have the discussion too.

Ms. Shardlow stated that the next steps would be getting community feedback and would bring it back to the Council.

D.1 COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Lunde thanked Antonio Smith, Pam McBride, Jody Yungers and Chief Enevoldsen for all their work on Cities United and also others who worked on the event.

D.2 CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated that Council Member Gates, Jacobson and Parks had the opportunity to chat with John Cunningham and would be available on Wednesday afternoon between 4 and 5:30 p.m.

E. ADJOURNMENT

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 10 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL WORK SESSION

Monday, June 4, 2018
6:04 p.m.

Steve Lampi Meeting Room
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Bob Mata, Terry Parks (arrived at 6:28 p.m.), Susan Pha, Lisa Jacobson, Mark Mata and Rich Gates; City Manager Jay Stroebel; City Attorney Jim Thomson; Police Chief Craig Enevoldsen; Operations and Maintenance Director Dan Ruiz; Recreation and Parks Director Jody Yungers and City Clerk Devin Montero.

ABSENT: None.

C. DISCUSSION ITEMS/GENERAL ACTION ITEMS:

C.1 Charter Commission's Recommendation on Council Salary

Charter Commission Chair Scott Simmons briefed the Council on the Commission's recommendation for the 2% adjustment.

Council Member B. Mata stated that he noticed that all the comparable cities that were used only met twice a month and the Brooklyn Park's Council meets 4 times a month. 3 times for regular Council meetings and once a month for EDA meetings. He asked if they knew if the other cities meet for EDA too.

Chair Simmons stated they did take that into some consideration, but it wasn't the final determination of their outcome. He stated they weren't completely clear on what the extracurricular activities or obligations were with the other cities.

Council Member Pha stated it was a hard topic for the Council to talk about their own salaries. She stated she cared about what constituents thought, what they thought was fair and reasonable. She stated she was okay with the recommendations and thought they were all very good and liked the idea of it being reviewed yearly.

Chair Simmons stated that the last time the Council had an adjustment in their salary was 10 years ago.

Council Member Gates stated they had talked about it a few years ago but at the time decided that since staff wasn't getting any raises, they weren't going to get one either.

Chair Simmons acknowledged and thanked City Clerk Montero for compiling all the information that was needed including the entire history of Council Members salaries for the last 20 years.

Council Member Jacobson stated she was appreciative of all the work that went into it at the time when they continuously saw tax increases for residents. She stated she didn't want residents complaining that taxes were raised and Council got a raise. She stated the raise was about \$19 a month and a total to the budget for the suggested 2% increase would be \$1,596 a year for all of the Council together. She stated for some Council Members, they attended all four meetings, and she served as a liaison to six different groups and attended everything that she could. She stated she didn't do it for the money, but didn't want to take a raise that didn't feel

like a raise. She stated with \$19 a month, by the time taxes were taken out, she might buy herself a dinner, but the residents would know that the Council got a raise as their taxes went up. She stated the City had changed so much in 10 years and the job was not the same, so she would say no thank you to the 2% increase.

Chairman Simmons stated the Council would have the opportunity to debate it and that after two years, the increase for Council Members would be a \$461 and a \$691 increase for the Mayor.

Mayor Lunde stated he didn't have a problem with it or cared if he got it. He thought the things he did today, the next Mayor would have to decide on certain things. He stated it was not about the money but was about the money at the same time. If he got paid nothing, he wouldn't be doing the job and taking the time away from family. He stated it was a small enough amount that he wouldn't have a problem telling residents the amount of the raise. He thought the diversity of the City made the job more consuming at times. He stated there were many groups that needed them to go out and interact with them, there were many meetings and requirements, and that was why they were all involved because they liked doing it. He stated he had days with up to nine meetings on a Saturday and was thinking more about the next people who would take their seats. He stated he did like that they asked the Charter Commission to review it and if it was reviewed in 2008/2009, the answer would have been zero because of what was going on in the economy and the fact that they were asking police to not take any raises. He believed it was an investment for the future.

Council Member M. Mata stated he saw a problem with the ability for some Council Members to vote themselves a raise. He stated with the percentage, it was asking to put a value on seven different individual's time and how they did business, which was very difficult to do. He stated he was for having the Charter Commission look into it, but after going through the process, he thought it was a waste of time because he had to sit and watch the deliberation and discussion for them to figure something out at Council level. He stated that no matter what they gave, four people in the room could still vote a 50% raise. He stated the Charter Commission did an awesome job of deliberating and didn't think that it was something the City Manager must present at some time. He stated if four people didn't think they were getting paid enough for their job then vote a raise regardless of what the Charter Commission said.

City Manager Stroebel asked if they wanted to bring it back to the Council.

Council Member Gates stated it needed to come back for a vote, one way or the other.

C.2 Administrative Fee and Pull-Tab Revenue

Finance Director LaTonia Green briefed the Council on the Administrative Fee and Pull-Tab revenue.

At 6:28 p.m., Council Member Parks arrived.

Council Member Jacobson asked how many people didn't pay and let it get assessed to their taxes.

Finance Director Green stated that it was 1,400 assessed to their taxes.

Mayor Lunde stated he was struck by the resident appealing who hadn't paid their water bill in nine years and it was assessed every year.

Finance Director Green stated they did charge 10% every time if the customer didn't make the payment.

Council Member M. Mata asked that in 2018, if there was a \$35 charge that used to be a \$50 charge.

Finance Director Green stated yes, and the Council could make the decision to put it back that way.

Council Member Pha asked if there was a way for the \$50 to be waived if there was a mistake.

Finance Director Green stated there had never been a \$50 waiver fee; however, it was something that would be handled on a case by case basis. She stated if there was something they made a mistake on, they would reimburse the fee.

Council Member Pha stated she felt they needed to charge people for services they provided. It didn't make sense they were providing all those extra services to people and not including the revenue to make up for the services provided. She stated that at the same time, she didn't want us to charge people as a way of making money when they didn't need to. She stated she just wanted to recoup the time that they put into it so that it was evening out and not using taxpayer's dollars to compensate for some of those fees. She stated she liked the proposed model of \$15 and \$35 because if they were going to be notified, that was work and should be billed for it. She asked if the \$102 was reasonable to compensate in revenues to the work that they put in and to the 5,000 accounts.

Finance Director Green stated the only additional revenues they were receiving was almost \$32,000 and believed that it was sufficient to cover the cost. She stated they would have to come back to Council with it and probably incorporate it into the budget if approved.

Council Member B. Mata stated he agreed that people that were not paying their utility bills now and must have them certified to their taxes shouldn't get a break.

Finance Director Green stated they were not giving them a break. She stated that breaking it down, the total amount that they were being charged to \$15 and \$35 was \$50.

Council Member M. Mata stated that if it didn't add anything to major offenders, they were still paying the same amount. He stated it was why he suggested they keep the \$50 the way it was and have another \$50 charge and extra \$15 charge on top of that, otherwise they were letting the worst offenders off that cost the most amount of time for someone to deal with and that was budget money. He stated if they had to certify that, they wouldn't collect that until next year. He stated it meant they were cash rolling those people for years down the road. He stated that when they were budgeting they should remember there were multiple millions of dollars sitting out there that the City was not getting.

Council Member Parks agreed with Council Member M. Mata because there were people who got away with it yearly.

Council Member Jacobson asked if staff knew how many of the 1,428 kept making it a reoccurrence.

Finance Director Green stated that it was in the 500 to 600 range.

City Manager Stroebel asked how many utility accounts there were?

Finance Director Green stated it was 23,000 and 3,500 of them were delinquent.

Council Member M. Mata asked if they could do \$5 off if they paid through direct deposit.

Finance Director Green stated they had that process in place and offered a discount for doing that with a reoccurring payment plan, but it didn't always work.

Mayor Lunde stated that when it came to bill pay, he liked the incentive idea, but wouldn't want to require it.

Council Member Jacobson asked how many they processed at the front desk in a check form.

Finance Director Green stated that they processed very few checks at the front desk and most of the payments were mailed to a lock box service and were then processed from there.

Council Member Pha stated they should relook at how they did things and simplify them to make it easier for people to be able to pay electronically.

Finance Director Green stated that was one of their goals in the Finance Department for 2018 to look at how they could make things more efficient and user friendly for the customers. She stated one of the complaints they got from customers was that they made their payments, but the new balance wasn't reflected on the account immediately.

Finance Director Green stated the Council Members would want to bring back the fees for consideration and look at it as having both the \$50 and \$35 fee.

Mayor Lunde asked if Council could say no to a new organization for gambling?

City Attorney Thomson stated they could most likely say no but there was some discretion. He stated there was no statute that allowed them to require them to put so much into the trade areas.

Finance Director Green stated she didn't recall they could say a certain dollar amount had to be sent but they wanted them to spend their profits in the city.

Council Member M. Mata asked about the history of why the City never charged that fee.

Director Green stated that she did not pull up anything that stated the reason why. She stated that looking at the information provided that was that they wanted them to spend those dollars in Brooklyn Park to fund their organizations.

Council Member M. Mata stated that just because they had a non-profit organization didn't

mean that how it was all being spent was the way everyone would think of something being spent.

Council Member Parks stated that he had sat on boards for baseball, soccer, hockey and was a member of the Elks and had watched the money come in and go out and there was not a whole lot left when they were done.

Director Green stated that with the pull tabs they did have a requirement that they had to spend 75% of those revenues in Brooklyn Park.

Council Member Parks stated there was also State Law that they had to go by as to what they could spend it on. He stated if the fee went up, there were people that were going to be asking for donations that were not going to get it. He asked if at some point they were going to get some input from the seven groups that were affected by it.

Director Green stated they had not but if she got direction from the Council to do it, then they would.

Council Member Jacobson stated that some of them had locations in other cities and were used to paying the taxes so to some of those that she had spoken to, it was a win for them to not be charged any of the fees in the City and they were shocked by it.

City Manager Stroebel asked what the funds could be used for if they did collect the fees. He stated he remembered public safety, police and fire and asked if there was anything related to youth.

Assistant Finance Director Jeanette Boit-Kania stated the City or County might only spend the funds for charitable contributions allowed under the Minnesota Statute for police, fire and other emergency or public safety related service equipment and training. She stated the funds are subject to Chapter 249 and other than police and fire services, the City or County might not keep control over the funds.

City Manager Stroebel stated that someone brought up the question about youth scholarships and if the City could use that in the same way or if it had to be used for public safety.

Director Green stated that if they were to charge some of those fees, they would be able to use the dollars for youth services. She understood that they could use it for public safety, but couldn't use it for pensions as it related to public safety.

Council Member M. Mata asked if they lost money when the carousel bingo went out business.

Director Green stated she never had anything that she could find. She stated that it depended on how they looked at it. If they looked at it as they were making donations to some of the youth organizations in the city, from that perspective they could say that since the organization went away, they now didn't have that influx of revenue going into the city to support some of those youth organizations. She stated that if they looked at it that way, then yes, they had lost funds now that the organization was no longer in the city. She stated if they looked at it from the fees perspective, they were not charging fees to them anyway.

Council Member M. Mata stated there were some organizations where the board members got paid fees and salaries, and that was one negative way they could deplete money. He stated that, unfortunately, the regulations were not done by the city.

City Manager Stroebel stated he was hearing a couple of different perspectives and would like to hear from Council Members if they should bring back the proposal to be considered or not.

Mayor Lunde stated he was okay with the fee because it was charging for services but wouldn't vote for anything else. He stated the reason was that he hadn't heard anyone say that they should use non-profits to make money. He stated the people he knew that were doing it were spending money in the city. He was happy that they were not getting involved with non-profits that were raising money because the ones that he knew were raising and spending money. He stated if someone was raising money and not spending it in the city, then Council should come back and revisit it at that time.

Council Member Gates stated he was okay with the fee and if they had a clause in it stating the funds were to be spent in the city, then he would be fine with it and wouldn't want to change anything else.

Director Green stated they currently had a clause that 75% must be spent in the city.

Council Member Jacobson stated she was good with it.

Council Member Parks stated he was okay with the fee and didn't want to take any more.

Council Member B. Mata stated he was in favor of the investigation fee and didn't think they should charge a percentage because the more business they got, then the more money they must pay to the city.

Council Member Parks asked how the tracking was done to ensure that groups were spending their dollars in Brooklyn Park.

Finance Director Green stated that she hadn't done any tracking and didn't know who was responsible for doing the tracking to determine how that was being done. She stated it might be something that she was supposed to be doing but it was not something she had done since she had been here. She stated they did send financial statements once a year and that was reviewed but couldn't tell if they spent 75% from the documents she received.

Council Member Pha thought an investigation fee was good since they would be billing for the service and asked if the \$250 per organization would be sufficient for staff time. She also didn't believe in charging a percentage.

Finance Director Green stated she didn't think they should charge any fee, but if that was part of the way they did business, then they should charge some type of fee. She stated the application fee was charged by the State and all they did was approve it.

Council Member Pha stated that if the fees were not enough for staff time, then they needed to raise it. She stated if the maximum they could charge was \$250, then they needed to charge a

certain percentage more because she wanted to compensate staff for their time. She stated she didn't want it to make a profit, but she also didn't want to be giving out free services when they were making money and the rest of the taxpayers were paying for those services.

Finance Director Green stated she thought they would be able to recoup the funds being that there were only seven organizations.

Council Member Pha stated that then she was okay with that.

Finance Director Green stated they were not responsible for monitoring if 75% was spent because it was all regulated by the State. She stated the information was also public record and the amount contributed varied and each organization was monitored.

C.3 Discussion of Park Bond Referendum Aquatic Facility and Park Reinvestment Levels

Recreation and Parks Director Jody Yungers briefed the Council on the park bond referendum Aquatic Facility and park reinvestment levels.

Mayor Lunde stated that he was after Model #2 of the aquatics facility from the presentation but would like the 50 meters for the pool ready. He stated they could fund raise and get the money to build the pool and was not willing to ask residents to buy it. He stated it was a regional facility and needed a regional solution. He asked if they could get it done if they found the bonding money. He also believed that the aquatics facility and the park bond needed to be separate because he didn't want to sink one for the other and realized that they could get one or the other and was okay with it. He stated he liked Model number 5 and didn't want any aquatics in it but wanted it to be a separate deal.

Council Member Gates stated that he would go with Model #2 with the Mayor's caveat as well. He believed the pool and park bond needed to be separate. He stated he would personally never vote for a pool. He stated they didn't make money and the park system didn't make any money as it is and it would be adding something that was just going to keep losing money. He stated he liked Model #5 on the park side but they were missing the additional teen center and the performing arts plaza and liked that option. He stated he liked the idea of having the money available for it and if it didn't happen, they would have that extra money to use for something else. He stated the additional Teen Center was much needed, and they had talked about putting one on the east side for a long time and the location at Monroe made sense. He stated he could go either way on SEA Park and it didn't have to be built right away. He understood they wanted the picnic pavilion, but would like to ask the question and see what people said about it.

Recreation and Parks Director Yungers thought there was one assumption that they all had to make, and it did reference to the falling off of the bonds. She stated that even if they were to go to the referendum for the bonding, they only sold bonds as they needed them and there was some likelihood that there was only so much capacity to do so many projects.

City Manager Stroebel stated that, theoretically, they could do some bonding next year that would take construction over the next two to four years and waited until it dropped again and do a 15-year bond in five years down the road to do some of those other projects. He stated they couldn't bond and do all the projects simultaneously.

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Recreation and Parks Director Yungers stated that if they bonded "as they go," they would have to do a referendum every time they bonded and what happened was that typically they would do the long-term vision, which was what was the intent that they only sold bonds as they needed. She stated they got the upfront commitment from the community and were very transparent about what they were asking them to vote.

Council Member M. Mata asked how it would work on the ballot stating how much it would cost since they must put the entire amount down even if they were not going to use the whole amount.

Recreation and Parks Director Yungers stated they would have to go for the whole amount unless Council chose to do it in two chunks, then they must go into the community twice to ask them to commit to it. She stated it all depended and Council had the authority to bond. She stated the reason that Council indicated for staff to do the leg work was to go ahead and find out the preference of the community around their willingness to pay and put it on as a special item on the ballot.

Council Member B. Mata thought they were confusing voters with two different referendums with one on the aquatics facility and the other on the park system. He wanted residents to know exactly how much it would cost them before it was built and how much it would cost them to go there with their families after it was built.

He also wanted to make sure they understood that it would be over and beyond the normal increases that they would have on their taxes on top of everything else for both the aquatics facility and the park systems.

Recreation and Parks Director Yungers asked if Council Member B. Mata will be in favor of a combined ballot.

Council Member B. Mata stated no and he wanted to make sure that it was separate. He stated he would never use the aquatics facility and had no reason to. He stated there were a lot of other people that probably wouldn't go so why should he pay for it for someone else to use. He stated he understood that it was the way they did business in the City that everyone must pay for the facilities that the City had but he would never vote for that.

Council Member Gates stated that was one of the reasons why they had constantly talked about going to residents.

Council Member Jacobson stated she wanted the benefits added to the list as well as the cost.

Council Member B. Mata stated the reason why he was adamant about those numbers was because in all the public input that they had on things that people wanted to see, the aquatics facility always came up as number one, but they were never given numbers as to what that was going to cost.

Recreation and Parks Director Yungers stated that at each one of the public meetings, she made it clear that there should be an assumption that there would not be an annual ask of tax payers to pay for operations.

Council Member Pha stated that even though they did not have the exact numbers, most of the people she had spoken to knew they were going to have to pay something for it because they were not going to get that with the current tax. She stated some of the people she talked to with the actual numbers were surprised at how much lower it was than they thought it would be per household. She thought giving them the number was going to be crucial in knowing what their appetite was for those things. She stated she knew they recently approved to have some structural improvements or reconstruction done on the Eidem farm. She asked what the extra \$2 million was for and what was the grand plan for it.

Parks and Facilities Manager Brad Tullberg stated that item was currently in the final stages of the master plan. He stated it would be to start initiating the phasing of the master plan with things like restroom building (there wasn't one) class room space where there was a small general store building that they used to gather students, but it was not adequate to do any programming.

He stated to advance the mission of the farm, the \$2.2 million was to start developing those facilities in the infrastructure to help support all of it.

Recreation and Parks Director Yungers Director Yungers stated the outcome of the master plan would be presented at the next work session meeting.

Council Member Pha agreed to bring the addition of the teen center. She stated she would like to see the performing arts and education center on there as well because it was something that they were doing in the feasibility study and they didn't know what the outcome would be. She stated it might mean that they must do another bond later if it was approved. She thought overall, the numbers were high for her and she would like to see a cut somewhere in one of those items. She thought that the taxpayers wanted to see some things improved. She stated they wanted the Aquatics Center but didn't want to pay for all of it. She stated her concern was that when they looked at the Parks and Recreation and then the aquatics, the people that she had polled picked the aquatics over the parks. Her concern was that if those numbers continued to be high, they might lose the parks, which they didn't want because they needed those improvements in the park system and needed to find a balance.

Council Member Parks stated he had never been in favor of a pool but had sat in on a lot of cafe and group meetings and the aquatics came up at the top every time. He agreed with Mayor Lunde on Option #2 and having it ready so that when they had a partner, they could move forward. He stated if they put Option #3 on the ballot, they could lose everything.

Council Member Pha stated that she would only agree to have it be ready if there was enough interest from the polling. She stated there was a financial cost to the City in the designs and plans as well. She stated if there wasn't that much of an interest, then they didn't need to spend that extra cost in the design phase either.

Council Member Jacobson stated they needed to explain how much better the whole facility was having the 50 meters. She stated it helped cover a lot of the costs and brought up the revenue where they had a greater potential to make money and ended the year in the black versus the in the red.

Mayor Lunde stated he didn't want to explain the 50-meter part because he didn't think it would

pass with it. He stated he didn't want to confuse people and would love it all but paying for it all might be the difficult part. He stated he would like for them to talk about how they could get all the interest into a statewide fund to put in a 50-meter pool.

Recreation and Parks Director Yungers Director Yungers stated they would continue to try to follow up with the Amateur Sports Commission and the user groups around the 50-meter pool option either way.

Council Member M. Mata stated that if they were going to spend a lot of money to build something, he didn't see it being it. He stated there were a lot of residents and apartment complexes that had pools already and they didn't know what it would do to the school districts. He stated that Jackson Middle School, Osseo Junior and Brooklyn Junior had pools.

Council Member Jacobson stated the schools didn't have open swim.

Recreation and Parks Director Yungers Director Yungers stated they didn't have access and there was limited accessibility in Jackson Middle School because they had swim clubs in there.

Council Member M. Mata stated he was not willing to send it to voters to approve with an imaginary number. He stated there was not going to be a number on there and it was just going to say their taxes would increase. He stated he was assuming it was the same way the school bonds were and was not going to give a number or percentage.

He stated what he wanted to see happen was for the City to take the million dollars that they were not having to pay to a bond and keep that money. He stated it would be a million dollars they had every year. He stated he preferred the "pay as you go" method instead of trying to build something and pay later. He didn't agree with the method of bonding as a source to ask taxpayers for it. He stated they were not really informed on what they were going to get. He stated that at the end of the day, it was going to be City driven. He stated they didn't have enough residents coming forward at the meetings to warrant going out and asking for a \$30 million bond.

Council Member B. Mata stated that bonding was pretty much like living off credit cards. He stated they needed to live within their means and they were not doing that by bonding. He stated he didn't like it and the city had people that could not afford to live in their houses now and they were going to ask them to pay more over and above the normal increase that they had been getting.

Council Member M. Mata asked about the maintenance of the pool and asked if they knew how much Crystal and New Hope paid for theirs?

Director Yungers stated the feasibility study had all the details related to it. She stated that was why they reverted to the professionals to do the feasibility study and identify the cost recovery possibility. She stated that in all of the proposed modules, there was considerations of both capital, operational and recovery costs.

Council Member Jacobson stated that she would go with Number #2 and as the Mayor stated with the ability to put the 50-meter pool if a partner could come forward with \$12 million to build it. The City would operate it and do better as a whole in the project and would like it to be known

that was part of the deal. She stated she would also go with Option #5 with the teen center addition.

C.4 Discussion of Parking Regulations

Police Chief Craig Enevoldsen briefed the Council on the options and recommendations on overnight winter parking. He stated that he did some research with the City Attorney if State law stated that a person had to have five unpaid citations before anything could be done about it, which would just be towing the car. He stated he researched with the city attorney if they could pass an ordinance that was stricter than the one the City had now, and the answer was no because the City could not pass an ordinance that was in direct contradiction with the state law. He stated they could tow a junk and abandoned vehicle and the problem was proving that it was a junk or abandoned vehicle. He stated the best solution that they had was to create a spread sheet system.

Council Member B. Mata asked about the duration of an unmoved junk car before it was towed.

Chief Enevoldsen stated that it could be towed in 24 hours if parked and unmoved.

Council Member B. Mata stated that a resident video recorded his neighbor's junk car that was ticketed. Two days later, the guy was coming back every day and taking the ticket out of his car and putting it back on the windshield every day. He stated an officer got out of his car and looked at the ticket, put it back on the windshield and left. He asked if he could have added a second ticket to the first one.

