CALL TO ORDER – Mayor Jeffrey Lunde

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

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

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

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

2B PUBLIC COMMENT – None.

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

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

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

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

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

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

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

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

3B.4 Park and Recreation Month Proclamation.
Mayor Lunde proclaimed July 2019 to be observed as Park and Recreation month in the City of Brooklyn Park.

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

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

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

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

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

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

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

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

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

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

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

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

MOTION PASSED UNANIMOUSLY.

5.1 Business Development Coordinator Daniela Lorenz briefed the Council on the Public Hearing Authorizing the Submittal of an Application to the Minnesota Department of
Employment and Economic Development for a Grant under the Minnesota Investment Fund Program.

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

5.1 The following individuals addressed the Council – None.

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

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

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

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

5.2 The following individuals addressed the Council – None.

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

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

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

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

6.1 MOTION RUSSELL, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-123 APPROVING RESOLUTION ASSIGNING AND REMOVING CONDITIONAL USE PERMITS PREVIOUSLY RECORDED IN THE PLAT OF “EDINBURGH PLAZA.” MOTION PASSED UNANIMOUSLY.
6.2 Planning Director Cindy Sherman briefed the Council on APC Towers III, LLC – Conditional Use Permit #19-113 to Allow a 125-foot Bell Tower to Support up to Three Wireless Service Providers including T-Mobile at 5840 69th Avenue North.

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

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

The following individual addressed the Council:

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

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

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

Council Member Parks stated he went over the site today and did a walkaround. He stated where the bike path was coming through it was basically at the bottom of the hill over Regent.
He stated he was concerned with speeds on Regent coming over hill and was not sure there was enough clearance for that bike to get out of the way. He stated on the other side there was not much room from the corner to the bike path and wondered if they could move it.

Planning Director Sherman stated what she would like to do was take some time with the Operations and Maintenance Department and go out and look at it. If they felt there was something they could do that created some sort of a barrier to stop people from thinking they could do that or look at some way to make it more clear that it was not intended to be a connection out to Regent, she thought they could do that in some sort of design way.

Council Member Parks stated that when staff checked on that path, he would be interested to hear about the outcome.

Mayor Lunde stated he preferred not to have the bike path go to the corner. He stated there was a path on both sides of Regent Avenue and went over the bridge, and went on the other side. He stated that if it was at the corner, if people wanted to cross the bridge they were going to cut up the hill and do it anyway. He stated he didn’t believe it was a blind path and was not a short bridge and people were aware of it. He stated if Operations and Maintenance had ideas making sure that people didn’t just cut across to let the council know.

Planning Director Sherman stated they would look at it and it might be that they wanted to make that connection the emergency connection. She stated if and when 93rd Avenue got upgraded, there would be a trail along 93rd Avenue and might be that it became the connection and they didn’t have an internal one. She stated they would look at all of those things. She stated if it was okay with the Council, if they determined that wasn’t a safe location they would eliminate it from the plan. If they could figure out a way to make it feel safe or work better, they would include it in the plan.

Mayor Lunde stated he would support the project but his concern was that it was not commercial industrial. He stated when they talked about taxpayers, they talked about trying to balance it out and sheltering the ups and downs of residential and was much more steep. He stated he remembered at the ground breaking for the new Ryan company building, Prairie Care and the Vice President said if they would have known that Prairie Care was going to take the whole building they would have built it bigger and that worried him. He stated the City had one more spot and he would guard it. He stated TH610 was more valuable for commercial. He stated he understood the switch on the west side of Zane, which meant he would also guard the west side of Zane and had no support for residential west of it because if they were making that switch it was one of the things to get maximum value out of it.

He stated that after talking to Council Members asked staff if they could add the dollar amount for the developments. He stated it would be nice to know when people asked how much it was totally worth and it was important for residents to see what it was because when they moved from residential to commercial and back and forth those things had an effect.

He stated his concern on the proposed project was to understand how that affected the mix. He asked if it was possible to get an update on where they were because at one point the city had 1,200 acres free and thought it was 1,000 acres. He asked if they were still at the targets for what the City’s goals were as far as mix. He stated he was also worried about settling.
Sometimes commercial became townhomes and to him seems that if someone couldn’t develop commercial then it became a townhome complex.

Planning Director Sherman stated they would provide an update on the status of the land the City had, vacant land, and what they anticipated coming in based on the 2040 comprehensive plan and would use those numbers.

Mayor Lunde asked if there was a way to attach the tax valuation expectations to figure out per acre what a valuation might be when they moved things back and forth and was concerned that someday the next Council, when the city is fully developed, was going to have to deal with whatever the Council left the bar at.

Council Member West-Hafner suggested moving the emergency exit to the one that was there and take the trail connection out. She stated if people wanted to go over to the park they had to go out and go around and were not trying to climb the hill, and in case it’s winter time have the other empty onto 94th Avenue. She asked if staff was going to look at it. She asked if Council voted tonight for it and staff decided the other one was safe, did staff have to bring it back to the Council.

Planning Director Sherman stated if Council didn’t want that connection to tell staff so they didn’t make that connection and that was easier than them having to do the analysis and trying to figure out if it worked or not.

Council Member West-Hafner stated that her suggestion was to take that trail connection out and create a different emergency access point. She asked about the storage, if someone had outdoor patio furniture if they were just going to leave the patio furniture outside in the winter time or park the car outside for it. She stated she was struggling with the garage size and liked to see more parking spots too.

Council Member Russell stated the trail connectivity was important to him and the city had a lot of the connectivity between all different trail systems and bikeways.

Planning Director Sherman stated that in the interim, it would not have a connection to Regent and would have a connection from 94th to 93rd and then to Regent if that was the direction people wanted to go. She stated that now there were pedestrian facilities and sidewalks on both sides and no trail but that was a 6-foot sidewalk on both sides of Regent and went up and over and connected to the trail on Oak Grove Parkway. She stated there was connectivity north/south but not west/east, and with 93rd Avenue unimproved, but in the future, it would be a connection on 93rd Avenue that would connect the proposed development to Regent.

She stated it was the decision for the Council to make when 93rd Avenue would be improved and had discussions whether it was 2020/2021 or beyond and was a budget discussion for the Council.

Mayor Lunde stated he would put the motion on the floor and didn’t support moving the trail. He stated Council Member West-Hafner could make an amendment to the main motion.

6.3 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-125 AMENDING THE “ASTRA VILLAGE” DEVELOPMENT PLAN AND APPROVING
Mayor Lunde asked if they wanted to remove the trail, would they make the amendment on the first motion or second.

Planning Director Sherman stated the second motion would be the appropriate action because that was approving the Conditional Use Permit on the site plan.

Mayor Lunde stated for the Council Members that might support the removal of the trail, he would make the motion on the second one and Council Members could amend it and see where it laid.

6.3. VOTE ON THE MAIN MOTION PASSED UNANIMOUSLY.

6.3 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-126 APPROVING CONDITIONAL USE PERMIT FOR “PEMBERLY,” A 105-UNIT TOWNHOME DEVELOPMENT NORTHWEST OF 93RD AND REGENT AVENUES NORTH.

6.3 MOTION WEST-HAFNER, SECOND PARKS TO AMEND THE MOTION TO ADD A CONDITION TO REMOVE THE TRAIL CONNECTION AND REPLACE IT ON THE OTHER TRAIL THAT CONNECTS ONTO 94TH TO BE THE EMERGENCY EXIT.

Mayor Lunde asked the city attorney if the amendment to the motion required four votes since two Council Members were absent.

City Attorney Thomson stated the amendment only required the majority of those present and voting on it.

Mayor Lunde stated there was an amendment to the motion removing the trail and making that emergency connection at the secondary site.

Mayor Lunde asked for a roll call.

6.3 THE AMENDMENT TO THE MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS: YES – PHA, WEST-HAFNER, PARKS; NO – RUSSELL, LUNDE

6.3 THE VOTE ON THE MAIN MOTION PASSED UNANIMOUSLY.

7.1 Finance Director LaTonia Green briefed the Council on Amorce I Limited Partnership Conduit Bond Issuance (Housing Revenue Bond).

7.1 MOTION WEST-HAFNER, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2019-127 AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF ITS MULTIFAMILY HOUSING REVENUE OBLIGATIONS RELATING TO THE AMORCE I LIMITED PARTNERSHIP PROJECT; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE OBLIGATIONS AND RELATED DOCUMENTS; PROVIDING FOR THE SECURITY, RIGHTS, AND REMEDIES WITH RESPECT TO THE OBLIGATIONS; AND GRANTING APPROVAL FOR CERTAIN OTHER ACTIONS WITH RESPECT THERETO. MOTION PASSED UNANIMOUSLY.
City Attorney Thomson departed the Chambers at 8:30 p.m.

7.2 Assistant City Manager Wokie Freeman-Gbogba briefed the Council on the Sister City relationships process and proposal.

City Attorney Thomson returned to the Chambers at 8:33 p.m.

7.2 MOTION RUSSELL, SECOND LUNDE TO ACCEPT THE PROCESS AND CRITERIA FOR SISTER CITY RELATIONSHIPS. MOTION PASSED UNANIMOUSLY.

The following individual addressed the Council:

1. Hassenan Mohammed addressed the Council. He stated it was an honor being selected by his community to ask if it would be a possibility to have a sister city with a city. He stated they had recently opened businesses in the city and there was going to be proposal in buying multimillion dollar land along TH610 by a group of Somali individuals soon. He stated they recently had presidential candidates have events in the city. He stated they were in the city and were proud of the community, proud of being in the city and were proud of having the sister city relationship. He stated that tonight in attendance was the Minister of Commerce, and State Representative Mohamud Noor, former Executive Director of the Confederation of the Somali community and Executive Director of the Somali community, and had friends of the Garawe, Somali community. He stated it was a great initiative and supposed to build friendship between them and the City, where they were looking at moving to. He stated the Mayor met with them and was an expectation of every Somali right now to look at the city area to see the growth in the community. He stated they were proud to be part of the initiative and knew there were other sister cities. He stated they were going to have a committee and going to have an active engagement with the city in terms of bringing new ideas and new events. He stated yesterday, the City of Minneapolis had a sister city event at Nicollet Island pavilion and had the Somali community there too. He stated there were dances and multiple foods and wanted to bring that to the City of Brooklyn Park. He stated they wanted to have a great potential tapping into multiple different racial groups in the city and that initiative was opening the door. He stated he hoped the new Council would move it forward and would have a standardized way of doing things and people would be proud of the city and move to the city forward with their friendship.

7.2 MOTION LUNDE, SECOND PHA TO APPROVE THE PROPOSAL AND DIRECT STAFF TO ESTABLISH A NEW SISTER CITY RELATIONSHIP WITH GAROWE, SOMALIA. MOTION PASSED UNANIMOUSLY.

6.3 City Attorney Thomson stated he made a mistake on the Conditional Use Permit resolution amendment. He thought the Charter said only the “final passage,” but it doesn’t use “final passage,” it just said “all motions must have four votes.” He stated his recommendation since all Council Members voted in favor of that resolution that anyone of them could make the motion to reconsider it. He recommended making a motion to reconsider it, pass it, redo the process and do it correctly.

6.3 MOTION LUNDE, SECOND PHA TO RECONSIDER WAIVE THE READING AND ADOPT RESOLUTION #2019 APPROVING CONDITIONAL USE PERMIT FOR “PEMBERLY,” A 105-
UNIT TOWNHOME DEVELOPMENT NORTHWEST OF 93RD AND REGENT AVENUES NORTH. THE MOTION PASSED UNANIMOUSLY.

City Attorney Thomson recommended to remake the motion to get the item back on the table.

6.3 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-126 APPROVING CONDITIONAL USE PERMIT FOR “PEMBERLY,” A 105-UNIT TOWNHOME DEVELOPMENT NORTHWEST OF 93RD AND REGENT AVENUES NORTH. THE MOTION PASSED UNANIMOUSLY.

6.3 MOTION WEST-HAFNER, SECOND PARKS TO AMEND THE MAIN MOTION TO REMOVE THAT TRAIL CONNECTION AND HAVE THE EMERGENCY CONNECTION BE ON THE OTHER TRAIL CONNECTION.

Mayor Lunde called for a roll call vote.

6.3 THE AMENDMENT TO THE MOTION FAILED ON A ROLL CALL VOTE AS FOLLOWS: YES – WEST-HAFNER, PARKS, PHA; NO – RUSSELL, LUNDE.

City Attorney Thomson stated if there were not four votes in favor of the Conditional Use Permit because the amendment did not pass, suggested to table it rather than to deny it tonight and have to start the process all over again. He stated it would better to table it when they had full complement of the Council present to see if they had four affirmative votes to pass it. He didn’t want the Council to take a risk of acting on it and having it denied.

Mayor Lunde stated he was okay with the main motion.

Council Member Parks stated he had no problem with the main motion. His only consideration was to look at that path to find out if that was where they should have it. He stated there was one map that showed that it looked like the trail going across the bridge. If someone considers it not to be a blind spot, he didn’t want that path going across Regent Avenue. He stated he would vote for main motion and just wanted someone to take a look at that path to find out if that was the right spot to have it because to him it was dangerous.

Community Development Director Kim Berggren stated they would take a look at it another time to ensure that it was safe and see if there is a safer alternative, and if not, they would want to maintain that access as an option.

Council Member Pha agree with Council Member Parks and was okay with either one. She stated she trusted staff to look into it and make that decision; either way, she was okay with it.

Council Member West-Hafner stated she was on the same page and just thought it was going to end up being a difficult place to put a potential exit because the way that it went up at a steep angle. She stated she was not trying to take away access to anyone getting to a trail but just thought it would be safer to have it in a different place. She agreed with the motion as long as staff went back and reviewed it and made sure that was the right place to put it.

Mayor Lunde stated they were back to the main motion without referencing the trail and heard staff’s commitment to taking a look at it and working with the developer.
6.3 THE VOTE ON MAIN MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS – None.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated he provided the Council a written copy and an email copy of the updated Travel Policy for the Council to review and if they had concerns about it to let him know.

Upcoming Events:

- City Hall on the Go, Thursday, at Oak Grove Park, 6:30 p.m.
- 172nd Liberian Independence Dinner/Ball Friday, Marriott; he forwarded an invitation to the Council.
- Monday, 3 p.m., Police Swearing In ceremony in the Council Chambers.
- National Night Out, August 6. Council Members interested in going out that evening should contact him or send Kim Czpar a note. If they had preference to ride with or where they would like to go, let them know.
- August 6, fireworks originally part of Tater Daze, rescheduled for 9:30 p.m., Noble Sports Park.
- Farmers Market held every Wednesday from 2 to 6 p.m. at the Zane Sports Park.
- Concerts, July 25, at Eidem Farm, 7 p.m. and July 30, at the Community Activity Center.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 9:11 p.m.

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JEFFREY JONEAL LUNDE, MAYOR

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DEVIN MONTERO, CITY CLERK