

Monday, April 27, 2020

7:00 p.m. (following Reconvened Board of Appeal and Equalization meeting)

Brooklyn Park Council Chambers

Via Telephone

5200 85th Avenue North

REGULAR COUNCIL MEETING – AGENDA #18

All members of the City Council will participate in the meeting by telephone pursuant to Minnesota Statutes, Section 13D.021 rather than in-person at the City Council's regular meeting place at City Hall, 5200 85th Avenue North, Brooklyn Park, Minnesota. Members of the public can monitor the council meeting by watching it on CCX Media Channel 16 or by livestreaming it at https://nwsgcc-brooklynpark.granicus.com/ViewPublisher.php?view_id=5 or by calling 1-312-626-6799 and entering Meeting ID: 879 1338 2941 and then pressing # when you are asked to enter a Participant ID.

Members of the public who desire to give input or testimony during the meeting may do so by texting Mayor Lunde at 763-242-1555 or emailing him at jeffrey.lunde@brooklynpark.org (Subject line: "Council Testimony").

If you need these materials in an alternative format or need reasonable accommodations for a City Council meeting, please provide the City with 72-hours' notice by calling 763-424-8000 or emailing Josie Shardlow at josie.shardlow@brooklynpark.org. Para asistencia, 763-424-8000; Yog xav tau kev pab, 763-424-8000.

Our Brooklyn Park 2025 Goals:

• A united and welcoming community, strengthened by our diversity • Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination • A balanced economic environment that empowers businesses and people to thrive • People of all ages have what they need to feel healthy and safe • Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper • Effective and engaging government recognized as a leader

I. ORGANIZATIONAL BUSINESS

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT AND RESPONSE 7:00 p.m. Provides an opportunity for the public to address the Council on items which are not on the agenda. Public Comment will be limited to 15 minutes (*if no one is in attendance for Public Comment, the regular meeting may begin*), and it may not be used to make personal attacks, to air personality grievances, to make political endorsements or for political campaign purposes. Individuals should limit their comments to three minutes. Council Members will not enter into a dialogue with citizens. Questions from the Council will be for clarification only. Public Comment will not be used as a time for problem solving or reacting to the comments made, but rather for hearing the citizen for informational purposes only.

2A. RESPONSE TO PRIOR PUBLIC COMMENT

2B. PUBLIC COMMENT

3A. APPROVAL OF AGENDA (Items specifically identified may be removed from Consent or added elsewhere on the agenda by request of any Council Member.)

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

3B.1 Comprehensive Transportation Update

A. PRESENTATION

II. STATUTORY BUSINESS AND/OR POLICY IMPLEMENTATION

4. CONSENT (All items listed under Consent, unless removed from Consent in agenda item 3A, shall be approved by one council motion.) Consent Agenda consists of items delegated to city management or a commission but requires council action by State law, City Charter or city code. These items must conform to a council approved policy, plan, capital improvement project, ordinance or contract. In addition, meeting minutes shall be included.

4.1 Accept Bids and Award Contract for 2020 Municipal State Aid (MSA) Mill and Overlay, CIP 4002-20

A. RESOLUTION

B. LOCATION MAP

- 4.2 Authorize the City to Participate in the GreenStep Cities Program
 - A. RESOLUTION
- 4.3 Accept Bids and Award Contract for 2020 Street Reconstruction Project, CIP 4003-20
 - A. RESOLUTION
 - B. SHINGLE CREEK NEIGHBORHOOD LOCATION MAP
- 4.4 Approval of Minutes
 - A. CITY COUNCIL MEETING MINUTES, JUNE 10, 2019
 - B. CITY COUNCIL MEETING MINUTES, SEPTEMBER 23, 2019
 - C. CITY COUNCIL MEETING MINUTES, JANUARY 6, 2020
 - D. BOARD OF APPEAL AND EQUALIZATION MEETING MINUTES, APRIL 13, 2020
- 4.5 Approve Change Order for the City Hall Rehabilitation Project for BCI Construction Inc.
 - A. RESOLUTION
 - B. CHANGE ORDER
- 4.6 Set a Public Hearing on May 11, 2020, to Solicit Testimony and Consider Issuance of the Currency Exchange License for SB Financial Corp, Located at 6319 Zane Avenue North
 - A. PUBLIC HEARING NOTICE

The following items relate to the City Council’s long-range policy-making responsibilities and are handled individually for appropriate debate and deliberation. (Those persons wishing to speak to any of the items listed in this section should fill out a speaker’s form and give it to the City Clerk. Staff will present each item, following in which audience input is invited. Discussion will then be closed to the public and directed to the council table for action.)

5. PUBLIC HEARINGS
None

6. LAND USE ACTIONS
None

7. GENERAL ACTION ITEMS
None

III. DISCUSSION – These items will be discussion items but the City Council may act upon them during the course of the meeting.

8. DISCUSSION ITEMS
None

IV. VERBAL REPORTS AND ANNOUNCEMENTS

- 9A. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS
- 9B. CITY MANAGER REPORTS AND ANNOUNCEMENTS

V. ADJOURNMENT

Since we do not have time to discuss every point presented, it may seem that decisions are preconceived. However, background information is provided for the City Council on each agenda item in advance from city staff and appointed commissions, and decisions are based on this information and past experiences. If you are aware of information that has not been discussed, please raise your hand to be recognized. Please speak from the podium. Comments that are pertinent are appreciated. Items requiring excessive time may be continued to another meeting.

City of Brooklyn Park Request for Council Action

Agenda Item:	3B.1	Meeting Date:	April 27, 2020
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Operations and Maintenance
Resolution:	N/A	Prepared By:	Jeff Holstein, Transportation Engineer Jesse Struve, City Engineer Dan Ruiz, O&M Director Kim Berggren, Community Development Director
Ordinance:	N/A		
Attachments:	1	Presented By:	Dan Ruiz, Jesse Struve, Kim Berggren
Item:	Comprehensive Transportation Update		

City Manager's Proposed Action:

Provide an update on major city, county and state transportation projects in Brooklyn Park.

Overview:

The goal of this presentation is to:

- Give an update on major transportation projects including Light Rail Transit (LRT) and West Broadway reconstruction, County Road 81 reconstruction, Highway 252 freeway conversion, Highway 169/101st Avenue interchange, 93rd Avenue reconstruction.
- Give an update on planned local improvements including neighborhood reconstruction, Municipal State Aid (MSA) mill/overlays, local street mill/overlays.
- Give an update on emerging transportation issues including trail connections, pedestrian safety and speed limits.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.1A PRESENTATION

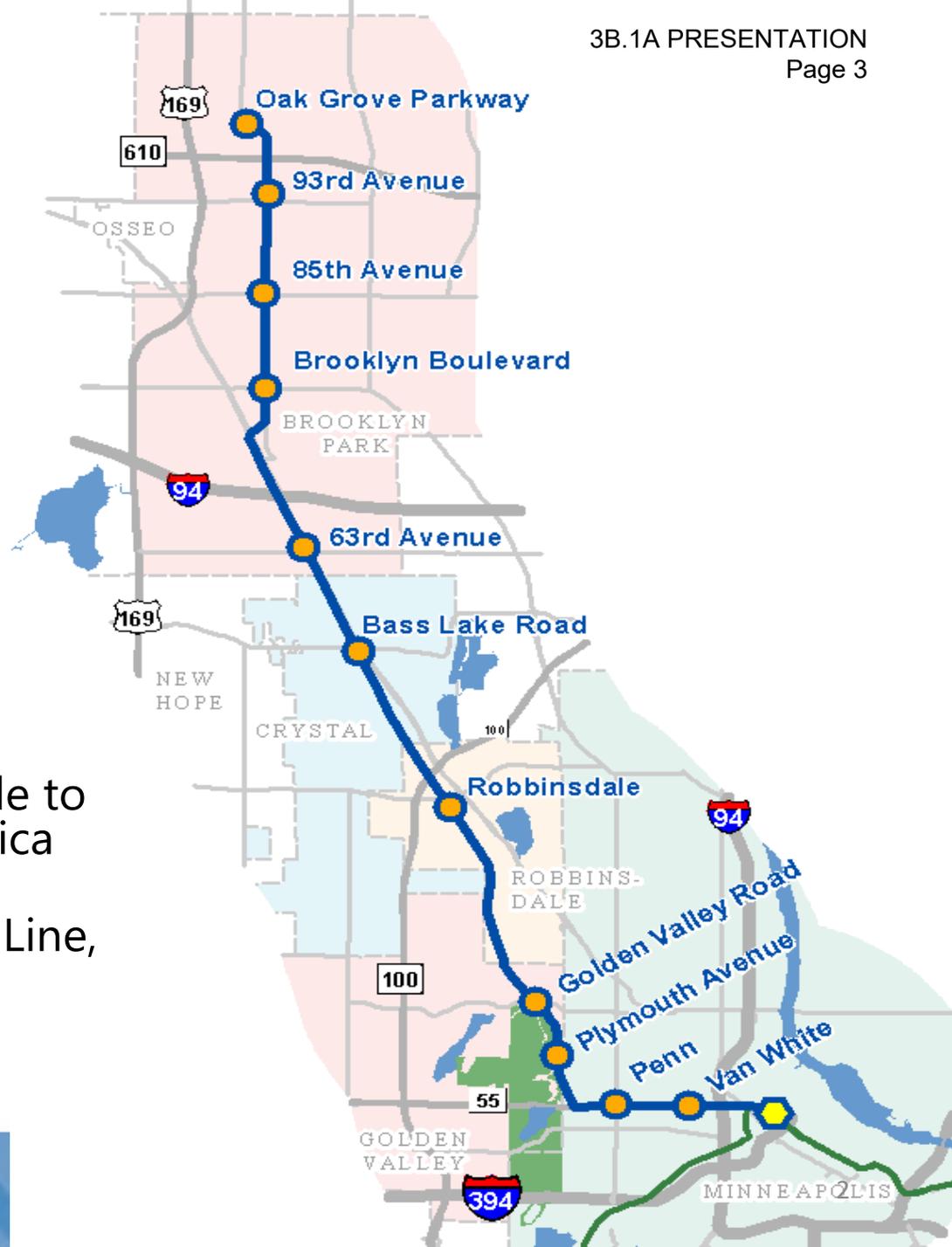
Status Update: Major Transportation Projects

Prepared by Brooklyn Park Staff
on April 27, 2020



Project Description

- 10 or 11 new LRT stations
- 13 miles of double track
- 27,000 est. rides by 2030
- Serving Brooklyn Park, Crystal, Robbinsdale, Golden Valley & Minneapolis
- Provides one seat Blue Line ride to MSP Airport and Mall of America
- Connections to METRO Green Line, Northstar and bus services



Schedule

DONE

2014–2016
Development
2016 Environmental
Review
2017-18 Engineering
to 90%

CURRENT

**Third party
agreements (BNSF)
Secure FTA fund
Finish engineering**

FUTURE

Construction
Opening

Connect Blue Line Now! Coalition Goals

Communicate with decision-makers

- Hennepin County
- State of Minnesota
- Federal delegation



Ensure the project advances

- Third party agreements (BNSF)
- Federal funding



Create a common language to talk about project and its benefits to the communities in the Northwest Metro

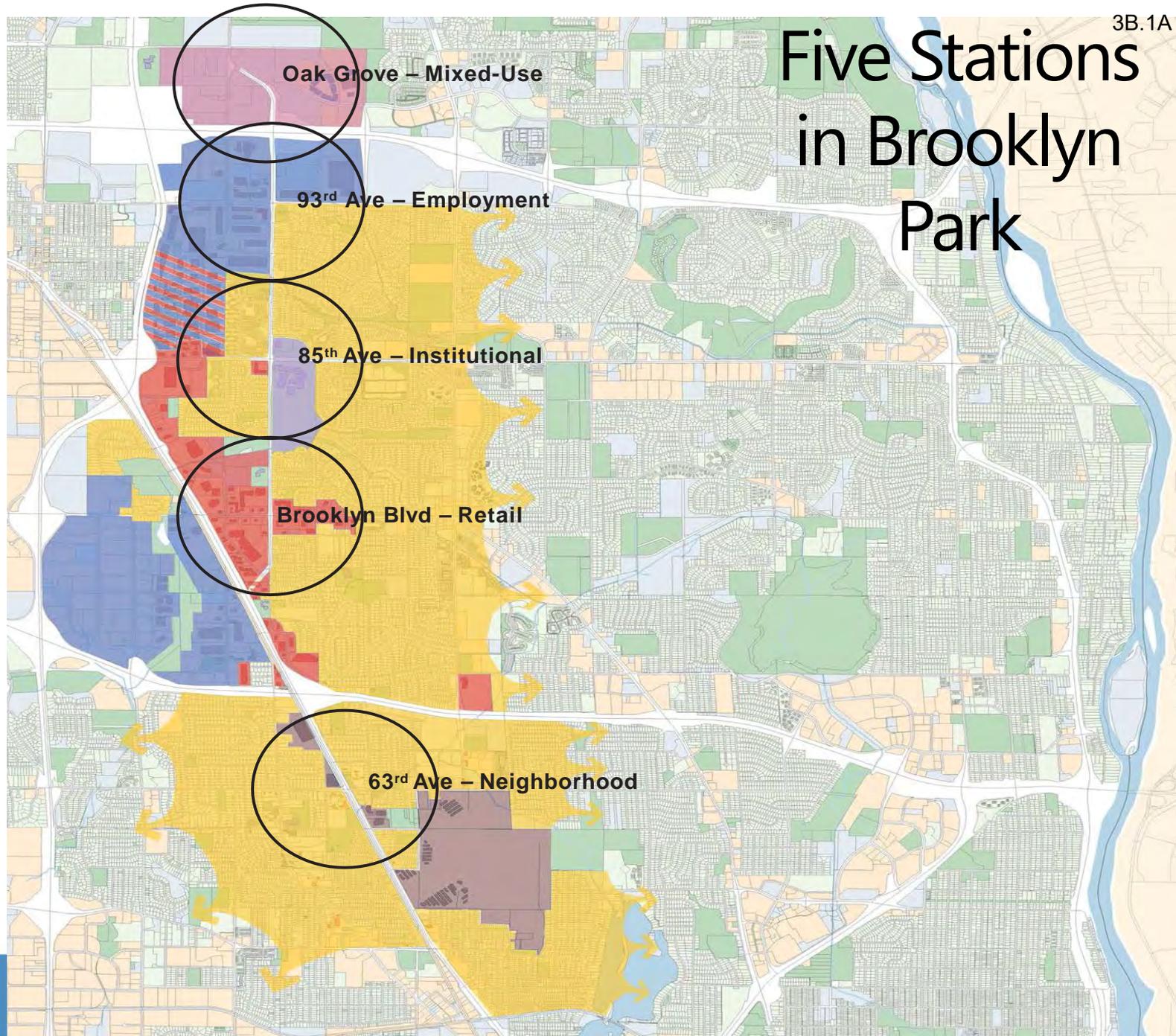
- Local decision-makers
- Community organizers
- Residents



City of Robbinsdale



Five Stations in Brooklyn Park



Oak Grove Station Area By the numbers:

7,870 jobs and 100+ businesses within 1 mile of the station area**



1. Target North campus (3,700 jobs)



2. Hy-Vee (500 jobs)



3. Star (90 jobs)



4. Liberty Carton



5. Takeda (200 jobs)



6. Perbix (90 jobs)



7. Nilfisk (300 jobs)



8. Würth Adams (110 jobs)



9. Design Ready Controls (150 jobs)



10. 610 West Apartments (484 market rate units)



11. Nott Companies (60 jobs)



12. Biomerics (100 jobs)



13. Cirtec



14. Olympus (385 jobs)



15. Prairie Care (200 jobs)



16. Fairfield Inn



17. Hampton Inn, Home2 Suites

- Signature events park
- Future LRT station
- 1 mile boundary
- Planned Interchange (2022)
- Hotel
- Business
- Land available for development

** all numbers based on 2016 reports

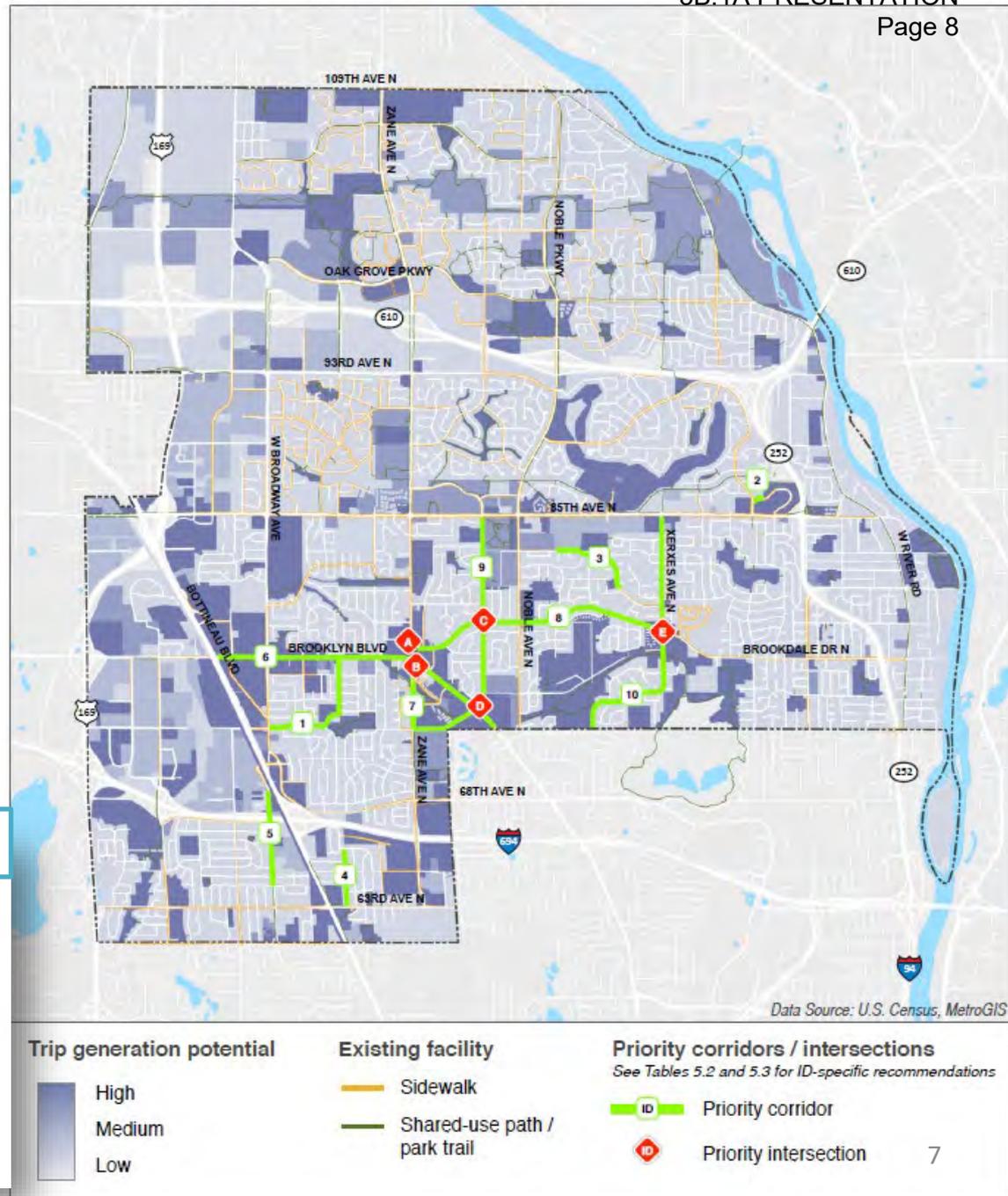
Bike/Ped Plans

- 2015: City Bike Ped Plan
- Park System Plan (see map)
- 2018: 2040 Comp Plan Update:
- 2018: Advanced planning BLRT connections
- 2020: Staff Prioritizing exercise

Residents say they want:

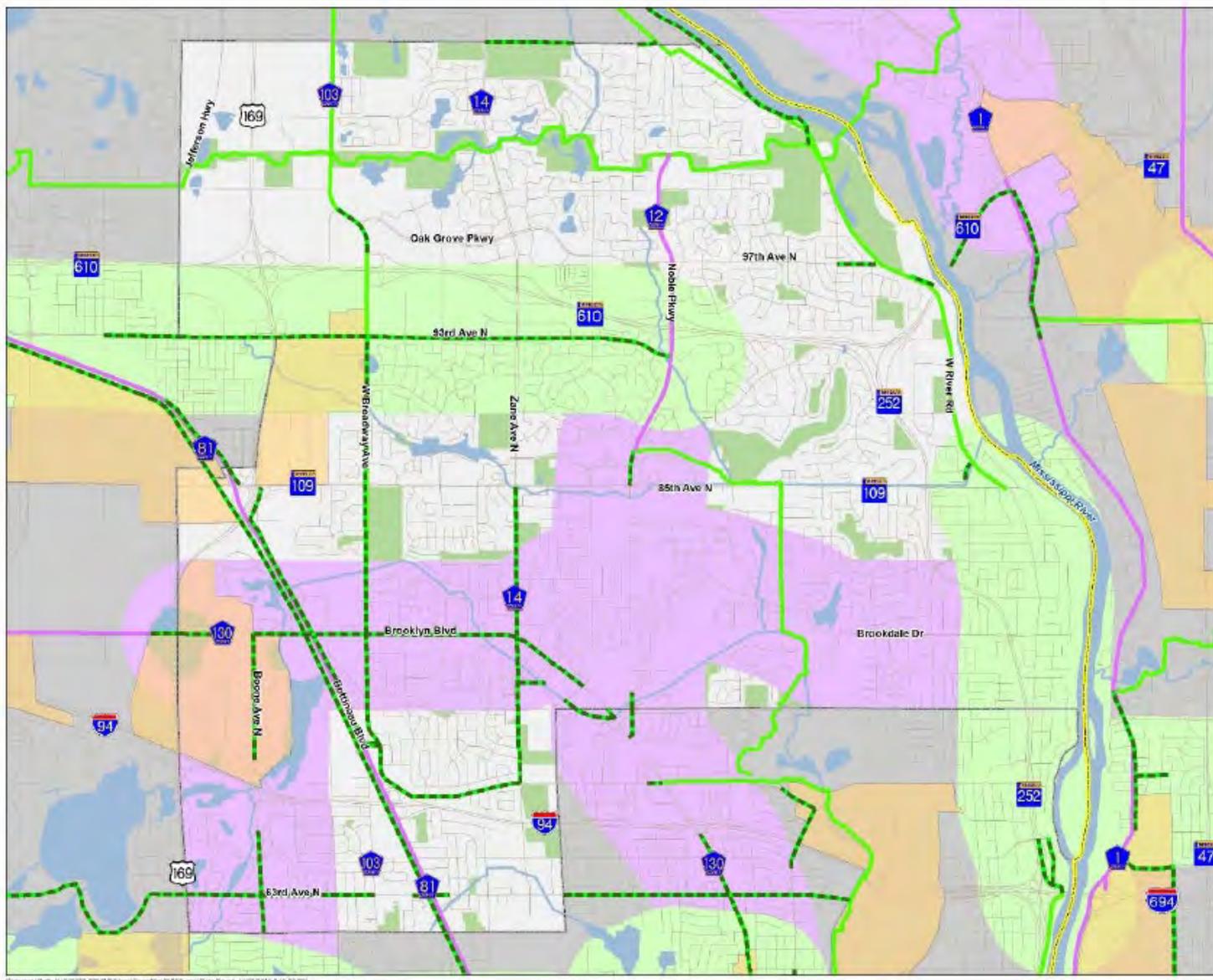
- » Connections to key destinations (LRT, River)
- » Increase Walking Loops
- » Connections to Schools and Parks
- » Grade Separated Crossings on Busy Streets
- » Connect Trail Gaps and Sidewalks
- » Add Signage/Wayfinding

Figure 5.3 – Priority Recommendations





Brooklyn Park Comprehensive Plan
Figure 5.5.1A - Bicycle and
Pedestrian Facilities
Brooklyn Park, Minnesota



Existing Bikeway Status

- Planned

RBTN Alignments

- Tier 1 Alignment
- Tier 2 Alignment

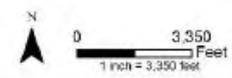
RBTN Corridors

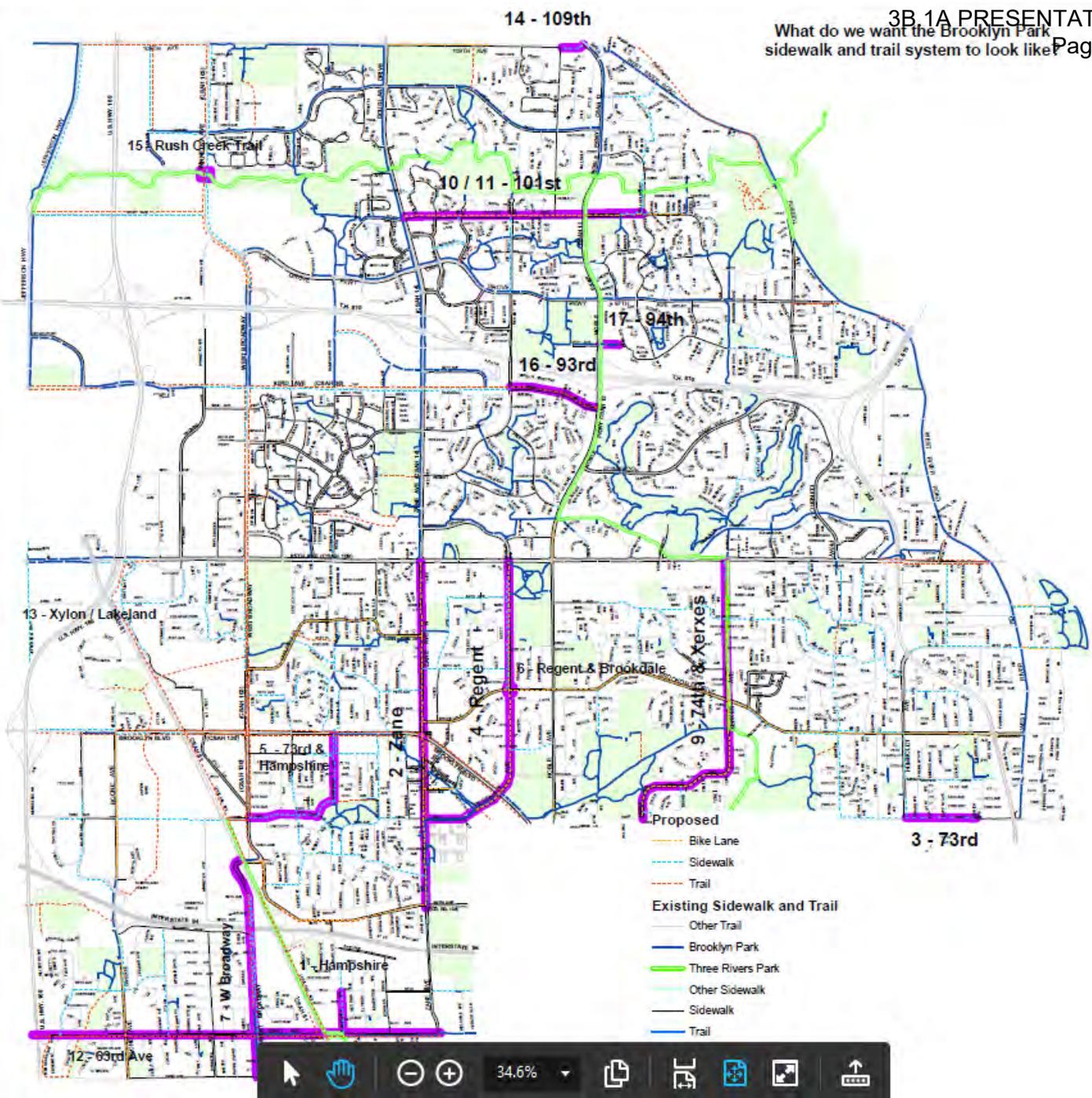
- Tier 1 Corridor
- Tier 2 Corridor

Job and Activity Centers

City Boundary

County Boundary





101st Ave./Hwy.169 Interchange



ISSUES:

- 80,000-100,000 new trips per day expected to/from NW growth area
- Limited reserve capacity at TH 169/109th Avenue and at TH 610/CSAH 103

OPPORTUNITIES:

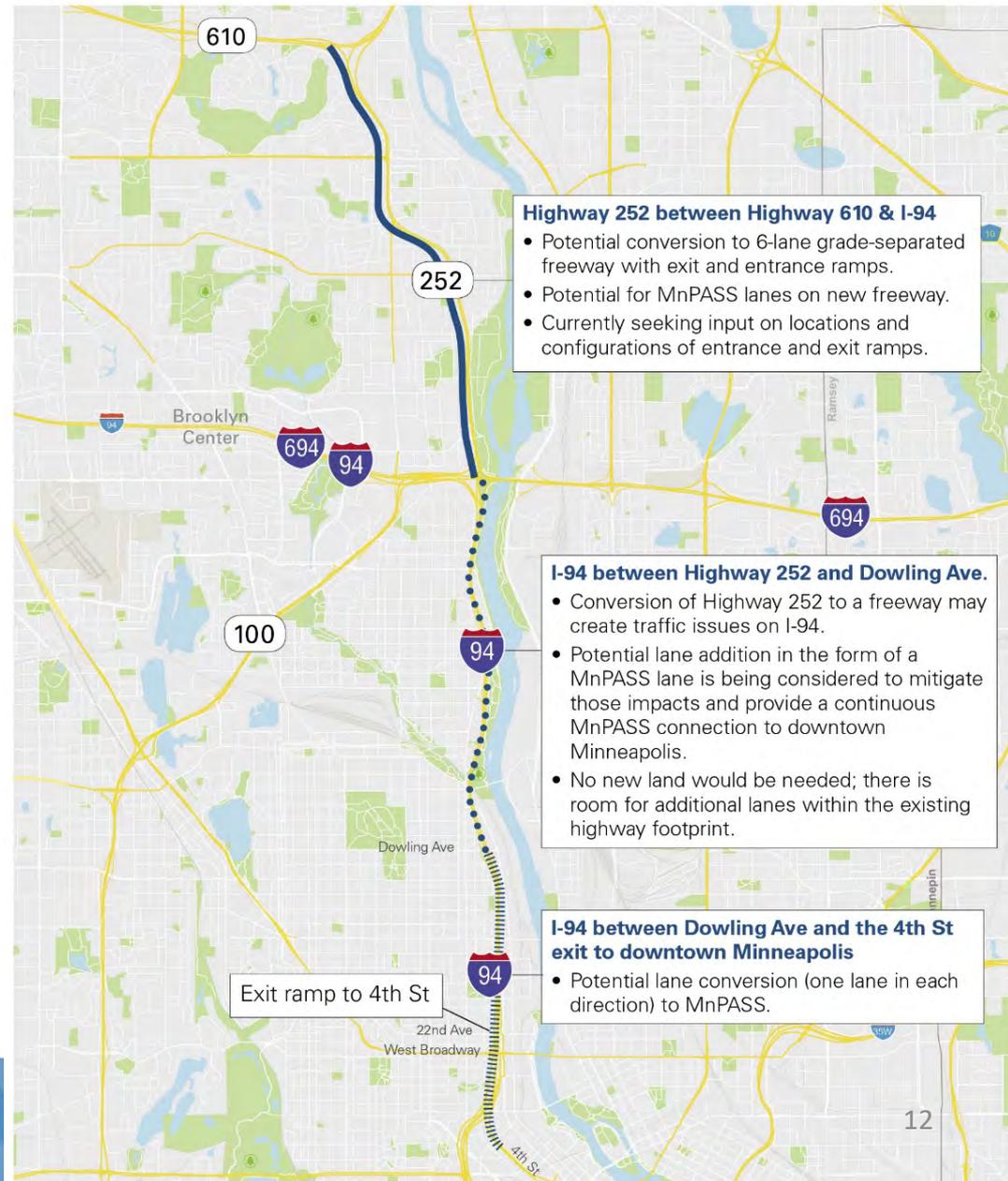
- Proposed interchange would allow area to reach land use potential
- Project would supplement Blue Line LRT project and other multimodal connections in the area

101st Ave/Hwy. 169 Interchange

- Cost estimate - \$24M
 - Up to \$22.5M grants/state bonding (most items eligible)
 - \$2-4M funding gap (items grants can't be used for)
- Timeline
 - Construction Started March 2020
 - Homes to be razed April 2020
 - New Access to Grace Fellowship April 2020
 - Bridge Const. April to Sept./Oct. 2020
 - Open to Traffic Oct./Nov. 2020
 - Possible Assessment Hearing in 2021

Highway 252 Freeway Conversion

- Remove existing traffic signals and widen to 6 lanes.
- Evaluate access locations and the addition of MNPASS Lanes.
- Upgraded to E.I.S.



Highway 252 Freeway Conversion



- Develop Preferred Alternative
- Environmental Document Public Comment Period
- Conclude Environmental Review & Decisions

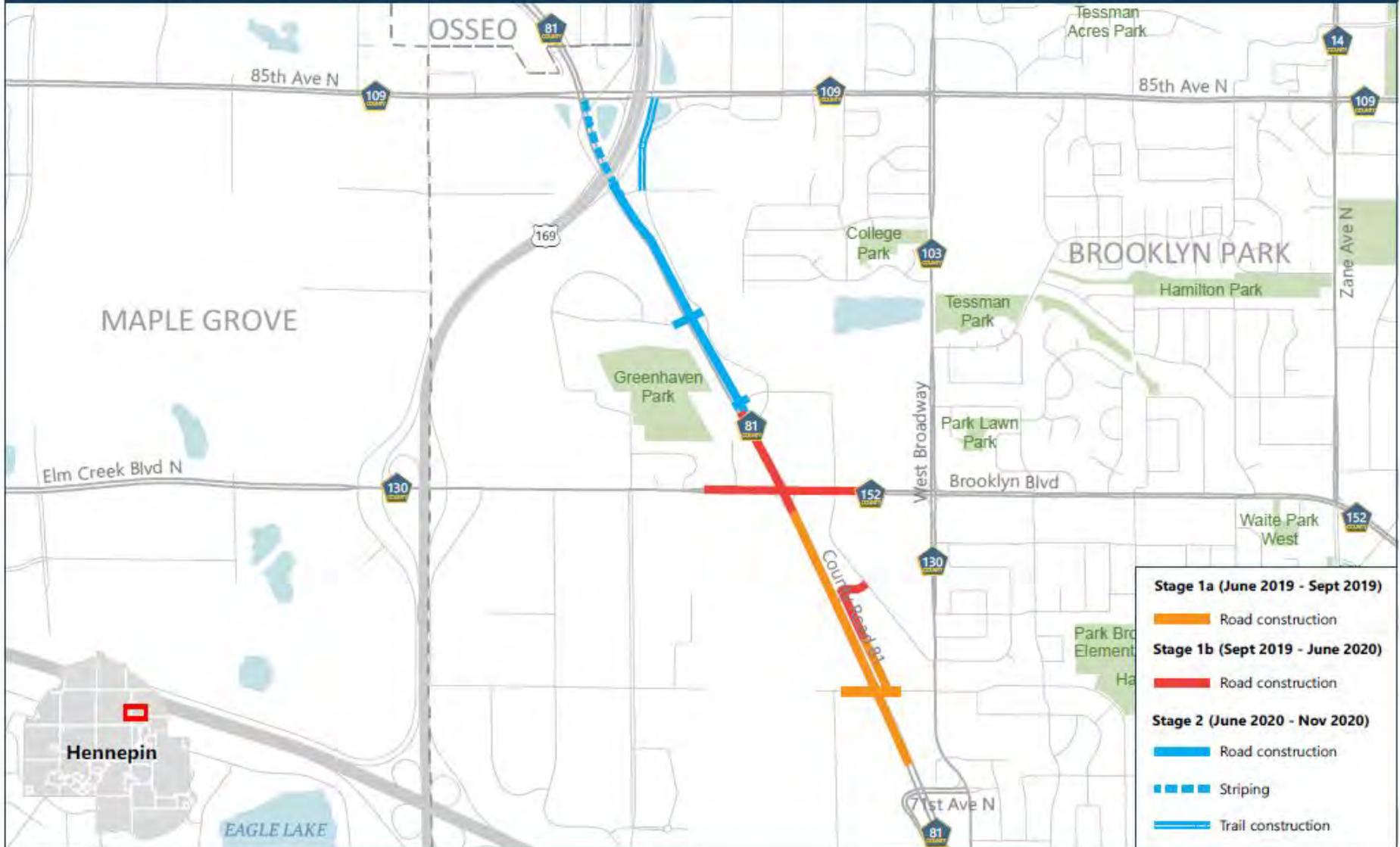
Schedule subject to change

County Road Reconstruction

- **Bottineau Blvd (CR 81) – 71st Ave to 83rd Ave**
 - Upgrade to a six-lane roadway with curb and gutter and raised medians
 - Upgrade to include ADA compliant signals, ped ramps, etc.
 - Extend Crystal Lake Regional Trail to 85th Avenue and improve pedestrian connections/crossings
 - 71st Ave to 76th Ave completed in 2019.
- **Brooklyn Blvd (CR 130) – Shingle Creek to Bakers Square**
 - Reconstruct four lane divided roadway
 - Upgrade to ADA compliant signals, ped ramps, crossings
 - Reconstruct water main along CSAH 130 segment

Bottineau Boulevard (County Road 81)

Construction staging overview (June 2019 - Nov 2020) | Hennepin County Public Works



Disclaimer: This map (i) is furnished "AS IS" with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this map.



CIP 4003-20
2020 Reconstruction Project
Shingle Creek Neighborhood
Location Map

Map Scale = 1 : 2,840

Streets (by maint auth)

- City Street
- County Road
- Highway
- Other City
- Park Road
- Private Street



This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details.

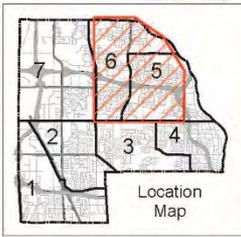


MSA OVERLAY PROJECT



2020 Overlay Map

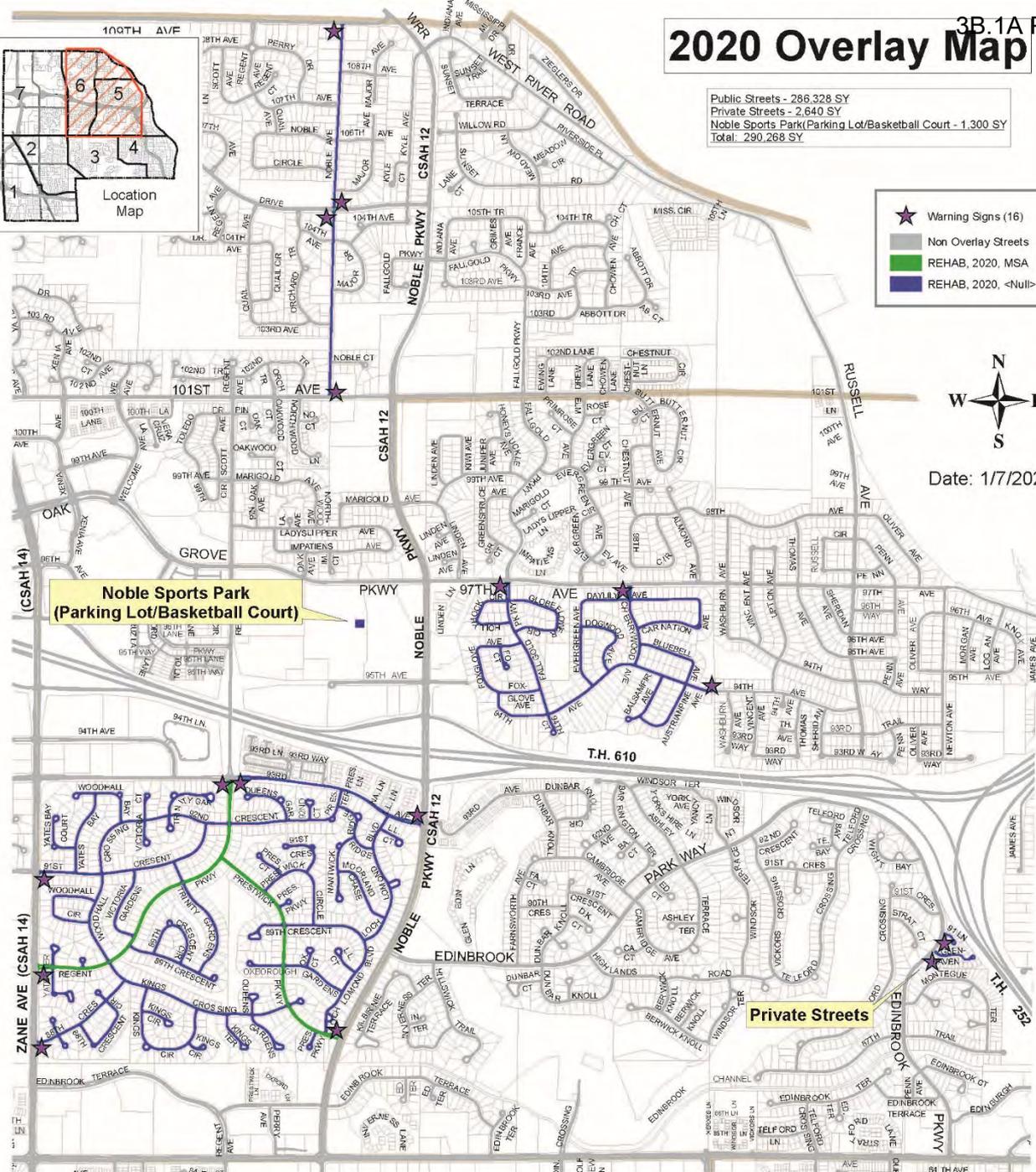
Public Streets - 286,328 SY
Private Streets - 2,640 SY
Noble Sports Park/Parking Lot/Basketball Court - 1,300 SY
Total - 290,268 SY



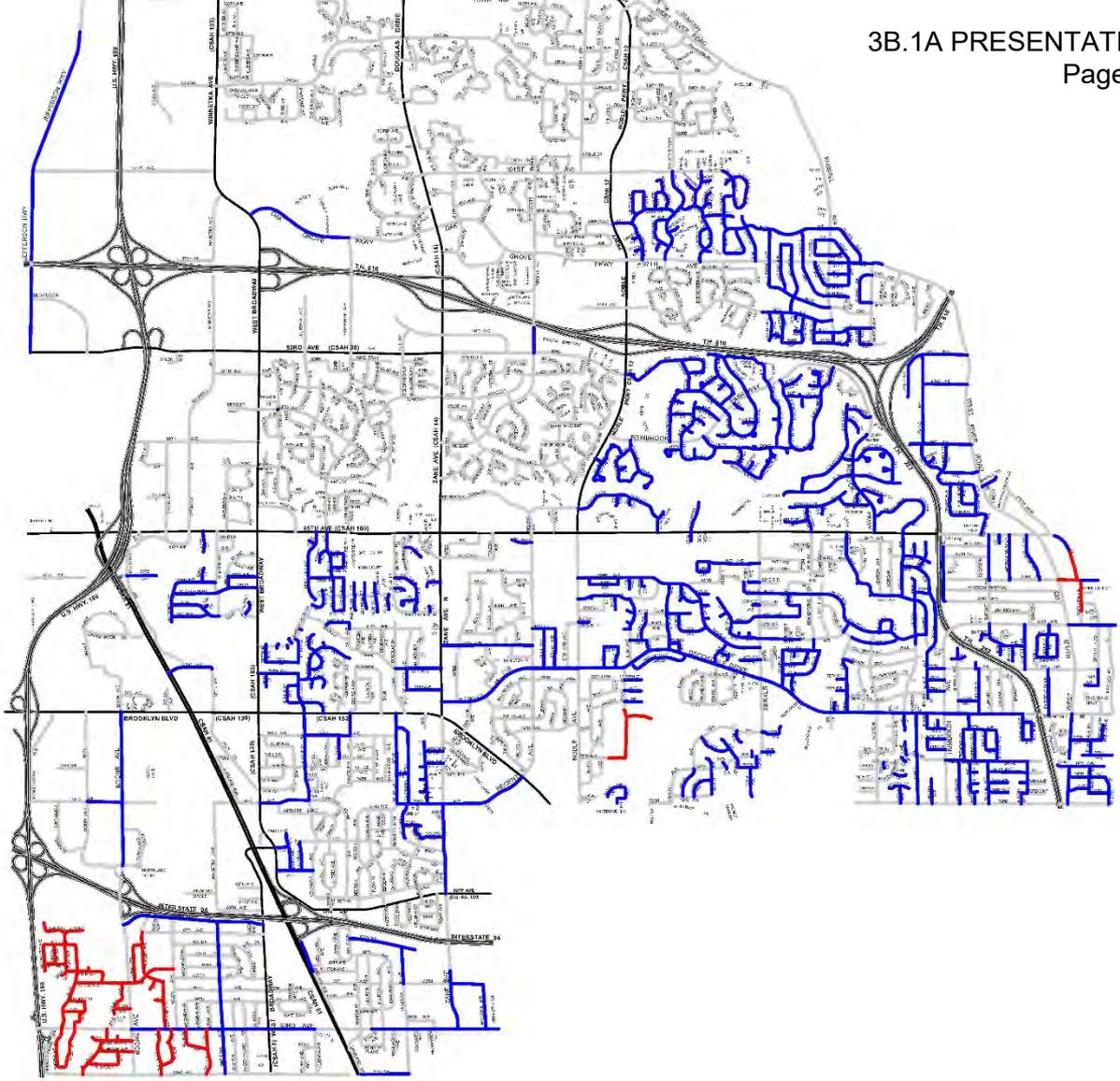
- Warning Signs (16)
- Non Overlay Streets
- REHAB, 2020, MSA
- REHAB, 2020, <Null>



Date: 1/7/2020



Franchise Fee Projects 2015-18



— OVERLAY

— RECONSTRUCT

— County

— Highway

City Streets not overlaid or reconstructed during this timeframe.

State and County Projects (2020)

- MnDOT rehabilitation on TH 610 from TH 169 to River. Expected to start in early May and result in single lane closures on TH 610.
- Hennepin County microsurfacing overlay project on West Broadway from 71st Ave to 93rd Ave. Expected to start in June/July.
- Hennepin County pedestrian ramp and Accessible Traffic Signal work along Zane Avenue from Br. Blvd. to TH 610. Expected to start in May/June.

93rd Ave Roadway Update

- Zane Ave to Regent Ave planned for reconstruction to two lane roadway with left turn lanes, center landscaped median, trail on south side and sidewalk on north side. Trail to extend to Noble Parkway.
- Schedule
 - Council approved final roadway layout in April 2020
 - May 2020 Open Bids
 - June 2020 Start Construction
 - October 2020 Complete Project

93rd Ave / Noble Pkwy Signal Update

- Council awarded project in March 2020
- Signal installation start in May with expected turn on in July 2020
- Cost of approximately \$520,000
 - Hennepin County (\$130,000)
 - Allina Health (\$25,000)
 - Astra Village (\$87,500)

Emerging Issues

- Speed Limits (2019 Legislation)
 - Allows cities to set limits on non “Residential” roadways after completion of traffic evaluation study and adoption of procedures supporting consistency.
 - Allows cities to lower minimum limit on “Residential” roadways to under 30 mph with appropriate signing after Council approval.
- Speed Limits (Staff Action)
 - Working on comprehensive review of issues and peer city actions. Planning to provide recommendation for Council consideration in late 2020 or early 2021.

Questions?

Brooklyn 
Park

Unique.

United.

Undiscovered.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.1	Meeting Date:	April 27, 2020
Agenda Section:	Consent	Originating Department:	Operations and Maintenance Engineering Services Division
Resolution:	X	Prepared By:	Craig Runnako, P.E. Construction Engineer
Ordinance:	N/A		
Attachments:	2	Presented By:	Jesse Struve, P.E. City Engineer
Item:	Accept Bids and Award Contract for 2020 Municipal State Aid (MSA) Mill and Overlay, CIP 4002-20		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-_____ ACCEPTING BIDS AND AWARDING CONTRACT IN THE AMOUNT OF \$1,659,323.99 TO PARK CONSTRUCTION COMPANY OF SPRING LAKE PARK, MINNESOTA FOR 2020 MUNICIPAL STATE AID (MSA) MILL AND OVERLAY, CIP 4002-20.

Overview:

Project No. 4002-20 is a rehabilitation project (bituminous mill and overlay) along Candlewood Drive between West Broadway and Zane Avenue and on Xylon Avenue between 85th Avenue N and 89th Avenue N. The project will include some curb and gutter replacement, pedestrian curb ramp upgrades (to meet current ADA standards), sidewalk repairs, water system, storm sewer rehabilitation and box culvert installation. The road layout on Candlewood Drive will be reconfigured to include a bike lane. Candlewood Drive and Xylon Avenue are both part of the city's municipal state aid (MSA) system.

Bids were electronically opened on April 21, 2020, with two bids received. Bids ranged from \$1,659,323.99 to a high of \$1,798,609.51. The lowest responsible bidder is Park Construction Company. They have been a prime contractor and subcontractor on several projects within the City of Brooklyn Park, most recently on CIP 4032-19 – CSAH 81 Reconstruction. The 2020-2024 Capital Improvement Plan includes \$1,530,000.00 for the overlay project.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

The project is included in the adopted 2020-2024 Capital Improvement Plan (CIP) for a scheduled 2020 completion as project CIP No. 4002-20 with an estimated cost of \$1,530,000.00. In accordance with City policies, the City is proposing to pay for the project with MSA funds, Water Utility Funds and Storm Sewer Utility Funds.

Attachments:

- 4.1A RESOLUTION
- 4.1B LOCATION MAP

RESOLUTION #2020-

RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
IN THE AMOUNT OF \$1,659,323.99
TO PARK CONSTRUCTION COMPANY OF SPRING LAKE PARK, MINNESOTA
FOR 2020 MUNICIPAL STATE AID (MSA) MILL AND OVERLAY, CIP 4002-20

WHEREAS, the City Engineer has prepared plans and specifications for the following improvements to wit:

CIP 4002-20: Mill and Overlays on Candlewood Drive from West Broadway to Zane Avenue and on Xylon Avenue from 85th Avenue to 89th Avenue. The project will include curb and gutter replacement, pedestrian curb ramp upgrades (to meet current ADA standards), sidewalk connections, water system and storm sewer rehabilitation, and bituminous mill and overlay; and

WHEREAS, bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

<u>BIDDER</u>	<u>TOTAL AMOUNT OF BID</u>
PARK CONSTRUCTION COMPANY NORTH VALLEY, INC.	\$1,659,323.99 \$1,798,609.51
Engineer's Estimate	\$1,518,071.14

and;

WHEREAS, the City Manager recommends award of contract to Park Construction Company of Spring Lake Park, MN as the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park.

1. The Mayor and Manager are hereby authorized and directed to enter into a contract with Park Construction Company of Spring Lake Park, MN in the name of the City of Brooklyn Park for the improvements aforesaid according to the plans and specifications thereof approved by the Council and on file in the office of the Clerk.

MSA OVERLAY PROJECT



City of Brooklyn Park Request for Council Action

Agenda Item:	4.2	Meeting Date:	April 27, 2020
Agenda Section:	Consent	Originating Department:	Operations and Maintenance
Resolution:	X	Prepared By:	Tim Pratt, Recycling Manager
Ordinance:	N/A		
Attachments:	1	Presented By:	Tim Pratt
Item:	Authorize the City to Participate in the GreenStep Cities Program		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-_____ AUTHORIZING THE CITY OF BROOKLYN PARK TO PARTICIPATE IN THE MINNESOTA GREENSTEP CITIES PROGRAM.

Overview:

At the April 6, 2020 Work Session, the City Council directed staff to prepare a resolution to join the GreenStep Cities program. This was based on a recommendation from the Community Long-range Improvement Commission.

GreenStep Cities is a free, voluntary program designed to help Minnesota cities meet environmental sustainability goals through the implementation of 29 best practices with 170 possible actions. Program partners include the League of Minnesota Cities, the Minnesota Pollution Control Agency and the Clean Energy Resource Teams. Currently there are 132 participating cities located throughout the state including our neighboring cities of Brooklyn Center, Coon Rapids, Crystal, Fridley, Maple Grove and New Hope.

Best practices are in five different categories: Buildings and Lighting, Land Use, Transportation, Environmental Management, and Economic and Community Development. Staff reviewed the list of best practices and found that we have already achieved or are engaged in 66 of the 170 possible actions. A complete list of the action steps can be found on the GreenStep Cities website www.mngreenstepcities.org.

To become a GreenStep City, the Council needs to pass a resolution authorizing the City to participate in the program (see Attachment A), designate an employee to be the City's GreenStep Cities coordinator (City Manager Jay Stroebel has identified Recycling Manager Tim Pratt), and that coordinator enters information into the GreenStep Cities database about current action steps.

That achieves steps one and two. To achieve step three, the city must attain 16 action steps, some of which are required, such as entering data about the City's buildings energy and water use. Step four requires the City to set measurable goals to improve its performance and track progress toward those goals. It is up to each city to determine which step they wish to achieve.

Budgetary/Fiscal Issues:

There is no cost to join GreenStep Cities. All data entry will be done using existing staff. Implementing best practices has the potential to save the City money through more efficient buildings and cost-effective practices. GreenStep Cities is a clearinghouse of free information as member cities routinely share how they achieved best practices.

Attachments:

4.2A RESOLUTION

RESOLUTION #2020-

RESOLUTION AUTHORIZING THE CITY OF BROOKLYN PARK
TO PARTICIPATE IN THE MINNESOTA GREENSTEP CITIES PROGRAM

WHEREAS, Minnesota GreenStep Cities is a voluntary challenge, assistance and recognition program to help cities achieve their sustainability and quality-of-life goals. GreenStep is a free continuous improvement program managed by a State agency-non-profit partnership, and is based upon 29 best practices in the following five categories: (1) Buildings and Lighting; (2) Transportation; (3) Land Use; (4) Environmental Management; and (5) Economic and Community Development; and

WHEREAS, these actions that are tailored to all Minnesota cities, focus on cost savings and energy use reduction, and encourage civic innovation; and

WHEREAS, steps taken toward sustainable solutions aim to improve community quality of life, building community capital and increasing government efficiency, accountability and transparency; and

WHEREAS, local governments have the unique opportunity to achieve both energy use and greenhouse gas reductions and cost savings through building and facilities management, land use and transportation planning, environmental management, and through economic and community development; and

WHEREAS, the Minnesota GreenStep Cities program assists in facilitating technical assistance for the implementation of these best practices.

NOW, THEREFORE, be it resolved that the City Council of the City of Brooklyn Park does hereby authorize the City of Brooklyn Park (the City) to participate in the Minnesota GreenStep Cities program that offers a free, voluntary continuous improvement framework. Passage of this participation resolution allows the City to be recognized as a Step One GreenStep City by the League of Minnesota Cities. Be it further resolved that the City:

1. Appoints Recycling Manager Tim Pratt to serve as the City's GreenStep coordinator for best practice documentation/implementation; and
2. Will facilitate the involvement of community members and other units of government as appropriate in the planning, promoting and/or implementing of GreenStep Cities best practices; and
3. Will provide feedback once a year on how well the GreenStep program is serving the city and on city needs from the program; and
4. Will claim credit for having implemented, and will work at its own pace toward implementing any GreenStep best practices that will result in energy use reduction, economic savings, quality of life improvement, reduction in the City's greenhouse gas footprint, and recognition by the League of Minnesota Cities as a Step Two GreenStep City. An on-going summary of the City's implementation of best practices will be posted by the City on the Minnesota GreenStep Cities web site.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.3	Meeting Date:	April 27, 2020
Agenda Section:	Consent	Originating Department:	Operations and Maintenance Engineering Services Division
Resolution:	X	Prepared By:	Jason Ives, Senior Project Manager
Ordinance:	N/A		
Attachments:	2	Presented By:	Jesse Struve, P.E. City Engineer
Item:	Accept Bids and Award Contract for 2020 Street Reconstruction Project, CIP 4003-20		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-_____ ACCEPTING BIDS AND AWARDING CONTRACT IN THE AMOUNT OF \$1,049,328.10 TO PARK CONSTRUCTION COMPANY OF SPRING LAKE PARK, MINNESOTA FOR 2020 STREET RECONSTRUCTION PROJECT, CIP 4003-20.

Overview:

Operations and Maintenance (O&M) staff rate the condition of city roadways on an annual basis. Based on these ratings, O&M has an extensive pavement rehabilitation program that utilizes seal coating, overlays, and mill and overlay methods to extend the life of the city's roads. Unfortunately, even with proper maintenance, roadways eventually need to be reconstructed.

Based on the annual street condition assessments, Shingle Creek Drive between Candlewood Drive and Hampshire Avenue is in need of rehabilitation beyond the city's normal maintenance plan. The adopted 2020-2024 Capital Improvement Plan (CIP) includes this street to be reconstructed.

The plans address deficiencies in existing utilities and proposed design considerations and alternatives. Staff held two neighborhood meetings prior to bringing the plans to the Council. The first meeting was oriented toward listening to resident concerns (drainage, sight lines, etc.), and in the second meeting, staff proposed plans and impacts to properties. There are concerns throughout the project with watermain breaks and road grade issues. Staff has analyzed the project and determined a full replacement of the watermain and road section are necessary, cost-effective, and feasible from an engineering standpoint.

Bids were opened on April 21, 2020, with two bids received. Bids ranged from \$1,049,328.10 to a high of \$1,057,366.20. The lowest responsible bidder is Park Construction Company in the amount of \$1,049,328.10. They have been a prime contractor and subcontractor on numerous city projects within the City of Brooklyn Park, most recently on CIP 4032-19 CSAH 81. The 2020-2024 Capital Improvement Plan includes \$5,194,000.00 for a reconstruction project.

Staff recommends the City Council award the contract to Park Construction Company.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

This project is scheduled for a 2020 completion, and, in accordance with City policies, these costs will be paid for utilizing the Franchise Fee Funds, Water Utility Funds, Sanitary Sewer Utility Funds and Storm Sewer Utility Funds.

Attachments:

- 4.3A RESOLUTION
- 4.3B SHINGLE CREEK NEIGHBORHOOD LOCATION MAP

RESOLUTION #2020-

RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
IN THE AMOUNT OF \$1,049,328.10 TO
PARK CONSTRUCTION COMPANY OF SPRING LAKE PARK, MINNESOTA
FOR 2020 STREET RECONSTRUCTION PROJECT, CIP 4003-20

WHEREAS, the City Engineer has prepared plans and specifications for the following improvements to wit:

CIP 4003-20: Street and Utility Reconstruction on Shingle Creek Drive.

Bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

<u>BIDDER</u>	<u>TOTAL AMOUNT OF BID</u>
PARK CONSTRUCTION COMPANY	\$1,049,328.10
KUSSKE CONSTRUCTION COMPANY	\$1,057,366.20
Engineer's Estimate	\$1,127,568.10

and;

WHEREAS, the City Manager recommends award of contract to Park Construction Company of Spring Lake Park, Minnesota as the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park.

1. The Mayor and Manager are hereby authorized and directed to enter into a contract with Park Construction Company of Spring Lake Park, Minnesota in the name of the City of Brooklyn Park for the improvements aforesaid according to the plans and specifications thereof approved by the Council and on file in the office of the Clerk.

City of Brooklyn Park

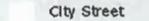
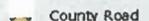
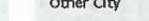
237 Feet

7/12/2019

CIP 4003-20
2020 Reconstruction Project
Shingle Creek Neighborhood
Location Map

Map Scale = 1: 2,840

Streets (by maint auth)

-  City Street
-  County Road
-  Highway
-  Other City
-  Park Road
-  Private Street



This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details.



City of Brooklyn Park Request for Council Action

Agenda Item:	4.4	Meeting Date:	April 27, 2020
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	4	Presented By:	Devin Montero
Item:	Approval of Minutes		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JUNE 10, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF SEPTEMBER 23, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JANUARY 6, 2020, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK BOARD OF APPEAL AND EQUALIZATION MEETING OF APRIL 13, 2020, AS PRESENTED BY THE CITY CLERK.

Overview: N/A

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.4A CITY COUNCIL MEETING MINUTES, JUNE 10, 2019
- 4.4B CITY COUNCIL MEETING MINUTES, SEPTEMBER 23, 2019
- 4.4C CITY COUNCIL MEETING MINUTES, JANUARY 6, 2020
- 4.4D BOARD OF APPEAL AND EQUALIZATION MEETING MINUTES, APRIL 13, 2020

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, June 10, 2019
7:00 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 (arrived at 7:15 p.m.), 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; Police Chief Craig Enevoldsen and City Clerk Devin Montero.

ABSENT: Council Member Susan Pha (excused)

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated one community member expressed concerns regarding the safety and speeding on 93rd Avenue. The Council met in a work session last Monday to discuss the next steps with regards to considering investments to 93rd and how to address the short-term and long-term strategies on 93rd and the intersection of 93rd and Noble. Staff would be bringing an opportunity for the Council to vote on moving forward with a design for a new traffic signal at 93rd and Noble and also for the request of a speed study done by the State on 93rd. That would be the next steps in the process as well as considering any additional investments as part of the 2020 process.

2B PUBLIC COMMENT

1. Collette Guyott-Hempel, 9277 Trinity Gardens. Showed a photo taken at 4 p.m. showing six pedestrians on 93rd Avenue during rush hour. She stated that in December 2017 during the Planning Commission meeting, the developer asked for 93rd to be finished and mentioned they put money in to finish 93rd. Stated seven residents raised concerns on speeding, sirens and safety of neighborhood and felt the Council didn't care. Stated last year, on December 10, 2018, told the Council about a car accident at the stop sign on Regent/93rd Avenue. At the city work session, staff said there was only one, but it was the second accident. The Lions Club mentioned picking up a number of auto parts a couple weeks ago and now there were two more bumpers on 93rd Avenue, one close to 94th and one by Super America, which indicated there were two more accidents. She stated the number of pedestrians had increased with schools being out. She stated MnDOT said all commuter and collector streets (93rd was supposed to be only a collector street between Zane and Noble) were to have sidewalks on both sides as a best practice and that was published by the state in 2013. She stated the city had collected money for over 25 years from Stonehenge, Lennar Homes, Trident Homes and received MSA and LGA dollars that could be used to finish the road.

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

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL

COMMUNICATIONS

3B.1 Introduction of New Employees

Assistant Finance Director Jeanette Boit-Kania introduced Tim Jacobs as a new employee to the Finance Department.

Police Chief Craig Enevoldsen introduced Vamoughne Kanneh and Colin Easley as new employees to the Police Department.

3B.2 Proclamation Declaring June 13-15, 2019, as "Tater Daze" in Brooklyn Park.

Mayor Lunde proclaimed June 13-15, 2019, as "Tater Daze" in the City of Brooklyn Park.

3B.3 Acknowledge the 2019 Tater Daze Festival Sponsors.

Council Member Lisa Jacobson briefed the Council on the Tater Daze Festival Sponsors. She introduced Tater Daze Chair Tait Turnquist and he briefed on the Tater Daze events.

3B.3 MOTION JACOBSON, SECOND PARKS TO READ AND ADOPT RESOLUTION #2019-95 ACKNOWLEDGING THE 2019 TATER DAZE FESTIVAL SPONSORS. MOTION PASSED UNANIMOUSLY.

3B.4 Receive the 2018 Audited Comprehensive Annual Financial Report and Auditor's Reports.

Finance Director Green briefed the Council on the 2018 Audited Comprehensive Annual Financial Report and Auditor's Reports. She introduced Chris Knopik and John Lorenzini, CliftonLarsonAllen, LLP and they briefed the Council on the reports.

They briefed on the following: Required communications, Internal Control Items, Minnesota Legal Compliance, General Fund Financial Results-Revenues, General Fund Financial Results-Expenditures, General Fund Months Expenditures in Fund Balance, Enterprise Funds-Operating Income, Other Financial Highlights, and Emerging issues.

3B.4 MOTION MATA, SECOND RUSSELL TO RECEIVE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE YEAR ENDED DECEMBER 31, 2018. MOTION PASSED UNANIMOUSLY.

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

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-96 AUTHORIZING FUNDING FOR BODY WORN CAMERA BY AMENDING THE 2019 CAPITAL EQUIPMENT PLAN BUDGET BY AUTHORIZING A TRANSFER FROM THE GENERAL FUND (CONTINGENCY) TO THE INFORMATION AND TECHNOLOGY SERVICES FUND.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-97 ADOPTING POST-ISSUANCE DEBT COMPLIANCE POLICY FOR TAX-EXEMPT AND TAX-

ADVANTAGED GOVERNMENT BONDS.

4.3 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF APRIL 23, 2018, AS PRESENTED BY THE CITY CLERK.

4.3 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF AUGUST 20, 2018, AS PRESENTED BY THE CITY CLERK.

4.3 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF MAY 13, 2019, AS PRESENTED BY THE CITY CLERK.

4.3 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF JUNE 3, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION PASSED UNANIMOUSLY.

7.1 Appointment to the Recreation and Parks Advisory Commission.

Mayor Lunde briefed the Council on the appointment to the Recreation and Parks Advisory Commission.

7.1 MOTION LUNDE, SECOND PARKS TO APPOINT PATRICIA DOMINGUEZ-MEJIA TO THE RECREATION AND PARKS ADVISORY COMMISSION REPRESENTING THE EAST DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2021. MOTION PASSED UNANIMOUSLY.

8.1 Update on Huntington Place Apartments.

Police Chief Craig Enevoldsen gave an update on the Huntington Place Apartments. He briefed on Property Data, Crime Increase in 2018, June 20, 2018 Meeting with Huntington Place, June 20, 2018 Agreements Made, June 28, 2018 Recommendations, Remainder of 2018, Crimes at Huntington by Year, January 1 to December 31, 2018 Crime, 2018 Total Calls for Service, 2018 Arrests at Huntington, 2018 Huntington Comparison to City, City Resources Utilized, 2019 First Meeting, March 20, 2019 Meeting, Tenant Livability Concerns-Interior Lighting, Interior Walls/Ceilings, Exterior, May 6, 2019 Phone Call, Crimes at Huntington by Year, January 1 to June 4, Crimes at Huntington by Year, January 1 to December 31, and May 30, 2019 Meeting, Remaining Concerns.

Community Development Director Kim Berggren briefed the Council on 2019 Maintenance Investment Schedule, Huntington Place Information, Other Information, Eviction and Quality of Life Collaborative Work, and City Request to Owner/Manager.

Mayor Lunde stated his comments were directed at the owners. He stated he took a tour of Huntington Place without telling anyone. He stated the nonprofits helped him with the tenants that took him through the building. He stated the fact that they were now doing trash, lights, security; he was not giving the owners one ounce of credit. He stated he didn't think that they would be doing anything if city wasn't in there raising questions. He stated he didn't take pictures because the tenants were afraid of management and if he took pictures, they would get

in trouble. He stated he was not giving them credit for doing what they supposed to do and that was the expectation; they owned the property and could take care of the trash. He stated he was very angry at that place and thought of them as slum lords, by taking money from the tenants and taking it somewhere else. He stated he noticed they could come to an agreement to build somewhere else and spend a \$100 plus millions in another city, but they couldn't come to an agreement to spend on things that were maintenance that they should have been doing. He stated the residents were fearful and 99 percent of them just want a place to live. How they were being treated, he couldn't imagine what it was like to live there. He stated to imagine coming home after work and was dark at night and knew there was crime there just to get inside the building. He thought the taxpayers in the city had the right to ask and didn't know if there was a way the police chief could figure out the city's costs for that one complex just to have estimates. He stated the taxpayers of the city had the right to ask that owner, because they were the problem, how much money the city was pushing into it to take care of their problems because they were not investing. He asked if there was a way to calculate it according to some industry standards, i.e., if owning a \$50 million complex where the average yearly maintenance was "x" amount and every fifth year they have a capital improvement like a roof. He stated he was curious to see what they were coming close to.

Mayor Lunde thought those owners should be held accountable. He stated he talked to other people in other cities and asked if there was a way to add the classification of slum lord to the city code where someone earned their way into it, that the city put the full weight of everything the city had to watch over the owners. He stated the tenants were the victims and most of those people in that apartment complex just wanted to go home and be safe. He stated when stats were shown, nearly 50 percent of the crime was being caused by people from outside the complex. He stated that was what predators did, they went to places where they could have fun because no one was watching them and did what they chose to do.

He stated he didn't want to give them credit for doing what the city would expect them to do. He thought the chronic non-investment in the property reflected in the problems and was no different than being picked on and bullied. He stated most people were stuck there because of affordability and having slum lords there making their money. He stated the money was going somewhere if they were able to afford all the other projects, and the money was not going back to those tenants.

He stated the tenants did not feel safe talking to city staff or police, and the nonprofits had said the same thing. He stated they were afraid management would want to talk to them. If it was something that happened near the management office, no one goes to management and are afraid they would be evicted because they saw problems. He stated that any outreach the city had to do had to be outside their management office. He stated he had been told clearly by the four nonprofits that were in there, including the mediation services, that people would not come and engage near the office because they were afraid to be called in. He stated the city had to figure out a way to help with it. He asked if they should put in a police substation there because at what point does it become so bad. He stated that complex was basically the size of the City of Osseo and by looking at the crime data, could argue it was its own city. He stated he wanted to do whatever staff could find out and put pressure on the owners and didn't know what the ordinances might be, but they were preying on people and need to be held accountable. He believed there would be a shooting there and someone would be killed. He stated he watched the 411 Reports and it was escalating and a matter of time for someone to get shot and thought it was the owner's fault.

Council Member Jacobson asked about 3,235 total dispatch calls and if there was another single place in the community that had that many calls.

Police Chief Enevoldsen stated it was the largest complex in city and didn't have any businesses that required 3,000 calls for service.

Council Member Jacobson stated Dominion was a large and successful property developer, and eight days ago it was announced they were purchasing Four Seasons Mall in Plymouth and creating a very large scale project. She stated they were investing in another community when they had not invested in the city and echoed the Mayor's anger too. She stated that just keeping up with basics, they should not be rewarded for it and they needed to focus on the livability today for the residents there today. She stated it is not safe night or day and there was no time at that location that she would feel safe. She stated 25 years ago they were talking about it and they were committing to it and the city hadn't been able to make it happen. She asked if it was because they knew the city couldn't pull their rental license because 2,500 people in the community would suddenly be homeless.

Community Development Director Berggren stated that in her opinion that until there was motivation to do something different, they were going to be doing what they had been doing. She stated that property was financially stable for the owners as long as things were going along and would continue with their business model. She stated it would need some disruption to make it change. She stated as the Police Chief showed that the cycle was up and down, and the city had seen that cycle several times now. She stated the city had been communicating that the owners needed to make a decision about what their long-term strategy was because that cycle was not working.

Police Chief Enevoldsen stated that was part of the reason they were there tonight. He stated he was involved in 2009/2010 when they had to approached them again about crime on the property and he knew two inspectors worked all summer on it. He stated it got better but they were doing it again. He stated it had been the accepted practice where the city came down on them, they reinvested and the crime went down. The police chief went away, and the deferred maintenance occurred, but it was why the Chief was there tonight again discussing it with the Council.

Council Member Jacobson asked if Chief Enevoldsen could provide the number of hours invested by the police, and not even talking about Community Development hours and all the other time spent as a city. She asked what that would look like in costs. She stated that the ownership group needed to commit to the property today with no more deferred maintenance and deferred conversations. She asked where the owners were and why they were not showing up and it was time to get serious to commit to the residents who were community members.

Council Member West-Hafner stated she thought Huntington had gotten better but the tour they went on was eye opening. She asked if the deferred maintenance with the big holes in the walls, broken lights and water had been cleaned up.

Community Development Director Berggren stated when they went out in March, everything had been cleaned up. She stated that when new holes come up now, they were not being repaired

right away. She stated it was more of a function of the ongoing maintenance that seemed to be the problem and were now increasing the staffing levels that should help problems. She stated they were doing supplemental inspections from the Rental Division to confirm things were getting fixed. She stated she saw it as a short term because they weren't staffed to do ongoing inspections in the rental space. She stated it was more on an annual basis but were looking at adjustments they could make to get out to more of complexes more than once a year to do common spaces within their existing budget. She stated that was the responsibility of the apartment managers so they could comply. She stated there was a period of time when Huntington was staffed properly and now they must not be because of the repairs that were lingering.

Council Member West-Hafner stated she was disappointed in conditions and livability of that building and wanted people to be in safe and healthy place. She asked if there was any reason given why the ownership did not show up for the meeting.

Community Development Director Berggren stated it was a fragmented ownership and there were two owners and a lot of attorneys involved to navigate it. She stated the Asset Manager for Dominion felt he was the representative of the ownership group. She stated they had expressed that it was not working and needed to be connected to the actual owners who were making those decisions and made sure they understood the city had a sense of urgency around their decision making.

Council Member West-Hafner asked if the ownership groups had talked at all about selling the property.

Community Development Director Berggren stated they had, and one decision had to be made whether to maintain the ownership long term and they had not been able to make that decision. She stated that two of the owners had estates and there had been some recent deaths that made it a complex situation. If the complex does sell, it opens up another situation with the city in terms what the role the city has in helping with that transition.

Council Member West-Hafner asked about the 14 to 18 hours of team outreach that they were willing to help pay for and asked how many staff would be involved.

Community Development Director Berggren stated it did significantly increase the hours. She stated they were in the process. The Recreation and Parks Department, who manages that contract, was in the process of increasing the number of workers so they could fulfill those time slots. She stated it was to be determined if whether or not they had enough hours to do the 14 to 18 hours a week of extra service.

Council Member West-Hafner stated she also was interested in knowing the costs as well. She stated she would like to send them a bill to show them what the actual costs were for the city to help them manage their property. She stated she was not happy about the condition where people were living. She stated that it looked like the owners would be working with the city on the eviction issues and modifying their policies and that was the least they could do. She stated they just needed to do a better of managing the property and if the ownership didn't like what the city had to say, what the city did, or what the city asked them to do, then they needed to get out of that property. She asked if they could get a preview of what the redesign looked like in

those plans. She asked if it talked about taking some of the buildings and creating a complete new project there.

Community Development Director Berggren stated there was a plan for 1994 that was drawn up. She stated it was just reconfiguring a roadway to create kind of a main street through the development and to cut off the access points around the buildings. She stated it would feel more like a city block and that was one idea from 1994. She stated the Dominion representatives had conversations around if they needed to make changes, how it could happen, but it came down to the commitment of the ownership group to make those changes. She stated the city had offered to sit down and have those conversations on how they could make those changes long term there and what it would take to make it happen. She stated it could include either tearing down some apartments and replacing them with different configurations or separating it out so it was not managed as one large 830-unit complex so it could be divided and managed in smaller communities.

Council Member Mata asked about the apartment policy regarding the hole in the wall. He asked if that hole should have been fixed 9 a.m. the next morning and what their policy was on how long they had to get it fixed. He stated those were the things they could look at and help them modify it and maybe put something in place to make it city wide. He stated he didn't want to just pick on one place, because there were other complexes in the city that were doing the same thing, but they didn't have someone making phone calls to the police department or walking Council Members through the complex looking at things. He stated that when talking about doing changes, it should be made for all apartment complexes on what their policies were.

He stated they used to have a security company for many years and didn't know if they dropped it. He asked if they talked to the security company to help them out, such as having the on duty sergeants number to call to do a drive through in the parking lots. He stated it was better to have a police squad car than a security company car because the security company couldn't do much and the crime elements knew that. He stated it kind of fell into situation like a bar the city had when they received so many police calls and the Council mandated the bar to have an off duty officer to sit at their door paid by the bar on Thursday, Friday and Saturday evenings when most calls came from there. He stated they were there until the end of the shift and asked if that deterred the crime there.

Police Chief Enevoldsen stated the changes made at that establishment that had the most impact on it was not having police officer there. It was that the Council could revoke their alcohol license if certain acts occurred on their property and that's what cleaned up that property. He stated they did not have a desire to be on the property at that point because they wanted to use the police officers as an extension of their security. He stated that was not what police did, they didn't enforce their policies at a bar or apartment complex, they enforced the Constitution of the State of Minnesota.

Council Member Mata stated at one time they had that if someone received three calls against the tenant, they were asked to be evicted. He stated the management did not have support of police department at the time. When they tried to evict them, it didn't work out well. He stated that maybe the city needed an eviction policy that said if they get one of the major crimes caused by someone on their lease, they were gone. He stated it was not a tenant the city was looking for. He asked if the city was making sure they were doing the criminal background

checks or it could be brought back to the city because the complex had so many calls to their complex and all renters' background checks were coming through the city now. He asked what steps were being taken because it wasn't new even at a rate at 200 calls instead of the 500 they were at.

Police Chief Enevoldsen stated that as he shared with the management company of Huntington, it was unfair to say they were not going to have crime on that property with that many people condensed in small place. He stated things were going to happen because it was the size of a small city, like Osseo, and they had crime. He stated his concern was the violence of the crime that was occurring. He stated he was doing his best nothing like that happened on that property because the city had 27 square miles with residents that needed policing.

Council Member Mata stated the city had 30 other neighborhoods and if they were spending all that time in there, they were not getting what their paid taxes for. He asked that with the codes they could enforce, what was taking so long. He felt it was something that would keep happening because the city in 2005 did not vote to tear out all apartments. He stated there were good people living there and what was needed was for them to create a group where they can come to City Hall and say who the bad eggs were, what bad things were happening, because that was the only way to solve a problem that was within. He asked what staff was doing to reach out, or maybe knock on every door and ask if there was a problem in their neighborhood. He stated he would like staff to come back and tell Council what they were doing. He asked why staff was not in front of Council last year. He asked what was solved and thought there were good managers there, but now they were gone and hired managers who were being told what to do by the tenants because they were afraid. He asked when it was said that management turned over did it mean the people were gone who could have handled those things. He asked what their policies were before and how soon were things fixed when something was broken. He stated a hole in the wall couldn't be fixed if no one reported. He asked what their policies were and why were they not enforcing their own policies.

Council Member Russell stated there seemed to be a lot of issues at Huntington for a long time and was happy staff was working to turn things around. He asked if they knew the nature of the calls they got from Huntington. He asked if they were crime related or some called because maybe a roommate was locked out of the apartment or a pet was run over. He asked how regularly they had a police presence at Huntington from the substation at Village Creek.

Chief Enevoldsen stated not all of the calls were crimes. He stated that on the presentation tonight there was a list: one was welfare checks at 36 calls as of June 20, 2018. He stated they were calls like "check on my dad, I haven't heard from him in a while." He stated it went back to the calls for service on the property and the number of crimes. He stated there were over 3,000 911 calls but 600 were crimes.

He stated they had a collective efficacy study done some time ago and morphed into Blue Blocks. He stated it measured the amount of time officers were assigned to the area spent at Huntington not on 911 calls. He also asked officers and other neighboring adjoining areas to help provide that discretionary support there. He stated he didn't measure if a squad car went to each building and it took them 20 minutes, and they left and did not take any action. He stated that happened nightly. He stated the ones they directed to walk the hallways and that kind of thing, had it available on where they spent their time. He stated that for a complex that size, it

would require a lot of police resources, but for him, 3,000 calls for service and 700 crimes was not acceptable.

Council Member Russell asked what the Council could do to help strengthen their efforts and help bring a resolution to the out of control situation at Huntington.

Chief Enevoldsen stated that the vast majority of it was his and Director Berggren's job and the conversation they have had was why did they have that conversation every nine years and invest the kind of staff time in that work. He stated they had never come to the Council to talk about work they had been doing at Huntington because they just did it. He stated that looking at that continuing cycle, it was time for the elected officials to get involved and talk with the ownership or management company to let them know the city was paying attention to it, that it was very serious to the city, and what were they going to do about it because the Council represented 80,000 residents who help pay for the service.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Mata stated one Council Member was not in attendance to start the meeting because they were at a commission or something that was a planned event for city. He suggested to the City Manager to change the date of the meeting or have it at an earlier time so it didn't conflict with the Council meeting. He stated commission meetings never conflicted with a planned Monday Council meeting and was not sure why the Relief Association would be any different since it was asking for Council representation.

Council Member Jacobson reminded everyone that the Mayor and Council would be serving root beer floats at Tater Daze on Friday night at 6:15 p.m. and come and visit with the Council.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel thanked D'Amico and Sons, staff and Council for the grand opening last Thursday at Edinburgh, USA. He stated it was a nice event and there had been a lot of progress in terms of updates to the facility. He stated they had been getting positive reviews on the restaurant and facility.

He stated that on the Tater Daze festival, he did hear that the police chief might be in a dunking booth at the Open House on Saturday from 12-3 p.m.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 8:52 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, September 23, 2019
7:00 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 Mark Bruley and City Clerk Devin Montero.

ABSENT: None.

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated three residents commented at the last Council meeting. One had concerns with 93rd Avenue regarding public safety, racing, and the timing of when budget related items would come back to the Council. He stated the budget item was scheduled for November 12 or 26 and would let the resident know when it came to the Council. He stated the other two comments were regarding the old Noble Park and Ride facility and had raised concerns. He stated staff had taken steps by removing vehicles and he drove by this morning and nothing was vacant. He stated they were also doing street sweeping in a day or two and were going to put in a permanent concrete jersey barrier. He stated they would stay on top of the landscaping maintenance to address the concerns of the community.

2B PUBLIC COMMENT

1. Alex Prasch, 6548 Georgia Avenue North. Addressed the Council about the climate action going on around in the country and provided documents to the city clerk for the Council. She also would like to be informed what the city was doing to prepare for the climate impacts.

3A MOTION WEST-HAFNER, SECOND JACOBSON TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH ITEM(S) 4.9, 4.10, 4.11, 4.13 PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B1 Proclamation Proclaiming October 5, 2019, as the Nigerian Independence Day Celebration in the City of Brooklyn Park.

Mayor Lunde read the proclamation proclaiming October 5, 2019, as the Nigerian Independence Day Celebration in the City of Brooklyn Park. He introduced representatives from the Nigeria, and Grace Weseeh, President, Institute for Nigerian Development, addressed the Council on the great relationship they had with the city.

3B2 Presentation of a Plaque to an Outgoing Commissioner.

Mayor Lunde and Council recognized John Roach for his years on the Shingle Creek Watershed Management Commission and the West Mississippi Watershed Management Commission.

3B3 Proclamation Declaring October 2019 as “Domestic Violence Awareness Month” in the City of Brooklyn Park.

Assistant City Manager Wokie Freeman-Gbogba briefed the Council on the background of domestic violence awareness and stated the Brooklyn Park Community Assembly was having an event on domestic violence awareness.

Mayor Lunde read the proclamation proclaiming October 2019 as “Domestic Violence Awareness Month” in the City of Brooklyn Park.

4.0 MOTION LUNDE, SECOND JACOBSON TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS: (#4.9, 4.10, 4.11 AND 4.13 WERE PULLED FOR SEPARATE CONSIDERATION).

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-141 CANCELING B4810 GENERAL OBLIGATION BONDS, SERIES 2016A THAT IS CERTIFIED TO HENNEPIN COUNTY FOR STREET RECONSTRUCTION PLAN PRINCIPAL AND INTEREST IN THE AMOUNT OF \$451,507 FOR PAYABLE 2020.

4.2 TO APPROVE THE SELECTION OF BLUE CROSS BLUE SHIELD AS THE CITY’S HEALTH CARE PROVIDER.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-142 APPROVING PLANS AND ORDERING ADVERTISEMENT FOR BID FOR 93RD AVENUE AND JEFFERSON HIGHWAY POND, CIP 3712-20.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-143 APPROVING CHANGE ORDER NO. 1 TO DAVE PERKINS CONTRACTING, INC. OF NOWTHEN, MN IN THE AMOUNT OF \$42,025.00 FOR A TOTAL CONTRACT AMOUNT OF \$485,800.00 FOR WATERMAIN REHABILITATION IN MAINTENANCE DISTRICT 2, CIP 3001-19A.

4.5 TO APPROVE A TOBACCO SALES LICENSE FOR D&A MAIKKULA CORP DBA PIXIE LIQUOR, LOCATED AT 1512 BROOKDALE DR N, BROOKLYN PARK, MN 55444.

4.6 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-144 TO AUTHORIZE PARTICIPATION IN GRANT PROGRAM WITH THE METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES (MCES) FOR REDUCTION OF SANITARY SEWER INFLOW AND INFILTRATION.

4.7 TO RELEASE THE CASH BOND (\$21,800) AND THE ENGINEERING ESCROW (\$11,321.87) FOR SATISFACTORY COMPLETION OF THE “NOBLE OFFICE PARK 2ND ADDITION/CVS” PROJECT #16-117 LOCATED AT 4500 OAK GROVE PKWY N FOR FIVE STAR DEVELOPMENT OF ALABAMA, INC.

4.7 TO RELEASE THE CASH BOND (\$5,000) AND THE ENGINEERING ESCROW (\$977.86) FOR SATISFACTORY COMPLETION OF THE "CARMAX" PROJECT #12-110 LOCATED AT 6900 LAKELAND AVE N CARMAX AUTO SUPERSTORES, INC.

4.8 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-145 TO AWARD THE CONTRACT FOR LAKELAND PARK BUILDING IMPROVEMENTS TO JPMI CONSTRUCTION.

4.12 TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE BROOKLYN PARK LIONS BEER TENT AT HY-VEE OCTOBERFEST TO BE HELD OCTOBER 5, 2019, AT 9409 ZANE AVENUE NORTH.

4.14 TO RECEIVE AND PLACE ON FILE THE PETITION FOR THE VACATION OF THE STREET EASEMENT AT 7516 BROOKLYN BOULEVARD.

4.14 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-146 ORDERING A PUBLIC HEARING FOR THE VACATION OF THE STREET EASEMENT AT 7516 BROOKLYN BOULEVARD.

MOTION PASSED UNANIMOUSLY.

4.9 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-147 APPROVING REGISTERED LAND SURVEY NO. _____.

Council Member Mata stated there were four items that had to do with the 101st/169 interchange and he was not in support of spending \$33 million for the project when they could put a stop light north of the intersection to deal with the development. He stated it was similar to how Champlin had five stop lights through their city and the difference was \$500,000 and was not in favor of the \$33 million.

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

4.9 MOTION LUNDE, SECOND WEST-HAFNER APPROVING TEMPORARY CONSTRUCTION EASEMENT AND ACCEPTING QUIT CLAIM DEED FROM THE TARGET CORPORATION FOR THE TH 169/101ST AVENUE INTERCHANGE PROJECT, CIP 4042-19. MOTION PASSED. (6 TO 1) MATA VOTED NO.

4.10 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-148 APPROVING PURCHASE AGREEMENT FOR ACQUISITION OF 8800 101ST AVENUE NORTH FOR THE TH 169/101ST AVENUE INTERCHANGE PROJECT, CIP 4042-19. THE MOTION PASSED. (6 TO 1) MATA VOTED NO.

4.11 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-149 APPROVING PLANS AND ORDERING ADVERTISEMENT FOR BID FOR THE TH 169/101ST AVENUE INTERCHANGE PROJECT, CIP 4042-19.

Council Member Mata stated it was similar on the same lines, but it also involved using eminent domain to take property from a homeowner. He stated he thought that ended in 2005 at the state legislature, but apparently the city could still take the property and he would not support it.

4.11 THE MOTION PASSED. (6 TO1) MATA VOTED NO.

4.13 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-150 APPROVING PURCHASE AGREEMENT FOR ACQUISITION OF 8832 101ST AVENUE NORTH FOR THE TH 169/101ST AVENUE INTERCHANGE PROJECT, CIP 4042-19.

4.13 Council Member Mata stated he was not supporting it due to his previous comments.

Council Member Pha asked if the City Engineer could give an update on the plans for the highway project so those in the audience and at home could understand what the Council just voted on.

City Engineer Jesse Struve stated the intersection of Highway 169 and 101st had been discussed at length over the last 15 years regarding a potential elevated interchange over Highway 169. The area was in the northwest part of the city, north of highway 610. He presented a picture of the proposed layout of the interchange. He stated they had been working with the property owners to acquire the property indicated in yellow on the picture. He stated the area was directly adjacent to the interchange and would have to acquire properties. He stated they had been working with the property owners through a voluntary sell process to purchase those properties. He stated they were continuing to work with the other landowners through that process. He stated they were also going through the process of eminent domain to obtain an area if they did not come to an agreement on the sell price.

Council Member Jacobson asked where the money was coming from for the project.

City Engineer Struve stated the estimated project costs with burying the utilities was about \$29.2 million. He stated they had obtained \$24.5 million in grants and \$1 million from MnDOT and agreed to do the construction and administration. He stated on the remaining balance of \$5 million, he would be coming to the Council with a potential special assessment, and if there was a gap left over, the EDA would help with it.

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

6.1 Neighborhood Health Supervisor Michelle Peterson briefed the Council on the First Reading of an Ordinance to Amend Chapter 92, Chapter 94, and Chapter 152 of the City Code to Allow the Keeping of Chickens and Pot-Bellied Pigs. She gave a background; city comparisons; community engagement; community engagement results; and the ordinance considerations; proposed ordinance amendments; Planning Commission Recommendation; Chapter 92-Pot Bellied Pigs and Chickens; and the Requested Action.

The following individuals addressed the Council:

1. Kristine Sladek, 8008 Ewing Avenue North. Stated people already had chickens and roosters and other animals not currently allowed in the city. They also slaughtered animals in the city and no matter how much they regulated it, people would continue to have chickens. She stated they would also feel empowered now since the city would allow farm animals and could do whatever they wanted. She stated they wouldn't follow

the rules, wouldn't clean up the smell and would keep people up at night. She stated chickens only laid eggs for a time and when they quit people didn't want them anymore. She stated they also attracted coyotes, mice and rats. She stated she was not in favor of chickens and didn't have a problem with pigs because they were kept as pets and indoors. She stated the ordinance would require adding several more code enforcement staff and the people who wanted animals should pay for those salaries through licensing fees and didn't want to pay for additional code enforcement with increased taxes.

2. Rick Weitzel, 10508 Major Ave N. Didn't have anything against the pot-bellied pigs or goats and was concerned about the chickens. Had stated he had done research from the CDC and there had been 76 outbreaks of salmonella in residential neighborhoods that allowed them. They appeared healthy but carry salmonella, especially if the eggs were not properly pasteurized for consumption. He stated their excrement was tracked on sidewalks and driveways and no child under 5 should be exposed to poultry because their immune systems were not developed. He stated the chickens carried dangerous respiratory diseases and were harmful to people over 65. He stated he was troubled by the survey and commended the Planning Commission for raising that concern about having 2,200 respondents. He stated their report said that the in-person statistics were insignificant and small sample and should not be considered. He stated the survey did not represent the population of the city to allowing a few hundred to make an exception for them. He asked what the cost would be to the community and to do a more diligent survey to the community on what the risks were and not minimize the risk.
3. Collette Guyotte-Hempel. 9277 Trinity Gardens. She stated she didn't want chickens or pigs. She stated the pigs could be 120 to 160 pounds full grown and could get a large pig if it was not registered as a pot-bellied pig. She stated they could be aggressive from 1-3 years old and asked if they would be allowed to be walked on a leash. She stated they could damage yards and flower garden areas if let loose and who would be responsible for it. She stated that some of the properties were not that big to let pigs out, and they could get out. She stated they carried salmonella, e-coli, strep, influenzas that could be transferred to kids and adults and the diseases could be life threatening.

Council Member Pha stated she had many conversations with residents for the last couple of years about chickens and potbellied pigs, particularly about the chickens. She stated there were many cities that allowed chickens as part of their ordinance for pets and animals they could keep.

She stated she knew many people were committed to taking care of chickens like people who took care of a dog and cat. She stated there were also a few owners that didn't care for their pets and some were serious about taking care of them and was the same for people who wanted chickens/pigs in the city. She stated she talked to other cities that allowed it them in their city and they had not had an amount of issues the community thought it would. She stated they had not had complaints and that was why it was important to talk to other cities who had ordinances that allowed chickens and potbellied pigs of what their experiences were and how it went for them and what the pros/cons were. She stated she was in favor of allowing people the right to choose to have a pet that was a chicken or potbellied pig and was just like having a dog or a cat.

6.1 MOTION PHA, SECOND RUSSELL TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHAPTERS 92, 94, AND 152 OF CITY CODE PERTAINING TO THE KEEPING OF CHICKENS AND POT-BELLIED PIGS.

Council Member Parks stated he had been thinking about it for two years, but his push right now was to get more firefighters that were needed. He stated he would vote no on it. He stated that from his experiences as a fire investigator, he had gone to a lot of chicken coop fires in other cities and people were not taking care of chickens. He stated he talked to Council and staff of Minneapolis and Coon Rapids and they now had chicken rescues because people were leaving their house and leaving the chickens behind and a mess. He stated they let them run the neighborhood because they didn't want them anymore. He had concerns about the survey of the 2,200 people because he received a lot of phone calls and emails and not one was in favor of it. He stated he couldn't say yes and was a no vote for him.

Council Member Jacobson stated she had received a lot of calls and emails too from residents. She stated she spent a great deal of time on the survey and the 12 events that were held. She stated she asked the city manager if the people voting online could do it more than once and they could only vote once per the IP Address. She stated that when they produced fact sheets given to people when they were doing survey and doing the dots in City Hall, that when reading the section, "Things to Know," it was a positive spin on things to know about backyard chickens. She stated that nowhere in it did it talk about the potential health hazards, how messy and smelly it could be if people were not taking care of the chickens, and the noise, safety and predators, and there were communities that talked about the influx of rats because of chickens.

She stated that on the staff time in code enforcement, the Council and staff had heard that the city had those ordinances and didn't have staff to enforce them because it was a large community geographically and number of people who lived in the city. She stated it was hard to enforce everything and heard it all the time. She stated about it not costing the city money, she didn't believe it because if the city enforced all of the rules, it would cost a lot. She stated she believed the community had real needs that were not yet fully funded. While it appeared the ordinance was a nice thing to do for those wanting it, agreed, but she didn't believe the Council could say yes to it and walk away saying it would not cost anything. She stated she didn't buy the chickens were already in the city and should be allowed. She stated that just because they were already in the city that the city should just allow them. She stated drunk drivers were already in the city and that was not okay either. She stated she spent a lot of time talking to people and researching it because it was the thing now when people were talking about having access to sustainable humanely resourced eggs. She stated people cared about it and understood that and the other cities were doing it so why not Brooklyn Park. She stated for those reasons stated she would not be supporting it tonight.

Council Member Russell stated the issue had generated a lot of attention and comments on social media. He stated he posted some information about it to generate conversation and there was an overwhelming response to it. He stated he understood why people were passionate about the issue and the Council had been working on it for a long time. He asked why the potbellied pig and chickens were included and not the goats.

Neighborhood Health Supervisor Peterson stated it was based on the results they got from the survey where 57% said yes for chickens and the potbelly pig was a resident's request.

Council Member Russell asked if they had staff available and what intervention plan they had for ensuring people who had chickens that they didn't interact with wild birds. He stated his concern and worked in the public health research field, that avian flu an H1N1 was big thing. He stated he had some concern of page 5 and 8, and if there was a mitigation strategy for page 5

and 8.

Neighborhood Health Supervisor Peterson stated it already existed in Chapter 94, Public Health, the nuisance could be declared through their health staff and had a process in place to handle it. She stated in the proposed chicken code, they added language where it reserved the right to require removal of all chickens within the city if a pandemic regarding fowl and poultry was declared. She stated that with the construction standards that were in place in the proposed code, they limit or eliminated contact with wildlife between the chickens and wildlife. She stated what she had learned was that virus causing the avian flu was shed through migratory bird and was possible there could be contact. She stated they were doing everything they could to minimize the contact in the proposed code. She stated the University of Minnesota Extension Service had great resources on Bio Security, how to keep a flock safe and prevent the spread of disease.

Council Member Russell stated the city was diverse and had 20 to 23% foreign born and most were from ethnic communities. He stated they didn't see them as pets because they wanted to be able to raise chickens, butcher them and eat them. He stated it shouldn't be a surprise because it happens, even with pigs and goats. He stated he had two groups of constituents who were opposed to it but opposed to it for different reasons. He asked if there were provisions for slaughtering, sacrifice, used for festival or religious events. He asked what provisions they had to accommodate those who would like to eat them.

Neighborhood Health Supervisor Peterson stated the ordinance did prohibit slaughtering at a resident's house and there were butcher facilities in the metro where they could take them to have it done.

Council Member Russell asked what would happen if the city discovered people were slaughtering animals at their home. He asked if there were punitive measures where they could be fined or some type of punitive action could be taken.

Neighborhood Health Supervisor Peterson stated they would follow the same procedures for other violations. She stated it was an engagement process, along with education, and then they issued a correction order and ensured it did not continue to happen. She stated that regarding the enforcement process, it allowed them to go to fines, but they always started with engagement, education, and if it wasn't corrected, then they would fine them.

Council Member Mata stated his problem was with the enforcement. He stated the city had several codes and they were not enforced. He stated last year, the police chief said if they were going to enforce the overnight parking ordinance, they needed to hire more officers. He stated the one percent of the population took up the 90 percent of the code enforcement and they kept violating the codes over and over and wasted taxpayer dollars to be enforced

He stated the survey wasn't representative of the community and asked if any apartment owners were in the survey because the apartment complexes wouldn't allow it and shouldn't be included in the group. He stated the people who rented houses had to get approvals from landlords. He asked if one of the questions was "do you plan on having chickens, pigs or goats?" because a person might think it was a cool idea and say yes, until a year later it was in the neighbor's yard and now had to deal with it. He stated the Homeowners Associations, which covered most of the northern part of the city, could put in their own bylaws that didn't allow

them, even though the city said it could be allowed. He stated the Association could trump the city because their bylaws governed it. He stated the survey should have been narrowed down better. He stated he recalled the person asking about the pigs at a Council meeting and showed records of the veterinarian and other things they had been done at the time and said it was like a family member. He stated there was a tool for that if one person was asking for it, called a variance. He stated the Council could give a variance for a lot of things and if the Council gave a variance for a certain situation, then the Council can put conditions into it for that situation.

Mayor Lunde stated he didn't have a problem with the survey. He stated the city used to survey under 500 people every three years to ask their opinions in the city. He stated the survey was used to steer a multitude of things, what residents said, compared it, and then give a presentation and the survey was just an opinion. He stated if the survey came in at 90% in favor, did that mean the Council would have to vote? He stated no. He stated the Council had the final say on the issue. He stated he looked at the survey as a guide to get a sense of where people were.

He stated they also needed to acknowledge the changing nature of the city. People moving to the city had different beliefs and a much more sizable part of the city saw chickens as part of their culture. He stated there were more dog complaints per year than anything else combined and no one would say to get rid of them. He stated if he totaled the complaints, that on average there were four to five chicken complaints per year and having bon fires was close second. He stated while campaigning last year and door knocking, he ran across six houses with goats, four with pigs and dozens with chickens. He stated that if a pet chicken, dog, cat, goat and pig was a nuisance, there was a process for it. He stated the city spent more time on dogs more than anything else and cost more in code enforcement than any others. He stated when he counted the six goats and four pigs, it was 10 houses out of 24,000 houses that had them. On the chickens, there might be a couple hundred city wide and would be 210 out of 24,000. He stated that on his street, 6 of 10 houses had dogs and there were more dogs driving code enforcement and taxpayer dollars than anything else. He stated that the Homeowners Associations could be more restrictive and what they chose to do was up to the Associations.

He stated he was fine with the proposal and if the Council was going to start looking at rules, they needed to look at parking because the city spent more money on parking enforcement than it would spend on the issue tonight. He stated it was important to have that discussion too.

Mayor Lunde called for a roll call vote.

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

6.2 Planning Director Cindy Sherman briefed the Council on the Green Haven 2nd Addition (Plateau Properties LLC) – Plat #19-117 to Subdivide Existing Residential Lot into Two Lots at 7900 Mount Curve Boulevard North.

Planning Director Cindy Sherman briefed the Council on the Green Haven 2nd Addition (Plateau Properties LLC) – Plat #19-117 to Subdivide Existing Residential Lot into Two Lots at 7900 Mount Curve Boulevard North.

6.2 MOTION PHA, SECOND RUSSELL TO WAIVE THE READING AND ADOPT

RESOLUTION #2019-151 APPROVING PRELIMINARY PLAT #19-117 AT 7900 MOUNT CURVE BOULEVARD NORTH CREATING TWO SINGLE-FAMILY PARCELS.

Council Member West-Hafner asked if there was resolution from all the questions asked from the neighborhood on safety, traffic, snow removal, garbage cans out in the street and parking. She asked if there was a plan to address them and other things brought up at the Planning Commission meeting.

Planning Director Sherman stated they would work through those issues as the building permit process progressed. She stated they wouldn't address them with it because they didn't have the details for the home to be constructed. She stated the things that were talked about were the trash cans, parking, walking and being sure people had a safe place to go. She stated one of the items the Council could add to the resolution was to post one side of the street no parking. She stated right now there were people that parked on occasion on both sides of Mount Curve Boulevard. She stated if the Council did add it as part of the action, then they didn't have to bring it back to Council for special approval and address one of the concerns raised by the Planning Commission. She suggested adding it as a condition to the resolution, to post one side no parking, and they would work with the traffic engineer on what side would be best based with things happening.

Council Member West-Hafner stated it was important to do it, because there was a big curve and the park was there. She stated she heard from neighbors that it got dangerous in the winter when cars were on both sides and not able to plow. She stated one neighbor talked about their driveway being used as a turnaround and was breaking their concrete driveway. She stated she wanted to support it if there was a way to make it safe for everyone including the people who were going to live in that house and the ones living in the current house.

She stated she would like to add to the resolution the no parking on one side or the other, whichever the City Engineer approved.

Mayor Lunde stated he would accept it as a friendly amendment to the motion and asked the motioner and seconder if they would accept it as a friendly amendment to the motion. Council Members Pha and Russell accepted it as a friendly amendment to the motion. He stated the main motion would now include the requirement that staff would determine the more appropriate side to not have parking.

Council Member Mata stated when it was built, it had to follow certain rules and the house had to have a sprinkler system in it like a commercial building would. He stated it was better if they built the house in the beginning than trying to retrofit a sprinkler system. He stated the area of Mount Curve Boulevard already had special signs for both entrances that went back into the area. One was off Brooklyn Boulevard and 77th Avenue that said, "no through traffic"; the other one was off Highway 81 and did not let someone turn in there at a certain time of day from one direction. He stated that per the sign ordinance, it should only have the neighborhood that was back in that development driving back there. He stated they had not issued signs on sides of roads to people with valid concerns like backing out of their driveway. He stated if there was a problem with people parking in the snow, it would be addressed and towed. He stated to put signs up on no parking on one side of the street, he didn't think the police would tow someone or ticket them. He stated he didn't want to put up signs that meant nothing. He stated it would become hazard if someone had to avoid someone and went up on the curb and now hits a sign.

He stated without the sign, there wouldn't be damage and with a sign there would be damage to vehicle. He stated he was not about putting signs everywhere in the city on what they could do or not do. He stated if there was a house having so many cars there, they should address the house on why the cars were there or make them make the driveway wider. He stated they could always come back and put a sign in there, but hadn't worked with anyone there, and only heard about it and now were going to add a sign. He stated he was not a fan of putting signs everywhere and would vote no on the motion because the signs were in there and needed to deal with the problem a different way and had the snow emergency ordinance.

Council Member West-Hafner stated her understanding from the conversations at the Planning Commission was that sometimes, even when it did not snow, cars were parked on both side of street. The metro mobility and fire department trucks had a hard time getting through because of the curves and metro mobility turning around at a neighbor's house. She stated she would like to handle it a different way, but they were not making a motion and not dealing with the house, design and potential parking. She thought it could be solved by creating a parking lot between the two of them but that was not what they were dealing with tonight. She stated she was trying to be comfortable to make sure it was safe, and the cars and fire trucks could get through there.

Planning Director Sherman stated that was the reason for the request to post one side no parking, because the feedback they got at the Planning Commission was cars on both sides made it tight to get through. She stated their intent was to work with them and when they came in with a second building to be able to build something that could be shared between the two facilities that provided off street parking. She stated they didn't want to get too onerous because the purpose of group homes being in residential areas was that they fit into the residential area. She stated that having the condition in the resolution allowed them to post on one side. She stated it was not about winter, it was about year-round where they were having an intensive employment situation and had group homes that provided medical care. She stated they had nurses, aides, and sometimes social workers all reporting for work at the group home and was different than a typical residential driveway.

Mayor Lunde asked if the Council said no tonight, would that trigger the ability to put in a group home. He stated he knew once it was available, they had no say about a group home going in there. He stated tonight was about splitting a lot and asked if they could say no tonight or were they forced to say yes.

City Attorney Thomson stated the issue before Council was lot splits and it met all of the code requirements. He stated if they were to vote no, it would have to come back with a resolution with findings as to why it was a no. He stated he wouldn't be able to come up with any reasons if it met all the lot requirements. He stated the potential use of the property was not a valid reason on a lot split. He stated there could be other situations where the proposed lots splits for whatever reasons did not meet the lot requirements and was a valid reason for denying it without a variance. He stated what was before the Council, the lots met the requirements.

Mayor Lunde stated he did not support it. He stated it was a business in a residential area and tonight he wanted to know if the Council could say no because there would be visitors coming in all hours of day. He stated in the past they never had the opportunity to say no but wanted to figure out if they could say no. He stated when they moved in, it took a year and half to get grass in, and no respect for the neighbors, there was plastic on both sides, and no sod put down for over a year. He stated when they did their trainings, they filled both sides of the street and

had done nothing to talk to the neighbors because the neighbors told him stories. He stated as he drove through the area, he saw how many cars were parked on both sides and it was a fast corner. He stated that was why he would vote no, because he didn't think they should split it. He stated the group home was a business and was not doing it for charity. They were paying wages to people and were there help people. He stated the city didn't allow car repair shops to be everywhere because that was a business. He stated it was about whether saying he got a chance to say no to a group home in a neighborhood that was not a group home area. He stated it was a business and the only reason the city accepted groups homes was because it was forced to. He stated he didn't have confidence that when they built the second one they were going to see different results. He stated there were 20 cars parked for training for a whole week and didn't care about the neighborhood and the neighbors were upset. He stated he was also concerned about traffic in the entrance to the park and that was important. He stated the curves were blind curves and were not slight curves. They were 90 degree turns and wouldn't see people walking through the grass, not see traffic, and if someone was riding a bike, they would be missed too. He stated he was representing the concerns of residents when he felt they were being disrespected. He stated he didn't see things would change and now would have twice as many workers in a business inside a residential area and would be out of character compared to the other lots. He stated he couldn't vote for it, and it would likely pass, but hoped they would do a better job in talking to the neighbors.

Council Member Mata asked if the Council could deny something moving into a neighborhood based on sizes. He stated if all lots in that area were one-acre sizes and someone came in and divided it into half or quarter acres, it was not conforming to the existing neighborhood on the lot splits.

City Attorney Thomson stated if the lots met the minimum requirements of the code, there was no basis to deny it. He stated even if the surrounding lots were different, the solution to that situation was to ultimately amend the code to make the lots bigger to be in conformity, but that was not situation tonight.

Council Member Mata stated that since Hennepin County licensed the group homes, asked if the city could limit the amount of a particular business in residential area, like they could limit liquor licenses, such as only having 20 and no more.

City Attorney Thomson stated there were situations where they could impose distancing requirements. He stated it was very problematic when state law said that was a use and must be allowed in a single-family residential zone. He stated he would be skeptical on that kind of regulation being enforceable if it was challenged. He stated it was difficult to place separation requirements on a use that was mandated by state law to be a permitted use in a zoning district. He stated that it had to meet the minimum lot requirements and those sorts of standards, but at this stage, the one before the Council did.

Mayor Lunde called for a roll call vote.

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

6.3 Planning Director Cindy Sherman briefed the Council on the Enterprise Leasing Company of Minnesota, LLC – Conditional Use Permit for a Car and Truck Rental Business at 8232 Lakeland Avenue North.

6.3 MOTION JACOBSON, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2019-152 APPROVING A CONDITIONAL USE PERMIT FOR A CAR AND TRUCK RENTAL BUSINESS AT 8232 LAKELAND AVENUE NORTH. MOTION PASSED UNANIMOUSLY.

6.4 Planning Director Cindy Sherman briefed the Council on the New Creations Daycare (Amcon Construction Company) – Site Plan Review for a Daycare with a Side-Yard Setback Variance at 4500 Oak Grove Parkway.

6.4 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-153 APPROVING SITE PLAN REVIEW WITH VARIANCE FOR A DAYCARE BUSINESS AT 4500 OAK GROVE PARKWAY NORTH. MOTION PASSED UNANIMOUSLY.

7.1 Finance Director LaTonia Green briefed the Council on the Adoption of Preliminary 2020 Property Tax Levies and Preliminary 2020-2021 General Fund and Debt Service Funds Budgets.

7.1 MOTION LUNDE, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-154 APPROVING THE 2020-2021 PRELIMINARY GENERAL AND DEBT SERVICE FUNDS BUDGETS.

Mayor Lunde asked what the estimated cost would be for the presidential primary. He stated he had been asked by residents why they had to pay for the two political parties they didn't support. He stated the primary was for two parties and he told the residents the city had to administer that election and spend taxpayer money.

City Manager Strobel stated the estimated cost administering the presidential primary was \$165,000 and were getting reimbursed from the state. He stated it was still state tax dollars and was the first time to do it using the best information the city clerk had been provided. He stated early information was less than that and until the city got the dollars, it would be hard to give a firm number. He stated he was at the North Metro Mayors Meeting last week and Secretary of State Simon shared his comments on the presidential primary and stated the state did put in dollars to reimburse the local municipalities and other jurisdictions to fund that new style of primary voting for the presidential race. He stated the \$165,000 was their best guess on getting a refund from the State.

Mayor Lunde asked if the city was a net contributor of fiscal disparities.

Finance Director Green stated on the net tax capacity, the city contributed more than the dollar amount it actually received back, but because it received a credit of more than what it actually paid in the city, was not considered a net contributor. She gave an example, the city contributed \$10 million, the city received \$6 million back but would receive a credit for \$12 million to determine how they were going to get that \$8 million. She stated the state looked at the \$10 million the city contributed and \$12 million it received credit for in order to determine the \$8 million the city received. She stated looking at the \$8 and the \$10 million seemed as if the city

was a net contributor.

Mayor Lunde asked if Fiscal Disparities went away, would it be better for the city or worse.

Finance Director Green stated if the city had \$10 million more in property taxes, to contribute toward the commercial, it would feel like it would have less of burden on residential.

Mayor Lunde asked about the future of permits and if they looked at how many years until the city didn't have land to develop, and permit revenue was going to fall off completely. He stated if they were setting the budget for next year, it was also forecasting and there would be a moment where that revenue was gone.

Finance Director Green stated in the 2020 budget they did reduce the permit revenue because they didn't think they would have that same level of revenue coming in. She stated that it seemed like every year they had some big project or a major project that happened or storm happened to reevaluate it. She stated it wouldn't be more than five years out where they wouldn't have anything to develop and the way the LRT was going, was not sure and it was hard to pinpoint when that would be no longer in existence.

Mayor Lunde stated Hennepin County always put last year's taxes on their site, and asked if there was a way they could expose 5 or 10 years of taxes. He stated when he had a resident calling him about their taxes, he would look it up for the resident and would be last year's and this year's taxes and was hard to tell if it was up or down. He stated it would be nice to know why the County couldn't do 10 years out. He stated it would be nice to get the history because they had data and was public information and was useful when trying to have a discussion with a resident who wanted to know about their property taxes.

Council Member Mata asked about the Fiscal Disparities. He stated he would like to see numbers and compare them to Maple Grove and Bloomington because both were commercially developed better than the city. He stated if he saw those numbers on how the city compared, it would be easy to see if the city was getting anything. He stated the city was still a bedroom community and was not on the end of a commercial side where they were making more money by keeping it in house and easier to look at that data.

He stated he realized they were preliminary numbers and was a lot of money. He stated more things were going to computer-based programs within 10 to 15 years and doing it without people. He stated the city budget kept increasing with people and had not found ways to do things where it didn't take the number one budget item, increasing the budget, which was people, and hadn't figured it out but kept adding staff.

He stated there was a way to do it and was a business way to look at things as opposed to government. He stated government would say it had to do it and would raise everyone's taxes by 4 to 5%, whatever it needed to make it happen. He stated the seniors didn't see their income increasing, the people on the low end of the pay scale didn't see that increasing, poverty level wasn't going anywhere, and there was more and more of disparity there, but were going to increase the taxes. He stated people owned property and paid because that was where the city taxes came from was property taxes. He stated it was disappointing year after year when staff couldn't figure how they could hold things constant because the income stream was still

increasing.

He stated he realized it was a levy and starting point and stated he would like to see what a zero increase looked like. He asked why he needed to sharpen his pencil because it was staff's full time jobs to find things. He stated they could easily pull up small things here and there and already knew on a previous agenda item that the Blue Cross Blue Shield insurance tier program could increase up to \$150. He stated that how he looked at the budget, they had to learn how to manage the budget. He stated he felt they kept going back and back to the tax base, and saying they needed more just because it could. He stated there was nothing the homeowner could do about it or business owner unless they moved. He stated he hadn't waived from his decision since he had been on the Council. He stated anyone selling a house was winner in the city and anyone dedicated to stay in the city, they could be upside down on their mortgage, were losers because the city was raising values on something they couldn't sell. He stated there had to be a formula that if someone stayed in their house, there would be some modifications but should be something that said if they were dedicated to stay another year in city, they would get something, and those who were selling, they would make it up in the sale value if someone would paid for it at that price.

He stated that if they incentivized staff and ask what they could do better, cheaper or what they thought cost money, they would be amazed what the ideas staff came back with. He stated those costs could be nickels and dimes but added up and could be \$1million they found and not cut anyone's job. He stated if that was not the direction given to them, then they would never do it. He stated there were a lot of creative people in the world and a lot of them worked in the city.

Finance Director Green stated management did engage with the employees and asked them to bring continuous improvement suggestions. She stated that was one of the initiatives from the management team and was a priority for the city for the ways they were doing processes. She stated technology was expensive and had been another item they had been trying to manage was with the IT fund. She stated it had an \$800,000 gap between revenues and expenditures in those funds. She stated they empowered staff to think about continuous improvement in order do those things and had done some of those ideas and implemented them.

Council Member Pha asked if they had come up with something for the Heritage Fund. She stated there was the City Hall remodel, other city infrastructure improvements and maintenance plans and other needs. She asked how they were making sure the Heritage Fund was properly funded. She stated staff mentioned two years ago that in order to properly fund the Heritage Fund, they were to supposed to put in \$2.6 million per year, but in the past, put in less than half of that and that was her concern.

Finance Director Green stated in the 2020 budget, they had a \$100,000 increase added in the 2019 budget and the plan has continued going into the future. She stated they did have some difficulties in the budget and trying to get to 6%, which is in there now and for every \$400,000 that was a percent increase. She stated in order to get to \$2.6 million was a lot, and when they did the budget in 2019, they made a commitment to try and do the \$100,000 increase to slowly get it to the appropriate level they thought Heritage Fund should have.

Council Member Pha stated she would like to know more information about how much the Heritage Fund balance was now because of the remodel and infrastructure investments they made, how much are they spending from that fund and what was left. She stated she

remembered seeing a graph on projections of the Heritage Fund, if funding it a percentage every year, where it would be versus the use of it. She stated she would like to see an update on that since they had been spending a lot from the Heritage Fund.

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

7.1 MOTION LUNDE, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-155 ADOPTING THE PRELIMINARY 2020 GENERAL AND DEBT SERVICE FUNDS NET PROPERTY TAX LEVIES AND CERTIFYING THEM TO HENNEPIN COUNTY. MOTION PASSED. (6 TO 1) MATA VOTED NO.

7.1 MOTION LUNDE, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2019-156 ADOPTING A PRELIMINARY SPECIAL BENEFIT HRA TAX LEVY AND A PRELIMINARY EDA 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 2020, CERTIFYING THEM TO HENNEPIN COUNTY. MOTION PASSED UNANIMOUSLY.

7.2 Mayor Jeffrey Lunde briefed the Council on the appointments to the Human Rights Commission.

7.2 MOTION LUNDE, SECOND WEST-HAFNER TO APPOINT MINN WANG TO THE HUMAN RIGHTS COMMISSION REPRESENTING THE CENTRAL DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2021. MOTION PASSED UNANIMOUSLY.

7.2 MOTION LUNDE, SECOND WEST-HAFNER TO APPOINT KATE WALTON TO THE HUMAN RIGHTS COMMISSION REPRESENTING THE EAST DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2022. MOTION PASSED UNANIMOUSLY.

7.2 MOTION LUNDE, SECOND WEST-HAFNER TO APPOINT THOMAS BROOKS TO THE HUMAN RIGHTS COMMISSION REPRESENTING THE WEST DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE APRIL 1, 2020. MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Lunde stated he would provide a report on the Cities United Conference as soon as he could. He stated it was a good tradition to report back to the residents.

Council Member Jacobson stated the Lions Club will be having a waffle breakfast on Saturday, from 7:30 a.m. to noon at the Community Activity Center. She stated all the money raised would go back to the community.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager stated October was domestic violence awareness month and on September 26, at 5:45 p.m., Hennepin Technical College would be having an event.

He stated there wouldn't be a meeting next week and the Fire Department was having an Open House on October 6 at the Central Fire station.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 9:49 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, January 6, 2020
7:00 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, 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 Milburn, and City Clerk Devin Montero.

ABSENT: Council Member Mark Mata (excused)

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT – None.

2B PUBLIC COMMENT – None.

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

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B1 Introduction of New Employee

Fire Chief Cunningham introduced Jovan Palmieri as a new employee to the Fire Department.

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

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2020-1 DESIGNATING REAL PROPERTY APPRAISERS FOR 2020.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2020-2 DESIGNATING U.S. BANK AS THE OFFICIAL DEPOSITORY FOR THE CITY OF BROOKLYN PARK FOR 2020.

4.3 TO CONFIRM THE CITY COUNCIL APPOINTMENT OF MIKE CARHILL AND ALTERNATE CHRIS SULLIVAN AS CITY TREE INSPECTORS FOR THE YEAR 2020.

4.4 TO CONFIRM THE MAYOR'S APPOINTMENT OF MIKE CARHILL, CHRIS SULLIVAN AND JASON NEWBY AS ASSISTANT WEED INSPECTORS FOR THE YEAR 2020.

4.5 TO CONFIRM THE CITY MANAGER'S APPOINTMENT OF DR. MATTHEW HOCKETT AS BROOKLYN PARK'S HEALTH OFFICER FOR A TERM OF ONE YEAR TO EXPIRE DECEMBER 31, 2020.

4.6 TO DESIGNATE THE BROOKLYN PARK SUN-POST AS THE OFFICIAL NEWSPAPER FOR THE CITY OF BROOKLYN PARK FOR THE YEAR 2020.

4.7 TO WAIVE THE READING AND ADOPT RESOLUTION #2020-3 RELATING TO COUNCIL/STAFF RESPONSIBILITIES.

4.8 TO WAIVE THE READING AND ADOPT RESOLUTION #2020-4 RELATING TO BUSINESS EXPENSES OF THE CITY COUNCIL.

4.9 TO WAIVE THE READING AND ADOPT RESOLUTION #2020-5 AUTHORIZING SUPPLEMENTAL COMPENSATION FOR MAYOR AND COUNCIL MEMBERS WHO ATTEND APPROVED MUNICIPAL FUNCTIONS.

4.10 TO APPROVE THE ELECTED OFFICIALS RULES OF PROCEDURES AND CODE OF CONDUCT MANUAL.

4.11 TO WAIVE THE READING AND ADOPT RESOLUTION #2020-6 APPOINTING JESSE STRUVE AS DIRECTOR AND LATONIA GREEN AS ALTERNATE DIRECTOR OF THE SUBURBAN RATE AUTHORITY FOR 2020.

4.12 TO AUTHORIZE THE CITY MANAGER TO DESIGNATE A DEPARTMENT DIRECTOR, FIRE CHIEF, POLICE CHIEF OR THE ASSISTANT CITY MANAGER TO SERVE, IF NEEDED, AS ACTING CITY MANAGER THROUGH DECEMBER 31, 2020.

4.13 TO APPROVE THE APPLICATION AND APPOINTMENT POLICY FOR FILLING A VACANCY IN THE OFFICE OF MAYOR OR COUNCIL MEMBER.

4.14 TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2020-1247 AMENDING SECTION 152.606 THROUGH 152.609 OF CITY CODE.

4.15 TO WAIVE THE READING AND ADOPT RESOLUTION #2020-7 APPROVING AN EXTENSION TO A VARIANCE TO CONSTRUCT A FENCE WITHIN THE MISSISSIPPI RIVER CRITICAL AREA AT 9500 WEST RIVER ROAD NORTH.

4.16 TO SET THE BOARD OF APPEAL AND EQUALIZATION MEETING AS MONDAY, APRIL 13, 2020, AT 7:00 P. M.

4.17 TO SET THE PUBLIC HEARING DATE FOR FEBRUARY 10, 2020 TO CONSIDER THE RECOMMENDATION OF THE BROOKLYN PARK CHARTER COMMISSION TO AMEND CHARTER CHAPTER 9, SECTION 9.04 AND CHAPTER 11, SECTIONS 11.01 AND 11.02 OF THE HOME RULE CITY CHARTER.

4.18 TO WAIVE THE READING AND ADOPT RESOLUTION #2020-8 TO RENEW AN AGREEMENT WITH CORNERSTONE TO PROVIDE VICTIMS AND FAMILIES EXPERIENCING DOMESTIC VIOLENCE WITH ADVOCACY SERVICES BASED OUT OF THE POLICE DEPARTMENT.

4.19 TO WAIVE THE READING AND ADOPT RESOLUTION #2020-9 TO RENEW THE CONTRACTS WITH CARDINAL TOWING AND CITYWIDE SERVICES

GEOGRAPHICALLY SPLIT BASED ON THE POLICE PRECINCT IN WHICH THE COMPANY IS LOCATED, EFFECTIVE JANUARY 1, 2020 THROUGH DECEMBER 31, 2023.

4.20 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF APRIL 1, 2019, AS PRESENTED BY THE CITY CLERK.

4.20 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF MAY 13, 2019, AS PRESENTED BY THE CITY CLERK.

4.20 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF AUGUST 26, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION PASSED UNANIMOUSLY.

6.1 Stone Mountain Pet Lodge (Dave Larson) – Amendment to Conditional Use Permit to Add Outdoor Dog Play Yards within the Existing Fenced Area at 9975 Xenia Avenue North.

Planning Director Cindy Sherman briefed the Council on the Stone Mountain Pet Lodge Amendment to Conditional Use Permit to Add Outdoor Dog Play Yards within the Existing Fenced Area at 9975 Xenia Avenue North.

6.1 MOTION RUSSELL, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2020-10 APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT #15-111 TO ALLOW OUTDOOR OFF-LEASH DOG PLAY AREAS AT 9975 XENIA AVENUE NORTH, SUBJECT TO CONDITIONS IN THE RESOLUTION. MOTION PASSED UNANIMOUSLY.

6.2 7532 Brooklyn Boulevard (Nam Pham – Brooklyn Park Dental Properties) – Conditional Use Permit #19-127 to Allow the Existing Site to be Used for Medical Office, Dental Office, or General Office Purposes.

Planning Director Cindy Sherman briefed the Council on the 7532 Brooklyn Boulevard Conditional Use Permit #19-127 to Allow the Existing Site to be Used for Medical Office, Dental Office, or General Office Purposes.

6.2 MOTION JACOBSON, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2020-11 APPROVING CONDITIONAL USE PERMIT FOR MEDICAL, DENTAL, OR OFFICE USES AT 7532 BROOKLYN BOULEVARD. MOTION PASSED UNANIMOUSLY.

6.3 8000 Brooklyn Blvd. N. (Bekir Shabani) – Zoning Code Text Amendment #19-128 to Allow Drive-Thru as a Conditional Use in the Transit-Oriented Development Center (TOD-C) Zoning District.

Planning Director Cindy Sherman briefed the Council on the 8000 Brooklyn Blvd. N. Zoning Code Text Amendment #19-128 to Allow Drive-Thru as a Conditional Use in the Transit-Oriented Development Center (TOD-C) Zoning District.

Council Member Pha stated that when she thought about the areas within the TOD zoning areas, they were a lot older, had not had new development and had older buildings. She stated if they had interest from people to redevelop and invest in those areas, didn't want to say no because she didn't know what other investments might come forward.

She stated the building already had a drive-thru and had not had a lot of investment into making it look nice and updating some of the buildings. She stated that when something like it came up, it could be for new redevelopment and investment to the area and she was excited to see what that could look like and how it could revitalize the area. She stated it was hard to say no to it. Her concern was if the Council said yes to it, asked if they were also saying yes to some of the other TOD three areas, except Oak Grove.

Planning Director Sherman stated the change would impact all of the TOD-C districts that would include 85th Avenue area, area at Brooklyn Boulevard and West Broadway, and also at the 63rd Avenue area. She stated it didn't affect the area at 93rd Avenue and West Broadway because that was TOD-E, or the TOD-G up in the Greenfield area, which was where they were anticipating the greatest growth opportunity and new development opportunities. She stated they couldn't do it for one site and had to be for a district. If they were going to do it, that was the way it should be done

Council Member Jacobson stated the staff report said the light rail project had been delayed pending negotiations with BNSF. She stated she felt they were jumping the gun because they could find out six months from now that the light rail was not happening. She stated that would be an opportunity to look at all of the TOD Districts and redo what was done. She felt that they continued to do great work and then tried to undo it quickly and that was where she was not comfortable. She asked if they had an update on anything to do with light rail and where it sat today.

City Manager Stroebel stated there continued to be strong commitment from many of the federal delegations, and House Speaker Hortman addressed the Council two months ago about her commitment and it being her number one priority. He stated he knew that the ongoing conversations with the County and communities along the line that all were very committed to the project coming to fruition. He stated they also recognized for the last couple of years the delay in what was the initial time frame and the major hang up was from BNSF. He stated there continued to be the resolve by key players and partners for the project and looked forward to continue to partner with the federal delegation, Governors office, Metropolitan Council, communities along the line and House Speaker Hortman and with the Minnesota delegation to see what could happen in six months. He stated if there was no progress in six months, thought Council and staff should have conversation with the County and Metropolitan Council on what happened at that point.

Council Member Jacobson stated when Commissioner Opat was at a Council meeting, she asked at what point would the Council stop putting resources like they had been and look at redoing West Broadway, which was past due. She agreed that the area had not had attention and felt they had been hitting the pause button on everything related to that area. She stated that until the Council knew, they would sell themselves short by moving forward with it and was not sure if she could support it because she felt they were jumping the gun and could be selling themselves short.

Council Member West-Hafner stated she had a tough time with it and appreciated staff's recommendation because that was where she was going with her vote. She stated they had to let things happen and agreed that area needed more reinvestment, but wanted it to be a vision when the transit came. She stated she was hopeful it would get the kind of development that happened along University Avenue and along the other lines. She stated if they took away the ability to do something amazing, didn't know why they would do it to themselves because they literally just passed all those things. She asked if all other cities passed the TOD overlays along line that were like Brooklyn Park.

Planning Director Sherman stated that she had not heard of other cities adopting those regulations yet as the city was out front on it.

Community Development Director Berggren stated the City of Crystal might have made some changes to their zoning ordinances related to transit, but Brooklyn Park was a leader in making zone code changes.

Council Member West-Hafner thought they should have more time as they were being as patient as they could for West Broadway to be rebuilt. She stated they had been waiting for years for that to happen and now could be waiting longer because of the TOD. She asked what the difference would be to wait a little longer to potentially get better things. She stated she would not be supporting the change.

Council Member Parks stated he was concerned about the drive-thrus, still trying to get the light rail, and with the pedestrians walking there. He stated there was no place to park in that area for the light rail. He asked if they did it and light rail did not come, was there something the Council could do to change it back to make that area different.

Planning Director Sherman stated the Council always had the prerogative to change the zoning. She stated when they went through the process of developing the TOD zoning, they said those were transit hubs even if the train didn't come. She stated that area could be modified for a better bus service and there was a bus station at the Starlite Center across the street. She stated they were hopeful that even if the train did not come in, the potential enhancements they would see with bus transit, they would still want to have those regulations in place. She stated that was up to the Council to decide at that point whether they wanted to go back to the original zoning or keep the TOD in place.

6.3 MOTION RUSSELL, SECOND PHA TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING SECTION 152.606 OF CITY CODE.

Mayor Lunde asked if they were just allowing the drive-thru in the plan. He asked if they approved it tonight and they came back with a plan that didn't look like tonight, what would happen.

Planning Director Sherman stated it was just an illustrative plan to show how the property owner was thinking the development would happen. She stated if the zoning ordinance got changed, they would come back with an application for the site that would include a drive-thru and the Council would have an opportunity to review it.

She stated the application tonight was to amend the code to rescind the requirement that drive-

thrus were not allowed in the TOD-C district. She stated what would happen, it became a conditional use in the TOD-C district and they still had meet those criteria. She stated it would come back to the Council for review. She stated it was not just about the drive-thru, it was about the build to lines, how long the building had to be, the elevations of the buildings, etc. She stated the plan before Council showed it basically meeting those requirements. She stated when they came back, they would go through the normal site plan review process where they would review the elevations, parking, etc. and the Council would act on it.

Mayor Lunde stated he knew sometimes they had a legal defense to say no and other times they didn't. He stated that on the drive-thrus they previously approved, met the code but was not what the council wanted.

City Attorney Thomson stated in certain land use applications they had less discretion than others. He stated on a rezoning and text amendment like what was before the Council, they had a lot of discretion whether they wanted to do it or not. He stated if the ordinance was to pass, then the drive-thru would be allowed by a conditional use permit. He stated they would need to come back with a conditional use application, them or anyone else. He stated there were guidelines in the ordnance as to the requirements for the conditional use permit. He stated they had less discretion in making a decision on a conditional use permit than they did on a rezoning because if they came back and met all the requirements for the conditional use in the zoning, they would be hard pressed to deny the application.

Planning Director Sherman stated they felt comfortable the criteria they had in place would make a satisfactory development if it was allowed to go forward. She stated it was setbacks, the building layout, where the parking had to be, where the building sat adjacent to the roadway, those kinds of things were all important with or without the drive-thru. She stated those remained in place with or without the drive-thru.

Mayor Lunde stated he would vote against because when they set up the zones, the TODs, the idea was that they were trying to drive more value to those corners, He stated tax valuation was an important component of the light rail as it it tended to drive up the value a quarter to half a mile to the stops He stated he understood the concerns if the light rail project was stalled or not coming. He stated for now he was not willing to change what they did a year ago. He stated he was not willing to step outside their vision for that because that area did need reinvestment. He stated that if the light rail did not come, they still would have opportunities to do things. If they did it, they would not get back the chance to do something unique on that corner, potentially putting ground level shops with second and third level apartments and things they had talked about what could be happening. He stated they were limited on the southwest corner, the northwest corner unless the strip mall was redeveloped, the southeast corner had potential depending on what the car dealership did. He stated he was not willing to let up on the original intent, which the Council passed and everyone knew it was part of the intent and was not something new. He stated he was not willing to change it.

Mayor Lunde called for a roll call vote.

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

6.4 “Gardner Brookwood Estates” (Jenna Gardner et al) – Re-plat of Four Existing Lots into Six Lots to Create Two Lots for New Single-Family Homes at 5710-12, 5718-20, 5802-04, and 5810-12 84½ Avenue North.

Planning Director Cindy Sherman briefed the Council on the “Gardner Brookwood Estates” Re-plat of Four Existing Lots into Six Lots to Create Two Lots for New Single-Family Homes at 5710-12, 5718-20, 5802-04, and 5810-12 84½ Avenue North.

Council Member West-Hafner stated she got a few calls from residents along 84½ Avenue about the parking that happened on Yates Avenue where there were a lot of people parking on yards. She asked if there were any code enforcement issues or anything happening there.

Planning Director Sherman stated they reviewed their cases with Code Enforcement staff and had not had ongoing issues. She stated they went out and inspected the sites and didn't see issues at that time. She stated if there were ongoing issues, the residents needed to let staff know so they could open a case on that. She stated they were attached units and didn't have a lot of extra parking, as well as the properties along Yates. She the properties had deep driveways and could accommodate a lot of cars in driveway.

6.4 MOTION RUSSELL, SECOND PARKS TO WAIVE THE READING AND ADOPT A RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT OF “GARDNER BROOKWOOD ESTATES” AT THE NORTHEAST AND NORTHWEST CORNERS OF YATES AVENUE AND 84½ AVENUE NORTH.

Council Member West-Hafner stated she will not support it. She thought there was a lot of density already there and a lot of issues happening there and didn't think they needed it. She stated it fell in the category of those the Council didn't support and couldn't say no to, but her vote would still be a no.

Mayor Lunde stated that since it met the zoning, there was not much the Council could do to say no. He stated he would not support it. He stated there were some comments at the Planning Commission meeting that were unnecessary. He stated when he went door knocking on 84th Avenue and crossed over to Zane Avenue, he saw where the city had approved things and they didn't look right and didn't see it getting better. He stated he had been on that street at night and parking was wall to wall. He stated if people put out trashcans, they would have a hard time because of the cars parked there. He stated the street parking was very busy and didn't see that adding more density was going to make it better. He stated he appreciated the investment but disagreed on the intent.

Mayor Lunde called for a roll call vote.

6.4 THERE WAS A TIE ROLL CALL VOTE AS FOLLOWS: YES – RUSSELL, JACOBSON, PARKS; NO – WEST-HAFNER, PHA, LUNDE.

City Attorney Thomson stated that since there was a tie vote, according to the Council policy, the agenda item would be automatically be on the next Council meeting agenda.

7.1 Appointment of Council Liaisons to Commissions and Committees.

Mayor Lunde briefed the Council on the appointments of Council Liaisons to Commissions and Committees.

7.1 MOTION LUNDE, SECOND RUSSELL TO CONFIRM THE MAYOR'S COUNCIL LIAISON APPOINTMENTS TO COMMISSIONS AND COUNCIL OR STAFF LIAISONS TO COMMITTEES FOR THE YEAR 2020:

7.1 TO APPOINT JEFFREY LUNDE, TERRY PARKS AND TONJA WEST-HAFNER AS MEMBERS OF THE AUDIT COMMITTEE.

7.1 TO APPOINT MARK MATA AS LIAISON BETWEEN THE CITY COUNCIL AND THE BUDGET ADVISORY COMMISSION.

7.1 TO APPOINT TONJA WEST-HAFNER AS LIAISON BETWEEN THE CITY COUNCIL AND THE CHARTER COMMISSION.

7.1 TO APPOINT SUSAN PHA AS LIAISON BETWEEN THE CITY COUNCIL AND THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION.

7.1 TO APPOINT LISA JACOBSON AS LIAISON BETWEEN THE CITY COUNCIL AND THE HUMAN RIGHTS COMMISSION.

7.1 TO APPOINT WYNFRED RUSSELL AS LIAISON BETWEEN THE CITY COUNCIL AND THE PLANNING COMMISSION.

7.1 TO APPOINT TERRY PARKS AS LIAISON BETWEEN THE CITY COUNCIL AND THE RECREATION AND PARKS ADVISORY COMMISSION.

7.1 TO APPOINT WYNFRED RUSSELL AS THE COUNCIL REPRESENTATIVE BETWEEN THE CITY COUNCIL AND THE BUSINESS FORWARD ADVISORY BOARD FOR A TERM FROM FEBRUARY 28, 2020 TO DECEMBER 31, 2022.

7.1 TO APPOINT LISA JACOBSON AS PRIMARY LIAISON AND SUSAN PHA AS ALTERNATE LIAISON BETWEEN THE CITY COUNCIL AND THE BROOKLYNS YOUTH COUNCIL.

7.1 TO APPOINT SUSAN PHA AS PRIMARY LIAISON AND LISA JACOBSON AS ALTERNATE LIAISON BETWEEN THE CITY COUNCIL AND THE BROOKLYN BRIDGE ALLIANCE.

7.1 MAYOR LUNDE TO APPOINT TONJA WEST-HAFNER AS LIAISON BETWEEN THE CITY COUNCIL AND THE FIRE RELIEF ASSOCIATION.

7.1 TO APPOINT WYNFRED RUSSELL AS LIAISON BETWEEN THE CITY COUNCIL AND THE MINNEAPOLIS NORTHWEST TOURISM BOARD.

7.1 TO APPOINT JEFFREY LUNDE AS LIAISON BETWEEN THE CITY COUNCIL AND NORTH METRO MAYORS ASSOCIATION.

7.1 TO APPOINT TONJA WEST-HAFNER AS LIAISON BETWEEN THE CITY COUNCIL AND THE PROPERTY MANAGER'S COALITION.

7.1 TO APPOINT LISA JACOBSON AS LIAISON BETWEEN THE CITY COUNCIL AND THE COMMUNITY FESTIVALS TEAM.

7.1 TO APPOINT JEFFREY LUNDE AS PRIMARY LIAISON AND LISA JACOBSON AS THE ALTERNATE LIAISON TO THE HENNEPIN COUNTY BOTTINEAU CORRIDOR STEERING COMMITTEE.

7.1 TO APPOINT JEFFREY LUNDE AS PRIMARY LIAISON AND WYNFRED RUSSELL AS THE ALTERNATE LIAISON TO BOTTINEAU LRT CORRIDOR MANAGEMENT COMMITTEE.

7.1 THE MOTION PASSED UNANIMOUSLY.

7.2 Appointment of Mayor Pro Tem.

Mayor Lunde briefed on the appointment of Mayor Pro Tem.

7.2 MOTION WEST-HAFNER, SECOND PARKS TO APPOINT LISA JACOBSON AS MAYOR PRO TEM FOR THE YEAR 2020. THE MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member West-Hafner thanked the Excell Academy for their thoughtful Thank You cards.

Council Member Russell thanked staff, citizens of Brooklyn Park, Council and Mayor Lunde for attending the celebration on Saturday for the passage of the DED DPS bill.

Council Member Jacobson thanked staff, and school district, for the efforts for the Park Center Dome as the ribbon cutting ceremony was held today.

Mayor Lunde stated it was a great event at the opening of the Park Center Sports Dome.

Council Member Pha felt a lot of appreciation from the thank you cards from the kids of Excell Academy and looked forward to their playground ribbon cutting.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel thanked Council, staff, and in particular Brad Tullberg and Jody Yungers, on their efforts for the Park Center Sports Dome project and also the great partnership with the Osseo Area School District for coming together.

He stated on Thursday, 6-8 p.m., was the Brooklyns Census 2020 Coalition meeting.

The City would be conducting the firefighters' cadet recruitment and marketing efforts, will be opening the posting in the middle of month, and doing promotion in the next few weeks leading up to that.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 8:02 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

BOARD OF APPEAL AND EQUALIZATION MEETING

Monday, April 13, 2020

Brooklyn Park Council Chambers
Via Telephone
5200 85th Avenue North

7:00 p.m.

CALL TO ORDER - Chair Jeffrey Lunde

PRESENT: Chair Jeffrey Lunde; City Assessor Tracy Bauer-Anderson; Appraiser Christian Huskey; Appraiser Christina Johnson; Program Assistant Laurie Goodman.

VIA TELEPHONE: Board Members Tonja West-Hafner, Susan Pha, Terry Parks, Mark Mata, Wynfred Russell and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Finance Director LaTonia Green; Assistant Hennepin County Assessor Tamara Doolittle; and City Clerk Devin Montero.

ABSENT: None.

B. ASSESSOR'S REPORT

City Assessor Tracy Bauer-Anderson briefed on the purpose of the Board of Appeal and Equalization and gave the Assessor's report. She stated there were individuals signed up to address the Board and contest the value of their properties.

C. PROPERTY OWNERS TESTIMONY WITH DOCUMENTATION

City Assessor Bauer-Anderson read into record the property owners' contesting values via letters, emails, and the online appeal form. She stated she would announce if the owners would be addressing the Board.

Appeal #1) 3927 Globeflower Cir N., 9749 Thomas Ave N., 7200 90th Ave N., 6409 88th Ave N. City Assessor Bauer-Anderson stated the owner would not be addressing the Board.

Appeal #2) 2824/2828 79th Ave N. City Assessor Bauer-Anderson stated the owner would address the Board.

- Carl Johnson addressed the board to contest the property values. Concerns with the comparables that were looked at. He stated on his analysis, the two closest to his property in price range were 7909 Kyle Ave, and 2816 79th Ave. He stated those properties were significantly better than his property and requested his value lowered by \$28,900.

Appeal #3) 8301 93rd Ave N. City Assessor Bauer-Anderson stated the owner would be addressing the Board.

- Reed Frizell addressed the Board. He stated he sent comparables for the property, sent 8 or 9 buildings similar in classification build, the age was a little different. He stated the most notable was 6201 Noble Avenue. That building was built in similar time, sold in 2018 for \$6,791, and asked to look at that value and his values to adjusted accordingly.

Appeal #4) 9020 Dunbar Knoll Ct. N. City Assessor Bauer-Anderson stated the owner would not be addressing the Board. She stated the owner provided information and it would be provided to the Board after the meeting.

BOARD OF APPEAL AND EQUALIZATION MEETING; APRIL 13, 2020...Page 2

Appeal #5) 7714 Brooklyn Blvd/7710 Brooklyn Blvd. City Assessor Bauer-Anderson stated the owner would not be addressing the Board. She stated the owner provided information and it would be provided to the Board after the meeting.

Appeal #6) 9301 Winnetka Ave N. City Assessor Bauer-Anderson stated the owner would not be addressing the Board. She stated the owner provided information and it would be provided to the Board after the meeting.

Appeal #7) 7212 72nd Ln N, #217. City Assessor Bauer-Anderson stated the owner would be addressing the Board.

- Property owner Yelena Kurdyumova addressed the board to contest the value on her property. She stated she disagreed with the market value on her condo determined to be \$63,500. Her property was located on Strawberry Commons Association and had not gained market value and lost its value. Facts to lower the market value: the conditions of the buildings, garages, and territory in Strawberry Commons had declined during the past year. Stated the property of Strawberry Commons was constantly full of trash and abandoned cars. The insurance premiums had increased, and the insurance company had determined her property to be a high-risk property. She asked her property valuation to be reduced.

Appeal #8) 8801 Stratford Crossing N. City Assessor Bauer-Anderson stated the owner would not be addressing the Board.

Appeal #9) 4517/4521 83rd Cir N. City Assessor Bauer-Anderson stated the owner would not be addressing the Board.

Appeal #10) 8931 Stratford Crossing N. City Assessor Bauer-Anderson stated the owner would not be addressing the Board.

Appeal #11) 8931 Ashley Ter N. City Assessor Bauer-Anderson stated the owner would not be addressing the Board.

D. APPROVAL OF VALUATION AGREEMENTS

City Assessor Bauer-Anderson stated staff continued to work with property owners that had concerns with their valuations and any changes made 10 days before the Local Board of Appeal and Equalization Meeting need to be approved by the Board. She stated staff had reviewed property records and other information provided by property owners and came to an agreement on the valuation with the property owner(s).

City Assessor Bauer-Anderson read the properties and reductions for the record as follows:

- #1) 2500 Pearson Parkway, valuation at \$322,600 and reduced to \$294,600.
- #2) 8008 64th Avenue N., valuation at \$203,300 and reduced to \$187,400.
- #3) 8870 Zealand Avenue N., valuation at \$366,100, and reduced to \$318,000.
- #4) 7030 Winnetka Avenue, valuation at \$455,000 and reduced to \$428,000.
- #5) 6032 71st Avenue N., valuation at \$230,000, and reduced to \$220,000.
- #6) 9013 Windsor Terrace, valuation at \$402,100 and reduced to \$382,300.
- #7) 8988 Stratford Court N. valuation at \$444,200 and reduced to \$408,900.

- #8) 8501 Jefferson Lane, valuation at \$2,529,700 and reduced \$2,455,000.
- #9) 7624 Boone Avenue N., valuation at \$4,749,900 and reduce to \$4,650,000.
- #10) 6900 Winnetka Circle, valuation at \$1,222,800 and reduced to \$1,194,000.
- #11) 3108/3112 84th Avenue N., valuation at \$333,100 and reduced to \$292,400.

Chair Lunde stated he would be making a motion for the items read into the record by City Assessor Bauer-Anderson. He stated at the reconvened meeting, the Board would have individual items for each owner to be discussed by the Board. He stated tonight was to listen to the appeals.

D.1 MOTION LUNDE, SECOND JACOBSON TO ACCEPT THE CITY ASSESSOR'S VALUATION AGREEMENTS BETWEEN APRIL 4, 2020 AND APRIL 13, 2020.

Board Member Mata asked what the was the total dollar value in reductions for those properties.

City Assessor Bauer-Anderson stated she would provide the information to the Board via email.

Board Member Jacobson asked about #5. She stated the owner asked her questions and didn't know the answer. She stated that in the packet it talked about the value percent change on the type of property, a commercial property, and was listed on average at a 2.3% change. She stated the owner said, and she didn't have backup documentation to see, that his increase was 8%. She stated he was not denying it should go up, but more like the rate of inflation and not at that rate he got. She stated he claimed that no improvements were made, nothing had changed, same building, same people were there renting and was not sure why it was a significant jump. She stated he talked about comps sold down the street at 7420 Unity where the buyer paid \$30 per square foot for 25,000 square foot building for \$850,000. She stated his two buildings at 7710/7714 Brooklyn Blvd. were 20,000 square foot, valued at \$1.5 million, which came out to \$60 per square foot. She stated she was not sure what to say and was looking for information on it.

She stated the owner was being asked for backup data and what triggered that type of information being asked. She thought of some of the ones that came up in past, gas station, Target Corporation, and when asking for P&L statements, asked if every commercial property was asked for it. She asked if every commercial property produced it and if there was a trigger that made that request take place.

City Assessor Bauer-Anderson stated all commercial, industrial and apartments (CIA) which were income producing properties, there was a list of information sent to the property owner to send, which would include, i.e., rent rolls, income and expense so they were able to look at their individual situations, values just like residential properties. She stated CIAs were based on market sales that are qualified sales and they looked at what market indicated to be vacancy rates, rents, etc. She stated a CIA did appeal their value, their value was based on the market and sometimes their individual situations indicated that maybe their rents were below market or maybe their vacancies were higher than market. She stated they would like to take that into consideration and that was why they asked them to submit their individual information. She stated the property owner at 7710/7714 Brooklyn Boulevard chose not to submit that information. She stated the sale he was referencing was not a qualified sale per the Department of Revenue's guidelines. He was informed that if they were to choose to use that disqualified sale, which they were not allowed to do, they would be looking at an increase in the areas of vacancy, property condition and rents in place. She stated she would be submitting information he provided regarding the sale he was referencing and they could include that in their sales just to show the Board areas that would show an increase on what they had for a cost per square foot at the time of sale.

City Assessor Bauer-Anderson stated they would put together an analysis on each property, sales grid, reconciliation for review for all board members prior to the reconvened meeting.

Chair Lunde called for a roll call vote.

D.1 THE MOTION PASSED UNANIMOUSLY ON A ROLL CALL VOTE AS FOLLOWS: YES – PHA, WEST-HAFNER, RUSSELL, JACOBSON, PARKS, MATA, LUNDE. NO – NONE.

E. SET DATE FOR RECONVENED BOARD OF APPEAL AND EQUALIZATION MEETING.

City Assessor Bauer-Anderson stated the Board would reconvene within 20 days and the decisions on all appeals would be made at that time based on staff reports and information submitted by the property owner.

E.1 MOTION LUNDE, SECOND PARKS TO RECONVENE THE BOARD OF APPEAL AND EQUALIZATION MEETING ON APRIL 27, 2020.

Chair Lunde called for a roll call vote.

E.1 THE MOTION PASSED UNANIMOUSLY ON A ROLL CALL VOTE AS FOLLOWS: YES – WEST-HAFNER, RUSSELL, JACOBSON, PARKS, MATA, LUNDE. NO – NONE.

ADJOURNMENT – At 7:43 p.m., with consensus of the Board, Chair Lunde recessed the meeting to the reconvened date of April 27, 2020, at 7:00 p.m.

JEFFREY JONEAL LUNDE, CHAIR

DEVIN MONTERO, CITY CLERK

City of Brooklyn Park Request for Council Action

Agenda Item:	4.5	Meeting Date:	April 27, 2020
Agenda Section:	Consent	Originating Department:	Operations and Maintenance
Resolution:	X	Prepared By:	Dan Ruiz, O&M Director; Greg Hoag, Park and Building Maintenance Manager
Ordinance:	N/A		
Attachments:	2	Presented By:	Dan Ruiz, O&M Director; Jay Stroebel, City Manager
Item:	Approve Change Order for the City Hall Rehabilitation Project for BCI Construction Inc.		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2020-_____ TO APPROVE CHANGE ORDER FOR THE CITY HALL REHABILITATION PROJECT FOR BCI CONSTRUCTION INC.

Overview:

This request is for approval of change orders associated with the rehabilitation of City Hall. The project is approximately 70% complete, and the change order cost increases are related to three extra work items.

A summary of the items is shown as follows:

<u>Description</u>	<u>Amount</u>
Additions/Changes:	
Cabling/card access changes	\$ 4,771.00
HVAC changes	\$ 16,204.00
Audio/Visual (A/V) changes/additions	<u>\$ 38,633.00</u>
Total	\$ 59,608.00

The required additions, modifications and adjustments were not included in the original bid and, therefore, the addition of the work required an additional cost over the original bid. This amount represents less than one percent (1%) of the original construction cost. The project is still scheduled for completion late summer/early fall of 2020.

Primary Issues/Alternatives to Consider:

Should the Council authorize change order as recommended?

The Architect, Wold Architects and Engineers, and Operations and Maintenance staff have reviewed the items and negotiated with the Contractor and are satisfied with the negotiated amounts. Staff is recommending Council approval.

The Council has the following alternatives:

1. Approve the change orders and cost as recommended
2. Deny the change orders and redirect staff

Budgetary/Fiscal Issues:

The contract cost with the change order bring the total contract amount to \$4,347,617.25. This project is in the 2019-2023 Capital Improvement Plan as project #1001. Funding is from the Heritage Infrastructure Fund. Funds are available in the project construction contingency to finish the project within budget.

Attachments:

- 4.5A RESOLUTION
- 4.5B CHANGE ORDER

RESOLUTION #2020-

RESOLUTION TO APPROVE CHANGE ORDER
FOR THE CITY HALL REHABILITATION PROJECT
FOR BCI CONSTRUCTION INC.

WHEREAS, the City Hall rehabilitation project is needed to provide adequate workspace for city staff and customers; and

WHEREAS, the construction bid for New World project #1001 was awarded by the City Council on May 13, 2019, to BCI Construction Inc.; and

WHEREAS, with the approval of the change orders, there is a contract increase of \$59,608.00; and

WHEREAS, the total approved contract cost of the project will therefore be \$4,347,617.25.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve change orders for the City Hall Rehabilitation project for BCI Construction Inc. for \$59,608.00.



AIA® Document G701™ – 2017

Change Order

PROJECT: (Name and address) Brooklyn Park City Hall Renovation and Addition (Commission No. 182061) 5200 85th Avenue North Brooklyn Park, Minnesota 55443	CONTRACT INFORMATION: Contract For: General Construction Date: May 13, 2019	CHANGE ORDER INFORMATION: Change Order Number: Four (4) Date: April 10, 2020
OWNER: (Name and address) City of Brooklyn Park 5200 85th Avenue North Brooklyn Park, Minnesota 55443	ARCHITECT: (Name and address) Wold Architects and Engineers 332 Minnesota Street, Suite W2000 St. Paul, Minnesota 55101	CONTRACTOR: (Name and address) BCI Construction, Inc. 7135 Fifth Avenue Northeast Sauk Rapids, Minnesota 56379

THE CONTRACT IS CHANGED AS FOLLOWS:
(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

- PR No. 10 - Deduct (\$309.00)
- PR 14 - Add \$27,698.00
- PR 15 - Add \$2,904.00
- PR 17 - Add \$2,807.00
- PR 20 - Add \$11,643.00
- PR 21 - Add \$10,935.00
- PR 25 - Add \$1,964.00
- PR 28 - Add \$806.00
- RFI 28 - Rejected
- RFI 57 - ADD \$546.00
- RFI 63 - ADD \$614.00

TOTAL CHANGE ORDER NO. 004 ADD \$59,608.00

The original Contract Sum was	\$ 4,114,500.00
The net change by previously authorized Change Orders	\$ 173,509.25
The Contract Sum prior to this Change Order was	\$ 4,288,009.25
The Contract Sum will be increased by this Change Order in the amount of	\$ 59,608.00
The new Contract Sum including this Change Order will be	\$ 4,347,617.25

The Contract Time will be unchanged by Zero (0) days.
 The new date of Substantial Completion will be March 31, 2021

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Wold Architects and Engineers ARCHITECT (Firm name)	BCI Construction, Inc. CONTRACTOR (Firm name)	City of Brooklyn Park OWNER (Firm name)
_____	_____	_____

Melissa Stein

SIGNATURE
Melissa Stein, Associate

PRINTED NAME AND TITLE
4.10.2020

DATE

SIGNATURE

PRINTED NAME AND TITLE

DATE

SIGNATURE

PRINTED NAME AND TITLE

DATE



City of Brooklyn Park Request for Council Action

Agenda Item:	4.6	Meeting Date:	April 27, 2020
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	1	Presented By:	Keith Jullie, Rental and Business Licensing Manger
Item:	Set a Public Hearing on May 11, 2020, to Solicit Testimony and Consider Issuance of the Currency Exchange License for SB Financial Corp, Located at 6319 Zane Avenue North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO SET A PUBLIC HEARING ON MAY 11, 2020, TO SOLICIT TESTIMONY AND CONSIDER ISSUANCE OF THE CURRENCY EXCHANGE LICENSE FOR SB FINANCIAL CORP, LOCATED AT 6319 ZANE AVENUE NORTH.

Overview:

In April 1992, the Governor signed a law requiring the City to conduct a public hearing and to publish a notice regarding the hearing for applications and renewals for currency exchange licenses.

The Commissioner of Commerce issues the license. The application or renewal cannot be approved by the Commissioner without the concurrence of the governing body of the local unit of government.

The Commissioner is required to have the applicant submit to a background investigation by the BCA (Bureau of Criminal Apprehension). As part of the background investigation, the BCA will conduct criminal history checks of Minnesota records and is authorized to exchange fingerprints with the FBI for the purpose of a criminal background check of the national files. The City is in the process of reviewing this application and the reports will be available at the public hearing.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.6A PUBLIC HEARING NOTICE

**NOTICE
CITY OF BROOKLYN PARK
5200 85TH AVENUE NORTH**

PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE Brooklyn Park City Council will hold a public hearing on Monday, May 11, 2020, at 7:00 p.m. to consider the issuance of a Currency Exchange license to SB Financial Corp., located at 6319 Zane Avenue North.

Due to COVID-19, the hearing will be held by telephone. For details on how to participate, please see the meeting agenda, which will be made available on www.brooklynpark.org no later than Friday, May 8, 2020. As always, written comments can be submitted beforehand to be considered in deliberations.

HOW TO PARTICIPATE:

- 1) You may call 763-493-8182 by 4:30 p.m. on Monday, May 11, 2020. You will be asked to provide your name, address, email and phone number. You will receive the call-in number and meeting ID for this meeting.
- 2) You may send a letter before the hearing to the Department of Community Development, Business Licensing Division, 5200 85th Avenue North, Brooklyn Park, MN 55443, or fax us at 763-493-8391; or
- 3) You may send an e-mail to keith.jullie@brooklynpark.org

If you want your comments to be made a part of the public record, your letter, e-mail, or fax must state your first name, last name, and address. Thank you in advance for your cooperation.

Devin Montero
City Clerk

Published in the Brooklyn Park Sun Post on April 30, 2020.