Chief Enevoldsen stated the courts would not uphold that because they would have to prove that the vehicle had not moved in 24 hours and the only way to do that was to chalk the tire because they could never perfectly line that up again. He stated a person can put it in neutral and push it which they do. He stated it was like a two-pronged approach, they could get the Reserves to step up and do a lot more proactive enforcement around issues that weren't related to winter parking. He stated it was a side issue and the issue that they were trying to resolve now was the winter parking issue. He stated he had two concerns with a year-round ban. One was taking an issue they were having problems solving for five months and making it a 12-month issue. Secondly, he thought it had a detrimental effect on the work they had been doing, specifically around apartment complexes. He stated if they were going around ticketing vehicles, he was concerned about the impact it would have on police-community relationships.

Council Member B. Mata stated there should be some leniency and exceptions, especially during construction season.

Council Member Parks stated the complaints he mostly got were during the winter once people were parking on the street and snow plows went around them as well as enforcing one side of parking on the street if there weren't sidewalks.

City Manager Stroebel stated that staff talked about going on a plan like it for consideration because not every street was equal.

Chief Enevoldsen stated they could deal with those types of standalone issues, but he was looking to get their thoughts on what they were going to do before the snow started because they had to get moving. He stated the only way he didn't have to do that was if they left everything as it was.

Council Member Gates stated that for 12 years he had been harping on the year-round ban, but it sounded like the automatic snow emergency plan was the way to start. He stated that at least they would have the cars out of the way before plowing and it was a good start. He stated he still had questions about towing and what happens if they couldn't do it. He asked if they were going to have to find someone to help in some way. He stated they needed to keep working on the apartment complex action plan because it was the ultimate root of the problem, and it seemed like it was getting worse. He stated they needed to do the parking app and it could not be anonymous. He stated he was fine with the police reserves.

Council Member B. Mata stated that he had a question about the parking app and not being anonymous. He thought that the person should be able to identify themselves but it should not be shared with the person they were complaining about.

Chief Enevoldsen stated that in the app, if they hovered over the complaint it didn't tell them who made it. He stated the only way the person that got the ticket would know was if they physically come up to the Police station and asked and they must release that information.

Council Member M. Mata stated that if the report was valid and the car was there illegally, and the person got a ticket, asked why police cared who made the report. He stated if the police were showing up to places and there wasn't a car there, then maybe they needed to refigure it out.

Chief Enevoldsen stated that he wanted to make sure that the app was valid. If they got bombarded with people picking on their neighbors, they were wasting time effort and energy and the app became useless.

Council Member Pha stated that the goal was to tow cars that were repeat violators and not have to wait for the five citations to do so. She liked that part and didn't agree with the year round ban because enforcement was hard to maintain now and how would they do that all year round. She stated it was not sustainable for the city. She stated she liked the proactive police enforcement with the Reserves and proactive enforcement might not make a difference in one winter season, but it would be ongoing. She stated she wanted to find a way that they could tow those vehicles faster if they were repeat offenders.

Director of Operations and Maintenance Dan Ruiz stated that some cities had gone to the snow emergency route on top of their 2 a.m. to 5 a.m. ban because that was what gave them the ability to tow. He stated with the snow emergency, the level of service would go down and people would get a little lazier with the snow emergency and more cars would be in the street. He stated the City leadership team was willing to look at it as an option.

Council Member Parks stated that he was okay with the trial of the ban but asked how they would get the word out that they were having a snow emergency.

City Manager Stroebel stated that it seemed like there was some interest to continue the 2 a.m. to 5 a.m. approach.

Council Member Jacobson asked when the apartment action plan would be ready.

City Manager Stroebel stated they had interns currently doing a study on it.

Council Member M. Mata stated they should just pick six apartment complexes, and one from each Council district. He stated they needed to stop trying to change the whole city at the same time because they were just going to be right back two years from now talking about the same thing. He stated he would like them to make it happen at one apartment complex and see that it happened. Once they got to the results and knew it worked, then they could implement it in other apartments.

City Attorney Jim Thompson stated that he didn't think the apartment complexes should be randomly selected. He stated they wanted to focus the pilots on the ones that were the problems and needed the data to support that so that they were not accused of anything.

Mayor Lunde stated that he was not in favor of the year-round ban. He would like to tackle it bit by bit and did like the snow emergency. He thought that they should ask apartment managers when residents signed up for a lease to give their cell phone numbers for a text message alert.

Council Member M. Mata stated that if they had a particular neighborhood or block and everyone signed a petition wanting no parking on their block, asked if they could do it.

Director Ruiz stated they could, but it would be at the Council's discretion. He stated staff would make a recommendation for or against it based on it being a safety concern or not.

D.1 COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Jacobson stated she had been hearing from a couple of residents in the East District who had food trucks and had to park them in Lino lakes and drive them back to do their business. She would like Council to talk about it at another work session to find out what the options were, what other cities allowed and so they could help the residents who wanted to be in that business.

City Manager Stroebel stated that he spoke to the two food trucks that participated in the garage sales. One of them requested that the Council consider more opportunities for them to participate or be at the larger gatherings especially at events where there were a lot of people. He stated currently they had some restrictions on where they could be. He stated that the flip side to it was that sometimes the parks were rented out by soccer associations across the city and they had vendors that contracted with the associations.

Council Member M. Mata stated he was wondering about the commercial vehicles parking on driveways because they had an ordinance about that. He stated he would like the Council to revisit that because a food truck would be a work truck parked in the driveway.

Council Member Jacobson wanted to remind everyone that Council Members were serving root beer floats on Friday night at Tater Daze at 6 p.m.

Council Member Parks stated that he would not be at the meeting on the 18th.

D.2 CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated the swearing in Ceremony for Fire Chief Cunningham would be on June 18, at 6:30 p.m. at the Central Station.

E. ADJOURNMENT

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 9:21 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

SPECIAL BROOKLYN PARK CITY COUNCIL MEETING
WORK SESSION

Monday, July 9, 2018
6:00 p.m.

Steve Lampi Meeting Room
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Bob Mata, Terry Parks, Susan Pha, Lisa Jacobson, Mark Mata and Rich Gates; City Manager Jay Stroebel; Recreation and Parks Director Jody Yungers; Parks and Facilities Manager Brad Tullberg and City Clerk Devin Montero.

ABSENT: None.

B. GENERAL INFORMATION

C. DISCUSSION ITEMS/GENERAL ACTION ITEMS

C.1 Presentation of Eidem Homestead Master Plan by Recreation and Parks Director Yungers, Parks and Facilities Manager Brad Tullberg; and Project Manager Jean Turck, Miller Dunwiddie Architecture Landscape Architect Amy Elias, SRF Consulting, and Interpretive Planner Nancy O'Brien-Wagner.

Ms. Turks and O'Brien-Wagner presented the Master Plan goals for this project to Council.

Council Member B. Mata stated during the presentation, it was said that they wanted to keep it within a historical perspective and what life was like on the farms in the early 1900s and now they wanted to put in bathrooms.

Miss O'Brien-Wagner stated she wanted the history part to be more meaningful and for it to connect to a much broader context and to today. She stated she wanted the physical site to be clearly curated between what was in the past and what was today. She stated the bathrooms were not going to be in the exhibit.

Recreation and Parks Director Yungers stated they wanted to identify what the exhibit was and what they were trying to do was to make the exhibit be the boundary to which they were interpreting that light in that era. She stated everything else around it was support or could be demonstration.

Parks and Facilities Manager Tullberg asked Council if they agreed with the general recommendations of the plan and stated the purpose of the work session was to get the feel and appetite of the Council.

Council Member Parks stated he agreed with it but the concern he had was the price tag. He

stated they just recently talked about a \$32 million pool and now they were talking about a \$7 million farm.

Recreation and Parks Director Yungers stated there were a variety of granting sources and she had the opportunity in her prior work to get access to some significant dollars. She stated what became important to leveraging those other resources was the master plan. She stated they must have the plan and the vision and have some leveraging matching dollars to go after some of those funds. She stated that by having the plan and the phase plan, they could get some support to advance the master plan. She stated they would not be doing it alone and thought that was important.

Council Member B. Mata asked how they planned to transition people from 1905 to today. He envisioned a room they go into and there was either a narrated slide projector going or a movie showing the history and then brought it up decade by decade or however they did it to bring them up to speed and then walk out the other door to something newer and more modern. He stated there needed to be a transition and just putting up new buildings didn't do it for him.

Ms. O'Brien-Wagner stated that a good example would be Fort Snelling. She stated they had the parking lot which transitions into the visitor's center and then were introduced to the story and sent on a path which walked through path back in 1836. She stated that now that they had a visitor's center onsite, visitors would park and transition to a welcome center and visitors could start with the tours, watch the slide shows or look at the exhibits and then transition into the site. She stated they would creating that staged theatrical introduction into the farm.

Council Member Pha asked if they re-invested the money, would they make enough revenue to sustain the operation of the farm or would there always be a debt they would have to add to.

Ms. O'Brien-Wagner stated it would be for the good of the community, kind of like parks.

Council Member Parks asked if there were any preliminary numbers available for what it might be.

Director Yungers stated they didn't have a proforma and didn't get into the operational dollars for it and it would be the next step and part of the concept development.

D. VERBAL REPORTS AND ANNOUNCEMENTS

D.1 Council Member Reports and Announcements – None.

D.2 City Manager Reports and Announcements – None.

F. ADJOURNMENT

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 6:57 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, August 27, 2018
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Rich Gates, Susan Pha, Terry Parks, Mark Mata, Bob Mata and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green, Deputy Police Todd Milburn and City Clerk Devin Montero.

ABSENT: None.

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated there were three residents that gave public comment. One was about concerns of 93rd Avenue and the other two were about the no parking ordinance. He stated staff was in contact with them and no response was needed.

2B PUBLIC COMMENT

1. Rebecca Buckle, 9931 Evergreen Ave N. Asked to change the ordinance to allow potbelly pigs as pets. She stated she had information for the Council and stated she had a petition from the neighborhood in support of the ordinance change.

3A. MOTION GATES, SECOND JACOBSON TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH ITEMS 4.3 AND 4.6 PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION AND REMOVED ITEM 8.2. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B1 Theresa Freund, Community Development, briefed the Council on the Summer Blossom Garden & Landscape Recognition Program. She introduced the Grand and First Place Winners of the Summer Blossom Garden & Landscape Recognition Program.

3B2 Fire Chief John Cunningham introduced John St. Martin, Chair, Brooklyn Park IAFF Local 5031 and he presented a \$20,000 check to Firefighters for Healing.

4.0 MOTION GATES, SECOND PARKS TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS: (Items 4.3 and 4.6 were removed for separate consideration.)

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-111 AUTHORIZING THE POLICE DEPARTMENT TO ENTER INTO A GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF TRAFFIC SAFETY, FOR TOWARD ZERO DEATHS.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-112 TO AWARD THE BID FOR TREE INJECTION SERVICES FOR EMERALD ASH BORER PROJECT TO RAINBOW TREE CARE.

4.4 TO RELEASE THE CASH BOND (\$4,400) AND THE ENGINEERING ESCROW (\$1,972.54) FOR SATISFACTORY COMPLETION OF THE "RIVERVIEW ESTATES 2ND ADDITION" PROJECT #16-114 LOCATED AT 8450 AND 8500 RIVERVIEW LANE FOR INTEGRITY LAND DEVELOPMENT, INC.

4.4 TO RELEASE THE CASH BOND (\$5,000) AND THE ENGINEERING ESCROW (\$1,980.51) FOR SATISFACTORY COMPLETION OF THE "RAMSEY EXCAVATING/L & R ADDITION" PROJECT #16-105 LOCATED AT THE SW CORNER OF BROOKLYN BOULEVARD AND BOTTINEAU BOULEVARD FOR RAMSEY EXCAVATING.

4.4 TO RELEASE THE CASH BOND (\$8,000) AND THE ENGINEERING ESCROW (\$1,529) FOR SATISFACTORY COMPLETION OF THE "EBENEZER COMMUNITY CHURCH" PROJECT #14-126 LOCATED AT 9200 WEST BROADWAY FOR EBENEZER COMMUNITY CHURCH.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-113 APPROVING A TIME EXTENSION FOR CONDITIONAL USE PERMITS IN STONE MOUNTAIN PLAZA.

MOTION PASSED UNANIMOUSLY.

Council Member Mark Mata stated a few years ago, the City created a franchise fee fund that would have every homeowner, business owner, apartments, pay into a pot to cover what is called bad tar because the roads were deteriorating or had the potential to deteriorate. He stated to him it was a backdoor way of taxing people. He stated the item talked about using the fund for a retaining wall by St. Vincent Church north of 93rd Avenue and for a parking lot that led up to the Brooklyn Park water reservoir. He stated there were two things now coming out of the fund the taxpayers were supporting and had nothing to do with bad tar on roads and wanted to know why.

City Engineer Jesse Struve stated the Boone Avenue reservoir parking lot was a late addition in the packet. He stated that would not be funded through the franchise fees and funded through the existing Recreation and Parks maintenance budget. He stated the staff report was incorrect.

He stated the retaining wall was located along Jefferson Highway and was installed when Jefferson Highway was expanded. He stated the retaining wall directly correlated to the roadway expansion of the roadway and was the result of an expansion of a roadway. He stated staff felt that it was tied to the franchise fee, which was established to help with street maintenance and reconstruction program and that wall was beginning to fail and moved forward with using franchise fees for that replacement of that wall.

Council Member M. Mata stated he wouldn't support the retaining wall because when the fee was put together and presented to the tax payers and the Council, it was because of bad tar and bad formula the government gave to all cities on how tar should be put together and what the City used years ago. He stated it had nothing to do with retaining wall and should come out

of City funds and not out of a separate fund the taxpayers are charged for. Its diluting what we are doing here. We asked them for money to pay for bad tar on roads, and now it's for retaining walls; what will be next? Getting confused why we are doing this; can't support it

Council Member B. Mata stated that was why he voted no for the franchise fees because there was language in there that said sidewalks and things and was supposed to be only for street reconstruction. He stated when it came to the Council, it said road reconstruction, sidewalks and other things and he voted no for it. He stated he would be voting no for it tonight and was not what that money was supposed to be used for. He stated the wall was done way before the franchise fees and asked why they had to use the fund to replace the retaining wall. He stated there should be other funds available for it and wouldn't be supporting it.

4.3 MOTION LUNDE, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-114 TO AUTHORIZE ENTERING INTO AN AGREEMENT WITH BOLTON AND MENK, INC. FOR PRELIMINARY AND CONSTRUCTION SURVEYING SERVICES FOR CIP 4003-19 STREET RECONSTRUCTION PROJECT, CIP 2003-18 BOONE AVENUE RESERVOIR PARKING LOT REPAIR AND JEFFERSON HIGHWAY RETAINING WALL REPAIR. MOTION PASSED. (5 TO 2) COUNCIL MEMBERS BOB MATA AND MARK MATA VOTED NO.

Council Member M. Mata stated the staff report said the City was going to create and put a liaison officer at Champlin High School, which was Anoka district 11. He stated a year ago he would not support things that benefited Anoka District 11 because they had not hooked up to city water. He stated the agreement back in the day was for them to hook up to city water since their entire property was in the city, which meant the City did not receive taxes for that parcel of land and water was still being hooked up to Champlin. He stated Champlin was benefitting from the volume of water that was used and felt it was something they needed to do when they redid the parking lot because the hook up was there. He stated they did that a year ago and was still not hooked up to the city's water. He stated he would not support the Council doing something for them when they had not come back to support the city's residents and all they had done was be a tax burden for the residents.

4.6 MOTION LUNDE, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-115 APPROVING THE CONTRACT WITH THE ANOKA-HENNEPIN SCHOOL DISTRICT #11 FOR THE 2018-2019 SCHOOL YEAR TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES TO CHAMPLIN PARK HIGH SCHOOL AND PREVENTION PROGRAM INSTRUCTION TO OXBOW CREEK ELEMENTARY SCHOOL AND MONROE ELEMENTARY SCHOOL.

City Engineer Jesse Struve stated they had ongoing discussions with Anoka District 11 and were planning to connect in the city's water and sewer system in 2018. He stated they were going to tie those connections in with some building expansion they were planning. He stated that building expansion project was delayed and did not happen in the summer of 2018. He stated he had seen plans for their expansions in 2019 and one of the requirements was for them to connect to sanitary sewer and water system as a condition of getting that permit and did have it planned for and moving forward in 2019.

4.6 THE MOTION PASSED. (6 TO 1) COUNCIL MEMBER MARK MATA VOTED NO.

5.1 Economic Development Specialist Erika Byrd briefed the Council on the Public Hearing on Modifying the Development Program for Development District No. 1, Establishing Tax Increment Financing District No. 1-26 Therein and Adopting a Tax Increment Financing Plan Therefor, and Approving a Contract for Private Development Between the Brooklyn Park Economic Development Authority and Scannell Properties #321, LLC for Development of the Property at 9200 75th Avenue North and Approving a Business Subsidy.

5.1 Mayor Lunde opened the public hearing to consider Public Hearing on Modifying the Development Program for Development District No. 1, Establishing Tax Increment Financing District No. 1-26 Therein and Adopting a Tax Increment Financing Plan Therefor, and Approving a Contract for Private Development Between the Brooklyn Park Economic Development Authority and Scannell Properties #321, LLC for Development of the Property at 9200 75th Avenue North and Approving a Business Subsidy.

The following individuals addressed the Council – None.

5.1 Mayor Lunde closed the public hearing and returned the item back to the table for consideration.

Erika Byrd, Economic Development Specialist, presented to Council on the proposed hearing on modifying the development program for developing district No 1, establishing tax increment financing district number 1-26.

5.1 MOTION LUNDE, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2018-116 MODIFYING THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 1 AND ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 1-26 THEREIN AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR.

Council Member M. Mata stated he would be voting no due to the fact that the City was giving concessions in tax dollars and TIF money to pay a business to correct soil remediations on a property they owned. He stated that as a business owner and business property owner in the city, they could pay that themselves and not come to the taxpayers for the money.

5.1 THE MOTION PASSED. (6 TO 1) COUNCIL MEMBER MARK MATA VOTED NO.

5.1 MOTION JACOBSON, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-117 APPROVING A CONTRACT FOR PRIVATE DEVELOPMENT BETWEEN THE BROOKLYN PARK ECONOMIC DEVELOPMENT AUTHORITY AND SCANELL PROPERTIES #321, LLC FOR DEVELOPMENT OF THE PROPERTY AT 9200 75TH AVENUE NORTH AND APPROVING A BUSINESS SUBSIDY. MOTION PASSED. (6 TO 1). COUNCIL MEMBER MARK MATA VOTED NO.

5.2 City Engineer Jesse Struve briefed the Council on the Public Hearing for Vacation of Drainage and Utility Easements on Lots 1 and 2, Block 2, Brookside of Edinburgh.

5.2 The Mayor opened the public hearing to consider the Vacation of Drainage and Utility Easements on Lots 1 and 2, Block 2, Brookside of Edinburgh.

5.2 The following individuals addressed the Council – None.

5.2 Mayor Lunde closed the public hearing and returned the item back to the table for consideration.

5.2 MOTION PARKS, SECOND B. MATA TO WAIVE THE READING AND ADOPT RESOLUTION #2018-118 VACATING DRAINAGE AND UTILITY EASEMENTS ON LOTS 1 AND 2, BLOCK 2, BROOKSIDE OF EDINBURGH. MOTION PASSED UNANIMOUSLY.

6.1 Planning Director Cindy Sherman briefed the Council on the GameFace Training and Camps (Mr. Deventri Jordan) – Conditional Use Permit #18-114 to Relocate Athletic Training Facility to 7035 Winnetka Avenue North.

6.1 MOTION M. MATA, SECOND B. MATA TO WAIVE THE READING AND ADOPT RESOLUTION #2018-119 APPROVING A CONDITIONAL USE PERMIT FOR A COMMERCIAL INDOOR RECREATION FACILITY OVER 2,450 SQUARE FEET AT 7035 WINNETKA AVENUE NORTH. MOTION PASSED UNANIMOUSLY.

6.2 Planning Director Sherman briefed the Council on the Border States Industries Inc. – Conditional Use Permit Amendment #18-115 to Expand the Fence on the Property for Outside Storage Purposes at 9100 Wyoming Avenue North, Suite 550.

6.2 MOTION M. MATA, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-120 APPROVING AMENDMENT TO CONDITIONAL USE PERMIT #15-115 TO INCREASE SCREENED OUTDOOR STORAGE AT 9100 WYOMING AVENUE NORTH. MOTION PASSED UNANIMOUSLY.

7.2 Mayor Lunde briefed on the appointments to Commissions:

7.1 MOTION LUNDE, SECOND JACOBSON TO APPOINT DEVALE HODGE TO THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2021. MOTION PASSED UNANIMOUSLY.

7.1 MOTION LUNDE, SECOND GATES TO APPOINT YORDANOS KIFLU-MARTIN TO THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2019. MOTION PASSED UNANIMOUSLY.

7.1 MOTION LUNDE, SECOND GATES TO CHANGE KATHY FRASER'S APPOINTMENT TO THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION TO REPRESENT THE CENTRAL DISTRICT (RESIDING DISTRICT) EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2019. MOTION PASSED UNANIMOUSLY.

7.1 MOTION LUNDE, SECOND GATES, TO APPOINT NAUSHEENA HUSSAIN TO THE HUMAN RIGHTS COMMISSION REPRESENTING THE EAST DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2020. MOTION PASSED UNANIMOUSLY.

7.1 MOTION LUNDE, SECOND GATES TO APPOINT MARY PARGO TO THE HUMAN RIGHTS COMMISSION REPRESENTING THE CENTRAL DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2019. MOTION PASSED UNANIMOUSLY.

7.1 MOTION LUNDE, SECOND GATES TO APPOINT RAFITO THOMAS TO THE RECREATION AND PARKS ADVISORY COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2019. MOTION PASSED UNANIMOUSLY.

7.1 MOTION LUNDE, SECOND GATES TO CHANGE KIMBERLY CARPENTER'S APPOINTMENT TO THE RECREATION AND PARKS ADVISORY COMMISSION TO REPRESENT THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2019. MOTION PASSED UNANIMOUSLY.

7.1 MOTION LUNDE, SECOND GATES TO CHANGE CINDI MATTHEW'S APPOINTMENT TO THE RECREATION AND PARKS ADVISORY COMMISSION TO REPRESENT THE CENTRAL DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2019. MOTION PASSED UNANIMOUSLY.

7.2 Keith Jullie and Mark Bruley briefed on the Peddler/Solicitor Ordinance Amendment.

7.2 MOTION JACOBSON, SECOND GATES TO WAIVE THE READING AND ADOPT ON THE SECOND READING ORDINANCE #2018-1235 AMENDING CHAPTER 119 OF THE BROOKLYN PARK CITY CODE PERTAINING TO PEDDLERS AND SOLICITORS. MOTION PASSED UNANIMOUSLY.

7.2 MOTION JACOBSON, SECOND GATES TO APPROVE THE TEXT OF THE SUMMARY OF ORDINANCE #2018-1235 DETERMINING THAT IT CLEARLY INFORMS THE PUBLIC OF THE INTENT AND EFFECT OF THE ORDINANCE. MOTION PASSED UNANIMOUSLY.

7.3 Keith Jullie briefed on the Resolution Amending Fee Resolution #2000-202 Adopting a Schedule of Fees for Peddlers/Solicitors for the City of Brooklyn Park, Minnesota.

7.3 MOTION PHA, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-121 AMENDING FEE RESOLUTION #2000-202 ADOPTING A SCHEDULE OF FEES AND CHARGES FOR PEDDLERS/SOLICITORS FOR THE CITY OF BROOKLYN PARK, MINNESOTA. MOTION PASSED UNANIMOUSLY.

7.4 Finance Director LaTonia Green briefed the Council on the Award the City Insurance Programs for Contract Year 2018-2019 to the League of Minnesota Cities Insurance Trust.

7.4 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-124 TO AWARD THE CITY INSURANCE PROGRAMS FOR CONTRACT YEAR 2018-2019 TO THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST. MOTION PASSED UNANIMOUSLY.

8.1 Community Engagement Manager Josie Shardlow briefed on the Community Events Partnership Policy. She briefed on the following: Background on city partnerships, Goals for

Community Events Policy, Summary of Community Feedback, Changes to the Draft Policy, and Key Questions.

The following individuals addressed the Council:

1. James Driste, 5219 107th Avenue North. Lion member for 18 years. Stated the Lions Club provided for the community. If they did have a facility it would cost them money and there would be less money to be donate. They were asking to be fair and felt the policy was fair and should be for every organization. They supported several programs in the city and were still active programs. The Lions Quest in Brooklyn Middle School and Dance and Dance line. He stated if they had to provide rent, it would run into what they could give to the community. He stated they did support the policy and was fair for all groups and existing groups that lived in the community.
2. John Gurley, Lions Drumline Coordinator, stated they participated at the Minneapolis Aquatennial for the last six years. He stated in 2016, they won the Overall Excellent Extraordinary Award for outstanding performances and won in 2018. He stated the youth in the city were proud to represent Brooklyn Park.
3. Brenda Reeves, Lions member, stated they believed in in community involvement and if they were charged rent, the Council would be discouraging community involvement.

Mayor Lunde stated the policy allowed them to say “no.” He stated they wanted to support established groups, but not necessarily be grandfathered in. He stated he didn’t want to call it a tiered system, but it was a tiered system, and wanted everyone to have the opportunity, and once they got to know them, then they could do more and more.

He stated they wouldn’t take one step ahead of another group, as the City wanted to grow with them. He stated he didn’t mind the fundraisers and didn’t want to get into the galas business. He stated different organizations would do it and was okay with it. He stated some were better at raising money, i.e., Liberian Independence where they did very well. He stated he liked what he read and had been done. He stated he wanted to find ways to say yes to people, but needed to be mindful to say no and would have to document why they said yes or no. He stated the fundraiser and galas he would go to, and were okay with him.

Council Member Pha stated they wanted to increase the partnership ability with community members and organizations in the community and wanted to look at the policy to make sure it was clear, consistent and transparent. She stated the policy was good to have in place.

She stated the Community Center should be a Community Center and was great that it generated revenue, but thought they could do both. She stated they could generate revenue and give space out to the community to use. She stated that \$50,000 per year in revenue per year, they spent more than that on community outreach. She asked why not partner with partners in the community to give them space. She believed the space should be something given out to organizations that were looking to partner with the City with common goals. She stated the Lions Club did great things and donated money, but other organizations didn’t do that, but they did community work for the City that benefited the residents and reached the City’s common goals. She stated the deciding factor shouldn’t be about donating money, they were a non-profit that was doing work in the City and their funds for the operations or services were a benefit to the residents. She stated that if they were giving to the community, that was enough and should empower them. She stated the biggest struggle for non-profits was space.

They provide services, engaged the community and fundraised and should give the space out during the non-wedding season and the days it was not filled. She stated she wanted to see those things changed.

Council Member Jacobson stated clarity was critical, transparency and consistency were equally important. She stated she supported fundraisers and one of the suggestions was to add the 501c3 stipulation language. She stated if they had a 501c3, they would qualify for a waiver for the fees. To get a tax write off it must be to a 501c3. She stated that at the CAC it was a revenue generating facility and asked for what purpose. To pay for their building or for something for the City to make money on the back of the groups. She stated she didn't understand it and asked the City Manager or Community Engagement Manager Shardlow about it.

City Manager Stroebel stated at the CAC historically there had been interest in covering the cost and some revenue expectations there. He stated that any time there was an event there, employees cleaned up the event, and was why they were having the discussions because those philosophies could change. He stated there were some great points made, staff could clearly accommodate the choices the City Council had made and come back after a year and see what made the most sense going forward.

Council Member Jacobson asked if an organization wanted to use the space that did not benefit the city but for their own benefit, could the City charge for those hard costs for the janitorial and staff.

Community Engagement Manager Shardlow stated she talked to Recreation and Parks Facilities Manager Tullberg about how other cities did it. She stated they limited the fundraisers and would charge the hard costs but had the opportunity to use the space without the taxpayers subsidizing but the City had the benefit.

Council Member Jacobson stated she was not a fan of "grandfathering," but the groups the City had known over the years, they did the fundraisers and it went back to the community. She stated it was wrong to go back to everyone and reset to "zero." She stated it was getting to know an organization, then partnering with them and giving them a chance to use the space. She stated she was not okay with the reset. She stated the City needed to acknowledge its long-standing relationships with organizations, and they knew what they did and she stood by it.

Council Member M. Mata stated the long history of the Lions Club organization was that they did so much and didn't keep anything. He stated their unselfish acts couldn't be matched and would never be matched. He stated the bar had been set, and asking to charge the Lions Club \$250 for an event. He stated he would vote to give that back until he could find another organization that matched their unselfishness. He stated those were the reasons why he saw there was a difference between different levels. He stated that if everyone could come forward with numbers and they were giving back to the community, then everyone had the opportunity. If they were brand new and wanted what the Lion's had, they were not going to do that.

Council Member Parks stated he agreed with what had been said by everyone. He stated he was a Lion, Legion, Elk, and VFW member. They were the community and the CAC was for the community. He gave examples of what the Lions Club did for the community. He stated he didn't know how they could pick and choose what groups did and didn't think they should be

charging a fee for what those groups (Lion, Legion, Elk, VFW etc.) He stated the language needed more work.

Mayor Lunde agreed with Council Member Pha, if they were going to bend it, then they should give more space than less. He gave examples of the groups he met with: OLM study Group, Village Creek group, Sierra Leone Associations and Minnesota Institute for Nature and Development.

He stated he mentioned them because there were groups that might never show up to the fire fighters with a big check but were doing quiet things and supported them and to look at the \$50,000 this fall. He stated if they could find a place for that, he just wanted everyone to know ideas they would never see the dollars show up but they were doing good things.

Council Member B. Mata stated the document was a one fit all, but they couldn't do that. He stated with the Lions Club, nothing was destroyed, and staff wouldn't do any of the work, but if they did it for smaller groups, used the staff, clean up the floors etc., now they had staff time involved. If a group came in and had a deposit, they could get their money back if its cleaned up and taken care of. He stated they didn't need to charge the Lions, because they knew it would be good but not everyone had the history with the City and needed to collect a deposit. He stated that after some history then forgo the deposit. He stated the language needed some work too.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Lunde thanked the Council for approving his trip to Cities United conference Knoxville, Tennessee. He stated that he along with staff that attended would present something at a future meeting on what they did and what was coming next. He stated the City was highlighted a few times during the conference.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated that on Wednesdays through September, the farmers market was being held from 2 to 6 p.m. at the Zane Sports Park. He stated that on Wednesday from 5 to 7 p.m. there was a Highway 169/101st Avenue interchange meeting with the landowners in the Council Chambers.

He stated that City Hall would be closed for Labor Day.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 9:29 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, September 24, 2018
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Rich Gates, Susan Pha, Terry Parks, Bob Mata and Lisa Jacobson; Acting City Manager Wokie Freeman-Gbogba; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Deputy Police Chief Mark Bruley and City Clerk Devin Montero.

ABSENT: Mark Mata (excused)

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

Acting City Manager Wokie Freeman-Gbogba stated at the last meeting, Ms. Czek spoke about the police embedded mental health providers and gave information to the City and passed it on to the police chief. She stated they were looking into the recommendations she gave.

2B PUBLIC COMMENT – None.

3A. MOTION GATES, SECOND JACOBSON TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH ITEM 4.6 PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. MOTION PASSED UNANIMOUSLY.

3B. PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B1 Proclamation Declaring October 2018 as “Domestic Violence Awareness Month” in Brooklyn Park.

3B1 Mayor Lunde read a proclamation declaring October 2018 as “Domestic Violence Awareness Month” in Brooklyn Park.

4.0 MOTION GATES, SECOND PARKS TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS: (item 4.6 was removed for separate discussion.)

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-127 CANCELING B3126 GENERAL OBLIGATION BONDS, SERIES 2016A IN THE AMOUNT OF \$454,237 FOR PAYABLE 2019.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-128 TO AWARD THE BID FOR THE 2018 REHABILITATION OF BITUMINOUS TRAILS PROJECT TO ASPHALT & CONCRETE, INC. (ACI).

4.3 TO RELEASE THE CASH BOND (\$6,800) AND THE ENGINEERING ESCROW (\$4,000) FOR SATISFACTORY COMPLETION OF THE “SENTINEL PRODUCTS BUILDING ADDITION” PROJECT #17-002 LOCATED AT 8901 WYOMING AVENUE N

FOR RJ MARCO CONSTRUCTION.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-129 TO APPROVE CHANGE ORDER NO. 1 TO PIPE SERVICES CORPORATION FOR ADDITIONAL SEWER CLEANING AND TELEVISIONING.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-130 TO APPROVE CHANGE ORDER NO. 1 FOR THE 2017 STREET BITUMINOUS OVERLAY PROJECT.

4.7 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JANUARY 22, 2018, AS PRESENTED BY THE CITY CLERK.

4.7 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF FEBRUARY 5, 2018, AS PRESENTED BY THE CITY CLERK.

4.7 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF AUGUST 6, 2018, AS PRESENTED BY THE CITY CLERK.

4.7 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF AUGUST 17, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION PASSED UNANIMOUSLY.

Council Member Jacobson stated she pulled the item to let the resident to know that the Council was making moves on 93rd Avenue to improve the situation.

4.6 MOTION JACOBSON, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2018-131 APPROVING NO PARKING PROHIBITION ALONG BOTH SIDES OF 93RD AVENUE NORTH BETWEEN REGENT AVENUE AND NOBLE PARKWAY. MOTION PASSED UNANIMOUSLY.

6.1 Planning Director Cindy Sherman briefed the Council on the River View West Addition – Preliminary Plat of “River View West Addition” Subdividing 0.55 Acres into two Single-Family Lots at 9203 West River Road with Variances to Minimum Lot Areas.

6.1 MOTION PARKS, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2018-132 APPROVING PRELIMINARY PLAT OF “RIVER VIEW WEST ADDITION” SUBDIVIDING 0.55 ACRES INTO TWO SINGLE-FAMILY LOTS AT 9203 WEST RIVER ROAD WITH VARIANCES TO MINIMUM LOT AREAS. MOTION PASSED UNANIMOUSLY.

6.2 Planning Director Cindy Sherman briefed the Council on the Suite Living (Hampton Companies/Dignicare) – Conditional Use Permit #18-118 for the Construction of a 32-Unit Senior Assisted Living and Memory Care Facility at 8500 Regent Avenue North.

6.2 MOTION GATES, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-133 APPROVING A CONDITIONAL USE PERMIT FOR A 32-UNIT SENIOR ASSISTED LIVING AND MEMORY CARE FACILITY AT 8500 REGENT AVENUE NORTH. MOTION PASSED UNANIMOUSLY.

7.1 Finance Director LaTonia Green briefed the Council on the Preliminary 2019 Property Tax Levies and Preliminary 2019 General Fund and Debt Service Funds Budgets.

Council Member B. Mata stated if they passed the budget that was exactly the same in 2019 as it was 2018, they would still have \$800,000 surplus if they did everything the same and if everything was done right to keep costs down and tried to get grants. He stated to have a \$2.8 million surplus, meant they over budgeted by almost \$3 million for that year. He stated he had been on the budget cycle six times and had seen the same thing happen every year. Asking for the maximum they could get instead of taking the maximum cut to get it down where it should be. He stated the cuts were minimal and asked for \$2 million to start with and be happy with \$1.8 million because they made a \$200,000 cut. He stated if that was what it was going to be again, he would again vote no for the budget. He stated he had been trying to get the budget down for six years, trying to get it under control and not have a \$3 million excess in the budget. He stated the residents should keep the money in their pockets for once with costs going up. He stated the city-based taxes on the value of their homes and if the home went up by 5, 7 or 10 percent, it only meant something to the person selling their house. He stated every year their taxes went up and not just from the city, it comes from the county and school district too. He stated he wanted to keep the budget as low as they could and wouldn't approve the maximum increase for a starting point. He stated he would like to see it cut in half and from that point Council could cut from there. He stated he wanted staff to tell Council how they could make cuts and save money. He stated they did several things last year to save money and didn't need that \$3 million extra but needed to do it every year and not just one year. He stated he wouldn't be in favor of the budget because it was too high, was a burden on residents and had many that were on fixed incomes and was too much to ask them to pay.

7.1 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-134 APPROVING THE 2019 PRELIMINARY GENERAL AND DEBT SERVICE FUNDS BUDGETS. MOTION PASSED. (5 TO 1) B. MATA VOTED NO.

7.1 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-135 ADOPTING THE PRELIMINARY 2019 GENERAL AND DEBT SERVICE FUNDS NET PROPERTY TAX LEVIES AND CERTIFYING THEM TO HENNEPIN COUNTY. MOTION PASSED. (5 TO 1) B. MATA VOTED NO.

7.1 MOTION LUNDE, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-136 ADOPTING A PRELIMINARY SPECIAL BENEFIT HRA TAX LEVY AND A PRELIMINARY EDA CITY TAX LEVY FOR THE PURPOSE OF DEFRAYING THE COSTS INCURRED BY THE BROOKLYN PARK ECONOMIC DEVELOPMENT AUTHORITY UNDER ITS HOUSING AND REDEVELOPMENT POWERS FOR THE YEAR 2019, CERTIFYING THEM TO HENNEPIN COUNTY. MOTION PASSED. (5 TO 1) B. MATA VOTED NO.

7.2 Finance Director LaTonia Green briefed the Council on the Resolution for Allocating the 2017 General Fund Budget Surplus.

7.2 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-137 ALLOCATING THE 2017 GENERAL FUND BUDGET SURPLUS. MOTION PASSED UNANIMOUSLY.

7.3 Fire Chief John Cunningham briefed the Council on the Engagement Agreement with Fitch and Associates for the Development of a Fire Department Strategic Plan for the Brooklyn Park Fire Department.

7.3 MOTION JACOBSON, SECOND GATES TO APPROVE AN ENGAGEMENT AGREEMENT WITH FITCH AND ASSOCIATES, LLC FOR THE DEVELOPMENT OF A FIRE DEPARTMENT STRATEGIC PLAN FOR THE CITY OF BROOKLYN PARK. MOTION PASSED UNANIMOUSLY.

8.1 City Engineer Jesse Struve briefed the Council on the Proposed Noise Walls along Brooklyn Boulevard.

8.1 MOTION B. MATA, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-138 OPPOSING THE INSTALLATION OF PROPOSED NOISE WALLS ALONG BROOKLYN BOULEVARD (CSAH 130) FROM BOTTINEAU BOULEVARD (CSAH 81) TO THE SIGNALIZED ACCESS EAST OF JOLLY LANE; CIP 4032-19. MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Lunde stated a number of people asked about the status of project Hot Dish. He stated that on Wednesday, September 26, the Planning Commission would have a public hearing and discussion about the project. He stated it would be presented to the public and there would be public comment taken at that time. He stated that on October 1 at the Council Work Session, they would have a discussion on it and would not be public discussion or take public input. He stated it was work session and people could certainly come and watch but would not take input. He stated that on October 8, the Council would have the public hearing on the proposed project and public discussion. He stated the rules for the public hearing would be the same as the Planning Commission on September 26 and October 8 to be consistent because they expected people from out of town to testify. He stated people could always talk to the Council or the Mayor if they had questions. He stated that after Wednesday's meeting, if people wanted the latest presentation, they should watch the video and it would be available by that Thursday. He thought everyone would have a greater understanding of the history and what was actually in the project and not just what was being said on Facebook.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

Acting City Manager Freeman-Gbogba stated that on Thursday, September 27, from 6 to 8 p.m. there would be the Brooklyn Park Community Assembly meeting and would focus on putting neighborhood assets into action. She stated that Saturday, September 29, was a curbside clean-up for the West District and also was an Open House for the Operations and Maintenance Facility at 8300 Noble Avenue from 9 a.m. to 12 p.m.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 9:02 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, July 22, 2019
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Tonja West-Hafner, Susan Pha, Terry Parks, and Wynfred Russell; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Deputy Police Chief Todd Milburn and City Clerk Devin Montero.

ABSENT: Council Members Mark Mata (excused) and Lisa Jacobson (excused)

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated a resident addressed the Council with concerns along 93rd Avenue relating to the sidewalks, speeding, racing and the new developments calling for improvements to the road.

2B PUBLIC COMMENT – None.

3A. MOTION LUNDE, SECOND WEST-HAFNER TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH REMOVAL OF ITEMS 3B6 AND 4.5. MOTION PASSED UNANIMOUSLY.

3B. PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.1 Accept the Step To It Challenge – Most Active Community Award

Michelle Margo, Recreation and Parks, briefed the Council on the Step To It Challenge. She introduced Neelam Naik who was a top participant in the challenge, and Dian Blades, Hennepin County Public Health Promotion, and she briefed the Council and presented the award.

3B.2 Proclamation Declaring August 3 – August 10, 2019 as Oromo Week in the City of Brooklyn Park.

Mayor Lunde read the proclamation declaring August 3-10, 2019 as Oromo Week in the City of Brooklyn Park.

3B.3 Proclamation Proclaiming July 22 through 27, 2019 as Liberian Independence Week.

Mayor Lunde read the proclamation proclaiming July 22 through 27, 2019 as Liberian Independence Week in the City of Brooklyn Park.

3B.4 Park and Recreation Month Proclamation.

Mayor Lunde proclaimed July 2019 to be observed as Park and Recreation month in the City of Brooklyn Park.

3B.5 Mayor's Proclamation of August 6, 2019 as National Night Out in the City of Brooklyn Park.

Mayor Lunde introduced Crime Prevention Specialist Kim Czapar and she briefed the Council on the National Night Out activities.

Mayor Lunde read the proclamation proclaiming August 6, 2019 as National Night Out in the City of Brooklyn Park.

4.0 MOTION WEST-HAFNER, SECOND RUSSELL TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS:

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-120 APPROVING PROFESSIONAL SERVICE AGREEMENT WITH WSB CONSULTANTS FOR DESIGN DEVELOPMENT AND CONSTRUCTION BID DOCUMENTS FOR RIVER PARK REDEVELOPMENT PLAN.

4.2 TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE BROOKLYN PARK LIONS BEER TENT AT HY-VEE CAR SHOW AND PORK ROAST TO BE HELD AUGUST 9, 2019 AT 9409 ZANE AVENUE NORTH.

4.3 TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE CHURCH OF ST. VINCENT DE PAUL FOR THEIR HARVEST FEST TO BE HELD SEPTEMBER 15, 2019 AT 9100 93RD AVENUE NORTH.

4.4 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF MAY 29, 2018, AS PRESENTED BY THE CITY CLERK.

4.4 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF OCTOBER 22, 2018, AS PRESENTED BY THE CITY CLERK.

4.4 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JUNE 24, 2019, AS PRESENTED BY THE CITY CLERK.

4.4 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JULY 8, 2019, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR ST. GERARD'S CHURCH FOR THEIR CORN FEST TO BE HELD AUGUST 9-10, 2019 AT 9600 REGENT AVENUE NORTH.

MOTION PASSED UNANIMOUSLY.

5.1 Business Development Coordinator Daniela Lorenz briefed the Council on the Public Hearing Authorizing the Submittal of an Application to the Minnesota Department of

Employment and Economic Development for a Grant under the Minnesota Investment Fund Program.

5.1 Mayor Lunde opened the public hearing to consider Authorizing the Submittal of an Application to the Minnesota Department of Employment and Economic Development for a Grant under the Minnesota Investment Fund Program.

5.1 The following individuals addressed the Council – None.

5.1 Mayor Lunde closed the public hearing and returned the item back to the table for consideration.

5.1 MOTION PARKS, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-121 AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR A GRANT UNDER THE MINNESOTA INVESTMENT FUND PROGRAM. MOTION PASSED UNANIMOUSLY.

5.2 Rental and Business Licensing Manager Keith Jullie briefed the Council on the Off-Sale Intoxicating Liquor License for D&A Maikkula Corporation dba Pixie Liquor, 1512 Brookdale Drive North, Brooklyn Park.

5.2 Mayor Lunde opened the public hearing to consider the Off-Sale Intoxicating Liquor License for D&A Maikkula Corporation dba Pixie Liquor, 1512 Brookdale Drive North, Brooklyn Park.

5.2 The following individuals addressed the Council – None.

5.2 Mayor Lunde closed the public hearing and returned the item back to the table for consideration.

5.2 MOTION LUNDE, SECOND RUSSELL TO APPROVE AN OFF-SALE INTOXICATING LIQUOR LICENSE FOR D&A MAIKKULA CORPORATION DBA PIXIE LIQUOR, 1512 BROOKDALE DRIVE NORTH, BROOKLYN PARK. MOTION PASSED UNANIMOUSLY.

6.1 Planning Director Cindy Sherman briefed the Council on “Edinburgh Plaza” (Landform Professional Services, LLC, Kevin Shay) – Plat #19-112 to Subdivide Existing Edinburgh Plaza into Two Lots: One for McDonalds and One for the Multi-Tenant Retail Building at 1400 through 1480 85th Avenue North.

6.1 MOTION RUSSELL, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-122 APPROVING PRELIMINARY AND FINAL PLAT OF “EDINBURGH PLAZA” SUBDIVIDING 3.82 ACRES INTO TWO BUSINESS LOTS NORTHEAST OF 85TH AVENUE AND HIGHWAY 252. MOTION PASSED UNANIMOUSLY.

6.1 MOTION RUSSELL, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-123 APPROVING RESOLUTION ASSIGNING AND REMOVING CONDITIONAL USE PERMITS PREVIOUSLY RECORDED IN THE PLAT OF “EDINBURGH PLAZA.” MOTION PASSED UNANIMOUSLY.

6.2 Planning Director Cindy Sherman briefed the Council on APC Towers III, LLC – Conditional Use Permit #19-113 to Allow a 125-foot Bell Tower to Support up to Three Wireless Service Providers including T-Mobile at 5840 69th Avenue North.

