

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, August 26, 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; Police Chief Todd Milburn 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 stated a resident addressed the Council regarding the concerns for safety and speeding on 93rd Avenue.

2B PUBLIC COMMENT

1. Collette Guyott-Hempel, 9277 Trinity Gardens. Stated the Planning Commission approved townhomes and requested either 93rd Avenue be done and finished off with sidewalks and trails on one or both sides or a left turn lane be put in so the road would become much safer for pedestrians and vehicles. She stated people had spoken to the Planning Commission and Council regarding that road from the Prairie homes when the apartments were approved and the townhome complex.

She stated the city collected money from their development 30 years ago and now had close to \$300,000. She stated it was an MSA roadway and the city had been getting money for the past 20 years when TH610 was opened when the city took the road back from the County. She asked that the safety concerns be addressed and the speed be reduced. She stated three of Planning Commissioners called it a dangerous and said people were taking their lives in their own hands if they tried to walk along that road with the speeds at 50 mph. She stated there were 750 cars on last year's four-day study, and that on average people were going 60 mph or greater.

She stated the crosswalk and police enforcement had made drastic improvements with people stopping at the stop sign. She thanked the Council for it and was happy to hear that the access and trail way on Regent would be gone because pulling out in front of vehicles going 40 mph would be another thing for bicycles.

3A. MOTION WEST-HAFNER, SECOND PARKS TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH THE REMOVAL OF ITEM 4.2. MOTION PASSED UNANIMOUSLY.

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

3B.1 Legislative Delegation Presentation and Discussion

City Manager Stroebel introduced the legislative delegation and they briefed the Council on legislative issues.

Representative Michael Nelson briefed the Council on issues with Bottineau Boulevard and the railroad. He stated next year was a bonding year, North Hennepin Community College was going to be building the Center for Innovation of Arts and would be a collaboration between the College, Brooklyn Park, Metropolitan State University and Hennepin County. He highlighted budget issues with the Highway 252 project because of inflation and not properly estimating the costs. He updated the Council on the legislation and the Pension Commission, and Brooklyn Park would be moving toward full time firefighters and would eliminate volunteer positions. He stated the concerns would be getting the volunteer firefighters money out of their pension fund and not have a reduction in the reserves.

Representative Melissa Hortman highlighted on the Bottineau light rail concerns. She stated the House of Representatives passed the liability protection language for the Burlington Northern Santa Fe in the transportation bill and carried it to conference and could not convince the Senate to adopt the language. She stated in 2020, it was speculated the bill would pass in the House and the Senate, which then would be signed into law within the bonding bill. She expressed moving the Light Rail project forward with the MET Council, federal delegation Senators Klobuchar and Senator Smith, Representative Omar and Representative Phillips. She stated with conversations with the Governor, it would be the number one legislative priority for Brooklyn Park in the year 2020. She stated the House passed a Comprehensive Transportation Funding Package to dedicate new transportation resources to cities and counties of Minnesota. If the proposal became law, the City of Brooklyn Park would be receiving \$153,000 in 2020, \$708,000 in 2021, \$860,000 in 2022, and \$967,000 in 2023; in return, Minnesota would add a nickel in the gas tax every year.

Senator John Hoffman highlighted on the growth of residents over sixty-five and the need for affordable housing. He stated two bills passed, House File 7, which assisted in access to affordable housing. Additionally, in the Bonding section, \$60 million was allocated to affordable housing efforts and allocated money toward permanent housing and supported housing for families or individuals that were at risk or experiencing homelessness. He stated it also addressed the issue of affordable housing for seniors and the preservation of federal incentives for housing.

Representative Samantha Vang stated as a part of the Bonding and Capitol Investments Committee, she would be touring the Mississippi Gateway Regional Park. She stated she was part of the conversation for CITA to learn more about that project. She stated she was the chief author of LGA to restore funding back two levels and passed the LGA with an increase of \$26 million in 2020 and an additional four million to 2021, which was very close to restore two levels on the funding. She stated it meant funding would be increased \$260,000 for Brooklyn Park.

Mayor Lunde asked about Highway 252 becoming a freeway and wanted Brooklyn Center and Brooklyn Park to get it done because it was the most dangerous intersection in the state. He stated the project was so big that they did not want to spend the entire city budget on the project. He stated the city had some funds but would like to communicate more with the state with assisting in the project. He talked about housing and the challenges of housing needed.

Mayor Lunde stated he would be interested in hosting a bonding lunch to discuss partnerships and assistance to move things forward.

Senator Hoffman stated the Mille Lacs Tribe investigated their housing issues and successfully built Section 42 housing and an enterprise zone. He stated he would follow up on a with information for the Mayor.

Council Member Pha stated she appreciated the legislative updates from the representatives and welcomed them back next year.

Council Member Jacobson stated she appreciated seeing the representatives at events outside of the session.

Council Member Russell stated it was an honor to have them in attendance to give an update and to work with the Council to improve the life of those in Brooklyn Park. He asked about updates regarding the Census.

Representative Nelson stated the legislative branch dedicated \$1.6 million into the Census to get a complete count. He stated Brooklyn Park and Brooklyn Center had a complete count committee and reiterated that the citizenship question would not be on the Census.

City Manager Stroebel stated he was thankful for the relationships and partnerships with those at the Capitol. He asked if there were any new resources or conversations for cost relief in the upcoming election.

Representative Nelson stated money to assist with elections was provided by the Help America Vote Act and money would be in there to help local election officials to get prepared for the next election.

Representative Hortman stated next year would be an interesting election year because of the Presidential Nomination Primary. She stated Minnesota would be the first state in the country to be voting and it was important to get the word out that it was a new mechanism and to work together.

City Manager Stroebel stated the estimated budget costs for the electoral process for 2020 budget would be \$250,000 to fund the three elections. He stated his understanding was that the state was looking to reimburse \$20,000 and asked if there were other resources to fill in the funding.

Mayor Lunde thanked the Senators and Representatives for their work and attending tonight's meeting.

3B.2 Restaurant Week Presentation.

Communications Manager Camille Hepola briefed the Council on Restaurant Week.

3B.3 Presentation on International Making Cities Livable Conference.

Council Member Wynfred Russell briefed the Council on his attendance to the International

Making Cities Livable Conference.

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

4.1 TO RELEASE ON-SITE LETTER OF CREDIT #2017-1 (\$352,800) BY BUILDING TRADES CREDIT UNION, RELEASE THE CASH BOND (\$18,500) AND THE ENGINEERING ESCROW (\$11,100) FOR SATISFACTORY COMPLETION OF THE "MPLS PIPEFITTERS BLDG ADDITION" PROJECT #17-005 LOCATED AT 6200 LAKELAND AVE N FOR MINNEAPOLIS PIPEFITTERS JAC.

4.1 TO RELEASE THE CASH BOND (\$3,000) AND THE ENGINEERING ESCROW (\$1,263.66) FOR SATISFACTORY COMPLETION OF THE "FREDDY'S FROZEN CUSTARD & STEAKBURGERS" PROJECT #18-001 LOCATED AT 9901 XENIA AVE N FOR INTERCORE RESTAURANT HOLDINGS.

4.1 TO RELEASE THE SUBDIVISION PERFORMANCE BOND #106231234 (\$416,500) BY TRAVELERS, RELEASE THE CASH BOND (\$21,900) AND THE ENGINEERING ESCROW (\$10,423.49) FOR SATISFACTORY COMPLETION OF THE "MURPHY OIL" PROJECT #15-110 LOCATED AT 8000 LAKELAND AVE N FOR MURPHY OIL USA.

4.1 TO RELEASE THE PERFORMANCE BOND #2273012 BY NORTH AMERICAN SPECIALTY INSURANCE COMPANY (\$1,153,800), REDUCE THE CASH BOND BY \$50,700 AND REDUCE THE ENGINEERING ESCROW BY \$31,000 FOR SATISFACTORY PROGRESS OF THE "URBANA PLACE" PROJECT #18-003 LOCATED AT 5601 94TH AVENUE N FOR TRIDENT DEVELOPMENT LLC.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-134 TO EXTEND THE CITY INSURANCE PROGRAMS FOR CONTRACT YEAR 2018-2019 WITH THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST FOR AN ADDITIONAL THREE MONTHS.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-135 ACCEPTING BIDS AND AWARDING THE CONTRACT FOR THE SANITARY SEWER TELEVISIONING AND CLEANING TO PIPE SERVICES CORPORATION INC.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-136 ACCEPTING BIDS AND AWARDING THE CONTRACT FOR THE WELL PUMP MAINTENANCE AND REPAIR TO KEYS WELL DRILLING INC.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF APRIL 2, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF APRIL 9, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF MAY 7, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JUNE 4, 2018, AS PRESENTED BY THE CITY CLERK.

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

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF AUGUST 27, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF SEPTEMBER 24, 2018, AS PRESENTED BY THE CITY CLERK.

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

4.6 TO APPROVE THE MINUTES OF THE SPECIAL BROOKLYN PARK CITY COUNCIL MEETING OF AUGUST 5, 2019, AS PRESENTED BY THE CITY CLERK.

4.7 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-137 APPROVING A VARIANCE WAIVING THE BASEMENT REQUIREMENT FOR A SINGLE-FAMILY HOME AT 9106 WEST RIVER ROAD.

4.8 TO APPROVE AN OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR HY-VEE, INC DBA HY-VEE, 9409 ZANE AVENUE NORTH.

4.9 TO APPROVE TEMPORARY CLOSURE OF OXBOW CREEK DRIVE BETWEEN NOBLE AVENUE AND VERA CRUZ DRIVE TO ALLOW FOR CHAMPLIN PARK HIGH SCHOOL HOMECOMING PARADE.

MOTION PASSED UNANIMOUSLY.

6.1 Senior Planner Todd Larson briefed the Council on the Final Plat #19-114 to Subdivide 14.46 Acres into 105 Townhome Lots and Six Outlots Northwest of 93rd and Regent Avenues.

6.1 MOTION LUNDE, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2019-138 APPROVING FINAL PLAT OF "PEMBERLY," SUBDIVIDING 14.46 ACRES INTO 105 TOWNHOME LOTS AND SIX OUTLOTS NORTHWEST OF 93RD AND REGENT AVENUES. MOTION PASSED UNANIMOUSLY.

7.1 Mayor Lunde briefed the Council on the Appointment to the Shingle Creek Watershed Management Commission.

7.1 MOTION LUNDE, SECOND WEST-HAFNER TO APPOINT ADAM QUINN AS THE COMMISSIONER TO THE SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE JANUARY 31, 2021. (Replacing John Roach)

8.1 2019 Street-Signal Light and Sanitary Sewer Utility Rate Discussion.

Operations and Maintenance Director Dan Ruiz briefed the Council on the 2019 Street-Signal Light and Sanitary Sewer Utility Rate. He briefed on the Enterprise Funds Background, Rate Study, Sanitary Sewer Cost Drivers, Sanitary Sewer Fund-No Increase, Sanitary Sewer Recommendations, Sanitary Sewer Fund-With Increase, 2019 Monthly Household Sanitary Sewer Changes, Street-Signal Light Cost Drivers, Street-Signal Fund-No Increase, Street Signal Light Recommendation, Street Signal Fund-With Increase, and Next Steps.

Council Member Jacobson asked how many times annually residents had a sewer back up at that level.

Operations and Maintenance Director Ruiz stated one to two a year.

Council Member Jacobson stated if the rate was one to two, they would be spending more on purchasing the insurance than to self-insure the issues. She stated she would be interested in seeing a timeline of water main breaks to get a better gauge for the need.

Mayor Lunde asked if projects were related to Highway 252 and/or West Broadway.

Operations and Maintenance Director Ruiz stated it included the \$6 million in capital projects in the five-year window of the capital improvement plan and it included the sewage and sanitary repairs of West Broadway, which was included in the Light Rail Transit Project and any repairs in the Highway 252 area. He stated part of the reason they had not had to be more aggressive in the rates was because those projects had not come to fruition. He stated in a previous rate study, they were projecting a \$2 million bond in 2020 and a \$4 million bond in 2022, but because those expenses had not been done, the city would not need the bond. He stated the city had saved enough money to pay those on a "pay as you go" basis.

Mayor Lunde stated he preferred the insurance route for the sewer issues with the League of Minnesota Cities and to adopt the ability to advocate for the insurance claims.

Operations and Maintenance Director Ruiz stated they could take a stronger role as an advocate for the residents, that was why they were bringing forward the no-fault insurance clause because if the Council wanted to take on the responsibility for the city, then that would be the direction they would go.

Council Member Jacobson asked if they went with the proposed cost adjustments, where would the city be on the chart presented.

Operations and Maintenance Director Ruiz stated Brooklyn Park would stay in the third lowest of the cities listed.

Council Member Jacobson stated that Mayor Lunde's statement regarding the no-fault policy with the League of MN Cities, that with the lack of knowledge with insurance and the League understands that. She stated in those cases where they could advocate for the residents, they should be doing that, but there was a cost to doing it, staff time, etc.

Council Member Pha asked about the street light signal light utility 2020-2023, with an increase being proposed. She stated that with the separation of difference in the rates between the four

different quarterly charges asked why the single-family fee would increase to .15 but a business would only increase .01 cents, with the single-family house being increased the most.

Operations and Maintenance Director Ruiz explained that the utility that was set up in 2003 was to create a utility that was as equitable as possible and was based on the street frontage. He stated street frontage for homes was sixty feet. If the residence took up more street length, then the lights were split up by usage of the lights. He stated the rates were adjusted by how many units with the number of streetlights.

Council Member Pha stated to analyze the current assessment of what was equitable, did it still stand because businesses needed to be equitable to single-family homes.

Operations and Maintenance Director Ruiz stated the reason why they were recommending .01 cent was that rate was about a 5.8% increase, which was close to the single-family homes increase.

Council Member Mata stated the square footage on the businesses and the single-family was a lump fee, that was the difference between those two different rates. He stated with the insurance, with a \$41,000 premium it would benefit one or two people, and those one or two people might not even get it. He stated that rather than the City investing in the insurance, it would be the homeowner's responsibility. He stated another issue would be to mitigate individuals who would use the claim or would not use it for the claim. He stated it would be better for the city to take that responsibility and find the money.

He stated that on the streetlights, fifty lights were changing from wood to fiberglass a year. If they had an increase in expenses and an increase in taxes, they did not reduce the changed-out poles to forty poles rather than fifty to save money, because eventually, that would sunset. He stated the lights they approved on Noble Parkway and 93rd Avenue, the city had funds in the CIP, which allocated money for the stoplights. He stated the Council said that particular signal light was a priority because there was a large concern from the citizens. He asked why they were worried about a \$325,000 expense when it already had been budgeted in the CIP. He asked if the Xcel covered some of the streetlights when the lights were on.

Operations and Maintenance Director Ruiz stated 50% Xcel, 50% city. If there was a light on the street that was city-owned, they wanted to catch those things. He stated it was \$5 a month and was a very small amount.

Council Member Mata suggested to put something in the Park Pages to ask citizens to report if city lights were on during daylight or not working and a reward system. He stated Xcel did not give a credit back for lights out, so they didn't feel obligated to worry about lights that were turned off. He stated he didn't want to see those funds increased and they could put less expenditures in them to make them work.

Mayor Lunde stated the residents should be asked if they would like a slow increase or a large increase all at once. He suggested asking the Budget Advisory Commission on their opinion on how the increases should be handled.

Council Member Pha stated they should be conservative with the budget but also act accordingly to make sure they were not depleting funds and were funding appropriately for the

projects that were coming up. She stated in the past, certain projects were not being funded properly and how that trickled over and effected projects in the current needs. She stated having the ability to have enough money to do what was needed but also be conservative about how they did projects was important. She stated she would also like to hear from the Budget Advisory Commission to see the numbers.

Council Member Mata asked about the the 2019 Monthly Household Sanitary Sewer Charges slide if the reason why the city was at the bottom in spending was because something was better than other cities.

Operations and Maintenance Director Ruiz stated part of the reason was New Hope and Minnetonka were older cities and they were going through construction that was more intense. He stated it also had to do with the deferred maintenance and needed to catch up on their projects, and it was a combination of management and age of the infrastructure.

Council Member West-Hafner agreed with the insurance claim and preferred the incremental increase. She stated there would be a lot of pressure to increase so they should be as smart as possible and have the least impact per year. She stated an incremental increase would be best.

Council Member Jacobson agreed with what had been said, and with seniors and their fixed incomes, they would be impacted on the decisions they made. She stated it was still in increase even if it was small. She stated there were some things they had to do but also things that were nice to do. She stated there were projects in Operations and Maintenance that were not optional.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Mayor Lunde stated briefed on the national meeting at the Cities United Conference and the city was recognized twice for awards. He stated he would work with the City Manager on a presentation to the Council.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated next Monday was Labor Day and the Council Work Session would be held on Tuesday.

He stated the Farmers Market continued on Wednesdays from 2 to 6 p.m. at Zanewood Sports Park.

He stated American Legion Commander Walter Cole was looking to do a veteran's memorial project in the city. He stated they did a project in Maple Grove and wanted to do something similar in Brooklyn Park. He stated he had a great meeting with Recreation and Parks Director Yungers on potential sites and more would be coming on the project.

Council Member Jacobson stated there was a new Rotary Club for Veterans in Minnesota and suggested to connect those two groups on the fundraising.

Council Member West-Hafner suggested having the Farmers Market open longer because people missed the window when getting off from work.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 8:55 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK