

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