

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, May 13, 2019
7:05 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Tonja West-Hafner, Susan Pha, Terry Parks, Mark Mata, Wynfred Russell and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director Latonia Green; Deputy Police Chief Todd Millburn 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. Asked again for improvements to 93rd Avenue along Regent Avenue and Zane Avenue. Stated money was set aside for the road when TH610 was built and would take 18 months to put in. Now it had been 18 years and the sidewalks and curb and gutters had not happened. Stated the city had received money for MSA roads for 20 years and asked how much was spent on 93rd Avenue for improvements for those 20 years for safety. Stated town square center was supposed to be a walking and biking community and asked where the paths for bikes and pedestrians were. She stated it was still 50 mph without shoulders. Stated the approach to the apartments and assisted living development seemed being finished today did not have drainage. Stated the road had 750 people going 60 mph last year during a 4 day stretch plus 3 were going 90 to 95 mph. She stated there were more pedestrians than ever walking to bus stops, walking to Chipotle, Jersey Mikes or to Hy-Vee. Stated that the emergency vehicles, fire trucks use 93rd Avenue instead of using 97th and Oak Grove Parkway. She thanked staff for filling pot holes today and the two officers who gave one person a speeding ticket and stop sign violation in 45 minutes time last Friday.
2. Chris Miklya, 6115 78th Avenue North. He had an issue on 78th Avenue and needed guidance dealing with a person fixing cars. He stated there were non-licensed-plate vehicles all up and down 78th Avenue, 9 to 10 cars and up to 12 parked on both sides. He stated the individual worked on the cars and made it impossible for one car to go in any direction. He stated it had been a big issue for two years and had talked to the individual about it. He stated he had videos and he continues to do it. He stated he had talked to the police and the last time told the police the individual threatened to kill him and his son. He stated the individual was throwing garbage on his property and stated the officer said they couldn't do anything about it. He stated it was becoming a problem and was tired of it and the individual threatened him all the time.

3A. MOTION JACOBSON, SECOND LUNDE TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH MOVING ITEM 7.6 AHEAD OF ITEM 7.1. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.1 Introduction of New Employees.

Police Chief Craig Enevoldsen introduced new employees to the Police Department.

Economic Development and Housing Director Breanne Rothstein introduced a new employee to the Community Development Department.

Community Development Director Kim Berggren introduced a new employee to the Community Development Department.

3B.2 Mayor's Proclamation of May 16, 2019, as "Protolabs Day" in the City of Brooklyn Park

Mayor Lunde proclaimed May 16, 2019 as Protolabs Day in the City of Brooklyn Park.

4.0 MOTION WEST-HAFNER, SECOND JACOBSON TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS:

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-71 APPROVING A COST PARTICIPATION AGREEMENT WITH THREE RIVERS PARK DISTRICT FOR THE 2019-2020 TRAIL REHABILITATION PROJECT, CIP 2005-19.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-72 CALLING A PUBLIC HEARING FOR THE PURPOSE OF PROVIDING HOST APPROVAL FOR THE ISSUANCE OF REVENUE OBLIGATIONS BY THE PUBLIC FINANCE AUTHORITY.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-73 ACCEPTING BIDS AND AWARDED CONTRACT TO BITUMINOUS ROADWAYS OF MENDOTA HEIGHTS, MN FOR CIP 2003-18 BASS CREEK PARKING LOT RECONSTRUCTION.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-74 APPROVING STAFF TO ENTER INTO A TWO-YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE BROOKLYN PARK POLICE DEPARTMENT FOR 2018-2019.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-75 APPROVING AN UPDATED SEWER AVAILABILITY CHARGE (SAC) AND WATER ACCESS CHARGE (WAC) REDUCTION POLICY AND AUTHORIZE THE ECONOMIC DEVELOPMENT AUTHORITY TO ADMINISTER THE PROGRAM.

4.6 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-76 TO AUTHORIZE THE RECREATION AND PARKS DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BLUESTEM HERITAGE GROUP TO DEVELOP THE INTERPRETIVE PLAN FOR THE HISTORIC EIDEM FARM.

4.7 TO SET A PUBLIC HEARING ON MAY 28, 2019, TO SOLICIT TESTIMONY AND CONSIDER ISSUANCE OF AN OFF-SALE INTOXICATING LIQUOR LICENSE FOR

CHIPOTLE MEXICAN GRILL OF COLORADO LLC DBA CHIPOTLE MEXICAN GRILL,
5901 94TH AVENUE NORTH, BROOKLYN PARK.

4.8 TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE
#2019-1241 AMENDING SECTION 152.342 OF CITY CODE PERTAINING TO
VETERINARY CLINICS.

4.9 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-77 TO AUTHORIZE
THE POLICE DEPARTMENT TO ENTER INTO A JOINT POWERS AGREEMENT
WITH THE MINNESOTA BUREAU OF CRIMINAL APPREHENSION AS AN
INVESTIGATIVE PARTNER IN THE MINNESOTA INTERNET CRIMES AGAINST
CHILDREN TASK FORCE (ICAC).

4.10 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-78 AUTHORIZING
PAYMENT FOR ADDITIONAL SERVICES BY WOLD ARCHITECTS AND ENGINEERS
FOR THE CITY HALL REHABILITATION PROJECT.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL
MEETING OF JANUARY 8, 2018, AS PRESENTED BY THE CITY CLERK.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY
COUNCIL MEETING OF JULY 9, 2018, AS PRESENTED BY THE CITY CLERK.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL
MEETING OF JULY 9, 2018, AS PRESENTED BY THE CITY CLERK.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL
MEETING OF FEBRUARY 11, 2019 AS PRESENTED BY THE CITY CLERK.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK BOARD OF APPEAL
AND EQUALIZATION MEETING OF APRIL 8, 2019, AS PRESENTED BY THE CITY
CLERK.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY
COUNCIL MEETING OF APRIL 15, 2019, AS PRESENTED BY THE CITY CLERK.

