Monday, October 14, 2019
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

REGULAR COUNCIL MEETING – AGENDA #37

If due to a disability, you need auxiliary aids or services during a City Council Meeting, please provide the City with 72 hours' notice by calling 763-493-8141 or faxing 763-493-8391.

Our Vision: Brooklyn Park, a thriving community inspiring pride where opportunities exist for all.

Our Brooklyn Park 2025 Goals:

• A united and welcoming community, strengthened by our diversity • Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination • A balanced economic environment that empowers businesses and people to thrive • People of all ages have what they need to feel healthy and safe • Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper • Effective and engaging government recognized as a leader

I. ORGANIZATIONAL BUSINESS

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT AND RESPONSE 7:00 p.m. Provides an opportunity for the public to address the Council on items which are not on the agenda. Public Comment will be limited to 15 minutes *(if no one is in attendance for Public Comment, the regular meeting may begin*), and it may not be used to make personal attacks, to air personality grievances, to make political endorsements or for political campaign purposes. Individuals should limit their comments to three minutes. Council Members will not enter into a dialogue with citizens. Questions from the Council will be for clarification only. Public Comment will not be used as a time for problem solving or reacting to the comments made, but rather for hearing the citizen for informational purposes only.

2A. RESPONSE TO PRIOR PUBLIC COMMENT

2B. PUBLIC COMMENT

3A. APPROVAL OF AGENDA (Items specifically identified may be removed from Consent or added elsewhere on the agenda by request of any Council Member.)

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

- **3B.1** Introductions of New Employees
- **3B.2** Brooklyn Park Rotary Club to Recognize Brooklyn Park Fire Department
- **3B.3** Proclaiming October 5-6, 2019, as American Legion Weekend in the City of Brooklyn Park, Minnesota
  - **A.** PROCLAMATION
- **3B.4** New Website Presentation

II. STATUTORY BUSINESS AND/OR POLICY IMPLEMENTATION

4. CONSENT (All items listed under Consent, unless removed from Consent in agenda item 3A, shall be approved by one council motion.) Consent Agenda consists of items delegated to city management or a commission but requires council action by State law, City Charter or city code. These items must conform to a council approved policy, plan, capital improvement project, ordinance or contract. In addition, meeting minutes shall be included.

- **4.1** Approve Professional Service Agreement with LHB, Inc. in the Amount of $478,098 to Provide Master Planning, Design Development and Bid Documents for Phase 1 Park Bond Reinvestment Projects
  - **A.** RESOLUTION
- **4.2** Approval of Proposed Cell Tower Lease Agreement Amendments

A. RESOLUTION
B. SUMMARY OF CELL TOWER LEASES AND PROPOSED AMENDMENTS
C. CELL TOWER MAP

4.3 Aftermath Why We Serve Grant Acceptance
A. RESOLUTION

4.4 Authorize the Purchase and Funding of a Police Vehicle to Replace a Totaled Squad
A. RESOLUTION

4.5 Authorize the Acceptance of Donations/Gifts
A. RESOLUTION

4.6 Approval of Minutes
A. SPECIAL CITY COUNCIL MEETING MINUTES, MAY 21, 2018
B. CITY COUNCIL MEETING MINUTES, JULY 23, 2018
C. CITY COUNCIL MEETING MINUTES, SEPTEMBER 10, 2018
D. CITY COUNCIL MEETING MINUTES, OCTOBER 8, 2018
E. CITY COUNCIL MEETING MINUTES, NOVEMBER 13, 2018
F. CITY COUNCIL MEETING MINUTES, DECEMBER 3, 2018
G. CITY COUNCIL MEETING MINUTES, AUGUST 12, 2019
H. CITY COUNCIL MEETING MINUTES, SEPTEMBER 9, 2019

4.7 Set a Public Hearing for an On-Sale Wine License for Midas Hospitality LLC dba Hampton Inn Brooklyn Park
A. PUBLIC HEARING NOTICE

4.8 Three Rivers Park District – Interim Use Permit #16-107 for Temporary Office and Storage Facilities at the Coon Rapids Dam Regional Park, 10360 West River Road North
A. RESOLUTION
B. LOCATION MAP
C. PLANNING AND ZONING INFORMATION
D. LETTER FROM APPLICANT
E. PLANS

4.9 Authorize Amending the Agreement with KLM Engineering Inc. for Engineering Services for the Noble Water Tower Rehabilitation Project
A. RESOLUTION
B. PROPOSED AGREEMENT AMENDMENT

4.10 Resolution Calling for a Public Hearing on the Issuance of Charter School Revenue Bonds for the Excell Academy For Learning Project
A. RESOLUTION

The following items relate to the City Council's long-range policy-making responsibilities and are handled individually for appropriate debate and deliberation. (Those persons wishing to speak to any of the items listed in this section should fill out a speaker's form and give it to the City Clerk. Staff will present each item, following in which audience input is invited. Discussion will then be closed to the public and directed to the council table for action.)

5. PUBLIC HEARINGS

5.1 Adopt Resolution for Proposed Special Assessments for Certain Delinquent Utility Bills, Weed Cutting Charges, Utility Invoices, Administrative Penalty Citations, Nuisance Abatement Charges, and Fire Inspection Fees
A. RESOLUTION
B. 2019 SPECIAL ASSESSMENT HEARING PROCESS MEMO TO CITY MANAGER
C. CERTIFICATION LIST *(LIMITED DISTRIBUTION – Available for viewing at the City Clerk's office)*

6. LAND USE ACTIONS

6.1 Green Haven 2nd Addition (Plateau Properties LLC) – Final Plat #19-117 to Subdivide Existing Residential Lots into Two Lots at 7900 Mount Curve Boulevard North and 7880 Mount Curve Boulevard North
A. RESOLUTION
B. LOCATION MAP
C. FINAL PLAT

7. GENERAL ACTION ITEMS

7.1 Approve Commitment to Provide Access to Property Losing Access Due to Eminent Domain Proceedings for TH 169/101st Avenue Interchange Project, CIP 4042-19
- **A.** RESOLUTION
- **B.** LOCATION MAP
- **C.** ALTERNATIVE ACCESS FIGURE

7.2 First Reading of the Brooklyn Park Tenant Notification Ordinance
- **A.** ORDINANCE
- **B.** FAQ PACKET

7.3 Resolution Advising the Disposition of Tax Forfeited Land Located at Outlot A, Oxbow Commons
- **A.** RESOLUTION
- **B.** LOCATION MAP
- **C.** COST SHEET
- **D.** ZANE OAK GROVE PARKWAY CONCEPT PLAN

III. DISCUSSION – These items will be discussion items but the City Council may act upon them during the course of the meeting.

8. DISCUSSION ITEMS
None

IV. VERBAL REPORTS AND ANNOUNCEMENTS

9A. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS
9B. CITY MANAGER REPORTS AND ANNOUNCEMENTS

V. ADJOURNMENT

Since we do not have time to discuss every point presented, it may seem that decisions are preconceived. However, background information is provided for the City Council on each agenda item in advance from city staff and appointed commissions, and decisions are based on this information and past experiences. If you are aware of information that has not been discussed, please raise your hand to be recognized. Please speak from the podium. Comments that are pertinent are appreciated. Items requiring excessive time may be continued to another meeting.

City of Brooklyn Park
Request for Council Action

Agenda Item:	3B.1	**Meeting Date:**	October 14, 2019
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	**Originating Department:**	Administration
Resolution:	N/A		
Ordinance:	N/A	**Prepared By:**	Marlene Kryder Program Assistant
Attachments:	N/A	**Presented By:**	Department Directors/Managers
Item:	Introduction of New Employees		

City Manager's Proposed Action:

Introduction of the City of Brooklyn Park's new employees.

Overview:

Employee	Start Date	Title
Administration		
Brenda Compean-Morales	September 9, 2019	Community Liaison

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park
Request for Council Action

Agenda Item:	3B.2	**Meeting Date:**	October 14, 2019
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	**Originating Department:**	Administration
Resolution:	N/A		
Ordinance:	N/A	**Prepared By:**	Jay Stroebel, City Manager
Attachments:	N/A	**Presented By:**	Rotary Club
Item:	Brooklyn Park Rotary Club to Recognize Brooklyn Park Fire Department		

City Manager's Proposed Action:

The Brooklyn Park Rotary Club will recognize the Brooklyn Park Fire Department for their participation in the Rotary Reader program at local elementary schools.

Overview: N/A

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park
Request for Council Action

Agenda Item:	3B.3	**Meeting Date:**	October 14, 2019
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	**Originating Department:**	Administration
Resolution:	N/A		
Ordinance:	N/A	**Prepared By:**	Devin Montero, City Clerk
Attachments:	1	**Presented By:**	Jeffrey Lunde, Mayor
Item:	Proclaiming October 5-6, 2019, as American Legion Weekend in the City of Brooklyn Park, Minnesota		

City Manager's Proposed Action:

The Mayor shall proclaim October 5-6, 2019, as American Legion Weekend by one of the following:

1. "I, Jeffrey Lunde, Mayor of the City of Brooklyn Park, Minnesota do hereby proclaim October 5-6, 2019, as American Legion Weekend in the City of Brooklyn Park, Minnesota.

OR

2. By reading the proclamation.

Overview:

Since the charter in 1919, the Osseo/Maple Grove American Legion Post 172 has been welcoming Veterans from all branches of Armed Forces. Today, they continue to welcome all military personnel serving our country including residents of Brooklyn Park.

A large number of Veterans in Minnesota live, work and/or call the City of Brooklyn Park home and many of the veterans are members of the Osseo/Maple Grove American Legion Post 172.

On Saturday, October 5, 2019, the Osseo/Maple Grove American Legion Post 172 celebrated their 100th anniversary.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.3A PROCLAMATION

PROCLAMATION

AMERICAN LEGION WEEKEND

PROCLAIMING OCTOBER 5-6, 2019, AS AMERICAN LEGION WEEKEND IN THE CITY OF BROOKLYN PARK, MINNESOTA

WHEREAS, since the charter in 1919, the American Legion Post 172 has been welcoming Veterans from all branches of Armed Forces. Today, they continue to welcome all military personnel serving our country including residents of Brooklyn Park; and

WHEREAS, the American Legion is the nation's largest organization of veterans created by members of the American Expeditionary Forces that were still stationed in Europe awaiting passage home from World War I; and

WHEREAS, after the war ended, the American Legion worked to ensure disabled and unemployed veterans were connected to resources needed to live their life in their community; and

WHEREAS, the American Legion built its legacy with a vision to make the nation more respectful of those who have sacrificed some, or all, in defense of the nation; and

WHEREAS, a large number of Veterans in Minnesota live, work and/or call the City of Brooklyn Park home; and

WHEREAS, many of our veterans are members of the Osseo/Maple Grove American Legion Post 172; and

WHEREAS, Saturday, October 5, 2019, marked the 100th anniversary of Post 172.

NOW, THEREFORE, I, Jeffrey Lunde, the Mayor of the City of Brooklyn Park, do hereby proclaim that Saturday through Sunday, October 5-6, 2019, shall be observed as the American Legion Weekend Celebration in the City of Brooklyn Park.

Brooklyn Park

5200 85th Avenue North
Brooklyn Park, MN 55443

_____
Jeffrey Joneal Lunde, Mayor

City of Brooklyn Park
Request for Council Action

Agenda Item:	3B.4	**Meeting Date:**	October 14, 2019
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	**Originating Department:**	Administration
Resolution:	N/A	**Prepared By:**	Camille Hepola, Communications Manager
Ordinance:	N/A		
Attachments:	N/A	**Presented By:**	Camille Hepola
Item:	New Website Presentation		

City Manager's Proposed Action:

Hear presentation on the city's new website.

Overview:

Our city website has gotten a serious makeover.

New and improved features:

- Improved search function
- Easy-to-access contact information
- Quick access to the services YOU need
- Community stories that feature awesome things happening in your city
- Simple design that's easier to read (and easy for us to change if something's not quite right)

You will get a first look at the new website before it is launched on Tuesday, October 15.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park **Request for Council Action**			
Agenda Item:	4.1	**Meeting Date:**	October 14, 2019
Agenda Section:	Consent	**Originating Department:**	Recreation and Parks
Resolution:	X	**Prepared By:**	Brad Tullberg, Parks and Facilities Manager Jody Yungers, Director of Recreation and Parks
Ordinance:	N/A		
Attachments:	1	**Presented By:**	Brad Tullberg
Item:	Approve Professional Service Agreement with LHB, Inc. in the Amount of $478,098 to Provide Master Planning, Design Development and Bid Documents for Phase 1 Park Bond Reinvestment Projects		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ TO APPROVE PROFESSIONAL SERVICE AGREEMENT WITH LHB, INC. IN THE AMOUNT OF $478,098 TO PROVIDE MASTER PLANNING AND DESIGN DEVELOPMENT AND BID DOCUMENTS FOR PHASE 1 PARK BOND REINVESTMENT PROJECTS.

Overview:

On May 13, 2019, the Recreation and Parks Department entered into an agreement with Simplar Sourcing Solutions to provide guidance and procurement assistance through Expertise-driven Project Delivery (XPD) for projects within the Park Bond Reinvestment Projects.

On July 25, 2019 a Request for Proposal was advertised in the Sun Post seeking a Lead Consultant for the master planning, design development, and preparation of bid documents for the following Phase 1 Park Bond Reinvestment Projects:

- Master Plan and Redevelopment of three parks (Norwood, Lakeland, and Hartkopf)
- Additions to three park buildings (Northwoods, Willowstone and Monroe)
- Addition of kitchen facilities at two shelters (River and Central)

An evaluation team was formed to evaluate the five proposals received. The evaluation team consisted of:

- Jody Yungers, Director of Recreation and Parks
- Dan Ruiz, Director of Operations and Maintenance
- Greg Hoag, Park and Building Maintenance Manager
- Breanne Rothstein, Economic Development and Housing Director
- Brad Tullberg, Parks and Facilities Manager

The XPD process is a blind process that removes the names and proprietary information from submittals that may indicate the author of the proposal. The evaluation team rated the submitted proposals based on their Project Approach, Risk Mitigation Plan and Value-Added Plan. Once the ratings of the submittals were complete, the scores were compiled, and determined which vendors advance to the interview stage.

Interviews were held with each firm's Project Manager and Assistant Project Manager to demonstrate their understanding of the project and their plan to implement the project in the most efficient and effective manner. Each interview was scored and added to the evaluation table to determine the "Apparent Best Value Proposal."

CRITERIA	Fee/Cost	Approach	Risk Plan	Value Plan	Interviews	TOTAL POINTS
FIRM B	250	100	225	100	180	855
FIRM D	230	65	165	63	325	848
FIRM C	234	55	168	75	306	838
FIRM A	249	53	195	75	249	820
FIRM E	237	88	150	100	149	724
Points Possible	250	100	225	100	325	1,000

Based on the scores, Firm B moved forward into the Clarification Phase to work with staff to further clarify their proposal and discuss concerns that either party may have with the Project Approach, Risk Mitigation Plan and Value-Added Plan proposed. After three meetings with Firm B, the Evaluation Team determined that they would like to move to clarification with Firm D, the second firm on the list. After several clarification meetings with Firm D, it was determined that their Project Delivery, Risk Assessment and Value-Added options would provide the Best Value to the City of Brooklyn Park. Firm D is LHB, Inc. **After review of the submittals, interviews and clarification phase meetings, the Evaluation Team is recommending LHB, Inc. as the Lead Consultant to provide Master Planning and Design Development and Bid Documents for Phase 1 Park Bond Reinvestment Projects.**

Project Schedule/Timeline:

1. Award Bid and Approval with City Council — October 14, 2019
2. Kick-off meeting by Consultant with staff — Week of October 14, 2019
3. Community Engagement Process begins — November 2019 – March 2020
4. Community Review of Recommendations — March 2020
5. Kitchens and Building Addition bid documents complete — July 31, 2020
6. Park Redevelopment bid documents complete — October 30, 2020

Budgetary/Fiscal Issues:

- Funding for the Master Planning, Design Development and bid documents for the Phase 1 Park Bond Reinvestment Projects is included in the $26,000,000 Park Bond Referendum that passed in November 2018.
- Typically, staff estimates the cost of Master Planning, Design Development and bid documents to be 8-10% of the total construction budget. The $478,098 proposal from LHB, Inc. represents 7.7% of the total construction budget of $6,200,000.
- It is anticipated that LHB will also provide Construction Administration services. An additional contract will be brought back to City Council for approval at a later date once the full scope of this work is determined.

Attachments:

4.1A RESOLUTION

RESOLUTION #2019-

RESOLUTION TO APPROVE PROFESSIONAL SERVICE AGREEMENT WITH LHB, INC. IN THE AMOUNT OF $478,098 TO PROVIDE MASTER PLANNING, DESIGN DEVELOPMENT AND BID DOCUMENTS FOR PHASE 1 PARK BOND REINVESTMENT PROJECTS

WHEREAS, on May 13, 2019, the Recreation and Parks Department entered into an agreement with Simplar Sourcing Solutions to provide guidance and procurement assistance through Expertise-driven Project Delivery (XPD) for projects within the Park Bond Reinvestment Projects; and

WHEREAS, on July 25, 2019, a Request for Proposal was advertised in the Sun Post seeking a Lead Consultant for the master planning, design development, and preparation of bid documents for the Phase 1 Park Bond Reinvestment Projects; and

WHEREAS, the Evaluation Team reviewed and scored the proposals received based on the proposed Project Approach, Risk Mitigation Plan and Value-Added Plan; and

WHEREAS, the Evaluation Team interviewed the Project Manager and Assistant Project Manager for each of the five firms that submitted proposals; and

WHEREAS, after completing the Clarification Phase, the Evaluation Team is recommending to enter into a Professional Services Agreement with LHB, Inc. in the amount of $478,098; and

WHEREAS, funding for the Master Planning and Design Development for the Phase 1 Park Bond Reinvestment Projects is included in the $26,000,000 Park Bond Referendum that passed in November 2018; and

WHEREAS, Master Planning, Design Development and Bid Documents are typically 8-10% of construction. The $478,098 proposal from LHB, Inc. represents 7.7% of the total construction budget of $6,200,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve a Professional Service Agreement with LHB, Inc. in the amount of $478,098 to provide Master Planning, Design Development and Bid Documents for Phase 1 Park Bond Reinvestment Projects.

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.2	**Meeting Date:**	October 14, 2019
Agenda Section:	Consent	**Originating Department:**	Recreation and Parks
Resolution:	X		
Ordinance:	N/A	**Prepared By:**	Director Jody Yungers, Recreation and Parks
Attachments:	3	**Presented By:**	Director Jody Yungers
Item:	Approval of Proposed Cell Tower Lease Agreement Amendments		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ APPROVING THE RENEGOTIATED CELL TOWER AGREEMENTS AS PRESENTED AND GIVE AUTHORITY FOR THE CITY MANAGER TO FULLY EXECUTE THE PROPOSED CELL TOWER AGREEMENT AMENDMENTS, AND GIVE AUTHORITY TO THE CITY MANAGER TO APPROVE EXHIBIT AMENDMENTS TO CITY COUNCIL APPROVED CELL TOWER LEASE AGREEMENTS

Overview:

Currently, the City has cell towers located at ten (10) different sites throughout the city:

- **Sunny Park Lane:** 6250-6298 Sunny Lane, Brooklyn Park, MN 55428
- **Bass Creek Park:** 6665 Boone Ave, Brooklyn Park, MN 55428
- **Boone Water Tower:** 7717 Boone Ave North, Brooklyn Park, MN 55428
- **Noble Sports Park:** 9596 Regent Ave North, Brooklyn Park, MN 55428
- **Edinbrook Park:** 2900 Edinbrook Parkway, Brooklyn Park, MN 55428
- **River Water Tower:** 10407 West River Rd, Brooklyn Park, MN 55444
- **Palmer Lake Park:** 2807 Brookdale Drive, Brooklyn Park, MN 55444
- **Noble Water Tower:** 7917 Lee Avenue North, Brooklyn Park, MN 55444
- **Central Fire Station Tower:** 5700 85th Ave North, Brooklyn Park, MN 55444
- **Willowstone Park:** 9425 James Avenue North, Brooklyn Park, MN 55444

The contract agreements for each of these tower locations is different as to the length of the agreement, lease cost, annual fee increase (escalator) and renewal language.

Throughout 2017-2019, the Recreation and Parks Department, with the support of the Finance Department and City Attorney, has completed a thorough audit review of the 17 agreements associated with the 10 sites. Currently, revenue generated from cell towers within park property is credited to the Open Space Land Acquisition and Development (OSLAD) fund (approximately $343,306/year) with an annual escalator.

<u>5G Technology and Cell Tower Agreement Amendments</u>
Over the last two years, the City has received a variety of requests to upgrade equipment on the towers in preparation for 5G Technology. Most of the current agreements include a financial provision that requires vendors to pay to the City an increased lease fee for any subleasing or expansion of equipment to the original tower. Staff has been working with the City Attorney's office and SEH to review and respond to provider requests and to negotiate lease amendments based on current market rates. City Attorney Robert (Bob) Vose, with Kennedy-Graven, has been working closely with the City. Mr. Vose works with the League of Minnesota Cities and represents many other Minnesota cities on cell tower agreements, and is familiar with the current market rate.

We are currently in different stages of full execution of these agreements. Therefore, staff is asking City Council to approve the general terms and conditions of the four renegotiated agreements, as described in the attached Summary of Cell Tower Leases and Proposed Amendments, and to allow the City Manager to execute these agreements upon receipt of signature from carrier and/or representative(s).

Primary Issues/Alternatives to Consider:

What is 5G?
5G is the fifth generation of wireless technology. Users will know it as one of the fastest, most robust technologies the world has ever seen. That means quicker downloads, a more powerful network and a massive impact on how we live, work and play. The connectivity benefits of 5G will make business more efficient and give consumers access to more information faster than ever before. Autonomous cars, smart communities, immersive education—they will all rely on 5G.

Budgetary/Fiscal Issues:

The five proposed cell tower contract amendments will result in an approximately $22,364.00 per year increase with a 3-4% annual escalator.

Attachments:

4.2A RESOLUTION
4.2B SUMMARY OF CELL TOWER LEASES AND PROPOSED AMENDMENTS
4.2C CELL TOWER MAP

RESOLUTION #2019-

RESOLUTION APPROVING RENEGOTIATED CELL TOWER AGREEMENTS AS PRESENTED AND GIVE AUTHORITY FOR THE CITY MANAGER TO FULLY EXECUTE THE PROPOSED CELL TOWER AGREEMENT AMENDMENTS, AND GIVE AUTHORITY TO THE CITY MANAGER TO APPROVE EXHIBIT AMENDMENTS TO CITY COUNCIL APPROVED CELL TOWER LEASE AGREEMENTS

WHEREAS, currently the City has cell towers located at ten (10) different sites throughout the city; and

WHEREAS, the contract agreements for each of these tower locations is different as to the length of the agreement, lease cost, annual fee increase (escalator) and renewal language; and

WHEREAS, throughout 2017-2019, the Recreation and Parks Department, with the support of the Finance Department and City Attorney, has completed a thorough audit review of the 17 agreements associated with the 10 sites; and

WHEREAS, currently, revenue generated from cell towers within park property is credited to the Open Space Land Acquisition and Development (OSLAD) fund (approximately $343,306/year) with an annual escalator; and

WHEREAS, the five proposed cell tower contract amendments will result in an approximately $22,364.00 per year increase with a 3-4% annual escalator.

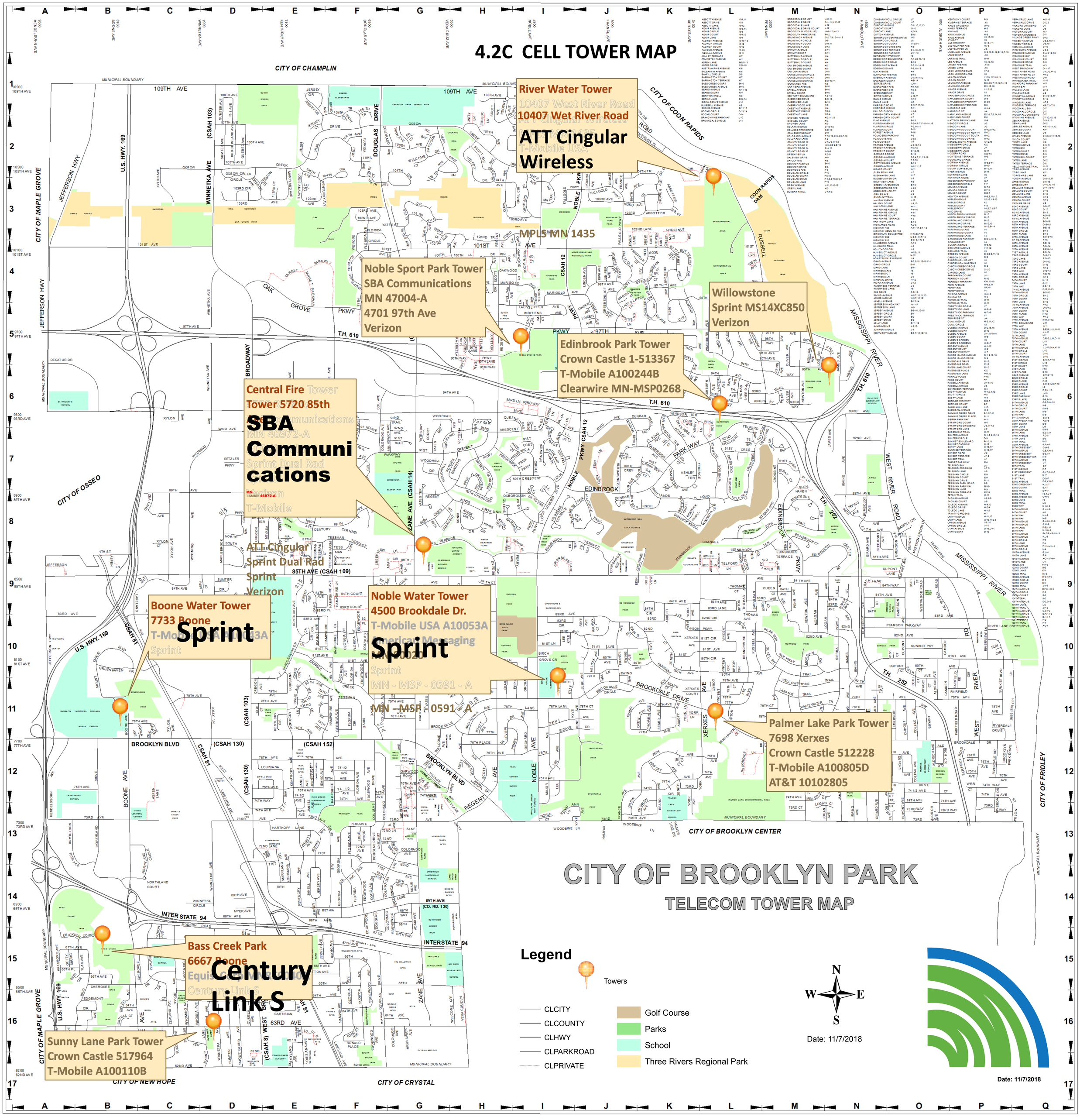
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve renegotiated cell tower agreements as presented and give authority for the City Manager to fully execute the proposed cell tower agreement amendments, and give authority to the City Manager to approve exhibit amendments to City Council approved cell tower lease agreements.

Cell Tower Leases & Amendments Currently Uner Negotiations

Location	Current Lease Expiration	Current 2018 Lease Payment	Proposed Lease Expiration	Proposed 2019 Lease Payment	Lease Details
EXAMPLE XYZ Park - Acme carrier	*December, 2019 or Exhibit Amendment*	*$5,863.56*	*December, 2038*	*$6,342.02 or (no change)*	*Current and proposed permit agreement includes a 4% escalator- no other changes to proposed permit agreement.*
Noble Water Tower - SAC(Clearwire/Sprint)	December 31, 2019	$27,327.59	December 31, 2025	$33,227.59	Sprint ($20,000/year +4%) 2010 (2019 negotiated a $5900 increase, plus 4% escalator)
Boone Water Tower - SAC(Clearwire/Sprint)	December 31, 2019	$27,327.59	December 31, 2019	$33,227.59	Sprint ($20,000/year +4%) 2010 (2019 negotiated a $5900 increase, plus 4% escalator)
Central Fire - SBA	October 23, 2025	$44,484.00	October 25, 2025	$53,568.00	SBA Comm ($1,500/m +4% or CPI) 2000 Amount will fluctuate due to sub-leases. Sublease 4 and 5 payment is 20% of base rent (new sublease will bring to a total of 5) Amedment 2019 eliminates sublease and ties in flat rate, plus escalator 4% and $10,000 signing bonus with automatic extention for up to 5 additional 5 successive renewal terms.
Bass Creek Park Tower - Century Link	December 31, 2019	$9,307.97	December 31, 2024	$9,680.32	Century Link ($500/month +5% annually) 2010 (Customer requested a reduction to 3% escalator - extended for 5 years in 2020 excalator changed to 4%)
River Water Tower - AT&T	December 31, 2033	$27,710.00	December 31, 2025	$28,818.00	AT&T (28,818/year +4% escalator)
Noble Sports Park Tower	Exhibit Amendment				Evan Hughes
Boone WT - SAC(Clearwire/Sprint)	Exhibit Amendment				Komal Tahir 240ft of conduit
Central Fire - SBA	Exhibit Amendment				Shane Stubblefield - 8 antenna's
Noble WT - Sprint	Exhibit Amendment				Jocelyn Hodges - Fiber cable
		$136,157.15		**$158,521.50**	

Through the negotiations of lease extentions, an increase in revenue to the OSLAND fund is $22,364 for these 5 leases.

4.2C CELL TOWER MAP



City of Brooklyn Park
Request for Council Action

Agenda Item:	4.3	**Meeting Date:**	October 14, 2019
Agenda Section:	Consent	**Originating Department:**	Police
Resolution:	X		
Ordinance:	N/A	**Prepared By:**	Stephanie Heiberger, Administrative Assistant
Attachments:	1	**Presented By:**	Deputy Chief Todd Milburn
Item:	Aftermath Why We Serve Grant Acceptance		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ ACCEPTING THE AFTERMATH WHY WE SERVE GRANT.

Overview:

Aftermath's Why We Serve Grant is presented to law enforcement officers and first responders who go above and beyond the call of duty to further connect with their communities through worthwhile causes like mentoring kids, feeding the homeless, and other community-building initiatives. Aftermath recently awarded seven service grants totaling $15,000 to the organization, cause or charity of the applying officer's choice.

Officer Jennifer Foster received notification of this grant opportunity. She had been working closely with staff at Crestview Elementary on different events and thought it would be a great opportunity to obtain additional funding for their programs. With over 58,000 votes cast, her project came in 5th place, earning a $1,000 grant for programming at Crestview.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.3A RESOLUTION

RESOLUTION #2019-

RESOLUTION ACCEPTING THE AFTERMATH WHY WE SERVE GRANT

WHEREAS, the Aftermath Why We Serve Grant is presented to law enforcement officers and first responders who go above and beyond the call of duty to further connect with their communities through worthwhile causes; and

WHEREAS, Aftermath recently awarded seven service grants to the cause of the applying officer's choosing; and

WHEREAS, the Police Department applied for and received a grant to support the work Officer Jennifer Foster has done with staff at Crestview Elementary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to accept the Aftermath Why We Serve Grant for programming at Crestview Elementary.

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.4	**Meeting Date:**	October 14, 2019
Agenda Section:	Consent	**Originating Department:**	Finance Department, Police Department
Resolution:	X		
Ordinance:	N/A	**Prepared By:**	LaTonia Green, Finance Director Todd Milburn, Deputy Chief
Attachments:	1	**Presented By:**	LaTonia Green and Todd Milburn
Item:	Authorize the Purchase and Funding of a Police Vehicle to Replace a Totaled Squad		

City Manager's Proposed Action:

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

Overview:

Squad car 1633 was involved in an accident on September 28, 2019. This vehicle is part of our authorized patrol fleet and has been deemed a total loss by our insurance adjustors. The purpose of the Loss Control Fund is to pay for our insurance premiums and cover any losses that the City experiences that fall within the deductible limits and receive any insurance claim settlements. We have a $5,000.00 deductible per occurrence. Loss Control will coordinate the insurance payment from LMCIT, minus the $5,000.00 deductible, as well as pursue recovery through subrogation and restitution as available.

Primary Issues/Alternatives to Consider:

If we do not proceed with this replacement, the Police Department will be short a needed vehicle relating to its patrol/response unit.

Budgetary/Fiscal Issues:

The purchase of a Ford Police Package is being recommended to be completed using the State Contract through Ford of Hibbing for a cost of $32,684.00, plus any taxes or license fees and the cost of any equipment necessary to place the new car into operation. The costs will be charged to the Central Services Fund – Central Garage Program with funding being provided through a budget amendment authorizing a transfer from the Loss Control Fund to the Central Services Fund – Central Garage Program.

Attachments:

4.4A RESOLUTION

RESOLUTION #2019-

RESOLUTION AUTHORIZING STAFF TO ENTER INTO A PURCHASE CONTRACT WITH FORD OF HIBBING FOR A FORD POLICE VEHICLE OFF OF THE STATE CONTRACT AND REPLACE ANY EQUIPMENT NECESSARY TO PLACE THE VEHICLE BACK INTO OPERATION, WITH FUNDING BEING PROVIDED BY AN AMENDMENT TO THE 2019 BUDGET AUTHORIZING A TRANSFER FROM THE LOSS CONTROL INTERNAL SERVICE FUND TO THE CENTRAL SERVICES INTERNAL SERVICE FUND

WHEREAS, a police vehicle was involved in an accident on September 28, 2019, and has been determined by our insurance adjustor to be damaged beyond repair; and

WHEREAS, the purpose of the Loss Control Fund is to pay for our insurance premiums and cover any losses that the City experiences that fall within the deductible limits and receive any insurance claim settlements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that staff be authorized to enter into a purchase contract with Ford of Hibbing for Ford Police Vehicle off of the State Contract and be authorized to purchase any additional equipment necessary to place the vehicle back into operation; and

BE IT FURTHER RESOLVED that the funding is provided by amending the 2019 Adopted Budget by authorizing a transfer from the Loss Control Internal Service Fund to the Central Services Internal Service Fund Central Garage Program in the amount of the purchase contract plus any costs associated with the purchase of equipment needed to place the vehicle back into operation.

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.5	**Meeting Date:**	October 14, 2019
Agenda Section:	Consent	**Originating Department:**	Finance Department
Resolution:	X		
Ordinance:	N/A	**Prepared By:**	Jay Stroebel, City Manager LaTonia Green, Finance Director
Attachments:	1	**Presented By:**	Jay Stroebel and LaTonia Green
Item:	Authorize the Acceptance of Donations/Gifts		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ AUTHORIZING STAFF TO ACCEPT GIFTS OF REAL AND PERSONAL PROPERTY PURSUANT TO MINNESOTA STATUES, SECTION 465.03.

Overview:

Minnesota Statute 465.03 allows for the acceptance of donations and gifts by resolution of the City Council. Gifts with a value of $15,000 or less can be included in a quarterly report to Council.

2019 Quarterly Donations Under $15,000 through September 30.

Name of Recipient Department	Name of Entity Making Donation	Description of Donation	Total
Communications	Harvest Festival	6 tickets	$ 72.00
Administration	Minnesota ACTs Now	Capital Grill gift cards	100.00
Fire	Brooklyn Park Professional Firefighters Association (IAFF)	Medical equipment	1,500.00
Fire	Traditional Residence(Bernice Blaske & Victoria Lagrove)	General	500.00
Police	Walmart	Discount on equipment for Play Safe Stay Safe	353.20
Police	Brookly Park Crime Prevention Association	Balance of cost for Play Safe Stay Safe equipment	998.00
Police	Added Value Printing	600 safety helments	2,500.00
Police	Vic's Autobody	Painted 300 helments	600.00
Police	St. Gerard's Knight of Columbus	Monwey for Special Olympic Fishing	350.00
Police	Residents of 93rd Ave	Cub and Hyvee gift cards for Santa Cop	300.00
Police	MATTER	50 snack packs and 108 famiy meals	258.00
Police	Luther Dealerships	Money for Cops N Kids Fishing and Special Olympics	3,000.00
Total			$ 10,531.20

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.5A RESOLUTION

RESOLUTION #2019-

RESOLUTION AUTHORIZING STAFF TO ACCEPT GIFTS OF REAL AND PERSONAL PROPERTY PURSUANT TO MINNESOTA STATUES, SECTION 465.03

WHEREAS, the City of Brooklyn Park is generally authorized to accept donations of real and personal property pursuant to Minnesota Statute, Section 465.03; and

WHEREAS, the following entities have offered to contribute gifts/donations as set forth below to the city:

2019 Quarterly Donations Under $15,000 through September 30.

Name of Recipient Department	Name of Entity Making Donation	Description of Donation	Total
Communications	Harvest Festival	6 tickets	$ 72.00
Administration	Minnesota ACTs Now	Capital Grill gift cards	100.00
Fire	Brooklyn Park Professional Firefighters Association (IAFF)	Medical equipment	1,500.00
Fire	Traditional Residence(Bernice Blaske & Victoria Lagrove)	General	500.00
Police	Walmart	Discount on equipment for Play Safe Stay Safe	353.20
Police	Brookly Park Crime Prevention Association	Balance of cost for Play Safe Stay Safe equipment	998.00
Police	Added Value Printing	600 safety helments	2,500.00
Police	Vic's Autobody	Painted 300 helments	600.00
Police	St. Gerard's Knight of Columbus	Monwey for Special Olympic Fishing	350.00
Police	Residents of 93rd Ave	Cub and Hyvee gift cards for Santa Cop	300.00
Police	MATTER	50 snack packs and 108 famiy meals	258.00
Police	Luther Dealerships	Money for Cops N Kids Fishing and Special Olympics	3,000.00
Total			$ 10,531.20

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that staff be authorized to accept the donations.

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.6	**Meeting Date:**	October 14, 2019
Agenda Section:	Consent	**Originating Department:**	Administration
Resolution:	N/A		
Ordinance:	N/A	**Prepared By:**	Devin Montero, City Clerk
Attachments:	8	**Presented By:**	Devin Montero
Item:	Approval of Minutes		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF MAY 21, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JULY 23, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE SPEICAL BROOKLYN PARK CITY COUNCIL MEETING OF SEPTEMBER 10, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF OCTOBER 8, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF NOVEMBER 13, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF DECEMBER 3, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF AUGUST 12, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF SEPTEMBER 9, 2019, AS PRESENTED BY THE CITY CLERK.

Overview: N/A

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.6A SPECIAL CITY COUNCIL MEETING MINUTES, MAY 21, 2018
4.6B CITY COUNCIL MEETING MINUTES, JULY 23, 2018
4.6C CITY COUNCIL MEETING MINUTES, SEPTEMBER 10, 2018
4.6D CITY COUNCIL MEETING MINUTES, OCTOBER 8, 2018
4.6E CITY COUNCIL MEETING MINUTES, NOVEMBER 13, 2018

4.6F CITY COUNCIL MEETING MINUTES, DECEMBER 3, 2018
4.6G CITY COUNCIL MEETING MINUTES, AUGUST 12, 2019
4.6H CITY COUNCIL MEETING MINUTES, SEPTEMBER 9, 2019

SPECIAL BROOKLYN PARK CITY COUNCIL MEETING

Monday, May 21, 2018
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Rich Gates, Susan Pha, Terry Parks, Mark Mata, Bob Mata and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Deputy Police Chief Todd Milburn and City Clerk Devin Montero.

ABSENT: None.

Mayor Lunde opened the meeting with the Pledge of Allegiance.

III. PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B1 Metro Blue Line Extension Light Rail Transit Update-Project Status and Station Design

Community Development Director Kim Berggren introduced Metropolitan Council Blue Line Extension project staff. She stated representatives from Hennepin County and Met Council would provide updates and the status on the design and were also looking for feedback during the work session related to the park and ride and fence strategies.

Dan Soler, Project Director, Metropolitan Council, briefed the Council on the LRT project as of May 2018.

He briefed on the major milestones completed: In 2014, the Project office was formed and when they entered in the project development laid out a list of things they had to accomplish to move the LRT project forward. He stated they were successful in a lot of things: were able to complete the environmental; completed the final environmental impact statement; worked weekly with all municipalities including Brooklyn Park and staff to develop design concepts; and final design locations for stations; pedestrian crossings, traffic signals; and bridges. He stated they had completed a lot of work on the project. Completed 90% design on the project and they knew where it was going to go and what it was going to do and move it forward.

He briefed on the 2018 Look Ahead Milestones. As they finished three years of work, they had some big pieces in front of them in order to move on. They like to put up an actual schedule because they had a big task, probably the biggest risk task in front of them that was hard to put a date to.

He talked about two big risks that were in front of them. One was completing and getting into the federal program and getting the 49% federal funds for the project. He stated they had been working on that and had been an up and down affair. He stated in Minnesota the LRT projects had been and continued to be federally funding projects while all the local funding was committed. They had Hennepin County, former CTIB and Hennepin County Regional Rail, City of Brooklyn Park, MnDOT and other funding partners committed. He stated they had committed their share of the funding on the project.

He stated the federal funds remained out there for them to get. The president moved forward with his budget proposal and eliminated the Capital Investment Grant Program and Congress reinstated it. He stated Congress had put funding in the 2018 fiscal budget towards the Capital Investment Grant Program which included the LRT project, Bottineau Blue Line Extension project. He stated Congress was also working on establishing the 2019 fiscal budget and intended to put funding toward the project, and the Blue Line Extension was in the program and ranked medium high. He stated it was sitting as one of three or four projects in the country that had a medium or higher ranking and ready to move forward for funding.

He stated that while there was still a debate back and forth between the Administration and Congress about the program, the program was funded, projects could continue to move and would see it. He stated there was a project in Seattle and Orange County that were ahead of them and very close to a full funding grant agreement and Southwest Line was also in that program along with the Blue Line. He stated that was the good news on the potential to move forward.

He stated that in order to do the last task, which was to apply for full funding grant agreement, they had to have the things above it down including the first thing on the list which was to complete the critical 3rd party agreements, of which there was one huge critical 3rd party agreement with Burlington Northern Railroad, in order to utilize their right of way, 50% of that Monticello subdivision for 8 of the 13 miles on that railroad corridor. He stated they had discussions with them back and forth over the years and were moving along, negotiating with them, and then Southwest Line came to be. He stated they were then asked to allow them to focus solely on the Southwest Line project. He stated that was their request to the Governor and was agreed upon. The Southwest Line piece got done and said they were ready to talk again and let's start negotiating.

He stated early in the year, BSNF sent them a letter and said they were not sure they wanted to work on the shared corridor for the Blue Line Extension. He stated the project office asked them to take a look at their plans because the railroad had a set of passenger principles they had documented that said what things needed to happen in order for BSNF to work on a shared freight passenger rail corridor.

He stated they had known about those principles:

- If you're going to share some of our right of way, we have to be able to continue the operations we have today and potential to expand in the future;
- If you want to use our right of way, it can't cost us any money in order for us to do any work that had to be done to our tracks;
- If you want to use our right of way, we have to be able to increase capacity in the future if we need to;
- If you want to use our right of way, it has to be safe, You have to build some kind of corridor protection between freight and passenger service.

He stated sometimes it's a deal like NorthStar where a train ran on a BNSF track and sometimes it was adjacent like they were proposing today. He stated they said they had done their plans and designed it in accordance with their principles and they agreed to take a look at their plans and sent it to them. He stated they believed they fully met the principles laid out and got a corridor protection built in and their ability for them to continue all their operations. He

stated they were building the LRT tracks on the east side of the BNSF tracks all the way from Highway 55 up to where they left by 73rd Avenue and there were no customers on the east side and no possibilities for customers all the way through Brooklyn Park, Crystal, Highway 81, and along Theodore Regional Park, there were private residences along there.

He stated BNSF sent them correspondence that said they still didn't think they were ready to negotiate a shared corridor. He stated they didn't present them with any fatal flaws of the plans and didn't work. He stated they were going back to their strategy now and would put their heads together and find out what they needed to do in order to take on the big picture of working with BNSF.

He stated that's where they were and didn't want to take the plans to 100% and get them ready for bids and not be done with the railroad agreements. He stated they wanted to wrap up the details, get those documented and get them in place and then put policy makers together and figure out the next steps to get BNSF to the table.

Council Member M. Mata stated Mr. Soler said they still had a big hurdle and asked at what point do they say to just stop spending taxpayers' money on at all levels of the state and wait for legislators to bring another party to the table. He stated it seemed they were spending time, dollars, efforts of staff on designs and plans that by the time the LRT might come through the Council might look different and what were they going to talk about at that time. He stated it seemed like they were just going on and on and didn't have a let's just stop and wait. He stated that when a decision came, which might not be this year or next year, and the light rail might get pushed out to 2030 and then they could start making some planning decisions at that point. He stated it seemed like the city was taking all those steps and a lot of time and effort to go through this process and was not hearing, let's stop and wait until they got the full commitment from another party.

