

## REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, August 31, 2020  
7:00 p.m.

Brooklyn Park Council Chambers  
5200 85th Avenue North

CALL TO ORDER – Mayor Pro Tem Lisa Jacobson

PRESENT: Mayor Pro Tem Lisa Jacobson; Council Members Tonja West-Hafner, Susan Pha, Terry Parks, Mark Mata, and Wynfred Russell; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Deputy Police Chief Todd Milburn and City Clerk Devin Montero.

ABSENT: Mayor Jeffrey Lunde (excused)

Mayor Pro Tem Jacobson opened the meeting with the Pledge of Allegiance.

### 2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated two spoke at the last meeting

### 2B PUBLIC COMMENT

1. Collette Guyotte-Hempel, 9722 Trinity Gardens. She was concerned about a gas line as her husband and she were the only ones that received a card from CenterPoint. It said clearly on the card that they were not to even attempt to clear and do a drain cleaning because the drill might hit the gas line that was inadvertently buried in sewer lines. She stated no one else on her street got it or the community got the same card. She stated she didn't know if a gas line was buried at 8 feet by sewer lines and could have gone through any one of the neighborhoods or buried at 4 feet by their homes directly. Stated it was a scary thought to think that people didn't get that information if it was buried at the wrong depth throughout the community because anyone could rent a power snake and try to do their own drain cleaning and blow up the neighborhood. She stated it had occurred in Baltimore and other places where there was a leak in the gas lines. She asked that CenterPoint make a clarification and the city and water statements on the utility billing statements send out a notice to the community that might be affected. She stated it was nice to see people using the sidewalk on the northside between Regent and Zane Avenue to go to the Speedway gas station and go into neighborhood and know they were safe because Amazon, Xfinity and Fireside Home Heating and Fireplaces trucks had all been driving on the wrong side of the road and going around cones and other people were doing it during the construction on 93<sup>rd</sup> Avenue. She expressed her gratitude to the Police Officers as a family and what they had been going through in the last six weeks. She stated the neighborhoods had been unrestful and very sadly people were being careless with guns and weapons in the community.
2. Steve Marsolek, 7800 Colfax Avenue. Stated he brought it up at the EDA meeting last week and would like to discuss the plaza park painting. He stated he didn't get an answer from the city on why the city provided tax payers funds for an organization that endorsed violence, looting, harassment and hatred for the country and its citizens. He stated the organization that has stated, "pigs in a blanket" "fry em like bacon" or the harassment of the Minneapolis police union's head at his home in Hugo, MN. He stated BLM Chicago publicity defended the rioters and looters and said "our futures have been looted from us, loot back," "I don't care if someone decides to loot Gucci, Macys or a

Nike store because that makes sure these people eat. He stated that Auriel Matkins, BLM organizer said, "that makes sure their people have clothes. He stated last week when Minneapolis had riots again they could see rioters with Black Lives Matter shirts going through the Target store and destroying the store and carrying out their goods. He stated the Governor at least called the National Guard to quell the riot. He stated, Black Lives do matter; but so do all lives. He stated the city manager had touted how great that painting was and said the response he got back was that the city manager pointed out a TV news report of how nice it was and how diverse it was. He stated the fact was that Channel 9 news failed to show the south end of the area where the Black Lives Matter sign was painted. He stated his direct question to the Council was for an exact answer, #1, Was the city going to remove those the BLM portions from the paintings from the park plaza area. #2 In order to funds to be given for such a project as plaza park, didn't the city have to approve the project, sketches or drawings of what the project entailed? #3, Who in the city approved the project? #4, Who authorized the sign to have political statements posted on the mural? Some person had to approve it, who was it and name, how far up the chain did it go? He stated all lives mattered and was not the point. The point was the city condoning a political statement, which was offensive to some people in the community and not to others. He stated Black Lives Matter had a different agenda from what they advertised and what was the city going to do.

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

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPTS OF GENERAL COMMUNICATIONS

3B.1 BP 2025 Story Maps Presentation.

Chante Mitchell and John Nerge presented the Brooklyn Park 2025 story maps collections on the website.

At 7:37 p.m., Council Member Mata departed the chambers.

4.0 MOTION WEST-HAFNER, SECOND PHA TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEM:

4.1 TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR OMNI BREWING COMPANY FOR THEIR OMNI FAIR FOOD TRUCK FEST TO BE HELD SEPTEMBER 12-13, 2020 AT ZANE SPORTS PARK, 8700 ZANE AVENUE NORTH.

4.3 TO APPROVE A TOBACCO SALES LICENSE FOR BROOKLYN SMOKES, INC. DBA BROOKLYN SMOKES, LOCATED AT 8563 EDINBURGH CENTRE DR N, BROOKLYN PARK, MN 55444.

4.4 TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE CHURCH OF ST. VINCENT DE PAUL FOR THEIR HARVEST FESTIVAL TO BE HELD SEPTEMBER 20, 2020 AT 9100 93<sup>RD</sup> AVENUE NORTH.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2020-117 DETERMINING VALIDITY AND SUFFICIENCY OF PETITION, ORDERING PREPARATION OF FEASIBILITY REPORT FOR THE EXTENSION OF 94<sup>TH</sup> AVENUE N, EAST OF DECATUR DRIVE N.

4.6 TO WAIVE THE READING AND ADOPT RESOLUTION #2020-118 TO APPROVE PROFESSIONAL SERVICE AGREEMENT WITH LHB, INC FOR CONSTRUCTION ADMINISTRATION SERVICES FOR PARK BUILDING AND SHELTER KITCHEN ADDITIONS IN THE AMOUNT OF \$50,922.

4.7 TO WAIVE THE READING AND ADOPT RESOLUTION #2020-119 TO APPROVE CHANGE ORDER FOR THE PARK BUILDING AND SHELTER KITCHEN ADDITIONS PROJECT FOR AMERICAN LIBERTY CONSTRUCTION.

4.8 TO WAIVE THE READING AND ADOPT RESOLUTION #2020-120 TO APPROVE THE ADDITION OF GREENHAVEN PARK (ZONE 10) AS AN ADDITIONAL LOCATION TO THE 2020 CONTROLLED DEER HUNT.

MOTION PASSED UNANIMOUSLY.

6.1 Waiver of Platting to Subdivide the Lot Back to the Original Property Lines at 10472 and 10466 Toledo Drive N.

Planning Director Cindy Sherman briefed the Council on the Waiver of Platting to Subdivide the Lot Back to the Original Property Lines at 10472 and 10466 Toledo Drive N.

6.1 MOTION PHA, SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2020-121 APPROVING A WAIVER OF PLATTING TO SUBDIVIDE 10472 TOLEDO DRIVE NORTH INTO TWO SINGLE-FAMILY PARCELS. MOTION PASSED UNANIMOUSLY.

6.2 International Brotherhood of Electrical Workers (IBEW) Local #292 (Andy Snope) – Conditional Use Permit #20-115 to Allow Rental of the Building’s Meeting Room for Events at 6700 West Broadway.

Planning Director Cindy Sherman briefed the Council on the Conditional Use Permit #20-115 to Allow Rental of the Building’s Meeting Room for Events at 6700 West Broadway.

6.2 MOTION MATA, SECOND RUSSELL TO WAIVE THE READING AND ADOPT RESOLUTION #2020-122 APPROVING CONDITIONAL USE PERMIT FOR AN ASSEMBLY, BANQUET, CONVENTION HALL, OR CONFERENCE CENTER AT 6700 WEST BROADWAY.

Council Member Pha stated she received a few calls with concerns and wanted certain things in place before approving the CUP. She stated the concerns were to limit the time in which events were happening to Sunday-Thursday to 10:00 p.m., Friday and Saturday to midnight, requesting the car traffic be on the north side and requiring security officers be present at events serving alcohol.

6.2 MOTION PHA, SECOND MATA TO AMEND THE MOTION TO ADD THE REQUESTED MODIFICATIONS:

1. HOURS OF THE EVENTS SUNDAY – THURSDAY TO END BY 10 P.M.
2. REQUIRING A SECURITY OFFICER BE PRESENT FOR ALL EVENTS WHERE ALCOLHOL IS SERVED.
3. THEY ABIDE BY CITY NOISE ORDINANCES
4. AND ADD THE WORDS “AND LIKE” TO THE TYPES OF EVENTS.

Discussions were held on the amendment.

6.2 THE VOTE ON THE AMENDMENT PASSED UNANIMOUSLY.

6.2 THE VOTE ON THE MAIN MOTION PASSED UNANIMOUSLY.

6.3 Todd Miller – Variance #20-116 to Residential Setback for a Concrete Slab within 5 Feet of the Property Line at 8819 Prestwick Parkway N.

Planning Director Cindy Sherman briefed the Council on the Variance #20-116 to Residential Setback for a Concrete Slab within 5 Feet of the Property Line at 8819 Prestwick Parkway N.

Mr. Todd Miller, applicant, stated he was available for questions by the Council. He stated some of the parts in the report were confusing and wanted everyone know all the facts.

Council Member Mata stated he had to read the report three times because the way the words were phrased, first slab, first pour, second pour and dates were not put in place, like first pour went in 2014 and in 2020 when coming in for a shed permit poured a second slab. He stated the Planning Commission minutes were very confusing and what their understanding was and not knowing why. He stated he went to the property and was surprised how it was immaculate and the back yard was exceptional. He stated that in talking with the applicant, it seemed to be an honest mistake. He stated the applicant came in with a plan and no one at City Hall took a look at it and could have been dealt with in a half hour with staff visiting the property. He stated in the Planning Commission minutes, Planner Larson, said he didn't put a motion to deny the permit because they wanted to factor in public input. Council Member Mata stated he heard no public input that was negative and was only positive.

He stated the applicant was now coming forward seven years later and wanted to put shed on it and paid permits and it was a misinterpretation that happened. He stated in this case that he wanted to make motion for the variance based on factors, he visited the property, there were no complaints, and knowing it was an honest mistake. He stated to staff that if someone came forward and gave that much detail about doing something to learn from it and in the future asked how hard it was to drive out to a house and ask about the project. He stated he felt it was conforming. He stated he would change the word to “approve” instated of “denying” in the motion.

6.3 MOTION, MATA SECOND WEST-HAFNER TO WAIVE THE READING AND ADOPT RESOLUTION #2020-123 APPROVING A SETBACK VARIANCE FOR A CONCRETE SLAB AT 8819 PRESTWICK PARKWAY NORTH.

City Attorney Thomson stated that typically when a resolution for approval was not in the packet, it would be sent back to staff to come back to Council a resolution for approval. He stated in the situation tonight, Council member Mata articulated the reasons why Council was to approve it. He stated it took four votes to approve it and staff would modify the resolution accordingly and was okay with it going forward with the resolution as amended by Council Member Mata.

### 6.3 THE VOTE ON THE MOTION PASSED UNANIMOUSLY.

### 6.4 Sale of City Property to Zachary and Kelsey Pierson 6341 Sumter Avenue N.

Planning Director Cindy Sherman briefed the Council on the Sale of City Property to Zachary and Kelsey Pierson 6341 Sumter Avenue N.

6.4 MOTION WEST-HAFNER, SECOND PHA TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2020-1256 AUTHORIZING THE CONVEYANCE OF CITY OWNED PROPERTY, AND TO APPROVE AND AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO THE PURCHASE AGREEMENT FOR THE SALE. THE VOTE ON THE MOTION PASSED UNANIMOUSLY.

8.1 Update on Police Reform and Racial Justice Discussions. (Audio of this discussion is available on the city's website.)

City Manager Jay Stroebel gave an update on the Police Reform and Racial Justice discussions.

He stated the Human Rights Commission and Multicultural Advisory Committee met on August 12 and August 20 and received an update from Deputy Police Chief Bruley. He stated at the August 20 meeting worked with Community Engagement and took the list of 10 potential priorities and focused on five specific areas to look at. He stated they requested additional information as part of the analysis and invited the Police Chief at their September 2. He stated Antonio Smith would be coming at later date to discuss his work with Cities United.

### 9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Mata asked about the murals in the city. He stated he was the only one who saw the city policy come into play because no one had given direction back to staff. He stated he was getting emails and phones calls from people who were passionate and upset about it. He stated the city did not endorse organizations and wanted something brought back to the Council and talk about the policy. He stated there were situations like Pro Life and Pro Choice, Democrat and Republican and the Council didn't pick a side and publicize it in the city. He stated when the city picked a business or an organization and publicized it, those were vetted when to put the city's name on booths and things when they had events. He stated the situation on the murals were brought forward to EDA and Council and had not heard any discussion about it and felt the Council had been set up to choose and deal with the general public on whether the Council liked it or not. He stated the city had a policy in place and asked how that policy got modified and Council needed to correct it or let the Council change the policy. He stated it needed four votes to change it and the Council needed to talk about it and stay out of those issues. He stated that on the mural, the community and police officers should be working

together on it and the Council needed to talk about it so the public knew it was not the Council's fault and didn't violate the policy.

City Manager Stroebel stated that it took two Council Members to want something put on the Council agenda.

Mayor Tem Jacobson stated the Council was fine with it at a work session to have a deeper discussion and see where it would go from there.

#### 9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated next Monday was Labor Day and the city offices would be closed. He stated the Council Work Session would be held on Tuesday in the Council Chambers.

He stated the Farmers Market was on Wednesday, from 2:00 to 6:30 p.m. at the Community Activity Center, west parking lot.

He stated Restaurant Week was September 14 through September 20 residents and encouraged resident to support them and help them survive the challenging time with COVID.

ADJOURNMENT – With consensus of the Council, Mayor Pro Tem Jacobson adjourned the meeting at 9:32 p.m.

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LISA JACOBSON, MAYOR PRO TEM

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DEVIN MONTERO, CITY CLERK