6.2 MOTION LUNDE, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-124 APPROVING A CONDITIONAL USE PERMIT FOR A COMMUNICATIONS TOWER AT 5840 69TH AVENUE NORTH. MOTION PASSED UNANIMOUSLY.

6.3 Planning Director Cindy Sherman briefed the Council on “Pemberly” (Pulte Homes) – Conditional Use Permit, Amended Development Plan, and Preliminary Plat #19-114 for a 105-Unit Residential Townhome Development Northwest of 93rd and Regent Avenues.

The following individual addressed the Council:

1. Collette Guyott-Hempel, 9277 Trinity Gardens. She stated her concerns were making consistent the garage sizes throughout city so they did not keep changing. She stated regular houses were 480 and 450 and add on 120 if no crawl space and some were 600. She stated project was 403 and another size lower. She asked that if the Council made it townhomes that were supposed to be owner occupied, to have a 10% limit for rental licenses. She stated they could grandfather locations of townhomes that had more rentals by when they were sold or when the licensed lapsed to get to that to 10%. She stated with 300 rental units as well as 6 from Oak Park and Oak Grove Parkway, it was important to make sure it didn't become an addition to the Zane corridor because they were scheduled for the same school. She stated that on the bike path, she didn't understand why it couldn't come off from the other bike path that went onto 94th as an emergency roadway. She stated Regent Parkway was 45 mph over the bridge and effectively was a blind spot. She stated they had semitrucks turning from 93rd Avenue to go up on the steep incline and was 145 feet between 93rd Avenue and where that came in at. With bikes riding they would go in front and her concern was they would get hit if they came out on 94th Avenue. She stated that with the Planning Commission's ideas of finishing off 93rd they would use the same crosswalk, be a lot safer. She stated Regent Parkway was also the emergency vehicle primary short cut from fire station to the north station.

Council Member Pha stated the development had one entrance and one exit and asked to what point and how many units would be needed before they required two entrance points.

Planning Director Sherman stated there was not a number and had to do more with the restrictions of the site. She stated they didn't want another access out on to 93rd Avenue and didn't want too many on 94th because they were balancing it with what was happening across the street and they offset it a little bit from that driveway. She stated they didn't want to get close to the intersection of 93rd and 94th and that was how they ended up with one. She stated they asked them to do an analysis for that and was why they ended up with the emergency access just in case they needed a secondary location. She stated that with 105 units it was a low volume residential use.

Council Member Parks stated he went over the site today and did a walkaround. He stated where the bike path was coming through it was basically at the bottom of the hill over Regent.

He stated he was concerned with speeds on Regent coming over hill and was not sure there was enough clearance for that bike to get out of the way. He stated on the other side there was not much room from the corner to the bike path and wondered if they could move it.

Planning Director Sherman stated what she would like to do was take some time with the Operations and Maintenance Department and go out and look at it. If they felt there was something they could do that created some sort of a barrier to stop people from thinking they could do that or look at some way to make it more clear that it was not intended to be a connection out to Regent, she thought they could do that in some sort of design way.

Council Member Parks stated that when staff checked on that path, he would be interested to hear about the outcome.

Mayor Lunde stated he preferred not to have the bike path go to the corner. He stated there was a path on both sides of Regent Avenue and went over the bridge, and went on the other side. He stated that if it was at the corner, if people wanted to cross the bridge they were going to cut up the hill and do it anyway. He stated he didn't believe it was a blind path and was not a short bridge and people were aware of it. He stated if Operations and Maintenance had ideas making sure that people didn't just cut across to let the council know.

Planning Director Sherman stated they would look at it and it might be that they wanted to make that connection the emergency connection. She stated if and when 93rd Avenue got upgraded, there would be a trail along 93rd Avenue and might be that it became the connection and they didn't have an internal one. She stated they would look at all of those things. She stated if it was okay with the Council, if they determined that wasn't a safe location they would eliminate it from the plan. If they could figure out a way to make it feel safe or work better, they would include it in the plan.

Mayor Lunde stated he would support the project but his concern was that it was not commercial industrial. He stated when they talked about taxpayers, they talked about trying to balance it out and sheltering the ups and downs of residential and was much more steep. He stated he remembered at the ground breaking for the new Ryan company building, Prairie Care and the Vice President said if they would have known that Prairie Care was going to take the whole building they would have built it bigger and that worried him. He stated the City had one more spot and he would guard it. He stated TH610 was more valuable for commercial. He stated he understood the switch on the west side of Zane, which meant he would also guard the west side of Zane and had no support for residential west of it because if they were making that switch it was one of the things to get maximum value out of it.

He stated that after talking to Council Members asked staff if they could add the dollar amount for the developments. He stated it would be nice to know when people asked how much it was totally worth and it was important for residents to see what it was because when they moved from residential to commercial and back and forth those things had an effect.

He stated his concern on the proposed project was to understand how that affected the mix. He asked if it was possible to get an update on where they were because at one point the city had 1,200 acres free and thought it was 1,000 acres. He asked if they were still at the targets for what the City's goals were as far as mix. He stated he was also worried about settling.

Sometimes commercial became townhomes and to him seems that if someone couldn't develop commercial then it became a townhome complex.

Planning Director Sherman stated they would provide an update on the status of the land the City had, vacant land, and what they anticipated coming in based on the 2040 comprehensive plan and would use those numbers.

Mayor Lunde asked if there was a way to attach the tax valuation expectations to figure out per acre what a valuation might be when they moved things back and forth and was concerned that someday the next Council, when the city is fully developed, was going to have to deal with whatever the Council left the bar at.

Council Member West-Hafner suggested moving the emergency exit to the one that was there and take the trail connection out. She stated if people wanted to go over to the park they had to go out and go around and were not trying to climb the hill, and in case it's winter time have the other empty onto 94th Avenue. She asked if staff was going to look at it. She asked if Council voted tonight for it and staff decided the other one was safe, did staff have to bring it back to the Council.

Planning Director Sherman stated if Council didn't want that connection to tell staff so they didn't make that connection and that was easier than them having to do the analysis and trying to figure out if it worked or not.

Council Member West-Hafner stated that her suggestion was to take that trail connection out and create a different emergency access point. She asked about the storage, if someone had outdoor patio furniture if they were just going to leave the patio furniture outside in the winter time or park the car outside for it. She stated she was struggling with the garage size and liked to see more parking spots too.

Council Member Russell stated the trail connectivity was important to him and the city had a lot of the connectivity between all different trail systems and bikeways.

Planning Director Sherman stated that in the interim, it would not have a connection to Regent and would have a connection from 94th to 93rd and then to Regent if that was the direction people wanted to go. She stated that now there were pedestrian facilities and sidewalks on both sides and no trail but that was a 6-foot sidewalk on both sides of Regent and went up and over and connected to the trail on Oak Grove Parkway. She stated there was connectivity north/south but not west/east, and with 93rd Avenue unimproved, but in the future, it would be a connection on 93rd Avenue that would connect the proposed development to Regent.

She stated it was the decision for the Council to make when 93rd Avenue would be improved and had discussions whether it was 2020/2021 or beyond and was a budget discussion for the Council.

Mayor Lunde stated he would put the motion on the floor and didn't support moving the trail. He stated Council Member West-Hafner could make an amendment to the main motion.

6.3 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-125 AMENDING THE "ASTRA VILLAGE" DEVELOPMENT PLAN AND APPROVING

PRELIMINARY PLAT OF "PEMBERLY."

Mayor Lunde asked if they wanted remove the trail, would they make the amendment on the first motion or second.

Planning Director Sherman stated the second motion would be the appropriate action because that was approving the Conditional Use Permit on the site plan.

Mayor Lunde stated for the Council Members that might support the removal of the trail, he would make the motion on the second one and Council Members could amend it and see where it laid.

6.3. VOTE ON THE MAIN MOTION PASSED UNANIMOUSLY.

6.3 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-126 APPROVING CONDITIONAL USE PERMIT FOR "PEMBERLY," A 105-UNIT TOWNHOME DEVELOPMENT NORTHWEST OF 93RD AND REGENT AVENUES NORTH.

6.3 MOTION WEST-HAFNER, SECOND PARKS TO AMEND THE MOTION TO ADD A CONDITION TO REMOVE THE TRAIL CONNECTION AND REPLACE IT ON THE OTHER TRAIL THAT CONNECTS ONTO 94TH TO BE THE EMERGENCY EXIT.

Mayor Lunde asked the city attorney if the amendment to the motion required four votes since two Council Members were absent.

City Attorney Thomson stated the amendment only required the majority of those present and voting on it.

Mayor Lunde stated there was an amendment to the motion removing the trail and making that emergency connection at the secondary site.

Mayor Lunde asked for a roll call.

6.3 THE AMENDMENT TO THE MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS:
YES – PHA, WEST-HAFNER, PARKS; NO – RUSSELL, LUNDE

6.3 THE VOTE ON THE MAIN MOTION PASSED UNANIMOUSLY.

7.1 Finance Director LaTonia Green briefed the Council on Amorice I Limited Partnership Conduit Bond Issuance (Housing Revenue Bond).

7.1 MOTION WEST-HAFNER, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2019-127 AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF ITS MULTIFAMILY HOUSING REVENUE OBLIGATIONS RELATING TO THE AMORCE I LIMITED PARTNERSHIP PROJECT; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE OBLIGATIONS AND RELATED DOCUMENTS; PROVIDING FOR THE SECURITY, RIGHTS, AND REMEDIES WITH RESPECT TO THE OBLIGATIONS; AND GRANTING APPROVAL FOR CERTAIN OTHER ACTIONS WITH RESPECT THERETO. MOTION PASSED UNANIMOUSLY.

City Attorney Thomson departed the Chambers at 8:30 p.m.

7.2 Assistant City Manager Wokie Freeman-Gbogba briefed the Council on the Sister City relationships process and proposal.

City Attorney Thomson returned to the Chambers at 8:33 p.m.

7.2 MOTION RUSSELL, SECOND LUNDE TO ACCEPT THE PROCESS AND CRITERIA FOR SISTER CITY RELATIONSHIPS. MOTION PASSED UNANIMOUSLY.

The following individual addressed the Council:

1. Hassenan Mohammed addressed the Council. He stated it was an honor being selected by his community to ask if it would be a possibility to have a sister city with a city. He stated they had recently opened businesses in the city and there was going to be proposal in buying multimillion dollar land along TH610 by a group of Somali individuals soon. He stated they recently had presidential candidates have events in the city. He stated they were in the city and were proud of the community, proud of being in the city and were proud of having the sister city relationship. He stated that tonight in attendance was the Minister of Commerce, and State Representative Mohamud Noor, former Executive Director of the Confederation of the Somali community and Executive Director of the Somali community, and had friends of the Garawe, Somali community. He stated it was a great initiative and supposed to build friendship between them and the City, where they were looking at moving to. He stated the Mayor met with them and was an expectation of every Somali right now to look at the city area to see the growth in the community. He stated they were proud to be part of the initiative and knew there were other sister cities. He stated they were going to have a committee and going to have an active engagement with the city in terms of bringing new ideas and new events. He stated yesterday, the City of Minneapolis had a sister city event at Nicollet Island pavilion and had the Somali community there too. He stated there were dances and multiple foods and wanted to bring that to the City of Brooklyn Park. He stated they wanted to have a great potential tapping into multiple different racial groups in the city and that initiative was opening the door. He stated he hoped the new Council would move it forward and would have a standardized way of doing things and people would be proud of the city and move to the city forward with their friendship.

7.2 MOTION LUNDE, SECOND PHA TO APPROVE THE PROPOSAL AND DIRECT STAFF TO ESTABLISH A NEW SISTER CITY RELATIONSHIP WITH GAROWE, SOMALIA. MOTION PASSED UNANIMOUSLY.

6.3 City Attorney Thomson stated he made a mistake on the Conditional Use Permit resolution amendment. He thought the Charter said only the "final passage," but it doesn't use "final passage," it just said "all motions must have four votes." He stated his recommendation since all Council Members voted in favor of that resolution that anyone of them could make the motion to reconsider it. He recommended making a motion to reconsider it, pass it, redo the process and do it correctly.

6.3 MOTION LUNDE, SECOND PHA TO RECONSIDER WAIVE THE READING AND ADOPT RESOLUTION #2019 APPROVING CONDITIONAL USE PERMIT FOR "PEMBERLY," A 105-

UNIT TOWNHOME DEVELOPMENT NORTHWEST OF 93RD AND REGENT AVENUES NORTH. THE MOTION PASSED UNANIMOUSLY.

City Attorney Thomson recommended to remake the motion to get the item back on the table.

6.3 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-126 APPROVING CONDITIONAL USE PERMIT FOR "PEMBERLY," A 105-UNIT TOWNHOME DEVELOPMENT NORTHWEST OF 93RD AND REGENT AVENUES NORTH. THE MOTION PASSED UNANIMOUSLY.

6.3 MOTION WEST-HAFNER, SECOND PARKS TO AMEND THE MAIN MOTION TO REMOVE THAT TRAIL CONNECTION AND HAVE THE EMERGENCY CONNECTION BE ON THE OTHER TRAIL CONNECTION.

Mayor Lunde called for a roll call vote.

6.3 THE AMENDMENT TO THE MOTION FAILED ON A ROLL CALL VOTE AS FOLLOWS:
YES – WEST-HAFNER, PARKS, PHA; NO – RUSSELL, LUNDE.

City Attorney Thomson stated if there were not four votes in favor of the Conditional Use Permit because the amendment did not pass, suggested to table it rather than to deny it tonight and have to start the process all over again. He stated it would better to table it when they had full complement of the Council present to see if they had four affirmative votes to pass it. He didn't want the Council to take a risk of acting on it and having it denied.

Mayor Lunde stated he was okay with the main motion.

Council Member Parks stated he had no problem with the main motion. His only consideration was to look at that path to find out if that was where they should have it. He stated there was one map that showed that it looked like the trail going across the bridge. If someone considers it not to be a blind spot, he didn't want that path going across Regent Avenue. He stated he would vote for main motion and just wanted someone to take a look at that path to find out if that was the right spot to have it because to him it was dangerous.

Community Development Director Kim Berggren stated they would take a look at it another time to ensure that it was safe and see if there is a safer alternative, and if not, they would want to maintain that access as an option.

Council Member Pha agree with Council Member Parks and was okay with either one. She stated she trusted staff to look into it and make that decision; either way, she was okay with it.

Council Member West-Hafner stated she was on the same page and just thought it was going to end up being a difficult place to put a potential exit because the way that it went up at a steep angle. She stated she was not trying to take away access to anyone getting to a trail but just thought it would be safer to have it in a different place. She agreed with the motion as long as staff went back and reviewed it and made sure that was the right place to put it.

Mayor Lunde stated they were back to the main motion without referencing the trail and heard staff's commitment to taking a look at it and working with the developer.

6.3 THE VOTE ON MAIN MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS – None.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated he provided the Council a written copy and an email copy of the updated Travel Policy for the Council to review and if they had concerns about it to let him know.

Upcoming Events:

- City Hall on the Go, Thursday, at Oak Grove Park, 6:30 p.m.
- 172nd Liberian Independence Dinner/Ball Friday, Marriott; he forwarded an invitation to the Council.
- Monday, 3 p.m., Police Swearing In ceremony in the Council Chambers.
- National Night Out, August 6. Council Members interested in going out that evening should contact him or send Kim Czpar a note. If they had preference to ride with or where they would like to go, let them know.
- August 6, fireworks originally part of Tater Daze, rescheduled for 9:30 p.m., Noble Sports Park.
- Farmers Market held every Wednesday from 2 to 6 p.m. at the Zane Sports Park.
- Concerts, July 25, at Eidem Farm, 7 p.m. and July 30, at the Community Activity Center.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 9:11 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

SPECIAL BROOKLYN PARK CITY COUNCIL MEETING

Monday, August 5, 2019
6:00 p.m.

Community Activity Center
5600 85th Avenue North

CALL TO ORDER – Mayor Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Tonja West-Hafner, Susan Pha, Terry Parks, Wynfred Russell and Lisa Jacobson; City Manager Jay Stroebel; Community Engagement Manager Josie Shardlow; Claudia Diggs, Brooklyn Intern Angela Young; Program Assistant Marlene Kryder and City Clerk Devin Montero.

ABSENT: Council Member Mark Mata.

ALSO PRESENT:

Budget Advisory Commission: Trelawny Grant, Mena Xiong Vue, Kim Riesgraf, Akeem Adeniji, Eric Pone, Teshite Wako; Staff Liaison LaTonia Green.

Charter Commission: Mary Ann Bishman, Gordy Aune, Jr., John Irvin, Beatrice Achieng, Barbara Bor; Staff Liaison Devin Montero.

Community Long-range Improvement Commission: Kathy Fraser, Kaade Wallace, Etta Gbeizon-Bornor, Devale Hodge, Cory Funk, Yordanos Kiflu-Martin, Robin Turner, Tom Hayes, Amy Meuers, Laura Sell; Staff Liaison Jesse Struve.

Human Rights Commission: Cindy Shevlin-Woodcock, Chris Eriksen, John Hostetler, Scott Volltrauer; Staff Liaison Wokie Gbogba-Freeman.

Planning Commission: Syed S Husain, Carol Vosberg, John Kiekow, Amy Hanson; Staff Liaison Cindy Sherman.

Recreation and Parks Advisory Commission: Cindi Matthew, Monica Dillenburg, Aslam Tajim Hayat, Mark Nolen, Jane Wilson, Patricia Dominguez-Mejia, Christy Sandberg, Lang Vang, Francis Killen, Deb Everson, Staff Liaison Jody Yungers.

Shingle Creek/West Mississippi Watershed Commission: Steven Chesney

B. GENERAL INFORMATION

B.1 Commission Recognition Dinner

At 6 p.m. the Council, Commissioners, and staff Liaisons had dinner.

At 6:20 p.m., Mayor Lunde welcomed the Commissioners for their time and efforts on being on Commissions. He introduced each Commission. Council Members Pha, West-Hafner, Russel, Jacobson, and Parks also provided comments and thanked the Commissioners.

At 6:32 p.m., City Manager Stroebel thanked the Commissioners for their great work and he provided the agenda for the meeting. Dinner, Commission Photos, Commission Updates, and Census 2020 presentation with table conversations and report out to large group.

At 6:37 p.m. The Commissioners took a group photo outside the Community Activity Center garden area.

At 6:49 p.m. the Commissioners and staff returned to the Gardenview Room to continue the Joint Council Commission meeting.

At 6:50 p.m. City Manager Stroebel stated the Commissions would give an update on their activities.

1. **Budget Advisory Commission.** Chair Eric Pone gave the following Commission update:
 - **Highlights from last year:**
 - Completed our process reforms.
 - Acted in a consulting role for Council creating a closer partnership.
 - Focus placed on the voice of the taxpayer.
 - **Items on the horizon for this coming year:**
 - Looking for ways to make government more efficient.
 - Look for waste and inefficiency to create money for reinvestment.
 - Special projects as assigned by Council
2. **Charter Commission.** Vice Chair Gordy Aune, Jr., gave the following Commission update:
 - **Highlights from last year:**
 - **Council Salaries** – Reviewed the Council salaries and made a recommendation to the Council. The ordinance was adopted by the Council in July 2018.
 - **Community Long-range Improvement Commission** – Submitted an Ordinance to the Council to change the Citizen Long-range Improvement Committee to the “Community Long-range Improvement Commission.” The ordinance was adopted by the Council in March 2018
 - **Items on the horizon for this coming year:**
 - **Publication Requirements in the City Charter** – Reviewed all Charter Chapters regarding the publication requirements in the newspaper and also posting to the city’s website. The Charter ordinance amendment was forwarded to the Council for adoption.
 - **Write-In Candidates** – Recommended adding a provision in the Charter that requires candidates for city offices to submit a written request to the City Clerk to count their write-in votes. The Charter ordinance amendment was forwarded to the Council for adoption.
 - **City Manager’s Population Report** – In March and April the Commissioners evaluated the population growth statistics and discussed whether to recommend adjusting Council Member district boundaries. After the evaluation and discussion, the Commissioners recommended to the Council to not redistrict the boundaries.
 - **Community Long-range Improvement Commission** – Continued to collaborate with the CLIC members and Council on their revised mission and responsibilities.
3. **Community Long-range Improvement Commission.** Chair Kathy Fraser gave the following Commission update.
 - **Highlights from last year:**
 - **Age-Friendly Brooklyn Park initiative**

- Held joint meeting with RPAC to discuss park system plan related to Age Friendly initiative
- Reviewed Age Friendly draft report/recommendations and provided feedback
- Presented verbal report on Age Friendly recommendations to Council
- **Communications**
 - Reviewed Community Engagement plan and discussed partnerships/multicultural outreach
 - Received updates from new Communications Manager and her areas of focus
 - Received updates on website redesign and provided feedback
- **Housing Continuum**
 - Engaged HRC to review and discuss their efforts around housing
 - Defined CLIC's area of focus to avoid duplication of efforts
 - Reviewed Draft of BP fair housing policy, housing data and comprehensive plan housing chapter
- **Development/Redevelopment**
 - Reviewed and commented of development/redevelopment opportunities
 - Welcome Project, Center for Innovation & Arts (CITA), Brooklyn Blvd Trail project etc...
 - Discussed and commented on the Temporary Plaza and Bottineau Wayfinding projects
 - Stayed engaged with latest updates on the BLTR project
 - Two members appointed to Metro Blue Line Extension Community Advisory Committee (CAC)
- **Charter Changes**
 - Engaged Charter Commissions to review/discuss CLIC charter and guidelines
 - Identified and prepared a draft of the necessary changes to the charter
- **Items on the horizon for the coming year:**
 - **Age-Friendly Brooklyn Park initiative**
 - Stay engaged with the progress and implementation of the Age Friendly recommendations
 - **Communications**
 - Prepare recommendations on how communication is used and presented both internally and externally
 - Participate in usability testing of new website
 - Support launch of new website and provide ongoing feedback
 - Discuss the design and branding presented for future water towers
 - **Redevelopment**
 - Monitor and provide input for the 252 Reconstruction
 - Monitor BLRT progress and examine long term effects of light rail, gentrification, and connection to the system (east – west mobility)
 - Review and recommend development opportunities within the Village Creek area
 - **Housing Continuum**
 - Focus on addressing various long-term housing needs within the community

- Partner with HRC on their housing effort
 - Review Census data, EDA Annual review, Stable Neighborhood Action Plan (SNAP) and other housing resources to inform and guide our efforts
 - **Future Planning**
 - Review and comment on the Comprehensive 2040 Plan and CIP/ CEP
4. **Human Rights Commission.** Chair Christian Ericksen gave the following Commission update:
- **Highlights from last year:**
 - Strategic planning shifted the work of the commission away from building visibility toward concrete activities in support of advocacy for human rights and our role of advising the Council.
 - In support of this shift, the commission engaged numerous City departments and agencies to determine areas of focus for the 2019-2020 commission:
 - Brooklyn Park Police
 - Brooklyn Park Community Engagement Team
 - Brooklyn Park Community Development Team
 - **Items on the horizon for the coming year:**
 - 2019-2020 Workplan focuses on research and action supporting and advising the Council in three areas:
 - Housing
 - Advising city staff on upcoming housing policies
 - Planning training event for landlords/managers on tenant mental health
 - Reviewing current housing policies and making recommendations to Council
 - Economics/Employment
 - Planning staff roundtable on removable barriers to hiring diverse candidates
 - Research and advise on economic equality activities of other communities
 - Human Rights Training
 - Plan training event on human rights for commissioners, Council, city staff
 - Upcoming Events:
 - September 11, 2019 – Human Rights Training for HRC Commissioners, City Council, City Staff
 - September 26, 2019 – Brooklyn Park Community Assembly focused on domestic violence.
 - TBD – Roundtable with City leaders and staff on Removable Barriers to Hiring Diverse Candidates
 - October 2019 – Purple Lights initiative to raise awareness around domestic violence
5. **Planning Commission.** Chair Amy Hanson gave the following Commission update:
- **Highlights from 2018:**
 - 11 Regular Meetings
 - 5 Work Sessions
 - 24 Public Hearings

- 26 applications including:
 - 33 actions
 - One five hour long hearing
- 73 new home sites
- 5 Code changes
- 12 Commercial actions
 - 1 new free standing restaurant
 - 1 new financial institution
 - 2 new indoor recreation facilities
- **Items On the horizon for the coming year:**
 - Land Use Applications (15 to date)
 - Begin Zoning Code Review Work
 - Work with EDA on Redevelopment Opportunities
 - Training with City Attorney
 - Opportunities
 - Business/Hotel Tours
- 6. **Recreation and Parks Advisory Commission.** Chair Monica Dillenberg gave the following Commission update:
 - **Highlights from 2018:**
 - RPAC's 2019 priorities driven by 2018 Park System Plan & Bond Ref. Projects.
 - In 2018, RPAC led effort in working with the Trust for Public Land and Conservation MN in the "Get Out the Vote Campaign". 63% Voted Yes!
 - 2018-2019 Highlights:
 - RPAC approved and advanced to City Council Park System Plan priorities, including:
 - Approval of River Park Master Plan
 - Approval of Natural Resource Master Plan
 - Approval of Historic Eidem Farm Master Plan
 - Approved Final Joint Master Plan for Mississippi Gateway Regional Park/Environmental Nature Area
 - Guidance on New Contract Agreement with D'Amico & Refresh of Ed. USA Clubhouse - Grand Opening of "The Brooklyn"
 - Reviewed Youth Services Plan, including Cities United Comprehensive Safety Plan in Partnership with PD Dept. and pilot of Youth Outreach Team
 - Provided Input on CITA Partnership with NHCC on Feasibility Study and Pre-Design Plan
 - Review of Age-Friendly Report and encouraged the City to move forward with this important work
 - Supported City Entering into a Partnership with ISD 279 for development of Dome/Synthetic Turf at Park Center HS
 - **On the Horizon 2019-2020**
 - Support Implementation of Phase I of the Parks Bond Priorities:
 - Master Planning and Redevelopment of Hartkopf, Lakeland and Norwood Parks
 - Recreation building expansions at Northwoods, Monroe and Willowstone (day camp sites)
 - Kitchen additions on existing shelters at River and Central Park

- Review Interpretive Plan for Historic Eidem Farm
- Implementation of Phase I Natural Resource Master Plan
- Support Grand Opening of Dome at Park Center in Partnership with ISD 279
- Implementation of Hometown Ballfield Improvements
- Continue to advance priorities of Parks and Recreation System Plan, including:
 - River Park Phase I Construction (Spring 2020)
 - Finalize Partnership Agreement with Three Rivers Park District for joint development and operations of Mississippi Gateway Regional Park
 - Design Development Mississippi Gateway Regional Park/Env. Nature Area
 - Support expanded Youth Outreach Team efforts within apartment complexes, in partnership with Police
 - Review and advancement of Inclusion/ADA Plan for the Dept. and City
 - Support advancement of priority goals within the CU Comprehensive Safety Plan
 - Support acquisition of Old Hennepin County Library on CAC Campus

At 7:20 p.m. Community Engagement Manager Shardlow gave a presentation on Census 2020. She presented on: Census 101, Why it Was Important to Brooklyn Park, Brooklyns Count 2020 Coalition, Current Environment, More Response Options, and Being Part of the Brooklyns Count 2020 to get the word out. She asked the group to discuss the following questions and each group would report on their discussions:

- *What are some things we know need to be done in preparation for Census 2020?*
- *What do you think will be the most challenging aspect of counting every Brooklyn Park resident?*
- *Why is Census 2020 outreach so important in Brooklyn Park specifically?*
- *What can the City Council, commissions and/or you individually; do to support Census outreach?*

At 7:40 discussions were held on the questions.

At 7:55 p.m. the groups reported on their conversations.

Comments by the participants:

- Census is challenging on how families are counted when individuals are not part of the nuclear system.
- Should look to key leaders to help those not connected to be counted. Immigrants not eligible to work with census count. (have to be US citizen)
- Need to let people know the reason to be counted. (Get federal money and makes a difference for the community.)
- Start Census outreach early. Go to religious institutions, communities, and recreational activities to get the information out.
- Important to tell and explain to people why the census matters.
- Use other languages to reach out to residents for their comfort level.

- Have a special list where the federal money goes to, a projects list, to tell residents
- When going door to door, have brochures to provide to residents.
- Have volunteers who speak in different languages go out with the Census counters
- Have Census Days at City Hall for residents to come and fill out a census and get help if needed, also at schools, grocery stores.
- It's the law, the quicker they do it there would be no reason to get reminded by the Census.
- Have children encourage families to do the Census and let them know how important it is to fill it out. Children can get information at the schools to take home.
- Is there a threshold needed to receive census counts in Brooklyn Park?
- Do Census videos: role play on what the Census counting looks like to normalize the process.

At 8:10 p.m. CEI Shardlow thanked everyone for participating in the Census conversations.

ADJOURNMENT - With consensus of the Council, Mayor Lunde adjourned the meeting at 8:11 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

City of Brooklyn Park Request for Council Action

Agenda Item:	4.7	Meeting Date:	August 26, 2019
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	X	Prepared By:	Todd A. Larson, Senior Planner
Ordinance:	N/A		
Attachments:	6	Presented By:	Todd A. Larson
Item:	Holm Variance (Parent Custom Homes) – Variance to Build a Single-Family Home Without a Basement at 9106 West River Road		

City Manger's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ APPROVING A VARIANCE WAIVING THE BASEMENT REQUIREMENT FOR A SINGLE-FAMILY HOME AT 9106 WEST RIVER ROAD.

Planning Commission Recommendation:

At its meeting on August 14, 2019, the Planning Commission unanimously recommended approval (9-0) of the variance.

Overview:

The old rambler house at 9106 West River Road was constructed in 1945 with a shallow basement. The property has been sold and the old house removed. A new home is proposed closer to West River Road meeting all of the applicable required setbacks. The old home did not meet the setbacks for the Mississippi River and the bluff.

During the building permit review process, a design change was received to eliminate the 9-foot basement due to the presence of high ground water discovered when removing the old house's foundation. City Code requires a basement for new single-family homes constructed in Brooklyn Park:

§ 152.243 ADDITIONAL REGULATIONS FOR PERMITTED USES.

Some permitted uses are further regulated to promote the health, safety and general welfare. If these regulations are met, the use is considered permitted subject to the Site Plan Review requirements in §§ 152.030 through 152.039.

(C) Detached single-family dwellings. All new detached single-family dwellings must comply with the following conditions:

(1) All dwellings built after July 31, 1982, including manufactured or mobile housing, must include a basement as defined in § 152.008. The lowest floor elevation of any residential basement may not be lower than the regulatory flood protection elevation.

The applicant has stopped work on the project to work through a variance process. A variance is described in City Code:

152.034 VARIANCE

(A) Purpose. The purpose of a variance is to provide for deviations from the requirements of this chapter including restrictions placed on non-conformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of this chapter and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the

variance establishes that there are practical difficulties in complying with the requirements of this chapter.

*(B) Review Standards. **PRACTICAL DIFFICULTIES**, as used in connection with the granting of a variance, means:*

(1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

(2) The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

(3) Granting of the variance will not alter the essential character of the area or neighborhood where the property is located.

(4) Economic considerations alone do not constitute practical difficulties.

(5) There is inadequate access to direct sunlight for a solar energy system.

In this case, Practical Difficulty #2 is used. The ground water is a circumstance unique to the property, not created by the landowner. Additionally, the two-story home is comparable to other homes in the neighborhood satisfying Practical Difficulty #3.

Budgetary/Fiscal Issues: N/A

Alternatives to consider:

1. Approve the variance as recommended by the Planning Commission.
2. Approve the variance with modifications.
3. Deny the variance based on certain findings.

Attachments:

- 4.7A RESOLUTION
- 4.7B LOCATION MAP
- 4.7C PLANNING AND ZONING INFORMATION
- 4.7D PLANNING COMMISSION MINUTES
- 4.7E LETTER FROM THE APPLICANT
- 4.7F PLANS

RESOLUTION #2019-

RESOLUTION APPROVING A VARIANCE WAIVING THE BASEMENT REQUIREMENT
FOR A SINGLE-FAMILY HOME AT 9106 WEST RIVER ROAD

Planning Commission File #19-115

WHEREAS, Brent Parent, of Parent Custom Homes, on behalf of his clients, Seth and Hannah Holm, has applied to waive the requirement of a basement in a single-family home at 9106 West River Road North, legally described as:

The North 100 feet of Lot 3, Auditor's Subdivision Number 289, Hennepin County, Minnesota, except road.

WHEREAS, the matter has been referred to the Planning Commission who have given their advice and recommendation to the City Council; and

WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands, existing and anticipated traffic conditions, and its effect on property in the neighborhood have been considered; and

WHEREAS, City Code Section 152.243(C)(1) requires all dwellings built after July 31, 1982, including manufactured or mobile housing, must include a basement as defined in § 152.008; and

WHEREAS, the Review Standards, Practical Difficulties used in connection with the granting of a variance, means:

- 1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance,
- 2) The plight of the landowner is due to circumstances unique to the property and not created by the landowner,
- 3) Granting of the variance will not alter the essential character of the area or neighborhood where the property is located,
- 4) Economic considerations alone do not constitute practical difficulties,
- 5) There is inadequate access to direct sunlight for a solar energy system.

WHEREAS, the high water table makes constructing a basement extremely difficult; and

WHEREAS, the high ground water is a circumstance unique to the property not created by the landowner; and

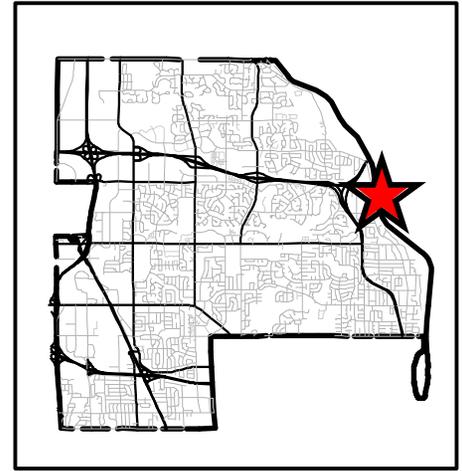
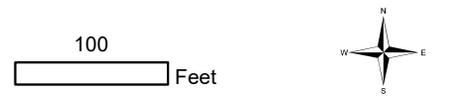
WHEREAS, the proposed two-story home is comparable to other new homes in the neighborhood, so it will not appear out of character.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the applicant's request for a variance from the basement requirements described in City Code Section 152.243(C)(1) is hereby waived to construct a new single-family home, subject to the following conditions:

1. Plans must conform to the ones dated 06-12-2019.
2. All other regulations in City Code still apply.

This variance must be recorded with the Hennepin County Recorder's Office before the house can be constructed. The house must be in compliance with the conditions listed above and City Code in order to be valid. This approval expires one year from the date of approval, unless all conditions are met.

**Variance #19-115 Parent Custom Homes
9106 West River Rd. N.**



Map Date July 24, 2019

Land Use Plan	Low Density Residential
Current Zoning	Detached Single-Family Estate District (R2)
Surrounding Zoning	North, South, and West – Detached Single-Family Estate District (R2) East – Mississippi River
Neighborhood	River View
Lot Area	0.94 acres
Home Area	3,250 ft ²
Conforms to:	
Land Use Plan – Yes	
Zoning Code – Yes, with variance	
Variances Needed – To basement requirements	
Notification	12 Mailed Notices Sun Post Legal Notices

**BROOKLYN PARK
PLANNING COMMISSION MINUTES
August 14, 2019**

1. CALL TO ORDER

The meeting was called to order at 7:00 PM.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Hanson, Herbers, Husain, Kiekow, Kisch, Mersereau, Mohamed, Morton-Spears, Vosberg; Council Liaison West-Hafner; Senior City Planner Larson; Planning Director Sherman.

6. PUBLIC HEARING

- A. “Holm Variance”** (Parent Custom Homes) – Variance to build a single-family home without a basement at 9106 West River Rd.

Senior Planner Larson introduced the application. He explained the lot was purchased with a pre-existing older home that was torn down where significant water was found around the foundation. Plans for a new house exclude a basement after soil boring data reflected the infeasibility of doing so. He pointed out that the new home will be placed in a slightly different location on the lot to meet the current river standards: 100 feet from the water and 40 feet from the bluff. The request is for a variance since city code requires all single-family homes to have a basement for half of its foundation for half of the height from floor to ceiling of at least 7.5 feet. He reiterated the soil borings reflected there was not a viable location on the lot to build such a basement. Staff recommends approval since the groundwater is not a hardship created by the landowner in addition to the house blending well into the existing neighborhood.

Commissioner Chair Hanson opened the public hearing.

Seeing no one approach the podium, Commissioner Chair Hanson closed the public hearing.

MOTION KISCH, SECOND MERSEREAU TO RECOMMEND APPROVAL OF A VARIANCE WAIVING BASEMENT REQUIREMENTS AT 9106 WEST RIVER ROAD, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

MOTION CARRIED UNANIMOUSLY.

Planning Director Sherman confirmed this item will go to City Council on August 26, 2019.



PARENT
Custom Homes, LLC

13654 Van Buren Street NE Suite 400 Ham Lake MN 55304. Phone (763) 421-5559
www.parentcustomhomes.com

9106 West River Rd Brooklyn Park, MN

Parent Custom Homes (builder) and Seth and Hannah Holm (owners) request a variance to build a two story home with a slab on grade style foundation.

We applied and were issued permits to demo the old home and build a new home with a full basement on this property. The old home has been demolished.

On June 5 when we dug down to disconnect the sewer and water to the old home we encountered unexpected ground water. Not just a little bit but a lot of ground water, a lot of water. The water was about 5ft down and we needed to dig down much deeper for the 8'4" full basement. See video of the ground water submitted with the application. We were not able to disconnect the sewer and water this day because we could not find it due to the water.

On June 27 & 28 we did 5 soil borings that showed the water level on the lot are consistently at the 5ft depth. There is a clay layer of soil holding water and we are about 30ft above the river. Also the borings determined the soil type on the lot are not dewaterable. See attached letter from Blake Dewatering.

We re-submitted a revised plan and survey proposing a slab on grade style foundation and learned the zoning ordinance prohibits slab on grade style foundations. The ground water unique to this lot on the river makes a deep basement not reasonable. The builder is confused by this ordinance because he has built slab on grade style homes in Champlin, Dayton, Otsego, Columbus, Stacy and Athens Township all in recent years. Also this style foundation is the best style for handicap accessible homes.

Granting the variance will only improve the character of the neighborhood. The home is a very nice 2 story style home that fits in and will be a great addition to the neighborhood. Installing a deep basement in the water is not practical on this lot.

Brent
Parent Custom Homes
Builder

Seth and Hannah Holm
Owners

Surveyors Certificate

Proposed Site Plan Survey For:

PARENT CUSTOM HOMES

Property located in Section
13, Township 119, Range 21,
Hennepin County, Minnesota

- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Wood Hub Set for excavation only
- - - Denotes Existing Contours
- ~ ~ ~ Denotes Proposed Contours
- x000.0 Denotes Existing Elevation
- 000.0 Denotes Proposed Elevation
- Denotes Surface Drainage

- 841.8 Proposed Top of Foundation (House)
 - 840.3 Proposed Top of Foundation (Garage)
 - 840.0 Proposed Garage Floor
 - 836.8 Proposed Top of Footings
- Type of Building
Slab on Grade

NOTE: Proposed grades are subject to results of soil tests. Proposed building information must be checked with approved building plan and development or grading plan before excavation and construction. Proposed grades shown on this survey are interpolations of proposed contours from the drainage, grading and/or development plans.

NOTE: The relationship between proposed floor elevations to be verified by builder.

NOTE: The only easements shown are from plats of record or information provided by client.

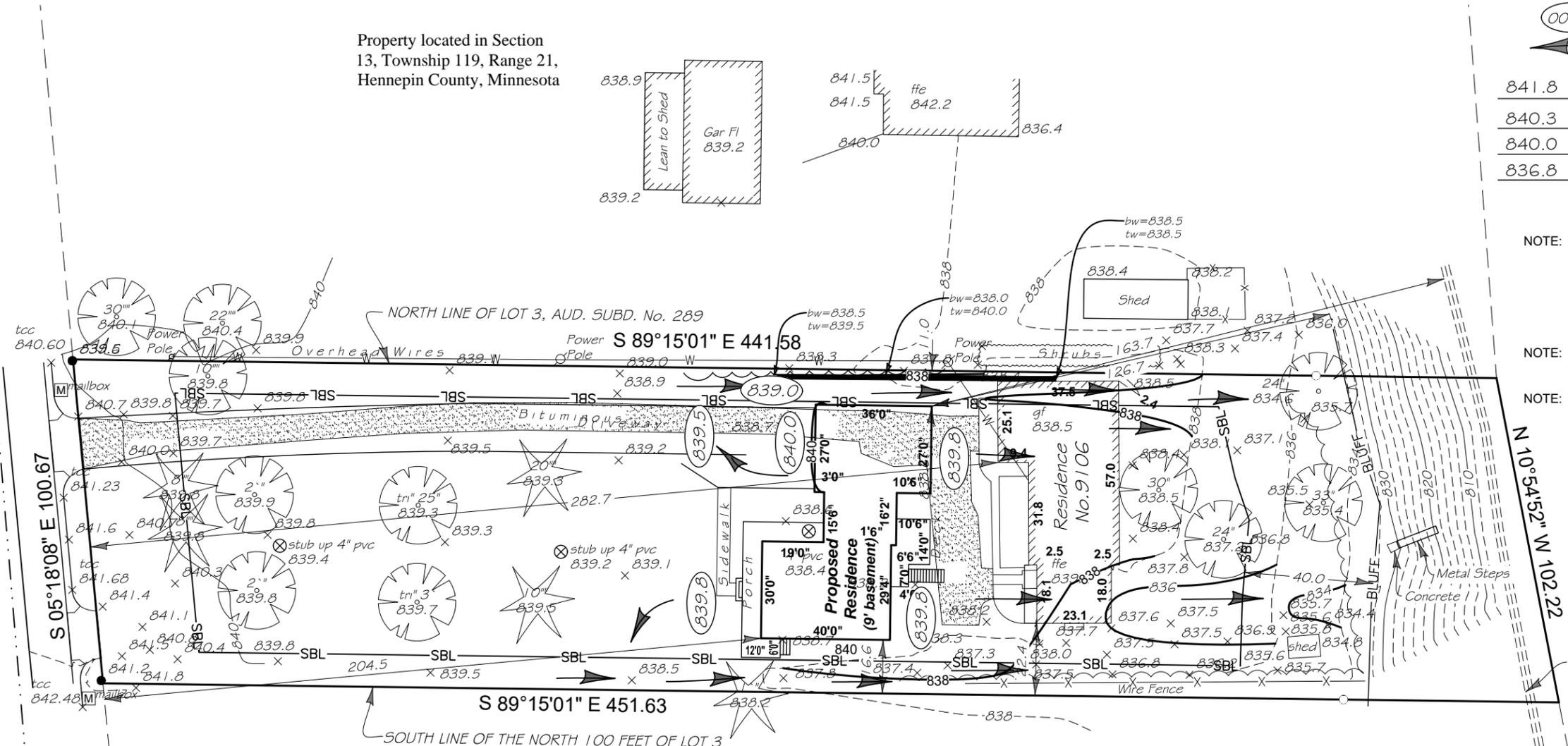
100 Year Flood Elev. = 824.0 per
FEMA Map 27053C0206F
effective date 11/04/2016

Water Elev. dated 12-17-18
Elevation = 806.5

NOTE: Side property line established from 1963 survey prepared by Lot Surveys Co. for the South 100 feet of the North 300 feet of said Lot 3.

Basis for bearings is assumed

West River Road



	Hardcover
Lot Area (to OHW)	43,786 sq ft
Building	2,522 sq ft
Porch	431 sq ft
Deck	234 sq ft
Sidewalk	130 sq ft
Driveway	3,733 sq ft
Existing Shed	67 sq ft
Existing Concrete	7 sq ft
Total	7,124 sq ft
Percentage	16.27%

Legal Description

The North 100.00 feet of Lot 3,
AUDITOR'S SUBDIVISION No. 289, except road.
Hennepin County, Minnesota

DEMARC
LAND SURVEYING & ENGINEERING
7601 73rd Avenue North (763) 560-3093
Minneapolis, Minnesota 55428 DemarcInc.com

Project No. 88306B	Scale: 1" = 40'
F.B.No. 1105-68	Drawn By J. Munson
Address: 9106 West River Road, Brooklyn Park, MN	
rev 3-26-19 9' basement wall	
3-28-19 moved house forward 20 feet	
5-16-19 showed old house location	
6-15-19 building plan	

I certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota

Surveyed this 19th day of March 2019.

Signed

Gregory R. Frasch, Minn. Reg. No. 24992

PLAN NUMBER
219004

DATE
3-26-2019

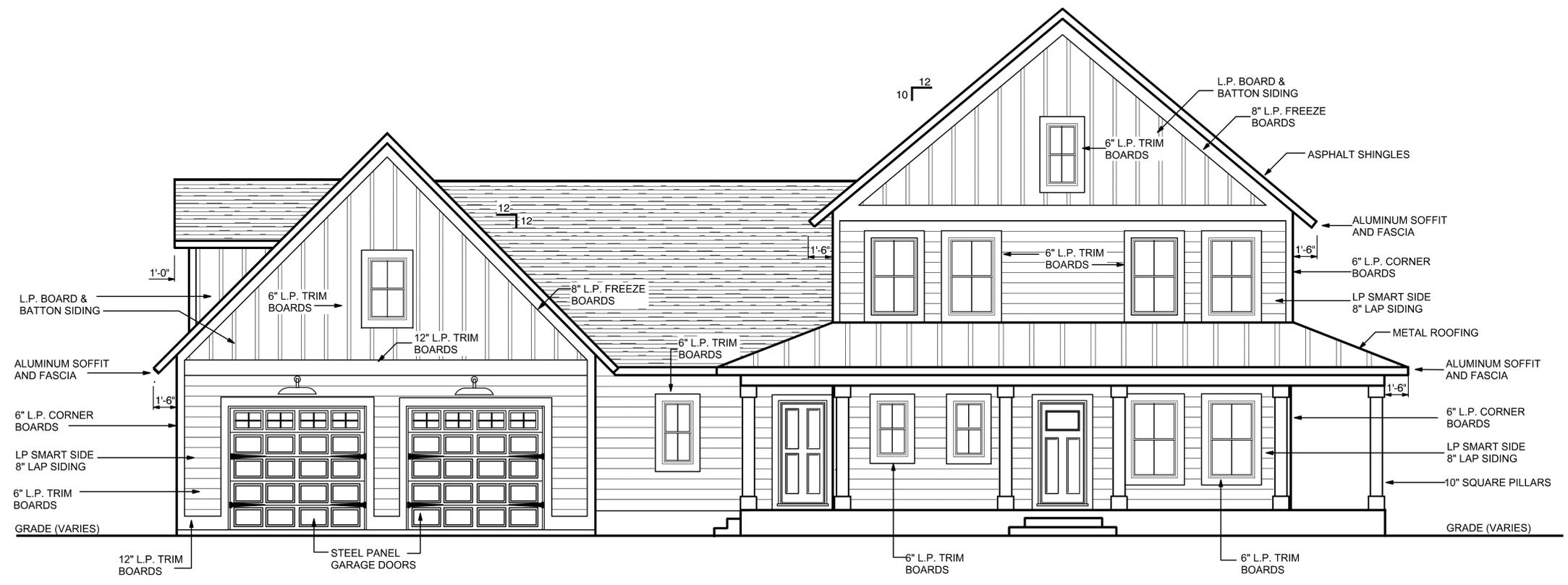
REVISIONS
4-2-2019
4-4-2019
4-5-2019
5-19-2019
6-10-2019
6-12-2019

RESIDENCE FOR:
HOLM

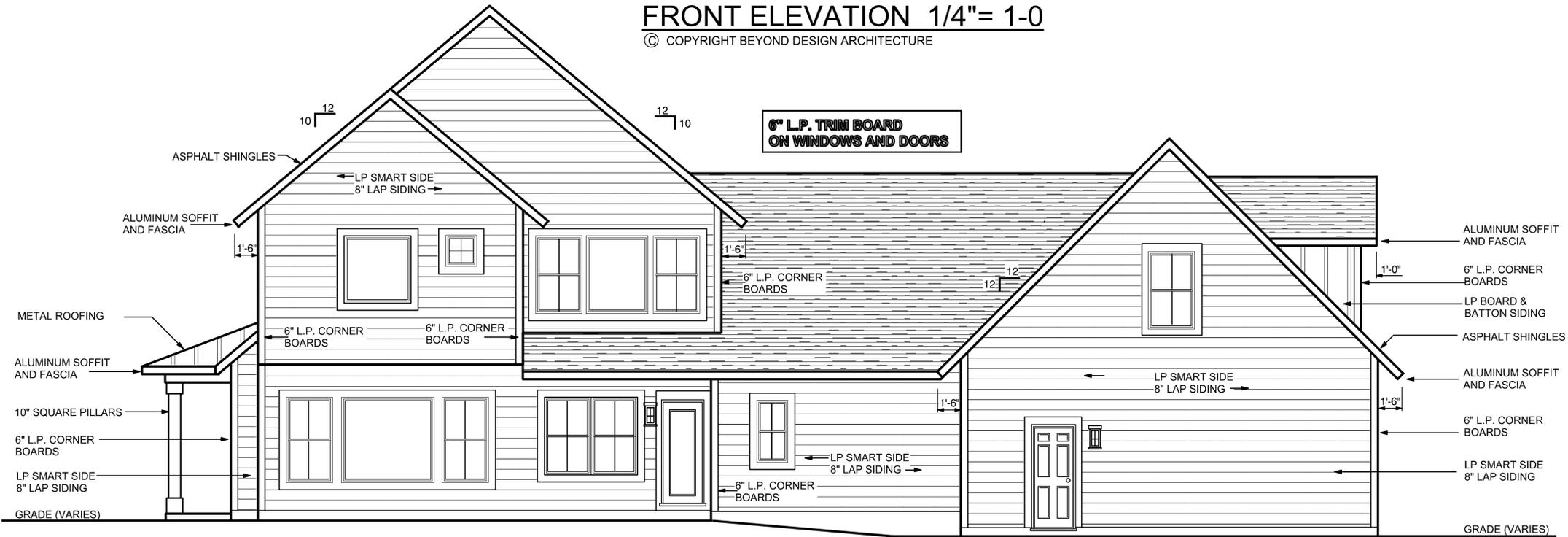
BUILT BY
PARENT
Custom Homes LLC

612-597-4269
EXCELLENCE FROM EVERY ANGLE
Beyond Design
Architecture

SHEET 2 OF 8



FRONT ELEVATION 1/4" = 1'-0"
© COPYRIGHT BEYOND DESIGN ARCHITECTURE



REAR ELEVATION 1/4" = 1'-0"
VERIFY GRADE SLOPE IN FIELD
© COPYRIGHT BEYOND DESIGN ARCHITECTURE

6\"/>

PLAN NUMBER
219004

DATE
3-26-2019

REVISIONS

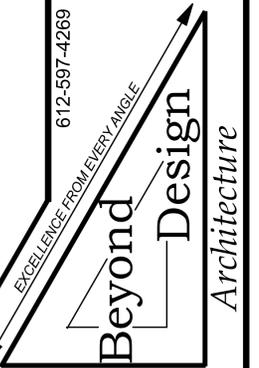
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4-4-2019
4-5-2019
5-19-2019
6-10-2019
6-12-2019

HOLM

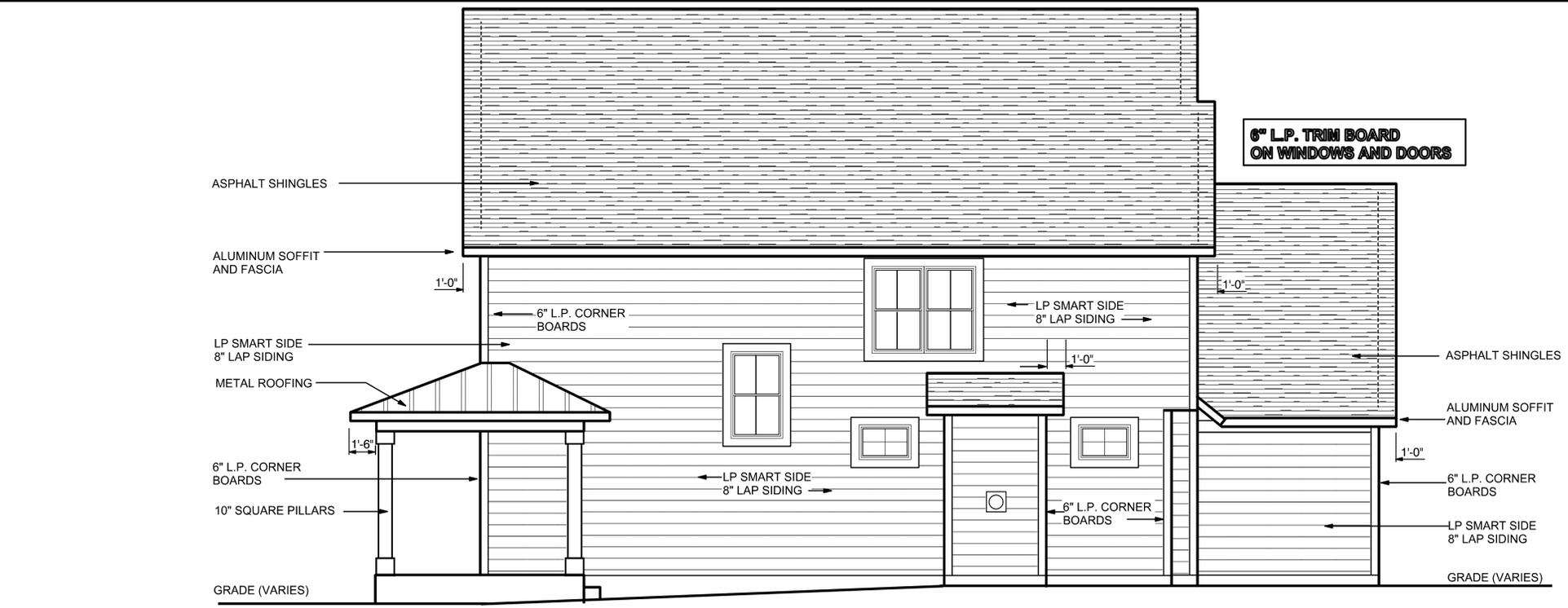
RESIDENCE FOR:

BUILT BY
PARENT Custom Homes LLC

612-597-4269

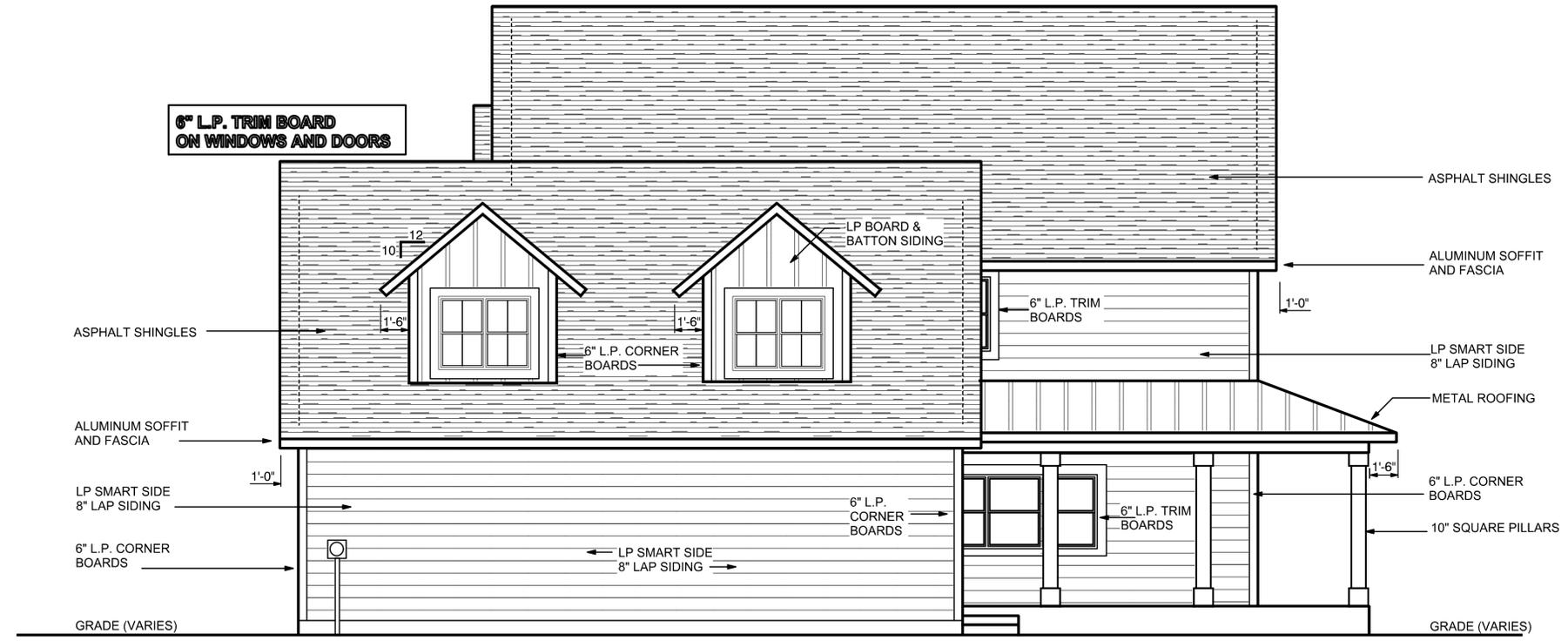


SHEET 3 OF 8



RIGHT ELEVATION 1/4" = 1'-0"

© COPYRIGHT BEYOND DESIGN ARCHITECTURE



LEFT ELEVATION 1/4" = 1'-0"

© COPYRIGHT BEYOND DESIGN ARCHITECTURE

PLAN NUMBER
219004

DATE
3-26-2019

REVISIONS

- 4-2-2019
- 4-4-2019
- 4-5-2019
- 5-19-2019
- 6-10-2019
- 6-12-2019

HOLM

RESIDENCE FOR:

PARENT Custom Homes LLC

BUILT BY:

612-597-4269

EXCELLENCE FROM EVERY ANGLE

Beyond Design
Architecture

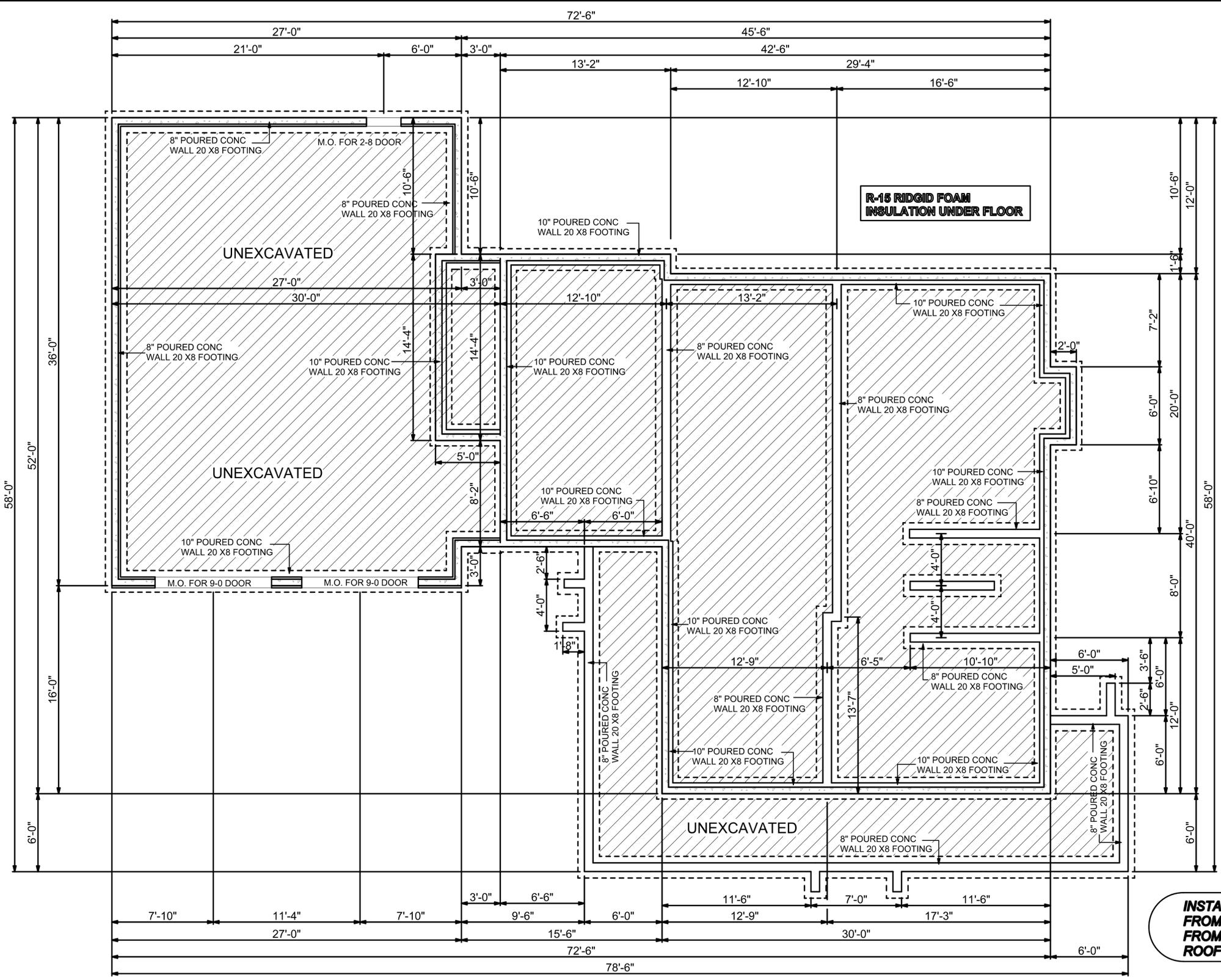
60" TALL HOUSE FOUNDATION.
TOP OF FOUNDATION TO BE 18" ABOVE GRADE AT FRONT

HOLD FOUNDATION WALLS IN 2" TO ALLOW 2" FOAM AND SHEATING TO LINE UP

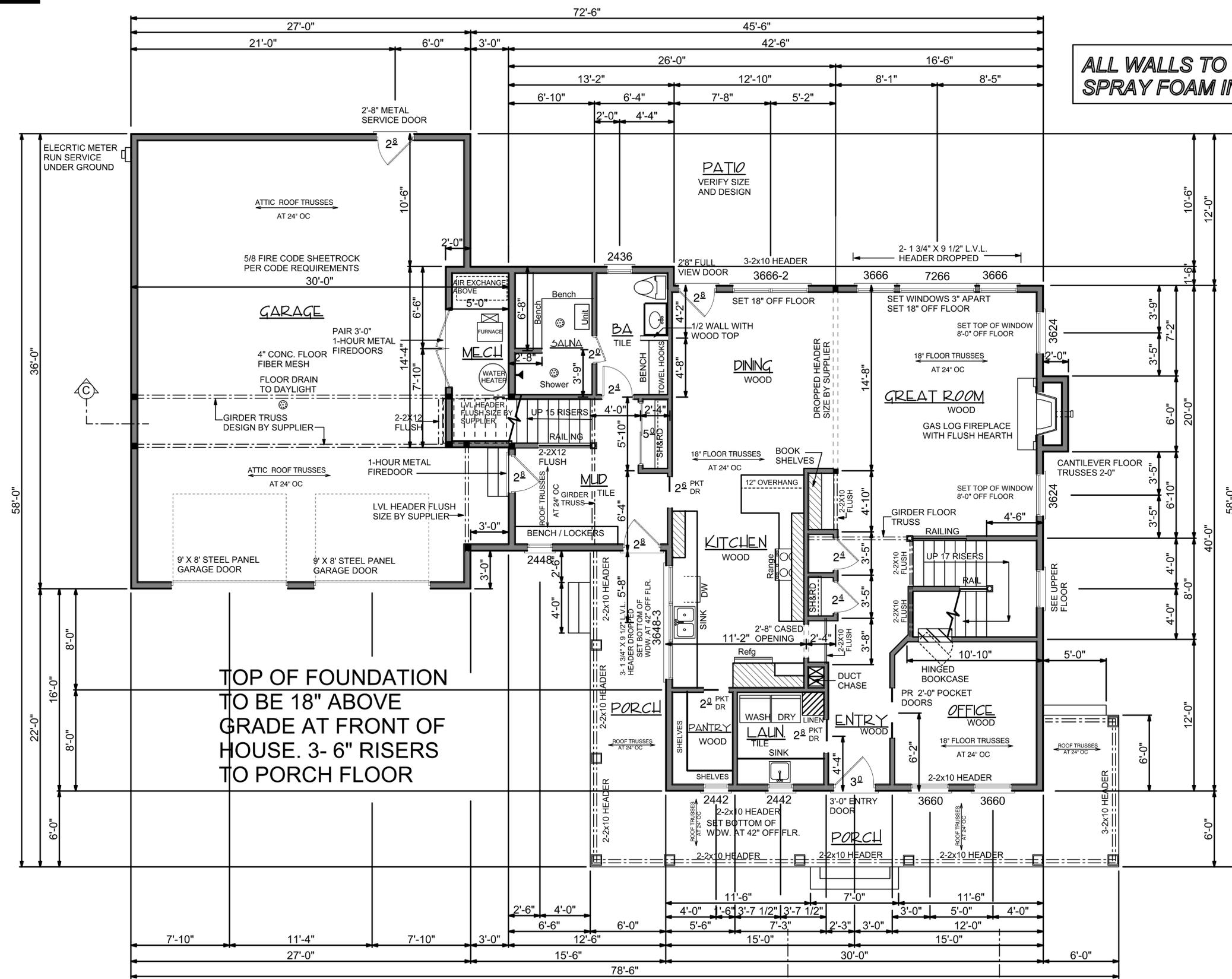
2X8 SILL PLATES HOLD OUT 1 1/2" PAST FOUNDATION SEE DETAIL PAGE 7

***DO NOT ADJUST WALLS COMMON TO GARAGE FRONT STOOP & WALKOUT

INSTALL 1" EMT CONDUIT FROM METER TO PANEL AND FROM PANEL TO ATTIC SOUTH FACING ROOF FOR FUTURE SOLAR



FOUNDATION PLAN 1/4" = 1'-0"
© COPYRIGHT BEYOND DESIGN ARCHITECTURE



**ALL WALLS TO BE
SPRAY FOAM INSULATION**

WINDOW FALL PROTECTION
ALL OPENABLE WINDOWS THAT ARE 72" ABOVE FINISH GRADE AND LESS THAN 36" ABOVE FINISH FLOOR SHALL NOT PERMIT OPENINGS THAT ALLOW PASSAGE OF A 4" SPHERE.
ALL OPENABLE WINDOWS THAT ARE 72" ABOVE FINISH GRADE AND LESS THAN 36" ABOVE THE FLOOR MUST HAVE WINDOW FALL PROTECTION DEVICES PER ASTM F 2090 AND IRC CODE SECTION (R312.2.2)

NOTE: ALL CHASES AND PENETRATIONS NEED FIRE BLOCKING AT MAX. 10'-0" OC

ALL HEADERS UP TO 4'-11" SINGLE TRIMMER
ALL HEADERS OVER 5'-0" DOUBLE TRIMMER UNLESS NOTED

NOTE: ALL WINDOW AND DOOR HEADERS TO BE 2-2X10 UNLESS NOTED

ALL HEADER SIZES TO BE VERIFIED BY BUILDER / LUMBER SUPPLIER BEFORE CONSTRUCTION

ALL CEILINGS TO HAVE KNOCK DOWN FINISH UNLESS NOTED

FRAMING NOTE: ALLOW 4" AT ALL DOOR AND WINDOW OPENINGS FOR WIDE CASING

INDICATES MIN 3-2X6 SOLID BLOCING TO FOUNDATION

90" CEILING HGT. THIS FLOOR UNLESS NOTED

PLAN NUMBER
219004

DATE
3-26-2019

REVISIONS
4-2-2019
4-4-2019
4-5-2019
5-19-2019
6-10-2019
6-12-2019

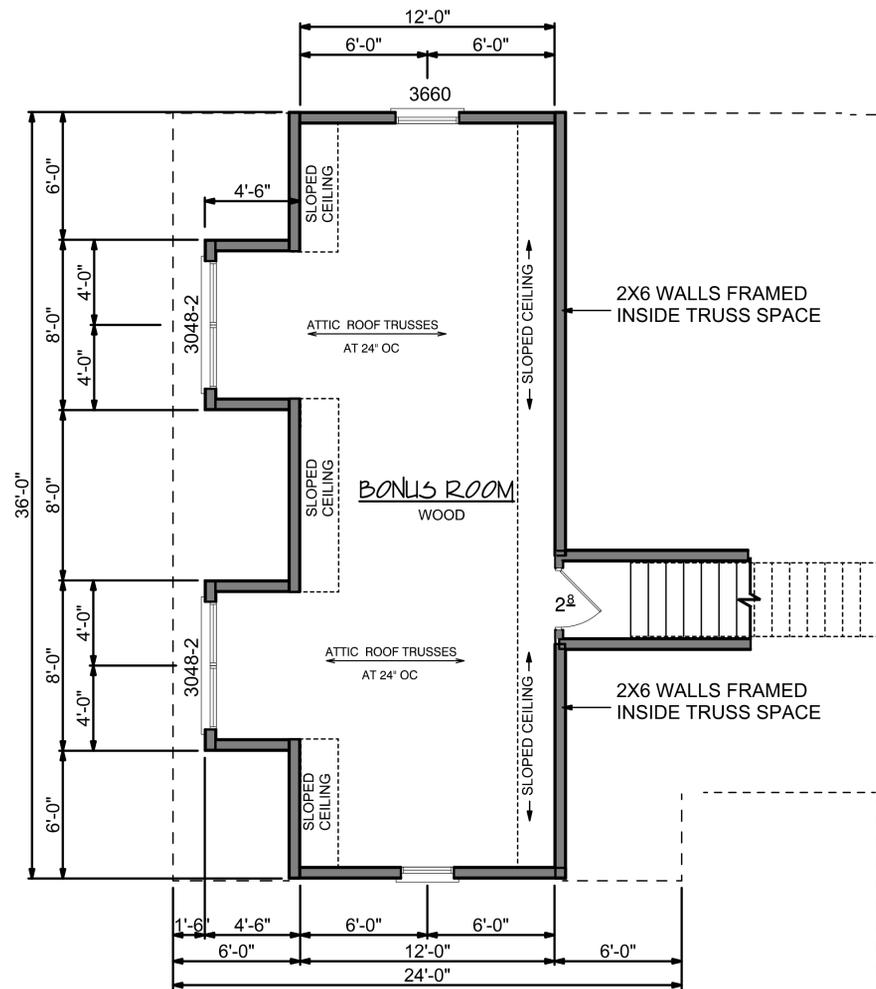
RESIDENCE FOR:
HOLM

BUILT BY
PARENT
Custom Homes LLC

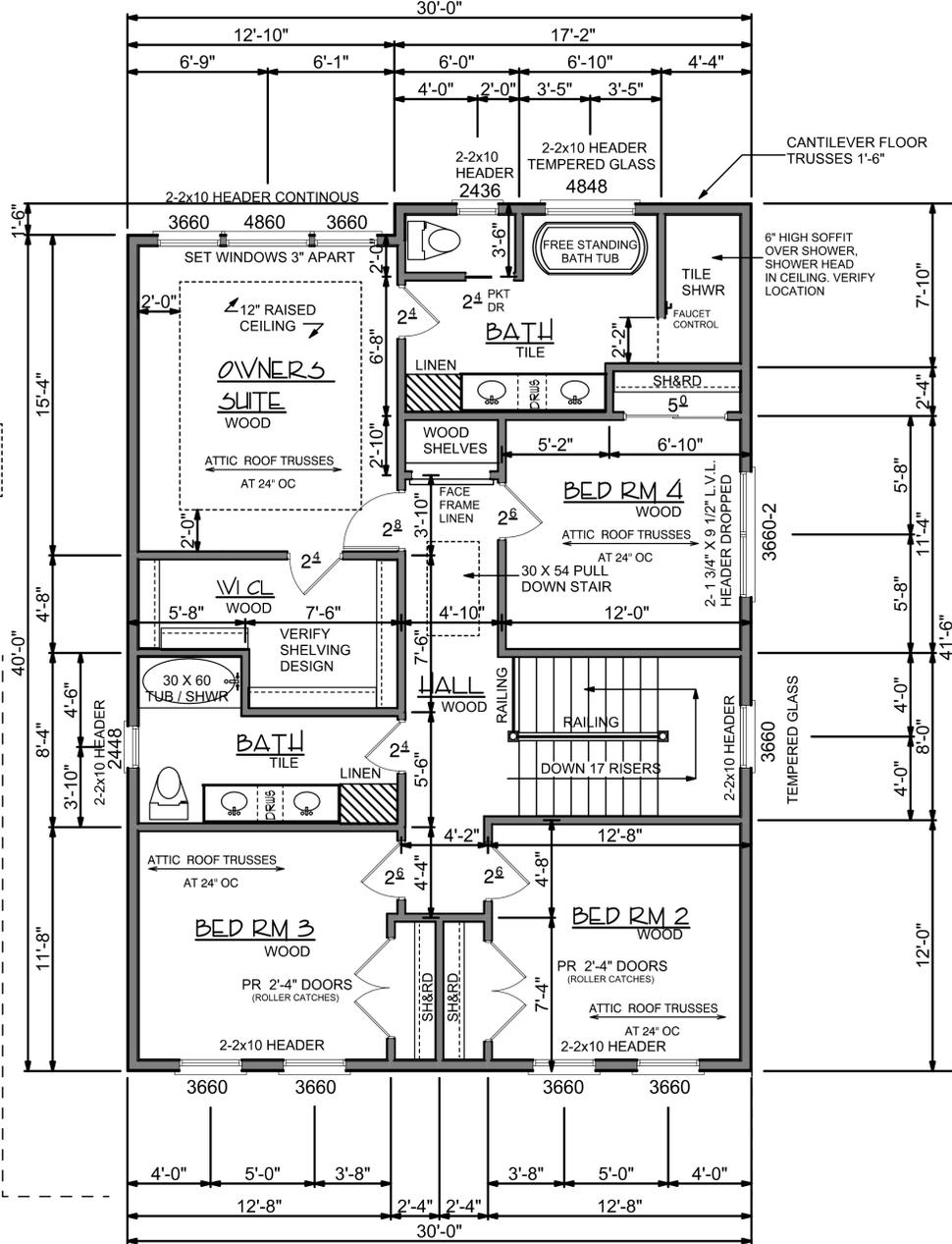
612-597-4269
EXCELLENCE FROM EVERY ANGLE
Beyond Design
Architecture

MAIN FLOOR PLAN 1/4" = 1'-0"
© COPYRIGHT BEYOND DESIGN ARCHITECTURE 1486 sq ft

**ALL WALLS TO BE
SPRAY FOAM INSULATION**



NOTE: BUILD ATTIC ROOF TRUSS TO 13'-0" WIDE SPACE, 2X6 WALLS FRAMED INSIDE TRUSSES FOR A FINISHED ROOM OF 12'-0" WIDTH SEE PAGE # 8



UPPER FLOOR PLAN 1/4" = 1'-0"
 © COPYRIGHT BEYOND DESIGN ARCHITECTURE 1232 sq ft
 532 sq ft Bonus

WINDOW FALL PROTECTION

ALL OPENABLE WINDOWS THAT ARE 72" ABOVE FINISH GRADE AND LESS THAN 36" ABOVE FINISH FLOOR SHALL NOT PERMIT OPENINGS THAT ALLOW PASSAGE OF A 4" SPHERE.

ALL OPENABLE WINDOWS THAT ARE 72" ABOVE FINISH GRADE AND LESS THAN 36" ABOVE THE FLOOR MUST HAVE WINDOW FALL PROTECTION DEVICES PER ASTM F 2090 AND IRC CODE SECTION (R312.2.2)

NOTE: ALL CHASES AND PENETRATIONS NEED FIRE BLOCKING AT MAX. 10'-0" OC

ALL HEADERS UP TO 4'-11" SINGLE TRIMMER

ALL HEADERS OVER 5'-0" DOUBLE TRIMMER UNLESS NOTED

NOTE: ALL WINDOW AND DOOR HEADERS TO BE 2-2X10 UNLESS NOTED

ALL HEADER SIZES TO BE VERIFIED BY BUILDER / LUMBER SUPPLIER BEFORE CONSTRUCTION

ALL INTERIOR DOORS ARE 6'-8" TALL UNLESS NOTED

ALL CEILINGS TO HAVE KNOCK DOWN FINISH UNLESS NOTED

8'0" CEILING HGT. THIS FLOOR UNLESS NOTED

FRAMING NOTE: ALLOW 4" AT ALL DOOR AND WINDOW OPENINGS FOR WIDE CASING

PLAN NUMBER
219004

DATE
3-26-2019

REVISIONS

4-2-2019
4-4-2019
4-5-2019
5-19-2019
6-10-2019
6-12-2019

RESIDENCE FOR:
HOLM

BUILT BY
PARENT Custom Homes LLC

612-597-4269
EXCELLENCE FROM EVERY ANGLE
Beyond Design Architecture

City of Brooklyn Park Request for Council Action

Agenda Item:	4.8	Meeting Date:	August 26, 2019
Agenda Section:	Consent	Originating Department:	Rental and Business Licensing Division
Resolution:	N/A	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Keith Jullie, Rental and Business Licensing Manager
Item:	Approve an Off-Sale 3.2 Percent Malt Liquor License for Hy-Vee, Inc dba Hy-Vee, 9409 Zane Avenue North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE AN OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR HY-VEE, INC DBA HY-VEE, 9409 ZANE AVENUE NORTH.

Overview:

This is a new Off-Sale 3.2 Percent Malt Liquor License for Hy-Vee Inc, doing business as Hy-Vee located at 9409 Zane Avenue North. There are no known code issues at this property at this time. The Police Department has completed their investigation of the business owners.

The Community Development Department, Fire Department and Police Department find no reason that would preclude the issuance of this license. Their reports are on file in the Business and Rental Licensing Division and are available upon request.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.9	Meeting Date:	August 26, 2019
Agenda Section:	Consent	Originating Department:	Operations and Maintenance – Engineering Services Division
Resolution:	N/A	Prepared By:	Jeff Holstein, City Transportation Engineer
Ordinance:	N/A		
Attachments:	1	Presented By:	Jesse Struve, City Engineer
Item:	Approve Temporary Closure of Oxbow Creek Drive Between Noble Avenue and Vera Cruz Drive to Allow for Champlin Park High School Homecoming Parade		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE TEMPORARY CLOSURE OF OXBOW CREEK DRIVE BETWEEN NOBLE AVENUE AND VERA CRUZ DRIVE TO ALLOW FOR CHAMPLIN PARK HIGH SCHOOL HOMECOMING PARADE.

Overview:

The Champlin Park High School is requesting permission to temporarily close Oxbow Creek Drive between Noble Avenue and Vera Cruz Drive for their homecoming parade. The proposed parade would be held on Wednesday, September 18, between 6:00 and 6:30 p.m. The roadway would also be used for staging the parade. Therefore, the roadway would need to be closed to through traffic from roughly 5 to 7 p.m., or approximately two hours. The parade would start near Noble Avenue and run west along Oxbow Creek Drive to the high school parking lot.

The high school has held its homecoming parade on the same segment of Oxbow Creek Drive since 2012. School representatives have typically worked with city staff to notify and invite all of the area residents to the event. The event has been well attended, entertaining and void of incidents.

The school is proposing to work closely with staff to properly notify all of the area residents again this year and to minimize accessibility, noise and other impacts. The school has applied for a Special Events Permit. City Engineering staff has reviewed the traffic control plan for the temporary road closure and has determined it to be acceptable.

Primary Issues/Alternatives to Consider:

The City received two complaints in 2012 from people who live along 107th Avenue North adjacent to the parade route. All residents who live in the areas adjacent to the parade route have alternative access routes, with the exception of the 107th Avenue North residents. The 107th Avenue North residents are temporarily blocked from getting to or from their homes for 30-60 minutes while the parade is going. These residents are allowed to access their homes up to the start of the parade and immediately after the conclusion of the parade.

Temporarily restricting access to some homes or businesses is not unusual for a parade. These restrictions are much longer for some residents along the Tater Daze Parade Route and along typical roadway reconstruction projects. The duration of the impact to the residents along 107th Avenue was minimal in previous years and is expected to be similar this year.

Budgetary/Fiscal Issues:

The school would borrow the necessary traffic control devices to temporarily close Oxbow Creek Drive from the City. The school would pay all other expenses, including all advance notification costs.

Attachments:

4.9A LOCATION MAP

City of Brooklyn Park Request for Council Action

Agenda Item:	6.1	Meeting Date:	August 26, 2019
Agenda Section:	Land Use Actions	Originating Department:	Community Development
Resolution:	X	Prepared By:	Todd A. Larson, Senior Planner
Ordinance:	N/A		
Attachments:	3	Presented By:	Todd A. Larson
Item:	"Pemberly" (Pulte Homes) – Final Plat #19-114 to Subdivide 14.46 Acres into 105 Townhome Lots and Six Outlots Northwest of 93 rd and Regent Avenues		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ APPROVING FINAL PLAT OF "PEMBERLY," SUBDIVIDING 14.46 ACRES INTO 105 TOWNHOME LOTS AND SIX OUTLOTS NORTHWEST OF 93RD AND REGENT AVENUES.

Overview:

On July 22, 2019, the City Council approved the preliminary plat and development plan amendment for "Pemberly," a medium density residential development consisting of 105 row townhome units. The proposed 2-story development is intended to provide a smaller and more affordable townhome option than the other 3-story models available in the area today.

At the July 22 Council meeting, there was lengthy discussion about a trail segment leading out to Regent Avenue. The trail was intended to provide an emergency exit for the subdivision, but concerns over its operation and safety caused staff to re-examine the need for the trail. The Police and Fire Departments stated that they do not feel this exit is required and the applicant has agreed to remove it.

The proposed final plat is consistent with the approved preliminary plat.

Budgetary/Fiscal Issues: N/A

Alternatives to Consider:

1. Approve the Final Plat consistent with the approved preliminary plat.
2. Approve the Final Plat with modifications.
3. Deny the Final Plat based on certain findings.

Attachments:

- 6.1A RESOLUTION
- 6.1B LOCATION MAP
- 6.1C FINAL PLAT

RESOLUTION #2019-

RESOLUTION APPROVING FINAL PLAT OF
"PEMBERLY,"
SUBDIVIDING 14.46 ACRES INTO 105 TOWNHOME LOTS AND SIX OUTLOTS
NORTHWEST OF 93RD AND REGENT AVENUES

Planning Commission File #19-114

WHEREAS, the plat of "Pemberly" has been submitted in the manner required for platting of land under the Brooklyn Park Codes and under Chapter 462 of the Minnesota Statutes and all proceedings have been duly had thereunder; and

WHEREAS, said plat is in all respects consistent with the City plan and the regulations and requirements of the laws of the State of Minnesota and codes of the City of Brooklyn Park, Chapters 151 and 152.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, Final Plat Request #19-114 "Pemberly" shall be approved subject to the following conditions:

- a. Title review by the City Attorney and all conditions therein.
- b. Easement review by the City Engineer and all conditions therein.
- c. Per requirements set forth in Resolution #2008-137 or as subsequently amended by motion, approving the preliminary plat of "ASTRA VILLAGE" and Resolution #2019-125 approving the preliminary plat of "Pemberly," which are part of this resolution by reference and are on file and can be examined in the City Clerk's office.
- d. Submission of a letter from the land surveyor or engineer indicating the square footage contained in each lot on the plat, per Section 151.043, Subdivision J, of the City Code.
- e. Submission of a CAD copy of the plat.
- f. Park dedication will be satisfied through the use of the Seed Family credits.

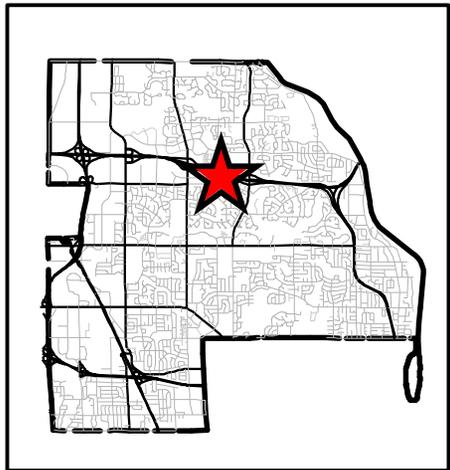
BE IT FURTHER RESOLVED that such execution of the certificate upon said plat by the Mayor and City Manager shall be conclusive showing of proper compliance therewith by the subdivider and City officials and shall entitle such plat to be placed on record forthwith without further formality, all in compliance with M.S.A. 462 and the Ordinance of the City.

**Plat/Conditional Use Permit #19-114
Pemberly (Pulte Homes)**



Spring 2018 Air Photo.

100
Feet



Map Date June 21, 2019

PEMBERLY

C.R. DOC. NO. _____

KNOW ALL PERSONS BY THESE PRESENTS: That Pulte Homes of Minnesota, LLC, a Minnesota limited liability company, owner of the following described property situated in the State of Minnesota, County of Hennepin, to wit:

Outlot A, ASTRA VILLAGE 5TH ADDITION, according to the recorded plat thereof.

Has caused the same to be surveyed and platted as PEMBERLY and do hereby dedicate for public use the easements for sewer main and water main, and drainage and utility easements as created by this plat.

In witness whereof said Pulte Homes of Minnesota, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this ____ day of _____, 2019.

Pulte Homes of Minnesota, LLC.

Jamie Tharp, Chief Manager

STATE OF MINNESOTA, COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 2019, by Jamie Tharp, Chief Manager of Pulte Homes of Minnesota, LLC, a Minnesota limited liability company, on behalf of the corporation.

Notary Public, Hennepin County, Minnesota _____
Notary Printed Name My Commission Expires: _____

SURVEYORS CERTIFICATE

I David B. Pemberton do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined by Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 2019.

David B. Pemberton, Licensed Land Surveyor
Minnesota License No. 40344

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This instrument was acknowledged before me this ____ day of _____, 2019, by David B. Pemberton.

Notary Public, Hennepin County, Minnesota _____
Notary Printed Name My Commission Expires: _____

CITY COUNCIL, CITY OF BROOKLYN PARK, MINNESOTA

This plat of PEMBERLY was approved and accepted by the City Council of the City of Brooklyn Park, Minnesota at a regular meeting held this ____ day of _____, 2019, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Brooklyn Park, Minnesota

By: _____, Mayor By: _____, Manager

RESIDENT AND REAL ESTATE SERVICES,
Hennepin County, Minnesota

I hereby certify that taxes payable in _____ and prior years have been paid for land described on this plat, dated this ____ day of _____, 2019.

Mark V. Chapin, County Auditor

By: _____, Deputy

SURVEY DIVISION
Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this ____ day of _____, 2019.

Chris F. Mavis, County Surveyor

By: _____

COUNTY RECORDER
Hennepin County, Minnesota

I hereby certify that the within plat of PEMBERLY was recorded in this office this ____ day of _____, 2019, at ____ o'clock ____ .M.

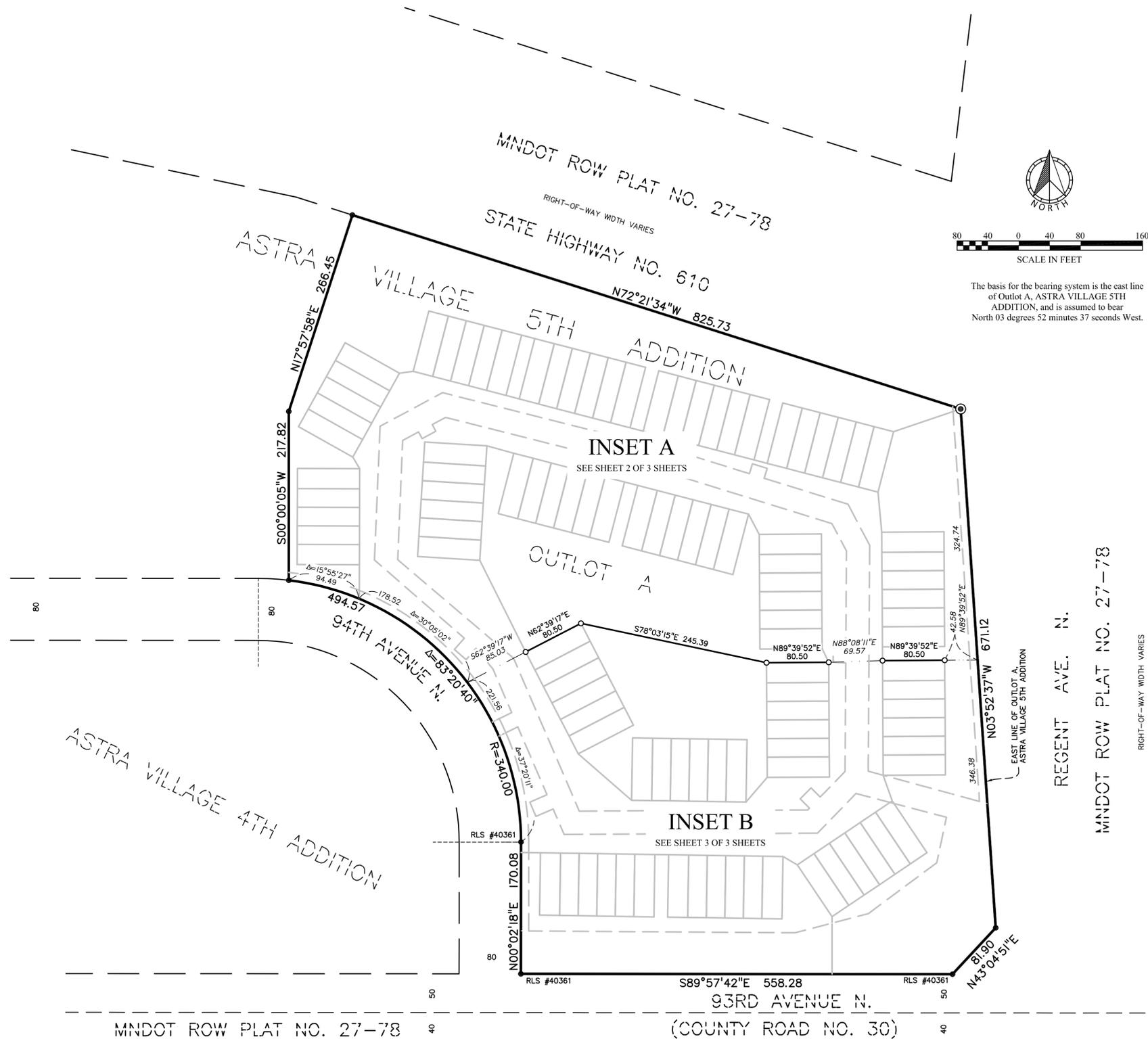
Martin McCormick, County Recorder

By: _____, Deputy



SATHRE-BERGQUIST, INC.