4.11 TO APPROVE THE MINUTES OF THE BROOKLYN PARK RECONVENED
BOARD OF APPEAL AND EQUALIZATION MEETING OF APRIL 22, 2019, AS
PRESENTED BY THE CITY CLERK.

MOTION PASSED UNANIMOUSLY.

7.6 Recreation and Parks Director Jody Yungers briefed the Council on the Resolution to Approve the River Park Master Plan and to Advance to Design Development Phase for Implementation of the Plan. She covered Council Action, Goals – 4 parts of process, 2018 Parks System Plan, Community meeting – Initial concept, Key Issues – Shore stabilization/Fishing Platforms, Key Issues; River Trail connection – Key Issues, Enhanced Natural Areas and Storm water Management, Agency Stakeholder Engagement, Charrette Activity – 3 concept design ideas, Overview of River Park Master Plan, Overview of River Park

Master Plan Preferred Concept, Community Engagement, Neighborhood Open house, Online Survey, High Priority Comments, Pop Up engagement, High Priority Comments, Refined Master Plan Concept, Agency Stakeholders Comments – Feb 14, 2019 and main comments, Final Draft Concept Plan in Master Plan, Recreation Site Plan/River Park, Natural Resource Management Plan, Storm water Management Plan – 4 options, and Timeline/Next Steps.

Monica Dillenberg, Recreation and Parks Advisory Commission stated at their last meeting they saw the plan, held lengthy discussions and approved sending the plan to the Council. She stated the Friends of the Mississippi River (FMR) representatives were in attendance and they wanted to make sure all the details were correct, the permits would work and not damage the river. She stated it was a concept and it had to go through to keep it going to the next step because it was a long process.

The following individuals addressed the Council:

1. Collette Guyotte-Hempel, 9277 Trinity Gardens. Asked about the size of the prairie area. Suggested the RC remote drones and planes that had been a part of the city for over 40 years off of Highway 169 be able to have enough space for a runway and an area for flying. She stated it could be a part of a stem project for aeronautics and RC cars could be in an area in that park or another park in the community.
2. Irene Jones, Senior policy advocate with Friends of the Mississippi River (FMR). She stated it was a St. Paul based organization that worked on river protection and community engagement along the river throughout twin cities. She stated she provided the Council a letter and appreciated being invited to get involved going forward. She stated the main issues of the letter, was that there were several questions and needed to be answered early in the process. The altering of the shoreline was not permitted under state rules for gaining access to the river. She stated that in talking to Director Yungers there were some stakeholders who came from the government agencies who might not had been the policy stakeholders. She stated a lot of those organizations were large and they wanted to make sure those organizations who did the regulation on water law were included. She stated what was in the plan didn't look like it would be permitted under the current rules, the carving out of the harbor along the river and changing of the shoreline. She stated it was early in the process of the next phase and was important to nail the details of storm water management and how that would affect the shoreline, whether, it would be permitted. She stated if it was permitted, then they would go through the permitting process. She stated they generally supported the direction of the plan and it was nice that it was more focused on the river and engaging people in nature. She stated they liked the fishing platform and a lot of the other aspects of the plan. She stated there were some concerns about the storm water feature and how it intersected with the shoreline. She stated they also had concerns that everything was in the flood plain and there were several flood plain species and that was addressed a little in the natural resource management plan. She stated she raised the issue of the cottonwood trees that were not regenerating very well in the river corridor. She stated there had been some research done by the national park service in the last 10 years and had shown they were not growing back on their own and not a long-lived tree. She stated they were not large but brought character to the river, but in 100 years from now they could be gone without new ones. She stated it was just keeping an eye on the importance of not taking the cottonwood trees out to put wetlands in or prairie in. She stated most of their comments could be addressed through the next process. She

commended Council for moving toward enhancing and embracing the river features because it was a nice feature to have a big park in the central part of the city.

Mayor Lunde asked when they could meet for a discussion. He stated he had tried for years to meet with the FMR because they were advocating for things that affected the Brooklyn Park landowners. He stated too often the FMR represented what St. Paul and Minneapolis did and some of the rule making the DNR did on the river. He stated there were a lot differences between Brooklyn Park and St. Paul, but seemed the rule making advocating by the FMR reflected landowners in Minneapolis and St. Paul. He stated he knew Dayton, Champlin, Anoka, and Coon Rapids would also like to have conversations with them.

Ms. Jones stated they could meet anytime and would also include Program Director Colleen Toberman. She stated the rules had already been adopted.

Mayor Lunde stated when they asked to be part of their solutions when advocating at the Capitol, he couldn't get anyone to return his calls. He stated that was how important he considered the river in how many times he reached out to FMR. He stated they shared the same goals but often felt what was being advocated in St. Paul; the city couldn't have a voice in what they were talking about.

Ms. Jones thought they had connected with city staff and others when the rule making started in 2009. She stated they did speak to legislators and Council Members at the time and remembered there were a number of disagreements between some members of those communities and what FMR was advocating for. She stated that in general, the approach of the rules was to look at the entire corridor and the different features that made each part of the corridor special and unique and provide opportunities for the public to enjoy the river and for the river to be healthy. She stated she didn't think they completely looked only through lens of Minneapolis and St. Paul.

7.6 MOTION LUNDE, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-79 TO APPROVE THE RIVER PARK MASTER PLAN AND TO ADVANCE TO DESIGN DEVELOPMENT PHASE OF THE PLAN.

