

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, August 26, 2024
6:04 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER - Mayor Pro Tem Xp Lee

PRESENT: Mayor Pro Tem Xp Lee; Council Members, Maria Tran, Christian Eriksen, and Nicole Klonowski; City Manager Jay Stroebel; City Attorney Jim Thomson; Finance Director LaTonia Green; Operations and Maintenance Director Dan Ruiz; Police Chief Mark Bruley; Acting Community Development Director Jason Newby and City Clerk Devin Montero.

ABSENT: None. Mayor Hollies Winston (excused); Council Members Boyd Morson (excused) and Tony McGarvey (excused)

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

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated there was one public comment at the last council meeting from Ms. Guyotte Hemple sharing a variety of topics primarily around her concerns of the Osseo Area schools providing opportunities for youth in the city. Also advocating on behalf of youth in providing more opportunities in general for the community as a note of thanks to the police and fire departments.

2B PUBLIC COMMENT

1. Collette Guyott Hempel, 9277 Trinity Gardens. Thanked the Parks and Recreation department for their collaboration with Hennepin County Library for a new literacy program to try to help students in the city achieve proficiency in reading and other courses. For their continued teaming and support with Park Brook and the Woods at Zanewood, to provide chess for youth especially in the Osseo School District but also in Anoka Hennepin.

She stated Osseo SD did not provide chess to the kids south of 85th again. She stated it was year number three plus booklet number seven and they no longer included the school listings and couldn't tell what school is getting programs. She stated that in the booklet it said four new schools had been expanded programs and they got one class and was a Lego car racing while other schools participated in dozens of classes with 56 total being available. She stated Woodland and Edinbrook schools got more classes than the kids south of 85th Avenue, but Park Brook, Birch Grove and Palmer Lake schools again get zero. She stated those after school activities helps keep kids out of trouble, gave them mentors, help them with attendance in their school and helped them with learning because they wanted to go to school the days they had activities. She stated the city had to do better at forcing the Osseo school district and now she heard at the listening sessions that Anoka Hennepin had started doing the same thing to the kids in the city compared to other cities in their district.

She also thanked the council and planning commission for the new apartments called Brooks by HyVee that would have half of the units are multibedroom. She stated it was a start for helping families and needed to get them out of the one-bedroom overcrowded

apartments, overcrowded buildings, overcrowded complexes and overcrowded neighborhood that the SNAP report recorded almost two decades ago. He stated they needed to consider how to get those families out of those apartments. She stated no one would recommend those apartments to relatives let alone live there.

2. Donna Freeberg, 7301 Candlewood Drive. She stated her presentation was twofold: To hold responsible the city, community and legislative body to an epidemic that was infesting the environment and the entire state; To allow residents of the city and all cities within Minnesota and nationwide to have a blueprint in connecting to city officials that would take immediate action and enforce their residential rights as property owners.

She stated on August 14 to see the city forester remarking a diseased ash tree on the foreclosed, overgrown home next to hers at 7309 Candlewood Drive. She stated she requested a year and a half ago to remove a diseased and dead 40 foot Emerald Ash tree that was a safety issue to her home and roof. She stated within an hour a tree and landscape removal company arrived on site but not through the city, but through a flipper, who purchased the home through a sheriff's sale on August 1 by the name of Palm Bay LLC, Florida, in unmarked trucks.

She stated without notice or respectful introduction, the company, JPS Remodeling, began to remove all the trees and brush in the entire front yard with chippers, large bed disposal trucks, and chainsaws going into the evening driving over her front yard with bobcats. She stated no property lines were established with no concern for her home or property. She stated the first round of destruction included a diseased ash tree.

She stated they realized the backyard was next and they pleaded with them to respect the mutual property line. She stated even with promising the city inspector, police, forester and to her in person that morning, they would leave a 10-foot clearance of the property line, they proceeded to mow the entire grove to the ground and threatened to take all of the natural habitat to Shingle Creek pond, to the ground as well.

She stated they then proceeded to take most of the back yard, behind the property at 7390 Candlewood which took them to the environment issue at large.

Mayor Pro Tem Lee asked Ms. Freeberg if she could wrap up as the council had her letter and the Operations and Maintenance Director Dan Ruiz, City Manager and Police Chief were present and would offer their time as much as she needed.

Ms. Freeberg asked the city to not only create an effective road map for residents to grieve complaints about property matters other than to take it to civil court after the fact, but to allow for property owners of long standing in the community to hold responsible flippers and demolishers to provide plans and surveys to the city and to give adjacent neighbors first rights to contest. She stated a homeowner buying a property would be concerned about the ongoing effect that they had on their neighbors, but those flippers had no concern or interest in the community.

She asked the city put into place and verify the safe disposal and processing of diseased Emerald Ash tree stumps, chips and logs at the expense of the tree removal service with no Market place ads which the company did, or easy access to pick up and transport any of that wood to private property within the community; Demand that the tree removers get to the city pre-verification of certification, licensing, bonding, name and the safety standards that they would use for tree removal; with prenotification given to

adjacent neighbors and shut down immediately by the city if those requirements were not met. She stated it was an epidemic and they needed to stop it from going across county lines, city lines and outside the quarantined area. She stated according to the Department of Agriculture those are environmental and civic rights that all residents should be concerned over.

3. Lafayette Butler-Robinson, 7808 Yates Ave N. Brookdale Learning Center (childcare center). She stated they had been in existence since 2019 but went back further in the building since 2016, another daycare by a family member occupied that space. She stated they were looking to expand their capacity within their building through their licensure, DHS, state of Minnesota. She stated she did all the requirements DHS had asked.

She stated her licensure sent an email to the city for zoning, asking for the fire marshal to visit and do what needed to be done. She stated they had gone back and forth with emails the Planning staff, Senior Planner, Erin McDermott. She stated she had been trying to reach her about what was going on. She stated currently it was about a special use permit when the building was erected in 1971 for a capacity of 49 kids. She stated there had been previous daycares in that building prior to them being there and they were confused as to what was what and what means what.

She stated she was not getting clarification and saw today there was a meeting. She also stated that no one knew they were in the building, or the building was being occupied and was not true because they paid taxes, paid water usage and they were there. She stated there was activity in the building since 2016 with the previous daycare.

She stated they needed help because they were not getting anywhere and were given acronyms of different things that were supposed to happen with zoning but there were not definitions of what those acronyms meant, what a special permit meant, who was who and who could do what. She stated she needed those answers now because her licensure is contacting her about what was what because they were confused too. She stated that in order to operate any DHS licensed childcare center it had to be approved through the city where the daycare will be, which mean the city inspector, fire marshal and the health inspector visited the daycare facility. She stated for DHS to say yes, it was proved, passable, DHS would approve the license, but now all of the sudden were having those issues.

3A. MOTION LEE, SECOND KLONOWSKI TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH MOVING ITEM 7.1 TO THE NEXT MEETING AND ITEM 4.1 PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.1 Receive the 2023 Audited Annual Comprehensive Financial Report and Auditor's Reports.

Finance Director LaTonia Green briefed the Council and introduced, Aaron Dahl, BergganKDV, and he briefed the council on the report.

Mr. Dahl briefed on the: Independent Auditor's Report, Other Reports, General Fund Operations, Fund Balance General Fund, General Fund Balance as a Percentage of Subsequent Year's Budget, General Fund, General Fund – Revenues, General Fund – Expenditures, Public Utilities Fund, Public Utilities Fund Unrestricted Net Position, Storm Sewer Fund, Storm Sewer Fund Unrestricted Net Position, Street and Signal Light Fund, Street and Signal Light Fund Unrestricted Net Position, Recreation Funds, Recreation Funds Unrestricted Net Position, Park Dome Fund, Park Dome Fund Unrestricted Net Position, Internal Services Fund, and Internal Service Fund Unrestricted Net Position

3B.1 MOTION LEE SECOND KLONOWSKI TO RECEIVE THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE YEAR ENDED DECEMBER 31, 2023. MOTION PASSED UNANIMOUSLY.

4.0 MOTION LEE, SECOND TRAN TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEM: (Item 4.1 was removed for separate consideration.)

4.2 TO FULLY RELEASE THE PERFORMANCE DEPOSIT (\$158,000.00) AND THE DEVELOPERS' ESCROW (\$88,573.28) FOR COMPLETION OF THE "610 ZANE SPECULATIVE INDUSTRIAL BUILDINGS" PROJECT #23-101.

4.3 TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2024-115 TO AMEND THE 2024 EDINBURGH GOLF COURSE BUDGET TO PURCHASE A PESTICIDE SPRAYER FROM MTI DISTRIBUTING IN THE AMOUNT OF \$113,597.35.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2024-116 TO AUTHORIZE THE BROOKLYN PARK FIRE CHIEF TO ENTER INTO MUTUAL AID AND AUTOMATIC AID AGREEMENTS WITH THE ANOKA/CHAMPLIN AND OSSEO FIRE DEPARTMENTS AND APPROVE THE PROPOSED TERMS AND CONDITIONS AS OUTLINED IN THE ATTACHED AGREEMENTS.

4.6 TO WAIVE THE READING AND ADOPT RESOLUTION #2024-117 TO ACCEPT A GRANT FROM THE MINNESOTA POLLUTION CONTROL AGENCY FOR DRINKING WATER PLANNING AND DESIGN FOR PFAS TREATMENT AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT.

4.7 TO WAIVE THE READING AND ADOPT RESOLUTION #2024-118 ACCEPT THE SUPPLEMENTAL LETTER OF AGREEMENT FROM WSB ENGINEERING TO IMPLEMENT A GRANT FROM THE MINNESOTA POLLUTION CONTROL AGENCY FOR DRINKING WATER PLANNING AND DESIGN FOR PFAS TREATMENT.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JANUARY 29, 2024, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF MAY 20, 2024, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL

MEETING OF JUNE 24, 2024, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF AUGUST 15, 2024, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF AUGUST 19, 2024, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL WORK SESSION OF FEBRUARY 6, 2023, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF MAY 22, 2023, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JUNE 12, 2023, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF JUNE 26, 2023, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF AUGUST 7, 2023, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF AUGUST 18, 2023, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF AUGUST 21, 2023, AS PRESENTED BY THE CITY CLERK.

4.8 TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF NOVEMBER 13, 2023, AS PRESENTED BY THE CITY CLERK.

4.9 TO WAIVE THE READING AND ADOPT RESOLUTION 2024-119 FOR THE APPROVAL OF A PRELIMINARY PLAT FOR "THE BROOK" AT 6001 94TH AVENUE NORTH FOR THE CREATION OF ONE LOT.

4.9 THE READING AND ADOPT RESOLUTION 2024-120 FOR THE APPROVAL OF A SITE PLAN FOR A 192-UNIT MULTIPLE DWELLING AT 6001 94TH AVENUE NORTH.

4.10 TO WAIVE THE READING AND ADOPT RESOLUTION #2024-121 FOR THE APPROVAL OF A SITE PLAN FOR A 44-UNIT MULTIPLE DWELLING AND TOWNHOUSE DEVELOPMENT AT 5800 69TH AVE NORTH.

MOTION PASSED UNANIMOUSLY.

4.1 Approve Supplemental Letter of Agreement #14 with Bolton and Menk, Inc., to Prepare a Small Area Plan, Alternative Urban Areawide Review, and Development Strategy for the Northwest Area Plan Project.

Senior Planner Erin McDermott briefed the council on the supplemental Letter of Agreement #14 with Bolton and Menk, Inc., to prepare a Small Area Plan, Alternative Urban Areawide Review,

and Development Strategy for the Northwest Area Plan Project.

Council Member Tran stated she knew they job was not easy with all they did and if they needed help to refer it to the council.

Mayor Pro Tem Lee stated the process had already been completed, the selection had been made and Bolton and Menk, Inc, consultant, the council would be accepting.

Senior Planer McDermott stated they had two special work sessions anticipated for the project to ensure staff was meeting the council's vision for that area.

4.1 MOTION LEE, SECOND TRAN TO WAIVE THE READING AND ADOPT RESOLUTION #2024-122 TO APPROVE SUPPLEMENTAL LETTER OF AGREEMENT #14 WITH BOLTON AND MENK, INC., TO PREPARE A SMALL AREA PLAN, ALTERNATIVE URBAN AREAWIDE REVIEW, AND DEVELOPMENT STRATEGY FOR THE NORTHWEST AREA PLAN PROJECT. MOTION PASSED UNANIMOUSLY.

5. PUBLIC HEARINGS-None.

6. LAND USE ACTIONS-None.

7. GENERAL ACTION ITEMS.

7.1 REMOVED.

8. DISUCSSION ITEMS – None.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS.

Council Member Tran stated she learned something that in hot weather the garbage was not very good to handle in the city. She stated people complained about garbage cans outside. In Japan and should learn from them how they managed their garbage. She stated it was hot, 100 to 104 degrees and not a lot of trees like the city. She stated she never smelled the garbage and didn't see garbage cans anywhere and didn't know where they hid the garbage can. She stated all she could were buildings and buildings and not much private homes. She stated the building apartments were very tiny and didn't know how they handled the garbage and looked very good, and the city should learn from them.

She stated another thing she thought was taken for granted the services for the elderly in the city. They could get transportation back and forth and there was an elderly club. She stated in Japan, she saw the elderly in the hot weather, a lot were 80 to 90 years old and walked like robots because their bodies were not flexible. She stated they still walked and walked a lot and walked in the subways where there were a lot of steps, 50 to 60 steps. She didn't know how they handle it but that was their way of going out for shopping for food, clothes or get out to see people and that was the only way to be independent and did not have as many services like in the city.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated next week was Labor Day weekend and the work session would be held on Tuesday as city hall will be closed on Monday.

He stated on Tuesday at Zanewood was another gathering information on the community goals.

ADJOURNMENT - With consensus of the Council, Mayor Winston adjourned the meeting at 6:43 p.m.

XP LEE, MAYOR PRO TEM

DEVIN MONTERO, CITY CLERK