- Denotes a 1/2 inch by 14 inch iron pipe set and marked by License No. 40344.
- Denotes a 1/2 inch pipe found and marked by License No. 40344, unless shown otherwise.
- ⊙ Denotes a Found MnDot Cast-Iron-Monument



THE GARDENS OF EDINBURGH THIRD ADDITION

PEMBERLY INSET A

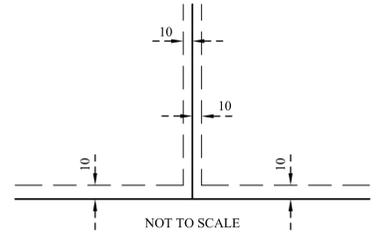
C.R. DOC. NO. _____

The basis for the bearing system is the east line of Outlot A, ASTRA VILLAGE 5TH ADDITION, and is assumed to bear North 03 degrees 52 minutes 37 seconds West.

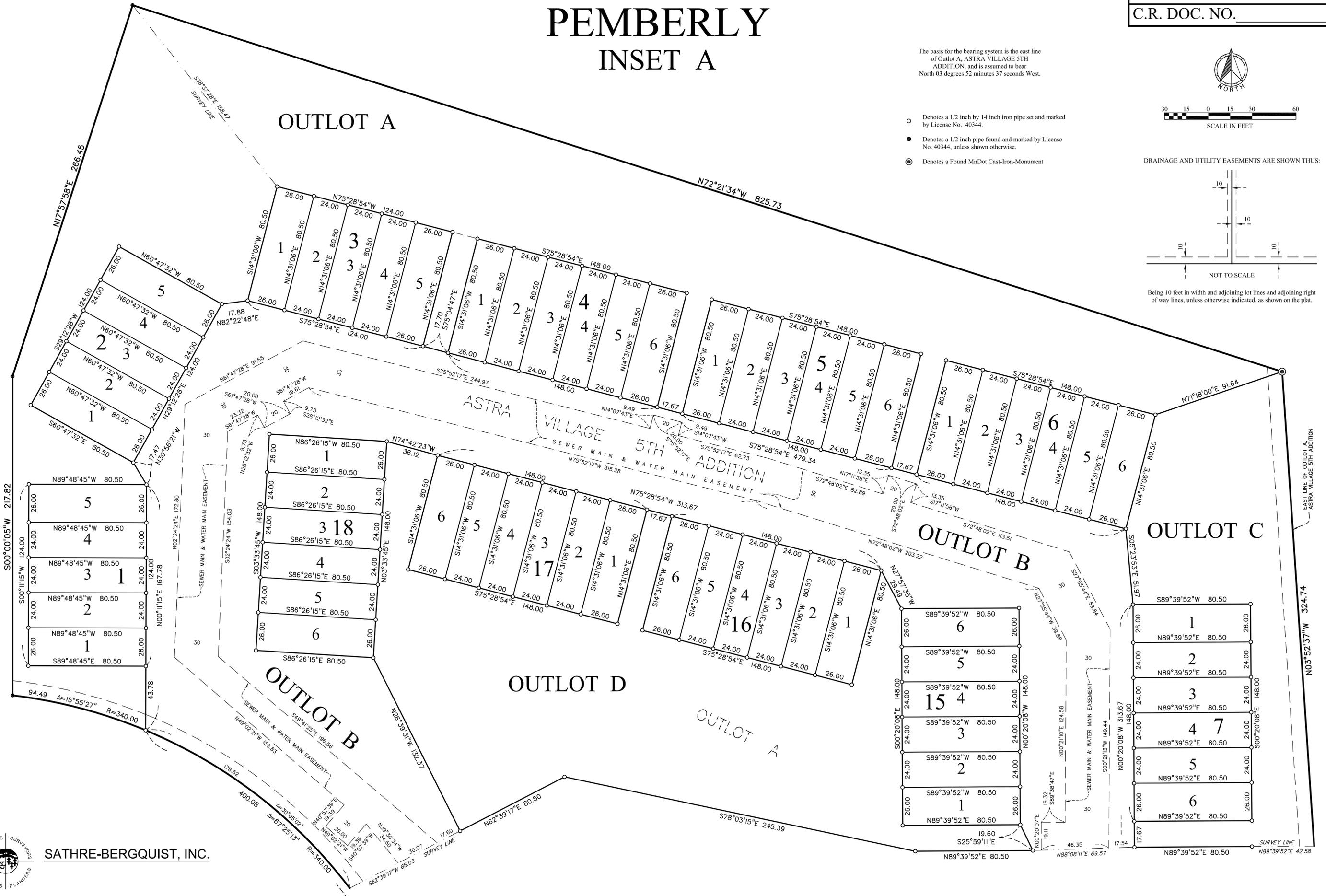


- Denotes a 1/2 inch by 14 inch iron pipe set and marked by License No. 40344.
- Denotes a 1/2 inch pipe found and marked by License No. 40344, unless shown otherwise.
- ⊙ Denotes a Found MnDot Cast-Iron-Monument

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



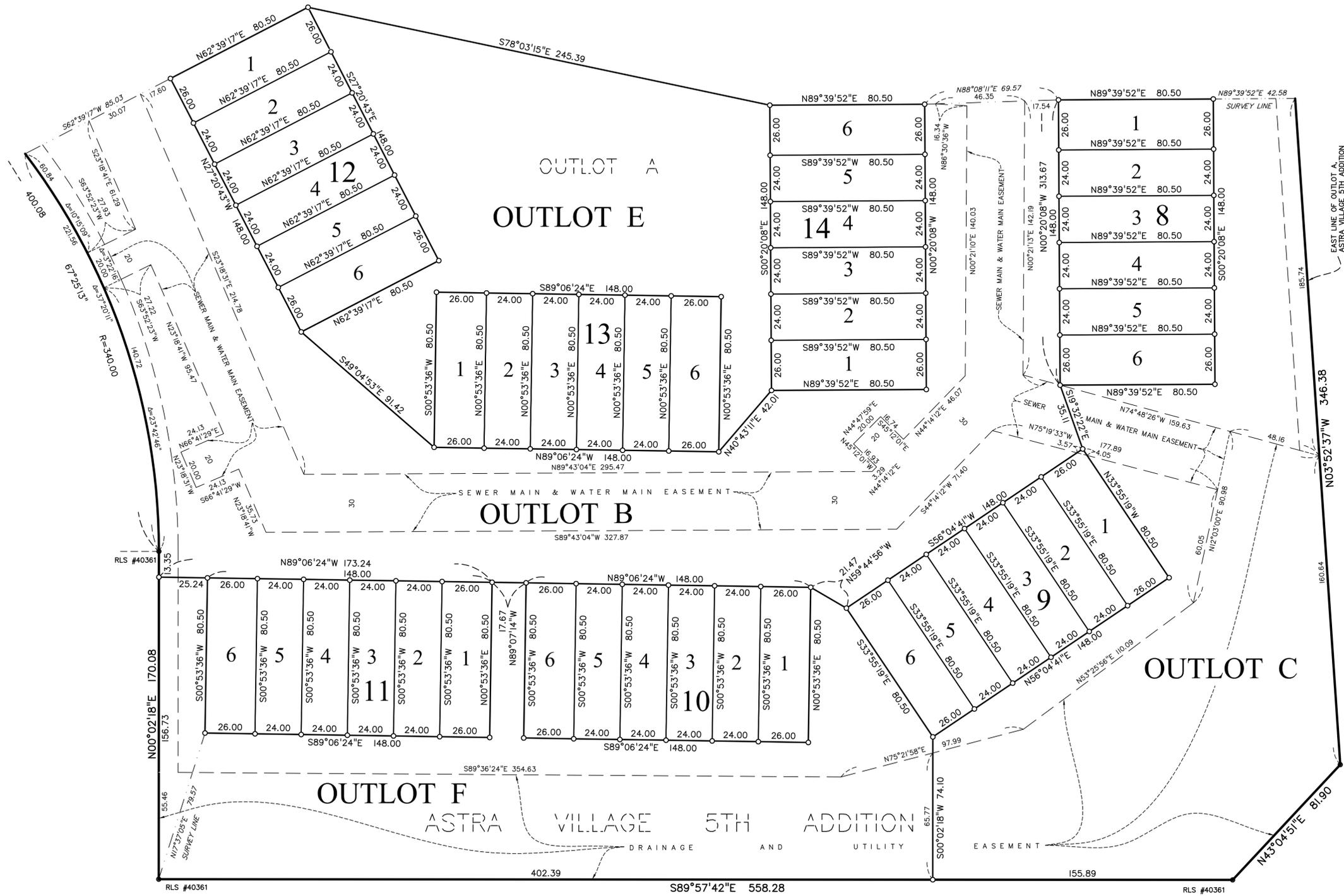
Being 10 feet in width and adjoining lot lines and adjoining right of way lines, unless otherwise indicated, as shown on the plat.



SATHRE-BERGQUIST, INC.

PEMBERLY INSET B

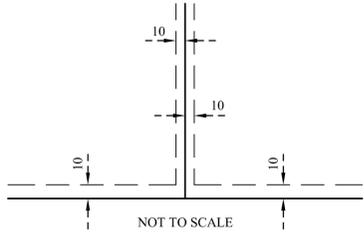
C.R. DOC. NO. _____



The basis for the bearing system is the east line of Outlot A, ASTRA VILLAGE 5TH ADDITION, and is assumed to bear North 03 degrees 52 minutes 37 seconds West.

- Denotes a 1/2 inch by 14 inch iron pipe set and marked by License No. 40344.
- Denotes a 1/2 inch pipe found and marked by License No. 40344, unless shown otherwise.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



Being 10 feet in width and adjoining lot lines and adjoining right of way lines, unless otherwise indicated, as shown on the plat.



SATHRE-BERGQUIST, INC.

City of Brooklyn Park Request for Council Action

Agenda Item:	7.1	Meeting Date:	August 26, 2019
Agenda Section:	General Action Items	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Marlene Kryder, Program Assistant
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Mayor Jeffrey Lunde
Item:	Appointment to the Shingle Creek Watershed Management Commission		

City Manager's Proposed Action:

Appoint a regular commissioner to serve on the Shingle Creek Watershed Management Commission.

SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION One appointment – City At-large

MOTION _____, SECOND _____, TO APPOINT _____ AS THE COMMISSIONER TO THE SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE JANUARY 31, 2021. (Replacing John Roach)

Overview:

On August 12, 2019, the City Council interviewed applicants to fill a vacancy on the Shingle Creek Watershed Management Commission.

Primary Issues/Alternatives to Consider:

Selection and appointment of commissioner.

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	8.1	Meeting Date:	August 26, 2019
Agenda Section:	Discussion Items	Originating Department:	Operations and Maintenance
Resolution:	N/A	Prepared By:	O&M and Finance Department
Ordinance:	N/A		
Attachments:	1	Presented By:	Dan Ruiz, O&M Director
Item:	2019 Street-Signal Light and Sanitary Sewer Utility Rate Discussion		

City Manager's Proposed Action:

Discuss 2019 Street-Signal Light and Sanitary Sewer Utility Rates.

Overview:

Our goal for this discussion is to:

- ✓ Review street-signal light and sanitary sewer utility rate cost drivers such as general operations, reconstruction, inflation and capital improvements
- ✓ Discuss rate recommendations
- ✓ Determine next steps to conduct a public hearing and implement potential rate adjustments

Brooklyn Park has a typical street/signal lighting system consisting of approximately 4,300 street lights and 84 traffic signals. The Street-Signal Utility is run as an enterprise fund dedicated for operations, replacement and installation of both street lights and traffic signals.

Street lights are a combination of City-owned, Xcel Energy-owned and privately-owned lights. The traffic signals are Hennepin County, MnDOT and City owned, with the City responsible for all electric power and street light maintenance on all traffic signals. The City replaces approximately 50 street light poles each year and adds lights as warranted/necessary.

Street lighting's primary purpose is to provide adequate light for the prevention or reduction of accidents. Street lighting also protects pedestrians by allowing more freedom and security to walk at night. Traffic signals are justified by a defined system of MnDOT warrants that include traffic counts, turning movements and accident experience.

Brooklyn Park's sanitary sewer system serves approximately 23,000 customers and collects more than two billion gallons of sewage annually. The system consists of 270 miles of sewer main, 6 lift stations, and over 6,200 manholes. Sewage treatment is provided by Met Council Environmental Services (MCES) and is billed as a contractual service to the City. MCES represents approximately 70% of sanitary sewer expenses.

Following is a summary and overview of the key issues related to the utility rate analysis:

- As per the City Charter and ordinances, the street-signal light and sanitary sewer utilities are enterprise funds and operate as "self-sustaining businesses" with rates and charges that cover full costs of production, distribution/collection, replacement and sales.
- Current sanitary sewer rates and charges annual adjustments end December 31, 2019.
- Current street-signal light rates and charges have not been increased since 2017.

- A philosophy to study utility rates and charges every three to five years has been practiced since 1994.
- This rate analysis was based on estimated cash flows and ending cash balances and minimum working capital and capital replacement reserve funding needs.
- Minimum working capital target equals ninety days of operating expense plus annual debt service plus one year of depreciation.
- Maximum capital replacement reserve target equals no more than accumulated depreciation of system assets.
- Capital expenses from the 2020-24 Capital Improvement Plan and estimates for major maintenance needs have been included in the analysis.
- Street-signal light increases are needed primarily to fund capital projects, such as the installation of a traffic signal at 93rd Ave/Noble Pkwy, and ongoing operations.
- Sanitary sewer rate increases are needed to fund capital projects, ongoing operations and proposed increased Met Council Environmental Services (MCES) disposal charges, which are 65%-70% of the City's sanitary sewer operating costs.
- A new consideration is a no-fault sewer backup insurance coverage through the League of Minnesota Cities Insurance Trust. This coverage would reimburse a property owner for cleanup costs and damages resulting from a city sewer backup or watermain break, irrespective of whether the backup was caused by city negligence. The cost for this program ranges starts at \$41,218 and offers \$10,000 coverage per occurrence. See Attachment 8.1A for more details.

Following is a summary of the proposed rates and charges adjustments for 2020 through 2023 (four years).

Street-Signal Light Utility:

- Increase quarterly charge in 2020 for single family houses from \$10.85 to \$11.30 (\$0.15/month) and \$0.15 per month each year 2021 through 2023.
- Increase quarterly charge in 2020 for townhouses from \$7.70 to \$8.05 (\$0.12/month) and \$0.12 per month each year 2021 through 2023.
- Increase quarterly charge in 2020 for multifamily houses from \$3.85 to \$4.00 (\$0.05/month) and \$0.05 per month each year 2021 through 2023.
- Increase quarterly (street front feet) charge in 2020 for businesses and others from \$0.25 to 0.26 and \$0.01 per quarter each year 2021 through 2023.

Sanitary Sewer Utility:

- Increase fixed quarterly meter charge fee in 2020 from \$6.55 to \$6.80 (\$0.30 per quarter) and \$0.30 per quarter each year 2021 through 2023.
- Increase sanitary sewer usage rate twenty cents (\$ 0.20) per 1,000 gallons each year: an average 5.2% per year.
- A low use residential user would see their sanitary sewer quarterly bill increase by \$2.10 (\$0.70/month) from 2019 to 2020.

- A medium use residential user would see their sanitary sewer quarterly bill increase by \$3.54 (\$1.18/month) from 2019 to 2020.
- A high use residential user would see their sanitary sewer quarterly bill increase by \$5.16 (\$1.72/month) from 2019 to 2020.
- These adjustments are expected to allow the utilities to maintain the cash flow and minimum working capital goals necessary for operations, maintenance and capital projects over the next four years.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

The intent of this street-signal light and sanitary sewer rate analysis is to recommend rates and charges for the next four years (2020 through 2023). The rates and charges are recommended to be effective January 1, 2020. The implementation of the recommended rates and charges will provide adequate funding for the street-signal light and sanitary sewer operating/maintenance costs and the capital projects included in the Capital Improvement Plan.

Attachments:

8.1A NO FAULT SEWER BACK UP COVERAGE INFORMATION

RELEVANT LINKS:

[Sanitary Sewer Incentive Program.](#)

See [LMCIT Sanitary Sewer Backup Incentive Questionnaire.](#)

To qualify for the sanitary sewer backup incentive, cities must complete a sanitary sewer system questionnaire and return it to LMCIT. If a city can confirm it meets the criteria, it will not be subject to the higher mandatory deductible. A city may certify they meet the criteria at any time. If qualification occurs midterm, LMCIT will issue an endorsement removing the minimum deductible.

2. No-fault sewer backup coverage

As an option, no-fault sewer backup coverage is available for members that meet certain underwriting criteria. The optional coverage comes with an additional charge and will reimburse a property owner for cleanup costs and damages resulting from a city sewer backup or from a city water main break, irrespective of whether the backup was caused by city negligence.

The no-fault sewer backup coverage option is intended to:

- Reduce health hazards by encouraging property owners to cleanup backups as quickly as possible.
- Reduce the frequency and severity of sewer backup lawsuits (i.e., property owners may be less inclined to sue if they receive conciliatory treatment at the time of the backup).
- Give cities a way to address the sticky political problems that can arise when a property owner learns the city and LMCIT won't reimburse for sewer backup damages because the city wasn't negligent and therefore not legally liable.

Many cities and their citizens may find this coverage option to be a helpful tool. However, it's also important to realize it's not a complete solution to sewer backup problems, and not every possible backup will be covered.

One may wonder whether it is considered a gift of public funds to pay for damages the city isn't legally liable for. The legal basis for this coverage is that it helps reduce health hazards by encouraging prompt cleanups. That's clearly a public purpose and in the public interest.

Also, the law and facts surrounding most sewer backup claims are rarely clear. There's virtually always a way that a claimant's attorney can make some type of argument for city liability. Having this coverage in place should help eliminate the need to spend public funds on litigation costs in many of these cases.

a. Coverage terms

The no-fault coverage will reimburse the property owner for sewer backup damages or water main breaks, regardless of whether the city was legally liable, if the following conditions are met:

RELEVANT LINKS:

LMC information memo,
*National Flood Insurance
Program.*

42 U.S.C. §§ 5121-5206.

- The sewer backup resulted from a condition in the city's sewer system.
- The sewer backup was not the result of an obstruction or other condition in sewer pipes or lines which are not part of the city's sewer system or which are not owned or maintained by the city.
- The water main break damage to property of others was not caused by city negligence.
- The sewer backup or water main break was not caused by or related to an excluded incident.
- The date of the occurrence giving rise to the claim for sewer backup or water main damages must be on or after the retroactive date shown on the city's endorsement.

The no-fault coverage will not pay for any damages or expenses which are or would be covered under a National Flood Insurance Program (NFIP) flood insurance policy, whether such insurance is in effect; or for any costs which the property owner has been reimbursed or is eligible to be reimbursed by any homeowners' or other property insurance.

Following are other incidents that are specifically excluded under the no-fault coverage:

- Any weather-related or other event which has been declared by the President of the United States to be a major disaster pursuant to the Stafford Act.
- Any interruption in the electric power supply to the city's sewer system or to any city sewer lift station which continues for more than 72 hours.
- Rainfall or precipitation which exceeds any of the following amounts:
 - 2.0 inches in a 1 hour period; or
 - 2.5 inches in a 3-hour period; or
 - 3.0 inches in a 6-hour period; or
 - 3.5 inches in a 12-hour period; or
 - 4.0 inches in a 24-hour period; or
 - 4.5 inches in a 72-hour period; or
 - 5.5 inches in a 168-hour period.

RELEVANT LINKS:

See Section III.R, *Sewer backups*.

LMC information memo, *Experience Rating in LMCIT's Liability and Workers' Compensation Premiums*.

b. Coverage limits

The basic limit for sewer backups is \$10,000 per building per year, regardless of the number of occurrences or the number of claimants. The city also has options to purchase higher limits of \$25,000 or \$40,000 per building. For purposes of the limit, a structure or group of structures that is served by a single connection to the city's sewer system is considered a single building.

Only true no-fault claims are counted toward the limit. Claims for damages caused by city negligence, for which the city would be legally liable in any case and for which would be covered under the standard LMCIT liability coverage, are not charged against that limit.

The basic limit for water main breaks is \$10,000 to any claimant, with the option to purchase higher limits of \$25,000 or \$40,000 per building. LMCIT will not pay more than \$250,000 for water main break damage resulting from any single occurrence. All water main breaks which occur during any period of 72 consecutive hours is deemed to result from a single occurrence.

c. Premium costs

The no-fault sewer backup premium charge is based on a per sewer connection basis as follow.

\$10,000 limit	\$1.79 per connection manual rate
\$25,000 limit	\$2.11 per connection manual rate
\$40,000 limit	\$2.63 per connection manual rate

The coverage also includes an experience-rating component. Members that have incurred no losses under this coverage within a three-year rating period receive a 10 percent credit. Members that have incurred losses within the rating period at a per-connection frequency that is higher than the LMCIT program average receive a 10 percent debit.

d. Eligibility

To be eligible for the no-fault sewer backup coverage, the city must meet these underwriting criteria:

- The city must have a policy and practice of inspecting and cleaning its sewer lines on a reasonable schedule.
- If there are any existing problems in the city's system which have caused backups in the past or are likely to cause backups, the city must have and be implementing a plan to address those problems.
- The city must have a system and the ability to respond promptly to backups or other sewer problems at any time of the day or week.

RELEVANT LINKS:

For assistance in developing sewer policies, practices, and schedules, please see the [Sanitary Sewer Toolkit: A Guide for Maintenance Policies and Procedure](#).

- The city must have in place an appropriate program to minimize storm water inflow and infiltration.
- The city must have in place a system to maintain records of routine sewer cleaning and maintenance, and of any reported problems and responses.

The goal of these criteria is to focus on reasonableness rather than on creating specific standards. The intent isn't to set an arbitrary requirement that sewers be inspected and cleaned every six months, every three years, or every five years. What makes sense in one city with some older and sometimes sagging clay lines probably wouldn't make sense in a city with newer plastic lines, and vice versa. From LMCIT's standpoint, the real concern is that the city has considered its own situation and developed policies, practices, and schedules that make sense for its own situation.

e. Applying for no-fault sewer backup coverage

Cities interested in applying for the no-fault sewer backup coverage should first contact LMCIT. If the city qualifies for coverage, LMCIT will send the city a formal quote. If the city decides to purchase the coverage, the city council must then pass a formal resolution making the no-fault sewer backup protection part of the agreement between the city and the sewer customer. Once LMCIT receives a copy of the resolution, coverage can be bound.

LMCIT requires a resolution because the coverage is really a contract between the city and the sewer user. In other words, the basis for the no-fault payments to the property owner would be the contract between the city and the sewer user. The idea is that by paying their sewer bill, the sewer user is purchasing not just sewer services but also the right to be reimbursed for certain specified sewer backup costs and damages.

f. Discontinuing no-fault sewer backup coverage

If the city decides to discontinue coverage sometime in the future, make sure the city or its agent notifies LMCIT. The council should also formally rescind the resolution that made the no-fault sewer backup protection part of the agreement between the city and the sewer customer. The city should also notify its sewer users that the coverage was discontinued.

S. Skate parks

The LMCIT liability coverage applies to claims arising out of skate park operations. However, due to the various types of skate park configurations and the various exposures presented by them, coverage is only provided if certain loss control practices are in place. The coverage and premium charge will also vary based on the type of skate park facility, which is for coverage purposes identified as either a tier 1 or tier 2 skate park.