

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, October 8, 2018
7:00 p.m.

Brooklyn Park Council Chambers
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 accidentally 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:

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- 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