Mr. Soler stated that was not their decision at the project office. He stated they would continue to advance the project and at some point, advise the policy makers, like tonight with the Brooklyn Park Council. He stated the primary funding partners were Hennepin County, Met Council, other city Councils, legislature and the Governor and they had to advise them on what was going on, where they were, and then let the policy makers give the back that level of direction. He stated they needed to be responsible as staff and had a consulting contract, and couldn't just continue to plow down the road, sending construction contracts out to bid. He stated every decision they made, made it with the idea if it was sustainable because the Council was different than when he was there in 2014, and when they were on was out in 2022. He stated that was going to be a tough decision for policy makers to make and guide them at the project office about how far to go.

Mayor Lunde introduced Hennepin County Commission Mike Opat.

Commissioner Opat stated it was hard to wait with a project that had a long timeline but there were several things that were going very well with the project. The design was going well in every city and thanked everyone, and the staff was fantastic. He stated each city had gone through extensive design purposes that even if the rail wouldn't come through they had to take a look at parts of their city they wouldn't normally look at. Example, the City of Crystal, Becker Park was being redone. They didn't want to vote on light rail yet they took the opportunity to dress up Bass Lake Road and redo Becker Park. He stated Target and other businesses were

engaged and Target joined the on a trip to Wash DC to lobby the FTA. He stated they with Target, Dan Soler and the team were great partners and enjoyed the great relationship with them at the County. He stated there was a lot going in the right direction and Council Member Mata had a valid question, when were they going to be done and how long would those things take. He stated there were milestones like with a highway project and there were statutes to govern, like eminent domain. He stated he and Dan Soler talked about what a slowdown would look like in the office and the cities were engaging in city planning efforts. He stated no city was paying the consultants to do engineering and survey work or any of those designs that were coming from the County and hopefully half of it would be reimbursed by the Federal Government.

He stated they needed three things and the rest would take care of itself. He stated they needed pass liability limits for freight railroads before they could get them to the table. They needed an agreement with Burlington Northern and had been a task and the senators are well aware of it and members of Congress and thought they would have to go the political route to try to get them to the table. He stated there weren't just any good reasons for them not to negotiate with them. He stated they all knew what that line carried and what it didn't carry. He stated what it didn't carry was anything big and were small trains that went out and back and could certainly coexist at slow speeds and with freight rail next to it. He stated there was plenty of room on the corridor and Dan Soler's designs showed it. He stated they would need some political elbow grease to make that happen and then needed an apportionment from the federal government. He stated there was money sitting in FTA for rail projects, $1.2 billion to be allocated to those five or so projects that had been in the design period and waiting for that money to be apportioned and could have it tomorrow or in a few weeks, and again, there was next year's budget in the works and money in there for that. He stated what was clear, it didn't work like the State where the Governor proposes it and legislature amends it and sent it back to the Governor who might then veto it. He stated that part didn't happen at the Federal Government. The President proposed it and the Congress decided what they wanted to do with that budget and then that was the final call. He stated Congress clearly sent a message to the President that they were not going to accept a zeroed-out FTA and they put more money in the FTA than what was previously put in the previous sessions and in fiscal 19 it was the same way. He stated all hands were on deck to try to make sure the projects in the region got an apportionment soon.

Council Member Jacobson stated they were going to get to a point where all the planning was done and if they were not ready to start building something, at what point did the city say, they had been waiting on projects related to that corridor that they had not fixed because they had been waiting for it to happen or projects that might lead to the train or be related to it that maybe they didn't start doing it until they knew for sure. She stated they continued to hear that pushback and they had to be cognizant of it that it wasn't the unending thing it might happen but 49% of the money was not there. She thought there was confusion in the community, even amongst some of the leaders in the community there were other holdups. She stated for her it rested mainly on that 49% and believed they could get through with BNSF and make that happen, but was the other money, a huge portion that they were waiting on.

Commissioner Opat stated all they could do was keep advocating. He stated he couldn't see the Federal Government zeroing out the program. He stated that was a worry about three months ago when the President proposed it but Congress clearly said that was not going to happen. He stated they just had to keep contacting the Legislators in Washington, DC and letting them know, and Brooklyn Park had been done a great job at it, that it mattered and was waiting for

decisions. He stated the waiting period allowed them time to get property management matters in order and things like that and the land was a safe bet, as they would spend the County money to acquire the land for it. He stated that even if it were all to fall apart, we would still have land and would still have an asset that could be turned around into a different development project or for some other use. This doesn't scare him as much as entering into another huge consulting contract.

Mayor Lunde thanked Commissioner Opat for all the help and continuing to prod. One of the things that the City has done, as well as other cities along the blue line connect, is to help make the case that the Blue Line matters and we are going to keep advocating for it.

Commissioner Opat stated that during the last session he was hoping that we would get language inserted in the bill and the governor would support to help it but, on the upside, there looks to be a positive development on the bonding bill that was passed where there was another round of corridors of commerce that was that was the competitive program that MnDOT had to try to fund Highway 252. In that scoring, we ended up third. This was a shot and we are currently working on a plan B. We are looking for the Governor's signature on that bonding bill and all indications from MnDOT is that we would then have that project funded. This would be a fantastic development from this legislation and we could then begin to go with full steam ahead on that one.

Mayor Lunde stated that on Friday with the stake in the bonding bill, there isn't only 252 there is also Second Harvest money in the bonding bill and $4 million for the 101st interchange. All weekend, staff especially Dan Ruiz Operations and Maintenance Director, would get a lot of the credit for calling in the middle of the night while they were working at the legislature to make sure that they understood what this project was and what we could do with it. We got $4 million because our staff was engaged. He wanted to point this out because it was impressive that we can talk about money and our staff comes through big time for this project which will lead to development.

Alicia Vapp, Met Council, design manager for the Blue Line Project introduced Dan Green, Project Architect.

Mr. Dan Green presented plans to Council of materials for the stations.

Council Member B. Mata asked if one of the shiny silver pieces that was presented would be an issue on a bright sunny day due to its reflective quality.

Mr. Green, Bottineau Project Office, stated the height of the canopy played a role and it would be placed high up the height of most drivers. The canopy clearance was about 9 to 10 feet in height and would above that.

Council Member Parks asked if there were any buildings or a place where that shiny silver piece was on that they could look at because he was concerned about the sun coming down on the item and into windshields.

Mr. Green stated they would have to identify a location and get back to Council.

At 7:38 p.m., the Mayor recessed the meeting to the Lampi Room for the Work Session. He

stated the meeting would be adjourned from the Lampi Room.

C.1 Metro Blue Line Extension Light Rail Transit – Oak Grove Park & Ride Design

LRT Project Senior Manager Jennifer Jordan introduced Metropolitan Council Blue Line Extension project staff. The staff briefed the Council on the Oak Grove Park & Ride design. She introduced Dan Green who continued to talk through the rationale behind the designs.

Council Member B. Mata stated he thought they were going to have parking in front of the buildings.

Mr. Green stated that would be up to the developers and how they laid the sites out.

Council Member B. Mata stated that all the renditions presented were beautiful in the middle of summer, but they had not presented anything for the dead of winter. He asked where were the snow piles and banks going to be and who took care of plowing it.

Ms. Vapp stated Metro Transit would be doing the snow removal for the structure and the walkways to the station.

Mr. Green stated that protection from the snow banks was accommodated for in the design and described how it was accommodated.

Council Member M. Mata stated that design-wise, he was looking for something different and the city never had any structures that were unique in appearances.

Council Member Parks stated that one of the concerns he had was with visibility and he couldn't really see it or knew what it was supposed to look like.

Mr. Green stated it had been on his mind too and they were thinking about that especially because there was no access control or gate arms and it was all open.

Council Member Pha stated she was happy to see those images because one of her biggest concerns from the last meeting was that she couldn't get an idea of what it would look like. She stated with the new presentations, she could really see what they would look like and liked it and would agree to something like it.

Mayor Lunde stated he liked the directional aspect of the lighting.

C.2 Proposed West Broadway Residential Fence Program

Project Manager Jenifer Jordan briefed the Council on the proposed West Broadway residential fence program.

Council Member M. Mata asked how it would be known if someone had their insurance covered. He stated he was asking because they could not force someone to pay their insurance.

Council Member Pha stated that was something she brought up to Director Berggren before that they would only cover costs or the percentage if they were not seeking insurance coverage for

it. She asked if it was something that their home insurance could cover, why would they cover the entirety of the fence. She stated it did not make any sense to her.

Director Berggren stated that if Council wanted, they could certainly make the program say that they must submit evidence of an insurance claim before they could access the city's program.

Council Member Pha Stated that she wanted to make sure that they designated that if they did seek insurance for coverage on it. She stated the city would not be reimbursing the full amount. It would be whatever their deductible on personal actual cost was.

Council Member B. Mata asked Mr. Soler if on the current Blue Line if there were fences and the homeowners were responsible for the fences.

Mr. Soler stated there were fences and that was a unique situation. He stated on Hiawatha there was a trunk highway and were several different reasons why fences could get installed and in some cases, the highway noise caused the need for a noise mitigation measure along there that was put up when the LRT was there. He stated at one point those fences were run by MnDOT and Metro Transit didn't own the property where the tracks were along Hiawatha. He stated they were on MnDOT right of ways and were still MnDOT pieces. He stated on that particular project FEIS had a requirement for a fence in Crystal along Highway 81 and they were putting up a visual mitigation because of the trees that were there along the rail road tracks. He stated those were the reasons why those Blue Line fences were there which made it a different situation.

Council Member B. Mata asked if there were no other places that had fencing that had been turned over to the homeowners, so they were now responsible for it.

Mr. Soler stated they were not turning over fences and they were impacting their fences and were building them a new fence. He stated when he worked at Ramsey County, they built many miles of road and bought property in people's yard that would impact their fences and they would put the fence back. He stated they did something similar in a segment of roadway in Rosedale where the people had a hodgepodge of fences. He stated the residents got paid a salvage value for their fence and the County built the fence along those back yards on their properties. He stated they owned them and the fence stayed today.

Mr. Green stated that in past situations from a letter from the Project Office and County, they stated the current design included insulation and 6-foot residential fence and the fence was proposed in lieu of providing compensation to property owners for impact. He stated it was different from what Mr. Soler mentioned and there would be a page for salvage plus a new fence.

Mr. Soler stated they still had to acquire the easements.

Council Member B. Mata stated that in Roseville, they paid for the easement and salvage for the fence and put up a new fence.

Mr. Green stated that was the choice of Ramsey County and Hennepin County was not offering to pay double for anything.

City Manager Stroebel stated that if something happened to the fence there was potentially the program.

City Attorney Thomson stated he understood was the initial construction of the fence along all

Highway 81 properties was going to be a project cost they would be paying for and everyone was going to get the same whether they had a current fence or didn't have a current fence and they were all getting a fence. He stated that the people that had fences were not getting paid for their old fence because they were going to be taking it down and putting up a new one.

Mr. Soler stated it was correct, but the removal of the old fence and construction of the new fence would all be project costs and acquisition costs.

City Attorney Thomson stated what they were looking at was what happened in the future when the fences needed to be maintained but wanted to make sure they were all on the same page and who was paying for what up front.

Director Berggren stated that each property owner would be working with a right of way consultant and staff to figure out what the scenario for their property would look like. She stated it wouldn't be a one size fits all approach for each property other than having to end up with a uniform fence.

Council Member M. Mata stated that from what he was hearing, in developments, if they wanted something, usually they had to pay for it. He stated when Target came to the city, they paid double and triple just to acquire all the land, so they could do their development, control it and own it. When he heard the County, they were only going to pay once for it, he understood it but they were also dealing with the impact of homeowners about having a fence in the future.

Mr. Soler stated, in the Ramsey County case, the appraisers valued the easement the County was buying included the costs of the temporary or permanent rights and with an understanding the owners got paid for it. He stated, in the fence case, the owner would be paid for the replacement cost for the new fence. If the fence was there today, it might have negligible value, in terms of an easement; the cost removing it by the project might be more than it's worth if it was not in the easement, then it couldn't be paid for anyway.

Council Member M. Mata stated it was included that cost in the project. He stated if its not in the easement, it cannot be paid for anyway, especially fences that crossed the county line, they will not be compensated. It would go back to the property line.

Direct Berggren stated it would have to be done on a case-case analysis. We have to focus on the outcome looking for as a city and then be diligent to work with the neighbors.

City Council Member Pha asked if the city was replacing the owners entire fence or just the portion on Broadway. She was concerned about the other side of the fence and how they would be different colored fencing. She also asked if they were compensating to change the home owner's fencing.

Director Berggren stated it was just what on West Broadway.

Council Member Pha stated it made sense to replace those who had fences, so that the wall on West Broadway would match the other walls of the home owner's fence. She stated it would only include those who already had fences. She stated compensating people for the loss of their fence and then putting in a fence, almost gave them double did not sound fair unless they had a fence that was not matching and lost the aesthetics.

Mr. Soler stated that was why it was an important in needing feedback from the property owners. He stated they sent the letter, the typical way the project would be impacting a person's property, pay for some of that property, and then pay for the damages. He stated the idea of having a uniform fence was to keep it unified around the corridor. He stated they should make provisions for the adjacent set fences that would match the wall along West Broadway. He stated they could not compensate for the fence they were not touching.

Council Member Parks asked if tonight's meeting was going past the scope of what was being discussed tonight. He stated the meeting was to discuss after the fence was up and the replacement and maintenance of that fence.

Director Berggren stated Mr. Soler was bringing up the alternative strategy, which was the cost to cure. She stated Council Members made it clear they wanted to maintain uniformity along West Broadway and they were bringing forward the idea of what kind of relationship they wanted to have with the residents and then the program design would be proposed.

Council Member Jacobson asked if the fence could cover up the owner's fence and leave the owner's fence and city's fence on the other side.

Director Berggren stated it would have gaps and dead space.

Mr. Green stated some of them might need to regrade the slope because it might not be matching to go through and then they could put their fence in the similar location.

Mayor Lunde asked how many properties were rentals. He stated he spoke to someone who owned ten of the properties and south of Brooklyn Blvd had a lot of rentals. He stated the people who he talked to agreed it made it look good and the public wanted the project.

Mr. Soler stated they had both the property owners' and residents' names.

Mayor Lunde stated he wanted to make sure they were talking to the owners and not the renters.

Director Berggren stated most seemed happy back in 2015 with getting a new fence installed. She stated their intention after the Council decided on the program parameters that they would be reaching out to the owners in the summer.

Council Member Jacobson asked if the owners would know that it was going to be just one side of the fence. She stated an example about hail damage on one side of the house but not the other, so it was only exchanging out one side of the house and didn't match. She stated while they were happy to get new siding, they were not really getting the full project.

Director Berggren stated that was a good point and they wanted to make sure they

communicated that out clearly.

Mayor Lunde stated the property owner who owned the 10 properties stated they were going to redo the fence for a code enforcement opportunity and wouldn't match but looked similar. He stated again, he wanted to make sure that they were reaching out to the owners.

Project Manager Jordan stated back in 2016/2017 a letter was sent out and set up a meeting with the owners and their preference of the fence. She stated the majority wanted composite fence, six feet, and were fine with optional gate. She stated they tested it, gathered input in 2016 and refined it in 2017 and people affirmed it and at that point, it became a maintenance concern.

Council Member M. Mata stated the fence should be the city's responsibility for the unified fence. He stated he was not going to make them pay for it if anything happened to it. He stated he did not want to go for another program that would burden the homeowners in that area and was no different than when they put in a pond and the city took care of it.

Director Berggren asked if they were on the right track with it and if there were some questions about the funding source and maintenance over time.

Council Member Pha asked about the source of the funds. She stated the funds should be from the Operations and Maintenance tax levy fund. She stated it didn't make sense to come from the EDA general fund and wanted more detail about the two funds and recommendations regarding the funding.

Director Berggren stated she thought it was the Council's discretion to use either funding source. She stated typically the EDA was used to run the programs. She stated they could talk about EDA administered funds as a strategy to beautify the corridor they wanted to continue to fund over time. She stated it was true the city did a lot of maintenance over time using the Operations and Maintenance fund.

Council Member Pha stated her preference was from the O&M tax levy fund because it was maintenance of the fence and ongoing. She stated the EDA funds should be used for something else.

Council Member B. Mata asked what the life expectancy of the composite material was.

Project Manager Jordan stated that based on their research it was 25 to 30 years.

Council Member Pha stated she was concerned about the percent the City was paying and hoped it would be 50/50 with the home owners. She stated that the 30% cost the City covered seemed low to her and it was not the owners asking for the new fences. She stated that those who did not have a fence, suddenly had a 70% cost and having a 50/50 coverage would be fair.

Council Member Mata stated the City was already giving a $500 deductible plus 30% of what was not covered by the home owner's insurance.

Council Member Pha stated that going 50/50 cost rather than the $500 would be less confusing, when they went with the insurance claim, their claim would be covered 50/50. If they needed to

change out a panel, they would go 50/50. She stated the actual cost would be 50/50 in all things, but to seek the insurance coverage.

Director Berggren asked if City Council Member Pha was speaking about a 50% loan or a 50% grant.

City Council Member Pha stated it would be 50% grant.

Council Member Gates stated the Council was only talking about the home owners. If a car crashed through a panel, they were not covering individuals who crashed through the panel and did not own the property. He stated they would have to pay for it all. He stated if a lawnmower ran through the panel, the homeowner had to pay for that repair. He stated the number of claims were going to be very small and what Council Member Pha brought up would be a benefit to everyone. He stated the Council needed to think about what happened in 25 years and when it needed to be redone all at the same time.

Mayor Lunde stated they hoped they could entrust the future Council Members to look back and analyze the conversation. He stated they could look back and say, “what were they thinking,” “we need to do it,” “not a good idea,” or “this did not pan out.”

Council Member Pha stated with coverage of 50/50 then they could pay it over time with assessments or they could pay it right away. She stated if the City was controlling who the installer was and what the fence had to look like, then the City needed to take more of the cost because they were controlling what that looked like.

Mayor Lunde stated he wanted to see what those numbers looked like when the staff came back to the Council on the 30% and 50% scenarios. He stated it would be nice to see the analysis of the cost.

Director Berggren stated she heard the Council wanted to cover 100% split between the grant and loan. And wanted to see the cost scenarios.

Mayor Lunde and Council Member Pha agreed with the statement.

Council Member B. Mata stated that the owner would apply to the insurance first.

Council Member Pha stated that if they put it in an ordinance that stated they had to put a fence in, a certain height, needed to look a certain way, then they should be willing to pay more of that costs than the 30% coverage.

Director Berggren stated they talked about not forcing anyone to take a fence. If someone didn’t think they needed a fence or wanted a fence and Council would allow that gap to occur. She stated there were 23 properties that didn’t have a fence and usually would have some type of screening, landscaping or other means and in some cases they were deep lots.

Council Member Gates stated that if there were two or three properties in a row that didn’t have a fence and the middle one did want a fence, then they were going to have a single panel in the middle of those two properties.

Director Berggren stated that it was happening now in the City.

Council Member Pha asked if they want to get a fence now, did they need to keep the fence or change the fence. She asked if they could opt to not replace it later on or if they opt for a fence now, they would have to get the fence.

Director Berggren stated the way they wanted the ordinance to read was that if a homeowner was going to have a fence, it must be consistent with the design standards.

She stated they could come back with program guidelines based on tonight's conversation and have another work session, and if the Council was comfortable with those guidelines, they would share them with the neighborhood.

Council Member Parks asked if the homeowners got their own installer, did the City have an input in the specifications of the fence.

Director Berggren stated the specifications would be controlled by the ordinance and design standards.

Council Member Parks asked if the City did the 50/50, would the City add it into the City's insurance budget.

Director Berggren stated the responsibility was with the homeowner's insurance.

Council Member Bob Mata asked the Council if they were okay with the gaps in the fences. He stated he was not okay with the gap in the fences. He stated if they were going to run a fence line, then they had to run a fence line.

Council Member Pha suggested having designated installers. She stated the City should not have a storage of the panels, instead, making a contract with an installer and make an agreement that they would trade it out consistently over the years. She didn't think the City should have responsibility of having those panels and the homeowners could buy from the City. She asked where the City would store, maintain them and manage them.

Council Member Jacobson stated her concern was about those who did not want a fence, after the project and the light rail came through and now they wanted a fence. She asked if something was going to be built into that type of situation.

Director Berggren stated that in order to maintain some type of consistency, they needed to identify a product that was available for purchase and that the program staff would have to administer.

Council Member Pha stated that if a homeowner didn't want a fence today, but next year wanted it, asked if the City would still pay for the fence or the homeowner would pay for the fence.

Director Berggren recommend they do a pulse on whatever policy they put in place for the cost. She stated those homeowners making that decision would know when they were making that decision. She stated that was part of making sure they shared the program ahead of time and

help inform what the owner's decision were.

D.1 COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Lunde stated Operations and Maintenance Director Dan Ruiz made a phone call to the Administrator to the Bonding Committee and got the City $4 million and wanted to recognize him for making those calls.

D.2 CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel reported on the following:

- Community Assembly, Thursday, 6 – 8 p.m. in the Council Chambers.
- Gave an update on the bonding project, $18 million for the Second Harvest Heartland Project, which leverages a total $50 million of investment in that building because they had over $30 million in private commitment if they were to get the $18 million.
- Highway 252 Project, Council commitment around the environmental study; half a million for that project. A couple weeks ago lost out on those potential dollars but now it was in the Bonding Bill if the Governor passed it.
- $4 million for 101st Avenue interchange project. For three sessions, it was going to legislature; making presentations to the house/senate; and visiting Transportation Commissioner. Stated at the last session, Mayor Lunde, O&M Director Ruiz, and he were going to the Capitol today with key legislators. He stated they were getting $18.5 million worth of successful grants to pool together for the $30 million project. He stated they were reaching out to metro mayors and metro cities trying to get the details down for the project. He stated a lot of work went into those things and sometimes they panned out and sometimes they didn't. He stated if the Governor signed the bill, the City would end up with three significant projects looking to move forward.

The City rejoined Metro Mayors Association and was a value in lobbying for funding. He stated Troy Olsen was the primary contact and he was there all three days. Mayor Lunde stated Mr. Olsen helped set up meetings with Legislators and the Chairs of the Bonding Committees.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 9:18 p.m.

_____
JEFFREY JONEAL LUNDE, MAYOR

_____
DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, July 23, 2018 Brooklyn Park Council Chambers
7:00 p.m. 5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Rich Gates, Susan Pha, Terry Parks, Mark Mata, Bob Mata 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 there was on comment with concerns with 93rd Avenue and stated staff had been working on strategies to address the situation along 93rd Avenue: We're installing advisory speed limits of 40 mph between Zane/Regent; will be 25 mph between Regent/Noble on a temporary basis; are pursuing no parking along 93rd Avenue, which was an item to bring back to Council for adoption; will be talking to the construction companies to get employees to not park on 93rd Avenue; staff is also working with both constructions sites to encourage them to direct their large construction vehicles to Zane Avenue versus Noble Avenue. Also, through the Police Department, the police were doing targeted speed enforcement in the area with a speed trailer to warn about the posted speed limit. He stated there was a lot of conversation around Noble/93rd Avenue intersections and were continuing conversation with the County and didn't have specific strategies at that intersection for tonight and those conversations were continuing.

He stated another resident commented at the last meeting and Mr. Helgeson's petition would be considered by the Council tonight. He also spoke about the snow emergency ban and it would also be discussed by the Council tonight.

2B PUBLIC COMMENT

1. Collette Guyott-Hempel, 9277 Trinity Gardens. Stated the last speed study, the likelihood of a pedestrian surviving at 30 mph was pretty good but going at 50 mph, it was an 85% chance of being killed, at 60 mph was 99% of being killed. She stated she kept seeing bicyclist, joggers, walkers, kids, and skateboarders on the road. She stated Hy-Vee staff walked along that roadway and the construction people and utility company had six trucks parked along 93rd Avenue last week and nowhere for them to park. She stated if someone was digging in that ditch, it was best to block it off completely for their safety.

   She stated on that traffic study, someone was going 95 mph both east bound and west bound. On the shoulder area, there were some spots with zero shoulders and some were four feet wide. She stated there were 3,000 cars in four days that were going 55 mph or faster, with two cars going 95 mph. She stated there were 483 cars going 60 mph and according to the graph, 60 mph, virtually 100% pedestrians, kids, bicyclist could be dead. She also asked about not having the $2.4 million to fix the roadway that

was promised 20 years ago. She appreciated the traffic studying being done with the State and would like to get a permanent lower rate and having pedestrian signs on the north side like it was proposed when TH610 went in and the Council promised it would happen between Regent and Zane.

Mayor Lunde stated he had people in the audience who had to leave early and would allow them to speak on Item 7.1.

2. Laurie Dehn, 6308 65th Ave N. She stated her mail box was knocked down three times and was blocked, and there was trash and used condoms and people came at all hours of the night from the Willows Apartments. She stated they would park in front of her house and she called the police many times. She stated there were dogs left in a car, a homeless person parked in front of her house and slept in a truck on weekends. She stated she didn't feel safe and hated the neighborhood. She stated people parked all hours of the night with garbage being thrown in her yard and didn't like it. She stated she didn't think she could sell her house with all that going on in neighborhood.
3. Phung Chau; 6501 Douglas Drive. Was concerned about the speeding problem and asked to check the records on the corner Douglas/65th Ave because there were a couple of accidents there. He stated last winter someone speeding ran into his yard and hit a tree and if the tree was not there, the car would have hit the front of his house. He stated another concern was the night parties, throwing trash, glasses, beer cans and even park on his yard. He asked the Council for help to prevent those problems.

3A. MOTION GATES, SECOND PARKS TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK. ADDED ITEM 3B4, PRESENTATION OF STEVE LAMPI MEMORIAL SCHOLARSHIP AND 3B5, LIBERIAN INDEPENDENCE DAY PROCLAMATION AND PULLING ITEM 4.6 FROM THE CONSENT AGENDA. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B1 Mayor Lunde read a proclamation proclaiming August 7, 2018 as National Night Out in the City of Brooklyn Park.

3B2 Mayor Lunde proclaimed August 24, 2018 as American Legion Day in the City of Brooklyn Park.

3B3 Mayor Lunde and Council interviewed applicants to fill vacancies on Commissions. Mayor Lunde stated the appointments would be made at the August 27, 2018 Council meeting.

3B4 Council Member Jacobson briefed the Council on the Steve Lampi Memorial Scholarship and introduced Cathy and Tracy Lampi. Cathy Lampi briefed the Council on the winner and presented the scholarship to Jackie Cvek.

3B5 Mayor Lunde read a proclamation proclaiming July 26, 2018 as Liberian Independence Day.

4.0 MOTION GATES, SECOND PARKS TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS:

4.1 TO APPROVE THE NEW MANAGER, MARK MILTON SIMMONDS, FOR MJ HOLDINGS OF BP LLC DOING BUSINESS AS MAD JACKS SPORTS CAFE LOCATED AT 8078 BROOKLYN BOULEVARD.

4.2 TO APPROVE THE NEW MANAGER, ERIC PAUL LARSON, FOR MJ HOLDINGS OF BP LLC DOING BUSINESS AS MAD JACKS SPORTS CAFE LOCATED AT 8078 BROOKLYN BOULEVARD.

4.3 TO APPROVE THE NEW PARTNER, JUSTIN RICHARD LONGSTROM, FOR MJ HOLDINGS OF BP LLC DOING BUSINESS AS MAD JACKS SPORTS CAFE LOCATED AT 8078 BROOKLYN BOULEVARD.

4.4 TO APPROVE THE NEW MANAGER, RANDAL EDWIN IVERSON, FOR MJ HOLDINGS OF BP LLC DOING BUSINESS AS MAD JACKS SPORTS CAFE LOCATED AT 8078 BROOKLYN BOULEVARD.

4.5 TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2018-1234 AMENDING CITY CODE SECTION 72.11 PERTAINING TO ADDITIONAL REGULATIONS FOR SNOW EMERGENCIES AND REQUIRING STAFF TO BRING BACK A REPORT ON THE ORDINANCE CHANGE IN 2019.

4.7 TO RECEIVE AND PLACE ON FILE THE PETITION FOR VACATION OF DRAINAGE AND UTILITY EASEMENTS ON LOTS 1 AND 2, BLOCK 2, BROOKSIDE OF EDINBURGH.

4.7 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-102 ORDERING A PUBLIC HEARING FOR THE VACATION OF DRAINAGE AND UTILITY EASEMENTS ON LOTS 1 AND 2, BLOCK 2, BROOKSIDE OF EDINBURGH.

4.8 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-103 TO APPROVE SUPPLEMENTAL LETTER AGREEMENT WITH SRF CONSULTING GROUP, INC. TO PREPARE FINAL DESIGN PLANS AND SPECIFICATIONS FOR THE TRUNK HIGHWAY 169 / 101ST AVENUE INTERCHANGE; CIP 4042.

4.8 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-104 TO APPROVE SUPPLEMENTAL LETTER AGREEMENT WITH WSB & ASSOCIATES, INC. TO PROVIDE RIGHT OF WAY ACQUISITION SERVICES FOR THE TRUNK HIGHWAY 169 / 101ST AVENUE INTERCHANGE; CIP 4042.

4.9 TO RELEASE THE ON-SITE LETTER OF CREDIT #1093 POSTED BY TRADITION CAPITAL BANK ($126,000) AND RELEASE THE OFF-SITE LETTER OF CREDIT #1094 POSTED BY TRADITION CAPITAL BANK ($75,000) FOR SATISFACTORY PROGRESS OF THE “VILLAS OF RUSH CREEK TRAIL” PROJECT #15-123 LOCATED EAST OF FALLGOLD PARKWAY AND NORTH OF 101ST AVENUE FOR RAMSAY PROPERTIES LLC.

4.9 TO RELEASE THE ON & OFF SITE LETTER OF CREDIT #182 POSTED BY SIGNATURE BANK ($25,000) FOR SATISFACTORY PROGRESS OF THE “WICKFORD VILLAGE” PROJECT #13-120 LOCATED AT WICKFORD PARKWAY

AND REGENT AVENUE FOR ASTRA VENTURES, INC.

4.9 TO RELEASE THE ON-SITE LETTER OF CREDIT #HACH545543OS POSTED BY BMO HARRIS BANK N.A. ($17,000), REDUCE THE CASH BOND BY $2,800, AND REDUCE THE ENGINEERING ESCROW BY $3,000 FOR SATISFACTORY PROGRESS OF THE "TODAY'S LIFE CHILDCARE" PROJECT #17-004 LOCATED AT 9995 XENIA AVE N FOR TODAY'S LIFE PROPERTIES LLC.

4.9 TO RELEASE THE ON-SITE PERFORMANCE BOND #106513181 POSTED BY TRAVELERS CASUALTY AND SURETY CO. ($503,500), REDUCE THE CASH BOND BY $20,000, AND REDUCE THE ENGINEERING ESCROW BY $15,000 FOR SATISFACTORY PROGRESS OF THE "NOTT COMPANY" PROJECT #16-108 LOCATED AT 10300 XYLON AVE N. FOR R.J. RYAN CONSTRUCTION AND SCANNELL PROPERTIES #258.

4.10 TO APPROVE THE NEW MANAGER, TEK BAHADUR KARKI, FOR BIG LIQUOR WAREHOUSE LLC DOING BUSINESS AS BIG LIQUOR WAREHOUSE LOCATED AT 8020 BROOKLYN BOULEVARD.

4.11 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-105 CALLING FOR A PUBLIC HEARING BY THE CITY COUNCIL ON THE PROPOSED ADOPTION OF A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 1 AND THE PROPOSED ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 1-26 THEREIN AND THE ADOPTION OF THE TAX INCREMENT FINANCING PLAN THEREFOR FOR 7:00 P.M. LOCAL TIME ON AUGUST 27, 2018.

MOTION PASSED UNANIMOUSLY.

Council Member M. Mata stated he pulled the item because he felt the Council should have the ability to discuss them in closed doors before they adopted them. He stated that was done in the past where they started the negotiations process, and gave where the city stood and heard where the other group stood, and after the Council gave their input, it would come back to the Council to say yes or no or make some changes. He stated now it was left in the City staff's hands and looking at the budget they adopted every year, the budget was people and had five unions discussed. He stated it was huge dollar value with all of them and suggested that in the future it come back to the Council in a closed executive session to go over it to make sure there might be something the Council might want to change, like it or not like it, and then it would come back for approval.

City Manager Stroebel stated he spoke with staff earlier this afternoon and thought it was good practice, as it was done historically, and happy to do that. He stated they wanted to ensure the Council was well informed and answer questions before it was formally brought to the Council in the future. He stated he was updating Council next week on where they were and the status of the five contracts. He stated two of them had been resolved and the item tonight was the third one and still had two outstanding contracts for 2018/2019.

4.6 MOTION M. MATA, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2018-106 TO APPROVE THE 2018-2019 COLLECTIVE BARGAINING

AGREEMENT WITH THE TEAMSTER POLICE DEPARTMENT NON-LICENSED EMPLOYEES LOCAL 320. MOTION PASSED UNANIMOUSLY.

7.1 City Engineer Jesse Struve briefed the Council on the Petition and Deny Parking Regulations Along Both Sides of 65th Avenue North Between Douglas Drive and Edgewood Avenue.

The following individuals addressed the Council:

1. Dan Helgeson, 65th Avenue. Stated the streets were provided for property owners, two reasons, the property owners paid taxes to maintain streets and not all of the right of way was paved. In his case 15 feet was on his lawn, which was city property and had to maintain it, mow it and pick up litter. He stated residents from the apartment complexes came onto his street and threw garbage and was basically a slave to the apartment complexes. He stated the new parking permit situation for the apartment complexes was an entitlement program and went around the zoning laws. He stated the apartment complexes didn't want to spend money to upgrade security and pushed them out on the streets. He stated street parking was not an entitlement and residents had the same rights as neighbors. He had a question on Page 2 of report because it seemed the Council was voting on it, and it said, "up to the past few years, the City Council considered on-street parking; as provided for the convenience of the adjacent property owners, however, the current position, these are public roadways, on the street parking should be allowed on both sides unless there is a safety issue." He stated the safety issue was a subjective term as his driveway was a safety issue and directly across it was a safety issue. He asked the Council if they agreed in the old ordinance where the parking was for the convenience of the adjacent property owners or agreed with the new standard where they had to have a safety issue.

Council Member Bob Mata asked how long they had been asking to have discussions with the Willows and Eden Park apartment complexes about their restrictions on their parking. He stated he knew they asked for a long time and why it was being suggested as a solution now.

City Engineer Struve stated he didn't know the history on what had taken place with the apartments and knew there were a lot of parking issues. He stated there had been conversations with the police and them reaching out to the apartment complexes to work and deal through the parking issue. He stated it was not a new solution and had been working on it throughout the years. He stated it would be more of a refresher situation on what had been done in the past and trying to reach out to the residents directly with a flyer or door knocking to give them a traffic lesson 101 on the parking regulations.

Council Member Bob Mata stated the Council heard tonight from the residents from that block and they all had an issue from the disrespect they got from the people that were parking there. He stated they parked on the grass, threw garbage out of cars and blocked mail boxes and were doing it all night long. He stated he hoped the Council had seen the video that was sent to the Council showing people coming and going at 2 to 3 a.m. and some switching cars. He stated he disagreed with denying the installation of the signs.

7.1 MOTION B. MATA, SECOND M. MATA TO ACCEPT PETITION AND DIRECT STAFF TO INSTALL "NO PARKING ANYTIME" SIGNS ALONG BOTH SIDES OF 65TH AVENUE NORTH BETWEEN DOUGLAS DRIVE AND EDGEWOOD AVENUE.

Council Member Mark Mata stated it was not a problem that started last year. He stated that area had been an issue for some time. He stated Eden Park apartments was given a lot of resources by the city to close off the access point to get into their property so it was more of a gated area and easier for the Police Department to manage a bad situation. He stated there were 156 citations and 50 were from that block. He asked if they had history from talking to the people and if they paid a fine. He stated he didn't want to put signs all over the city because it would be difficult because each block would be different. He wanted to hear what staff discussed with them and what their solutions were. He stated it was a cut through street and would support it for the purpose of doing it. He stated his goal was to make it go all the way down 65th Avenue. He asked what they had done on the other side of Zane and what they were dealing with on the other side of Zane. He stated the Council had four different apartments in their districts where that issue was happening and asked staff to do something.

Community Development Director Berggren stated she wanted to give more context of the work they had been doing on the parking issue and it went beyond the work the Engineering staff did. She stated they had been working on the Apartment Action Plan action items and one of them was to work with each of the complexes to do a parking study and had interns helping with that project in the summer. She stated they started with that complex because they knew it was the most challenging area. She stated she was optimistic going into that area to identify strategies to suggest to the Council what might help with that situation. They concluded with staff and were recommending tonight that one option was educational outreach with the residents and try to get on top of the enforcement as much as they could. She stated she knew the police already did a lot to enforcement and could always put more resources toward enforcement if that was the desire of the Council. She stated it was always the Council's discretion of adding those no parking signs but staff got nervous of deploying no parking signs because they would get into the uniformity conversations across the city. She stated it was the Council's discretion if that was considered one the areas they thought were needed and would be a policy choice of the Council. She stated they did take it seriously and heard from residents and appreciated they were not liking their experience in their neighborhood. She stated that after significant analysis to identify other strategies than what they were presenting to the Council, they had not gone back now and after the conversation tonight if they directed them to work more with the apartment complex for educational outreach they would do that with the tenants.

Council Member Gates stated he couldn't vote for it because it set a precedence for every street that didn't want no parking. He stated there was one easy way to fix it and was the year round no parking ban overnight. He stated it was a solution and easy to fix because it was the entire city 365 days a year that would clear up the mess. He stated all they had to do was start tagging and towing and if other cities could do it, so could Brooklyn Park. He stated they had been talking for 12 years about on-street parking and now they had one street with four houses on it. He stated it was everywhere and not just that one street and not just by the apartment complexes that had the same issue. He stated there were streets that were horseshoes where 12 cars were parked in the corner and couldn't get around it. He stated there was no way to get police or an ambulance through because there were so many cars on a corner. He stated he couldn't vote for it because it was one small street and set a precedence and could fix it by doing a year round ban.

Council Member Pha stated she didn't support having no parking signs for residential public streets. She stated if they started approving them on a regular basis, on Consent without a review into why, then everyone in the in city would want it and then it became an enforcement

issue and was a concern. She stated she did support it when there were safety issues and did realize there were certain times it was needed and with that particular case, she would support it. She stated the reason why was when she looked at the safety, she didn't just look at the safety of the public but also thought about the safety of the property owners that lived there. She stated that most who lived in that small section had three of the four in attendance tonight who were concerned with their own safety with littering on their property and cleaning up after other people. She stated people were driving fast and hitting their trees and mailboxes late night, and were parking overnight and in front of their home. She stated she would consider their concerns to be valid and would not appreciate people parking on her street and littering consistently and having to clean up after them. She stated that had been a documented and ongoing issue for that section of the street and considered it valid for a safety issue and would support it because of those reasons.

City Engineer Struve stated when they did an analysis, about 50% of footage on that road was parkable but 50% of it fell across from driveways on the corner by the fire hydrant. It eliminated the parking on about 50% of the roadway. If everything was enforced, there was 50% of a road where they could legally park at times. He stated that one item he wanted to clear up was when he mentioned safety issue, there were national standards associated with that type of road segments and studies indicated whenever traveling on a road there was an inherent risk of accidents. He stated there were 278 miles of roadway in the city and when they looked at the accident history in that area, didn't account for side swipes, and knocked over mail boxes were not reported. He stated when they looked at the history of that segment, it fell below the national average for crashes for that type of roadway.

Council Member Jacobson stated her concerns were that they were going to notify residents of existing parking restrictions and didn't believe it was the residents that were parking there and were the guests or people who were not part of the lease. She stated that notifying the residents would not do any good and the parking was a mess in many parts of the city. She stated that doing the apartment action plan seemed to be moving along slowly and knew it was difficult getting apartments to cooperate because they wanted their rules to be what they were and wanted people on the lease. She stated whether it was 4 or 400 houses, it was a problem and no one deserved to be treated like trash. She stated that to continue to enforce the parking restrictions currently in place and writing tickets was not doing any good because the problems continued. She stated she was concerned about the uniformity process on no parking areas and was important so it was not different in areas of the city. She stated she was looking for answers from staff if they could create a process and procedure around having uniformity, what it would look like and how long it would take. She stated they couldn't let it go on and someone was always going to lose, however they voted. She stated that question would continue to come at the Council and by saying yes or no to it, would be the first of many that would come.

City Manager Stroebel stated the current process was if people wanted to petition for no parking, they could go through that process and unfortunately parking was not uniform across the city. He stated in some situations they had to consider all of variables that were discussed tonight, get staffs opinion regarding the situation, hear public testimony, gather the input and Council made a decision. He stated there was not a real streamlined approach to it and they knew there were situations that were being contemplated tonight where someone would lose and someone would win and would not solve the overall issue. He stated that Deputy Chief Bruley talked about having some enforcement there and he talked to them this morning and they were willing to commit more resources to do more enforcement. He stated they also knew

they couldn't tow unless there were six citations written. He stated they already knew the County, that parking was not a high priority for them. He stated the community understood and learned about the parking citation tickets that could be disregarded because it took six times until they were actually towed per state law and the County was not going to enforce the citation anyway. He stated the staff was doing what they could and doing the best job with the resources they had of committing those police resources on those high needs. He stated that in terms of a uniform policy, approach or process, they did have what was before the Council, which was that residents could bring forward a petition and consider them one at a time. He stated they understood when there was a public concern like tonight, it was their responsibility to take it on.

Council Member Bob Mata stated his concern was a safety issue and the complete disregard for people that lived there where peopled parked on the grass, blocked mailboxes, parked on both sides of street and across the driveway where residents couldn't back out of their driveway. He stated it was disrespect from the people parking there showing the residents that lived there that they didn't care about them and threw trash on their lawns. He stated they had been doing that battle for more than a year and had been no resolution at all. He stated that was why he said no parking anytime, to get the signs up and get them off the street or put in a meter and get the cars towed when it expired. He stated something had to be done until something permanently could be done.

Council Member Parks stated that it would take more land away and had been talking about parking for three and half years. He agreed with Council Member Gates and had been trying to get no parking from 2 a.m. to 5 a.m. all year long and thought it would work for everyone. He stated he couldn't agree with the 24-hour parking because it would set a precedent. He stated they were asking people to pay taxes for streets and not letting them use it. He stated he would not vote for the 24-hour petition because that would set the Council up for a lot more and would have to look at the other motion to see if the Council wanted to do that.

Mayor Lunde called for a roll call vote. He stated the motion on the floor was to accept the petition and install signs.

7.1 THE MOTION FAILED ON A ROLL CALL VOTE AS FOLLOWS: YES – PHA, M. MATA, B. MATA; NO – PARKS, JACOBSON, GATES, LUNDE.

7.1 MOTION LUNDE, SECOND GATES TO ACCEPT PETITION AND DENY THE INSTALLATION OF "NO PARKING ANYTIME" SIGNS ALONG BOTH SIDES OF 65TH AVENUE NORTH BETWEEN DOUGLAS DRIVE AND EDGEWOOD AVENUE.

Mayor Lunde asked if it was possible to get in six months or nine months or what they thought was the right time frame some feedback if that had done anything on the increased enforcement and education. He stated if the end result was still the same problem, then he would vote to install the signs. He stated his yes vote was that he wanted to try the other steps but if that was not going not work, then he would vote for the signs.

City Engineer Struve stated he would talk with the City Manager and staff to come up with an evaluation process and duration and when they could bring it back.

Council Member Jacobson stated she could go either way too. The parking was an issue and a

mess in the city. She stated it was not the answer but there had to be an answer out there. She stated when they talked about the snow emergency, suggested to set a time where if they were not going to install those signs but did other enforcements and stepped up enforcement, to come back whether that was six months or nine months and determine that as part of the motion because maybe after that she would change her vote and maybe voting for signs all across city at that point.

Council Member Pha stated if they had voted to install the sign, didn't believe it would set a precedent. She stated it had been the city's history up until last year where they automatically approved it on the Consent agenda for people who petitioned for a sign in front of their homes. She thought they had been putting more layers of qualifications before automatically issuing a no parking sign because they asked for it. She hoped the homeowners who attended tonight who had concerns, came back to the Council in six months or a year and let the Council know if things had not gotten better.

Council Member Mark Mata asked staff to send out an email to the Council letting them know where in the city there were special signs that pertained to roads that were adopted by Council in the past that showed the process. Where the residents had a petition, and four of the seven Council Members agreed and then it happened. He stated he didn't just mean the no parking signs, meant signs like no drive through traffic or no right-hand turns. He stated they paid taxes there too and there was a precedence. He stated the three home owners who already left the room, that if they were not happy with the decision, that two Council Members said they would change their votes based on data in the future. He stated they needed to tell those three people to not stop and keep bringing that matter forward because it swayed three Council Members to make a decision and needed one more and to make sure they understood that.

He offered a friendly amendment to the motion to revisit it before the snow ban started. He stated that should be more than enough time to get through summer and bring it back by October 15 to talk about it and see if that was enough data.

Mayor Lunde stated he would not accept the friendly amendment only because he would like a deadline and would rather have staff come back and tell Council what it was. He stated he agreed with the intent but not the date. He stated staff would come back on how much time was needed to come up with that data.

City Manager Stroebel stated that was an area he and Police Chief Enevoldsen talked about this morning and he was committed to putting additional enforcement in the area. He stated they could report monthly on how many citations were being written in that area and if they wanted a full report, thought six months was a good time frame, but they could report back on the number of citations on a regular basis.

Mayor Lunde stated the motion was to accept the petition and to deny the installation. He stated that was the motion that was written in the packet.

Council Member Parks stated there was now a six-month date and asked if they could add that to the motion.

City Attorney Thomson suggested to act on the motion and if the Council wanted to give direction to staff to come back at an "X" amount of time, they could do that separately.

Mayor Lunde called for a roll call vote.

7.1 THE MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS: YES – JACOBSON, GATES, PARKS, LUNDE; NO – PHA, M. MATA, B. MATA

7.2 City Engineer Jesse Struve briefed the Council on the Final Layout for 109th Avenue North from Jefferson Highway to East of Winnetka Avenue North. He introduced Lee Gustafson, WSB and Associates, and he continued with the presentation.

7.2 MOTION PHA, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-107 APPROVING FINAL LAYOUT FOR 109TH AVENUE NORTH FROM JEFFERSON HIGHWAY TO EAST OF WINNETKA AVENUE NORTH.

Council Member Mark Mata asked why they didn't have more roundabouts there. He stated that continuing west on the road toward Maple Grove and Champlin where they bordered, there were two roundabouts continuing down the road before it terminated. He stated he liked them because there were no stop lights, was not making a person stop unless they had to and allowed traffic to flow. He stated he knew two lane roundabouts could be difficult to understand but they would be figured out. He stated that the Xylon access going north into Champlin was to stop people from coming off Highway 169 and turning into Xylon. He asked if there was a barrier. He stated in the third paragraph of the report talked about it was going to have a right in and right out and that was telling him they couldn't cross something. He asked what that something was.

Mr. Lee stated it was a median. He stated there was no way that a car could go off of Highway 169 heading east bound on 109th Avenue and take a left hand turn into Xylon Avenue. He stated they could pull into Xylon Lane but would have to wait at a signalized intersection and wait for permission to take a left-hand turn onto Xylon Lane.

Council Member Mark Mata asked why not take advantage and end one of those outlets and close one off. He stated it did a couple of things: it kept traffic more focused through one line and it secluded another area. He asked in the future why wouldn't one of those two exits be closed off. He stated it seemed to be common sense to eliminate one and eliminate the whole on/off interchange and force traffic over to one signalized area to get on and off that road. He stated the other was that he had seen the history of the city to under develop its major streets, not a lot of lanes, hard to get out of shopping centers and they were undersized compared to other cities. He stated tonight they were asking the Council to develop a major roadway without having the major part of the land that would feed into it developed.

He stated he got confused why he was being asked to vote for this because part of him says he didn't want to vote for it because they had not developed it to withstand the road. He stated they hadn't developed the other side of Highway 169 which was coming from the roundabout. He stated they didn't know what was going to be built and had no idea if it was cars or trucks, a 10-story office building, or a hotel. He asked what the volume of the traffic they could be experiencing there and stated they had predesigned a project and could see it was all fields. He stated TH610 should be three lanes the day it was built and now is stop and go traffic during rush hour. He stated he didn't want to put money into something that would come back in 5 to 10 years that underutilized itself. He stated they already talked about 93rd Avenue and had a stop light situation there. He stated 93rd Avenue and Wyoming would sit there forever. He stated

he didn't want to set them up for failure and felt that was what he was doing by voting for it. He stated Champlin was all developed and knew their traffic count on that road and might need two more lanes or might need a dedicated truck lane. He stated there was a lot of things that could happen that they didn't know. He stated they were just going to develop it and rip it down and going to spend money on something that a future Council would tear it apart. He stated he couldn't support it because the city was not ready and didn't have businesses to tell him what the traffic counts would be. He stated he had no idea and didn't want to underfund a road because he had already seen what happened.

Mr. Lee stated that on the question with access in and out of Champlin, they looked at every different possibility with regards to eliminating Xylon, had cul-de-sacs drawn, four to five different options for each roadway to see what made sense. After reviewing those with the city of Champlin, came to the conclusion what was before Council was the right option. He stated it was not forcing all the traffic over to Xylon Lane and was trying to balance impacts of changes to residents in Champlin. He stated they looked at a variety of things, they had frontage roads, had cul-de-sacs and a variety of things they looked at and agreed that the proposal tonight provided the best access but minimized some of the impacts to both residents and on Xylon Ave and Xylon Lane.

He stated that on what the road should look like and the number of lanes, they did a traffic analysis. It was looking at it from a 20/40 perspective and looking at everything in Champlin in accordance with Brooklyn Park's Comprehensive Plan. He stated they also looked at all the traffic studies and all different analysis that were done as part of reviewing the entire area. One from SRF, ROK and they also did their traffic study as part of the analysis to make certain what they were proposing would accommodate all different traffic that would come out of the area and go to 109th Avenue. He stated the 101st interchange was taken to extreme considerations with regards to how the traffic was going to flow out of the area, traffic projects were done, percentages coming out of Xylon Lane, if the traffic there would go to Winnetka and some traffic would go north and some would go through.

He stated the City of Champlin did another traffic study on 114th Avenue and Winnetka to make certain that the same concerns, if it was approved, what was the amount of traffic to go through on 114th Avenue and Winnetka and that was one of the issues that delayed the process. He stated of the three traffic studies done, their traffic study analysis looked at all of the background information. Looked at the city's Comprehensive Plan and looked at all proposed developments that were a part of it. He stated the development was likely going to change. He stated some of the development that had come had been less from what originally was proposed as far as the number of trucks and amount of traffic. He stated it was just 30 percent design plans and what those design plans got them was the ability to apply for grants and functional class change. He stated it was not a final design and it was in the city of Champlin's CIP for 2021/2022; by the time they applied for grants and funding would be 2023. He stated it was a long time out before they were ready on final plans. He stated it just acknowledged the current design before Council and accommodated everything through 2040. He stated it allowed them to apply for grants and functional class changes. He stated it also allowed developers to say both city of Champlin and Brooklyn Park acknowledged the main access points for the massive undeveloped area on the southside of 109th Avenue would line up with Xylon Lane and would be a fully signalized intersection.

Council Member Gates stated he was fine from Winnetka to Highway 169 and was glad there were no roundabouts there because he would have not voted for it. He stated he agreed with the roundabout at Jefferson Highway and didn't like roundabouts because no one knew how to drive on them especially a two lane roundabout. He stated that on the west side of Highway 169, had no idea what would go in there. He stated that even if they got the interchange at 105th Avenue and if projected out to 2040, no one could have said when Noble Avenue was built from Brooklyn Boulevard to 85th Avenue that it was not going to back up every day from 4 to 6:30 p.m., from 85th Avenue to Noble Avenue every night. He asked how they could plan for something without an idea of what would be going in there. He stated he was fine with Winnetka and Highway 169 but couldn't vote for it because he was not going to put money to something that he didn't know what would happen or having it come back in three years to be changed again.

City Engineer Struve stated that when they were planning for those projects were only going to be moving forward with 30 percent and allowed them to apply for grants. He stated those grants took three to five years before they could use them. If they got them today, puts it out to 2022. He stated if that area developed and without improving 109th Avenue, depending on what the updated traffic analysis happened for the area to develop, it might limit how much they could develop that area. He stated there was mitigation that had to happen to account for traffic flows. He stated that while it was a delicate process to try to envision what was going to happen in 30 to 40 years, as the area developed it was very important to realize without improving 109th Avenue, it could actually stop development south of it. He stated they did the traffic analysis based on the city's comprehensive plan and develop a road that could handle that traffic. He stated they were not asking for final design for the area, but they needed to move forward with getting grants because it was going to be five years before it got developed. He stated without those grants to offset it, if a development came in and the city had to all of the sudden reconstruct109th Avenue in a small time frame, they would miss out on those grants to offset it. He stated the estimated cost was between $8 to $10 million for the project.

Council Member Gates asked why spend money on a roundabout when they could still make improvements in the intersection. In 10 to 20, years if it was warranted, they could come back and put it in. He stated the roundabout was as expensive as a signal and there was a stop sign there. He stated the wouldn't put in a signal there and could leave the stop sign.

City Engineer Struve stated that while they showed a roundabout as a potential solution, part of the preferred layout was from the public process they got. He stated 109th Avenue continued west and there were additional roundabouts and a roundabout in that corridor fit with the character with 109th Avenue on that side. He stated that depending on how the area developed, 109th Avenue could get reconstructed in a phased approach too. He stated it could just get reconstructed east of Highway 169 and the area west of Highway169 would lag by multiple years. He stated they didn't know how 109th Avenue was going to get reconstructed or what phasing it would be. He stated without grants, it would be difficult for the city to move forward with construction projects on 109th Avenue.

He stated that without approval of the final layout of that area, they couldn't move ahead with the reclassification of 109th Avenue. Without reclassification of 109th Avenue, they couldn't apply for many grants and was similar to the regional solicitation they received $7 million for the 101st interchange project.

Council Member Gates asked if they voted for the roundabouts and in five years when they came back, could they say they didn't need it.

City Engineer Struve stated it was a possibility. He stated while they showed it in the layout, in five years, as development dictated, it and only needed to reconstruct 109th Avenue east of Highway 169, the area west of Highway 169 would be held until the development on that side warranted it. He stated at that point it could be evaluated again and ask if the roundabout was the correct option and what was being proposed for development warranted a roundabout or traffic signal. He stated that was still all up for future discussion and approval.

Council Member Gates stated he knew 109th Avenue needed to be done and would vote for it but wanted the record to show that he didn't support the roundabouts in the final layout.

Council Member Bob Mata stated if the Council needed to approve the plan, asked why they had the roundabout in there and why didn't they just take it out and let the Council approve it. If they needed it later, they could then come back with it.

City Engineer Struve stated that in 2016 when the city entered into agreement with the city of Champlin, the boundaries agreed were from west of Jefferson Highway to east of Winnetka Avenue. He stated through the process they explored many different items for the roundabout on Jefferson Highway, for it to remain a 4-way stop and how long the traffic signals would be. He stated those items were brought to the Councils in October 2017 and brought a roundabout based on feedback from the residents from Brooklyn Park and Champlin indicating they preferred a roundabout at that intersection. He stated from the public feedback from the property owners and city of Champlin, that was what was decided through that process and in October when they brought it forward, while there was concern for the potential roundabout, the Council decided to move forward with presenting it to public to gain feedback and showing a roundabout at Jefferson Highway. He stated that was the process they followed and did not get negative feedback from the public.

Mayor Lunde called for a roll call vote.

7.2 THE MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS: YES – JACOBSON, GATES, PARKS, PHA, LUNDE; NO – M. MATA, B. MATA

7.3 Keith Jullie, Rental and Business Licensing Manager, and Mark Bruley, Deputy Police Chief, briefed the Council on the Peddler/Solicitor Ordinance Amendment.

Council Member Jacobson stated she liked the changes to prohibit activities related to exemptions, penalties, and fines. She asked about the fee structure that some of the cities said zero for nonprofits and asked if they had that covered in Section 119.31, B3, where it said, "professional fundraisers working on behalf of an organized exempt person or group are exempt from licensing requirements." She asked if they felt it was enough.

Rental and Business Licensing Manager Jullie stated yes and had not had issues in the past. He stated he knew there were cities that would have solicitor registration for nonprofits and not charge a fee. He stated they discussed that and felt that was extra paperwork and administrative in nature to give someone a registration and not charge a fee knowing they were

exempt from the rules. He stated if they were exempt anyway, their thought was just to be allowed to conduct their business.

7.3 MOTION JACOBSON, SECOND LUNDE TO WAIVE THE READING AND ADOPT ON THE FIRST READING AN ORDINANCE AMENDING CHAPTER 119 OF THE BROOKLYN PARK CITY CODE PERTAINING TO PEDDLERS AND SOLICITORS.

Council Member Pha stated she was hopeful with that in place that anyone who was licensed or able to go door to door and solicit, that the homeowners identified them by a badge approved by the city. She stated that showed they had a license to solicit. She stated if they had nonprofits who were doing that and didn't have an ID badge, it would be hard to identify whether or not they been licensed by the city and doing it in violation of the ordinance unless they asked them. She stated it had been a concern of residents in asking people for credentials or badge. She asked if it was possible they would have nonprofits that would apply but not pay a fee to get badge so that the homeowners could identify them easily as any other solicitor.

Rental and Business Licensing Manager Jullie stated they could add that to the ordinance. He stated it would be a registration requirement for those otherwise exempt. He stated they hadn't had issues with that but had not done research on it to see if there were complaints coming through the Police Department. He stated he agreed on having that in place that anyone who was going door to door would have to have some sort of check at the city. He stated if they were exempt, he assumed they would not background them and it would be more of a registration. He stated they could look at it and discuss it with staff.

Council Member Pha asked about the background check. She stated there was a $200 fee for the background check and before there wasn't a fee and didn't get a background check. She asked how long the background check would be good for, 1 year, 5 years, 10 years, 1 time, 30 days or 60 days.

Rental and Business Licensing Manager Jullie stated the background for a solicitor, there was no fee or background check required. For the peddlers, by the current definition and if they were carrying the product with them and they didn't do that anymore, there was a background check and fee for them. He stated that on the new background check, each year when they came, they would apply for a new license and would be background checked again and it would be good for the duration of that license.

Council Member Pha stated when they had the annual only option it made sense and now they were proposing to expand it to 30 days, 6 months and annually. She would like to see they make it last at least a year from the last time they had a background check. She stated that way if someone was applying for 30 days and a couple months later applied for another 30 days they had to pay another $200 for a background check. She stated the fees were quite high where it went from $50 and $100 fee for peddlers with no other fee and it would be $600 for the fee and $200 for background check. She stated that was $800 compared to $50 before and that was a high jump and much higher than most of the cities around the city. She stated she would like to see something in between and would like to add a length of license an additional annual option where they had before and it would be 30 days, 6 months and annual.

Council Member Pha stated she would like to make a friendly amendment to the fees schedule on page 10 of the staff report.

7.3 $100 FOR 30 DAYS, $200 FOR 6 MONTHS, $300 FOR ANNUAL AND FOR BACKGROUND CHECKS $100 PER BUSINESS AND $50 PER APPLICANT AND FOR THE LENGTH OF THE LICENSE TO ADD AN ANNUAL OPTION.

She stated she believed they wanted to regulate it and wanted to charge people appropriately for staff time and for background checks didn't want to charge large amounts of fees that were high from the original $50 and $100 to now $800 a year and was much higher than all other cities except for Champlin.

Mayor Lunde asked the motioner and seconder if they would accept the friendly amendment to the motion.

Council Member Jacobson stated she would not take that friendly amendment to the motion. She stated she would like to see it pass or fail and they could make a new motion. She stated she was looking at Champlin charging $650 a year for a business and it wasn't like it was completely pulled out of the air. She stated there was precedent set for that fee structure already.

Mayor Lunde stated the friendly amendment was not accepted and could make another motion.

City Attorney Thomson suggested to do one motion at a time. He stated they combined three things into one motion and some might be acceptable and not acceptable. He stated what he heard was maybe go first with the added option for a year license and then the fees.

Community Development Director Berggren stated she wanted to clarify the fees. She stated they just needed direction on the fees as it was not part of the ordinance. If the Council wanted to offer direction on the fees, it didn't have to be done through an official action because they would be bringing something back for the next meeting. She stated one thing they had done with the fee update last year was to try to have a uniform background check fee. She stated they did that because it took quite a bit of administrative staff time to run the background checks on the Police Department side and also to process it through the license. She stated they could look at that and could give the Council additional information at the next meeting.

Rental and Business Licensing Manager Jullie stated the ordinance did spell out on Page 6 of the report, under F, Duration, "Licenses are valid for either 30 days or 6 months and only during the time period." He stated they would need, if there was support for the annual license, to have that into that section of the code. He stated he would need direction to make that change for the second reading.

Mayor Lunde suggested having staff do research and bring it back by the second reading. He stated that way the Council could have all that information in front of them and decide. He asked Council Member Pha to repeat her ideas so staff could bring those back for the second reading.

Council Member Pha stated that since they could talk about the fees separate from the motion, that she would be in favor of the motion and bringing it back with an adjusted fee schedule. She stated her fees would be $100 for 30 days, $200 for six months, $300 for annual and then for the background checks, $100 for businesses, $50 for each applicant and to add an option for an annual license versus eliminating it.

Rental and Business Licensing Manager Jullie stated they didn't have a license for the businesses now and that was not part of the proposed amendment to add a business license. He stated it had always been for just the individual and wouldn't be a need for a fee for a business in the code because they didn't license them.

Council Member Mark Mata asked what the intent was for changing the fee structure. To bring in more income to the city or to make it more expensive for a person to pay to get it. He stated he didn't know what was paid for a background check on someone and couldn't imagine the cost equaling what they were proposing. He stated he would like to see if they could ask the State of Minnesota to do the background checks because they did background checks for industries.

Deputy Police Chief Bruley stated the direction they got during a Council work session from the Council was to seek out background checks and heard from residents they wanted an in-depth background check, and a consistent way of doing it and they had done that. He stated they could do a public background check but was not as thorough and would get the public record and working through the attorney's office allowed them to use police resources and do a thorough background check. He stated it did take an actual licensed police officer to do that through a process and it took some time. He stated if it was very simple, it could take under an hour. If it was complex and needed vetting, it could take several hours. He stated to calculate out the staff time was difficult, but could get a sense of how expensive it would take with a full-time police officer or detective vetting it out.

Council Member Mark Mata asked if they did the larger vetting process, were they looking for more police officers in the budget because they were not able to accomplish the goal of getting people licensed and didn't have the resources because their staff was busy. He asked if it was something they could do within their budget.

Deputy Police Chief Bruley stated they thought with the fee structure in place, it kept the fly-by-night people from just getting a license and the proposed fee restricted people that were truly in it for good business reasons and reduced the number. He stated the second part was the first initial background that could be done through clerical staff, quickly and efficiently. He stated it would be wasteful if they had the State or outside resource do it because they were paying the resources in their building that had the talent to do that. He stated it was when there was an actual crime or conviction that showed up that required it to get signed out to a detective. He stated they thought the majority of those were going to be simple background checks and once cleared through the matrix, they had it signed off by a detective. He stated it was only a few of them in the year where they expected to take an in-depth look, and with the new process it would have to come back in year to reevaluate it.

Council Member Mark Mata asked Council Member Pha of the intent to change what staff brought forward because he would like to pass the motion as it was presented and do what the work session was meant to do. That was to get the Council together and discuss issues like the fees on what the options were and arrive at a consensus, and when they were at the regular Council meeting, they could vote on something they were happy with.

Council Member Pha stated when she looked at the fee schedule it was a huge hike from $50 to $800. She stated it would make it difficult for businesses already in place that were currently soliciting in the neighborhoods. She stated she would have to validate why they were charging

$750 more. She stated she had always been advocating to make sure to recover the costs that whatever services the city provided, especially to businesses who were going work in the city, to recover the staff time and the costs and they were not charging them an arm and a leg. She didn't think the fee schedule was appropriate and believed they could recover the costs and staff time at a lower rate. She stated with the explanation of the background check, she was comfortable with the in-dept background check. She thought it was the basic background check they would do and to her it should cost from $25 to $40 but understood if they did do the in-depth background check that it would cost staff time and was comfortable with keeping it at $200 if that was the kind of background check they were going to do.

Council Member Mark Mata stated that if a Brooklyn Park business was doing something in the city to solicit their business, they were already paying taxes and now asking them to pay another fee. He stated he didn't have a problem with someone who was outstate and coming into the city because staff didn't know who they were bringing with them. He stated he would like to see something that if they were a Brooklyn Park business, then something was reduced because they were already being taxed. He stated he didn't want to change the fee structure because he knew from the work session they talked about doing the in-depth and going after someone to see if they should be walking in the neighborhood. He stated he was okay with the fee structure as presented but would like to see something different for someone who was a Brooklyn Park business and actually in the city.

City Attorney Thomson stated the resolution and fee was not before the Council tonight and heard the Council's concerns. He stated that charging fees based on interstate and out of state was a legal issue and was one of the issues they had to address when they drafted it because there was interstate commerce and problems with charging different fees. He stated they could give the Council more information when it came back and staff had direction on what the debate was on the fees and would come back with an actual resolution to vote on.

The following individual addressed the Council:

1. Ryan Jancic stated the door-to-door solicitation had been an issue and problem and kept hearing that solicitors were going door-to-door and not sure if they were legitimate and sometimes people were afraid of them for various reasons. He stated that on November 7 this year, he had a door-to-door solicitor go to his house and he didn't answer the door, but the solicitor tried to open the front door and was caught on video surveillance and it was an upsetting thing to happen and he filed a report.

   He stated he tried to find out about it and there was some confusion of what was allowed and what wasn't and had limited ability to restrict that person from getting a license. He stated that while he was at City Hall that person showed up and applied for a new license for the next year. He stated he did some investigating to figure out what happened and it turned out that person who came to his door had a criminal background for domestic assault and violation for orders of protection. He stated that according to the current ordinance, that person should not have been able to even obtain a license to go door-to-door. He stated there was some confusion in various areas and some things being interpreted wrong and staff was fantastic taking his concerns seriously and addressing them. He stated he liked the new ordinance and it addressed a lot of concerns. He stated there were some discussions about where nonprofits should have to display a badge and from a crime watch perspective that was one of the most important things people would like to see, that everyone had to have that. He stated then

there was no question that they had gone through the city, if legitimate or not. He stated they could use a common graphic design that looked the same for everyone and push out the example to the crime watch groups so they could know if they were registered and had been a background check done. He stated they could also compare the picture to the person who was there.

Rental and Business Licensing Manager Jullie stated the way the ordinance was drafted, it was a maximum of $300 for up to 6 months for the license and then a $200 background check. He stated the maximum was $500 one person would be charged. He stated Council Member Pha mentioned $850 and asked to clarify it. He stated he was also to bring back language regarding the registration for nonprofits.

Council Member Pha stated she was comparing it annual to annual because $300 was for 6 months and if doubled it would be the annual.

Mayor Lunde stated the intent of the Council was to pass it and have some of those concerns brought back to the Council after Mr. Jullie had a chance to do some research and then give the Council those options to have something to compare.

7.3 THE VOTE ON THE MOTION PASSED UNANIMOUSLY.

7.4 Parks and Facilities Manager Brad Tullberg; Amy Alias, SRF; and Nancy O'Brien, Wagner Bluestem, briefed the Council on the Eidem Homestead Master Plan.

The following Individuals addressed the Council:

1. Ardis Beamish, 1016 Pearson Parkway. Stated she didn't hear about it until she read it in the newspaper and was surprised so much was going to be done. She stated she was afraid it would not look like a farm anymore with all the modern amenities. She was thrilled to have the community gardens and thought it was only for seniors, but it had been very welcoming to the immigrant community and growing different things. She thought the changes were way too much and not what she envisioned a historical farm being.
2. Eldon Tessman. Stated he was not aware of what was being proposed and read it in the newspaper too. He stated that between City Hall and North Hennepin Community College, they had two historic homesteads. He stated he lived in one where his great grandfather homesteaded in 1870. He thought the city should consider retaining one or both the Tessman farmsteads on 85th Avenue.

Nancy O'Brien stated there was an inaccuracy in the newspaper report and they were not recommending modernizing the historic farm. She stated what they were trying to do was to create a frame around the historic farmstead to make it clear that visitors would be stepping back in time into a place. She stated they wanted to create more useful and practical experience for visitors by creating a place with a functional bathroom over in a new visitor center. She stated they wanted to have the exhibit to be the west farm and get the functional spaces away from the farm.

Parks and Facilities Manager Brad Tullberg stated they heard their community gardeners' concerns and were working to come up with a plan to make improvements and enhancements

to the gardens. He stated there were no intentions of displacing the gardeners and were keeping the same number of spots. He stated they also wanted grow those gardens elsewhere because they were popular. He stated they would be doing an outreach to the community gardeners in August to discuss the plans they had at the farm and do a focused conversation on the future concept plans and other concerns the gardeners might have.

Council Member Bob Mata stated he didn't like the idea of adding to the farm and making it more of an amusement park than a historic farm. He stated if it was going to be a historic farm, to keep it a historic farm. If they wanted another building there, suggested doing an old fashion barn raising and get volunteers to build the barn. He stated that $2 million for first phase and $8 million over 10 years was a lot of money to put in a farm. He thought they could buy a new farm for that money. He agreed they needed money to keep and maintain the historic value of the farm, but could not see spending that much money. He stated it was not a big draw or feature for people who lived in the city. He stated he recognized the value of history that was there along with the Tessman Farm but didn't think they needed to add a modern building to the historic farm.

Parks and Facilities Manager Brad Tullberg stated the farm was a unique asset in the community and was struggling to remain relevant based on the use with school groups and tour groups. He stated it was lacking modern amenities when there were kids interacting with animals and had a sack lunch with them, there was nowhere to wash hands and do other things when working with animals. He stated as they continued to create the unique destination and uphold the heritage and the vision of the farm, what it was intended to do when it was purchased in 1976, was to celebrate the history and grow upon the history but important to reinvest in that. He stated there hadn't been a lot of investment in the farm over the years and needed some investment going forward.

7.4 MOTION LUNDE, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-108 TO ACCEPT THE EIDEM HOMESTEAD MASTER PLAN, AND OFFICIALLY RENAME EIDEM HOMESTEAD TO HISTORIC EIDEM FARM.

Mayor Lunde stated he understood it represented a plan and didn't see the city writing a check for $7.8 million. He stated having a plan in place allowed them to apply for grants and they couldn't try to get money unless they had a plan because a grant might require certain things. He stated the Church of St. Gerards put in a community garden and one of the reasons why a lot of people wanted to grow was because it was owned locally. He stated he also thought it fit with the idea with the Mississippi Gateway that was about introducing kids to nature in a controlled setting. He thought having a separate facility to host was good. He stated his sons went through the Master Gardner Plan at Jackson Middle School on how to grow their own food to understand the culture of it. He stated some kids didn't get that opportunity and a lot of people would love that opportunity. He asked if there were more places to expand and add opportunities for the community gardens.

Parks and Facilities Manager Tullberg stated the expansion of community gardening was throughout the Master Plan Park system. He stated Lakeland Park and a couple of other parks did have community garden plots and to be able to distribute it throughout the community was important.

Council Member Jacobson stated while she would love to vote to accept the Master Plan and

have them go out and find money, she was not happy to see the two options for the new names. She stated tonight on the presentation it became the final name and felt they needed to vet it more. She stated when they renamed the Coon Rapids Regional Park they did a community survey and had three options and the community voted and that was how the name came to be. She stated she liked the words “gardens” in there and was not in the name in the other option. She stated it could it be Historic Eidem Farms and Gardens if that was a major part of it and 40 plus percent who went there now were there for the gardens. She stated she could not vote for it as written because she was not happy that they jumped to a name without doing a process around that and allowing feedback from the community and users of the farm to play a part in it.

Nancy O’Brien stated they did survey the audience about a variety of different names and the two names they recommended were 31 and 33 percent in popularity of the 400 people surveyed. She stated that as the interpreter and historian, she just wanted to encourage the Council to drop the name “homestead” because it was historically misleading, and they did do some research on it.

Council Member Gates stated that on the name, the historic part was important to him if they were going to keep it historic and keep the history. He stated they had farmland and not gardens and the plots were put there in the last 12 years. He stated he would not want the name “gardens” in there. He stated he liked the Historic Eidem Farm and the farm was important because that was what it was. He asked to get the sign fixed so people knew it was there and would be important. He stated it was no different than 109th Avenue the Council just approved. He stated it was a plan to get money to do it and there were certain parts he didn’t like on 109th Avenue and certain parts of the Park Plan he didn’t like. He stated he could go either way, but it was a plan. He stated that at least 8 years of his last 12 years, the Council talked about it and every time it was brought forward, all they got was small amounts of money to do minor repairs to keep it from falling over and never did anything massive on it. He stated he was excited to see a Master Plan and it was not going to be built tomorrow, in 10 years, or longer than that unless there was someone else’s money. He stated he was fine with it, loved the name, fix the sign and he was ready to vote.

Council Member Pha agreed it was just a plan and was why she was supporting it. She stated if it was going to cost the city $8 million, she would say no because they had a lot of other plans going on in the city that were costing a lot of money. She stated it was not on her high priority list if they were spending the city’s money. She agreed that unless they had a plan, they would not be able to solicit and get contributions. She asked when they started the phase to make sure the community gardeners who invested money and time when they were moved that they were not going to displace and not be a financial hardship to rebuild the plots they had earlier. She stated that might mean they would have to pay more money in making sure those plots had the proper nutrition and soils needed. She asked what the number of visitors they had per year at the farm.

Site Manager Eve Burlingame stated the attendance was 6,000 because of their limitations with everything being reliant on the weather because none of the building were heated or air conditioned. She stated on cold days when they did events, their numbers were lower and when hot not as many people were coming. She stated they also didn’t have electricity in the buildings and when they had cloudy days or rainy days, it was hard for people and families to come and experience a lot of the different activities.

Council Member Mark Mata stated he didn't see the usership benefitting from the dollar value. He stated the plan being presented was a plan of over $7 million but wanted to give clear direction to staff because he was bothered when it came back to him and said he supported the plan and when it came time to pay for it, staff didn't understand because Council didn't support the plan anymore. He stated he didn't support the plan and didn't have a problem with community gardens there and could make them bigger. He stated the building was just an older building and the city had other older buildings in the city that mirrored that age. He stated the city had other farmers, that farmed property in the city but were booted out. He stated the Fischbachs were one of them and just destroyed the farm because of a bridge and overpass. He stated that land was farmed since the late 1800s. He stated he didn't see the school districts paying money to the city to bring tours over there. He stated he had neighbors who had large gardens in their backyards and were not venturing to the farm. He stated he understood it was needed and had no problem with it, but it was putting that amount of money back into the property with no returns. Yet, the Recreation and Parks Department was coming to the Council with all kinds of things and all those grandiose plans.

He asked how many more things would go out and ask people to spend a lot of money on the ballot. He stated they just went through a survey of the same thing and stated the residents would be the funding source. He stated he understood they would get some grants from outside sources to help match, but it was going to burden the taxpayers and the usership was not there. He stated he would like to see staff come back and find a way to make it self-sufficient, by getting the people coming by and touring it that paid for it to survive on its own. He stated he didn't mind giving the cost it paid for taxes on the land because the city owned it, but asked if it covered itself in costs and it wasn't something he was looking to be a subsidized by the city. He stated he wasn't willing to burden the taxpayers to raise their taxes for that piece of property.

Council Member Jacobson asked if there was a process for naming other things in the city. She thought a name was very important and felt like they felt it was not important. She asked how they named the parks and facilities and the process.

Parks and Facilities Manager Tullberg stated they had a facility naming policy for naming the parks and different amenities within the parks system. He stated the name was a variation of the existing name and they currently operated under: Eidem Homestead. He stated the new name was based on community engagement they did within the model and fit within the parameters of the facility naming policy. He stated if it was the desire for staff to go back to the community as a broader reach and more specific targeted approach to the naming, he would be willing to do it.

Council Member Jacobson stated she was surprised to see it in the motion as the new name and if no one was surprised on the Council, she was not going to stop the acceptance of the plan.

Parks and Facilities Manager Tullberg stated they did vet it through the Recreation and Parks Advisory Commission on Wednesday, July 18 and they approved the recommendation of submitting the plan to the Council for acceptance as well as renaming it to Historic Eidem Farm.

Mayor Lunde called for roll call vote.

7.4 THE MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS: YES – JACOBSON, GATES, PARKS, PHA, LUNDE; NO – B. MATA, M. MATA.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Parks stated he attended the 100th Anniversary for Liberty Carton on Friday. He stated it was well attended as the Mayors of Golden Valley and New Hope attended. He congratulated Liberty Carton on their 100th year in the city. He stated that on Saturday, he along with Council Member Jacobson attended the ribbon cutting Ceremony for Mi Sant Restaurant. He stated their pastries and sandwiches were fantastic and wanted to welcome them to the city.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated he would be working on creating a joint Council and Recreation and Parks Advisory Commission conversation on August 8 with a virtual tour and potential elements of the park referendum. He understood that every Council Member might not be able to make it but would be working toward planning it. He stated it would be virtual and not an actual tour.

Other events announced:

- Tuesday, July 24, the third meeting in a series of the Corridor Development Initiative was being held at the Brooklyn Park Library.
- Wednesday, July 25, the Farmers Market at the Zane Sports Parks, from 2-6 p.m.
- Reminder: National Night Out, August 7, encouraged the community to participate and have a lot of fun.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 10:37 p.m.

_____
JEFFREY JONEAL LUNDE, MAYOR

_____
DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, September 10, 2018
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Pro Tem Terry Parks

PRESENT: Mayor Pro Tem Terry Parks; Council Members Rich Gates, Susan Pha, Mark Mata, Bob Mata and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Police Chief Craig Enevoldsen and City Clerk Devin Montero.

ABSENT: Mayor Jeffrey Lunde (excused)

Mayor Pro Tem Parks opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT – None.

2B PUBLIC COMMENT

1. Kathy Czeck, 1313 44th Ave N., Minneapolis. Briefed the Council on the Police embedded mental health co-responders. She stated it was the next step in policing people with mental health issues, respectful to the individual, saved the officers time and kept the judiciary systems with less people in it. She stated the current system had a revolving door with those who had a mental health crisis by dealing with the police, go to the hospital and emergency department and could go on and on without help. She stated one woman in Los Angeles used $1 million in city services in one year. She stated the co-responder program reduced it significantly and was a new best practice and did not do away with crisis intervention training. She stated with the program, a mental health provider went with a police officer in an unmarked car and were the first responders to a scene of mental health crises. She stated that was the only condition where police officers were the gate keepers for a health condition. She stated for the client it was respectful, a win for the police because they could go back to being police officers and a win for the emergency departments because sometimes those people sat there for hours or days and to help with a co-responder. She stated they would get services, a follow up and get what they needed and the system ran smoother. She stated it was not new in Minnesota or the nation. It was England's number one way of taking care of a mental health crisis. She stated Duluth was the first city to implement it and St. Paul, Minneapolis, Rochester, Massachusetts, California and Houston Texas had been leaders. She stated there were places they could go and teach people to run the program and see how it was run.

3A. MOTION GATES, SECOND JACOBSON TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH ITEM 4.4 PULLED FROM THE CONSENT AGENDA. MOTION PASSED UNANIMOUSLY.

3B1 Introduction of new employees.

Assistant Finance Director Jeanette Boit-Kania introduced Renee Manning and Aaron Gilbert as new employees to the Finance Department.

Recreation and Parks Director Jody Yungers introduced Tanya Moore as a new employee to the Recreation and Parks Department.

3B2 Proclamation Declaring September 2018, as “Hunger Action Month” in Brooklyn Park.

Mayor Pro Tem Parks read the proclamation declaring September 2018 as Hunger Action Month in the city of Brooklyn Park. Mr. Marcus Schmitt, Second Harvest Heartland, addressed the Council on their activities.

3B3 One2one Organization presentation.

Mr. Karl Benson, One2One, briefed the Council on its activities and involvement in the community.

3B4 Mayor’s Proclamation of September 17-23, 2018, as “Constitution Week.”

Mayor Pro Tem Parks read the proclamation declaring September 17-23, 2018 as “Constitution Week” in the City of Brooklyn Park.

4.0 MOTION GATES, SECOND JACOBSON TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS WITH ITEM 4.4 PULLED FROM THE CONSENT AGENDA:

> 4.1 MOTION GATES, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2018-123 ORDERING PREPARATION OF PROPOSED ASSESSMENTS AND SETTING A PUBLIC HEARING ON THE PROPOSED ASSESSMENTS FOR OCTOBER 8, 2018.
>
> 4.2 MOTION GATES, SECOND JACOBSON TO SET THE TRUTH-IN-TAXATION PUBLIC HEARING BUDGET MEETING AS MONDAY, DECEMBER 3, 2018, AT 7:00 P.M.
>
> 4.3 MOTION GATES, SECOND JACOBSON TO ACCEPT THE PETITION REGARDING AN ORDINANCE CHANGE RELATED TO POTBELLY PIGS SUBMITTED BY MS. REBECCA BUCKLEY AT THE AUGUST 27, 2018 COUNCIL MEETING AND DIRECT STAFF TO LOOK INTO THE MATTER.
>
> 4.5 MOTION GATES, SECOND JACOBSON TO APPROVE TEMPORARY CLOSURE OF OXBOW CREEK DRIVE BETWEEN NOBLE AVENUE AND VERA CRUZ DRIVE TO ALLOW FOR CHAMPLIN PARK HIGH SCHOOL HOMECOMING PARADE.
>
> 4.6 MOTION GATES, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2018-124 TO APPROVE THE ADDITION OF GREENHAVEN PARK (ZONE 10) AS AN ADDITIONAL LOCATION TO THE 2018 CONTROLLED DEER HUNT.
>
> 4.7 MOTION GATES, SECOND JACOBSON TO RECEIVE AND PLACE ON FILE THE PETITION FOR VACATION OF DRAINAGE AND UTILITY EASEMENTS OVER ALL OF OUTLOT C, THE VILLAS AT RUSH CREEK TRAIL, 3RD ADDITION.

4.7 MOTION GATES, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2018-125 ORDERING A PUBLIC HEARING FOR THE VACATION OF DRAINAGE AND UTILITY EASEMENTS OVER ALL OF OUTLOT C, THE VILLAS AT RUSH CREEK TRAIL, 3RD ADDITION.

MOTION PASSED UNANIMOUSLY.

Council Member Jacobson wanted to know where they were at for 2018 visits and the forecast for 2019 visits. She stated they wouldn't know how many visits there were if there was a large storm. She asked what the average would be going forward.

Recycling Manager Tim Pratt stated through the end of July, they were at 16,347 visits and on pace for visits for about 36,000 to 37,000 visits per year.

He stated the fall was the busiest time and would see more visits in September through November. He stated projecting was difficult and wouldn't know if there would be a storm and additional brush that had to be disposed of and what the final numbers would be. He stated in 2015 spent $170,000; 2016, $165,000; 2017, $180,000 and the end of July had spent $97,000. He stated that based on how much they spent, for those coming months, he calculated it about $181,000 this year. He stated next year would be the last year of the contract and was a $3,000 increase because the rate for disposal went up 5 cents per cubic yard, and with the new contract in 2020, the rates would go up another 5 cents per cubic yard. He stated with the assessment for the road improvements made as part of the TH610 project, the assessment expired and $4,500 came off the bill. He stated by doing that, it would have paid for a year and half of the increases, $3,000 a month out of the $180,000 budget.

4.4 MOTION JACOBSON, SECOND GATES, TO WAIVE THE READING AND ADOPT RESOLUTION #2018-126 TO APPROVE A CONTRACT EXTENSION WITH LYNDE & MCLEOD, INC. FOR YARD WASTE DROP OFF SITE SERVICES AT THE MAPLE GROVE YARDWASTE SITE FOR A PERIOD OF FOUR YEARS, FROM JANUARY 1, 2020 THROUGH DECEMBER 31, 2023. MOTION PASSED UNANIMOUSLY.

7.1 Administrative Fee on Delinquent Bills and Lawful Gambling Fee.

Finance Director LaTonia Green briefed the Council on the Administrative Fee on delinquent bills and lawful gambling fees. She briefed on the background, two-year estimate, comparison of neighboring cities revenue collection, administrative fees, proposed options and comparison cities.

Council Member Bob Mata stated that on the Comparison Cities slide, at the bottom, it said "the late fee was calculated only on current charges; therefore, penalties are the same for monthly billing versus quarterly billing." He stated the city was quarterly and if a person was late on the quarter, they were charged a fee and if they were still late when next quarter came up, it said they were charged on the current balance and current charges. He asked if the current charges included the past late fees.

Finance Director Green stated yes.

Council Member Bob Mata stated they were getting charged on late fees on top and adding the

late fees onto it, 10% of the total delinquent balance, which included late fees for the period before. He understood it but didn't like adding late fees in and adding late fees on top of late fees. He stated a person was getting charged a late fee for a late fee.

Finance Director Green stated that was correct and the late fees and the current balance was calculated. She stated it was the current balance that received the late fees and meant the prior period late fees were incorporated into the total balance that would be due.

Mayor Pro Tem Parks stated he was a member of a lot of organizations that had gambling. He stated with the Minneapolis Elks Club, 80 to 85 percent of their money went out as a 501(C) (3), plus paid for the lights and trash in their building. He asked how they would bring out that fee after they had exhausted all of it and when did the money come up, regarding the 3 or 10 percent. He stated he would have a problem voting on it because as a member of those organizations, knew the money they brought in went out.

Finance Director Green stated the 3 percent was based on the gambling receipts that was received minus any proceeds that were paid out for the winnings. She stated the 10 percent was based on the net profits the organizations brought in and those both were up to and didn't have to go to 3 percent or 10 percent. She stated it was an up to 10 percent for either one of those or they could decide to just charge a $250 flat fee and was the recommendation staff was making tonight. She stated the $250 flat fee was sufficient to cover the costs they incurred in order to manage that program.

Mayor Pro Tem Parks asked how many organization were in the city that had that.

Finance Director Green stated the city had seven and some were duplicates, like Edinburgh USA, which had two organizations they brought in money for and she stated they had the information for the seven different organizations.

Council Member Jacobson stated she was fine doing the background check fee because it was the cost of doing business and was interested in covering the city's costs but not make money on the backs of those organizations.

Council Member Pha stated she was okay with the investigation fee as it was the cost of doing business and regulating it. She stated the organizations did great work, worked a lot for it and gave it back to the community. She stated it did not make sense to her to tax it and would not support taxing them but supported the investigation fee as the operational costs.

Finance Director Green stated they were estimating what they thought their costs would be now with their analysis, and when they started it in 2019, would go back and make sure to not bring in more than they should be. She stated their recommendation today was $250, but when going through the 2020 budgeting process, if they saw that fee didn't need to be $250, they would make a different recommendation. She stated that once they did the work and saw how many hours it took them to do what they were doing, and if it came back that it was $100, that would be the recommendation they would make in 2020.

At 7:55 p.m., Council Member Gates departed the Chambers.

City Attorney Thomson stated staff was looking for direction because they would be coming back to the Council at a later date. He stated what he heard was $250 was fine and didn't know if there was additional direction other than the staff's recommendation on the administrative penalties, not the gambling one but the other two.

Finance Director Green stated for the lawful gambling, the only recommendation staff was making was the $250, but for the administrative fee staff was giving Council three options: The first option was to charge a $15 fee for all delinquent accounts once the notification went out and to charge a $50 certification fee which they charged now for a total of $65 or; the second option was to charge $15 to the delinquent accounts when the notice went out and $35 at certification for a total of $50; or the third option was to keep it the way they normally charged now and that was to charge $50 at certification.

Council Member Pha stated with Option 2, charging $15 for the delinquent accounts and then $35 for the certification was the same fee but just broken up in two ways and made the most sense to her. She stated she didn't feel charging the residents $50 and then on top of it, $15.

Council Member Jacobson agreed with Council Member Pha and would vote for Option 2.

Council Member Bob Mata stated he was in favor of Option 2.

Mayor Pro Tem Parks stated he liked Option 2.

At 7:59 p.m., Council Member Gates returned to the chambers.

8.1 Community Activity Center (CAC) Catering Policy Discussion.

Parks and Facilities Manager Brad Tullberg briefed the Council on the Community Activity Center Catering Policy. He stated they had a preferred catering policy with contracts with an April 30, 2019 expiration. He stated the preferred policy meant they had five caterers to choose from: Jambo Africa, Lancer Catering, Look out Catering, Roasted Pear and Town and Country, which was no longer active. He stated from the preferred Caterers, any event held at the CAC received a commission and they received 8% of sales during the day, 12% during the evening and weekends and just food, not alcohol, at that point. He stated tonight they were talking about non-alcoholic beverages and food. He stated that annually, the CAC budget received $8,000 to 9,000 a year and the annual revenue was lower in 2016 because of renovations, and in 2017, the Amory Gym was renovated. He briefed on the Exclusive Policy, Preferred Policy, Open Catering Policy, and Potluck pros and cons. He compared eight different locations from websites of their catering policy and their maximum capacity at Brooklyn Center, Crystal, Coon Rapids, Maple Grove, Minnetonka, New Brighton and Shoreview. He also gave a timeline on the policy.

He stated staff was asking for direction on the CAC Catering policy before April 30, 2019.

City Council Member Jacobson asked about the history of the past catering policy.

Facilities Coordinator Mark Palm gave the history that twenty years ago there was a single caterer, Look Out Catering, then five years ago, it expanded the list to five caterers.
City Council Member Gates asked if all the spaces had kitchens that were on that list.

Parks and Facilities Manager Brad Tullberg stated all the centers had kitchens.

Council Member Gates asked about the damages and the city having to clean it up. He thought keeping it around five and having the ethnic changes was good but was worried about adding too many caterers.

The following individuals addressed the Council:

1. Emon Mohammed Dukuly, 8208 Yates Avenue. He shared his experience about having a family get together and choosing Maple Grove because he needed to cook the food. He stated he could bring those resources to the city instead of going elsewhere. He stated the catering policy did not have the ability to bring him his ethnic food. Using the kitchen should not be a problem. They could ask for a deposit and use that money for the center. He asked the Council to not deny their residents because they would mess up the place, and suggested a deposit to clean the kitchen. He stated it would be more welcoming in their actions to reflect the community's values and who they were and look at it as a cultural celebration.

Council Member Jacobson stated Maple Grove and Crystal on that list had a preferred caterer and asked how he was able to bring his food there.

Mr. Dukuly stated his sister brought the food and made it prior and brought it to the center was three years ago and didn't have an issue in Maple Grove. In Crystal, a month ago, they had a program there and they brought their food.

2. Nausheena Hussain, 9136 West River Road. She stated she had a religious ceremony and wanted Indian food, but it was not on the caterers list. She went to Coon Rapids because of their open policy and was able to invite who they wanted and ate their ethnic foods. She stated she was part of the Islamic Center, and during the Ramadan, she wanted to host the party, but there was the issue if the event wanted Halal meat, she was going to be charged extra for that meat. She found that policy to be discriminatory because essentially were charging extra because they were of Islamic faith. She stated she ran a non-profit and wanted to host gatherings at Community Centers but could not in Brooklyn Park because of the policy. She pointed out the revenue the city would gain from more rentals. She asked the Council to change the policy to make it more open so the diverse community could use the community center.
3. Mina Vue, 4629 Impatiens Court North. Stated she was an advocate for the Hmong community and would like to see the policy changed to an open/potluck policy. She stated her Hmong culture had a significant amount of celebrations year around, and the CAC was centrally located, and the space was great for the Hmong community. She also stated the South East Asian Community did not have the opportunity to utilize the facility because of the catering policy.
4. Mamadee Sesay, 7323 Zane Ave N. Stated he was from the Liberian Community and invited the Council Members to events but the events, were in New Hope or Brooklyn Center and would like the ability to use Brooklyn Park because he lived in the city. He also wanted to know the negative reasons why it should not be done at the CAC.
5. Hassanen Mohamed, 6589 Douglas Drive. Stated the diversity of city needed different vendors and were given options of five vendors. He stated markets change and needed more diverse vendors and more people would come to the city. He stated everyone

6. should have access to all resources. He stated the equipment and the space was aged and was not going to cost thousands of dollars to change things if they were broken. He stated the Council had the power to be more exclusive and open the CAC for everyone and would like to have the open/potluck policy.
7. Apichart Klaysinghen, 8974 Horizon Drive, Shakopee. Asked how the Council decided on the current vendors as he was Laotian and did not have a vendor for his food. He stated the Asian population was about 15,000 in the city and none of the vendors had their type of food. He asked the Council to consider that residents paid taxes and wanted to use that space.
8. Fatu Magollousa. Stated his family couldn't afford to be in the CAC space and the vision and goal of the city was to be inclusive and inspire people and welcome everyone to the city. He stated he had not felt the CAC was welcoming to him. He stated he would advocate for bringing in food that was familiar to all groups to feel a part of the City of Brooklyn Park.
9. Sizi Goyah, 5841 73rd Avenue North. Stated on October 20, the National FIFA Association event was hosted in Brooklyn Center and not in the Brooklyn Park because he did not feel welcomed at the CAC. He stated the cities vision was "unique and united" and asked how the city was united if he was not welcomed at the CAC. He stated the cost should be based on the income of the resident and suggested changing the policy. He stated the city was diverse and the policy should reflect it.
10. Helen Asadi, 4110 Foxglove Avenue North. Stated she was also a representative for IgboFest in the Nigerian Community and stated different cultures had come to speak up about the policy. She spoke about her Nigerian culture and asked the Council to be open minded and praised every culture. She stated a Council Member brought up limiting it to five caterers and that was not enough to represent all the cultures in Brooklyn Park. She stated she paid taxes in the city and the Council should consider making the policy open or potluck.
11. Mitree Manik, 5651 69th Ave N. Stated he was one of the first Liberians to move to the area and the city had changed. It had grown and more cultures had moved to the city and every day could interact with the different cultures. He stated the CAC and city hall was no different and when the city made it pricey, it kept people out and wanted the Council to face the challenge.

Mayor Pro Tem Parks stated the Council was not voting on anything tonight.

Facilities Manager Brad Tullberg stated the main purpose tonight was to give Council a background and status of where they were and options to consider. He stated that on the catering policies, the information was posted and when they spoke to the staff they did make exceptions here and there. He stated he wanted to make sure the catering was inclusive.

Council Member Gates asked if the policy change was for the Community Activity Center only.

Facility Manager Tullberg stated that was correct and there were no restrictions at the park shelters or Zane Center and there was an exclusive agreement with Edinburgh USA.

Council Member Gates stated the discussion from five years ago was the cleanup, the breaking down of the facility, and meant the city would need to put more safeguards and those costs would go into the rental rates.

Council Member Bob Mata asked if they were down to four caterers and asked if the city could add two more caterers.

Facilities Manager Tullberg stated he would take suggestion into consideration but emphasized the timeframe and would be better to decide on the policy.

Council Member Bob Mata asked if someone could come in and take the place for Town and Country. He stated Shoreview had eliminated the option of pot luck by removing the kitchen from their facility and asked if Brooklyn Park could do the same.

Facilities Manager Tullberg stated it was up to the council of having a licensed kitchen in their policy.

Council Member Bob Mata stated that could be a good idea but supported the open catering policy. He agreed with a deposit and the city could handle a policy and would like to see a change and be more open to the public.

Council Member Pha stated the community wanted more space and a space to have a diverse celebration. She stated the city was diverse and food was a very important part of the cultural celebrations. She stated the Council's decision would be affecting not only the residents but also businesses, clubs, and sport clubs. If the city had an open policy, they could use the space and the current policy was not intended to exclude people, but it did. She stated the Council should correct it and was a perfect time to do so. She stated in the last two years, individuals had mentioned that issue to her that different cultural events might need a specific dish or might be required, which eliminated them automatically. She stated to be mindful of the diversity in the city, and asked if they were meeting all the needs of the residents in Brooklyn Park. She stated it was a signal for a change, and gave her history as a refugee, and the importance of food and how it tied to her heritage.

Council Member Jacobson asked what it would look like to open it up and would like to see how much it would cover the costs. She stated she would vote for an open policy.

Mayor Pro Tem Terry Parks stated he would like to see an open policy.

Facilities Manager Tullberg stated it was helpful to have this session and how it was helpful to start making revisions on their current and future policies.

8.2 Discussion Regarding 93rd Avenue from Zane Avenue to Noble Parkway.

City Engineer Jesse Struve briefed the Council on 93rd Avenue from Zane Avenue to Noble Parkway. He gave a history of 93rd Avenue and stated there had been three studies since 2014. He stated residents had brought up concerns about the sections and talked about the existing road conditions, the existing pedestrian facilities, location map, and the considerations for the reconstruction of a roadway. He stated the safety between Zane and Noble, had zero crashes for the last five years, but from Regent to Noble, there were eleven. He talked about the concerns on the intersection of 93rd/Noble and the priority MNDOT/Hennepin County had deemed for the intersection. He stated his recommendation was a speed study should be completed on 93rd from Regent to Noble, request Hennepin County to participate in a future signal at 93rd/Noble in 2023, maintain an all-way stop at 93rd/Regent, prohibit on-street parking

on 93rd Avenue, future reconstruction of 93rd Avenue between Zane and Regent when capacity, safety or condition issues exceed standards.

Council Member Jacobson asked if the traffic was going to change after the housing was being built on 93rd Avenue.

City Engineer Struve stated once the area was fully developed they were estimating 9,000 vehicles per day and was currently at 4,200 vehicles per day.

Council Member Jacobson stated that on the alternatives to consider, the speed study was at zero cost and should do it and request Hennepin County to look at participating in a future signal installation. She understood there was some comment in the past about not allowing signals so close to another signal.

City Engineer Struve stated there were conversations about the distance between the two signals to TH610 and in the past mentioned they didn't want to see signals at that intersection. He stated that in current discussions with Hennepin County, they had been more open to that idea and was confident if the city wanted to pursue a signal at that intersection, Hennepin County would allow it.

Council Member Jacobson asked about the statistic of 11 car crashes at the intersection at 93rd Avenue and Noble and would be a good answer to get a signal there to avoid future crashes.

City Engineer Struve stated that was factored in their priority rating. If they took off the intersections associated with West Broadway and LRT, it was still rated third for a priority on what Hennepin County rated. He stated there were two intersections that were similar and had accidents associated with their intersections.

Council Member Jacobson stated that with the potential fact LRT might be pushed out two more years, asked if that would play into allowing those other projects to make it to the front.

City Engineer Struve stated they were currently anticipating the intersections on LRT, West Broadway, if that project went away, then that intersection would get pushed back. He stated they were already factoring in those intersections on West Broadway were going to be constructed with that project. He stated it didn't affect how they rated other intersections and how quickly they could get Hennepin County to get them in their CIP. He stated the two intersections rated before they were trying to get Hennepin County to do a cost participation were in 2021 and 2022 and hoping that intersection was in the 2023-2024 range.

Council Member Jacobson stated she read that Hennepin County voted to push out LRT two more years and asked that now that it was pushed out two more years if they could do tonight's project sooner.

City Engineer Struve stated it was always an option to get Hennepin County to participate in funding. He stated for those projects, they did have to go through their CIP process and right now, the soonest they would get on Hennepin County's CIP was in the 2023-2024 time frame for that intersection.

City Manager Stroebel asked how much would an intersection cost, what was the potential cost

share with the County, and if the City wanted to go forward with putting a signal at that intersection, would the County allow the City to do it if the City covered 100 percent of the costs.

City Engineer Struve stated a full system install was $300,000 and current participation from Hennepin County was 25%. He stated the City could advance a project if it did the full funding of the project but still needed Hennepin County's approval. He stated the City would not have to follow their CIP process and was just working with Hennepin County staff to get approval and to get it in advance. He stated the City could advance it if the City fully funded the project.
The following individuals addressed the Council:

1. Don Davis. He stated that 11 was not near the actual count because there was one two weeks ago in the morning. He disagreed with the 2040 prediction and predicted it to be a much higher number. He stated it was a good news/bad news situation. The good was business developments and residential was approved by the Council and was contributing to it. He stated 93rd Avenue was a limited alternative that workers in the area and residents had to get to west of Zane or Regent or east to Noble. He stated that on 93rd looking east of Noble there were a lot of homes, and going east of Noble, the speed was an issue with very heavy traffic. He stated a lot of it was attributed to the closing of Highway 169 this summer and most of it was complete and traffic had subsided to a degree. He stated Allina was willing to contribute $25,000 and thought that was a significant partnership and they too sensed the problem.
2. Collet Guyette-Hemphill, 9277 Trinity Gardens. She stated there were more pedestrians and joggers along 93rd Avenue. She stated when they did the four-day speed study in June, there were 3,048 cars going 55 mph or more. 2,500 were going 55 mph and that was a death sentence to a pedestrian or bicyclists, etc. She stated that until the road was done they couldn't put in a pedestrian area, which meant they would still be next to the cars and still end up dead. She stated they had two choices, they could ask the State to lower the speed and make it safer for those pedestrians that were sharing the roadway or finish off the road. She stated speeding at 30 mph to 40 mph, the pedestrians had a high likelihood of surviving, and the ones going 50 mph or more had no chance. She stated when TH610 was being negotiated and 93rd became a city street, it was not safe for police to pull people over and was still that way today. She stated their neighborhood was grateful to the police officers who put their lives at risk, especially this summer trying to get that road slower in speed and safer for everyone.
3. David Epding, 9228 Woodhall Bay. Thanked the Council for having a meeting prior to the Council meeting about 93rd Avenue. He stated staff did a nice job and was very informative. He asked the Council to look at one of the recommendations of no parking right away and was a low cost to do it and would be safe. He stated the problem was not going away and would get worse as the apartment buildings, townhomes, and assisted living came. He stated the speed was inconsistent and was the problem going from 40 to 50 and to 30 and no one realized it through that whole road. He stated it should be 40 mph all the way through and was only going to get worse.

Council Member Jacobson asked about the no parking signs at the cost of $1,000 and the timing of when could they do it.

City Engineer Struve stated they could go through process and initiate no parking signs and maybe have a public hearing and there were steps to issue no parking signs. He stated once

that process was through to get signs, the time to put them up was relatively short. He stated it just took a Council resolution to pass it and was not sure if a public hearing was required.

City Attorney Thomson stated he was not aware of a public hearing for no parking signs and would check on it but it was a matter of the Council approving it.

City Engineer Struve stated he would work with the City Attorney to clarify it if the Council was in favor of moving forward and would bring it to the Council at a future meeting.

Council Member Jacobson asked what the process was for bringing that forward and if the Council needed two Council Members who wanted to bring it forward on an agenda.

City Manager Stroebel stated tonight's meeting was about getting general direction from the Council and needed to have two Council Members to put it on the agenda to bring it to a future Council meeting to take action.

Council Member Jacobson stated she was interested in all the recommendations taking place. She was also interested in looking at a signal, even if it was in partnership with Allina and the city finding money somewhere to make it happen.

Council Member Bob Mata stated he would be second the Council Member to get the no parking signs on the agenda because it was imperative. He asked what would prohibit the city to put up speed zone signs that would reduce the speed limit despite what the County might say.

City Engineer Struve stated the State of Minnesota regulated speed limits on roadways. He stated if the 30 mph signs were put in between Regent and Noble without that speed study the concern they would have was if it enforceable without the speed study to back up the posted speed limit. He stated it could open up people with bringing the speeding tickets to court and fight them for the legitimacy on that roadway.

Council Member Bob Mata asked about having a speed limit to reduce it down to 15 mph by a school and if it had been done because of a speed study.

City Engineer Struve stated he would have to look into the rules associated with the school zones.

Council Member Bob Mata suggested telling the State the City was going to put the speed limits down to 40-mph in the 50-mph zone and enforce it because it was in the city's section of the road.

City Engineer Struve stated that State law trumped the local authority and had zero authority to do it.

City Attorney Thomson stated he understood the frustration, however, the prosecutor wouldn't be able to get a conviction on any speeding tickets because the defense attorney would find out about it. He stated that was one of the requirements that it was a lawfully properly posted speed and would be unenforceable and the city couldn't enforce it. He stated the police officers at some point wouldn't be able to issue tickets if they knew they couldn't get them prosecuted.

City Engineer Struve stated one recommendation was to go through the speed study process so they could review the speed limits.

Council Member Bob Mata stated that was already done and it showed they were going 13 mph over the speed limit in a 30-mph zone and 6 mph over in a 40-mph zone. He stated they already had the speed study done and asked why they could not use those numbers.

City Engineer Struve stated the city did not have the authority to change the speed limit and would have to go through a process to petition the State to do it.

City Manager Stroebel stated he needed clarification from the Council with regard to the speed study, on staff's recommendation from Regent to Noble. He stated Council also brought up interest on a speed study from Zane to Regent. He asked if there was a cost related to the speed study MnDOT would do. He asked Deputy Police Chief Bruley on his perspective on putting up speed signs that technically the city couldn't enforce.

City Engineer Struve stated they could look at the entire corridor for the speed study and didn't believe there was a cost, but if there was, it would be minimal and they would be able to fit it in the existing budget and could start that process.

Deputy Police Chief Bruley stated he had concerns of any type of enforcement on the fake speed limit. He stated they would never be able to prosecute it and envisioned officers getting involved in routine traffic stops and many times might go into significant criminal offenses where people were arrested. He stated if they were knowingly stopping people and detaining them falsely and that led into an arrest type situation, not only did they have some ethical boundaries to cross, they had some civil liabilities they would be taking on and not a good practice they wanted to put the organization in.

Council Member Pha stated there was a realist approach by petitioning MnDOT for the speed study and letting them know the position where the city stood, that the city wanted to reduce the speed. She stated if the study gave results they didn't like, they could petition them again and give reasons. She stated that approach had not been taken and did not think they would say no. She stated they did need the speed study on the entire area of 93rd Avenue and not certain segments. She stated that some might think that speed study would come back recommending a higher speed limit and she didn't believe it. She stated that anyone who thought going from 30 mph to 50 mph to 40 mph in that small segment did not make sense. She stated with the data they had and residents coming forward believed MnDOT would approve something for the corridor and made sure it was consistent around that corridor. She stated she would like to make sure they went forward with the speed study and make a strong recommendation for reducing the speed. She agreed with Council Member Jacobson that they did need no parking signs and would like it to come back to the Council for an actual vote and make sure that street was safe, especially for pedestrians.

Mayor Pro Tem Parks stated he knew they were talking about 93rd Avenue but they had the same issues on West River Road and Noble Avenue with speeding. He stated he would vote for the no parking signs on both sides of 93rd Avenue. He stated he appreciated the input from the residents and asked staff to bring that information back with current numbers. He stated two years didn't help because he had been hearing about it and drove west on Noble to 93rd to see what it was like and turned around to go back. He stated it took forever to get back on Noble

Avenue from 93rd Avenue at rush hour. He stated it was a bad intersection and would want to see a signal there.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Pro Tem Parks stated he attended a ribbon cutting ceremony for Kumon Learning Center by Festival Foods. He stated it was well attended and welcomed them to the city. He stated they were also asking for more teachers and if anyone liked to teach part time, to contact them.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel announced:

- Saturday, September 29, Operations and Maintenance Open House, 9 a.m. to 12 p.m.
- Tuesday, September 11, the developer for North Park proposed development south of 109th, east of Winnetka and west of Highway 169 was having and open house for a potential project. Will be at the Grace Fellowship Church from 6 p.m. to 8 p.m.
- September 13 is the first in a series of meetings on Arts on the Line along the Blue Line, celebrating our community art that would be going toward the Bottineau line. Will be held at the 63rd Avenue Park and Ride from 4 to 7:30 p.m.
- September 15, Brooklyn Park Lions Spaghetti Dinner and silent auction at the CAC; check out website for more details.
- Saturday, September 22, Brooklyn Park Rotary is having Beerfest fundraiser at the CAC from 2 to 5 p.m.; check out website for more details.

ADJOURNMENT – With consensus of the Council, Mayor Pro Tem Parks adjourned the meeting at 9:55 p.m.

_____
TERRY PARKS, MAYOR PRO TEM

_____
DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, October 8, 2018 Brooklyn Park Council Chambers
7:00 p.m. 5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Rich Gates, Susan Pha, Terry Parks, Mark Mata, Bob Mata and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Police Chief Craig Enevoldsen and City Clerk Devin Montero.

ABSENT: None.

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT – None.

2B PUBLIC COMMENT

1. Collette Guyott-Hempel, 9277 Trinity Gardens. Concerns with speeding continuing along 93rd Avenue and political signs in the right of way.

3A. MOTION GATES, SECOND PARKS TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH ITEMS 4.4 AND 4.5 PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION AND ADDING ITEM 3B3. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B1 Introduction of New Employees.

Operations and Maintenance Dan Ruiz introduced new employees to the Operations and Maintenance Department, Deputy Police Chief Todd Milburn introduced a new employee to the Police Department, and Recreation and Parks Director Jody Yungers introduced new employees to the Recreation and Parks Department.

3B2 Proclamation Declaring October 19, 2018 as “Dr. Yang Dao Day” in the City of Brooklyn Park.

3B2 Mayor Lunde read a proclamation declaring October 19, 2018 as “Dr. Yang Dao Day” in the City of Brooklyn Park.

3B3 Proclamation recognizing October 15, 2018 as National Pregnancy and Infant Loss Awareness Day.

3B3 Mayor Lunde proclaimed October 15, 2018 as National Pregnancy and Infant Loss Awareness Day.

4.0 MOTION GATES, SECOND PARKS TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEM: (Items 4.4 and 4.5 were removed for separate consideration.)

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-139 APPROVING REPAIRS TO THE ICE ARENA GEOTHERMAL PIPING AND TO AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE AGREEMENTS TO COMPLETE THE WORK.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-140 APPOINTING ELECTION JUDGES FOR THE NOVEMBER 6, 2018 GENERAL ELECTION.

4.3 TO SET NOVEMBER 13, 2018, AT 7:00 P.M., AS THE DATE AND TIME TO CANVASS THE RESULTS OF THE CITY GENERAL ELECTION AND SPECIAL ELECTION HELD ON NOVEMBER 6, 2018.

4.6 TO WAIVE THE READING AND ADOPT RESOLUTION 2018-141 TO APPROVE THE ISSUANCE OF A LAWFUL GAMBLING PREMISES PERMIT FOR PALMER LAKE VFW #3915 AT BLUE WOLF BREWING, LLC, 8515 EDINBURGH CTR DR N, BROOKLYN PARK.

4.7 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-142 APPROVING THE PURCHASE OF 150 MODEL 2000 VOTING BOOTHS.

MOTION PASSED UNANIMOUSLY.

Council Member M. Mata stated the project added an amount of $57,000, and the overage was $62,000 because there was a $5,000 failure to perform in there that they were taking back from the company who did the work. He stated that on the fifth bullet point on the front page of the RFCA, talked about the city paying someone an incentive to finish the job if they did the job correctly.

He stated he didn’t know they put contracts out there that said if they made the depth of the concrete or the depth of the tar to the correct depth the city was going to pay them because they did their job.

He stated that on the removal and replacement of trees at Park Haven Townhomes, asked how did they not know when they bid the job, that they would have to remove those trees. He stated if they were in the way, then they should have been removed, but since they were paying to put them back, he thought they were not in the way.

He stated that on the Traffic loop signals, thought those would be electrified and identified them underground before they dug them up or damaged them. He stated on how it was accidently done, was confused because that was the biggest dollar value in the $40,000 range that the city paid for that mistake. He stated he believed they were going to a camera model above stoplights for the purpose of not having worry about underground pads to change lights.

To have a motion that when someone pulled up, it turned quicker for them as opposed to waiting for the pad to pick up the signal. He stated that somewhere along the line, they were replacing them. He stated that if they were replacing four a year and didn’t know what the rate was, asked why they couldn’t just eliminate one of the other projects they were going to do and slide that already budgeted money over into that project because a mistake happened and they could cover it very easily.

He stated that on the retaining wall, it was a smaller dollar value, but if he was walking the project and saw the ramps would change the elevation and had to build a wall, stated those were things that should be known ahead of time and should not be coming back to the Council and asking for extras after the job. He asked how many motion detector lights were replaced a year to go with the motion type signal as opposed to underground.

Operations and Maintenance Director Ruiz stated that on the traffic loops and the motion signals, they didn't have a regular replacement program for the detection loops. He stated that was done when a construction project was done that might be warranted or if the traffic signal was being replaced. He stated they would not be able to do just one that would be regularly scheduled because they didn't regularly schedule those and that was why they needed to do one as part of the project.

He stated that on hitting the loops, that sometimes they were able to do mill and overlay projects at an intersection and it didn't hit the loops but sometimes it did. He stated when it happened where they had to replace them, then it became a change order. He stated they did not have contingency dollars in the road construction projects and was bid out for the work listed and done line item by line item. He stated that sometimes they were able to do that without any change orders and other times did have to adjust grading or something was hit. He stated things would come up that they had to change on the fly and bring it to the Council for approval, like tonight's project.

He stated that on the trees at Park Haven Townhomes, the original plan was to put in a sidewalk there and there was going to be fairly steep slope along the sidewalk, but it was still within reasonable specifications. He stated that meeting with Townhome Association, staff worked with them and got input on the berm and how things were going to be affected. He stated they asked if they could regrade part of that slope and by regrading it and not be as steep of a section by the sidewalk; it did require them to take out trees and replace them. He stated that was something they felt that anytime they were doing a project and can work with the adjacent properties in some way to get a better end product, they did that and that was the case in tonight's project.

Operations and Maintenance Director Ruiz stated that in terms of the whole scope of the project, it was in the Capital Improvement Plan, budget of $1.8 million. He stated that even with that change order, the net being $57,000, it was still $240,000 under the proposed budget.

4.4 MOTION M. MATA, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2018-143 APPROVING CHANGE ORDER NO. 1 FOR CIP NO. 4002-18, 2018 MUNICIPAL STATE AID (MSA) MILL AND OVERLAY. MOTION PASSED UNANIMOUSLY.

Council Member M. Mata stated item 4.5 had to do with a $120,000 expense for revamping the city's website. He stated he understood it would come with upgrades and people would be able to use it more friendly with mobile apps and other technologies. He stated he had been on other city websites including the city of Minneapolis and once on them he could go from where he was looking to getting back to it was easy. He stated that many websites were not user friendly and to pay $120,000 for advancements that would help the residents, other citizens outside the city, and other businesses to access the city's website easier, especially it was done in 2013 and now five years later spending $120,000 on a new website, he was not in favor of it. He

asked with the advancement if it was going to not save jobs and had no problems going with technology which would help with hiring positions. He stated the most expensive thing in the city budget was people and that was a cost that was never going to go down. He stated that someone could make a phone call to ask where the item was on the website and staff being able to give the instructions where it was or after looking at it little bit, they would find it. He stated that $120,000 for something that was five years old, the day they did the website there would be some new technology and would be out of date again. He stated there was not enough in there for him to say go to do the project and would not support it.

4.5 MOTION LUNDE, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-144 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RED ROKK FOR THE PURCHASE OF A WEBSITE DESIGN, DEVELOPMENT, IMPLEMENTATION SERVICES AND CONTENT MANAGEMENT SOFTWARE IN AN AMOUNT NOT TO EXCEED $120,000 PLUS THE ANNUAL STANDARD SOFTWARE MAINTENANCE COSTS AS DEFINED WITHIN THE AGREEMENT. MOTION PASSED. (6 TO 1) M. MATA VOTED NO.

5.1 City Engineer Jesse Struve briefed the Council on the Vacation of Drainage and Utility Easements over all of Outlot C, Villas of Rush Creek Trail 3rd Addition.

5.1 Mayor Lunde opened the public hearing to consider the Vacation of Drainage and Utility Easements over all of Outlot C, Villas of Rush Creek Trail 3rd Addition.

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 LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-145 VACATING DRAINAGE AND UTILITY EASEMENTS OVER ALL OF OUTLOT C, VILLAS OF RUSH CREEK TRAIL 3RD ADDITION. MOTION PASSED UNANIMOUSLY.

5.2 Finance Director LaTonia Green briefed the Council on the Proposed Special Assessments for Certain Delinquent Utility Bills, Weed Cutting Charges, Utility Invoices, Administrative Penalty Citations, Nuisance Abatement Charges, and Fire Inspection Fees.

5.2 MOTION LUNDE, SECOND PHA TO WAIVE THE READING OF THE PUBLISHED NOTICE OF HEARING ON PROPOSED ASSESSMENT FOR DELINQUENT UTILITY BILLS, WEED CUTTING CHARGES, UTILITY INVOICES, ADMINISTRATIVE CITATIONS, NUISANCE ABATEMENT CHARGES, AND FIRE INSPECTION FEES AND HOLD THE PUBLIC HEARING. MOTION PASSED UNANIMOUSLY.

5.2 Mayor Lunde opened the public hearing to consider the Proposed Special Assessments for Certain Delinquent Utility Bills, Weed Cutting Charges, Utility Invoices, Administrative Penalty Citations, Nuisance Abatement Charges, and Fire Inspection Fees.

Finance Director Green stated the following properties were appealed and asked the properties be removed from the assessments list to gather more information and bring it back to the Council on October 22.

1. Martha Yaynae, 8357 Newton Avenue
2. Everfind Services, 7801 Xylon Avenue
3. Kelly Johnson, 8925 West River Road
4. Farshid Naji and Leonard Naji, 8800 Hillswick Trail

Mayor Lunde stated that tonight they were going to continue the public hearing but only for those people who submitted a request tonight whether in person tonight or in writing in advance.

Finance Director Green stated that was correct and were taking the individuals that either sent in an email or showed up tonight asking for properties to be pulled and would provide additional information to the Council when they came back at the October 22 meeting. She stated they would make a recommendation for those properties as well as remove any customers that had come in and made those payments.

Mayor Lunde stated that tonight the Council would be approving the rest of items excluding the ones who appealed.

Finance Director Green stated tonight they would not be taking any action, but just pulling those items who appealed.

City Attorney Thomson recommended to adopt resolution for those who have not appealed and not being deferred for two weeks and then at that time they would come back with a separate resolution for those four to six properties.

He stated there was a motion to open the public hearing and it was the first motion of the Request for Council Action.

5.2 MOTION LUNDE, SECOND PHA TO WAIVE THE READING OF THE PUBLISHED NOTICE OF HEARING ON PROPOSED ASSESSMENT FOR DELINQUENT UTILITY BILLS, WEED CUTTING CHARGES, UTILITY INVOICES, ADMINISTRATIVE CITATIONS, NUISANCE ABATEMENT CHARGES, AND FIRE INSPECTION FEES AND HOLD THE PUBLIC HEARING. MOTION PASSED UNANMOUSLY.

5.2 Mayor Lunde opened the public hearing to consider proposed assessment for delinquent utility bills, weed cutting charges, utility invoices, administrative citations, nuisance abatement charges, and fire inspection fees.

5.2 The following individuals addressed the Council appealing their assessments.

1. Debra Walton, 9129 Hampshire Ave N.
2. Hassan Sheikh, 6409 83rd Court N.
3. Farshid Naji, 8800 Hillswick Trail.
4. Mahmoud Hasnawi, 7401-7405 Regent Ave N.

5.2 MOTION LUNDE, SECOND PHA TO CONTINUE THE PUBLIC HEARING FOR THE

AFFECTED PROPERTIES WHO HAVE APPEALED BY NOTIFYING STAFF TO OCTOBER 22, 2018. MOTION PASSED UNANIMOUSLY.

5.2 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2018-146 LEVYING TAX FOR DELINQUENT UTILITY BILLS, WEED CUTTING CHARGES, UTILITY INVOICES, ADMINISTRATIVE PENALTY CITATIONS, NUISANCE ABATEMENT CHARGES, AND FIRE INSPECTION FEES EXCLUDING THE PROPERTIES WHO HAVE APPEALED. MOTION PASSED UNANIMOUSLY.

6.1 Planning Director Cindy Sherman briefed the Council on the Rezoning and Plat #18-117 for 10 single-family association-maintained units northeast of 101st Avenue and Fallgold Parkway.

At 8:14 p.m., Council Member Mark Mata departed the Chambers.

6.1 MOTION JACOBSON, SECOND PARKS TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE REZONING 2.51 ACRES FROM DETACHED SINGLE-FAMILY RESIDENTIAL (R3) TO DETACHED SINGLE-FAMILY RESIDENTIAL WITH PLANNED DEVELOPMENT OVERLAY (R4B/PD) AT THE NORTHEAST CORNER OF 101ST AVENUE AND FALLGOLD PARKWAY. MOTION PASSED UNANIMOUSLY.

6.1 MOTION JACOBSON, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-147 APPROVING PRELIMINARY PLAT OF “VILLAS OF RUSH CREEK TRAIL 4TH ADDITION” SUBDIVIDING 2.63 ACRES INTO 10 SINGLE FAMILY LOTS AND ONE OUTLOT NORTHEAST OF 101ST AVENUE AND FALLGOLD PARKWAY. MOTION PASSED UNANIMOUSLY.

At 8:20 p.m., City Attorney Thomson departed.

8.1 City Manager Jay Stroebel briefed the Council on the Legislative focus for 2019.

At 8:21 p.m., Council Member Mark Mata returned to the Chambers.

Council Member Pha stated she supported the entire packet and supported the transportation infrastructure and the Blue Light Rail section. She stated she wanted resources for the youth with the county and state. She stated she supported the Affordable and Fair Housing and continued to advocate for it. On the Economic Development and Workforce Development funding, she wanted to see more opportunities.

Council Member Mark Mata stated the fiscal disparity would need work and increased Municipal State Aid (MSA funds) would be difficult to get. He stated that it would be important to go back into past costs and cut some things so that the city could use that money for the fees. He stated Youth Out of School Time was important. He stated it was important to keep them engaged in healthy activities.

Council Member Jacobson stated that on the poverty section, a lot of the funding went to Minneapolis and St. Paul and the state needed to acknowledge the needs in Brooklyn Park.

Council Member Bob Mata agreed to almost all the points, but disagrees with the Blue Line Rail, and urged to put hold on the project. He recommended seeking regional and state funding, but

should put it on a hold until the railroad company came back and negotiated.

Mayor Lunde, stated 101st Avenue was about other developments, not just Target Corporation. He stated the poverty programs and the programs/grants that were started and how they could be exclusive for a certain non-profit. He stated that non-profits were having issues and how funding from grants were contributed incorrectly. He stated statistics on the population growth of Brooklyn Park and how transportation was going to be affected and things should change at a state level. He stated that North Metro Mayor's Association was at the Capitol protecting the funding, the weekend prior to the meeting and they protected $4 million for the City of Brooklyn Park.

City Manager Stroebel stated in 2018, the DMV challenges and the technology change challenged the staff and the residents and would like to see advocacy for improvement in the DMV and that could be something to consider in 2019. He stated for 2019 was adding 109th Avenue as an area to update discussion with the state and the other cities.

Council Member Parks stated that safety and customer service was his focus and agreed with the DMV statement. He stated he would like to see more with the DMV and some relief of the funding for that department. He stated the Highway 252 projects were moving quickly and he approved the packet.

Mayor Lunde stated that on the DMV, people might not realize that the city's staff at the front desk would do services like helping the elderly, or anyone with physical disabilities, who couldn't stand and wait to drop off their information, and staff would renew their tabs and they would come back next day. He stated that because the DMV software was terrible, staff couldn't do that anymore because they wouldn't know if the software would kick out a question and they could no longer offer that service. He stated that service was gone now and never showed up in the software that the staff was going above and beyond to offer something to make it easier for those people. He stated with the software being horrible, they stopped offering that service where people appreciated it and it wasn't until it was gone that people realized that most places didn't do that and the staff knew they could do that because they knew how the system worked. He stated that was a loss and a lot of the centers that did something to make it easier for people evaporated.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Bob Mata stated Metro Blooms supplied plants and Council Members went to the garden plots at Autumn Ridge.

Council Member Pha stated the garden plots at Autumn Ridge and many companies and community members had come out and volunteered at the garden plots. She stated they wanted to see more events like what happened.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel thanked staff and Council Members for attending the Fire Department Open Houses.

He stated other events to be held were:

- Saturday, October 13, Special Materials Drop Off day, from 8 a.m. to 3 p.m. at the Operations and Maintenance Building, 8300 Noble Avenue.
- Fall in the Farm at Eidem Farm, 12 to 3 p.m.
- October 17, Employee Recognition Event, 11:30 a.m. to 1 p.m. at the Community Activity Center.

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

_____
JEFFREY JONEAL LUNDE, MAYOR

_____
DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Tuesday, November 13, 2018 Brooklyn Park Council Chambers
7:00 p.m. 5200 85th Avenue North

CALL TO ORDER – Mayor Pro Tem Terry Parks

PRESENT: Mayor Pro Tem Terry Parks; Council Members Susan Pha, Mark Mata, Bob Mata and Lisa Jacobson; City Manager Jay Stroebel; Assistant City Manager Wokie Freeman-Gbogba; City Attorney Lizzy Brodeen-Kuo; Community Development Director Kim Berggren; Finance Director LaTonia Green; Deputy Police Chief Todd Milburn and City Clerk Devin Montero.

ABSENT: Mayor Jeffrey Lunde (excused) and Rich Gates (excused)

Mayor Pro Tem Parks opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT – None.

2B PUBLIC COMMENT – None.

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

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B1 Introduction of New Employees.

Assistant City Manager Wokie Freeman-Gbogba introduced Camille Hepola as a new employee to the Administration Department; Deputy Police Chief Todd Milburn introduced new police cadets to the Police Department.

3B2 Proclamation Declaring November 24, 2018, as Small Business Saturday in the City of Brooklyn Park, Minnesota.

Mayor Pro Tem Parks read a proclamation proclaiming November 24, 2018 as Small Business Saturday in the City of Brooklyn Park, Minnesota.

3B3 Interview Applicants for the Community Long-range Improvement Commission and Human Rights Commission.

Mayor Pro Tem Parks and Council interviewed applications for the Community Long-range Improvement Commission and Human Rights Commission.

4.0 MOTION M. MATA, SECOND B. MATA TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS:

> 4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-157 APPROVING A SUBGRANT AGREEMENT WITH HENNEPIN COUNTY FOR JUSTICE ASSISTANCE GRANT (JAG) FUNDING.

MOTION PASSED UNANIMOUSLY.

5.1 Public Hearing for the Stormwater Pollution Prevention Plan (SWPPP).

City Engineer Jesse Struve briefed the Council on the Stormwater Pollution Prevention Plan. He introduced Meghan Litsey, WSB and Associates and she briefed on the plan.

5.1 Mayor Pro Tem Parks opened the public hearing to consider the Stormwater Pollution Prevention Plan (SWPPP).

The following individuals addressed the Council – None.

5.1 Mayor Pro Tem Parks closed the public hearing and returned the item back to the table for consideration.

5.1 MOTION JACOBSON, SECOND PHA TO REVIEW THE CITY OF BROOKLYN PARK'S STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND RECEIVE PUBLIC COMMENTS. MOTION PASSED UNANIMOUSLY.

7.1 City Clerk Devin Montero briefed the Council on the November 6, 2018 General City Election and Special Election.

7.1 MOTION PHA, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2018-158 CANVASSING THE GENERAL ELECTION HELD ON NOVEMBER 6, 2018.

7.2 Recreation and Parks Director Jody Yungers briefed the Council on the cell tower lease amendments and extensions.

7.2 MOTION B. MATA, SECOND M. MATA TO WAIVE THE READING AND ADOPT RESOLUTION #2018-159 APPROVING NOBLE WATER TOWER (T-MOBILE) AMENDMENT AND TO GRANT AUTHORITY TO THE CITY MANAGER TO EXECUTE THE SIX OUTSTANDING PROPOSED CELL TOWER AGREEMENT AMENDMENTS. MOTION PASSED UNANIMOUSLY.

7.3 Community Engagement Manager Josie Shardlow briefed the Council on the Community Events and Initiatives Partnership Policy.

Council Member Jacobson stated on the Partner Role of the City, talked about refreshments and food and could mean a lot of things. She asked if they had a budget specifically for it, if there was a limit on each event, if it was a per head amount that was assessed they knew about and how they set the budget. She stated that could be a significant expense.

Community Engagement Manager Shardlow stated the city and the other community groups were equal at the table planning the event together. She gave an example, the Community Forum on Race where they partnered with the school district and other community groups. She stated those bigger events like that, they budgeted for it ahead of time. She stated it was a subjective policy and had to run through the approval factors and figure out the level of partnership or available funds for that event. She

stated it also depended on how the event would help reach city goals and also how much budget the city had for the event. She stated it was not common that they were getting a per head amount. She stated another example was the Think Again Brooklyns partner. when they had a forum that aligned with city goals, they provided pizza and the cost was small. She stated it was good leveraging for the city because they didn't have to plan that forum.

Council Member Jacobson stated that on Section E, it said "the following are required for a partnership to be considered" and said "nonpartisan." She stated that was a huge conversation with the elections and asked who decided what was partisan and nonpartisan because that seemed very subjective.

Community Engagement Manager Shardlow stated they consulted with city attorney, city clerk, city manager or sometimes with Council Members if there was a question about it.

She stated it would be part of the vetting process when receiving an application. If there was a question about being partisan or not, they would bring it to them. She stated it was a subjective policy and how it was currently done. She stated they were just trying to put the past practices to paper so everyone was all on the same page.

Council Member Jacobson stated she was not sure that was solved through the policy and concerned her. She stated she received a question from a constituent about a political event was told that group was paying for the space, but she saw other events where groups were not paying for the space which appeared to be as political as the other event. She stated she wanted that part to be looked at and made tighter.

Council Member Pha stated the policy was more detailed, well thought out and had a lot of input from many different people the from community and was glad to see it come to the Council for adoption.

7.3 MOTION PHA, SECOND JACOBSON TO APPROVE THE COMMUNITY EVENTS AND INITIATIVES PARTNERSHIP POLICY.

Council Member M. Mata asked about Section E and Section F, under "Required." He stated Council Member Jacobson asked about the nonpartisan issue. He stated he couldn't support the policy until he knew how they were going to make it happen.

He asked about an organization partnering with the city and on the day of the event, they found out different things and happened to be a Saturday or 5 p.m. when staff went home. He asked who was going to make sure they revoked and denied the partnership and the city pulling out because of what just happened.

He stated there needed to be teeth in the policy to stop some of those things to make sure the City wasn't a part of it.

He stated it was is a nice policy but there were a lot of areas that could be interpreted differently. He stated he would like to see "Open to the Public and welcomed." He stated that "Open to the public" didn't mean all were welcomed. He stated that "is free or low cost," it should be a free event if the City was a partner.

On “aligns with one or more of the *BP 2025* community goals,” thought he could take anything that could come to the city and want an event and he could make it align with one of the goals because there were so many goals they wanted to do.

On “does not promote any religion,” stated he could come to the City and have an event and at 6:00 p.m. at night they then start promoting it. He asked how they were going stop it and couldn’t because the City was already involved. Then the interpretation of that was the City supported it, promoted it and endorsed it.

He stated there was not a lot of teeth on how they could shut it down if someone asked the City to partner with them. He stated it was the image of the City and had to make sure it was done right.

In Section F, Denial/Revoking a Partnership, asked who was going to deny it. If he was at an event as a Council Member and felt it was incorrect, it became very difficult to deny it at that point.

7.3 MOTION M. MATA, SECOND B. MATA TO TABLE THE ITEM AND TO COME BACK TO THE COUNCIL ON INPUT OF THE CITY’S ABILITY TO PUT SOME TEETH INTO IT AND REMOVE THE FOOD.

Council Member Pha stated there had been to a lot of community meetings hosted by TAB, other organizations, by staff and some of the partnerships they did with the city. She stated she saw value in it and thought when people applied for a partnership with the city, staff took their word. She stated she often saw staff go to those meetings and was not just the community. She stated that if they saw they were not doing what they were supposed to do at the event, Council would know and the the next time they applied, they would not partner with them. She stated she had yet to see a concern on the events she had attended.

She stated that if they saw someone not doing what they were supposed to do, they could revoke that partnership and was why she liked the policy because it stated it very clearly that the city had the right to revoke it where before they didn’t have a policy that said if not abiding by it, the city could revoke the partnership. She stated that without approving it was concerned they were not going to have a policy to enforce. She stated she would still vote for the policy to be implemented.

City Manager Stroebel stated that part of the city’s work and working toward advancing the community goals was in partnership with a number of community partners and appreciated those partnerships whether it was the school district, community college or community-based organizations. He stated those partnerships were critical to the city and there were situations where the city was asked to partner, and staff was put in an uncomfortable position of trying to make a decision if it crossed lines that had been blurry in the past. He stated they were trying their best to advance the partnership that helped take out some of the gray area. He stated it would be difficult to remove all of it as the policy stated it often time ended up with the city manager around if it was crossing the line where they felt some of those areas might be exceeded. He stated the policy didn’t remove all of it or made it clear in black and white and recognized the points made by the Council. He stated that in regard to some of the foods thought the easiest way to address concerns with foods was through the public expenditures

policy. He stated that was something they would look at when they brought forward the procurement manual back to the Council in the first six months of 2019 requested by the Council. He stated that policy outlined what instances city funds could be used to purchase food or beverages.

Mayor Pro Tem Parks asked if the food they ordered for the groups was it in the budget. He stated he had been to a few of those meetings where food had been donated by businesses around town.

Community Engagement Coordinator Shardlow stated it was rare they purchased food for another organization and was basically for a city event. She stated if the City did provide food, it was budgeted and complied with the public purchase expenditure policy.

Council Member Jacobson stated they were missing the Mayor and one Council Member and thought they ran the risk of it failing without another version coming back to the Council. She stated that under Refreshment and Food section maybe having parenthesis: “See the Policy” could be added and have more detail around it. She stated that on the nonpartisan issue, maybe put in there what the process was, who determined it just so that the community knew what that meant. She stated it might mean different things to different people. She stated she feared it would not pass anyway and was wondering if it could come back to the Council with small tweaks and clarity on things and that might make difference for it to pass.

Council Member Bob Mata thought it needed more teeth in it. He stated he had been to several meetings the city had that ended up being political rallies for a political party. He stated there were too many people in the city that didn’t have an idea what nonpartisan meant. He stated that had been very evident in the last election for a nonpartisan city there was a lot of partisanships going on. He agreed to table it and come back with something with teeth in it then maybe it could pass.

Council Member Jacobson asked how soon the policy could be brought back to the Council and it was important to get it in place.

City Manager Stroebel stated there were still a few meetings and envisioned bringing it back on December 3 or December 10 of this year.

Mayor Pro Tem Parks appreciated what staff had done. He stated he had been to a lot of meetings that were nonpartisan and were put on by a certain group that was considered partisan and didn’t see it at any of the meetings. He stated he liked the way it was and agreed with adding more and tweaking it and would like to have all seven Council Members present for more discussion.

7.3 THE MOTION TO TABLE THE ITEM PASSED UNANIMOUSLY.

7.4 Parks and Facilities Manager Brad Tullberg briefed the Council on the parameters to develop the Community Activity Center Catering Policy.

Council Member Jacobson stated she saw language around developing the catering policy and another language around revising the catering policy. She asked if there was a full written catering policy or only the part of the policy around those caterers must be used.

Parks and Facilities Manager Tullberg stated there was not a specific CAC catering policy. He stated the parameters existed around the contracts that were in place and they were part of the room rental agreements. He stated it would develop the CAC policy based on those parameters and would be partnered with their room rental policies as one packet.

Council Member Jacobson stated when they had a wedding there, they were required to have a licensed police officer because they were serving alcohol and had an hourly cost. She asked if that was going to remain the same.

Parks and Facilities Manager Tullberg stated it was not going to remain the same and they would be working with the Police Department to set the rate based on the information they provided to them.

Deputy Police Chief Milburn stated it might increase depending on the contract for the officers in a given time. He stated it depended on when the next contract was settled, and if there was an agreement on the rate it would increase and would not expect it to be significant.

Council Member Jacobson suggested adding it to the policy. She stated it was an added expense if they were having an event. She asked about the damage deposit, if it was the same amount for both rooms because those rooms differed in the amount of carpeting. She stated the fee to rent those rooms differed and asked if the damage deposit was the same.

Parks and Facilities Manager Tullberg stated yes and based on if it was a potluck or different thresholds there. He stated they the damage deposit would be same and the capacity in the Grand Room was 350 and the Garden View room was 250, relatively similar, but if they were at full capacity in both rooms, it was a significant risk there.

Council Member Jacobson stated with the damage deposit, it could be a financial hardship for people. She asked if they were taking a check they were going to hold and not cash unless there was damage done or were they putting it on a credit card that they didn't process. She stated that coming up with that kind of money could be a hardship off the top.

Parks and Facilities Manager Tullberg stated they processed that damage deposit based on their financial policies. He stated people put it on a credit card and it was more effective to return the damage deposit and processed quickly on a credit card than having a check processed and mailed back to them.

Council Member Jacobson stated she had another concern, was the preferred catering policy making a commission. She stated that additional money was coming from the caterers and now raising the fees and charging additional money was coming from the residents. She stated she was also interested to know with opening it up to any licensed restaurants or caterers, if they were able to provide some type of PR materials, whether that be a list of Brooklyn Park specific restaurants and caterers to help the city's own businesses rather than businesses in other communities.

Parks and Facilities Manager Tullberg stated they talked about what they could do and how to maintain that list. He stated they wanted to be fair in how they promoted businesses and would maintain a list of interested businesses who were willing and able to cater events at CAC.

Council Member Jacobson stated she was interested in having a pilot phase with some type of time frame to pilot it for all parties and not just for the city but for the people who were going to be renting the space, bringing food and using the catering. She stated they might find it might need some tweaks. She asked how long it would take in coming back to the Council if it was a simple tweak whereas if it was pilot phase, it could be on the agenda and they could say it was great or this part didn't' work and could be changed. She stated it took us so long to get back to a place where they could even talk about removing the caterers that had contracts for several years, which tied our hands, and was looking for ways to not tie the Council's hands and give it a try for all parties.

Parks and Facilities Manager Tullberg stated they could pilot it. He stated they were constantly evaluating their operations on how things were working, especially with new policies and procedures. He stated they could put a time frame on it to have a six-month check-in or a year check-in. He stated his preference would be six-month check in starting May 1 and check and report back to the Council if things were going great or if there were hiccups.

The following individuals addressed the Council:

1. Hassanen Mohamed, 6589 Douglas Dr. N. He stated he rented rooms for his community in School District 279 for religious gatherings and didn't pay deposits. He stated they were billed and he paid the bill. He stated they had the same kind of potlucks and had done it for years. He was against the policy presented tonight with having three tiers. He stated the second tier said 150 or more and would need to have a combination of commercially prepared or potluck. He suggested making it two tiers, one for people who had a caterer and wanted to use the kitchen and could pay the $250. The other group, if they wanted to buy from the outside or have a potluck they could do it. He stated they shouldn't limit the people to 150 because the capacity in those rooms were 250 and 350 and didn't need to monitor them to see if they had 150 people coming in to an event. He stated the other thing was looking at affordability and accessibility and those went hand in hand. He stated with the deposit of $600, there were other places they invited the Council to their events and they didn't pay a $600 deposit. He stated the next Council Member who was African descent would be invited many times to different places, like New Brighton, Maple Grove, and Hopkins for events. He suggested reducing the $600 deposit to $200 for Brooklyn Park residents and if the Council wanted to charge non-residents higher prices, he was fine with it. He stated that over the three years, he has had events at the School District 279 and Maple Grove and had never been charged a deposit for any damage that had happened.

Council Member Mark Mata stated he liked the policy because it gave people an opportunity to bring in their own food because in the past they went with a list of caterers. He stated with the diversity in the city, it limited what they could do there. He stated he was going to ask for revised policy in six months with details and data and Council could stop it, change or add to it anytime because it was a policy.

He stated the different levels were confusing and liked to see the damage deposit be at $1,000 because anyone renting room should have a credit card, like organizations and businesses, when they were doing things like it.

He stated they would have something that was tangible to bill and could bill it the day of and

was inspected that night by staff or the next day and credit it back. He stated the $300 or $600 damage deposit could add up quick. He stated they were not allowing to have someone in the kitchen in the back to go back to the sinks and dump things in there and the opportunity was increasing now to do that.

He didn't think it was a hardship for someone to write out a check or use a credit card. He stated for someone getting married, they would have to put a down payment on a church. He stated it was to cover the city because things happened during events.

He stated the example about the school district not charging, that was the school district, but who paid for it were all the taxpayers in the school district. He asked why should they force the citizens to bear the burden for a group that came in to use it and made a mess. He stated sometimes the damage deposit could be more than $1,000 and the City would never collect it later down the road. He stated if it came back that a lot of questions were asked on the damage deposit that was the pilot area to say what would work. He stated it was his job to protect the city's assets and there was no guarantee it was residents of the city who were going to every event in the city.

Council Member Pha agreed to promote the city's restaurants with a giving out a list because there were about 84 in the city. She agreed the Council should review the policy and any time trying something new it was good to review it and see where they could make improvements or changes. She thought six months might be too quick because they didn't implement it until May. She stated in a year they could come back and review it and give them time to put it in place. She stated she would advocate for a lower deposit because sometimes deposits were a barrier for people to access space, but understood that unless people had deposits, they might not have any investment in it where they would lose something if they didn't take care of the facility. She stated that maybe a year from now when it was reviewed if they didn't have incidents or issues with people damaging the facility to consider lowering it, or if they were having issues, they could increase it. She stated many people in the community had asked for the change for many years and was glad today they were at a point where they were discussing it and going to implement something. She thanked all community members who came out to meetings and gave input and ideas because it was something that came out of the community and was a change. She thanked the Recreation and Parks Advisory Commission for all their work, staff, and knew it was a lot of time to meet with different community members and stakeholders. She stated she supported the policy and a lot of community voices had gone into it.

City Manager Stroebel asked how the deposit worked, i.e., if someone reserved it in six months for a wedding reception, would they give the deposit at the time when signing the contract and the CAC was holding the deposit for six months or did they ask for the deposit closer to the actual time of the wedding reception.

Parks and Facilities Manager Tullberg stated the damage deposits were handled closer to the event. He stated they did run into issues with credit cards being changed and often times it was advantageous for them to collect it closer to the event and was easier to put it back on their card when the event was over. He stated they ran in advance of the event and not the day of because if someone had a card that was bad, it was difficult to track it down and did it 7 to 14 days in advance of event.

Council Member B. Mata stated if there was a problem with it as they started to implement it to

come back to the Council right away and not wait six months or a year and tell Council there was a problem, it was not working, and needed to reevaluate it and change the policy. He stated if the reason was that the damage deposit was not enough and had to replace carpets, replace walls, or lights, because damage deposit was not covering the damages to increase the deposit. He stated if they were seeing they were not collecting any damage deposits and giving it all back and all seemed to be fine, maybe they didn't need to collect as much.

Council Member Parks stated $600 was not a large number and he was a member of many organizations in the area and they had higher damage deposits. He asked if they charged $600 and find out later there was $1,000 worth of damage, how was that taken care of.

Parks and Facilities Manager Tullberg stated the damage deposit would not be refunded and they were billed for any additional damage.

7.4 MOTION PARKS, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2018-160 TO APPROVE PARAMETERS TO DEVELOP THE COMMUNITY ACTIVITY CENTER CATERING POLICY EFFECTIVE MAY 1, 2019.

7.4 MOTION M. MATA TO AMEND THE MOTION THAT THE DAMAGE DEPOSIT BE $1,000. THE AMENDMENT TO THE MOTION FAILED DUE TO A LACK OF A SECOND.

7.4 THE VOTE ON THE MAIN MOTION PASSED UNANIMOUSLY.

7.5 Finance Director LaTonia Green briefed the Council on the resolution adopting a schedule of fees and charges for various services, licenses and permits for the City.

The following individual addressed the Council:

1. Hassenan Mohamed, 6589 Douglas Drive. He questioned the picnic pavilion at a 150-person capacity and the new fee of $200, on page 5. He stated he invited Mayor Pro Tem Parks to one of their events at the Centennial Park gazebo that holds 250 people and paid $150 and the deposit was $100. He stated now the residents were renting in other cities and not using the facilities in the city because they were not affordable. On page 13 for Zanewood, stated four years ago they couldn't find a place for prayer, so he rented space at Zanewood for $50 per hour and the congregation eventually moved out and returned to a larger space in Brooklyn Center that was $150 for three hours.

   He stated the City was now increasing fees for four hours from $200 to $300 and was a 50% increase. He stated a lot of people who rented Zanewood were not the type that would rent at the CAC and they were closing down the market for people using it.

   He stated that the fees for people who did not pay utility bills, used to charge them $50 after certification and the proposed budget is charging them $15 for a late notification and $35 if they did not come and contest it and got certified.

   He stated that looking at the notification numbers sent last year, it was 3,525 and if calculated by $15, they would be making $52,875. 2,097 of those paid and 1,428 would be assessed $35 and that would total $49,980 with total of $102, 855. He stated that on a usual amount for the 3,528 they sent the notices to, 1,428 were assessed and got

about $71,400. The difference of change with the $15 up front and $35 was making $31,455. He asked who the people were paying the $31,455 to and were they the people who were not able to pay the bill when sending late notice. He stated that not only were they charging them $15 initially, they charged them 10% on the bill too. On the water bill, it said if they didn't pay by a certain time, they would be charged 10% of it. He stated they were going to force staff to come back next year and tell the Council that they were creating a revenue of $31,455 on the backs of poor people. He suggested that staff go back and find other ways of making money and not on the backs of the poor people.

Council Member M. Mata stated he did some comparisons of the golf course executive nine with Centerbrook, New Hope and Eagle Lake, all par 3s and set up differently. He stated that looking at the fee structure on page 15, golf cart rental, he would like to see that at $15. He asked Mayor Pro Tem Parks if he should make the motion and then do amendments after it.

7.5 MOTION M. MATA, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2017-161 AMENDING FEE RESOLUTION #2000-202 ADOPTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES, LICENSES AND PERMITS FOR THE CITY OF BROOKLYN PARK, MINNESOTA.

Parks and Facilities Manager Tullberg stated it was $19 per person for a cart at Edinburgh and was 18 holes compared to Brookland at 9 holes.

7.5 MOTION M. MATA TO AMEND THE MOTION TO CHANGE ON PAGE 15, THE GOLF CART RENTAL FEE TO $15 FOR THE FIRST ROUND AND STRIKING OUT PER PERSON AND REMOVE THE $10 PER PERSON FROM THE SECOND ROUND.

He stated what he was doing was that right now it was $10 per person for the first round of golf and he was making that $15 for the cart. He stated that two people could only fit in it and was making that $15 and striking out the $10 per person for the second round.

Recreation and Park Director Yungers stated it was not 18 holes and was nine holes and the bookends of golf. She stated they were trying to get people to grow the game and make sure people that couldn't play 18 holes anymore played. She stated the number one user of the golf carts at Brookland were the seniors. She stated they wanted to keep them active and that was the way for them to do that. She stated he was doubling the rate of the game between the entrance fee and cart and did not recommend jumping by almost a 50% increase for the cart rental.

Council Member M. Mata stated that if they were trying to get seniors to golf asked why they did not have a senior discount for the cart rentals.

Recreation and Parks Director Yungers stated they did not have a cart differential rate for seniors at Brookland.

Council Member M. Mata stated that most people who play golf were in pairs and he just reduced the rate from $20 to $15 dollars. He stated that was well within the $16 charged at Centerbrook, $14.91 in Eagle Lake and $13 per adult for New Hope. He stated his number was in the middle.

Parks and Facilities Manager Tullberg stated it would end up with a per person rate at Edinburgh and Brookland. He stated it was effective at Brookland for the senior leagues, and women's leagues that there might be one person interested in a cart and making it affordable for them at $10 per person instead of $15 whether one or two had been effective strategy for them.

7.5 THE MOTION FAILED DUE TO A LACK OF A SECOND.

7.5 MOTION M. MATA, SECOND B. MATA TO AMEND THE MOTION TO CHANGE ON PAGE 15 FOR THE SECOND ROUND OF GOLF TO $9 AS OPPOSED TO $5.58 PLUS TAX.

Council Member B. Mata asked if they could charge $10 for the cart and if they did do per person do $10 for the cart and $5 for the second person. He stated they would now have $15 coming in cheaper for everyone involved and getting more seniors out. He thought they could do better because that was $20 per cart to put two people on the cart and was for 9 holes and another $20 for another 9 holes.

Council Member Pha asked if there were any potential issues to the increases they could anticipate.

Parks and Facilities Manager Tullberg stated that potentially it would deter people from playing second rounds. He stated most people played Brookland because it was a 9 hole course and could play 9 holes and be done. He stated there were a few that would play another round if it was a nice day. He stated he would have to find out the number of rounds impacted and how significant that impact would be and couldn't seeing it being a significant impact either way.

Council Member Jacobson suggested she was not comfortable raising it to $9 but would be comfortable rounding it up to $6 instead of $5.58.

Mayor Pro Tem Parks called for a roll call vote.

7.5 THE MOTION FAILED ON A ROLL CALL VOTE AS FOLLOWS: YES – B. MATA, M. MATA; NO – PHA, JACOBSON, PARKS.

Council Member M. Mata stated that under Fire Protection and Prevention Services Fees, on Page 5, Daycare License Fee, that Council had a memo that said the deputy fire marshal was getting numerous requests from commercial daycares. He asked for a number on what they meant by numerous. He stated to him it was 20.

Fire Chief Cunningham stated that year-to-date they had four.

Council Member M. Mata stated that if it was four, didn't see that as something they should be charging for. He stated there were certain business in the state that required them to have someone of a certain licensure and go and do the inspection once when they first opened. The state fire marshal's office did not require them to have subsequent inspections. It was just that one upon the initial inspection. He stated that in the situation presented tonight, if the city did not provide that level of inspection, the state fire marshal would come out and do it for that business for free. He stated he knew they charged schools for it but didn't know they charged commercial.

Fire Chief Cunningham stated the fee schedule was set in state statute that the state fire marshal office charged $50 and was set in their language. He stated the municipalities had the local authority and ability, training and process in place to do the inspections on behalf of state. He stated they also had the ability to charge the fee which was included in the resolution to be in line with state statute and what the state was charging.

Council Member M. Mata stated he was going not make an amendment to the motion. He stated his reasoning was because there were so many businesses in the city that opened themselves up and they paid taxes to the city. He stated the daycare centers were not a nonprofit, it was a tax-based organization that would come to the city and they had to pay an extra $50 for what other businesses who opened up, like a restaurant coming to the city, where the Fire Department would still go through and do the inspection and there were no additional charges for anything other than schools or commercial licensed daycare facilities. He stated the same benefit was afforded to other businesses in the city that was not being afforded to a commercial licensed daycare center. He stated in the past years, it was a zero-dollar value and were talking no more than $200 in total revenue for the four that came this year.

7.5 MOTION M. MATA, SECOND B. MATA TO AMEND THE MOTION TO REVERT TO LAST YEARS DOLLARS TO ZERO FOR THE DAYCARE LICENSE FIRE INSPECTION. THE MOTION FAILED (2 TO 3). COUNCIL MEMBERS JACOBSON AND PHA AND MAYOR PRO TEM PARKS VOTED NO.

Mayor Pro Tem called for a roll call vote on the main motion.

Council Member M. Mata stated he would like the main motion repeated since it was a roll call vote to do it again. He asked if it was the amendment they were voting on or if it was back to the main motion that was on page 1.

Mayor Pro Tem Parks stated they were going to the main motion and didn't know of any other amendments on the floor.

Council Member Pha stated she thought the fees for picnic pavilion were too high, on Page 5, second chart. She stated the city charged $200 rental for residents and would only speak about the residents' fee and the $300 deposit. She stated that was $500 just to use the outdoor picnic pavilion that she saw empty quite a bit. She stated she saw people using it and just not reserving it because when it was empty, then anyone could use it without reserving it because it was too high.

She stated she would like to see where they could charge a fee that was affordable to reserve it and use it. She stated that $500 said the City didn't want them to use the pavilion in the park and it should be accessible to everyone. She stated the fee needed to be reduced and the deposit needed to be reduced. She asked why it was so high.

Recreation and Parks Director Yungers stated it was in line with what was happening around the city in other park systems. She stated it took cleaning and maintenance and also had park service attendant that went around and checked the garbage and toilet paper. She stated those were services included and in no means covered the costs for operations and maintenance of the facilities but was a choice they could make. She stated they would have to do some

adjustments to the operating budget and would have to get back to Council on what that impact might be depending on the rate being recommended.

Council Member Pha stated the outdoors spaces were a lot different than indoor spaces. With the indoor spaces, they could control who used them, and didn't because they locked the door and no one else could go in. She stated those were outdoor spaces and saw them being used whether reserved or not, and clearly people could see it was empty but cost so much to reserve.

She stated she would like to propose an amendment to reduce the fees from $200 to $150 and the deposit from $300 to $100. She stated the deposit was a big barrier for people, whether or not people were reserving it, they were using it anyway. She stated she would rather them go through the city and reserve It.

7.5 MOTION PHA TO AMEND THE MOTION TO INCLUDE THAT FOR THE 150 PERSON CAPACITY, BE REDUCED FROM $200 TO $150; FROM 60 PERSON CAPACITY, REDUCE $100 TO $75; FROM 50 PERSON CAPACITY, LEAVE AT $50; FROM 40 PERSON CAPCITY LEAVE AT $25; AND FOR THE DAMAGE DEPOSIT FOR ALL ACROSS BOARD ON ANY PAVILLION RESERVATION THAT IT BE $100 AS FLAT SECURITY DEPOSIT NO MATTER WHAT THE CAPACITY IS.

Recreation and Parks Director Yungers clarified on the $300 refundable damage deposit with the larger capacity of 150. She stated that was related to a prior action Council took related to amplified sound and insuring they were compliant with using the sound system they provided, that had been sound tested and that was a big process they went through. She recommended they held on to that deposit because that was closely associated to equipment they distributed to get it back.

Council Member Pha asked why they were charging everyone for that and not everyone used the sound system. She asked if they could charge it as separate item and only if they did the rental for the amplified sound equipment that it would have its own deposit and charges than having to pay $300.

Recreation and Park Director Yungers stated they needed enough damage deposit to make sure people were cleaning up after themselves. She stated it was a problem and was across the board and staff had to clean up and take out the garbage. She stated it was a deterrent from not just walking away and leaving a mess and cleaning up. She stated they had to make sure people realized even though it was an outdoor facility, it also caused other secondary problems, especially when it was left overnight and not cleaned up. She stated the damage deposit was very important and they did get the deposit back.

Council Member Pha stated she saw people using it now and couldn't afford $500 and didn't use it. They saw it was empty and then used it, they paid zero dollars to rent it and zero dollars for the deposit. She stated if they left a mess, staff didn't have anyone to go after because they didn't reserve it. She stated if they made it more affordable, they would reserve it and put a deposit that could be collected. She stated she would rather have it affordable so people were using it and putting a deposit down and not excluding people not using those park facilities due to costs. She stated $500 was a huge deterrent from people using the facility.

7.5 THE MOTION FAILED DUE TO A LACK OF A SECOND.

Council Member Pha stated that on the athletic fields, they charged for the soccer and lacrosse fields at higher price than softball and baseball fields. She asked what differentiated those costs. She stated she didn't want to charge one sport more than the other unless there was an amenity of some kind that they were giving on a particular field than the other. I would like to see those fees more in line with the others.

Facilities Manager Tullberg stated the fee with soccer fields were different because they provided irrigation and a few other things on the soccer fields. He stated the other baseball fields in the neighborhood communities didn't have that same level of service.

Council Member Pha stated she wanted to make sure if they were charging more for one particular field or sport there was a reason why. She stated she understood they had to recoup their costs for athletic fields for soccer and softball. She stated liked to see the prices stay the same and didn't like the increase. She stated she knew it was a $5 increase for a game and some were $10, but that could be a deterrent for youth leagues that played.

7.5 MOTION PHA TO AMEND THE MOTION TO KEEP ALL THE FEES IN ATHLETIC FIELDS INCLUDING SOCCER, LACROSSE, SOFTBALL AND BASEBALL FIELDS FEES REMAIN THE SAME AS IN 2018.

Council Member M. Mata asked about the ballfield dollar value if they were talking about just the Brooklyn Park Athletic Association, which was a youth baseball group made up of Brooklyn Park residents, parents and the kids. He asked if they were charging that association an additional dollar value per field, per game for use or talking about charging him and his family who wanted to go down to one of the ball parks and throw together a game of baseball.

Facilities Manager Tullberg stated there were two different tiers of fees for local youth athletic associations and other groups. He stated there were different discounted rates based on the makeup of the athletic organization that was requesting fields, and if they got an outside organization looking to rent space, they paid the higher fee than the local youth associations.

Council Member M. Mata asked Council Member Pha if her amendment was changing the fees for everything or just the local athletic associations.

Council Member Pha stated for all the ones in that field that would include the other groups because the other groups could be non-formal associations.

Council Member M. Mata stated he would only be willing to do it for the local athletic associations because those were formal organizations that treated the fields with respect and knew the game, were accountable and staff knew who they were if there was a problem. He stated they were parents of the city whose kids were already paying once and now they were going to pay again at a higher price. He stated he couldn't support that for outside organizations only the ones he knew that were guaranteed residents that were already involved in all of the city's youth sports.

He stated he was willing to do it for the local athletic associations and couldn't support it for outside organizations and would second it if Council Member Pha was willing to change the amendment.

7.5 MOTION PHA, SECOND M. MATA AMEND THE MOTION TO INCLUDE ONLY THE TOP TWO YOUTH ATHLETIC ASSOCIATIONS BUT NOT INCLUDE THE OTHER GROUPS. THE AMENDMENT TO THE MOTION PASSED. (4 TO 1) MAYOR PRO TEM PARKS VOTED NO.

Council Member Pha stated the Zanewood meeting and space were increased from $200 to $300 dollars and was a 50 percent increase for that space. She stated that often times people would rent the Zanewood Community Center because they couldn't afford the Community Activity Center and those who rented the Community Activity Center couldn't afford Edinburgh. She stated that if they were going to increase the Zanewood spaces, it would make it tough. She stated that in order to have more spaces in places for people to meet and gather, they needed to keep prices affordable. She stated to have a $300 rental charge for four hours and a $100 deposit was $400 for four hours to give out to use a meeting space or do something at the Zanewood Community Center. She stated she wanted it to be affordable.

7.5 MOTION PHA TO AMEND THE MOTION TO KEEP CHARGES AND FEES TO the 2018 ORIGINAL $50 PER HOUR AND $100 DEPOSIT FOR ZANEWOOD MEETING SPACES.

Council Member Jacobson stated she knew they used that facility a lot for their own programming and asked if it was rented out very often.

Facilities Manager Tullberg stated it was not rented out very often. He stated they had a church group that used it on Sundays, but was not a regularly rented space. He stated they had changed away from using the teen lounge as a rental space and it was the only multipurpose space that was rented there.

Council Member Jacobson stated that if they agreed to the change, asked if it would not be a huge hit to the budget, income wise.

Facilities Manager Tullberg stated it would not be a huge hit to the budget.

7.5 COUNCIL MEMBER JACOBSON SECONDED THE AMENDMENT TO THE MOTION.

7.5 THE VOTE ON THE AMENDMENT TO THE MOTION PASSED. (4 TO 1) M. MATA VOTED NO.

7.5 THE VOTE ON THE MAIN MOTION PASSED UNANIMOUSLY

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Pha stated that on behalf of the United Hmong Family Association, invited Council and staff the Hmong New Year for the State of Minnesota. She stated it was a big event and was held in Saint Paul River Center on Friday, November 23, Saturday, November 24 and Sunday November 25. She stated the Council was invited to the Saturday, November 24, ribbon cutting at 10:00 a.m. and at noon she was asked to speak and asked the Council to join her. She stated she would be picking up passes for staff and Council who wanted to attend.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel reminded the Council that the Mayor's Prayer Breakfast was on Friday,

from 7 a.m. to 9 a.m. and tickets were available at City Hall.

He stated that next week, City Hall would be closed on Thursday and Friday for the Thanksgiving Day holiday.

ADJOURNMENT – With consensus of the Council, Mayor Pro Tem Parks adjourned the meeting at 10:31 p.m.

_____
TERRY PARKS, MAYOR PRO TEM

_____
DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, December 3, 2018 Brooklyn Park Council Chambers
7:00 p.m. 5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Rich Gates, Susan Pha, Terry Parks, Mark Mata, Bob Mata and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Police Chief Craig Enevoldsen 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 meeting there was a question related to two potential facilities within the city and was trying to get an answer to that question, and once he got the answer, he would provide it to the Council and the resident.

2B PUBLIC COMMENT – None.

3A. MOTION GATES, SECOND PARKS TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.1 Introduction of New Employees

Community Development Director Kim Berggren introduced Breanne Rothstein as a new employee to the Community Development Department. Police Chief Craig Enevoldsen introduced Emily Market as a new employee to the Police Department.

3B2 Interview Applicants for the Northwest Suburbs Cable Communications Commission.

Council Member Jacobson stated she would recuse herself from voting due to personal interest relating to CCX and NWSCCC.

The Mayor and Council interviewed applicants for the NWSCCC.

4.0 MOTION GATES, SECOND PARKS TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS:

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-170 APPROVING A 2.75% GENERAL PAY INCREASE IN 2019 FOR NON-REPRESENTED CITY EMPLOYEES AND ADJUSTING THE SHARED HEALTHCARE PREMIUM INCREASE BY THE CURRENT 60% EMPLOYER/40% EMPLOYEE SPLIT FOR 2019.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-171 TO AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE A ONE-YEAR SERVICES AGREEMENT WITH HENNEPIN COUNTY SENTENCING TO SERVE PROGRAM (STS) FOR GENERAL GROUNDS MAINTENANCE.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-172 TO AWARD THE BID FOR A ONE-YEAR CONTRACT EXTENSION FOR THE BOULEVARD TREE PRUNING CONTRACT TO OSTVIG TREE INC.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-173 AUTHORIZING THE BROOKLYN PARK POLICE DEPARTMENT TO ENTER INTO A COOPERATIVE AGREEMENT REGARDING PUBLIC SAFETY RELATED TO 2019 NCAA TOURNAMENT SECURITY.

MOTION PASSED UNANIMOUSLY.

5.1 Rental and Business Licensing Manager Keith Jullie briefed the Council on the Renewal of the Currency Exchange License for SJB Enterprise Inc. dba Your Exchange Located at 7646 Brooklyn Boulevard North.

5.1 Mayor Lunde opened the public hearing to consider the Renewal of the Currency Exchange License for SJB Enterprise Inc. dba Your Exchange Located at 7646 Brooklyn Boulevard North.

The following individuals addressed the Council – None.

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

5.1 MOTION JACOBSON, SECOND B. MATA TO SOLICIT TESTIMONY AND RECOMMEND THE RENEWAL OF THE CURRENCY EXCHANGE LICENSE FOR SJB ENTERPRISE INC. DBA YOUR EXCHANGE LOCATED AT 7646 BROOKLYN BOULEVARD NORTH.

Council Member Gates stated for the past 12 years he had never voted for them because he didn’t think they were good for the community. He stated he wouldn’t vote on it or the next item as he had done for the past 12 years.

5.1 THE MOTION PASSED. (6 TO 1) GATES VOTED NO.

5.2 Rental and Business Licensing Manager Keith Jullie briefed the Council on the Renewal of the Currency Exchange License for Unbank Company LLP Located at 6319 Zane Avenue North.

5.2 Mayor Lunde opened the public hearing to consider the Renewal of the Currency Exchange License for Unbank Company LLP Located at 6319 Zane Avenue North.

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 JACOBSON, SECOND B. MATA TO SOLICIT TESTIMONY AND RECOMMEND THE RENEWAL OF THE CURRENCY EXCHANGE LICENSE FOR UNBANK COMPANY, LLP LOCATED AT 6319 ZANE AVENUE NORTH. MOTION PASSED. (6 TO 1) GATES VOTED NO.

5.3 2019 Proposed Operating Budget and 2019-2023 Capital Improvement Plan/Capital Equipment Plan Public Hearing (Truth in Taxation).

Finance Director LaTonia Green briefed the Council on the 2019 Proposed Operating Budget. Budget Overview – Budget Objectives, Challenges and Pressures; Budget Summary; 2019 Total Expenditures by Fund; Strategic Investments; General Fund – General Fund Revenues and Expenses; 2019 General Fund Expenditures by Department; 2o19 General Fund Expenditures by Type; General Fund Growth Drivers; Internal Service Funds – Chargeback Revenues; Chargeback Expenses; Utility Funds – Utility Funds Revenues; Utility Funds Expenses; Special Revenue Funds – Ice Arena; Brookland Golf Park; Enterprise Funds-Edinburgh USA Golf Course; Levies – Proposed Property Tax Levies; City Manager Final Proposed Levy.

Operations and Maintenance Director Dan Ruiz briefed the Council on the 2019-2023 Capital Improvement Plan/Capital Equipment Plan. General Overview; CIP/CEP Goals; CIP/CEP Process; Vehicles/Equipment; IT Support Equipment; Misc. Support Equipment; Proposed CEP Expenditures; CIP source documents; General Public Buildings; 2019-23 CIP Significant Projects; Utility Fences; 2019-23 CIP Significant Projects; Transportation Facilities; 2019-23 CIP Significant New Facilities/Enhancements; Franchise Fees; Franchise Fee 2016-18 Projects Map.

Council Member B. Mata asked about the Franchise Fees for the parking lot, if the franchise fee stipulated that it could only be used for road construction.

Operations and Maintenance Director Ruiz stated the ordinance said transportation infrastructure including street repairs for rehabilitation. He stated it didn’t say that it had to only be used for streets, although, that was the complete intent. He stated that was why with any deviation from the Council ’s approval of franchise fees, they were bringing it forward. He stated it was the Council ’s discretion to allow it or not.

Council Member B. Mata thought he remembered it as only for street overlays and reconstruction. He stated the franchise fees took the place of special assessment for properties and didn't know that it should be used for those parking lots and was not intended for that.

Operations and Maintenance Director Ruiz stated they could continue to use the Heritage Fund for that and in his opinion could do a city parking lot overlay within reason using the franchise fees but they could do it either way.

Council Member Jacobson asked if they weren't doing the franchise fee and they were assessing neighbors for having their streets reconstructed, would they be assessing the neighbors to overlay the parking lot at the Operations and Maintenance building.

Operations and Maintenance Director Ruiz stated they would bond for some of those projects and the general public would pay as part of the taxes for any bonding the city was to do. He stated the way franchise fee was set up, half of it was going to street reconstruction so that people didn't get assessed and the other half was going to overlays, which they could have bonded, assessed for, or a number of things. He stated it was the same pavement issues that they had in a few of the city parking lots they were addressing through the franchise fees with all of the city streets. He stated it was only a proposal and if they didn't use the franchise fee for the parking lot, then they would use the Heritage Fund.

5.3 Recreation and Parks Director Jody Yungers briefed the Council on the Recreation and Parks Facilities; 2019 Parks and Facilities Heritage Projects; 2019-23 OSLAD Projects; Community Priorities/Investment Costs; Park Bond Projects; Planning.

Mayor Lunde stated he had been to a few meetings on the parks and one of the solutions they tried to end up was with cameras on the park parking lots and they were not cheap and borrowed mobile ones from the Police Department. He asked if that was something they should start to budget for.

Recreation and Parks Director Yungers stated they were working with the Police Department on it and had cameras in a couple of the park locations now. She stated they did have an extra mobile set from the Police Department when they had seen there had been some activity. She stated that as part of the trail, they had talked about lighting, security and improving safety and they could take a look at incorporating that in the plan. She stated they did plan as they developed and redeveloped parks and they incorporated the infrastructure to make sure they were set to put in the security for those redevelopments and tied into those broader developments.

5.3 Operations and Maintenance Director Dan Ruiz briefed the Council on the Capital Improvement Plan 2019-2023; 2019-2023 CIP by Funding Source; CIP Financing Capital Funds; CIP Financing Utility Funds.

Council Member Parks stated they talked about rehabbing the fire stations and he would rather see more firefighters than rehabbing the fire station. He stated with River Park was getting more public, and talked about kayaking yet, they had a fire station that had two boats in it and didn't have firefighters for it. He thought it would increase calls over on the river with people who hadn't been on a kayak before that were jumping in the river and was concerned about it. He stated on rehabbing City Hall, asked if they had tried talking to Hennepin County, because the city was doing them a service by having the DMV at City Hall and thought they would want to have input on it. He stated if they did, he would like to see if there was some way to get them to pay for part of rehab. He stated that on the park bond if some of the things they had been talking about were considered in it.

Recreation and Parks Director Yungers stated that in each project they would have to pay attention to the funding source. She stated when it said park bond, it was a park bond project specifically, but believed in their packet, it was also printed by the funding source on the projects. She stated those that said park bond would be the specific park bond projects.

5.3 Mayor Lunde opened the public hearing to consider the 2019 Proposed Operating Budget and 2019-2023 Capital Improvement Plan/Capital Equipment Plan Public Hearing (Truth in Taxation).

The following individuals addressed the Council :

1. Jerry Foss, 10116 Chestnut Circle. Concerned about property tax increase for his townhouse. Taxes last year were 9% and this year 12% and most of his neighbors had similar tax increases.
2. Al Schenkelberg, 10117 Chestnut Circle. Concerns with property tax increases; Market Values are not right for townhomes; the city budget needs to reflect a zero increase in expenditures over the next five years to keep levies/property tax levies stable; the city services of plowing snow and road maintenance needs to be extended to Association streets
3. Tom Lahound, 10114 Chestnut Circle. Sharp increases of 11% to 12% in one year does not make sense. They pay city taxes for snow plowing, seal coating, ice/snow conditioning on roads and they pay for those services out of their own association funds and asked why they were being charged by the city for services not rendered.
4. Ken Kutz, 10106 Chestnut Circle. His property tax went up 13.6%. There was a townhouse development on 101st, less than mile from them, that looked the same, same size and were $500 to $600 less in property taxes than theirs and asked how that could happen and was not fair. The system on assessment or taxes needs to be fair or equitable.
5. Wayne Berry, 8016 Perry Avenue North. Property taxes continued to increase, last year was 12% and this year up to 17.4%. Not fair and killing half of the residents in the city.

6. Pam Chandler, 10008 Northwood Lane. Her property taxes will be 27.4% taxes are going up and would like to know why.
7. Fred Klietz, 10154 Chestnut Circle. Last year had a 9% increase in property taxes and this year was a 12% increase.

5.3 Mayor Lunde closed the public hearing and returned the item back to the table. He asked if staff had answers to the questions that were raised by the speakers.

Finance Director Green stated staff would prefer to get back to the individuals who had spoken tonight. She stated each case was unique to each homeowner and the reason why they would get back to them was so they could look at the property tax statements and make a determination as to why their property taxes were going up. She stated the property tax statements received in the mail from County last week were based on the preliminary levy and they had decreased it since then. She stated the property tax statement they would receive in the spring of next year would be lower based on what Council decided to adopt on December 10 if the presentation they made tonight was accepted.

Mayor Lunde stated that a couple questions were asked, one, if the city could cap for certain people, and it could not. He stated State law determines how the taxes were apportioned meaning they couldn't take the conditions, whether a veteran, were low income, were high income, and it was just straight up and everyone was assessed on the value of their property and was State law.

He stated the other question was about applying the franchise fee to all residents whether on a private road or not. He stated that at that time the Council still left it open if a development wanted to petition the city to take over streets but there were a couple of conditions.

Operations and Maintenance Director Ruiz stated when they had the discussions, the best case scenario was that the development was built to city standards for road width and setbacks to comply with city standards. He stated if the town home complex were to make changes to get to those standards, they would be considered equal with other city roads and by petitioning the Council could make that change.

He stated the other part of the question was why the seal coating was on a utility bill. He stated the seal coat and overlay program in fixing streets was on the gas utility and electric utility bill and were separate utility bills. He stated it went back to the Council at the time who chose to use that funding method for the streets. He stated it was very common and more than half of cities in States called it a franchise fee and was a tax. He stated it was a different revenue source dedicated to street repair, and based on the Council discussion, didn't think they would use the franchise fees for a parking lot and would keep it to city streets.

He stated that on the interchange project, it was a $31 million proposed project through

competitive grants and getting some state bonding dollars. He stated they had collected $22.5 million in grants and now at a $8.5 million funding gap and they were looking to developers to contribute toward a portion of that gap.

Mayor Lunde stated it would be good for the residents in the Chestnut Development area talk to the Finance Director and staff because there were some specific questions about their development related to franchise fees and the letter on tax valuations which was done in the spring and the taxes were not on there. He stated it was just the value of the home being proposed and the process for the valuation.

Council Member M. Mata stated that for the residents in the Chestnut development, when their property value came in April, that would be the best time to come forward and attend the Council meeting because it would take four votes to determine what they ended up paying. He stated if they brought in examples, facts and figures was where they could get things changed. He stated that since 2008, the city budget went up $1.8 million a year and looked like the city couldn't live within its means and again was $1.7 million this year. He stated that not every Council Member voted for that increase and was up the residents at home and those attending tonight to pay attention to who voted for the increase because some Council Members felt their pain and didn't vote for the increase and tell staff to live within its means. He stated it was not his job to needle every single budget item but as a Council Member was to give direction to city staff to come up with a zero increase. He stated there were seniors on a fixed income and the social security didn't go up with the other expenses. He stated that on December 10 or the day they voted on the budget, the residents needed to pay attention on who voted for the increase. He stated he saw things in the budget he didn't like.

He stated that the Franchise Fees put in were because of bad tar and it was now moving to parking lots and would be decided on next year. He stated the Council would have two new members next year and right now were four votes. He stated it was for bad tar.

He asked about the $31 million for the bridge and stated they had $15 million for 2016 and $15 million for 2020. He stated they knew there were other funds coming in but asked why those numbers were in the budget if they knew they were only going to have to do $6 million and just worry about the $6 million.

Operations and Maintenance Director Ruiz stated the numbers laid out in Capital Improvement Plan were projected expenditures over the two-year project period. He stated the detail of the funding, as he mentioned, they had was $22.5 million in grants. He stated they didn't have the full funding package to show the Council yet but led to believe there would be some development contributions. He stated they were also looking at potentially assessing some of the benefiting properties at the interchange and another funding source could be some EDA contributions.

Council Member Mark Mata stated last week they had the project come forward and said they were going to put it on hold and not talk about it until sometime next year. He asked why they wouldn't put it on hold because maybe in 10 years on the Maple Grove side of Highway 169, it would turn into a large metropolis and now needed a much larger interchange.

Operations and Maintenance Director Ruiz clarified they were not on hold on the interchange project. He stated the interchange project was independent of any specific development, but it was needed for the overall development in that northwest corner of the city. He stated they were moving forward and their goal was to break ground on that interchange by the end of 2019.

Council Member Mark Mata stated they were going to put $31 million in that interchange and he was saying to put stop lights there like Champlin where they had seven of them just to get to Anoka and would answer the question of the stop light costs and could be around $600,000.

He stated that on Page 4, Provision, Section E, said sidewalk fill in additional. He asked if they knew in the city where all the fill in additions were because it was $742,000 over the next five years.

Operations and Maintenance Director Ruiz stated that as part of their Bike and Pedestrian plan, they had a map of potential fill ins for sidewalks. He stated the reason it was in the Provisional Project, they have not identified funding for it yet.

Council Member Mark Mata asked if they had to have them and if they could be cut out. He stated that by now if someone hadn't put a sidewalk in, they found an alternate route to get through. He stated the one at Edinbrook Center Drive, it came from the Golden Lion Grocery store and it stopped because the city had never put in their piece but every other business over there had to put a sidewalk in. He stated it had been like that since 2005 and felt the money got put in the budget and they were going to pull it to different places because something else needed to get done and the money was voted in there. He stated he was trying to find a way so staff could come back and say they could lighten that load from there.

Operations and Maintenance Director Ruiz stated that project was a provisional project, and part of the reason why they put some provision projects in the capital plan was that they could be eligible to apply for grants. If they didn't have that page in their plan, there could be some grant dollars for sidewalks and trails that they wouldn't be able to apply for. He stated it was in there and it was not funded, and not spending city money. He stated they did have a number of projects identified along Brooklyn Boulevard, Brookdale Drive, 73rd Avenue, 76th Avenue, Hampshire Avenue and Kentucky. He stated they had a number of locations they would like to do but didn't have money but were looking for opportunities to partner and through grants.

Council Member Mark stated a project he didn't see in the plan when he was looking at new

facilities and asked if there was a projected line item for a 93rd Avenue and Noble Avenue stop light. He stated it was the most talked about controversial intersection with accidents and seniors trying to get out of that intersection. He asked if that was in the budget.

Operations and Maintenance Director Ruiz stated that location was not specifically called out in the plan. He stated he knew it met a few warrants for a signal there, but it was something they had to coordinate with Hennepin County since it was a county road. He stated it was not one of the top priority locations with Hennepin County for a proposed traffic signal, but in the top 10. He stated he knew the past year with the Highway 169 construction, more traffic found its way on 93rd Avenue, which made it worse, but it did meet several warrants.

City Engineer Jesse Struve stated for traffic signals, it was Item 4005 on page 105 of the CIP for traffic signal addition. He stated they didn't have items specifically called out for specific projects and that intersection was not one that was in the 5-year CIP. He stated they had been discussing 93rd Avenue with Hennepin County, but had not gotten a final resolution or updated priority list from Hennepin County to see where it fell within the city.

Council Member Mark Mata clarified that for the next 5 years, the city couldn't get a stop light at that intersection.

City Engineer Struve stated the Council could reprioritize any of those funds. He stated they were spending funds for projects including traffic signals in the community, and the Council had the authority to redirect those funds to that interchange if that was what the Council decided.

Council Member Mark Mata stated he would make sure staff would come back to the Council to ask that question so they could make that decision for the residents who were asking that question.

Operations and Maintenance Director Ruiz stated staff would need to bring forward the current list of the prioritized signal locations, and Council would be able to see where that signal fell in that list to make an informed decision.

Council Member Mark Mata asked about Page 3, on left hand side, Section D and E, Provisional, fourth line down, said field house dome for $4 million for 2019 and additional turf sports field for $4 million.

Recreation and Parks Director Jody Yungers stated that had funding and was to be determined since the passing of the bond referendum. She stated that included within the fund, they did have the capacity to look and prioritize their field reinvestments. She stated currently they were waiting on a potential partnership that might impact the decision around that issue. She stated the Osseo School District and Park Center had appropriated $2 million toward the development two synthetic turf fields. She stated that with the passing of the bond

referendum, they had committed to putting lights on those two facilities. She stated they didn't know about a dome yet. She stated they would use some field park bond appropriation to support the field lights because it gave them access to two fields and would have spent $2.5 million on it and now they were only putting in $500,000 and getting access in the evenings, weekends and summers for those fields as part of that partnership.

Council Member Mark Mata, stated with the Osseo Schools and the Champlin Park School District too, he had the privilege of being a traveling baseball coach for youth in the city and traveled to other cities and played on varsity fields like Totino Grace, Minnetonka, Centerville, Mounds View and South St. Paul fields. He stated when they asked if they could play on the fields, Champlin and Park Center, a Brooklyn Park baseball team, which was a nonpaying tax entity in the city, paid by the city residents, inside the city, were never able to play on those fields.

He stated he was confused on how they wanted as a Council, to build facilities to assist them, but the city had its own kids wanting to play on those nice fields but had to go elsewhere to play. He stated he would rather take the money and put it into Northwoods Park and put lights there and make it so that the BPAA and other fields the city were nice fields. He stated the city also shared Evergreen field in Brooklyn Center, which was a nice field too. He stated if they were going to do things like that, he would think they should do it for the city because they could control them, otherwise, there was no control there. He stated they were going to not have youth coaches wanting to participate on those fields that would never be able to use it, but yet they were taxpayers and paying for it.

Recreation and Parks Director Yungers stated that as part of the conversations on the partnerships, they would never go into a partnership where they didn't feel they had the ability to control the scheduling and the participation in the out of school time hours, evening time and then on summers. She stated that would be part of the agreement and the agreement would be brought to the Council and was specific to Park Center. She stated the other portion of the funds would be a reinvestment in advancing the hometown ball field at the Noble Sports Park. She stated that as part of the bond referendum, talked about the importance of a hometown ball field, one that they could take pride in and that was what the park bond would support. She stated they had a potential partnership that might bring a very significant complex to the community and would bring that sense of pride.

Council Member Mark Mata asked about the street sweeper for $210,000 and asked if they got all of the leaves off the street before the cold and snow came this year.

Operations and Maintenance Director Ruiz stated they were not able to complete the third round of street sweeping.

Council Member Mark Mata stated that because they were not able to accomplish that task

asked if anyone was going to get injured, would there be a loss of life, was there anything that could potentially be super negative because they did not accomplish that task. He stated the answer was no and asked if they need another street sweeper to accomplish the task because they failed and there was no harm, and they did the best they could. He stated they were putting another large ticket item in the budget and the taxpayers had to pay for the service they didn't need. He stated he was just giving ideas to the Council when it came time for the budget. He stated he would vote no again for the budget because it was an increase to the taxpayers.

He stated there was $500,000 plus for a new fire truck and a new pumper truck. He stated his recollection of the new trucks was that the newest one they were using was the first engine out of Station 2, which was the main truck engine. The second newest vehicle was its backup which didn't make sense. He stated they had two other stations that were staffed, and he expected that vehicle to be there. He stated he knew the habits and past use of the vehicles if they had three newest engines that were the first out for all three of the stations and if that was not the case, asked why they needed a new one. He stated the old one was fine because it only had to pass a couple of tests and one of them was could it pump at a certain gallon and survive and believed they all did it. He stated that was another large ticket item Council could look at. He stated he was just looking to see where they could do less, because not everyone's income would be getting an increase, the State didn't have a COLA, the social security did not increase and the city gets more and more bills to pay. He stated he expected staff to come back with more technology friendly ideas, more ways they could do things cheaper and that was what he was looking for.

Mayor Lunde stated if they froze the city budget meaning no increase, it did not guarantee anything to any individual house A flat budget did not mean anything to the homeowner. If the value of their home went up higher than the average, they would pay more taxes in a flat budget and there was nothing the city could do. He stated five years ago that to guarantee every homeowner got a property tax cut, they would have to cut $7 to $8 million in the budget because everything was in direct proportion of how people paid in. He stated that was the Council 's challenge. They couldn't apportion it where some would get a cut because it was a flat rate. He stated whatever percentage of the overall value of the city's budget pie they had, they would pay that percentage. He stated that was the way it worked in Minnesota and there was no forgiveness when it came to commercial property. He stated the State got involved and that tax was divided four ways and not three, between school district, county, and the city. He stated the points about the townhomes and comparisons was worthwhile to see how they compared using new construction, at 18 months. He stated he would like that information for the next meeting or in the weekly read.

He stated he did want to move forward on the 101st interchange and thanked Operations and Maintenance Director Ruiz, staff and the lobbyist because the city got $22 million out of $32 million for that project and got millions for other projects. He stated whether it was project

Hotdish or another project, it was still going to be based off that interchange project that came before it. He stated the Council had a choice, they could say they didn't want to do it and would have to turn everything back in, or say they were going to skip it and save money but the North Business Park did need that development.

He recalled the LGA and tax relief, and one thing they did and tried to do with LGA and for a while they held to it, was try not to depend on it, meaning no police officers, fire fighters or city workers got paid by LGA. He stated if there was a big budget crisis, the State could just wipe it out and go to zero and suddenly city services were directly affected. He stated it happened to the Council in 2002 when LGA was zeroed out and the Council had to have the pain of cutting people because city services were tied to that number.

Council Member Jacobson stated there were certain things affecting the budget the Council didn't control, for example, the increase of health care premiums of 12%, PERA was up by 8.4% and not putting in a 3% COLA raise. She stated they were putting less in for employees and hoped they didn't lose them to other cities who were giving higher percentages. She stated the city had a great staff and was the largest part of the budget. She stated she heard residents from the East District who wanted specific things, like the East Fire Station manned again and there was a cost to that and not a small one. She stated things like the light on 93rd Avenue, she gets worked up too about that light and spoke to Hennepin County Commissioner Opat who had his father live in that area and wanted a light there too and hoped to get a light on 93rd Avenue faster than five years. She stated it was important to ensure homes were being valued properly for the neighborhood residents that attended tonight, and staff to take a look and meet with those residents and see if we failed them in some way. She stated it was not an easy job, and to say they were not going to raise taxes was difficult thing for them when they had those things they couldn't control. She wanted the residents to know they were trying to watch out for them, but some things weren't optional to cut. She asked if they removed the Provisional List, did that mean they couldn't go after the grants and to make those happen.

Finance Director Green stated it depended on the grant and if it had a requirement that the city had allocated some dollars toward projects; otherwise, they would not be able to go for that grant.

Council Member Bob Mata stated he believed the property values were a problem in increases of the taxes. He stated it was the way the properties were assessed. He stated they had noticed it when they came back to the Council with evidence that the homes didn't go up as much as Assessors had said they had gone up. He stated they had been able to lower the values on their properties and reduce their tax base. He stated it was not the amount of taxes, it was the increase, and if the residents came back and debated the increase with evidence and proved the facts, then the Council would decide to help lower their rate on their value of their home, which would reduce their taxes. He stated he had voted against the $1.7 to $2 million increase in the budget for the last six years and would continue to do it. He stated it was the last chance

to get it down to somewhere he could vote for it, but unfortunately it was at $1.7 million now and he couldn't do it. He stated he stood on it since day one and thought they needed to be able to find some place, some ways to better spend the money and if they had to reduce something, then reduce it and quit the wasteful spending to bring the budget down.

Council Member Pha stated she was not on the Council when the franchise fees were discussed that included the townhome owners. She stated that for a long time she had never agreed with it and if they had enough people who felt the franchise fees was unfair to townhome owners, they could always bring it back to Council for discussion. She stated it was unfair to the townhome owners to have the franchise fees equally. She stated she was not saying to eliminate it because they still shared the other roads with the rest of the city too. She stated their developments were not getting the roads plowed and maintained the same way as the homeowners and felt for the townhome owners in the city.

She believed the budget was getting too large and was an increase every year and did see where it was coming from and some of was out their control, such as the increase in health care, and the COLA to be competitive with other cities to keep the employees. She stated she also believed there were other places they could cut and had seen it often when it came across their desk where there were opportunities where they could cut. She stated there were different views by the Council and sometimes they agreed and cut certain things and sometimes disagreed and was a split vote or sometimes it was passed. She stated at the EDA meeting earlier today before the Council meeting, they voted to approve a $1.5 million investment into the Edinburgh Club House and to her it looked fine the way it was but knew there needed other investments to it. She stated it was a lot of money to finance a private restaurant business to do business in the city. She stated if they were financing private businesses, asked about the about the small businesses in the city and why they didn't help them out. She felt there were ways they could cut the budget and believed there was some wasteful spending. She stated she would be careful looking at budget when it came up for voting as to whether she believed they cut where they needed to and to be responsible when it came to the budget of city and not letting it get too high.

Finance Director Green stated next week the Council would have a short overview of the budget and they could can make recommendations to change what was being proposed.

Mayor Lunde asked if they would have to December 17 if the Council needed it, if the Council next week had a bunch of questions. He stated if next week was it, then encouraged all Council Members, if they had questions, to bring them up at the December 10 meeting to remove, subtract or add and get the questions to staff so they would come to the meeting prepared; otherwise, they would have to wait one more week.

City Manager Stroebel stated he would be reaching out to each Council Member and talk about specific ideas they might have and address any questions they might have and be prepared as

best they could for next Monday.

7.1 City Manager Jay Stroebel briefed the Council on the 2019 Council and EDA meeting dates.

7.1 MOTION PARKS, SECOND LUNDE TO APPROVE THE COUNCIL AND EDA MEETING DATES FOR 2019 WITH THE FOLLOWING PROPOSED CHANGES TO THE REGULAR MEETING SCHEDULE:

1. CHANGE THE JANUARY 7, 2019 WORK SESSION TO A REGULAR MEETING
2. CANCEL THE COUNCIL WORK SESSION ON JULY 1, 2019
3. CHANGE THE DECEMBER 2, 2019 WORK SESSION TO A REGULAR MEETING
4. CANCEL THE REGULAR COUNCIL MEETING ON DECEMBER 23, 2019
5. WHILE THERE ARE NO REGULARLY SCHEDULED MEETINGS ON MONTHS WITH A FIFTH MONDAY, THE COUNCIL WOULD HAVE THE OPTION OF CALLING A SPECIAL MEETING, IF NEEDED.

THE MOTION PASSED UNANIMOUSLY.

7.2 Civil Engineer Mitch Robinson briefed the Council on the City of Brooklyn Park Americans with Disabilities Transition Plan for Public Right-of-Way.

7.2 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2018-174 ADOPTING THE CITY OF BROOKLYN PARK AMERICANS WITH DISABILITIES ACT TRANSITION PLAN FOR PUBLIC RIGHT-OF-WAY. MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Parks stated that on Saturday, December 8, there was a waffle breakfast sponsored by the Brooklyn Park Lions.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated that on Saturday December 8, there was an event to stuff welcome bags for all new homeowners and renters. He stated it would be held in the Council Chambers at 10 a.m.

He stated that at the next meeting at 6 p.m., there will be a recognition for Council Members Rich Gates and Bob Mata.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 9:42 p.m.

_____
JEFFREY JONEAL LUNDE, MAYOR

_____
DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, August 12, 2019 Brooklyn Park Council Chambers
7:00 p.m. 5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

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

ABSENT: None.

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT – None.

2B PUBLIC COMMENT

1. Collette Guyott-Hempel, 9277 Trinity Gardens. 93rd Avenue. She stated the Council approved 100 plus townhomes to go in off of 94th/93rd Avenues and the Planning Commission recommended that either 93rd Avenue be completed with sidewalks and curb/guttering or a left turn lane at 94th Avenue. She wanted to know what was being done and when to expect it to be done. She stated there were 500 additional housing units and although cities were not held accountable for the design if accidents happened, the city might be because they collected money from her housing unit 30 years ago for 1,000 homes for that road. She stated with adding another 500 homes nothing had been done to change the design or speed on that road. She stated Planning Commission members and Council had raised concerns with safety on 93rd Avenue with the speed, no sidewalks, inconsistent shoulders, and no curb/guttering to keep traffic off. She asked how the federal ADA would consider it safe for pedestrians on that roadway considering there was a bus stop at Zane/93rd Avenue. She stated the city would be liable and suggested the road get done before 300 more housing units opened for business next summer.

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

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.1 New Employee Introductions

City Clerk Montero introduced Kristen Stacey as a new employee to the Administration Department.

Keith Jullie introduced Sheen Yang as a new employee to the Community Development Department

City Assessor Tracy Bauer-Anderson introduced Christian Huskey as a new employee to the

Finance Department.

3B2 Interview applicants for the Shingle Creek Watershed Management Commission.

Mayor Lunde and Council Members interview applicants to fill an opening on the Shingle Creek Watershed Management Commission.

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

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-128 APPROVING COOPERATION CONSTRUCTION AGREEMENT NO. 18I019 WITH METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES FOR PROJECTS 809311 AND 809315, CITY CIP 3404-20.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-129 AUTHORIZING PURCHASE OF WETLAND CREDITS FOR TH 169 and 101ST AVENUE INTERCHANGE.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-130 APPROVING LIMITED USE PERMIT #2750-0223 WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR A NON-MOTORIZED RECREATIONAL TRAIL IN THE RIGHT OF WAY OF TRUNK HIGHWAY 169 ALONG 101ST AVENUE NORTH; CIP 4042-19.

4.4 TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE BROOKLYN PARK ROTARY CLUB FOR THEIR BEER FEST TO BE HELD SEPTEMBER 21, 2019 AT THE BROOKLYN PARK COMMUNITY ACTIVITY CENTER, 5600 85TH AVENUE NORTH.

4.5 TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR PALMER LAKE VFW POST 3915 FOR THEIR FREEDOM FEST TO BE HELD SEPTEMBER 7, 2019 ON THE PREMISE LOCATION AND EXTENDING INTO THE PARKING LOT OF 2817 BROOKDALE DRIVE NORTH.

4.6 TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE 2019-1244 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, APPROVING THE SUMMARY OF THE ORDINANCE, AND AUTHORIZING PUBLICATION BY SUMMARY.

MOTION PASSED UNANIMOUSLY.

5.1 Rental and Business Licensing Manager Keith Jullie briefed the Council on the Resolution for Proposed Special Assessment for Costs Relating to Tenant Remedy Actions for 8448 and 8450 Sumter Circle North and the Resolution to Enter into Agreement with Epic Property Services Relating to Special Assessment of 8448 and 8450 Sumter Circle North.

5.1 Mayor Lunde opened the public hearing to consider the Resolution for Proposed Special

Assessment for Costs Relating to Tenant Remedy Actions for 8448 and 8450 Sumter Circle North and the Resolution to Enter into Agreement with Epic Property Services Relating to Special Assessment of 8448 and 8450 Sumter Circle North.

5.1 The following individuals addressed the Council:

1. Zephaniah and Yassah Kaffey, owners, gave testimony and appealed the assessment.

City Attorney Thomson stated that before closing the public hearing that it was important that the property owners understood that if they intended to appeal and if the Council adopted the assessment, there were strict rules about it. He stated one of those rules was that they had to file a written objection tonight with the city clerk, saying they objected. He stated they needed to do that and it didn't need to be formal, just on a piece of paper saying, "I hereby object and want to appeal my assessment." He stated that subsequent to that, within 30 days from tonight, he needed to start an action to appeal it in court and needed to serve the city clerk. He stated that all needed to be done within 30 days and if they missed any of those steps, they would be precluded from appealing the special assessment. He stated it was important that they understood it.

Mr. Kaffey acknowledged the information provided by City Attorney Thomson. He provided in writing an appeal to the City Clerk.

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

5.1 MOTION LUNDE, SECOND JACOBSON TO WAIVE THE READING OF THE PUBLISHED NOTICE OF HEARING ON PROPOSED ASSESSMENT FOR COSTS RELATING TO TENANT REMEDY ACTIONS FOR 8448 AND 8450 SUMTER CIRCLE N AND HOLD THE PUBLIC HEARING.

Council Member Russell asked if the city provided any assistance to small landlords. He stated he knew the City gave assistance, for example, to Creekside Gables Apartments and other big landlords. He asked if they had a policy in place that allowed to give assistance to a small landlord like the Kaffey's.

Community Development Director Berggren stated they did not currently have that program that provided loans to small rental complexes. She stated that was something the Economic Development Authority talked about wanting to pursue. She stated it hadn't historically been a priority for their lending and they were talking about strategies about it. She stated they just recently approved the home owners loan program and would be looking at something similar.

Council Member Russell asked how much money they had given out to the big landlords.

Community Development Director Berggren stated the big projects they considered on a case by case basis had always been a special request that a major landlord did. She stated those requests could be substantial loans. She stated next Monday night they were requesting modifications to a $400,000 loan to a larger complex of 150 units. She stated in that case when doing a per unit calculation, the number became smaller. She stated they had given some bridge financing in the million-dollar range too for large redevelopments for complexes.

Council Member Russell stated they had given $400,000 to as high as $1 million and then they had a small mom and pop type operation and they were sticking them with $100,000 plus they had to pay or be assessed to their mortgage. He stated he found that fundamentally unfair.

Community Development Director Berggren stated the action tonight did include a forgiveness of $15,500 of that assessment. She stated the Council could always choose to increase the forgiveness and they did recognize that benefit might end up going to the mortgage company if the property was foreclosed.

5.1 THE VOTE ON THE MOTION PASSED UNANIMOUSLY.

5.1 MOTION LUNDE, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019-131 LEVYING SPECIAL ASSESSMENTS FOR COSTS RELATING TO TENANT REMEDY ACTIONS FOR 8448 AND 8450 SUMTER CIRCLE NORTH.

City Attorney Thomson stated he wanted to make sure the motion on the floor was staff's recommendation of $110, 075.62, if that was the motion that had been made, or was it the higher one.

Mayor Lunde stated he assumed the total was $110,075.62 as recommended by staff.

5.1 THE MOTION PASSED. (6 TO 1) RUSSELL VOTED NO.

5.1 MOTION LUNDE, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019-132 ENTERING INTO AGREEMENT WITH EPIC PROPERTY SERVICES RELATING TO SPECIAL ASSESSMENT OF 8448 AND 8450 SUMTER CIRCLE NORTH. MOTION PASSED. (6 TO 1) RUSSELL VOTED NO.

6.1 Planning Director Cindy Sherman briefed the Council on the "IBEW Acres" (Ryan Companies US, Inc./IBEW) – Revised Final Plat at 6648-6716 West Broadway Avenue.

6.1 MOTION RUSSELL, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2019-133 APPROVING REVISED FINAL PLAT OF "IBEW ACRES" SUBDIVIDING 7.7 ACRES INTO ONE BUSINESS LOT AND ONE OUTLOT SOUTH OF INTERSTATE 94 AND EAST OF WEST BROADWAY. MOTION PASSED UNANIMOUSLY.

7.1 Mayor Lunde briefed the Council on his attendance to the 2019 Cities United 6th Annual Convening in Hampton, Virginia.

7.1 MOTION MATA, SECOND WEST-HAFNER TO APPROVE TRAVEL FOR MAYOR JEFFREY LUNDE TO ATTEND THE AUGUST 21-23, 2019 CITIES UNITED 6th ANNUAL CONVENING IN HAMPTON, VIRGINIA. MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS – None.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel briefed on the following events:

- Open house on the Highway 252 highway Construction Project, Wednesday, August 14, 4:30 to 7:30 p.m. at the Community Activity Center.
- Final City Hall on the Go event, Thursday, August 15, at 6:30 p.m. at Norwood Park.
- Variety of concerts, farmers markets, movies, Historical Eidem farm events, and encouraged residents to check out the community calendar for those events on the city's website.

He thanked the Police Department for their organization around National Night Out, as they closed in on a record number of events. He thanked the Council and staff for participating in another great National Night Out event in the city.

At 8:07 p.m., Mayor Lunde called for a recess. He stated the Council would move to the table in the Council Chambers for discussion of a work session item and would not be televised but audio recorded.

At 8:11 p.m., Mayor Lunde reconvened the regular Council meeting.

C.1 Fair Housing Policy, Language Access Plan, and ADA Discussion.

Community Development Director Kim Berggren stated the policy was back to Council to talk about the housing policy as the Council said to bring it back in three months for an update and if there was any desire to contemplate any changes. She stated they listed out in their staff report some of the concerns and questions that were expressed when the policy was adopted.

She stated Development Project Coordinator Erika Byrd would give a brief update and where they were with the policy.

Development Project Coordinator Erika Byrd briefed the Council on the Fair Housing Policy. She stated the work session made sense to bring the policy back for discussion on any changes the Council would like to see because any changes to the policy would require Council action. She stated they created some content on the website and Director Berggren sent out a link to the city website. She stated they were working on some printed materials, updated the housing flyer and in the next park pages they would have an article about it. She stated they had some handouts in City Hall and were working on the other publications. She stated they were also pulling together some data on complaints because the Human Rights Commission and City was interested in knowing the history and extent of the fair housing complaints. She stated the training had been one of the biggest hurdles and had been connecting with other cities and didn't have any training for Council and staff yet. She stated they would be doing a lot of work on Limited English Proficiency and ADA

Director Berggren asked the if there were any concerns with policy or if there were other areas of the policy they wanted them to address. None were noted.

Community Engagement Manager Josie Shardlow briefed the Council on the Limited English Proficiency Plan. She stated City Manager Stroebel would brief on the Accessibility/Accommodations Compliance Matrix.

City Manager Stroebel stated there was no one person responsible for all those on the matrix throughout the city. He thought it would be helpful for the Council to understand some of the

various areas of the ADA, Civil Rights Act that impact the LEP and overall ADA work of the city. He stated the Employee Related Accommodations, HR Manager Beth Toal was responsible for it; the Public Rights of Way, Mitchell Robinson, O&M was responsible for it; Erin Johnson, Therapeutic Recreation and Inclusion Services Specialist, was responsible for recreation programming. He stated there were a lot of needs in the recreation field in terms of providing accommodations. He stated she was actively working on how to best apply it to the students they had this fall in the various programs and developing more formal approaches going forward. He stated on the Limited English Proficiency, Community Engagement Manager Shardlow would speak more on it and would be the city lead on it. He stated O&M Director Dan Ruiz was responsible for the Physical Access to city-owned facilities and was the lead for the city as city buildings were updated. He stated the Building Code officials enforced new construction and made sure they were compliant to recent ADA codes. He stated that on the deaf/hard of hearing impaired, that was an area they would be doing a lot of learning to understand the city's responsibilities and would be identifying who would be taking the lead in that area as they were developing the LEP plan. He stated Community Engagement Manager Shardlow would talk about potentially wrapping that in there, being inclusive and how they thought about communication between the city, the residents and other customers.

Community Engagement Manager Shardlow continued briefing the Council on: Why an LEP Plan, needs assessment, staff Language Line usage for 2018 and the first half of 2019, likely recommendations, and next steps.

Council Member Mata stated that if he spoke a different language and called the city and the staff he talked to didn't understand what he was saying, asked how they would know what language he was speaking.

Manager Shardlow stated that was one of the likely recommendations for the in-person scenario was to have a Language chart, where they could point to identify an interpreter in their own language. She stated that if on the phone there were other best practices and people knew their own language in English or often found that people were having someone else calling on their behalf.

Council Member Pha stated that living with parents in a community that didn't speak English, most of the time those who didn't know any English wouldn't even call and those that knew a small amount of English thought they could say a few things were generally the ones they received all the calls about. She stated those that had some English understanding would usually try to deal with it themselves or talk to someone. She stated that those who didn't know English at all and wouldn't call was a barrier because they knew there was no one on the other end that would be able to talk to them.

Community Engagement Manager Shardlow stated they were just working with who they got on the phone or in person, but knew they were missing a lot of people that didn't feel comfortable at all. She stated there were plenty of ideas and was open to Council's ideas such as having a list of bilingual staff, hiring bilingual staff when it was possible, having accessibility block for translation/interpretation requests so they were clear on their public meetings and other things that people were requesting services, like the language chart, training, and having to assess which document they should be translating.

Mayor Lunde stated when he worked in the school district, the parents were predominantly not English speaking and asked if she felt staff was well trained to make outbound calls. He stated they were assuming it was all inbound. He asked about someone calling to set up an appointment to have an inspection or other things that might have to do with the city and asked if she felt staff was fluent with the process. He stated the school district would set it up just in case, have the Language Line if they needed them. He asked if she felt staff was comfortable because they were assuming those people were calling in. He stated they might have to call out and when he did that he always had the Language Line in case.

Community Engagement Manager Shardlow stated they could use the Language Line to call or talk to someone to help. She stated staff called from the field, as the police used it all the time and sometimes youth staff who spoke another language would help with a person. She stated overall as she talked to front line staff and their managers, some felt comfortable using the Language Line and used it all the time, while others wished they had practice. She stated that would be part of the implementation of the plan to give people the training to feel comfortable.

Mayor Lunde stated that on documents, English-speaking Americans could look at those city documents and wouldn't have an idea what it was saying which is called plain English, to speak in plain English. He asked if they were noting documents of importance, such as getting kicked out of their house, and that was what he wanted to be written, and maybe they understood it or not. He stated that not every conversation was the same, such as, signing up their kid for water safety class or being kicked out of the house. He stated those were not the same conversations and asked if there was any guidance.

Community Engagement Manager Shardlow stated there were some federal guidelines, from the Department of Justice, on LEP. She stated they had four factors they would use to assess and could use those as a guideline. She stated that as she met with staff, she asked what were the key documents they didn't have translated and wished they did. She stated they had been trying to get those translated right now, and gave an example of Recreation and Parks documents/forms where families were writing in their kid's allergies and had those translated now in Spanish.

City Manager Stroebel stated that while the city made great progress in that work those were great suggestions. He stated there were several departments that made significant progress with brochures and the Code Enforcement and Public Health was putting things more in plain English than what the city code said by the language.

Mayor Lunde asked if the EMTs had access to the Language Line if needed because their questions couldn't have ambiguity to understand what they were asking during a life-threatening situation.

Council Member Mata stated no because they were there to treat a problem and not worry about anything else.

Council Member Pha stated they didn't always have to translate all the policies or documents. She stated sometimes it was just translating some basic information, like a few sentences to say, if they would like the document in a different language or "this is very important" in a different language so they realized it was important. She stated if one of her parents read it and didn't understand it, but if it had one sentence that said, "Important," in Hmong in addition to

English they would know to get it to a child or relative to read the rest of it. She stated they might not have to translate the entire document and just certain phrases.

Community Engagement Manager Shardlow stated, Code Enforcement and Assessing and other departments had on their notices, in Hmong or Spanish, if they needed a Spanish or Hmong speaker, it gave a number to the speaker.

Council Member Russell stated last month when the Governor visited, there was a lot focus with respect to the African immigrant community to one community group, perceived dominant community group over the other community group and saw a lot of emphasis on trying to provide some linguistic help for Somalia, but the other groups, even though they spoke English, all of the West Africans spoke English, but it was a variation of English they spoke and had to be sensitive to that. He stated that even though they spoke English, the word choices were completely different and that was a communication barrier too. He stated there was Liberian English, Pidgin English, Nigerian English, Jamaican English and all were different English. He stated that was something they had to be sensitive too. He stated to remedy it would be to continue to recruit and get more people to speak and understand the culture. He stated that would help to alleviate it because it was a different variation of English.

Council Member Mata stated back in 2006/2007 they were putting some things in different languages and everyone who came in to the city, to homestead their house, they were not asked that question there and if they failed to state they didn't speak English then he didn't care. He stated they were not there to hunt someone down, they were there to help with questions, to help them with the documentation. If they lived in Blaine and they came to the city for a question that was not their problem. He stated that if they were in a rental place, they should be going to landlords. He stated they had a way to know who didn't speak English at their home as they came in to homestead their house. He stated he could name countries where he could go and he was out of luck if he didn't speak that language and wouldn't have something written in English for him. He stated that unfortunately English was the predominant language in the world and a lot of places had it as secondary language. He stated that in the United States, the State and Hennepin County, had ESL classes for free to learn the language and asked if they were going to put it in German, Norwegian, Russian, and all the other languages where people had lived for years and figure out the other languages for them to put all those things in place.

He stated it was a lot of money for one or two people and they should use the Language Line and have that person in front of staff to call the line. He stated they knew what language they were going through and now have the communication happening there and was a service they paid for. He stated with sign language, when he was at City Hall, he handed a person a piece of paper, notebook and pen to write with and that was their communication. He stated that before going overboard and that would cost a lot of money, he wasn't spending $10,000 for one person who spoke French to understand how to mow the grass because they should have been told when they homesteaded.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 8:39 p.m.

_____
JEFFREY JONEAL LUNDE, MAYOR

_____
DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, September 9, 2019 Brooklyn Park Council Chambers
7:00 p.m. 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, and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Finance Director LaTonia Green; Deputy Police Chief Mark Bruley and City Clerk Devin Montero.

ABSENT: Wynfred Russell (excused)

Mayor Lunde introduced Girl Scout Troop #18171, Brooklyn Park, and they led the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated there was one public comment at the last meeting regarding concerns of speed and pedestrians along 93rd Avenue. He stated that the Council knew they were taking steps in terms of adding a new stop light at 93rdAvenue/Noble, and in the fall, as part of the budget process, they would review potential additional measures to improve safety and speeding issues along 93rd Avenue.

2B PUBLIC COMMENT

1. Collette Guyott-Hempel, 9277 Trinity Gardens. 93rd Avenue. Asked what the date was for changing the speed limit on 93rd Avenue. She stated the neighborhood was fed up with hearing the racing not only on 93rd, but when they came out of the stop sign, they raced to the first block of Regent Parkway. She stated the Pultec developer at the northwest corner and the Planning Commission requested a third lane for a left turn lane on 93rd Avenue or that road be redesigned. She stated with starting the construction there would be more traffic of construction workers, apartment and townhomes owners and should reduce the speed before that traffic started. She stated they should also have signage from both directions 94th and from Regent and from Zane so people would know the speed limit.
2. Rich Xiong, 4034 Foxglove Avenue North. Spoke on behalf of residents in the Foxglove and Pinebrook Neighborhoods. He stated they lived by the Park and Ride and there was a squatter in corner. He thanked the Police Department and Council Member Jacobson for responding to their concerns. He stated they kept asking the squatter to leave, but he kept coming back, and the residents worked with the city to get him off there and thanked everyone involved. He stated he also met with Council Member Jacobson regarding this concern after the incident and expressed the desired to see that property zoned Public Institution and it would be only a matter of time for development. He stated they wanted Noble Parkway as a gateway to city, wanted the city to maintain the property and showcase it and not become an eye sore, and to help maintain property values. He stated they were requesting more police patrols in the area and more signage for commercial parking.
3. Tom Paul, 4017 Foxglove Avenue North. Spoke on behalf of residents of the Pinebrook Neighborhood. He stated semi-trucks and dump trucks parked at the Park and Ride and reported it to the Police Department. He stated the entrance into parking lot used to have

a barrier, but during the day and night, it was a big problem as they had seen some criminal activity, sexual activity and a few other things. He stated some of the trees were nice and underneath them was a tarp that had stolen stereo equipment. He asked the city to clean that up and cut the bottom of the trees to help with the property maintenance. He stated it used to be nice bus stop but now there is punched out glass windows and there are no lights around it. He stated the bottom of the pole was falling apart and asked it to be removed if it was not used. He stated there were no lights in the parking lot and it was a dark area. He stated they worried about things in the past and what could happen in the future and would like to work with the Council to solve the situation.

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 Presentation – Grand and First Place Winners of the Summer Blossom Garden & Landscape Recognition Program. Theresa Freund, Community Development, briefed the Council on the winners and presented pictures.

The Mayor and Council recognized the Grand and First place winners of the Summer Blossom Garden & Landscape Recognition Program.

3B2 Mayor's Proclamation of September 17-23, 2019 as "Constitution Week" in the City of Brooklyn Park.

Mayor Lunde read a proclamation declaring September 17-23, 2019 as Constitution Week in the City of Brooklyn Park. She introduced Sue Anderson, Anoka Chapter of the Daughters of the American Revolution, and she briefed on the Daughters of the American Revolution.

3B3 Human Rights Commission Interviews

Mayor Lunde and Council interviewed applicants to fill vacancies on the Human Rights Commission.

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

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-139 ORDERING PREPARATION OF PROPOSED ASSESSMENTS AND SETTING A PUBLIC HEARING ON THE PROPOSED ASSESSMENTS FOR OCTOBER 14, 2019.

4.2 TO SET THE TRUTH-IN-TAXATION PUBLIC HEARING BUDGET MEETING AS MONDAY, DECEMBER 2, 2019, AT 7:00 P.M.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-140 AUTHORIZING THE POLICE DEPARTMENT TO ENTER INTO A GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF TRAFFIC SAFETY

FOR THE 2020 TOWARD ZERO DEATHS ENFORCEMENT PROGRAM GRANT.

4.4 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JUNE 11, 2018 AS PRESENTED BY THE CITY CLERK.

4.4 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JUNE 25, 2018, AS PRESENTED BY THE CITY CLERK.

4.4 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF DECEMBER 17, 2018, AS PRESENTED BY THE CITY CLERK.

4.4 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF APRIL 29, 2019, AS PRESENTED BY THE CITY CLERK.

4.4 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF AUGUST 26, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION PASSED UNANIMOUSLY.

7.1 Sister City Agreements Approval.

Assistant City Manager Wokie Freeman-Gbogba briefed the Council on the Sister City Agreements.

Mayor Lunde thanked the committee attending. He stated he had broken bread with them and other many different things to talk about the possibilities. He stated when they did the first Sister City, the Council learned so much about how to be better. He stated the policy was designed so that they could structure a Sister City relationship that was realistic but also had goals and visions. He stated he appreciated the work Assistant City Manager Freeman-Gbogba and the committee did in pulling it together because it made it more impactful and meaningful when they talked about what they wanted to do with it.

He stated for the public, who always asked him why the city did sister cities and why did they spend the time that he always invited them to come, like the Liberian festival or to come in two weeks to the signing ceremony if it passes tonight to understand the relationship that the city formed with the different communities was important. He stated the benefit to city was they got to connect with leaders and do a better job of being a host to different members of the community and understanding all the different needs because the community was unique. He stated it was the largest most diverse city in the State of Minnesota. He stated that 20 percent of the city was foreign born, had many languages and there were so many different dialects and religions. He stated when the Sister Cities where structured correctly, they had the ability for the city to form bonds that were important. He thought about how far the city came from the Liberian Sister City and had high hopes that they would do the same with tonight's Sister City. He stated he would tell people it was worth it to do them because the relationships became tighter; the openness and the ability to learn from each other helped the city.

7.1 MOTION LUNDE, SECOND PHA TO APPROVE THE SISTER CITY AGREEMENT TO ESTABLISH A NEW SISTER CITY RELATIONSHIP WITH GAROWE, SOMALIA.

Assistant City Manager Wokie Freeman-Gbogba stated the ceremonial signing of the Sister City agreements with the Mayor of Garowe would be held on October 10. She stated she would let the Council and community know when all details have been arranged.

The following individual addressed the Council:

1. Hassanen Mohamed. Stated he appreciated Assistant City Manager Freeman-Gbogba working with them and coming up with something that was mutually acceptable to everyone. He stated in attendance was the Board of Confederation of Somali Communities and Minnesota House of Representative Mohamud Noor, who was the previous Executive Director of the Confederation of Somali Communities, and other members from the Friends of Garowe. He stated not many were in attendance tonight because they were waiting for the real event in October.

Council Member Jacobson stated she had conversations with the Mayor, City Manager and Assistant City Manager on the item. She stated she was not against it. She thought the Council needed to make sure as they moved ahead in the future and because the Council would look different in the future. She stated right now there were signs for windows that said, “all are welcome here.” She stated she didn’t want the Council to get to a day when a Council said no to a Sister City because the city had enough of them. She stated the Oromo community could come forward or the Hmong community could come forward and that future Council didn’t really understand the way they were voting tonight, and they would say no. She stated they were potentially going to divide the community again as some would feel like they were special because they were part of a Sister City and others might feel like they were turned down from being a part of a Sister City. She just wanted to caution the Council about moving it forward. She stated it was a concern of hers in doing it and believed it was carefully laid out in the policy and procedures.

Council Member Mata stated he was at the work session where they talked about it and the Council found out the city had a Sister City they didn’t know about and no one did anything for many years. He stated that once they start bringing forward Sister Cities, asked if that was the only way they were going to be accepting someone if they were a Sister City. He thought it was wrong. He stated there were a bunch of communities that lived in the city and people that came from different countries and different places and asked if the Council was saying they didn’t respect them, didn’t like them, didn’t agree with them, or not going to support them. He stated absolutely not. He stated he had watched the one the city had already and had a lot of extras being spent on it, wasting taxpayer money, where the city had to provide police protection, had to stay overnight in hotel rooms, and equipment leaving the city to support another place. He stated nothing ever came back to the city and was just give and give and that was the taxpayers resources that he felt they could do more things with the community that lived in the city as opposed to sending it overseas or outside the community. He stated he had respect for every individual who lived in the city, but to create a Sister City was not something he wanted to do so that the city had 100 of them and at some point, in time somebody would they were not going to invite someone to be a Sister City. He stated he was not in favor of having Sister Cities because it was not a two-way street for him.

Council Member Pha stated she was not against having Sister Cities at all. The city was the second most diverse city in Minnesota. She stated it would be awesome to be the city that had the most number of Sister Cities in the State because the city had such a diversity. She stated

having them all over the world was to connect with other people and were not doing anything with them other than cultivating friendships, understanding, and cultural respect. She stated sponsors like the Friends of Garowe were the sponsors of the relationship and they were going to manage the relationship. She stated the city would do their part, Friends of Garowe would do their part and the Sister City would do their part. She stated she didn't see it as a one way relationship and was a two way relationship. She stated it was whole community coming together to embrace something and if many other cities and other countries would like to be Sister City of Brooklyn Park, she would hold that as an honor and a privilege to be able to do it. She stated she was not worried having 10 or 20 coming forward and hoped they did come forward; because they would be a great opportunity for the city to be able to cultivate those relationships and culturally understand them. She stated she was not concerned about it and hoped more would come forward and when they did, she would support it.

Council Member Parks stated he had no issue with the Sister City and the difference now between it and the ones they had done a Sister City with before was that they didn't have an agreement or policy in front of Council on how to get there. He welcomed the representatives the city and welcomed their families and the city family to break bread together.

7.1 THE VOTE ON THE MOTION PASSED. (5 TO 1) MATA VOTED NO.

7.1 MOTION LUNDE, SECOND JACOBSON TO APPROVE THE SPONSOR AGREEMENT WITH FRIENDS OF GAROWE IN MINNESOTA COMMITTEE AND THE CONFEDERATION OF SOMALI COMMUNITY IN MINNESOTA. MOTION PASSED. (5 TO 1) MATA VOTED NO.

Assistant City Manager Wokie Freeman-Gbogba stated on October 10 there would be a ceremonial signing of the Sister City Agreement. She stated the Mayor of Garowe was expected to be at the ceremony and she would let the Council and community know when all of the details had been arranged.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Mata stated the Park and Ride at Noble/TH610 was used for the State Fair and now it was not used. He stated the one at 63rd Avenue, parking was difficult. He stated that now that the city owned the Park and Ride, to ask the Met Council to run it again for the State Fair.

He stated during the public comment, residents spoke about why trucks were parking there. He stated the city should be charging them to use the city's land.

Mayor Lunde agreed about the State Fair buses as he was hearing a lot of comments about the Park and Ride at 63rd Avenue where they were waiting two hours for buses to arrive and suggested being proactive on what the city could do.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel briefed on the following events:

- September 14, at 8:00 a.m. Wiggle Butt 5K Run/Walk Check-In; and 9:00 a.m. Run/Walk starting at the Brookdale Dog Park with the Bark Park Expo from 9:00 a.m. to 1 p.m.

- September 21, from 10 a.m. to 2 p.m. was the Historic Eidem Farm 40-Year Anniversary as a Historic Site event.
- September 21, from 2 to 5 p.m. Rotary Beer Fest, at the BP Community Activity Center, supporting Rec on the Go and BrookLynk programs.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 8:27 p.m.

_____
JEFFREY JONEAL LUNDE, MAYOR

_____
DEVIN MONTERO, CITY CLERK

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.7	**Meeting Date:**	October 14, 2019
Agenda Section:	Consent	**Originating Department:**	Community Development
Resolution:	N/A	**Prepared By:**	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	1	**Presented By:**	Keith Jullie, Rental and Business Licensing Manager
Item:	Set a Public Hearing for an On-Sale Wine License for Midas Hospitality LLC dba Hampton Inn Brooklyn Park		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET A PUBLIC HEARING ON OCTOBER 28, 2019, TO SOLICIT TESTIMONY AND CONSIDER ISSUANCE OF AN ON-SALE WINE LICENSE FOR MIDAS HOSPITALITY LLC DBA HAMPTON INN BROOKLYN PARK, 9470 WEST BROADWAY, BROOKLYN PARK.

Overview:

This is a recently constructed hotel applying for an on-sale wine license for Midas Hospitality LLC dba Hampton Inn Brooklyn Park, 9470 West Broadway, Brooklyn Park.

Pursuant to state statute, they must comply with state laws, local laws and procedures. To comply with state laws, a public hearing must be held prior to City Council approval of the license required. The results of the inspections and investigations will be available at the public hearing on October 28, 2019.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.7A PUBLIC HEARING NOTICE

NOTICE
CITY OF BROOKLYN PARK
5200 85TH AVENUE NORTH

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Brooklyn Park City Council will hold a public hearing in the City Hall Council Chambers, 5200 85th Avenue North, on October 28, 2019, to consider the issuance of an On-Sale Wine License for Midas Hospitality, LLC doing business as Hampton Inn Brooklyn Park, located at 9470 West Broadway. All persons desiring to be heard are invited to attend. Written comments will be received by the Licensing Division prior to the hearing.

Devin Montero
City Clerk

Published in the Brooklyn Park Sun Post on October 17, 2019.

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.8	**Meeting Date:**	October 14, 2019
Agenda Section:	Consent	**Originating Department:**	Community Development
Resolution:	X	**Prepared By:**	Cindy Sherman, Planning Director
Ordinance:	N/A		
Attachments:	5	**Presented By:**	Cindy Sherman
Item:	Three Rivers Park District – Interim Use Permit #16-107 for Temporary Office and Storage Facilities at the Coon Rapids Dam Regional Park, 10360 West River Road North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ APPROVING AN EXTENSION TO INTERIM USE PERMIT #16-107 TO ALLOW TEMPORARY OFFICE AND STORAGE FACILITIES AT COON RAPIDS DAM REGIONAL PARK, 10360 WEST RIVER ROAD NORTH.

Overview:

In May of 2016, Three Rivers Park District was granted an Interim Use Permit (IUP) for temporary facilities at Coon Rapids Dam Regional Park. The facilities were in anticipation of expanded programming at the park and completion of the master plan for the park. The original IUP was granted until 2021, unless extended by the City.

Now that the Master Plan is in place and phasing of improvements to the park are underway, there is a better understanding of how long the IUP is needed for the temporary buildings. The park district also requests that an additional temporary building be added under the existing permit.

From 2016:
Three Rivers Park District has a desire to provide additional programming at the Coon Rapids Dam Regional Park. The Park District and City of Brooklyn Park are currently undertaking a joint planning effort to develop a Master Plan for the park that will provide additional facilities in the future. The park planning and future construction will take a number of years and the existing facility cannot accommodate the desired staffing to provide expanded services at the park.

The Park District is requesting an IUP to allow a temporary office building and a storage container at the park site in order to provide adequate space for four education staff members and the storage needs of the programming to be provided in the park. They will continue to use the existing Visitor Center with expanded hours provided.

Primary Issues/Alternatives to Consider:

1. Approve the IUP as presented.
2. Approve the IUP with modifications.
3. Deny the IUP based on certain findings.

Budgetary/Fiscal Issues: N/A

Attachments:

4.8A RESOLUTION
4.8B LOCATION MAP
4.8C PLANNING AND ZONING INFORMATION
4.8D LETTER FROM APPLICANT
4.8E PLANS

RESOLUTION #2019-

RESOLUTION APPROVING AN EXTENSION TO INTERIM USE PERMIT #16-107
TO ALLOW TEMPORARY OFFICE AND STORAGE FACILITIES
AT COON RAPIDS REGIONAL DAM PARK, 10360 WEST RIVER ROAD NORTH

Planning Commission File #16-107

WHEREAS, Three Rivers Park District, has made application for an Interim Use Permit under the provisions of Section 152 of the City Code for property located at:

10360 West River Road North

WHEREAS, the applicant desires to have two temporary office building and storage facility at the site; and

WHEREAS, the City allows interim uses subject to review and the provisions in the zoning code; and

WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands, existing and anticipated traffic conditions and its effect on property values in the neighborhood have been considered.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that an Interim Use Permit is hereby granted to Three Rivers Park District subject to the following conditions:

1. The temporary buildings shall be placed per the site plan dated September 17, 2019 on file in the City planning office.

2. Proper building permits are required for the installation of the temporary structures.

3. The buildings will be removed by December 31, 2024, or upon completion of new facilities in the park, whichever occurs first, unless extended by the City.

Interim Use Permit #16-107
Three Rivers Park District 10360 West River Rd. N.

This is a public hearing notice map. Properties receiving notices are within the red dashed line.

Notification distance = 500 feet

Spring 2012 Air Photo.

200
Feet

Map Date April 18, 2016

Land Use Plan	Parks and Open Space
Current Zoning	Conservancy District
Surrounding Zoning	North and East – Mississippi River South and West – Various residential districts across West River Road
Neighborhood	Willowstone
Site Area	160 acres

Conforms to:
- Land Use Plan – Yes
- Zoning Code – Yes
- Variances Needed – None

Temporary Buildings
The Park District is intending to have an additional temporary building 44’ x 12’ delivered to the site and secured as required by the building code. This building will be used as office space and storage for staff. This is in addition to one temporary building on site for office and one for storage. The temporary buildings will be connected with decking.

The buildings will be placed near the Visitor Center to allow shared use of restroom and access facilities. The buildings will be over 500’ from the westerly property line of the park.

ThreeRivers
PARK DISTRICT

Three Rivers Park District Board of Commissioners

Marge Beard
District 1

Jennifer DeJournett
District 2

Daniel Freeman
Vice Chair
District 3

John Gunyou
Chair
District 4

John Gibbs
District 5

Steven Antolak
Appointed
At Large

Gene Kay
Appointed
At Large

Boe Carlson
Superintendent

September 23, 2019

Ms. Cindy Sherman
Planning Director
City of Brooklyn Park
5200 85th Ave. N.
Brooklyn Park, MN 55443

RE: Requesting Interim Use Permit Extension/Modification:
Temporary Office/Storage at Coon Rapids Dam Regional Park *becoming* Mississippi Gateway Regional Park

Dear Ms. Sherman:

Three Rivers Park District is requesting an extension and modification of an existing Interim Use Permit (IUP) for temporary office and storage at Coon Rapids Dam Regional Park *becoming* Mississippi Gateway Regional Park. The current IUP expires June 30, 2021 and allows for one temporary trailer for office use.

Three Rivers is requesting this be extended to December 31, 2024, to align with the construction of a new Mississippi Gateway Center and Maintenance and Offsite Learning Hub which would satisfy office and storage needs for park programming. In addition, Three Rivers is requesting that the LUP be modified to allow for a second temporary office/storage trailer to support current and growing programing offerings.

Upon City approval of an IUP and subsequent Building Permit, Three Rivers intends to install the second trailer this fall.

Background:
Three Rivers, in partnership with Brooklyn Park, developed and approved the Mississippi Gateway Regional Park Master Plan. As part of the master plan implementation, and efforts to better serve Brooklyn Park and other first-tier suburbs, Three Rivers has increased programming, staffing and capital investments at Mississippi Gateway Regional Park.

Since 2015, Three Rivers has:

- Transitioned the Visitor Center into a year-round facility increasing hours open to the public from 872 hours/year to 2,756 hours/year;
- More than doubled self-guided Visitor Center annual attendance to over 12,000;
- Increased public programming from 300 to 800 a year – almost 20,000 participated in education programming in 2018;

- Increased outreach and programming efforts within the community:
  - Attending community festivals and events (bring live animals and nature learning opportunities)
  - Conducting Three Rivers Explorer Program (off-site summer camps)
  - Supporting Brooklyn Park's Nature Preschool (providing a naturalist)
  - Teaching environmental education at Zanewood Elementary and Champlin-Brooklyn Park Academy
- Completed Phase 1: New main park entrance and parking, extended Rush Creek Regional Trail to connect with Coon Rapids Dam Walkway and constructed associated trail connections.
- Designed Phase 2 (Construction planned for 2020): new park road/temporary parking/trail access to River Flats, new ADA river access and outdoor classroom space, new non-motorized boat launch, new paved interior trail and new vault latrine building.

This growth requires additional temporary office and storage needs until the programming and staffing infrastructure needs can be permanently met with the new Mississippi Gateway Center and Maintenance and Off-Site Learning Hub. These facilities are planned for construction in 2022/23. Upon completion of these new facilities, the temporary office trailer and storage containers would be removed from the site. An IUP expiration date of December 31, 2024, allows for as uninterrupted as possible programming offerings to continue through construction.

Application Documents:
The following documents are enclosed for your use as part of this Application:

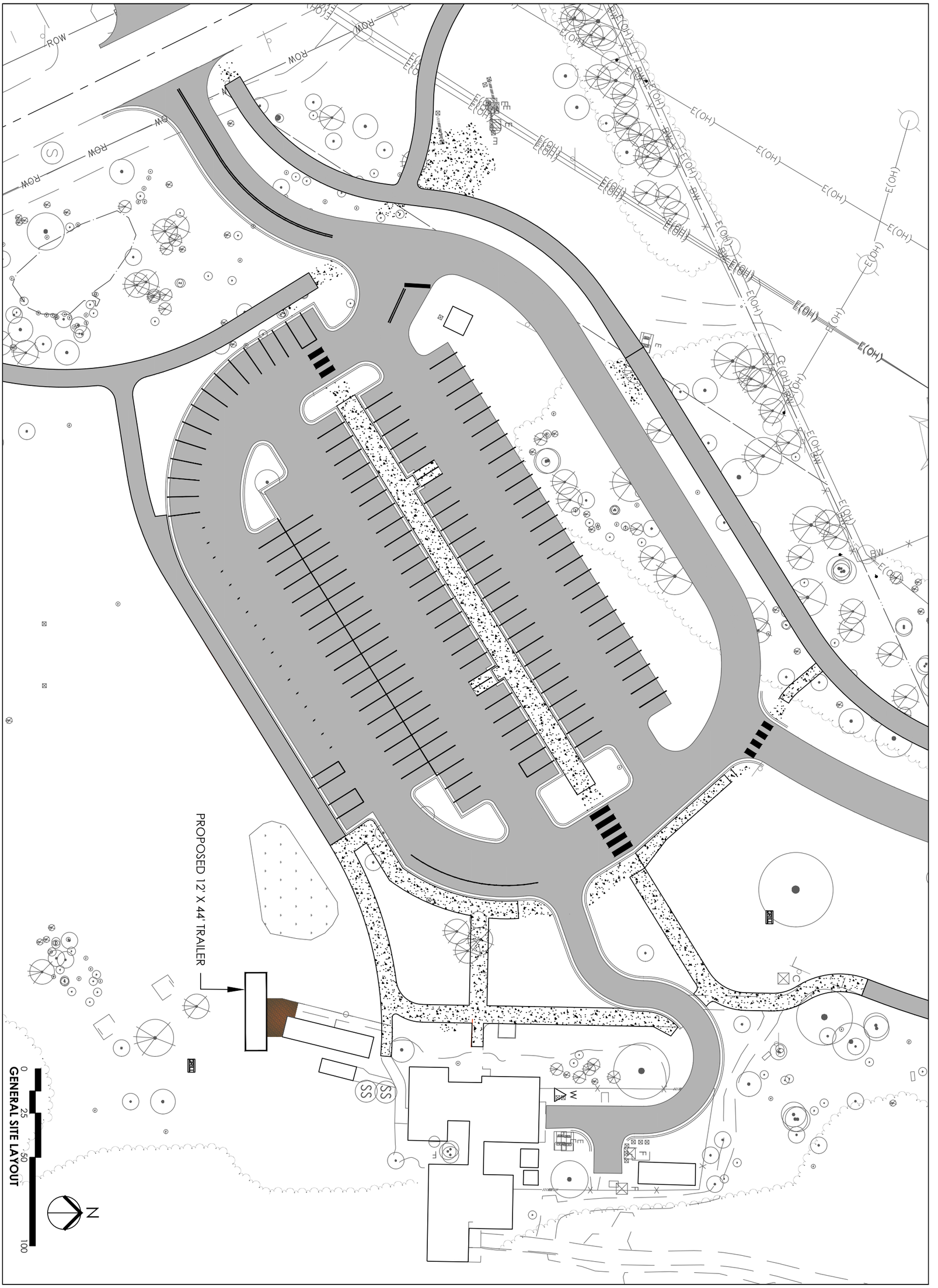
- Existing/Proposed Site Conditions with Proposed Temporary Office/Storage Trailer Photos and Designated Location

Please let me know if you need any additional information in support of this application. Thank you for your assistance and flexibility in accepting this application.

Sincerely,

Director of Planning
Three Rivers Park District

Enclosures



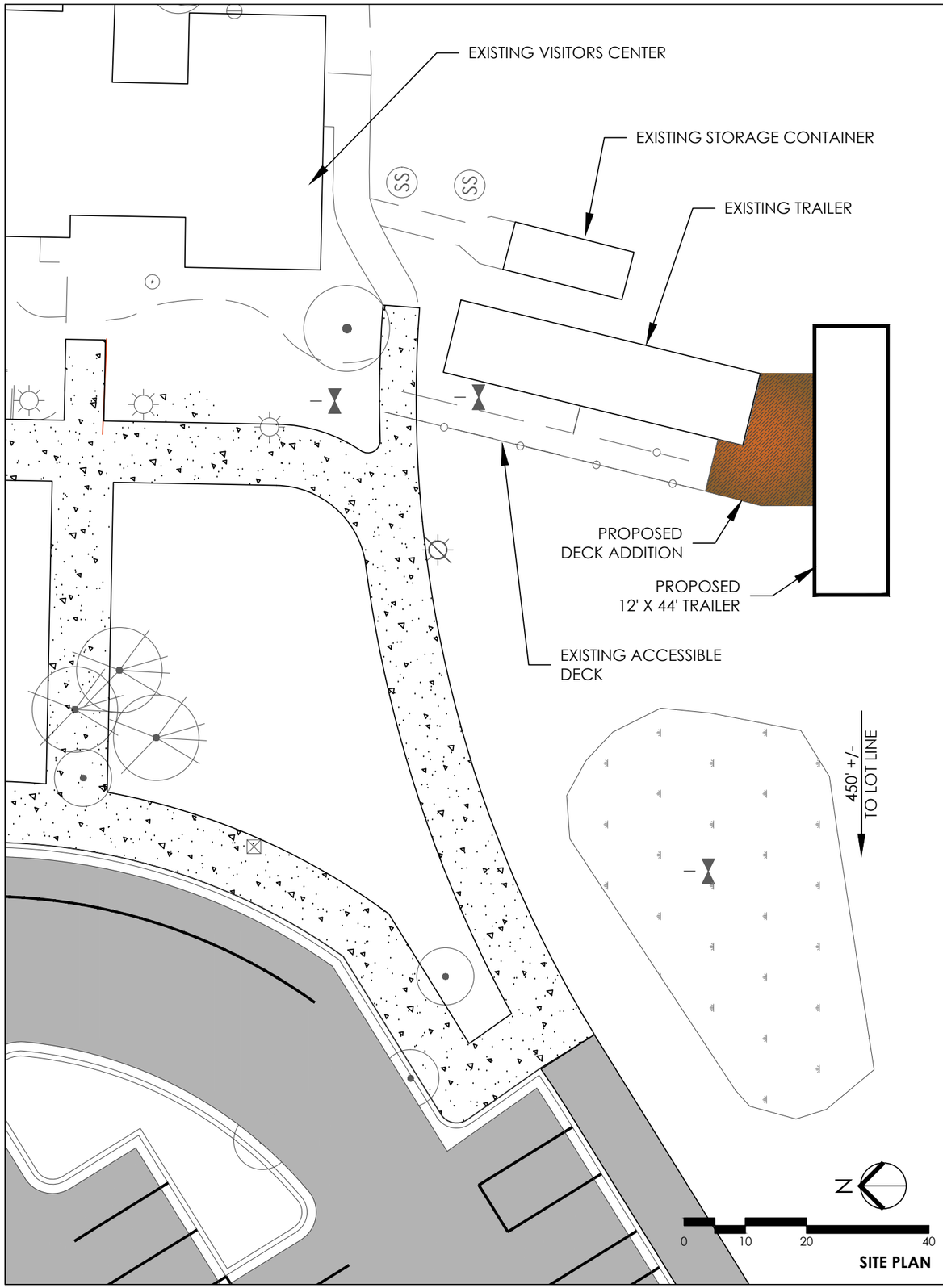
ThreeRivers PARK DISTRICT

Temporary Office and Storage

Mississippi Gateway Regional Park

Scale: 1" = 20'
Date: 9/17/2019
Drawn by: N Straka

Printed: 9/18/2019 8:52 AM



SITE PLAN

PROPOSED TRAILER

Scale: 1" = 20'
Date: 9/17/2019
Drawn by: N Straka

Temporary Office and Storage
Mississippi Gateway Regional Park

ThreeRivers PARK DISTRICT

J:\DESIGN STAFF\Nate\AutoCAD\DWG\2019\CRD Trailer.dwg

City of Brooklyn Park **Request for Council Action**			
Agenda Item:	4.9	**Meeting Date:**	October 14, 2019
Agenda Section:	Consent	**Originating Department:**	Operations and Maintenance
Resolution:	X		
Ordinance:	N/A	**Prepared By:**	Jon Watson, Public Utilities Superintendent
Attachments:	2	**Presented By:**	Dan Ruiz, Director
Item:	Authorize Amending the Agreement with KLM Engineering Inc. for Engineering Services for the Noble Water Tower Rehabilitation Project		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ TO AUTHORIZE AMENDING THE AGREEMENT WITH KLM ENGINEERING INC. FOR ENGINEERING SERVICES FOR THE NOBLE WATER TOWER REHABILITATION PROJECT.

Overview:
This request is for authorization to amend the existing agreement with KLM Engineering to continue inspection and validation engineering work on the Noble water tower repainting project. Work repainting the tower has progressed throughout the year; however, the project is behind schedule due to adverse weather conditions and methods attempted by the contractor. The inspection work performed by KLM Engineering is especially important given this situation. Inspection duties include monitoring and documentation of the weather conditions as it relates to surface preparation and application of paint coatings.

The proposed additional work amounts to an addition of $85,000.00 to KLM's contract. This inspection staff time is key to ensure that the project is completed correctly. KLM Engineering is an experienced municipal engineering firm that does work for the public sector. They specialize in the water reservoir and paint coating related engineering work.

Primary issues/alternatives to consider:

- Should the agreement be approved?
  Staff recommends approval of the agreement because it is necessary to continue diligent inspection and validation of the project.

- The Council has the following alternatives to consider:
  1. Approve the agreement as recommended
  2. Reject the agreement amendment and reduce the cost of proposed agreement

Budgetary/Fiscal Issues:
The estimated cost of additional project inspection work is $85,000.00; therefore, the overall total fee will be $165,000.00. This amounts to a ratio of 12% of the cost for the tower rehabilitation project. There may be an opportunity to recoup these additional costs by charging liquidated damages onto the contract with the general contractor, TMI Coatings. These engineering costs can be accommodated in the 2019-2020 Water Utility Fund budget.

Attachments:

4.9A RESOLUTION
4.9B PROPOSED AGREEMENT AMENDMENT

RESOLUTION #2019-

RESOLUTION TO AUTHORIZE AMENDING THE AGREEMENT
WITH KLM ENGINEERING INC. FOR ENGINEERING SERVICES
FOR THE NOBLE WATER TOWER REHABILITATION PROJECT

WHEREAS, it is important to keep the utility system at a good level of service; and

WHEREAS, the project was identified in the 2018-2022 Capital Improvement Plan as project #300118; and

WHEREAS, KLM Engineering Inc. was selected and conducts this type of engineering work; and

WHEREAS, the water tower rehabilitation project was authorized and underway; and

WHEREAS, the duration of the project is taking longer than expected; and

WHEREAS, KLM Engineering Inc. has submitted an agreement amendment proposal to the City for the additional engineering inspection work; and

WHEREAS, the recommended proposal can be accommodated in the 2019-2020 Water Utility Fund Budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to authorize the Mayor and City Manager to amend the agreement with KLM Engineering Inc. for engineering services for the additional work on the Noble Water Tower Rehabilitation Project in the amount of $85,000.00.

KLM ENGINEERING, INC.
1976 Wooddale Drive, Suite 4 | Woodbury, MN 55125
Phone (651) 773-5111 | Fax (651) 773-5222

October 9, 2019

By Email Only

Mr. Jon Watson, P.E.
Public Utilities Superintendent
City Brooklyn Park
5200 85th Avenue North
Brooklyn Park, Minnesota 55443-4301

RE: Proposal to Amend the Contract for Construction Management and Inspection Hours on the Noble Tower Reconditioning Project. KLM Project Number: MN3440

Dear Mr. Watson:

Based on the production rates and time extension during the reconditioning of the Noble Tower, KLM is requesting additional hours that are required to perform quality assurance during surface preparation and coating application. This quality assurance is vital for a successful project to meet the city's expectations. KLM's goal is to protect the city's asset by delivering a product that will protect the tower for 20 plus years of service.

The estimated timeframe for completing this project is June 2020. This not to exceed free for additional services is $85,000.00. This agreement, between the City of Brooklyn Park and KLM Engineering, Inc. of Woodbury, Minnesota is accepted by:

City of Brooklyn Park, Minnesota City Mayor	City of Brooklyn Park, Minnesota City Manager
Date	Date

KLM Engineering, Inc.
VP of Business Development

October 9, 2019
Date

City of Brooklyn Park
Request for Council Action

Agenda Item:	4.10	**Meeting Date:**	October 14, 2019
Agenda Section:	Consent	**Originating Department:**	Finance
Resolution:	X		
Ordinance:	N/A	**Prepared By:**	Jennifer Jordan, Senior Project Manager
Attachments:	1	**Presented By:**	LaTonia Green, Finance Director
Item:	Resolution Calling for a Public Hearing on the Issuance of Charter School Revenue Bonds for the Excell Academy For Learning Project		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ CALLING FOR A PUBLIC HEARING ON THE ISSUANCE OF CHARTER SCHOOL REVENUE BONDS AND AUTHORIZING THE PUBLICATION OF A NOTICE OF THE HEARING (EXCELL ACADEMY FOR LEARNING PROJECT).

Overview:

The City has received a proposal from Excell Academy, which is planning to expand their charter school in Brooklyn Park, that the City of Spring Lake Park, Minnesota will issue conduit revenue bonds to finance the Project. With the Project being located in Brooklyn Park, the City is required under law to hold a public hearing on the issuance and adopt a resolution providing their consent to the City of Spring Lake Park and Excell Academy for the issuance of the Revenue Bonds.

Normally, the City would be willing to issue these revenue bonds, but due to our recent bond sale, we are not eligible to pursue these at this time.

Excell Academy would like to pursue financing for the purchase and expansion of their facility and have reached an agreement with the City of Spring Lake Park to issue the proper Revenue Bonds needed. There is no liability related to this financing for Brooklyn Park or the City of Spring Lake Park, as they are considered conduit debt under State Law.

The Resolution merely sets the public hearing for the October 28, 2019 City Council meeting and authorizes the publication of the hearing notice related to the Excell Academy Project. The actual consent that is required to be given by the City Council will be discussed on October 28, 2019.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.10A RESOLUTION

RESOLUTION #2019-

RESOLUTION CALLING FOR A PUBLIC HEARING ON HOST APPROVAL FOR THE ISSUANCE OF CHARTER SCHOOL LEASE REVENUE BONDS AND AUTHORIZING THE PUBLICATION OF A NOTICE OF THE HEARING (EXCELL ACADEMY FOR HIGHER LEARNING PROJECT)

(a) WHEREAS, Minnesota Statutes, Sections 469.152 through 469.1655, as amended, relating to municipal industrial development (the "Act"), gives municipalities the power to issue revenue obligations for the purpose of promoting the welfare of the state by the active attraction and encouragement and development of economically sound industry and commerce to prevent so far as possible the emergence of blighted and marginal lands and areas of chronic unemployment; and

(b) WHEREAS, the City of Brooklyn Park, Minnesota (the "City"), has received a proposal from Excell Academy for Higher Learning, Inc., a Minnesota Charter School and nonprofit corporation, as well as a tax-exempt 501(c)(3) organization (the "School"), and the School's affiliated building company, Friends of Excell Academy (the "Borrower"), that the City of Spring Lake Park, Minnesota undertake a program to assist in financing, among other things, a Project described in Exhibit A, which is located in the City, through the issuance of revenue bonds or other obligations (in one or more series) (the "Bonds") pursuant to the Act; and

(c) WHEREAS, the City has been advised that a public hearing following reasonable public notice and City Council host approval of the financing of the Project is required under Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Treasury Regulations promulgated thereunder, because the facilities to be financed by the Bonds are located in the City; and

(d) WHEREAS, reasonable public notice is notice that is given no fewer than seven (7) days before the public hearing, in the form and manner required by Section 147(f) of the Code and applicable regulations, including by publication in a newspaper of general circulation available to residents of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, Minnesota, as follows:

1. A public hearing on the proposal of the Borrower and the School will be held at the time and place set forth in the Notice of Public Hearing attached hereto as Exhibit A.

2. The City Manager is hereby authorized and directed to cause notice of the hearing to be given one publication in a newspaper of general circulation available in the City, not less than (7) seven days prior to the date fixed for the hearing, substantially in the form of the attached Notice of Public Hearing.

EXHIBIT A

NOTICE OF PUBLIC HEARING
ON THE ISSUANCE OF CHARTER SCHOOL LEASE REVENUE BONDS
FOR THE EXCELL ACADEMY FOR HIGHER LEARNING PROJECT

Notice is hereby given that the City Council of the City of Brooklyn Park, Minnesota (the "City") will meet in the Council Chambers at the City Hall, 5200 85th Avenue North in the City, at 7:00 p.m. on Monday, October 28, 2019 to consider giving host approval to the issuance by the City of Spring Lake Park, Minnesota (the "Issuer") of revenue bonds, in one or more series (the "Bonds"), under Minnesota Statutes, Sections 469.152 through 469.1655, as amended (the "Act"), in order to finance the cost of a project located in the City.

Friends of Excell Academy, a Minnesota nonprofit corporation and tax-exempt 501(c)(3) organization (the "Borrower"), proposes to receive proceeds of the Bonds from the Issuer to finance the following project (the "Project"): (i) acquisition, construction, renovation, expansion and equipping of an approximately 53,000 square foot facility, located at 6510 Zane Avenue North in the City, to be used as a charter school facility for grades pre-kindergarten through 8 (the "Facility"), to be owned by the Borrower and leased to and operated by Excell Academy for Higher Learning, Inc., a public charter school, Minnesota nonprofit corporation and tax-exempt 501(c)(3) organization (the "School"); (ii) purchase of approximately 4.37 acres of parkland from the City, identified as Fair Oaks School Park, located at 6600 Zane Avenue North in the City, immediately adjacent to the Facility; (iii) fund a debt service reserve fund for the Bonds; and (iv) pay costs of issuing the Bonds.

The maximum estimated principal amount of the Bonds to be issued to finance the Project is $14,500,000.

The Bonds or other obligations, as and when issued, will not constitute a charge, lien or encumbrance upon any property of the City or the Issuer and such obligation will not be a charge against the general credit or taxing powers of the City or the Issuer but will be payable from sums to be paid by the Borrower pursuant to a revenue agreement.

At the time and place fixed for the public hearing, the City Council will give all persons who appear at the hearing an opportunity to express their views with respect to the proposal. Written comments will be considered if submitted at the above City office on or before the date of the hearing.

City of Brooklyn Park
Request for Council Action

Agenda Item:	5.1	**Meeting Date:**	October 14, 2019
Agenda Section:	Public Hearings	**Originating Department:**	Finance
Resolution:	X	**Prepared By:**	Jeanette Boit-Kania, Assistant Finance Director Coty Hemann, Senior Accountant
Ordinance:	N/A		
Attachments:	3	**Presented By:**	LaTonia Green, Finance Director
Item:	Adopt Resolution for Proposed Special Assessments for Certain Delinquent Utility Bills, Weed Cutting Charges, Utility Invoices, Administrative Penalty Citations, Nuisance Abatement Charges, and Fire Inspection Fees		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ LEVYING TAX FOR DELINQUENT UTILITY BILLS, WEED CUTTING CHARGES, UTILITY INVOICES, ADMINISTRATIVE PENALTY CITATIONS, NUISANCE ABATEMENT CHARGES, AND FIRE INSPECTION FEES.

MOTION _____, SECOND _____, TO WAIVE THE READING OF THE PUBLISHED NOTICE OF HEARING ON PROPOSED ASSESSMENT FOR DELINQUENT UTILITY BILLS, WEED CUTTING CHARGES, UTILITY INVOICES, ADMINISTRATIVE CITATIONS, NUISANCE ABATEMENT CHARGES, AND FIRE INSPECTION FEES AND HOLD THE PUBLIC HEARING.

Overview:

Each year, the City has outstanding charges for utility bills, weed cutting, tree removal, utility invoices, administrative citations, nuisance abatement charges and fire inspection fees that the City is not able to collect from the property owner. The only action that can be taken to collect these charges is to assess the amounts in question and certify these charges to the property taxes of the property owners. Minnesota State Statute 44.075 Subd. 3 allows for the assessment of delinquent utility bills. Minnesota State Statute 429.101 allows for the assessment of delinquent weed cutting, tree removal, and nuisance abatement charges. The City Charter, Section 14.19, allows for the assessment of delinquent administrative citations. Minnesota Statute 336.012 allows for assessment of delinquent fire inspection fees. In addition, notices of this public hearing have been mailed to the affected parties.

For 2019, we have identified the following amounts for possible certification to the property taxes in 2020:

- 70 abatements totaling $32,762.17
- 243 citations totaling $38,600.00
- 3,745 utility accounts totaling $1,811,642.54

We continue to receive and post payments on these accounts daily. Payments will be accepted up through 4:00 p.m. on November 14, 2019. Accounts paid by this date will be removed from the certification list. Accounts not paid by this date will be certified to Hennepin County. The amount certified includes the outstanding amount plus interest for fourteen (14) months at the rate of 4% annum, a $35.00 administrative fee, and a Hennepin County service charge of $2.50.

New this year, an administrative fee of $15.00 was included on all accounts that received a notice of a delinquent account. This was approved at the November 13, 2018 Council meeting.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

5.1A RESOLUTION
5.1B 2019 SPECIAL ASSESSMENT HEARING PROCESS MEMO TO CITY MANAGER
5.1C CERTIFICATION LIST *(LIMITED DISTRIBUTION – Available for viewing at the City Clerk's office)*

RESOLUTION #2019-

RESOLUTION LEVYING TAX FOR DELINQUENT UTILITY BILLS, WEED CUTTING CHARGES, UTILITY INVOICES, ADMINISTRATIVE PENALTY CITATIONS, NUISANCE ABATEMENT CHARGES, AND FIRE INSPECTION FEES

WHEREAS, pursuant to proper notice duly given as required by law, Council has met, and heard, and passed upon all objections to the proposed assessment for delinquent utilities, weed cutting, tree removal, utility invoices, administrative citations, nuisance abatement charges and fire inspection fees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park:

1. That pursuant to Minnesota Statutes and the City Code of the City of Brooklyn Park, the delinquent utility bills, weed cutting charges, utility invoices, administrative penalty citations, nuisance abatement charges, and fire inspection fees shall be levied against the properties and collected as other taxes are collected, and remitted to the City of Brooklyn Park. All properties involved and the amounts to be certified are on file with the City Clerk.

2. That such proposed assessment, hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included with the exception of the house and garage roof tract of land is hereby found to be benefited by the delivered services in the amount of the assessment levied against it, and that each property shall have the entire amount, plus interest for (14) months at the rate of 4% PER annum, and a $35.00 administrative fee added to their assessment, and a Hennepin County administration, service charge of $2.50.

3. That the owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole or any part of the assessment on such property from the adoption of this resolution until November 14, 2019.

4. That the City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County, and such assessments shall be collected and paid in the same manner as other municipal taxes.

Brooklyn Park

MEMORANDUM

DATE: September 23, 2019

TO: Jay Stroebel, City Manager

FROM: Jason Newby, Inspections & Environmental Health Manager

CC: Kim Berggren, Director of Community Development
LaTonia Green, Finance Director

SUBJECT: **2019 Special Assessment Hearing Process**

The purpose of this memo is to provide you with some background and information regarding the upcoming special assessment hearing process.

Each year, property owners have one final opportunity to appeal their special assessments to the City Council before they are certified to their taxes. These assessments represent all unpaid water bills, administrative citations (false alarms, code enforcement violations, licensing violations, etc.) abatement fees (long grass, nuisances, securing vacant structures, hazardous tree removal, etc.). Throughout the year, residents have an opportunity to contest these assessments through communication with staff and the administrative hearing process.

The Finance Department recently sent out certifications to all parties that met the definitions referenced above. Residents have an opportunity to contact the City in the event they feel these charges were issued improperly or should be removed due to staff error. Staff will work closely with those individuals and address those issues prior to the assessment hearing.

For the special assessment hearing at the City Council meeting, staff is proposing a similar format that has been used in previous years.

Step 1 (October 14, 2019): Have residents who wish to contest their special assessments sign in prior to the City Council meeting and conduct the public hearing. The Mayor may call each resident to the podium to state his/her objections to the special assessment. Rather than responding immediately to the public hearing comments, staff will make a recommendation to the City Council to pull all the contested items from the list and continue those at the next public hearing on October 28. All remaining non-contested fines or fees can be certified at that time.

Step 2: Staff will gather all the necessary case information for those that testified at the hearing or sent in letters or emails appealing their assessment. For each appeal, a case history will be prepared (correspondence, correction notices, citations, abatements and hearings results) and included in the City Council report.

Step 3 (October 28, 2019): Staff will respond to each case at the next City Council meeting on October 28. At the Mayor's discretion, property owners can be allowed to speak again in response to staff comments on their assessment.

Staff feels this format will allow us to respond in an orderly manner and provide all of the necessary information, so the City Council can make an informed decision. If there are questions on the case history, staff is happy to walk through the details of any case prior to the October 28 meeting.

City of Brooklyn Park
Request for Council Action

Agenda Item:	6.1	**Meeting Date:**	October 14, 2019
Agenda Section:	Land Use Actions	**Originating Department:**	Community Development
Resolution:	X		
Ordinance:	N/A	**Prepared By:**	Natalie Davis, Program Assistant
Attachments:	3	**Presented By:**	Cindy Sherman, Planning Director
Item:	Green Haven 2nd Addition (Plateau Properties LLC) – Final Plat #19-117 to Subdivide Existing Residential Lots into Two Lots at 7900 Mount Curve Boulevard North and 7880 Mount Curve Boulevard North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ APPROVING FINAL PLAT #19-117 OF "GREEN HAVEN 2ND ADDITION," SUBDIVIDING PARCEL INTO TWO SINGLE-FAMILY LOTS AT 7900 MOUNT CURVE BOULEVARD NORTH AND 7880 MOUNT CURVE BOULEVARD NORTH.

Overview:

The preliminary plat for this subdivision was approved by the Council in a 4-3 vote on September 23, 2019. Based on Council direction at the time of preliminary plat, the City's Traffic Engineer, Jeff Holstein, reviewed the parking in the area and determined that seven "no parking" signs will be placed along the south side of Mount Curve Blvd. These signs will be installed at the expense of the applicant.

Plateau Properties LLC, the current property owner, requests a lot division of an oversized property at 7900 Mount Curve Boulevard. Each lot individually will meet the area and dimension requirements of the R3 Single-Family Zoning District. Both lots will front on to Mount Curve Boulevard North. The intent of the subdivision is to create a lot to construct a group home, which is a permitted use in the R-3 zoning district and not subject to City Council approval.

Primary Issues/Alternatives to Consider:

1. Approve the proposal consistent with previous Council approvals.
2. Approve the proposal with modifications.
3. Deny the proposal based on certain findings.

Budgetary/Fiscal Issues:

Park dedication of $4,600 will be collected on the lot created for new construction at this time.

Attachments:

6.1A RESOLUTION
6.1B LOCATION MAP
6.1C FINAL PLAT

RESOLUTION #2019-

RESOLUTION APPROVING FINAL PLAT OF "GREEN HAVEN 2ND ADDITION,"
SUBDIVIDING PARCEL INTO TWO SINGLE-FAMILY LOTS
AT 7900 MOUNT CURVE BOULEVARD NORTH AND 7880 MOUNT CURVE BOULEVARD NORTH

Planning Commission File #19-117

WHEREAS, the plat of "Green Haven 2nd Addition" has been submitted in the manner required for platting of land under the Brooklyn Park City Codes and under Chapter 462 of the Minnesota Statutes and all proceedings have been duly had thereunder; and

WHEREAS, said plat is in all respects consistent with the City plan and the regulations and requirements of the laws of the State of Minnesota and codes of the City of Brooklyn Park, Chapters 151 and 152.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, Final Plat Request #19-117 "Green Haven 2nd Addition" shall be approved subject to the following conditions:

a. Title review by the City Attorney and all conditions therein.
b. Easement review by the City Engineer and all conditions therein.
c. Per requirements set forth in Resolution #2019-151 or as subsequently amended by motion, approving the modified preliminary plat of "Green Haven 2nd Addition," which is part of this resolution by reference and is on file and can be examined in the City Clerk's office.
d. Submission of a letter from the land surveyor or engineer indicating the square footage contained in each lot on the plat, per Section 151.043, Subdivision J, of the City Code.
e. Submission of a CAD copy of the plat.
f. Park dedication shall be satisfied with $4,600 on the new lot created for new development.

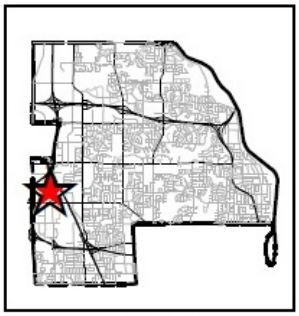
BE IT FURTHER RESOLVED that such execution of the certificate upon said plat by the Mayor and City Manager shall be conclusive showing of proper compliance therewith by the subdivider and City officials and shall entitle such plat to be placed on record forthwith without further formality, all in compliance with M.S.A. 462 and the Subdivision Code of the City.

Plat #19-117 Green Haven 2nd Addition
7900 Mt. Curve Blvd. N.

Brooklyn Park
Community Development

Spring 2018 Air Photo.

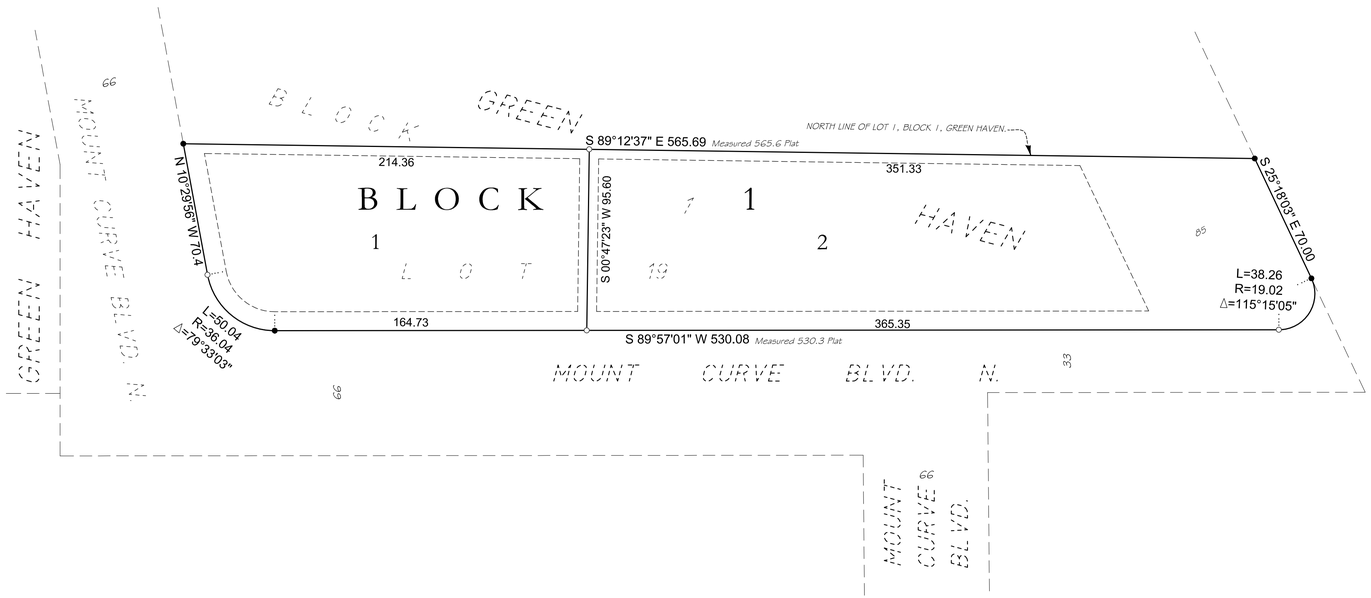
100 Feet



Map Date August 21, 2019

GREEN HAVEN 2ND ADDITION

R. T. DOC. No._____



DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

BEING 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND 5 FEET IN WIDTH AND ADJOINING LOT LINES, UNLESS OTHERWISE SHOWN.

FOR THE PURPOSES OF THIS PLAT THE NORTH LINE OF LOT 19, BLOCK 1, GREEN HAVEN IS ASSUMED TO BEAR S 89°12'37" E

SCALE IN FEET
0 40 80 120

○ DENOTES 1/2 INCH BY 14 INCH IRON PIPE MONUMENT SET AND MARKED BY LICENSE NUMBER 24992, UNLESS OTHERWISE NOTED.

● DENOTES FOUND 1/2 INCH IRON PIPE MONUMENT UNLESS OTHERWISE NOTED.

KNOW ALL PERSONS BY THESE PRESENTS: That Plateau Properties, LLC, a Minnesota limited liability company, owner of the following described property situate in the County of Hennepin, State of Minnesota, to wit:

Lot 19, Block 1, GREEN HAVEN.

Have caused the same to be surveyed and platted as GREEN HAVEN 2ND ADDITION and do hereby dedicate to the public for public use forever the easements for drainage and utility purposes as shown on the plat.

In witness whereof Plateau Properties, LLC, a Minnesota limited liability company has caused these presents to be signed by its proper officer this _____ day of _____, 20_____.

PLATEAU PROPERTIES, LLC

By_____
President

STATE OF MINNESOTA
COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, President of Plateau Properties, LLC, a Minnesota limited liability company, on behalf of the company.

_____ (Notary signature)

_____ (Notary's printed name)

Notary Public_____ County, Minnesota, My Commission Expires_____

I Gregory R. Prasch do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____day of _____, 20 _____.

_____
Gregory R. Prasch, Land Surveyor
Minnesota License No. 24992

STATE OF MINNESOTA
COUNTY OF HENNEPIN
This instrument was acknowledged before me on this ___ day of _____, 20____, by Gregory R. Prasch.

_____ (Notary signature)

_____ (Notary's printed name)

Notary Public_____ County, Minnesota, My Commission Expires_____

BROOKLYN PARK, MINNESOTA
This plat of GREEN HAVEN 2ND ADDITION was approved and accepted by the City Council of the City of Brooklyn Park, Minnesota, at a regular meeting thereof held this_____ day of _____, 20____. If applicable the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the city or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

BROOKLYN PARK, MINNESOTA

By _____, Mayor By _____, City Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota
I hereby certify that the taxes payable in _____ and prior years have been paid for land described on this plat. Dated this _____ day of _____, 20_____.

Mark V. Chapin, Hennepin County Auditor By _____ Deputy

SURVEY DIVISION, Hennepin County, Minnesota
Pursuant to Minnesota Statutes, Sec. 383B.565 (1969) this plat has been approved this _____ day of _____, 20_____.

Chris F. Mavis, Hennepin County Surveyor By _____

REGISTRAR OF TITLES, Hennepin County, Minnesota
I hereby certify that the within plat of GREEN HAVEN 2ND ADDITION was filed in this office this _____ day of_____, 20_____, at_____o'clock_____M.

Martin McCormick, Registrar of Titles By_____Deputy

The Gregory Group, Inc. d.b.a.
LOT SURVEYS COMPANY
LAND SURVEYORS

F:\survey\green haven - hennepin\19-1\green haven 2nd addition - PROPOSED\FINAL PLAT86382.dwg

City of Brooklyn Park
Request for Council Action

Agenda Item:	7.1	**Meeting Date:**	October 14, 2019
Agenda Section:	General Action Items	**Originating Department:**	Operations and Maintenance - Engineering Services Division
Resolution:	X	**Prepared By:**	Jeff Holstein, P.E., P.T.O.E. City Transportation Engineer
Ordinance:	N/A		
Attachments:	3	**Presented By:**	Jesse Struve, City Engineer
Item:	Approve Commitment to Provide Access to Property Losing Access Due to Eminent Domain Proceedings for TH 169/101st Avenue Interchange Project, CIP 4042-19		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ COMMITTING TO PROVIDE ACCESS TO PROPERTY LOSING ACCESS DUE TO EMINENT DOMAIN PROCEEDINGS FOR TH 169/101ST AVENUE INTERCHANGE PROJECT, CIP 4042-19.

Overview:

The construction of the TH 169 / 101st Avenue Interchange Project requires the acquisition of property from twelve parcels. Post project access to all of the residual parcels will be similar to existing with the exception of Parcels 6, 8 and 10. Future access to Parcel 10 (Grace Fellowship Church) will be provided by a new public roadway connection to the 101st Avenue / Xylon Avenue intersection. The connection roadways will be part of the project and the roadways will align through the properties recently acquired by the City from the Target Corporation. The existing access to the church will not be closed until the new connecting roadways are completed and opened to traffic.

In April 2019, the City Council authorized approval of appraised values, offers for compensation, and acquisition by eminent domain for the interchange project. The initial offers were followed by one month of negotiations, as required by the state, prior to filing for eminent domain on July 15, 2019. The City will obtain title and possession by the condemnation action via "quick-take" process of the required properties on October 15, 2019.

The project will also result in the severance of access to the residual portions of Parcels 6 and 8 as both parcels will be in the interchange area and the taking will include access control (i.e., no future right to direct access to 101st Avenue). The project will acquire 5,801 s.f. of the 14,503 s.f. of Parcel 6, leaving a residual of 8,702 s.f. The project will also acquire 120,843 s.f. of the 234,614 s.f. of Parcel 8, leaving a residual of 113,771 s.f.

The City Council and the Economic Development Authority approved the purchasing of all of Parcels 5 (8832 101st Avenue North) and 9 (8800 101st Avenue North) at the September 23, 2019 meeting. The closing for both parcels occurred on October 8, 2019. The parcels were acquired by negotiation. The westernmost 30 feet of Parcel 5 is not under access control for the interchange and thus a full movement driveway can be provided at this location to service the residual portion of Parcel 5.

Because all of Parcel 5 (project needed and residual) was acquired by negotiation prior to the quick take date and the residual portion abuts the residual portions of Parcels 6 and 8, the City has the opportunity to provide future cross access to the residual portions of Parcels 6 and 8 through the residual portion of Parcel 5.

Accordingly, the city attorney recommends the City commit to providing alternative access to Parcels 6, 8 and 10 to potentially limit the City's severance liability in the condemnation actions for these parcels. Based on the

above, staff recommends the City Council approve their commitment to provide access to property losing access due to eminent domain proceedings for the TH 169 / 101st Avenue Interchange Project.

Primary Issues/Alternatives to Consider:

Acquisition by negotiation for all of Parcel 5 allows the City the opportunity to provide access to the residual portions of Parcels 6 and 8, which may mitigate the potential for large severance damages for those two parcels. The City would provide the southernmost 50 feet of the future driveway with the project and wait to provide the remainder until access to the residual portions of 5, 6 or 8 is needed.

Budgetary/Fiscal Issues:

Project No. 4042-19 is included in the City's 2019-2023 Capital Improvement Plan. Funding is planned to come from the City's EDA, special assessments and grants.

Attachments:

7.1A RESOLUTION
7.1B LOCATION MAP
7.1C ALTERNATIVE ACCESS FIGURE

RESOLUTION #2019-

RESOLUTION COMMITTING TO PROVIDE ACCESS TO PROPERTY
LOSING ACCESS DUE TO EMINENT DOMAIN PROCEEDINGS
FOR TH169/101ST AVENUE INTERCHANGE PROJECT, CIP 4042-19

WHEREAS, pursuant to direction of the City Council of the City of Brooklyn Park, the City's attorneys have commenced eminent domain proceedings to acquire Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 which are legally described in the City's petition commencing Hennepin County District Court File No. 27-CV-18-14650, to enable the City and the Minnesota Department of Transportation to reconstruct the TH169/101st Avenue Interchange in the City of Brooklyn Park ("Project"); and

WHEREAS, the City has acquired Parcels 5 and 9 which are legally described in the Petition commencing the above described matter, including all of the property owned by the owner of Parcel 5 at that location, the excess of which is referred to herein as the Parcel 5 Remainder ("Parcel 5 Remainder"); and

WHEREAS, as a result of the City's acquisition of Parcels 6 and 8 in the above matter, the remainder of the property owned at that location by the owner of Parcels 6 and 8 following the City's acquisition of property for the Project ("Parcels 6 and 8 Remainders") will be left without access to a public road or street, and will potentially be diminished in value; and

WHEREAS, as a result of the City's acquisition of access from Parcel 10 in the above matter, Parcel 10 will be left without access to a public road or street and will potentially be diminished in value; and

WHEREAS, it is possible for the City to provide the Parcels 6 and 8 Remainders with replacement access across the Parcel 5 Remainder, which is described in Exhibit A attached hereto, to a public road or street; and

WHEREAS, the City intends to hereby commit to assure such replacement access to the Parcels 6 and 8 Remainders across the Parcel 5 Remainder; and

WHEREAS, the City has obtained property rights over adjacent property which will enable the City to construct replacement access to and from Parcel 10 from and to a public street or road; and

WHEREAS, the City hereby commits to construct a replacement access from Parcel 10 to a public road or street, over adjacent land, and to direct its contractors and employees to not close the points of access presently serving Parcel 10 until the replacement access serving Parcel 10 has been constructed by the City from Parcel 10 to a public street or road, and a deed conveying an appurtenant easement over the new access has been recorded against the title of Parcel 10; and

WHEREAS, it is in the best interests of the City of Brooklyn Park to provide replacement access connecting the Parcels 6 and 8 Remainders and Parcel 10 to a public street or road.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Brooklyn Park the City Engineer is authorized and directed to:

(1) design and provide for a replacement access to a public street or road for the Parcel 6 Remainder, which is legally described on Exhibit B attached hereto, at such time as a development plan for development of the Parcel 6 Remainder is submitted to the City for approval; and

(2) design and provide for a replacement access to a public street or road for the Parcel 8 Remainder which is legally described on Exhibit C attached hereto, at such time as a development plan for development of the Parcel 8 Remainder is submitted to the City for approval; and

(3) construct a replacement access to a public street or road for Parcel 10 described in Exhibit A to the petition commencing the above described eminent domain proceeding, and to not sever, obstruct or deny use of the existing accesses connecting Parcel 10 to a public street or road until the replacement access to Parcel 10 has been constructed and has been opened for use.

EXHIBIT A

Legal Description of Parcel 5 Remainder

The East Half of the West Half of the Southeast Quarter of the Southwest Quarter except the South 178 feet of the West 100 feet of the East 200 feet thereof, and except the North 400 feet thereof, Section 6, Township 119, Range 21, Hennepin County, Minnesota.

Except:

All that part of the above described property lying easterly, southerly, and southeasterly of the following described line:

Commencing at the southeast corner of Southeast Quarter of the Southwest Quarter; thence South 89 degrees 58 minutes 16 seconds West, assumed bearing, along the south line of said Southeast Quarter of the Southwest Quarter, 951.92 feet; thence North 01 degrees 00 minutes 27 seconds East, 33.01 feet to the northerly right of way line of 101st Avenue North and the beginning of the line to be described; thence North 01 degrees 00 minutes 27 seconds East, 58.01 feet; thence North 89 degrees 58 minutes 16 seconds East, 221.07 feet; thence North 00 degrees 03 minutes 07 seconds West, 102.93 feet; thence northerly, 256.92 feet along a tangential curve concave to the east, having a radius of 384.00 feet and a central angle of 38 degrees 20 minutes 05 seconds to the east line of the said East Half of the West Half of the Southeast Quarter of the Southwest Quarter and there terminating.

EXHIBIT B

Legal Description of Parcel 6 Remainder

The South 178.00 feet of the West 100.00 feet of the East 200.00 feet of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter of Section 6, Township 119, Range 21, Hennepin County, Minnesota.

Except:

The north 58.00 feet of the South 91.00 feet thereof'

EXHIBIT C

Legal Description of Parcel 8 Remainder

The land in Hennepin County, Minnesota, described as follows:

Par 1: The West half of the East half of the Southeast Quarter of the Southwest Quarter, Section 6, Township 119, Range 21, excepting road, and except the North 340 feet thereof, and except the West 144 feet of the South 300 feet of said West half of the East half of the Southeast Quarter of the Southwest Quarter; and except the South 300 feet of the East 132 feet of said West half of the East half of the Southeast Quarter of the Southwest Quarter as measured along the East and South lines thereof;

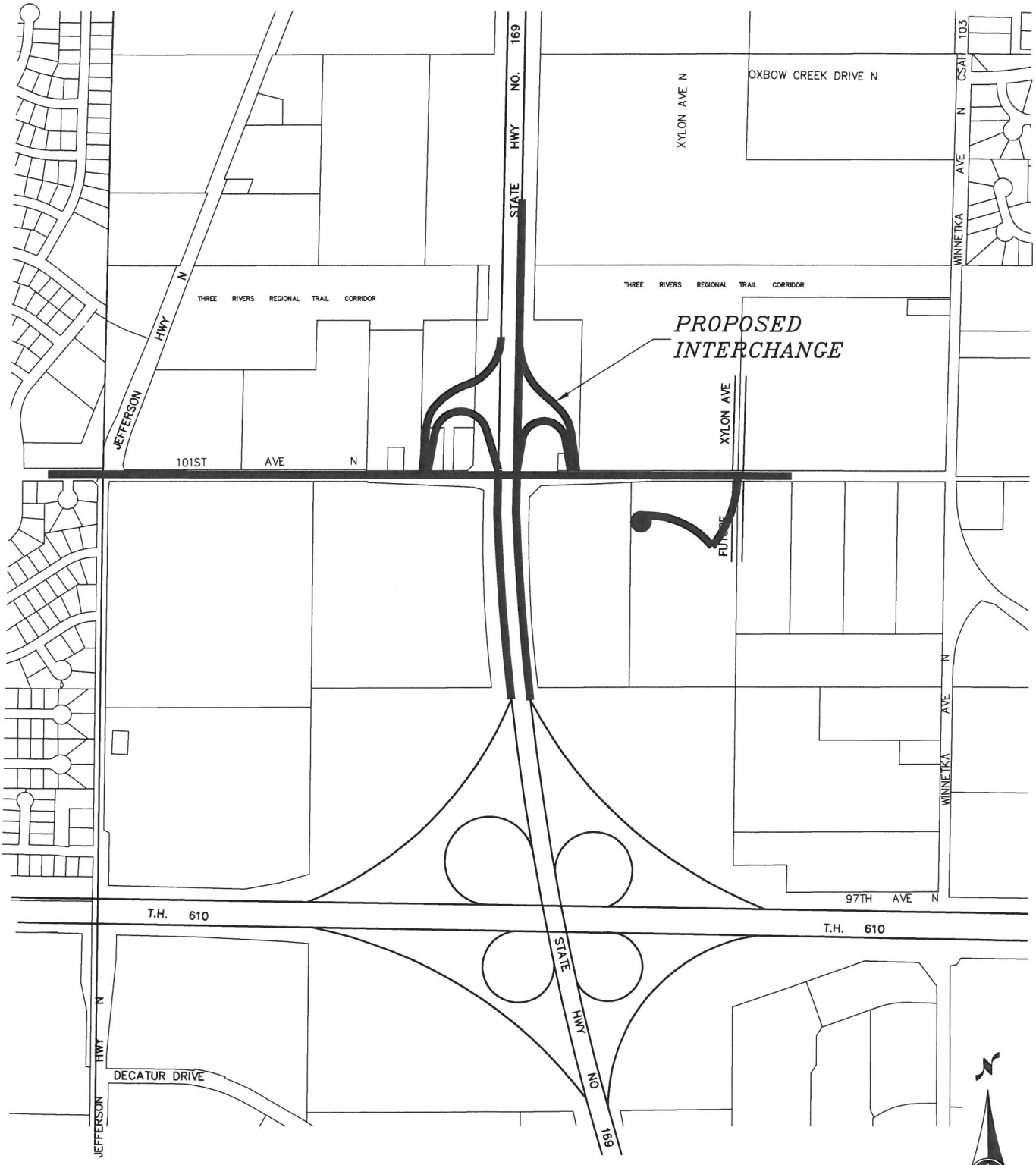
Par 2: The West 9.0 feet of the following described tract:
Commencing at the Southeast corner of the West half of the East half of the Southeast Quarter of the Southwest Quarter in Section 6, Township 119, Range 21; thence North 300 feet along the East line of said West half of the East half of the Southeast Quarter of the Southwest Quarter; thence West 132 feet parallel with South line of said tract; thence South 300 feet parallel with East line of said tract; thence East 132 feet along the South line of said tract to point of beginning, except road.

Except:

All that part of the Subject Property (described above) lying southeasterly of the following described line: Commencing at the southeast corner of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 58 minutes 16 seconds West, assumed bearing, along the south line of said Southeast Quarter of the Southwest Quarter, 654.62 feet to the west line of the West Half of the East Half of said Southeast Quarter of the Southwest Quarter; thence North 01 degrees 02 minutes 26 seconds East, along said west line 432.21 feet to the beginning of the line to be described; thence northeasterly, 31.22 feet along a non-tangential curve concave to the southeast, having a radius of 384.00 feet, a central angle of 04 degrees 39 minutes 31 seconds, and a chord bearing North 40 degrees 36 minutes 44 seconds East; thence North 42 degrees 56 minutes 29 seconds East, tangent to last described curve, 236.72 feet; thence northeasterly, 286.39 feet along a tangential curve concave to the northwest, having a radius of 764.83 feet and a central angle of 21 degrees 27 minutes 17 seconds to the westerly right of way line of United States Trunk Highway 169 and there terminating.

According to the map or plat thereof on file in the Office of the County Recorder or Registrar of Titles in Hennepin County, Minnesota.

LOCATION MAP



LEGEND

PROPOSED PROJECT

Brooklyn Park

NO SCALE

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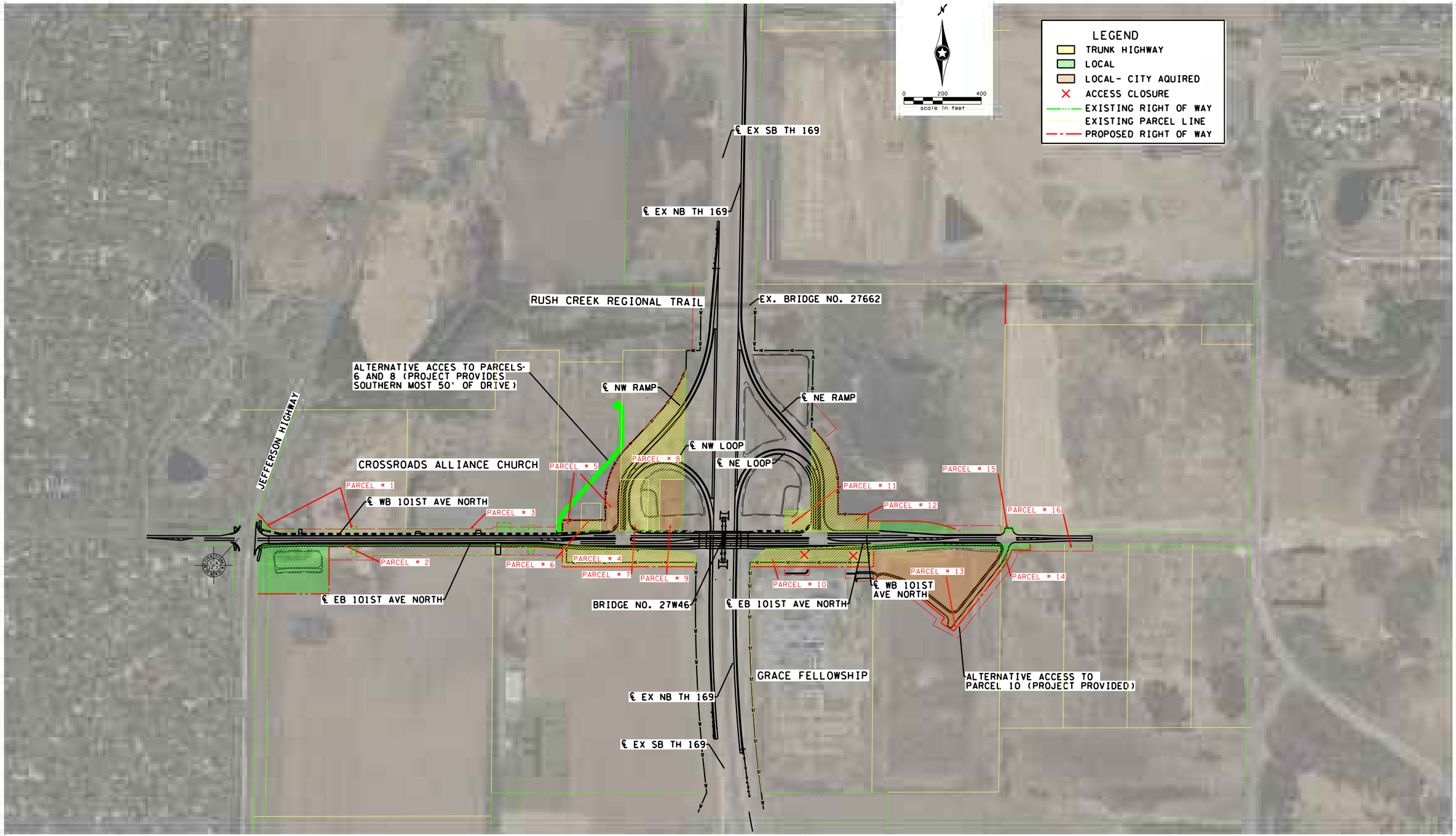

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SRF Consulting Group, Inc.

8757
10/8/2019

Alternative Access to Parcel 10 and to Remainder of Parcels 6 and 8

TH 169/101ST AVENUE INTERCHANGE PRELIMINARY DESIGN

CITY OF BROOKLYN PARK

City of Brooklyn Park
Request for Council Action

Agenda Item:	7.2	**Meeting Date:**	October 14, 2019
Agenda Section:	General Action Items	**Originating Department:**	Community Development
Resolution:	N/A	**Prepared By:**	Sarah Abe, Project Facilitator; Erika Byrd, Development Project Coordinator
Ordinance:	FIRST READING		
Attachments:	2	**Presented By:**	Erika Byrd
Item:	First Reading of the Brooklyn Park Tenant Notification Ordinance		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHAPTER 117 OF THE BROOKLYN PARK CITY CODE REGARDING TENANT NOTIFICATIONS FOLLOWING THE TRANSFER OF OWNERSHIP FOR RENTAL HOUSING UNITS.

Overview:

The Brooklyn Park Economic Development Authority (EDA) continuously updates its housing policies and initiatives to improve quality of life in the community. At its November 2018 meeting, the EDA identified several housing policy priorities, including the creation of an ordinance that would help protect tenants at the time of property sale. This ordinance requires new owners of multifamily buildings to notify tenants about ownership changes and requires tenants who are displaced by any rental agreement changes made within a three-month protection period be paid a relocation assistance fee. The purpose of this ordinance is to give tenants more time and resources if they are facing potential displacement by the practices of new owners. In the past two years, tenant protection and notification ordinances have passed in Bloomington, Brooklyn Center, Golden Valley, Richfield and St. Louis Park. The Brooklyn Park Tenant Notification Ordinance is modeled on those examples and adapted to fit Brooklyn Park's context and processes.

Background:

In April of 2018, St. Louis Park became the first city in the Twin Cities Metropolitan Area to pass a Tenant Protection Ordinance. The ordinance was recommended by a city-convened workgroup that included representatives from MN Multi-Housing Association, the St. Louis Park rental community and representatives from agencies advocating for the preservation of naturally occurring affordable housing. Variations of that tenant protection ordinance have since been adopted in Bloomington, Brooklyn Center, Golden Valley and Richfield. At the EDA work sessions in November of 2018, the Commissioners discussed the EDA's housing program and policy priorities. Advancing a tenant protection ordinance in Brooklyn Park emerged as a priority for 2019. Drawing on the other regional ordinances, City staff prepared a Brooklyn Park Tenant Notification Ordinance.

Staff has shared the proposed ordinance with several stakeholder groups over the past six months, including the City Human Rights Commission, local housing organizations and advocates, and the Minnesota Multi-Housing Association. Staff has also been maintaining a monthly housing update memo that is distributed to anyone who expresses interest in housing related work in the City. The Human Rights Commission had questions about language translation, renter engagement, and how notification and delivery would work. Staff reviewed the ordinance to make sure their concerns were clarified, but no significant revisions needed to be made. Overall, the Human Rights Commissioners expressed support of the ordinance in discussion, although no vote or motion of support was taken.

Primary Issues/Alternatives to Consider:

- **What are the components of the Brooklyn Park Tenant Notification Ordinance?**

An outline of key components of the proposed ordinance is below.

Property Affected	The ordinance would apply when there is an ownership transfer of a property with three or more rental housing units.
Tenant Notification Period	The tenant notification commences on the date when a written notice of the transfer of ownership is sent to each tenant and ends on the last day of the third full calendar month following the date on which the notice was sent.
Notice requirements	The new owner must within thirty (30) days after the real estate closing deliver written notice to each tenant. The notice must include the following information: • Name, mailing address, and telephone number of the new owner; • A statement informing the tenant about the Tenant Notification Ordinance and the situations under which a tenant may be entitled to relocation assistance; • Whether <u>during the three-month tenant notification period</u> the new owner will increase rent, require existing tenants to be rescreened, not renew rental agreements without cause, or impose a material change to the lease; • Whether within the <u>30 days immediately after the tenant notification period ends</u> the new owner intends to increase rent, require existing tenants to be rescreened, not renew rental agreements without cause, or impose a material change to the lease; • The date that the tenant notification period ends.
Notice to the City	A copy of the notice delivered to tenants must be sent to the City of Brooklyn Park's Community Development department.
Relocation assistance	Under the proposed Tenant Notification Ordinance, the new owner may be required to pay relocation benefits to tenants if the new owner: • Raises the rent and the tenant terminates his or her rental agreement due to the rent increase; • Requires existing tenants to be rescreened or comply with new screening criteria and the owner or tenant terminates the tenant's lease; • Imposes a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant's lease; or • Terminates or does not renew the tenant's rental agreement without cause The amount of the relocation assistance is three months of rent.
Penalty	A violation of this ordinance could result in administrative citation and penalty. The penalty is equal to $500 plus any relocation assistance that is owned to the tenant but has not yet been paid. The owner must pay the sum of the penalty to the City; the City would in turn pay to the displaced tenant the relocation assistance amount. A violation of this ordinance shall constitute a separate offense for each dwelling unit affected.
Tenant complaints	Tenants may submit a notice of violation to the City to aid the City in determining whether to impose an administrative penalty. The City is not required to take action.

Language requirement	Landlords must provide the following advisory in English, Hmong, and Spanish on each notice: “This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord.” Upon request, the landlord must provide the entire notice in the required language.

- **How does the proposed Brooklyn Park ordinance differ from other regional ordinances?**

While the regional tenant notification or protection ordinance share much in common, there are some key differences that have emerged. The proposed Brooklyn Park Tenant Notification Ordinance is most closely aligned to the ordinance passed by Brooklyn Center. Both the proposed Brooklyn Park ordinance and the adopted Brooklyn Center ordinance differ from earlier versions of this ordinance in the following ways:

1) The Brooklyn Park ordinance applies to all multi-family housing buildings which have three or more rental units. Most other cities have developed versions of the ordinance that focus only on housing properties with a certain number of rental units that are classified as “affordable,” typically meaning they are rented for an amount at or below 60 percent of the area median income. The proposed Brooklyn Park ordinance includes units at all rent levels in order to afford all tenants the same protections and to ease administrative enforcement of the ordinance by applying it to all multi-family housing buildings in the city.

2) Language requirements have been added to the Brooklyn Park ordinance. This feature has been added to respond to the linguistic needs of the Brooklyn Park community, where approximately 28% of Brooklyn Park residents speak a language other than English at home.

3) Notice to the City was added as a feature to help aid with coordination between City staff, new owners, and tenants.

4) In addition to termination raising the rent, and rescreening, the proposed Brooklyn Park ordinance covers material changes to the lease that significantly limits or restricts the tenants’ use and enjoyment of a housing unit or the housing building. A tenant may be entitled to relocation assistance from the new owner if, during the three-month tenant notification period, the new owner imposes a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant’s lease. Staff felt that this “material change” element could provide key short-term protections to existing tenants while not being overly burdensome to landlords during the interim tenant protection period. Examples of material lease changes could include changes to occupancy limits, pet permissions, or changing tenants to use a previously free amenity such as parking.

- **What are the next steps?**

The Brooklyn Park Tenant Notification Ordinance would take effect as soon as it is adopted by Council.
If adopted, staff would send out letters and information to current owners. Staff would work with the rental licensing and assessing teams to learn about ownership changes in order to reach out to new owners to inform them of the ordinance. Staff is also working on communication tools for tenants and owners. A sample FAQ packet is attached as item 7.2B. Communication with tenants would be provided through flyers, the city website, handouts at renter events, and communication in partnership with housing organizations.

Budgetary/Fiscal Issues:

No direct budgetary impacts are anticipated for 2020, but this ordinance will require some administration activities by staff including sale monitoring, follow-up on violations, and owner and tenant education about the program.

Attachments:

7.2A ORDINANCE
7.2B FAQ PACKET

ORDINANCE #2019-

ORDINANCE AMENDING CHAPTER 117 OF THE BROOKLYN PARK CITY CODE REGARDING TENANT NOTIFICATIONS FOLLOWING THE TRANSFER OF OWNERSHIP FOR RENTAL HOUSING UNITS

~~Test with strikeout is proposed for deletion~~
Underlined text is proposed for insertion

The City of Brooklyn Park does ordain:

Section 1. Chapter 117 of the Brooklyn Park City Code is amended by adding the following section:

§ 117.486 TENANT NOTIFICATION

(A) **Purpose**. The purpose of this Section to provide housing stability, protection and notification to tenants in rental housing during an ownership transition. This Section requires notice to tenants and to the City whenever title to property containing three or more rental housing units is conveyed or otherwise transferred. Payment of tenant relocation assistance may be required when tenants are forced to move within the tenant notification period without having adequate time to find new housing.

(B) **Definitions**. The following definitions apply in this section. Defined terms remain defined terms, whether or not capitalized.

(1) **Cause.** The tenant or a member of the tenant's household materially violated a term of the lease or rental agreement, or violated an applicable federal, state, or local law or regulation.

(2) **Housing Building.** A building with three or more rental units.

(3) **Housing Unit.** A rental unit within a housing building.

(4) **Material Change.** A change in the terms of a lease that significantly limits or restricts the tenants' use and enjoyment of a housing unit or the housing building.

(5) **Tenant Notification Period.** The period that commences on the date when a written notice of the transfer of ownership of a Housing Building is sent to each housing unit tenant pursuant to Section 117.486(C) and ends on the last day of the third full calendar month following the date on which the notice was sent. In no case shall the tenant notification period be less than 90 days.

(C) **Notice**

(1) **Notice to tenants**. Whenever title to property containing a housing building is conveyed or otherwise transferred, the new owner must within thirty (30) days after the real estate closing deliver written notice to each housing unit tenant of the housing building that the property is under new ownership. The notice must

include, at a minimum, the following information:

(a) The name, mailing address, and telephone number of the new owner.

(b) The following statement: "Brooklyn Park City Code Section 117.486 provides for a three month tenant notification period for housing unit tenants. Under this Section, a housing unit tenant may be entitled to relocation assistance from the new owner if, during the three month tenant notification period, the new owner:

(i) terminates or does not renew the tenant's rental agreement without cause;
(ii) raises the rent and the tenant terminates his or her rental agreement due to the rent increase;
(iii) requires existing tenants to be rescreened or comply with new screening criteria and the owner or tenant terminates the tenant's lease; or
(iv) imposes a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant's lease."

(c) Whether there will be any rent increase within the three month tenant notification period and, if so, the amount of the rent increase and the date the rent increase will take effect.

(d) Whether the new owner will require existing housing unit tenants to be rescreened or comply with new screening criteria during the three month tenant notification period and, if so, a copy of the applicable screening criteria.

(e) Whether the new owner will, without the tenant's consent, impose a material change in the terms of the lease during the three month tenant notification period and, if so, the language of the material change and explanation of its effect.

(f) Whether the new owner will terminate or not renew rental agreements without cause during the three month tenant notification period and, if so, notice to the affected housing unit tenants whose rental agreements will terminate and the date the rental agreements will terminate.

(g) Whether the new owner intends to increase rent, require existing tenants to be rescreened to determine compliance with existing or modified residency screening criteria, terminate or not renew housing unit rental agreements, or impose a material change in the terms of the lease without cause within thirty (30) days immediately following the tenant notification period.

(h) The date that the tenant notification period will expire.

(2) **Language requirement**. Each notice required by this Section shall contain an advisory that reads as follows: "This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a

translation from your landlord." This advisory must be stated in the notice in the following languages: English, Hmong, and Spanish. Upon written request by a tenant that identifies the tenant's native language, the owner must provide a written translation of the notice in that language.

(3) **Notice to the city.** The new owner must deliver a copy of the notice required by clause (C1) to the City Community Development Department at the same time that the notice is delivered to tenants.

(4) **Required tenant notification period.** The new owner of a housing building must not terminate or not renew a tenant's rental agreement without cause, raise rent, rescreen existing tenants, or impose a material change to the terms of the lease during the tenant notification period without providing the notices required by clause (C) of this Section.

(D) Relocation Assistance

(1) **When Required**. A new owner of a housing building must pay relocation assistance to housing unit tenants if, during the three month tenant notification period, the new owner:

(a) terminates or does not renew the tenant's rental agreement without cause;

(b) raises the rent and the tenant terminates his or her rental agreement due to the rent increase;

(c) requires existing tenants to be rescreened or comply with new screening criteria and the owner or tenant terminates the tenant's lease; or

(d) imposes a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant's lease.

(2) **Amount**. Relocation assistance is an amount equal to three months of the current monthly lease rent.

(3) **When Paid**. The new owner shall, when required, pay relocation assistance to the tenant of a housing unit within thirty (30) days after receiving tenant's written notice of termination of the lease or within thirty (30) days after the owner notifies the tenant that the lease will be terminated or not renewed.

(E) Tenant Complaints

(1) A tenant of a housing unit who believes the new owner has not provided the tenant the notifications required under this Section may submit a notice of violation to the City. The purpose of the notice is to inform the City of an alleged violation of this Section to assist the City in determining whether to impose an administrative penalty provided for in this Section. The City is not required to take any particular action in response to a notice of violation and any enforcement action it does take shall be on behalf of the City, not the tenant. Filing a notice of violation does not prohibit the tenant from pursuing any remedy available to the

tenant under law.

(F) Penalty

(1) A violation of clauses (C) and/or (D) of this Section is an administrative offense that may be subject to an administrative citation and civil penalties as provided in City Code Section 117.52. Notwithstanding any provision of City Code Section 117.52, the penalty for a violation of clauses (C) and/or (D) shall be the sum of the applicable amount of relocation assistance plus $500.

(2) A violation of this ordinance shall constitute a separate offense for each dwelling unit affected.

(3) Within thirty (30) days after a person pays the penalty in clause (F1) to the City, the City shall pay to the displaced tenant of the housing unit in which the violation occurred an amount equal to the relocation assistance amount specified in Section D.

Brooklyn Park

Brooklyn Park Tenant Notification Ordinance
Frequently Asked Questions

1. What is the Tenant Notification Ordinance?
   Following an ownership transfer of a housing property with three or more rental units, the Brooklyn Park Tenant Notification Ordinance requires that the new owner provide notice to tenants within 30 days about the ownership change and basic information about the ordinance. Once notice is provided, a three month "tenant notification period" begins. The new owner may be required to pay relocation benefits if a tenant moves due to the new owner increasing the rent, rescreening existing residents, implementing non-renewals without cause, or implementing a material change to the lease during this tenant notification period.

2. What does this mean for renters?
   Renters should receive a notice from the new owner if the building or complex they live in has been sold. The new owner must notify tenants if they are raising the rent, requiring that tenants meet new criteria to live in the building, refusing to renew a lease without cause, or making a significant change to the lease. If the owner/landlord does any of these things in the three months after they provide the notice and a tenant moves as a result, the tenant may be entitled to relocation assistance in the amount of three months rent.

3. Why was this ordinance adopted by the City of Brooklyn Park?
   The City is concerned about displacement of tenants residing in properties that have been sold to a new owner. The ordinance allows for a three-month period for residents to work with housing support resources and seek alternative housing if they are facing unaffordable rent increases, new screening criteria requirements, or other material changes to the rental agreement, causing them to move.

4. When does the ordinance apply?
   The ordinance applies when there is an ownership transfer of a housing property with three or more rental units in Brooklyn Park.

5. Does a transfer of sale include an ownership transfer to an immediate family member? Or as the result of inheritance?
   If it is an actual transfer of ownership title that was not previously in place, it would be considered a sale and the ordinance would apply.

6. Would the policy apply to bank owned or foreclosed properties?
   Yes, all housing properties with three or more rental units transferring ownership through the sale of the property would be required to comply with the ordinance. For a foreclosed property, the three month notification period will begin when the redemption period has expired and the new owner has taken possession of the property.

7. What is my responsibility as a seller?
   Sellers should make sure that the potential buyers are aware of the ordinance either directly or through their broker.

8. I'm buying a housing building – what is my responsibility?
   If the property has three or more rental units, the new owner is required to comply with the requirements of the Brooklyn Park Tenant Notification Ordinance.

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9. Who needs to be notified?
   The new owner must notify all tenants.

10. Can I raise rents, facilitate non-renewals without cause, make a material change to the lease, or re-screen existing residents during the three-month tenant notification period following the transfer in ownership?
    This ordinance does not prohibit a new owner from taking the actions listed above; however, the owner would be required to pay resident relocation benefits if they do take any of these actions during the three-month tenant notification period and the resident chooses to move as a result of that action.

11. When does the new owner have to provide relocation benefits?
    A new owner would be required to pay relocation assistance if during the three-month tenant notification period the new owner:
    - Raises the rent and the tenant terminates his or her rental agreement due to the rent increase;
    - Requires existing tenants to be rescreened or comply with new screening criteria and the owner or tenant terminates the tenant's lease;
    - Does not renew the tenant's rental agreement without cause; or
    - Imposes a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant's lease.

12. Where can I find the required relocation assistance amount?
    Relocation assistance is an amount equal to three months of the current monthly lease rent.

13. Are there any restrictions after the three month tenant notification period expires?
    If the new owner intends to increase rent, require existing tenants to be rescreened, terminate or not renew housing unit rental agreements, or impose a material change in the terms of the lease within the 30 days immediately following the end of three-month tenant notification period, the owner must provide this information to tenants during the tenant notification period. After that time, the Brooklyn Park Tenant Notification Ordinance would no longer apply, and owners can manage the property in accordance with their preferred management practices.

14. Are there income restrictions that apply to the households?
    No, the ordinance applies to all housing buildings with three or more rental units regardless of the amount of rent charged or the tenant's income.

15. If a lease expires during the three month notification period, can I raise the rent?
    You can renew the lease, but any rent increases must be effective following the expiration of the three-month tenant notification period or the owner may be subject to paying relocation benefits. If the new owner increases the rent during the three-month tenant notification period and the tenant chooses to move during this period, the new owner would be required to pay relocation benefits to the tenant.

16. Does the ordinance apply if the management changes in the building?
    No, the ordinance only applies if the ownership of the property transfers.

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17. If I'm a renter, how can I learn more or file a complaint?

If you have any questions related to the implementation of this ordinance or wish to file a complaint, please contact Erika Byrd at the City of Brooklyn Park. Contact information is:

Erika Byrd
Development Project Coordinator, City of Brooklyn Park
Phone: 763-493-8053
Email: erika.byrd@brooklynpark.org
City Hall Address: 5200 85th Ave N, Brooklyn Park

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Draft Notice: No rent increases, rescreening, non-renewals or material changes during tenant notification period.

Your company letterhead
[Date]

This is important housing information. If you do not understand it, have someone translate it for you now.

Información importante acerca de las viviendas. Si usted no lo comprende, pida a alguien que le traduzca ahora.

Qhov no yog lus tseem ceeb heev qhia txog tsev nyob. Yog tias koj tsis tau taub thov hais rau lwm tus pab txhais rau koj.

Dear Tenant:

This letter is notifying you of a change of ownership at the property and the Brooklyn Park Tenant Notification Ordinance. Our company purchased the property and the new ownership is:

[New Owner Name]
[New Owner Mailing Address]
[New Owner Telephone Number]
[include new management information if applicable]

Brooklyn Park City Code Chapter 117 provides for a tenant notification period for rental housing unit tenants. Under Chapter 117, rental housing tenants may be entitled to relocation assistance from the new owner if the new owner terminates or does not renew the tenant's rental agreement without cause within the tenant notification period. Rental housing unit tenants may also be entitled to relocation assistance from the new owner if the owner raises the rent or initiates a tenant rescreening process within the tenant notification period and the tenant terminates their rental agreement. The tenant notification period is three calendar months following the month in which this written notice, ending [date of end of notification period]. During the tenant notification period, there will be no rent increases, we will not be re-screening existing tenants, and we will not issue non renewals of leases without cause.

On [date], which is after the tenant notification period, we will/will not be increasing rents by [insert dollar amount/range or percentage amount/range], we will/will not rescreen tenants for eligibility, and we will/will not terminate or not renew housing unit rental agreements without cause. If you have any questions regarding this notice, please contact [insert contact information].

Sincerely,

[New property owner]

DRAFT

Draft Notice: With rent increases, rescreening, non-renewals or a material change during tenant notification period.

Your company letterhead
[Date]

This is important housing information. If you do not understand it, have someone translate it for you now.

Información importante acerca de las viviendas. Si usted no lo comprende, pida a alguien que le traduzca ahora.

Qhov no yog lus tseem ceeb heev qhia txog tsev nyob. Yog tias koj tsis tau taub thov hais rau lwm tus pab txhais rau koj.

Dear Tenant:

This letter is notifying you of a change of ownership at the property and the Brooklyn Park Tenant Notification Ordinance.

Our company purchased the property and the new ownership is:

[New Owner Name]
[New Owner Mailing Address]
[New Owner Telephone Number]
[include new management information if applicable]

Brooklyn Park City Code Chapter 117 provides for a tenant notification period for rental housing unit tenants. Under Chapter 117, rental housing tenants may be entitled to relocation assistance from the new owner if the new owner terminates or does not renew the tenant's rental agreement without cause within the tenant notification period. Housing unit tenants may also be entitled to relocation assistance from the new owner if the owner raises the rent or initiates a tenant rescreening process within the tenant notification period and the tenant terminates their rental agreement.

The tenant notification period is three calendar months following the month in which this written notice, ending [date of end of notification period].

During the tenant notification period, we will be issuing rent increases, re-screening existing tenants, and/or terminating or not renewing housing rental agreements without cause. We will notify individual tenants of the date of the rent increases or non-renewal of the lease. A copy of the re-screening criteria is attached.

If you have any questions regarding this notice, please contact [insert contact information].

Sincerely,
[New property owner]

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Brooklyn Park

Tenant Resources

United Way 2-1-1
Dial 211 or 612-340-7400 (English, Hmong, Russian, Somali, and Spanish)
http://www.gtcuw.org/

Housing Benefits 101 (a service provided by Minnesota Department of Human Services)
Housing information including resources specifically for older adults, people with disabilities, and the homeless.
https://mn.hb101.org/

HUD in Minnesota
Information about Section 3, homeownership, rental help, and avoiding foreclosure. Also has homeless resources and housing counselors.
612-370-3000
https://www.hud.gov/states/minnesota/renting

Minnesota Attorney General's Office
Landlord and Tenants: Rights and Responsibilities
651-296-3353
https://www.ag.state.mn.us/Office/ContactUs.asp

Minnesota Homeownership Center
State's leading non-profit provider of information and resources aimed at helping Minnesotans begin and maintain homeownership.
651-659-9336
http://www.hocmn.org/

Minnesota Housing
A state agency that provides financial and customer assistance for decent, safe, and affordable housing.
651-296-8215
mn.housing@state.mn.us

Catholic Charities
Provide service to people in need, to advocate for justice in social structures, and to call people of good will to do the same.
612-204-8500
https://www.catholiccharitiesusa.org/

Hennepin County Front Door
Residents may apply for short-term emergency rental assistance through the county.
612-596-1300
https://www.hennepin.us/

Home Line
Tenants may speak with a tenant advocate who will provide free advice regarding Minnesota landlord/tenant law.
612-728-5767 or 866-866-3546
https://homelinemn.org/

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Housing Link
Statewide list of affordable rental vacancies and information about Section 8 programs.
612.522.2500
info@housinglink.org

Lutheran Social Service (LSS)
LSS operates a Housing Resource. LSS is also a provider of transitional, supportive, and permanent scattered-site housing. It requires referrals.
612-879-5266
http://www.lssmn.org/About-Us/Contact-Us/

Youth Services Network
Helping youth find shelter and services
612-377-8800
ysnmn@bridgeforyouth.org

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City of Brooklyn Park
Request for Council Action

Agenda Item:	7.3	**Meeting Date:**	October 14, 2019
Agenda Section:	General Action Items	**Originating Department:**	Community Development
Resolution:	X		
Ordinance:	N/A	**Prepared By:**	Erika Byrd, Development Project Coordinator
Attachments:	4	**Presented By:**	Erika Byrd
Item:	Resolution Advising the Disposition of Tax Forfeited Land Located at Outlot A, Oxbow Commons		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ ADVISING THE DISPOSITION OF TAX FORFEITED LAND LOCATED AT OUTLOT A, OXBOW COMMONS.

Overview:
Hennepin County recently notified the City of Brooklyn Park that the City may acquire Outlot A, Oxbow Commons Addition (parcel 09-119-21-12-0006), also known as Oxbow Lake, because the property is in tax forfeiture. The City had intended to obtain ownership of this parcel when the City approved the Oxbow Commons plat in the early 2000s. However, the developer failed to properly convey the parcel to the City and the property subsequently became Hennepin County Tax-Forfeited Land. Hennepin County recently approached City staff to ask whether the City would like to take ownership of the parcel. Hennepin County has provided a cost estimate of $77.70 to convey the parcel to the City.

Background:
The City of Brooklyn Park has had an interest in the Oxbow Lake parcel for a number of years. Key dates and events include:

- 2001 −2003: Hidden Oaks LLC and Vern Reynolds Construction made a planning application to subdivide 167 acres into 11 lots and 4 outlots for the master development of Oxbow Commons. When the City approved the Oxbow Common plat, it conditioned its approval of the plat on the conveyance of Outlot A (the Oxbow Lake parcel) upon completion of all work and improvements on the parcel. This conveyance requirement was included in the development contract and declaration of covenants. However, the Oxbow Lake parcel was not conveyed to the City when work was completed.

- 2012: The City abated the Oxbow Lake parcel for mowing and discovered that the parcel had not been conveyed to the City as was required by the resolutions, covenants, and development contract. City staff reached out to Vern Reynolds Construction to request that a quit claim deed be signed to transfer ownership to the City. Staff did not receive a response. The City worked with Hennepin County to change the tax status of the parcel from non-exempt to exempt status in order to start the clock on the parcel moving into tax forfeited status. Streets and Recreation and Parks staff begin to take over the ongoing maintenance of the trail and the area around the lake.

- 2014: The City's attorney, Kennedy and Graven, re-sent the letter to Vern Reynolds Construction and to his attorney requesting Mr. Reynolds convey the parcel by quit claim deed. The City received no response.

- 2019: The Oxbow Lake parcel went into tax forfeiture allowing the City to take ownership of the property.

Primary Issues/Alternatives to Consider:

- **What is the process for acquisition?**

The process for acquiring the tax forfeiture land is straight forward and requires the City Council to request Hennepin to convey the parcel to the City. The City is able to request this conveyance at a minimal cost due to a prior failure to convey per State Statute 282.01, Subd. 1a(f). Hennepin County has provided the attached cost sheet estimating $77.70 to convey the parcel to the City.

- **What were the original plans for this parcel?**

The City's original intention was for parcel to be operated as a public recreational area.

- **What is the opinion of the Recreation and Parks Advisory Commission?**

The City's Recreation and Parks Advisory Commission (RPAC) considered the issue of acquisition at their September 18, 2019 meeting. RPAC recommended to ask the City Council to move forward in asking Hennepin County to convey the Oxbow Trail and Storm water retention pond to the City.

- **Does this effect nearby EDA owned parcels?**

Beginning in 2014, the City's Economic Development Authority (EDA) purchased three parcels of tax forfeited land adjacent to the Oxbow Pond parcel (PIDs 09-119-21-12-0005, 09-119-21-21-0005, 09-119-21-21-0007) and one nearby parcel from a private owner (09-119-21-21-0006) for future development opportunity.

The City subsequently engage the community to create a vision for the remaining undeveloped land in the area and put together a Zane Oak Grove Small Area Plan Report. The concept plan from the 2017 report is attached as item 7.3D.

Budgetary/Fiscal Issues:

The only cost for the acquisition of the property would be to pay the filing and tax costs, which are estimated at $77.70. The City can use the remaining balance in the existing escrow account from the original development to cover these costs.

Attachments:

7.3A RESOLUTION
7.3B LOCATION MAP
7.3C COST SHEET
7.3D ZANE OAK GROVE PARKWAY CONCEPT PLAN

RESOLUTION #2019-

RESOLUTION ADVISING THE DISPOSITION OF TAX FORFEITED LAND
LOCATED AT OUTLOT A, OXBOW COMMONS

WHEREAS, the City of Brooklyn Park (the "City") has received from the County of Hennepin notification that lists a parcel of land in said municipality which has become property of the State of Minnesota for nonpayment of real estate taxes; and

WHEREAS, provided in Minnesota Statute 282, the City Council is asked to give input regarding the disposition of this parcel of land; and

WHEREAS, the City has been notified that Hennepin County has held a public meeting to take public input related to the parcel of land as provided in Minnesota Statute 282; and

WHEREAS, the City may request that the property be sold to the City or provide input to the County Board of the suggested disposition of the parcel of land; and

WHEREAS, the parcel of land was to be conveyed to the City per the Contract for Development made on November 21, 2002 between the City and Vern Reynolds Construction Company Inc (the “Developer); and

WHEREAS, the Developer at the time failed to convey the parcel of land to the City in the appropriate manner; and

WHEREAS, the failure to convey the parcel of land to the City resulted in the parcel of land being assessed and forfeited; and

WHEREAS, conveying the parcel of land to the City by quit claim deed will return to the City a parcel of land which it is entitled to in fee.

NOW, THEREFORE, BE IT RESOLVED that the City of Brooklyn Park does have an interest in the requesting the Board of Hennepin County convey the parcel to the City and does advise the Board of Hennepin County to dispose of the parcel in the following way:

> Outlot A, OXBOW COMMONS, according to the recorded plat thereof on file in the office of the Hennepin County Registrar of Titles should be conveyed by quitclaim deed to the City of Brooklyn Park at no consideration per Minnesota Statute 282.01, subd. 1a(f) for park use.

City of Brooklyn Park

Map Scale = 1: 4,878

City Boundary
City Background

10/8/2019

This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details.

Hennepin County Resident and Real Estate Services

Tax Forfeited Land Cost Sheet for Governmental Subdivision

From: Tammy Garcia - Hennepin County Tax Forfeited Lands
Phone Number: 612-543-2427
Date: August 7, 2019

PURCHASE COSTS: **PID 09-119-21-12-0006**

Market Value		$0.00
Specials After Forfeiture		$0.00
Assurance Fee (3%)		$0.00
State Deed Preparation Fee:		$25.00
Filing Fees:	{TFL to file deed}	$51.00
State Deed Tax:	{ $ 1.70 / $500 or part thereof - see chart }	$1.70
TFL Holding Costs per State Statute 282.01 Subd 1.*		$0.00
IF FULL PAYMENT REQUIRED:	**Total:**	**$77.70**

Date Prepared: 8/7/19 ***Valid Through: 60 days after calcluated date**

Must be postmarked NO LATER than date

CERTIFIED FUNDS PAYABLE AT TIME OF APPLICATION
MAKE PAYABLE TO: **HENNEPIN COUNTY TREASURER**
SUBJECT PARCEL: **48 address unassigned**
PID NUMBER: **09-119-21-12-0006**

PREPARED FOR: Erika Byrd
PHONE NUMBER: 763.493.8053 **Calculated:** **8/7/19**

***Hennepin County reserves the right to update costs at anytime.**
***This cost sheet is being provided for informational use only, and is not intended to be, nor should it be construed as, an approval of sale by Hennepin County.**

Zane/Oak Grove Parkway
Concept Plan
Brooklyn Park, Minnesota
Pedestrian & Bicycle Connectivity
March 31, 2017
0 100 200
Feet
Stantec
Florida Cir
Florida Ave
Georgia Ave
Hampshire Ter
Colorado Ave
99th Ave
Zane Ave
100th Ave
Xenia Ave
Oxbow Dr
Welcome Ave
Oak Grove Pkwy
Toledo Dr
Scott Ave
99th Cir
Marigold Ave
Oakwood Cir
Pin Oak Ave
Lady Slipper Ave
Impatiens Ave
Regent Ave
Stockton Ter
98th Ln
CSAH 10
MN TH 610