Mayor Lunde thanked Recreation and Parks staff, partners, residents and stakeholders with being at the meetings by Recreation and Parks. He stated he had represented the river for 16 years and knew the delicacy of tackling issues on the river not only legally, federally, and state, but also reflecting the rights of land owners who also loved the river. He stated there were too many kids in the community who lived next to nature but never went into nature and thought if they could somehow get kid introduced to it. He stated that with the Kids and Cops fishing opener, there were kids who had never picked up a fishing rod because they did not have anyone to take them fishing. He stated it was an opportunity to introduce future stewards of the river to the river and make sure they did it right. He stated he understood it was a concept and had to do it delicately and respectfully. He stated if they didn't get the Council in 20 years making decisions to the river and not think of it as a place where the water went they would lose out on and the concept to help move that in the right direction.

Council Member Mata stated there were things in the master plan he was leery about and it brought up costs. He stated they received a letter from the Department of Interior and when he read the letter, it didn't sound like the city got a green light. He stated the letter said to follow the

permitting process and there were things the city would have to do, such as cutting holes in shoreline, adding platforms into the waterway, and building structures closer to the river. He stated he wouldn't know that down the road when it came back and said the city could do it. Now the city had to take soil corrections in the middle of the river and endless amounts of dollars and the city was already knee deep into a project and would tie the Council down the road and kept spending more money. He stated it also said the city's storm water was discharging contaminants into the river. He asked how many storm water sewers the city had because if they were only going to fix one, asked how many millions of dollars they were going to put in the project. He asked about all of the other ones in the city discharging into the river because he was sure that was not the only one.

Operations and Maintenance Director Ruiz stated he didn't know the numbers but there were several. He stated their intent city wide was when the opportunity presented itself to clean and treat the storm water system. He stated that was the first opportunity that presented itself. He stated when other opportunities were available or capitalized on grants they would continue to clean the storm water that entered the river.

Council Member Mata asked if the land they were using to treat the water, if that was approved to create. He asked if that was being taken out of the park referendum bond or was there some other source.

Operations and Maintenance Director Ruiz stated the funding source was from the storm water utility fund.

Council Member Mata stated the city was the largest property owner and didn't see much in the plan that was focusing on getting people there. He stated that on the other side of river, in Coon Rapids as an example, they had a band shelter and had weddings, receptions and events. He stated somewhere in the plan, they should build something where every weekend in the summer they could have events and get people there. He stated right now they were asking people to ride the bike trail and go through the environmental area in the north side and then go back to the city. He stated they were asking people to do fishing, put a kayak in, or put in a boat, but if water was high, it wouldn't get done. He stated they were going to put all that in the park, but they were not going to create anything that would draw people there. He stated there used to be two BPAA baseball games there two or three nights a week, and 100 people were going into that park. He stated there wasn't parking there and would overflow into the neighborhood. He stated it was a focal point on the river and if they were going to keep it that way, they needed to create events there all the time. He stated it was a perfect park for someone to have an outdoor wedding reception instead of using the golf course. He stated he saw a lot things that were not in the master plan.

Recreation and Parks Director Yungers stated they had to balance that in the design. She stated it was a special park where they wanted to connect people to nature. She stated they believed it was important to do programs and had Rec on the Go, and was their highest attendance location for young people. She stated they also planned to have connections for food trucks when they did do special events on a periodic basis. She stated what they did not want to do was make it an event park. She stated it was the only one of 60 in their entire system that touched the river and balancing all that in the residential area was important. She stated they designed it for that flexibility and that use, for both reservations, picnics, company picnics but also inviting the community to celebrate in a unique way.

Council Member Jacobson stated when she lived on Crystal Lake in Robbinsdale, when they knew a change was coming, her parents were there at the table because they looked at the lake every day around passion, just like Ms. Guyotte-Hempel who came to almost every meeting and spoke to the Council around what she was passionate about. She saw 93rd Avenue every day and was the same thing with people who lived on river. She stated Director Yungers said one goal was to strengthen the community's connection to the river, and the people who lived there now were currently connected to the river, but her desire was to bring other people from the community to that park. She commended staff for putting back one of the ball fields because she had been watching it to see what was happening in the evening and there was definitely ball being played there. She stated she was concerned about the letter from the Department of Interior that said, while they appreciated the city's efforts to improve the experience, there was a misunderstanding in how they supported the planning process, and that while the city was applying for potential grants, it was not a categorical endorsement of the draft master plan. She stated that didn't sit well with her that the city was claiming something it wasn't.

She stated it was the concept plan what the Council was approving tonight and to move to the design and development phase. She stated that hearing Ms. Jones address the Council, while she said the FOM commended the city, they had concerns. She stated she wanted to make sure that all of those stakeholder's concerns were heard and the city took proper action based on those concerns, and that it wasn't just engaging them and still tried to do what the city wanted to do. She stated she wanted to make sure they got it right because they had one chance to do it and must do it for the people who lived on the river today, for those that lived on the river in the future, and for the residents who would go to that park who might not even know it existed, because of new opportunities that were there and would make it a regular opportunity for their families.

Council Member West-Hafner thanked the Recreation and Parks staff and the RPAC on their hard work with engagement. She wanted to make sure she was clear that part of the reason they purchased the property next door and were proposing the storm water treatment was because the city was out of compliance with the rules for discharging water into the river. She agreed with Council Member Mata that if it was one of several that they needed to look at other places where it was being discharged. She asked what would happen if the DNR did not approve the plan and the city wasn't allowed to cut trees and make those water treatment ponds. She stated she didn't want to approve a plan and have the community thinking that was what they would get or be stuck with. She stated it would move through the permit process and then the DNR turned the city down and the Department of Interior turned the city down and ended with 10 different permit processes that the couldn't get through. She stated the city would still have the storm water issue, still bought the property for that purpose, and asked what the alternative would be if they said no to all of it.

