

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 JP MI 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