REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, December 10, 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. Stated her house backed up to 93rd/Regent on the southwest corner that was promised when 610 went in to have curb and gutter and done in a year and half and to date there was no curb and gutter, and sidewalks. She stated that the speed limit was down to 50 mph, however, there were pedestrians walking to Hy-Vee that worked there and other pedestrians trying to be safe. She stated there were spots where there were no shoulders to walk safely. Trucks were engine breaking but couldn’t get a sign for them not to do it because it was not a County road and had been a city road for 20 years. She stated they had noise issues with cars squealing their wheels. She thanked Council Member Bob Mata for his efforts to get the State to reduce the speed this fall, but had not put 93rd Avenue in the budget and was a state funded roadway. She asked to get that stretch of roadway curbed and guttered from Regent to Noble with sidewalks included on both sides and with reduced speeds of 30 mph. She stated that a pedestrian hit at 30 mph had 50% survival rate, at 50 mph had 15% survival rate, and going 60 mph the surviving rate was zero.

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

3B1 Resolution and Presentation of Plaques to Council Members Rich Gates and Bob Mata in recognition of their service to the City of Brooklyn Park.

The Mayor and Council Members recognized Council Members Rich Gates and Bob Mata for their service to the city of Brooklyn Park.

3B1 MOTION LUNDE, SECOND JACOBSON TO READ AND ADOPT RESOLUTION #2018-175 IN RECOGNITION OF SERVICE TO THE CITY OF BROOKLYN PARK BY COUNCIL MEMBER RICH GATES. MOTION PASSED UNANIMOUSLY.
3B1 MOTION LUNDE, SECOND GATES TO READ AND ADOPT RESOLUTION #2018-176 IN RECOGNITION OF SERVICE TO THE CITY OF BROOKLYN PARK BY COUNCIL MEMBER BOB MATA. MOTION PASSED UNANIMOUSLY.

3B2 Fire Chief John Cunningham briefed the Council on the contributions to the city of Brooklyn Park.

3B2 MOTION JACOBSON, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-177 ACKNOWLEDGING CONTRIBUTIONS TO THE CITY OF BROOKLYN PARK OF $500 FROM THE OSSEO LIONS CLUB, $2,000 FROM THE EDINBURGH FOUNDATION, $300 FROM THE MINNEAPOLIS MARRIOTT NORTHWEST, $75 FROM JEAN SCHMIDT, AND $195 FROM AMETEK. MOTION PASSED UNANIMOUSLY.

3B3 Brooklyn Park Development Corporation Board of Directors Interviews.

The Mayor and Council Members interviewed applicants to fill a vacancy on the Brooklyn Park Development Corporation Board of Directors.

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

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-178 ESTABLISHING FUND BALANCE COMMITMENTS IN ACCORDANCE WITH THE CITY’S FUND BALANCE POLICY FOR THE YEAR ENDED DECEMBER 31, 2018.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-179 TO AMEND THE 2018 GENERAL FUND TO BE DECREASED BY $75,000 AND THE 2018 DONATION FUND BUDGET BE INCREASED BY $75,000.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-180 TO APPROVE AND EXECUTE AN ENVIRONMENTAL HEALTH SERVICES AGREEMENT BETWEEN THE CITY OF CRYSTAL AND THE CITY OF BROOKLYN PARK.

4.4 TO SET A PUBLIC HEARING ON JANUARY 7, 2019, TO SOLICIT TESTIMONY AND CONSIDER ISSUANCE OF AN INTOXICATING LIQUOR LICENSE FOR RUELAS WBL LLC DBA EL RANCHO MEXICAN RESTAURANTE, LOCATED AT 1408 85TH AVENUE NORTH.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2018-181 TO AUTHORIZE PAYMENT TO DAVE PERKINS CONTRACTING INC. FOR EMERGENCY WATER MAIN REPAIRS.

MOTION PASSED UNANIMOUSLY.

6.1 Comprehensive Plan – Direct Staff to Submit the Plan to the Metropolitan Council as required by state law.

Planning Director Cindy Sherman briefed on Background, Met Council Vision, Systems Statements Issued, Brooklyn Park 2040 Update, Outreach and Public Meetings.

The following individuals addressed the Council:

1. Nancy Balzer, 7730 Oxbow Creek Circle. Asked about the land use change in the northwest corner of the city around the Hotdish site. Asked about the land use change from business park to employment center if it was a name change only or if there were actual differences in what could go in a business park versus what could go in an employment center. She asked what the purpose was for making the change because the employment center definition seemed wide open.

2. Jeff Giesinger, 7701 Oxbow Creek Circle. Asked for a clarification on the name change from business park to employment center and if there was more to it and if it was going to change what was allowed and not allowed there. Was excited for more development in there and looked forward to more businesses there but wanted to be part of the process.

3. Michael Kisch, 7413 Oxbow Creek Circle. Stated as they were looking at the employment center district itself and trying to understand the intent of the actual language and symantecs within it and changes from warehouse and distribution as a secondary use or not a primary use, suggested removing that clause of it because it was not only in northwest area but everywhere the actual land use designation applied on the land use map. Was out of alignment with tools they had and was unclear about the shift on the scale on intensity of review of elements.

4. Collette Guyott-Hempel, 9722 Trinity Gardens. Concerned about affordable housing and apartments. Stated currently both 610 Apartments and the Lions project were being built as studios and one bedrooms and at market value. She stated all apartments went to certain schools and Woodland School had zero apartments assigned. She stated the Comprehensive Plan needed to be looked at and the fact that segregation in the schools in the city was a big problem in the Osseo School District. She stated there was a lawsuit going forward in the seven metro counties regarding segregation of schools. She stated she didn’t want to see any more being sent to Edinbrook School because it was at capacity and had an impact on number of volunteers that could go into a school. She stated the affordable housing should be at minimum two to three bedrooms and the SNAP report over a decade ago said that no apartment in the city should be built less than two bedrooms. She stated the 610 Apartments and a new group had studios and was a negative impact as far as providing enough housing space for families. She stated they should have enough room if someone decided to be a foster parent that there was adequate spacing in those apartments and truly reflect affordable family housing.

Council Member Jacobson stated she was happy to see all the feedback that was received was taken into consideration and addressed from Hennepin County, the residents, Commissioners, adjacent cities, such as Fridley, Champlin, Coon Rapids, and organizations like ACER, Housing Justice Center, MnDOT, and Three Rivers. She stated she heard from various people she had met with who had concerns too and all were addressed.

She stated that Planning Director Sherman said something in the presentation because the Council was getting a lot of questions tying the change in the Comprehensive Plan to Hotdish. She asked if the two things were tied together in any way whatsoever.
Planning Director Sherman stated they were not except for the effect on the land use, but unrelated.

6.1 MOTION JACOBSON, SECOND PARKS TO WAIVE THE READING AND ADOPT A RESOLUTION APPROVING THE 2040 COMPREHENSIVE PLAN FOR SUBMISSION TO THE METROPOLITAN COUNCIL.

Council Member Mark Mata stated that Planning Director Sherman read from Page 316, referring to Mr. Kisch’s comments. He stated he would like to hand the book to him to read it to make sure the comments in there stressed his concerns, otherwise, a nod from him saying it did address his concerns would suffice.

Mr. Michael Kisch nodded his head.

Council Member Mark Mata stated he would take it as a yes and thanked Mr. Kisch. He asked if the plan had an increase in higher density numbers such as the last Comprehensive Plan he had seen that came through the city and had always been asking Brooklyn Park to put in more high density units, yet the neighboring cities never had to meet those requests.

He stated the Met Council was notorious for making the city do things and held sewers and other infrastructure type things over the city’s head where the city ended up putting the required units in, yet Maple Grove didn’t follow the same practice. He asked if in the document it showed they were adding more higher density units.

Planning Director Sherman stated the plan itself addressed density in different ways. She stated they were not adding additional units. What they had done was change land uses so that units could be put in different places, for instance, the area northwest of the city, they changed the area. It used to be medium density and high density and that was all business park. She stated they made it all mixed use now. She stated they could have a mixture of uses, could be some residential and some other kinds of uses with the intent of more job creation and not just housing. She stated the other thing they did in those mixed use areas was that it had to be at least 30% housing. She stated that would be a change where they would allow more housing, but in the case of the northwest corner of the city, it was all medium and high density before. What they were required under the housing policy from the Met Council was to add a certain number of affordable units and that was 507 units. She stated they had done the analysis throughout the metro area, and they had mandatory requirements for each community. She stated she didn’t know what the Maple Grove requirement was but they would be required to show how they could accommodate that in their plans like Brooklyn Park and every other city in the metropolitan had to do.

Council Member Mark Mata stated that on the Figure 3 map, where Highway 169 was at that quadrant of city in the northwest, stated it had on the right hand side of Highway 169 in pink, but believe it was Business Park, yet the area north of TH610 in that map was purple on both sides east/west and on the west side of Highway 169, it was also purple. He stated he knew that area to be an industrial corridor going all the way up and asked if they were changing from it.

Planning Director Sherman presented Map 3-3 and stated it was the existing land use map, and on Map 3-6, what they were proposing was to still have mixed use at the intersection of Highway 169/610 and that was no change in the land use. She stated they tweaked the
language a little bit, but the uses were basically still the same and modified the area (on the map) from high density medium density housing to mixed use and that area (on the map) was all Business Park previously. She stated with the business park area, they had to fill in and thought it would be better to make it mixed use to allow other opportunities for development, which was the North Park Business Center and was on their current 2030 plan as business park. She stated it was now proposed to be employment center with the intention being the same kind of development.

Council Member Mark Mata asked why they wouldn’t create a different kind of zoning to buffer from the residential area to go into development.

Planning Director Sherman stated the philosophy of city had long been that major roadways created that buffer. She stated that area, while it was being called something different, the intention wasn’t being changed. She stated Winnetka Avenue had always been deemed as a transition to residential. She stated they had done that at other locations, such as, Brooklyn Boulevard, had business park on the south side and residential on the north side of Brooklyn Boulevard. She stated 93rd Avenue as the best example, where the entire corridor on the south side was residential and on the north side was business park all along 93rd from the city border to Zane Avenue. She stated they had used the major roadways as transitions, which was very common in planning circles between residential uses and nonresidential uses.

Council Member Mark Mata stated when TH610 came through the area of Regent/Zane, the conversation was to build something to buffer from the housing development closer to Noble Parkway because they had a group of townhomes built at that corner of Noble Parkway and 93rd Avenue. He stated if he was in a house, he would like something buffering him between a larger development, and gave an example of a strip mall and then behind a two story office warehouse building and behind that might be something taller, a four story building. He stated they had those buffers and when coming out in their yard wouldn’t see them. He stated he didn’t believe West Broadway was a good buffer because it was a residential road, one lane each way with a few right ins/right outs on it. He stated it might have been a larger road in the past but it was not. He stated that looking at the other maps, would be looking at some of the larger tax base and now felt they were not creating a buffer by what could be built in there. He stated that on the blue area of the map, thought they needed to put in that area business development on both sides of Highway 169 and not purple on the one side, which meant putting housing over there. He stated if it ended up building housing on that side that was awesome for the Maple Grove residents because they would get housing to housing but Brooklyn Park residents would get housing with what could be some very large structures. He thought the plan should have purple on outsides and blue on the insides where the commercial building got built up against Highway 169 which was a great freeway and a buffer for housing which got built next to housing.

Planning Director Sherman stated that was why they had an existing development plan and existing zoning in place and doing a comprehensive plan update, didn’t think they would start changing land uses when they already had an approved plan in place. She stated that in that case where he was talking about, having an approved development plan for all business park developments in that area, she was not sure they could flip the land use to not be consistent with that approved plan.

