

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Tuesday, November 12, 2019
7:05 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Pro Tem Susan Pha

PRESENT: Mayor Pro Tem Susan Pha; Council Members Terry Parks, Mark Mata, Wynfred Russell and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Sofia Lykke; Community Development Director Kim Berggren; Finance Director LaTonia Green; Deputy Police Chief Mark Bruley and City Clerk Devin Montero.

ABSENT: Mayor Jeffrey Lunde (excused), Council Members Mark Mata (excused) and Tonja West-Hafner (excused).

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

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated there was one comment at the last Council meeting from Ms. Hempel who continued to raise concerns regarding 93rd Avenue, including speeding on the road, fencing of the construction that was taking place along that road, and the speed limit. He stated at the November 25 Council meeting, they would be talking about potential improvement to the 93rd Avenue road relative to other improvement projects within the city. He stated that on the speeding on the road, that was something they could revisit in the future with the State allowing some flexibility on it now. He stated that stretch of road continued to be a priority area for the Police Department as they tried to address the speeding concerns there. He stated that on the fencing, Planning Director Sherman and City Engineer Struve stated that at that particular construction site, the fencing was not needed for the construction of that property.

2B PUBLIC COMMENT

1. Victoria Kates, 5817 73rd Ave, Apt #114. Concerned about the asbestos in the apartment. Has health issues and is not the only sick person in that building. If it is asbestos, it has not been removed from the ceiling and a greater chance there are more spots in the building. Asked the Council to hear them and help them because it was urgent. Stated the owners had been digging in the walls a long time and might be already affected by asbestos and didn't know if they would get sick from it. Asking to live someplace safe and secure.
2. Leona Polling, 5801 73rd Ave, Apt #213. Has mold/mildew in her apartment and had called the office. Stated the apartment stinks and is getting sick from it and afraid of her cat dying from mold.
3. John Toe. Not present when called.
4. Collette Guyott-Hempel, 9277 Trinity Gardens. Asked to have 93rd Ave on the next Council meeting's agenda. Stated her house backs up to 93rd Ave and the construction of the new apartments, they were not putting up fence. Stated there was plastic lumber wrappings on their side of street and was not great for the neighborhood. Stated the Lyons Construction company still had plastic wrap in the trees and watershed area off of 93rd/Zane from the construction. Said 93rd Ave was supposed to be done 20 years ago with the TH610 project within 18 months and still was not done. Stated the city had money from the housing development 30 years ago and had money from the 500 homes

on the north side. Concerned a child could get killed on a bike on that road. Stated that area had multiple schools within biking distance and restaurants and no safe place to get there because it didn't have sidewalks, second lanes and was used heavily by emergency vehicles. Stated over \$20 million will be used for the bypass on Highway 169 interchange for only 6 households and theirs had 500 north of 93rd Avenue.

5. Frances Jackson, 5817 73rd Ave. Stated if there was asbestos in the building, there were children there and seniors there and were not being notified and all would be getting sick. Asked where the help was coming from as they voted the Council in office. Stated they were being charged extra money for rent, and if they said they were going to the city, they would be evicted and needed help in that building.
6. Catrice Harris, 5817 83rd Ave., Apt #104. Stated she had recordings of mice in the hallways, pictures of mold in the bathroom and they had not come and fixed it. Stated she had a hole in the ceiling in the bathroom and was not fixed. Someone came and looked at it but was still not fixed. Stated she didn't want to get sick and didn't know what asbestos was. She asked for help and wanted to feel safe and comfortable. Stated people were robbing kids for their phones with a gun.
7. Patrice Collins, 5849 73rd Ave., Apt #145. Stated she had lived in the apartment complex previously and didn't look like anything changed. Security was dangerous for kids. There was a bug, mice, and roaches problem with walls smelling, the water was not drinkable and the bathroom water was better than the kitchen water. She stated she didn't have heat and had a 7-month-old baby. Stated an apartment program paid her rent and they inspected the apartment, the pilot light was not turned on, safety was not good, had kids running around in the hallways along with grown adults in the hallways. Stated the apartment complex put up a fence and people were coming from other areas and not from buildings making trouble. Stated the rent had increased and everyone paid a different price and had changed three to four times. Stated she caught many mice and she had been evicted because of infraction of police calls and her building didn't have police in the building. She stated children and people were not feeling safe and some were getting sick. Stated she had many stories to tell. She was worried about carbon monoxide issues because her stove was not fixed. Stated the apartment complex owners were only covering things up and was not fair to them if the city was giving money to them.
8. Nelima Sitati Munene, Executive Director, ACER, Inc. She stated she would like to address the issues of Huntington Place and the general livability conditions of the tenants in the community and especially low wealth tenants. She stated four years ago they were in front of the Council with residents from Huntington Place and some from Autumn Ridge expressing to the Council on the deplorable conditions they were living in. She stated at that time, Autumn Ridge stepped forward and worked with the tenants and started to repair the apartment dwellings and there was an agreement with the Council to do a pilot project of how apartment buildings in the city could work from a community centered place to come up with community centered solution so that everyone in the city could be able to have a better quality of life. She stated there were some pitfalls. The Council did not follow through with implementing a pilot that succeeded in one apartment in the community to the rest of the apartments in the community as was promised. She stated the issues with Huntington Place had been going on for four years. The residents came to ACER and they came before the Council. She stated the city had two different inspection codes for single family rental dwellings and for multi-unit dwellings. She stated the conditions that existed in the multi-unit dwellings would never exist in the single family dwellings. She stated they had asked the Council many times to change

the inspection codes. She stated the only reason that tenants in the community in multi-unit dwellings were living in that condition was because the city codes allowed landlords to not invest in their properties and not put investments in their buildings and still be able to pass inspections. She asked the Council to look into it and needed a code that would never allow anyone to pass inspections under those conditions the community members were expressing to them. She stated another issue they had brought forward many times was that there was not adequate housing in the city that was affordable to everyone. She stated that over the past 30 years, the city by their own practices had not allowed more multi-family dwellings to be built in order to meet the current and future housing needs of the community. She asked the Council to examine what the housing needs in the community were. She stated people had nowhere to go and loved living in the community and would like the conditions under which they were living to be better. She asked the Council to look at housing gaps in the city and make sure Brooklyn Park could indeed be a city where everyone could thrive regardless of their backgrounds.

At 7:36 p.m., Mayor Pro Tem Pha stated the time for public comment had ended and would resume with the regular meeting. She apologized to those individuals who were not able to speak. She stated they could speak to the Council at any time and all their contact information was on the city's website. She stated they could also come in and meet with the Council as a group or individually to talk about their concerns.

At 7:37 p.m., Mayor Pro Tem Pha called for a recess.

At 7:50 p.m., Mayor Pro Tem Pha reconvened the meeting.

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

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

3B.1 Proclamation Declaring November 30, 2019, as Small Business Saturday in the City of Brooklyn Park, Minnesota.

Mayor Pro Tem Pha proclaimed November 30, 2019, as Small Business Saturday in the City of Brooklyn Park, Minnesota.

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

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-177 ESTABLISHING POLLING PLACES IN THE CITY OF BROOKLYN PARK FOR THE PRESIDENTIAL NOMINATION PRIMARY ELECTION ON MARCH 3, PRIMARY ELECTION ON AUGUST 11, AND THE GENERAL ELECTION ON NOVEMBER 3, 2020.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-179 TO AUTHORIZE APPLICATION FOR GRANT FUNDING THROUGH THE HENNEPIN YOUTH SPORTS GRANT PROGRAM FOR NOBLE SPORTS PARK BASEBALL FIELD.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-179 ACCEPTING BIDS AND AWARDING CONTRACT IN THE AMOUNT OF \$108,920.00 TO JACON LLC OF VADNAIS HEIGHTS, MINNESOTA FOR 93RD AVENUE AND JEFFERSON HIGHWAY POND, CIP 3712-20.

4.4 TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2019-1246 AMENDING CHAPTER 92 OF CITY CODE PERTAINING TO ANIMALS AND ELIMINATING PET LICENSES.

4.5 TO SET A PUBLIC HEARING ON NOVEMBER 25, 2019, TO SOLICIT TESTIMONY AND CONSIDER THE RENEWAL OF THE CURRENCY EXCHANGE LICENSE FOR SJB ENTERPRISE INC. DBA YOUR EXCHANGE LOCATED AT 7646 BROOKLYN BOULEVARD.

4.6 TO SET A PUBLIC HEARING ON NOVEMBER 25, 2019, TO SOLICIT TESTIMONY AND CONSIDER THE RENEWAL OF THE CURRENCY EXCHANGE LICENSE FOR UNBANK COMPANY, LLP LOCATED AT 6319 ZANE AVENUE NORTH.

4.7 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-180 AUTHORIZING AN AGREEMENT WITH THE ANOKA-HENNEPIN SCHOOL DISTRICT #11 TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES TO CHAMPLIN PARK HIGH SCHOOL AND PREVENTION PROGRAM INSTRUCTION TO OXBOW CREEK ELEMENTARY SCHOOL AND MONROE ELEMENTARY SCHOOL.

4.8 TO SET A PUBLIC HEARING ON NOVEMBER 25, 2019, TO CONSIDER THE ISSUANCE OF AN ON-SALE WINE LICENSE FOR FIVE LADIES, INC. DOING BUSINESS AS ROLLS AND BOWLS RESTAURANT LOCATED AT 9656 COLORADO LANE NORTH.

4.9 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF JULY 30, 2018, AS PRESENTED BY THE CITY CLERK.

4.9 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF OCTOBER 29, 2018, AS PRESENTED BY THE CITY CLERK.

4.9 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF APRIL 8, 2019, AS PRESENTED BY THE CITY CLERK.

4.9 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF APRIL 22, 2019, AS PRESENTED BY THE CITY CLERK.

4.9 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF NOVEMBER 4, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION PASSED UNANIMOUSLY.

5.1 Approve City Code Appendix Fee Resolution Table Amendments to Sanitary Sewer Utility and Street/Signal Lighting System Utility Rates and Charges.

Operations and Maintenance Director Dan Ruiz briefed the Council on the City Code Appendix Fee Resolution Table Amendments to Sanitary Sewer Utility and Street/Signal Lighting System Utility Rates and Charges.

5.1 Mayor Pro Tem Pha opened the public hearing to consider the City Code Appendix Fee Resolution Table Amendments to Sanitary Sewer Utility and Street/Signal Lighting System Utility Rates and Charges.

5.1 The following individuals addressed the Council: None.

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

Council Member Jacobson stated the townhouses varied in size. Some were four stories and detached, others were slab on grade. She asked if that factored into the fees or was it straight across the board. She asked about those on private streets.

Operations and Maintenance Director Ruiz stated it was just a flat fee based on the townhomes and on the lighting system. He stated there were similar number of lights per linear foot of street frontage in townhomes and tried to keep the fee structure as a flat fee. He stated the rate was decreased 50% if on a private street.

5.1 MOTION RUSSELL, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019 TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE AMENDMENTS TO SANITARY SEWER UTILITY RATES AND CHARGES.

Council Member Parks asked if they saved up for future projects or did they just get to a balance where they said if they got below that balance, they were going to start raising the rates.

Operations and Maintenance Director Ruiz stated they did try to save up and do a "pay as you go" program when they started to do those capital projects. He stated sometimes they fell a little behind, then they had to bond for covering future projects. He stated right now they were in good shape with the recommended rates to "pay as you go" and still meet their minimum fund balance recommendations. He stated the fund balance recommendations did tie into the city's bond rating and that was looked at with the city's financial consultants, Ehlers, and the Finance Department and that was where the recommendations came from.

Council Member Parks stated the Council got that all the time, that said the city was lower than a lot of cities as far as the costs, that the city was at the bottom end of the scale. He stated the city was also at the lower end of the income level from a lot of the other cities, when compared to Woodbury and Minnetonka. He stated the city didn't have the income that those cities had and wanted staff to look at other cities with the city's own median income. He asked the City Attorney that being there were only four Council Members present, if it had to be four votes to pass.

City Attorney Lykke stated the motion needed four votes to pass.

Operations and Maintenance Director Ruiz recommended that it could be tabled until the full Council was present.

Council Member Parks stated the Council talked about people on a fixed income all the time but they were constantly adding to their fixed incomes and was concerned about it. He stated he would like make a motion to table it until the full Council was present because he would say no tonight.

5.1 MOTION PARKS, SECOND JACOBSON TO TABLE THE RESOLUTION TO APPROVE CITY CODE APPENDIX FEE RESOLUTION TABLE AMENDMENTS TO SANITARY SEWER UTILITY RATES AND CHARGES. MOTION PASSED UNANIMOUSLY.

City Manager Stroebel stated there was a second motion and a motion should be made to table it too.

5.1 MOTION PARKS, SECOND JACOBSON TO TABLE THE RESOLUTION TO APPROVE CITY CODE APENDIX FEE RESOLUTION TABLE AMENDMENTS TO STREET/SIGNAL LIGHTING SYSTEM UTILITY RATES AND CHARGES. MOTION PASSED UNANIMOUSLY.

7.1 Approve Advance Construction Agreement No. 1035695 with the Minnesota Department of Transportation for the TH 169/101st Avenue Interchange Project, CIP 4042-19.

City Engineer Jesse Struve briefed the Council on the Advance Construction Agreement No. 1035695 with the Minnesota Department of Transportation for the TH 169/101st Avenue Interchange Project, CIP 4042-19.

7.1 MOTION RUSSELL, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2019-181 APPROVING ADVANCE CONSTRUCTION AGREEMENT NO. 1035695 WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR THE TH 169/101ST AVENUE INTERCHANGE PROJECT, CIP 4042-19. MOTION PASSED UNANIMOUSLY.

7.2 Resolution Amending Fee Resolution #2000-202 Adopting a Schedule of Fees and Charges for Various Services, Licenses and Permits for the City of Brooklyn Park, Minnesota.

Finance Director LaTonia Green briefed the Council on the Resolution Amending Fee Resolution #2000-202 Adopting a Schedule of Fees and Charges for Various Services, Licenses and Permits for the City of Brooklyn Park, Minnesota.

She stated the Council was given a revised resolution that included the Administrative Penalty Schedule relating to Failure to Obtain a Rental License fees. She stated it was inadvertently missed and was in the staff's memo.

7.2 MOTION PHA, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-182 AMENDING FEE RESOLUTION #2000-202 ADOPTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES, LICENSES AND PERMITS FOR THE CITY OF BROOKLYN PARK, MINNESOTA. MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS – None.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated the Mayor's Prayer Breakfast would be held on November 22 from 7 to 9 a.m. at the Marriott Northwest and seats were still available if anyone was interested.

10.1 Motion for Adjournment.

10.1 MOTION PHA, SECOND RUSSELL TO ADJOURN THIS MEETING OF THE BROOKLYN PARK CITY COUNCIL IN RECOGNITION OF AND RESPECT FOR THE LIFE AND CONTRIBUTIONS OF BROOKLYN PARK POLICE OFFICER EMILY KROB AND RESPECTFULLY ASK THE SUPPORT OF FELLOW COUNCIL MEMBERS.

OFFICER EMILY KROB, A GRADUATE OF PARK CENTER HIGH SCHOOL, WAS BORN AND RAISED IN BROOKLYN PARK. AFTER ATTENDING COLLEGE OUT OF STATE, SHE RETURNED TO SERVE THE COMMUNITY SHE WAS RAISED IN AS A POLICE OFFICER. EMILY SERVED THE CITY OF BROOKLYN PARK FOR THE PAST 14 YEARS AS A PATROL OFFICER AND SCHOOL RESOURCE OFFICER AT CHAMPLIN PARK HIGH SCHOOL.

HER DEDICATED CONTRIBUTIONS ALSO 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.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 8:30 p.m.

SUSAN PHA, MAYOR PRO TEM

DEVIN MONTERO, CITY CLERK