

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, January 28, 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, Mark Mata, Wynfred Russell and Lisa Jacobson; 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: None.

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated..

2B PUBLIC COMMENT

1. Collette Guyotte-Hempel, 9277 Trinity. 93rd Construction Projects. She read from a letter with questions:
 - a. What does being a good neighbor mean?
 - b. Do you build a multi-million development and let your garbage blow in the neighborhoods for weeks?
 - c. Does it take more than a month and a complaint with a bag of garbage to make you clean up?
 - d. Do you build without the construction fencing guaranteed in the permit?
 - e. Do you use a collector street or use an open field to change the better soil and give the next development sand instead of the soil that was there?
 - f. Do you dig in the fall or spring or do you use a crane and bucket pounding the frozen ground hard enough to make houses shake on the other side of the road and multi-ton berm?
 - g. Do you move dirt and take the right of way away from vehicles in a 50 MPH road with a “trucks hauling” sign on the ground not visible to the vehicles you are pulling out in front of?
 - h. Do you make a dead stop in the road of a 50 MPH road and back up in the lane of traffic with a motorist right behind you?
 - i. Do you make U turns in that same road in the middle with traffic coming at 40 mph at you?
 - j. Do you stop in the middle of a four way stop and do a kiddie corner back into the ditch right next to a brand new transformer box of electricity for the neighborhood and then drive straight out into the middle of the same four way stop?

She stated she was still wondering if the gas line that was buried along Regent had been checked for cracks since then. She stated there was a pole on her property, but it didn't go west, east or south as far as the markings were concerned. She stated that was what Lyons Construction and New Market Value apartments had been doing.

She stated that regarding the Menar Homes approach, asked if they would drive on it or would have first responders trying to save a life either from workman's injury or from a fire. She stated she talked to the sales person last Friday and said to go ahead and talk to the city Council again about the approach. She stated to her a good neighbor did as much as possible to prevent and be proactive to stop accidents.

3A. MOTION WEST-HAFNER, SECOND JACOBSON TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH THE ADDITON OF ITEM 3B2, DEFERRED ENFORCED DEPARTURE AWARENESS MONTH PROCLAMTION. MOTION PASSED UNANIMOUSLY.

3B1 City Manager Jay Stroebel briefed the Council on the impending immigration deadline. He introduced Honorary Consul General Jackson George and he briefed the Council on the immigration deadline and the potential impacts on the community and in the Minnesota.

3B2 Mayor Jeffrey Lunde briefed the Council on the proclamation declaring February 2019 as "Deferred Enforced Departure (DED) Awareness Month" in the City of Brooklyn Park. He introduced Georgette Gray, Executive Director, Organization of Liberians in Minnesota, and she briefed the Council on the proclamation.

4.0 MOTION MATA, SECOND JACOBSON TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS:

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-16 APPROVING PLANS AND ORDERING ADVERTISEMENT FOR BID FOR 2019 STREET RECONSTRUCTION PROJECT, CIP 4003-19.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-17 TO ACCEPT BIDS AND AWARD CONTRACT FOR THE REPAIR OF RAW WATER SUPPLY PIPING AT THE WATER TREATMENT PLANT TO MAGNEY CONSTRUCTION INC.

4.3 TO SET A PUBLIC HEARING ON FEBRUARY 11, 2019 TO CONSIDER THE ISSUANCE OF AN ON-SALE WINE LICENSE FOR LINH HUYNH FOOD INC. DOING BUSINESS AS KIM ANH RESTAURANT LOCATED AT 8586 EDINBURGH CENTER DR N.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-18 TO AWARD AN AGREEMENT TO CORNERSTONE, FOR AN AMOUNT NOT TO EXCEED \$5,417 PER MONTH DURING THE CONTRACT PERIOD, TO PROVIDE VICTIMS AND FAMILIES OF DOMESTIC VIOLENCE ADVOCACY SERVICES BASED OUT OF THE POLICE DEPARTMENT.

4.5 TO RELEASE THE REMAINING ENGINEERING ESCROW \$2,185.39 FOR THE "LUPIENT COLLISION CENTER" PROJECT #17-102 LOCATED AT 7910 LAKELAND AVENUE N FOR BROOKLYN PARK PROPERTIES, LLC. THIS PROJECT HAS EXPIRED.

4.5 TO RELEASE THE REMAINING ENGINEERING ESCROW \$1,121.77 FOR THE "FAIRFIELD INN" PROJECT #17-107 LOCATED AT 5651 96TH AVENUE N FOR 7910

LAKELAND AVENUE N FOR OPUS DEVELOPMENT COMPANY AND SAMBATEK, INC. THIS PROJECT HAS EXPIRED.

4.5 TO REDUCE THE ENGINEERING ESCROW BY \$23,000 AND REDUCE THE CASH BOND BY \$76,500 FOR COMPLETION PROGRESS OF THE "610 WEST APARTMENT" PROJECT #15-104 LOCATED AT 6705, 6711 AND 6729 OAK GROVE PKWY FOR DORAN COMPANIES.

4.5 TO RELEASE THE ON-SITE IMPROVEMENT BOND #1854929 (\$450,000) POSTED BY GREAT AMERICAN INSURANCE COMPANY, REDUCE THE ENGINEERING ESCROW BY \$12,000, AND REDUCE THE CASH BOND BY \$25,400 FOR COMPLETION PROGRESS OF THE "HAMPTON INN & HOME2 SUITES" PROJECT #16-123 LOCATED AT 9470 AND 9490 WEST BROADWAY FOR MIDAS HOSPITALITY.

4.5 TO RELEASE THE ON-SITE IMPROVEMENT BOND #100143 (\$196,100) POSTED BY MERCHANTS BONDING COMPANY, REDUCE THE CASH BOND BY \$7,300 AND REDUCE THE ENGINEERING ESCROW \$6,000 FOR COMPLETION PROGRESS OF THE "ASPEN LANE SELF STORAGE" PROJECT #17-121 FOR EBERT CONSTRUCTION.

4.6 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-19 AUTHORIZING STAFF TO ENTER INTO A PURCHASE CONTRACT WITH FORD OF HIBBING FOR TWO FORD POLICE INTERCEPTOR VEHICLES OFF THE STATE CONTRACT AND REPLACE ANY EQUIPMENT NECESSARY TO PLACE THE VEHICLES BACK IN OPERATION, WITH FUNDING BEING PROVIDED BY AN AMENDMENT TO THE 2019 BUDGET AUTHORIZING A TRANSFER FROM THE LOSS CONTROL INTERNAL SERVICE FUND TO THE CENTRAL SERVICES INTERNAL SERVICE FUND.

4.7 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF NOVEMBER 6, 2017, AS PRESENTED BY THE CITY CLERK.

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

4.7 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JANUARY 7, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION PASSED UNANIMOUSLY.

5.1 Planning Director Cindy Sherman briefed the Council on Three Rivers Park District/City of Brooklyn Park – Waiver of Platting #19-100 to Subdivide 37.66 Acres into Two Parcels for the Future Highway 169/101st Avenue Interchange and Purchase 2.3 Acres of the Property.

5.1 Mayor Lunde opened the public hearing.

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 JACOBSON, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2019-20 APPROVING WAIVER OF PLATTING TO SUBDIVIDE PROPERTY AT THE NORTHEAST CORNER OF HIGHWAY 169 AND 101ST AVENUE INTO TWO PARCELS. MOTION PASSED UNANIMOUSLY.

5.1 MOTION JACOBSON, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-21 TO PURCHASE 2.3 ACRES OF PROPERTY FROM THREE RIVERS PARK DISTRICT FOR USE IN HIGHWAY 169 INTERCHANGE PROJECT. MOTION PASSED UNANIMOUSLY.

6.1 Planning Director Cindy Sherman briefed the Council on Oak Village (D.R. Horton) – Preliminary Plat and Conditional Use Permit for a 56-Unit Townhome Development Southwest Corner of Oak Grove Pkwy. and Regent Avenue N.

6.1 MOTION PARKS, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019-22 APPROVING PRELIMINARY PLAT OF “OAK VILLAGE” SUBDIVIDING 5.36 ACRES INTO 56 TOWNHOME LOTS AND TWO COMMON LOTS SOUTHWEST OF OAK GROVE PARKWAY AND REGENT AVENUE NORTH.

Council Member Mata stated he had concerns with the project. He stated the Council always talked about the things they're going to do, like the 2025 plan that was put out there to talk about the city becoming more senior friendly. He stated the project was not a senior friendly development. He stated the apartments to the south of the proposed area had the most stairs he had ever walked on, and the project was not going to be age friendly. He stated that when someone had an event there, just like the ones that were between that spot of land and the Highway 610, parking was very difficult. He stated he realized the trucks could turn around but the fire truck placement could be an issue. He stated there was not enough room for guests to park, which would be an issue at Oak grove Parkway where they would have to post signs and then post “No Parking” signs on Regent along with the other side of 96th Avenue.

He stated many years ago when the project came forward and were just doing the preliminary plat on it, the whole project in the area south of the powerlines, at that time, the City just came off an apartment study, the Zane Corridor. He stated the study said if they built too many of same thing of those kind of units in the same spot, they would have issues. He stated they were creating the Zane Corridor but just in a different part of town. He stated the study said that moving high density throughout neighborhood and spreading it around the City and not putting a lot of high density next to high density was going to create an issue and the City was going to pay down the road and would be buying the units. He stated the project went from a medium density to medium high density. He stated he would vote no to the project and the only way he would approve a project there was that it went back to a medium density. He stated it meant the developer wouldn't make as much but would still make money there. He thought they had enough housing in that area to build more housing when he was looking for a commercial area. He stated the Town Center soon would be all houses and nowhere for anyone to go except to a couple of fast food restaurants. He stated that was what they were looking at and due to the density, he would not vote for it.

THE MOTION PASSED (6 TO 1) MATA VOTED NO.

6.1 MOTION PARKS, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019-23 APPROVING CONDITIONAL USE PERMIT FOR "OAK VILLAGE," A 56-UNIT TOWNHOME DEVELOPMENT SOUTHWEST OF OAK GROVE PARKWAY AND REGENT AVENUE NORTH. MOTION PASSED. (6 TO 1) MATA VOTED NO.

6.2 Planning Director Cindy Sherman briefed the Council on City of Brooklyn Park – Rezoning #18-112 to Rezone Eight Business Parcels from Business Park (BP) to General Business District (B3) at 8500, 8501, 8504, 8508, 8509, 8511, and 8517 Xylon Avenue N.; and 8501-8509 Wyoming Avenue N.

6.2 MOTION PHA, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHAPTER 152 REZONING 12.45 ACRES FROM BUSINESS PARK (BP) TO GENERAL BUSINESS DISTRICT (B3) NORTH OF 85TH AVENUE BETWEEN WYOMING AVENUE AND HIGHWAY 169. MOTION PASSED UNANIMOUSLY.

6.3 Planning Director Cindy Sherman briefed the Council on City of Brooklyn Park – FIRST READING of an Ordinance to rezone specific properties to Transit Orientated Development at Five Station Areas.

