

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, May 22, 2023
6:05 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER - Mayor Hollies Winston

PRESENT Mayor Hollies Winston; Council Members Maria Tran (arrived at 6:06pm), Boyd Morson (arrived at 6:06 pm), Xp Lee, Christian Eriksen, and Nicole Klonowski; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Finance Director LaTonia Green; Operations and Maintenance Director Dan Ruiz; and Police Chief Mark Bruley and City Clerk Devin Montero.

ABSENT: None.

Mayor Winston opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated there was one comment at the last meeting related to chickens. He stated if there was council interest to consider allowing chickens in the city, because the previous council considered it and was split and did not pass. If the majority of council was supportive of it, staff would bring it back for consideration.

2B PUBLIC COMMENT

1. Michael Svard, 7501 Colfax Ave N. Stated he was a volunteer of the ENA Process that MNDOT was doing and getting community feedback related to the environmental impact. He stated that based on the SDD document that MNDOT put out there was a presumption that traffic and congestion volume could double or triple on some of the local adjacent roads to highway 252, such as Brookdale Drive and 73rd Avenue those that would still remain after whatever ones were shut down. He stated his concerns with that was with the initiative for Highway 252 and trying to include safety on that thoroughfare, the impact of moving potential traffic accidents into the community on neighborhood and city streets where there were people walking, biking; going to the school and were a lot of parents dropping kids off at school and the impact of potential crashes as traffic volume increased on the local roads. He asked the council to be mindful of that as it considered the options MNDOT was presenting to the city of.

2. Maria Tran, Council Member. She stated she had two books to share for reading for knowledge. She stated recently there was a homeowner who shot a black teen who rang his doorbell. She believed this incident was telling us that Xenophobia, the fear of someone who looked different or from different cultures, was still dominating America in the 22nd century. She stated everyone should read more of our history of races in America to educate ourselves better for the sake of this nation. She recommended two books for reading, The Race Matters by Cornel West and Race Relations in America, Examining the Facts by Nikki Khanna and Noriko Matsumoto. She stated in the 22nd century, everyone should live with the facts and reality and not myths. She also stated the city was being awarded \$5 million in funding for the Brooklyn Park Community Center and stated the senators had been working hard for it. She stated the next goal was to get funding for the fire station.

3A. MOTION ERIKSEN, SECOND KLONOWSKI TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH ITEM 7.2 MOVED BETWEEN CONSENT AND PUBLIC HEARINGS. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.1 Mayor's Proclamation Declaring May 21-27, 2023 as "National Public Works Week" in the City of Brooklyn Park.

Mayor Winston read the proclamation proclaiming ay 21-27, 2023 as "National Public Works Week" in the City of Brooklyn Park.

3B.2 Presentation by Parents in Community Action (PICA)/Head Start and Overview of a Lease Extension.

Operations and Maintenance Director Dan Ruiz briefed the council on PICA and introduced Monshari Chandler and Rico Alexander.

Monshari Chandler, Head Start Director and Rico Alexander, PICA Executive Director, gave an overview of the Town Hall Early Childhood family development center.

Ms. Chandler briefed on Celebrating 50 years, Today 14 PICA Locations, PICA Staff, Growing Our Own at PICA, Who We Serve, Enrollment, Not Just About Education, Family Engagement and Support, Townhall Impact, Building Expansion and Lease Terms.

Discussions were held by the council on the 10 year lease, supporting conversion and ownership to PICA, and lease terms.

Mayor Winston asked for the discussions to be summarized and options presented for the lease, 10 years, 20 years and the potential for buying it, general guidelines and structure for the June 26 council meeting.

4.0 MOTION ERIKSEN, SECOND LEE TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEM:

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2023-69 TO AUTHORIZE STAFF TO ENTER INTO A PURCHASE AGREEMENT WITH TOWMASTER TRUCK EQUIPMENT AND NUSS TRUCK AND EQUIPMENT FOR THREE SINGLE AXLE DUMP TRUCKS IN THE AMOUNT NOT TO EXCEED \$892,000 AND TO AMEND THE 2023 CENTRAL GARAGE EQUIPMENT REPLACEMENT BUDGET AND 2023-27 CAPITAL EQUIPMENT PLAN TO MAKE THE PURCHASES.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2023-70 APPROVING THE 2024 – 2026 JOINT COOPERATION AGREEMENT FOR URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

4.3 TO ACCEPT AND DISPENSE WITH THE READING OF THE PETITION SUBMITTED BY DAVID MULLA ON MAY 15, 2023, SUPPORTING THE ADDITION OF A 6-LANE EXPRESSWAY TO MNDOT'S HIGHWAY 252 DRAFT SDD.

4.4 FOR A RELEASE OF THE PERFORMANCE BONDS #82C236368-1 (\$4,354,600), #82C235600-2 (\$1,133,100), #82C236371-1 (\$880,500), #82C236369-1 (\$1,076,400), AND #82C236370-1 (\$1,217,700) BY LIBERTY MUTUAL, FOR SUBSTANTIAL COMPLETION OF THE ONSITE IMPROVEMENTS OF THE "NORTHPARK BUSINESS CENTER 7TH ADDITION" PROJECT #21-123 LOCATED AT 10701 WINNETKA AVE, 10750 XYLON AVE, AND 1695 XYLON AVE FOR SCANNELL PROPERTIES, LLC.

4.4 TO RELEASE THE LANDSCAPING ESCROW BY RIGHT WAY BUILDERS OF WRIGHT CO. INC. (\$4,000) FOR SATISFACTORY COMPLETION OF THE CONSTRUCTION OF SINGLE-FAMILY RESIDENCE LOCATED AT 10594 NOBLE CIRCLE N.

4.5 TO REMOVE GARDHOE CEPHAS FROM THE COMMUNITY LONG-RANGE IMPROVEMENT COMMISSION.

MOTION PASSED UNANIMOUSLY.

7.2 Select Provider of Violence Intervention Services and Authorize the City Manager to Enter into an Agreement for These Services.

Police Chief Mark Bruley briefed the council on the selection of the Violence Intervention Services. He introduced Techoa Cochran, The Village BP.

Ms. Cochran gave a presentation on her proposal to provide violence intervention services. She briefed on Wo is the Village, What We Do, The Village BP Background, Staff Training, Our Approach, Community Engagement, Snapshot of Huntington Place, Violence Prevention, Intervention, Partnership with a Mothers Love, Our System, Our System Follow Up, Our System Statistics.

Dr. Asia King and representatives briefed on Our System Intake Process, Build Trust, Youth Services Conclusions, Partnership.

Discussions were held by the Council on The Village BP experiences and challenges, youth programming, commitment to Huntington Place, consider sexual harassment training, collaborating with A Mother's Love.

7.2 MOTION ERIKSEN, SECOND KLONOWSKI TO CLOSE THE COUNCIL QUESTION AND ANSWER PERIOD AND MOVE TO PUBLIC COMMENT. MOTION PASSED. (5 TO 1) MORSON VOTED NO.

The following individuals addressed the council:

1. Jody Elliott, 1117 S. Marquette Avenue. In support of The Village BP.
2. Jermaine Garrett. 8404 Sumter Circle N. Had lost wages when working with MN Acts Now and want to get his wages owed.
3. Jalleen Saygbay, 5920 114th Plaza North. Loss of wages when working with MN Acts Now.
4. Bob Austin. Loss of wages when working with MN Acts Now.

7.2 MOTION ERIKSEN, SECOND LEE TO WAIVE THE READING AND ADOPT RESOLUTION #2023-71 SELECTING THE VILLAGE BP AS THE PROVIDER OF VIOLENCE INTERVENTION SERVICES AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL

SERVICES AGREEMENT WITH THE SELECTED PROVIDER THROUGH DECEMBER 31, 2023, CONSISTENT WITH THE SELECTED PROPOSAL AND FURTHER GRANTING THE VILLAGE BP LATITUDE TO ENTER INTO CONTRACT WITH A MOTHERS LOVE AS THEY DEEMED APPROPRIATE.

Mayor Winston called for a roll call vote.

7.2 THE MOTION PASSED UNANIMOUSLY ON A ROLL CALL VOTE AS FOLLOWS: YES-ERIKSEN, MORSON, TRAN, LEE, KLONOWSKI, WINSTON; NO-NONE.

5. PUBLIC HEARINGS-None.

6. LAND USE ACTIONS

6.1 A Request by The Doran Group to Grant a Waiver from the Development Moratorium for Property Located at 6501 96th Lane North.

Paul Mogush, Planning Director, briefed the council on the request by The Doran Group to grant a waiver from the Development Moratorium for property located at 6501 96th Lane North. He briefed on Location, Waiver Language, The Project, Request, Value Per Acre, and Next Steps.

6.1 MOTION ERIKSEN, SECOND MORSON TO GRANT A WAIVER FROM ORDINANCE 2023-1287 WHICH INSTITUTED A SIX-MONTH DEVELOPMENT MORATORIUM ON THE PROPERTY LOCATED AT 6501 96TH LANE NORTH.

Council Member Klonowski asked why they were rushing during moratorium when the lot had been in possession for some time where other proposed uses for that site never came through.

Mr. Evan Doran, Doran Group, stated given the downturn in commercial development they felt it was a good time to explore the possible land value uses for that site. He stated other uses like office space and retail they found very challenging for the site given the adjacencies of the multifamily project they developed over the years. He stated it seemed like good opportunity for them to pursue the marketplace what was the right pricing mechanism for constructing pricing. He stated the rush was for them to take advantage of the slow-down of the general construction environment to make sure they had the ability to push the project forward if they were granted the waiver and ultimately approval through the planning process down the road.

Council Member Klonowski stated the concern for her as a resident and council member with some of the reputation issues with people feeling they had been ripped off. Their security deposits not being returned, miscommunications and other things. She stated she had residents bring that up to her. She stated that property had the highest vacancy rate in the city where it had a low vacancy rate and makes her have another level of concern with adding another property there if the management issues aren't being worked through and doesn't help Brooklyn Park and Doran's reputation. She stated she visited other Doran properties and they had good management and reputation.

She stated that on the moratorium, they were also considering land use in the moratorium, how a building sits on the property, how much the property is used for the taxable value, the living space, production space versus parking. She asked if they were planning putting parking underground.

Mr. Doran stated the current plan called for underground parking.

Council Member Klonowski asked how they were addressing the parking issues at 610 West as it currently stand because it looks like it was a paid to park model in the underground.

Mr. Doran stated the underground spaces were rentable items. They instituted a permit parking process and tying it to the resident leases holders and providing tags for parking needs.

Council Member Klonowski stated the council had been made aware of and paid a lot of attention to the labor practices in the industry especially on the construction side. She stated they were paying attention to the wage theft and tax fraud and had been happening a lot in the Twincities. She stated there was a legislative bill going through and would make the developer responsible for any of those issues happening on their job sights. She stated it was the interest of the council that people were paid properly and not paid off the books on any construction site in the city. She asked if Mr. Doran was aware of the council's stance on those things.

Mr. Doran stated he was not aware of the particular council members stance on it, but they were aware of the broader bill that was sitting on Governor Waltz' desk for signature in particular with the relationship with the general contractor not necessarily the owner but the general contractor and subcontractors around wage related issues. He stated they had been a long-time general contractor and supportive of any measures that eliminates wage theft and vitally important to brining in new people to the trades and industry which was the benefit to the community. He stated they had not experience that issue themselves.

Mayor Winston stated he wanted to make it clear, the city had the moratorium, and from Mr. Dorn's perspective, they could start put things in motion with that plan, but if the moratorium said, the city needed to go in a different direction, Mr. Doran should be prepared to pivot to that. He stated he was not opposed to it moving forward as is because the Mr. Doran would have to come back to the council to discuss it and be aware there was a moratorium in place.

Mayor Winston called for a roll call vote.

6.1 THE MOTION PASSED ON A ROLL CALL VOTE AS FOLLOWS: YES-MORSON, TRAN, LEE, ERIKSEN; NO-KLONOWSKI, WINSTON.

6.2 A Request by Stone Mountain Plaza to Grant a Waiver from the Development Moratorium for Property Located at 9985 Xenia Avenue North.

Paul Mogush, Planning Director, briefed the council on the Stone Mountain Plaza to grant a waiver from the Development Moratorium for property located at 9985 Xenia Avenue North. He briefed on the location, project, waiver language, request, value per acre of recent developments and next steps.

Council Member Klonowski asked why there was a push to develop it during the moratorium and not waiting until understanding it. She stated there might be modification to what was designed based on the findings of the moratorium study.

Tim Larson, owner of the lot. He stated the reason for the timing was opportunity. He stated when Dr. Olmeara approached them to look at it, it was not a heavily advertised lot. He stated what Dr. Olmeara was looking to do that if it doesn't work for them, he would go somewhere else. He stated the cost to build if they waited until the moratorium expired would go up and

would not get it back in higher rents. He stated they could wait but they could lose it and not build at all and remained undeveloped.

Council Member Klonoski stated as a city, made the decision to pause any development and looked like the council was not in full agreement at every waiver. She stated the idea was to try to understand how to increase the taxbases. She stated she loved the idea of the dental clinic and city referred to part of the medical alley which was fantastic and was a great reputation for the city to have. She stated from her perspective, spring was a good time build in 2024.

Mayor Winston stated they were going into a moratorium and would come back before the council. He stated the council realized there was only so much to develop and wanted residents to understand there was a \$2 billion difference between the city's commercial property values and Maple Grove; \$3 billion between Bloomington. He stated Bloomington was the fifth largest city and Brooklyn Park was the sixth largest and should not be a \$3 billion difference. He stated at some point they have got to cut into that difference and were some difficult decisions made around that.

Council Member Tran stated that based on the number of dentists in the city, they were fine.

Dr. Olmeara stated when they did a study in January with a healthcare and market research company, found out in that area was 80,000 in population and only 7 general dental practices in that area. He stated he currently did work in the city with Sand Piper Dental and scheduled 4 months out and why he looked into opening his practice. He stated the reason he is trying to open his practice was he was funded by the bank and interest rates would be increasing and get costly if he was to wait. He stated he had plans to make it successful and would benefit the city.

Council Member Tran thanked Dr. Olmeara for willing to serve the city and recognized more new ones in the neighborhood. She stated the city needed the important land. She stated if Dr. Olmeara didn't make it today, he could come back again. She stated they had to be careful on the land that was developed for the city and would be critical if the city made a wrong move. She stated right now the city needed housing and didn't need dental offices.

Dr. Olmeara stated the dentist to population ration of 80,000 and 7 dentist, the ration was high if calculate all the general dental practices in the city and overall population.

Council Member Morson stated he supported what Dr. Olmeara was saying about his vision, changing dynamics as the council experienced from the developers, and the cost had increased. He thought the health, safety, and welfare of the community by providing medical service and dental service had a benefit to the community and thought about the consideration of the waiver. He stated he would move forward and make a motion to support it.

6.2 MOTION MORSON, SECOND LEE TO GRANT A WAIVER FROM ORDINANCE 2023-1287 WHICH INSTITUTED A SIX-MONTH DEVELOPMENT MORATORIUM ON THE PROPERTY LOCATED AT 9985 XENIA AVENUE NORTH.

Mayor Winston stated he would vote the same way and didn't have anything against health care. He stated at some point the council couldn't waiver themselves to death otherwise the moratorium wouldn't mean much of anything. He stated when looking at the chart per acre and what it added up to and did not make as big of a difference in terms of closing that particular gap. He stated he understood there was a need for health care and wanted people to understand, when property

taxes rose precipitously and had a police department that was 100 strong and needed to hire another 7 to 10 officers and had 60% of what Bloomington had, it made it difficult for the city to grow or invest in some of the basic resources that was needed for the city. He stated it was difficult to turn people down but at some point had to start closing that gap otherwise they would be there 10 years from now.

Mayor Winston called for a roll call vote.

6.2 THE MOTION FAILED ON A ROLL CALL VOTE AS FOLLOWS: YES-LEE, MORSON; NO-KLONOWSKI, ERIKSEN, WINSTON; ABSTAINED-TRAN

7. GENERAL ACTION ITEMS

7.1 Unmanned Aircraft Systems Presentation and Public Comment

Police Chief Mark Bruley presented the Unmanned Aircraft Systems (UAS) program and draft policy and held a public comment period. He briefed on Current Usage in Minnesota, Authorized Uses Without a Search Warrant, Prohibited Uses, Brooklyn Park UAS Program, Brooklyn Park Planned Use, Search and Rescue of Vulnerable and or Missing Adults and Children, Apprehension of Suspects, Mitigate Risks, Emergency Situations, Natural Disasters, and Request for Public Comment.

The following individuals addressed the council:

1. Collette Guyott Hempel. 9277 Trinity Gardens. Stated she supported the police, fire and rescue staff using drones. She stated the comprehensive plan would assist in not only crime solving prevention but also search and rescue for young disabled, other vulnerable residents of the city, and visitors. She stated there was a private club in the city that had the only FAA approved field in the County. She stated the Grass Field RC Club had been there for 30 years and the members volunteered to train old and first responders in helping and learning how to fly drones and remote-control airplanes. She stated they met the Academy of Model Aeronautics and FAA and could do training in both. She stated the club had their field off of Highway 169 and it would be of great help if drones were not practicing over homes and using that field. She stated the field was the only one in the County approved by the FAA and was a gem in the city. She stated she supported the police in their efforts to use the drones and the city of Crystal had 6 police officers that were FAA drone flyers.

Council Member Morson asked to share with residents how it would take away from the man hours from current police force.

Chief Bruley stated it would help resolve scenes and search areas, and gave an example, for a missing vulnerable individual along the river or park environmental center, would call the fire department and use resources to walk areas trying to locate them. They would track cell phones and use those strategies especially at night. He stated it would be labor intensive and tied them up from not doing other things. He stated a drone would free up that call very quickly, much more effective at searching those type of areas with significant time savings on those calls. He stated it was safer for staff and community members and if they had concerns for their own safety or threaten to harm others, the goal was to get them in custody and get the help they need or accountability that was required. He stated they would do that in the safest way and drones helped accomplish that.

Council Member Morson stated he supported the drone approach to give more accessibility to solve crimes and be preventative, search and rescue. He stated he wanted to make sure the numbers the department had would not handcuff them in limiting what they were able to do with the number of officers the department had. He asked if they were looking to hire people with special training or send designated officers to get the training.

Chief Bruley stated it was going to take some resources and not asking to add officers. He stated they would train 8 of the current staff to run drones. He stated and once certified as pilots they would be able to fly them and respond to incidents. He stated they would not be taking 911 calls, respond to calls for service, stopping cars and doing other police activities. He stated the drones were the right thing to do and made them more effective, had time savings in other ways and made people safer.

Mayor Winston stated there was no action on the item. He stated Chief Bruley had the council support on the drones and was a modern tool especially when talking about being able to respond to look for folks missing and vulnerable. He stated staying within guidelines and legalities was important and understood there was training and keep up with the best practices on what was going on and moving forward.

2. Michale Sprayer. Stated it was great use when chasing someone and asked how that fell legally when using it without a warrant because they won't have time to get a warrant if chasing after someone, or someone threatened to harm or dangerous to someone. He stated it did not seem to align when they could use it from public privacy standpoint. He asked if it was being recorded, residents being recorded and government recording the people. He asked if residents were being recorded in large events and was public concern with government recording people.

Chief Bruley stated there were instances where they could use without warrant similar to if it was a risk to public great bodily harm or bodily harm. He gave an example, someone running with gun who had shot at someone would be a situation that was immediate risk to the community. He stated the supervisor would authorize to use the drone without search warrant. He stated the other instance, would be criminal activity, they could use them but did need a search warrant and would have to file a search warrant to fly the drone. He stated if they were in a vehicle pursuant with a vehicle that had strong armed robberies or stolen autos and the occupants fled and ran into the environmental area, they would use the drone with a search warrant. He stated they also had an electronic search warrant and no longer drove to a judges house. Today they had a preloaded format completed by officers, sent to the judge and the judge signed it electronically. He stated it would come back to the officers and approved by the Sergeant within a reasonable period of time and could get the drones in the air. He stated a highly regulated government was the best government and they should not be used carelessly and support the regulation of the drones. He stated they could also put place in strategies and procedures to be cognizant of the privacy issues but also be effective in providing security to the community.

2. Mr. Sprayer asked if the drone recorded, recordings saved for a long time and if there was guidance how long it is recorded. He stated the public had the right to access it if there was a process from a freedom of information act.

Chief Bruley stated that was still being ironed out and didn't fit perfectly in the data practices law because the technology was new and the data practices laws were antiquated. He stated it would be similar if it was criminal data and classified confidential because it went to the county attorney and couldn't be released. If it was noncriminal, much of that was releasable. He stated they had a process through the website to request it and they would classify that data based on how it was obtained, such as if there were juveniles in it, etc. and was a long list of laws to follow before it was provided. He stated the flight plans and data were reported to the BCA and was publicly facing so anyone could go to the BCA website and see how many times Brooklyn Park flew the drones, what days, and what the operation was for flying it. He stated it was housed by the BCA to be transparent with community members on the specific data they captured and depended on why they flew it.

Mayor Winston stated that as they rolled it out, if they could work with communications division to have bullet points that addressed some the questions about that data, how long it was kept and what the procedures were.

7.3 Appointments to Commissions.

Mayor Winston briefed on the appointments to commissions.

BUDGET ADVISORY COMMISSION (BAC)

7.3 MOTION WINSTON, SECOND ERIKSEN TO:

APPOINT ANG THATCH TO THE BUDGET ADVISORY COMMISSION REPRESENTING THE CENTRAL DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2026.

PLANNING COMMISSION

7.3 APPOINT SHEREESE TURNER TO THE PLANNING COMMISSION REPRESENTING THE EAST DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2026.

7.3 APPOINT JENNY YU TO THE PLANNING COMMISSION REPRESENTING THE WEST DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2024.

RECREATION AND PARKS ADVISORY COMMISSION (RPAC)

Youth Liaison – City At-large (Ages 14-17 – One-year terms)

7.3 APPOINT KLARISSA YU TO THE RECREATION AND PARKS ADVISORY COMMISSION AS EMERGING LEADERS REPRESENTING THE CITY AT-LARGE EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A ONE-YEAR TERM TO EXPIRE APRIL 1, 2024.

MOTION PASSED UNANIMOUSLY.

7.4 Rental Licensing Ordinance Amendment

Jason Newby, Inspections and Environmental Health Manager, and Keith Jullie, Rental and Business Licensing Manager briefed the council on the Rental Licensing ordinance amendment.

7.4 MOTION LEE, SECOND ERIKSEN TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING SECTION 117.52, PARAGRAPH (C) (1) AND ADDING SECTION 117.54 TO THE BROOLYN PARK CITY CODE PERTAINING TO ENFORCEMENT, RENTAL DWELLING SELF-ASSESSMENT, AND GOOD MANAGEMENT PRACTICES RESPONSIBILITY. MOTION PASSED UNANIMOUSLY.

8. DISCUSSION ITEMS

8.1 Hwy 252 Discussion Regarding MNDOT's Recommendations for the Draft Scoping Decision Document.

Jesse Struve, City Engineer, briefed the council on MNDOT's Recommendations for the Draft Scoping Decision Document for Highway 252. He briefed on: Overall Project Schedule, What is the Purpose and Need statement, MNDOT Criteria for Recommendations, Purpose and Need Statement, Overall Projects Schedule, Engagement During Scoping Decision Document Design, Draft Scoping Document, Draft Scoping Design Document, MNDOT Recommendations Crash Rates by Facility Type, Safety Data, Network Crash Cost Data, Comparison, What

Alternatives are Not Advancing, and Issues with 4 Lane Low Speed Freeway,

The following individuals addressed the council.

1. Indred Alexander. Stated she was at the last council meeting requesting the EIS study to include the low speed 4 lane freeway as an option. She stated she found the comments given were disingenuous because she spent a lot of time reviewing the scoping documents. In the charts listed, the low speed option compared closely in some areas better than the options being included in the study and did meet the requirements. She stated she was confused why the presentation was now saying it did not meet those requirements tonight. She stated that on behalf of the community, they needed to see the alternatives because it did not meet the high speed and reduced the travel time requirements as it did in the other study they were recommending. She thought some of the low speed options would outweigh the other alternatives when they were looking at the impact it was having to the environment and to the community.

2. Collette Hempel. She supported the 6 lane freeway. She stated TH610 opened in 1996 and before 2000 all of the traffic reporters were saying to go on 93rd Avenue all the way to Noble and that included the city street. She stated behind her house there was a 4 way stop and TH610 the 4 lanes were backed up and the drivers were behind her house and sometimes going all the way to Zane from Regent to Zane stopped. She stated a lot of the freeway drivers didn't want to stop on community streets. She stated they had already paid for many environmental impact studies on Highway 252, added 3 lanes south of Brookdale in both directions and accidents were still occurring on that road. She stated it should have a freeway design and asked the council to support a 6 lane freeway.

Council Member Lee asked about the response from MNDOT that the 4 lane low speed freeway and 6 lane expressway would not meet the original scoping statement.

City Engineer Struve stated that was correct and there were two 4 lane options people asked for on and off. He stated there was a 4 lane low speed arterial similar to Zane Avenue except at 40 mph and there was a 4 lane low speed expressway which had a grade separated and there was some clear safety benefits to that option but the major drawback was the transit would have to travel on general purpose lanes and not have dedicated shoulders or dedicated lanes, which did not meet the regional studies that would be required to have that transit advantage.

Council Member Lee stated he mentioned the expressway and regular road way and asked about the 4 lane low speed freeway.

City Engineer Struve stated it was the second option of the 4 lane low speed freeway and while it had significant safety improvements, by separating the intersections, it still did not provide the transit advantage requirement, which was either on street or on its own dedicated transit lane or transit shoulder.

Council Member Lee asked for an insight as to why those options were put on the table to begin with even though now, they were being eliminated because they did not meet the original statements of purpose.

City Engineer Struve stated he couldn't speak on MNDOT's behalf. He stated a lot of those options generated from public outreach that happened early on and were significant rounds of conversations with the public. He stated while the scoping document was being established, one of the major component of that scoping document was to evaluate it, if they got a lot of

comments on different layout options or roadway configurations and had to evaluate some of those even if they didn't meet the purpose and needs statement. He stated it was not as in depth as what it would get in the Environmental Impact Statement. He stated it could generate some generalized things, such as traffic, safety issues, and had a lot more data, and couldn't necessarily go in depth on the air quality and noise, for each of those options. He stated that was why he felt a lot of those options were looked at because they were brought up a lot at the public outreach.

Council Member Lee stated something that had not been talked about were barrier walls along the development or whatever it might be. He asked if that was part of the options or an option that might come later.

City Engineer Struve stated if he was referring to sound walls through the corridor that based on the information he knew and his understanding of the noise analysis, it was likely there would be sound walls through that corridor. He stated while there were perceived negative impacts of the project, there were still a lot of positive impacts as noise walls could help some of the homes that immediately were adjacent to the Highway 252, they didn't currently have now. He stated some of those were showing impacts in some of the preliminary analysis on what properties were going to be impacted.

Council Member Lee stated there was a lot of feedback for those two options and everyone had seen and received the information. He stated what he came back to with talking with residents, other elected officials, engineers, staff, council level and with state and the county, came down to the infrastructure that would allow for flow of traffic that would strike the best balance between safety and growth. He stated he had always thought of the city as the gateway to the northwest because the city had so many main highways that ran through the city. He stated because of that geography, part of their responsibility was to help support the growth of the region and saw that perspective in terms of what MNDOT was trying to do with the 6 lane options and freeway.

He stated he settled on a freeway option and that struck the most balance between separating pedestrian traffic at grade with highway traffic. He stated he wanted traffic to move through consistently at a flow and wanted buses to be able to move through consistently. He stated he heard the residents and appreciated their advocacy and knew there would be property impacts. He stated they were going to do their best to mitigate that and be as equitable about that process as possible. He stated that in terms of some of the issues to consider, he didn't want to risk waiting another 2 years and the city had waited a long time. He stated he wanted to see that happen rather than to lean on that side of the equation. He stated they had talked about adding the request for the 4 lane low freeway as they passed that last week. He stated he was okay with keeping that in there but not adding the 6 lane expressway. He thought the letter by the city engineer was very thorough and appreciated all the thought that everyone put into writing that letter and putting that forward.

At 10:18 p.m. Council Member Klonowski departed the chambers.

Council Member Lee stated the other issue brought up by the residents was doing the expressway and then adding pedestrian structures over the highways. He asked the city engineer to address some of the concerns with those options.

City Engineer Struve stated with the 6 lane expressway option and adding pedestrian facilities up and over Highway 252 that was an option the council could do but came with significant impacts. He stated those structures were only limited by a 5 percent slope to get up and needed

to be twenty something feet high over Highway 252 and that did extend well back into east and west of Highway 252 to get that or put in helical ways up. He stated some other issues they saw with some of those structures was, if there was an at grade crossing option, people would tend to use the at grade crossing option even if there was a safer option available in a pedestrian bridge. He stated currently at 85th Avenue there was a dedicated pedestrian bridge over Highway 252 and they eliminated the sidewalk to Highway 252 and people still walked on the shoulder of the road and across Highway 252 at 85th Avenue. He stated that even if they put up barriers to direct people to the appropriate crossing, not everyone would use it but adding structures, big structures, had to land back down and would create impacts to those properties. He stated he wanted to be clear that by keeping the 4-lane low speed freeway option, that did not meet the purpose and needs statement. If that was something they wanted to carry forward, there was a risk, and MNDOT did not have to abide by the comments the council gave. He stated if that did proceed forward, that 4 lane low speed freeway option would trigger the restart for the purpose and needs.

He stated one of the options that was being carried forward, 4 lane freeway was not a low speed freeway, with dedicated bus shoulders. He stated with that 4-lane low speed option to actually design that roadway to 45 mph would require significant horizontal curves. He stated they had some vertical curves with potentially Highway 252 going up and over but would likely have impacts to properties and not something that would be impact free or even reduced from what a 6 lane or 4 lane with a bus shoulder and they didn't know that at this point. He just wanted to be clear that keeping the comment to a 4 lane low speed freeway option would trigger the restart of the purpose and needs.

Mayor Winston stated he wanted to make it clear, that it was just discussing what comments would go in. He stated MNDOT got to choose what MNDOT would do. He stated he didn't want to be handcuffed and they should put on what they thought and if it put MNDOT in a situation where they got to make decisions, they had to make those decisions. He stated it was a comment and was not making a policy.

Council Member Lee stated the 4 lane freeway including the bus shoulder was his preferred option.

Council Member Morson stated on Highway 252 there were six lanes, 3 on each side. He stated the whole concept was baffling to him to be at this point now. To have traffic lights there, drivers going through the city at 55 mph and had many tragic deaths and accidents on highway 252 at 55 mph. He stated he had also seen pedestrians being hit crossing Highway 252. He stated that improving it to a 6 lane freeway couldn't grasp it, because then it reduced and or eliminated bus designated lanes for those traveling in or out of the city. He stated he didn't see it visually of the hill they would incorporate to go over those streets and underpasses and would have been helpful for the council to see that. He stated he was more concerned with the safety and welfare of the residents merging to Highway 252 and was still confused as to why they were there today addressing those issues when it was working and asked if it was not working.

City Engineer Struve stated there were 6 intersections on Highway 252 all 6 were within the top 100 worst intersections in the state. He stated 2 were in the top 10 and the third one was ranked 11th. He stated the 3 of the 6 intersections were based on crash costs and were in the top 11 and worst intersections in state. He stated that was why they were there tonight because that stretch of highway, there was significant crashes that happened with stop lights that were there, high impact crashes where people were stopped on Highway 252 at the stop light and someone traveling 55 mph didn't see they were stopped and had a lot of rear end crashes.

He stated the graphic he presented showed the average crash rates with a million vehicle miles traveled. He stated the urban freeway had the lowest crash rate and didn't mean there would be less crashes than today because with some of those options, the traffic volumes did increase. He stated on the graphic, the orange line, showed the rate of fatal and serious injury crash rates which was lower than with expressway options currently out there today. He stated while there were 6 lanes through a good portion of the corridor there were small sections that with 2 lanes of travel to help alleviate some of the issues that had happened. He stated the city added lanes to Highway 252 both southbound and northbound in 2007 and 2010 because they were seeing the issues out there. He stated they didn't see communities proactively adding lanes onto MNDOT facilities and fully paid for by the city. He stated there was significant crash issues happening out there. He stated that a freeway option was not going to eliminate it but would reduce the amount of severe crashes and improve the walkability by having those grade separations whether pedestrians and bikers were no longer crossing the mainline Highway 252 general purpose lanes they would be on a much lower speed roadway.

Council Member Morson asked if police presence there partnered with Brooklyn Center issuing tickets to slow them down or to maintain reasonable speed in the area help reduce accidents or circumvent some pedestrians on merging onto Highway 252. He stated he was trying to find if it was a reasonable solution to put police out there to slow down the traffic that was causing the accidents.

Police Chief Bruley stated random, or police force presence had limited effect on speeding individuals. He stated with the roadway design would override people seeing a squad car and they would occasionally pull over a car. With a long prolonged sustained day in and day out police presence and working those highways could have an impact, but he didn't have the staff. He stated they would have to hire additional staff and 7 days a week with officers working traffic enforcement and were low on staffing. He stated there were no police officers to hire out there and were modifying their recruitment to look at cadets and grow more of their own talent internally. He stated there were not enough police officers in the system for the 463 police agencies in the state. He stated Brooklyn Center was in a similar situation and did not have the staff. He stated Brooklyn Park was now paying overtime to cover shifts and answering 911 calls and providing the primary service. He stated there was no option today where they could do traffic enforcement on Highway 252 for long sustained periods of time required to control that type of volume of traffic. He stated that on residential streets, that was different when the volume of cars were 200 and stopped 3 of them, the word got out quick that they shouldn't speed down that street and Highway 252 was a much larger issue.

Mayor Winston stated he wanted to point out tonight was not about creating policy, it was about a recommendation to MNDOT. MNDOT put a number of recommendations in front of the council. He stated they could discuss the opportunities but that was not on the menu. They were discussing the 6 to 8 options MNDOT put in front of the council and asking council for input. He stated Council Member Lee gave his recommendation on one and would be great if the council members could give what they thought would be a good recommendation, so staff was not running in circles trying to discern what the council thought before the meeting. He stated it was to discuss the options in front of the council and get those to staff so they knew what to get to MNDOT and get something on the record. He suggested next time staff put language in form of a motion. He stated the options were only for comment and not to come up with a solution by the council because Brooklyn Center, MNDOT and others were involved and the council could make a recommendation from the those options on what they preferred.

Council Member Morson stated there was an option to do it, exists long term and sustainable to

reduce that particular traffic. He stated if they had to hire more people to resolve that issue, that was fine. But was an option to consider and it would happen over an extended period of time. He stated the option was not presented to the council as there were issues on highway 252. He stated maybe no one was hearing about the safety factors that was needed more presently in the community to stop the accidents, tragic deaths in the community because he has not heard of addressing the safety issues. He stated they just want to put up a 55 mph 6 lane highway to get through the city quicker. He stated those things were important to him and was not being addressed.

Mayor Winston asked Council Member Morson what suggestion he had on the specific options he would like to see to recommend to MNDOT. He stated the council wanted to see it safer and with those options and looking at the data gave how to make it safer.

Council Member Morson stated an option to put police on Highway 252 to make sure that happened as a long term option and no one was talking about it. He stated that was an option and the city might need new police officers and that meant another budget and that was an option that could have been considered.

Mayor Winston stated he would like to ask the other council members on that because he would like to drive to some type of solution. He asked the council members if anyone else was in favor supporting to allocate 6 or 8 full time police officers and there was a cost to that as an option long term for the city.

Mayor Winston stated Council Member Lee was not in favor.

Council Member Eriksen stated the officers did not exist.

Mayor Winston stated they did not exist in the budget and didn't think the council wanted to go that route.

Council Member Klonowski stated she was not in favor.

Council Member Tran stated she was not in favor.

Mayor Winston stated he was not in favor and asked the council members what solutions they supported and get staff what they needed to get it to MNDOT and they could make a decision.

Council Member Eriksen agreed with Council Member Lee and was open to considering freeway options and did not support any of the expressway options. He stated on the low speed 4 lane option, would encourage the state to come back with creative solutions instead of a simple, it doesn't meet the purpose and need document. He asked if a 4 lane low speed expressway with bus shoulders met the needs and if changing the grade of road met the needs. He thought the council could still encourage creativity, but if that was not an option at this point, didn't see harm in putting the 4 lane low speed in the Environmental Impact Study just so the council could see the results and the state ultimately decided what went forward. He stated he would like to see results because the residents had asked for them and didn't see the harm in giving the residents information they had asked for. He stated tonight, the council was telling the state what the council wanted to see in the next stage. He stated none of the other potential discussions got the council there and those were the only items he would encourage in the letter.

Council Member Tran stated after listening to residents opinions, and on behalf of them, and for the air pollution, saving the encroachments and properties, thought the 6 lane freeway with bus shoulders should be suggested.

Mayor Winston stated the freeway with bus shoulders seemed to accommodate the different interest that people were trying to take into account. He agreed with Council Member Eriksen that maybe there needed to be some form of creativity, but did not want the council to push it back another 2 years. He understood the impact it could have to residents living along that corridor. He stated there was also the concern about the safety component and as long as it stayed the way it stayed; the safety component was still the issue the council would be struggling with. He thought the 4 lane with the bus shoulder helped and accommodated that and was not opposed to what they talked about the last time, the 4 lane with or maybe without the bus shoulder. He stated he was more comfortable with those options because it accommodated what people were talking about. He stated he didn't know what the EIS was going to say because they had not entered into that yet.

Council Member Klonowski stated she agreed with the majority of the council and she made it clear the 4 lane expressway didn't help with some of the safety issues and could potentially create multitude more issues. She stated the 6 lane freeway options would be her recommendation.

City Engineer Struve stated he heard different options, Council Member Tran talked about the 6 lane freeway with bus lanes and didn't know if she meant the 6 lane expressway option with at grade lights or not. That had the less impacts to the properties and if she meant the freeways that was already included.

Mayor Winston stated the consensus of the council, 4 out of the 6, had been the 4 lane with the bus shoulder.

City Engineer Struve stated not the 4 lane low speed freeway because that didn't have a bus shoulder.

Mayor Winston stated he was aware of that and thought that could cause some issues with pushing it back. He thought most of the council was saying the 4 lane with the bus shoulder and secondarily, some were saying the 4 lane and heard from Council Member Tran but the consensus was 4 lane with bus shoulders.

City Attorney Thomson stated he thought what staff was looking for, there were 4 recommendations, staff needed direction on whether the council wanted to add a fifth one because the comments had to be submitted by Friday.

City Engineer Struve stated the existing options MNDOT was recommending were the 4 options: leave it at as it was today, 4 lane freeway with the bus shoulder and then the two 6 lane freeway options. He stated at the previous council meeting there was support for a 4 lane low speed freeway that did not have the transit advantages like bus shoulder. He stated that one in particular needed to know whether they wanted to include that fifth option, 4 lane low speed, which is currently in his comment letter based on the May 8 meeting.

Council Member Eriksen stated he heard residents say they were interested in the 4 lane low speed. He stated it sounded like the state would not be willing to go there. He stated having that as part of the environmental impact statement resulted only in information and no action and

asked if that was the interpretation.

City Engineer Struve stated he would have to get that clarification from MNDOT. He thought for it to move forward into the environmental impact statement, they would have to change the purpose and needs statement to reflect that but would set it back.

Council Member Eriksen stated if simply moving that option forward to the environmental impact statement puts it back two years, then he would not want it in the recommendation letter.

Council Member Lee stated it was on the council put forward the 4 lane low speed freeway to MNDOT and if staff could talk to MNDOT further and get back to the council. He stated if it could be information, then that would be good to have, but if it came back and said it would have to go back and redo the purpose and put it back 2 years then he would support pulling it from the comments.

Mayor Winston stated if the council went forward and put the 4 lane low speed and no bus shoulder, if they went that direction and took it seriously, and MNDOT said the city was going to have to go through the process again, there would be further conversations with the city to make sure the council wanted to do that. He didn't think it did harm to include it in there. He stated he couldn't imagine them reading it and saying it would need further discussions with residents to understand why and was much energy behind it. He stated he had no issue with putting it on there as another option since it was not already included. He stated he was hearing a lot of concern from the East District and tended to say a 4 lane with bus shoulder, however, he didn't see any harm in adding it as further comment at this time.

City Attorney stated the best way to do that would be to include a comment that MNDOT consider adding the 4 lane low speed freeway option, just to consider adding it and that was not the council demanding it or recommending it. He stated it was just for MNDOT to consider it. He stated they would come back to the council and to ask them to consider it thought that was what the council was asking for and was the best way to approach it.

City Engineer Struve stated those were comments and MNDOT got to evaluate those comments and move forward. He thought that if that was something they would consider doing, but then trigger the reset they would come back and talk to the council more and would clarify that with MNDOT.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Lee stated last Wednesday, was at a Just Deeds event and welcomed everyone and was a great event. He stated it was part two on the Conversation on Race Conference held last month was great a panel and presentation. He stated it was time they addressed it and get rid of remnants of racism, deeds and covenants. He stated he learned from a mapping justice group, that they didn't want to eliminate the words from the documents, they wanted to add the wording to the documents that the wording was null, not legitimate or legal anymore because they wanted to leave that for people to see and realize that form or racism existed in people's documents and a history was there. He appreciated the event and opportunity to speak there.

Council Member Tran stated a resident sent her an email where homeless people were trying to get into her apartment and sent photos on the homeless activities. She stated the weather was

getting warmer and that kind of activity would increase wanted to let the residents know what they could do and do something about it.

Mayor Winston stated that complaint should be given to the police chief to follow up on it.

Council Member Morson stated he was contacted by business owners, about a Door Dash person crashing into their business in January. He stated the damage to building still existed five months later and was an eyesore for the business to continue to operate and nothing had been done. He stated they reached out to the property owners and the property owners did not provide a remedy on the people that damaged the building. He stated the building still sat that way and the city should have gone out and inspected that or have some type of report. He stated he was told staff went out there last week after this happened in January. He stated it impacted their business, had been an eye sore and trying to move forward. He wanted to know what was going on and the building they were renting was still in bad condition.

Mayor Winston stated staff needed the address and staff would look into it and report on it.

He stated staff had spent a lot of time at the capitol this past session and looked like Brooklyn Park had some wins. Public safety would get \$3.7 million, CAC would get \$5 million; Three Rivers Parkway would get \$3 million, Huntington Place would get \$10 million toward some issues there, and 109th Avenue/Highway 169 interchange would get \$10 million and there would also be money for the blue line light rail and displacement.

He stated the city did well at the legislative session and were still meeting with other sources to get more money for public safety. He stated there would be some dollars coming through pipeline for youth programming and also had city resources doing a good job too. He stated the city's efforts were paying off in terms of going to the capitol and thanked staff for all of the preparation work and other partners to make it happen. He stated Commissioner Lunde was instrumental and thanked Senators Hoffman, Pha and Representative Vang, Nelson and Speaker Hortman for getting involved.

Mayor Winston stated there was an event tomorrow at the CAC at 6 p.m. with him, Police Chief Bruley, County Attorney Moriarity; Techoa Cochran and talking about youth justice, and some of the solutions they were looking for and also letting people know what they were dealing with in the city for a better understanding on some of the gaps that existed. He stated they would be bringing it to the legislature next year to address the gaps.

Council Member Lee stated on Wednesday morning from 8 a.m. to 9 a.m., was a Blue Line Business meeting with Council Member Reva Chamblis in the council chambers.

Council Member Tran said she got an email from a resident about National Night Out and expected to see the council and did not show up. She stated there was another event the city should not hold events that conflicts with National Night Out so the Council Members in the districts should be there.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated he had one more to the list. They got \$1.5 million for the planning and design for central fire station and hoped they continued to support it next year up to 50% of the cost of the central fire station building.

He stated next Wednesday, from 930 a.m. to 1030 a.m. the Council was invited to staff's State of the City event at the CAC.

City Manager Stroebel stated with National Night Out, the city wins awards for how many parties the city had and always made sure at least one member of the law enforcement and Fire Department were at each party at some point during the evening.

ADJOURNMENT - With consensus of the Council, Mayor Winston adjourned the meeting at 11:07 p.m.

HOLLIES WINSTON, MAYOR

DEVIN MONTERO, CITY CLERK

DRAFT