

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, February 7, 2005
7 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

Pastor Joan Campbell Sudduth, Riverview United Methodist Church, gave the invocation.

CALL TO ORDER - Mayor Lampi

PRESENT: Mayor Steve Lampi; Council Members Terry Gearin, Mark Mata, Jeanette Meyer, Mason Schmitz, Scott Simmons and Mike Trepanier; Acting City Manager Doran Cote; City Attorney Jim Thomson (arrived at 7:15 p.m.); and City Clerk Devin Montero.

ABSENT: None.

Mayor Lampi opened the meeting with the Pledge of Allegiance.

3A. MOTION MEYER, SECOND SIMMONS TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK WITH ITEMS 4.3, 4.6 AND 4.13 PULLED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION AND ADDED ITEM 3B0, COMMISSIONER OPAT BRIEFING. MOTION PASSED UNANIMOUSLY.

3B0 Hennepin County Commission Mike Opat briefed Council on funding approved in the 2005 County Capital Budget to address life cycle housing.

3B1 Rand Haglund, President of Brooklyn Park Crime Prevention Association presented the 14th Annual National Night Out Award to Police Chief Wade Setter.

3B2 Wilfred Harris, Commissioner, Human Relations presented the Council with the annual report.

4.0 MOTION SCHMITZ, SECOND MEYER TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEM: (Items #4.3, 4.6 and 4.13 were removed for separate consideration).

4.1 TO APPROVE A 3.2 PERCENT MALT LIQUOR LICENSE AND A TOBACCO SALES LICENSE FOR SUNSHINE INTERNATIONAL INC., DBA ZAKS, 1506 BROOKDALE DRIVE NORTH.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2005-23 ACCEPTING FEASIBILITY REPORT AND ORDERING PUBLIC HEARING FOR HIGHLANDS 1ST ADDITION EAST POND IMPROVEMENTS, PROJECT M-1441.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2005-24 APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR CANDLEWOOD POND, IMPROVEMENT 2003-03, PROJECT M-1371.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2005-25 MODIFYING AN EXISTING CONTRACT AND ADDING THERETO FOR IMPROVEMENT 2004-03, PROJECTS ST-1399 AND SS-1419, CHANGE ORDER NO. 3 IN THE AMOUNT OF \$(10,286.00) FOR A TOTAL CONTRACT AMOUNT OF \$722,410.74 TO FOREST LAKE CONTRACTING, INC.

4.5 TO REDUCE THE RETAINAGE FROM 5% TO 1% FOR IMPROVEMENT 2004-03, PROJECTS ST-1399 AND SS-1419.

4.7 TO ACCEPT THE WORK AND AUTHORIZE FINAL PAYMENT IN THE AMOUNT OF \$20,708.11 FOR A TOTAL CONTRACT AMOUNT OF \$1,936,542.11 TO S. R. WEIDEMA, INC. FOR IMPROVEMENT 2000-01, PROJECTS ST-1285, SS-1286, ST-1287, SS-1288, ST-1289, SS-1290, ST-1291 AND SS-1292, SUBJECT TO RECEIPT OF ONE AND TWO YEAR'S MAINTENANCE BONDS.

4.8 TO REDUCE THE RETAINAGE FOR IMPROVEMENT 2004-01, PROJECT ST-1401, BOONE AVENUE TURN LANES TO 1%.

4.9 TO APPROVE EXPENDITURES THAT EXCEED OR WILL EXCEED DIVISION LINE-ITEM BUDGETS BY MORE THAN \$2,000.

4.10 TO APPROVE A 3.2 PERCENT MALT LIQUOR LICENSE FOR SWEET TASTE OF ITALY II, 9576 NOBLE PARKWAY NORTH.

4.11 TO WAIVE THE READING AND ADOPT RESOLUTION #2005-26 TO APPROVE CHANGE ORDER NO. 1 FOR NOBLE SPORT PARK BUILDING RESTROOM/CONCESSION BUILDING AND CHANGE ORDER NO. 1 FOR EXECUTIVE 9 CLUBHOUSE REPLACEMENT FOR CM CONSTRUCTION COMPANY, INC.

4.12 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL REGULAR MEETING OF JANUARY 10, 2005 AS PRESENTED BY THE CITY CLERK.

4.12 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL EXECUTIVE SESSION OF JANUARY 10, 2005 AS PRESENTED BY THE CITY CLERK.

4.12 TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL REGULAR MEETING OF JANUARY 18, 2005 AS PRESENTED BY THE CITY CLERK.

4.14 TO RELEASE THE ON-SITE LETTER OF CREDIT #380 (\$206,000.00) BY STERNS BANK, TRANSFER \$12,000 FROM THE ENGINEERING ESCROW TO

THE CASH BOND FOR LANDSCAPE BONDING AND RELEASE THE REMAINING ENGINEERING ESCROW (APPROX. \$4,159.00) FOR THE "VILLAGE OF SHINGLE CREEK/TOWN GARDENS" PROJECT #01-140 AT 75TH AVENUE AND ZANE AVENUE FOR HUNT ASSOCIATES, LLC.

4.15 TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2005-1032 APPROVING ZONING CODE AMENDMENTS RELATED TO BUSINESS AND INDUSTRIAL USES AND STAGING AREAS.

4.15 TO APPROVE THE TEXT OF THE SUMMARY OF ORDINANCE #2005-1032 DETERMINING THAT IT CLEARLY INFORMS THE PUBLIC OF THE INTENT AND EFFECT OF THE ORDINANCE.

4.16 TO WAIVE THE READING AND ADOPT RESOLUTION #2005-27 TO APPROVE THE CITY AS FACILITATOR OF THE TATER DAZE EVENT; AUTHORIZE THE CITY TO SET UP A SPECIAL EVENT FUND TO ACCOUNT FOR FEES AND EXPENSES; AND TO APPROVE THE TRANSFER OF UP TO \$24,000 FROM THE COMMUNICATIONS BUDGET TO THE SPECIAL EVENTS FUND TO COVER ANTICIPATED EVENT COSTS; AND TO REDUCE THE COMMUNICATIONS BUDGET BY THE SAME AMOUNT.

MOTION PASSED UNANIMOUSLY.

Council Member Meyer requested that Items 4.3 and 4.6 be moved as Item 8.5 for further discussion.

4.13 MOTION SCHMITZ, SECOND MEYER TO WAIVE THE READING AND ADOPT RESOLUTION #2005-28 TO APPROVE AN AMENDMENT TO THE 2005-09 CEP, AMEND THE 2005 CENTRAL EQUIPMENT SERVICES EXPENDITURE BUDGET TO PURCHASE \$304,039.00 OF SELF CONTAINED BREATHING APPARATUS (SCBA) EQUIPMENT TO BE FUNDED BY ASSIGNMENT OF \$212,827.30 OF THE DEPARTMENT OF HOMELAND SECURITY "ASSISTANCE TO FIREFIGHTERS GRANT" AND BY AN ADDITIONAL \$91,211.70 FROM THE CENTRAL SERVICES FUND AND AMEND THE 2005 GENERAL FUND FIRE DEPARTMENT EXPENDITURE BUDGET BY AN INCREASE OF \$14,497.70 FOR FIRE PREVENTION ACTIVITIES, BY ASSIGNMENT OF \$14,497.70 OF THE GRANT. MOTION PASSED UNANIMOUSLY.

5.1 Mayor Lampi opened the hearing to the public to consider vacation of drainage and utility easements in Six Ten Business Park 2nd Addition. No one addressed the Council.

5.1 Mayor Lampi closed the hearing to the public and returned this item to the Council table for consideration.

5.1 MOTION MEYER, SECOND SCHMITZ TO WAIVE THE READING AND ADOPT

RESOLUTION #2005-29 VACATING DRAINAGE AND UTILITY EASEMENTS IN SIX TEN BUSINESS PARK 2ND ADDITION. MOTION PASSED UNANIMOUSLY.

6.1 MOTION MEYER, SECOND SCHMITZ TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2005-1033 CASE #04-129 AMENDING THE FLOOD HAZARD AREA OVERLAY DISTRICT AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. MOTION PASSED. MATA VOTED NO.

6.1 MOTION MEYER, SECOND SCHMITZ TO APPROVE THE TEXT OF THE SUMMARY OF ORDINANCE #2005-1033 DETERMINING THAT IT CLEARLY INFORMS THE PUBLIC OF THE INTENT AND EFFECT OF THE ORDINANCE. MOTION PASSED UNANIMOUSLY.

7.1 MOTION LAMPI, SECOND MEYER:

7.1 TO APPOINT PATRICK HOTH TO THE HUMAN RELATIONS COMMISSION REPRESENTING THE CITY AT-LARGE, EFFECTIVE IMMEDIATELY, FOR THE BALANCE OF A TERM TO EXPIRE ON APRIL 1, 2006.

7.1 TO APPOINT TERRY PARKS TO THE HUMAN RELATIONS COMMISSION REPRESENTING THE EAST DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE ON APRIL 1, 2007.

7.1 TO APPOINT CHRISTINE KOWALSKI TO THE BUDGET ADVISORY COMMISSION REPRESENTING THE WEST DISTRICT, EFFECTIVE IMMEDIATELY, FOR THE BALANCE OF A TERM TO EXPIRE ON JUNE 1, 2005.

7.1 TO APPOINT RICHARD BOLDT TO THE BUDGET ADVISORY COMMISSION REPRESENTING THE WEST DISTRICT EFFECTIVE IMMEDIATELY FOR THE BALANCE OF A TERM TO EXPIRE ON JUNE 1, 2006.

7.1 TO CHANGE CURRENT BUDGET ADVISORY COMMISSIONER DONNA BONNICKSEN'S APPOINTMENT FROM THE WEST DISTRICT TO HER RESIDING CENTRAL DISTRICT.

MOTION PASSED UNANIMOUSLY.

7.2 Jay Lotthammer, Parks & Facilities Manager, gave an overview of the charitable gambling pertaining to the Clubhouse at Edinburgh USA.

He stated that due to Benchwarmer Bob's closing that the Brooklyn Park Youth Hockey Association (BPYHA) would like to pursue a pull-tab operation at the clubhouse at Edinburgh-Lancer expressed an interest. He stated the Economic Development Authority (EDA) owned the club house and in order for Lancer Catering to have a third party lease with BPYHA, they would

need permission for the lease and then come back to Council for a premise permit.

Mr. Bob Eggerst, BPYHA, briefed Council with a Power Point presentation. He stated there are over 400 hockey players in the city; they are a nonprofit business; made hockey affordable; involved in the Come Home to the Park Rally, Tater Daze, St Gerard's Fun Fest, buy over \$220,000 work of ice time at the Community Activity Center ice arena; help defray operating expenses in the ice arena; provide scholarships to students at North Hennepin Community College; involved in the Central Park project to put in a high level hard surface rink for use in winter and summer-will be the only facility in northern suburbs and stated the project is on hold due to the closing of Benchwarmer Bobs. He also stated other sites were in jeopardy-Kelly's 19th Hole. He stated that all they were asking for was moving from one spot to another.

Discussions were held on: Calling for a special EDA meeting after the next Council meeting-City Attorney Thomson stated that a notice would have to be posted; Lancer being approached a few years ago and they said no; why showing favoritism to the hockey organization; should go through the Request for Proposal process to allow other organizations to do this; is a city owned building; need to be fair to all organizations; give other organization who have pull tab operations a chance to give presentations to the Council; Golf course club house is upscale venue the city is marketing; and if other communities were asked to participate.

Mr. Eggerst stated that he wasn't asking for special favors and to his knowledge no one had approached Lancers. He said Babe Ruth had Carousel Bingo and Blondies and if they were looking to expand they didn't pursue it. He stated that if BPYHA didn't get the site, fees would be raised by \$500 next year; in February 2006 they would not have any sites and would cause a lot of losses with ice times and operating expenses.

Mr. Lotthammer stated that the lease is between Lancer and BPYHA, but needs EDA to give written permission to do that and pointed out that hockey is active during Lancer's slow period and would be a good fit.

Mayor Lampi ask what the timetable would be if the process took its normal course. Mr. Lotthammer stated that the item would go to the EDA March 14th meeting and ask permission to enter into a lease and then go to the next council meeting to ask for a premise permit. It was the consensus of the Council to move forward to the March 14th EDA meeting.

At 9:16 p.m. Mayor Lampi requested a recess and reconvened the meeting at 9:30 p.m.

8.1 Doran Cote, Engineer, briefed Council on the city owned Kyle Avenue properties. He stated that developers were interested in the properties to be combined with developments and agreed to obtain parcels on appraised values.

Discussions were held on: appraised value of the parcels; type of housing being recommended; appraised value of parcels on east side; and the consensus of the

Council was to get appraisals and go forward with the developers.

8.2 Vickie Schleuning, Code Enforcement Manager, briefed Council on the comparisons of the sign codes with other cities. Areas covered were types of signs, type of commercial property, competitive marketing; and balancing recovery of costs of service.

Discussions were held on: temporary signs; wall sign percentages; more complaints on temporary signs than permanent signs; Citizen Long-range Improvement Committee interviewing businesses on opening and operating a business in the city to formulate a survey to send to businesses individually-provide information to Council and code enforcement; industrial and retail businesses will be interviewed-list of businesses contacted to be provided to Council for additions.

8.3 Mary Cosgrove, Communications Director, briefed Council on the comparisons of in-house and contracted archival services.

Discussions were held on: extending contract to evaluate comparisons; cost of extending contract with SilverBlue; problems with CitySearch-not able to recognize a date when submitted for a search-make the search more prominent and user readable.

Mr. Schulte, SilverBlue, addressed the Council on the differences of his system with CitySearch and additional functions that could be added-link to Code of Ordinances, dedicate a server to the city, can integrate with Outlook, can store data with email, manage more than one PDF file, full text and keyword search, control private information, provide password protection and user rights; automatic indexing capabilities to sort and code documents; would lease equipment with a dedicated server to the city, service rates and speed would be the same, runs a Unix server that has a higher security than the city; licensing is expensive the city currently using.

Discussions were held on: If there was a conflict of interest with Mr. Schulte being on the Planning Commission; when SilverBlue was filed as a corporation; if the city should acquire the system.

Mary Cosgrove stated that the same capabilities could be added to CitySearch with added costs. She stated that the email retention is different than the public sector-some are public and some are private with different retentions. She stated that SilverBlue had only six hits compared to CitySearch having over two hundred hits internally and CitySearch could be made available to the public. She stated that CitySearch is one example on what could be done on minimal costs-could make enhancements in the future at the fraction of the cost.

Discussions were held on: experimental searches from both systems; needs to be available to the public to research documents; and whether to take in SilverBlue's system in house.

8.3 MOTION TREPANIER, SECOND SIMMONS TO AUTHORIZE STAFF TO PROVIDE 30 DAYS WRITTEN NOTICE TO TERMINATE THE CITY'S CONTRACT WITH

SILVERBLUE. MOTION PASSED. ROLL CALL VOTE: YES: GEARIN, SIMMONS, LAMPI, MATA, TREPANIER. NO: MEYER, SCHMITZ.

8.4 Diane Deblon, Assistant Finance Director, briefed Council on the preliminary financial reports for 2004. At 11:16 City Attorney Thomson departed.

She stated that licenses were under budget by \$100,000 due to the reduction in apartment license fees from the MidContinent lawsuit; fines and forfeiture revenue exceeded \$200,000; reimbursements to the general fund for engineering projects under budget by \$485,000-expected to close several projects and would reduce it to \$400,000; Recreation fund is under budget by \$120,000; Deputy Registrar fees under budget by \$30,000; general fund revenue is estimated to be under budget by \$300,000; personnel expenditures under budget by \$345,000-did not include the general increase in 2004; transfer to pay special assessments will add approximately \$140,000 in expenditures; current contingency balance was estimated at \$350,000; general fund expenditures estimated at \$1,000,000 under budget; combined revenue and expenditures have revenues exceeding expenditures by \$700,000; and transfer \$350,000 to the Heritage Fund.

Transfers out of the MSA fund to support special assessment projects closed in 2004 exceeded \$5.4 million; transfers out of Heritage fund totaled over \$1.7 million-for city hall restoration, CAC addition and lead abatement, and four street improvement projects closed in 2004; Recreation Fund-operating losses were projected for all major areas including the ice operations, Executive 9 and Edinburgh golf course-working capital currently at a negative \$450,000 and grow with accrual of additional 2004 expenses-possible solution was to transfer funds from the General fund; Central Services fund exceeded budget by \$65,000 due to price increase for oil; Loss Control Fund-insurance premiums exceeded budget by \$125,000; and ITS fund-capital expenditures under budget by \$300,000.

Discussions were held on: turning around the Recreation Fund-solutions to remedy situation; bond for MSA fund; getting information to Council on fund situation; any loans on loan to other fund; detailed audit of the Heritage fund provided to Council; who was the City Treasurer; financial quarterly reports provided; decrease to MSA fund; stop light on Noble and 93rd; discretionary projects to reject; and MSA projects not closed out.

8.5 Discussion was held on the change order and final payment of project.

8.5 (4.3) MOTION MEYER, SECOND SIMMONS TO ACCEPT THE WORK AND AUTHORIZE FINAL PAYMENT IN THE AMOUNT OF \$25,489.87 FOR A TOTAL CONTRACT AMOUNT OF \$1,594,377.98 TO EDWARD KRAEMER & SONS, INC. FOR IMPROVEMENT 2003-07, PROJECT M-1322, KARA'S CROSSING, SUBJECT TO THE RECEIPT OF A ONE YEAR'S MAINTENANCE BOND. MOTION PASSED UNANIMOUSLY.

8.5 Discussion was held on: if the OSLAD fund was used for payroll costs.

8.5 (4.6) MOTION MEYER, SECOND TREPANIER TO AUTHORIZE OPERATING TRANSFERS TO FULLY FUND MISCELLANEOUS PROJECTS. MOTION PASSED UNANIMOUSLY.

9.1 MOTION LAMPI, SECOND TREPANIER TO ADJOURN THIS MEETING OF THE BROOKLYN PARK CITY COUNCIL IN RECOGNITION OF SERGEANT FIRST CLASS MICKEY EDWARD ZAUN. HE PROUDLY SERVED IN THE UNITED STATES ARMY AND PARTICIPATED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM WHILE REPRESENTING THE STATE OF MINNESOTA AND THE CITY OF BROOKLYN PARK. HIS HONORABLE AND DEDICATED CONTRIBUTIONS TOUCHED SO MANY LIVES FROM THE CITY OF BROOKLYN PARK TO THOSE IN THE COUNTRY OF IRAQ.

I RESPECTFULLY ASK THE SUPPORT OF MY FELLOW COUNCIL MEMBERS TO JOIN ME AND THE CITY OF BROOKLYN PARK TO HONOR SERGEANT MICKEY EDWARD ZAUN BY THIS ADJOURNMENT. I FURTHER REQUEST THAT THE MOTION BE MADE A PART OF THE PERMANENT RECORDS OF THIS BODY AND THAT A LETTER BEARING THE CITY SEAL AND THE SIGNATURE OF THE MAYOR BE SENT TO THE FAMILY ADVISING THEM OF THIS ACTION. MOTION PASSED UNANIMOUSLY.

ADJOURNMENT - With consensus of the Council, Mayor Lampi adjourned the meeting at 12:03 a.m.

STEVE LAMPI, MAYOR

DEVIN MONTERO, CITY CLERK