6.3 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE REZONING SPECIFIC PROPERTIES TO TRANSIT ORIENTATED DEVELOPMENT AT FIVE STATION AREAS. MOTION PASSED UNANIMOUSLY.

7.1 Mayor Lunde briefed the Council on the Travel by Mayor Lunde to Oakland, California, February 18-20, 2019.

7.1 MOTION MATA, SECOND WEST-HAFNER TO APPROVE TRAVEL BY MAYOR JEFFREY LUNDE TO OAKLAND, CA ON FEBRUARY 18 THROUGH FEBRUARY 20, 2019 FOR MBK RISING! INAUGURAL NATIONAL CONVENING AS AN INITIATIVE OF THE OBAMA FOUNDATION. MOTION PASSED UNANIMOUSLY.

7.2 City Manager Stroebel briefed the Council on the 2019 Legislative Priorities and Positions.

He highlighted a few specific areas of focus:

TH252 - He stated while the City got the initial funding from the State, there was still significant potential for local dollars to be contributed toward some of the interchanges in the city and adjoining local roads. He stated they wanted to continue to look for additional strategies for federal and state dollars to be available for local governments like the city to apply for those funds to alleviate the local financial burden when those types of big projects came forward.

Bottineau Light Rail Transit Line – He stated it was staying on as a priority.

Increasing Municipal State Aid to Cities – He stated it was similar to what he mentioned on the TH252 project. He stated it was something that came up in the October conversation with the

Council looking to increase the Municipal State Aid to maintain those significant MSA streets in the city.

Small Cell Legislation – He stated he was waiting on language on it. He stated that 5G was coming and for it to come there was going to be small cell antennas scattered throughout the city and would be every couple hundred feet on light poles and other fixtures. He thought that having as much local control as possible on it and most of the legislation was in place but there still could be additional changes and thought that the work with other communities, work with the city attorney, wanted to continue to protect the interest of local government with regard to the next steps in the small cell legislation.

Deputy Registrar Service – He stated that as the Council and community knew, they had a lot of ups and downs with the Deputy Registrar service, everything from the technology to some of the changes around revenue. He stated they had a lobbying group that was representing all of the Deputy Registrars around the State but was still an issue to be aware of as the legislative progresses.

Council Member Russell stated that earlier tonight they heard two presentations from Honorary Counsel General Jackson George and the Mayor's proclamation, importance to immigrations and the resident who were in the city on DACA, TPS or DED. He asked what the process was to include immigration as part of the legislative priority for 2019.

City Manager Stroebel stated historically the document was focused on the State Legislature. He stated they could have additional items related to the Federal congress and issues that would come before Congress. If the Council wanted to make those changes he could do it. He stated that historically they focused on progress related to the State level and less focus on the federal in terms of the proposed document. He stated he knew there were specific areas they spent time and energy on related to the Bottineau Line and was something they were trying to advance at the State, regional and federal levels. He stated if the Council desired, they could include something specific to DED within the document.

Council Member Russell asked if they could do it in a second document to look at the federal issues.

Council Member Mata stated to now go and battle the federal government, he was not interested as a Council Member in going to the federal government. He stated that as a Council member, he wanted to battle the State and get the money for LGA. He stated he would like to make Brooklyn Park so it didn't have to deal with LGA because every year during tax time they were always saying what if they gave it to us or didn't and they tried to find another half million to figure out how to make the budget work.

Council Member Pha stated it was a good suggestion and didn't believe previously they had legislative priorities at the federal level. She stated that all of the things they talked about at the State level also pertained to the federal level. Having the document escalated to the federal level, the congressmen and women and adding DED issue made sense. She stated it was letting the federal level public elected level officials know what the City's priorities were even at the local level was very important. She stated she had been to Washington, DC twice and the Mayor and they often did lobby the officials. She stated what they needed at the local level with the federal level elected officials was part of the NLC doing the national lobbying for the City on

behalf of the City and other cities in the state and throughout the country. She stated they might be a great policy partner including the other partners they had listed in the back of the document. She stated she would be in favor of what Council Member Russell proposed and put something like it at the federal level.

Mayor Lunde stated it was good idea for the federal level and to keep them separate. He stated he would like the federal one like the State to have the issues that gets them talking about. He stated they needed to be mindful of the politics and to lobby effectively as to focus on the issues. He stated the federal one would be fine and gave them some guidance and do it as matter of course. He stated it might be good to share the platform of the League of Minnesota Cities because they had a lobby guide when they presented and could use it as a starting point and decide if there were other things, or adopt theirs at some level.

He stated that if someone came and asked them to testify or wanted them to do something on behalf of an issue, having the guide allowed someone to say yes. He stated they were asked to lobby for after school funding that Representative Foo was presenting about funding an after school grant that had zero dollars allocated for the last decade. He stated all they were asking was to fund what was actually said in the bill. He stated it also gave the City a position to say if some of those things were talked about, different funding mechanisms, if it got written so it only went to Minneapolis and St. Paul, which happens and with some of those grants down at the legislature, that they would be able to say it doesn't help the city because it was already self-directed to one group, which meant the City would never see the funding.

7.2 MOTION LUNDE, SECOND RUSSELL TO ADOPT THE CITY OF BROOKLYN PARK'S 2019 LEGISLATIVE PRIORITIES AND POSITIONS.

Council Member Jacobson agreed that needed to be a separate document. She stated that one of things when they were elected, to always keep in mind, they were given the microphone by the residents. When they spoke up and asked the Council to speak up for them, it was their job to do that. By creating that second document thought that was their opportunity whether or not anyone paid attention to it at that level, it was out of their control. She stated they could at least feel they were doing their job they were put up there to do and believed the residents were asking them to do it. She stated she would be comfortable supporting the second document for the federal priorities as well.

7.2 THE MOTION PASSED UNANIMOUSLY.

City Manager Stroebel stated that the document contained specific priorities that were focused on and also some generic positions they held as organization. He stated the suggestion was to create a second document related to federal priorities and he could do it. He recommended they try to zero in on and focusing on specific areas of interest rather than try to establish a set of positions broadly about a whole host of federal issues. He thought if they got more specific on it, then it was a more helpful document for them as an organization and when having conversations with the federal elected officials.

7.3 Business Development Coordinator Daniela Lorenz briefed the Council on the Submittal of an Application to the Minnesota Department of Employment and Economic Development under the Job Creation Fund (JCF) Program.

7.3 MOTION WEST-HAFNER, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-24 APPROVING SUBMITTAL OF AN APPLICATION TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT UNDER THE JOB CREATION FUND (JCF) PROGRAM. MOTION PASSED UNANIMOUSLY.

8.1 Comprehensive Transportation Update.

Community Development Director Kim Berggren briefed the Council on the transportation projects related to the Light Rail Transit – Project Description, Schedule, Connect Blue Line Now! Coalition, Five Stations in Brooklyn Park, Oak Grove Station Area by the Numbers, Bike/Pedestrian Plans, Brooklyn Park Comprehensive Plan and the Trail Connections. Operations and Maintenance Director Dan Ruiz briefed on the transportation projects related to: 101st Avenue/Highway 169 Interchange-Issues and Opportunities, Cost Estimate and Timeline; Highway 252 Freeway Conversion, County Road Reconstruction – Bottineau Boulevard, Brooklyn Boulevard; Local Reconstruction Project; MSA Overlay Project; 2019 Overlay Map; Franchise Fee Projects 2016-2018; 93rd Avenue Update; Emerging Issues, and 109th Avenue Reconstruction.

Highway 252 Freeway Conversion

Council Member Jacobson stated there was a meeting on Highway 252 today. She stated there were a couple things she was able to voice her concerns for the Brooklyn Park side. She brought up that they needed continue to be concerned for the residents on 85th Avenue affected by the construction, whether that was during construction or the loss of any of those businesses. She stated what they called Kara's Bridge, the pedestrian bridge that was over Highway 252, that most plans showed it would be removed. She stated that as someone who was there when raising money and the awareness around the building of the bridge and how that deeply ran with the community that they might want to look at continuing in some way to recognize the fact that it was Kara's Bridge.

She asked about the bus stops currently on Highway 252 and what happened to them. She stated they recently had another fatality related to one of those bus stops and asked where the people would go. She also brought up the lack of the east/west transportation. She stated that what didn't exist in the community now would become a bigger problem later when they did get the project completed with the access point in the community being down to 85th Avenue and Brookdale Drive and what it would do to the neighborhoods surrounding those areas with additional traffic. She stated she was able to bring those to the top on conversations, so they could have a voice into it. She stated she did bring up the MNpass Lane as an area of concern or questions she and the Council continued to get from residents. She stated they were promising they would update their website on MNDOT's side with a greater number of Q&As so the questions they received in the community meetings could be responded to. She stated that 21,000 people were invited to those meetings and roughly 200 people total between Brooklyn Park and Brooklyn Center attended. She stated they knew they needed to communicate with a lot more information to a lot more people in a way other than inviting them to come to another meeting.

93rd Avenue Update

Council Member Parks stated he talked about the mill overlay on Noble and the Council had

talked about private streets. He asked if there was a way the Associations could jump on board with the City and get their project done at the same time by the same company to save them costs.

Operations and Maintenance Director Ruiz stated yes and to let him know which townhome association he spoke with and he would reach out to them. He stated many had reached out to the City and had saved them tens of thousands of dollars with piggybacking on the mill and overlay projects.

Council Member Jacobson stated with a Priority Factor of 30 needed, but was only at 24 and they had sent in the additional information asked if they had a time frame when they would get an answer.

Operations and Maintenance Director Ruiz stated he would find out and report it to the Council.

Council Member Jacobson stated she spoke with Hennepin County Commissioner Mike Opat today about it at the Highway 252 meeting. She stated he came out of that area too because his brother lived in that townhouse development and was well aware of the issues surrounding that intersection of 93rd Avenue and Noble Parkway. She suggested communicating to Commissioner Opat too because she knew he would like to see a light there.

Mayor Lunde thanked staff and had talked about having this kind of meeting because the Council did get asked about when the streets would be overlaid. He stated it helped to have a meeting where people could see what was being planned. He stated that on the pedestrian bridge at 85th Avenue that it would be good to at least pay honor to where the origin of that bridge was and thought of the net results of being much more safe. He stated it would be good to do that and was a good reminder on that as well.

109th Avenue Reconstruction

Mayor Lunde stated he wanted to address 109th Avenue specifically so people understood where he got to the end of what he was suggesting they would do. He stated that at one point in time, the City of Champlin wanted to go forward with the project to redo 109th Avenue and the Council said no and then somehow it managed that the Council had made a commitment to Champlin and staff came back to the Council and asked Council to rethink it and approved it because the Council made some commitments.

He stated he changed his vote specifically because he thought it was not worth having a conflict with a potential partner in the future to go ahead and do the project, even though he didn't want to do it. He remembered saying it on camera that he changed his vote specifically because they needed to work together on 109th Avenue. He stated he knew saying no would cause angst so at that time he changed his vote on it. He stated that it might not seem like much but when saying no and having to go back and change it because of that was important, but the why was important. He stated that part of the 109th Avenue challenge had been just to get both communities on board. He stated for historical purposes, most of the traffic on 109th Avenue was not Brooklyn Park traffic, 80 to 90 percent was not Brooklyn Park traffic. He stated it had never been a high priority for Brooklyn Park because it didn't have development there. He didn't think anyone in Champlin wouldn't say that road was working great and most people would say it was not especially with the high school concerned with traffic and safety.

He stated that going back to the former City Manager Verbrugge, they were working to try to move things forward but was an impasse and not coming to an agreement on moving forward. He stated they had a joint meeting and it was good and had some staff there and talked about the issue and there were decision makers on both sides that came together. He thought at that meeting things moved quickly to what was a joint powers agreement, how could they restart it, bring back consultants that were paid for by both cities so there was some impartial decision-making being done and there were no improprieties with people thinking that results showed one thing or the other and they moved it forward. He stated things went well for a while then things got bogged down again and thought from their standpoint an agreement had two parts, what Brooklyn Park wanted out of it was action because as they got development moving there they needed to get 109th Avenue done and get some certainty because the developers needed certainty.

He stated they needed to know what was going in and where the roads were going. He stated the goal was in the fall of 2017 that both cities would come into an agreement and pass the layout to help move the process forward. He thought part of the process was when they had the layout approved, they could go to the State legislature, they could get bonding money, could go to MNDOT or go to the County. He stated they could get money to help and not pay out of the city's pockets and other people paying for things. He stated things dragged on again and in the summer/spring 2018, the City passed the city's side of the layout and they still waited. He stated during that time, he had been speaking with the Mayor since it had been going on to talk about the fact that those consistent and constant warnings to the elected officials in Champlin and staff that development was imminent. He stated there was a bank that looked at it, a large Minnesota corporation headquarters that came close and had been four to five potential companies that would have moved anywhere from 2,000 to 6,000 workers to the city and suddenly needed all of it done.

He thought those warnings were given often and very direct to Champlin that they needed to get things moving. He stated that urgency came true when project "Hotdish" came forward. He stated he had warned Champlin elected officials and their Mayor numerous times that something was going to happen, and the taxpayers of Brooklyn Park should not be held liable for waiting because waiting meant development went elsewhere. He stated he was not willing to say no to a \$50 million or \$100 million or \$200 million potential project because they couldn't move forward. He stated they kept asking for meetings and asked the Mayor of Champlin directly to have a joint meeting because at the joint meeting bread was broken, got together, and talked. He stated it worked the first time and thought it would work the second time but still nothing. He stated the City Manager sent multiple emails asking to meet again and still nothing. He stated he had met with the Mayor more times over the last few months and every time he had asked for the same thing, resolution, action, and a joint meeting and still nothing.

He stated that on the project "Hotdish," the Council was the only group on the entire planet that didn't get to see their opinions because it never landed on their desks. He stated Planning and everyone on Facebook had their opinions. He stated that was one of those projects, he felt he gave all the warnings he could to a city that the Council wanted to work with. He stated that during that time he had a lot of conversations about hints, outright telling of the Council it would be okay if Brooklyn Park paid for it all and would cover the cost of 109th Avenue, 100 percent. He thought it might work but was not how they were going to do things. He stated they split costs, it was a joint road, it was 50/50 and no reason for taxpayers of Brooklyn Park to pay for it all. He

stated there had been numerous times that elected officials and city staff from Champlin had told him the exact same thing, if Brooklyn Park paid for it all, which was absurd, it was a joint road. He stated it was funny now that the development was coming near that open field that suddenly those extra demands were put on there. He stated he also had demands from the elected officials and city staff to tell Brooklyn Park how it should redesign the roads down at 105th, 101st; in other words, getting into the development to tell the City how it should do things. He stated he was struck by the irony that every morning and every afternoon the City of Brooklyn Park was the host to people driving through it on their way north. They were either going down to the metro and could see rush hour, they were going through it. He stated when Champlin shut down Highway 169 to get a project they needed to get done, he didn't think the Council complained. He stated they all knew it, it was horrible, but that was how things got done. He stated his question on it was had the Council asked them for their plans to get rid of lights on Highway 169 and he knew the answer but wanted to verify it at staff level. He stated the Council hadn't asked them what they were going to do to get rid of the lights because lights caused traffic.

Operations and Maintenance Director Ruiz stated they had not asked for those plans.

Mayor Lunde stated he asked them and they didn't have plans. He stated that he looked at what the city did on Highway 169 and the plans for 20 years for Devils Triangle was to get rid of all the lights. He stated that people going through Brooklyn Park and going on Highway 169 did not hit a light until they got to the border and traffic was so much better.

He stated that on Highway 252 work, the Council Members in the East District were working on it and heard tonight, the City had worked on it for 10 to 15 years and were told it was not going to happen for 40 years. Suddenly because the City had plans in place and the will and intent, there were going to be no lights on Highway 252, which would eliminate all the traffic that would flow up West River Road, that would hit the city streets. He stated his point about it was he suffered the idea that they should have them design the roads and developments in Brooklyn Park, when they all knew when they had lights on Highway 169, when it backed up West Broadway or Winnetka, it all became a thoroughfare and he didn't accept that idea that the City should have to suffer on that and thought that made that development more important.

He stated the last part he wanted to share caused him some angst, was during project "Hotdish" of which the Council had many people coming to the dais talking about things. He stated the Mayor of Champlin filed Freedom of Information Act on the contract of project "Hotdish." He stated he had never seen it before and that was a first. He stated he would never think about it because if someone wanted to poison relationships then do one of those on another government. He stated it was basically saying they had something to hide. He stated the senior staff talked to the senior member at Champlin and asked why they would do such a thing because that was salt in the wound. He stated the answer was what he actually figured was that they were going to expose the Mayor of Brooklyn Park for misleading the residents of Brooklyn Park. He stated he knew what they were after and the problem was that he didn't read lawyer contracts and asked the city attorney to explain to the public, on the contract for project "Hotdish," that they as Council Members or EDA couldn't talk about the who.

City Attorney Thomson stated they were talking about the Nondisclosure Agreement and was between the Brooklyn Park Economic Development Authority and project "Hotdish." He stated

that as the result, all EDA members were bound by the NDA because they were the EDA. He stated there was another paragraph that dealt with what employees could do with that information and they were bound by the same thing. He stated the Council, by being the EDA, had to comply with it. He stated there was no question the EDA members were bound by the NDA, which they reviewed ahead of time and approved and it complied with all MN Data Practices Act. He stated that it now had been disclosed.

Mayor Lunde stated they knew what they were legally bound by. He stated that most of his conversations with the Mayor and city manager of Champlin revolved around two things. One, why didn't he admit publicly who the applicant was but could not unless he wanted to pay someone for breach of contract, and two, was telling them how the Council was going to vote, which he could not. He stated he didn't know how the Council would vote until they had the hearing.

He stated the reason he brought all of it up was that he was tired of waiting and didn't think they had serious partners. He stated the project should not take this long. He stated that by the time they were done, had done from project start to design, to layout, to funding, to construction of 101st, which was an interchange over the top of a state highway in less time than it was going to take the City to get 109th project.

Operations and Maintenance Director Ruiz stated there had been plans with the interchange for a number of years and had turned it around in four years.

Mayor Lunde stated his point was that it didn't take that long to do a road project and they did them all the time. That was what concerned him and didn't know when they were going to get to work on the project. He stated he was not willing to wait. He thought they should turn staff's focus on other projects and until the City of Champlin came to the table with a decision to move a project forward, he was all ears. He stated the political gamesmanship wasn't that thought out because they did have a contract. He stated he was not willing to put it off any longer and had other projects they could work on in the city. He thought of staff time as money and thought of the funding they could do. He stated it had been proven they could get money for projects. If they had a project completed and ready to go, and if they didn't have a project ready to go, it wouldn't get funding. He stated no one would propose to fund a project that hadn't been drawn up and approved. He stated he was done messing around and kept hearing there was a lot of safety concerns and people worried about the high school and he didn't see that reflected in the actions of their partner. He stated he didn't know where the Council was, but his inclination was to move on and continue on. He stated that freed them up to do development in North Park the way they wanted to do it. He stated that if they were not going to have an agreement on 109th Avenue, he felt he owed them no opinion on what they were doing in North Park. He stated he would love for them to be partners, but the timeline went back five plus years. He apologized for speaking on it, but the history lesson mattered, and the gamesmanship and stupidity did matter a lot. He stated if someone got hurt and killed there, that's on them. The City of Brooklyn Park had been ready to move on the project.

Council Member Mata stated there was a meeting between 2005-2008 with Champlin in their facility and the discussion was about the project. He stated he didn't know his vote back then but his vote today, he was not doing something on 109th Avenue back then because they didn't have a taxable entity along there to tax, which meant the citizens of Brooklyn Park were going to foot the whole burden of that road. He stated they had nothing, now they had the Cove and

maybe a project coming forward. He stated Champlin did pay to do some things and they paid some things but not to finish the city's side of the road and never curbed and guttered the southside of 109th Avenue. He stated that on the Maple Grove side of that, he didn't vote to do anything with the road at the time and he wouldn't vote for anything now due to he wanted a builder, wanted development, something there he could tax because he didn't want to tax the rest of the city for it.

He asked about Xylon Avenue, if there were two Xylons going through Champlin.

Operations and Maintenance Director Ruiz stated one was Xylon Avenue and one was Xylon Lane. He stated that Xylon Avenue would go through and eventually connect down to 101st Avenue.

Council Member Mata stated they didn't know what was going in there and could be a bottleneck. He agreed with the Mayor on what should happen there. He stated he never worried about what another city was doing because he couldn't tell them what to do and he didn't want to tell them what to do. He stated he didn't ask for their opinion because he just wanted to deal with Brooklyn Park and that was his vision. He stated he did ask Champlin to remove some stop lights there within the last couple years to make his trip to Anoka and back a lot easier and was never going to happen. He stated he still had not seen anything in writing on who the potential tenant of the property was going to be or not going to be. He stated he could sit there and say he didn't know when he answered people regardless of what document some city staff had the privilege to see. He stated that as a Council Member he didn't ask the question until he saw a paper with a name in writing because they could always back out.

He stated there was a \$4 million gap for a bridge on 101st Avenue and were going forward with a project they didn't know how to pay for. He saw it as a problem and talked about how that would help the traffic flow. He stated that on that interchange, he was on the no side of the interchange but asked how that interchange would help traffic going northbound. He stated it would not and it would just add more of a burden to anyone coming out of the intersection and going northbound.

He stated that on West Broadway, they had been asking for West Broadway to be finished since the early 2000s. He stated they put funds aside to finish the road and now the light rail might come and still had no idea when it was going to happen. He stated they had the college there and didn't have sidewalks on the other side of the street. He stated they were going to put sidewalks by an airport, but they couldn't put sidewalks in from a school. He stated he was confused on where the curb and gutters didn't go and did go and the projects they were doing. He stated that across the street any resident who might be renting back in that area and walking to the college, couldn't do it because they had to cut across the tracks or cut across the road because that was what would happen.

Council Member Mata asked about 63rd and Yukon. He stated they showed that project in the Sunny Lane area and showed Yukon had a gap back in it. He stated he knew the divot in the street was there and got fixed and was under the impression that when they did the replacement of the road they were going to bring Yukon all the way up to 63rd Avenue.

Operations and Maintenance Director Ruiz stated the gap between the yellow area and 63rd Avenue was redone and repaved. He stated their goal was to not rip up again what they

already did. He stated they were going to match the grade moving forward of the project this year.

Council Member Mata asked if they had to worry about the seam and crack in tar that was going to separate and do one of those within a year.

Operations and Maintenance Director Ruiz stated not any more than any other seams that were on every street where they started and stopped the paving. He stated when the contractors were going along, and had so many trucks lined up, they could pave to a point and had to wait for the next truck. He stated there could be other seams, but they also did crack sealing to help maintain that integrity there.

Council Member Mata asked about the stop light at 93rd and Noble. He stated the County constantly put people there for traffic counts and watched what was going on. He stated if they were just looking for accidents, they didn't get the near misses. He stated the stop light just south of Noble Parkway and Edinburgh, the 3-way stop light, couldn't possibly match it in order for the County to do that. He stated it was a 3-way and 93rd Avenue and Noble was a 4 way and constantly adding more units to cut through the road. He asked how they were able to create a stop light at Noble Parkway and Edinburgh Parkway but couldn't get one at 93rd Avenue. He stated the County did not take an interest to put a stop light as close to the on and off ramp on the south side of Noble Parkway and TH610 because that stop light was in eye sight of another stop light which was about 100 yards. He stated the County liked to put stop lights a mile apart. He stated he would be interested in what the real reason was because he would like to see some other stop lights that went in the city that matched that mark. He agreed that controlled intersections created more severe accidents and that had been proven by data. He stated he could see no reason why they couldn't put a stop light there. He would like to see other stop lights they built in the city whether they really matched the PF 30 or not and tell the County to put someone out there and watch and let them know about a senior community on one side trying to get out onto a major road or cross it just to get to the grocery store.

Operations and Maintenance Director Ruiz stated that on the Edinburgh Parkway and Noble traffic signal, when it was installed, it might have been a city road at that time. He stated the signal was installed before the City and County traded Russell and Noble for Noble to become a County road. He stated he would follow up on it and get back to the Council.

Council Member Mata stated that on Highway 252, the City paid a lot of money to put in a third lane. He asked what happened to the project that was supposed to go after that and finish the third lane all the way through Highway 252. He stated they were now looking at a multimillion dollar investment and were saying if the City didn't put in a MNpass lane they would hold it out another 20 more years. He stated the City of Brooklyn Park paid the bill from 73rd Avenue to Brookdale Drive both ways to make a third lane so all the residents on West River Road could get down through West River Road, get out on Brookdale Drive to make the light. Otherwise, people from Highway 252 were backing up that intersection all the way into the intersection so that a resident couldn't get out. He stated they were supposed to eliminate Humboldt and 81st or 77th and that intersection was supposed to be right in/right outs and not take out a light and Brooklyn Center was not going take out a light and see where the road went. He stated that was the cheapest way to fix it and it was not a freeway but the cheapest way to fix it with a third lane. He asked where that project went when they were going to spend millions of dollars to build something else different.

He stated that on the flashing yellow arrows, he liked them because he didn't have to wait and could go through them. He asked what the State was going to do to educate new drivers and for those that are renewing their licenses every four years. He stated they were new things and they needed to teach them about it because they were asking the Council to put it in the Park Pages. He stated it was not helping anyone who didn't live in the city and was just wasting time and money. He asked them to go back to the State saying they had a great idea, but the education was not there, and people didn't understand them.

Council Member Jacobson stated that on 109th Avenue, agreed with the Mayor. She stated they should redirect their efforts away from 109th Avenue to other projects and they couldn't keep fighting the fight if that wasn't something the partner in the project wasn't interested in making come to fruition for both of its residents.

Council Member West-Hafner stated that on the 109th Avenue project, agreed they should focus the efforts in other places. She agreed that she didn't like that Champlin could think they could tell the Council what they could do and when to do it. She stated they didn't go into their city and do that. She stated it was not fair for staff to spend time working on it when they were not willing to come to table.

She stated she liked the flashing yellow lights and appreciated staff doing some work on it. She stated that on Highway 252, she thought they were getting a third lane too and some of those intersections were going to get closed off and be able to move. She stated the State was thinking they needed to wait so they could get a MNpass lane but if they were going to do it, just get it done. She stated she didn't understand what the holdup was or why they would sit and wait for it.

She stated that on the Noble Parkway lights, didn't understand when things got triggered and understood it was a County road and might not have a say over it, but even on the city's own intersections where there were issues thought they waited too long to put those intersection lights in and control traffic. She agreed there was data that said those controlled intersections caused more crashes. She also heard that from a County person when she complained about 101st Avenue and Zane. She also thought there were some pedestrian improvements that came along with that and were important along with the parking issues near the apartments. She stated she would like to see Council decide on that and didn't have to wait until people got hurt or killed to put those lights in and not wait for traffic counts but use common sense when they put those in.

Council Member Russell stated he liked the yellow flashing lights but received concerns from residents that they were confused by it. He asked if they had any data to speak to the efficacy of those flashing lights and to what extent did they decrease traffic accidents or increase traffic accidents.

Operations and Maintenance Director Ruiz stated when they were installed in new locations, there could initially be a slight uptick in accidents. He stated it was a slight learning curve for people and after they had been in place for a while it came back to near what it was before and maybe even less. He stated what happened often times, if someone had a solid red arrow and sitting there for a while they might run the arrow and there might be someone around or not and there could be accidents. He stated what they were trying to do was allow for more efficient use of roads and more efficient use of people's time. He stated they were doing some research with

other cities and Hennepin County to look more specifically at accident rates there and would have the data on that this year.

Council Member West-Hafner asked if the message was getting out about the snow emergencies and the latest one went and if they had towing numbers.

Deputy Police Chief Milburn stated the preliminary numbers, and he would have the final count by tomorrow or Wednesday, looked like 160 to 200 cars were towed.

Operations and Maintenance Director Ruiz stated they continued to push out communications. He stated the plow drivers noticed fewer cars out in the street and previously hadn't had a plowable event that met the snow emergency criteria. He stated if they got an inch of snow they were still going out and plow rather than letting it build up and using a large amount of salt later to clear the roads to make it safe. He was also surprised to see cars were parking in the park and there were eight parks that had vehicles parking in them during the snow emergencies. He stated that the Lakeland Park parking lot was nearly full during the snow emergency.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Lunde stated last week the City hosted Congressman Dean Phillips and gave him an initial tour. They started at North Hennepin Community College and talked about the needs of the students there. Then they went to Olympus Medical where they gave an overview of what the business did. He stated they talked about the importance of transportation, road and rail and then went over to Takeda Pharmaceutical and they had the same conversations about their development and why they made the decision to come to Brooklyn Park and the federal issues they had that were more specific to the medical industry. He thanked Director Berggren and staff for putting it together, was a good schedule, and had a good chance at the federal level.

He stated he had a 10 minute conversation with the Congressman on the importance of the DED issue and the exposure of the city not only in human costs but also that many of the people had lived in the city for decades. He stated he understood and also knew many other people were talking to him.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel thanked the Council Members who made it to the Council Meet and Greet at last Thursday's Community Assembly meeting. He stated the chambers was full to meet their Council Members, had good discussions, and also got an update on the Center for Innovation and Arts project.

He stated that on Wednesday, February 6, at 5 p.m. there was the Police Department Awards Ceremony and was a great evening to recognize the Police Department.

He gave an update on the city's response to the weather. He stated Deputy Chief Milburn, Police Department, and Deputy Chief Seitz, Fire Department, were in part of a call today with Hennepin County and other officials. He stated Hennepin County was opening their Emergency Center over the next few days to provide a response to the cold weather that was coming and would partially activate the Emergency Operations Center He stated they would be making the Community Activity Center available as a warming center, not a shelter, but as a

warming center. He stated the CAC was open until 10:30 p.m. on a typical night and they were letting people know they could drop by Tuesday and Wednesday evening to get out of the cold weather. He stated the Hennepin County library was open until 9 p.m. both those evening. He stated if people had questions about resources, they were trying to pull all resources together and equip the appropriate staff with the information. He stated during the day they could call the City Hall's main number, and for the evening times they would provide the Police Department non-emergency number so if they needed to reach someone they could get more information on resources.

He stated the City would be open tomorrow and expected to be open on Wednesday and the Communications Manager was putting together some information to send out to the community through the typical channels. He stated they hadn't had a cold weather event in a couple of decades and they were trying to be responsive if the community members had questions or needed support or services.

Council Member Mata stated people needed somewhere to go and needed somewhere to sleep overnight. He stated they needed to create a place to stay overnight. He stated it was going to be the coldest night they had in a long time for a couple of days and was not thousands of people and they were talking about a small number going there for that need. He stated the City needed to figure how to do it and had a contingency fund in place for something like that where the Council could authorize it and call other shelters and find places for cots and give people an opportunity to stay overnight. He stated that was something the City needed to do.

City Manager Stroebel stated that in discussions with the Fire Chief and the Recreation and Parks Director today, that if people did go to the CAC and needed an overnight place to stay, they would find them an overnight stay. He stated the City was not equipped at the CAC for their overnight stay. He stated there were also additional considerations they would have to be prepared for, but their plan would not be to open up the doors and say everybody out at 10:30 p.m. without an overnight solution.

Deputy Police Chief Milburn stated that as part of the preliminary work with the Hennepin County officials today and opening the EOC, conversations were about the number of shelters in Hennepin County and opportunities for people in need. He stated they were presented with some hotline numbers to pass out to Fire Department and Police Department staff if they encountered someone that was in need on the streets. He stated they would have a a number to call and then the representative at the County level would be able to designate where to bring people and provide that service as needed. He stated they could look at it as a two-step or two stage process. The CAC would be the short-term place to go and if it required some length of time overnight or other services, they would be more than equipped to take care of that as they moved forward.

Council Member Jacobson stated she ran a homeless youth program in the north metro suburbs and was the only drop in center for young people ages 23 and under. If they were not the experts in running a shelter even for one night, it was not a business they should get into because when mixing homeless young people with homeless adults that couldn't be vetted in any way, because there were sex traffickers everywhere and not prepared to deal with it. She stated what Deputy Chief Milburn said they were doing the right thing and there were resources in existence already. She stated there was an app for young people ages 26 and younger that

showed every shelter bed with every opening. She stated if a person had anyone in their life they could stay with, they would stay with them. She cautioned the Council in getting into the shelter business suddenly because the need was arising and could be creating other problems they were not prepared for.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 9:57 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK