

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, February 25, 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; Deputy Police Chief Mark Bruley 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 at the last Council meeting one resident brought concerns related to 93rd Avenue. He stated the City is continuing to work to find a solution on that street.

2B PUBLIC COMMENT

1. Colette Guyott-Hempel, 9722 Trinity Gardens. Stated the State was possibly going forward with legalizing marijuana and asked the Council to do everything in their power to say no. She stated marijuana does increase psychotic episodes in youth and an adolescent brain was not fully developed until age 26. She stated car accidents increased. The University of Minnesota did a survey last year and 42% of all students considered themselves to have mental health issues and 25% used marijuana in the past. She stated marijuana increased dopamine in the brain and excessive amounts of dopamine caused bipolar and paranoid schizophrenia. She stated marijuana second hand smoke can cause increased paranoia of patients already on medications and could lead to suicide by cop not to mention injuries to first responders and others around them. She stated it was not a harmless drug like many people thought and was more severe. She stated the idea of schools having to deal with gummy bears or pot brownies coming to school and in Ohio, 8 elementary students were taken by ambulance from having used marijuana in gummy bears. She stated it was not wise for the State to think this was okay to do and was against the federal law. She appreciated the Council to use their influence at the State to say if they knew the facts. She stated on the lists that she gave copies, there were four articles including one from British Journal of psychiatry about the psychosis risks for people that used marijuana. She stated it only took five to six times using marijuana that some people that were genetically predispositioned for those illnesses and ended up having a psychotic episode resulting in hospitalization and possible injuries to others.

3A. MOTION WEST-HAFNER, SECOND JACOBSON TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK. MOTION PASSED UNANIMOUSLY.

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

3B1 Becoming an Age Friendly Brooklyn Park Presentation

Recreation and Parks Director Jody Yungers briefed the Council on the presentation and introduced Lydia Morken, Morken Consulting, and she presented the Becoming Age Friendly Brooklyn Park report and recommendations.

3B2 Charter Commission 2018 Annual Report

Charter Commission Chair Scott Simmons gave the Charter Commission 2018 Annual Report.

3B3 Interview Applicants for Commissions

Mayor Lunde and Council Members interviewed applicants to fill current and upcoming openings on Commissions.

At 8:44 p.m., Mayor Lunde called for a recess to allow the applicants to leave if they didn't want to stay for the meeting.

Council Member Russell departed the chambers.

At 8:45 p.m. Mayor Lunde reconvened the meeting.

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

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-27 TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO A CONTRACT WITH MINNESOTA/WISCONSIN PLAYGROUND, FOR THE INSTALLATION OF THE PLAYGROUND EQUIPMENT AT NORTHERN TRAIL PARK FOR A TOTAL COST OF \$44,133.05.

4.2 TO REDUCE THE CASH BOND BY \$202,300 AND REDUCE THE ENGINEERING ESCROW \$4,000 FOR COMPLETION PROGRESS OF THE "FREDDY'S FROZEN CUSTARD & STEAKBURGERS" PROJECT #18-001 LOCATED AT 9909 XENIA AVE N FOR INNERCORE RESTAURANT HOLDINGS LLC.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-28 ACCEPTING BIDS AND AWARDED CONTRACT IN THE AMOUNT OF \$443,775.00 TO DAVE PERKINS CONTRACTING, INC. OF NOWTHEN, MINNESOTA FOR 2019 WATERMAIN REHABILITATION, CIP 3001-19A.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-29, ACCEPTING BIDS AND AWARDED CONTRACT IN THE AMOUNT OF \$559,171.54 TO NORTH VALLEY, INC. OF NOWTHEN, MINNESOTA FOR 2019 MUNICIPAL STATE AID (MSA) MILL AND OVERLAY, CIP 4002-19.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-30 TO ADOPT THE HENNEPIN COUNTY MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN.

4.6 TO SET THE BOARD OF APPEAL AND EQUALIZATION MEETING AS MONDAY, APRIL 8, 2019, AT 7:00 P. M.

4.7 TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2019-1237 AMENDING CHAPTER 114 OF THE BROOKLYN PARK CITY CODE RELATING TO THE LICENSING AND REGULATION OF FOOD ESTABLISHMENTS.

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

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF FEBRUARY 26, 2018, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF MARCH 5, 2018, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF NOVEMBER 26, 2018, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JANUARY 14, 2019, AS PRESENTED BY THE CITY CLERK.

4.9 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-31 TO APPROVE THE ISSUANCE OF A LAWFUL GAMBLING PREMISES PERMIT FOR EDINBURGH USA PRO AM FOUNDATION AT 3 DEEP RESTAURANT HOLDINGS INC DBA BROADWAY BAR & PIZZA, 8525 EDINBURGH CENTER DRIVE NORTH, BROOKLYN PARK.

4.10 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-32 TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HENNEPIN COUNTY FOR THE HEALTHY TREE GRANT FOR CITIES PROGRAM.

MOTION PASSED UNANIMOUSLY.

At 8:46 p.m., Council Member Russell returned to the Chambers.

6.1 Planning Director Cindy Sherman briefed the Council on the Conditional Use Permit for Outdoor Sales and Display at Fleet Farm, 8400 Lakeland Avenue North.

6.1 MOTION JACOBSON, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-33 APPROVING AN OUTDOOR SALES AND DISPLAY AREA FOR FLEET FARM AT 8400 LAKELAND AVENUE NORTH. MOTION PASSED UNANIMOUSLY.

6.2 Planning Director Cindy Sherman briefed the Council on the First Reading of an ordinance – Preliminary Plat; Rezoning from Single-Family Residential (R3) to Office Park District (B1); and Conditional Use Permit for a New Charter School at 6648, 6656, 6700, and 6716 West Broadway.

Council Member West-Hafner stated she was Council Liaison for the Planning Commission and one question asked by the commissioners was the County's willingness to allow it to get done. She stated she read the report and said the City and County wanted it, but it ultimately had to get approved by the County to do all those improvements.

Planning Director Sherman stated that was correct and they had ongoing discussions between the City's transportation engineers and County's Engineers with regard to what improvements they would allow and what they would require. She stated they hadn't resolved those yet and would have it resolved by the time it came back to the Council again. She stated they were in agreement that turn lanes and those types of improvements need to be made but to what level and how they were to be designed. She stated they still needed to finalize those things.

Council Member West-Hafner asked if no one thought about actual control intersections and not just stop signs. She stated she didn't know how to control people speeding by buses, and gave an example, if someone came in from Modern Road, turned left to go to the future day care, they would have to do a right and quick left to get to things. She stated she had a lot of issues with it, and whoever owned the site would have real challenges to try to make it a developable site because of where it is at and the fact the County owned the road and kind of controlled it. She stated that until they made good improvements on that road, she couldn't see herself saying it was a good thing and the County still approved it.

Planning Director Sherman stated it was a County road and the County had to approve all of the improvements. She stated they issued the permits for the work to be done and had to approve the final plans as they were drawn.

Planning Director Sherman stated there had been ongoing discussions doing the road as a turnback with other roads involved to improve the road. She stated they would use funds from a different road to improve it and could do interim improvements and still make things work. She stated they had seen it at Hy-Vee and at multiple locations, and when Noble Academy came in, there were temporary improvements put in and was an interim solution. She stated the road was a rural section, had big shoulders, people drove fast because they felt they could, and the road felt so wide. She thought that when more improvements were made, people slowed down because it felt more confined.

Council Member West-Hafner disagreed because Hy-Vee was not as bad as it was. She stated people now were doing U-turns on 93rd Avenue, which was more dangerous than some of the turns. She stated she didn't want it to end up being like other streets that they talked about getting improvements and still didn't have improvement like 93rd Avenue and West Broadway and were still waiting for it. She stated she knew it was part of the light rail stuff but was not fair to people to continue to do those kinds of things and not do the safety improvements that needed to happen. She stated when on the Planning Commission her concern was that they put those in and the City's Engineer wanted people to walk a block one way to a controlled intersection to cross the street and walk back a block to get to a park. She stated that was not going to happen and didn't anticipate even with improvements would be a good thing.

Council Member Jacobson stated she had seen traffic engineering standards for other places in the community that she didn't agree with and that was another example. She asked if there was a way to put it off until they got word from the County if they agreed with it or agreed to the changes to be made.

Planning Director Sherman stated they felt confident the solutions they had were what they were going to agree to. She stated they had ongoing discussions with them for two and half months. She stated the City's Traffic Engineer wanted to have the blinking pedestrian lights and the County didn't want it. She stated it was those types of details, the geometrics and things

they agreed to and would be resolved before it came back to the Council. She stated they won't ask the Council to take action until that has been resolved.

Council Member Jacobson asked if they could table it until that happened.

Planning Director Sherman stated they could but when they had two readings it always added extra time to the process. She stated they had to come back for the second reading and if they passed the first reading, it didn't give anyone rights until the Council took action on the second reading to approve the rezoning and other steps in the application.

Council Member Jacobson stated that while she agreed with it, thought it sent a message that the Council was going to approve the project and didn't know if she would without all of the information. She stated she was over at the proposed area today trying to envision it and if she would want to live in that neighborhood if that came there. She stated she had nothing against charter schools and wanted to make it clear, as she volunteered at one twice a week. She asked where the students were coming from, where did they attend schools now and would the school have an impact on the numbers in the city's schools where they were going to be up against those same issues. She asked if the students were going to be walkers and didn't know how that could safely happen. She asked if the city had other seven acres site in the community. She stated that site had a tough piece of land to be developed and didn't want to just settle and put something in there that might not be the best fit. She stated she was not saying she didn't want the charter school in the community but did not necessarily believe that was the right place for it.

Planning Director Sherman stated they were not under a time restraint from the 60-day review process. She stated they had done the extensions as necessary for the application. She stated if there was a feeling that it could move forward to do the first reading, but if the Council felt it was not appropriate to rezone it, then don't make the motion to do the rezoning.

She stated they had a number of applications over time on the property and had numerous neighborhood meetings. She stated it was originally a high density piece and the neighbors said they would rather have industrial than high density. She stated they had a trucking company come in and the neighbors were concerned with the 24 operations and that applicant didn't want to move forward. She stated there were three vacant houses and the other house someone was living in had vandalism issues.

She stated she didn't know what the market was for the site. The agent who has it listed was marketing it to different housing developers for a different type of housing and not apartments. She stated they had talked to self-storage facilities, had two industrial applications and were not able to move forward because they couldn't make the numbers work from an investment and cost perspective. She stated they knew it was long term and not single family homes sites based on the houses that were there today. She stated that was background information of the years of discussion that happened. She stated Mr. Laux came to them and asked about it as a charter school. They first said the concerns were about taxes and also traffic. She stated that was the work they had been concentrating on, being able to address traffic. She stated that from the neighborhood perspective understood it would be different and a change but concerned how it was managed so that the residents and the new businesses or new school could work together and coexists.

Mayor Lunde stated he could vote for first reading but not for the second reading. He understood it was a two-step process and had to coming back with all those steps. He stated he was gone last week and didn't get a chance to meet with some owners but there were also some realities that something would go in there or the landowners couldn't develop that land. He stated at some point they were to get to the lowest equations, which always ended up in the same spot-people wanted to put condos or apartments there. He stated he would always ask neighbors in person to choose what they wanted because at some point something was going to happen there. He thought the traffic numbers traffic numbers were fine. He stated he voted for the mosque to go in and it was more than 3% change on the traffic pattern for that street and was still well under the standard. He stated he had no problems voting yes and letting the process move forward, knowing the County would come back, knowing they were going to get answers. He stated the question on the conditional use permit was a good one because it was a different process. He stated it was not a city street and was a large impact road rated for 15,000 cars at 50%. He stated it was not Colorado Avenue by Hy-Vee where it was rated for 1,000 and coming in at 600. He stated it was a busier road and would like to see the road improved. He stated there were buses on Modern Road, and remember, they had a problem with the buses speeding.

He stated the developers were hearing what the Council talked about, knew what they were thinking and what the concerns were. He stated he was worried the County would not put money on the road unless there was development. He stated the County was the last person to put money into a road in anticipation for development and they never did. He stated by voting yes on the first reading allowed him to go to meet some neighbors and take the time, ask them the same question he always asked, what they envisioned there because saying no to everything was also not a good belief to get into because something would go in there. He thought it could be condos and people were not going to like those either and might not get some of the improvements.

He stated the Council also needed to decide if the Council trusted the traffic analysis or not. He stated it seemed like they had been having those discussions a lot about trusting the City's traffic engineers on almost every project where they doubted or believed them. He stated he was not a traffic engineer and at some point, they could say they believed the analysis but didn't like what was being proposed and that was fair. He suggested having a work session discussion on that because he felt with every project, they had the same discussion about whether they believed the traffic analysis. He didn't think it was the Council's job, their job was to say whether they thought that number mattered than to say no. He stated they always had that public discussion about whether they believed the numbers. He stated he thought it should be whether they thought the numbers were too high or too low and that was what they should be talking about. He stated it would be good for the Council to have that discussion because they would have more discussions for other roads and projects that would have the traffic analysis come before the Council.

6.2 MOTION LUNDE, SECOND RUSSELL TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHAPTER 152 OF CITY CODE REZONING 7.45 ACRES FROM DETACHED SINGLE-FAMILY RESIDENTIAL DISTRICT (R3) TO OFFICE PARK DISTRICT (B1) SOUTHEAST OF INTERSTATE 94 AND WEST BROADWAY.

Council Member Parks stated the Council had those discussion before on traffic where they wanted to build something before the roads got corrected. He stated they were having the same

conversations about Hotdish or whatever was in that area where they wanted to get roads built before they got it in. He stated he went over to the proposed area today and watched the traffic. He stated it was not about the numbers and believes in the numbers. He stated that with watching people drive, there were a lot of bad drivers on West Broadway and were also competing with buses with Prairie Seeds Academy. He stated he sat over there today for an hour and believed in the numbers and the project didn't fit in that spot. He stated it was not the numbers, it was the way traffic went in there and competing with Prairie Seeds Academy buses. He stated with what he saw today and what he was hearing tonight, he couldn't support it.

Council Member Mata stated he would rather table it to find out more information on it. He stated since it was not going to be tabled and the motion was on the floor, he would vote no to it. He stated he was not interested on what it was going to do to the roadway because there were other things to be discussed. He stated they were taking something on the tax rolls and taking it off the tax rolls. He stated the Council had seen already where they voted yes to move something along on the first reading and then the second reading got mixed up in somewhere and the questions didn't get answered about a drive through and the next thing the City was in a debacle with other things happening. He stated he didn't want to give that false sense where it got slid underneath and they missed something because it happened and didn't appreciate that piece of it. He stated he was going to say no this time.

Council Member Russell stated he was in support of the first reading and see if they could get numbers back from County. He stated land there had been vacant for a long time and something needed to go in there. He agreed that just because something needed to go there, it had to be the right fit and had to coincide with community. He stated he trusted the numbers presented and hoping to see what happened when they got numbers back from the County. He stated he would be supporting moving the process forward because they still had time to vote on it. He stated it was not going to end it tonight and they still had time to deliberate on it next time around. He thanked the applicants for their efforts and trying to put something in there and stated everyone had to work together to make sure that it fit and people in the neighborhood would be able to support it too.

Council Member Pha stated she received several emails in the two years she had been on the Council regarding the property. She stated she had many conversations with residents in the area and their biggest concern had always been that it was vacant, vandalism and crime around it. She stated they didn't want it to stay vacant because they constantly asked what the city will be doing with the property and to do something with it because they were tired of looking at it the way it was. She stated the proposals that had come up to the City before had not been a good fit and the one tonight was not the worst proposal compared to the others. She stated she was going to say yes to move it along, but in the interim, she welcomed all residents in the West District, especially those who lived near that area, to contact her and Council Member Russell about their thoughts and what they wanted and didn't want to go in there. She stated the question was, what would go in there. She stated she would say yes to the motion tonight and have further conversations on it.

6.2 MAYOR LUNDE CALLED FOR A ROLL CALL VOTE.

6.2 THE MOTION FAILED ON A ROLL CALL VOTE AS FOLLOWS: YES – PH`A, RUSSELL, LUNDE; NO – WEST-HAFNER, JACOBSON, PARKS, MATA.

City Attorney Thomson stated the Council had a motion that failed. The options the Council had was to direct staff to come back with a motion for denial with appropriate findings, which they could do at a subsequent meeting if that's what the four members of the Council wanted. He stated since nothing had passed, they still had the option of tabling it if that was the wish of majority of the Council.

6.2 MOTION MATA, SECOND JACOBSON TO TABLE.

Mayor Lunde asked the city attorney if they had to pick a date.

City Attorney Thomson stated tabling was fine and staff had to come back to the Council because they did have a time frame in which to act. He stated they were in that time frame and couldn't let it go on forever because they were governed by a state statue. They had to act on it within 120 days and they would be back to the Council in a timely fashion.

6.2 THE VOTE ON THE MOTION PASSED. (6 TO 1) WEST-HAFNER VOTED NO.

At 9:44 p.m., Council Member Mata departed the Chambers.

6.3 Planning Director Cindy Sherman briefed the Council on the First Reading of an ordinance – Transfer of Park Property to Three Rivers Park District.

6.3 MOTION PARKS, SECOND JACOBSON TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CITY OWNED PROPERTY. MOTION PASSED UNANIMOUSLY.

7.1 Appointments to the METRO Blue Line LRT Extension Business Advisory Committee (BAC) and Community Advisory Committee (CAC)

7.1 MOTION LUNDE, SECOND WEST-HAFNER TO APPOINT JOHN HACKER AND MARK QUIGLEY TO THE METRO BLUE LINE LRT EXTENSION BUSINESS ADVISORY COMMITTEE REPRESENTING THE CITY AT-LARGE EFFECTIVE FEBRUARY 25, 2019, FOR A TWO-YEAR TERM ENDING DECEMBER 31, 2020. MOTION PASSED UNANIMOUSLY.

7.2 MOTION LUNDE, SECOND WEST-HAFNER TO APPOINT CHRIS BERNE, KATHY FRASER AND CORY FUNK TO THE METRO BLUE LINE LRT EXTENSION COMMUNITY ADVISORY COMMITTEE REPRESENTING THE CITY AT-LARGE EFFECTIVE FEBRUARY 25, 2019, FOR A TWO-YEAR TERM ENDING DECEMBER 31, 2020. MOTION PASSED UNANIMOUSLY.

Council Member Jacobson stated she would be recusing herself from further discussion of the CDBG. She stated the organization that she led had applied for CDBG funds from Hennepin County and felt it was best to step away.

At 9:53 p.m., Council Member Jacobson departed the chambers.

7.2 Economic Development and Housing Director Breanne Rothstein briefed the Council on the Final Allocation of Fiscal Year (FY) 2019 Community Development Block Grant (CDBG)

Program Funds.

7.2 MOTION WEST-HAFNER, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-34 APPROVING PROPOSED USE OF FISCAL YEAR 2019 URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS AND AUTHORIZING SIGNATURE OF SUBRECIPIENT AGREEMENT WITH HENNEPIN COUNTY AND ANY THIRD-PARTY AGREEMENTS. MOTION PASSED UNANIMOUSLY.

At 10:02 p.m., Council Member Jacobson returned to the Chambers.

7.3 Senior Project Manager Jennifer Jordan briefed the Council on the amendment to the Brooklyn Park Mixed-Income Housing Policy to Apply to All Projects Located in Transit-Oriented Development (TOD) Areas.

7.3 MOTION PHA, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-35 AMENDING THE BROOKLYN PARK MIXED-INCOME HOUSING POLICY TO APPLY TO ALL PROJECTS LOCATED IN TRANSIT-ORIENTED DEVELOPMENT (TOD) AREAS. MOTION PASSED UNANIMOUSLY.

7.4 City Engineer Jesse Struve briefed the Council on the Feasibility Report and Public Hearing for Highway 169 / 101st Avenue Interchange Project, CIP 4042-19.

7.4 MOTION LUNDE, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-36 ACCEPTING FEASIBILITY REPORT AND ORDERING PUBLIC HEARING FOR HIGHWAY 169 / 101ST AVENUE INTERCHANGE PROJECT, CIP 4042-19. MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Lunde thanked the Council for approving his trip to the My Brother's Keeper Rising Conference in Oakland, CA. He stated he and staff would report on the trip in March.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated on Tuesday, February 26, there was an East District Town Hall meeting at Palmer Lake VFW and on Wednesday, March 6, the Central District Town Hall meeting from 6-8 p.m. at the Community Activity Center.

On Thursday, February 28, was the Police Department swearing in ceremony at 1 p.m. in the Council Chambers.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 10:19 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK