

## REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, October 14, 2019  
7:01 p.m.

Brooklyn Park Council Chambers  
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Susan Pha (arrived at 7:03 p.m.), Terry Parks, Mark Mata, 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 Members Tonja West-Hafner (excused) and Wynfred Russell (excused)

Mayor Lunde opened the meeting with the Pledge of Allegiance.

### 2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated at the last meeting, there was one public comment related to a community member's concerns on climate change and a response was not required.

### 2B PUBLIC COMMENT

1. Collette Guyotte-Hempel, 7277 Trinity Gardens. Here once again regarding 93<sup>rd</sup> Ave. Stated she knew it was tentatively supposed to be on the agenda in November and would like to know the exact date so other people could plan their schedule to attend. She stated her concern still existed with people racing again on 93<sup>rd</sup> Avenue. She stated Lyons Construction did not have their construction fence up and she called the city a week ago and it was still not up. She stated they had it up three weeks ago and decided to take it down and not put it back up. She stated it was a safety factor for bulldozers and cranes and other equip. She stated people were still passing on the double line painted road, even when a car started from a stop sign at 45mph and going around. She stated one officer gave a ticket to someone that passed on wrong side of road and 50mph wasn't being successfully enforced enough. She stated there was no sidewalk and no ability for people to be safe like West River Road where there was an asphalt path along one side. She stated last year three people in a four day time span were going 90 to 95 mph on that half mile stretch. She stated their homes paid their share for that road to be improved over 30 years ago and were still waiting for the Council to do the job to put it in the budget and lower the speed limit.

3A. MOTION LUNDE, SECOND PHA TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH ITEMS 4.1 AND 4.4 PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION; REMOVING ITEMS 4.3, 4.9, AND 6.1; AND MOVING ITEM 7.1 AFTER THE CONSENT ITEMS. MOTION PASSED UNANIMOUSLY.

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

3B1 Introduction of New Employees.

Community Engagement Manager Josie Shardlow introduced Brenda Compean-Moralis as a

new employee to the Administration Department.

3B2 Brooklyn Park Rotary Club to Recognize Brooklyn Park Fire Department.

Eldon Tessman, Rotary Club, briefed the Council on a project in in Rotary Club for three years reading books to elementary students at Park Brook School with the assistant of the Brooklyn Park Fire Department. He thanked the Fire Department and members that helped and presented a certificate of appreciation to Fire Chief Cunningham.

3B3 Proclaiming October 5-6, 2019, as American Legion Weekend in the City of Brooklyn Park, Minnesota.

Mayor Lunde read the proclamation Proclaiming October 5-6, 2019, as American Legion Weekend in the City of Brooklyn Park, Minnesota.

3B4 New Website Presentation.

Communications Manager Camille Hepola briefed the Council on the new website redesign. She covered: Goals, New Features, Measuring our Successes, Improved Search, Improved Mobile Device Experience, Easy to Access Contact information, Quick Access to Services, Community Stories, Equity Tab, Instagram, Larger Text, Personas, and presented a video.

4.0 MOTION LUNDE, SECOND JACOBSON TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS (Items # 4.1 and 4.4 were removed for separate consideration.)

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-157 APPROVING THE RENEGOTIATED CELL TOWER AGREEMENTS AS PRESENTED AND GIVE AUTHORITY FOR THE CITY MANAGER TO FULLY EXECUTE THE PROPOSED CELL TOWER AGREEMENT AMENDMENTS, AND GIVE AUTHORITY TO THE CITY MANAGER TO APPROVE EXHIBIT AMENDMENTS TO CITY COUNCIL APPROVED CELL TOWER LEASE AGREEMENTS

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-158 AUTHORIZING STAFF TO ACCEPT GIFTS OF REAL AND PERSONAL PROPERTY PURSUANT TO MINNESOTA STATUTES, SECTION 465.03.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF MAY 21, 2018, AS PRESENTED BY THE CITY CLERK.

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

4.6 TO APPROVE THE MINUTES OF THE SPECIAL BROOKLYN PARK CITY COUNCIL MEETING OF SEPTEMBER 10, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF OCTOBER 8, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF NOVEMBER 13, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF DECEMBER 3, 2018, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF AUGUST 12, 2019, AS PRESENTED BY THE CITY CLERK.

4.6 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF SEPTEMBER 9, 2019, AS PRESENTED BY THE CITY CLERK.

4.7 TO SET A PUBLIC HEARING ON OCTOBER 28, 2019, TO SOLICIT TESTIMONY AND CONSIDER ISSUANCE OF AN ON-SALE WINE LICENSE FOR MIDAS HOSPITALITY LLC DBA HAMPTON INN BROOKLYN PARK, 9470 WEST BROADWAY, BROOKLYN PARK.

4.8 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-159 APPROVING AN EXTENSION TO INTERIM USE PERMIT #16-107 TO ALLOW TEMPORARY OFFICE AND STORAGE FACILITIES AT COON RAPIDS DAM REGIONAL PARK, 10360 WEST RIVER ROAD NORTH.

4.10 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-160 CALLING FOR A PUBLIC HEARING ON THE ISSUANCE OF CHARTER SCHOOL REVENUE BONDS AND AUTHORIZING THE PUBLICATION OF A NOTICE OF THE HEARING (EXCEL ACADEMY FOR LEARNING PROJECT).

MOTION PASSED UNANIMOUSLY.

4.1 Council Member Mata stated he pulled the item because when it came through before he said he wasn't in support of that method of doing business. He stated that method was to hire someone as a middle person to manage the plan, do the architecture and other things for \$480,000. He stated they should have never gone to the public to ask them to vote in a general election to approve \$26 million for a bond referendum if they didn't already know where they were going, what they wanted, and how to do it. He stated they had the Recreation and Parks Advisory Commission to give Council input. He stated he was not going to take what taxpayers gave in \$26 million and take almost half a million off to pay a middle consultant to help figure things out. He stated he felt they were letting the general contractor off the hook for doing their job and hiring a middle person when they didn't needed to. He stated he was not in favor of spending \$480,000.

4.1 MOTION LUNDE, SECOND PHA TO WAIVE THE READING AND ADOPT RESOLUTION #2019-161 TO APPROVE PROFESSIONAL SERVICE AGREEMENT WITH LHB, INC. IN THE AMOUNT OF \$478,098 TO PROVIDE MASTER PLANNING AND DESIGN DEVELOPMENT AND BID DOCUMENTS FOR PHASE 1 PARK BOND REINVESTMENT PROJECTS. MOTION PASSED. (4 TO 1) MATA VOTED NO.

4.4 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2019-162 AUTHORIZING STAFF TO ENTER INTO A PURCHASE  
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CONTRACT WITH FORD OF HIBBING FOR A FORD POLICE VEHICLE OFF OF THE STATE CONTRACT AND REPLACE ANY EQUIPMENT NECESSARY TO PLACE THE VEHICLE BACK INTO OPERATION, WITH FUNDING BEING PROVIDED BY AN AMENDMENT TO THE 2019 BUDGET AUTHORIZING A TRANSFER FROM THE LOSS CONTROL INTERNAL SERVICE FUND TO THE CENTRAL SERVICES INTERNAL SERVICE FUND.

Council Member Mata stated he talked with the city manager today about why they needed to pay for a vehicle that someone hit when they ran a light, and 100 percent at fault. He stated it was explained to him Minnesota was a no fault state and after looking into it, he stated no fault applied to personal injury not damage to a vehicle. He stated he was confused on why they were going into a city fund to pay out \$32,000 when they should be going after that person's insurance who hit the vehicle. He stated he wanted more information on who was reimbursing it and didn't want the taxpayers to pay for it.

Deputy Police Chief Milburn stated the driver involved in the noncity vehicle was responsible but there were two investigations that took place, the accident investigation by the police officers responding and the subsequent insurance claim investigation. He stated that was the process now, and in the staff report, the dollar amount was to replace it. He stated there was the deductible amount as he understood it and the insurance company that represented the city would put in an insurance claim to the other insurance company and go after those funds to get reimbursed so they would become whole through the process. He stated in that case, the driver was 100 percent responsible and had to wait on the insurance companies to finalize that work.

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

7.1 Approve Commitment to Provide Access to Property Losing Access Due to Eminent Domain Proceedings for TH 169/101<sup>st</sup> Avenue Interchange Project, CIP 4042-19.

City Engineer Jesse Struve briefed the Council on the Commitment to Provide Access to Property Losing Access Due to Eminent Domain Proceedings for TH 169/101<sup>st</sup> Avenue Interchange Project, CIP 4042-19.

Council Member Mata stated he didn't want the citizens of the city to pay money for land at an outrageous price from a developer when they were going to put a pond there and not usable land. He stated he would not vote for project because the whole project was entailing eminent domain. He stated eminent domain was a tool to take people's property and was not what he stood for. He stated it had been talked about since 2005/2006 about getting rid of it at the State level and he thought it was done, but apparently the city flexed some muscles and took their land for a road they didn't need. He stated he would be a no vote.

7.1 MOTION LUNDE, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019-163 COMMITTING TO PROVIDE ACCESS TO PROPERTY LOSING ACCESS DUE TO EMINENT DOMAIN PROCEEDINGS FOR TH 169/101<sup>ST</sup> AVENUE INTERCHANGE PROJECT, CIP 4042-19. MOTION PASSED (4 TO 1) MATA VOTED NO.

5.1 Adopt Resolution for Proposed Special Assessments for Certain Delinquent Utility Bills, Weed Cutting Charges, Utility Invoices, Administrative Penalty Citations, Nuisance Abatement Charges, and Fire Inspection Fees.

At 7:51 p.m. Council Member Pha departed the Chambers.

5.1 Finance Director LaTonia Green briefed the Council on the Resolution for Proposed Special Assessments for Certain Delinquent Utility Bills, Weed Cutting Charges, Utility Invoices, Administrative Penalty Citations, Nuisance Abatement Charges, and Fire Inspection Fees.

5.1 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING OF THE PUBLISHED NOTICE OF HEARING ON PROPOSED ASSESSMENT FOR DELINQUENT UTILITY BILLS, WEED CUTTING CHARGES, UTILITY INVOICES, ADMINISTRATIVE CITATIONS, NUISANCE ABATEMENT CHARGES, AND FIRE INSPECTION FEES AND HOLD THE PUBLIC HEARING. MOTION PASSED UNANIMOUSLY.

5.1 Mayor Lunde opened the public hearing to consider the Resolution for Proposed Special Assessments for Certain Delinquent Utility Bills, Weed Cutting Charges, Utility Invoices, Administrative Penalty Citations, Nuisance Abatement Charges, and Fire Inspection Fees.

The following individuals addressed the Council and contested their charges.

1. Terry Cutcliffe, 6200 92<sup>nd</sup> Trail
2. Philip Doe, 6016 72<sup>nd</sup> Ave N.
3. Yassah Keymah, 7318 75<sup>th</sup> Circle North
4. Folus Famuyide, 5907 Garwood Road North
5. Manyi Taube, 10115 Georgia Ave N.

5.1 Mayor Lunde closed the public hearing and returned the item back to the table for consideration.

5.1 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2019-164 LEVYING TAX FOR DELINQUENT UTILITY BILLS, WEED CUTTING CHARGES, UTILITY INVOICES, ADMINISTRATIVE PENALTY CITATIONS, NUISANCE ABATEMENT CHARGES, AND FIRE INSPECTION FEES EXCLUDING THOSE PEOPLE WHO CHOSE TO APPEAL TONIGHT. MOTION PASSED UNANIMOUSLY.

7.2 First Reading of the Brooklyn Park Tenant Notification Ordinance.

Development Project Coordinator Erika Byrd briefed the Council on the First Reading of the Brooklyn Park Tenant Notification Ordinance.

7.2 MOTION LUNDE, SECOND MATA TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHAPTER 117 OF THE BROOKLYN PARK CITY CODE REGARDING TENANT NOTIFICATIONS FOLLOWING THE TRANSFER OF OWNERSHIP FOR RENTAL HOUSING UNITS. MOTION PASSED UNANIMOUSLY.

7.3 Resolution Advising the Disposition of Tax Forfeited Land Located at Outlot A, Oxbow Commons.

Development Project Coordinator Erika Byrd briefed the Council on the Resolution Advising the Disposition of Tax Forfeited Land Located at Outlot A, Oxbow Commons.

7.3 MOTION JACOBSON, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2019-165 ADVISING THE DISPOSITION OF TAX FORFEITED LAND LOCATED AT OUTLOT A, OXBOW COMMONS. MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS – None.

#### 9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated the employee recognition event was held last Thursday and thanked Council Member Jacobson for representing the Council.

The Fire Department was continuing with their open houses. Central Fire Station on October 17, 6 to 8 p.m., October 21, East Fire Station, 5 to 7 p.m. He stated those open houses were surrounding the Fire Prevention week held earlier in October.

On October 24, Brooklyn Park Assembly, focusing on renting in the community, at 5:45 p.m. in the Council Chambers.

On October 31, Trick or Treat Spooktacular, Zanewood Recreation Center, 6 to 8 p.m.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 8:38 p.m.

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JEFFREY JONEAL LUNDE, MAYOR

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DEVIN MONTERO, CITY CLERK