

## REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, June 24, 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 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 there was a resident with concerns on 93rd Avenue on speeding and pedestrian safety. He stated that after the last Council meeting, he learned that the legislature did pass new legislation allowing local units of government providing more authority to have more control over local speed limits on their local roads. He stated the League of Minnesota Cities would be providing some guidance to communities about how they should consider setting up a process for considering any changes to speed limits on local roads. He stated it might be a factor as the Council and staff considered potential changes to 93rd Avenue.

### 2B PUBLIC COMMENT

1. Collette Guyott-Hempel, 9277 Trinity Gardens.

Stated 93<sup>rd</sup> would always be considered the alternate to TH610, MNDOT had no intentions of helping to change that and the County had no interest in taking back roads unless a trade in roadways was done with city. She stated Jefferson Highway was the only other city street that had 50 mph but had sidewalks and pathways on one side if not both sides. She stated pedestrians and bikes continue to use 93<sup>rd</sup> Avenue during the day and at night. She stated during Tater Daze she saw 30 people in a 15-minute time span, and some preschoolers were included in that number, that were walking along the shoulder of the roadway. She stated she saw cars backed up from TH610 past 94<sup>th</sup> Avenue almost going back to Zane around 5 p.m. She stated that half mile of roadway had four street lights now that 94<sup>th</sup> was included and her cul-de-sac had five street lights. She thanked the Council for the crosswalk and was used for Tater Daze. She stated since last October there had been four accidents plus the Lions Club picked up car pieces on the roadway. She thanked Council Members Mata, Parks, and Jacobson for trying to make the road safe. She stated that three developers were asking that the road be finished off and developed just like 30 years ago and some cities were keeping the state money and not doing road.

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 North Metro Mayors Association/Metro Cities Legislative Update

City Manager Stroebel introduced Tory Olsen, North Metro Mayors Association and Patricia Nauman, Metro Cities and they gave a legislative update.

3B2 Discussion of Comprehensive Plan Modifications

Planning Director Cindy Sherman briefed the Council on the Comprehensive Plan modifications and introduced Erin Perdu, WSB and City's planning consultant, briefed the Council on the modifications to the 2040 Comprehensive Plan.

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

4.1 TO RECEIVE AND PLACE ON FILE THE PETITION FOR VACATION OF THE DRAINAGE AND UTILITY EASEMENT ON LOT 1, BLOCK 2, MILLS ADDITION TO BROOKLYN PARK.

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-98 ORDERING A PUBLIC HEARING FOR VACATION OF THE DRAINAGE AND UTILITY EASEMENT ON LOT 1, BLOCK 2, MILLS ADDITION TO BROOKLYN PARK.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-99 APPROVING THE CITY OF BROOKLYN PARK TO JOIN THE COAL TAR LAWSUIT.

4.3 TO RECEIVE THE CITY INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2019.

4.4 TO RELEASE THE CASH BOND (\$4,800) AND THE ENGINEERING ESCROW (\$1,636.56) FOR SATISFACTORY COMPLETION OF THE "TODAY'S LIFE CHILDCARE" PROJECT #17-004 LOCATED AT 9995 XENIA AVE N FOR TODAY'S LIFE PROPERTIES LLC.

4.4 TO RELEASE THE PERFORMANCE BOND #015052574 BY LIBERTY MUTUAL (\$415,300), FOR SATISFACTORY PROGRESS OF THE "NOBLE OFFICE PARK 2<sup>ND</sup> ADDITION/CVS" PROJECT #16-117 LOCATED AT 4500 OAK GROVE PARKWAY N FOR FIVE STAR DEVELOPMENT OF ALABAMA, INC.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-100 APPROVING FINAL PLAT OF "ASTRA VILLAGE 5<sup>TH</sup> ADDITION," SUBDIVIDING 19.11 ACRES INTO TWO OUTLOTS NORTHWEST OF 93<sup>RD</sup> AND REGENT AVENUES.

4.6 TO INCREASE THE APPROPRIATION FOR THE PARK CENTER TURF FIELD LIGHTING, DOME AND SUPPORT BUILDING AT PARK CENTER HIGH SCHOOL BY \$100,000 NOT TO EXCEED \$3,561,275 OUT OF THE PARK BOND FUNDS.

MOTION PASSED UNANIMOUSLY.

5.1 Public Hearing and First Reading of an Ordinance to Consider the Recommendation of the Brooklyn Park Charter Commission Amending Charter Chapters 2, 3, 4, 5, 6, 7, 8, 12, 13 and 14, and Adding Sections 4.10 and 14.01A of the Home Rule City Charter.

Charter Commission Chair Scott Simmons briefed the Council on the recommendation of the Brooklyn Park Charter Commission Amending Charter Chapters 2, 3, 4, 5, 6, 7, 8, 12, 13 and 14, and Adding Sections 4.10 and 14.01A of the Home Rule City Charter.

5.1 Mayor Lunde opened the public hearing to consider the recommendation of the Brooklyn Park Charter Commission Amending Charter Chapters 2, 3, 4, 5, 6, 7, 8, 12, 13 and 14, and Adding Sections 4.10 and 14.01A of the Home Rule City Charter.

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 MATA, SECOND LUNDE TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHARTER CHAPTERS 2, 3, 4, 5, 6, 7, 8, 12, 13 AND 14, AND ADDING SECTIONS 4.10 AND 14.01A OF THE HOME RULE CITY CHARTER. MOTION PASSED UNANIMOUSLY.

6.1 Homeward Bound, USA, Inc (Peter Hagen) – Waiver of Platting #19-109 to Subdivide the Existing Lot into Two Single-Family Residential Lots at 6409 Edgemont Boulevard North.

Planning Director Cindy Sherman briefed the Council on the Waiver of Platting #19-109 to Subdivide the Existing Lot into Two Single-Family Residential Lots at 6409 Edgemont Boulevard North.

6.1 MOTION PHA, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-101 APPROVING A WAIVER OF PLATTING TO SUBDIVIDE 6409 EDMONT BOULEVARD NORTH INTO TWO SINGLE-FAMILY PARCELS.

Council Member Mata stated the property was divided at one time and when it was done, if there was any requirement to pay anything, they would have paid it. At that time there were no park dedication fees and nothing was paid.

He stated that if someone today was take a double lot, platted it and paid park dedication fees and at some point they put it back together, they had fulfilled the requirement. He stated they already paid to divide it once and now had to pay to divide it again. He stated his question was that even though it was a zero-dollar value, it had been replatted already and they were just going back to what was already done. He stated they created along the line the different fees that went with different things. He stated it was reverting back to something that was already done and asked why they would they have to pay on something that was already put there and they were just erasing a line and doing some paperwork.

Planning Director Sherman stated the policy was that anytime they had a subdivision, and that was considered a subdivision of the parcel again, they would collect park fees on the portion of property that was going to support the new home. She stated they were not going back and charging them on the lot that existed and the home that existed prior, but of the new construction lot and that was consistent with the policy they collected on properties.

Council Member Mata stated that if someone had a lot now and did the same thing, divided it, they would pay on both. He stated that at that time, it was zero and zero and had already been done and they were charging someone they already put in place today that was already done several years ago. He stated he understood it wasn't a piece of land that was being platted for the first time. He stated now it was being platted for the very first time and the policy now was park dedication fees and the city was just putting the line back there that wasn't there before and asked why they were being charged for it.

Planning Director Sherman stated if the Council chose to not charge them the park fee, it was the Council's decision. She stated they were following the policy they had historically followed.

6.1 MOTION MATA TO AMEND THE MOTION TO REMOVE THE PARK DEDICATION FEES DUE TO THE LAND BEING REPLATTED ALREADY. THE MOTION FAILED FOR LACK OF A SECOND.

6.1 THE VOTE ON THE MAIN MOTION PASSED UNANIMOUSLY.

6.2 FPI, LLC – Conditional Use Permit #19-110 for Auto Glass Repair, Calibration Services for Vehicle Safety Equipment, Repair and Storage of Landscaping and Lawncare Equipment Owned by the Business at 8208 Brooklyn Boulevard.

Planning Director Cindy Sherman briefed the Council on the Conditional Use Permit #19-110 for Auto Glass Repair, Calibration Services for Vehicle Safety Equipment, Repair and Storage of Landscaping and Lawncare Equipment Owned by the Business at 8208 Brooklyn Boulevard.

6.2 MOTION RUSSELL, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2019-102 APPROVING CONDITIONAL USE PERMIT #19-110 FOR AUTO GLASS REPAIR, CALIBRATION SERVICES FOR VEHICLE SAFETY EQUIPMENT, REPAIR AND STORAGE OF LANDSCAPING AND LAWNCARE EQUIPMENT OWNED BY THE BUSINESS AT 8208 BROOKLYN BOULEVARD, SUBJECT TO CONDITIONS IN THE RESOLUTION. MOTION PASSED UNANIMOUSLY.

6.3 Ryan Companies US, Inc./IBEW – Rezoning, Plat, and Site Plan Review #19-111 for a Union Hall at 6648-6700 West Broadway Avenue.

Planning Director Cindy Sherman briefed the Council on the Rezoning, Plat, and Site Plan Review #19-111 for a Union Hall at 6648-6700 West Broadway Avenue.

6.3 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHAPTER 152 REZONING 7.29 ACRES FROM DETACHED SINGLE-FAMILY RESIDENTIAL (R3) TO NEIGHBORHOOD RETAIL BUSINESS DISTRICT (B2) SOUTH OF INTERSTATE 94 AND EAST OF WEST BROADWAY. MOTION PASSED UNANIMOUSLY.

6.3 MOTION LUNDE, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019-103 APPROVING PRELIMINARY PLAT OF "IBEW ACRES" SUBDIVIDING 7.29 ACRES INTO ONE BUSINESS LOT AND ONE OUTLOT SOUTH OF INTERSTATE 94 AND EAST OF WEST BROADWAY. MOTION PASSED UNANIMOUSLY.

7.1 Accept Deputy Registrar Reimbursement Grant.

Finance Director LaTonia Green briefed the Council on the Deputy Registrar reimbursement Grant.

7.1 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-104 AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE GRANT AND LIABILITY RELEASE. MOTION PASSED UNANIMOUSLY.

7.1 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019- 105 AMENDING THE 2019 GENERAL FUND BUDGET TO INCLUDE REVENUE FROM A STATE OF MINNESOTA DEPUTY REGISTRAR REIMBURSEMENT GRANT. MOTION PASSED UNANIMOUSLY

7.2 Award the Sale of General Obligation Bonds 2019A.

Finance Director LaTonia Green briefed the Council on the sale of General Obligation Bonds 2019A.

7.2 MOTION JACOBSON, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2019-106 AWARDDING THE SALE OF GENERAL OBLIGATION BONDS, SERIES 2019A, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$4,470,000, FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT.

Council Member Mata stated he realized the financial implications side of it that it was better to do the big project and do all the projects in one deal. He stated there was a project in there, Eidem Farm, that he was not supporting and to pull out millions of dollars to support a non-working farm where the city had families that were working their own land, and the city didn't support them. He stated he was not interested in spending millions of dollars of taxpayers money for that project and saw it was included.

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

## 9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Mata stated that based on a past decision the Council had taken based on the fire chief's recommendation to go to model of full time staff that the Fire Fighters Relief Association of the paid-on call also included full time fire fighters and the two pensions at the same time. He stated there was some discussion on membership and who belong there and was some questions around state law on whether the city was circumventing state law to make that work He stated at next month's board meeting there would be a decision on voting to disband and was not sure how the vote would go. He thought that as a city to have them hold that vote until Council could determine, by state law, who belonged in that to make the vote to

disband. He thought there were members in there that should not be voting on it and that was what was being looked into. He stated he wanted to eliminate the Council and the city from future litigations and lawsuits to make sure that association had correct interpretation by the correct authority on who belonged there to make that vote. Otherwise they were going to be spending a lot of money having to go backwards on stuff when they could just wait and make sure it had been determined who was a voting member and who belonged there as of today.

He stated that was his pass on to city manager and Council that a vote would happen but there was a question on who belonged in that membership. He stated the Council should give direction to hold on until it had been proven and knew who belonged in there.

He stated they tried it before when groups unionized in the same department and cost the city over a couple of hundreds of thousands of dollars to fight what eventually happened anyway and wanted to eliminate the cost to the taxpayers.

City Manager Stroebel stated the Relief Association was an independent organization and asked the city attorney if the Council had the ability or the city manager had the ability of providing any timeline for when the Relief Association should take up the vote.

City Attorney Thomson stated he would look into the issue Council Member Mata raised. He stated he didn't believe the Council had the authority to direct the association to either not act or to act because it was an independent nonprofit corporation.

Council Member Mata stated the direction was being given by the Fire Chief who fell under the control of the city manager, which fell under the control of the Council. He stated if the Council could pass a direction back to the city manager that they wanted it clarified, and the city manager could pass the direction back to the Fire Department and that would hold. He stated he was trying to save the city unneeded expenses.

City Manager Stroebel stated he would work with the city attorney to address the concerns of Council Member Mata.

Mayor Lunde asked that the city attorney get a memo to the Council responding to those concerns.

City Manager Stroebel stated the next Council meeting was July 8 and the proposed vote of Relief Association was on July 9 and they would provide as much information they could.

#### 9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated there wouldn't be a Council meeting next week. He stated they traditionally took off whatever meeting fell on the July 4 week.

He stated he would be at the LMC conference in Duluth on Wednesday afternoon through Friday.

He stated the first City Hall on the Go was at Hartkopf park on Thursday at 6:30 p.m.

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He stated the City was hosting the Housing Repair Resources Workshop on Saturday, 9 a.m. to 12 p.m. at the Community Activity Center.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 9:04 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK