

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, August 12, 2019
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Tonja West-Hafner, Susan Pha, Terry Parks, Mark Mata, Wynfred Russell and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Deputy Police Chief 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. 181019 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