Recreation and Parks Director Yungers stated she talked with members of both agencies that submitted the letters and they had a difficult time endorsing a master plan when they had not been the agency doing the master plan. She stated they could not endorse a plan to which they were the granting agency that gave grants. She stated they were supportive of the concepts. She stated they were also the permitting agency and they had to walk a fine line between endorsing something they eventually would have to permit but had to be at the table during the design development process. She recommended what the RPAC did, which was to accept the plan with the understanding they would work with the agencies they brought forward

through the process of design development and assuring the Council they had been at the table and what that impact was to the original plan.

She stated she had redeveloped 20 plus parks in her career and they were naturally resourced based parks. She stated she never had seen, when it moved into the design development, that the concept plan and the final plan were the same once they dug in and knew how to work with the agencies that did the permits. She stated she had done river front and a lot of lake front developments and knew how important it was to get those permits from the beginning. She stated they had to bring them to the table and the hydrologists were the ones from those agencies that had not been at the table and they were the ones that needed to be moving forward. She stated she would inform the Council along the way to make them feel comfortable that they were going through the permit process, and if they wanted, could make that part of their action tonight.

Council Member West-Hafner clarified that they hadn't reviewed any of the work from WSB or that anyone had done because they wouldn't do that until they got a permit application.

Recreation and Parks Director Yungers stated they had looked at the master plan, its concepts and ideas. She thought in the letters both agencies said that in concept they loved what the city's goals were and what it was trying to do and the elements of the plan. She stated that both agencies were concerned to make sure the city followed the permit process to ensure it could meet the laws related to when it is working along the sensitive edge of the river. She stated that was the process that happened, the design development and permit process, worked hand in hand through the process. She stated they would be at the table and guide them in both designs and options they were looking at. She stated they recently received the storm water plan with the four options and would look at the storm water train as their preferred concept. She stated they would work with the city side by side through the design development process and they couldn't get a permit to put a shovel in the ground until they signed off on it.

Council Member Parks thanked staff and RPAC. He stated he sat with the Commission last year and there was a lot of work and hours put into the concept. He stated he didn't want it to be an event center because, regarding weddings, there was Leopold's Wedding Center who had weddings on the river. He stated when they talked about amplified sound a couple years ago, he met a lot of neighbors there and said they didn't want amplified sound. He stated he appreciated the city having new partners and partnerships and other agencies wanting to come on board. He stated one thing they had to keep in mind was that shoreline was eroding and something had to get done, and if they told the city it couldn't dig into it and couldn't put in a little channel, then the city couldn't do it. He stated it was not only in the park system, it was the neighbors all the way down that row too. He stated he wanted to make sure when they did it that the city didn't forget the neighbors that lived there.

Mayor Lunde asked for a roll call vote.

7.6 THE MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS: YES – PHA, WEST-HAFNER, RUSSELL, JACOBSON, PARKS, LUNDE; NO – MATA.

7.1 Award Bid to BCI Construction, Inc. for City Hall Rehabilitation. Operations and Maintenance Director Dan Ruiz briefed the Council on the award bid to BCI Construction. He briefed on the City Hall deficiencies, City Hall improvements and tentative schedule.

Council Member Pha asked about the \$120,000 for the heated sidewalk as an alternate option. She wondered if they would save enough in labor, maintenance and salt to compensate for that \$120,000. She asked what the deciding factors on the pros and cons would be.

Operations and Maintenance Director Ruiz stated the return in the investment would be extensive. He stated it would save hours of labor, a few thousand dollars a year, and the biggest savings was the safety factor. He stated that unfortunately there were people that fell outside of City Hall and that was with salt being put down and/or shoveling. He stated when the snow came down at two inches an hour, there was not much they could do to keep up with it. He stated it was a solution to look at and they were recommending moving it forward, but if it was the consensus of the Council to not do it, it was something that could be done as a stand-alone project another time. He stated that with each year that passed, the costs to do the work went up by inflation.

Council Member Mata asked if they were worried about city staff because they entered through an alternate entrance and not protected by the project. He stated that no matter what they were walking on, they didn't know what was underneath and had to be careful. He stated that just because it was heated didn't mean it was going to be free of ice. He asked if there were any intentions of doing that for city staff on their sidewalk who had to use a different entrance.

Operations and Maintenance Director Ruiz stated they had no intention of doing it at the other entrances and did care about city staff. He stated part of it was for the general public and the most used door of the day. He stated City Hall had more people coming in and out between the general public and staff coming out the front door and other entry ways used by staff. He stated it was also an aesthetic thing because it didn't look great when the sidewalk looked chalk white with so much salt on it. He stated they wanted to see what it would cost to do it and give it to the Council for consideration.

Council Member Mata commented on the DMV, asked if they had asked people for a period of time, how many were Brooklyn Park residents and if a study was done. He stated one of the reasons for doing all that work was because of the jam in the hallways at the DMV. He stated when he had been there, he asked people who were waiting where they were from and very few were from Brooklyn Park. He stated that meant the city was serving a function for the County so their offices were not overburdened with people because they could come to Brooklyn Park. He stated it meant the residents were subsidizing that feature for the County. He stated Hennepin County was not giving money to the city for the project and suggested to stop doing those Hennepin County services and only do things for the Brooklyn Park residents. He stated the city was not asking someone from Coon Rapids, Fridley or other cities to come to Brooklyn Park or other cities and foot the bill and pay extra like a \$5 fee because they were not a Brooklyn Park resident. He asked if anyone had done anything like that.

Operations and Maintenance Director Ruiz stated he didn't have the breakdown of the customers using DMV but the majority were Brooklyn Park residents. He stated they did ask the partners for funding for the addition and were told no.

Council Member Mata suggested to do the services for Brooklyn Park residents only if the County didn't want to help with building one of their own facilities and take the burden off them. He stated he had been to the Brooklyn Center DMV and they gave numbers on Saturday and would let them know how many were in front of them and might not be served that day. He

stated they could either wait and maybe not be served or they would go to Brooklyn Park. He stated Brooklyn Park was one of the cities that had DMV services and would like to have that narrowed down to Brooklyn Park residents and probably didn't need it.

He asked if they were going to put in a centralized counter, if that meant someone from Engineering was going to walk the entire length of the building to get over to that counter instead of the customer walking to where they needed to go. He thought the signs were knowledgeable of where to go.

Operations and Maintenance Director Ruiz stated they located staff that had the most counter visits closest to the counters. He stated Engineering was also moving from the back corner of the building to just one section further north. He stated if there were some folks that had engineering questions, some front counter staff would be able to answer those questions, and if they had more detailed questions or needed to meet with an engineer, then the engineer would come up and meet with them. He stated they had long discussions in the Engineering office about where people should be and how long it would take to walk up to the counter. He stated they didn't mind walking a few steps to the counter because they had so few counter visits.

Council Member Mata stated that it was a large value to reshuffle all of the city offices and pay that amount for it. He stated that was done when tearing down the building and building a new one and not for a remodel, especially when doing it because of the hallway issue regarding DMV.

City Manager Stroebel stated that regarding the benefits of the counter, they were cross-training staff so they would be able to fill permits for multiple departments and not just for their specific specialized department. He stated the value there was that city staff wouldn't have to leave their desk if they were working on something. He stated that one of the findings they had when they asked city staff who were currently working the counters was the way it was set up now was when they were engaged in a item or work project, anytime a customer came to the desk, that work was interrupted to serve the customer, which they wanted to do. He stated in that case, if they cross-trained some staff to be at the counter, it allowed uninterrupted service for the folks working at their desk. He stated if there were questions that were above and beyond what the customer service staff couldn't answer, then they would still had the ability to bring staff with the special knowledge up front.

He stated they knew there were residents from other communities that took advantage of the DMV in the city. He stated they got the same fee from Brooklyn Park residents as they would from a Champlin or Maple Grove resident. He stated it was a service they wanted to provide to the community members and was a benefit to residents from the other communities. He stated they did reach out to the State of Minnesota, Department of Public Safety, to ask them about Brooklyn Park providing that service and if they would be willing to cost share. He stated they knew the Council brought that up before and staff did wish there was more of a cost sharing and had worked to advocate for the Registrar's office to share more of the fees because they were taking on the expense of not only the labor of the employees because it was a break even operation but wished they could capture more of the fees to cover some of the other ancillary costs that went along of having a Registrar's office.

7.1 MOTION WEST-HAFNER, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019-80 TO AWARD THE BID FOR CITY HALL REHABILITATION TO BCI

CONSTRUCTION, INC. WITH THE TWO ALTERNATES INCLUDED.

Council Member Parks stated he liked staff coming up to the counters and thought it was more of a security issue without having the public walking throughout the building. He stated he liked the heated sidewalk and asked if there was some way where it wouldn't cost much more to also do the sidewalk to the employee entrance. He stated it was a short sidewalk and got slippery especially by the door. He asked if they talked about solar for City Hall when they did the concept.

Operations and Maintenance Director Ruiz stated they did look at solar facilities at City Hall and based on the agreements with Xcel doing the type of solar installation they were doing at the Community Activity Center and other facilities did not make economic sense. He stated the type of program that made economic sense and applied for was called Made in Minnesota Solar Program. He stated it was for a smaller capacity 40KW system, and unfortunately, the city did not get those grants. He stated they got one grant for the Central Fire Station, but the State discontinued that program. He stated if there were other opportunities out there where they could add solar to City Hall, they would be applying for those grants.

7.1 THE VOTE ON THE MOTION PASSED. (6 TO 1) MATA VOTED NO.

7.2 Resolution to Approve the Brooklyn Park Fair Housing Policy.

Development Project Coordinator Erika Byrd briefed the Council on the policy and covered: Why have fair housing policy, Fair Housing Policy, Policy Development Process and Next Steps.

7.2 MOTION PARKS, SECOND LUNDE TO WAIVE THE READING AND ADOPT RESOLUTION #2019-81 TO APPROVE THE BROOKLYN PARK FAIR HOUSING POLICY AND DIRECT STAFF TO IMPLEMENT THE POLICY.

Council Member Russell stated he agreed they needed a Fair Housing policy, but what was presented to the Council was inadequate and needed to relook at it. He stated it had a lot of gaps and he read the guide mentioned from the Met Council and there were STILL several gaps in what was presented and needed to be redone.

He stated it didn't have an LEP policy, Limited English Proficiency provision. He stated the city had a 20 plus percentage that lived here that were foreign born and needed to be cognizant of the limited English proficiencies. He stated that because the city was a subrecipient under Title 6 of the Civil Rights Act, Executive Order 13166, called for the city to provide those provisions and an ADA policy. He stated that under #4, Internal Practices, they needed to be specific when it said, "the city will review its housing inventory periodically to exam affordability for both rental and owner-occupied housing to inform future city action. He asked what periodically meant and needed to be more concrete than that.

He stated it needed a time period and when it said, "the city will review the municipal code periodically," that needed a time period too. He stated he talked to Community Development Director Berggren today and she sent him some documents and what he received were project based. He stated they were talking about policy, a guiding document, a policy that was looking

at it from a 35,000 feet perspective and what was presented was not. He stated it looked more like a check off the box kind of work as opposed to a comprehensive type policy. He stated it was only two pages and he knew, not all the time, they looked at quality versus quantity, but when they talked about policy, it was not enough and was inadequate. He suggested going back and doing it over.

He stated also missing from the document was a provision that said the "city would review, revise, and if necessary, adopt annually" and it needed that provision. He stated that policy was going to be a working type of document, open to regular updates, changes and other things.

He stated that under #3 External Practices, Intake and Referral, the city designated the Director of Community Development as the responsible authority for the intake and referral for all fair housing complaints. He asked who the Fair Housing Officer was and it was not clearly stated and the role needed to be clarified. He stated the policy presented tonight locked procedures and asked what the procedure was to deal with fair housing complaints and that was also absent in the document. He stated he would like the policy redone.

Council Member West-Hafner stated she had some issues with the policy too and thought they needed to have one. She was worried about the city not having a Fair Housing Equal Opportunity Officer and didn't have a Civil Rights department. She suggested a language change and the fact was that the majority of the fair housing complaints ended up needing to go to the level of HUD because they had to be specially trained to be able to investigate and review fair housing complaints. She stated she didn't want to have anyone in the city thinking they were going to be able to handle investigating, reviewing and making any kind of decisions or penalizing someone for a fair housing discrimination complaint. She stated she didn't think the city had the authority. She stated that until she did more digging, HUD was the only place they could make complaints and that was not true. She stated there was a very specialized list of people that could take those complaints. She thought there were other things missing and suggested that it come back and there would be an annual review of the policy to make it clearer, but thought they needed to get it in place now.

She stated one of the words she would like to see taken out was the word "intake" because she didn't want there to be the impression the city was actually able to handle taking in fair housing complaints and handling them from start to finish. She didn't think the city had the proper trained people in place to do that. She stated that under #3; Letter A, in that title that it should just say "Referral" and take out the word "Intake. She stated it could be left in the text but needed to take it out the title so there was not a misconception that the city was actually taking in fair housing complaints and being able to handle them.

She stated she wanted to make sure they had something in place and would like to continue to have conversations about it to make it better. She stated it was an unfunded federal mandate and HUD to this date still had not figured out how to explain to anyone that administered the program what it meant and didn't want to open up something the city couldn't handle.

Council Member Jacobson had concerns too related to the external practices. She felt there was a piece missing. She stated the policy talked about providing access on line with links to various fair housing resources and then upon request providing a list of fair housing enforcement agencies and complaint forms. She stated she wanted to put herself in the place of a resident in need of help because something happened. She stated they didn't know the first

thing about what to do, what their rights were, and that was the piece she felt was missing. She asked if it could be stated in the policy around how they informed the community about their rights or if anything could go in the new connect bags. She stated the Council always talked about educating the residents about different things, whether it was around parking or other things. She suggested to table it and bring back a different version.

Council Member Pha stated she was in favor of tabling the item. She stated they previously had been funding an organization that did tenant advocacy from the CDBG funding and had been doing that for many years. She asked if that was an agency they could partner with and refer all of the complaints since they already did that work and received funding from the city. She stated the report said they had the Human Rights Commission look at the policy and didn't say what the recommendations were or that changes were made based on their recommendations. She asked if there was any information they could get on what their thoughts were and any changes that were made based on their recommendations.

Development Project Coordinator Erika Byrd stated there were no changes made to the policy itself based on their recommendations. She stated it was more about clarifications, about what their roles would be on it, whether they could receive complaints, when they would get updates, review of housings stock and housing plans and how that would work. She stated it didn't change the policy itself.

Council Member Mata asked if there were two policies that were put in play at the HRC. One was presented tonight, that they were reviewing for content, such as, coming to the EDA and Council so that the city had a policy in place. It would fulfil the CDBG grant money because if they had a developer who came forward and asked to use that money, they couldn't use it because the city didn't have that policy in place. He asked if that was the policy being presented tonight.

Development Project Coordinator Byrd stated the policy they reviewed was the same language.

Council Member Mata stated there was another policy they were going to have in place and HRC was going to take a much in-depth look into dealing with housing and issues in that aspect.

Development Project Coordinator Byrd stated the tenant protection and notification ordinance was a policy that they were moving forward. She stated they introduced it last month at the HRC meeting and would be bringing a draft in a subsequent month and there would be conversations with the Commission.

Council Member Mata stated it was dealing with residents and people living in apartments and under rental agreements. He stated that was more of the content and body and the things that would assist people in need and where they would go and who to talk to at the city. He stated the city never had policy like that before. He stated it was a policy to be put in place and it could be amended, changed at every Council meeting if they wanted to. He stated that right now if someone wanted to use money to build an affordable complex, they would bypass the city of Brooklyn Park because it did not have that policy and could not authorize them that money.

He stated he would be interested in moving forward with what they had in content and put it in place so that a developer out there, and talked about one on Brooklyn Boulevard, that if it

happened to stay in fruition, they could continue their process. He stated if it was the developer, they might look somewhere else if the Council went back and forth on something. He stated there were changes that could be made once it was put into place. He stated that was why he asked the Council to approve it and make changes from there. He stated if the Council wanted to spend time wordsmithing to that detail, he didn't have a problem tabling it. He asked how many meetings they were going to push it out to get their questions answered and get it the way they wanted. He stated they never had that policy before in the city and was a template based on other cities that had passed something and they were getting something on the books. He stated that as far as the titles, he didn't like to see people's names put in there because their names changed but the positions would stay. He suggested not adding people's names in it and using their titles.

Community Development Director Berggren stated the Council had several options tonight. She stated they could table it and it would be brought back with some revisions. She stated they were trying to keep it simple and was less detailed than the Met Council had produced as a model. She stated some of it was because there was some unknown space there and didn't know what it meant to be an officer. She stated they identified the Community Development Director as a person that was in the housing sphere and could make sure the person that had a complaint got connected to the right person in the organization. She stated both the limited English Proficiency and ADA policies were separate policies the Council might want to consider and had teams working on them. She stated Communications and Community Engagement were working to figure out the next steps for a better language access and they did have some work going on around the broader review of inclusion practices. She stated they tried to reference those things in the policy as they were trying to work out the details. She agreed there were limitations to what was before the Council tonight. She stated they could spend more time to beef it up in the short term if that was the preference of the Council but, in terms to get at the EDA and language proficiency, it would be a challenge in a short term.

Community Development Director Berggren stated there were questions around promotions. She stated as part of the policy they would do communication efforts to make sure people were aware they would accept or document their complaints and connect them with right resources. She stated they didn't have a robust staff capacity and part of the policy said that one of the future actions would be staff to get more training in the federal fair housing policy. She stated that was a challenge and had expressed that in the past. She stated it was not a training that was currently being offered regionally and were working with other agencies to see how they could get staff trained.

Council Member Parks asked if they added to the policy what was suggested by the Council if they had staff to implement the policy. He stated he was willing to table it and would pull his motion if that was what they needed to do. He stated he was concerned if they added to it, they would not going to be able to implement it.

City Attorney Thomson stated there was a motion on the floor and the motion to table would take precedence if someone wanted to make a motion to table otherwise they could vote on the motion. If there were not sufficient votes to pass it then they could table it.

Mayor Lunde stated he would leave the motion on the table and act on the motion rather than to withdraw it. He stated the city got an award from Met Council for Village Creek apartments and

asked what the timeline was. He stated he was worried if they did not pass something, but agreed there needed to be changes, that there was a potential for that risk.

Development Project Coordinator Byrd stated they had two years to spend it but couldn't draw any funds from that grant fund until there was a policy in place. She stated right now where the project was, there were no grant funds to be drawn down. She stated they didn't know the exact date when they would hit that timeline.

Mayor Lunde stated he preferred to pass it and work off making changes only to get something there. He stated he would hate to miss out on something because they were missing a piece of paper for the Met Council. He stated that until they got a real policy that did what they wanted and were going to make changes anyway, it would be better to edit it in reverse. He stated there was nothing that said they couldn't go back and replace it with a new policy. He stated affordable housing was worth it knowing the Council had clearly said they wanted changes and they could direct staff or add friendly amendment to the motion.

Community Development Director Berggren suggested if the Council was willing to approve the policy before them tonight they could come back in six months and report back on what they had done in terms of setting up themselves to be administrators of the policy and also how many complaints were coming in and had more information to think about changes to the policy. She stated at that time they would have a better handle on the EDA work and language access work too.

Mayor Lunde stated he was okay with the policy and thought it was clear the Council wanted to make changes. He stated he heard six months and took it as a hint that it was going to take some time to identify what the unknowns were. He stated that meant that it was a lot of time in development space that was easily time for someone to come in and said they wanted to do something.

Council Member Jacobson asked if they tabled it, realistically they would be tabling it for six months in order to have the information the Council was requesting.

Community Development Coordinator Berggren stated if the Council could approve the simple policy and they would come back and report to the Council where they were in six months. She stated they didn't get a lot of complaints and they could do some marketing to make people know that was an option and see if people were reaching out to them. She stated it might give them more context for whether or not the policy needed additional information in it, otherwise, they could try to look at it and come back sooner with some suggested additions based on the feedback Council gave tonight.

Council Member Jacobson stated she would not be in favor of waiting six months. She stated if they were going to pass it tonight, she would want a tighter time frame around it coming back to the Council, or she would rather make a motion to table it. She stated it was far from perfect now and got it in the books but asked if it was good enough.

7.2 MOTION LUNDE, SECOND JACOBSON TO TABLE.

Mayor Lunde called for a roll call vote on the motion to table.

7.2 THE MOTION TO TABLE FAILED ON A ROLL CALL VOTE AS FOLLOWS: YES – RUSSELL, JACOBSON, PHA; NO – WEST-HAFNER, PARKS, MATA, LUNDE.

Mayor Lunde stated they were now back to the main motion.

Council Member Jacobson stated the timeline would affect her vote. Six months would be a no vote, and whether they made an amendment to the motion to put a timeframe on it thought that would make a difference.

City Attorney Thomson stated there was a pending motion on the floor. If the motion was to approve the policy, the appropriate amendment would be to add a condition to the resolution that it be brought back to the Council in three months.

7.2 MOTION JACOBSON, SECOND PHA TO AMEND THE MAIN MOTION TO ADD A CONDITION TO THE RESOLUTION THAT THE POLICY IS TO BE BROUGHT BACK TO THE COUNCIL IN THREE MONTHS.

Council Member West-Hafner stated they needed the policy just in case those applications were working their way through the State Housing Finance Agency and other agencies and was happy with the three months and there were changes to be made.

Council Member Russell stated three months was the shortest time to turn it around. He stated he was more interested in quality than expediency. He stated he looked at all of the cities that were referenced in the presentation and the policy fell short. He stated it was just basic information. He stated he looked at the City of Sweetwater, Minnesota, Fair Housing policy, and it was a small city and not as complex or large as Brooklyn Park and their policy was 4 pages and contained much more detail. He stated at a bare minimum, the policy presented was inadequate.

7.2 THE VOTE ON THE AMENDMENT TO THE MAIN MOTION PASSED. (6 TO 1) RUSSELL VOTED NO.

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

7.2 THE MAIN MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS: YES – JACOBSON, PARKS, MATA, PHA, WEST-HAFNER, LUNDE; NO – RUSSELL.

7.3 Resolution Declaring Official Intent of the City of Brooklyn Park, Minnesota to Reimburse Certain Expenditures from the Proceeds of Tax-Exempt Bonds or Other Obligations to be Issued by the City. Finance Director LaTonia Green briefed the Council.

7.3 MOTION PHA, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-82 DECLARING THE OFFICIAL INTENT OF THE CITY OF BROOKLYN PARK, MINNESOTA TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT BONDS OR OTHER OBLIGATIONS TO BE ISSUED BY THE CITY. MOTION PASSED UNANIMOUSLY.

7.4 Authorize Recreation and Parks Director Yungers to Enter into a Professional Services Agreement with Simplar Sourcing Solutions. Parks and Facilities Manager Brad Tullberg briefed

the Council.

Council Member Mata asked if they were bringing in someone to manage those projects so that it saved staff time and asked if they were reducing staff anywhere.

Parks and Facilities Manager Tullberg stated they would help create the request for proposals and help with the procurement method to find high performing contractors. He stated they were not managing the project. It allowed them to bring in contractors that would require less time and energy for staff to manage the project. He stated Director Yungers, himself and Greg Hoag would still be the project managers. He stated by identifying high performing contractors, the methodology included weekly risk reporting, and a lot of contract performance measurement was a much more efficient way for staff to manage those projects.

Council Member Mata stated it seemed they were hiring a management company to hand pick contractors. He stated the State told them they had a low bid process and the Council had made it known they would like to have local contractors. He stated with all his years on the Council, when bids came forward, if a person was the low bid, a responsible party did reference checks from other cities, they would be eliminating someone else because they determined who they wanted in the procurement process, which the Council didn't have a say in it. He stated it sounded like they were hiring someone to hand pick who would do those projects based on their familiarity with them. He stated the Council could give someone a first-time opportunity to do one of those parks and they could be fabulous, but they could completely be weeded out of the process because they hadn't done anything with the company. He stated he was not okay with it.

He stated he asked a question before about the park referendum bond and was told there was no way they could do all those projects and would be spending the money in five years and told by the Director there was no way to do it, because they didn't have staff and didn't have people in the department to manage all those projects. He stated he felt he was circumvented because now they were going to hire that company who would manage all the projects, spend down all the bond money on every project and would be done with it in five years. He stated he felt there was a bait and switch and wouldn't be supporting it. He stated there was a low bid process and thought there would be some legitimate bidders that would be weeded out of that process.

Parks and Facilities Manager Tullberg stated the State Statute allowed for the best value procurement process. He stated they had conversations with the city attorney and it met the criteria within the statutes. He stated it was being used by other municipalities, such as the city of Rochester and the Rochester School District. He stated it was different than the absolute low bid and it brought other criteria into the process. He stated Simplar would not be managing the projects. He stated they would be helping staff put the packages together to help make a decision as to who would be the best, put the bids together, and to get bids back from high performing contractors. He stated it was not necessarily for people who were familiar with Simplar, it was open to the public and would be advertised on the city's website, Sun Post newspaper and the construction pages for anyone to bid on them.

City Attorney Thomson stated it was important to understand that any contract that would be awarded came back to the Council. He stated Simplar or staff did not have authority to award those contracts. He stated what the best value process did was to allow Council and staff to consider factors other than the price in awarding the contract, such as consider experience and

other things assuming they followed the correct process.

7.4 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-83 TO AUTHORIZE THE RECREATION AND PARKS DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH SIMPLAR SOURCING SOLUTIONS.

Council Member Russell asked if they were putting information in the ethnic newspapers because not a lot people had access to the Sun Post newspaper or knew where the information was on the city's website. He asked what other mechanism were used to get the information out there. He asked if there were plans to put a fountain or splash pool at Zanewood.

Parks and Facilities Manager Tullberg stated they used two organizations, the Minority Contractors Association and Women's Contractor Associations. He stated the splashpad was not identified as part of the park system plan and as they looked at the park reinvestments they could revisit that, but was not identified anywhere within the park system.

Council Member West-Hafner stated most construction projects had an architect or engineer or someone else to create those plans and specs put out for bid. She stated they were paying for it in a different way and thought it would end up in cost savings. She stated if it was something else, they would pay for those costs anyway through an architect or engineer to create those documents because they were very specific and detailed. She stated paying that group to help with the bulk of the project was a bargain because most of the projects she had seen for housing, those costs could be 5 to 10 percent of the total development costs.

Parks and Facilities Manager Tullberg stated they would be hiring an architect, and the first thing they did with XPD was allowed them to manage projects instead of hiring a construction manager for 7 to 10 percent of the estimated value. He stated they felt paying two percent was better use of those funds.

7.4 THE MOTION PASSED. (6 TO 1) MATA VOTED NO.

7.5 Approval to Enter into a Joint Powers Agreement with ISD 279 for Construction, Ownership, Maintenance and Operation of Dome, Support Building and Lights at Park Center High School. Recreation and Parks Director Jody Yungers briefed the Council.

7.5 MOTION JACOBSON, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-84 APPROVING AND ENTERING INTO A JOINT POWERS AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 279 (OSSEO AREA SCHOOLS), HENNEPIN COUNTY, MINNESOTA FOR THE CONSTRUCTION, OWNERSHIP, MAINTENANCE, USE, AND OPERATION OF DOME, SUPPORT BUILDING AND LIGHTS AT PARK CENTER HIGH SCHOOL. MOTION PASSED UNANIMOUSLY.

7.5 MOTION JACOBSON, SECOND WEST-HAFNER TO GRANT THE AUTHORITY TO THE CITY MANAGER TO EXECUTE THE NECESSARY AGREEMENTS FOR THE DEVELOPMENT OF THE TURF FIELD LIGHTING, DOME AND SUPPORT BUILDING AT PARK CENTER HIGH SCHOOL IN AN AMOUNT NOT TO EXCEED \$3,461,275 OUT OF THE PARK BOND FUNDS. MOTION PASSED UNANIMOUSLY.

7.7 Resolution Providing for the Issuance and Sale of General Obligation Bonds. Finance Director LaTonia Green briefed the Council.

7.7 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-85 PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2019A, TO BE ISSUED IN THE PROPOSED AGGREGATE PRINCIPAL AMOUNT OF \$4,470,000. MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Lunde stated the first State of the Community event was held tonight and had another 27 events scheduled over six days. He stated he would have a report on it next week.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated the annual city employee breakfast was on Wednesday at the Community Activity Center, from 7 to 8:45 a.m. and invited the Council.

He stated Memorial Day was in two weeks and the Council meeting would be held on Tuesday, May 28.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 10:01 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK