

## REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, July 8, 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, Terry Parks, Wynfred Russell and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Deputy Police Chief Todd Milburn and City Clerk Devin Montero.

ABSENT: Council Members Susan Pha (excused) and Mark Mata (excused)

Mayor Lunde opened the meeting with the Pledge of Allegiance.

### 2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated resident addressed the Council at the last meeting advocating for additional safety measures on 93<sup>rd</sup> Avenue. He stated the City had put in place some additional speed enforcement along 93<sup>rd</sup> Avenue, added crosswalk markings at Regent/93<sup>rd</sup> Avenue. He stated tonight they were continuing to take measures on 93<sup>rd</sup>/Noble in terms of putting in a full stop light on that location. He stated they would have a full conversation later this year on the speed limit on 93<sup>rd</sup> Avenue as well as the timing of potential improvements to the road as part of the Capital improvement budget process.

### 2B PUBLIC COMMENT

1. Collette Guyott-Hempel, 9277 Trinity Gardens. Addressed the Council regarding 93<sup>rd</sup> Avenue between Regent/Zane. Stated the half mile stretch was never finished as part of 610 that was promised to be done by the Council at that time in a year and half. Stated there 103 senior citizen apartments opening this month, another 205 more apartments by the end of next year and another 100 townhomes finishing up on Regent and 93<sup>rd</sup> Avenue on the northeast corner. She stated there is a plan for another 100 townhomes on the northwest corner of 93<sup>rd</sup> Avenue and Regent being discussed on Wednesday. She stated it would be so much better to have sidewalks and reduced speeds before they moved in so it was their habit of driving the lower speed.

Stated racing was still going on and pedestrians are increasing in that area. She stated they heard racing at 7:30 a.m., 11 p.m. and at 800 a.m. some Sunday mornings. Because pedestrians were increasing, there was a bus stop at Zane/93<sup>rd</sup> and a half mile stretch that should be easy to walk or ride bikes, but it was not safe. She stated it was the number one way for the north fire station to get to west and did not go on Oak grove. She wanted to know how much money Stonehenge, Ardar Development, Menar homes, the Flex and Grow, Trident and the Speedy Way gas station had paid for road improvements. She wanted to know how much the city had gotten from MSA for the last 20 years that had not been spent on that road.

3A. MOTION WEST-HAFNER, SECOND JACOBSON TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH REMOVAL OF ITEM 7.2. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.1 Introduction of New Employees

Assistant City Manager Wokie Freeman-Gbogba introduced Chante Mitchell and Fumy Pyne-Bailey as new employees to the Administration Department.

Recreation and Parks Director Jody Yungers introduced Jeanine Machan, Steve Thompson, Erin Johnson, Angie Pheneger as new employees to the Recreation and Parks Department.

3B2 Proclamation declaring July 8, 2019 as "Dave Erickson Day" in the city of Brooklyn Park.

3B2 Recreation and Parks Director Jody Yungers briefed the Council on Dave Erikson's efforts and dedication to pickleball. Mayor Lunde read the proclamation declaring July 8, 2019 as "Dave Erickson Day" in the City of Brooklyn Park.

3B3 City Manager Stroebel introduced Dr. Joseph Gaugler, University of Minnesota School of Public Health, and Mr. Gaugler briefed the Council on the Early Memory Loss Project.

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

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-107 TO AUTHORIZE THE POLICE DEPARTMENT TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA BUREAU OF CRIMINAL APPREHENSION TO ASSIST WITH THE IMPLEMENTATION OF CERTIFICATION OF THE INTEGRATION OF NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) AND THE SUBMISSION OF CRIME STATISTICS IN THE NIBRS FORMAT AS WELL AS CRIME STATISTICS UNIQUE TO MINNESOTA (MN-NIBRS).

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-108 TO APPROVE AMENDING THE SUPPLEMENTAL LETTER AGREEMENT WITH SRF CONSULTING GROUP, INC. TO PREPARE FINAL DESIGN PLANS AND SPECIFICATIONS FOR THE TRUNK HIGHWAY 169 / 101<sup>ST</sup> AVENUE INTERCHANGE; CIP 4042.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-109 TO APPROVE AMENDING THE SUPPLEMENTAL LETTER AGREEMENT WITH WSB & ASSOCIATES, INC. TO PROVIDE RIGHT OF WAY ACQUISITION SERVICES FOR THE TRUNK HIGHWAY 169 / 101<sup>ST</sup> AVENUE INTERCHANGE; CIP 4042.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-110 AUTHORIZING AMENDMENTS TO EXHIBIT A TO RESOLUTION #2019-69.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-111 TO AWARD THE BID FOR THE 2019 TRAIL SEALCOAT PROJECT TO ACI ASPHALT & CONCRETE INC.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-112 APPROVING

CONSTRUCTION COOPERATIVE AGREEMENT NO. PW 52-04-18 WITH HENNEPIN COUNTY FOR THE RECONSTRUCTION OF CSAH 81 (BOTTINEAU BOULEVARD) FROM NORTH OF 71<sup>st</sup> AVENUE NORTH TO 83<sup>rd</sup> AVENUE NORTH, CITY CIP 4032-19 AND AMEND 2019 STORM SEWER UTILITY BUDGET AND 2019-2023 CIP TO INCLUDE \$365,000 FOR THE STORM SEWER IMPROVEMENTS.

4.6 TO SET A PUBLIC HEARING ON JULY 22, 2019, TO SOLICIT TESTIMONY AND CONSIDER ISSUANCE OF AN OFF-SALE INTOXICATING LIQUOR LICENSE FOR D&A MAIKKULA CORPORATION DBA PIXIE LIQUOR, 1512 BROOKDALE DRIVE NORTH, BROOKLYN PARK.

MOTION PASSED UNANIMOUSLY.

5.1 Public Hearing for Vacation of the Drainage and Utility Easement on Lot 1, Block 2, Mills Addition to Brooklyn Park.

5.1 City Engineer Jesse Struve briefed the Council on the public hearing for Vacation of the Drainage and Utility Easement on Lot 1, Block 2, Mills Addition to Brooklyn Park.

5.1 Mayor Lunde opened the public hearing to consider the Vacation of the Drainage and Utility Easement on Lot 1, Block 2, Mills Addition to Brooklyn Park.

5.1 The following individuals addressed the Council – None.

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

5.1 MOTION PARKS, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019-113 VACATING THE DRAINAGE AND UTILITY EASEMENT ON LOT 1, BLOCK 2, MILLS ADDITION TO BROOKLYN PARK. MOTION PASSED UNANIMOUSLY.

6.1 Senior Planner Todd Larson briefed the Council on the Rezoning, Plat, and Site Plan Review #19-111 for a Union Hall at 6648-6700 West Broadway Avenue.

6.1 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2019-1243 AMENDING CHAPTER 152 REZONING PROPERTY FROM DETACHED SINGLE-FAMILY RESIDENTIAL (R3) TO NEIGHBORHOOD RETAIL BUSINESS DISTRICT (B2) SOUTHEAST OF INTERSTATE 94 AND EAST OF WEST BROADWAY. MOTION PASSED UNANIMOUSLY.

6.1 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-114 APPROVING FINAL 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.

6.1 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-115 APPROVING SITE PLAN REVIEW FOR AN OFFICE BUILDING AT 6700 WEST BROADWAY. MOTION PASSED UNANIMOUSLY.

7.1 City Manager Jay Stroebel briefed the Council on the Council Travel Policy.

Council Member Jacobson asked about submitted expense statements, who reviewed them and how it was approved or not approved in the dollar amount the Council Member or Mayor had submitted.

City Manager Stroebel stated Marlene Kryder, Administration, worked with Council prior to any travel once the travel was approved. He stated she worked with them on estimates on travel costs, air fare, hotels and any ancillary expenses that arise on the travel. He stated she also worked with them when they returned to review which meals had been provided for and which got per diem whether it was for breakfast, lunch, or dinner to make sure they were getting what was allowed by city policy.

Council Member Jacobson asked what happened if the per diem was \$25 a meal and spent \$40 on meals.

City Manager Stroebel stated there was a per diem depending on which city the Council Member traveled to and whether they requested that per diem. He stated if it exceeded that amount for a given meal, they were only given the per diem allowed. He stated it was up to the Council Member to pay the difference of what the per diem was and what the City allowed.

Council Member Jacobson stated she had concerns relative to Council Members going on learning trips and doing things during the free time in that city and then taking to social media around that and sharing it. She stated to the tax payers that raised additional questions around if they were paying for it and looked non-essential to the trip the city was paying for. She was wondering if they might look to add something around that.

City Manager Stroebel stated he was not sure if the travel policy was the right place for what was appropriate and not appropriate to be putting on social media. He stated that part of traveling, whether it was for educational purposes, learning and development or advocacy on behalf of the City, like the Cities United event or Washington DC or elsewhere to lobby on behalf of the City. He stated there were times to be able to connect with colleagues for the city, Minnesota or other places and was up to the discretion of who was traveling to be conscious of how those pictures might be perceived on social media. He stated that whether it was appropriate to be in the travel policy, he wouldn't recommend it.

Council Member Jacobson stated they talked about a report coming back to Council once someone returned from a trip around what the benefit to the City was. She stated she also thought they should look at talking about that ahead of time when the Council voted on it to say what the taxpayers would gain and what might be different from Council attending out of state conferences that they couldn't gain locally, which would have a lesser cost. She thought transparency was important and wanted to make sure those trips taken that they were up front about what it was the taxpayers were gaining. She asked if they should have more around that in the policy.

City Manager Stroebel stated if the Council desired it, they could incorporate that expectation of some sort of a public report back on any travel related to educational purposes or advocacy purposes. He stated it had been the norm for the last couple of years as Council traveled and when they came back provided some sort of summary and ideas that might be a benefit. He

stated it was good practice and encouraged it to continue going forward and they could put that in the policy as an expectation or create it as a standard practice.

Council Member Jacobson stated she was looking for book ends when they approve travel that the Council receive the information and the taxpayers were well aware of what they were gaining by sending the Council Member on a trip. She stated that upon their return, maybe within 30 days of the return, that would be the expectation, and no one was holding anyone accountable to it and owed it to the tax payers.

She stated one of her concerns was if they each got two per term on the Council that if one of them chose not to travel that someone else could say they were going to take that person's trip. She wanted to make a sure that was not part of the vote they took.

City Manager Stroebel stated all travel was subject to Council approval and noted the resolution was typically taken up by the Council at the beginning of the year at its first meeting of the year. He stated it did in a sense provide collective approval of Council Members attending NLC and LMC events. He stated those were instances where that was essentially at least historically, Council had determined those were educational opportunities, benefitted Council and would support Council Members attending those. He stated that on the other types of events, for the last couple of years beyond, those that were approved at beginning of year had been considered on a one to one basis and was currently the way the Council did it. He stated that if the Council wanted to not approve some of those NLC and LMC events, then every Council travel would be considered on a one to one basis, which could be done as well.

Council Member Jacobson stated the statement was added, "when feasible a city vehicle should be considered for in-state transportation needs" and stated now Council Members who were not driving cars on a regular basis somehow were going to have to change insurance and was not sure it would be worth it.

City Manager Stroebel stated he consulted with Operations and Maintenance Director Ruiz and there were situations where staff or elected officials, because of the distance, preferred not to take their personal car. He stated they wanted to make it clear there was an option to take a city vehicle and the only thing needed was a copy of the driver's license. He stated that the vehicle would be covered under the city's insurances policy and wouldn't need an individual's insurance policy. He stated using a city vehicle could be at times economically more feasible.

Council Member Parks agreed with the expectations of discussing it prior to going to the event and when they got back. He stated that the first sentence of the resolution said the Mayor or City Council Members sometimes were required to attend municipal functions and asked if he could give an example of a required function. He stated the policy was a good idea and liked to see those expectations written in there.

City Manager Stroebel stated that Mayor Lunde recently became a member of the LMC Board and there were a certain number of required functions he was expected to go to in a given year. He stated that former Council Member Trepanier had been on the National League Cities Board where there were certain requirements to attend.

Council Member West-Hafner stated she supported some expectations about bringing it to the Council prior to going to an event, to understand it better before voting on it. She stated it

created transparency and then having a report out within a certain period of time was good. She asked about the effective date of the resolution because technically it would be effective as of

January 1 and went back to the beginning of the year since they were modifying the resolution they approved.

City Manager Stroebel stated it would be appropriate now that they were part of the way into the term to apply it given it was Council action to put in place.

Council Member Russell stated they had an expectation contained in the document that when a Council Member or Mayor traveled they came back and gave a report within a specified time period. He asked if it was a public presentation or private presentation and should they specify how the presentation would take place, formally in the chambers or in a work session. He thought they needed to define it and how that was going to be presented to avoid misconceptions. He stated that besides the conferences that were preselected, it was left up to Council Members discretion to decide what other conferences/workshops they attended. He asked if the conference being attended was paid for because some organizations like the Revolution Conference, offered scholarships. He asked it that would be an expectation to give a report if they went on a conference provided by scholarship or only when they attended a conference paid by taxpayers. He stated that needed to be clarified.

City Manager Stroebel stated if they were beyond what was voted on as part of the resolution at the beginning of the year, conferences, educational opportunities, and advocacy opportunities, he stated those would be at the discretion of a Council Member to bring it before the Council and or EDA for consideration.

He stated from time to time scholarships were available, and also, there were times when the Council was asked to speak at a conference and their expenses were covered by the conference. He stated the policy would not apply in those circumstances where scholarships and or their expenses were being paid by others and would not count as one of the Mayor's travel opportunities every year or one of two for a Council Member during the four-year term.

**7.1 MOTION LUNDE, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-116 AUTHORIZING SUPPLEMENTAL COMPENSATION FOR MAYOR AND COUNCIL MEMBERS WHO ATTEND APPROVED MUNICIPAL FUNCTIONS AND AUTHORIZING CHANGES TO CITY OF BROOKLYN PARK TRAVEL POLICY WITH THE REQUIREMENT OF A RECAP OF THE TRIP WITHIN 45 DAYS.**

Mayor Lunde stated he used 45 days because there were times, just by the Council meeting schedule, 45 days gave a little leeway. He stated that with 30 days, he could think of December and July and things got tight and didn't have a meeting and thought 45 days was more appropriate, but it did put the requirement in there.

He stated the travel expenses were public information and people could see what the Council claimed. He stated that most Council Members did not take reimbursement for mileage, where at some cities, the Mayors and Council Members were reimbursed for a lot of it.

He asked if part of a trip was subsidized, where he had a trip to the University of California and they paid for the whole thing and was no expense for the city at all. He stated then he had trips

where some paid 75% and asked if that was considered a full trip or partial trip.

City Manager Stroebel stated that scenario would be up to the discretion of the Council and could vary, like conference fees, hotel covered but not air fare. He stated his goal was to create a policy with some parameters, with the dual goals of providing education and advocacy opportunities, but also mindful using public dollars for trips. He stated it was up to the Council's discretion in scenarios on that. On the partially paid trips, i.e., if it was a \$3,000 trip and \$2,500 was covered and \$500 wasn't, the Council had to make that call if that person wanted to go on their trip.

He stated his goal was to create a policy that provided some parameters but also allowed some flexibility in being conscious of both dual goals of providing for educational opportunities and advocacy where it was important for the community and for Council. He stated he was also being mindful of that they were using public dollars for those trips and without trying to box the Council in, thought it would be up to the Council's discretion in terms of scenarios, where they were talking about a partially paid trip and tried not to be overly prescriptive.

Mayor Lunde stated he wanted people to realize there were many variables but often times the City paid for the trips. He stated that sometimes, like the Cities United paid for trips but the city chose to use that money to bring a youth instead of paying for a Council member. He stated last year in Knoxville they used the money to bring a Brooklyn Park student who was going to be a fellow.

He stated that he always practiced good care on social media and did not want to get involved in monitoring people on social media. He believed in free speech and when in doubt more free speech was the way he approached it. He stated that as elected officials, they were accountable if the public did not like something and had a recourse, called a voting box or vote in another Council Member who will stop something. He stated he didn't want to put anything in policy and just let everybody be free, free to speak and communicate as they felt appropriate.

7.1 Council Member West-Hafner offered a friendly amendment to the motion to add the prior approval or presentation and also the follow up presentation and to be formal in the chambers in front of the cameras so the presentation was on television.

7.1 Mayor Lunde stated the friendly amendment was not accepted and suggested a formal amendment to the motion.

7.1 MOTION WEST-HAFNER, SECOND JACOBSON TO AMEND THE MOTION TO ADD IN A PRIOR FORMAL PRESENTATION AND ALSO A FOLLOW UP FORMAL PRESENTATION TO THE MOTION.

7.1 Mayor Lunde stated the main motion had a post presentation.

7.1 Council Member West-Hafner stated she would amend the motion to add in a prior presentation. Council Member Jacobson seconded the motion.

Council Member Jacobson stated she was talking about the book ends and thought having an explanation of what the taxpayers would gain prior to the approval and what looked different from the trip that wasn't available locally at a lesser cost was critical to her supporting it.

Council Member Russell stated his understanding was that a Council Member did bring information to the Council prior to going on a trip and gave an example when Mayor Lunde went to California and the Mayor brought information about what he was going to do there and asked if that would suffice the Council.

Mayor Lunde stated that was why he put that in the motion so that it was an expectation and would be more formal.

Council Member West-Hafner stated she wanted what Council Member Jacobson said about the book ends, where they could look at it individually and make those decision and seeing it at the end on what the benefit was.

Mayor Lunde stated he could vote for it and wanted to clarify that if there was something, and that happened a couple of times where the Council had to make a snap decision because it was a hearing at the Federal Transportation Advisory Board and would be talking about light rail. He stated the Council would almost have to have an emergency meeting just to approve it. He asked if presenting at the dais would be considered the prior presentation.

Council Member West-Hafner stated yes and it was something out in the open for people in the community could watch and was more of that transparency piece of it.

7.2 THE VOTE ON AMENDMENT TO THE MOTION PASSED UNANIMOUSLY. (Adding the prior presentation to the Council prior to the approval of the trip.)

7.2 THE VOTE ON THE MAIN MOTION PASSED UNANIMOUSLY. (Approve the policy as presented with adding two requirements. One was a trip recap by the traveling Council Member within 45 days of the trip; second, was a prior presentation to the Council prior to approval of the trip.)

7.3 City Engineer Jesse Struve briefed the Council on the installation of a Traffic Signal at the Noble Parkway / 93<sup>rd</sup> Avenue Intersection and retaining Short Elliott Hendrickson, Inc. to prepare plans and specifications.

7.3 MOTION JACOBSON, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-117 APPROVING THE INSTALLATION OF A TRAFFIC SIGNAL AT THE NOBLE PARKWAY / 93<sup>RD</sup> AVENUE INTERSECTION AND RETAINING SHORT ELLIOTT HENDRICKSON, INC. TO PREPARE PLANS AND SPECIFICATIONS. MOTION PASSED UNANIMOUSLY.

7.4 City Engineer Jesse Struve briefed the Council on the burying of utilities along 101<sup>st</sup> Avenue.

7.4 MOTION LUNDE, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019-118 AUTHORIZING BURYING OF UTILITIES ALONG 101<sup>ST</sup> AVENUE. MOTION PASSED UNANIMOUSLY.

7.5 Recreation and Parks Director Jody Yungers briefed the Council on the Natural Resource Management Plan.

7.5 MOTION RUSSELL, SECOND PARKS TO WAIVE THE READING AND ADOPT

RESOLUTION #2019-119 TO ACCEPT THE NATURAL RESOURCE MANAGEMENT PLAN.  
MOTION PASSED UNANIMOUSLY.

#### 9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Lunde thanked the Communications staff and Operations and Maintenance staff for working on the solar project event. He stated today's conference went over very well with the Governor, Congressman Phillips and House Speaker Hortman, other legislative leaders and Council Members in attendance and was a win, win for the city. He stated when people talked about good news and about the leadership that Brooklyn Park was definitely leading the way.

#### 9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated the celebration of the work around the solar project was one of those projects that was a win, win, win for the city. He stated it was good for the environment, community, economy and budget. He stated that over the course of 25 years, expected to save \$5.5 million and starting annually with \$60,000 savings the first couple of years. He thanked the Council for their support and hard work the staff put into it and the support from the community and partners, like Apex and others that constructed the project.

Other announcements:

- Famers Market, Wednesday, 2 p.m. to 6 p.m. Zane Sports Park.
- Free summer concert series with seven events and two movies over the next week. On July 11, at the historic Eidem Farm, 7 p.m., the Riddle Brothers concert; on July 16, at the CAC gazebo at 7 p.m., Craig Clark Band.
- Food Trucks. Stated Council, staff and the food truck community had been working hard supporting the food businesses located in the city as they were doing work around the metro cities area, Minnesota and Wisconsin. He stated they were doing additional things to support the food truck community and at the June 27 City Hall on the Go event at Hartkopf Park, 200 people attended and one of the things they heard was that they appreciated the presence of the food trucks.
- The next City Hall on the Go event was July 25 at Northwoods park; August 15, at Norwood park and the food trucks would be at each of those events.
- At the CAC on Tuesdays from 4 p.m. to 8 p.m. July 16, July 30 and August 13, there would food trucks there where people could get something to eat. He thanked the work of the food truck community, Council and staff on trying to make food trucks in the city more accessible and more successful.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 8:43 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK