

## 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 44<sup>th</sup> 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 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.
  6. 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.
  7. 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.
  8. Sizi Goyah, 5841 73<sup>rd</sup> 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.
  9. 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.
  10. Mitree Manik, 5651 69<sup>th</sup> 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 93<sup>rd</sup> Avenue from Zane Avenue to Noble Parkway.**

City Engineer Jesse Struve briefed the Council on 93<sup>rd</sup> Avenue from Zane Avenue to Noble Parkway. He gave a history of 93<sup>rd</sup> 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 93<sup>rd</sup>/Noble and the priority MNDOT/Hennepin County had deemed for the intersection. He stated his recommendation was a speed study should be completed on 93<sup>rd</sup> from Regent to Noble, request Hennepin County to participate in a future signal at 93<sup>rd</sup>/Noble in 2023, maintain an all-way stop at 93<sup>rd</sup>/Regent, prohibit on-street parking on 93<sup>rd</sup> Avenue, future reconstruction of 93<sup>rd</sup> 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 93<sup>rd</sup> 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 93<sup>rd</sup> 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 93<sup>rd</sup> 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 93<sup>rd</sup> 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 93<sup>rd</sup> 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 93<sup>rd</sup> 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 93<sup>rd</sup> 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 93<sup>rd</sup> 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 93<sup>rd</sup> 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 93<sup>rd</sup> 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 93<sup>rd</sup> to see what it was like and turned around to go back. He stated it took forever to get back on Noble Avenue from 93<sup>rd</sup> 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 109<sup>th</sup>, east of Winnetka and west of Highway 169 was having an 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 63<sup>rd</sup> 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.

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TERRY PARKS, MAYOR PRO TEM

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DEVIN MONTERO, CITY CLERK