City Attorney Thomson stated he would have to look at it and how much detail was built. He stated some of those development plans had been partially built out and there would be some
issues with making uses nonconforming. He stated it would be a very complicated issue to go through.

Council Member Pha asked about the 2030 plan land use slide. She stated according to the page regarding the business park with the comprehensive plan of 2040, the change in the land use from business park to an employment center, asked if that would then allow that piece of land there to have warehousing distribution centers.

Planning Director Sherman stated the zoning in place today restricted that from the ordinance that was adopted as part of the planned development plan overlay and that was not proposed to change. She stated if Hotdish came back and proposed modifications, they would consider it at that time, but it didn’t apply or was not impacted by that language change.

Council Member Pha asked with the proposal tonight, would it now fit because of the land use.

Planning Director Sherman stated that in her estimation, it fit today what they were proposing for the land use today. She stated Hotdish was permitted under the existing language and would also be permitted under the proposed language subject to those other approvals that were already in place, the development plan and zoning that were already in place.

Council Member Pha stated that aside from the zoning, another consideration was land use and the current business park under land use said, “warehousing distribution activities that are accessory to principle use.” She stated that meant it couldn’t be their primary use and it would be an accessory use that would allow warehousing distribution activities. She stated with the proposed added language, it seemed to her it would move from accessory use to allowing it to be a primary use.

Planning Director Sherman stated that was language on land use, and on top of that it layered the zoning and was talking about currently there was an overlay on the site that restricted the zoning.

Council Member Pha stated it did change a little bit and she interpreted it as before it would be an accessory to a primary use, and now with the change, it would actually mean land use and that it would be allowed as primary use.

Planning Director Sherman stated she was correct and was an interpretation issue the Council would make the ultimate decision on. She stated that the existing language said, “other uses as permitted in the businesses park zoning district that may be allowed when approved by the Council as part of the Master Plan.” She stated the zoning district that was in place allowed warehousing and distribution. She stated when she read it, I said if the Council by Master Plan approved those other uses, then it was okay. She stated that in the case of North Park there was language in their ordinance that restricted distribution, and the debate became was it distribution or was it not. She stated that was something the Council would have to decide when the project came back before the Council.

Council Member Pha stated that unrelated to Hotdish, didn’t believe warehouse or distribution center belonged in that location and a good land use. She stated it was a great piece of land in the city they could have for great uses. She stated it was a waste to put in warehousing or
distribution center as primary use there. She stated she could not see that she would be in favor of changing the land use to allow that as primary use versus before it was accessory use to another primary use.

6. MOTION PHA, SECOND MATA TO AMEND THE MOTION TO REMOVE THE FOLLOWING LANGUAGE IN THE 2040 COMPREHENSIVE PLAN REGARDING THE LAND USE THAT IS HIGHLIGHTED IN YELLOW AS FOLLOWS: “WAREHOUSING AND DISTRIBUTION AS PART OF A MASTER PLAN FOR USES; AND FOR THE SKILL AND INTENSITY, TO REMOVE “WITH AN INCREASED FOCUS ON JOB CREATION WAREHOUSING DISTRIBUTION CENTERS WILL BE PERMITTED IF APPROVED BY THE CITY AS PART OF A MASTER PLAN.”

City Attorney Thomson stated the action item before the Council tonight was not to approve the comprehensive plan. He stated it was just to forward it to the Metropolitan Council for their review. He stated any changes would have to happen when it came back to the Council.

Planning Director Sherman stated they were asking the Council to approve it for submission to the Metropolitan Council and approving as it was. She stated that any suggested changes from the Metropolitan Council, they would bring it back as a final implementation action by the Council.

Council Member Bob Mata stated that all it did was open the door to allow a distribution center in there where before it had to come through the city and get approval. He stated if Federal Express came back and wanted to put it in with that warehousing and distribution center part of the Master Plan, the Council couldn't say no.

Planning Director Sherman stated they could still say no because of the other tools that were in place.

Council Member Bob Mata stated he didn't like opening the door and thought that was what they were doing here. He stated he didn't know why they needed to change it from business park and asked why they needed to change the name to employment center. He asked what more did that offer than business park other than allowing a warehouse distribution center without it being an accessory to their principal use.

City Attorney Thomson stated that on the Flow Chart of Future Events, under the chart, it was consistent with the statutes. He stated it would be coming back to the Council for final plan adoption regardless of whether the Metropolitan Council made any comments. He stated the resolution tonight, and he knew the captions said approving the 2040 comprehensive plan, but the actual text of the resolution said that the city of Brooklyn Park be submitted to Metropolitan Council for their review and determination. He thought it was the model resolution the Metropolitan Council proposed.

Planning Director Sherman stated they wrote the resolution and if the Council took action tonight, it was their direction that they approved the plan. She stated it still had a process that it had to go through and they anticipated there would be modifications recommended by the Metropolitan Council, in which case, they would have to make those changes and come back. She thought it was semantics as to how they were looking at it.
City Attorney Thomson stated the problem was it changed the vote requirements. He stated if it was approval, it needed two thirds vote. If it was just a submittal, it didn’t need two thirds vote. He stated his understanding of the statute was that it was going to come back to the Council for final adoption. He stated at that time it would clearly need two thirds vote to get adopted. He stated the resolution tonight only required a majority vote the way it was worded. He stated they could still see if the motion passed, but the final vote on it was just a majority vote tonight because they were not adopting the plan.

Planning Director Sherman stated she would rather have the plan in a state the Council appreciated, liked and supported. She stated they would be happy to make the modifications to the language around the business park because their intention was not to make it different. She stated it was just modernizing the language, cleaning it up and being more descriptive. She stated Business Park did tell them much, but Employment Center said the goal of the city was to create jobs, which had been a focus of the city since 2012. She stated they would happy to make the modifications to the language as suggested by Council Member Pha. She stated she would rather go that direction knowing it was going to come back but to get a good vote and supportive vote on the plan.

Mayor Lunde stated it would still come back to next year’s Council if it came back for some level of approval in January. He asked about the process with the Met Council response time, if their changes took a few months. He stated Project Hotdish could come back and it would be under the existing rules.

Planning Director Sherman stated a good example was when they did their planning process for the 2030 comprehensive plan. She stated that work was done in 2008 and by the time they submitted it and went back and forth, it didn’t get approved until 2011. She stated that was an outlier, because they had a couple of big issues. In tonight’s case, they did a preliminary review with Met Council and gave a very complete response. She stated they made the modifications based on that. She stated the process was that they submit it by the end of the year with any modifications the Council made tonight. They had 15 days to determine if it was complete or not. If they determined it was complete, then 120 days kicked in, they had to review it and make comment back to the Council. She stated it could be another year before they actually implemented the plan or could be six to seven months.

Mayor Lunde stated he was fine with the amendment only because on either rule it would come back to the Council. He stated if the rule they got would get adopted, it might or might not happen before project Hotdish, which might or might not arrive, and might or might not know who the applicant was. He stated he would support the amendment and wanted everyone to be clear that that process could take longer and go beyond when they might or might not receive that project back, which the existing rules would still govern that process.

Council Member Mark Mata asked that after it went to the Met Council, and it came back, was the Council able to make changes. He stated the Met Council was going to approve and discuss their language based on what the Council gave them. He stated he didn’t think they could make changes and then send it back to them.

Planning Director Sherman stated the Met Council was not going to look at their designation of land uses. They were going to look at if the land use designation the city created met their goals and intent of their vision document. Does the city have enough area for housing, have enough
area for the job creation they were anticipating, and are the road systems planned or in place for their improvements that were needed. She stated they looked at more of those technical kinds of things and weren’t going to tell the city what its employment center was going to say. She stated she was comfortable with the direction the Council had given them to propose what they were going to propose and submit. She stated when it came back, if something radically was proposed to change based on their comments, then it did reopen it up to an extent but not normally a relook at the whole thing again.

Council Member Mark Mata stated the Council’s intent was jobs and warehouses were not jobs, they were small jobs. He stated he had always been looking for office park, something that would bring in a lot of people. He stated when the comprehensive plan did come back, it was a super majority of votes and not a normal four to three vote to pass it.

Mayor Lunde stated they would vote on the amendment and asked Council Member Pha to read the amendment language changes.


Mayor Lunde stated what was seconded by Council Member Mark Mata was the amendment to the motion only and not the entire main motion. He stated it was just the amendment to the motion to make the change that was on the table.

Community Development Director Berggren stated she wanted to make sure they were not eliminating some language that was needed because they were no longer referencing warehousing in that section. She stated she was worried that the previous language might have referenced warehousing like the old language and they wanted to make sure it was accomplishing the intent of the change as they were wordsmithing it.

Planning Director Sherman stated it did limit it and maybe they would continue to use the language that they were accessory to the principle use and maybe add that in rather than taking all of the yellow out but add that information in. She stated it would continue to be accessory and not primary and asked if that got to the intent.

Mayor Lunde asked Council Member Pha if that was her intent of the amendment.

Council Member Pha stated it was her intent of the amendment.

Planning Director Sherman stated they could craft language to meet that intent and submit it. She stated she would send it out to the Council, before they submitted it to be sure everyone was on board and they could respond to her via email if that met the intent.
City Attorney Thomson asked if the motion passed, was the language in yellow going to be deleted. He stated if it was deleted, his understanding was, that with the new comprehensive plan if that was the language in it, warehousing would not be a principle use.

Planning Director Sherman stated what they were proposing was to take the language at the top that talked about the distribution warehousing were accessory to the principle use and adding that into the yellow so it further restricted it as principle use.

Mayor Lunde thought they were trying to get to the intent of what Council Member Pha said. He asked how they could match up their words for the amendment to match up the intent knowing they were going to do some wordsmithing.

Council Member Pha thought the best thing to do so they didn't have to send an email to get an approval later to get the language removed was that she would just add it into the amendment by adding that language. She stated that way they could get it done tonight. She asked if she had to read the amendment again.

Mayor Lunde suggested to Council Member Pha to withdraw her motion to amend and restate it. He stated it was going to the Met Council and wanted to be more specific on the language. Seconder Mata agreed to withdrawing the motion.

6.1 THE MOTION WAS WITHDRAWN BY COUNCIL MEMBER PHA.

6.1 MOTION PHA TO MAKE AN AMENDMENT TO THE MOTION TO REMOVE THE FOLLOWING LANGUAGE; FROM THE 2020 COMPREHENSIVE PLAN REGARDING THE LAND USE; HIGHLIGHTED HERE IN YELLOW; UNDER USES TO REMOVE WAREHOUSING DISTRIBUTION AS PART OF THE MASTER PLAN AND ALSO UNDER SCALE AND INTENSITY TO REMOVE WITH AN INCREASED FOCUS ON JOB CREATION, WAREHOUSING DISTRIBUTION CENTERS WILL BE PERMITTED IF APPROVED BY THE CITY AS PART OF A MASTER PLAN; AND TO ADD WAREHOUSING DISTRIBUTION ACTIVITIES THAT ARE ACCESSORY TO THE PRINCIPLE USE. SECONDED BY COUNCIL MEMBER MATA.

Community Development Director Berggren asked if there were scenarios where there were warehouses that were in the Business Parks. She stated she knew that was a topic of debate a lot when they talked about new businesses. She stated she wanted to make sure they were not, and her understanding today was there were scenarios where warehouses were in those areas.

Planning Director Sherman stated she was thinking about the new development areas, but the zoning would still allow warehousing distribution. She stated it was only the new developments that would be impacted. She stated it was more impactful for the undeveloped portions of the city than it was for existing, but they had other areas of the city that were proposed to be employment centers that already had distribution, and that was Community Development Director Berggren’s point.

Community Development Director Berggren suggested if the direction could be to match the intent of the existing business park definition and have them work on the language for Council.
City Attorney Thomson stated that looking at the zoning code, warehousing was a principle use in the Business Park zoning district permanently, a principle use, not an accessory use. He stated his concern would be if they only allowed it as an accessory use in the comprehensive plan, was there a conflict now and that was the question.

Mayor Lunde stated that if they didn’t want to preclude something that was expected, he didn’t care if they voted on Hotdish or not. He stated he was okay with voting on it either way and just wanted to have the chance to vote on it someday, yes or no. He asked if it was best to wait and push it out a week to get it right because he was worried that tonight if the Council did something unintended that they precluded or created a problem. He stated it was a big deal, the comprehensive plan could wait a week, and heard the city attorney saying some things about it.

Planning Director Sherman stated the Economic Development Authority was due to meet on December 17 and suggested having a special meeting before the EDA meeting to take action on it and they could work on the language and address the concerns that had been raised tonight.

6.1 MOTION LUNDE, SECOND JACOBSON TO TABLE THE DISCUSSION ITEM TO NEXT WEEK, DECEMBER 17, 2018.

Mayor Lunde stated he wanted to give staff chance to go through what they talked about and making sure it was right.

Council Member Parks stated he didn’t mind tabling it but wanted to make sure when they did do the wordsmithing that they were not tying the Council’s hands on what they could develop years down the line. He stated Hotdish kept coming up and they had to come to the Council to approve it anyway and wanted to make sure when they wordsmith it that they didn’t end up tying the Council and couldn’t do anything later on.

Planning Director Sherman suggested they go back to the old language and leave it as it was, but there still was an issue in regard to warehousing because warehouse was a permitted use in the Business Park zoning district and not a designated land use that was allowed in the Business Park as a primary use. She stated they would bring it December 17.

6.1 THE MOTION TO TABLE PASSED UNANIMOUSLY.

7.1 Major Jeffrey Lunde briefed the Council on the appointment to the Northwest Suburbs Cable Communications Commission.

7.1 MOTION LUNDE, SECOND GATES TO APPOINT SHARON ARBEITER TO THE NORTHWEST SUBURBS CABLE COMMUNICATIONS COMMISSION REPRESENTING THE CITY AT-LARGE FOR A ONE-YEAR TERM EFFECTIVE JANUARY 1, 2019 THROUGH DECEMBER 31, 2019. MOTION PASSED UNANIMOUSLY.

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

Council Member Mark Mata stated he did not agree with the food. He stated it was not the city’s job to provide food in those instances. He stated if the topic was good enough that wants their
discussion, then they should come for the topic. He stated it was not an all-day event for the city to spend money on food. He stated the city was providing other entities other things than having to provide food and if someone got sick or something happened, there were a lot of things that could open up for the city in the future. He asked what they were supposed to do if at an event on a Saturday they found out they were in violation of one of the things in the policy. He asked how were they going to shut it down or withdraw the city’s good faith that they were going to abide by the policy and didn’t. He asked if he could call the city manager and shut it down and what was in place to enforce anything they put in the policy.

Community Engagement Manager Shardlow stated a lot of it had to be done at the front end, vetting it and working with the partner. She stated that depending on what it was, it would have to be dealt with at that moment. She stated a new aspect they would have with the policy was after the fact if something happened they would have the policy in place that had a revocation clause where they could point to it and say the city could no longer partner next time because it had this in place in the policy. She stated it was about vetting it before hand and potentially acting on that moment but also having the policy insurance in the back end as well.

Council Member Mark Mata stated it should be permanently lost privileges. He stated he was not ready for the “I am sorry” and then they would correct it next time. He stated he was not looking for that. He was looking for, if they violate it, they were done, the group as long as it stayed in existence, they were done and no more second chances. He stated if they were vetted up front, they knew the rules up front and was very clear on the policy.

He stated that on the nonpartisan issue that he was not sure everyone understood that word. He stated some people thought it was Republican or Democrat or could be lower level races where someone was endorsing a candidate who didn’t have to declare a party whether they were one of those two parties or another party at the higher level. He stated if the city was going to partner, he wanted to clearly make sure they were nonpartisan. He stated he saw a lot of groups coming forward that were going to do things in the city who were nonpartisan. He stated the last election was proof of that. If they were going to have the ability to use city resources to do events, they had to show that statement and thought it was a very difficult statement to produce. He stated in the city’s employee handbook was political activity which didn’t mean running for election. He stated political activity was a blanket word and thought it was something more they should follow if they were going to get city funds. He stated he appreciated the word changes in the policy but couldn’t support it for the food. He stated he would not spend city taxpayer dollars to engage in that when they had other resources they could spend on food.

City Manager Stroebel stated Manager Shardlow explained staff’s perspective that it could be challenging to try to identify if it was okay to partner in a situation, but not okay in that situation. He stated they were focused on the topic that was being proposed to be discussed, which could come from a variety of organizations. He stated if there were certain organizations the Council was concerned about the city partnering with, could Council identify those to make it more black and white. He stated that as they described every time they brought the policy before the Council, there was a certain amount of gray area involved in identifying who the city partnered with and did their best to follow those elements in the policy in practice. He stated they just wanted to help clarify and affirm that was the direction the wanted to go in.

7.2 MOTION LUNDE, SECOND PARKS TO APPROVE THE COMMUNITY EVENTS AND INITIATIVES PARTNERSHIP POLICY. MOTION PASSED (6 TO 1) M. MATA VOTED NO.

City Manager Stroebel briefed the Council on the Adoption of the 2019 Proposed Budget; Budget Objectives, Challenges and Pressures, Budget Summary, Proposed Key Investment, and Levy Reductions.


7.3 MOTION LUNDE, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-182 ADOPTING THE 2019 BUDGET.

Council Member Mark Mata asked if there was money in the Contingency fund and how much was used last year.

Finance Director Green stated they left it flat as they did last year at $300,000. She stated they had not used any funding from the Contingency fund this year. She stated those funds were used for emergency situations and had not had any.

Council Member Mark Mata stated if they put $300,000 this year, used none of it and they were going to add zero to it in the budget, asked if they still had $300,000 they could carry forward.

Finance Director Green stated $300,00 each year. The appropriation went away and if they wanted to have that appropriation in 2019, they would have to add it to budget.

Council Member Mark Mata stated they taxed the citizens for $300,000 to go into the Contingency Fund and didn't spend it and now this year they were going to do another $300,000 which meant, technically, they should have $600,000 if they did not use it. He asked where the $300,000 went to if not used.

Finance Director Green stated that funding went back to fund balance and each year they had to maintain 35% of the fund balance to be in compliance with state requirements. She stated that because the city was tax heavy, as they were, they should have 35 -50 percent and leaned more toward 35 percent. She stated when they were doing the budget, they made sure they had enough revenues to cover expenses they had in the budget plus to make sure they had
enough fund balance that was recommended to meet the state requirements.

7.3 MOTION M. MATA, SECOND B. MATA TO AMEND THE MAIN MOTION TO REDUCE THE CONTINGENCY BUDGET FROM $300,000 TO $100,000.

City Manager Stroebel stated an example of contingency expenses in recent years was in 2017, there was a significant watermain break and it was over $100,000 not in approved in the budget and used Contingency Funds for that situation. He stated another situation, was where the Police Department had budgeted for salaries and benefits, and for whatever reason, there was a significant influx of crime and they needed to devote additional resources to address that or other city resources. He stated if the Police Department exceeded their budgeted amount that was approved, the Contingency Fund was one of those funds that could be used to pay for those on a one-time basis.

Council Member Mark Mata stated he made an amendment to reduce the Contingency Fund from $300,000 to $100,000 and was reducing it by $200,000 and the total tax obligation the taxpayers had to pay in the $52 million range, that by his amendment, asked if that would reduce that total taxable value by $200,000.

Finance Director Green stated the revenues they received reduced it by $200,000 and the overall property tax, instead of it being 4.62 percent, it would be reduced by the $200,000 and would be 4.17 percent.

Council Member Mark Mata clarified that by reducing it, it was reducing the overall taxable budget that the taxpayers would have to pay.

Council Member Parks stated if they went down to $100,000 in the Contingency Fund and had another major break in sewer line and it came to $150,000, asked where would they get that money if they already spent the Contingency Fund.

Finance Director Green stated if they only allocated $100,000 for the Contingency Fund, they would have to come back and they would have to look at the total fund balance and hope they had more than $18.3 million set aside. She stated if they had the additional $200,000 in there, for example, if the incident happened within the first six months of the year, then they would have to see if they had the fund balance to cover that additional $200,000.

Mayor Lunde called for a roll call vote.

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

Council Member Mark Mata stated in 2017 and 2018 the city was aggressive in budgeting money back into a lot of funds, heritage funds and other services. He recalled every year the City Manager coming and saying the previous city manager had probably not funded those funds where they probably should have and now they were trying to catch up to the levels it should have. He asked if they would have funded those at half the percentage that they were funding them now for this year and caught up in three to four years down the road as opposed to trying to do what the previous Councils had done all at one time. He stated what they were trying to make him do was making him push the tax to the taxpayers to make up for
someone else’s inefficiencies.

Finance Director Green stated the plan was not to rectify past mistakes or different ways of looking at the budget and rectify that in one year. She stated they were looking at a plan and recommending looking at it over a five to seven-year period. She stated that in the Heritage Fund for 2019, they had only increased it by $100,000.

Council Member Mark Mata asked about a plan 10 to 14 years.

Finance Director Green stated they could look at a plan for that time frame as well. It was just that they didn’t see that reflected in the 2019 budget. She stated that in the 2019 budget what they were trying to do was to get the revenues and expenditures to match what they should be and to get them on the right path. She stated that starting in 2020 was when they wanted to start to stabilize those funds.

7.3 MOTION MARK MATA TO AMEND THE MOTION TO FUND ALL THE FUNDS TO HALF
THE PERCENTAGE OF WHAT WE HAVE THEM FUNDED RIGHT NOW FOR 2019.

Council Member Mark Mata asked if they took the calculation of each of those funds because they were all increased in dollar values. He stated that on the presentation slide they had, it was $147,000. If they did the proportional math of $147,000, then he was going to reduce the infusion into the funds by $75,000, about half, and take it and divide it from there. He stated he couldn’t believe that the person who sat in his seat before him allowed the city to do that. He stated he didn’t know how it happened that those funds didn’t stay at a progressive balance and they were asking him to ask the taxpayers to make that replenish in a much shorter period. He stated he was taking the $147,000 and wanted to reduce dollars going into those funds by $75,000 and let Finance Director Green do the math.

Finance Director Green asked for a clarification if Council Member Mata was only thinking of the internal service funds or also looking at the general fund.

Council Member Mark Mata stated it was internal services funds.

Finance Director Green stated the charge backs would be internal services funds.

City Attorney Thomson stated the motion on the table was to approve budget. He thought what he was addressing would be at a later motion when they were going to approve the levy for various funds. He stated right now the item was on the budget; for example, the motion you made earlier would have been to reduce the budget item for contingency from $300,000 to $100,000 and that was an appropriate motion. He stated Council Member M. Mata was talking about levying less to fund the heritage fund, which was not a budget item but in a later resolution.

Finance Director Green stated her understanding was that Council Member M. Mata was not requesting to reduce the heritage fund, but requesting to reduce the chargebacks, central building, central garage, ITS and Loss Control funds, which was about almost $14 million in 2019.
Council Member Mata stated there was a slide that showed $147,000 and the OSLAD fund was in there and it showed the infusion of dollars of $147,000. He thanked City Attorney Thomson for the clarification and stated he would withdraw the motion.

7.3 COUNCIL MEMBER M. MATA WITHDREW THE MOTION.

Council Member Mark Mata asked about the golf course. He stated there was a slide shown last week that it was going to profit $550,000 for 2019 and now showing a profit of $17,000.

Recreation and Parks Director Yungers stated originally in the report last week it was at $550 as a net gain in revenue over expenditures. She stated there was a correction because they were now leasing carts. She stated there was a cart expenditure in the CIP for a replacement and that was no longer the case and it was a double up in the budget and was corrected. She stated the amount of that was $16,800 and adjusted to the $17,000.

Council Member Mark Mata asked about the vehicle replacements. He stated they moved the police vehicles from three years to four to five years. He stated he had a 2005 truck, which was 13 years old and asked why they had to be four to five years with the vehicles. He stated they should only be used going back and forth mostly in the city. He asked if could extend it by two years on the replacement vehicle policy instead of driving new vehicles all the time. He stated it used to be the police got the top squads, and after that, they pulled the mechanics out of them, radios, lights, sirens, and they were moved down to Fire Inspection, then to the Building Inspections and driven to the ground. He asked about the fire chief sedan and replacement policy for that vehicle. He asked about the Explorers.

Operations and Maintenance Director Ruiz stated those were replacement schedules for the police vehicles. He stated when a squad car that was moved from a three year to four year replacement, when it was four years old, it would be replaced and that vehicle was reassigned internally to the police and used for a few additional years and or reassigned to city vehicles for staff in city hall and they were kept eight to ten years. He stated many of the sedans were nine or ten and the fire chief vehicles were eight or nine years. He stated the replacement for any Explorers were eight to nine years because they would be used for period of time such as heavy duty services and then reassigned within the internal department.

Council Member Mark Mata asked about the $70,000 overpayment and overtime calculation for the full-time firefighters. He stated that had a two-year payback and now they were at the two-year payback. He asked if all of that $70,000 was able to be retrieved that was incorrectly paid out.

City Manager Stroebel stated it was in the process of been fully repaid and was repaid on the same time cycle on which the overpayment occurred. He stated if any employees left early before the two years expired, they had asked them to pay out their balance before departing the City.

Council Member Mark Mata asked if they had an outgoing survey for people who left employment with the city as to why they left. He stated he would be interested to see if it was pay, because all he kept hearing was they needed to increase pay. He stated that on the exit surveys that are done, if they were not saying they were leaving for pay then why were they
worrying about pay not being correct because maybe compared to the peer cities, the city was overpaying them.

City Manager Stroebel stated they would like to implement a more formal exit survey process. He stated that in terms of pay, they had an employee survey recently completed and the top two items of the greatest concerns was the onboarding process and benefits process. He stated they needed to look at it next year and see how they were compared to other cities. He stated a lot of city staff was concerned about benefits relative to other peer cities. On the salaries, he stated a couple of years ago they did a Carlson Dettman study that provided evidence where they were paying relative to peer cities. He stated in other cases where they were further behind it was by job class basis and an example of that was found that some of the senior staff were underpaid by 6% relative to their peers. He stated that in the last few years they had taken steps to address it and brought them up to the levels of their peers. He stated that was something they did want to be competitive in to hire and retain great staff.

Council Member Mark Mata stated Director Ruiz mentioned the city was not purchasing a fire pumper because they had an outside consultant come in and review whether they needed more vehicles. He stated it came out they were two over, and in the presentation, it said it was reduced, but looking at Page 2, it has a fire pumper in there for $560,000.

Director Ruiz stated there was a replacement pumper in the equipment plan for 2019 and was a completely different replacement versus the pumper he referred to in their cost savings measures back in 2017. He stated it was going to be a replacement of a fire pumper and that fire pumper was not replaced. He stated that was a different fire pumper up for replacement in 2019. He stated they were not requesting an additional fire pumper. That was replacing an existing one. He stated that in terms of how many pumpers a fire department needed, he would defer that to fire chief.

Council Member Mark Mata asked how many miles that truck that was being replaced had been driven the last year and how many calls it went on.

Fire Chief Cunningham stated Engine 11 was the one being replaced and was assigned to West Station, one of the busiest stations from a call volume. He stated in the most recent study done in 2017, the recommendation was a minimum of four engine companies and one in reserves and were operating at that level now. He stated the shared services study done in 2013 was a collaboration of areas department and was never implemented. He stated there was some reference to potential savings on using shared resources if it was a more county wide or regional approach to fire protection. He stated he was looking at the strategic plan and at the analytical data and painting a picture on what the call volumes were, where were the call volumes and what did the fire service look like today and in future. He stated the engine being replaced was an older engine of the group.

Council Member Mark Mata stated they were saying they had five fire engines in the city now, and had an aerial ladder that could also pump and that was above and beyond. He stated that would be the sixth one and that’s all they had.

Fire Chief Cunningham stated the numbers were correct although the usage and how they got classified in the use was different on their capacity.
Council Member Mark Mata stated he was confused on the $215,000 set up in budget for the Fire Department for an add on for staffing levels. He stated they had not had studies come forward to talk about whether they needed it or not, but yet they were taxing the residents $215,000 for the what if. He stated what they should do is get the results of the survey, find out where it was going to go and from that point, start putting in funding sources and plan for it. He stated right now it looked like they were putting the cart before the horse and did not have the survey to say yes or no to it.

City Manager Stroebel stated the $215,000 was originally the Safer Federal grant they were hoping to get and did not get it. He stated that based on conversations with Council Members and identifying their priorities, a number of Council Members had indicated their interest in preserving those resources in the proposed 2019 budget with the expectation that once the strategic plan came back, if the recommendation regarding staffing increases, that those resources would be available and ready to be used rather than coming back in middle of year and requesting resources at that time. He stated that would require going into the fund balance, which he and the Finance Director did not recommend as being a good fiscal practice. He stated that was the decision made to currently leave it in as the recommendation and the Council, if they chose, could make a different decision.

Council Member Mark Mata stated he would not support the budget and explained his no vote because they were taxing the citizens $1.8 million plus every year, which meant the Council needed to learn to live within their means based on needs versus wants. He stated there should be technology and other things they could do that were not coming forward to the Council to reduce the dollar value. He stated the number one thing when he was out there walking the streets, was that they were paying too much in taxes. He stated it was the number one thing and with everything else they had going on in the city, it was going to be hard for Council to keep good things still in the city and were constantly increasing the budget and that direction came from the dais.

Council Member Bob Mata stated he would be voting no on the budget. He stated he hadn’t voted for one yet because it had been a $1.8 to $2 million increase every year. He stated the city was supposed to supply police, fire, streets, water and sewer. That was their main objective and everything else was fluff. He stated if they couldn’t learn to cut the fluff somewhere, they were in big trouble. He stated the citizens couldn’t afford those constant increases and too many were on fixed incomes. He stated last week people came in to speak about their taxes because they were increasing. He stated he heard it consistently when he was out door knocking and was told about high taxes. He stated he promised them he would not vote for any budget with a $1.8 to $2 million increase.

7.3 Mayor Lunde called for a roll call vote on the main motion.

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

7.3 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2018-183 APPROVING THE 2019 FINAL TAX LEVY FOR THE GENERAL FUND AND THE DEBT SERVICE FUNDS AND CERTIFYING THEM TO HENNEPIN COUNTY. MOTION PASSED (5 TO 2) B. MATA AND M. MATA VOTED NO.
7.3 MOTION LUNDE, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-184 APPROVING A SPECIAL BENEFIT TAX AND CITY TAX LEVY FOR THE PURPOSE OF DEFRAYING THE COSTS INCURRED BY THE BROOKLYN PARK ECONOMIC DEVELOPMENT AUTHORITY UNDER ITS HOUSING AND REDEVELOPMENT POWERS FOR THE YEAR 2019. MOTION PASSED UNANIMOUSLY.

7.3 MOTION LUNDE, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-185 ADOPTING THE 2019-2023 STREET IMPROVEMENT PLAN. MOTION PASSED (6 TO 1) M. MATA VOTED NO.

7.3 MOTION LUNDE, SECOND GATES TO WAIVE THE READING AND ADOPT RESOLUTION #2018-186 ADOPTING THE 2019-2023 CAPITAL IMPROVEMENT PLAN. MOTION PASSED (5 TO 2) B. MATA AND M. MATA VOTED NO.

7.3 MOTION LUNDE, SECOND GATES TO ADOPT THE 2019-2023 CAPITAL EQUIPMENT PLAN – VEHICLES, MISCELLANEOUS, AND INFORMATION TECHNOLOGY EQUIPMENT. MOTION PASSED. (5 TO 2) B. MATA AND M. MATA VOTED NO.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Pha stated last week she and Council Member Parks attended the Census 2020 Coalition meeting. She stated it went well and met with many community members and Council members from Brooklyn Center, with staff, stakeholders and community organizations regarding getting prepared for the Census 2020. She invited the Council to the next meeting on February 13, 2019, at the Community Activity Center.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated on Wednesday, December 12, was the Highway 252 open house, from 5:30-7:30 p.m. at the Community Activity Center.

At the beginning of the EDA meeting there would be a special meeting next Monday on December 17, 2019.

He thanked Council Members Bob Mata and Rich Gates and stated that as a city manager it was a privilege to be in that role and work with elected officials. He stated they made his job rewarding and would miss conversations they had every Monday afternoon. He wished them the best and would see them in City Hall and to come in and say hello.

City Attorney Thomson stated they did have one item they had not acted on the comprehensive plan. He stated they could continue tonight’s meeting to a time certain next Monday if they knew that was what it was going to be, otherwise they would have to post a notice for a special meeting and asked if it was going to be at 7 pm. He suggested adjourning tonight’s meeting to Monday December 17, at 7 p.m.

10.1 MOTION LUNDE, SECOND GATES TO ADJOURN THIS MEETING OF THE BROOKLYN PARK CITY COUNCIL TO DECEMBER 17, 2018 AT 7 P.M. IN RECOGNITION OF AND RESPECT FOR THE LIFE AND CONTRIBUTIONS OF STEVE ERICKSON AND
RESPECTFULLY ASK THE SUPPORT OF FELLOW COUNCIL MEMBERS.

MR. ERICKSON SERVED ON THE NORTH HENNEPIN AREA CHAMBER OF COMMERCE AS EXECUTIVE DIRECTOR SINCE 2013. WHILE AT NORTH HENNEPIN AREA CHAMBER OF COMMERCE, MR. ERICKSON WAS INSTRUMENTAL IN INTRODUCING VARIOUS NEW INITIATIVES TO BUILD JOBS, HELP STUDENTS, TEACH LEADERSHIP SKILLS AND PROVIDE A HIGHER LEVEL OF BUSINESS MANAGEMENT SKILLS RESOURCE, INCLUDING CAREER PILOTS, THE NEW TEACHER WELCOME, THE LEADERSHIP ACADEMY, THE LEADERSHIP FORUM, THE MANUFACTURERS CONSORTIUM, AND THE NORTHWEST QUADRANT DEVELOPMENT CONFERENCE.

HIS DEDICATED CONTRIBUTIONS TOUCHED MANY LIVES THROUGHOUT THE CITY AND THE SURROUNDING COMMUNITIES.

I FURTHER REQUEST THE MOTION BE MADE A PART OF THE PERMANENT RECORDS OF THIS BODY AND THAT A LETTER BEARING THE CITY SEAL AND THE SIGNATURE OF THE MAYOR BE SENT TO THE FAMILY ADVISING THEM OF THIS ACTION AND WOULD ADJOURN THE MEETING UNTIL NEXT WEEK, DECEMBER 17, 2018 AT 7 P.M.

THE MOTION PASSED UNANIMOUSLY.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 10:39 p.m. until next week, December 17, 2018 at 7 p.m.

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JEFFREY JONEAL LUNDE, MAYOR

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DEVIN MONTERO, CITY CLERK